



**PUBLIC WORKS COMMITTEE**  
CITY OF WISCONSIN DELLS  
MUNICIPAL BUILDING-300 LA CROSSE STREET  
**OCTOBER 14, 2019**

Chairperson Marshall called the meeting to order at 5:30 PM. Notice of the meeting was provided to the Dells Events, WNNO Radio, and posted in accordance with State Statutes.

1. Present: Mayor Ed Wojnicz, Ald. Jesse DeFosse, and Ald. Terry Marshall  
Absent: Ald. Brian Holzem  
Others: Public Works Director David Holzem, City Atty. Joseph Hasler, DPW Office Clerk Monica Dorow-Leis, City Clerk Nancy Holzem, City Treas. Karen Terry, Fire Chief Pat Gavinski, Ald. Freel, Ald. Anderson, Ald. Anchor, and Rebecca Gussel
2. Motion by Mayor Wojnicz and seconded by Ald. DeFosse approve the minutes of the September 9, 2019 meeting. Motion carried.
3. Motion by Mayor Wojnicz and seconded by Ald. DeFosse recommend to council approve the Five Year Street Improvement Plan as presented. Motion carried.
4. Superior/La Crosse Street Reconstruction- Parking Lot #5 is removed and Superior Street is close to grade and Maurer's Parking lot will hopefully be paved today.
5. Mayor Wojnicz said WisDOT was fine with no improvements for the intersection other than turn lanes, with the city looking at \$700,000-\$800,000 without any speed reduction. Wojnicz said the city is trying to achieve safety, economy and appearance. The following three options were presented for Hwy 12/16 at CTH A/Fitzgerald Road Intersection Improvement Alternatives related to Wisconsin Dells High School Project:  
Alternate 1-Trappers Turn liked this one only. This would create driving in right/out right on Fitzgerald Road.  
Alternate 2-This option would handle future K-12 grades, but would cost about 15-20% more. They are working on updating/tweaking this option.  
Alternate 3-There was a lot of reasons this alternative is a nice plan from a traffic standpoint, but a lot reasons from a city standpoint to eliminate this option. This option would involve timing issues and would require land acquisition. This option would likely be eliminated.  
Motion by Mayor Wojnicz and seconded by Ald. DeFosse recommend David Holzem work on Alternates 1 & 2. Motion carried.
6. Motion by Mayor Wojnicz and seconded by Ald. DeFosse to convene into convene into Closed Session pursuant to Wisconsin State Stats. 19.85(1) (c) to consider employment, promotion, compensation, and/or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility over. Upon roll call vote the motion carried 3-0.
7. Motion by Mayor Wojnicz and seconded by Ald. DeFosse to reconvene into Open Session. Upon roll call vote the motion carried 3-0. Motion by Ald. DeFosse and seconded by Mayor Wojnicz for the City Clerk to proceed as directed in Closed Session.
8. There were no items for referral.
9. Next meeting is scheduled for Wednesday, November 13, 2019 at 5:30pm.
10. Motion by Mayor Wojnicz and seconded by Mayor Wojnicz to adjourn. Motion carried and the meeting adjourned at 6:15pm.

Monica Dorow-Leis  
Public Works Office Clerk



ENGINEERING | ARCHITECTURE | SURVEYING  
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USH 12/STH 16 at CTH A/FITZGERALD ROAD  
WISCONSIN DELLS

