

# COMMON COUNCIL

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



Tuesday, October 04, 2022 at 7:00 PM

## AGENDA

### In-Person

1. Roll call, one minute of silent prayer, Pledge of Allegiance to the American Flag.
2. Reading and approval of minutes.
  - a. [Common Council Meeting Minutes of September 20, 2022.](#)
3. Presentation of letters, petitions, remonstrances, memorials, and accounts.
  - a. [Bills Payable.](#)
4. Public appearances.
5. Business presented by Mayor.
  - a. [Public Hearing to consider the amendment of Ch. 17.32 of the Municipal Code of Ordinances](#)
  - b. [Proclamation recognizing Public Power Week October 2-8, 2022.](#)
  - c. [Proclamation recognizing National Walk to School Day October 5, 2022.](#)
  - d. [Proclamation recognizing White Can Safety Day October 15, 2022.](#)
6. Reports of standing and special committees.
  - a. [Board of Public Works Meeting Minutes of October 3, 2022.](#)
  - b. [Finance & Personnel Committee Meeting Minutes of October 3, 2022.](#)
  - c. [Health & Recreation Committee Meeting Minutes of October 3, 2022.](#)
  - d. [1000 Islands Environmental Center Committee Minutes of August 18, 2022.](#)
  - e. [Grignon Mansion Board Meeting Minutes of August 22, 2022.](#)
  - f. [Kaukauna Public Library Meeting Minutes of August 23, 2022.](#)
  - g. [Operator/Bartender Licenses.](#)
7. Reports of City officers.
  - a. [Presentation of 5-year Capital Improvement Plan \(CIP\) for comment and feedback.](#)
  - b. [Presentation of non-personnel budget items for comment and feedback.](#)
  - c. [Outdoor Alcohol Beverage Area Open Hours – Discussion.](#)
8. Presentation of ordinances and resolutions.
  - a. [Resolution 2022-5357 Resolution Authorizing Execution of the Department of Natural Resources Principal Forgiven Financial Assistance Agreement.](#)
  - b. [Resolution 2022-5358 Urban Forestry Grant.](#)
  - c. [Resolution 2022-5359 Resolution in Recognition of Curt Witynski and Gail Sumi.](#)
  - d. [Ordinance 1865-2022 Ordinance Amending Section 12.03\(11\) Permit for Outdoor Alcoholic Beverage Area of the Municipal Code.](#)

- [e.](#) Ordinance 1867-2022 Ordinance Amending certain accessory uses and structures; accessory parking and storage in Ch. 17.32 of the Municipal Code of Ordinances.
- 9. Closed session.
  - a. Adjourn to Closed Session Pursuant to 19.85(1)(g) to confer with legal counsel with regard to litigation in which it is or is likely to become involved.
  - b. Return to Open Session for possible action.
  - c. Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) deliberating and/or negotiations the investing of public funds or conducting other specified public business.
  - d. Return to Open Session for possible action.
- 10. Adjourn.

## **NOTICES**

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



## COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – SEPTEMBER 20, 2022

Pursuant to adjournment on September 6, 2022 meeting of the Common Council of the City of Kaukauna was called to order by Mayor Penterman at 7:00 P.M. on Tuesday, September 20, 2022.

Roll call present: Antoine, Coenen, DeCoster, Eggleston, Kilgas, Moore, Schell, and Thiele.

Also present: Attorney Davidson, DPW/Eng. Neumeier, Planner Stephenson, Police Chief Graff, Fin. Dir. Van Rossum, Com. Enrich. Ser. Dir. Vosters, Fire Chief Carrel, HR Swaney, Rec. Manager Malloy and interested citizens.

One minute of silent prayer and the Pledge of Allegiance to the American Flag observed by the assembly.

Motion by Moore, seconded by Coenen to adopt the minutes of the Common Council meeting of September 6, 2022.

All Ald. voted aye.

Motion carried.

### PRESENTATION OF LETTERS, PETITIONS, REMONSTRANCES, MEMORIALS, AND ACCOUNTS

#### Bills Payable

Motion by Moore, seconded by Thiele to pay bills out of the proper accounts.

All Ald. voted aye.

Motion carried.

### PUBLIC APPEARANCES

No one appeared.

### BUSINESS PRESENTED BY THE MAYOR

#### Appointment of Quin Lenz to the Redevelopment Authority of the City of Kaukauna.

Motion by Coenen, seconded by Kilgas to appoint Quin Lenz to the Redevelopment Authority of the City of Kaukauna.

All Ald. voted aye.

Motion carried.

#### Reappointment of John Moore to the Utilities Commission.

Motion by Thiele, seconded by Antoine to reappoint John Moore to the Utilities Commission.

7 Ald. voted aye, 1 Ald. Abstained (Moore)

Motion carried.

#### Reappointment of John Manion to the 1000 Islands Environmental Center Committee.

Motion by Moore, seconded by Eggleston to reappoint John Manion to the 1000 Islands Environmental Center Committee.

All Ald. voted aye.

Motion carried.

**Reappointment of Penni Pautz to the 1000 Islands Environmental Center Committee.**

Motion by Schell, seconded by Moore to reappoint Penni Pautz to the 1000 Islands Environmental Center Committee.

All Ald. voted aye.

Motion carried.

**Reappointment of Deb Jakel to the 1000 Islands Environmental Center Committee.**

Motion by Antoine, seconded by Kilgas to reappoint Deb Jakel to the 1000 Islands Environmental Center Committee.

All Ald. voted aye.

Motion carried.

**Reappointment of Paul Van Berkel to the 1000 Islands Environmental Center Committee.**

Motion by Moore, seconded by Eggleston to reappoint Paul Van Berkel to the 1000 Islands Environmental Center Committee.

All Ald. voted aye.

Motion carried.

**Proclamation Recognizing National Drive Electric Week - September 26 to October 2, 2022.**

Mayor Penterman read the proclamation recognizing National Drive Electric Week – September 26 to October 2, 2022.

Motion by Antoine, seconded by Kilgas to receive and place on file the proclamation.

7 Ald. voted aye, 1 Ald. voted nay (DeCoster)

Motion carried.

**Request to review Municipal Court operations and staff.**

On September 14, 2022 I received a memo from Municipal Judge Windorff requesting the review of municipal court operations and staff. In the memo, Municipal Judge Windorff requested the review of the following items: The governing body clarify whether it is their intention to move the municipal judge's office; The Municipal Judge stipend be increased to \$91,000; The hours of court clerk be increased to 30-32 hours; A bailiff or armed guard be provided for court sessions.

In reviewing the information provided by Municipal Judge Windorff, the Mayor stated he would support the City providing a bailiff for court sessions and will direct staff internally to determine a plan to staff this position. The volume of citations from the Police Department and Code Enforcement does not substantiate an increase in court hours of operations at this time but this is something that the City will monitor for future consideration should the volume increase. As previously noted, the City recommends 20 hours per week for court clerk with established and posted hours which are adhered to in order to provide customer service to the public and support other departments internally. Previous concerns noted regarding court operation were not surrounding the number of hours per week, but the level of customer service and accessibility of the court. Kaukauna Municipal Code requires that a Judge be a resident of Kaukauna and over the age of 18. The Code does not require that the Judge be a licensed attorney. While prior study of law may seem relevant for the position, this is not a requirement, and the position is not intended or designed to provide full-time employment and compensation for a licensed attorney. Historically, the Judge position has been held and successfully completed by other individuals with relevant experience such as retired law enforcement officers. Staff will collect some relevant historical data on volume of citations, court activity, stipends for other area municipal judges, and municipal code



provisions from other area municipalities with municipal courts, to have a clearer context and more relevant comparisons to review considering these requests. More information will be released following the next agenda item 5j. Discussion was held and questions were answered.

**Adjourn to Closed Session Pursuant to State Statute 19.85(1)(g) to confer with legal counsel with regard to litigation in which it is or is likely to become involved.**

Motion by Coenen, seconded by Schell to Adjourn to Closed Session Pursuant to State Statute 19.85(1)(g) to confer with legal counsel regarding litigation in which it is or is likely to become involved.

Adjourned to closed session at 7:13 pm.

**Return to open session for possible action.**

Motion by Moore, seconded by Schell to return to open session for possible action.

All Ald. voted aye.

Motion carried.

Return to open session at 8:15 pm.

Motion by Moore, seconded by Eggleston to receive and place on file the request to review municipal court operations and staff and the West Bend Mutual Insurance Policy Bond #2399698

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Thiele to allow Judge Windorff to speak in regard to the request to review municipal court operations and staff and the West Bend Mutual Insurance Policy Bond #2399698

All Ald. voted aye.

Motion carried.

Judge Carley Windorff, 2909 Hendricks Ave., Kaukauna thanked the Council for allowing her to speak and said she'd rely on her memo stating it was comprehensive.

Motion by Moore, seconded by Coenen to receive and place on file the City staff response to Judge Windorff's request to review municipal court operations and staff and the Windorff Law Facebook post story.

All Ald. voted aye.

Motion carried.

## **REPORTS OF STANDING AND SPECIAL COMMITTEES**

### **Board of Public Works Meeting Minutes of September 19, 2022.**

#### **BOARD OF PUBLIC WORKS**

A meeting of the Board of Public Works was called to order by Chairperson Thiele on Monday, September 19, 2022 at 6:00 P.M.

Members present: Antoine, Coenen, DeCoster, Eggleston, Kilgas, Moore, Schell, and Thiele.

Also present: Mayor Penterman, Attorney Davidson, DPW/Eng. Neumeier, Planner Stephenson, Street Sup. Van Gompel, Police Chief Graff, Fire Chief Carrel, and interested citizens.

# 1. Correspondence – none.

## 2. Discussion Topics.

### a. Authorization to seek bids for Project 12-22 Grignon Park Stream Restoration and Utility Relay.

DPW/Eng. Neumeier stated the Engineering Department is seeking authorization to seek bids for the Grignon Park Stream Bank Restoration project and replacement of the sanitary sewer main in the same corridor. The City has applied for, and received, a DNR grant not to exceed \$135,000 for the stream restoration work. A map of the area was provided. The unnamed tributary to the Fox River running through Grignon Park has significant stream bank erosion, contributing to habitat loss and increased sediment and phosphorus loads being washed downstream to the Fox River. The erosion is also causing damage to the trail and disc golf course and contributing to loss of trees through the corridor. In addition, the sanitary sewer main located along this corridor is clay pipe and in need of rehabilitation. The primary purpose of the project is to reduce urban non-point source pollution prior to discharge into the Fox River by stopping the significant stream bank erosion occurring, but it will also improve many aspects of the park and City utilities. Questions from the Board were answered.

Motion by Antoine, seconded by Coenen to authorize the Engineering Department to seek bids for Project 12-22 Grignon Park Stream Restoration and Utility Relay.

All Ald. vote aye.

Motion carried.

### b. Waste Collection Discussion and Ordinance Review.

DPW/Eng. Neumeier provided background information on the current and proposed code information and waste collection. City staff discussed waste collection and agreed an overhaul is needed of the ordinance. DPW/Eng. Neumeier presented a slideshow of the proposed changes. Discussion was held and questions answered.

DPW/Eng. Neumeier will meet with staff and make the recommended changes to firm up costs and find suitable locations for waste collection containers. The draft ordinance will be brought to the Legislative Committee, then to the Common Council for approval.

### c. Public Works update.

DPW/Eng. Neumeier provided a list of projects happening in the City. The bridge project is currently ahead of schedule. The County Highways are paved, but several manholes need adjustment on Hillcrest Drive. The street sweeper needs repairs to the vacuum motor (approximately \$20,000). The Town of Buchanan has approved the proposed speed limit change on Loderbauer. Engineering is working with DNR and our consultant to close the Phase 4 soil contamination site case dealing with historic pVOC. (approximately \$12,000).

Board members should contact the Engineering Department with questions and concerns.

## 3. Adjourn.

Motion made by Moore, seconded by Schell to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 7:13 p.m.

Sally Kenney  
Clerk

Motion by Thiele, seconded by Antoine to adopt the Board of Public Works Meeting Minutes of September 19, 2022.

All Ald. voted aye.

Motion carried.

### **Health & Recreation Committee Meeting Minutes of September 19, 2022.**

#### **HEALTH AND RECREATION COMMITTEE**

A meeting of the Health and Recreation Committee was called to order by Chairman Eggleston on Monday, September 19, 2022 at 7:14 P.M.

Members present: Antoine, DeCoster, Eggleston and Kilgas.

Also present: Mayor Penterman, Attorney Davidson, Alder Thiele, Alder Coenen, Alder Moore, Alder Schell, DPW/Eng. Neumeier, Street Sup. Van Gompel, Police Chief Graff, Fire Chief Carrel, Planner Stephenson, and interested citizens.

#### **1. Correspondence – None.**

#### **2. Discussion Topics.**

- a. Request for amplified music to Mary Petit, 157 Woodland Court, Kaukauna on November 12, 2022 for a wedding in the Community Room.**

Motion by Kilgas, seconded by DeCoster to approve the amplified music request to Mary Petit, 157 Woodland Court, Kaukauna on November 12, 2022 for a wedding in the Community Room.

All members voted aye.

Motion carried.

- b. Change from a Combination Class B Reserve License to a Combination Class B Regular License to The X, 124 W. Third Street Kaukauna for the 2022-2023 license year.**

Motion by DeCoster, seconded by Antoine to approve the change from a Combination Class B Reserve License to a Combination Class B Regular License to The X, 124 W. Third Street Kaukauna for the 2022-2023 license year.

All members voted aye.

Motion carried.

#### **3. Adjourn.**

Motion made by Antoine, seconded by Kilgas to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 7:16 P.M.

Sally Kenney  
Clerk

Motion by Eggleston, seconded by Thiele to adopt the Health & Recreation Committee Meeting Minutes of September 19, 2022.

All Ald. present voted aye.

Motion carried.

### **Legislative Committee Meeting Minutes of September 19, 2022.**

#### **LEGISLATIVE COMMITTEE**

A meeting of the Legislative Committee was called to order by Chairman Antoine on Monday, September 19, 2022 at 7:15 P.M.

Members present: Antoine, Coenen, Moore, and Thiele.

Also present: Mayor Penterman, Attorney Davidson, Alder DeCoster, Alder Eggleston, Alder Kilgas, Alder Schell, DPW/Eng. Neumeier, Street Sup. Van Gompel, Police Chief Graff, Fire Chief Carrel, Planner Stephenson, and interested citizens.

1. **Correspondence** - None.

2. **Discussion Topics.**

a. **Outdoor Alcohol Beverage Area Ordinance Review.**

Planner Stephenson stated Chapter 12.03 (11) governs how the City of Kaukauna handles outdoor alcoholic beverage areas. In recent months we have gotten inquiries from a number of businesses that would like to establish outdoor seating areas for their patrons to eat and drink in. The legislative committee discussed the changes recommended by plan commission and discussed other changes that should be addressed in the updated ordinance. A summary of the changes was provided. Questions from the committee were answered.

Motion by Thiele, seconded by Coenen to approve Chapter 12.03(11), Permit Required for Outdoor Alcohol Beverage Area, as presented and forward the updated ordinance to the Common Council.

All members voted aye.

Motion carried.

3. **Adjourn.**

Motion by Coenen, seconded by Moore to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 7:23 p.m.

Sally Kenney, Clerk

Motion by Antoine, seconded by Moore to adopt the Legislative Committee Meeting Minutes of September 19, 2022.

All Ald. voted aye.

Motion carried.

**Plan Commission Meeting Minutes of July 21, 2022.**

Motion by Moore, seconded by Coenen to receive and place on file the Plan Commission Meeting Minutes of July 21, 2022.

All Ald. voted aye.

Motion carried.

**Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of August 9, 2022.**

Motion by Moore, seconded by Eggleston to receive and place on file the Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of August 9, 2022.

All Ald. voted aye.

Motion carried.

**Operators/Bartenders License**

The following applicant has applied for an operator's license for the license year 2022-2024 and has been recommended for approval based on their record check by the police department:

VandeWettering	Sheryl	A.	W2130 County Rd. S	Freedom
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Motion by Eggleston, seconded by Kilgas to approve the operator/bartender license.

All Ald. voted aye.

Motion carried.

**REPORTS OF CITY OFFICERS****Fire Report**

Motion by Moore, seconded by Antoine to receive and place on file the August 2022 Fire Report.

All Ald. voted aye.

Motion carried.

**Ambulance Report**

Motion by Moore, seconded by Kilgas to receive and place on file the August 2022 Ambulance Report.

All Ald. voted aye.

Motion carried.

**Police Report**

Motion made by Moore, seconded by Schell to receive and place on file the August 2022 Police Report.

All Ald. voted aye.

Motion carried.

**Municipal Court Report**

No Report.

**Clerk-Treasurer's Deposit Report**

Motion by Moore, seconded by Coenen to receive and place on file the August 2022 Clerk-Treasurer's Deposit Report.

All Ald. voted aye.

Motion carried.

**Building Permit Summary Report**

Motion by Moore, seconded by Antoine to receive and place on file the August 2022 Building Permit Summary Report.

All Ald. voted aye.

Motion carried.

### **Code Enforcement Report as of 9-15-22.**

Motion by Moore, seconded by Kilgas to receive and place on file the Code Enforcement Report as of 9-15-22.

All Ald. voted aye.

Motion carried.

With this being the first Code Enforcement Report, discussion was held on what Council liked about the report and things they would like to see on the report in the future.

