

LEGISLATIVE COMMITTEE MEETING

City of Kaukauna
Council Chambers
Municipal Services Building
144 W. Second Street, Kaukauna



Monday, May 05, 2025 at 6:20 PM

AGENDA

In-Person and Remote Teleconference via ZOOM

1. Correspondence.
2. Discussion Topics.
 - a. Elect Vice-Chair.
 - b. Elect Secretary.
 - c. Resolution 2025-5466 World Migratory Bird Day Resolution.
 - d. Resolution 2025-5467 Resolution Approving a Certified Survey Map to Adjust Lot Lines for Parcel 323231000 & 323231100.
 - e. Ordinance 1926-2025 Repeal and Replace 12.17 Chicken Keeping Permits.
 - f. Resolution 2025-5468 Resolution Approving Fee for Chicken Keeping Permit.
3. Adjourn.

NOTICES

Notice is hereby given that a majority of the City Council will be present at the meeting of the Legislative Committee scheduled for Monday, May 5, 2025 at 6:20 P.M. to gather information about a subject over which they have decision making responsibility.

IF REQUESTED THREE (3) DAYS PRIOR TO THE MEETING, A SIGN LANGUAGE INTERPRETER WILL BE MADE AVAILABLE AT NO CHARGE.



MEETING ACCESS INFORMATION:

You can access this meeting by one of three methods: from your telephone, computer, or by an app. Instructions are below.

To access the meeting by telephone:

1. Dial 1-312-626-6799
2. When prompted, enter Meeting ID 234 605 4161 followed by #
3. When prompted, enter Password 54130 followed by #

To access the meeting by computer:

1. Go to <http://www.zoom.us>
2. Click the blue link in the upper right hand side that says Join a Meeting
3. Enter Meeting ID 234 605 4161
4. Enter Password 54130
5. Allow Zoom to access your microphone or camera if you wish to speak during the meeting

To access the meeting by smartphone or tablet:

1. Download the free Zoom app to your device
2. Click the blue button that says Join a Meeting
3. Enter Meeting ID 234 605 4161
4. Enter Password 54130
5. Allow the app to access your microphone or camera if you wish to speak during the meeting

Members of the public will be muted unless there is an agenda item that allows for public comment or if a motion is made to open the floor to public comment.

RESOLUTION NO. 2025-5466

WORLD MIGRATORY BIRD DAY

WHEREAS, migratory birds are some of the most beautiful and easily observed wildlife that share our communities; and

WHEREAS, many citizens recognize and welcome migratory songbirds as symbolic harbingers of spring; and

WHEREAS, these migrant species also play an important economic role in our community, controlling insect pests and generating millions in recreational dollars statewide; and

WHEREAS, migratory birds and their habitats are declining throughout the Americas, facing a growing number of threats on their migration routes and in both their summer and winter homes; and

WHEREAS, public awareness and concern are crucial components of migratory bird conservation; and

WHEREAS, citizens enthusiastic about birds, informed about the threats they face, and empowered to help address those threats can directly contribute to maintaining healthy bird populations; and

WHEREAS, since 1993 World Migratory Bird Day (formerly International Migratory Bird Day) has become a primary vehicle for focusing public attention on the nearly 350 species that travel between nesting habitats in our communities and throughout North America and their wintering grounds in South and Central America, Mexico, the Caribbean, and the southern U.S.; and

WHEREAS, hundreds of thousands of people will observe World Migratory Bird Day, gathering in town squares, community centers, schools, parks, nature centers, and wildlife refuges to learn about birds, take action to conserve them, and simply to have fun; and

WHEREAS, while World Migratory Bird Day officially is held each year on the second Saturday in May, its observance is not limited to a single day, and planners are encouraged to schedule activities on the dates best suited to the presence of both migrants and celebrants; and

WHEREAS, World Migratory Bird Day is not only a day to foster appreciation for wild birds and to celebrate and support migratory bird conservation, but also a call to

action.

NOW THEREFORE, I, Anthony J. Penterman, as Mayor of the City of Kaukauna, Wisconsin, do hereby proclaim May 10, 2025 as

World Migratory Bird Day

In the City of Kaukauna, and I urge all citizens to celebrate this observance and to support efforts to protect and conserve migratory birds and their habitats in our community and the world at large.

