

NOTICE OF MEETING

SHEBOYGAN COUNTY BOARD OF SUPERVISORS

Sheboygan County Courthouse
615 North 6th Street, 5th Floor
Sheboygan WI

To Observe the Meeting Remotely Dial:
(312) 626-6799
Enter Meeting ID: 846 3005 3013
Passcode: 768342

Persons wanting to observe the meeting are encouraged to listen remotely. Everyone is welcome to wear a face mask in Sheboygan County facilities.

Join Zoom Meeting

<https://us06web.zoom.us/j/84630053013?pwd=p26U1lpoOMYfxowThbEflvJk8HHv.1>

WSCS 24/7 live stream: (Subject to WSCS Availability)

<https://videoplayer.telvue.com/player/Q88UIDYmxPJcLEwBkva9uJNWQzIzRD2W/categories/1222/stream/441?autostart=false&showtabssearch=true&fullscreen=false>.

TUESDAY, FEBRUARY 20, 2024 at 6:00 P.M.

In compliance with Rule V under the Rules of Order of the Sheboygan County Board of Supervisors, as County Clerk of Sheboygan County, I herewith submit the following AGENDA.

AGENDA

CALL TO ORDER – Chairperson Vern Koch

CERTIFICATION OF COMPLIANCE WITH OPEN MEETING LAW

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF JANUARY 16, 2024 JOURNAL

PRESENTATIONS

Steve Steinhardt, Director of Emergency Management – Presentation on the County Mass Notification System

PUBLIC ADDRESSES

As of the preparation of this Agenda no one has requested to speak. County Board rules allow interested persons to register to speak until 5:00 pm on the Monday before the County Board Meeting.

Posted 02/16/2024@ 10:00 AM

LETTERS, COMMUNICATIONS AND ANNOUNCEMENTS

Items introduced under this heading are either referred to a Committee for action, or received for information. No action is taken at this meeting.

COUNTY ADMINISTRATOR'S REPORT

The County Administrator's Report is a monthly report by the Administrator in which noteworthy activities of County government are highlighted. In addition, the Administrator's Report presents the Administrator's perspective on the Resolutions and Ordinances being considered or introduced at this meeting. The Administrator's Report is not an action item, and no debate or deliberation arises from the Report.

CONSIDERATION OF COMMITTEE REPORTS - EXECUTIVE COMMITTEE

Resolution No. 24 (2023/24) Re: Carryover of Unexpended 2023 Appropriations to 2024
Committee Recommendation: Adopt
Signed in Opposition: None

Ordinance No. 13 (2023/24) Re: Amending Chapters 61, 62, 63, 64 and 65 related to Airport Minimum Standards, Safety and the Airport Advisory Committee, and Naming of Sheboygan County Memorial International Airport
Committee Recommendation: Enact
Signed in Opposition: None

RESOLUTIONS INTRODUCED

Items introduced under this heading are referred to a Committee for recommendation. No formal action is taken at this meeting unless noted.

Resolution No. 25 (2023/24) (From Transportation Committee)
Re: Approving Municipal Access, Storm Sewer, Lighting, Camera & Safety Equipment Easement with Village of Elkhart Lake

Resolution No. 26 (2023/24) (From Transportation Committee)
Re: Purchase of Approximately 30 Acres Northeasterly of State Highway 42 & South of Garton Road (Parcel No. 59014-185537)

ORDINANCES INTRODUCED - NONE

ADJOURNMENT

Respectfully submitted this 16th day of February, 2024.



JON DOLSON, COUNTY CLERK

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NOTES:

Reminder: Expense sheets for the period ending February 15, 2024 are due in the County Clerk's Office no later than Tuesday, February 20, 2024.

Persons with disabilities needing assistance to attend or participate are asked to notify the County Clerk's Office at 920.459.3003 prior to the meeting so that accommodations may be arranged.

JOURNAL OF THE MEETING OF THE SHEBOYGAN COUNTY BOARD OF SUPERVISORS

January 16, 2024

Pursuant to Wis. Stat. § 59.11, the January 16, 2024 session of the Sheboygan County Board was called to order by Chairperson Vern Koch at 6:00 p.m. Chairperson Koch noted that the notice of meeting was posted on January 12, 2024 at 10:00 a.m. in compliance with the open meeting law. The meeting opened with the Pledge of Allegiance by all present.

The roll call was taken and recorded with 21 Supervisors present, (2) Supervisors attended remotely: Supervisors Clarke, and Schobert; Absent: 4, Supervisors Bosman, Coulson, Gruber, and Immel.

Supervisor Bosman joined the meeting remotely at 6:03 p.m.

Supervisor Brauer moved for approval of the December 19, 2023 Journal, which was distributed to all supervisors prior to the meeting. The motion was seconded by Supervisor Procek and carried on unanimous roll call vote of the board.

PRESENTATIONS - NONE

LETTERS AND COMMUNICATIONS - NONE

COUNTY ADMINISTRATOR'S REPORT

County Administrator Alayne Krause touched on Resolution No. 20-Establishing a Non-Lapsing Account for Water Quality Improvement Projects for Monsanto Settlement Funds that was being voted on. Ms. Krause gave a slide presentation on the State of the County and reviewed the key accomplishments and milestones of 2023 which included: Completing construction of Sheboygan Broughton Marsh Dam, Fixed Based Operator (FBO) Services at the Airport, New camera systems for the Law Enforcement Center, Expansion and start-up of Highest-Need Human Services, New asphalt plant was constructed, Increased census and expanded services at Rocky Knoll which has maintained a 5-star quality rating, All employee summit, New staff which includes a Finance Director, Transportation Director, Human Resources Director, Building Services Director, U-W Extension Area Director, Clerk of Circuit Courts, and two (2) Circuit Court Judges, and how Sheboygan County continues to have a strong fiscal track record. Ms. Krause also reviewed the 2024 adopted budget, sales tax performance and briefly covered 2024 initiatives. Ms. Krause concluded by thanking the employees for their hard work and County Board members for their support.

COMMITTEE REPORTS

The Clerk read the report of the Executive Committee regarding **Resolution No. 21 (2023/24) Approving Revisions to Farmland Preservation Plan** recommending adoption.

Supervisor Goehring moved to adopt the resolution. The motion was seconded by Supervisor Brauer and carried on unanimous roll call vote of the board.

The Clerk read the report of the Executive Committee regarding **Resolution No. 22 (2023/24) Granting Easement to Wisconsin Public Service Corporation for Sheboygan County Memorial Airport** recommending adoption.

Supervisor Wegner moved to adopt the resolution. Supervisor Goehring seconded the motion which carried on roll call vote of the board of Ayes: 21; Abstain: 1, Supervisor Smith; Absent: 3, Supervisors Coulson, Gruber, and Immel.

The Clerk read the report of the Executive Committee regarding **Resolution No. 23 (2023/24) Naming Sheboygan County Fixed Based Operator (FBO) at the Sheboygan County Memorial Airport** recommending amending per the committee report and adopt as amended.

Supervisor Wegner moved to adopt the resolution as amended per the committee report. The motion was seconded by Supervisor Goehring and carried on roll call vote of the board of Ayes: 21; Abstain: 1, Supervisor Smith; Absent: 3, Supervisors Coulson, Gruber, and Immel.

The Clerk read the report of the Executive Committee regarding **Ordinance No. 12 (2023/24) Changing Supervisory District Boundaries to Reflect Annexations in Supervisory Districts 10, 17 and 19** recommending enactment.

Supervisor Goehring moved to enact the ordinance. Supervisor Brauer seconded the motion which carried on unanimous roll call vote of the board.

The Clerk read the report of the Finance Committee regarding **Resolution No. 20 (2023/24) Establishing a Non-Lapsing Account for Water Quality Improvement Projects for Monsanto Settlement Funds** recommending adoption.

Supervisor Te Stroete moved to adopt the resolution. The motion was seconded by Supervisor Goehring and carried on unanimous roll call vote of the board.

The Clerk read the report of the Finance Committee regarding **Ordinance No. 11 (2023/24) Amending Chapter 1 – County Organization and County Board of Supervisors** recommending enactment.

Supervisor Goehring moved to enact the ordinance. Supervisor Wegner seconded the motion which carried on unanimous roll call vote of the board.

(Vice-Chairperson Abler presiding)

Pursuant to Rule IV of the Rules of Order, the following resolutions and ordinances were introduced by the Clerk and referred by the Vice-Chairperson as indicated:

Resolution No. 24 (2023/24) Re: Carryover of Unexpended 2023 Appropriations to 2024 referred to the Executive Committee.

Ordinance No. 13 (2023/24) Re: Amending Chapters 61, 62, 63, 64 and 65 related to Airport Minimum Standards, Safety and the Airport Advisory Committee, and Naming of Sheboygan County Memorial International Airport referred to the Executive Committee.

ADJOURNMENT

Supervisor Te Stroete moved to adjourn. Supervisor Clarke seconded the motion which carried on unanimous roll call vote of the board. The meeting was adjourned at 6:29 p.m. **The next scheduled meeting is Tuesday, February 20, 2024 at 6:00 p.m.**

1 SHEBOYGAN COUNTY RESOLUTION NO. 24 (2023/24)

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3 Re: Carryover of Unexpended 2023 Appropriations to 2024

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6 **WHEREAS**, the 2023 County Budget included appropriations for certain items which were
7 expected to be completed in 2023 but for a variety of reasons were not, and
8

9 **WHEREAS**, the Finance Committee has asked each Department having a surplus and
10 with unexpended 2023 appropriations supported by levy to justify carryover of the appropriation
11 to 2024, and the Committee has carefully reviewed each such request and recommends that the
12 items on the attached list be carried over to and authorized for expenditure in 2024, in the total
13 amount of \$1,249,310.00; and
14

15 **WHEREAS**, while the exact amount of the carryover cannot be determined until the books
16 for 2023 have been closed, the amount requested for carryover will be adjusted to actual available
17 balances,
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19 **NOW, THEREFORE, BE IT RESOLVED** that the aforementioned expenditures be and
20 hereby are approved for carryover to and expenditure in 2024.
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23 Respectfully submitted this 16th day of January, 2024.
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25
26 **FINANCE COMMITTEE**

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28 
29 _____
30 Roger L. TeStroete, Chairperson

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32 
33 _____
34 Kathleen Donovan, Vice-Chairperson

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36 
37 _____
38 William C. Goehring, Secretary

39
40 
41 _____
42 Keith Abler, Supervisor

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45 _____
46 Thomas Wegner, Supervisor
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Opposed to Introduction:

Carryover Requests 2023 to 2024

ACCOUNT NUMBERS	AMOUNT APPROVED	SUBTOTAL BY DEPT.	ACCOUNT DESCRIPTION	PROJECT/JUSTIFICATION	Reason Unexpended in 2023	Verified approval in min
187.565000	\$ 58,577		Mach & Equip - 10yrs	Brook Truck - Delay in assembly by the manufacturer	Delivery has not yet taken place for broom truck	Transportation 12/4/2023
Dept. Total		\$ 58,577		Airport		
101.532145	\$ 49,834		Structural	Administration Building - Roof maintenance (PO #258599) & carpet for Planning, County Clerk, & Room 302.	Vendor to do second roof inspection in 2024. Carpet project to be bid out soon.	Property 12/19/23
102.532145	2,650		Structural	Aging & Disability Resource Center - Roof maintenance (PO #258599)	Vendor to do second roof inspection in 2024	Property 12/19/23
103.532145	62,082		Structural	Courthouse - Roof maintenance (PO #258599), carpet for District Attorney & Branch 2 ceiling replacement (PO #261001)	Vendor to do second roof inspection in 2024. Carpet project to be bid out soon. Ceiling vendor has schedule delays.	Property 12/19/23
103.533245	2,764		Training	Courthouse - training opportunities for staff	New staff orientation priority, but offsite training needed.	Property 12/19/23
103.531105	6,821		Consulting	Courthouse - traditional carryover of unused amounts (PO #255475)	Partial project requests needing architect/engineering schematic/budget plans in 2023.	Property 12/19/23
103.531235	2,250		Software	Courthouse - VoIP Duress System Contract	Installation of new system incomplete, so contract not started yet.	Property 12/19/23
103.533900	159,217		Contingency	Courthouse - Emergency repair funds, typically carryover unused amounts	Remaining funds to provide additional funding for unknown failures.	Property 12/19/23
103.533928	781		Computers	Courthouse PC failure and funds remain	New PC on order	Property 12/19/23
103.533930	1,000		Equipment <\$500	Courthouse failed camera replacements	Work not done due to electrician's work load and training replacement.	Property 12/19/23
104.532145	3,511		Structural	Detention Center - roof maintenance (PO #258599)	Vendor to do second roof inspection in 2024.	Property 12/19/23
104.532205	5,875		Heating	Detention Center - AHU snow shield (PO #260603)	Vendor not scheduled work yet. Fund transfer request approved by Finance 12/13/23.	Property 12/19/23
105.532145	3,553		Structural	Health & Human Services - roof maintenance (PO # 258599)	Vendor to do second roof inspection in 2024.	Property 12/19/23
105.532130	1,659		Plumbing	Health & Human Services - Galvanized plumbing replacements (PO #255582)	Vendor invoice pending.	Property 12/19/23
106.532145	3,481		Structural	Law Enforcement Center - roof maintenance (PO #258599)	Vendor to do second roof inspection in 2024.	Property 12/19/23
198.564000	17,598		Building Improvement	Excess funds remaining from 4th floor hall in Courthouse - potentially to use for carpet.	Project to be bid soon, expecting bids to be higher than budgeted.	Property 12/19/23
198.565000	66,905		Machinery & Equipment	Health & Human Services Generator replacement, plus installation.	Generator delivery late due to supply chain issues, unable to install until Spring 2024.	Property 12/19/23
198.565020	11,100		Machinery & Equipment	Implementation services for Mitel Revolution panic button system upgrade (PO #257558)	Project has taken longer than anticipated to complete due to unforeseen complications in the configuration and set up.	Property 12/19/23
1105.532145	2,446		Structural	Museum - Underground roof flashing	Vacant positions, so unable to complete the work.	Property 12/19/23
Dept. Total		\$ 403,527		Building Services		
Subtotal		\$ 462,104		General Fund		