ALTERNATIVE 2b  
FOUR-LEG ROUNDABOUT WITH OVERTRACKING PAD

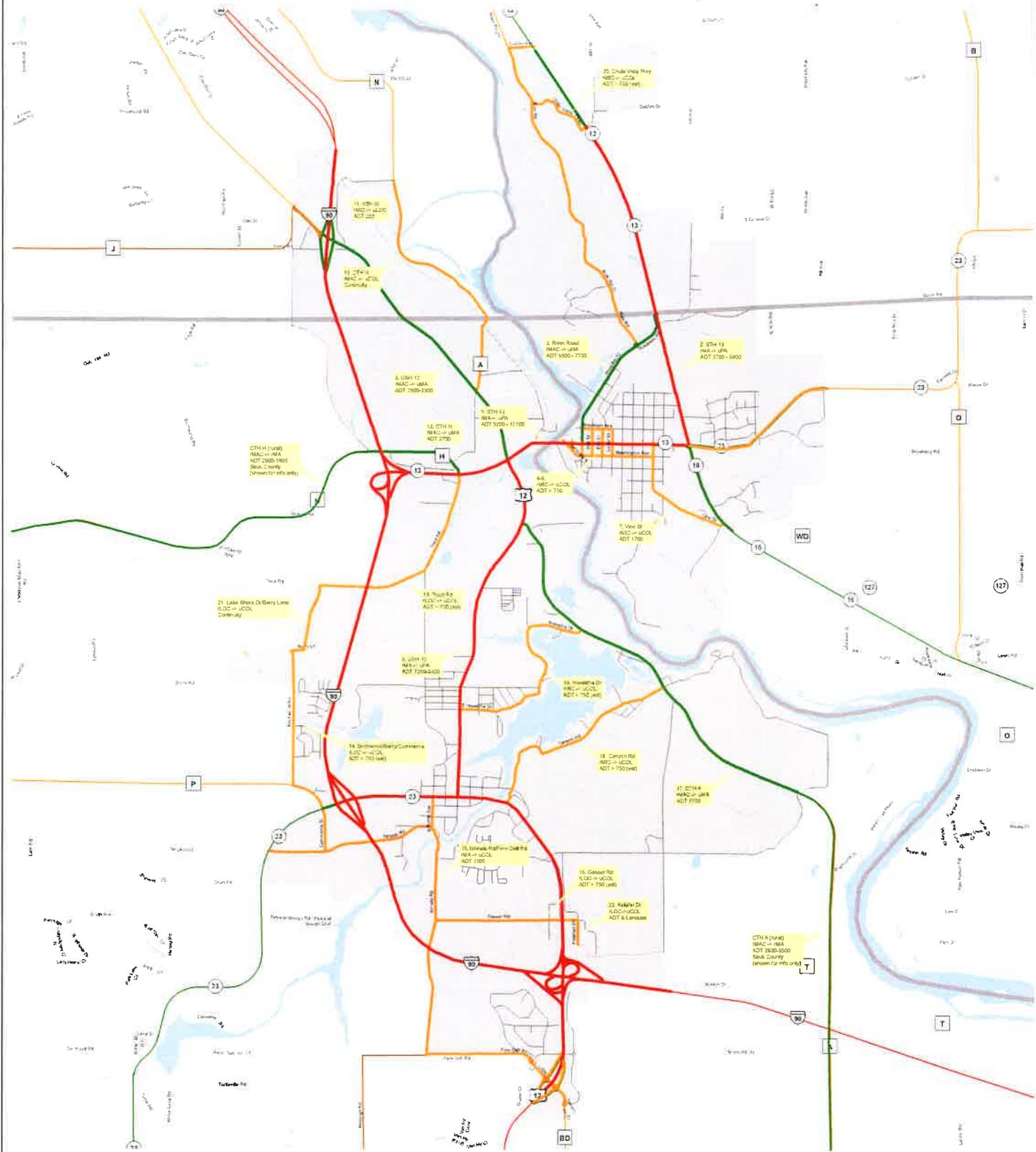


EXHIBIT: 2b

# LAKE DELTON - WISCONSIN DELLS

Functional Classification **DRAFT**

LAKE DELTON - WISCONSIN DELLS



**Legend**

Existing	Planned*	Other
Principal Arterial	Principal Arterial	Railroads
Minor Arterial	Minor Arterial	Lakes, Rivers, Stream
Collector	Collector	City/Village Boundary
Local	Local	Urban (zoned) Area
		Other surrounding urban (zoned) area
		Rural Area
		County Boundary

\*NOTE: All Planned data is for info only. All ADT is for info only.

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WisDOT Bureau of Planning and Economic Development  
 Planning and Economic Development  
 2015-2016  
 Lake Delton - Wisconsin Dells

**Proposed Functional Classification:**

**Lake Delton - Wisconsin Dells**

No.	Route	Limits	From	To	Reason
1	STH 13	I-90 - STH 13	rMA	to uPA	ADT 5200-17100, spacing, landuse
2	STH 13	STH 23 - Chula Vista Pkwy	rMA	to uPA	ADT 3700-5900, spacing
3	River Road	STH 13 - STH 13	rMAC	to uMA	ADT 6600-7700
4	Superior/Oak/Elm/Cedar St	Wisconsin Ave - Washington Ave	rMIC	to uCOL	ADT > 750, CBD
5	La Cross St/Washington Ave	STH 13 - Vine St	rMIC	to uCOL	ADT 1800-3400, CBD
6	Wisconsin Ave	River Road - Cedar St	rMIC	to uCOL	ADT 1200-1400, CBD
7	Vine St	Washington Ave - STH 13	rMIC	to uCOL	ADT 1700, High School, Middle School
8	USH 12	I-90 - STH 13	rMAC	to uMA	ADT 3600-3800 (Close to PA but parallels I-90)
9	USH 12	STH 13 - Wis Dells Pkwy	rMA	to uPA	ADT 7300-9300
10	CTH N	60th St - USH 12	rMAC	to uCOL	Rural-Urban Interface, continuity, ADT 420
11	60th St	CTH N - USH 12	rMIC	to uLOC	ADT 200
12	CTH H	I-90/UAB - STH 13	rMAC	to uMA	ADT 2700 (Make CTH H all MA or all MAC/COL), continuity
13	Trout Rd	Lake Shore Dr - STH 13	rLOC	to uCOL	Est ADT > 750 (WISLR linework needs to be updated at Lake Shore), connects to PA
14	Berry Ln/Birchwood Rd/Commerce St	Lake Shore Dr - Xanadu Rd	rLOC	to uCOL	Est ADT > 750 (WISLR linework needs to be updated at Lake Shore), connects to PA
15	Ishnala Rd/Fern Dell Rd/Buritt Ave	STH 23 - USH 12	rMA	to uCOL	ADT 1100, spacing, connects to PA
16	Gasser Rd	Ishnala - Kalahari Dr	rLOC	to uCOL	Est ADT > 750, Landuse, serves Kalahari
17	CTH A	CTH T - USH 12	rMAC	to uMA	ADT 3700 (Make CTH A all MA or all MAC/COL), continuity
18	Canyon Rd	STH 23 - CTH A	rMIC	to uCOL	Est ADT > 750 (Route around Lake Delton)
19	Hiawatha Dr	USH 12 - CTH A	rMIC	to uCOL	Est ADT > 750 (Route around Lake Delton)
20	Chula Vista Prky	River Rd - STH 13	rMIC	to uCOL	Est ADT > 750, land use, serves gold course & Chula Vista Resort
21	Lake Shore Dr/Berry Lane	Birchwood Rd - Trout Rd	rLOC	to uCOL	Est ADT & continuity
22	Kalahari Dr	Gasser Rd	rLOC	to uCOL	Est ADT > 750 and serves Kalahari Complex

## David Holzem

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**From:** Schelfhout, Francis - DOT [Francis.Schelfhout@dot.wi.gov]  
**Sent:** Thursday, November 07, 2019 1:58 PM  
**To:** Nancy Holzem; David Holzem; Joseph J. Hasler; Chris Tollaksen  
**Cc:** Ausse, Glen S - DOT; Nordbo, John - DOT  
**Subject:** RE: Roadway Functional Class Change Meeting

Here is a summary of the notes/action items from our meeting on Tuesday.