Introduced and adopted this 6th day of May, 2025.

APPROVED: _____
Anthony J. Penterman, Mayor

ATTEST: _____
Kayla Nessmann, Clerk



MEMO

PLANNING AND COMMUNITY DEVELOPMENT

To: Legislative Committee
From: Dave Kittel, Director of Planning and Community Development
Date: 4/30/2025
Re: Certified Survey Map Review-Parcel 323231000 & 323231100

Background information:

A certified survey map has been submitted for parcels 323231000 and 323231100 also known as 4001 and 4051 Fieldcrest Dr. This CSM is not creating an additional lot but rather correcting Lot line issue which would bring 4001 Fieldcrest in compliance with side yard setbacks of 7 feet. Attached is the CSM for review, it meets all requirements for the city. The Plan Commission reviewed this CSM and is recommending approval of the CSM.

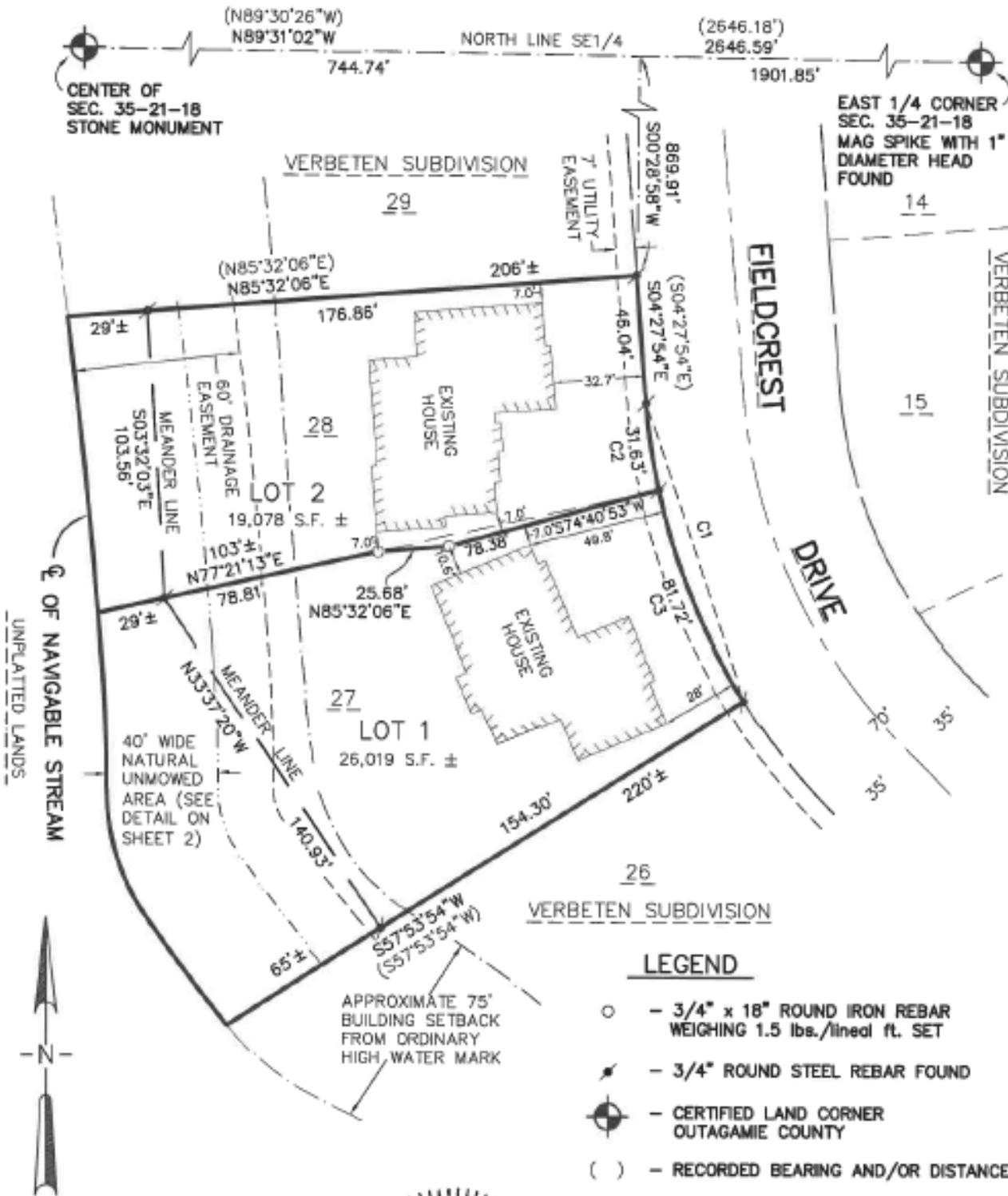
Recommendation:

To recommend approval a resolution for the CSM updating property lines for Parcel 32323100 & 323231100

CSM on next page

ALL OF LOTS 27 AND 28 OF VERBETEN SUBDIVISION, LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF KAUKAUNA, OUTAGAMIE COUNTY, WISCONSIN

Item 2.d.



LEGEND

- - 3/4" x 18" ROUND IRON REBAR WEIGHING 1.5 lbs./lined ft. SET
- ⚡ - 3/4" ROUND STEEL REBAR FOUND
- ⊙ - CERTIFIED LAND CORNER OUTAGAMIE COUNTY
- () - RECORDED BEARING AND/OR DISTANCE
- S.F. - SQUARE FEET



BEARINGS ARE REFERENCED TO THE NORTH LINE OF SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF KAUKAUNA, OUTAGAMIE COUNTY, WISCONSIN, WHICH BEARS N89°31'02"W PER THE WISCONSIN COORDINATE SYSTEM AS PUBLISHED FOR OUTAGAMIE COUNTY.

FOR: -LORI RICHARDSON
 -4001 FIELDCREST DRIVE
 -KAUKAUNA, WI 54130

WISCONSIN
 COREY W. KALKOFEN
 S-2726
 APPLETON
 WI
 LAND SURVEYOR
Corey W. Kalkofen
 3-10-2025

DRAFTED BY: Corey W. Kalkofen

McMAHON
 ENGINEERS ARCHITECTS
 1445 McMAHON DRIVE NEENAH, WI 54956
 Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025
 Tel: (920) 751-4200 Fax: (920) 751-4284
 www.mcmgrp.com

RESOLUTION 2025-5467

**RESOLUTION APPROVING A CERTIFIED SURVEY MAP TO ADJUST LOT LINES FOR
PARCEL 323231000 & 323231100**

WHEREAS, Lori Richardson as owner of Parcel 323231100 and Benjamin and Revecca Deering as owners of Parcel 323231000 have presented a Certified Survey Map to the City of Kaukauna Common Council as prepared by Corey W. Kalkofen, a certified land surveyor; and

WHEREAS, a the Certified Survey Map of the following described parcel of land has been presented to and recommended for approval by the Plan Commission:

All of Lots 27 and 28 of Verbeten Subdivision, located in the Northwest ¼ of the Southeast ¼ of section 35, Township 21 North, Range 18 East, City of Kaukauna, Outagamie County, Wisconsin

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kaukauna, Wisconsin as follows:

1. That the said Certified Survey Map attached and made a part hereof is hereby accepted and approved; and
2. That the City Mayor, Clerk, and Finance Director, upon full payment of, if applicable, all fees, taxes, and special assessments are directed to execute signatures on behalf of the City of Kaukauna upon the Certified Survey Map documents as required.

Adopted by the Common Council of the City of Kaukauna, Wisconsin, on this 6th day of May, 2025.

APPROVED: _____
Anthony J. Penterman, Mayor

ATTEST: _____
Kayla Nessmann, City Clerk



MEMO

PLANNING AND COMMUNITY DEVELOPMENT

To: Legislative Committee
 From: Dave Kittel, Director of Planning and Community Development
 Date: 5/01/2025
 Re: Chicken Keeping Ordinance Update

Background Information:

From the last discussion with Common Council staff has created an updated ordinance for keeping Chickens in the City of Kaukauna. See the below ordinance with proposed deletions in **RED** additions in **Green**:

12.17 Chicken Keeping Permit

1. *Permit required.* No person shall possess, keep, or harbor hens or chicks in the city without first obtaining a chicken keeping permit, and payment ~~of the to the city of a \$24.00~~ annual chicken keeping permit fee **as from time to time set by the city council by resolution. Permits will be issued on an annual basis commencing the calendar year January 1 and terminating on December 31 of the same calendar year.** No more than a total of six (6) hens and/or chicks shall be permitted to be kept for each chicken keeping permit issued. No more than one chicken keeping permit shall be issued for any property or household.
- ~~2. *Permits limited.* Not more than ten (10) chicken keeping permits shall be issued and in effect at any one time. Permits shall be issued to the first ten (10) applicants evidencing conformance with all requirements set forth in this section 12.17.~~
2. *Property requirements.* A coop shall be located only in the rear yard. Coops shall be located not less than 50 feet from any side and rear lot lines, and shall be a minimum of 100 feet from any dwelling structure and a minimum of 25 feet from any public sidewalk
3. *Property requirement exceptions for those properties or coop locations that do not meet the setback requirements as set forth in paragraph (4)(c).* When prior written approval is provided from all abutting property owners that have an occupied dwelling unit within 100 feet of proposed coop location the following coop location requirements shall apply: A coop shall be located only in the rear yard. Coops shall

be located not less than ten feet from any side and rear lot lines, and shall be a minimum of 25 feet from any neighboring dwelling ~~structure~~ or public sidewalk. ~~The coop must be at least 5 feet from the dwelling on the property. Corner lots may be exempt from the 10 foot setback from property lines if, due to layout of property, the 10 foot setback cannot be met, and all other provisions can be met, provided the coop is at least 3 feet from property lines.~~

4. ~~New dwellings, new-owners.~~ If a new dwelling unit is built upon, ~~or if a new owner purchases,~~ abutting property after permit is issued, the permit holder shall be responsible for meeting all requirements set forth in this section, and shall be required to move the coop, obtain written authorization of abutting property owners that have an occupied dwelling unit within 100 feet, or remove the coop from the premises within 30 days of non-compliance resulting from such new dwelling unit ~~or new-ownership.~~
5. *Coop requirements.* All chickens shall be kept in a ventilated and roofed coop with the floor area of not less than three (3) square feet for each hen. All coops must include an enclosed run area, and all components of the coop shall be enclosed with wire netting or material that prevents chickens from escaping the coop and of adequate structure to prevent predators from entering the coop. All coops must be kept in clean and sanitary condition, and shall not cause any objectionable odor. Chickens shall not be kept upon a vacant lot, inside a residential dwelling unit or attachments thereto, including basements, garages, porches, sheds or other similar structures. Chickens shall not be allowed within a residential dwelling unit.
6. *Permit subject to review.* Premises shall be subject to review by ~~the Planning and Community Development Department City personnel.~~ Where deficiencies in compliance with this section are noted upon review and/or inspection, permits may be revoked. Upon revocation or expiration of a non-renewed annual chicken keeping permit coops shall be removed within 30 days of such revocation or expiration. If the permit holder, owner or occupant fails or refuses to remove the coop within 30 days of such revocation or expiration, the city shall enter upon the premises and cause the coop and any animals therein to be removed and the city shall recover the costs and expenses thereof from the property owner, occupant, or permit holder. In addition to any other penalty imposed by this, the cost of abating a non-compliant coop by the City shall be collected as a debt from the owner, occupant, or permit holder, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge. ~~Appeals to any revocation are to be submitted in writing within 30 days of revocation of permit to the Planning and Community Development Department and will be heard by the Common Council.~~

A copy of the ordinance in the formal format is attached for the committee's review as well.

Strategic Plan:

Reviewing ordinances and providing appropriate updates plays into the community of choice aspect of the strategic plan.

Budget:

Not applicable.

Recommendation:

To recommend adopting the updated ordinance with proposed revisions to 12.17.



