



VILLAGE OF HARRISON

TOWN OF HARRISON

NOTICE OF PUBLIC JOINT MEETING

**VILLAGE OF HARRISON, CALUMET & OUTAGAMIE COUNTIES, WI
TOWN OF HARRISON, CALUMET COUNTY, WI**

NOTICE IS HEREBY GIVEN that a Committee of the Whole meeting will be held at the Harrison Municipal Building, W5298 Hwy 114, Menasha WI on Tuesday, March 8, 2016 at 6:30pm. The agenda is printed below.

- 1) Call to order
- 2) Pledge of Allegiance
- 3) Roll Call
- 4) Communications from Boards or Staff
- 5) Approve previous meeting minutes
- 6) Annual Sign Inventory presentation by Building Inspector Paul Birschbach
- 7) Items Noticed for Discussion and Recommendation
 - a) Overtime Policy
 - b) Possible Advisory Referendum to change name of Village of Harrison
 - c) Maintenance agreement with City of Menasha for County LP
 - d) Resolution V2016-02 Final Assessment for construction of sidewalks in Paper Maker Ridge subdivision
 - e) Subdivision Improvements Policy
 - f) Street Lighting Policy
 - g) Model Ordinance for Construction Site Erosion and Sediment Control
 - h) Model Ordinance for Post Construction Stormwater Management
 - i) Development of park land
- 8) Department Reports
 - a) Village Manager
 - b) Calumet County Sheriff Department
 - c) Harrison Fire Rescue
 - d) Public Works
 - e) Planning
- 9) Public Comments

Please be advised per State Statute section 19.84(2), information will be received from the public; be further advised that there may be limited discussion on the information received; however, no action will be taken under public comments. It is the policy of the Village and Town that there is a three minute time limit per person. Time extensions may be granted by the Committee Chair.
- 10) Adjournment

Jennifer Weyenberg, WCMC
Town and Village Clerk
Posted March 3, 2016

Agenda is posted at www.harrison-wi.org and Harrison Municipal Building. Any person requiring special accommodations to attend this meeting should contact the Clerk's Office at 989-1062 at least 24 hours prior to the meeting.

**COMMITTEE OF THE WHOLE
MEETING MINUTES
02/09/16**

The regular meeting of the Committee of the Whole was convened on Tuesday, February 09, 2016 at 6:30pm in the Harrison Municipal Building with Travis Parish presiding. After the Pledge of Allegiance was recited, roll was called.

Members Present: Trustee Joe Sprangers, Trustee Lou Miller, Supervisor Duaine Stillman, Supervisor Karmen Jones, Chair Darlene Bartlein, President Jim Salm, Supervisor Tyler Moore, Supervisor Kevin Hietpas, Supervisor Dave La Shay, and Supervisor Pete Stier.

Staff Present: Planner Mark Mommaerts, Clerk Jennifer Weyenberg, and Administrator Travis Parish.

Communications from Boards or Staff- T. Parish noted that the Dept. of Administration has found the proposed annexation of Cedar Ridge II to be in the public interest.

Approve previous meeting minutes- Motion by P. Stier and second by L. Miller to approve the minutes. Discussion- K. Hietpas requested that the part about him representing the board at a recent Village of Sherwood meeting be stricken from the minutes. J. Sprangers stated that the minutes were an accurate reflection of what was said at the meeting. Motion to approve the minutes carried (without the amendment).

Rules and Procedures for meetings- T. Parish reviewed the current policy for "Rules and Procedures for Board Meetings". Consensus of committee is to leave the policy as is. This will not be brought back to the town or village for action.

Final Assessment for Papermaker Ridge- Speaking on the item was Megan Lisowe, N9016 Papermaker Pass, and she questioned what the reason was behind not giving a credit to the corner lots. Motion by J. Salm and second by D. La Shay to place the final resolution for the assessment of sidewalks in Papermaker Ridge on the next agenda. Motion carried.

Parker Farms II Developer Agreement- The discussion was focused on when acceptance of the road, curb and gutter installation, paving completion, and sidewalks and/or trails installation shall take place. The proposed agreement has "upon direction of Public Works Department, but not more than 3 years" as a deadline. Some on the committee requested 50% completion or 3 years, whichever comes first. Motion by D. La Shay and second by L. Miller to amend the agreement and bring it back for approval at the end of the month. Motion carried.

Future Improvements on Hoelzel property- The committee agreed to allow staff to work with local clubs on a layout for the park. Speaking on the item was Wally Kussmann, N9214 Hedgerow Dr, who was representing a group of people who want to help. This will be brought back to a future committee of the whole meeting.

Accepted offer on Diocese Property- T. Parish present two borrowing options (1) State Trust Fund Loan or (2) Business Bank loan. Staff recommends pursuing a loan through the Business Bank for 10 years at a 3.15% interest rate. Motion by J. Salm and second by T. Moore to place this on the agenda at the end of the month. Motion carried.

Standard Specifications Manual- Staff has worked with the engineer to update the manual. It now includes specifications for sidewalks, utility service laterals, trench backfilling, roadway construction

procedures, and allowable materials. Motion by D. La Shay and second by P. Stier to place the item on the next village board agenda. Motion carried.

Subdivision Improvements Policy- Under the proposed policy, the developer will be required to construct utilities, sewer, water, storm, subgrade, gravel, curb & gutter, with gravel up to the curblin before the final plat is approved and permits issued. Harrison will then assess the cost of sidewalk/trails and asphalt back to the lot owners in accordance with the special assessment policy. The committee wanted to be sure that the property owners are notified about any future assessments. Motion by J. Sprangers and second by D. La Shay to add language regarding the notice to property owners and bring the policy back at the end of the month for approval. Motion carried.

Street Lighting Policy- Motion by D. La Shay and second by L. Miller to bring back to boards at the end of the month for approval. Motion carried.

Reserved Fund Balance Policy- T. Parish presented a resolution stating that Harrison will maintain an unrestricted, unassigned fund balance of not less than 30% of General Fund Expenditures. Motion by P. Stier and second by L. Miller to bring the policy back to the boards at the end of the month for approval. Motion carried.

Assignments to Apportionment Committee- Joe Sprangers and Lou Miller were recommended to represent the Village and Karmen Jones and Darlene Bartlein were recommended to represent the Town. Motion by P. Stier and second by D. La Shay to approve the recommendations. Motion carried.

Update on Website upgrade: K. Hietpas let the committee know that the website upgrades were coming along and it is starting to come together. In the future, we can look at adding photos of the elected officials to the website.

Update on Town of Menasha incorporation- Judge Karen Seifert has found that Town of Menasha's petition meets all of the required standards.

Firelanes 12 & 13 Sewer and Water Survey Results- M. Mommaerts reported that 18 respondents indicated some level of interest in public sewer and water while 30 respondents indicated no interest. Speaking on the item were Gary Yohn, W5551 FL 12; Corey Stumpf, N8340 FL 12; Pete Schuh, W5581 FL 12 and Chad Weyenberg, W5768 FL 12. Most of the residents in attendance said the survey should have included estimated costs for the potential project. D. Bartlein explained that Waverly Sanitary District was interested in obtaining survey results because they were hearing that many people in that area had failing septic systems. Because there is no immediate need, this project will not be pursued at this time.

Department Reports for the Village Manager , Calumet County Sheriff Department, Harrison Fire Rescue, Public Works, and Planning are on file with the Clerk.

There being no other business, a motion by J. Salm and second by L. Miller was made to adjourn at 8:25pm. Motion carried.

Jennifer Weyenberg, Clerk
February 9, 2016
Approved March 8, 2016



VILLAGE OF HARRISON

TOWN OF HARRISON

COMMITTEE OF THE WHOLE MEETING

TOWN/VILLAGE OF HARRISON

Date: March 8th, 2016

Title:
Overtime Policy

Issue:
Should the Town/Village of Harrison change their policy on overtime?

Background and Additional Information:

The Village of Harrison has an approved personnel manual that addresses how overtime for non-exempt employees should be computed. The current policy requires non-exempt personnel to work a minimum of 40 hrs. a week before they are eligible for overtime or comp. time.

Some of the employees are requesting to meet with the boards to discuss the possibility of changing the personnel manual with regards to overtime or comp. time. They would like to see overtime to accrue on a daily basis instead of a weekly basis or to possibly have time off and sick time count as time worked for overtime purposes.

The State of Wisconsin provides guidance on the issue of overtime and how sick, vacation and holiday pay should count or not count towards overtime accumulation. A copy of this guidance is included in the packet.

Budget/Financial Impact:

None.

Recommended Action:

The Village Manager recommends no change to current policy.

Attachments:

WDWD – Guidance on Hours of Work and Overtime.
Overtime Section from Village of Harrison Personnel Manual.

Hours Of Work and Overtime

The Law

- Section 103.01-.03 of the Wisconsin Statutes authorizes the department to make administrative rules regarding what constitutes "overtime" in Wisconsin.
- These rules are found at Chapter DWD 274, Wisconsin Administrative Code

Who does the law affect?

Wisconsin's overtime law applies to most employment in the State. The law also provides for various exemptions, usually based upon occupation.

DWD 274.04 Exemptions

For more information on the topic of exceptions see DWD 274.04, Wisconsin Administrative Code.

Non-Profit Organizations

The overtime law does not apply to most non-profit organizations. The overtime law does apply, however, to those employees who work in certain establishments, such as restaurants or hotels, even if employed by non-profit organizations.

Household Employment

The overtime law does not apply to household employment of domestic service workers or companions if the household itself employs them. Those types of workers are entitled to overtime if a for-profit employer employs them in this capacity, placing them in private homes.

Over 40 hours worked

The law requires that employers pay time and one-half the regular rate of pay for all hours worked in excess of 40 hours in the workweek.

A "week" is the employer's established regular reoccurring period of 7 consecutive days. Employers may schedule employees any way they wish. This means that overtime may be made mandatory. Since employers may schedule as they see fit, they may also change employees' schedules during a given week in order to prevent them from working overtime in that week.

Sick leave, vacation pay, holiday pay

Hours paid for time not worked, such as sick leave, vacation pay or holiday pay, do NOT count as hours worked for purposes of computing overtime pay.

Prevailing Wage - public works construction projects

Some public works construction projects require daily overtime and overtime on certain

holidays.

The Norm

Other than in those situations, though, overtime is not required for work performed on a particular day of the week ♦ only after 40 hours in a workweek.

Filing a Complaint

Employees who are not receiving overtime as required may file a complaint on the Wisconsin Labor Standards Complaint form. It is not necessary to speak with an investigator prior to filing. Your complaint should include as much information as possible.

Related Publications:

- Fact Sheet on the Payment of Salary
- Wisconsin Hours of Work & Overtime Laws

Any employee calling in an absence from work must do so before shift starts. The absence must be called in to direct supervisor by the employee themselves.

Employees inaccurately recording hours worked, not working scheduled hours or not following call-in procedures will be disciplined up to and including termination of employment.

2. **Office Hours**

Unless the Village Manager requires to the contrary, all offices in the Village Hall shall be open for business from 7:30am to 3:30 p.m. on all days except Saturdays, Sundays and legal holidays. Hours for the Road Department are generally Monday-Friday 7:00am-3:30pm. Other hours may be established based on the discretion of the Public Works Director and/or the Village Manager. Administrative staff is expected to work hours of employment above and beyond the normal hours of operation as appropriate.

3. **Working Hours**

Working hours of Village employees may vary by work assignment. All full-time employees, including administrative and supervisory, are expected to work a minimum of a standard day and standard work week.

4. **Irregular Work Schedule**

An employee whose duties require an irregular work schedule in either a standard work day or a standard work week shall work according to a schedule recommended by the department head and approved by the Village Manager.

H. OVERTIME

It is Village policy to comply with all applicable wage and hour laws and regulations, including the salary basis requirements of the Fair Labor Standards Act. Accordingly, no docking shall be made from the salaries of employees determined to be exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) unless provided for under State or Federal law.

With the exception of exempt (salaried) employees, the Village will pay all employees at the rate of time and one-half for all hours worked in excess of 40 hours per workweek. Employees may request to work overtime, or may be required to work overtime, but that in no case shall overtime be worked without pre-authorization or pre-approval. The employee's supervisor must approve all overtime in advance. Working on unauthorized overtime will result in discipline up to and including discharge.

Hours paid for time not worked, such as sick leave, vacation pay or holiday pay; do not count as hours worked for the purpose of computing overtime pay or compensatory time.

1. **Compensatory Time**

In lieu of receiving pay for overtime hours worked, non-exempt employees are eligible to accumulate compensation time. Compensation time shall be calculated at the rate of time and one-half for all hours worked in excess of forty (40) per week. No compensation time shall be carried over year to year. Non-exempt employees shall be paid out for remaining accumulated compensation time at year-end.



VILLAGE OF HARRISON

TOWN OF HARRISON

COMMITTEE OF THE WHOLE MEETING

TOWN/VILLAGE OF HARRISON

Date: March 8th, 2016

Title:

Possible Advisory Referendum to change the name of the Village of Harrison.

Issue:

Should the Village of Harrison hold a referendum to change the name of the village?

Background and Additional Information:

During the incorporation process and sporadically throughout the years, many residents have asked if the Village of Harrison will be changing its name to the Village of Darboy. Many stores, the roadway signs and even the water tower refer to the area as Darboy. This creates confusion among people who believe that they live in Darboy and do not understand where the Village of Harrison is located.

With the upcoming update to the comprehensive plan and the community center master plan, it will be important that the Village begins to market itself in order to attract industrial, commercial and retail development. If it is contemplated that the Village may be changing its name to something other than the Village of Harrison, then it is important to get that accomplished before the Village begins to market itself.

Staff has also contacted the Post Office about the possibility of using Harrison or another name for mailings instead of Appleton, Menasha, Kaukauna, Sherwood or other non-Village mailing addresses.

The only way to positively determine if there is support to change the name of the Village would be to have an advisory referendum where the residents would have the opportunity to vote. Staff suggests that if an advisory referendum is to be held, that it be held during the November elections.

Budget/Financial Impact:

None.

Recommended Action:

Staff recommends that an advisory referendum be held during the November election cycle.

Attachments:

None



VILLAGE OF HARRISON

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COMMITTEE OF THE WHOLE MEETING

TOWN/VILLAGE OF HARRISON

Date: March 8th, 2016

Title:

Maintenance agreement with the City of Menasha for CTH LP.

Issue:

Should the Town and Village of Harrison enter into a maintenance agreement with the City of Menasha per the terms as suggested by Mayor Merkes?

Background and Additional Information:

The Town and Village of Harrison, the City of Menasha, and Calumet County have entered into an agreement for the jurisdictional transfer of CTH LP after it has been urbanized by Calumet County.

The current plan is that CTH LP will have a median from Hwy 10/114 north to Woodland Rd. From Woodland Rd. north to Midway Rd. it will be a TWLTL.

Mayor Merkes has sent a proposal concerning the maintenance of this area after it has been transferred to all the jurisdictions. (A copy of the proposal is attached).

Budget/Financial Impact:

Future costs for maintenance of lights, intersection and roadway.

Recommended Action:

Staff recommends that the portion of CTH LP from Hwy 10/114 to Woodland Rd. be maintained by Menasha and the section of CTH LP from Woodland Rd. north to Midway Rd. be maintained by the Town/Village of Harrison.

Staff also recommends that there be no lighting installed in the median and that lighting cost be paid by the community in which the lighting resides.

Finally, staff recommends that no property be detached nor annexed into Menasha under this maintenance agreement as there is no benefit to the Town or Village of Harrison taxpayers.

Attachments:

Email proposal from Mayor Merkes.

Travis Parish

From: Don Merkes <dmerkes@ci.menasha.wi.us>
Sent: Friday, February 12, 2016 12:04 PM
To: Travis Parish
Cc: Greg M. Keil; Mark Radtke; Kevin Benner
Subject: Lake Park Road Maintenance

Travis,

Following our conversation at the last Lake Park Road design meeting, I believe that the following would be a fair division of maintenance and replacement of the facility based upon the current municipal boundaries that have changed since the original agreement with Calumet County. I would be willing to recommend this to our Board of Public Works.

HYW 114 to Sonny St

- Design – Raised Median
- Lighting – double head poles in raised median – cost split 50/50 – Menasha Utilities service
- Landscape – lawn & street trees in raised median – maintained by Harrison
- Traffic Lanes – east lane maintained by Harrison, west lane maintained by Menasha

Sonny St to Villa Way

- Design – Raised Median
- Lighting – double head poles in raised median – cost split 50/50 – Menasha Utilities service
- Landscape – lawn & street trees in raised median – maintained by Menasha
- Traffic Lanes – east lane maintained by Harrison, west lane maintained by Menasha

Villa Way to Manitowoc Rd

- Design – TWLTL – Maintained by Harrison since the turning ability benefits Harrison most significantly
- Lighting – single head poles on both sides of the street, maintained by community where they are located – respective utility WE Energies or Menasha Utilities to service
- Traffic Lanes – east lane maintained by Harrison, west lane maintained by Menasha
- County to petition for annexation of property at SW corner of Lake Park Road and Manitowoc Road to City of Menasha
- Harrison to agree to detachment of properties at N09017 & N09009 and attachment to the City of Menasha at the time of the next sale

Manitowoc Road Roundabout

- Lighting – single head poles on both sides of the street, maintained by community where they are located – respective utility WE Energies or Menasha Utilities to service
- Landscape – maintained by Harrison
- Traffic Lanes – maintained by Harrison

Replacement

- Each community would be responsible for the cost of replacement of the street facilities based upon the municipality that the adjacent abutting property is located in (to the centerline)

Please let me know how you would like to proceed. I believe that this is a fair distribution of responsibility based upon the usage of the facilities and boundaries of the communities.



VILLAGE OF HARRISON

TOWN OF HARRISON

COMMITTEE OF THE WHOLE MEETING

TOWN/VILLAGE OF HARRISON

Date: March 8th, 2016

Title:

Resolution V2016-02 Final Assessment for construction of sidewalks in Papermaker Ridge subdivision.

Issue:

Should the Village of Harrison approve resolution V2016-02 for the Final Assessment for construction of sidewalks in Papermaker Ridge subdivision?

Background and Additional Information:

A motion was made and approved at the Village Board meeting to send this item back to the Committee of the Whole for review.

At the January 26th, 2016 Village Board meeting, the Village Board voted 5-2 on the method of assessment. The Village Board voted not to give a credit to corner lots and that all properties should be assessed by front footage. Any change to the assessment method will require the Village Board to rescind or amend the previous adopted method of assessment.

If a Final Assessment resolution is not approved by the Village Board, then the Village would be unable to assess for the sidewalk improvements.

Budget/Financial Impact:

None.

Recommended Action:

Staff recommends that the final resolution be adopted to assess for the sidewalks constructed in Papermaker Ridge.

Attachments:

Final Resolution V2016-02.
Engineer's report.