### **STP-URBAN PROGRAM:**

1. Is there a specific allocation that they will receive specific to their small urban area?
2. If the allocation is not specific to them, who else do they compete against (i.e. other small urbans, in same county, in same region, etc.)
3. What is the value of this allocation?
4. Does the allocation accrue/build over time if not used?
5. When is the next solicitation window for STP Urban projects?
6. Could they have a copy of the most recent solicitation information?
7. When is the next award date/month/year of the STP Urban projects?

I have forwarded these questions to our local program expert in the region and will provide responses as soon as I get them back.

### **WISCONSIN DELLS PARKWAY – HSIP APPLICATION/PROJECT AND HOW IT MIGHT MIX WITH STP-URBAN APPLICATION/SUBMITTAL:**

1. Has the application been submitted? Date?
2. Has the application been approved? Date?
3. Is there more details or status update beyond the first two questions?
4. Is there a delivery, design and construction, schedule yet? Dates (years)?

All of these questions revolved around the idea that the HSIP project's north limits is CTH A. That would leave a portion of the Dells Parkway from CTH A northerly to WIS 13 intersection still in poor pavement condition. They were interested in the idea, or at least considering, that their first STP Urban project application/submittal would be for that remaining piece of the Dells Parkway. That brings around a couple of additional questions:

1. Although this is a non-connecting highway situation, can they submit an STP Urban project for a roadway that by location is within their urban/municipal boundaries, but is still fully a state highway under state jurisdiction?
2. If they can submit for this segment through STP-Urban program and the timing matched or could be matched between the HSIP project and the STP-Urban project, could these projects be tied in a single LET package?

I have forwarded these questions to Brad Byom our safety engineer and also to a couple of programming experts in the region and will provide responses as soon as I get them back.

### **JURISDICTIONAL TRANSFERS – LOCAL TO LOCAL (including renaming of roadways):**

1. Is there a specific process that they should follow to jurisdictionally transfer or change ownership of a roadway? CTH A north of WIS 13 from County jurisdiction to City of Wisconsin Dells jurisdiction.
2. If they were to accomplish the first step, is there a process for formalizing/approving a roadway name change? From CTH A to "School Road" or something like that?

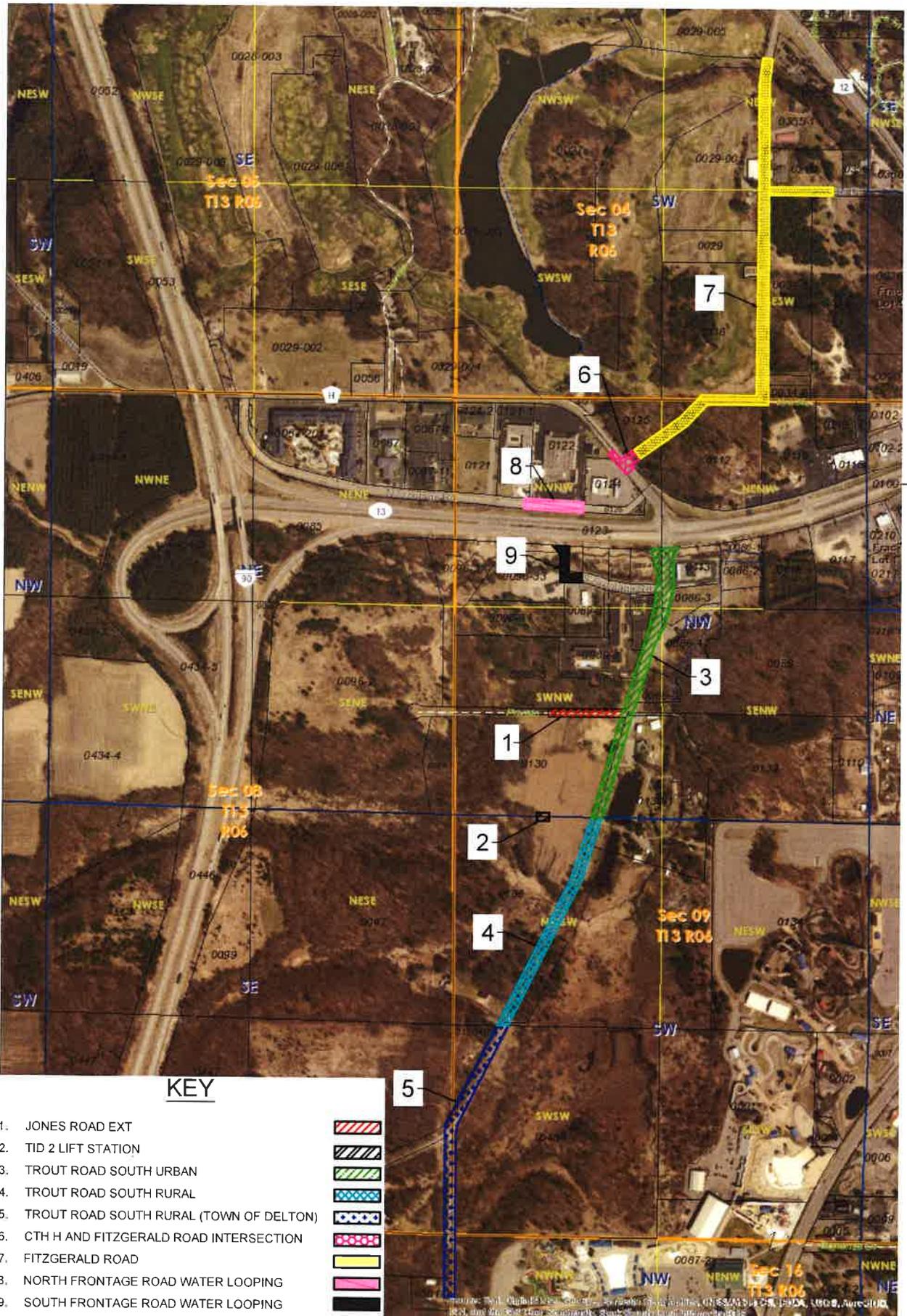
I have forwarded these questions to our jurisdictional transfer and access coordinators in our office and will provide responses as soon as I get them back.