Carryover Requests 2023 to 2024

ACCOUNT NUMBERS	AMOUNT APPROVED	SUBTOTAL BY DEPT.	ACCOUNT DESCRIPTION	PROJECT/JUSTIFICATION	Reason Unexpended in 2023	Verified approval in min
Pending Liaison Committee Approval on 1/16/2024						
2112.533926	\$ 15,077		Non Cap Equip over \$500	Equipment upgrade for Rm 372. Equipment is inadequate for HHS needs.	December budget adjustment	
2115.531246	125,000		Systems Support Costs	Scanning client records to go digital. Need to remodel the records room for office space once are files are digital.	December budget adjustment	
2115.533923	3,800		Noncap off F&E >\$500	Desks and chairs. Aged furniture is being replaced.	December budget adjustment	
2112.533923	3,000		Noncap off F&E >\$500	Desks and chairs. Aged furniture is being replaced.	December budget adjustment	
2027.533923	9,000		Noncap off F&E >\$500	Desks and chairs. New positions to the TO require desks and chairs.	December budget adjustment	
2511.533923	12,000		Noncap off F&E >\$500	Desks and chairs. Aged furniture is being replaced.	December budget adjustment	
2318.533110	5,000		Printing	Marketing and materials. Marketing and materials for the Community Health Needs Assessment for Call to Action and Community Action Planning	Costs delayed to 2024	
2343.531105	13,800		Consulting	Consultation Costs. Work with a consultant has been delayed until December 2023.	Costs delayed to 2024	
2343.531255	5,000		Interpretation Services	Translation costs for materials. Interpretation and translation resources have changed locally and will need a new vendor in 2024 to complete work needed.	Costs delayed to 2024	
Dept. Total		\$ 191,677		HHS		
Subtotal		\$ 191,677		Special Revenue Fund		
440.567000	\$ 99,510		Trucks	Dump Body Upfit. Casper's is working on the truck.	Truck arrived later than expected from KW.	Transportation 12/4/2023
440.567000	95,336		Trucks	Dump Body Upfit. This will be next truck built after previous one.	Truck arrived later than expected from KW.	Transportation 12/4/2023
440.567000	95,336		Trucks	Dump Body Upfit. This will be next truck built after previous one.	Truck arrived later than expected from KW.	Transportation 12/4/2023
440.565000	143,000		Machinery & Equipment	CAT CW 16 Unit is in production with delivery scheduled for January 2024.		Transportation 12/4/2023
440.565000	143,000		Machinery & Equipment	CAT CW 16 Unit is in production with delivery scheduled for January 2024.		Transportation 12/4/2023
Dept. Total		\$ 576,182		Highway		
423.531105	\$ 11,213		Consulting	Professional services for Duo Multi Factor Authentication project. Project will not finish until 2024 and these professional services are needed for a successful implementation.	Project has taken longer than anticipated to complete due to unforeseen complications in the configuration and set up.	Finance 12/13/2023
423.531105	8,134		Consulting	Professional services for JD Edwards system maintenance. Maintenance will not be completed until 2024 and is needed to sustain healthy system operations.	Maintenance was deferred until later in 2023 due to competing priorities.	Finance 12/13/2023
Dept. Total		\$ 19,347		Information Technology		
Subtotal		\$ 595,529		Internal Service Fund		
Grand Total		\$ 1,249,310	Submitted to Finance Committee 1/10/2024, County Board 1/16/2024			

SHEBOYGAN COUNTY ORDINANCE NO. 13 (2023/24)

Re: **Amending Chapters 61, 62, 63, 64 and 65 related to Airport Minimum Standards, Safety and the Airport Advisory Committee, and Naming of Sheboygan County Memorial International Airport**

WHEREAS, the Sheboygan County Memorial Airport began operating in 1960 in the Town of Sheboygan Falls; and

WHEREAS, over the years the airport has grown the services offered to pilots, passengers, corporate stakeholders and citizens of the Sheboygan County community including the addition of a U.S. Customs facility under the User Fee Agreement Program, pursuant to Title 19, United States Code, Section 586, which allows for U.S. Customs and Border Protection processing of aircraft, passengers and cargo entering the United States; and

WHEREAS, in recognition of the addition of the U.S. Customs facility and services at the Airport, the Transportation Committee recommends adding "international" to the name of the Sheboygan County Memorial Airport; and

WHEREAS, as the needs and services at the Airport have changed, county staff has reviewed Chapters 61 through 64 of the Sheboygan County Code relating to minimum standards and safety and Chapter 65 related to the Airport Advisory Committee, and the Transportation Committee recommends approval of the revisions to Chapters 61 through 65 of the County Code.

NOW, THEREFORE, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1. **Amending Chapters 61, 62, 63, 64 and 65.** Chapters 61, 62, 63, 64 and 65 of the Sheboygan County Code of Ordinances are hereby amended as attached hereto (deletions indicated by strikeouts; additions by underline).

Section 2. **Changing Name of Airport.** Sheboygan County Memorial Airport shall hereafter be called the Sheboygan County Memorial International Airport.


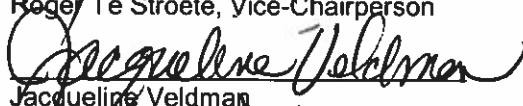
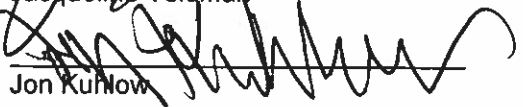
Section 3. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 16th day of January, 2024.

TRANSPORTATION COMMITTEE


Thomas Wegner, Chairperson

Al Bosman, Secretary


Roger Te Stroete, Vice-Chairperson

Jacqueline Veldman

Jon Kuhn

Opposed to Introduction:

Countersigned by:

Vernon Koch, Chairperson

CHAPTER 61
SHEBOYGAN COUNTY MEMORIAL ~~INTERNATIONAL~~ AIRPORT

- 61.01 OPERATION OF AIRPORT
- 61.02 DEFINITION OF WORDS AND PHRASES
- 61.03 AIRPORT OPERATION POLICIES
- 61.04 ZONING OF LAND USES
- 61.05 UTILITIES
- 61.06 ENTRANCES
- 61.07 SPECIAL VARIANCE
- 61.08 ENFORCEMENT
- 61.09 PENALTY
- 61.10 MULTIPLE OWNERSHIP

61.01 OPERATION OF AIRPORT. The Transportation Committee shall have supervision over equipment, maintenance, and operation of the Sheboygan County Memorial ~~International~~ Airport as follows:

(1) The Committee shall adopt regulations and establish fees or charges for the use of said Airport not inconsistent with this Ordinance.

~~(2) The Committee shall employ an Airport Superintendent whose salary shall be approved by the County Board, and the Committee shall specify those duties.~~

~~(3)~~(2) The Committee shall prepare and submit an annual report to the County Board. Such report shall include information on Aircraft traffic, Airport expenditures and revenues, and comparative figures on past, present, and future traffic and activity in addition to other information that the Committee may deem pertinent to the report.

~~(4)~~(3) The Committee shall submit to the County Board an annual budget setting forth anticipated revenues and expenditures including capital improvements and the amount recommended to be raised by taxation for Airport purposes.

~~(5)~~(4) The Committee shall make studies and conduct surveys from time to time to assist it in improving the operation of the Airport and for planning purposes.

~~(6)~~(5) The Committee shall, in cooperation with the appropriate County Department, establish an Airport accounting system of sufficient detail to enable the Committee to accurately establish rates and charges for lease purposes and to eliminate possible inefficient operation and maintenance practices.

~~(7)~~(6) The Committee shall prepare and adopt uniform leases and agreements for the various types of Airport activities and land uses authorized in this Ordinance.

~~(8) The Committee shall adopt rules and regulations governing taxiing, landing, and taking off of all aircraft using the Sheboygan County Memorial Airport.~~

~~(9)~~(7) The Committee shall cooperate with and receive the cooperation of County Departments providing services or assistance to the Airport.

~~(8) The Committee shall have such additional authority as delegated by the County Board in Chapter 2 of the County Code.~~

61.02 DEFINITION OF WORDS AND PHRASES. As used in this Ordinance, unless the context otherwise requires:

(1) **"Airport"** means the Sheboygan County Memorial ~~International~~ Airport.

(2) **"Apron"** means that paved area designed and used solely for the temporary parking and servicing of aircraft.

(3) **"Concession"** means any non-aeronautical facility or service required for the convenience of the public using the Airport.

- (4) **"Fixed-Base Operator"** means any person, firm, corporation, or association carrying persons or property for hire or furnishing aeronautical services, supplies, or instruction and conducting such business from a particular municipal airport.
- (5) **"Hangar"** means any building designed and used for the aeronautical purposes providing space for aircraft and service activities.
- (6) **"Lessor"** means owner as defined in Subsection (2) of this Section.
- (7) **"Multiple T-Hangar"** means a rectangular-shaped building capable of housing two (2) or more aircraft and which provides individual door openings for each aircraft.
- (8) **"Owner"** means Sheboygan County.
- (9) **"Tie-down"** means an area designed and used for the parking and tying down and storage of aircraft.
- (10) **"Public thoroughfare"** means all areas in the administration area of the Airport designed and used for the passage of people in vehicles or on foot.
- (11) **"Shop"** means a building capable of housing one (1) or more aircraft while such aircraft are being repaired.
- (12) **"Taxiway"** means a paved area designated solely for the taxiing of aircraft except apron areas.
- (13) **"Tie-down"** means an area designed and used for the parking and tying down and storage of aircraft.
- (14) **"Vehicle"** means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway.
- (15) **"Zoning Map"** means the Sheboygan County Memorial International Airport Map A, which is on file in the Airport Superintendent's office and County Clerk's office, made a part of this ordinance by reference.

61.03 AIRPORT OPERATION POLICIES. The Committee, in carrying out its duties and responsibilities, shall adhere to the following owner policies:

- (1) The owner may engage in aviation activities as set forth in Chapter 64 of the County Code.
- (2) The owner shall encourage the development of the Airport in those areas where substantial building costs are incurred by lessees, by approving long-term leases which provide for the re-examination and readjustment of rates and charges at specified periods of time during the term of the lease.
- (3) Lessees shall be selected on the basis of tenant's desirability and not by bid basis. In determining the use of space in the terminal building, first consideration should be given to public convenience and necessity.
- (4) Buildings to be constructed by lessees shall be of metal or masonry or a combination thereof, except those referred to in Subsection 61.04(4), below, and the building plans and location shall be approved in writing by the ~~Committee~~ Airport Superintendent prior to construction.