CITY OF KAUKAUNA

ORDINANCE NO. 1926-2025

ORDINANCE REPEALING AND REPLACING SECTION 12.17

WHEREAS, the Common Council determined the ordinance regarding the keeping of chickens was in need of updating to better serve the community by allowing more residents to have chickens; and,

WHEREAS, the Legislative committee has recommended the following ordinance changes; and,

WHEREAS, the Common Council finds the following ordinance changes to be in the public interest; and,

NOW THEREFORE, it is ordained by the Common Council of the City of Kaukauna, Wisconsin, that Ordinance Section 12.17 of the Kaukauna Municipal Code be repealed and replaced as follows:

BEFORE REPEAL AND REPLACE

12.17 Chicken Keeping Permit

1. *Permit required.* No person shall possess, keep, or harbor hens or chicks in the city without first obtaining a chicken keeping permit, and payment to the city of a \$24.00 annual chicken keeping permit fee. No more than a total of six (6) hens and/or chicks shall be permitted to be kept for each chicken keeping permit issued. No more than one chicken keeping permit shall be issued for any property or household.
2. *Permits limited.* Not more than ten (10) chicken keeping permits shall be issued and in effect at any one time. Permits shall be issued to the first ten (10) applicants evidencing conformance with all requirements set forth in this section 12.17.
3. *Property requirements.* A coop shall be located only in the rear yard. Coops shall be located not less than 50 feet from any side and rear lot lines, and shall be a minimum of 100 feet from any dwelling structure and a minimum of 25 feet from any public sidewalk
4. *Property requirement exceptions for those properties or coop locations that do not meet the setback requirements as set forth in paragraph (4)(c).* When prior written approval is provided from all abutting property owners that have an occupied dwelling unit within 100 feet of proposed coop location the following coop location requirements shall apply: A coop shall be located only in the rear yard. Coops shall be located not less than ten feet from any side and rear lot lines, and shall be a minimum of 25 feet from any dwelling structure or public sidewalk.
5. *New dwellings, new owners.* If a new dwelling unit is built upon, or if a new owner purchases, abutting property after permit is issued, the permit holder shall be responsible for meeting all requirements set forth in this section, and shall be required to

move the coop, obtain written authorization of abutting property owners that have an occupied dwelling unit within 100 feet, or remove the coop from the premises within 30 days of non-compliance resulting from such new dwelling unit or new ownership.

6. *Coop requirements.* All chickens shall be kept in a ventilated and roofed coop with the floor area of not less than three (3) square feet for each hen. All coops must include an enclosed run area, and all components of the coop shall be enclosed with wire netting or material that prevents chickens from escaping the coop and of adequate structure to prevent predators from entering the coop. All coops must be kept in clean and sanitary condition, and shall not cause any objectionable odor. Chickens shall not be kept upon a vacant lot, inside a residential dwelling unit or attachments thereto, including basements, garages, porches, sheds or other similar structures. Chickens shall not be allowed within a residential dwelling unit.
7. *Permit subject to review.* Premises shall be subject to review by City personnel. Where deficiencies in compliance with this section are noted upon review and/or inspection, permits may be revoked. Upon revocation or expiration of a non-renewed annual chicken keeping permit coops shall be removed within 30 days of such revocation or expiration. If the permit holder, owner or occupant fails or refuses to remove the coop within 30 days of such revocation or expiration, the city shall enter upon the premises and cause the coop and any animals therein to be removed and the city shall recover the costs and expenses thereof from the property owner, occupant, or permit holder. In addition to any other penalty imposed by this, the cost of abating a non-compliant coop by the City shall be collected as a debt from the owner, occupant, or permit holder, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

AFTER REPEAL AND REPLACE

12.17 Chicken Keeping Permit

1. *Permit required.* No person shall possess, keep, or harbor hens or chicks in the city without first obtaining a chicken keeping permit, and payment of the ~~to the city of a \$24.00~~ annual chicken keeping permit fee ~~as from time to time set by the city council by resolution. Permits will be issued on an annual basis commencing the calendar year January 1 and terminating on December 31 of the same calendar year.~~ No more than a total of six (6) hens and/or chicks shall be permitted to be kept for each chicken keeping permit issued. No more than one chicken keeping permit shall be issued for any property or household.
- ~~2. *Permits limited.* Not more than ten (10) chicken keeping permits shall be issued and in effect at any one time. Permits shall be issued to the first ten (10) applicants evidencing conformance with all requirements set forth in this section 12.17.~~
2. *Property requirements.* A coop shall be located only in the rear yard. Coops shall be located not less than 50 feet from any side and rear lot lines, and shall be a minimum of 100 feet from any dwelling structure and a minimum of 25 feet from any public sidewalk