**TID 2 INFRASTRUCTURE ESTIMATES - CITY OF WISCONSIN DELLS 2019  
BUDGET SUMMARY**

<b>PROJECT DESCRIPTION</b>	<b>ESTIMATED COST</b>	<b>POTENTIAL FUNDING SOURCE</b>
JONES ROAD EXT.	\$466,878	TID 2
TID 2 LIFT STATION	\$597,064	Sanitary Sewer Utility (With pay back commitments from TID 2)
TROUT ROAD SOUTH URBAN	\$1,284,177	TID 2
TROUT ROAD SOUTH RURAL	\$542,191	TID 2
TROUT ROAD SOUTH RURAL (TOWN OF DELTON)	\$536,640	TID 2 (Multi-Use Path Only) (Potential Cost Share Between City, Village, Town)
CTH H AND FITZGERALD ROAD INTERSECTION	\$207,866	CDBG Close Out Funds/TID 2
FITZGERALD ROAD	\$2,435,788	TID 2/Sanitary Sewer Utility/STP Urban STP Urban only if Fitz Classified as Collector)
NORTH FRONTAGE ROAD LOOPING	\$77,610	Water Utility/TID 2
SOUTH FRONTAGE ROAD LOOPING	\$125,756	Water Utility/TID 2
<b>TID 2 INFRASTRUCTURE IMPROVEMENTS TOTAL 11-04-19</b>	<b>\$6,273,969</b>	

# CITY OF WISCONSIN DELLS TID #2 IMPROVEMENTS MAP



## KEY

1. JONES ROAD EXT
2. TID 2 LIFT STATION
3. TROUT ROAD SOUTH URBAN
4. TROUT ROAD SOUTH RURAL
5. TROUT ROAD SOUTH RURAL (TOWN OF DELTON)
6. CTH H AND FITZGERALD ROAD INTERSECTION
7. FITZGERALD ROAD
8. NORTH FRONTAGE ROAD WATER LOOPING
9. SOUTH FRONTAGE ROAD WATER LOOPING





ITEM 7

November 5, 2019

David Holzem  
City of Wisconsin Dells Electric and Water Utilities  
300 La Crosse Street  
Wisconsin Dells, Wisconsin 53965

We are pleased to confirm our understanding of the terms of our engagement and the nature and limitations of the services we will provide for the City of Wisconsin Dells Electric and Water Utilities (Utilities).

You have requested that we prepare the forecasts of the Utilities, which comprises the forecasted financial schedules as of December 31, 2019, and for the year then ending, including the related summaries of significant forecast assumptions, and perform a compilation engagement with respect to the forecasts. The forecasts will not include a summary of significant accounting policies or other required disclosures not related to the significant assumptions.

Forecasts present, to the best of management's knowledge and belief, the Utilities' expected financial position and results of operations for the forecast period. It is based on management's assumptions, reflecting conditions it expects to exist and the course of action it expects to take during the forecast period.

### **Our Responsibilities**

The objective of our engagement is to –

1. prepare the forecasts in accordance with the guidelines for presentation of a forecast established by the American Institute of Certified Public Accountants (AICPA) based on information provided by you, and
2. apply accounting and financial reporting expertise to assist you in the presentation of the forecasts without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the forecasts in order for them to be in accordance with guidelines for presentation of a forecast established by the AICPA.

We will conduct our compilation engagement in accordance with Statements on Standards for Accounting and Review Services (SSARS) promulgated by the Accounting and Review Services Committee of the AICPA and comply with the AICPA's *Code of Professional Conduct*, including the ethical principles of integrity, objectivity, professional competence, and due care.



City of Wisconsin Dells Electric and Water Utilities  
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We are not required to, and will not, verify the accuracy or completeness of the information you will provide to us for the engagement or otherwise gather evidence for the purpose of expressing an opinion or a conclusion. Accordingly, we will not express an opinion or a conclusion nor provide any assurance on the forecasts.

Our engagement cannot be relied upon to identify or disclose any misstatements in the forecasts, including those caused by fraud or error, or to identify or disclose any wrongdoing within the entity or noncompliance with laws and regulations.

We, in our sole professional judgement, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

### **Your Responsibilities**

The engagement to be performed is conducted on the basis that you acknowledge and understand that our role is to prepare the forecasts in accordance with guidelines for presentation of a forecast established by the AICPA and assist you in developing the presentation of the forecasts in accordance guidelines for presentation of a forecast established by the AICPA. You have the following overall responsibilities that are fundamental to our undertaking the engagement in accordance with SSARS:

1. The selection of the accounting principles to be applied in the preparation of the forecasts.
2. The preparation and presentation of the forecasts in accordance with guidelines for presentation of a forecast established by the AICPA and the inclusion of all informative disclosures that are appropriate for the forecasts under those guidelines.
3. The design, implementation, and maintenance of internal control relevant to the preparation and presentation of the forecasts and that the forecasts are free from material misstatement whether due to fraud or error.
4. The prevention and detection of fraud.
5. To ensure that the Utilities comply with the laws and regulations applicable to its activities.
6. The accuracy and completeness of the records, documents, explanations, and other information, including significant judgements, you provide to us for the engagement.
7. To provide us with—
  - access to all information of which you are aware is relevant to the preparation and presentation of the forecasts, such as records, documentation, and other matters.
  - additional information that we may request from you for the purpose of the compilation engagement.
  - unrestricted access to persons within the Utilities of whom we determine it necessary to make inquiries.



JOHNSON BLOCK  
CPAs

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You are also responsible for all management decisions and responsibilities and for designating an individual with suitable skills, knowledge, and experience to oversee our preparation of your forecasts. You are responsible for evaluating the adequacy and results of the services performed and accepting responsibility for such services.