61.04 ZONING OF LAND USES. The designated land areas of the ~~Map-Airport~~ are hereby zoned in accordance with the current version of the ~~Airport Layout Plan (ALP) approved as revised by the Federal Aviation Administration (FAA). Said ALP is referred to as "Map A" throughout this Chapter. Copies are on file in the Airport Superintendent's Office and County Clerk's Office and made a part of this Ordinance by reference.~~ Zoning Map. All activities, operations, functions, and land uses shall conform to the limitations set forth in the following Subsections:

- (1) Terminal Area. This area shall be the public use area and shall be developed by the owner. The terminal building and such other buildings needed for the public shall be located in this area.
- (2) Utility and Service Area. This area shall be the location for Airport utility and service buildings for housing maintenance equipment and fire and crash equipment.
- (3) Commercial Aviation Areas.
 - (a) Allowable Activities. All commercial aviation business normally conducted by fixed-base operators shall be located in this area. Sale and maintenance of aircraft, engines, parts, and accessories, including the sale of gasoline and oil, aircraft storage, flight training, aircraft rentals, and charter services are allowable activities and such concessions as granted by lease or agreement.
 - (b) Lot Sizes. All lots shall have a minimum of thirty-three thousand (33,000) square feet.
 - (c) Set-backs. ~~All set-back lines shall be as designated on Map A of this Ordinance~~ Five (5) feet from each lot line.
 - (d) Building Heights. All buildings shall not exceed a maximum height of forty (40) feet above the grade level.
 - (e) Building Sizes. The initial buildings constructed by the lessee shall have a minimum floor area of at least seven thousand five hundred (7,500) square feet.
- (4) Industrial Hangar Area.
 - (a) Allowable Activities. All non-commercial hangars, excluding multiple T-hangars, shall be located in this area, and the exclusive use of this area shall be aircraft housing. Aircraft maintenance and repair may be performed by the owner or regular full-time employees of the owner. In the case of a multiple-owner hangar, rules apply to each as if they were a single owner, except that a cooperative agreement between owners for hangar administration, aircraft movement, and aircraft repairs and maintenance is permitted. No flammable liquids except fuel required for heating the building and those required for aircraft maintenance shall be stored above or below the ground, nor shall aviation fuels be dispensed in this area other than by dispensing equipment operating from the commercial aviation areas; provided, however, that aviation fuel may be dispensed only into aircraft owned, leased, or controlled by the owner or lessee of the Industrial Hangar if such owner or lessee has installed aviation fuel storage tanks in the Airport fuel farm. The Committee shall also have the authority to establish a policy waiving the above limitations on a temporary basis, but such waiver and temporary basis shall not exceed three (3) full calendar days for transient aircraft or emergency use situations and shall not exceed ninety (90) days for locally-based aircraft requiring storage facilities not presently available at the fixed base operator's facility.
 - (b) Lot Sizes. Lot sizes shall be as designated on the current version of the ~~Airport Layout Plan approved as revised by the FAA. Said ALP is referred to as Map A throughout this Chapter. Copies are on file in the Airport Superintendent's Office and the County Clerk's Office and made a part of this Ordinance by reference.~~ Zoning Map.
 - (c) Set-Backs. ~~All set-back lines shall be as designated in Map A of this Ordinance~~ Five (5) feet from each lot line.
 - (d) Building Heights. All buildings shall not exceed a maximum height of 40' above the grade level.
 - (e) Building Sizes. Any building constructed in this area shall have a minimum floor space of 2,500 square feet and a minimum clear door opening of 45' wide and 14' feet high.

- (5) Multiple T-Hangar Area.
- (a) Allowable Activities. This area shall be restricted to the location of multiple unit T-Hangars for the storage of aircraft. Only aircraft owners or their regular full-time employees may perform maintenance or repairs on their aircraft in this area. No flammable liquids shall be stored above or below the ground. Aircraft shall not be parked in the manner which interferes with movement of aircraft in this area.
 - (b) Lot Sizes. All lots shall be a minimum width of 52' feet and length shall be determined by the number of units constructed.
 - (c) Set-backs. ~~All set-back lines shall be as designated on Map A of this Ordinance~~ Five (5) feet from each lot line.
 - (d) Building Sizes. All buildings shall have sufficient floor space to house eight (8) aircraft and all old buildings reconstructed in this area shall have door openings of at least 39'6" and a minimum clear height of 10'6", and all new buildings constructed shall have a minimum door opening of 39'6" wide and a minimum clear height of 11'6".
- (6) Tie-Down Area. Those areas shall be used for the permanent tie-down of aircraft based on the Airport or those transient aircraft remaining longer than four (4) hours. Temporary tie-down areas may be designated by the ~~Committee~~ Airport Superintendent.
- (7) Apron Areas. These public areas shall be used for unloading or loading passengers, refueling aircraft, and the parking of aircraft for periods less than four (4) hours. All single-engine aircraft parked on the apron temporarily shall be secured by "tie-downs."
- (8) Individual Hangar Area.
- (a) Allowable Activities.
 - 1. The exclusive use of this area shall be for storage of ~~the type of airworthy~~ aircraft ~~whose~~ which use does not conflict with commercial services as defined under Sheboygan County ~~Ordinance Code~~ Chapter 64.
 - 2. A hangar owner may lease or rent part of the hangar space to another but only for ~~airworthy~~ aircraft storage. A hangar owner wishing to lease or rent the entire hangar may do so with advance approval of and subject to conditions established by the Transportation Committee.
 - 3. Aircraft maintenance and repair may be performed ~~only~~ by the aircraft owner. No flammable liquids shall be stored above or below the ground nor shall aviation gasoline be dispensed in this area.
 - 4. Aircraft shall not be parked in a manner which interferes with movement of aircraft within this area.
 - (b) Lot Sizes. All lot sizes shall be as designated on ~~Detail Map A dated November 1, 2004, to Map A of this Ordinance~~ as follows:
 - 1. Lots 1a through 6a: 60' wide by 60' deep.
 - 2. Lots 1 through 30: 60' wide by 70' deep.
 - 3. Lot 31: 80' wide by 70' deep.
 - 4. Lots 232 through G240: 80' wide by 80' deep.
 - 5. Requests for modifications to lot sizes from the specifications defined above shall be reviewed by the Transportation Committee.

- (c) ~~Setbacks. All setback lines shall be as designated on Detail Map A dated November 1, 2004, to Map A of this Ordinance~~All setbacks as listed on Zoning Map.
- (d) Building Heights. All buildings shall not exceed a maximum height of 40' above the grade level. No external protrusions, braces, or supports shall exceed the height of the roof.
- (e) Building Sizes. Any hangar building constructed in this area shall comply with the sizes defined below:
1. Lots 1a through 6a: 42' wide by 40' deep minimum hangar size; 50' by 40' deep maximum hangar size.
 2. Lots 1 through 6: 42' wide by 42' deep minimum hangar size; 42' wide by 45' deep maximum hangar size.
 3. Lots 7 through 31; Lots F124 through F231; and Lots G131 through G140: 42' feet wide by 42' deep minimum hangar size; 50' wide by 50' deep maximum hangar size.
 4. Lots G232 through G240: 60' wide by 60' deep minimum hangar size; 70' wide by 70' deep maximum hangar size.
 5. Requests for hangar sizes which do not conform to specifications defined above shall be reviewed by the Transportation Committee.

~~(f) The Committee shall develop the necessary incidental lease/contract requirements which among other things shall specifically prohibit County improvement or maintenance of the above area.~~

(9) Fuel Farm Area.

- (a) Allowable Activities. This area is reserved for the storage of fuel used in aircraft owned by Airport tenants [as permitted by Section 61.04(4)(a)] or fuel dispensed by the fixed-base operator.
- (b) Written Agreement. A written agreement between a fuel farm tenant, other than a fixed-base operator, and the Transportation Committee shall contain but shall not be limited to the following provisions:
1. At no time shall the fuel farm tenant share, sublease, or in any other manner provide fuel or fueling facilities to any other tenant or any other aircraft except those aircraft owned or leased for the exclusive use of the tenant(s) designated in this agreement.
 2. Tenant shall install and maintain all fuel facilities within the fuel farm in accordance with plans and specifications approved in writing by the Transportation Committee.
 3. Tenant shall comply with all federal, state, and local laws and regulations governing the installation, operation, and maintenance of all fueling facilities, equipment, and dispensing trucks.
 4. Dispensing trucks, bulk fuel trucks, emergency vehicles, and other vehicles approved by the Transportation Committee or Airport Superintendent shall be the only vehicles permitted within the fuel farm.
 5. The tenant shall pay fuel flowage charges which are similar to those at the highest rate being paid by the fixed-base operator for similar fuel dispensed at the Airport.
 6. The fuel farm tenant shall submit to the Transportation Committee a written plan which sets forth the extent of operations to include: fuel grades;

estimated annual volume; experience and training of fuel-handling personnel; type, size, and condition of all fueling facilities and equipment to be used; and provisions for the security and safety of the facility.

- A. The plan which shall be complied with once approved and shall be updated as required by the Transportation Committee.
 - B. Acceptable minimum requirements for the items defined in Subsection (9)(b)6. are to be obtained from **Federal Aviation Administration Advisory Circular (FAA AC) 150/5230-4**, "Aircraft Fuel Storage, Handling, and Dispensing on Airports," a copy of which is on file in the Office of the County Clerk and the Airport Superintendent's Office.
7. The following minimum standards shall be in addition to the above:
- A. Fuel tanks allowed in fuel farm area shall have a minimum capacity of ten thousand (10,000) gallons.
 - B. Fuel tanker trucks having a one thousand- (1,000-) gallon minimum ~~but not exceeding two thousand five hundred (2,500-) gallon maximum size~~ shall be allowed to service the fuel farm tenant's own aircraft at the Airport.
 - C. Off-use parking of tenant's fuel tanker trucks shall be permitted on Airport grounds only in area(s) designated by the Transportation Committee.
 - D. Bulk fuel tanker trucks shall have access to fuel farm area only.
 - E. Fuel farm tenant aircraft fueling locations:
 - (i) Industrial tenants who own a fuel tank located in the fuel farm shall fuel his or her own aircraft on his or her own industrial lot site in an area that meets the fueling requirements set forth in FAA AC 150/5230-4.
 - (ii) Commercial tenants who own a fuel tank located in the fuel farm shall fuel his or her own aircraft in a "fueling area" designated by the Transportation Committee on the Airport grounds.
 - (iii) Private tenants who own a fuel tank located in the fuel farm shall fuel his or her own aircraft in a "fueling area" designated by the Transportation Committee on the Airport grounds.
- (c) State Requirements. Placement of fuel tanks at the Airport shall comply with all ~~Wisconsin Administrative Code~~ requirements of the **Wisconsin Commercial Building Code** presently in effect (to-wit: Ind. 8.12, 8.20, 8.21, 8.22, 8.23, and 8.40) and any acts amendatory or supplementary thereto which may hereafter be adopted by the state, all of which are made a part hereof by reference.
- (d) Insurance. Fuel farm tenants shall provide and keep in effect general liability insurance coverage for the fuel farm operations having limits of not less than One Million Dollars (\$1,000,000.00) in which the County is included as an "Additional Insured/Lessor" and shall annually supply to the County a Certificate of Insurance showing compliance with this requirement.
- (10) Architectural and Aesthetic Control. All buildings, landscaping, parking areas, and exterior signage shall be substantially consistent with and compatible with existing improvements at the Airport. Designs, specifications, colors, materials, and dimensions shall be submitted to the Airport Superintendent for review for compliance with this Ordinance. The determination

of the Airport Superintendent may be reviewed by the Transportation Committee upon request.

61.05 UTILITIES. All users of water from the Airport well and sewage facilities shall provide their own pipes to their lot lines and shall pay a connection fee and a yearly service fee to the owner. The owner shall provide the necessary pipe lines from the utility location to the lessee's lot line. All electrical and telephone utilities shall be arranged for and paid by the lessee, and the location of all lines and poles shall first require approval by the Committee.

~~61.06 ENTRANCES. The only entrance to the Airport shall be the road laid out by the proper authorities with the Transportation Committee as shown on Map A.~~

61.076 SPECIAL VARIANCE. The Committee shall be authorized to issue special building permits for special purpose hangars in compliance with Federal Aviation Administration grant assurances on the following conditions:

- (1) The hangar shall be for the sole purpose of storing non-commercial aircraft of a special category such as antique aircraft, home-built aircraft, or experimental aircraft.
- (2) The aircraft shall be of such nature so that its size makes storage in the sizes of buildings presently covered hereinabove impractical.
- (3) The hangar be of the same construction as specified hereinabove.
- (4) The building separations required in the individual hangar area and the Wisconsin ~~Industrial Commission-Commercial~~ Building Code or any local building codes be complied with.
- (5) The use of the building be restricted to the storage of the special aircraft involved unless said special aircraft is no longer housed at the Sheboygan County Memorial ~~International~~ Airport at which time use of said building shall be for such purposes as permitted in the sole discretion of the Transportation Committee.

61.087 ENFORCEMENT. It shall be the duty of the Airport Superintendent and the Sheboygan County Sheriff's Department to enforce the provisions of this Ordinance.

61.098 PENALTY. Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than One Dollar (\$1.00) nor more than Two Hundred (\$200.00) together with the costs of prosecution and, in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding ninety (90) days.

61.09 MULTIPLE OWNERSHIP. Any structures at the Airport may be owned by more than one individual so long as the lease provisions for such structure shall contain a default provision that provides that a default of one unit of ownership shall be a default of all of the units of ownership and, unless such default is remedied within thirty (30) days of written notice thereof to all of the unit owners, all of such owners shall be in default. The lease shall include a limitation on the number of units of ownership as in the determination of the Committee may be necessary to maintain the orderly development of the Airport.

CHAPTER 62
REGULATING SHEBOYGAN COUNTY MEMORIAL **INTERNATIONAL** AIRPORT
VEHICULAR TRAFFIC

- 62.01 DEFINITION OF WORDS AND PHRASES
- 62.02 OPERATION OF VEHICLES ON RUNWAYS, TAXIWAYS, AND RAMPS
- 62.03 SPEED OF VEHICLES
- 62.04 PEDESTRIAN TRAFFIC/TRESPASSING
- 62.05 OVERNIGHT PARKING
- 62.06 ENFORCEMENT
- 62.07 PENALTIES

62.01 DEFINITION OF WORDS AND PHRASES. As used herein, the following words or terms shall have the meaning as indicated:

- (1) **"Pedestrian."** Any person afoot.
- (2) **"Vehicle."** Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway excepting unless specifically included, vehicles used exclusively upon stationary rails or tracks or any vehicle propelled by the use of electricity obtained from overhead trolley structures.
- (3) **"Emergency Equipment."** Emergency equipment is defined as ambulances, crash rescue and fire-fighting apparatus, and such other equipment as the Transportation Committee may designate as necessary to safeguard the Airport's runways, taxiways, ramps, buildings, and other common areas.
- (4) **"Service, Maintenance, and Construction Equipment."** Equipment normally operated at the request and direction of the Airport Superintendent and/or the Federal Aviation Agency on landing areas, runways, taxiways, and peripheral roads for the servicing, maintenance, and construction of Airport facilities and services. This definition shall include equipment owned and operated by a contractor performing work on the Airport under a contractual agreement with Sheboygan County.