### **Pool Project Update**

Staff continues to work with the Sweeney Group on the Kaukauna Pool Project Capital Campaign. Kelly Kelly has agreed to Co-chair the Campaign with Mayor Penterman. Staff will begin fundraising in October of 2022. Staff also continues to work with Parkitecture + Planning on the Design Concept that includes the bathhouse, mechanical building, splash pad, mini-golf course, water slide, climbing wall, yard games, shade structures and in-pool play structure. Staff will continue to work on interior furnishing design and color schematics for the interior buildings and outdoor amenities.

Community Enrichment Services Director Vosters and Recreation Manager Malloy provided an update on the pool. Katie MacDonald, PE Principal from Parkitecture + Planning was present via ZOOM to answer questions from Council. Discussion was held and questions were answered.

Motion by Moore, seconded by Thiele to accept the recommendations in the memo from Terri Vosters to the Council:

- Staff recommends accepting the Design Concept from Parkitecture & Planning at the price of approximately \$5.8 million dollars with a possible 10% contingency totaling approximately \$6.4 million.
- Staff recommends accepting funding this project by \$1.5 million in TIF funds, \$1.5 million in fund balance, \$2 million in CIP and \$1 million in Capital Campaign funds.
- Staff recommends accepting the appointment of Kelly Kelly as the Kaukauna Pool Project Capital Campaign Co-Chair.
- Staff recommends accepting the Capital Campaign Committee establish a timeline of: - Fundraising: 2022 and Early 2023 -Bid: Spring 2023 Construction: -End of Summer 2023 - Dedication: Summer 2024

All Ald. voted aye.

Motion carried.

## **PRESENTATION OF ORDINANCES AND RESOLUTIONS**

### **Resolution 2022-5356 Resolution Approving a Lot Consolidation for 1020 W Hyland Ave and 1006 W Hyland Ave.**

Motion by Moore, seconded by Coenen to suspend the rules and waive the reading of Resolution 2022-5356.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Coenen to adopt Resolution 2022-5356.

All Ald. voted aye.  
Motion carried.

## CLOSED SESSION

**Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss disposition of public property – 624 Hyland Ave.**

Motion by Moore, seconded by Schell to adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) to discuss disposition of public property – 624 Hyland Ave.

All Ald. voted aye.  
Motion carried.

Adjourned to closed session at 9:26 p.m.

Motion by DeCoster, seconded by Kilgas to return to open session for possible action.  
All Ald. voted aye.  
Motion carried.

Returned to open session at 9:35 p.m.

Motion by Moore, seconded by Eggleston to authorize Planning Director to enter into an agreement to sell the property at 624 Hyland Avenue at the offer price contingent on the developer's agreement and approved by the Common Council as is.

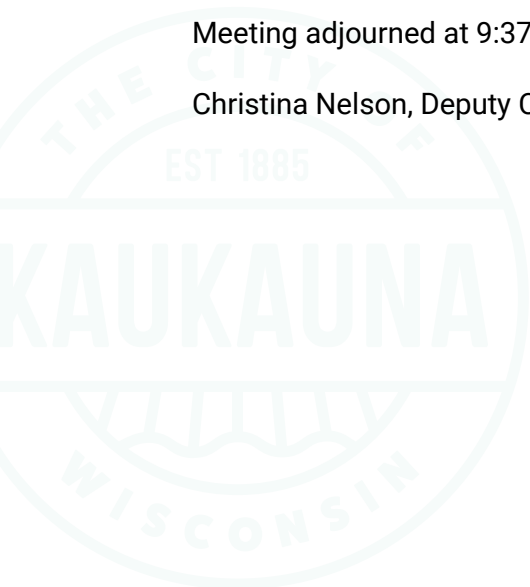
All Ald. voted aye.  
Motion carried.

## ADJOURN

Motion by Kilgas, seconded by Moore to adjourn.  
All Ald. voted aye.  
Motion carried.

Meeting adjourned at 9:37 p.m.

Christina Nelson, Deputy Clerk



# Accounts Payable

## Checks for Approval

User: cnelson  
Printed: 9/27/2022 - 12:42 PM



Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
0	09/09/2022	General Fund	Group Life Insurance	Securian Financial Group, Inc.		322,392.12
0	09/09/2022	General Fund	Group Health Insurance	Wisconsin Employee Trust Funds (ETF)		2,704.23
0	09/09/2022	General Fund	Contractual Services	Ascentis Corporation		200.00
1	09/09/2022	General Fund	Group Health Insurance	Wisconsin Employee Trust Funds (ETF)		322,392.12
1	09/09/2022	General Fund	Group Health Insurance	Wisconsin Employee Trust Funds (ETF)		-2,704.23
2	09/09/2022	General Fund	Group Life Insurance	Securian Financial Group, Inc.		2,704.23
2	09/09/2022	General Fund	Group Life Insurance	Securian Financial Group, Inc.		-322,392.12
117236	09/09/2022	General Fund	Accrued 10% Fines	AAA Wisconsin		1,509.78
117237	09/09/2022	General Fund	Contractual Services	Advanced Maintenance Solutions		1,278.35
117238	09/09/2022	General Fund	Contractual Services	Airgas USA, LLC		61.67
117239	09/09/2022	General Fund	Youth Programs Non-Taxable	Amanda Ajango		20.00
117240	09/09/2022	General Fund	Concession Product	American Bottling Company		187.55
117241	09/09/2022	General Fund	Contractual Services	Amplitel Technologies LLC		1,906.34
117241	09/09/2022	General Fund	Recruitment Expenses	Amplitel Technologies LLC		313.00
117242	09/09/2022	General Fund	Police Fees	Appleton Police Department		700.00
117243	09/09/2022	Municipal Service Buildings	Revenue Bond Admin Fee	Associated Trust Company, N.A.		612.00
117244	09/09/2022	Sanitary Sewer Utility	Contractual Services	AT&T		86.08
117245	09/09/2022	General Fund	Youth Programs Non-Taxable	Nicole Biese		30.00
117246	09/09/2022	General Fund	Botanical & Agricultural	Bob & Dave's Lawn & Landscaping		500.00
117247	09/09/2022	General Fund	Contractual Services	Cadre		540.54
117247	09/09/2022	General Fund	Contractual Services	Cadre		469.75
117248	09/09/2022	General Fund	Facilities Rental Non-Taxable	Jean Carstens		200.00
117249	09/09/2022	1000 Islands	Expendable Supplies	Carstens Ace Hardware		133.36
117249	09/09/2022	1000 Islands	Maintenance - Buildings	Carstens Ace Hardware		4.55
117249	09/09/2022	1000 Islands	Conservancy Zone Maint	Carstens Ace Hardware		74.89
117249	09/09/2022	1000 Islands	Env Center Restricted Donate	Carstens Ace Hardware		71.76
117249	09/09/2022	General Fund	Maintenance - Buildings	Carstens Ace Hardware		78.26
117249	09/09/2022	General Fund	General Supplies	Carstens Ace Hardware		202.53
117249	09/09/2022	General Fund	Maintenance - Buildings	Carstens Ace Hardware		10.77
117249	09/09/2022	General Fund	General Supplies	Carstens Ace Hardware		15.28
117249	09/09/2022	General Fund	General Supplies	Carstens Ace Hardware		10.76
117249	09/09/2022	General Fund	Maintenance - Buildings	Carstens Ace Hardware		80.45
117249	09/09/2022	General Fund	Maintenance - Roads & Walks	Carstens Ace Hardware		56.02
117249	09/09/2022	General Fund	General Supplies	Carstens Ace Hardware		34.07



Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
117249	09/09/2022	General Fund	General Supplies	Carstens Ace Hardware		20.00
117249	09/09/2022	General Fund	Maintenance - Automotive	Carstens Ace Hardware		12.28
117249	09/09/2022	General Fund	Maintenance - Automotive	Carstens Ace Hardware		18.89
117249	09/09/2022	General Fund	Maintenance - Automotive	Carstens Ace Hardware		12.07
117249	09/09/2022	General Fund	General Supplies	Carstens Ace Hardware		111.56
117249	09/09/2022	General Fund	General Supplies	Carstens Ace Hardware		41.82
117249	09/09/2022	General Fund	General Supplies	Carstens Ace Hardware		14.25
117249	09/09/2022	General Fund	Botanical & Agricultural	Carstens Ace Hardware		77.60
117249	09/09/2022	General Fund	Botanical & Agricultural	Carstens Ace Hardware		35.98
117249	09/09/2022	General Fund	Plumbing Supplies	Carstens Ace Hardware		22.90
117249	09/09/2022	General Fund	General Supplies	Carstens Ace Hardware		4.14
117249	09/09/2022	General Fund	General Supplies	Carstens Ace Hardware		35.59
117249	09/09/2022	Sanitary Sewer Utility	Maintenance - All Other Equip	Carstens Ace Hardware		34.51
117250	09/09/2022	General Fund	Communications	Charter Communications		197.71
117251	09/09/2022	1000 Islands	Contractual Services	Cleaning Solution Services, Inc.		625.00
117252	09/09/2022	General Fund	Dog Park Supplies	Dean Enterprises, LLC		122.50
117252	09/09/2022	General Fund	Contractual Services	Dean Enterprises, LLC		122.50
117253	09/09/2022	General Fund	Contractual Services	Diversified Benefit Services, Inc.		660.20
117254	09/09/2022	General Fund	General Insurance	Fox Valley Safety LLC		2,400.00
117255	09/09/2022	General Fund	Contractual Services	Human Resources Consulting, LLC		1,742.50
117256	09/09/2022	General Fund	Contractual Services	Iron Mountain Inc.		41.66
117257	09/09/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		153.28
117257	09/09/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		20,478.08
117257	09/09/2022	Sanitary Sewer Utility	Water Sewer & Electric	Kaukauna Utilities		1,644.14
117257	09/09/2022	Sanitary Sewer Utility	Water Sewer & Electric	Kaukauna Utilities		135.97
117257	09/09/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		2,018.04
117257	09/09/2022	Grignon Home	Water Sewer & Electric	Kaukauna Utilities		396.43
117257	09/09/2022	General Fund	Water Sewer & Electric	Kaukauna Utilities		1,893.98
117257	09/09/2022	Environmental Remediate TID	Remediation Costs - City	Kaukauna Utilities		16.24
117258	09/09/2022	1000 Islands	Maintenance - Buildings	Lappen Security Products, Inc.		307.50
117259	09/09/2022	General Fund	Contractual Services	Linde Gas & Equipment Inc.		39.29
117260	09/09/2022	General Fund	K9 Program	Stephanie Maas		108.04
117260	09/09/2022	General Fund	Seminar Expenses	Stephanie Maas		157.75
117261	09/09/2022	General Fund	Rent - Equipment	Marco		157.98
117261	09/09/2022	General Fund	Rent - Equipment	Marco		157.98
117261	09/09/2022	General Fund	Rent - Equipment	Marco		94.79
117261	09/09/2022	General Fund	Rent - Equipment	Marco		31.60
117261	09/09/2022	General Fund	Printing Expense	Marco		31.60
117261	09/09/2022	General Fund	Rent - Equipment	Marco		39.50
117261	09/09/2022	General Fund	Rent - Equipment	Marco		39.50
117261	09/09/2022	General Fund	Rent - Equipment	Marco		39.50
117261	09/09/2022	General Fund	Printing Expense	Marco		39.50
117261	09/09/2022	General Fund	Contractual Services	Marco		157.98
117261	09/09/2022	General Fund	Contractual Services	Marco		31.58

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
117261	09/09/2022	General Fund	Contractual Services	Marco		126.40
117262	09/09/2022	General Fund	Rent - Equipment	Marco Technologies LLC		68.77
117262	09/09/2022	General Fund	Rent - Equipment	Marco Technologies LLC		68.77
117262	09/09/2022	General Fund	Rent - Equipment	Marco Technologies LLC		38.70
117262	09/09/2022	General Fund	Rent - Equipment	Marco Technologies LLC		17.20
117262	09/09/2022	General Fund	Printing Expense	Marco Technologies LLC		17.20
117262	09/09/2022	General Fund	Rent - Equipment	Marco Technologies LLC		21.50
117262	09/09/2022	General Fund	Rent - Equipment	Marco Technologies LLC		21.50
117262	09/09/2022	General Fund	Rent - Equipment	Marco Technologies LLC		21.50
117262	09/09/2022	General Fund	Printing Expense	Marco Technologies LLC		21.50
117262	09/09/2022	General Fund	Contractual Services	Marco Technologies LLC		64.48
117262	09/09/2022	General Fund	Contractual Services	Marco Technologies LLC		17.20
117262	09/09/2022	General Fund	Contractual Services	Marco Technologies LLC		51.59
117262	09/09/2022	General Fund	Desktop Printer/Fax Expense	Marco Technologies LLC		13.03
117263	09/09/2022	General Fund	Contractual Services	Marisa Miller		590.00
117264	09/09/2022	General Fund	Concession Product	Modern Dairy		1,340.86
117265	09/09/2022	General Fund	Travel - City Business	Christina Nelson		5.80
117266	09/09/2022	General Fund	Advertising	News Publishing Co, Inc.		1,312.78
117267	09/09/2022	General Fund	Travel - City Business	Anthony Penterman		304.00
117268	09/09/2022	General Fund	Postage	Quadient Finance USA, Inc.		1,000.00
117269	09/09/2022	General Fund	Rent - Equipment	Quadient Leasing USA, Inc.		500.91
117270	09/09/2022	1000 Islands	Conservancy Zone Maint	Schmalz Custom Landscaping		138.97
117271	09/09/2022	Streets & Sidewalk Capital	Street Improvements	Simplifile, LC		60.50
117271	09/09/2022	Rack - Commercial Revolving	Administrative Expense	Simplifile, LC		30.25
117271	09/09/2022	Home Rental Rehabilitation	Administrative Expense	Simplifile, LC		60.50
117272	09/09/2022	General Fund	Farmers Market Expenses	Scott Skodinski		100.00
117273	09/09/2022	General Fund	Library Materials	Sprint		348.08
117274	09/09/2022	General Fund	Contractual Services	Valley Corvette Realty Inc.		75.00
117275	09/09/2022	General Fund	Accrued 10% Fines	Timothy VanDera		259.84
117276	09/09/2022	General Fund	Youth Programs Non-Taxable	Bryan Wagner		20.00
117277	09/09/2022	General Fund	Heating Fuels	We Energies		155.46
117277	09/09/2022	General Fund	Heating Fuels	We Energies		86.27
117277	09/09/2022	General Fund	Heating Fuels	We Energies		6,014.69
117277	09/09/2022	General Fund	Heating Fuels	We Energies		1,250.80
117277	09/09/2022	1000 Islands	Heating Fuels	We Energies		9.90
117277	09/09/2022	General Fund	Water Sewer & Electric	We Energies		11.55
117277	09/09/2022	Grignon Home	Heating Fuels	We Energies		11.55
117278	09/09/2022	General Fund	Contractual Services	Wis. Dept. of Justice		112.00
117279	09/09/2022	Industrial Park	Expenditures	Wisconsin Central		435.28
117279	09/09/2022	Industrial Park	Expenditures	Wisconsin Central		1,093.79

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
Report Total:						384,906.14



**CITY OF KAUKAUNA  
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a Public Hearing will be conducted by the Common Council of the City of Kaukauna on Tuesday, October 4, 2022 at 7:00 p.m. in the Council Chambers of the Municipal Services Building, 144 W 2<sup>nd</sup> Street, Kaukauna, during the meeting of the Common Council. This Public Hearing will consider the repeal and recreation of Municipal Ordinance Chapter 17, Section 17.32(3)(c)(1). The purpose of the Public Hearing is to accept public comments on the proposed amendment.

The repeal and recreation of this section of Municipal Code modifies the allowable driveway widths for Residential Single-Family zoning.

Beginning on Monday, September 12, 2022, materials (including the proposed ordinance language) will be available for public inspection on the City of Kaukauna Engineering Dept webpage at: <https://cityofkaukauna.com/departments/engineering/formsdocuments/> or in-person at the City Clerks Office.

Persons wishing to submit comments regarding the ordinance repeal and recreation are encouraged to attend the Public Hearing. Persons able to attend, but still wish to submit comment may do so by contacting the City Engineering Department by mail at PO Box 890, Kaukauna, WI 54130, or by email at [neumeier@kaukauna-wi.org](mailto:neumeier@kaukauna-wi.org) prior to the public hearing.

Posting Date:  
Monday, September 12, 2022

Class 2 Notice Publication Dates:  
-Wednesday, September 14, 2022  
-Wednesday, September 21, 2022

## Repeal and Recreate Section 17.32(3)(c)(1) – Driveway Ordinance

### Background

17.32(3)(c)(1) commonly referred to as the driveway ordinance, was sent back to Plan Commission for review. Engineering Department outlined some possible changes and discussion was held. Plan Commission recommendations for updated language is below:

### 17.32 Supplementary District Regulations

#### 3. Accessory uses and structures.

##### c. Accessory parking and storage.

(1) In all residential districts, driveways in the front yard setbacks emplaced to provide access to an open parking area in the side or rear yard or to a garage or carport in the rear yard shall not be wider than 12 feet. In no case shall a driveway, patio, or any concrete or nonpermeable surface be placed within two feet of a property line. ~~In RSF, driveways shall not exceed 25' maximum width at the property line and shall not exceed 35' maximum width at the curb.~~ Expansions of driveways after construction require a permit from the Building Inspection department.