### **Our Report**

As part of our engagement, we will issue reports that will state that we did not examine or review the forecasts and that, accordingly, we do not express an opinion, a conclusion, nor provide any assurance on them. It will also state that (1) there will usually be differences between the forecasted and actual results because events and circumstances frequently do not occur as expected, and those differences may be material; and (2) we have no responsibility to update the reports for events and circumstances occurring after the date of the reports.

There may be circumstances in which the reports differ from the expected form and content.

You agree to include our compilation reports in any document containing the forecasts that indicates that we have performed a compilation engagement on the forecasts and, prior to inclusion of the reports, to ask our permission to do so.

### **Other Relevant Information**

Carrie Leonard is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

The fees for the compilation of the forecasts will be billed at our regular hourly rates based on the staff involved. We estimate the fees for the Electric Utility forecast will be \$11,000 to \$13,000. We estimate the fees for the Water Utility forecast will be \$5,000 to \$7,000. Any time devoted to attending the hearings or representing the Utilities before the Wisconsin Public Service Commission will also be billed at our regular hourly rates, and is in addition to the fees referred to above. This estimate is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the engagement. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 90 days or more overdue and will not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination even if we have not issued our reports. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket expenditures through the date of termination.

You agree to hold us harmless and to release, indemnify, and defend us from any liability or costs, including attorney's fees, resulting from management's knowing misrepresentations to us.



JOHNSON BLOCK  
CPAs

City of Wisconsin Dells Electric and Water Utilities  
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We appreciate the opportunity to be of service to you and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you acknowledge and agree with the terms of our engagement as described in this letter, please sign the letter and return it to us.

Sincerely,

*Johnson Block & Company, Inc.*

Johnson Block & Company, Inc.

RESPONSE:

This letter correctly sets forth the understanding of the City of Wisconsin Dells Electric and Water Utilities.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

11/13/2019 Public Works meeting

### Potential Gas Station Development

The City has received an initial Zoning review request from a Gas Station for the Indian Trail property located at 1013 Broadway. The Zoning review identified two (2) Zoning conflicts on this property. 1) Approximately 40% of the property is covered by the Zone 2 Wellhead Protection Overlay District for municipal Well 3. 2) The first 120 feet from Broadway is in the C-2 Commercial-downtown Zoning District. The remainder of the property is in the C-1 Commercial-neighborhood Zoning District.

*Underground petroleum storage tanks and motor vehicle services, including filling and service stations are prohibited in the Wellhead Protection Overlay District.*

*Vehicle fuel sales are prohibited in the C-2 downtown district and are Conditionally Permitted in the C-1 neighborhood district.*

The proposed Gas Station could try to site their fueling operations outside of these Zones, or the City could consider amending either or both of these prohibitions, considering the following.

### **Wellhead Protection Overlay District**

In 2007 the City implemented an entirely new and re-structured Zoning Ordinance. At that time a Wellhead Protection Overlay District was established in the City of Wisconsin Dells Zoning Code to comply with the requirement for a Wellhead Protection Plan as required by the State Administrative Code (NR 811).

It is understood that State Law required the establishment of a Wellhead Protection area, however State Law does not appear to provide specific requirements or standards that must be established within the Wellhead Protection area. State Law also required the establishment of a well head protection plan, but the only specific regulations or standards identified are the "Minimum Separation" distances established by well sitting in NR 811.12(5)(d).

State Law prohibits standard Gas Station construction within 600 feet of a well.

State Law allows Gas Stations constructed to a higher standard to be within 300 feet of a well.

The Indian Trail property is located approximately 600 ft from Municipal Well 3.

The DNR did provide examples of Wellhead Protection Ordinances that could be utilized to meet the State Law requirements, and these included recommended regulations that were above and beyond the "Minimum Separation" distances established by NR811.12(5)(d).