62.02 OPERATION OF VEHICLES ON RUNWAYS, TAXIWAYS, AND RAMPS.

- (1) No privately-owned vehicle shall enter be driven upon or operated upon any Airport runway, taxiway, ~~or ramp or tie-down area~~ or any area posted by signs prohibiting the entrance thereon.
- (2) The provisions of this Section shall not apply to emergency equipment and/or service, maintenance, and construction equipment when engaged in performing official duties and such other vehicles as specifically authorized by the Airport Superintendent.

62.03 SPEED OF VEHICLES. No vehicle shall be driven upon any road within the perimeter of the Sheboygan County Memorial **International** Airport or upon other airport areas in excess of 15 miles per hour, the speed limit posted at the entrance of the Airport, or within the boundaries thereof, nor shall the driver of any vehicle fail to adhere to any sign posted to regulate vehicular traffic on or about the Airport for public safety.

62.04 PEDESTRIAN TRAFFIC/TRESPASSING. No persons shall be permitted to enter the enclosed or fenced area of the Airport beyond the administration area unless for the purpose of embarking in or disembarking from an aircraft, except for employees of the County, State, or federal government, or contractors engaged in Airport construction or maintenance work, or as otherwise authorized by the Airport Superintendent.

62.05 OVERNIGHT PARKING. No parking shall be permitted on the short-term parking lot during the period of December 1 through April 1 from midnight to 6:00 a.m. A sign reciting this prohibition shall be posted at the short-term parking lot.

62.06 ENFORCEMENT. The Sheboygan County Sheriff's Department is charged with the enforcement of this Ordinance.

62.07 PENALTIES. Any person who shall have violated any of the above Sections may be subject to one or more of the following:

(1) For violation of Sections 62.02, 62.03, and 62.04 of this Code, a forfeiture of not less than ~~Twenty-five~~ ~~One Hundred~~ Dollars (~~\$25.00~~~~100.00~~) nor more than ~~One-Three~~ Hundred Dollars (~~\$100.00~~~~300.00~~) plus costs of prosecution.

(2) For a violation of Section 62.05 of this Code:

(a) A written notice of a parking violation;

(b) A parking ticket carrying with it a forfeiture of not less than Thirty Dollars (\$30.00) nor more than Three Hundred Dollars (\$300.00); or

(c) Vehicles may be towed away at owner's expense.

~~(3) In lieu of the foregoing penalties, violators may be prosecuted under the terms of Section 38.10 of this Code if the element of the violations are not under this Section.~~

History: Ord. 1 (2012/13)

CHAPTER 63
REGULATING THE HEIGHT OF STRUCTURES AND TREES
AND THE USE OF PROPERTY IN THE VICINITY OF
THE SHEBOYGAN COUNTY MEMORIAL ~~INTERNATIONAL~~ AIRPORT

- 63.01 DEFINITIONS
- 63.02 ZONES
- 63.03 HEIGHT ZONES
- 63.04 USE RESTRICTIONS
- 63.05 NON-CONFORMING USES
- 63.06 ADMINISTRATION
- 63.07 PERMITS
- 63.08 HAZARD MARKING AND LIGHTING
- 63.09 BOARD OF ADJUSTMENTS
- 63.10 APPEALS AND REVIEW
- 63.11 PENALTIES

63.01 DEFINITIONS. As used in this Ordinance unless the context otherwise required:

(a) "Airport." The Sheboygan County Memorial ~~International~~ Airport located in Sections 10, 15, and 16, Township 15 North, Range 22 East, Sheboygan County, Wisconsin.

(b) "Airport Hazard." Any structure, object of natural growth, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to ~~such landing or taking off~~ normal aircraft operation.

(c) "~~Height Limitation Map.~~" ~~The Sheboygan County Airport Height Limitation Zoning Map, which is on file in the Airport Superintendent's office and County Clerk's office, and made a part of this ordinance by reference.~~

(~~ed~~) "Non-conforming Use." Any structure, tree, or use of land which does not conform to a regulation prescribed in this Ordinance or an amendment thereto as of the effective date of such regulation.

(~~de~~) "Person." Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

(~~ef~~) "Runway." A level portion of an airport having a surface specially developed and maintained for the landing and take-off of aircraft.

(~~fg~~) "Structure." Any object constructed or installed by man.

(~~gh~~) "Tree." Any object of natural growth, except farm crops, which are cut at least once a year and except shrubs, bushes, or plants which do not grow to a height of more than five (5) feet.

63.02 ZONES. All zones established by this ~~Section-Chapter~~ are shown on ~~Map A entitled "Sheboygan County Airport Height Limitation Zoning- Map," Sheboygan County, Wisconsin, which is made a part of this Ordinance by reference and is on file in the Airport Manager's Office.~~

63.03 HEIGHT ZONES. Except as otherwise provided in this Ordinance, no structure shall be constructed, altered, located, or permitted to remain after such construction, alteration, or location, and no trees shall be allowed to grow to a height in excess of the height limit indicated on the maps referred to in Section 63.02 hereof.

63.04 USE RESTRICTIONS.

(a) Activities. Notwithstanding the provisions of Section ~~62.03~~ 63.02 of this Code, no use may be made of land in any zone in such a manner as to create electrical interference with radio communication between the Airport and aircraft; or electrical interference with the Instrument Landing System (ILS); or make it difficult for pilots to distinguish between Airport lights and others; or result in

glare in the eyes of pilots using the Airport; or impair visibility in the landing, taking off, or maneuvering of aircraft.

(b) Exceptions. The restrictions contained in Section 63.03 shall not apply to ~~legal fences or to farm crops which are cut at least once a year and are located outside of the glide slope antenna ground plane area and runway clear zone areas.~~ objects that are more than ½ mile from the nearest Airport boundary and are less than fifty (50) feet in height.

63.05 NON-CONFORMING USE.

(a) Not Retroactive. The regulations prescribed in Sections 63.03 and 63.04 of this Code shall not be construed to require the removal, lowering, or other change or alteration of any non-conforming use or otherwise interfere with the continuance of any non-conforming use except as otherwise provided by Section 63.07(b), below.

(b) Changes. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure if the construction or alteration of such was begun prior to the effective date of this Ordinance and if such is diligently pursued.

(c) Removal. This Section shall not interfere with the removal of non-conforming uses by purchase or the use of eminent domain.

63.06 ADMINISTRATION. It shall be the duty of the Sheboygan County Airport ~~Manager~~ **Superintendent** to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Sheboygan County Airport ~~Manager~~ **Superintendent** upon a form furnished by said Airport Manager. Applications which are, by this Ordinance, to be decided by the Sheboygan County Transportation Committee shall be promptly considered and granted or denied by them. Applications for actions by the Board of Adjustments shall be forthwith transmitted by the Sheboygan County Airport ~~Manager~~ **Superintendent** to the Board for hearing and decision.

63.07 PERMITS.

(a) Future Uses. No structure shall hereafter be constructed, erected, or installed, or be permitted to remain in any zone created by Section 63.02 of this Code until the owner or the owner's agent shall have applied in writing for a permit therefor and obtained such permit from the Sheboygan County Airport ~~Manager~~ **Superintendent**, except ~~structures more than 1/2 mile from the nearest Airport boundary and less than 50' maximum height above ground level at the building sites set forth in Section 63.04 (b).~~ Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation, or establishment. ~~The owner or owner's agent shall be responsible for obtaining an obstruction evaluation/ airport airspace analysis prior to applying for a permit from the Airport Superintendent. Any trees may be ordered removed when there is a finding that the tree violates the height restriction for the zone for which it is located.~~ Application for such permit shall indicate the use for which the permit is desired and shall describe and locate the use with sufficient particularity to permit the Sheboygan County Airport Manager to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Sheboygan County Airport Manager shall issue the permit applied for.

(b) Existing Uses. Before any non-conforming structure or tree may be replaced, altered, repaired, rebuilt, or replanted, a permit shall be applied for and secured in the manner prescribed by Paragraph 1 Section 63.07(1) authorizing such change, replacement, or repair. No such permit shall be granted that would allow the structure or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or than it is when the application for permit is made.

(c) ~~The Airport Superintendent may order the removal of any trees when there is a finding that the tree violates the height restriction for the zone for which it is located.~~

63.08 HAZARD MARKING AND LIGHTING. Any permit or variance granted under Sections 63.07 or 63.10 herein may, if such action is deemed advisable by the Sheboygan County Transportation Committee to effectuate the purpose of this Ordinance, and if such is reasonable under the circumstances, be so conditioned as to require the owner of the structure or trees in question to permit the owner of the Airport, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to the flyers the presence of an Airport hazard.

63.09 BOARD OF ADJUSTMENTS. The Sheboygan County ~~Building, Zoning, and Sanitation~~ Board of Adjustments, as established in ~~the SHEBOYGAN COUNTY SANITARY ORDINANCE pursuant to Wis. Stat. § 59.99 Chapter 76 of the Sheboygan County Code~~, is hereby authorized to administer the appropriate judicial functions set forth in this Ordinance. The said Board shall be referred to as the Board of Adjustments in this Ordinance.

63.10 APPEALS AND REVIEW.

(a) Variances. Upon appeal in special cases, the Board of Adjustments may, after investigation and public hearing, grant such variance from the terms of this Ordinance as ~~prescribed in Chapter 76 of the County Code will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship and such relief will do substantial justice and be in accord with the spirit of this Ordinance~~ and does not create a hazard to the safe, normal operation of aircraft.

(b) Aggrieved Person. Any person aggrieved or affected by any decision or action of the Sheboygan County Airport ~~Manager-Superintendent~~ or the Sheboygan County Transportation Committee, made in their administration of this Ordinance may appeal such decision or action to the Board of Adjustments.

(c) Procedure. Any appeal taken pursuant to this section shall be in conformity with the procedure established by ~~Wis. Stat. § 59.99 Chapter 76 of the Sheboygan County Code~~, Wis. Stat. § 59.694.

63.11 PENALTIES. Any person who violates, disobeys, neglects, omits, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, remove the structure or part thereof which violates the terms of this Ordinance, as determined by the Airport Manger, within ninety (90) days of such conviction.

(a) Upon failure to do so, the Airport ~~Manager-Superintendent~~ may order such removal. Such removal and/or restoration may be performed by the County, an agent, or by outside contract, and the cost thereof shall be billed to the owner and be paid within thirty (30) days and if not so paid shall become a delinquent special charge under provision of Wis. Stat. § ~~66.60(16)(a)-66.0627~~ and shall become a lien on the property, collectible as are other taxes.

(b) Such person also shall, upon conviction, forfeit to Sheboygan County not less than Twenty Dollars (\$20.00) nor more than Two Thousand Dollars (\$2,000.00), plus the costs of prosecution, for each offense. Each day during which such violation exists shall constitute a separate offense.

(c) Every violation of this Ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at the suit of Sheboygan County or any aggrieved citizen.

History:

CHAPTER 64
MINIMUM STANDARDS FOR AIRPORT SERVICES

- 64.01 MINIMUM REQUIREMENTS
- 64.02 MINIMUM STANDARDS ESTABLISHED
- 64.03 AIRCRAFT SALES
- 64.04 AIRFRAME AND POWER PLANT REPAIR FACILITIES
- 64.05 AIRCRAFT RENTAL
- 64.06 FLIGHT TRAINING
- 64.07 AIRCRAFT FUELS AND OIL DISPENSING SERVICE
- 64.08 RADIO, INSTRUMENT, OR PROPELLER REPAIR STATION
- 64.09 AIRCRAFT CHARTER AND AIR TAXI
- 64.10 AIR CARRIERS OR SCHEDULED AIR TAXI
- 64.11 SPECIALIZED COMMERCIAL FLYING SERVICES
- 64.12 MULTIPLE SERVICES
- 64.13 GENERAL REQUIREMENTS
- 64.14 LEASE CLAUSES
- 64.15 LEASE PROPOSAL REQUIREMENTS
- 64.16 FLYING CLUBS
- 64.17 GENERAL INSURANCE REQUIREMENTS

64.01 MINIMUM REQUIREMENTS. Minimum requirements for airport aeronautical services at the Sheboygan County Memorial **International** Airport shall be as set forth herein.