- 3. *Property requirement exceptions for those properties or coop locations that do not meet the setback requirements as set forth in paragraph (4)(c).* When prior written approval is provided from all abutting property owners that have an occupied dwelling unit within 100 feet of proposed coop location the following coop location requirements shall apply: A coop shall be located only in the rear yard. Coops shall be located not less than ten feet from any side and rear lot lines, and shall be a minimum of 25 feet from any neighboring dwelling ~~structure~~ or public sidewalk. *The coop must be at least 5 feet from the dwelling on the property. Corner lots may be exempt from the 10 foot setback from property lines if, due to layout of property, the 10 foot setback cannot be met, and all other provisions can be met, provided the coop is at least 3 feet from property lines.*
- 4. *New dwellings, ~~new owners~~.* If a new dwelling unit is built upon, ~~or if a new owner purchases,~~ abutting property after permit is issued, the permit holder shall be responsible for meeting all requirements set forth in this section, and shall be required to move the coop, obtain written authorization of abutting property owners that have an occupied dwelling unit within 100 feet, or remove the coop from the premises within 30 days of non-compliance resulting from such new dwelling unit ~~or new ownership~~.
- 5. *Coop requirements.* All chickens shall be kept in a ventilated and roofed coop with the floor area of not less than three (3) square feet for each hen. All coops must include an enclosed run area, and all components of the coop shall be enclosed with wire netting or material that prevents chickens from escaping the coop and of adequate structure to prevent predators from entering the coop. All coops must be kept in clean and sanitary condition, and shall not cause any objectionable odor. Chickens shall not be kept upon a vacant lot, inside a residential dwelling unit or attachments thereto, including basements, garages, porches, sheds or other similar structures. Chickens shall not be allowed within a residential dwelling unit.
- 6. *Permit subject to review.* Premises shall be subject to review by *the Planning and Community Development Department* ~~City personnel~~. Where deficiencies in compliance with this section are noted upon review and/or inspection, permits may be revoked. Upon revocation or expiration of a non-renewed annual chicken keeping permit coops shall be removed within 30 days of such revocation or expiration. If the permit holder, owner or occupant fails or refuses to remove the coop within 30 days of such revocation or expiration, the city shall enter upon the premises and cause the coop and any animals therein to be removed and the city shall recover the costs and expenses thereof from the property owner, occupant, or permit holder. In addition to any other penalty imposed by this, the cost of abating a non-compliant coop by the City shall be collected as a debt from the owner, occupant, or permit holder, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge. *Appeals to any revocation are to be submitted in writing within 30 days of revocation of permit to the Planning and Community Development Department and will be heard by the Common Council.*

Introduced and adopted by Common Council on the 6th day of May, 2025.

APPROVED: _____

Anthony J. Penterman, Mayor

ATTTEST: _____

Kayla Nessmann, Clerk



MEMO

PLANNING AND COMMUNITY DEVELOPMENT

To: Legislative Committee
From: Dave Kittel, Director of Planning and Community Development
Date: 5/01/2025
Re: Chicken Keeping Ordinance Update

Background Information:

With the proposed updating to 12.17 creating a simpler way to update fees was created in the proposed new ordinance. Fees for Chicken Keeping can be updated via resolution by the council. This proposed resolution would set the annual permit fee at \$24, the same as before. On a regular basis staff will review the fee to ensure that it is still applicable. Attached is a copy of the proposed resolution.

Strategic Plan:

Not applicable

Budget:

Not applicable.

Recommendation:

To recommend adopting the resolution approving fee for chicken keeping permits.

RESOLUTION 2025-5468

RESOLUTION APPROVING FEE FOR CHICKEN KEEPING PERMIT

WHEREAS, Chapter 12.17(1) states the annual chicken keeping permit fee is to be set by the Common Council ; and

WHEREAS, Other similar license/permit fee's are set at \$24;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kaukauna, Wisconsin that a chicken keeping permit fee of \$24 is hereby accepted and approved.

Adopted by the Common Council of the City of Kaukauna, Wisconsin, on this 6th day of May 2025.

APPROVED: _____
Anthony J. Penterman, Mayor

ATTEST: _____
Kayla Nessmann, City Clerk