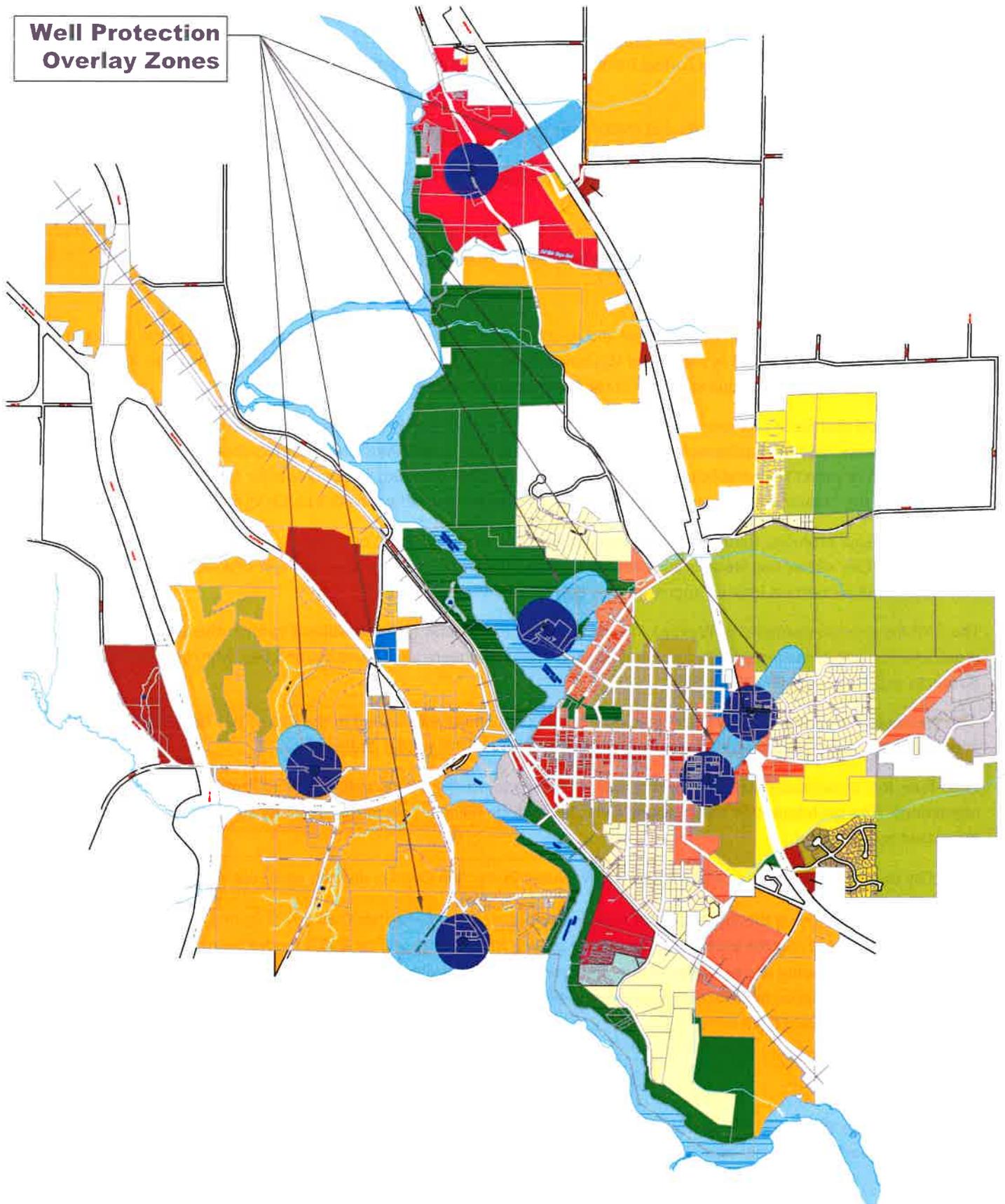
The Wellhead Protection Overlay District and applicable regulations established in the City of Wis Dells Zoning Code adopted some of the recommended regulations identified in the DNR model Ordinances.

Therefore, it is understood that the City has some authority to modify the current Wellhead Protection Overlay Zoning regulations. The prohibition on underground tanks and vehicle filling is part of the local City Zoning Code that is not mandated by State Law.

If the City interested in pursuing a change to the Wellhead Protection Overlay district, some options may include:

- Removing the prohibition of underground storage tanks further than 600 ft from a municipal well.
- Removing the prohibition on vehicle fueling islands further than 600 ft from a municipal well.
- Requiring any new petroleum tanks and piping in a Wellhead Zone to be constructed to meet the most restrictive installation requirements of the State Administrative Code (ATCP 93.260) and receive written approval from DSPS.

**Well Protection  
Overlay Zones**



- (1) **Designation.** Where depicted on the official zoning map, the Wisconsin River shoreland buffer overlay district shall extend inland from the ordinary high-water mark a horizontal distance of 200 feet.
- (2) **Annexed lands.** Upon annexation, land along the Wisconsin River extending inland from the ordinary high-water mark a horizontal distance of 200 feet shall become a part of the overlay district. The city council may allow a lesser setback when it can be demonstrated that the 200-foot setback would result in an unnecessary hardship.

**19.953 Development standards**

- (1) **Land uses.** Land shall remain undeveloped except that recreation trails and water-dependent land uses such as boat launches, boat docks, wharves, and the like may be allowed as a conditional use.
- (2) **Existing vegetation.** Existing vegetation shall not be removed with the following exceptions:
  - (a) Removal of a tree that is dead, dying, or diseased provided a replacement tree is planted within this district and near the location where the tree was removed. Such replacement tree shall have a diameter at breast height of 1 inch and be of the same or similar species as the tree to be removed.
  - (b) Removal of a shrub provided a replacement shrub is planted within this district and near the location where the shrub was removed. Such replacement shrub shall be of the same or similar species as the shrub to be removed.
  - (c) Removal of existing vegetation to allow the establishment of a road or utility corridor provided the corridor is generally perpendicular to the river.
  - (d) Removal of noxious vegetation that poses a threat to health or safety (e.g., poison ivy).
  - (e) Removal of existing vegetation for the establishment of a path to the river that is no wider than 8 feet.
- (3) **Natural features.** Natural features including rock outcroppings shall not be disturbed.

19.954 to 19.969 reserved

**Division 10**

**WELLHEAD PROTECTION OVERLAY DISTRICT**

**Sections:**

19.970	Legislative findings	19.977	Permitted uses
19.971	Authority	19.978	Conditional uses
19.972	Purpose	19.979	Separation standards
19.973	Responsibility of landowners and business operators	19.980	Design standards
19.974	Establishment of zones	19.981	Operational standards
19.975	Depiction of district boundaries on zoning map	19.982	Changing technology
19.976	Prohibited uses	19.983	Spills, leaks, or discharges
		19.984	Nonconforming uses

**19.970 Legislative findings**

The common council makes the following findings:

- (a) City residents depend exclusively on ground water for a safe drinking water supply.
- (b) Certain land use practices and activities can seriously threaten or degrade ground water quality.

**19.971 Authority**

Sec. 62.23 (7)(c), Wis. Stats., gives the city the authority to enact the provisions in this division.

**19.972 Purpose**

This division promotes the public health, safety, and welfare and is intended to help reduce the threat of contamination of the municipal water supply from land use activities.

**19.973 Responsibility of landowners and business operators**

Any person owning real property and/or operating a business within the wellhead protection overlay district has the responsibility to ensure compliance with the regulations in this division.

**19.974 Establishment of zones**

The wellhead protection overlay district is divided into two zones as follows:

- (a) Zone 1 is the area within 600 feet of the well.
- (b) Zone 2 is the area within the capture zone that lies beyond the 600-foot radius.