(INSERT)

In RSF zoning, maximum driveway width at the curb shall be the width at the right of way plus the flared driving area width as determined by the City Engineer, or designee, in no case shall driveway width at curb exceed 37 feet. Driveway width at the right of way in RSF zoning shall not exceed the least of the following:

##### a) For Attached and Front Yard Detached Garages

1) 34 feet

2) Width of the Outer-most to Inner-most garage door opening plus 4 feet

3) 40% of the lot frontage

##### b) For Rear Yard Garage/Parking (Access from Street)

1) 12'

##### c) For Rear Yard Garage (Access from Alley)

1) Width of the garage frontage plus 12 feet

2) 50% of the lot frontage on the alley

Exception: In all residential districts, driveways in the front yard setbacks emplaced to provide access to a garage or carport attached or adjacent to the front or side of the principal building shall be no more than 12 feet wider than the width of such garage or carport. All driveway expansions in the front or side yard setback shall remain a minimum of two feet off of a property line.



**PROCLAMATION RECOGNIZING  
PUBLIC POWER WEEK, OCT. 2-8:**

**A Week-Long Celebration of Kaukauna Utilities' Year-Round Service**

WHEREAS, Kaukauna Utilities, a community-owned, not-for-profit electric and water utility, strives to set the benchmark in customer service and value to our community by providing homes, businesses, schools, and social service and local government agencies with reliable, efficient, and safe electricity and water, while employing sound business practices designed to ensure the best possible service at not-for-profit rates;

WHEREAS, Kaukauna Utilities is a valuable community asset that contributes to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness;

WHEREAS, Kaukauna Utilities is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make our community a better place to live and work, and contributes to protecting the global environment;

NOW, THEREFORE BE IT RESOLVED: that Kaukauna Utilities will continue to work to bring low-cost, safe, reliable electricity to community homes and businesses just as it has since 1912, the year when the utility was created; and

BE IT FURTHER RESOLVED: that the week of Oct. 2-8 be designated Public Power Week to recognize Kaukauna Utilities for its contributions to the community and to educate customer-owners, policy makers, and employees on the benefits of public power;

BE IT FURTHER RESOLVED: that our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power, which put our residents, businesses, and the community before profits.

Dated this 4<sup>th</sup> day of October, 2022.



Anthony J. Penterman, Mayor





## PROCLAMATION RECOGNIZING WALK TO SCHOOL DAY

October 5, 2022

Whereas, hundreds of children could be saved each year if communities take steps to make pedestrian safety a priority, and

Whereas, a lack of physical activity plays a leading role in rising rates of obesity, diabetes and other health problems among children and being able to walk or bicycle to school offers an opportunity to build activity into daily routine, and

Whereas, driving students to school by private vehicle contributes to traffic congestion and air pollution, and

Whereas, an important role for parents and caregivers is to teach children about pedestrian safety and become aware of the difficulties and dangers that children face on their trip to school each day and the health and environmental risks related to physical inactivity and air pollution, and

Whereas, children, parents and caregivers, and community leaders across North America are joining together to walk to school in an effort to learn healthful and safe pedestrian habits and to evaluate pedestrian safety in their communities,

Now Therefore, Be It Resolved that I, Anthony J. Penterman, Mayor of the City of Kaukauna, proclaim October 5th as "Walk to School Day" in Kaukauna, Wisconsin and encourage everyone to consider the safety and health of children this month and throughout the year.

Dated this 4th day of October, 2022.



Anthony J. Penterman, Mayor





**PROCLAMATION RECOGNIZING  
WHITE CANE SAFETY DAY**

WHEREAS, blindness and severe visual impairment affect approximately 100,000 Wisconsin residents; and

WHEREAS, the majority of these persons use travel aids, such as a white cane or a service animal to get around public streets and sidewalks and places of public accommodation; and

WHEREAS, these travel aids are universally recognized as symbols representing vision loss; and

WHEREAS, Wisconsin's White Cane Law requires that motorists come to a full stop before approaching closer than 10 feet to a pedestrian who is using a white cane or service animal; and

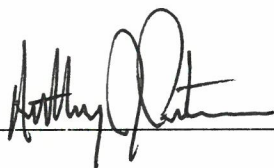
WHEREAS, Careful driving and fully stopping when pedestrians are in the crosswalk is beneficial to all residents, including children, elders and people with disabilities.

NOW, THEREFORE BE IT RESOLVED that, I, Mayor Anthony J. Penterman, on behalf of the residents of the City of Kaukauna, do hereby proclaim Saturday, October 15, 2022 as

**WHITE CANE SAFETY DAY**

in the City of Kaukauna and also acknowledge the importance of pedestrian safety year-round.

Signed and sealed this 4<sup>th</sup> day of October, 2022.



Anthony J. Penterman, Mayor





## BOARD OF PUBLIC WORKS

A meeting of the Board of Public Works was called to order by Chairperson Thiele on Monday, October 3, 2022 at 6:00 P.M.

Members present: Antoine, Coenen, Eggleston, Kilgas, Schell, and Thiele.

Absent & Excused: DeCoster and Moore.

Also present: Mayor Penterman, Attorney Davidson, DPW/Eng. Neumeier, HR Dir. Swaney, Lib. Dir. Thiem-Menning, Street Sup. Van Gompel, Equip. Mechanic Hirschy, Police Chief Graff, Fire Chief Carrel, and interested citizens.

Motion by Coenen, seconded by Kilgas to excuse the absent members.

All Ald. present voted aye.

Motion carried.

### 1. Correspondence – none.

### 2. Discussion Topics.

#### a. Authorization to seek bids for replacement of Tractor 105.

Street Superintendent Van Gompel stated the Street Department has been using this multi-purpose tractor for ten years. The tractor has had multiple problems and is down for long periods of times due to its year-round use and issues with parts being available. MB no longer manufactures a multi service vehicle. All parts need to be manufactured to order. This is a critical piece of equipment for lawn mowing, leaf collection and sidewalk snow removal. Questions from the Board were answered.

Motion by Antoine, seconded by Eggleston to authorize the Street Department to seek bids for a 2022 or newer MSV with attachments.

All Ald. present voted aye.

Motion carried.

#### b. Authorization to seek bids for replacement of Tractor 24.

Street Superintendent Van Gompel stated Tractor 24 is a year-round tractor used for multiple tasks like snow removal, loading of materials and landscaping projects. The tractor has been in operation for 12 years with the department and showing signs of its use; including decreased power and corrosion to its body. Its back box scraper attachment has been saved and used on multiple tractors in the past and has been repaired several times. Discussion was held and questions answered.

Motion by Schell, seconded by Coenen to authorize the Street Department to seek bids for a 2022 or newer 74 horse 4x4 Tractor with attachments.

All Ald. present voted aye.

Motion carried.

#### c. Recommendation on Award of Project 11-22 Jonen Park Pavilion.

DPW/Eng. Neumeier stated six bids for the Jonen Park Pavilion were received. The bid totals were significantly higher than the original budgeted amounts. With these numbers, McMahon and Associates was directed to work with the contractors to find cost savings and redesign parts of the building to come in closer to budget numbers.

Motion by Coenen, seconded by Kilgas to reject all bids for Project 11-22 Jonen Park Pavilion and come back to the Board of Public Works with a redesign and new budget numbers.

All Ald. present voted aye.

Motion carried.

**d. 2023 Urban Forestry Grant.**

DPW/Eng. Neumeier provided background on the grant. Regular urban forestry grants support projects that improve a community's capacity to manage its trees. Cities, villages, towns, counties, tribes and 501(c)(3) nonprofit organizations in or conducting their project in Wisconsin may apply for a regular urban forestry grant. The grant would be for the partial cost of taking down trees affected by the Emerald Ash Borer, replanting of trees and education. A formal resolution will be on the Common Council agenda giving formal authorization to apply for this grant.

Motion by Kilgas, seconded by Antoine to authorize DPW/Eng. Neumeier to apply for the 2023 Urban Forestry Grant.

All Ald. present voted aye.

Motion carried.

**e. Seawall – Professional Services.**

The City of Kaukauna is proposing McMahon Associates, Inc. proceed with final design of a timber seawall/dock structure in the navigational canal west of the Lawe Street Bridge and connection to the existing recreational trail along the canal based on the conceptual design provided. Discussion was held and questions answered.

Motion by Eggleston, seconded by Schell to authorize DPW/Eng. Neumeier to enter into the agreement with McMahon Associates, Inc. and proceed with services for final design of a timber seawall/dock structure.

All Ald. present voted aye.

Motion carried.

Alder Thiele thanked City staff and volunteers for their hard work in making all activities in the City on Saturday, October 1, 2022 successful.

**3. Adjourn.**

Motion made by Coenen, seconded by Kilgas to adjourn.

All Ald. present voted aye.

Motion carried.

Meeting adjourned at 6:18 p.m.

Sally Kenney  
Clerk

## **FINANCE AND PERSONNEL COMMITTEE**

A meeting of the Finance and Personnel Committee was called to order by Chairman Penterman on Monday, October 3, 2022, at 6:18 pm.

Members present: Mayor Penterman, Alders Coenen, Kilgas, and Schell.

Absent & Excused: DeCoster and Moore.

Also present: Attorney Davidson, Alder Thiele, Alder Eggleston, Alder Antoine, DPW/Eng. Neumeier, HR Dir. Swaney, Street Sup. Van Gompel, Police Chief Graff, Fire Chief Carrel, Lib. Dir. Thiem-Menning, Equipment Mechanic Hirschy, and interested citizens.

Motion by Coenen, seconded by Schell to excuse the absent members.

All members present voted aye.

Motion carried.

### **1. Correspondence - None.**

### **2. Discussion Topics.**

#### **a. Approval to post position and notification of library position changes.**

Staff seeks authorization from the Finance and Personnel Committee to fill the Assistant Chief vacancy at the fire department due to the resignation of Travis Teesch. Staff seeks authorization from the Finance and Personnel Committee to fill a firefighter/paramedic position. This will be backfilling a vacancy which will be created because of internal movement in the filling of the Assistant Chief role. Staff would like to notify Council that Assistant Library Director Angela Schneider has resigned from her position effective November 2, 2022. Through an assessment of job duties and in consideration of the best way to utilize City resources, it's been determined that at this time we will not fill the Assistant Library Director role. Instead, we will reorganize the duties of the position into two different positions: Children's Librarian and a full-time Library Assistant focusing on Communications and Community Outreach. The library would, however, like to consider filling the Assistant Library Director position again in the future.

Motion by Coenen, seconded by Schell to authorize staff to fill the Assistant Fire Chief position due to the resignation of Travis Teesch.

All members present voted aye.

Motion carried.

Motion by Kilgas, seconded by Schell to authorize staff to fill the Firefighter/Paramedic position due to vacancy created from the internal movement in the filling of the Assistant Chief role.

All members present voted aye.

Motion carried.

Motion by Schell, seconded by Kilgas to authorize staff to fill the Children's Librarian position and the part-time to full-time Library Assistant position.

All members present voted aye.

Motion carried.

### **3. Adjourn.**

Motion by Coenen, seconded by Schell to adjourn.

All members present voted aye.

Motion carried.

Meeting adjourned at 6:23 pm.

Sally Kenney, Clerk

## HEALTH AND RECREATION COMMITTEE

A meeting of the Health and Recreation Committee was called to order by Chairman Eggleston on Monday, October 3, 2022 at 6:25 P.M.

Members present: Antoine, Eggleston, and Kilgas.

Absent & Excused: DeCoster

Also present: Mayor Penterman, Attorney Davidson, Alder Thiele, Alder Coenen, Alder Schell, DPW/Eng. Neumeier, Street Sup. Van Gompel, Police Chief Graff, Fire Chief Carrel, HR Dir. Swaney, Lib. Dir. Thiem-Menning, Equipment Mechanic Hirschy, and interested citizens.

Motion by Kilgas, seconded by Antoine to excuse the absent member.

All members present voted aye.

Motion carried.

### 1. Correspondence – None.

### 2. Discussion Topics.

#### a. Temporary Class B License to Holy Cross, 309 Desnoyer Street, Kaukauna for Oktoberfest on October 9, 2022.

Motion by Antoine, seconded by Kilgas to approve the Temporary Class B License to Holy Cross, 309 Desnoyer Street, Kaukauna for Oktoberfest on October 9, 2022.

All members present voted aye.

Motion carried.

#### b. Combination Class B License to Sturber's Bar & Grill, LLC, Amy B. Steier, Agent, 220 Dodge Street, Kaukauna.

Motion by Antoine, seconded by Kilgas to approve the Combination Class B License to Sturber's Bar & Grill, LLC, Amy B. Steier, Agent, 220 Dodge Street, Kaukauna.

All members present voted aye.

Motion carried.

### 3. Adjourn.

Motion made by Antoine, seconded by Kilgas to adjourn.

All members present voted aye.

Motion carried.

Meeting adjourned at 6:28 P.M.

Sally Kenney  
Clerk

## Minutes for 1000 Islands Environmental Center Committee Meeting on Thursday, August 18, 2022

**Members Present:** Breitzman, Carlson, Eggleston (arrived at 6:43), Gertz, Hietpas, Pautz, Van Berkel and White

**Not Present:** Jakel and Manion

**Also Present:** Maureen Feldt and Debra Nowak

Vice-Chair, Pautz called the August Committee Meeting to order at 6:30 PM. A quorum is present.

### July 21, 2022 Committee Meeting Minutes

Gertz made a motion to waive the reading of the minutes and approve the July 21, 2022 Committee Meeting minutes. Seconded by Carlson. Motion carried.

**Public Appearances:** None

### July Financial Report

Gertz made a motion to approve July's Financial Report. Seconded by Van Berkel. Motion carried.

### Correspondence

We received fishing rods from Brian and Denise Mael.

### Friends of 1000 Islands Report

The Friends met on Monday, August 15<sup>th</sup> and further discussed tasks associated with planning of the Art Fair. The Friends will have a Food Stand at the Focus on the Fox event on Saturday, September 24<sup>th</sup>. The Friends made a commitment to give 1000 Islands \$9,000 towards their 2023 budget.

### Naturalist's Report

Nowak welcomed the Kaukauna High School Administrators on Monday, August 1<sup>st</sup> for a team building meeting at 1000 Islands. She reiterated that we are here for teacher's needs.

Carlson made a motion to accept July's Naturalist Report and place it on file. Seconded by Breitzman. Motion carried.

### Admin and Finance Sub-Committee

Van Berkel made a motion to receive and put on file the June 15 and 29, 2022 Admin and Finance Sub-Committee meeting minutes. Seconded by Gertz. Motion carried.

**2023 Non-Personnel Budget:** Gertz made a motion to move forward with the proposed 1000 Islands non-personnel 2023 budget and submit it to the City Finance Department. Seconded by Hietpas. Motion carried.

### Education Sub-Committee

Carlson made a motion to receive and put on file the June 13, 2022 Education Sub-Committee meeting minutes. Seconded by White. Motion carried.

## **Buildings and Grounds Sub-Committee**

Ash Tree Stump Removal: The quotes came in under the minimum amount needed for Committee approval, thus item number 9.C.i. can be removed from the agenda. Van Berkel made a motion to remove item 9.C.i. Approve Quote for Grinding Ash Tree Stumps from the August 18, 1000 Islands Committee Meeting agenda. Seconded by Carlson. Motion carried.

HVAC Equipment: Nowak received three quotes (Bassett, Baumgart, Berken) for replacement of the broken units that control the office areas and Conservation Room. The Building & Grounds Sub-Committee reviewed all quotes and made the recommendation to proceed with Berken. Eggleston made the motion to approve the estimate from Berken Heating & Cooling including lines 1 and 2 for the conservation room heating, lines 2, 4 and 5 for the conservation room cooling, lines 1 and 5 for office heating, and lines 2 and 5 for office cooling for a total of \$23,085. Seconded by Carlson. Motion carried.

Broken Concrete Floor: The concrete floor by Jabber's cage/live animal area has expanded and broke the tile flooring causing a safety concern. Nowak worked with John Neumeier to get estimates to remove a strip of the concrete where it has expanded. Staff from the Street Dept. will pour new concrete and replacement flooring will be completed in 2023. The quotes came in under the minimum amount for Committee approval.

## **Old Business**

Nothing to report

## **New Business**

Nothing to report

## **Good for the Center**

The Nature Center continues to have many visitors and our Camps and Classes are at max capacity.

## **Next Committee Meeting**

Next Committee Meeting will be on Thursday, September 15, 2022 at 6:30 PM. Deb will lead a property tour of the Nelson Overlook area starting at 5:00 PM.

## **Adjournment**

There being no further business, Gertz moved to adjourn the meeting at 7:17 PM. Seconded by Van Berkel. Motion carried.

Maureen Feldt,  
Acting Secretary

# GRIGNON MANSION BOARD MEETING MINUTES

Monday, August 22, 2022

The meeting was called to order by Pennie Thiele at 5:30 PM in the Municipal Services Building Council Chambers



## Roll Call

- Present –Patty DeGoey, Sandy Coenen, Gavin Schmitt, Shellee Jackels, Pennie Thiele, Al Borchardt, Bruce Werschem, Christina Crook
- Absent – Patty Brogan
- Others in Attendance – Cassidy Mickelson

## Welcome Others in Attendance

- Welcome new board member, Christina Crook

## Review/Approve Minutes from July 25, 2022 Meeting

- Motion by Bruce Werschem to approve prior meeting minutes. Seconded by Patty DeGoey. Motion Unanimously Approved.