64.02 MINIMUM STANDARDS ESTABLISHED. The following minimum standards for a person or persons, firm, or corporation based upon and engaging in one or more aeronautical services for hire or consideration at the Sheboygan County Memorial **International** Airport, Sheboygan Falls, Sheboygan County, Wisconsin, shall hereafter be in full force and effect, and the lease clauses shall be included in all leases between the County of Sheboygan and any person or persons, firm, or corporation desiring to be based upon the Sheboygan County Memorial **International** Airport, Sheboygan Falls, Sheboygan County, Wisconsin, or engage thereon in any aeronautical service.

64.03 AIRCRAFT SALES.

(a) Statement of Concept. An "Aircraft Sales Operator" is a person or persons, firm, or corporation engaged in the sale of new or used aircraft through franchise or licensed dealership or distributorship (either on a retail or wholesale basis) of an aircraft manufacturer or otherwise and provides such repair, services, and parts as necessary to meet any guarantee or warranty on new or used aircraft sold by said Operator.

(b) Minimum Standards.

(1) **For new construction, ~~The~~ the** Operator shall lease from County of Sheboygan an area of not less than 15,000 square feet of ground space to provide for outside display and storage of aircraft and on which shall be erected a building to provide at least 2,500 square feet of floor space for aircraft storage and at least 1,000 square feet of floor space for office, customer lounge, and rest rooms, which shall be properly heated and lighted; ~~and shall provide telephone facilities for customer use.~~ **The Transportation Committee may approve the use of existing facilities with less floor space if it finds it is in the best interest of Airport operations.**

The Operator shall provide ~~auto~~-parking spaces within the leased area to accommodate at least ten (10) automobiles.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

(2) The Operator shall provide necessary and satisfactory arrangements for repair and servicing of aircraft but only for the duration of any sales guarantee or warranty period. Servicing facilities may be provided through written agreement with a repair shop operator at the Sheboygan County Memorial ~~International~~ Airport. The Operator shall provide an adequate inventory of spare parts for the type of new aircraft for which sales privileges are granted. The Operator who is engaged in the business of selling new aircraft shall have available or on call at least one (1) single engine demonstrator.

(3) The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified.

A. Aircraft Liability: \$1,000,000 combined single limit, including passengers, minimum

B. Airport Liability: ~~\$3,000,000~~ \$1,000,000 single limit, premises; plus \$1,000,000 single limit, products/completed operations no sub-limit

(4) The Operator shall have his premises open and services available eight (8) hours daily, five (5) days a week.

(5) The Operator shall have in Operator's employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards set forth in an efficient manner but never less than one (1) person having a current, effective commercial pilot certificate with single engine rating and instructor rating.

The Operator shall make provision for someone to be ~~in-attendance in the office~~ available to provide services at all times during the required operating hours.

64.04 AIRFRAME AND POWER PLANT REPAIR FACILITIES.

(a) Statement of Concept. An "Aircraft Engine and Airframe Maintenance and Repair Operator" is a person or persons, firm, or corporation providing one or a combination of airframe and power plant repair but with at least one (1) person currently certificated by the Federal Aviation Administration with ratings appropriate to the work being performed. This category of aeronautical services shall also include the sale of aircraft parts and accessories, but such is not an exclusive right.

(b) Minimum Standards.

(1) ~~For new construction, The~~ the Operator shall lease from Sheboygan County an area of not less than 16,000 square feet of ground space on which shall be erected a building to provide at least 5,000 square feet of floor space for airframe and power plant repair services including a segregated painting area all of which meet local and state ~~industrial-commercial~~ code requirements and with at least 1,000 square feet of floor space for office, customer lounge, and rest rooms, which shall be properly heated and lighted, ~~and shall provide telephone facilities for customer use.~~ The Transportation Committee may approve the use of existing facilities with less floor space if it finds it in the best interest of Airport operations.

The Operator shall provide ~~auto~~-parking spaces within the leased area to accommodate at least ten (10) automobiles.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

(2) The Operator shall provide sufficient equipment, supplies, and availability of parts equivalent to that required for certification by the Federal Aviation Administration as an approved repair station (FAR 145) or aircraft maintenance repair facility (FAR Part 91).

(3) The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

A. Aircraft Liability: \$1,000,000 combined single limit, including passengers, minimum.

B. Hangar Keepers and/or Products Liability: A sum sufficient to adequately cover the maximum liability exposure based on the intended use of the premises or value of the equipment to be serviced.

C. Airport Liability: ~~\$3,000,000~~1,000,000 single limit, premises; plus \$1,000,000 single limit, products/completed operations no sub-limit.

(4) The Operator shall have his premises open and services available eight (8) hours daily, five (5) days each week.

(5) The Operator shall have in Operator's employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category of services in an efficient manner, but never less than one (1) person currently certificated by the Federal Aviation Administration with ratings appropriate to the work being performed and who holds an airframe, power plant, or an aircraft inspector rating, and one (1) other person not necessarily rated.

The Operator shall make provision for someone to be available to provide services in attendance in the office at all times during the required operating hours.

64.05 AIRCRAFT RENTAL.

(a) Statement of Concept. An "Aircraft Rental Operator" is a person or persons, firm, or corporation engaged in the rental of aircraft to the public.

(b) Minimum Standards.

(1) For new construction, ~~The~~the Operator shall lease from Sheboygan County an area of not less than 15,000 square feet of ground space and on which shall be erected a building to provide at least 2,500 square feet of floor space for aircraft storage and at least 1,000 square feet of floor space for office, customer lounge, and rest rooms, which shall be properly heated and lighted, ~~and shall provide telephone facilities for customer use.~~The Transportation Committee may approve the use of existing facilities with less floor space if it finds it in the best interest of Airport operations.

The Operator shall provide ~~auto~~ parking spaces within the leased area to accommodate at least ten (10) automobiles.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

(2) The Operator shall have available for rental, either owned or under written lease to Operator, not less than two (2) certificated and currently airworthy aircraft, at least one (1) of which must be a four-place aircraft, and at least one (1) of which must be equipped for and capable of flight under instrument conditions.

(3) The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

A. Aircraft Liability: \$1,000,000 combined single limit for bodily injury and property damage including passengers with a \$100,000 sub-limit per passenger.

B. Airport Liability: ~~\$3,000,000~~ \$1,000,000 single limit, premises; \$1,000 single limit.

(4) The Operator shall have his premises open and services available eight (8) hours daily, six (6) days a week.

(5) The Operator shall have in Operator's employ and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards in an efficient manner, but never less than one (1) person having a current commercial pilot certificate with appropriate ratings, including instructor rating. The Operator shall make provision for someone to be ~~available to provide services~~ ~~attendance in the office~~ at all times during the required operating hours.

64.06 FLIGHT TRAINING.

(a) Statement of Concept. A "Flight Training Operator" is a person or persons, firm, or corporation engaged in instructing pilots in dual and solo flight training, in fixed or rotary wing aircraft, and provides such related ground school instruction as is necessary preparatory to taking a written examination and flight check ride for the category or categories of pilots' licenses and ratings involved.

(b) Minimum Standards.

(1) ~~For new construction, The~~ ~~the~~ Operator shall lease from Sheboygan County an area of not less than 15,000 square feet of ground space and on which shall be erected a building to provide at least 2,500 square feet of floor space for aircraft storage and at least 1,000 square feet of floor space for office, classroom, briefing room, pilot lounge, and rest rooms which shall be properly heated and lighted. ~~and shall provide telephone facilities for customer use.~~ The Transportation Committee may approve the use of existing facilities with less floor space if it finds it in the best interest of Airport operations.

The Operator shall provide ~~auto~~-parking spaces within the leased area to accommodate at least ten (10) automobiles.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

(2) The Operator shall have available for use in flight training, either owned or under written lease to Operator, not less than two (2) properly certificated aircraft, at least one (1) of which must be a four-place aircraft, and at least one (1) of which must be equipped for and capable of use in instrument flight instruction.

(3) The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

A. Aircraft Liability: \$1,000,000 combined single limit for bodily injury and property damage including passengers with a \$100,000 sub-limit per passenger.

(4) The Operator shall have Operator's premises open and services available eight (8) hours daily, six (6) days a week.

(5) The Operator shall have on a full-time basis at least one (1) flight instructor who has been properly certificated by the Federal Aviation Administration to provide the type of training offered.

The Operator shall have available for call on a part-time basis at least one (1) flight instructor who has been properly certificated by the Federal Aviation Administration to provide the type of training offered.

The Operator shall make provisions for someone to be ~~available to provide services in attendance in the office~~ at all times during the required operating hours.

64.07 AIRCRAFT FUELS AND OIL DISPENSING SERVICE.

(a) Statement of Concept. Line services shall include the sale and into-plane delivery of recognized brands of aviation fuels, lubricants, and other related aviation petroleum products. The Operator shall provide servicing of aircraft, including ramp assistance and the parking, storage, and tie-down of aircraft within the leased area.

(b) Minimum Standards.

(1) ~~For new construction, the Operator shall lease from Sheboygan County an area of not less than 15,000 square feet of ground space on which shall be erected a building to provide at least 2,500 square feet of floor space for aircraft storage and at least 1,000 square feet of floor space for office, customer lounge, and rest rooms, which shall be properly heated and lighted, and shall provide telephone facilities for customer use. The Transportation Committee may approve the use of existing facilities with less floor space if it finds it in the best interest of Airport operations.~~

The Operator shall provide ~~auto~~-parking spaces within the leased area to accommodate at least ten (10) automobiles.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

(2) The Operator shall provide at least two (2) 12,000-gallon fuel storage tanks at the Sheboygan County Memorial **International** Airport and maintain an adequate supply of fuel on hand at all times of at least two (2) grades of fuel as closely related as possible to the popular demand of the general aviation users of the Airport. The Operator shall provide at least two (2) metered filter-equipped dispensers, fixed or mobile, for dispensing the minimum requirement of two (2) grades of fuel. Separate dispensing pumps and meters are required for each grade of fuel.

The Operator shall provide such minor repair service that does not require a certificated mechanical rating and cabin services to general aviation aircraft as can be performed efficiently on the ramp or apron parking area, but only within the premises leased to the Operator.

The Operator shall make provision for the transportation of pilots and passengers of transient general aviation aircraft using the Operator's facilities and services from and to the Operator's office and the Sheboygan County Memorial International Airport terminal area.

The Operator shall procure and maintain tools, jacks, towing equipment, tire repairing equipment, energizers, and starters, heaters, fire extinguishers, ~~and passenger loading steps~~ as appropriate and necessary for the servicing of general aviation aircraft

using the Airport. All ~~E~~equipment shall be maintained and operated in accordance with local and state industrial codes.

(3) The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

A. Hangar Keepers Liability and/or Products Liability: A sum sufficient to adequately cover the maximum liability exposure based on the intended use of the premises or value of the equipment to be serviced.

B. Airport Liability: \$3,000,000 single limit, premises; plus \$1,000,000 single limit, products/completed operations no sub-limit.

C. Motor Vehicle Liability: \$1,000,000 single limit.

D. Pollution Liability Insurance covering its liability for bodily injury, property damage, and environmental damage resulting from sudden and accidental releases of pollution and coverage related to resultant clean-up and/or remediation costs arising out of the occupancy and use of the premises. Combined single limit bodily injury, property damage, environmental liability, and clean-up/remediation shall not be less than \$500,000 in the annual aggregate.

(4) The Operator shall have Operator's premises open for aircraft fueling and oil dispensing service 8:00 a.m. to sundown seven (7) days a week. The Operator shall make provision for such service during other hours on a call basis.

(5) The Operator shall have in Operator's employ and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category of services in an efficient manner.

(6) The Operator shall make provisions for someone to be **available to provide services** ~~in attendance in the office~~ at all times during the required operating hours.

64.08 RADIO, INSTRUMENT, OR PROPELLER REPAIR STATION.

(a) Statement of Concept. A "Radio, Instrument, or Propeller Repair Station Operator" is a person or persons, firm, or corporation engaged in the business of and providing a shop for the repair of aircraft radios, propellers, instruments, and accessories for general aviation aircraft. This category shall include the sale of new or used aircraft radios, propellers, instruments, and accessories but such is not an exclusive right. The Operator shall hold the appropriate repair shop certificates issued by the Federal Aviation Association.

(b) Minimum Standards.

(1) **For new construction,** ~~the~~ Operator shall lease from Sheboygan County an area of not less than 15,000 square feet of ground space on which shall be erected a building to provide at least 2,500 square feet of floor space to hangar at least one (1) aircraft, to house all equipment, and to provide an office, shop, customer lounge, and rest rooms, all properly heated and lighted; ~~and shall provide telephone facilities for customer use.~~ The Transportation Committee may approve the use of existing facilities with less floor space if it finds it in the best interest of Airport operations.

The Operator shall provide ~~auto~~-parking spaces within the leased area and shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

(2) The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

A. Airport Liability: \$3,000,000 single limit, premises; plus \$1,000,000 single limit, products/completed operations no sub-limit.

B. Hangar Keepers Liability and/or Products Liability: A sum sufficient to adequately cover the maximum liability exposure based on the intended use of the premises or value of the equipment to be serviced.

(3) The Operator shall have Operator's premises open and services available eight (8) hours daily, five (5) days each week, and one-half (1/2) day on Saturday.