**19.975 Depiction of district boundaries on zoning map**

The boundaries of the wellhead protection overlay districts shall be shown on the zoning map.

**19.976 Prohibited uses**

The following uses are prohibited in zones 1 and 2:

- (a) buried hydrocarbon, petroleum, or hazardous chemical storage tanks;
- (b) cemeteries;
- (c) chemical manufacturers (Standard Industrial Classification Major Group 28);
- (d) coal storage;
- (e) dry cleaners;
- (f) industrial lagoons and pits;
- (g) landfills and any other solid waste facility, except post-consumer recycling;
- (h) manure and animal waste storage, except animal waste storage facilities regulated by the county;
- (i) mining including sand and gravel pits;
- (j) pesticide and fertilizer dealers, transfer or storage facilities, except products packaged for residential use;
- (k) railroad yards and maintenance stations;
- (l) rendering plants and slaughterhouses;
- (m) salt or deicing material storage;
- (n) salvage or junk yards;
- (o) septage or sludge spreading, storage, or treatment;
- (p) septage, wastewater, or sewage lagoons;
- (q) private on-site wastewater treatment systems or holding tanks receiving 8,000 gallons per day or more;
- (r) stockyards and feedlots;
- (s) storm water infiltration basins without pre-treatment, including vegetative filtration and/or temporary detention;
- (t) motor vehicle services, including filling and service stations, repair, renovation and body working; and
- (u) wood preserving operations.

**19.977 Permitted uses**

- (1) **Zone 1.** The following uses, except those otherwise prohibited in sec. 19.976, are permitted by right in zone 1 subject to the separation distance requirements listed in sec. 19.979, design standards listed in sec. 19.980, and operational standards listed in sec.19.981:
  - (a) public and private parks, playgrounds, and beaches, provided there are no on-site wastewater disposal systems or holding tanks;
  - (b) wildlife and natural and woodland areas;
  - (c) biking, hiking, skiing, nature, equestrian and fitness trails;
  - (d) municipally sewered residences;
  - (e) municipally sewered commercial and industrial establishments that do not use regulated substances; and
  - (f) routine tillage, planting, and field management operations in support of agricultural crop production, where nutrients from legume, manure, and commercial sources are accounted for and credited toward crop nutrient need. The combination of all nutrient sources applied or available on individual fields may not exceed University of Wisconsin soil test recommendations for that field.
- (2) **Zone 2.** The following uses, except which are otherwise prohibited in sec. 19.976, are permitted by right in zone 2 subject to the separation distance requirements listed in sec. 19.979, design standards listed in sec. 19.980, and operational standards listed in sec.19.981:
  - (a) all uses permitted in zone 1;
  - (b) public parks, playgrounds, and beaches, provided onsite wastewater is discharged to a holding tank or municipal sewer;
  - (c) residential use of above-ground LP gas tanks for heating, not to exceed 1,000 gallons;
  - (d) commercial and industrial establishments that are municipally sewered and whose aggregate use, storage, handling and/or production of regulated substances does not exceed 20 gallons or 160 pounds at any time, except under the following circumstances (1) the regulated substance is used for non-routine maintenance or repair of property or equipment, and the aggregate of regulated substances does not exceed 50 gallons or 400 pounds at any time; (2) the regulated substance is used for medical purposes or by a research laboratory and is stored, handled, or used in containers not to exceed 5 gallons or 40 pounds of each substance and the aggregate

inventory of regulated substances does not exceed 250 gallons or 2,000 pounds; and (3) the regulated substances are cleaning agents (but not including hydrocarbon or halogenated hydrocarbon solvents) and are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and the aggregate inventory of such cleaning agents does not exceed 100 gallons or 800 pounds at any time.

**19.978 Conditional uses**

The use, storage, handling, or production of regulated substances in excess of quantities outlined in sec. 19.979 (2) may be allowed as a conditional use in zone 2.

**19.979 Separation distance requirements**

The following separation distances as specified in sec. NR 811.16, Wis. Adm. Code, as amended, shall be maintained:

- (a) Fifty feet between a public well and a storm sewer main.
- (b) Two hundred feet between a public well and any sanitary sewer main, sanitary sewer manhole, lift station or single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Water Works Association C600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.
- (c) Four hundred feet between a public well and a septic tank or soil adsorption unit receiving less than 8,000 gallons per day, a cemetery, or a storm water drainage pond.
- (d) Six hundred feet between a public well and any gasoline or fuel oil storage tank installation that has received written approval from the department of commerce or its designated agent under sec. Comm 10.10, Wis. Admin. Code.
- (e) One thousand feet between a public well and land application of municipal, commercial or industrial waste; the boundaries of a landspreading facility for spreading of petroleum-contaminated soil regulated under chapter NR 718, Wis. Admin. Code, while that facility is in operation; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil adsorption units receiving 8,000 gallons per day or more.
- (f) Twelve hundred feet between a public well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual ground water contamination that exceeds chapter NR 140, Wis. Admin. Code, enforcement standards that is shown on the department's geographic information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from the department of commerce or its designated agent under sec. Comm 10.10, Wis. Admin. Code; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

**19.980 Design standards**

- (1) **Zone 1.** The following design standards apply to land use activities allowed within zone 1:
  - (a) All parking lots shall be paved with asphalt or concrete. Use of drywells or other subsurface drains is prohibited.
  - (b) All storm water retention/infiltration ponds shall be designed to maximize natural filtration. The city engineer may require the design to include spill containment measures, initial and secondary detainment weirs, and outfall control valves as deemed appropriate.
- (2) **Zone 2.** The following design standards apply to conditional uses allowed within zone 2:
  - (a) All design standards listed above for zone 1.
  - (b) Facilities that handle regulated substances shall have a minimum of one loading/unloading area designated for the handling of regulated substances. The designated loading/unloading area shall be designed with spill and/or runoff containment. The loading/unloading area shall be designed to minimize precipitation or storm water run on from entering the sanitary sewer. Regulated substances may be loaded/unloaded only in a designated handling area.
  - (c) Storage areas for regulated substances shall be designed with secondary containment capable of controlling 125 percent of the maximum design capacity of the liquid storage area.
  - (d) Facilities involved in the handling of regulated substances will, when determined necessary by the ground water technical review committee, prepare a ground water monitoring plan.
  - (e) All rail spurs used to transport regulated substances shall be designed to minimize infiltration and convey runoff to a storm water conveyance system. Rail car loading/unloading areas used to handle regulated substances shall

be designed with spill and/or runoff containment. The loading/unloading area shall be designed to minimize precipitation or storm water run on from entering the sanitary sewer.