## Report from the City (Mickelson)

- Grignon Mansion Repairs
  - The majority of the repairs are complete. There are remaining repairs that need attention, including the pitch on the front porch. A punch list of over a dozen items has been compiled for the contractor to complete.
  - Member questioned if there will be a handrail on the front steps
    - Yes - will be using metal that was donated by Bassett Mechanical and will be crafted by our blacksmith.
  - Mickelson is working to address mold issues on the second floor
    - Possible cause could be lack of proper ventilation from when the metal roofing was installed on the Mansion in 2010.
- Lawrence University Archaeological Project
  - Professor Peter Peregrine reached out with interest in conducting more archaeological research on the Grignon Mansion property
    - Looking to discover more evidence of the presence of longhouses in the area and would like to conduct a 2 meter x 6 meter dig at the tree line behind the soccer field. He would like to begin by 09/20/2022.
  - Motion to approve Peter Peregrine's plans pending detail and City Council approval.
  - Motion by Bruce Werschem and seconded by Sandy Coenen. Motion unanimously approved.

## Report from Friends (DeGoey)

- Friends Finance Report
  - Grant Money Account - Beginning balance of \$20,020.73, and ending balance of \$20,020.73.
  - Savings Account - Beginning balance of \$100.13, and ending balance of \$100.13



- Original Checking Account - Beginning balance of \$48,578.82, ending balance of \$48,632.46, with \$1,107.73 in total deposits and \$1,054.09 in total withdrawals. Available non-designated funds \$37,497.84.
- Other Issues
  - August events were a huge success and a huge thanks to all who gave their time to volunteer
    - Car Show - Gross profits of \$6,647.15
    - Civil War Living History Demonstration - Gross profits of \$6,487.55
  - Summer tour season ending Labor Day Weekend
  - Prepping for the Native American Dance and Christmas Tours

### **Report from the Chair (Thiele)**

- Grignon Mansion Event Recap
  - Thiele expressed her excitement over the success of the August events.
  - A sidewalk block near the Mansion is cracked
    - Will be addressed with the City to get it repaired

### **Other Business**

- Replanting trees on the Mansion grounds
  - Mickelson will work with the city to begin devising a plan as to when and where trees will be planted.

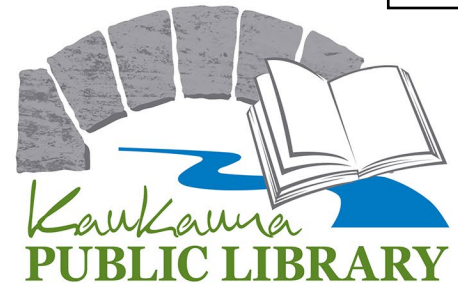
### **Set Next Meeting Date and Location**

- Monday, September 26, 2022 at 5:30 PM in the Council Chambers at the Municipal Building.

### **Adjourn at 6:14 PM**

- Motion by Al Borchardt. Seconded by Shellee Jackels. Motion Unanimously Approved.





LIBRARY BOARD MEETING MINUTES  
 City of Kaukauna  
 Kaukauna Public Library  
 207 Thilmany Rd STE 200, Kaukauna

Tuesday, August 23, 2022 at 5:30 PM  
 Library Conference Room In-Person & Zoom Teleconference Hybrid Meeting

1. Call meeting to order
  - a. The meeting was called to order at 5:31p.
2. Roll call of membership
  - a. Present: J. Lucas, M. Kilgas, C. Fallona, C. Van Boxtel, J. Vondracek, J. Van De Hey, A. Thiem-Menning, A. Schneider and other interested citizens
  - b. Excused: K. Hietpas, M. Aquirre
3. Approval of minutes from previous meeting
  - a. Tuesday, June 28, 2022 Meeting Minutes
    - i. M.Kilgas made a motion to approve the June 28, 2022 meeting minutes, seconded by C. VanBoxtel. Motion carries; all in favor.
4. Public Participation and Communications
  - a. Visit from the Outagamie Waupaca Library Director and Board
    - i. Bradley Shipps, the Director of OWLS introduced herself and talked briefly about OWLS.
  - b. Presentation of Space Needs Assessment by FEH
    - i. Aaron Davis and Bill Wilson from FEH gave a presentation of the almost completed Space Needs Assessment RFP.
5. Action Items
  - a. Bill Register June 2022
    - i. A. Neumeier made a motion to approve the Bill Register June 2022, seconded by J. Vondracek. Motion carries; all in favor.
  - b. Bill Register July 2022
    - i. A. Thiem-Menning noted that the seasonal on-call budget line is already over budget due to unexpected staffing issues this year as well as the loss of on-call staff and the need to hire and train several more to ensure staffing levels in the building are enough to remain open at all times.
    - ii. J. Vondracek made a motion to approve the Bill Register July 2022, seconded by A. Neumeier. Motion carries; all in favor.
  - c. Study Room Policy

- i. The board reviewed a revised KPL Study Room Policy. The goal of the policy is to ensure an equitable use of these spaces. This update will be shared with patrons.
    - ii. M. Kilgas made a motion to accept the KPL Study Room Policy with the additional clause that use of the rooms is at the will of Library Administration. Motion seconded by C. Van Bortel. Motion carries; all in favor.
  - d. 2023 Closures
    - i. J. Van De Hey made a motion to approve the 2023 Closures with the addition of an early closure for the evening of the Kaukauna parade. Seconded by M. Kilgas. Motion carries; all in favor.
  - e. City Handbook
    - i. Van De Hey moved to adopt the City of Kaukauna Employee Handbook in lieu of the Library Employee Handbook. Seconded by C. Van Bortel. Motion carries; all in favor.
- 6. Information Items
  - a. Directors Report
    - i. A. Thiem-Menning reported on the banning of a patron.
    - ii. A. Thiem-Menning has run into an issue with installing an electric strike to the front doors in terms of the cabling and will need to contact the original electrician. Additional funds left from the installation of the shatterproof coating and electric strike will go towards additional security cameras.
    - iii. The Finance Committee will need to meet prior to budget submittal.
    - iv. In early August, the Friends and Foundation met to discuss the future merger of their organizations. Schneider went through reinstated bylaws, articles of incorporation, articles of merger, and a memorandum of understanding between the library board and organization. The two groups will meet independently vote on the merger, and the city attorney will need to review merger documents as well. It was noted that financial information should be submitted semi-annually to the library board. We would like to make the official merger take place January 2, 2023.
  - b. Assistant Directors Report
    - i. A. Schneider will share more information on summer programming in September. It was noted that summer programming has been fantastic and has seen very high participation numbers.
  - c. Technology Coordinators Report
  - d. Trustee Topic 26
    - i. The topic discussed was the Public Library System Board.
  - e. Statistics

- i. June check outs were at an all-time high.
- ii. V. Vondracek made a motion to place the reports on file. Seconded by M. Kilgas. Motion carries; all in favor.

**7. Closed Session**

- a. Adjourn to Closed Session Pursuant to State Statute 19.85 (1)(g) with respect to litigation in which it is or likely to become involved.
  - i. M. Kilgas made a motion at 7:50p to go into closed session Pursuant to State Statute 19.85 (1)(g). Seconded by C. Van Boxtel. Motion carries; all in favor.
- b. Return to open session for possible action.
  - i. At 8:18p M. Kilgas made a motion to adjourn, seconded by C. VanBoxtel. Motion carries; all in favor.

**8. Adjournment**

**Join Zoom Meeting**

<https://us06web.zoom.us/j/83172836515>

Meeting ID: 831 7283 6515

One tap mobile

+13017158592,,83172836515# US (Washington DC)

+13092053325,,83172836515# US



October 4, 2022

The following applicants have applied for an operator's license for the license year **2022-2024** and have been recommended for approval based on their record check by the police department:

Eick	Michele	R.	204 W. Eighth St.	Kaukauna
Francek	Christopher	J.	515 N. Badger Ave.	Appleton
Gloudemans	Amanda	M.	656 Fern St.	Kaukauna
Lemes-Schuh	Michaela		427 S. Warner St.	Appleton
Loewenhagen	BreeAnna	L.	W2768 Ridgeview Ct.	Appleton
Nock	Jamie	L.	505 Richard St.	Combined Locks
O'Claire	James	K.	2200 Green Bay Rd. #202	Kaukauna
Olivas	Justine	F.	110 W. Fourth St.	Kaukauna
Shimek	Brandon	A.	3172 Windland Dr.	Green Bay



# MEMO

## Finance

To: Common Council

From: Finance Director

Date: 10/4/2022

Re: Presentation of 5-year Capital Improvement Plan (CIP) for comment and feedback

The Capital improvement plan(CIP) has been historically around the \$5m each year. This aligns well with what the City is paying off in debt service, so it does not increase the overall debt and helps manage the levy when it comes time to payback that debt.

When the City issues the bond for a project on the CIP, the levy/tax rate effects of the borrowing are not noticed until the following year at the earliest. The City's General Obligation (G.O.) notes are amortized over ten years with payments starting one year from issue date. Another factor that influences the levy impact is the source of repayment. Not all the G.O Note debt is paid back by the levy.

You will find this in the 2023 year of the attached CIP with a larger than normal borrowing at \$11.7m. Three projects make up \$8m of which most of the borrowing will be paid back by other sources rather than the levy. The cashflow need is the reason the City needs to borrow for these projects. Below are few tables showing the payback source of the three projects.

### Pool Renovation \$6m

- TIF Funding – \$1.7m
- Donor (Capital Campaign) - \$1M
- *True Levy Impact - \$2.5 million*

### Library Developer Loan \$600,000

- Developer - \$600,000
- TIF Funding – Any remaining balance
- *True Levy Impact - \$0*

Dreamville Kaukauna (Apartments) Additional Incentives \$2.455m

- TIF Funding \$2.455M
- *True Levy Impact - \$0*

The other revenue sources of these three projects will make up about \$4.8 million dollars of the debt. Which leaves the remaining \$7m that will be paid back by the levy over the next 10 years. The pool project is one of the unique items on the list in 2023. It was last updated in 1991. Without the 30+ year old project update, the debt service in 2023 is like past practice as well as what we are paying back in debt service each year.

This CIP is just a plan for the purpose of planning and budgeting the debt service in section 5 of the budget book. Prior to borrowing staff will finalize the list in Spring of 2023 and come back for approval to borrow the funds. Staff will also comeback for approval to seek bids for the project that are on the list when the time is comes.

Also attached in the packet is the list of the capital projects that will be funded by ARPA funds which was approved back in the August 1 Finance and personal meeting. The unapproved projects have been added to either the CIP or People and operation Plan (POP) for further discussion. I have added this more for a refresher as we discuss capital projects.

**Recommended motion:** No Action needed. Agenda item is for informational discussion, and comment.

CITY OF KAUKAUNA

updated 9/28/2022

CAPITAL PROJECTS 2023-2027

YEAR	Fund	CLASSIFICATIONS/ DESCRIPTORS	PROJECT TOTAL	GENERAL OBLIGATION BORROWING	SPECIAL ASSESSMENT	STORM WATER UTILITY	SANITARY SEWER UTILITY	SUBDIVISION FEE FUND	OTHER
2023		EQUIPMENT							
	421 - Equipment	Purchase 3/4 ton (new fleet)		\$53,000	\$53,000				
	421 - Equipment	Replace 2008 2 1/2 Ton Dump Truck (Fleet #213)		\$205,000	\$205,000				
	421 - Equipment	Fire SCBA Harness, Bottle, and Mask Replacements		\$90,000	\$90,000				
	421 - Equipment	Fire Response/Command Vehicle		\$85,000	\$17,000				\$68,000
2023*		SANITARY SEWER*							
	602 - Sanitary	Kenneth Avenue Area (Phase 3 of 3, Klien to Kenneth/3rd)		\$400,000	\$75,000		\$325,000		
	602 - Sanitary	Reaume Avenue Area (4th, 5th, Hendricks)		\$800,000	\$200,000		\$600,000		
	602 - Sanitary	CE Lift Station Interceptor to KHS		\$300,000			\$300,000		
	602 - Sanitary	Manhole Lining/Repair		\$25,000			\$25,000		
2023		PARK & POOL IMPROVEMENTS							
	422- Parks and Pools	Park Pavillion Maintenance/Updates - Riverside Park Roof		\$30,000	\$30,000				
	422- Parks and Pools	Pool Reconstruction		\$6,000,000	\$5,000,000				\$4,000,000
	422- Parks and Pools	New Flooring in Nature Center		\$15,000	\$15,000				
	422- Parks and Pools	New Siding on Nature Center		\$65,000	\$65,000				
	422- Parks and Pools	Plazas 1st & 2nd Street Ally		\$450,000	\$375,000				\$75,000
	422- Parks and Pools	Municipal Tree Replacement / Reforestation - EAB		\$50,000	\$25,000				\$25,000
2023*		STORM SEWER*							
	601 - Storm	Pool Road and Parking Lot		\$80,000		\$80,000			
	601 - Storm	Quinney / Metoxen Street Area 1 of 2		\$450,000	\$50,000	\$400,000			
	601 - Storm	Schultheis/Oak Street Storm Sewer		\$65,000	\$15,000	\$50,000			
	601 - Storm	Company Woods Pond		\$200,000		\$120,000			\$80,000
	601 - Storm	Parallel 36" Storm in Linda Ct and Thelen Ave		\$600,000		\$600,000			
	601 - Storm	Erosion Control / Remediation - Shoreline/Outfalls/Streambank		\$35,000		\$35,000			

\* Funds were borrowed in prior year



CITY OF KAUKAUNA

updated 9/28/2022

CAPITAL PROJECTS 2023-2027

YEAR	Fund	CLASSIFICATIONS/ DESCRIPTORS	PROJECT TOTAL	GENERAL OBLIGATION BORROWING	SPECIAL ASSESSMENT	STORM WATER UTILITY	SANITARY SEWER UTILITY	SUBDIVISION FEE FUND	OTHER
2023		STREET PAVING							
		New Concrete Streets							
	420 - Streets and Sidewalk	White Dove, White Birch, Boxer, Greyhound	\$1,600,000	\$1,000,000	\$600,000				
		Reconstruction							
	420 - Streets and Sidewalk	Quinney/Metoxen Street Area Phase 1	\$1,300,000	\$500,000	\$700,000				
	420 - Streets and Sidewalk	Concrete Street Patch Program	\$500,000	\$500,000					
	420 - Streets and Sidewalk	Schultheis Street/Oak Street	\$300,000	\$200,000	\$100,000				
	420 - Streets and Sidewalk	Loderbauer Rd Urbanization	\$250,000	\$200,000	\$50,000				
	420 - Streets and Sidewalk	Canal Street	\$350,000	\$180,000	\$50,000				\$117,000
	420 - Streets and Sidewalk	Alley Reconstruction (Downtown)	\$350,000	\$200,000	\$150,000				
	420 - Streets and Sidewalk	Bridge Epoxy Overlays - LAwe and Island	\$40,000	\$40,000					
2023		SIDEWALKS							
2023		MISCELLANEOUS							
	423 – Bldgs & Misc	Library Confernce Room Technology Replacement	\$15,000	\$15,000					
	468 - TIF #8	Dreamville Kaukauna (Apartments) Additional Incentives	\$2,455,000	\$2,455,000					\$2,455,000
	468 - TIF #8	Library	\$600,000	\$600,000					\$600,000
		TOTAL	\$17,758,000	\$11,765,000	\$1,990,000	\$1,285,000	\$1,250,000	\$0	\$7,420,000

\* Funds were borrowed in prior year

CITY OF KAUKAUNA

updated 9/28/2022

CAPITAL PROJECTS 2023-2027

YEAR	Fund	CLASSIFICATIONS/ DESCRIPTORS	PROJECT TOTAL	GENERAL OBLIGATION BORROWING	SPECIAL ASSESSMENT	STORM WATER UTILITY	SANITARY SEWER UTILITY	SUBDIVISION FEE FUND	OTHER
2024		EQUIPMENT							
	421 - Equipment	Replace Deweze hill mower		\$48,000	\$48,000				
	421 - Equipment	Replace 1991 John Deere Grader #21		\$400,000	\$400,000				
	421 - Equipment	Athletic Field Groomer (new fleet)		\$26,000	\$26,000				
	421 - Equipment	Replace 2008 Skid Steer Loader (Fleet #30)		\$40,000	\$40,000				
	421 - Equipment	Code Enforcement Truck - EV		\$60,000	\$60,000				
	421 - Equipment	Platform Ladder Truck		\$1,700,000	\$1,700,000				
	421 - Equipment	Election Badger Book		\$40,000	\$0				\$40,000
	421 - Equipment	Replace 2000 Pick Up Truck #19 with EV - Environmental Center		\$60,000	\$60,000				
2024		PARK & POOL IMPROVEMENTS							
	422- Parks and Pools	Park Pavillion Updates - Park TBD		\$400,000	\$250,000				\$150,000
2024		STORM SEWER*							
	601 - Storm	Quinney/Metoxen Street Area Phase 2		\$400,000	\$50,000	\$350,000			
	601 - Storm	Mini Storm Sewer - East 19th Street		\$150,000	\$50,000	\$100,000			
	601 - Storm	Badger Road Pond		\$350,000		\$350,000			
	601 - Storm	Glenview Avenue Storm Sewer		\$350,000		\$350,000			
	601 - Storm	Erosion Control / Remediation - Shoreline/Outfalls/Streambank		\$35,000		\$35,000			
2024		SANITARY SEWER*							
	602- Sanitary	River Street Sanitary Sewer and Easement		\$150,000	\$10,000		\$140,000		
	602- Sanitary	Thilmany Interceptor		\$90,000	\$10,000		\$80,000		
	602- Sanitary	Kenneth Avenue/3rd Street		\$600,000	\$100,000		\$500,000		
	602- Sanitary	Kaukauna Street Area Relay (Kaukauna, Brothers, Division, Oviatt)		\$1,300,000	\$200,000		\$1,100,000		