RESOLUTION NO. V2016-02
VILLAGE OF HARRISON
Calumet and Outagamie County, Wisconsin

**FINAL RESOLUTION AUTHORIZING PUBLIC IMPROVEMENT AND
LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY IN
THE VILLAGE OF HARRISON, WISCONSIN**

WHEREAS, the previous Town Board of the Town of Harrison, Wisconsin, entered into a developer's agreement with Van's Realty for the development of the Papermaker Ridge subdivision on July 23rd, 2012; and

WHEREAS, it was agreed between the parties that Van's Realty would waive the special assessment notice and hearing provisions per Wis. Stats. 66.0703 concerning the installation of sidewalks and the levying of those special assessments against benefitting property owners within the Papermaker Ridge subdivision, and

WHEREAS, this portion of the Town was incorporated into the Village of Harrison on March 8, 2013, and

WHEREAS, the Village has assumed the responsibility for the repayment of the construction of the sidewalks to Van's Realty and to assess those costs to the benefitting property owners per the agreement,

NOW, THEREFORE, BE IT RESOLVED, the Village Board of the Village of Harrison, Wisconsin, determines as follows:

1. The report of the Village Engineer, a copy of which is attached hereto and incorporated herein as if fully set forth herein, including the assessments set forth therein, is adopted and approved.
2. Van's Realty has constructed the improvements per the agreement entered into with the Town of Harrison on July 23rd, 2012.
3. Payment for the improvements shall be made by assessing the entire cost of the sidewalks to the property benefited as indicated in the report.
4. Assessments shown on the report represent an exercise of the police power and have been determined on a reasonable basis and are hereby confirmed.
5. Assessments for all projects included in the report are hereby combined as a single assessment but any interested property owner may object to each assessment separately or all assessments jointly for any purpose.

6. Assessments shall be due by November 1st, 2016. Assessments may be paid in cash or in five (5) annual installments to the Village Clerk. Installments shall be placed on the next tax roll after the due date for collection and shall bear interest at the rate of 5.5% per annum on the unpaid balance from January 1st of the year following the levy.

7. The Village Clerk shall publish this resolution as a class 1 notice under ch. 985, Stats., in the assessment district and mail a copy of this resolution and a statement of the final assessment against the benefited property together with notice of installment payment privileges to every property owner whose name appears on the assessment roll whose post office address is known or can with reasonable diligence be ascertained.

Dated _____

Signed _____
Village President

Published _____

Attest _____
Village Clerk

TOWN OF HARRISON

**WAIVER OF SPECIAL ASSESSMENT NOTICE AND HEARING
INSTALLATION OF SIDEWALK IMPROVEMENTS AND LEVYING SPECIAL
ASSESSMENTS AGAINST BENEFITED PROPERTIES
(Papermaker Ridge)**

WHEREAS, the developers of the property described as follows benefit from the proposed public improvement to construct sidewalks in the Papermaker Ridge subdivision.

Calumet County Parcel # 010-0000-0000000-000-0-201809-00-420A and Parcel # 010-0000-0000000-000-0-201809-00-310A and being part of the northwest ¼ of the southeast ¼ and part of the northeast ¼ of the southwest ¼ of section 9, township 20 north, range 18 east, Town of Harrison, Calumet County, Wisconsin.

WHEREAS, the owner of the property described above have requested future special assessments for the installation of sidewalks to be assessed as follows based on the following estimate:

Restoration	S.Y.	4200	\$0.80	\$ 3,360.00
Sidewalk	S.F.	17190	\$3.50	\$ 60,165.00
Total				.\$ 63,525.00

NOW, THEREFORE, for valuable consideration acknowledged by all parties, it is agreed as follows:

1. In consideration of the construction of the above described public improvement, we the undersigned, hereby admit that this improvement will benefit our above described property in the Town of Harrison and consent to the levying of special assessments against our premises under §66.0703, Wisconsin Statutes, for the estimated cost of such an improvement as shown above.

In accordance with §66.0703 Wisconsin Statutes, we hereby waive all special assessment notices and hearings required by §66.0703, Wisconsin Statutes, and we further agree and admit to the benefit to our properties from the construction of this improvement as shown above.

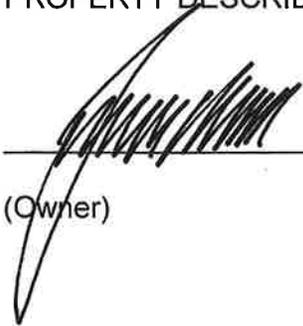
2. That payment for the improvements be made by assessing the cost to the property benefited as indicated above.

3. That the assessments represent an exercise of the police power, have been determined on a reasonable basis and are hereby confirmed and have been agreed to

by the parties receiving said assessments who have signed this Resolution as a waiver of notice and hearing as to said special assessments.

4. That the assessments due pursuant to this Resolution may be paid in cash in full on the date of construction of sidewalks or in five (5) annual installments of principal together with twelve (12) months interest per installment to the Town Treasurer, installment payments to bear interest at the rate of 5.5% per annum on the unpaid balance commencing on the date after completion of the sidewalk installation. The first installment will be due on the date after completion of sidewalk construction, when real estate taxes are due and annually thereof. All assessments or installments which are not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the property and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special assessment, except as otherwise provided by statute.

DATED 23 DAY OF July, 2012 ACCEPTED BY ALL OWNERS OF PROPERTY DESCRIBED ABOVE;



(Owner) 7-23-12
(Date)

(Owner) (Date)

Final Engineering Report

Papermaker Ridge
Sidewalk Construction
Lilac Road, Kimberly Trail & Papermaker Pass

Prepared For The

VILLAGE OF HARRISON
CALUMET COUNTY, WISCONSIN

FEBRUARY 1, 2016

McM. No. H0006-9-15-00485

LRR:car

McMAHON
ENGINEERS ARCHITECTS

1445 McMAHON DRIVE | NEENAH, WI 54956
Mailing P.O. BOX 1025 | NEENAH, WI 54957-1025
PH 920.751.4200 FX 920.751.4284 MCMGRP.COM

Final Engineering Report

(Pursuant to Sec. 66.0703(1)(b) Wisconsin Stats., as Amended)

Papermaker Ridge Sidewalk Construction
Lilac Road, Kimberly Trall & Papermaker Pass

Prepared For The

VILLAGE OF HARRISON
CALUMET COUNTY, WISCONSIN

-
1. This Engineer's Report, submitted on behalf of the above-named municipality, is prepared in compliance with Section 66.0703(1)(b), Wisconsin Statutes, and Section 66.0703(3), Wisconsin Statutes, as amended.
 2. That all preliminary and final plans and specifications for the aforementioned municipal project are on file with the clerk of the municipality.
 3. That following hereinafter is an estimate of the entire cost of the proposed work or improvements, either based upon the Engineer's estimates or based upon actual bids received for said proposed work or improvements by the named municipality.
 4. That hereinafter follows an estimate, as to each parcel of property affected, of the assessment of benefits to be levied against each affected parcel.
 5. The same is attached hereto and incorporated herein as a schedule of proposed assessments.
 6. That it has been determined by the governing body of the aforementioned municipality and the Engineers for the municipality, that the property against which the assessments are made are benefited from said proposed work, improvements and installation of the same, and that all assessments are pursuant to Sections 66.0703(1)(b) Police Powers, and that said assessments are based upon a reasonable basis, as determined by said government body, mainly being construction costs assessment, including actual cost of construction, engineering fees, legal fees, posting and publication expenses.

McMAHON

By:



Lee R. Reibold, P.E.
Associate / Project Engineer

McM. No. H0006-9-15-00485

Village of Harrison
Papermaker Ridge-Phase I
Sidewalk Construction
Preliminary Assessment Rate
McM No. H0006-9-15-00485

\$	65,963.50	
\$	1,319.27	Administration fee (2%)
\$	<u>67,282.77</u>	

Total Construction Costs	\$ 65,963.50
Administration Fee (2%)	<u>\$ 1,319.27</u>
Total Assessable Costs	\$ 67,282.77
Total Assessable Frontage	<u>3,375.12</u> Lin Ft
Sidewalk Assessment Rate	\$ 19.93 Per Lin Ft

Village of Harrison
 Papermaker Ridge-Phase I
 Sidewalk Construction
 Preliminary Assessment Role
 McM No. H0006-9-15-00485

Sidewalk Assessment Rate = \$ 19.93 per Lin Ft

Tax ID	Parcel Number	Property Owner	Mailing Address	Property Address	Project Frontage	Sidewalk Assessment
38138	131-0675-001010A-000-0-201809-00-4200	VANS REALTY & CONSTRUCTION	2525 S ONEIDA ST	APPLETON	255.37	\$ 5,080.78
38140	131-0675-000110A-000-0-201809-00-4200	VANS REALTY & CONSTRUCTION	2525 S ONEIDA ST	APPLETON	91.21	\$ 1,816.26
38142	131-0675-000220A-000-0-201809-00-4200	VANS REALTY & CONSTRUCTION	2525 S ONEIDA ST	APPLETON	65.00	\$ 1,295.77
38144	131-0675-000330A-000-0-201809-00-4200	VANS REALTY & CONSTRUCTION	2525 S ONEIDA ST	APPLETON	75.00	\$ 1,495.12
38146	131-0675-000440A-000-0-201809-00-4200	EBBEN ANDREW M	9078 PAPERMAKER PASS	MENASHA	65.00	\$ 1,295.77
38148	131-0675-000550A-000-0-201809-00-4200	VANS REALTY & CONSTRUCTION	2525 S ONEIDA ST	APPLETON	75.00	\$ 1,495.12
38150	131-0675-000660A-000-0-201809-00-4200	BEACH KIMBERLY	9068 PAPERMAKER PASS	MENASHA	65.00	\$ 1,295.77
38152	131-0675-000770A-000-0-201809-00-4200	LOOKER DENNIS J JR	9064 PAPERMAKER PASS	MENASHA	75.00	\$ 1,495.12
38154	131-0675-000880A-000-0-201809-00-4200	OTT REBECCA L	9060 PAPERMAKER PASS	MENASHA	65.00	\$ 1,295.77
38156	131-0675-000990A-000-0-201809-00-4200	SASS SCOTT M	9064 PAPERMAKER PASS	MENASHA	75.00	\$ 1,495.12
38158	131-0675-001100A-000-0-201809-00-4200	ROCK CHRISTOPHER R	9048 PAPERMAKER PASS	MENASHA	65.00	\$ 1,295.77
38160	131-0675-001210A-000-0-201809-00-4200	HANSON RICHARD J	9042 PAPERMAKER PASS	MENASHA	75.00	\$ 1,495.12
38162	131-0675-001320A-000-0-201809-00-4200	VANS REALTY & CONSTRUCTION	2525 S ONEIDA ST	APPLETON	65.00	\$ 1,295.77
38164	131-0675-001430A-000-0-201809-00-4200	QUELLA JASON S	9030 PAPERMAKER PASS	MENASHA	75.00	\$ 1,495.12
38166	131-0675-001540A-000-0-201809-00-4200	FISHER CARL D & LORIA	2811 OTTO COURT	GREEN BAY	65.00	\$ 1,295.77
38168	131-0675-001650A-000-0-201809-00-4200	LISOWE RYAN E	9016 PAPERMAKER PASS	MENASHA	228.88	\$ 4,562.71
38170	131-0675-001760A-000-0-201809-00-4200	VANS REALTY & CONSTRUCTION	2525 S ONEIDA ST	APPLETON	65.00	\$ 1,295.77
38172	131-0675-001870A-000-0-201809-00-4200	VANS REALTY & CONSTRUCTION	2525 S ONEIDA ST	APPLETON	216.51	\$ 4,316.11
38174	131-0675-001980A-000-0-201809-00-4200	WOODROW JEFFREY B	9003 LILAC RD	MENASHA	236.05	\$ 4,705.64
38176	131-0675-002090A-000-0-201809-00-4200	PARRISH ANDREW L & BETHANY G	9014 LILAC RD	MENASHA	113.00	\$ 2,252.65
38178	131-0675-002200A-000-0-201809-00-4200	CHRISTMAN MATTHEW M & KELLY J	9015 PAPERMAKER PASS	MENASHA	209.00	\$ 4,166.40
38180	131-0675-002310A-000-0-201809-00-4200	GREEN RYAN S & JAIMY E	9023 PAPERMAKER PASS	MENASHA	75.00	\$ 1,495.12
38182	131-0675-002420A-000-0-201809-00-4200	VANS REALTY & CONSTRUCTION	2525 S ONEIDA ST	APPLETON	67.50	\$ 1,345.61
38184	131-0675-002530A-000-0-201809-00-4200	VANS REALTY & CONSTRUCTION	2525 S ONEIDA ST	MENASHA	75.00	\$ 1,495.12
38186	131-0675-002640A-000-0-201809-00-4200	NOWAK BENJAMIN J	9041 PAPERMAKER PASS	MENASHA	67.50	\$ 1,345.61
38188	131-0675-002750A-000-0-201809-00-4200	JENSEN ERIC G	9047 PAPERMAKER PASS	MENASHA	75.00	\$ 1,495.12
38190	131-0675-002860A-000-0-201809-00-4200	VANS REALTY & CONSTRUCTION	2525 S ONEIDA ST	APPLETON	67.50	\$ 1,345.61
38192	131-0675-002970A-000-0-201809-00-4200	VANS REALTY & CONSTRUCTION	2525 S ONEIDA ST	APPLETON	75.00	\$ 1,495.12
38194	131-0675-003080A-000-0-201809-00-4200	KORTH DEREK W	9063 PAPERMAKER PASS	MENASHA	67.50	\$ 1,345.61
38196	131-0675-003190A-000-0-201809-00-4200	DONNERMEYER THOMAS S	9067 PAPERMAKER PASS	MENASHA	75.00	\$ 1,495.12
38198	131-0675-003300A-000-0-201809-00-4200	TESSEN JEFFREY S & JANET	9073 PAPERMAKER PASS	MENASHA	94.00	\$ 1,873.88
38200	131-0675-003410A-000-0-201809-00-4200	BUCHHOLZ AMBER K	9079 PAPERMAKER PASS	MENASHA	125.21	\$ 2,496.05
38202	131-0675-003520A-000-0-201809-00-4200	SCHULZ JOEL W & KIMBERLY E	W6298 CHAMPION TR	MENASHA	115.89	\$ 2,310.26
42422	131-0663-000480A-000-0-201809-00-310A	LISOWE ANDREW	9013 LILAC RD	MENASHA	3,375.12	\$ 67,282.77



VILLAGE OF HARRISON

TOWN OF HARRISON

COMMITTEE OF THE WHOLE MEETING

**VILLAGE OF HARRISON
TOWN OF HARRISON**

From:

Mark J. Mommaerts, AICP, Planner

Date:

March 2, 2016

Title:

Subdivision Improvement Policy

Issue:

Should the Village adopt a Subdivision Improvement Policy to guide the construction process for new subdivisions?

Should the Village hire a staff inspector or contract out inspection services to ensure new developments and new homes are built according to plan design?

Background and Additional Information:

Staff is proposing a subdivision improvement policy in order to set a standard procedure for development on new subdivisions. For the purpose of this policy, Subdivision Improvements are considered to be:

- subgrade
- gravel
- curb & gutter
- asphalt paving (binder & finish layer)
- sidewalks & trails
- sanitary sewer, watermain, storm sewer, and associated laterals
- utilities (gas, electric, cable, phone, etc.)
- terraces and primary drainage swales and ditches graded, seeded, and mulched
- other improvement necessary when constructing a new subdivision

After discussion at the previous meetings, staff has developed a draft based on Board comments and direction. The developer will be required construct the following improvements up front: utilities, sewer, water, storm, subgrade, gravel, curb & gutter, with gravel up to the curbline before the final plat is approved and permits are issued. The Village will then assess the cost of sidewalk/trails and asphalt- both layers back to the lots of the subdivision in accordance with the special assessment policy. An item was also added that the developer and Village will work to inform prospective buyers that there will be a future assessment.

The other discussion item is in regards to subdivision improvement inspections and new home grading inspections. Currently the Village does not have a full time inspector on-site during the construction of utilities and new roadways. The Village also does not have anyone inspecting new home foundations, yard grades, or driveways. Proper inspection of these facilities will

reduce issues the Village currently faces. Does the Village want to inspect new roadway construction and new home building? If so, does the Village want to hire a staff inspector or contract out these inspections? Additional information can be brought to the Committee regarding costs and methods of payment after direction is given by the Committee.

McMahon Associates performs drainage facility checks and lot grade checks for the Town of Grand Chute. Omni Associates does checks for the Village of Combined Locks. Other communities may perform checks by staff.

Budget/Financial Impact:

The Village will have upfront costs in each new subdivision for sidewalks/trails and asphalt, but will be reimbursed through the assessments.

If a staff inspector is hired there will be additional wage and benefit costs. Additional permit fees may cover some of the costs. If inspection services are contracted then the cost should be included as part of the permit process. Additional information should be obtained to determine current year costs.

Attachments:

- Subdivision Improvements Policy
- Proposed changes to policy from Trustee LaShay
- Sample Scope of Services Letter (McMahon Associates & Town of Grand Chute)
- Sample grading/drainage facility check letters (from McMahon Associates)



VILLAGE OF HARRISON SUBDIVISION IMPROVEMENTS POLICY

INTRODUCTION:

The goal of this Subdivision Improvement Policy is to define acceptable policies and procedures for the installation of improvements, including but not limited to, subgrade, gravel base, curb & gutter, asphalt paving, sidewalks & trails, sanitary sewer, watermain, storm sewer, associated laterals, gas, electric, cable, phone, and other improvements necessary when constructing a new subdivision.

SUBDIVISION IMPROVEMENT POLICY:

This policy document sets forth the following provisions for subdivision improvements:

- The Subdivider and the Village shall agree to enter into a Development Agreement regarding Improvements, Financial Guarantees, Building Permits, Miscellaneous Requirements, and Amendments. The Development Agreement will be based on the provisions of this policy.
- The following improvements, in which the roadway shall be considered to be in a *graveled state*, shall be constructed prior to the final plat approval and any building and zoning permits being issued:
 - sanitary sewer, watermain, storm sewer, and associated laterals
 - utilities (gas, electric, cable, phone, etc.)
 - subgrade
 - gravel base
 - stormwater management facilities (e.g. wet-detention ponds, primary drainage swales, etc.)
 - curb & gutter, including gravel in roadway to be flush with curb & gutter
 - terraces and primary drainage swales and ditches graded, seeded, and mulched
 - other improvements necessary as determined by the Village Board, such as street lights and/or lighting for trails, treatment of gravel roadway (e.g calcium chloride, chip seal, recycled asphalt, etc.).
- The Village will assess the property owners of the lots within the subdivision, as per the Village's assessment policy, the cost for installation of the following improvements, in which the roadway shall be considered to be in a *finished state*:
 - asphalt paving (binder & finish layer)
 - sidewalks & trails
 - replacement costs of any damages to the gravel road

- Every effort will be made by the Subdivider and the Village to notify Buyers that a future assessment will be applied to the lots for asphalt paving, sidewalks and/or trails, and replacement costs of any damages to the gravel road. Such notification shall include language on the face of the plat and may include language on an advertising document and/or a recorded deed.
- All improvements will be inspected for compliance with the Standard Specifications Manual.
- All inspections will be completed by an inspector designated by the Village. The cost for such inspections will be paid for by the Subdivider.
- No inspections will be conducted between November 15th and May 1st.
- The Village Board will accept the subdivision improvements in a 'graveled state' after receiving input and a recommendation from staff verifying all improvements are completed in accordance with the Standard Specification Manual and Development Agreement .
- The Final Plat will only be approved after the Village Board has accepted the subdivision improvements in a 'graveled state'.
- Building and zoning permits will only be granted after the Final Plat has been approved and recorded.
- The Village Board will accept the subdivision improvements in a 'finished state' after receiving input and a recommendation from staff verifying all improvements are completed in accordance with the Standard Specification Manual and Development Agreement.