(4) The Operator shall have in Operator's employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner but never less than one (1) person who is a Federal Aviation Administration rated radio, instrument, or propeller repairman and one (1) other repairman who need not be rated by the Federal Aviation Administration.

64.09 AIRCRAFT CHARTER AND AIR TAXI.

(a) Statement of Concept. An "Aircraft Charter" and an "Air Taxi Operator" is a person or persons, firm, or corporation engaged in the business of providing non-scheduled air transportation (person or property) to the general public for hire including non-stop sightseeing flights within a twenty-five- (25-) mile radius of the Airport as distinct from scheduled services as a common carrier.

(b) Minimum Standards.

(1) ~~For new construction, the~~ Operator shall lease from Sheboygan County an area of not less than 15,000 square feet of ground space on which shall be erected a building to provide at least 2,500 square feet of floor space for aircraft storage and at least 1,000 square feet of floor space for office, customer lounge, and rest rooms, which shall be properly heated and lighted. ~~and shall provide telephone facilities for customer use.~~ The Transportation Committee may approve the use of existing facilities with less floor space if it finds it in the best interest of Airport operations.

The Operator shall provide ~~auto~~-parking spaces within the leased area to accommodate at least ten (10) automobiles.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

(2) The Operator shall provide at least one (1) of the following types of aircraft either owned or under written lease to Operator: Not less than one (1) single-engine four-place aircraft and/or one (1) multi-engine aircraft, both of which must meet the requirements of the air taxi commercial operator certificate held by the Operator, including instrument operations.

(3) The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

A. Piston-powered Aircraft – Aircraft Liability: \$1,000,000 combined single limit, including passengers, minimum.

Airport Liability: \$3,000,000 single limit.

B. Turbine- and Jet-powered Aircraft – Aircraft Liability: \$3,000,000 single limit, including passengers.

Airport Liability: \$3,000,000 single limit, with product/completed operations, no sub-limit.

(4) The Operator shall have Operator's premises open and services available eight (8) hours daily, six (6) days per week. The Operator shall provide on-call service during hours other than the aforementioned.

(5) The Operator shall have in Operator's employ and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner but never less than at least one (1) Federal Aviation Administration certificated commercial pilot and otherwise appropriately rated to permit the flight activity offered by Operator.

The Operator shall make provision for someone to be **available to provide services in attendance in the office** at all times during the required operating hours.

64.10 AIR CARRIERS OR SCHEDULED AIR TAXI.

(a) Statement of Concept. An air carrier or scheduled air taxi operation is a person or persons, firm, or corporation engaged in air transportation of passengers and/or cargo between the Sheboygan County Memorial **International** Airport and fixed origination and/or destination points on a scheduled basis (whether said schedule is published or not) for consideration and available to the general public.

(b) Minimum Standards.

(1) The Operator shall lease from Sheboygan County terminal space, if said space is available, or if not **available**, from a lessee of Sheboygan County, with Sheboygan County's consent; **the Operator shall lease** adequate terminal space to sufficiently meet the needs of the general public it will serve or of the services it will perform but in no event less than a minimum of four hundred (400) square feet. Such minimum space may be provided on a combined use basis with another Operator. In the event a sub-lease arrangement is necessary, Sheboygan County will lend its assistance to the Operator in negotiating for said sublease for terminal space and will use its best efforts to secure adequate space for terminal use purposes or arrange some alternative method of providing for Operator's needs and the passengers and cargo involved in said services.

(2) The Operator shall furnish and equip the above referred to terminal space in an adequate manner.

(3) The Operator shall own or have on lease for not less than a period of twelve (12) months sufficient aircraft, but in any event not less than two (2), with passenger and/or cargo capacity to adequately serve the proposed routes and schedules of the Operator.

(4) The Operator shall require that all aircraft used for passenger service having a passenger seating capacity of eight or more shall be operated with a crew of at least two (2) pilots; and all aircraft operated for passenger service having a maximum passenger seating capacity of seven (7) or less may be operated by a crew with one pilot if said aircraft shall have an automatic pilot, as may be required by the Federal Aviation **Association-Administration** for the service intended and all aircraft used for cargo only shall meet the minimum standards as may be required by the Federal Aviation **Association-Administration** for the services being performed.

In all cases, captains shall be qualified for single pilot operation and all pilots and co-pilots must hold **I.F.R. ratings an instrument airplane rating under 14 C.F.R. § 61.65(d)**.

During the time said service is being provided, the Operator shall maintain a training program for all captains, supervised by a Director of Training, and shall require six- (6-) months' proficiency checks administered by a check pilot who is duly qualified and authorized to provide said checks by the Federal Aviation ~~Association~~ Administration. The results of said checks shall be kept on record and be available for inspection by Sheboygan County.

(5) The Operator shall maintain at the Sheboygan County Memorial International Airport adequate hangaring for at least one (1) of its aircraft used for said service.

(6) The Operator shall provide adequate facilities and personnel for the maintenance of all aircraft used in its scheduled operations to or from the Sheboygan County Memorial International Airport or contract for such maintenance with an Federal Aviation ~~Association~~ Administration-approved repair station, excepting for emergency repairs or maintenance, in which event Federal Aviation ~~Association~~ Administration-licensed airframe and power plant mechanics or such competent personnel as may be available may be used in said emergency to perform said work.

(7) In connection with providing said service, the Operator shall:

- A. ~~p~~Provide at other terminals on all flights serving Sheboygan County Memorial International Airport, adequate facilities and conveniences for ~~Sheboygan~~ passengers; and

- B. ~~m~~Maintain on-duty at ~~Sheboygan the airport~~, at least one (1) person employed for the purpose of servicing airline customers at least eight (8) hours per day every weekday and on Saturday, Sunday, and holidays such personnel as may be required based on the service provided; and

- C. ~~a~~At all points served on flights to or from ~~Sheboygan the airport~~ maintain sufficient personnel for servicing the airline customers; and

- D. ~~e~~Conduct operations in accordance with an operation manual approved by the Federal Aviation Administration; and

- E. ~~p~~Provide a minimum of three (3) round trips per weekday and such flights as may be required for the service provided on Saturday, Sunday, and holidays between ~~Sheboygan the airport~~ and a specific terminal point and which schedule must be maintained except for mechanical or weather delays. The minimum daily flights shall not apply to service involving cargo only, and in said service a minimum of two (2) flights per day shall be required; and

- F. ~~t~~The Operator shall carry and keep in force public liability insurance covering personal injury and property damage and such other insurance as may be necessary to protect Sheboygan County from such claims and accidents; and without limiting its liability the ~~Operating-Operation~~ shall keep in force such insurance with limits of liability for personal injury in the sum of not less than One Million Dollars (\$1,000,000.00) single limit per incident and the Operator shall furnish the County with present certification that such insurance is in force and it shall keep such certification current.

(8) The Operator shall have a net worth as may be established by competent evidence that Operator has the financial ability to operate for a period of one (1) year on the routes, rates, and schedules proposed.

~~Information from applicants:~~

~~Names and addresses of owners or more than ten percent (10%) of applicant, if corporate structure is involve;~~

~~Name and address of person responsible for service at Sheboygan;~~

~~Names and addresses of officers;~~

~~Routes and schedules proposed to be flown to or from Sheboygan;~~

- ~~_____ Copy of operating authority issued by the federal government and the operating authority if any issued by the State of Wisconsin;~~
- ~~_____ Current balance sheet and profit and loss statement (upon request by applicants, information concerning finances, routes, schedules, and rates will be treated confidentially and will under no circumstances be released or made available to anyone other than the appropriate County Board Committee and Corporation Counsel).~~

64.11 SPECIALIZED COMMERCIAL FLYING SERVICES.

(a) Statement of Concept. A "Specialized Commercial Flying Services Operator" is a person or persons, firm, or corporation engaged in air transportation for hire for the purpose of providing the use of aircraft for the activities listed below:

- (1) Crop-dusting, seeding, spraying, chemical coverages, and bird-chasing;
- (2) Banner-towing and aerial-advertising;
- (3) Aerial photography or survey;
- (4) Fire fighting;
- (5) Power line or pipe line patrol;

(6) Any other operations specifically excluded from Part 135 of the Federal Aviation Regulations.

(b) Minimum Standards.

(1) The Operator shall lease land from the County and erect a building sufficient to accommodate all activities and operations proposed by the Operator. The minimum areas in each instance shall be subject to the approval of the ~~County of Sheboygan~~ **County Transportation Committee**. In the case of crop dusting or aerial application, the Operator shall make suitable arrangements and have such space available in his leased area for safe loading and unloading and storage and containment of noxious chemical materials. All Operators shall demonstrate that they have the availability of aircraft suitably equipped for the particular type of operation they intend to perform.

(2) The Operator shall provide and have based on Operator's leasehold, either owned, or under written lease to Operator, not less than one (1) aircraft which will be airworthy, meeting all the requirements of the Federal Aviation Administration and applicable regulations of the State of Wisconsin with respect to the type of operations to be performed.

In the case of crop dusting or aerial application, Operator shall provide tank trucks for the handling of liquid spray and mixing liquids. Operator shall also provide adequate ground equipment for the safe handling and safe loading of dusting materials.

(3) The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

A. Aircraft Liability: \$1,000,000 combined single limit, including passengers, minimum.

B. Airport Liability: \$3,000,000 single limit, premises; \$1,000,000 single limit.

C. Hangar Keepers and/or Products Liability: A sum sufficient to adequately cover the maximum liability exposure based on the intended use of the premises or value of the equipment to be serviced.

D. Where applicable, Tenant shall maintain pollution liability insurance covering its liability for bodily injury, property damage, and environmental damage resulting from sudden and accidental releases of pollution and covering related or resultant clean-up and/or remediation costs arising out of the occupancy and use of the premises. Combined single limit bodily injury, property damage, environmental liability, and clean-up/remediation shall not be less than \$500,000 in the annual aggregate.

(4) The Operator must provide by means of an office or a telephone, a point of contact for the public desiring to utilize Operator's services.

(5) The Operator shall have in Operator's employ and on duty during appropriate business hours, trained personnel in such numbers as may be required to meet the minimum standards herein set forth in an efficient manner, but never less than one (1) person holding a current Federal Aviation Administration commercial certificate, properly rated for the aircraft to be used and the type of operation to be performed and one (1) other person to assist in the loading and servicing of aircraft.

64.12 MULTIPLE SERVICES.

(a) Statement of Concept. A "Multiple Services Operator" shall be one who engages in any two (2) or more of the aeronautical services for which minimum standards have been hereinbefore provided.

(b) Minimum Standards (combinations not including fuels and oil dispensing service).

(1) ~~For new construction, the~~ Operator shall lease from Sheboygan County an area not less than 33,000 square feet of ground space (23,000 for repair shop only combinations) for aircraft storage, parking, and other use in accordance with the services to be offered and on which shall be erected a building to provide at least 6,500 square feet (6,000 square feet for repair shop only combinations) for aircraft storage and at least 1,500 square feet (1,000 square feet for repair shop only combinations) of floor space for office customer lounge, rest room, parts storage, and small machines, which shall be properly heated and lighted. ~~and shall provide telephone facilities for customer use. The Transportation Committee may approve the use of existing facilities with less floor space if it finds it in the best interest of Airport operations.~~

If flight training is one of the multiple services offered, the Operator shall provide classroom and briefing room facilities in the aforementioned building.

If crop-dusting, aerial application, or other commercial use of chemicals are part of the multiple services offered, the Operator shall provide a centrally drained, paved area of not less than 2,500 square feet for aircraft loading, washing, and servicing. Operator shall also provide for the safe storage and containment of noxious chemical matters. Such facilities will be in a location on the Sheboygan County Memorial ~~International~~ Airport which will provide the greatest safeguard to the public.

The Operator shall provide ~~auto~~-parking spaces within the leased area to accommodate at least fifteen (15) automobiles.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's taxiway that has been or will be provided for the Operator.

(2) The Operator shall comply with the aircraft requirements including the equipment thereon for each aeronautical service to be performed except as hereinafter provided.

Multiple uses can be made of all aircraft except aircraft used for crop-dusting, aerial application or other commercial use of chemicals.

The Operator, except if the Operator is performing combinations of multiple services for which aircraft are not required, shall have available and based at the Sheboygan County Memorial **International** Airport, either owned by Operator or under written lease to Operator, not less than two (2) certified and currently airworthy aircraft. These aircraft shall be equipped and capable of flight to meet the minimum standards as hereinbefore provided for each aeronautical service to be performed.

The Operator shall provide the equipment and services required to meet the minimum standards as hereinbefore provided for each aeronautical service the Operator is performing.

(3) The Operator shall obtain, as a minimum, that insurance coverage which is equal to the highest individual insurance requirement of all the aeronautical services being performed by Operator.

(4) The Operator shall adhere to the hours of operation required for each aeronautical service being performed.

(5) The Operator shall have in Operator's employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards for each aeronautical services Operator is performing as hereinabove provided. Multiple responsibilities may be assigned to meet the personnel requirements for each aeronautical service being performed by the Operator, except such multiple responsibilities may not be assigned to the Federal Aviation Administration certificated repair stations.