\* Funds were borrowed in prior year

CITY OF KAUKAUNA

updated 9/28/2022

CAPITAL PROJECTS 2023-2027

YEAR	Fund	CLASSIFICATIONS/ DESCRIPTIONS	PROJECT TOTAL	GENERAL OBLIGATION BORROWING	SPECIAL ASSESSMENT	STORM WATER UTILITY	SANITARY SEWER UTILITY	SUBDIVISION FEE FUND	OTHER
2024		STREET PAVING							
		New Concrete Streets							
	420 - Streets and Sidewalk	South Weiler Road, Campfire Court, Antelope, White Wolf	\$1,300,000	\$600,000	\$700,000				
		Reconstruction							
	420 - Streets and Sidewalk	Quinney/Metoxen Street Area Phase 2	\$1,500,000	\$750,000	\$750,000				
	420 - Streets and Sidewalk	Pool Road and Parking Lot	\$225,000	\$225,000					
	420 - Streets and Sidewalk	3rd Avenue & Kenneth Avenue (3rd to 10th)	\$2,600,000	\$1,900,000	\$700,000				
2024		SIDEWALKS							
	420 - Streets and Sidewalk	Replace Defective Walks	\$200,000	\$25,000	\$175,000				
2024		MISCELLANEOUS							
	423 – Bldgs & Misc	Library Workroom Redesign and RFID Sorter Installation	\$55,000	\$55,000					
		TOTAL	\$12,079,000	\$6,139,000	\$2,745,000	\$1,185,000	\$1,820,000	\$0	\$190,000

\* Funds were borrowed in prior year

CITY OF KAUKAUNA

updated 9/28/2022

CAPITAL PROJECTS 2023-2027

YEAR	Fund	CLASSIFICATIONS/ DESCRIPTORS	PROJECT TOTAL	GENERAL OBLIGATION BORROWING	SPECIAL ASSESSMENT	STORM WATER UTILITY	SANITARY SEWER UTILITY	SUBDIVISION FEE FUND	OTHER
2025		EQUIPMENT							
	421 - Equipment	Replace 2009 Chevy Silverado 2500 4x4, Emerg. Equip		\$74,000	\$74,000				
	421 - Equipment	Replace 1995 Grader with Wing (Fleet #20)		\$400,000	\$400,000				
	421 - Equipment	Replace 2012 Chevy 1 Ton Dump (Truck 9) With Plow		\$65,000	\$65,000				
	421 - Equipment	Replace 2008 2 1/2 Ton Dump Truck (Fleet #212)		\$168,000	\$168,000				
	421 - Equipment	Replace 2014 Peterbilt Garbage Truck (228)		\$300,000	\$300,000				
	421 - Equipment	Replace 2009 Pick Up Truck (Fleet #14) - Engineering		\$40,000	\$40,000				
	421 - Equipment	Ambulance Cot		\$25,000	\$25,000				
	421 - Equipment	Power Load System (Fire Department)		\$34,100	\$34,100				
2025		PARK & POOL IMPROVEMENTS							
	422- Parks and Pools	Kakalin Trail Extension (TIF 8)		\$50,000	\$50,000				
	422- Parks and Pools	Wisconsin Ave Switch Back Trail		\$150,000	\$150,000				
	422- Parks and Pools	Dog Park updates/upgrades (trees, restrooms, wash station)		\$350,000	\$340,000				\$10,000 grant
	422- Parks and Pools	Playground Update -Strassburg		\$300,000	\$300,000				
2025		STORM SEWER							
	601 - Storm	Washington, Florence, Plank		\$300,000	\$75,000	\$225,000			
	601 - Storm	Erosion Control / Remediation - Shoreline/Outfalls/Streambank		\$35,000		\$35,000			
	601 - Storm	Riverview Stormwater Detention		\$2,000,000		\$1,400,000			\$600,000
2025		SANITARY SEWER							
	602- Sanitary	Desnoyer Street Area Utility Relay (Seymour, Ducharme, Blackwell, Desnoyer)		\$1,250,000	\$200,000		\$1,050,000		
2025		STREET PAVING							
		New Concrete Streets							
	420 - Streets and Sidewalk	Ridgecrest Drive, Nikki Lane		\$700,000	\$250,000	\$467,000			
		Reconstruction							
	420 - Streets and Sidewalk	Washington, Florence, Plank, Lower Thilmany		\$1,300,000	\$650,000	\$650,000			
	420 - Streets and Sidewalk	River Street/Parking Area		\$450,000	\$400,000	\$50,000			
	420 - Streets and Sidewalk	Central Park Road		\$60,000	\$30,000				\$30,000
	420 - Streets and Sidewalk	High Street (700')		\$150,000	\$75,000	\$75,000			
	420 - Streets and Sidewalk	I-41 Corridor Bridges		\$100,000	\$100,000				
2025		MISCELLANEOUS							
	423 - Buildings and Misc	Replace Video Surveillance Cameras		\$50,000					
		TOTAL		\$8,351,100	\$3,451,100	\$1,517,000	\$1,660,000	\$1,050,000	\$0 \$630,000

\* Funds were borrowed in prior year

CITY OF KAUKAUNA

updated 9/28/2022

CAPITAL PROJECTS 2023-2027

YEAR	Fund	CLASSIFICATIONS/ DESCRIPTORS	PROJECT TOTAL	GENERAL OBLIGATION BORROWING	SPECIAL ASSESSMENT	STORM WATER UTILITY	SANITARY SEWER UTILITY	SUBDIVISION FEE FUND	OTHER
2026		EQUIPMENT							
	421 - Equipment	Replace 2003 Pierce Fire Engine		\$935,000	\$935,000				
	421 - Equipment	Replace 2011 John Deere Gator (118)		\$20,000	\$20,000				
	421 - Equipment	Replace 2001 Snow Go Snow Blower							
	421 - Equipment	Replace 2014 F350 4x4 Dump (Truck 8)		\$65,000	\$65,000				
	421 - Equipment	Replace 2012 GMC Sierra (Truck 3)		\$35,000	\$35,000				
	421 - Equipment	2010 Elgin Pelican Street Sweeper (25)							
2026		PARK & POOL IMPROVEMENTS							
	422- Parks and Pools	Red Hills Trail to 1000 Islands/OCC		\$800,000	\$700,000				\$100,000
	422- Parks and Pools	Park Upgrades (Pavilion TBD which park)		\$400,000	\$400,000				
	422- Parks and Pools	Grignon Mansion Project		\$600,000	\$300,000				\$300,000 grant
2026		STORM SEWER							
	601 - Storm	Erosion Control / Remediation - Shoreline/Outfalls/Streambank		\$35,000		\$35,000			
2026		SANITARY SEWER							
	602- Sanitary	Industrial Park Sanitary Sewer		\$1,600,000		\$1,600,000			
	602- Sanitary	Diedrich Street Area Utility Relay (Jefferson, Black, Diedrich, Margaret, Maria, Idlewild)		\$750,000	\$650,000	\$100,000			
2026		STREET PAVING							
		New Concrete Streets							
	420 - Streets and Sidewalk	Antelope & Bear Paw (?)		\$900,000	\$300,000	\$600,000			
		Reconstruction							
	420 - Streets and Sidewalk	9th Street (Brill To Crooks)		\$2,000,000	\$1,100,000	\$900,000			
	420 - Streets and Sidewalk	Brill Street (7th to 9th)		\$400,000	\$250,000	\$150,000			
2026		SIDEWALKS							
	420 - Streets and Sidewalk	Replace Defective Walks		\$200,000	\$25,000	\$175,000			
2026		MISCELLANEOUS							
	423 - Buildings and Misc	Replace Library Playmat		\$15,000	\$15,000				
		TOTAL		\$8,755,000	\$4,795,000	\$1,925,000	\$1,635,000	\$0	\$0 \$100,000

\* Funds were borrowed in prior year

**CITY OF KAUKAUNA**

updated 9/28/2022

**CAPITAL PROJECTS 2023-2027**

YEAR	Fund	CLASSIFICATIONS/ DESCRIPTIONS	PROJECT TOTAL	GENERAL OBLIGATION BORROWING	SPECIAL ASSESSMENT	STORM WATER UTILITY	SANITARY SEWER UTILITY	SUBDIVISION FEE FUND	OTHER
<b>2027</b>		<b>EQUIPMENT</b>							
	421 - Equipment	Replace 2012 Chevy Silverado 1500 (Truck 10)		\$35,000	\$35,000				
	421 - Equipment	Replace 2007 International Workstar 7300 (Truck 216)		\$205,000	\$205,000				
	421 - Equipment	Replace 2007 International Workstar 7300 (Truck 217)		\$205,000	\$205,000				
	421 - Equipment	Replace 2012 Volvo Loader L90C (Tractor 22)							
	421 - Equipment	Replace 2012 Chevy Silverado 1500 4 X 4 (Engineering)		\$40,000	\$40,000				
	421 - Equipment	Library Book Mobile		\$205,000					
<b>2027</b>		<b>MUNICIPAL BUILDINGS/STRUCTURES</b>							
	423 – Bldgs & Misc								
<b>2027</b>		<b>SANITARY SEWER</b>							
	602- Sanitary	Sullivan Avenue Area Utility Relay Phase 1 (Sullivan, Kenneth, 11th, 12th, 13th)		\$925,000	\$200,000		\$725,000		
	602 - Sanitary	Cleveland Avenue, E 8th, 9th		\$200,000	\$50,000		\$150,000		
<b>2027</b>		<b>PARK &amp; POOL IMPROVEMENTS</b>							
	422- Parks and Pools	Park Upgrades (Playground equipment TBD which park)		\$350,000	\$350,000				
	422- Parks and Pools	Bicycle Check Out Hub		\$100,000					
<b>2027</b>		<b>STORM SEWER</b>							
	601 - Storm	Kenneth Avenue Area Reconstruction Phase 2 (2022 Utility Work)		\$400,000	\$100,000	\$300,000			
	601 - Storm	Pond/Stream Bank Restoration		\$45,000		\$45,000			
<b>2027</b>		<b>STREET PAVING</b>							
		<b>New Cocnrete Streets</b>							
	420 - Streets and Sidewalk								
		<b>Reconstruction</b>							
	420 - Streets and Sidewalk	Kenneth Avenue Area Reconstruction Phase 2 (2022 Utility Work)		\$5,000,000	\$3,500,000				
	420 - Streets and Sidewalk								
<b>2027</b>		<b>SIDEWALKS</b>							
	420 - Streets and Sidewalk	Replace Defective Walks		\$200,000	\$25,000	\$175,000			
<b>2027</b>		<b>MISCELLANEOUS</b>							
	423 - Buildings and Misc	Connect Kaukauna's Fiber Network to Wisnet's Appleton POP		\$300,000	\$300,000				
	423 - Buildings and Misc	Broadband light poles at key roads exiting the city to include cameras.		\$200,000	\$200,000				
		<b>TOTAL</b>		<b>\$7,965,000</b>	<b>\$1,010,000</b>	<b>\$4,375,000</b>	<b>\$345,000</b>	<b>\$875,000</b>	<b>\$0</b>

\* Funds were borrowed in prior year

## Full ARPA Project List

Updated: 5/10/2022

Project Name	Department	Amount	Project Lead	Submitted By	Recommended	Project Impact (1-5) 1 Being High Impact	Notes
Upgrade boardwalk trail to address safety issues and meet accessibility guidelines	1000 Islands	\$200,000	Debbie Nowak	Debbie Nowak, Mayor Penterman	Yes	2	this only includes materials
Hwy 55 and Hwy 96 Intersection Control	DPW	\$40,000	John Neumeier/Jamie Graff	Police Department, Mayor Penterman	Yes	2	
City Core Façade Grants (Uptown and Downtown areas older buildings in the CCD Zone) & "Live Downtown Program" grants to finish or update second floor City Core residential units	Community Development	\$150,000	Joe Stephenson	Joe Stephenson, Mayor Penterman	Yes	1	redevelopment authority match funding?
Portable Radios - These are the replacements that have been previously discussed. The actual amount needed would likely be at the low end of this estimate. And if necessary, we could spend even less, but then we would need to add a capital project for the remainder.	Fire Department	\$255,300	Chief Carrel	Chief Carrel	Yes	2	applied for grant with other communities, if not approved need funding elsewhere, Reduced to 250k
Large Park Update in an economically distressed neighborhood (visioning sessions for the neighborhood to make it their own) (maybe part ARPA and part CIP funded)	Parks	\$350,000	Joe Stephenson	Joe Stephenson/ Alder Thiele/ Alder Moore/Mayor Penterman	Yes	1	
2021 Risk & Resilience Assessment of the Water Supply System found some weaknesses and it was directed towards physical security. There is a need for safety switches and/or card readers on all doors for documentation who is in and out of plants. This also includes the need for upgrade and moving of cameras.	Kaukauna Utilities	\$125,000	Andy VandenHeuvel	Michael Avanzi	Yes	2	
Defibrillator - This is for our 3 <sup>rd</sup> ambulance. This has been ordered, but it has not arrived or been paid for yet.	Fire Department	\$34,200	Chief Carrel	Chief Carrel	Yes	1	purchased-transfer to new ambulance

## Full ARPA Project List

Updated: 5/10/2022

Project Name	Department	Amount	Project Lead	Submitted By	Recommended	Project Impact (1-5) 1 Being High Impact	Notes
Safe drinking water account to offset costs to those well owners in the city who now have to adhere to the current ordinance regarding wells with an income of over \$65,000/year, not covered by current DNR grants. 54 Private Wells in the city that either need to be tested or abandoned. Need to offer some kind of funding for residents that don't qualify for DNR Funding. This is to protect the safety of our groundwater supply.	Kaukauna Utilities	\$50,000	Andy VandenHeuvel	Alder Moore/Michael Avanzi	Yes	1	about 35 left
Looping Water Main on Loderbauer before city paving. Right now it's a long dead end with very low chlorine residual and lower pressure because of not being looped.	Kaukauna Utilities	\$240,000	Andy VandenHeuvel	Michael Avanzi	Yes	1	
System Study looking for best treatment options to enhance water quality (Hard Water) for Kaukauna Utilities Residential and Commercial Customers. Includes a complete system Asset Management Plan.	Kaukauna Utilities	\$50,000	Andy VandenHeuvel	Michael Avanzi/Alder Moore, Alder Antoine	Yes	1	last study in 2003
2023 Relay on Park, Klein, 4 <sup>th</sup> , 5 <sup>th</sup> , Hendricks Ave. Utilities has 92 public side Lead Services at an estimated cost \$2,500 per service on the public side.	Kaukauna Utilities	\$115,000	Andy VandenHeuvel	Michael Avanzi/Alder Moore/Mayor Penterman	Yes	1	put \$115k in sanitary sewer CIP (602)
Cellebrite Machine and Computer allowing investigation to extract data from phones when involved in a situation	Police Department	\$18,500	Chief Graff	Chief Graff	Yes	1	Completed
Badger Election Books	Clerk	\$45,000	Sally Kenney	Mayor Penterman	Yes	2	
TruNark machine (Drug Taskforce machine)	Police Department	\$30,000	Chief Graff	Chief Graff	Yes	2	



## 2023 Non-Personnel Budget Item Preview



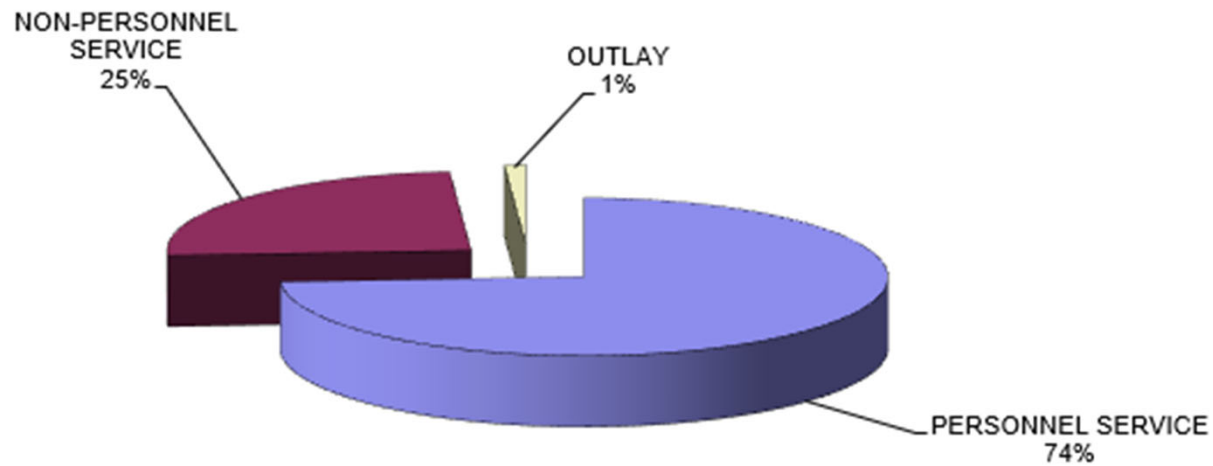
# Budget Calendar

October '22							November '22						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

- October 3<sup>th</sup> – Present Non-Personnel Items to Finance/Personnel Committee for feedback
- October 17<sup>th</sup> – Present Personnel items to Finance/Personnel committee for feedback
- *Week of November 1<sup>st</sup> – Print Budget Books and Distribute*
- November 2 – Proposed Budget Presentation to Council at 6:30pm
- November 15 – Public Hear and Budget Adoption