CONCLUSION:

This policy attempts to set standards for subdivision improvement policies and procedures that will allow for the development of new residential subdivisions while ensuring that such development meets the standard specifications and minimize the adverse effects of premature building.

This procedure and policy is duly adopted by the Village Board on the ___ day of _____, 2016.

By: _____
James Salm, Village President

Attest: _____
Jennifer Weyenberg, Village Clerk

Section II – Miscellaneous Requirements

C. Plans – add – and finish landscape or building grade (top of wall).

E. Record Drawings – add – including all as-build and daily logs of inspection.

F. Location; Laterals or Other Improvements – add – for sewers, water, storm laterals off roadway a wood (2x4) marker shall be placed at end of each lateral.

Subdivision Improvement Policy

Bullet (#2); sub Bullet (#6) – curb & gutter, including gravel to be flush with curb & gutter –
REMOVE

Bullets (#3) – add – curb and gutter.

Bullet (#4) – remove-“will be inspected”, - change to “shall be inspected”.

Bullet (#5) - add – shall be constructed for C & G, Asphalt Pavement.

C. Sidewalks & Trails

2.) The cost for trails system within a subdivision shall be paid for out of the Park Impact Fee's. Any cost difference, if greater shall be assessed equally among abutting property owners.

3.) Question – Are Park Impact Fee's being used?

H. Landscaping, Restoration

2. Add – and all spoils not used in the backfilling of basements or spoils used in ruff landscape grading of lot.

I have driven around the urbanized improved streets between “KK” south to Manitowoc, Coop to Noe and east of Noe south of Midway, understanding that over half of the streets with these improvements are within a 7 to 16 year life and found many issue within the Village and listed those failures below;

1. On nearly every street the pavement has separated from curb.

2. Settling has accrued along the curb flange and in many areas have ruts in pavement along curb flange causing standing water.
3. Nearly every Manhole, Inlet and Valve Box shows some form of settling and in addition to signs of trench settlement are caused mostly from improper compaction.
4. Visual alligating along longitudinal centerline, at intersections, at MH's, inlets, Valve Boxes as well as in travel lanes and is visible at curb flanges are attributed to a poor sub-surface base, contaminated gravel base, poor compaction and design flaws (poor mix densities or thickness) or poor maintenance practices or neglect.

Note: Keep in mind that pavement loading such as Refuge Collection and School Busses, Moving Vans and others contribute to pavement stresses and many of these issues can be attributed also to improper compaction and premature surface treatments that don't show up typically after a three years hiatus. Because we live in Wisconsin we are exposed to varying temperature changes, with these extreme fluctuations they play a big part also in premature failure of our roads. That is why it's so important to make sure they are installed properly, has settled out, and properly maintained over time insuring we have the best produce. Water is the prime source to premature failure, and what is the rational used in applying load or road limit and why?

Sample



February 7, 2013

Mr. Bob Buckingham
Community Development Director
Town of Grand Chute
1900 West Grand Chute Boulevard
Grand Chute, WI 54913

Re: Grand Chute Sanitary District #3
2013 Drainage Facilities Check
McM. No. G0003-930173

Dear Bob:

McMAHON is pleased to continue providing drainage facilities checks and lot grade checks for Grand Chute Sanitary District #3 for 2013.

The Scope of Services for this work includes:

Lot Grade Checks

- Provide elevation survey of lot corners, grade break points along lot lines, and ground at house.
- Check recorded elevations against approved drainage plan elevations.
- If recorded elevations are greater than 0.1 feet in variation from drainage plan, determine if drainage from property will work, if it follows the approved drainage pattern, and if it will have any adverse effect on adjacent properties.
- Send letter to Community Development Director and Building Inspections Department detailing findings.
- Recheck any sites as requested by the Town.

Drainage Facilities Checks (Commercial Properties & Subdivisions)

- Provide topographic survey of property drainage and detention or retention basins.
- Compare constructed facilities against approved drainage plan.
- If there is a considerable variation between constructed facilities and approved drainage plan, model the constructed facilities to determine if they meet Town of Grand Chute requirements.
- Send letter to Community Development Department and Building Inspections Department detailing findings.
- Recheck any sites as requested by the Town.

Page 2
February 7, 2013

Mr. Bob Buckingham
Community Development Director
Town of Grand Chute

Services will be provided in accordance with McMAHON's General Terms and Conditions when requested by Town staff. Services will be charged on a time and expense basis at the rate in effect at the time the services are rendered. The 2013 rate schedule is attached. Invoices will be directed to Grand Chute Account Number 444002. A copy of McMAHON's General Terms and Conditions is attached for your reference.

If you have any questions concerning this, please call me.

Very truly yours,

McMAHON



Carl C. Sutter, P.E., CCS
Vice President

CCS:car

Enclosure: General Terms and Conditions
 2013 Fee Schedule

cc: Vic Lutz – McMAHON



McMAHON

GENERAL TERMS & CONDITIONS

Revised: January 17, 2013

1. McMAHON will bill the Owner monthly with net payment due in 30-days. Past due balances shall be subject to a service charge at a rate of 1.0% per month. In addition, McMAHON may, after giving 48-hours notice, suspend service under any Agreement until the Owner has paid in full all amounts due for services rendered and expenses incurred. These expenses include service charges on past due invoices, collection agency fees and attorney fees incurred by McMAHON to collect all monies due McMAHON. McMAHON and Owner hereby acknowledge that McMAHON has and may exercise lien rights on subject property.
2. The stated fees and Scope Of Services constitute our best estimate of the fees and tasks required to perform the services as defined. This Agreement, upon execution by both parties hereto, can be amended only by written instrument signed by both parties. For those projects involving conceptual or process development services, activities often cannot be fully defined during initial planning. As the project progresses, facts uncovered may reveal a change in direction, which may alter the Scope. McMAHON will promptly inform the Owner in writing of such situations so changes in this Agreement can be negotiated, as required.
3. The stipulated fee is firm for acceptance by the Owner for 60-days from date of Agreement publication.
4. Costs and schedule commitments shall be subject to re-negotiation for delays caused by the Owner's failure to provide specified facilities or information, or for delays caused by unpredictable occurrences, including without limitation, fires, floods, riots, strikes, unavailability of labor or materials, delays or defaults by suppliers of materials or services, process shutdowns, acts of God or the public enemy, or acts or regulations of any governmental agency. Temporary delay of services caused by any of the above, which results in additional costs beyond those outlined, may require re-negotiation of this Agreement.
5. Reimbursable expenses incurred by McMAHON in the interest of the project including, but not limited to, equipment rental will be billed to the Owner at cost plus 10% and sub-consultants at cost plus 12%. When McMAHON, subsequent to execution of an Agreement, finds that specialized equipment must be purchased to provide special services, the cost of such equipment will be added to the agreed fee for professional services only after the Owner has been notified and agrees to these costs.
6. McMAHON will maintain insurance coverage in the following amounts:

Worker's Compensation	Statutory
General Liability	
Bodily Injury - Per Incident / Annual Aggregate.....	\$1,000,000 / \$2,000,000
Automobile Liability	
Bodily Injury.....	\$1,000,000
Property Damage	\$1,000,000
Professional Liability Coverage	\$2,000,000
- If the Owner requires coverage or limits in addition to the above stated amounts, premiums for additional insurance shall be paid by the Owner. McMAHON's liability to Owner for any indemnity commitments, reimbursement of legal fees, or for any damages arising in any way out of performance of our contract is limited to \$1,000,000.
7. The Owner agrees to provide such legal, accounting and insurance counseling services as may be required for the project for the Owner's purpose. All unresolved claims, disputes and other matters in question between the Owner and McMAHON shall be submitted to mediation, if an agreement cannot be reached by Owner and McMAHON.
8. Termination of this Agreement by the Owner or McMAHON shall be effective upon 7-days written notice to the other party. The written notice shall include the reasons and details for termination; payment is due as stated in paragraph 1. If the Owner defaults in any of the Agreements entered into between McMAHON and the Owner, or if the Owner fails to carry out any of the duties contained in these terms and conditions, McMAHON may, upon 7-days written notice, suspend its services without further obligation or liability to the Owner unless, within such 7-day period, the Owner remedies such violation to the reasonable satisfaction of McMAHON.
9. Re-use of any documents or AutoCAD representations pertaining to this project by the Owner for extensions of this project or on any other project shall be at the Owner's risk and the Owner agrees to defend, indemnify and hold harmless McMAHON from all claims, damages and expenses, including attorneys' fees arising out of such re-use of the documents or AutoCAD representations by the Owner or by others acting through the Owner.
10. Purchase Orders - In the event the Owner issues a purchase order or other instrument related to the Engineer's services, it is understood and agreed that such document is for Owner's internal accounting purposes only and shall in no way modify, add to or delete any of the terms and conditions of this Agreement. If the Owner does issue a purchase order, or other similar instrument, it is understood and agreed that the Engineer shall indicate the purchase order number on the invoice(s) sent to the Owner.
11. McMAHON will provide all services in accordance with generally accepted professional practices. McMAHON will not provide or offer to provide services inconsistent with or contrary to such practices nor make any other warranty or guarantee, expressed or implied, nor to have any Agreement or contract for services subject to the provisions of any uniform commercial code. Similarly, McMAHON will not accept those terms and conditions offered by the Owner in its purchase order, requisition or notice of authorization to proceed, except as set forth herein or expressly accepted in writing. Written acknowledgment of receipt, or the actual performance of services subsequent to receipt, of any such purchase order, requisition or notice of authorization to proceed is specifically deemed not to constitute acceptance of any terms or conditions contrary to those set forth herein.
12. McMAHON intends to serve as the Owner's professional representative for those services, as defined in this Agreement, and to provide advice and consultation to the Owner as a professional. Any opinions of probable project costs, approvals and other decisions made by McMAHON for the Owner are rendered on the basis of experience and qualifications, and represent our professional judgment.
13. This Agreement shall not be construed as giving McMAHON the responsibility or authority to direct or supervise construction means, methods, techniques, sequence or procedures of construction selected by Contractors or Subcontractors, or the safety precautions and programs incident to the work of the Contractors or Subcontractors.
14. The Owner shall be responsible for maintenance of the structure, or portions of the structure, which have been completed and have been accepted for its intended use by the Owner. All structures are subject to wear and tear, and environmental and man-made exposures. As a result, all structures require regular and frequent monitoring and maintenance to prevent damage and deterioration. Such monitoring and maintenance is the sole responsibility of the Owner. McMAHON shall have no responsibility for such issues or resulting damages.

Services subcontracted will be billed to the owner at invoice cost plus 12%.

Use of special equipment, such as computers, television and sewer cleaning devices, soil density testers, flow meters, samplers, dippers, etc., will be charged to the project per the standard Equipment Rate Schedule, which is available upon request.

This Fee Schedule is subject to revisions due to labor rate adjustments and interim staff or corporate changes.

CORPORATE HEADQUARTERS

Street Address:
1445 McMAHON DRIVE
NEENAH, WI 54956

Mailing Address:
P.O. BOX 1025
NEENAH, WI 54957-1025

(920)751-4200 TELEPHONE
(920)751-4284 FAX

E-MAIL:
MCM@MCMGRP.COM

WEB SITE:
WWW.MCMGRP.COM

Labor Classification	Hourly Rate
Senior Project Manager	\$139.00
Planning	\$139.00
Project Manager - I	\$130.00
Project Manager - II	\$95.00
Vice President / Surveyor	\$120.00
Senior Surveyor	\$91.00
Surveyor	\$83.50
Surveyor Assistant - I	\$74.00
Surveyor Assistant - II	\$66.00
Surveyor Apprentice	\$35.00
Senior Electrical Engineer	\$120.00
Senior Project Engineer	\$120.00
Project Engineer - I	\$113.00
Project Engineer - II	\$98.00
Project Engineer - III	\$95.00
Project Engineer - IV	\$83.00
Senior Engineering Technician - I	\$96.00
Senior Engineering Technician - II	\$85.00
Engineering Technician - I	\$76.00
Engineering Technician - II	\$67.00
Engineering Technician - III	\$55.00
Environmental Specialist - I	\$85.00
Environmental Specialist - II	\$66.00
Environmental Specialist - III	\$62.00
Erosion Control Technician	\$66.00
On-Site Erosion Observation	\$66.00
Landscape Architect	\$139.00
Senior Architect	\$120.00
Architect	\$108.00
Architectural Intern - I	\$99.00
Architectural Intern - II	\$92.00
Architectural Intern - III	\$78.00
Architectural Intern - IV	\$43.00
Senior Ecologist	\$128.00
Senior Hydrogeologist	\$138.00
Senior G.I.S. Specialist	\$105.00
G.I.S. Specialist	\$67.00
G.I.S. Technician	\$52.00
Environmental Scientist - I	\$123.00
Environmental Scientist - II	\$68.00
Environmental Scientist - III	\$52.00
Public Finance Specialist	\$95.00
Senior Draftsperson	\$90.00
Draftsperson	\$77.00
Graphic Artist	\$74.00
Grant Administrator	\$55.00
Senior Administrative Assistant	\$68.00
Administrative Assistant	\$55.00
Intern	\$42.00
On-Site Project Representative	\$56.50
Principal	\$186.00
Professional Witness Services	\$250.00

June 13, 2013

Bob Buckingham
Community Development Director
Town of Grand Chute
1900 West Grand Chute Boulevard
Grand Chute, WI 54913

Re: Grand Chute Sanitary District #3
4194 North Orion Lane drainage facilities check
McM No.: G0003-930173.04

Dear Bob:

On June 12, 2013, a survey crew from McMahan performed a topographic survey of 4194 North Orion Lane. This is lot 26 of Butterfly Fields. This was requested on June 11, 2013.

The following elevation variations in excess of 0.1-feet were noted:

1. The constructed facilities northeast lot corner elevation was recorded as 800.64 compared to the approved drainage plan elevation of 799.50.
2. The constructed facilities northwest lot corner elevation was recorded as 802.25 compared to the approved drainage plan elevation of 802.50.
3. The constructed facilities southeast lot corner elevation was recorded as 800.52 compared to the approved drainage plan elevation of 799.50.
4. The constructed facilities southwest lot corner elevation was recorded as 802.60 compared to the approved drainage plan elevation of 802.83.
5. The constructed facilities high point on the north property line elevation was recorded as 804.51 compared to the approved drainage plan elevation of 803.83.
6. The constructed facilities high point on the south property line elevation was recorded as 802.84 compared to the approved drainage plan elevation of 803.50

Despite these variations, the drainage pattern of the lot has not changed.

Therefore, the constructed drainage facilities meet Town of Grand Chute requirements.

If you have any questions concerning this, please call me.

VTY,
CCS

Cc: Jeff Kopecky – Building Inspector

May 23, 2013

Bob Buckingham
Community Development Director
Town of Grand Chute
1900 West Grand Chute Boulevard
Grand Chute, WI 54913

Re: Grand Chute Sanitary District #3
Panda Express drainage facilities check
McM No.: G0003-930173.02

Dear Bob:

On April 23, 2013, a survey crew from McMahon performed a topographic survey of the Panda Express drainage facilities at 3641 West College Avenue. This was requested on April 15, 2013.

The recorded drainage facilities are in substantial conformance with the approved drainage plan. We revised the storm water management model using the recorded information and concluded the constructed facilities will function in accordance with the approved drainage plan.

Therefore, the constructed drainage facilities meet Town of Grand Chute requirements.

If you have any questions concerning this, please call me.

VTY,
CCS

Cc: Cary Nate, Chief Building Inspector – Town of Grand Chute
Eric Thiel, Community Development Technician – Town of Grand Chute

Mark Mommaerts

From: Lee Reibold <LReibold@mcmgrp.com>
Sent: Tuesday, August 20, 2013 1:10 PM
To: Mark Mommaerts
Subject: Drainage Facility Checks
Attachments: TOGC Drainage Facility Checks .pdf; GC detention basin check.doc; GC lot grade check.doc

Mark,
Dave Schmalz had mentioned to me that you were inquiring about performing drainage facility checks for new developments in the Town/Village. I spoke with Carl Sutter and McMahon performs drainage facility checks in the Town of Grand Chute for both residential and non-residential development. The attached pdf outlines the scope of services for drainage facility checks. Also attached are two sample word documents that would be submitted after the facility check has been completed. The fees for these checks are dependent upon the type of check we are performing as well as how many times the site requires rechecking. The cost for a typical residential lot grade check ranges from \$500-\$750 and a typical commercial lot check with a storm water pond ranges \$750 - \$1,000. A residential development storm water pond check ranges \$1,000 - \$1,500, depending upon size.

Please feel free to contact me to discuss.

Lee R. Reibold, P.E.
Project Engineer



1445 McMahon Drive, Neenah, WI 54956
P.O.Box 1025, Neenah, WI 54957-1025
920.751.4200 office
920.751.4284 fax
920.427.6020 cell



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VILLAGE OF HARRISON

TOWN OF HARRISON

COMMITTEE OF THE WHOLE MEETING

**VILLAGE OF HARRISON
TOWN OF HARRISON**

From:

Mark J. Mommaerts, AICP, Planner

Date:

March 2, 2016

Title:

Street Lighting Policy

Issue:

Should the Village approve a Street Light Policy? If so, what lighting standards and type should be utilized?

Background and Additional Information:

This item was referred back to the Committee by the Village Board. The proposed policy states that street lights will be installed at intersections of Village streets with other arterial/collector streets as indicated in the policy. The list of arterial/collector streets was developed from the list of arterial/collector streets in the Access Control Ordinance. The policy identifies aluminum or fiberglass poles for urban areas and wood poles for rural areas. Fixture type and lighting standards will be based on the need of the location.

The draft policy addresses four situations where a new development or neighborhood request may warrant a street light. Scenario 1 - street lighting will be installed during street reconstruction projects along the arterial and collector streets which could be incorporated into the project costs and paid as part of the project. Scenario 2 - citizens could petition for a street light, under this scenario there could be an assessment for the street lighting. Scenario 3 - the Village Board could initiate the placement of a street light to be paid by the Village. Scenario 4 - the Village Board could require street lighting as part of a new subdivision or new streets with initial costs paid by the developer and operation/maintenance costs paid by the Village.

Budget/Financial Impact:

The current Village budget does not include monies for street light installations.

Attachments:

- Street Light Policy with amendments (~~strikeout~~ means delete, *underline/italics* means add).
- Recommended Changes to Lighting Policy by Village Trustee La Shay.
- LED Lighting Options
- Non-LED Lighting Options



VILLAGE OF HARRISON STREET LIGHTING POLICY

Section 1: Intent

The intent of this policy is to outline the Village of Harrison's standards for the installation and retrofitting of street light along roadways and trails within the Village. The standards shall be applied to new and reconstructed roadways, trails, and stand-alone lighting upgrades as directed by the Village Board.