64.13 GENERAL REQUIREMENTS.

(a) Buildings.

(1) The minimum space requirements as hereinbefore provided shall be satisfied with one (1) building, attached buildings, or separate buildings.

(2) The hangar buildings hereafter constructed shall have at least one (1) door with the following minimum dimensions:

Floor Space of Hangar Building	Door Width Clear Area	Door Height Clear Area
Under 2400 sq. feet	40 feet	12 feet
2400-4000 sq. feet	58 feet	12 feet
Over 4000 sq. feet	58 feet	15 feet

(b) All personnel hereinbefore required to hold Federal Aviation Administration certificates and ratings shall maintain such certificates and ratings.

64.14 LEASE CLAUSES.

(a) Premises to be Operated for Use and Benefit of Public. Lessee agrees to operate the premises leased for the use and benefit of the public.

(1) To furnish good, prompt, and efficient service adequate to meet all the demands for its service at the Airport.

(2) To furnish said service on a fair, equal, and non-discriminatory basis to all users thereof.

(3) To charge fair, reasonable, and non-discriminatory prices for each unit of sale or service provided that the lessee may be allowed to make reasonable and

non-discriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

(b) **Non-Discrimination Clause.** The lessee and lessee's agents and employees will not discriminate against any person or class of persons by reason of race, religion, creed, color, national origin, physical disability, ~~sex~~, age, marital status, ancestry, arrest or conviction record, membership in the military, or sexual orientation in providing any services or in the use of any of its facilities provided for the public in any manner prohibited by Part 15 of the Federal Aviation Regulations.

The lessee further agrees to comply with such enforcement procedures as the United States might demand that the lessor take in order to comply with the Sponsor's Assurances.

(c) **Aircraft Service by Owner or Operator of Aircraft.** It is clearly understood by the lessee that no right or privilege has been granted which would operate to prevent any person, firm, or corporation operating aircraft on the Airport from performing any services on its own aircraft with its own regular employees (including, but not limited to, maintenance and repair that it may choose to perform).

(d) **Non-Exclusive Rights Clause.** It is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right.

(e) **Development of Sheboygan County Memorial ~~International~~ Airport Clause.** Lessor reserves the right to further develop or improve the landing area of the Airport as it sees fit, regardless of the desires or view of the lessee and without interference or hindrance. If the physical development of the Airport requires the relocation of the lessee, the lessor agrees to provide a comparable location and agrees to relocate all buildings or provide similar facilities for the lessee at no cost to the lessee.

(f) **Lessor's Right Clause.** Lessor reserves the right, but shall not be obligated to Lessee to maintain and keep in repair, the landing area of the Airport and all publicly owned facilities of the Airport, together with the right to direct and control all activities of lessee in this regard.

(g) **War or National Emergency.** During the time of war or national emergency, lessor shall have the right to lease the landing area or any part thereof to the United States ~~G~~government if so requested ~~by it~~ for military or naval use, and if such lease is executed, the provisions of this instrument insofar as they are inconsistent with the provisions of the lease to the government shall be suspended.

(h) **Obstructions at Sheboygan County Memorial ~~International~~ Airport.** Lessor reserves the right to take any action it considers necessary to protect the aerial approaches of the Airport against obstruction together with the right to prevent lessee from erecting or permitting to be erected any building or other structure on the Airport which, in the opinion of the lessor, would limit the usefulness of the Airport or constitute a hazard to aircraft.

(i) **Subordination Clause.** This lease shall be subordinate to the provisions of any existing or future agreement between lessor and the United States relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the Airport.

(j) **General Lease Provisions.**

(1) All leases between Sheboygan County and an operator covering the performance by an operation of any aeronautical service as hereinbefore provided shall be in writing.

(2) Lessee shall provide a performance bond insuring the completion of the building to be erected on the leasehold.

(3) Lessee shall furnish such evidence as may be reasonably requested by Sheboygan County to show the Lessee is financially capable of providing the services and facilities set forth in the lease.

(4) In the event a business is desired to be conducted from the leased hangar area and the business might not otherwise meet the size requirements outlined in this Chapter or elsewhere in this Code, the Airport ~~Manager~~ **Superintendent**, in conjunction with the Airport Advisory Committee shall nevertheless review for approval a request for a hangar lease within the hangar area. When both feel the business can be conducted in a manner acceptable to the proper operations of Airport business, a recommendation will be presented to the Transportation Committee for its approval and action subject to applicable zoning and land use regulations.

64.15 LEASE PROPOSAL REQUIREMENTS. Sheboygan County will not accept a request to lease land area at the Sheboygan County Memorial **International** Airport unless the request is a written proposal which sets forth the scope of operation to be performed and shall include the following:

- (a) The services to be offered.
- (b) The amount of land to be leased.
- (c) The building space to be constructed or leased.
- (d) The number of aircraft to be provided.
- (e) The number of persons to be employed.
- (f) The hours of proposed operation.
- (g) The number and types of insurance coverage to be maintained.
- (h) Evidence of financial capability to perform and provide the proposed services and facilities.
- (i) Where applicable, the following:
 - **1.** Names and addresses of owners of more than ten percent (10%) of ~~applicant, if corporate structure is involved~~ **any corporate lessee.**
 - **2.** Name and address of person responsible for service at Sheboygan County Memorial International Airport.
 - **3.** Names and addresses of **corporate** officers.
 - **4.** Routes and schedules proposed to be flown to or from Sheboygan County Memorial International Airport.
 - **5.** Copy of operating authority issued by the Federal Government and the operating authority, if any, issued by the State of Wisconsin.
 - **6.** Current balance sheet and profit and loss statement (upon request by applicant, information concerning finances, routes, schedules, and rates will be treated confidentially and will under no circumstances be released or made available to anyone other than the appropriate County Board Committee and Corporation Counsel).

64.16 FLYING CLUBS. The following requirements pertain to all flying clubs desiring to base their aircraft at the Airport and be exempt from the minimum standards.

- (a) Flying Club Organizations. Each ~~C~~club must be a non-profit Wisconsin corporation or partnership. Each member must be a bona fide owner of the aircraft or a stockholder in the corporation. The ~~C~~club may not derive greater revenue from the use of its aircraft than the amount necessary for the actual use of operation, maintenance, and replacement

of its aircraft. The Club will file and keep current with the Airport owner a complete list of the Club's membership and investment share held by each member.

(b) Aircraft. The Club's aircraft will not be used by other than bona fide members for rental and by no one for hire, charter, or air taxi. Student instruction can be given by a lessee based at the Airport who provides flight training.

(c) Violations. In the event the Club fails to comply with these conditions, the Airport owner will notify the Club in writing of such violations. If the Club fails to correct the violation in fifteen (15) days, the Airport owner may take any action deemed advisable by the owner.

(d) Insurance. Each aircraft owned by the Club must have aircraft liability insurance coverage for the following amounts:

(1) Aircraft Liability: \$1,000,000 combined single limit, including passengers, minimum.

(2) Airport Liability: \$3,000,000 single limit, premises; \$1,000,000 single limit.

64.17 GENERAL INSURANCE REQUIREMENTS. All insurance requirements under this Chapter are to be considered minimums. All persons required to provide insurance under this Chapter shall furnish such proof of insurance in such form as the Transportation Committee deems appropriate.

History:

CHAPTER 65
AIRPORT ADVISORY COMMITTEE

- 65.01 CREATION OF COMMITTEE
- 65.02 COMMITTEE PURPOSE
- 65.03 MEMBERSHIP
- 65.04 APPOINTMENTS TO THE COMMITTEE
- 65.05 DUTIES

65.01 CREATION OF COMMITTEE. There is hereby created a committee to be known as the Airport Advisory Committee.

65.02 COMMITTEE PURPOSE. The purpose of the Committee is to serve as a resource to provide public input with regard to the Sheboygan County Memorial ~~International~~ Airport "operational matters," which term shall be construed in its broadest manner.

65.03 MEMBERSHIP. The Committee shall consist of ten (10) members which members shall represent the following:

- (a) Two (2) members from the County Board Transportation Committee;
- (b) One (1) member from the Town Board of the Town of Sheboygan Falls ~~or such other designee as appointed by the Town Board~~;
- (c) One (1) member representing the corporate business community who owns a hangar at the Airport;
- (d) One (1) member representing the private hangar owners;
- (e) One (1) member who is an aircraft owner who rents hangar or tie-down space at the Airport;
- (f) One (1) member who represents the Sheboygan Area Chamber of Commerce;
- (g) One (1) member representing the Fixed Base Operator;
- (h) One (1) member representing the largest private user of Airport services as determined by the Airport Superintendent; and
- (i) One (1) member representing the operator of the Aviation Heritage Center.

In addition to the above, a representative from the Airport ~~Department~~-Division shall serve on the Committee as a resource person but shall not have any voting rights.

65.04 APPOINTMENTS TO THE COMMITTEE. Appointments to the Committee shall be made by the County Board Chairperson as to Transportation Committee members and the County Administrator as to public members from a list of names submitted by the County Board Committee responsible for operation of the airport and subject to confirmation by the County Board. The initial appointments shall be made so that one-half of the members shall serve a one-year term and one-half shall serve a two-year term. Thereafter, each member shall serve a two-year term unless a vacancy is created, and, in such event, appointments to fill the vacancy shall be for the remainder of the term being filled.

65.05 DUTIES. The Committee shall meet periodically to obtain public input as to Airport procedures and operational matters. The Committee shall also advise the Transportation Committee and make recommendations with regard to the maintenance and operation of the Airport. So that its members may not have any personal liability, the Committee shall have no authority other than to consult, advise, and recommend as to the above matters.

1 **SHEBOYGAN COUNTY RESOLUTION NO. 25 (2023/24)**

2
3 Re: Approving Municipal Access, Storm Sewer, Lighting, Camera & Safety
4 Equipment Easement with Village of Elkhart Lake.
5
6

7 **WHEREAS**, Sheboygan County owns certain real estate located in the Village of Elkhart
8 Lake, as described in the legal description and map attached hereto as Exhibit A; and
9

10 **WHEREAS**, the Village of Elkhart Lake desires access over and across Outlot 1 of the
11 County's real estate by way of a 20 foot wide easement for Municipal Access.
12

13 **NOW, THEREFORE, BE IT RESOLVED** that Sheboygan County approves the
14 Municipal Access, Storm Sewer, Lighting, Camera and Safety Equipment easement with the
15 Village of Elkhart Lake on file with the County Clerk.
16

17 **BE IT FURTHER RESOLVED** that the County Board Chairperson and the County Clerk
18 be authorized to sign said easement on behalf of Sheboygan County.
19

20
21 Respectfully submitted this 20th day of February, 2024.
22

23 **TRANSPORTATION COMMITTEE**
24
25

26
27 _____
28 Thomas Wegner, Chairperson
29

Roger Te Stroete, Vice-Chairperson

30
31 _____
32 Al Bosman, Secretary
33

Jacqueline Veldman

34
35 _____
36 Jon Kuhlow
37

38
39
40
41
42
Opposed to Introduction:

EXHIBIT A



226 W. WISCONSIN AVE.
APPLETON, WI 54911
kapurinc.com

SHEET 1 OF 2

MUNICIPAL ACCESS, STORM SEWER, LIGHTING, CAMERA & SAFETY EQUIPMENT EASEMENT EXHIBIT (FOR ACCESS TO THE PUBLIC)

That part of Outlot 1, of Certified Survey Map as recorded within Volume 27, on Pages 312-313, of Certified Survey Maps of the Sheboygan County Registry, as Document No. 2034749, being part of the SE 1/4 of the NE 1/4 of Section 29, Township 16 North, Range 21 East, situated within the Village of Elkhart Lake, Sheboygan County, Wisconsin.

LEGAL DESCRIPTION:

That part of Outlot 1, of Certified Survey Map as recorded within Volume 27, on Pages 312-313, of Certified Survey Maps of the Sheboygan County Registry, as Document No. 2034749, being part of the SE 1/4 of the NE 1/4 of Section 29, Township 16 North, Range 21 East, situated within the Village of Elkhart Lake, Sheboygan County, Wisconsin, and described as follows:

Commencing at the southeast corner of said Outlot 1; thence North 89°28'23" West, along the south line of said Outlot 1, 26.85 feet to the Point of Beginning; thence continuing North 89°28'23" West along said south line, 275.18 feet to the southwest corner of said Outlot 1; thence North 00°21'26" West, along the west line of said Outlot 1, 27.18 feet; thence South 89°28'21" East, 74.92 feet; thence South 00°31'39" West, at a right angle, 10.00 feet; thence South 89°28'21" East, at a right angle, 160.75 feet to a point of curvature; thence Southeasterly along the arc of said curve to the right, 44.68 feet, said curve having a radius of 55.00 feet and a chord bearing South 66°11'59" East, 43.46 feet to the Point of Beginning. Containing 5,264 square feet / 0.121 acres of land, more or less.