# 2023 Budgeted General Fund Expenditures by Type

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# Non-Personnel 2023 Budget Preview

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<i>2022</i>	<i>2023</i>		
<i>BUDGET</i>	<i>BUDGET</i>	<i>\$ Diff</i>	<i>% Diff</i>
3,393,214	3,780,960	387,746	11.4%

# Larger Variances

- The table to the right is showing any large variances +/- from 2022 to 2023 budget by category

	2022	2023		
	BUDGET	BUDGET	\$ Diff	% Diff
Printing Expense	27,405	10,800	-\$16,605	-60.6%
Maintenance - Roads & Walks	120,000	112,000	-\$8,000	-6.7%
Data Center	33,000	27,000	-\$6,000	-18.2%
Girls Softball	12,000	6,000	-\$6,000	-50.0%
Recycling Costs	7,000	12,000	\$5,000	71.4%
Service Contracts	46,795	51,871	\$5,076	10.8%
Water, Sewer & Electric	433,681	439,300	\$5,619	1.3%
Botanical & Agricultural	20,350	26,500	\$6,150	30.2%
Communications	27,730	33,930	\$6,200	22.4%
Heating Fuels	52,600	59,000	\$6,400	12.2%
Maintenance - Automotive	185,450	192,450	\$7,000	3.8%
Computing	1,000	10,000	\$9,000	900.0%
Education & Memberships	23,120	34,960	\$11,840	51.2%
Bank & Credit Card Fees	9,000	22,000	\$13,000	144.4%
Library Material	63,552	77,552	\$14,000	22.0%
General Insurance	177,389	192,569	\$15,180	8.6%
General Supplies	69,050	88,450	\$19,400	28.1%
Automotive Supplies	140,500	181,600	\$41,100	29.3%
Contractual Services	1,058,772	1,300,764	\$241,992	22.9%

# Contractual Services – Detailed Changes

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<b>Contractual Services</b>	<b>Amount</b>
Planning/Community Development	(\$9,500)
Additional Bridge Maint. From County	\$5,000
Stump Remove - Ash Bore	\$6,000
Library Carpet Cleaning	\$6,600
Court Bailiff	\$8,000
Human Resources Shared Services/Allocated Funds	\$18,500
<b>IT Services</b>	\$74,900
- Shared Services	
-Access Control System	
-Various Equipement updates	
Commerical Building Inspection Services	\$126,800

# Automotive Supplies

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## **Automotive Supplies**

Increase across all departments for higher fuel costs

# Noteworthy Items

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- Increase in Property and Liability Premium Coverage
- General Supplies – Plow Blade Replacement (Cost doubled)
- Contract Services for Building Inspection
- Library Material budget increase
- Education and Memberships



# Capital Outlay

- Capital outlay include items that aren't capitalized and borrowed for. Examples of these items are ones that don't last more than 3 years or are less than \$10,000.
- These Items are typically a one-time expense

<i>2022</i>	<i>2023</i>		
<i>BUDGET</i>	<i>BUDGET</i>	<i>\$ Diff</i>	<i>% Diff</i>
123,757	190,674	66,917	54.1%

# Larger Variances

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	2022	2023		
Capital Outlay	<i>BUDGET</i>	<i>BUDGET</i>	<i>\$ Diff</i>	<i>% Diff</i>
Automotive	59,200	85,628	\$26,428	44.6%
Office Equipment	6,000	25,200	\$19,200	320.0%
Infrastructure	0	12,000	\$12,000	100.0%
Land & Buildings	5,000	10,000	\$5,000	100.0%
Machinery, Tools & Instruments	50,257	54,346	\$4,089	8.1%
Park Equipment	3,300	3,500	\$200	6.1%

# Noteworthy Capital Outlay Items

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- PD Meg Unit vehicle replacement
- Dodge Chargers used for Patrol are being discontinued – switching to Dodge Durango
  - Increased cost due to inside parts not being compatible, need to order separate
- Door Strike replacements – 5 per year
- Traffic Control cabinet upgrades
- Sewer & Water replacement at La Follette Park

# Non-Personnel By Area Handout

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Next Page contains expense type by area

**CITY OF KAUKAUNA**  
**2023 BUDGET**  
**GENERAL FUND**  
**SUMMARY OF EXPENDITURES BY AREA**

<i>DESCRIPTION</i>	<i>NON-PERSONNEL SERVICES</i>	<i>OUTLAY</i>
<b>GENERAL GOVERNMENT</b>		
Assessment	61,500	-
Auditing Services	28,000	-
City Attorney	7,400	-
City Clerk	54,900	-
Commissioners	-	-
Common Council	8,570	-
Community Enrichment	52,500	-
Elections	13,650	2,000
Finance	79,236	-
Human Resources	98,431	-
Information Technology	359,981	-
Mayor	11,100	-
Municipal Service Building	111,150	5,000
Municipal Judge	9,485	2,500
Office Equipment & Supplies	17,600	-
Planning/Community Development	19,080	2,500
SPAR Building Maintenance	71,900	-
<b>TOTAL GENERAL GOVERNMENT</b>	<b>1,004,483</b>	<b>12,000</b>
<b>PUBLIC SAFETY</b>		
Ambulance	82,375	6,000
Building Inspection	187,250	-
Fire	163,590	20,000
Fire Safety	7,365	-
Police	225,742	100,974
School Patrol	1,350	-
<b>TOTAL PUBLIC SAFETY</b>	<b>667,672</b>	<b>126,974</b>
<b>HEALTH &amp; SOCIAL SERVICES</b>		
Alcohol & Other Drug Awareness	2,500	-
<b>TOTAL HEALTH &amp; SOCIAL SERVICES</b>	<b>2,500</b>	<b>-</b>
<b>TRANSPORTATION</b>		
Bridge Maintenance	16,200	-
Bus Subsidies	22,000	-
Engineering	11,450	4,000
Equip Maintenance & Replacement	92,425	-
Forestry	20,000	-
Snow & Ice Removal	120,800	-
Street Department Administration	6,000	-
Street Lighting	210,200	-
Street Maintenance	114,000	1,000
Street Signs & Markers	27,250	-
Traffic Controls	14,400	10,000
Weed Control	3,600	-
<b>TOTAL TRANSPORTATION</b>	<b>658,325</b>	<b>15,000</b>

**CITY OF KAUKAUNA**  
**2023 BUDGET**  
**GENERAL FUND**  
**SUMMARY OF EXPENDITURES BY AREA**

<i>DESCRIPTION</i>		<i>NON-PERSONNEL SERVICES</i>	<i>OUTLAY</i>
<b>COMMUNITY ENRICHMENT</b>			
Adult Sports		16,150	-
Athletic Field		56,000	5,000
Civic Promotions		15,000	-
Community Center		3,600	-
Dance Classes		39,125	-
Library		571,603	9,700
Swimming Pool		117,805	-
Youth Sports		57,710	-
<b>TOTAL COMMUNITY ENRICHMENT</b>		<b>876,993</b>	<b>14,700</b>
<b>CONSERVATION &amp; DEVELOPMENT OF NATURAL RESOURCES</b>			
Parks		135,000	22,000
<b>SANITATION</b>			
Refuse Collection		112,400	-
Refuse Disposal		139,000	-
<b>TOTAL SANITATION</b>		<b>251,400</b>	<b>-</b>
<b>OTHER</b>			
Health Insurance		-	-
Property & Liability Insurance		184,587	-
<b>TOTAL OTHER</b>		<b>184,587</b>	<b>-</b>
<b>TOTAL EXPENDITURES</b>			
		<b>3,780,960</b>	<b>190,674</b>



# MEMO

## PLANNING AND COMMUNITY DEVELOPMENT

To: Common Council – Legislative Committee  
From: Joe Stephenson  
Date: 09-28-2022  
Re: Outdoor Alcohol Beverage Area – Hours Open

The Outdoor Alcohol Beverage Area ordinance has been discussed by both the Plan Commission and the Legislative Committee. The final ordinance is being presented today that will allow for a better more welcoming use of the City's outdoor serve areas. After our last discussion a number of business owners reached out and were concerned with the recommended hours of operation. The existing ordinance dictates that the outdoor serve areas stop serving alcohol at 9PM on weekdays and 10 PM on weekend (Friday and Saturday nights). Business owners pointed out that recreation leagues often get done after 9PM, and they may want to patron the outdoor serve areas. In addition, it does not get dark until after 9PM in the summer.

After further review, the City's sidewalk café permits prohibit alcohol being served on the sidewalk after 11PM in all cases. Matching this ordinance seems intuitive and would not result in outdoor serve area guests being pushed to the sidewalks when the serve area closes at 9PM or 10PM.

**Staff recommends amending the Outdoor Alcohol Beverage Area Ordinance, Chapter 12.03 (11), and have the hours of operation close at 11PM, for all days of the week.**

**CITY OF KAUKAUNA**

Resolution 2022-5357

**Resolution Authorizing Execution of the  
Department of Natural Resources  
Principal Forgiven Financial Assistance Agreement**

WHEREAS, the City of Kaukauna (the "Municipality") wishes to undertake a project to replace private lead service lines at residences, pre k -12 schools and licensed and/or certified daycare centers, identified as DNR No. 5120-07 (the "Project"); and

WHEREAS, the Municipality has applied to the Safe Drinking Water Loan Program (the "SDWLP") for financial assistance in the form of a loan made by the SDWLP to the Municipality of which all the principal will be forgiven at the time that loan disbursements are made to the Municipality, pursuant to the DNR Financial Assistance Agreement; and

WHEREAS, the SDWLP has determined that it can provide a loan with principal forgiveness in an amount up to \$1,151,400 that it has identified as being eligible for SDWLP funding;

NOW, THEREFORE, the City Mayor and City Clerk are authorized by and on behalf of the Municipality to execute the Principal Forgiven Financial Assistance Agreement that contains the terms and conditions of the SDWLP award for the Project. The Principal Forgiven Financial Assistance Agreement is incorporated herein by this reference.

Adopted this 4th day of October, 2022.

APPROVED:

\_\_\_\_\_  
Anthony J. Penterman, Mayor

ATTEST:

\_\_\_\_\_  
Sally A. Kenney, City Clerk



## RESOLUTION 2022-5358

## AUTHORIZING RESOLUTION FOR 2023 URBAN FORESTRY GRANT

WHEREAS, the applicant, City of Kaukauna, is interested in obtaining a cost-share grant from Wisconsin Department of Natural Resources for the purpose of funding urban and community forestry projects specified in s. 23.097(1g) Wis. Stats.;

WHEREAS, the applicant attests to the validity and veracity of the statements and representations contained in the grant application; and

WHEREAS, the applicant requests a grant agreement to carry out the project;

NOW, THEREFORE, BE IT RESOLVED, the applicant, City of Kaukauna, will comply with all local, state, and federal rules, regulations and ordinances relating to this project and the cost-share agreement;

BE IT FURTHER RESOLVED, the applicant will budget a sum sufficient to fully and satisfactorily complete the project and hereby authorizes and empowers the Director of Public Works/City Engineer, its official or employee, to act on its behalf to:

1. Sign and submit the grant application
2. Sign a grant agreement between applicant and the DNR
3. Submit interim and/or final reports to the DNR to satisfy the grant agreement
4. Submit grant reimbursement request to the DNR
5. Sign and submit other required documentation

Introduced and adopted this 4th day of October, 2022.

APPROVED: \_\_\_\_\_  
Anthony J. Penterman, Mayor

ATTEST: \_\_\_\_\_  
Sally A. Kenney, Clerk

**RESOLUTION NO. 2022-5359****RESOLUTION IN RECOGNITION OF CURT WITYNSKI AND GAIL SUMI**

WHEREAS, since 1987, Curt Witynski has been providing leadership, guidance, and advocacy to benefit the cities and villages of Wisconsin; and

WHEREAS, since 2011, Gail Sumi has given voice to, and enlightened and informed Wisconsin's local leaders through her direction and coordination of the League of Wisconsin Municipalities' multiple channels of communication, including editing and production of *The Municipality*; and

WHEREAS, Mr. Witynski and Ms. Sumi have been thought leaders and trusted advisors for local officials, both elected and appointed; and

WHEREAS, Curt Witynski and Gail Sumi have contributed in countless ways to the prosperity and success of local government in Wisconsin; and

WHEREAS, in addition to their tireless efforts on behalf of municipal government, Curt Witynski and Gail Sumi have been role models for thousands of local leaders; and

WHEREAS, Mr. Witynski and Ms. Sumi will be retiring from daily service to local government at the end of calendar year 2022,

NOW, THEREFORE, BE IT RESOLVED, that, I, Mayor Anthony J. Penterman and the City of Kaukauna expresses its profound gratitude to Curt Witynski and Gail Sumi for their service; and

BE IT FINALLY RESOLVED that, I, Mayor Anthony J. Penterman and the City of Kaukauna congratulates them both on their careers of leadership and wishes them well in future endeavors.

Adopted on this 4<sup>th</sup> day of October, 2022.

APPROVED:

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Anthony J. Peterman, Mayor

ATTEST:

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Sally A. Kenney, City Clerk

**CITY OF KAUKAUNA  
ORDINANCE 1865-2022**

**ORDINANCE AMENDING SECTIONS 12.01(2)(D) RESERVE CLASS B AND  
12.03(11) PERMIT FOR OUTDOOR ALCOHOLIC BEVERAGE AREA, OF THE  
MUNICIPAL CODE**

**WHEREAS**, sections of the current municipal code do not adequately address circumstances related to licenses and fees therefore; and,

**WHEREAS**, in 2016 the State of Wisconsin Amended Wis. Stat. 125.51(3)(e)2 eliminating the economic development grant for Reserved Class B Licenses; and

**WHEREAS**, since the commencement of the Covid-19 Pandemic, bars and restaurants have shown an increase in need for the permit for Outdoor Alcoholic Beverage Area; and

**WHEREAS**, Section 12.03(11) Permit for Outdoor Alcoholic Beverage Area does not adequately allow establishments within the City of Kaukauna to utilize said permit in a manner to accommodate customer's outdoor seating requests;

**NOW THEREFORE**, be it ordained by the Common Council of the City of Kaukauna, in the State of Wisconsin, as follows:

**SECTION 1:**        **AMENDMENT** “12.01 Licenses Required” of the City of Kaukauna Municipal Code is hereby *amended* as follows:

**A M E N D M E N T**

**12.01 Licenses Required**

A license or permit shall be required for the sale of each of the following or the conduct of the business or activity, and the indicated license or permit application fee shall be paid to the city clerk. The license or permit application fees shall be for one year unless otherwise specified in this chapter.

1. *Fermented malt beverages.*
  - a. Class A. \$150.00.
  - b. Class B. \$100.00.
  - c. Picnic. \$10.00.
  - d. Wholesalers. \$25.00.
  - e. Operators. \$50.00 every two years.
  - f. Outdoor beverage area permit. \$200.00.
2. *Intoxicating liquor.*

- a. *Class A.* \$300.00.
- b. *Class B.* \$350.00.
- c. *Class C. Wine* \$100.00.
- d. *Reserve class B.* The fee for a reserve class B liquor license shall be \$10,000.00 for initial issuance, except that the fee for the initial issuance of a reserve class B license to a bona fide club or lodge situated and incorporated in the state for at least six years is \$200.00. The fee established in this section is in addition to any other fee required under this chapter, including, but not limited to, the fees for class B liquor and class B fermented malt beverage licenses. The annual fee for renewal of a reserve class B license is as specified in subsection (2)(b) of this section.

~~(1) The city finds that the \$10,000.00 fee mandated by the laws of the state exceeds the actual cost of licensing the activity, thereby generating additional revenue for the city, and it is in the interest of the public welfare to use the additional revenue to increase the property tax base, provide employment opportunities, attract tourists and generally enhance the economic and cultural climate of the community by providing additional economic incentives for new businesses with liquor licenses.~~

~~(2) After the granting of any new reserve class B license and payment of the \$10,000.00 initial issuance fee, the applicant may file an application for an economic development grant of \$10,000.00 with the city clerk. The city clerk shall determine whether the licensee is operating in compliance with the approved license. If the city clerk determines that the licensee is so operating, the city clerk shall authorize the approval of a \$10,000.00 economic development grant. If the city clerk determines that the licensee is not in compliance with the approved license, no economic development grant may be authorized, and the city clerk shall make such finding in writing and cause to be delivered a copy of the findings to the licensee. If the licensee disagrees with the city clerk's determination, the licensee may file a written notice of appeal with the city clerk within ten calendar days of the delivery of the written notice of the city clerk's findings. Upon receiving such notice from the licensee, the city clerk shall relay the notice to the common council which shall hold a hearing through its health and recreation committee. The common council may affirm or reverse the city clerk's determination. If the city clerk's determination is upheld, appeal may be taken to circuit court pursuant to Wis. Stats. § 753.04. If the city clerk's determination is reversed, the city clerk shall authorize the payment of the economic development grant.~~

3. *Peddlers, canvassers, and transient merchants.* \$15.00 investigation fee.

4. *Carnivals and exhibitions.*

- a. Circus, caravan, menagerie, and carnival. \$20.00 per day.
- b. Other shows, exhibitions, entertainments. \$10.00 per day.