For the purposes of this Policy, the following is a list of arterial & collector streets under Village jurisdiction:

- Schmidt Road, from County N to Hwy 55
- Manitowoc Road, from Carpenter Street to State Park Road
- N. Coop Road, from County KK to Manitowoc Road
- Midway Road, from N. Coop Road to County N
- Eisenhower Drive, from Midway Road to Hwy 10/114
- Woodland Road, from County LP to County N
- State Park Road, from County KK to Sherwood Village Limits
- Sonny Drive, from County LP to Eisenhower Drive
- Prosperity Drive, from County KK in its entirety

The Village Board shall participate, where warranted and necessary, to apply street lighting at road intersections on the following arterials/collector roads not currently under Village jurisdiction:

- County N, from County KK to Hwy 114
- County LP, from Midway Road to Hwy 10/114
- County KK, from N. Coop Road to Hwy 55
- State Highways where they intersect a Village road

Section 2: Scope

The Street Lighting Policy addresses several different types of areas: Rural Character; Urban Character; and Multi-Use Trails. Each area has different lighting requirements due to the area usage. A street lighting map is included with this policy and defines the current locations of the six area types. The map may be changed by the Village Board from time to time as area usage changes.

Section 3: Street Lighting Standard Levels

Ownership, operation and maintenance of the Village of Harrison street and trail lighting is a combination of WE Energies, WPS, private, and municipal.

1. **Level 1** – lighting shall consist of light poles at all intersections of Village roads with arterial/collector roads, regardless if the arterial/collector is under Village jurisdiction or not. Level 1 lighting shall *may* utilize *existing* wooden poles with a ~~cobra head semi cut-off rectangular LED~~ fixture. *If an existing pole cannot be used then a smooth fiberglass or smooth aluminum pole shall be used.*
2. **Level 2** – lighting shall consist of smooth aluminum or fiberglass poles with a shoebox or cobra head fixture at all intersections of Village roads with arterial/collector roads, regardless if the arterial/collector is under Village jurisdiction or not. *Level 2 lighting shall consist of a rectangular LED fixture with a smooth fiberglass or smooth aluminum pole. The Village may consider utilizing an existing wooden pole. New* wooden poles are prohibited in Level 2.
3. **Level T** – lighting shall consist of 15-foot decorative *fiberglass or aluminum* pole with a full cutoff fixture at intersections of a multi-use trail (typical 10-foot wide) with arterial/collector roads, regardless if the arterial/collector is under Village jurisdiction or not. Level T may also consider bollard style lighting for areas in close proximity to residential structures.
4. Additional lighting in each Level may be approved by the Village Board in accordance with this policy.

Illumination type (e.g. High Pressure Sodium, LED, Metal Halide) shall be investigated on each project to provide the most cost effective option for the proposed lighting level *with preference given to LED lighting for consistency throughout the Village.* Initial lighting cost, ongoing maintenance, operation cost, and longevity shall be considered for each installation.

Section 4: Street Lighting Area Classifications

Street lighting shall be based on the character of the area in which it will be placed. The following classifications, along with the attached “Street Lighting Classification Map”, identify the lighting standard level for each area.

1. **Rural Character** – This area type shall receive Level 1 street lighting for general public safety purposes.
2. **Urban Character** - This area type shall receive Level 2 street lighting for general pedestrian and vehicular safety purposes.
3. **Multi-Use Trails** - This area type is defined as a paved trail in an area not lighted by street lights defined in the Rural Character or Urban Character. This area shall receive Level T lighting for pedestrian and bicycle safety purposes as approved by the Village Board.
4. The Village Board may amend the “Street Lighting Classification Map” at any time.

Section 5: Materials and Equipment

Poles, fixtures, and lighting design are generally provided by WE Energies, but may be provided by Wisconsin Public Service Corp. and/or private contractor on a project by project basis. All fixtures and poles shall be the same within a given subdivision or area. The performance standards for the Village of Harrison do not meet the Illuminating Engineers Society (IES) guidelines.

If additional lighting is desired, and it is reasonable for the area and environment, then it may be approved by the Village Board. Environmental concerns and energy use are factors that will be considered to limit the amount of lighting in excess of the Village standards. If lighting over the standard is installed, the full cost (installation, operation, and maintenance) of the “extra” lighting will be charged to the adjacent properties or subdivision. The installation charge is a one-time cost that may be paid over the term of the assessment. The operation and maintenance charges are annual charges added to the property tax bills.

Section 6: Funding Street Lighting

The funding for street lighting projects varies based on the process used to install the lighting. The installation of street lighting is either associated with a 1) street reconstruction project; 2) a stand-alone street lighting project that was initiated by the citizens, neighborhood and/or business; 3) a stand-alone street lighting project initiated by the Village Board to address a safety concern; or 4) as part of the construction of a new street or subdivision.

Generally.

Assessment rates may differ from project to project due to installation costs of standard systems in different area types and will be set on an individual project basis. The cost of a lighting project includes, preliminary engineering, administration, design, installation, inspection, and final closeout.

Operation and maintenance costs for street lighting that has been installed in the public right-of-way and to the Villages’ standards (lighting level and equipment) may be owned and maintained by WE Energies, WPS, or by the Village. The operation and maintenance cost for street lighting meeting the standard levels of this policy ~~will be charged equally to all Village property owners as a special charge on their property tax bills~~ will be paid by the Village out of the general fund. The operation and maintenance cost for street lighting above the Village’s standards will be assessed to the adjacent properties, as an area-wide assessment or front footage assessment as determined by the Village Board, in the form of a special charge on the property tax bills.

1. Capital Improvement Street Reconstruction Projects.

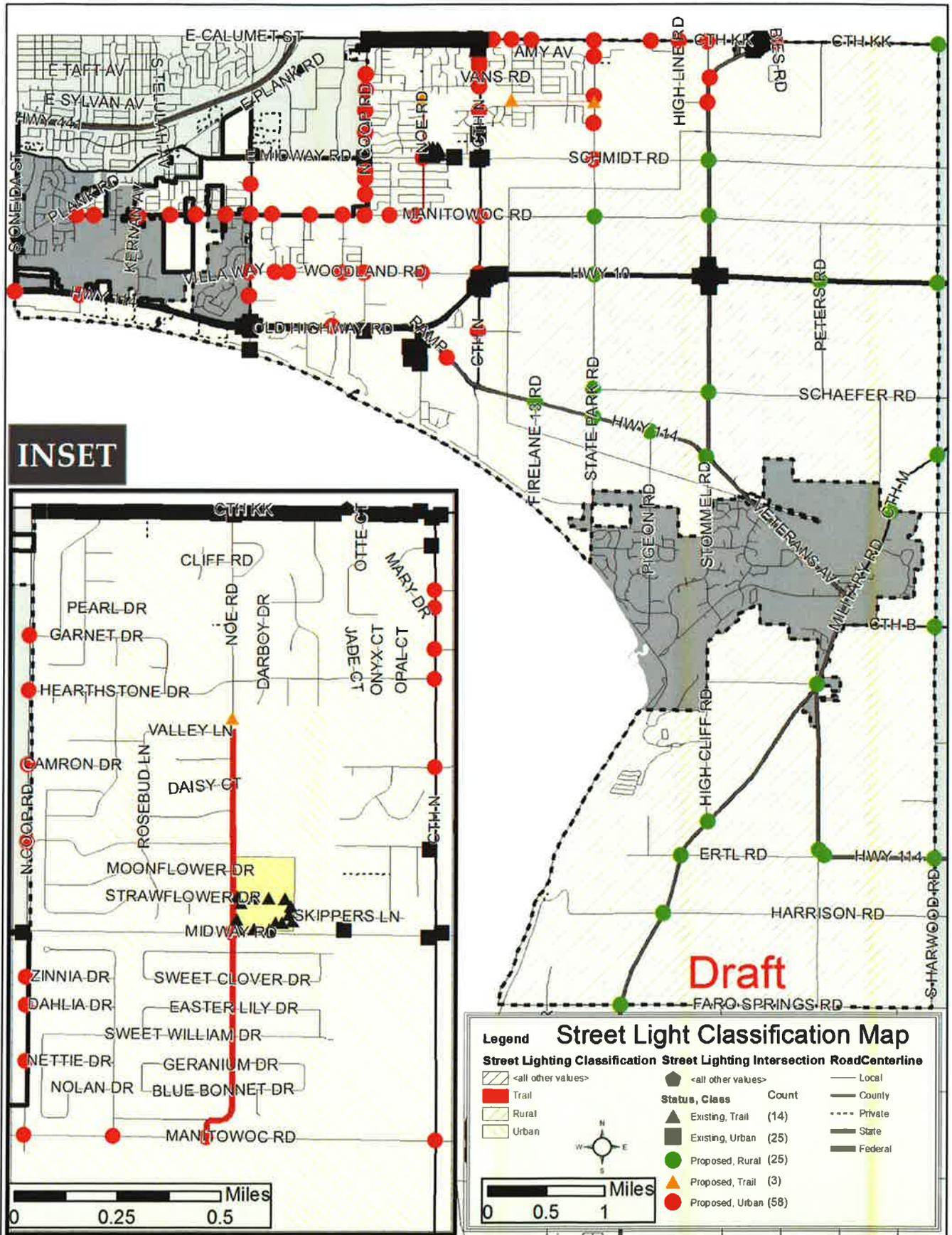
- a. **Arterial/Collector Streets.** New lighting systems will be installed with street reconstruction projects along arterial and collector streets as identified in the intent section of this policy. All costs for the installation of this street lighting shall be paid by the Village. Costs for operation and maintenance will be paid by the Village.

- b. **Existing Subdivisions & Developments.** New lighting systems, that exceed the standard light level of this policy, may be installed with street reconstruction projects in the urban character areas as requested by citizens or developments. The cost of the new lighting facilities installation will be assessed by an area-wide or front footage assessment procedure as determined by the Village Board. Costs for operation and maintenance will be equally divided among the subdivision/area property owners or commercial/business developments as a special charge on the tax bill. There is no option to “opt-out” of the prescribed lighting level.
2. **Citizen or Development Requested Street Lighting Projects.** Citizens or Developments may petition the Village Board to “opt-in” to street lighting and pay an assessment for the cost of such installation. Such petition shall have at least 70% of the affected property owners agree to support and fund the project as an area-wide or front footage assessment, as determined by the Village Board. Other funds may be used to “buy down” assessments such as grant dollars or neighborhood association funds. The operation and maintenance cost for this street lighting will be assessed to the area, as an area-wide assessment or front footage assessment as determined by the Village Board, in the form of a special charge on the property tax bills. The Village Board may deny a stand-alone street lighting project based on the area being too small.
3. **Village Board Initiated Street Lighting Projects.** The Village Board may initiate a street lighting project for public safety purposes. All costs for the installation of this street lighting shall be paid by the Village. Costs for operation and maintenance will be paid by the Village.
4. **New Street or New Subdivision Development.** All new streets, either dedicated by plats first submitted after adoption of this policy or constructed as part of a single development, shall have street lighting included with the initial construction to the level described above for the area’s lighting classification or as directed by the Village Board. Street lighting shall be installed before the roadway is accepted as a Village road and prior to the issuance of an occupancy permit to a building with its primary access onto the new roadway. New streets, as described above, do not have an option to “opt-out” of the prescribed lighting level. All costs for the installation of required street lighting shall be paid by the developer. Costs for operation and maintenance of the standard lighting level will be paid by the Village of Harrison. All costs for the installation, operation and maintenance of any street lighting that exceeds the standard lighting level will be assessed equally among the subdivision/development property owners as a special charge on the tax bill as described above.

This procedure and policy is duly adopted by the Village Board of the Village of Harrison on the ___ day of _____, 20__.

By: _____
James Salm, Village President

Attest: _____
Jennifer Weyenberg, Village Clerk



red = deleted language
green = Dave's language

Recommended Changes to Lighting Policy. Dave La Shay

Capital Improvement Street Reconstruction Projects.

1. Arterial/Collector Streets. New Lighting will be installed arterial and collector streets as identified in the intent section of this policy. All cost for the installation of this street lighting shall be paid by the Village. Cost for operation and maintenance will be paid by the Village.
2. For existing Local Streets, future subdivisions and other developments; see below.

Existing Subdivisions, New Subdivisions and other Developments.

1. On New Lighting Systems or Replacement Systems that exceed the standard lighting levels of the attached standards to this of policy may be installed with street reconstruction within the urban character areas as requested by citizens or developments.
2. Cost of the new lighting facilities installed within existing urban subdivisions will be that meet the standard lighting policy attached will be installed, operated and maintained by the Village upon the street being reconstructed. assessed by area-wide or front footage assessment procedures as determined by the Village Board.
3. (installation, operation and maintenance will be assessed by area wide or front footage assessment procedures as a special charge on tax bill.

Citizen or Development Requested Street Lighting.

1. Citizens or Developments may petition the village to **“opt-In”** for street lighting.
2. Only if 70% of the effected property owners agree. to support and fund the project as an area-wide or front footage assessment.
3. Other funds may be used to “buy down” cost, assessments such as grant dollars or neighborhood, development association funds if available.
4. The operation and maintenance cost for this street lighting will be assessed to the area, as an area wide assessment or front footage assessment as determined by the Village Board, in the form of a special charge on the Property tax bills village wide urbanized property tax bills or as needed in rural areas as a village wide rural tax bills. The Village Board may deny a stand-alone street lighting project based on the area being too small, resulting in unusual higher cost of installation, operation or maintenance.
5. Cost for installation, operation and maintenance will be equally divided among the subdivision/area property owners or on commercial/ business development as a special charge on the tax bill. There is no option to “opt-out” of the prescribed lighting level.

Village Board Initiated Street Lighting Projects

1. The Village Board may initiate a street lighting project for public safety purposes. All cost for installation of this lighting shall be paid for by the Village. Cost for the operation and maintenance will be paid for by Village.

New Street or New Subdivision Development.

1. All new streets, either dedicated by plats record after January 1, 2016 or constructed as part of a single development, shall have street lighting included with the initial construction to the level described above for the area's lighting classification per attached lighting standards or as directed by Village Board. Street lighting shall be installed before the roadway is accepted as a Village road and prior to the issuance of an occupancy permit to any building with its primary access onto the new roadway. New streets, as described above, do not have an option to "opt-out" prescribed lighting level. All cost for installation of required street lighting shall be paid by the developer. Costs for installation, operation and maintenance of standard lighting levels will be paid by the associated business owners or developer within a business park or by Village on residential development of Harrison. All costs for the installation, operation and maintenance of any street lighting that exceeds the standard lighting level will be assessed equally after determining the cost difference between the village standard lighting policy and the those that exceed the standardized lighting policy among the subdivision/development property owners as a additional special charge on the tax bill as described above and shall be transferred to all new property own in any existing subdivision, new subdivision or other developments .

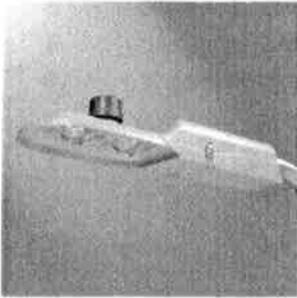
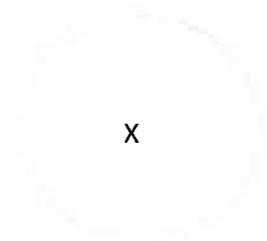
This policy does not require the Village Board to install street lighting in any existing subdivision prior to the date above unless it is written within this policy.

LED LIGHTING – NON-STANDARD



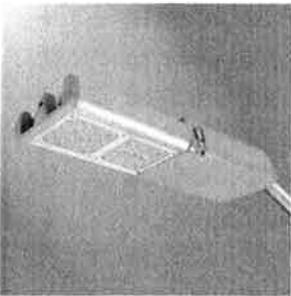
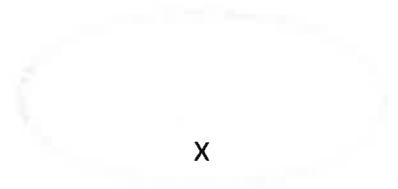
Yard Light, Gray Only

Lumen Output	Fixture Class	Rated Watts	Billed kWh
Low	B	48	17
Med	--	--	--
High	--	--	--



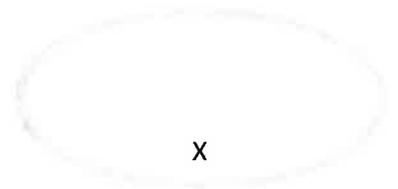
Oval, Gray Only

Low	C	64	23
Med	D	92	33
High	--	--	--



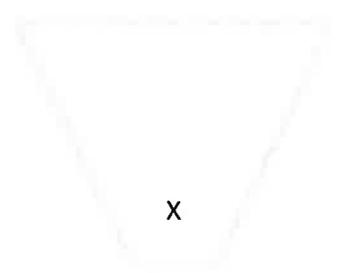
Rectangular, Dark Bronze or Gray

Low	D	56	20
Med	E	107	39
High	F	157	57



Floodlight, Dark Bronze Only

Low	E	85	31
Med	G	129	47
High	--	--	--





Non-standard lighting - Wisconsin

Select a light

In addition to the quoted energy charge, all non-standard lights have monthly facilities charge based on a small percentage of the installation cost.