PLOTTED BY: ERK A. GUSTAFSON, PLS
PLOT DATE/TIME: 1/1/2024 9:31 AM
LAST SAVED DATE: 1/1/2024
P:\Shared - E:\Users\erikgustafson\Documents\2023_General_Engineering_Services\20 - Multi-Use Park Survey\Drawings\ACCESS_EASEMENT.dwg

EXHIBIT A

kapur 226 W. WISCONSIN AVE.
APPLETON, WI 54911
kapurinc.com

SHEET 2 OF 2

MUNICIPAL ACCESS, STORM SEWER, LIGHTING, CAMERA & SAFETY EQUIPMENT EASEMENT EXHIBIT (FOR ACCESS TO THE PUBLIC)

That part of Outlot 1, of Certified Survey Map as recorded within Volume 27, on Pages 312-313, of Certified Survey Maps of the Sheboygan County Registry, as Document No. 2034749, being part of the SE 1/4 of the NE 1/4 of Section 29, Township 16 North, Range 21 East, situated within the Village of Elkhart Lake, Sheboygan County, Wisconsin.

SCALE: 1"=50'



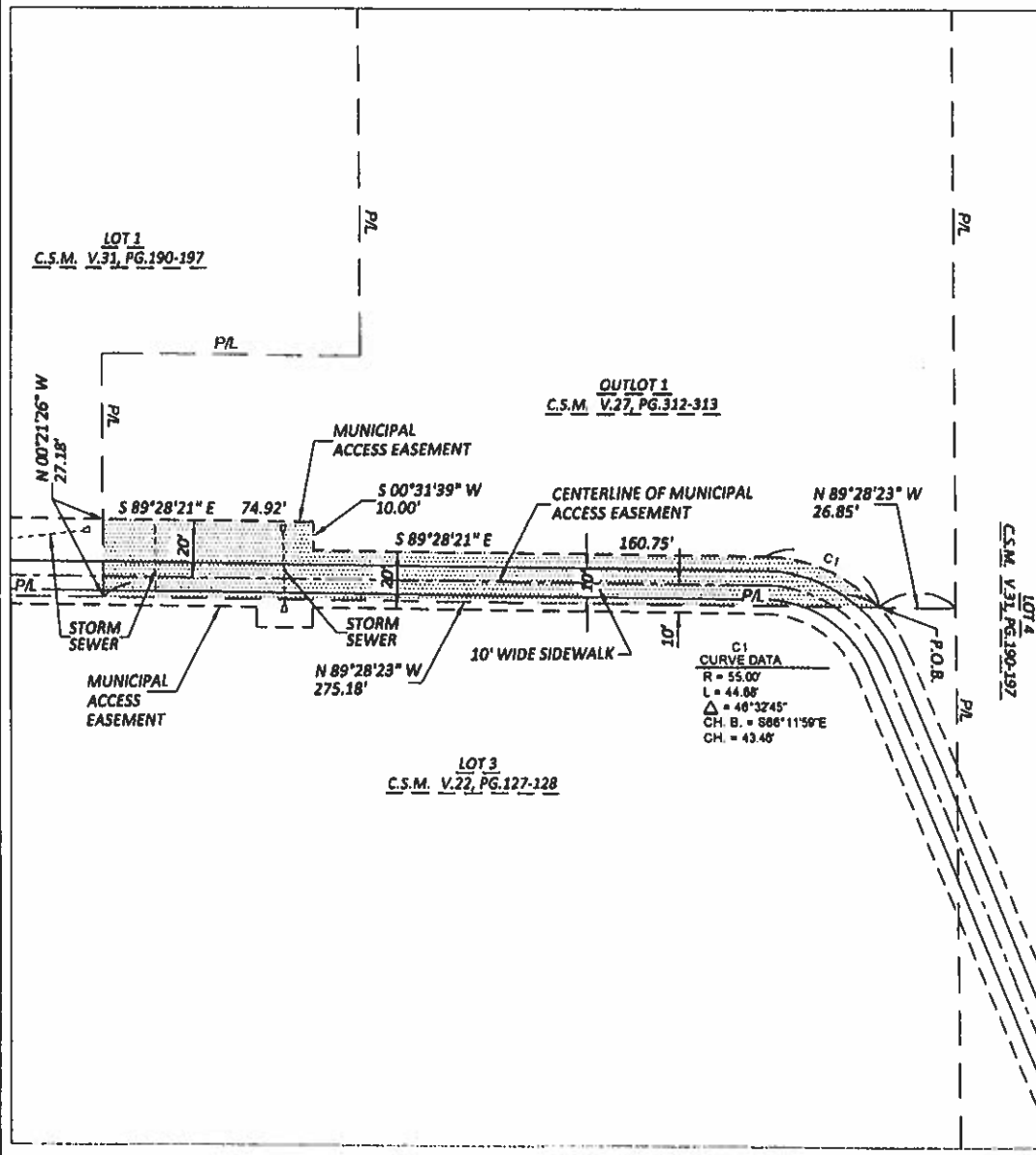
LEGEND

- P.O.B. = Point of Beginning
- PL = Property Line
- = Easement Area Within Outlot 1

NORTH REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, SHEBOYGAN COUNTY. THE EAST LINE OF THE NE 1/4 OF SECTION 29 T.16N.,R.21E. BEARING N00°18'11"W.



PLOT DATE/TIME: 1/11/2024 9:53 AM
 LAST SAVER DATE: 1/11/2024
 FILENAME: S:\Work\24\2400001\2400001.dwg
 PLOTTED BY: DR. A. GUSTAFSON, P.E.



	MUNICIPAL ACCESS, STORM SEWER, LIGHTING, CAMERA & SAFETY EQUIPMENT EASEMENT	
Document Number		
Return Address:	Attorney John A. St. Peter Dempsey Law Firm, LLP P. O. Box 1276 Fond du Lac, WI 54936-1276	
Parcel I.D. Number:		Recording Area

This MUNICIPAL ACCESS, STORM SEWER, LIGHTING, CAMERA & SAFETY EQUIPMENT EASEMENT (“Easement”) is made as of the _____ day of _____, 2024 by Sheboygan County, Wisconsin, a Wisconsin municipality (“Grantor”) and the Village of Elkhart Lake, a Wisconsin municipal corporation (“Grantee”).

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby give, grant and convey to Grantee a permanent, non-exclusive easement, upon, over and across a portion of Grantor’s lands being a part of Outlot 1, of Certified Survey Map as recorded in Volume 27, on Pages 312-313, of Certified Survey Maps of the Sheboygan County Registry, as Document No. 2034749, being part of the SE 1/4 of the NE 1/4 of Section 29, Township 16 North, Range 21 East, situated within the Village of Elkhart Lake, Sheboygan County, Wisconsin for use of a municipal access, storm sewer, lighting, camera & safety equipment easement (“Easement Area”).

The Easement Area is a strip of land 20 feet wide, as more particularly described in the legal description and map consisting of two pages attached hereto as Exhibit A.

The Easement herein granted is subject to the following terms and conditions, the acceptance of each and every such term and condition by Grantee shall be a condition precedent to the Grantee obtaining any rights hereunder.

1. General Scope. The rights herein granted by Grantor give Grantee the right, permission and authority to build, grade, construct, operate, inspect, maintain, repair and replace a public pathway together with a storm sewer, with said pathway being a maximum of 10 feet in width as shown on the attached Exhibit A, including the right of entry in, across, beneath, and above said real estate. It is also expressly agreed by the parties that the pathway may be used by the general public. If work is required in the future to reconstruct the pathway within the Easement Area, Grantee, prior to performing the reconstruction, will first seek permission from the Grantor and provide plans to Grantor, which permission will not be unreasonably withheld, delayed, or conditioned.

2. Reservation of Rights. Grantor reserves to itself the right to grant easements within the Easement Area to third parties, its right to cross, traverse or otherwise occupy these lands within the present or future overhead or underground electric, gas and communication lines and appurtenant facilities and supporting structures in a manner not physically inconsistent with the purposes of this grant and in a manner as will not interfere with normal pathway use, maintenance, and operation. The rights herein granted do not include the right to disturb, undermine or endanger any electric, gas or communication lines or facilities of Grantor located on the Grantor's land.

3. Grantee Restoration. The Grantee shall, after the construction of the pathway, remove all debris and surplus materials from the Easement Area and restore surface contours to accommodate the proposed pathway. If topsoil is disturbed, it will be stockpiled on the Easement Area only for the time required to install or repair the pathway and to backfill any construction, after which time the topsoil will be replaced and the surface contours restored to accommodate the proposed pathway. The Grantee may remove from the Easement Area any trees, brush or roots that interfere with the construction, operation, maintenance, repair or replacement of the pathway. The Grantee is not required to restore or replace any trees, brush, or roots. The Grantee shall reseed any areas that have been disturbed by the construction activity. The Grantor agrees not to place any structure on the Easement Area without the Grantee's prior written approval, which approval may not be unreasonably withheld, conditioned or delayed.

4. Public Safety. The Grantee, in its sole discretion, is also authorized to install lighting, cameras, safety alarms or other equipment or measures to enhance the public's safety while using the pathway. These safety improvements shall be installed, maintained and replaced at the Grantee's expense.

5. Duration of Easement. The Easement granted herein shall be permanent and shall run with the land and be binding upon the Grantor's heirs and successors in interest.

6. Binding Effect. This Easement shall be binding upon and inure to the benefit of the parties hereto and their heirs, successors, assigns, personal representatives, administrators and agents.

7. Enforcement. This Easement may be enforced by the Grantor or the Grantee, as circumstances warrant. If suit is brought to enforce this Easement, whether in equity or at law, the prevailing party shall be entitled to recover its costs, including its reasonable attorneys' fees.

8. Indemnification. Subject to Wisconsin's comparative negligence law and the laws of contribution and indemnification, Grantor and Grantee agree to indemnify and hold harmless the other party, its officers, employees, and agents from and against all claims, actions, suits, demands, damages, liabilities, obligations, losses, settlements, judgments, costs and expenses, including without limitation actual attorneys' fees and costs, which arise out of, relate to, or result from that parties' use of the Easement Area. This agreement of indemnity does not waive or forfeit any governmental or sovereign immunity of the Grantor or Grantee with respect to each other or any third parties. Grantor and Grantee shall retain all applicable governmental immunities, defenses, and statutory limitations available, including but not limited to, Wis. Stat. §§ 893.80, 895.52, and 345.05.

9. Additional Documents. The parties agree to sign, acknowledge and deliver such other instruments, documents or agreements as shall be reasonably necessary in order to fully bring into effect the intent and purpose of this Easement. These additional documents may include a revised legal description that more specifically describes the location of the pathway in the Easement Area.

10. Counterparts. This agreement may be signed in one or more counterparts, each of which shall be deemed an original.

FISCAL NOTE
February 2024

Resolution No. 25 (2023/24) RE: Approving Municipal Access, Storm Sewer, Lighting, Camera & Safety Equipment Easement with Village of Elkhart Lake.

Funding:

No additional funding needs are anticipated as a result of the resolution.

Respectfully Submitted,



Steve Hatton, Finance Director
February 20, 2024

SHEBOYGAN COUNTY RESOLUTION NO. 26 (2023/24)

Re: **Purchase of Approximately 30 Acres Northeasterly of State Highway 42
& South of Garton Road (Parcel No. 59014-185537)**

WHEREAS, the Transportation Committee has evaluated the operational needs of the Transportation Department; and

WHEREAS, the Transportation Committee has determined that there is insufficient space at the State Highway 42 County shed to accommodate current and anticipated future growth at the facility; and

WHEREAS, the County Board has determined that acquiring the approximately 30 acres adjacent to the State Highway 42 County shed will best serve the public interest as well as future needs of County operations.

NOW, THEREFORE, BE IT RESOLVED, the WB-13 Vacant Land Offer to Purchase dated February 5, 2024, for parcel no. 59014-185537, on file in the County Clerk's Office and approved by sellers is hereby approved.

BE IT FURTHER RESOLVED, by the Board of Supervisors that the County Board Chairperson and the County Clerk are authorized and directed to execute all documents as necessary to complete such transaction.

BE IT FURTHER RESOLVED, that the 2024 Budget as adopted by the County Board on November 7, 2023, is hereby amended and adjusted to reflect the Transportation Department's use of \$445,725.00 from the Highway Department Unrestricted Net Position for the purchase of the herein described parcel.

Respectfully submitted this 20th day of February, 2024.

TRANSPORTATION COMMITTEE

Thomas Wegner, Chairperson

Roger Te Stroete, Vice-Chairperson

Al Bosman, Secretary

Jacqueline Veldman

Jon Kuhlow

Opposed to Introduction:

FISCAL NOTE
February 2024

Resolution No. 26 (2023/24) RE: Purchase of Approximately 30 Acres Northeasterly of State Highway 42 & South of Garton Road (Parcel No. 59014-185537)

Funding:

Funding is proposed to come from the Highway Department Fund's Unrestricted Net Position. Funding in this manner is consistent with Net Position Policy for the Highway Fund.

Highway Fund – Unrestricted net position shall be at a minimum 10% of fund expenses to provide necessary working capital. Any surplus net position may be utilized for one-time expenses, such as capital outlay acquisition, or funding of capital projects provided there is sufficient cash position for the fund.

Respectfully Submitted,



Steve Hatton, Finance Director

February 20, 2024