5. *Taxicabs*. \$25.00 for the first vehicle operated and \$25.00 for each additional vehicle operated by the same licensee.
6. *Dogs*. See section 12.10(2).
7. *Parades*. No fee.
8. *Blasting permit*. \$1.00.
9. *Junk dealers*. \$25.00.
10. *Mobile homes*.
  - a. Monthly parking fee. According to assessed value pursuant to Wis. Stats. § 66.0435.
  - b. Occupancy permit. Pursuant to Wis. Stats. § 66.0435.
11. *Mobile home parks*.
  - a. \$2.00 per space, but not less than \$25.00 nor more than \$100.00.
  - b. Developer's permit. \$50.00.
  - c. Transfer fee. \$10.00.
12. *Mechanical and electronic amusement devices*. \$10.00 for each mechanical and electronic amusement device.
13. *Cigarette license*. \$15.00.

(Ord. No. 1699, 9-2-2014)

**SECTION 2:        AMENDMENT** “12.03 Intoxicating Liquor And Fermented Malt Beverages” of the City of Kaukauna Municipal Code is hereby *amended* as follows:

## AMENDMENT

### 12.03 Intoxicating Liquor And Fermented Malt Beverages

1. *State statutes adopted*. The provisions of Wis. Stats. ch. 125, defining and regulating the sale, procurement, dispensing, and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section.
2. *Licenses, permits, authorization required*.
  - a. *When required*. No person, except as provided by Wis. Stats. § 125.06, shall, within the city, serve, sell, manufacture, rectify, brew, or engage in any other activity for which this chapter or Wis. Stats. ch. 125, requires a license, permit, or other authorization as provided in this chapter. See Wis. Stats. § 125.04(1).
  - b. *Separate license required for each place of sale*. Except for licensed public warehouses, a license shall be required for each location or premises, which is in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are stored, sold or offered for sale. See Wis. Stats. § 125.04(9).
3. *Classes of licenses and fees*. The following classes and denominations of licenses may

be issued by the city clerk under the authority of the city council after payment of the application fee specified in section 12.01 of this chapter, which, when so issued, shall permit the holder to sell, deal, or traffic in alcohol beverages as provided in Wis. Stats. §§ 125.17, 125.25, 125.26, 125.28, and 125.51. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

- a. *Class A fermented malt beverage retailer's license.* See Wis. Stats. § 125.25.
- b. *Class B fermented malt beverage retailer's license.* See Wis. Stats. § 125.26.
  - (1) *Six months.* A license may be issued at any time for six months in any calendar year, for which three-fourths of the applicable license application fee shall be paid; but such license shall not be renewable during the calendar year in which issued.
- c. *Class C wine license.* A Class C license authorizes the retail sale of wine by the glass or in opened original container for consumption on the premises where sold.
- d. *Wholesalers fermented malt beverage license.* See Wis. Stats. § 125.28.
- e. *Retail Class A liquor license.* See Wis. Stats. § 125.51(2).
- f. *Retail Class B liquor license.* A retail Class B liquor license shall permit its holder to sell intoxicating liquor to be consumed by glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container in multiples not to exceed four liters at any one time and to be consumed off the premises where sold. Wine may be sold for consumption off the premises in the original package or otherwise in any quantity. See Wis. Stats. § 125.51(3)(b).
  - (1) A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The application fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30.
  - (2) Licenses valid for six months may be issued at any time. The fee for the license shall be 50 percent of the annual license application fee, as stated in section 12.01 of this chapter. The license may not be renewed during the calendar year in which issued.
- g. *Reserve retail Class B liquor license.* A reserve retail Class B liquor license means a license that is not granted or issued on or before December 1, 1997, and is counted under Wis. Stats. § 125.51(4)(br), which authorizes the retail sale of intoxicating liquor for consumption on the premises where sold by the glass to be consumed on the licensed premises or in the original package or container in multiples not to exceed four liters at any one time and to be consumed off the licensed premises, except that wine may be sold in the original container or otherwise in any quantity to be consumed off the premises.
- h. *Outdoor beverage area permit.* An outdoor beverage area permit shall permit its holder to sell intoxicating liquor beverages in outdoor areas as described in subsection (11) "Permit Required for Outdoor Alcoholic Beverage Area."
  - (1) A permit may be issued after July 1 in any license year. The permit shall expire on the following June 30. The application fee for the

permit shall be prorated according to the number of months or fractions thereof remaining until the following June 30.

- (2) Permits valid for six months may be issued at any time. The fee for the permit shall be 50 percent of the annual permit application fee, as stated in section 12.01 of this chapter. The permit may not be renewed during the calendar year in which issued.

i. *Operators.* See Wis. Stats. § 125.17.

- (1) Operator licenses may be granted to individuals by the city council for the purposes of complying with Wis. Stats. §§ 125.32(2) and 125.68(2).
- (2) Operator licenses may be issued only upon submission of a written application on forms provided by the city clerk. A color photograph of the applicant shall be submitted with the written application.
- (3) Operator licenses shall be valid for two years and shall expire on June 30 of the second year.

j. *Provisional operator's license.* The city clerk may issue a provisional operator's license to a person who has applied for an operator's license and provides proof of enrollment in a responsible beverage server training course required under Wis. Stats. § 125.17(6)(a), subject to the following:

- (1) A provisional license may not be issued to any person who has been denied an operator's license, or whose operator's license has been revoked or suspended within the preceding 12 months.
- (2) A provisional license may be issued only to persons eligible for operator's licenses under all of the provisions of this chapter, upon completion of a satisfactory background check by the Kaukauna Police Department, and under the requirements of Wis. Stats. § 125.04.
- (3) Any provisional license granted under this subparagraph shall expire 60 days after its issuance or when an operator's license is issued to the holder, whichever is sooner.
- (4) The city clerk shall revoke the provisional license if the holder makes any false or misleading statement or any material misleading omission on the application.
- (5) The city clerk shall revoke the provisional license if the applicant fails successfully to complete the responsible beverage server training course in which the applicant enrolls.
- (6) No more than one provisional license may be issued to an applicant during any 12-month period.
- (7) A \$15.00 non-refundable fee shall be charged by the city clerk for the issuance of a provisional operator's license.

k. *Provisional retail license.* The city clerk may issue a provisional retail license to a person who has applied for a Class A, Class B, Class A, Class B, or Class C retail license and who provides proof of enrollment in, or the appointed agent of the entity applying provides proof of enrollment in, a responsible beverage server training course required under Wis. Stats. § 125.04(5)(a)5., or



any future amendment, revision, or modification of such statute.

- (1) A provisional license shall not be issued to any person who has been denied a retail license by the common council, whose operator's license has been revoked or suspended within the preceding 12 months, or who already holds a provisional license of the type applied for.
- (2) A provisional license may be issued only to persons eligible for a retail license under all of the provisions of this chapter and under the requirements of Wis. Stats. §§ 125.04 and 125.185, and only for the activities that the retail license applied for would authorize.
- (3) Any provisional license granted under this section shall expire 60 days after its issuance, or when a retail license is issued to the holder, whichever is sooner.
- (4) The city clerk shall revoke the provisional license if the holder makes any false or misleading statement or any material or misleading omission on the application.
- (5) The city clerk shall revoke the provisional license if the applicant or its appointed agent fails successfully to complete the responsible beverage server training course in which he or she enrolls.
- (6) The city clerk shall not issue a provisional Class B license if doing so would exceed the municipal quota under Wis. Stats. § 125.51(4).
- (7) No more than one provisional license may be issued to an applicant during any 12-month period.
- (8) A \$15.00 non-refundable fee shall be charged by the city clerk for the issuance of a provisional retail license.

#### 4. *License application.*

- a. *Form.* Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the state department of revenue, or governing body for operator licenses and filed with the city clerk. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.
- b. *List of licenses.* By July 15 of each year, the city clerk shall forward to the state department of revenue, to the Kaukauna City Attorney's Office, to the Kaukauna Police Department, and to the finance department, a list containing the name, address, and trade name of each person holding a license issued under this section, except a picnic, manager's, or operator's license. An electronic record of all licenses issued shall be made available at all times to the city attorney's office, police department and finance department.
- c. *Recommendations.* Each application filed with the city clerk shall be forwarded to the chief of the police and the fire departments of the city, to the building inspection department and to the director of planning and community development for their, or their designees, recommendation to the common council for approval or disapproval. Their recommendation shall be entered on

or attached to the application and based upon their respective investigations and/or inspections of the applicant and/or the premises as to the suitability and character of any applicants, as to any issues relevant to the safety, security and well-being of the citizens and neighborhoods of the City of Kaukauna, and so as to determine whether the same are qualified and/or in compliance with those regulations, laws and ordinances, relative to their fields of enforcement, applicable and relevant to such licensing.

- d. *Denied applications.* Any person denied a license or permit applied for under this section 12.03 shall be ineligible to apply for another license or permit under this section 12.03 for a period of 12 months from the date of such denial by the council.

5. *License restrictions.*

- a. *Statutory requirements.* Licenses shall not be issued to any persons ineligible therefore under Wis. Stats. § 125.04. No license shall be issued under this section 12.03 less than 15 days from submission to the clerk of the application and required application fee.
- b. *Location.*
  - (1) No retail Class A or Class B license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital, or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church, or hospital to the main entrance to the premises covered by the license.
  - (2) This paragraph shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school, hospital, or church building.
- c. *Violators of liquor or beer laws or ordinances.* No retail Class A or B license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this section during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.
- d. *Health and sanitation requirements.* No retail Class B license shall be issued for any premises which does not conform to the sanitary, safety, and health requirements of the state department of industry, labor, and human relations pertaining to buildings and plumbing, to the rules and regulations of the state department of health and social services applicable to restaurants, and to all such ordinances and regulations adopted by the city.
- e. *License quota.* The number of persons and places that may be granted a retail Class B liquor license under this section is limited as provided in Wis. Stats. § 125.51(4).
- f. *Corporations.* No corporation organized under the laws of this state or any other state or foreign country may be issued any alcohol beverage license or

permit unless such corporation meets the requirements of Wis. Stats. § 125.04(6).

- g. *Age requirement.* No license hereunder, except an operator's license, shall be granted to any person who has not attained the legal drinking age. Operator licenses may be issued only to applicants who have attained the age of 18.
  - h. *Effect of revocation of license.* Whenever any license has been revoked, at least six months from the time of such revocation shall elapse before another license shall be granted for the same premises, and 12 months shall elapse before another license shall be granted to the person whose license was revoked.
  - i. *Delinquent taxes, assessments, and claims.* No license shall be granted for any premises for which taxes, assessments, or other claims of the city are delinquent and unpaid, or to any person delinquent in payment of such claims to the city.
  - j. *Issuance for sales in dwellings prohibited.* No license shall be issued to any person for the purpose of possessing, selling, or offering for sale and alcohol beverages in any dwelling house, flat, or residential apartment.
6. *Form and expiration of licenses.* All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid, and the name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided. The city clerk shall affix his or her affidavit as required by Wis. Stats. § 125.04(4).
7. *Transfer of licenses.*
- a. *As to person.* No license shall be transferable as to licensee except as provided by Wis. Stats. § 125.04(2).
  - b. *As to place.* Licenses issued pursuant to this section may be transferred as provided in Wis. Stats. § 125.04(12). Application for such transfer shall be made on blanks furnished by the state department of revenue. Proceedings for transfer shall be had in the same manner and form as the original application.
8. *Posting and care of licenses.* Every license or permit required under this section shall be framed and posted and at all times displayed as provided in Wis. Stats. § 125.04(10). No person shall post such license or permit or have any other person post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.
9. *Regulation of licensed premises and licenses.*
- a. *Gambling and disorderly conduct prohibited.* Each licensed and permitted premises shall, at all times, be conducted in an orderly manner; and no disorderly, riotous, or indecent conduct or illegal gambling shall be allowed at any time on any such premises.
  - b. *Employment of underage persons.* No licensee shall employ any underage person who does not have a valid operator's license to serve, sell, dispense, or give away any alcohol beverage.
  - c. *Sales by clubs.* No club shall sell intoxicating liquor or fermented malt beverages except to members and guests invited by members.

- d. *Safety and sanitation requirements.* Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.
- e. *Capacity limited.* All premises which have been issued a retail Class B license are subject to the capacity provisions of COMM 76.05(4), Wisconsin Administrative Code, which provisions are hereby adopted by reference and made a part hereof.

10. *Closing hours.*

- a. No premises for which a wholesale alcohol beverage license has been issued shall remain open for the sale thereof between 5:00 p.m. and 8:00 a.m., except on Saturday when the closing hour shall be 9:00 p.m.
- b. No premises for which a retail Class A fermented malt beverage license or Class A liquor license has been issued shall remain open for the sale thereof between 9:00 p.m. and 6:00 a.m.
- c. No premises for which a retail Class B fermented malt beverage or a retail Class B liquor license has been issued shall remain open for business for the sale thereof and shall be vacated, except as permitted under section 12.03(10) (d) and as expressly excepted pursuant to Wis. Stats. § 125.10(4), between 2:00 a.m. and 6:00 a.m. Mondays through Fridays and between 2:30 a.m. and 6:00 a.m. Saturdays and Sundays. However, an employee of such a license holder may be present during non-business hours for maintenance and clean up duties. On January 1, premises operating under retail Class B liquor license are not required to close. No package, container, or bottle sales may be made after midnight and no person may carry out alcoholic beverages in an original unopened package, container, or bottle for consumption away from the premises after midnight.
- d. Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe pitching facilities, curling clubs, gym and fitness centers, golf courses and golf clubhouses may remain open for the conduct of their regular business but no alcoholic beverages shall be sold, dispensed, or permitted to be consumed during prohibited hours.
- e. No premises for which a retail Class B fermented malt beverage license has been issued and which premises is upon city-owned property shall sell any such beverages from one hour prior to the scheduled commencement of until one hour after the completion of any athletic activity conducted upon such property and in which event any participants are under the age of 18 years. However, such a license holder shall be allowed to sell fermented malt beverages until the end of an athletic event at said property not involving participants under 18 years of age which event ends less than one hour before the start of an athletic event involving participants under 18 years of age; and, such a license holder shall be allowed to sell fermented malt beverages at the start of an athletic event at said property not involving participants under 18 years of age, which event starts less than one hour after the end of an athletic event at said property involving participants under 18 years of age.

11. *Permit required for outdoor alcoholic beverage area.*

- a. *Definition.* An outdoor alcoholic beverage area is defined as an open air, roofed or unroofed area adjacent to or accessory to a Class B intoxicating liquor and/or Class B fermented malt beverage and/or Class C licensed premises, where beer and other alcoholic beverages are consumed, which is not included within the licensed premises.
- b. *Required for outdoor consumption.* No licensee shall allow the consumption of alcoholic beverages on any part of the licensed premises property not enclosed within the licensed premises as described on the license, except under permit granted by the city council. The permits are a privilege in which no rights vest and, therefore, may be revoked by the city council at its pleasure at any time or shall otherwise expire on June 30 of each year. An initial permit request may be applied for any time throughout the year, by completing a city outdoor alcoholic beverage area permit application, but after the initial request is approved any renewals shall accompany the regular license renewal application. No person shall consume or have in his or her possession alcoholic beverages on any unenclosed part of premises property not within a licensed premises as described on the license and which is not described in a valid outdoor alcoholic beverage area permit.

c. *Limitations on issuance of permit.*

- (1) ~~No outdoor alcoholic beverage area permit shall be issued if the total outdoor entertaining area associated with the licensed premises is greater than 50 percent of the gross floor area of the licensed premises enclosed within the building.~~ Each applicant for an outdoor alcoholic beverage permit shall accurately describe the area ~~intended for use as an outdoor entertaining area~~ and shall indicate the nature of fencing or other measures intended to provide control over the operation of the outdoor alcoholic beverage area. Applicants shall submit a site plan professionally drawn to scale and an application for review by the city's zoning administrator. The zoning administrator will review all proposed outdoor alcoholic beverage area permit design plans and applications to determine impacts upon the surrounding neighborhood and then recommend that the license be granted as requested, modified or denied.
- (2) Every outdoor beverage area shall be completely enclosed with a ~~solid~~ permanent barrier ~~or screen~~; not less than ~~six~~ four feet in height ~~for those establishments in which the sale of alcoholic beverages accounts for more than 50 percent of gross receipts. For those establishments where alcoholic beverage sales do not account for 50 percent of gross receipts a permanent barrier is still required, but its structure may be less opaque and less than six feet in height, and will achieve not less than 50% screening. The barrier may consist of a vegetative screen, permanent fencing, or a combination of the two. The barrier shall be well kept and maintained in an orderly fashion, if~~

any portion of the barrier is comprised, in disrepair, or otherwise not functioning, the outdoor alcoholic beverage area permit shall be suspended until such steps are taken to restore the barrier to working order.

- (3) Barriers adjacent to residential and institutional properties shall provide a six-foot tall 100% screened barrier along all sides directly abutting a residential and institutional property.

d. *Grant of permit.* The city clerk shall forward any outdoor beverage area permit application to the chief of the police and the fire departments of the city, to the building inspection department and to the director of planning and community development for their, or their designees, recommendation to the common council for approval or disapproval of such permit. Their recommendation shall be based upon their respective investigations and/or inspections of the applicant and/or the premises and proposed outdoor alcoholic beverage area as to the suitability and character of any applicants, as to any issues relevant to the safety, traffic, security and well-being of the citizens and neighborhoods of the City of Kaukauna, and as to whether any additional special conditions, restrictions, or limitations should apply to said permit.

e. *Restrictions.* All premises receiving outdoor alcoholic beverage area permits approved after the adoption date of this section will be required to comply with all of the following restrictions. For those businesses for which the licensed premises includes an outdoor alcoholic beverage area that was established, licensed, and authorized by the city prior to the adoption of this section, the restrictions under this subsection (e) do not apply, except as specified.