Name	Photo	Description	Wattage
Open Bottom		Common installations include parking areas, driveways, yards, recreation areas and storage areas.	70, 100 and 200 watt HPS
Open Bottom Full Cut Off		A reduced-glare version of the Open Bottom standard area light. Can be installed new or the full cut off shield can replace the acrylic lens on certain installations. Common installations include parking areas, driveways, yards, recreation areas, and storage areas.	70, 100 and 200 watt HPS
Cobra Full Cut Off		Full cut off refers to the flat lens that directs more light downward and reduces glare.	Up to 400 watt HPS or Metal Halide
Cobra Semi Cut Off		Semi cut off has a drop lens that projects light to the sides for greater coverage. Common applications include parking areas and	Up to 400 watt HPS

		roadways.	
Directional Flood		Common applications include parking lots, storage facilities, loading docks, recreation areas, outdoor signs and landscaped areas.	Up to 400 watt HPS or Metal Halide
Shoebox		Full cut off feature to reduce glare. Commonly used for roadway, driveway or parking area lighting.	Up to 400 watt HPS or Metal Halide
Acorn		A very popular fixture since the early 20th century. A prismatic globe optimizes light distribution. Commonly installed in residential subdivisions or for street lighting in business districts. Available in black or green.	100 and 150 watt HPS 175 watt Metal Halide
Paragon Ribbed		A more ornate version of the acorn style fixture. It originated in the early 20th century. Ribbed, prismatic globe provides even light distribution. Commonly used for street lighting in business districts or residential subdivisions. Available in black or green.	150 watt HPS
Paragon Clear		A more ornate version of the acorn style fixture. It	150 watt HPS

		<p>originated in the early 20th century. Commonly used for street lighting in business districts or residential subdivisions. The clear Paragon is a cutoff fixture, reducing glare. Available in black or green.</p>	
Coach		<p>The Coach light's traditional styling and old fashioned charm compliment any setting. The cut off design reduces glare. Commonly used for street lighting in business districts or residential subdivisions. Available in black.</p>	<p>70,100 and 150 watt HPS 175 watt Metal Halide</p>
Gothic		<p>This style first appeared during World War I and became a popular street light in the city of Cleveland. Commonly used for street lighting in business districts or residential subdivisions. Available in black or green.</p>	<p>150 watt HPS</p>
Gothic with Spikes		<p>This style first appeared during World War I. Distinctive spikes and barbs provide a striking appearance. Commonly used for</p>	<p>150 watt HPS</p>

		street lighting in business districts or residential subdivisions. Available in black or green.	
Harp		This unique style first appeared on the city streets of old Milwaukee. Commonly used for street lighting in business districts, college campuses, parks, and parking lots. Available in black.	100 and 150 watt HPS 175 watt Metal Halide

Select a Pole and Bracket

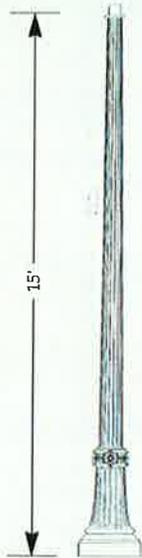


POLES

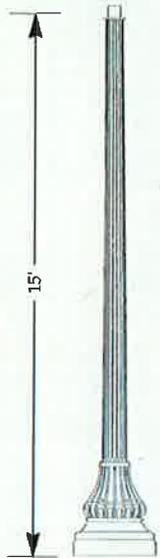


Distinctive Outdoor Lighting

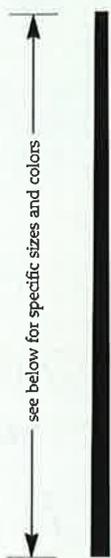
POLES



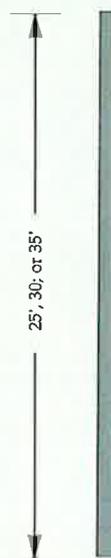
MADISON
Fiberglass
anchor base
underground wiring



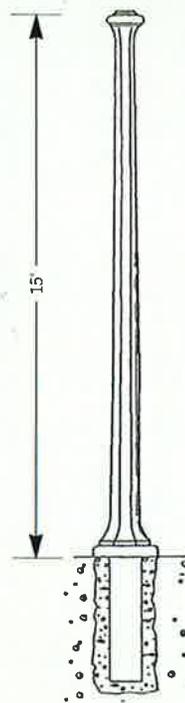
WASHINGTON
Fiberglass
anchor base
underground wiring



SMOOTH FIBERGLASS
Black — 12' or 15'
Bronze or Aluminum colored —
16', 20', 25' 30' or 35'



SMOOTH ALUMINUM

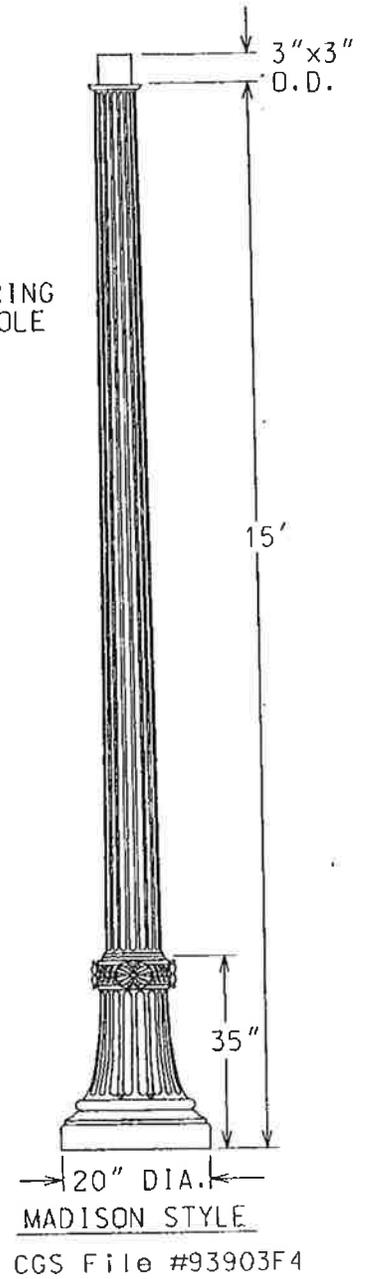
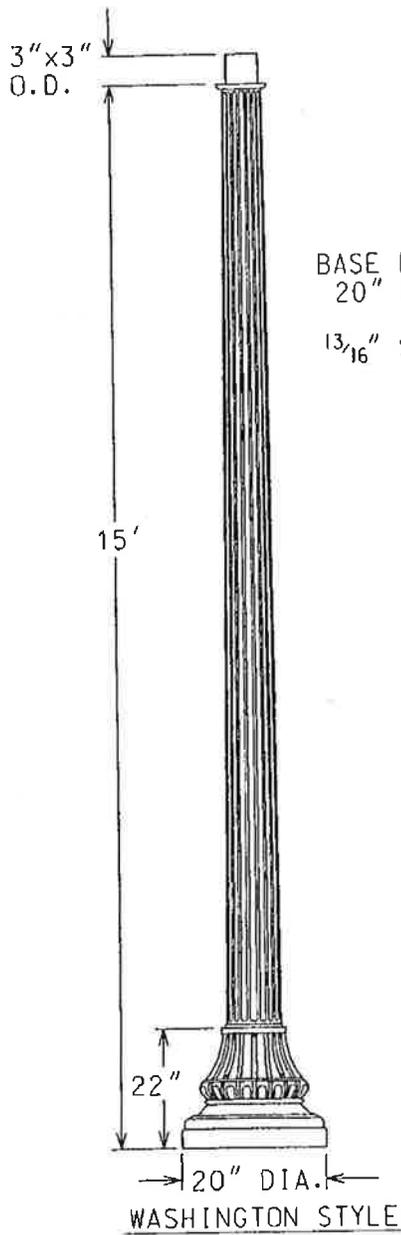


WASHINGTON SERIES — 15'
Additional Concrete poles
available —
25', 30' or 35'
direct burial
underground wiring



Distinctive Outdoor Lighting

POLE - DECORATIVE FIBERGLASS





VILLAGE OF HARRISON

TOWN OF HARRISON

COMMITTEE OF THE WHOLE MEETING

TOWN/VILLAGE OF HARRISON

Date: March 8th, 2016

Title:

Model Ordinance for Construction Site Erosion and Sediment Control

Issue:

Should the Town/Village of Harrison create an ordinance for construction site erosion and sediment control?

Background and Additional Information:

The WDNR is requiring communities to adopt new ordinances for construction site erosion and sediment control.

The attached model ordinance was created by the NEWSOC for its member to meet the new WDNR requirements.

The basic question for the boards to consider is whom shall the Town/Village authorize to administer permitting, review, and enforcement of the stormwater requirements.

Currently, this is accomplished between the Village Planner and the contracted Building Inspector. This can create problems with the contracted building inspector only being part time. Other communities are using an engineer to review plans and make inspections.

Budget/Financial Impact:

Cost of permitting, review and enforcement.

Recommended Action:

Holding over the ordinance until finalized.

Attachments:

Copy of model construction site erosion and sediment control.

NEWSC MODEL CONSTRUCTION SITE EROSION CONTROL ZONING ORDINANCE

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MODEL CONSTRUCTION SITE EROSION CONTROL ZONING ORDINANCE

AN ORDINANCE RELATING TO THE CONTROL OF CONSTRUCTION SITE EROSION RESULTING FROM LAND DISTURBING CONSTRUCTION ACTIVITIES

FOREWORD.

The Village Board of the Village of Harrison does hereby ordain that 113 of the Harrison municipal code is created to read as follows:

CONSTRUCTION SITE EROSION

S.01 AUTHORITY.

- (1) This ordinance is adopted under the authority granted by s. 61.354, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 61.35, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in s. 61.354, Wis. Stats., s. 61.35, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The Village Board of the Village of Harrison hereby designates the Director of Public Works or designee to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.
 - (b) Targeted performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

S.02 FINDINGS OF FACT.

The Village of Harrison Village Board finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state.

S.03 PURPOSE.

It is the purpose of this ordinance to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other

pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state.

S.04 APPLICABILITY AND JURISDICTION.

(1) APPLICABILITY.

- (a) Where not otherwise limited by law, this ordinance applies to all construction sites, unless the site is otherwise exempt under S.04(1)(b) or (c):
 - 1. A permit is required for a construction site with 4,000 square feet or greater of land disturbing construction activity. The responsible party shall comply with all applicable provisions of this ordinance for a permitted site, including the S.07(2) performance standards, S.08 permit requirements, and S.09 plan requirements.
 - 2. A permit is not required for a construction site with less than 4,000 square feet of land disturbing construction activity. The responsible party shall comply with all applicable provisions of this ordinance for a non-permitted site, including the S.07(1) performance standards.
 - 3. Notwithstanding the applicability requirements in S.04(1)(a)1 and 2, a permit is required for a construction site with less than 4,000 square feet of land disturbing construction activity if the Director of Public Works or Village Engineer determines that permit coverage is needed in order to improve ordinance compliance, meet targeted performance standards, or protect waters of the state. If a permit is required, the responsible party shall comply with all applicable provisions of this ordinance for a permitted site, including the S.07(2) performance standards, S.08 permit requirements, and S.09 plan requirements.
- (b) This ordinance does not apply to the following:
 - 1. Land disturbing construction activity that includes the construction of 1- and 2-family residential dwellings that are not part of a larger common plan of development or sale and that result in less than 1 acre of disturbance. These construction sites are regulated by the Wisconsin Department of Safety and Professional Services under s. SPS 321.125 Wis. Adm. Code.
 - 2. Nonpoint discharges from agricultural activity areas.
 - 3. Nonpoint discharges from silviculture activities.
- (c) A construction site exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under 40 CFR 122, for land disturbing construction activity, shall comply with S.07(1) performance standards 6 if less than 1 acre of land disturbing construction activity. The S.07(2)

performance standards, S.08 permit requirements, and S.09 plan requirements are not applicable.

(2) JURISDICTION.

This ordinance applies to land disturbing construction activities on lands within the boundaries and jurisdiction of the Village of Harrison, as well as all lands located within the extraterritorial plat approval jurisdiction of the Village of Harrison, even if plat approval is not involved.

(3) EXCLUSIONS.

This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Wis. Stats.

S.05 DEFINITIONS.

(1) "Administering authority" means a governmental employee, or a regional planning commission empowered under s. [59.693; 60.627; 61.354; 62.234], Wis. Stats., that is designated by the Village Board to administer this ordinance.

(2) "Agricultural activity area" means the part of the farm where there is planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes, excavation, filling and similar practices. The agricultural activity area does not include the agricultural production area.

(3) "Agricultural production area" means the part of the farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways, parking areas, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the agricultural activity area.

(4) "Best management practice" or "BMP" means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

(5) "Business day" means a day that the Village of Harrison is routinely and customarily open for business.

(6) "Cease and desist order" means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

(7) "Common plan of development or sale" means a development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A common plan of development or sale includes, but is not limited to, subdivision plats, certified survey maps, and other developments.

(8) "Construction site" means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development.

(9) "Design storm" means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall. The TR-55, Type II, 24-hour design storms for the Village of Harrison are: 1-year, 2.2 inches; 2-year, 2.5 inches; 5-year, 3.3 inches; 10-year, 3.8 inches; 25-year, 4.4 inches; and 100-year, 5.3 inches.

(10) "Development" means residential, commercial, industrial, institutional, or other land uses and associated roads.

(11) "Division of land" means the creation from one or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a 5 year period.

(12) "Erosion" means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

(13) "Erosion and sediment control plan" or "plan" means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

(14) "Extraterritorial" means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.

(15) "Final stabilization" means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

(16) "Governing body" means village board of trustees.

(17) "Land disturbing construction activity" (or "disturbance") means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of pollutants into the municipal separate storm sewer or waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and soil stockpiling.

(18) "MEP" or "maximum extent practicable" means the highest level of performance that is achievable but is not equivalent to a performance standard identified within this ordinance. Maximum extent

practicable applies when the permit applicant demonstrates to the Director of Public Work's or Village Engineer's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the permit applicant shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

(19) "Performance standard" means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(20) "Permit" means a written authorization made by the Village of Harrison to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

(21) "Pollutant" has the meaning given in s. 283.01 (13), Wis. Stats.

(22) "Pollution" has the meaning given in s. 281.01 (10), Wis. Stats.

(23) "Protective area" has the meaning given in the [name of municipality] Post-Construction Storm 9 Water Management Ordinance.

(24) "Responsible party" means any entity holding fee title to the property or performing services to meet the performance standards of this ordinance through a contract or other agreement.

(25) "Runoff" means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

(26) "Sediment" means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

(27) "Separate storm sewer" means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

- (a) Is designed or used for collecting water or conveying runoff.
- (b) Is not part of a combined sewer system.
- (c) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
- (d) Discharges directly or indirectly to waters of the state.

(28) "Silviculture activities" means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

(29) "Site" means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

(30) "Stop work order" means an order issued by the [administering authority] which requires that all construction activity on the site be stopped.

(31) "Targeted performance standard" means a performance standard that will apply in a specific area, where additional practices beyond those contained in this ordinance, are necessary to meet water quality standards. A total maximum daily load is an example of a targeted performance standard.

(32) "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a BMP, material, device or method.

(33) "Total maximum daily load" or "TMDL" means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

(34) "TR-55" means the United States department of agriculture, natural resource conservation service (previously soil conservation service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986, which is incorporated by reference for this ordinance.

(35) "Type II distribution" means a rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973", which is incorporated by reference for this ordinance. The Type II curve is applicable to all of Wisconsin 10 and represents the most intense storm pattern.

(36) "Waters of the state" has the meaning given in s. 283.01 (20), Wis. Stats.

S.06 TECHNICAL STANDARDS.

(1) DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS. All BMPs required to comply with this ordinance shall meet the design criteria, standards and specifications based on any of the following:

(a) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.

(b) Technical standards and other guidance identified within the Village of Harrison Storm Water Reference Guide.

(c) Soil loss prediction tools such as the Revised Universal Soil Loss Equation 2 (RUSLE2) that estimate the sediment load leaving the site under varying land and management conditions may be used to show compliance with the sediment performance standards contained in S.07(2).

- (d) For this ordinance, average annual basis is calculated using the appropriate annual rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a Type II distribution, with consideration given to the geographic location of the site and the period of disturbance.
- (2) OTHER STANDARDS. Other technical standards not identified in S.06 may be used provided that the methods have been approved by the Village Board.

S.07 PERFORMANCE STANDARDS.

(1) NON-PERMITTED SITES.

- (a) RESPONSIBLE PARTY. The landowner of the construction site or other person contracted or obligated by other agreement with the landowner to implement and maintain construction site BMPs is a responsible party and shall comply with this ordinance.
- (b) REQUIREMENTS. At each site where land disturbing construction activity is to occur, BMPs shall be used to prevent or reduce all of the following:
 - 1. The deposition of soil from being tracked onto streets by vehicles.
 - 2. The discharge of sediment from disturbed areas into storm water inlets.
 - 3. The discharge of sediment from disturbed areas into adjacent waters of the state.
 - 4. The discharge of sediment from drainage ways that flow off the site.
 - 5. The discharge of sediment by dewatering activities.
 - 6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 - 7. The discharge of onsite chemicals, cement and other building compounds and materials into waters of the state or offsite separate storm sewers during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this ordinance.
- (c) LOCATION. BMPs shall be located so that treatment occurs before runoff enters waters of the state and offsite separate storm sewers. However, projects that require BMP placement in waters of the state, such as a turbidity barrier, are not prohibited by this ordinance. Note to Users: While regional treatment facilities are appropriate for control of postconstruction pollutants, they should not be used for construction site sediment removal.
- (d) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:

1. Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
 2. Erosion and sediment control practices shall be maintained until final stabilization.
 3. Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
 4. Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 5. BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.
- (e) ALTERNATE REQUIREMENTS. The Village of Harrison may establish erosion and sediment control requirements more stringent than those set forth in this ordinance if the Village Board determines that an added level of protection is needed to protect resources.

(2) PERMITTED SITES.

- (a) RESPONSIBLE PARTY. The landowner or other person performing services to meet the performance standards of this ordinance, through a contract or other agreement with the landowner, is a responsible party and shall comply with this ordinance.
- (b) PLAN. A written erosion and sediment control plan shall be developed and implemented by the responsible party in accordance with S.09. The erosion and sediment control plan shall meet all of the applicable requirements contained in this ordinance.
- (c) REQUIREMENTS. The erosion and sediment control plan shall meet all of the following:
 1. The plan shall use BMPs to prevent or reduce all of the following:
 - a. The deposition of soil from being tracked onto streets by vehicles.
 - b. The discharge of sediment from disturbed areas into storm water inlets.
 - c. The discharge of sediment from disturbed areas into adjacent waters of the state.
 - d. The discharge of sediment from drainage ways that flow off the site.
 - e. The discharge of sediment by dewatering activities.

- f. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 - g. The discharge of sediment from erosive flows at outlets and in downstream channels.
 - h. The discharge of onsite chemicals, cement and other building compounds and materials into waters of the state or offsite separate storm sewers during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this ordinance.
 - i. The discharge of untreated wash water from vehicle and wheel washing into waters of the state or offsite separate storm sewers.
2. For sites with 1 acre or more of land disturbing construction activity, the plan shall meet the following sediment performance standards:
- a. BMP's that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
 - b. Except as provided in S.07(2)(f), the Village Board may not require any person to employ more BMPs than are needed to meet the 5 tons per acre per year sediment performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the sediment performance standard. The Village Board may give credit toward meeting the sediment performance standard for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.
 - c. Notwithstanding S.07(2)(c)2.a. and b., if BMPs cannot be designed and implemented to meet the 5 tons per acre per year sediment performance standard, the plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.
3. The plan shall incorporate all of the following preventative measures:
- a. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
 - b. Minimization of soil compaction and preservation of topsoil.

- c. Minimization of land disturbing construction activity on slopes of 20% or more.
 - d. Development of spill prevention and response procedures.
- (d) LOCATION. BMPs shall be located so that treatment occurs before runoff enters waters of the state and offsite separate storm sewers. However, projects that require BMP placement in waters of the state, such as a turbidity barrier, are not prohibited by this ordinance.
- (e) IMPLEMENTATION. The BMPs used to comply with this ordinance shall be implemented as follows:
 - 1. In accordance with the plan developed pursuant to S.09, the erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
 - 2. Erosion and sediment control practices shall be maintained until final stabilization.
 - 3. Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
 - 4. Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - 5. BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.
- (f) TARGETED PERFORMANCE STANDARDS. The Village Board may establish numeric water quality requirements that are more stringent than those set forth in S.07(2)(c) in order to meet targeted performance standards, total maximum daily 15 loads, and/or water quality standards for a specific water body or area. The numeric water quality requirements may be applicable to any permitted site, regardless of the size of land disturbing construction activity.

S.08 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

- (1) PERMIT REQUIRED. When a permit is required, no responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Village of Harrison.
- (2) PERMIT APPLICATION AND FEES. When a permit is required, at least one responsible party desiring to undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the

requirements of S.09 and shall pay an application fee. By submitting an application, the applicant is authorizing the Director of Public Works or Village designee to enter the site to obtain information required for the review of the erosion and sediment control plan.