**19.981 Operational standards**

- (1) **Zone 1.** The following operational standards apply to land use activities allowed within zone 1:
  - (a) No outdoor storage of product, material, or equipment other than that approved through the provisional use permitting process shall be allowed. Any designated outdoor storage area shall be an impervious surface paved with concrete or asphalt and have secondary containment when applicable.
  - (b) Regulated substances associated with paving, the pouring of concrete, or construction for which all necessary permits have been obtained may be handled in the ground water protection overlay district, provided such regulated substances are present at the construction site for which the permits have been issued and do not pose a real and present danger of contaminating surface and/or ground water. For the onsite storage of fuel for vehicles or other equipment, which may be associated with such construction activity, the fuel storage containers shall be secondarily contained. Regulated substances not used in the construction process and all wastes generated during construction shall be removed from the construction site not later than at the time of the completion of the construction. If construction activity has ceased for 30 days, all regulated substances shall be removed from the site until such time as the construction activity resumes.
  - (c) The use of deicing salt or other chemical deicing materials shall be minimized and used only when threats to safety occur.
- (2) **Zone 2.** The following operational standards apply to conditional uses permitted within zone 2:
  - (a) All operational standards listed above for zone 1.
  - (b) Except in the case of seasonal discontinuation of operation, the owner or operator of any non-residential property that becomes unoccupied or has discontinued operation for a period of 30 consecutive days shall remove all regulated substances from the property, except those approved to be exclusively used for heating, cooling, and providing electrical lighting for the premises, within 30 days after the date upon which the property initially became unoccupied or the operation discontinued. The owner or operator shall secure the regulated substances on the property until they have been removed. No later than the day after the operation ceases or the property becomes unoccupied, the owner or operator shall notify the city building inspector in writing of the date of the cessation, and the owner's name, phone number, and address and the operator's name, phone number, and forwarding address.
  - (c) Truck, truck trailer, rail car, or tank truck loading and unloading procedures for regulated substances shall meet the minimum requirements of the U.S. Department of Transportation and Wisconsin Department of Transportation.
  - (d) No truck, trailer, rail car, or tank truck shall be used for onsite storage of a regulated substance. Regulated substances shall be transferred from the delivery vehicle to the regulated substance storage area as soon as feasibly possible and shall only occur in designated loading/unloading areas.
  - (e) Warning signs and chock blocks shall be provided in the loading and unloading area to prevent premature vehicular departure.
  - (f) Daily visual inspections of regulated substances shall be conducted to check for container damage or leakage, stained or discolored storage surfaces in all storage areas, excessive accumulation of water in outdoor curbed areas, and to ensure that dike drain valves are securely closed in outdoor curbed areas.
  - (g) Storage areas for regulated substances shall have access restricted to properly authorized and trained personnel.
  - (h) The owner/owner shall maintain spill response equipment and supplies onsite to contain and cleanup spills of regulated substances.
  - (i) The owner/owner shall give personnel handling regulated substance adequate training to ensure they understand established operational safety plans and contingency plans. In addition, an annual spill prevention briefing shall be held to highlight any past spill events or failures and recently developed precautionary measures. Records of these briefings shall be kept for documentation purposes.
  - (j) Instructions and phone numbers for reporting spills to the city fire department and other local, state, and federal agencies shall be posted in areas where regulated substances are handled.

**19.982 Changing technology**

- (1) The uses prohibited by this district are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by a particular use considered to be of a high risk for pollution to the ground water resource. As the technology of other uses change to low or non-risk materials or methods, upon petition from such use, after conferring with the ground water technical review committee or other expert opinion, and after appropriate public notice and hearing, the city, through appropriate procedures and actions to change these

provisions of the municipal code, may remove from the designated prohibited uses such uses as are demonstrated convincingly that they no longer pose a ground water pollution hazard.

- (2) In dealing with uses which attempt to become permissible, under the terms of this district, by continuing to utilize pollutant materials but altering their processing, storage and handling, it is not the intention to accept alternate or reduced hazards as the basis for making a use permissible. It is the intention to continue a prohibition on such uses until the technology of the use removes reliance upon the pollutant materials or processes deemed to be a ground water hazard.

**19.983 Spills, leaks, or discharges**

- (1) If a spill, leak, or discharge escapes containment or contacts a pervious ground surface and is not immediately and completely remediated, any person with direct knowledge of the event shall within 30 minutes of the event give notice to the city fire department utilizing the countywide 911 service and the superintendent of public works or the operator on duty at the affected or potentially affected water treatment facility. The notification shall include at a minimum, the location of the incident, name, and telephone number of the contacting party, date, and time thereof, type of substance(s), concentration, and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, state, and federal reporting obligations.
- (2) Any person who spills, leaks, or discharges a regulated substance shall be liable for any reasonable expense, loss, or damage incurred by the city in response to such an incident, in addition to the amount of any fines imposed on account thereof under state and federal law; said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of reoccurrence of such spills, leaks or discharges as soon as practicable following the incident, but no later than 180 days after the incident.

**19.984 Nonconforming uses**

A nonconforming use is allowed to continue and exist provided it meets the standards outlined in sec. 19.1204 (article 7).