- (3) REVIEW AND APPROVAL OF PERMIT APPLICATION. The Director of Public Works or Village Engineer shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
- (a) Within [20] business days of the receipt of a complete permit application, as required by S.08(2), the Director of Public Works or Village Engineer shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this ordinance.
 - (b) If the permit application and plan are approved, the Director of Public Works or Village Engineer shall issue the permit.
 - (c) If the permit application or plan is disapproved, the Director of Public Works shall state in writing the reasons for disapproval.
 - (d) The Director of Public Works or Village Engineer may request additional information from the applicant. If additional information is submitted, the Village Engineer shall have [20] business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
 - (e) Failure by the Village Engineer to inform the permit applicant of a decision within [20] business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (4) FINANCIAL GUARANTEE. As a condition of approval and issuance of the permit, the V may require the applicant to deposit a surety bond, cash escrow, or irrevocable letter of credit to guarantee a good faith execution of the approved erosion and sediment control plan and any permit conditions.
- (5) PERMIT REQUIREMENTS. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The Director of Public Works or Village Engineer may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Director of Public Works or Village Engineer to suspend or revoke this permit may be appealed in accordance with S.13.
- (a) Notify the Director of Public Works or Village Engineer within 48 hours of commencing any land disturbing construction activity.
 - (b) Notify the Director of Public Works or Village Engineer of completion of any BMPs within [10] business days after their installation.

- (c) Obtain permission in writing from the Director of Public Works or Village Engineer prior to any modification pursuant to S.09(2) of the erosion and sediment control plan.
 - (d) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (e) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
 - (f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in weekly inspection reports.
 - (g) Conduct construction site inspections at least once per week and within 24 hours after a precipitation event of 0.5 inches or greater. Repair or replace erosion and sediment control BMPs as necessary within 24 hours of an inspection or notification that repair or replacement is needed. Maintain, at the construction site, weekly written reports of all inspections. Weekly inspection reports shall include all of the following: date, time and location of the construction site inspection; the name of individual who performed the inspection; an assessment of the condition of erosion and sediment controls; a description of any erosion and sediment control BMP implementation and maintenance performed; and a description of the present phase of land disturbing construction activity at the construction site.
 - (h) Allow the Director of Public Works or designee to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan. Keep a copy of the erosion and sediment control plan, storm water management plan, amendments, weekly inspection reports, and permit at the construction site until permit coverage is terminated.
 - (i) The permit applicant shall post the "Certificate of Permit Coverage" in a conspicuous location at the construction site.
- (6) PERMIT CONDITIONS. Permits issued under this section may include conditions established by Village Board in addition to the requirements set forth in S.08(5), where needed to assure compliance with the performance standards in S.07.
- (7) PERMIT DURATION. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Director of Public Works or Village Engineer may extend the period one or more times for up to an additional 180 days. The Director of Public Works or Village Engineer may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.

- (8) MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.
- (9) ALTERNATE REQUIREMENTS. The Village Board may prescribe requirements less stringent for applicants seeking a permit for a construction site with less than 1 acre of land disturbing construction activity.

S.09 EROSION AND SEDIMENT CONTROL PLAN.

(1) PLAN REQUIREMENTS. The erosion and sediment control plan required under S.07(2) shall comply with the Village of Harrison Storm Water Reference Guide and contain at a minimum the following information:

- (a) Name, address, and telephone number of the landowner and responsible parties.
- (b) A legal description of the property proposed to be developed.
- (c) A site map with property lines, disturbed limits, and drainage patterns.
- (d) Total area of the site and total area of the construction site that is expected to be disturbed by construction activities.
- (e) Performance standards applicable to site.
- (f) Proposed best management practices.
- (g) Erosion and sediment control plan narrative.
- (h) Construction sequence and construction schedule.

(2) AMENDMENTS. The applicant shall amend the plan if any of the following occur:

- (a) There is a change in design, construction, operation, maintenance or schedule at the site which has the reasonable potential for the discharge of pollutants to waters of the state or separate storm sewers, and which has not otherwise been addressed in the plan.
- (b) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
- (c) The Director of Public Works or Village Engineer notifies the applicant of changes needed in the plan.

- (3) ALTERNATE REQUIREMENTS. The Village Board may prescribe requirements less stringent for applicants seeking a permit for a construction site with less than 1 acre of disturbance.

S.10 FEE SCHEDULE.

The fees referred to in other sections of this ordinance shall be established by Village Board and may from time to time be modified by resolution. A schedule of the fees established by the Village Board shall be available for review in Village Clerk's Office.

S.11 INSPECTION.

Whenever land disturbing construction activities are being carried out, the Director of Public Works or designee may enter the land pursuant to the provisions of ss. 66.0119(1), (2), and (3), Wis. Stats. 19

S.12 ENFORCEMENT.

- (1) The Director of Public Works or Village Engineer may post a stop-work order if any of the following occurs:
 - (a) Any land disturbing construction activity is being undertaken without a permit and, pursuant to S.04(1) of this ordinance, a permit is required for the construction site.
 - (b) The erosion and sediment control plan is not being implemented in a good faith manner.
 - (c) The conditions of the permit are not being met.
 - (d) Any land disturbing construction activity is in violation of the ordinance.
- (2) If the responsible party does not cease activity as required in a stop-work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Director of Public Works or Village Engineer may revoke the permit.
- (3) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Director of Public Works or Village Engineer, or if a responsible party violates a stop-work order posted under S.12(1), the Village Manager may request the village attorney to obtain a cease and desist order in any court with jurisdiction.
- (4) The Village Manager may retract the stop-work order issued under S.12(1) or the permit revocation under S.12(2).
- (5) After posting a stop-work order under S.12(1), the Director of Public Works may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Director of Public Works or designee may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this ordinance by the Village of Harrison, plus interest at the rate authorized by the Village Board shall be billed to

the responsible party or recovered from the surety bond, cash escrow, or irrevocable letter of credit. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subch. VII of ch. 66, Wis. Stats.

- (6) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than one dollar nor more than five hundred dollars and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (7) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

Note to Users: Injunctive orders are authorized pursuant to s. 59.69(11), 61.35, or 62.23(8), Wis. Stats., for counties, villages and towns with village powers, and cities respectively.

S.13 APPEALS.

- (1) BOARD OF APPEALS. The board of appeals:
 - (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Public Works or Village Engineer in administering this ordinance except for cease and desist orders obtained under S.12(3).
 - (b) Upon appeal, may authorize variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and
 - (c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (2) WHO MAY APPEAL. Appeals to the board of appeals or adjustment may be taken by any aggrieved person or by any office, department, board, or bureau of the Village of Harrison affected by any decision of the Director of Public Works or Village Engineer.

S.14 SEVERABILITY.

If a court of competent jurisdiction judges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.

S.15 EFFECTIVE DATE.

This ordinance shall be in force and effect from and after its adoption and publication. The above and foregoing ordinance was duly adopted by the Village Board of the Village of Harrison on the [number] day of [month], [year].

Approved: _____

Attested _____

Published on [day, month, and year].

DRAFT



VILLAGE OF HARRISON

TOWN OF HARRISON

COMMITTEE OF THE WHOLE MEETING

TOWN/VILLAGE OF HARRISON

Date: March 8th, 2016

Title:

Model Ordinance for Post Construction Stormwater Management

Issue:

Should the Town/Village of Harrison create an ordinance for post construction stormwater management?

Background and Additional Information:

The WDNR is requiring communities to adopt new ordinances for post construction stormwater management.

The attached model ordinance was created by the NEWSOC for its member to meet the new WDNR requirements.

The basic question for the boards to consider is whom shall the Town/Village authorize to administer permitting, review, and enforcement of the stormwater requirements.

Budget/Financial Impact:

Cost of permitting, review and enforcement.

Recommended Action:

Holding over the ordinance until finalized.

Attachments:

Copy of model post construction stormwater management

VILLAGE OF HARRSION
MODEL POST-CONSTRUCTION STORM WATER MANAGEMENT ZONING ORDINANCE

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AN ORDINANCE TO REGULATE THE CONTROL OF POST-CONSTRUCTION RUNOFF

FOREWORD.

The intent of this ordinance is to reduce the amount of post-construction storm water and associated pollutants reaching waters of the state. Use of this ordinance by municipalities will foster the consistent statewide application of post-construction performance standards for new development and redevelopment contained in subchapters III and IV of chapter NR 151, Wis. Adm. Code.

The Village Board of the Village of Harrison does hereby ordain that this ordinance is created to read as follows:

POST-CONSTRUCTION STORM WATER MANAGEMENT

S.01 AUTHORITY.

- (1) This ordinance is adopted by the Village Board of the Village of Harrison under the authority granted by s. 61.354, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 61.35, Wis. Stats. that relate to storm water management regulations. Except as otherwise specified in s. 61.354, Wis. Stats., s. 61.35, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The Village Board of the Village of Harrison hereby designates the Director of Public Works to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not pre-empt more stringent storm water management requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.
 - (b) Targeted performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

S.02 FINDINGS OF FACT.

The Village Board of the Village of Harrison finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

- (1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.
- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
- (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (4) Reduce the quality of groundwater by increasing pollutant loading.
- (5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.
- (6) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
- (7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

S.03 PURPOSE AND INTENT.

- (1) **PURPOSE.** The general purpose of this ordinance is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:

- (a) Further the maintenance of safe and healthful conditions.
 - (b) Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
 - (c) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.
- (2) **INTENT.** It is the intent of the Village Board of the Village of Harrison that this ordinance regulates post-construction storm water discharges to waters of the state. This ordinance may be applied on a site-by-site basis. The Village Board of the Village of Harrison recognizes, however, that the preferred method of achieving the storm water performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level storm water management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional storm water devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under s. 281.16, Wis. Stats., for regional storm water management measures and have been approved by the Village Board of the Village of Harrison, it is the intent of this ordinance that the approved plan be used to identify post-construction management measures acceptable for the community.

S.04 APPLICABILITY AND JURISDICTION.

(1) **APPLICABILITY.**

- (a) Where not otherwise limited by law, this ordinance applies to all post-construction sites, unless the site is otherwise exempt under S.04(1)(b).
- (b) A post-construction site that meets any of the following criteria is exempt from the requirements of this ordinance.
 - 1. 1- and 2-family residential dwellings that are not part of a larger common plan of development or sale and that result in less than 1 acre of disturbance.
 - 2. Non-point discharges from agricultural activity areas.
 - 3. Non-point discharges from silviculture activities.
 - 4. Mill and crush operations.
- (c) Notwithstanding the applicability requirements in S.04(1)(a), this ordinance applies to post-construction sites of any size that, in the opinion of the Director of Public Works, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) **JURISDICTION.**

This ordinance applies to post-construction sites within the boundaries and jurisdiction of the Village of Harrison, as well as all lands located within the extraterritorial plat approval jurisdiction of the Village of Harrison, even if plat approval is not involved.

(3) **EXCLUSIONS**

This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats., but also including the office of district attorney, which is subject to the

state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Wis. Stats.

S.05 DEFINITIONS.

- (1) "Adequate sod, or self-sustaining vegetative cover" means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.
- (2) "Administering authority" means a governmental employee or a regional planning commission empowered under s. 61.354, Wis. Stats. that is designated by the Village Board of the Village of Harrison to administer this ordinance.
- (3) "Agricultural activity area" means the part of the farm where there is planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes, excavation, filling and similar practices. The agricultural activity area does not include the agricultural production area.
- (4) "Agricultural production area" means the part of the farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways, parking areas, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the agricultural activity area.
- (5) "Average annual rainfall" means a calendar year of precipitation, excluding snow, which is considered typical. For purposes of this ordinance, average annual rainfall means measured precipitation in Appleton, Wisconsin between March 29 and November 25, 1969.
- (6) "Best management practice" or "BMP" means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
- (7) "Business day" means a day the office of the Village of Harrison is routinely and customarily open for business.
- (8) "Cease and desist order" means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
- (9) "Combined sewer system" means a system for conveying both sanitary sewage and storm water runoff.
- (10) "Common plan of development or sale" means a development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A common plan of development or sale includes, but is not limited to, subdivision plats, certified survey maps, and other developments.
- (11) "Connected imperviousness" means an impervious surface connected to the waters of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.
- (12) "Construction site" means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale.
- (13) "Design storm" means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall. The Atlas 14 MSE4 24-hour design storms for the Village of Harrison are: 1-year, 2.2 inches; 2-year, 2.5 inches; 5-year, 3.3 inches; 10-year, 3.8 inches; 25-year, 4.4 inches; and 100-year, 5.3 inches.
- (14) "Development" means residential, commercial, industrial, institutional, or other land uses and associated roads.
- (15) "Direct conduits to groundwater" means wells, sinkholes, swallets, fractured bedrock at the surface, sand or gravel surficial deposits, mine shafts, nonmetallic mines, tile inlets discharging to

groundwater, quarries or depressional groundwater recharge areas over shallow fractured bedrock.

- (16) "Division of land" means the creation from one or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a 5 year period.
- (17) "Effective infiltration area" means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.
- (18) "Erosion" means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- (19) "Exceptional resource waters" means waters listed in s. NR 102.11, Wis. Adm. Code.
- (20) "Existing development" means development in existence on October 1, 2004 or development for which a storm water permit in accordance with subch. III of Ch. NR 216, Wis. Adm. Code, was received on or before October 1, 2004.
- (21) "Extraterritorial" means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.
- (22) "Filtering layer" means soil that has at least a 3-foot deep layer with at least 20 percent fines; or at least a 5-foot deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the Director of Public Works or Village Engineer.
- (23) "Final stabilization" means that all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70% of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.
- (24) "Financial guarantee" means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Village of Harrison by the responsible party to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.
- (25) "Governing body" means village board of trustees.
- (26) "Groundwater" means any of the waters of the state, as defined in s.281.01 (18), stats. occurring in a saturated subsurface geological formation of rock or soil.
- (27) "High Groundwater Level" or "Subsurface Saturation" means the higher of either the elevation to which the soil is saturated as observed as a free water surface in an unlined hole, or the elevation to which the soil has been seasonally or periodically saturated as indicated by soil color patterns throughout the soil profile. As defined in Technical Standard 1002, Site Evaluation for Stormwater Infiltration.
- (28) "Highway" has the meaning given in s. 340.01 (22), Wis. Stats.
- (29) "Highway reconditioning" has the meaning given in s. 84.013 (1)(b), Wis. Stats.
- (30) "Highway reconstruction" has the meaning given in s. 84.013(1)(c), Wis. Stats.
- (31) "Highway resurfacing" has the meaning given in s. 84.013(1)(d), Wis. Stats.
- (32) "Impervious surface" means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of surfaces that typically are impervious. Gravel surfaces are considered impervious, unless specifically designed to encourage infiltration.
- (33) "Impervious surface disturbance" means any land disturbing construction activity in which any new impervious surfaces are created or existing impervious surfaces are redeveloped.
- (34) "In-fill" means an undeveloped area of land or new development area located within an existing urban sewer service area, surrounded by development or development and natural or man-made

features where development cannot occur. "In-fill" does not include any undeveloped area that was part of a larger new development for which a storm water permit in accordance with subch. III of ch. NR 216, Wis. Adm. Code, was required to be submitted after October 1, 2004 to the Wisconsin Department of Natural Resources or Wisconsin Department of Safety and Professional Services (formerly Department of Commerce).

- (35) "Infiltration" means the entry and movement of precipitation or runoff into or through soil.
- (36) "Infiltration system" means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.
- (37) "Land disturbing construction activity" or "disturbance" means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of pollutants into the municipal separate storm sewer or waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, and soil stockpiling.
- (38) "Maintenance agreement" means a legal document that provides for long-term maintenance of storm water management and best management practices.
- (39) "MEP" or "maximum extent practicable" means the highest level of performance that is achievable but is not equivalent to a performance standard identified within this ordinance. Maximum extent practicable applies when the permit applicant demonstrates to the Village Board's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the permit applicant shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.
- (37) "Minor reconstruction of a highway" means reconstruction of a highway that is limited to 1.5 miles in continuous or aggregate total length of realignment and that does not exceed 100 feet in width of roadbed widening, and that does not include replacement of a vegetated drainage system with a non-vegetated drainage system except where necessary to convey runoff under a highway or private road or driveway.
- (38) "Navigable waters" and "navigable waterway" has the meaning given in s. 30.01(4m), Wis. Stats.
- (39) "New development" means that portion of a post-construction site where impervious surfaces are being created or expanded. Any disturbance where the amount of impervious area for the post-development condition is greater than the pre-development condition is classified as new development. For purposes of this ordinance, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications as appropriate.
- (40) "Off-site" means located outside the property boundary described in the permit application.
- (41) "On-site" means located within the property boundary described in the permit application.
- (42) "Ordinary high-water mark" has the meaning given in s. NR 115.03(6), Wis. Adm. Code.
- (43) "Outstanding resource waters" means waters listed in s. NR 102.10, Wis. Adm. Code.
- (44) "Percent fines" means the percentage of a given sample of soil, which passes through a # 200 sieve.
- (45) "Performance standard" means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

- (46) "Permit" means a written authorization made by the planning department to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (47) "Permit administration fee" means a sum of money paid to the Village of Harrison by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
- (48) "Pervious surface" means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.
- (49) "Pollutant" has the meaning given in s. 283.01(13), Wis. Stats.
- (50) "Pollution" has the meaning given in s. 281.01(10), Wis. Stats.
- (51) "Post-construction site" means a construction site following the completion of land disturbing construction activity and final site stabilization.
- (52) "Post-development" means the extent and distribution of land cover types present after the completion of land disturbing construction activity and final site stabilization.
- (53) "Pre-development" means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
- (54) "Preventive action limit" has the meaning given in s. NR 140.05(17), Wis. Adm. Code.
- (55) "Redevelopment" means that portion of a post-construction site where impervious surfaces are being reconstructed, replaced, or reconfigured. Any disturbance where the amount of impervious area for the post-development condition is equal to or less than the pre-development condition is classified as redevelopment. For purposes of this ordinance, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications as appropriate.
- (56) "Responsible party" means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction storm water BMPs.
- (57) "Routine maintenance" means that portion of a post-construction site where pre-development impervious surfaces are being maintained to preserve the original line and grade, hydraulic capacity, drainage pattern, configuration, or purpose of the facility. Remodeling of buildings and resurfacing of parking lots, streets, driveways, and sidewalks are examples of routine maintenance, provided the lower ½ of the impervious surface's granular base is not disturbed. The disturbance shall be classified as redevelopment if the lower ½ of the granular base associated with the pre-development impervious surface is disturbed or if the soil located beneath the impervious surface is exposed. For purposes of this ordinance, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications as appropriate.
- (58) "Runoff" means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (59) "Sediment" means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- (60) "Separate storm sewer" means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
- (a) Is designed or used for collecting water or conveying runoff.
 - (b) Is not part of a combined sewer system.

- (c) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
- (d) Discharges directly or indirectly to waters of the state.
- (61) "Silviculture activities" means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.
- (62) "Site" means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.
- (63) "Stop work order" means an order issued by the Village of Harrison's authorized agent which requires that all construction activity on the site be stopped.
- (64) "Storm water management plan" means a comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has undergone final stabilization following completion of the construction activity.
- (65) "Storm water management system plan" is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
- (66) "Targeted performance standard" means a performance standard that will apply in a specific area, where additional practices beyond those contained in this ordinance, are necessary to meet water quality standards. A total maximum daily load is an example of a targeted performance standard.
- (67) "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (68) "Top of the channel" means an edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.
- (69) "Total maximum daily load" or "TMDL" means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.
- (70) "TR-55" means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986, which is incorporated by reference for this ordinance.
- (71) "Transportation facility" means a public street, a public road, a public highway, a railroad, a public mass transit facility, a public-use airport, a public trail, or any other public work for transportation purposes such as harbor improvements under s. 85.095(1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Wisconsin Department of Natural Resources pursuant to s. 281.33, Wis. Stats.
- (72) "Type II distribution" means a rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973", which is incorporated by reference for this ordinance. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.
- (73) "Waters of the state" has the meaning given in s. 283.01 (20), Wis. Stats.

S.06 TECHNICAL STANDARDS.

The following methods shall be used in designing and maintaining the water quality, peak discharge, infiltration, protective area, fueling / vehicle maintenance, and swale treatment components of storm water practices needed to meet the water quality standards of this ordinance:

- (1) Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
- (2) Technical standards and guidance identified within the Village of Harrison Storm Water Reference Guide.
- (3) Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the Village of Harrison.
- (4) In this ordinance, the following year(s) and location has been selected as average annual rainfall(s): Green Bay, 1969 (Mar. 29-Nov. 25).

S. 07 PERFORMANCE STANDARDS.

- (1) RESPONSIBLE PARTY. The responsible party shall develop and implement a post-construction stormwater management plan that incorporates the requirements of this section.
- (2) PLAN. A written stormwater management plan shall be developed and implemented by the responsible party in accordance with S.09. The stormwater management plan shall meet all of the applicable requirements contained in this ordinance.
- (3) REQUIREMENTS. The stormwater management plan shall meet the following minimum requirements to the maximum extent practicable:
 - (a) WATER QUALITY. BMPs shall be designed, installed and maintained to control pollutants carried in runoff from the post-construction site. The design shall be based on the average annual rainfall, as compared to no runoff management controls.
 - 1. For post-construction sites with 1 acre or more of land disturbance, an L the following is required:
 - a. Except as provided in S.07(3)(a)1.b., a pollutant reduction is required as follows:

Watershed	Total Suspended Solids (TSS) & Total Phosphorus (TP) Reduction					
	New Development		Redevelopment		Routine Maintenance	
	TSS	TP	TSS	TP	TSS	TP
Garners Creek	80%	60%	40%	30%	40%	30%
Garners Creek TMDL	80%	60%	40%	30%	40%	30%

- b. A pollutant reduction is not required for routine maintenance areas that are part of a post-construction site with less than 5 acres of disturbance.
- 2. For post-construction sites with less than 1 acre of disturbance, not in a TMDL watershed, reduce the pollutant load using BMPs from the Village of Harrison Storm Water Reference Guide or other practices approved by Director of Public Works or Village Engineer.

3. Sites, including common plan of development sites, with accumulative addition of 20,000 square feet or greater of impervious surfaces after April 1st, 2016 are required to satisfy the performance standards within S.07(3)(a)1.a. and b.
 4. The amount of pollutant control previously required for the site shall not be reduced as a result of the proposed development or disturbance.
 5. When designing BMPs, runoff draining to the BMP from offsite areas shall be taken into account in determining the treatment efficiency of the practice. Any impact on the BMP efficiency shall be compensated for by increasing the size of the BMP accordingly. The pollutant load reduction provided by the BMP for an offsite area shall not be used to satisfy the required onsite pollutant load reduction, unless otherwise approved by the Director of Public Works or Village Engineer in accordance with S.07(5).
 6. If the design cannot meet the water quality performance standards of S.07(3)(a)1. through 5., the storm water management plan shall include a written, site specific explanation of why the water quality performance standard cannot be met and why the pollutant load will be reduced only to the maximum extent practicable. Except as provided in S.07(6), the Village of Harrison may not require any person to exceed the applicable water quality performance standard to meet the requirements of maximum extent practicable.
 7. *Exemptions.* The water quality performance standards do not apply to the following:
 - a. For municipalities that are regulated under subch. I of NR 216, Wis. Adm. Code, the water quality performance standard for a highway reconstruction project first applies January 1, 2017.
- (b) **PEAK DISCHARGE.** BMPs shall be designed, installed and maintained to control peak discharges from the post-construction site.
1. For post-construction sites with one or more of the following:
 - 20,000 square feet or more of impervious surface disturbance and/or creation
 - post construction sites with 1 acre or more of land disturbance
 the following is required:
 - a. The peak post-development discharge rate shall not exceed the peak pre-development discharge rate for the 1-year, 2-year, 10-year, and 100-year, 24-hour design storms. These peak discharge requirements apply to new development and redevelopment areas. No peak discharge control is required for routine maintenance areas, unless runoff from the routine maintenance area discharges into a proposed peak flow control facility.
 - b. TR-55 methodology shall be used for peak discharge calculations, unless the administering authority approves an equivalent methodology. The meaning of "hydrologic soil group" and "runoff curve number" are as determined in TR-55. Unless the site is currently woodland, peak pre-development discharge rates shall be determined using the following runoff curve numbers for a "meadow" vegetative cover:

Maximum Pre-Development Runoff Curve Numbers				
Vegetative Cover	Hydrologic Soil Group			
	A	B	C	D
Meadow	30	58	71	78
Woodland	30	55	70	77

2. For post-construction sites with less than 20,000 square feet of impervious surface disturbance, prepare a plan that shows how the peak post-development discharge rates are reduced using BMPs from the Village of Harrison Storm Water Reference Guide. If 90% of the proposed impervious discharges to BMPs; these sites are not required to satisfy a numeric performance standard.
3. Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after April 1st, 2016 are required to satisfy the performance standards within S.07(3)(b)1.a. and b.
4. The amount of peak discharge control previously required for the site shall not be reduced as a result of the proposed development or disturbance.
5. When designing BMPs, runoff draining to the BMP from offsite areas shall be taken into account in determining the performance of the practice. Any impact on the BMP performance shall be compensated for by increasing the size of the BMP accordingly. The peak discharge reduction provided by the BMP for an offsite area shall not be used to satisfy the required onsite peak discharge reduction, unless otherwise approved by the Director of Public Works or Village Engineer in accordance with S.07(5).
6. An adequate outfall shall be provided for each point of concentrated discharge from the post-construction site and shall:
 - a. Consist of non-erosive discharge velocities and reasonable downstream conveyance.
 - b. Discharge to the municipal separate storm sewer system, waters of the state, or appropriate drainage easement. For sites not able to meet this requirement, see the Village of Harrison Stormwater Reference Guide for how to diffuse the outfall within the site boundary.

Note to users: The following sections, 7-10 were created to address concerns of some NEWSC municipalities and are not required to meet state uniform standards.

7. All new development sites shall have a minimum 1 foot of vertical separation between the lowest floor surface and the high ground water level and/or bedrock as defined in S.05 and described in the Stormwater Reference Guide.
 Sites not able to meet this separation shall quantify the anticipated amount of groundwater that will be discharged to the surface. System-wide management of the proposed groundwater discharge shall be required. All management practices shall be approved by the Director of Public Works or Village Engineer and indicated on the drainage plan.

A post-construction site that is near an area indicated on the Regional bedrock map as having a depth to carbonate bedrock of 50 feet or less is required to perform field verification as outlined in Wisconsin Department of Natural Resources (WDNR) Technical Standard 1002. The stormwater plan shall discuss the risk to BMP failure, etc. Remediation or mitigation strategies shall be presented as part of the stormwater plan.

8. Direct conduits to groundwater, as defined in S.05, shall be identified. Direct conduits to groundwater requires a unique approach to stormwater design. If the proposed site is located within the watershed of a direct conduit to groundwater, an analysis of practical measures to avoid direct discharge shall be provided. Additional guidance may be found within the Village of Harrison Stormwater Reference Guide.
9. Any site subject to the Village of Harrison's flood prone area map or within a TMDL watershed shall meet the peak discharge requirements established in the Village of Harrison's Reference Guide.
10. Agricultural Production Areas shall meet the intent of this Ordinance by following the BMPs listed in the Village of Harrison reference guide.
11. *Exemptions.* The peak discharge performance standards do not apply to the following:
 - a. A transportation facility where the discharge is directly into a lake over 5,000 acres or a stream or river segment draining more than 500 square miles.
 - b. Except as provided under S.07(3)(b)4. to 6., a highway reconstruction site.
 - c. Except as provided under S.07(3)(b)4. to 6., a transportation facility that is part of a redevelopment project

(c) **INFILTRATION.** BMPs shall be designed, installed, and maintained to infiltrate runoff from the post-construction site, except as provided in S.07(3)(c)9. through 13.

1. For post-construction sites with 20,000 square feet or more of impervious surface disturbance and post-construction sites with 1 acre or more of land disturbance, the following is required:
 - a. *Low Imperviousness.* For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the post-construction site is required as an effective infiltration area.
 - b. *Moderate imperviousness.* For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.

- c. *High imperviousness.* For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.
2. Pre-development condition shall assume “good hydrologic conditions” for appropriate land covers as identified in TR-55 or an equivalent methodology approved by the administering authority. The meaning of “hydrologic soil group” and “runoff curve number” are as determined in TR-55. The actual pre-development vegetative cover and the following pre-development runoff curve numbers shall be used:

Maximum Pre-Development Runoff Curve Numbers				
Vegetative Cover	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

3. For post-construction sites with less than 20,000 square feet of new impervious surfaces, infiltrate runoff volume using BMPs from the Village of Harrison Storm Water Reference Guide. These sites are not required to satisfy a numeric performance standard.
4. Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after April 1st, 2016 are required to satisfy the performance standards within S.07(3)(c)1. and 2.
5. The amount of infiltration previously required for the site shall not be reduced as a result of the proposed development or disturbance.
6. Agricultural production areas shall infiltrate runoff volume using BMPs from the Village of Harrison Storm Water Reference guide
7. When designing BMPs, runoff draining to the BMP from offsite areas shall be taken into account in determining the performance of the practice. Any impact on the BMP performance shall be compensated for by increasing the size of the BMP accordingly. The runoff volume reduction provided by the BMP for an offsite area shall not be used to satisfy the required onsite runoff volume reduction, unless otherwise approved by the Director of Public Works or Village Engineer in accordance with S.07(5).
8. *Pretreatment.* Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with S.07(3)(c)15. Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

9. *Source area prohibitions.* Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of S.07(3)(c) unless demonstrated to meet the conditions of S.07(3)(c)15.
 - a. Areas associated with a tier 1 industrial facility identified in s. NR 216.21(2)(a), Wis. Adm. Code, including storage, loading, and parking. Rooftops may be infiltrated with the concurrence of the Director of Public Works or Village Engineer.
 - b. Storage and loading areas of a tier 2 industrial facility identified in s. NR 216.21(2)(b), Wis. Adm. Code.
 - c. Fueling and vehicle maintenance areas. Rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the Director of Public Work or Village Engineer.
 - d. Agricultural production areas that contain livestock, animal waste, or feed storage.

10. *Source area exemptions.* Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these sources is optional:
 - a. Parking areas and access roads less than 5,000 square feet for commercial development.
 - b. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the prohibitions under S.07(3)(c)9.
 - c. Except as provided under S.07(3)(c)5., redevelopment and routine maintenance areas.
 - d. In-fill development areas less than 5 acres.
 - e. Roads in commercial, industrial and institutional land uses, and arterial residential roads.
 - f. Except as provided under S.07(3)(c)5., transportation facility highway reconstruction and new highways.

11. *Prohibitions.* Infiltration practices may not be located in the following areas:
 - a. Areas within 1,000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.
 - b. Areas within 400 feet of a community water system well as specified in s. NR 811.16(4), Wis. Adm. Code, or within the separation distances listed in s. NR 812.08, Wis. Adm. Code, for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial, and institutional land uses or regional devices for one- and two-family residential development.
 - c. Areas where contaminants of concern, as defined in s. NR 720.03(2), Wis. Adm. Code, are present in the soil through which infiltration will occur.

12. *Separation distances.* Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with the following:

Separation Distances and Soil Characteristics		
Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	
All Other Impervious Source Areas	3 feet or more	Filtering Layer

Notwithstanding S.07(3)(c)12., applicable requirements for injection wells classified under ch. NR 815, Wis. Adm. Code, shall be followed.

13. *Infiltration rate exemptions.* Infiltration practices located in the following areas may be credited toward meeting the requirement under the following conditions, but the decision to infiltrate under these conditions is optional:
 - a. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.
 - b. Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.]
14. *Alternate uses.* Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by S.07(3)(c).
15. *Groundwater standards.*
 - a. Infiltration systems designed in accordance with this S.07(3)(c) shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with ch. NR 140, Wis. Adm. Code. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.
 - b. Notwithstanding S.07(3)(c)15.a., the discharge from BMPs shall remain below the enforcement standard at the point of standards application.
16. Where the conditions of S.07(3)(c)9. through 13. limit or restrict the use of infiltration practices, the performance standard of S.07(3)(c) shall be met to the maximum extent practicable.

(d) PROTECTIVE AREAS.

1. "Protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in S.07(3)(d), "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.
 - a. For outstanding resource waters and exceptional resource waters, 75 feet.
 - b. For perennial and intermittent streams identified on a United States geological survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.
 - c. For lakes, 50 feet.
 - d. For wetlands not subject to S.07(3)(d)1.e. or f., 50 feet.
 - e. For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.
 - f. For moderately susceptible wetlands, 50 feet. Moderately susceptible wetlands include, but are not limited to: shrub wetlands, floodplain forests, fresh wet meadows, deep/shallow marshes, and forested wetlands.
 - g. For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include: degraded wetlands dominated by invasive species such as reed canary grass; cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.
 - h. In S.07(3)(d)1.d. to f., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in s. NR 103.03, Wis. Adm. Code.
 - i. Wetlands shall be delineated. Wetland boundary delineations shall be made in accordance with s. NR 103.08(1m), Wis. Adm. Code. S.07(3)(d) does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.
 - j. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.
 - k. Notwithstanding S.07(3)(d)1.a. to i., the greatest protective area width shall apply where rivers, streams, lakes, and wetlands are contiguous.
2. S.07(3)(d) applies to all post-construction sites located within a protective area, except those areas exempted pursuant to S.07(3)(d)5.
3. The following requirements shall be met:

- a. Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. If there is no practical alternative to locating an impervious surface in the protective area, the storm water management plan shall contain a written, site-specific explanation.
 - b. Where land disturbing construction activity occurs within a protective area, adequate sod or self-sustaining vegetative cover of 70 percent or greater shall be established and maintained where no impervious surface is present. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat, and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.
 - c. Best management practices such as filter strips, swales, or wet detention ponds, that are designed to control pollutants from non-point sources, may be located in the protective area.
4. A protective area established or created after April 1st, 2016 shall not be eliminated or reduced, except as allowed in S.07(3)(d)5.b., c., or d.
 5. *Exemptions.* The following areas are not required to meet the protective area requirements of S.07(3)(d):
 - a. Redevelopment and routine maintenance areas provided the minimum requirements within S.07(3)(d)4. are satisfied.
 - b. Structures that cross or access surface waters such as boat landings, bridges and culverts.
 - c. Structures constructed in accordance with s. 59.692(1v), Wis. Stats.
 - d. Areas of post-construction sites from which the runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the requirements of S.07(3)(a) and (b), except to the extent that vegetative ground cover is necessary to maintain bank stability.
- (e) **FUELING AND VEHICLE MAINTENANCE AREAS.** Fueling and vehicle maintenance areas shall have BMPs designed, installed and maintained to reduce petroleum within runoff, so that the runoff that enters waters of the state contains no visible petroleum sheen, or to the maximum extent practicable.
- (f) **SWALE TREATMENT FOR TRANSPORTATION FACILITIES.** This S.07(3)(f) is not applicable to transportation facilities that are part of a larger common plan of development or sale.
1. *Requirement.* Except as provided in S.07(3)(f)2., transportation facilities that use swales for runoff conveyance and pollutant removal are exempt from the requirements of S.07(3)(a), (b), and (c), if the swales are designed to do all of the following or to the maximum extent practicable:
 - a. Swales shall be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.
 - b. Swales shall comply with the Wisconsin Department of Natural Resources Technical Standard 1005, "Vegetated Infiltration Swale", except as otherwise authorized in writing by the Wisconsin Department of Natural Resources.
 2. *Other Requirements.* Notwithstanding S.07(3)(f)1., the Director of Public Works or Village Engineer may, consistent with water quality standards, require that

other requirements, in addition to swale treatment, be met on a transportation facility with an average daily traffic rate greater than 2,500 and where the initial surface water of the state that the runoff directly enters is any of the following:

- a. An outstanding resource water.
- b. An exceptional resource water.
- c. Waters listed in section 303(d) of the federal clean water act that are identified as impaired in whole or in part, due to nonpoint source impacts.
- d. Waters where targeted performance standards are developed pursuant to s. NR 151.004, Wis. Adm. Code.

(g) **EXEMPTIONS.** The following areas are not required to meet the performance standards within S.07(3):

1. Underground utility construction such as water, sewer, gas, electric, telephone, cable television, and fiber optic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.
2. The following transportation facilities are exempt, provided the transportation facility is not part of a larger common plan of development or sale.
 - a. A transportation facility post-construction site with less than 10 percent connected imperviousness, based on the area of land disturbance, provided the cumulative area of all impervious surfaces is less than one acre. Notwithstanding this exemption, the protective area requirements of S.07(3)(d) still apply.
 - b. Reconditioning or resurfacing of a highway.
 - c. Minor reconstruction of a highway. Notwithstanding this exemption, the protective area requirements of S.07(3)(d) apply to minor reconstruction of a highway.
 - d. Routine maintenance for transportation facilities that have less than 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
 - e. Routine maintenance if performed for storm water conveyance system cleaning.

(4) **GENERAL CONSIDERATIONS FOR ON-SITE AND OFF-SITE STORM WATER MANAGEMENT MEASURES.** The following considerations shall be observed in managing runoff:

- (a) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.
- (b) Emergency overland flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

(5) **BMP LOCATION AND CREDIT.**

- (a) **GENERAL.** To comply with S.07(3) performance standards, the BMPs may be located on-site or off-site as part of a regional storm water device, practice or system.
- (b) **OFFSITE OR REGIONAL BMP.**
 1. The amount of credit that the Village Engineer may give an offsite or regional BMP for purposes of determining compliance with the performance standards of S.07(3) is limited to the treatment capability or performance of the BMP.

2. The Village Engineer may authorize credit for an off-site or regional BMP provided all of the following conditions are satisfied:
 - a. The BMP received all applicable permits.
 - b. The BMP shall be installed and operational before the construction site has undergone final stabilization.
 - c. The BMP shall be designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on-site BMPs meeting the S.07(3) performance standards.
 - d. The owner of the BMP has entered into a S.10 maintenance agreement with the Village of Harrison, or another municipal entity, such that the BMP has a legally obligated entity responsible for its long-term operation and maintenance. Legal authority exists if a municipality owns, operates and maintains the BMP.
 - e. The owner of the BMP has provided written authorization which indicates the permit applicant may use the BMP for S.07(3) performance standard compliance.
 - f. Where an off-site or regional BMP option exists such that the Village Engineer exempts the applicant from all or part of the minimum on-site storm water management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the Village Manager. In determining the fee for post-construction runoff, the Village Manager shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the off-site or regional BMP.
- (c) **BMP IN NON-NAVIGABLE WATERS.** For purposes of determining compliance with the performance standards of S.07(3), the Village Engineer may give credit for BMPs that function to provide treatment for runoff from existing development and post-construction runoff from new development, redevelopment, and routine maintenance areas and that are located within non-navigable waters.
- (d) **BMP IN NAVIGABLE WATERS.**
 1. *New Development Runoff.* Except as allowed under S.07(5)(d)2., BMPs designed to treat post-construction runoff from new development areas may not be located in navigable waters and, for purposes of determining compliance with the performance standards of S.07(3), the Village Engineer may not give credit for such BMPs.
 2. *New Development Runoff Exemption.* BMPs to treat post-construction runoff from new development areas may be located within navigable waters and may be creditable by the Village Engineer under S.07(3), if all the following are met:
 - a. The BMP was constructed prior to October 1, 2002 and received all applicable permits.
 - b. The BMP functions or will function to provide runoff treatment for the new development area.
 3. *Existing Development & Post-Construction Runoff From Redevelopment, Routine Maintenance, & Infill Development Areas.* Except as provided in S.07(5)(d)4., BMPs designed to treat post-construction runoff for existing development and post-construction runoff from redevelopment, routine maintenance and infill development areas may not be located in navigable waters and, for purposes of determining compliance with the performance standards of S.07(3), the Village Engineer may not give credit for such BMPs.

4. *Existing Development & Post-Construction Runoff From Redevelopment, Routine Maintenance, & Infill Development Areas Exemption.* BMPs that function to provide treatment of runoff from existing development and post-construction runoff from redevelopment, routine maintenance and infill development areas may be located within navigable waters and, for purposes of determining compliance with the performance standards of S.07(3), the Village Engineer may give credit for such BMPs, if any of the following are met:
 - a. The BMP was constructed, contracts were signed or bids advertised and all applicable permits were received prior to January 1, 2011.
 - b. The BMP is on an intermittent waterway and all applicable permits are received.
- (e) **WATER QUALITY TRADING.** To comply with S.07(3)(a) performance standards, the Village Board may authorize credit for water quality trading provided all of the following conditions are satisfied:
 1. The treatment practices associated with a water quality trade shall be in place, effective and operational before credit can be authorized.
 2. The water quality trade shall comply with applicable trading ratios established by the Wisconsin Department of Natural Resources or the Village of Harrison.
 3. The water quality trade shall comply with applicable regulations, standards, and guidance developed by the Wisconsin Department of Natural Resources or the Village of Harrison.
 4. The responsible party shall furnish a copy of executed water quality trading agreements or other related information deemed necessary by the Village Board in order to authorize credit.
- (6) **TARGETED PERFORMANCE STANDARDS.** The Village Board may establish numeric water quality requirements that are more stringent than those set forth in S.07(3) in order to meet targeted performance standards, total maximum daily loads, and/or water quality standards for a specific water body or area. The numeric water quality requirements may be applicable to any permitted site, regardless of the size of land disturbing construction activity.
- (7) **ALTERNATE REQUIREMENTS.** The Village Board may establish storm water management requirements more stringent than those set forth in this section if the Village Board determines that an added level of protection is needed to protect sensitive resources. Also, the Village Board may establish storm water management requirements less stringent than those set forth in this section if the Village Board determines that less protection is needed to protect sensitive resources and provide reasonable flood protection. However, the alternative requirements shall not be less stringent than those requirements promulgated in rules by Wisconsin Department of Natural Resources under NR 151 Wisconsin Administrative Code.

S.08 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

- (1) **PERMIT REQUIRED.** No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the Director of Public Works or Village Engineer prior to commencing the proposed activity.
- (2) **PERMIT APPLICATION AND FEES.** Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the Director of Public Works or Village Engineer a permit application made on a form provided by the Village of Harrison for that purpose.
 - (a) Unless otherwise accepted by this ordinance, a permit application must be accompanied by a storm water management plan, a maintenance agreement and a non-refundable permit administration fee.

- (b) The storm water management plan shall be prepared to meet the requirements of S.07 and S.09, the maintenance agreement shall be prepared to meet the requirements of S.10, the financial guarantee shall meet the requirements of S.11, and fees shall be as established by the Village of Harrison as set forth in S.12.
- (3) REVIEW AND APPROVAL OF PERMIT APPLICATION. The Director of Public Works or Village Engineer shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:
- (a) Within [20] business days of the receipt of a complete permit application, including all items as required by S.08(2), the Director of Public Works or Village Engineer shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.
 - (b) If the storm water permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of storm water management practices is made pursuant to S.07(5), the Director of Public Works or Village Engineer shall issue the permit.
 - (c) If the storm water permit application, plan or maintenance agreement is disapproved, the Director of Public Works or Village Engineer shall detail in writing the reasons for disapproval.
 - (d) The Director of Public Works or Village Engineer may request additional information from the applicant. If additional information is submitted, the Director of Public Works or Village Engineer shall have [20] business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
 - (e) Failure by the Director of Public Works or Village Engineer to inform the permit applicant of a decision within [20] business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (4) PERMIT REQUIREMENTS. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The Director of Public Works or Village Engineer may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Director of Public Works or Village Engineer to suspend or revoke this permit may be appealed in accordance with S.14.
- (a) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.
 - (b) The responsible party shall design and install all structural and non-structural storm water management measures in accordance with the approved storm water management plan and this permit.
 - (c) The responsible party shall notify the Director of Public Works or Village Engineer at least [10] business days before commencing any work in conjunction with the storm water management plan, and within [10] business days upon completion of the storm water management practices. If required as a special condition under S.08(5), the responsible party shall make additional notification according to a schedule set forth by the Director of Public Works or Village Engineer so that practice installations can be inspected during construction.
 - (d) Practice installations required as part of this ordinance shall be certified "as built" by a licensed professional engineer. Completed storm water management practices must pass a final inspection by the Director of Public Works or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The Director of Public Works or its designee shall notify the responsible party in writing of any

changes required in such practices to bring them into compliance with the conditions of this permit.

- (e) The responsible party shall notify the Director of Public Works or Village Engineer of any significant modifications it intends to make to an approved storm water management plan. The Director of Public Works or Village Engineer may require that the proposed modifications be submitted to it for approval prior to incorporation into the storm water management plan and execution by the responsible party.
 - (f) The responsible party shall inspect BMPs annually and after runoff events in accordance with stormwater management plan reference in section S.09(1). The responsible party shall have a licensed professional submit a stamped written inspection report to the Director of Public Works or Village Engineer for review and approval every five years. All reports shall accompany the stamped report.
 - (g) The responsible party shall maintain all storm water management practices in accordance with the storm water management plan until the practices either become the responsibility of the Village of Harrison, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
 - (h) The responsible party authorizes the Village of Harrison to perform any work or operations necessary to bring storm water management measures into conformance with the approved storm water management plan, and consents to a special assessment or charge against the property as authorized under subch. VII of ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under S.11.
 - (i) If so directed by the Director of Public Works or Village Engineer, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved storm water management plan.
 - (j) The responsible party shall permit property access to the Director of Public Works or its designee for the purpose of inspecting the property for compliance with the approved storm water management plan and this permit.
 - (k) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Director of Public Works or Village Engineer may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
 - (l) The responsible party is subject to the enforcement actions and penalties detailed in S.13, if the responsible party fails to comply with the terms of this permit.
 - (m) The permit applicant shall post the "Certificate of Permit Coverage" in a conspicuous location at the construction site.
- (5) **PERMIT CONDITIONS.** Permits issued under this subsection may include conditions established by Village Board in addition to the requirements needed to meet the performance standards in S.07 or a financial guarantee as provided for in S.11.
- (6) **PERMIT DURATION.** Permits issued under this section shall be valid from the date of issuance through the date the Director of Public Works or Village Engineer notifies the responsible party that all storm water management practices have passed the final inspection required under S.08(4)(d).
- (7) **ALTERNATE REQUIREMENTS.** The Director of Public Works or Village Engineer may prescribe alternative requirements for applicants seeking an exemption to on-site storm water management performance standards under S.07(5) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

S.09 STORM WATER MANAGEMENT PLAN.

- (1) **PLAN REQUIREMENTS.** The storm water management plan required under S.07(2) and S.08(2) shall comply with the Village of Harrison Storm Water Reference Guide and contain at a minimum the following information:
- (a) Name, address, and telephone number of the landowner and responsible parties.
 - (b) A legal description of the property proposed to be developed.
 - (c) Pre-development site map with property lines, disturbed limits, and drainage patterns.
 - (d) Post-development site map with property lines, disturbed limits, and drainage patterns.
 - 1. Total area of disturbed impervious surfaces within the site.
 - 2. Total area of new impervious surfaces within the site.
 - 3. Performance standards applicable to site.
 - 4. Proposed best management practices.
 - 5. Groundwater, bedrock, and soil limitations.
 - 6. Separation distances. Storm water management practices shall be adequately separated from wells to prevent contamination of drinking water.
 - (e) Inspection and maintenance schedules of stormwater BMPs.
- (2) **ALTERNATE REQUIREMENTS.** The Director of Public Works or Village Engineer may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under S.07(5) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

S.10 MAINTENANCE AGREEMENT.

- (1) **MAINTENANCE AGREEMENT REQUIRED.** The maintenance agreement required under S.08(2) for storm water management practices shall be an agreement between the Village of Harrison and the responsible party to provide for maintenance of storm water practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the storm water management practices.
- (2) **AGREEMENT PROVISIONS.** The maintenance agreement shall contain the following information and provisions and be consistent with the plan required by S.08(2):
- (a) Identification of the storm water facilities and designation of the drainage area served by the facilities.
 - (b) A schedule for regular inspection and maintenance of each aspect of the storm water management system consistent with the storm water management plan required under S.08(2).
 - (c) Identification of the responsible party(s), organization or city, county, town or village responsible for long term maintenance of the storm water management practices identified in the storm water management plan required under S.08(2).
 - (d) Requirement that the responsible party(s), organization, or city, county, town or village shall maintain storm water management practices in accordance with the schedule included in S.10(2)(b).

- (e) Authorization for the Director of Public Works or designee to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - (f) A requirement on for the Director of Public Works or Village Engineer to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the storm water management practice into proper working condition.
 - (g) Agreement that the party designated under S.10(2)(c), as responsible for long term maintenance of the storm water management practices, shall be notified by the Director of Public works or designee of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Director of Public Works.
 - (h) Authorization of the Director of Public Works or designee to perform the corrected actions identified in the inspection report if the responsible party designated under S.10(2)(c) does not make the required corrections in the specified time period. The Village Clerk shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to subch. VII of ch. 66, Wis. Stats.
- (3) **ALTERNATE REQUIREMENTS.** The Director of Public Works or Village Engineer may prescribe alternative requirements for applicants seeking an exemption to on-site storm water management performance standards under S.07(5) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

S.11 FINANCIAL GUARANTEE.

- (1) **ESTABLISHMENT OF THE GUARANTEE.** The Village Board may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Village Board. The financial guarantee shall be in an amount determined by the Village Engineer to be the estimated cost of construction and the estimated cost of maintenance of the storm water management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Village Manager the authorization to use the funds to complete the storm water management practices if the responsible party defaults or does not properly implement the approved storm water management plan, upon written notice to the responsible party by the Director of Public Works or Village Engineer that the requirements of this ordinance have not been met.
- (2) **CONDITIONS FOR RELEASE.** Conditions for the release of the financial guarantee are as follows:
- (a) The Village Board shall release the portion of the financial guarantee established under this section, less any costs incurred by the Village of Harrison to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The Village Manager or Village Engineer may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 - (b) The Village Board shall release the portion of the financial guarantee established under this section to assure maintenance of storm water practices, less any costs incurred by the Village of Harrison, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.
- (3) **ALTERNATE REQUIREMENTS.** The Village Board may prescribe alternative requirements for applicants seeking an exemption to on-site storm water management performance standards

under S.07(5) or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

S.12 FEE SCHEDULE.

The fees referred to in other sections of this ordinance shall be established by the Village Board and may from time to time be modified by resolution. A schedule of the fees established by the Village Board shall be available for review in the office of the Village Clerk.

S.13 ENFORCEMENT.

- (1) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.
- (2) The Director of Public Works or Village Engineer shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (3) Upon receipt of written notification from the Director of Public Works or Village Engineer under sub. (2), the responsible party shall correct work that does not comply with the storm water management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Director of Public Works or Village Engineer in the notice.
- (4) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the Director of Public Works or designee may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Village of Harrison plus interest and legal costs shall be billed to the responsible party.
- (5) The Director of Public Works or Village Engineer is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the municipal attorney to obtain a cease and desist order in any court with jurisdiction.
- (6) The Director of Public Works or Village Engineer may revoke a permit issued under this ordinance for non-compliance with ordinance provisions.
- (7) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Village Board or by a court with jurisdiction.
- (8) The Director of Public Works or Village Manager is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance, to the municipal attorney for the commencement of further legal proceedings in any court with jurisdiction.
- (9) Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to a forfeiture of not less than one dollar or more than five hundred dollars per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.

- (10) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.
- (11) When the Director of Public Works or Village Engineer determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the storm water management plan, or has failed to comply with schedules set forth in said storm water management plan, the Director of Public Works or a party designated by the Village Board may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Director of Public Works shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to S.11 of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon.

S.14 APPEALS.

- (1) **BOARD OF APPEALS.** The board of appeals shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Public Works or Village Engineer in administering this ordinance. The board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the board may authorize variances from the provisions of this ordinance that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the ordinance will result in unnecessary hardship.
- (2) **WHO MAY APPEAL.** Appeals to the board of appeals may be taken by any aggrieved person or by an officer, department, board, or bureau of Village of Harrison affected by any decision of the Director of Public Works or Village Engineer.

S.15 SEVERABILITY.

If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.

S.16 EFFECTIVE DATE.

This ordinance shall be in force and effect from and after its adoption and publication. The above and foregoing ordinance was duly adopted by the Village Board of the Village of Harrison on this date, April, 1st, 2016.

Approved: _____
 Attested _____
 Published on [day, month, year].



VILLAGE OF HARRISON

TOWN OF HARRISON

COMMITTEE OF THE WHOLE MEETING

TOWN/VILLAGE OF HARRISON

Date: March 8th, 2016

Title:

Development of Park Land.

Issue:

Should the Town/Village of Harrison begin a development plan for the park land located on Manitowoc Rd.?

Background and Additional Information:

The Village of Harrison recently purchased 18.7 acres of land located on Manitowoc Rd. using \$250,000 in park impact fees for a future park. In order to move forward with the development of a park the Village will need to do the following:

1. Delineate any wetlands that may be on the property.
2. Develop a design and build plans. What type of park? What type of amenities?
3. Conduct public meetings on design and build plans.
4. Seek available financing for park development.

Other things to consider are what to do with the land while plans are being developed? It is recommended that the Village Board lease the land to a farmer to maintain until such time as construction begins.

The Village current has approximately \$150,000 left in park impact fees for use of park development.

Budget/Financial Impact:

Unknown. Cost of wetland delineation and cost to hire engineer consultant to design park.

Recommended Action:

Approve hiring of wet delineator be added to next Village Board agenda.

Attachments:

Example of possible park layout for 18 acre parcel from community in California.



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 Carlsbad, California 92008
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CANYON HILLS COMMUNITY PARK

34360 CANYON HILLS ROAD, LAKE ELSINORE, CA 92532



Harrison Fire Rescue

Fire Station 60 • Fire Station 70 • EMS



ACTIVITY REPORT FOR FEBRUARY 2016

1. 10 Fire calls in February
2. 30 First Responder calls in February
3. 70 Total calls for 2016
4. ****NOTE:** On 2 occasions during our daytime calls, we had an engine leave with only 2 members on it. On multiple daytime calls this month we had 18 minute response times. On 2 occasions we had the Sherwood station beat our Lake Park Station into the Lake Park Station district. (On a call to Hearthstone Drive, Station 60 beat the Station 70 truck)
5. February 1st was our Meeting/Training night. Training was on search and rescue, use of Thermal Imaging camera and GPS trying to locate a lost person in the dark.
6. February 1st I had an officer meeting where we discussed leadership principles and how Harrison Fire Officers could learn different methods to becoming respected leaders within the department. We also talked a little about mentoring.
7. February 8th we held our First Responder meeting. The entire EMS staff met with our Gold Cross Ambulance rep and we were trained and tested out on being able to use Narcan. Once we are approved by the medical director, our EMS service will be able to administer Narcan for drug overdoses.
8. February 12th, I did a site inspection and capacity calculation for Mulberry Farms for being able to host weddings in their barn during the summer months.
9. February 15th, I met with Administrator Randy Friday and President Jim Rath from the Village of Sherwood. We discussed any issues that they have with Harrison Fire and I discussed a little about the strategic plan and our future. We had a great discussion and the conclusion was that at some point soon, all parties need to meet to have a discussion about the future of cooperation between our communities.
10. February 15th we held our training for the month. Crews used our Thermal Imaging Cameras and GPS to track down a snowmobile accident. Crews also laid out a landing area to prepare for a helicopter landing.



Harrison Fire Rescue

Fire Station 60 • Fire Station 70 • EMS



11. February 17th, Travis and I met with Joel and the interim Fire Chief from Buchanan to discuss any future cooperation that we may be able to do in the future. We discussed, stations, equipment, staffing, and other items that we could do together to save money in the future.
12. February 22, I attended the Village of Sherwood Board meeting and was able to give them a review of our service from 2015. We had a great discussion and look forward to future visits.
13. February 22, I held a Fire Officer class and we discussed a new method of Fire Attack and watched a couple of videos on the new method called SLICERS. This is a method to try and knock down a fire from the outside before anyone makes entry.

Planning Report



Subdivisions

- Papermaker Ridge – Papermaker Ridge, located along Manitowoc Road between Coop Road and County LP continues to see building development. All improvements, curb & gutter, asphalt, and sidewalks have been installed. Work on the terraces, and fixing some issues with pavement and sidewalks will be finished in the Spring.
- Papermaker Ridge II – Phase II of Papermaker Ridge, located along Manitowoc Road between Coop Road and County LP, is open and several permits have been issued. It is expected that the improvements will be installed in the Fall of 2016.
- Kambura Acres – Kambura Acres, located along S. Coop Road north of Hwy 10/114, is open. About 50% of the lots have been built on.
- Harrisville Place – Harrisville Place, located along Woodland Road between Blackoak Street and Willow Lane, includes 15-lots along Woodland Road. The northern portion of the property will be final platted in the second phase. Road work and utility work is completed and street lights installed. The Developer has indicated that 9-lots have been sold. The Developer is also looking at alternative layouts on the northern portion of the property. The Plan Commission recommends that the connection of Dogwood Lane from east to west remain as part of Phase 2.
- Parker Farms – located along County N, north of Sunrise Elementary School. Access to the subdivision will come from Jochmann Drive and Hoelzel Way. The Developer expects to plat the subdivision in 3 phases. Utilities (sanitary, water, storm) are installed. Several permits have been issued in phase 1.
- Parker Farms 2 – Phase 2 of Parker Farms, Located along County N, north of Sunrise School. The Developer has started road work and utility work for phase 2. The final plat was approved. The Developers Agreement will be signed and the Final Plat signed once all conditions have been met.

Comprehensive Plan Update & Community Center District Plan

The consultant selected to complete the project started work on gather the background information and a preliminary resident survey. Public input will be sought via online surveys and public forums/workshops. The second steering committee meeting will be held March 10th. This meeting will cover the community profile, market analysis and will have a discussion on the Village Center concept. An online citizen survey has been created and is available on the website. Paper copies are available in the office. In addition, the consultant will be updating a facebook page for the project in order to inform and solicit input from the community.