- (1) Access to the outdoor entertaining area shall only be through the main entrance to the Class B intoxicating liquor, Class B fermented malt beverage; and Class C premises. The outdoor entertaining area shall be equipped with a locking system on a fire exit that meets applicable fire codes. In cases where site configuration or parcel shape prevent a single entrance to the outdoor beverage area through the main entrance of the building, the Plan Commission may review the outdoor beverage area site plan and approve alternative entrances.
- (2) No amplified sound or music is permitted outside the enclosed (building) premises. Amplified sound or music is not permitted in the outdoor alcoholic beverage area. Any premises licensed prior to the adoption of this ordinance for which such premises includes areas not enclosed within the building of the premises shall be required to obtain approval from the city council for amplified sound or music.
- (3) All sales of alcoholic beverages shall be restricted to the enclosed licensed premise.
- (4) The outdoor alcoholic beverage area may only be open for consumption of alcohol from 10:00 a.m. until 9:00 p.m., Sunday

through Thursday and from 10:00 a.m. until 10:00 p.m. Friday and Saturday.

- (5) No outdoor alcoholic beverage area which is less than 80 feet from any ~~public school property, parochial school property, hospital property, or church property~~ shall be open for operation during school hours as specified on the outdoor alcoholic beverage area permit. Such distance shall be measured by the shortest route from the closest point of such school, ~~church, or hospital property~~ to the closest point of the outdoor alcoholic beverage area.
  - (6) A licensed bartender shall be present and actively monitoring the outdoor alcoholic beverage area at all times it is open for operation.
  - (7) The outdoor alcoholic beverage area shall be monitored at all times. If any area is required by the permit specification to be monitored by surveillance cameras such surveillance cameras and security recording system shall be maintained in good operating condition at all times. Upon request by the Kaukauna Police Department surveillance video shall be made available for review to aid in the investigation of any incident, altercation or crime under investigation.
  - (8) The capacity for the licensed premises' building shall remain the same even with the addition of an outdoor alcoholic beverage area permit.
  - (9) A licensee shall not permit any activities within the outdoor alcoholic beverage area that constitute a nuisance.
  - (10) A licensee shall comply with all other applicable state statutes and city ordinances.
- f. *Adjoining property owners to be notified of pendency of applications.* All property owners within 150 feet of the proposed outdoor entertaining area measured from property line to property line shall be notified of the pendency of application for an outdoor alcoholic beverage area permit and notice of informational hearing to be held prior to city council approval. Such notice shall be made by the city clerk's office via first class mail.
  - g. *Authority of police to suspend outdoor alcoholic beverage area permit.* The shift commander or designee of the police department has the authority to order any outdoor alcoholic beverage area to be closed down at any time the shift commander/designee believes its continued operation is in violation of this section, any other applicable city ordinance or provisions of Wis. Stats. ch. 125.
  - h. *State statutes enforced within outdoor entertaining area.* Every licensee under this section shall comply with and enforce all provisions of Wis. Stats. ch. 125 applicable to Class B and/or Class C licensed premises, except insofar as such provisions are clearly renewal of the outdoor alcoholic beverage area permit by the city council.
  - i. *Fee required.* The city council shall approve the fee for outdoor alcoholic beverage area permits.
12. *Revocation and suspension of licenses.*



- a. *Procedure.* Whenever the holder of any license under this section violates any portion of this section 12.03(12), or whenever any license has been issued in violation of any portion of section 12.03, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by Wis. Stats. § 125.12, and the provisions therein relating to granting a new license shall likewise be applicable.
- b. *Effect of revocation.* See subsection (5)(h) of this section.
- c. *Cease doing business.* If any holder of a Class A or Class B fermented malt beverage license or a retail Class A or Class B liquor license shall suspend or cease doing business for 90 consecutive days or more, his license shall be subject to revocation by the city council after a public hearing.
- d. *Alcohol beverage demerit point system.*
  - (1) *Purpose.* The purpose of this paragraph is to establish an alcohol beverage demerit point system to assist in determining which license holders should be subject to suspension, revocation, or nonrenewal procedures.
  - (2) *Schedule of demerit points.* The schedule of demerit points as listed below is to be used to identify habitually troublesome license holders who have repeatedly violated state statutes or city ordinances for the purpose of determining suspension, revocation, or nonrenewal of their alcoholic beverage licenses:

<b>Type of Violation</b>	<b>Poi nt Val ue</b>
Sale of alcoholic beverages without proper license or permit	100
Unauthorized use or transfer of license or permit	75
Owner/licensee selling controlled substance/possession of controlled substance with intent to sell	150
Owner/licensee possession of controlled substance	75
Employee selling controlled substance/possession of controlled substance with intent to sell on premises property or outdoor alcoholic beverage area	100
Sale of controlled substances on licensed premises or outdoor alcoholic beverage area	75
Sale of alcoholic beverages to underage persons	50
Sale of alcoholic beverages to intoxicated person	50
Underage person on premises or outdoor alcoholic beverage	50

area	
Intoxicated bartender; disorderly conduct on premises property or outdoor alcoholic beverage area	50
Off hours consumption or sale of alcoholic beverages	50
Refusal to allow police to inspect premises or outdoor alcoholic beverage area or refusal to cooperate with lawful police investigation	50
Failure to post license	25
Employee possession of controlled substance on premises or outdoor alcoholic beverage area	50
Licensee, agent, or operator not on premises or outdoor alcoholic beverage area at all times	25
Non-employee(s) on premises or outdoor alcoholic beverage area after closing hours	25
Violation of carry out hours	25
Licensee permitting person to leave licensed premises or outdoor alcoholic beverage area with open alcohol beverage	25
Disorderly conduct upon premises property or arising from premises or outdoor alcoholic beverage area	25
All other violations of Wis. Stats. § 125, or of Kaukauna Municipal Code	25

Any points assessed for above violation shall double if the violation results in serious bodily injury to or the death of any person.

- (3) *Violations, how calculated.* In determining the accumulated demerit points against a licensee within a 12-month, 24-month, or 36-month period, the city shall use the date each violation was committed as the basis for the determination and shall further include only those instances where there has been a court imposed conviction for the violation.
- (4) *Suspension, revocation, or nonrenewal of license.* All licensees who accumulate 200 points in a 12-month period, 250 points in a 24-month period, or 300 points in a 36-month period shall be considered for suspension, revocation, or nonrenewal. In the event of suspension, the suspension shall be for not less than ten days nor more than 90 days.

In addition to the demerit points assessed as specified above, if an

owner or licensee is charged with selling controlled substance or charged with possession of controlled substance with intent to sell, the owner or licensee may be subject to revocation proceedings pursuant to Wis. Stats. § 125.12.

13. *Nonrenewal of licenses.* Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the city council.
14. *Violations by agents and employees.* A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.
15. *Transfer/sale of licensed business.* Upon the transfer or sale of a licensed business, all accumulated demerit points shall be canceled, unless any of the following apply:
  - a. The new licensee is related to the former licensee by blood, adoption, or marriage;
  - b. The new licensee held a business interest in the previous licensed business, real estate, or equipment;
  - c. The former licensee retains an interest in the business, real estate or equipment used by the business;
  - d. The new licensee's acquisition of the business did not involve an arm's length transaction consisting of an open market sale in which the owner is willing, but not obligated to sell, and the buyer is willing, but not obligated to buy.

If any of the above apply, the new licensee shall inherit the demerit points previously assessed and be subject to the penalties set forth in the Code, unless the new licensee establishes, by sufficient evidence to the common council, that application of this inheritance rule in their specific circumstances would be unjust and is not necessary to fulfill the purpose of this rule, which is to prevent the avoidance of legitimate consequences for repeated violations of statutes and ordinances regulating the business of selling alcoholic beverages.

(Ord. No. 1785, 5-7-2019; Ord. No. 1804, 5-5-2020)

Editor's note(s)—Ord. No. 1804, adopted May 5, 2020, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 1699, 9-2-2014; Ord. No. 1700, 10-21-2015. At the direction of the city, the amendment by Ord. No. 1785, adopted May 7, 2019, has been incorporated into the section.

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON COUNCIL

Presiding Officer

Attest

\_\_\_\_\_  
Anthony J. Penterman, Mayor, City of  
Kaukauna

\_\_\_\_\_  
Sally Kenney, Clerk City of  
Kaukauna

**CITY OF KAUKAUNA  
ORDINANCE 1867-2022**

**ORDINANCE AMENDING CERTAIN ACCESSORY USES AND STRUCTURES;  
ACCESSORY PARKING AND STORAGE IN CH. 17.32 OF THE MUNICIPAL CODE  
OF ORDINANCES**

**WHEREAS**, to protect and preserve future land use in the City of Kaukauna's various zoning districts, the Common Council amends Section 17.32(3)(c)(1); to further specify restrictions on accessory structures, parking and storage; and

**WHEREAS**, the matter was referred to, acted upon, and recommended for approval by the City Legislative Committee on August 1, 2022; and

**WHEREAS, WHEREAS**, after due notice as required by law, a public hearing was held before the Common Council on October 4, 2022, at 7:00 p.m.

**NOW THEREFORE**, be it ordained by the Common Council of the City of Kaukauna, in the State of Wisconsin, as follows:

**SECTION 1:            AMENDMENT** “17.32 Supplementary District Regulations” of the City of Kaukauna Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

17.32 Supplementary District Regulations

1. *General application.* The regulations set forth in this section shall supplement or modify the regulations set forth in other applicable regulations set forth in this chapter.
2. *Lots and yards.*
  - a. *More than one building per lot.* In any district, more than one building housing a principal use may be erected on a single lot, provided that yard and other requirements of these regulations shall be met for each building as though it were on an individual lot.
  - b. *Through lots.* On through lots, the required front yard shall be as provided on each street, except that on through lots fronting limited access roads, the setbacks for fences, hedges, berms, or accessory buildings shall be as if for a rear yard setback in the yard adjacent a limited access road.
  - c. *Development in mapped streets.* Where an official line has been established for the future widening or opening of a street, the depth of a front yard or the width of a side yard shall be measured from such official line to the nearest line of the building.
  - d. *Access.* Every building housing a principal use erected or moved shall be on a lot with direct access to a public street and all such buildings shall be so

located as to provide safe and convenient access for servicing and off-street parking.

- e. *Building groups.* In any nonresidential district, a group of buildings separated only by common or party walls shall be considered as one building.
- f. *Yard encroachments.* Every part of every required yard shall be open and unobstructed from 30 inches above the general ground level of the graded lot upward to the sky except as provided in this chapter or as otherwise permitted in these regulations:
  - (1) Roof eaves may project into a required side yard not more than three feet where the required side yard is eight feet or more in width. Roof eaves may project into a required side yard not more than two feet where the required side yard is less than eight feet.
  - (2) Sills, belt courses, cornices, vertical solar screens, and other ornamental features may project not over one foot into a required yard.
  - (3) Fire escapes, stairways, and balconies, whether unroofed, open and unenclosed, or enclosed, shall not intrude into required yards.
  - (4) Solar collectors which are part of the principal building may extend into a required rear yard for a distance not to exceed ten feet, and solar collectors may extend into a required side yard, provided that they have a minimum seven-foot clearance from grade, and provided, further, that such extension shall be at least five feet distant from the adjacent lot line and shall not extend more than three feet from the building.
- g. *Corner lots.* On corner lots, the street side yard shall equal the required front yard for lots fronting on that street.
- h. *Through lot map.* There shall be created and maintained for public review within the department of public works a through lot map that designates all through lots within the corporate limits of the city. The map shall label those roads listed as a limited access road for purposes of issuing building permits.

### 3. *Accessory uses and structures.*

- a. *Accessory buildings on vacant lots.* In any residential district, no accessory building shall be built on a lot without a principal building.
- b. *Fences, hedges and retaining walls.*
  - (1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Hedge* means any combination of two or more vegetative plants that, when mature, provides an opaque visual barrier of 50 percent or more.

*Height of fence, hedge, or retaining wall* means the vertical height of

a fence, hedge or retaining wall shall be measured from the grade adjacent to the fence, hedge or foot of a retaining wall.

*Permanent fence* means fences intended, designed, and constructed to be in place for longer than six months.

*Permanent fence materials.* Permanent fences shall be constructed of naturally decay-resistant or treated wood, galvanized or vinyl-coated chainlink, prefabricated or manufactured vinyl, wrought iron, brick, masonry, concrete, stone or other similar materials as approved by the building inspector.

*Prohibited fences,* except as may be permitted in areas zoned IND Industrial, no fence may be constructed with barbed or razor wire or designed to produce an electric shock or in any way designed to create a risk of injury to one crossing the fence.

*Retaining wall* means a vertical or nearly vertical wall constructed to prevent lateral movement of soil.

*Retaining wall materials* means retaining walls shall be constructed of naturally decay-resistant or treated wood, masonry brick and stone, landscape blocks designed for the purpose or other materials as approved by the building inspector.

*Temporary fences* means fences intended, designed, and constructed to be in place for a maximum of six months, as evidenced by no permit being obtained prior to construction. Erosion control fences are an exception.

*Temporary fence materials* means materials commonly known as "snow fence," "construction fence," "welded wire," "chicken wire" or other similar materials. Temporary fences may be supported with impact-driven posts.

(2) *Permits and fees.*

(A) *Permits required.* All permanent fences and retaining walls, regardless of length or height, shall require a permit to be issued by the building inspector. Hedges are exempt from permits and fees.

(B) *Permit fees.* Permit fees shall be established by common council resolution and fee schedules shall be kept on file in the office of the city clerk.

(3) *Temporary fences in residential zoning:*

(A) Temporary fences used for the protection of plantings, the control of snow or similar uses shall be permitted in

residential zoning, provided that all of the height and location requirements for permanent fences are followed.

- (B) Temporary fences are required to be removed no later than six months after placement. Temporary fences may not be re-established sooner than six months after removal.
- (C) Permits are not required for temporary fences.
- (4) *Permanent fences and hedges in areas zoned residential.*
  - (A) *Fences and hedges in front yard.*
    - (a) *Height.* Fences and hedges in front yards shall have a maximum vertical height of 42 inches.
    - (b) *Visibility.* Fences in front yards shall be constructed to provide a minimum of 50 percent through-visibility.
    - (c) *Additional requirements.* Additional requirements, as required under section 8.11 of this Code, to include streets, alleys, and driveways.
  - (B) *Fences and hedges in side and rear yards.*
    - (a) *Fences.* Fences in rear and side yards shall have a maximum vertical height of 72 inches.
    - (b) *Hedges.* Hedges in rear and side yards may be allowed to grow to a natural height.
    - (c) *Additional requirements.* Additional requirements, as required under section 8.11 of this Code,, to include streets, alleys, and driveways.
  - (C) *Locations of fences and hedges.*
    - (a) *Location of fences.* Fences may be located such that the finished exterior surface is at the property line.
    - (b) *Location of hedges.* Hedges shall be planted such that, when mature, foliage will not extend beyond the property line. This planting requirement shall not subject an owner to city enforcement action for hedges planted prior to the adoption of this revision.
    - (c) *Location of property lines.* It shall be the responsibility of the property owner or permit holder to provide, to the satisfaction of the building inspector, an accurate, on-site representation of the property line. This shall include, but is not limited to:
      - 1. The physical recovery and exposure of official property stakes or irons and the provision of a string line identifying the property line.
      - 2. If unable to comply with subsection (3) (b)4.c.iii.A of this section, then, if requested by the building inspector, and at the expense of the owner or permit holder, a survey, signed and sealed by a state-registered land



surveyor certifying the location of the finished fence shall be provided to the building inspector.

3. Appearance of fence: fences shall be constructed such that all supporting vertical and horizontal framing members of the fence shall face the interior of the lot on which the fence is erected.
4. Structural integrity: all fences shall be constructed to withstand a wind load of at least 30 pounds per square foot. The construction of any opaque fence that is four feet or more in height shall be properly anchored into a depth of not less than 36 inches below grade.

(5) *Retaining walls in residential zoning.*

(A) *Height.*

- (a) *Requirements.* A retaining wall within six feet of a property line shall have a maximum height of 24 inches. An additional wall may be erected, provided that a minimum 24-inch horizontal terrace is established between the lower and upper walls. Retaining walls with a total vertical height of greater than 48 inches shall be permitted only when designed through structural analysis by a registered professional.
- (b) *Additional requirements.* Additional requirements, as required under section 8.11, to include streets, alleys, and driveways.

(B) *Location.* Retaining walls shall be located such that the finished exterior surface is one foot inside of the property line.

(C) *Location of property lines.* It shall be the responsibility of the property owner or permit holder to provide, to the satisfaction of the building inspector, an accurate, on-site representation of the property line. This shall include, but is not limited to:

- (a) The physical recovery and exposure of official property stakes or irons and the provision of a string line identifying the property line.
- (b) If unable to comply with subsection (3)(b)5.C.a of this section, then, if requested by the building inspector, at the expense of the owner or permit holder, a survey, signed and sealed by a state-registered land surveyor, certifying the location of the finished retaining wall, shall be provided to the building inspector.

- (6) *Fences, hedges, and retaining walls in commercial, business, and institutional zoning.*
- (A) *Requirements.* Except as provided in section 17.32(10), landscape buffers, fences, hedges and retaining walls shall comply with the requirements of fences, hedges and retaining walls in residential zoning.
  - (B) *Special exceptions.* Upon providing evidence of need, the city plan commission may grant a special exception to the requirements of this section.
- (7) *Fences, hedges, and retaining walls in industrial zoning.* Fences, hedges, and retaining walls in industrial zoning shall comply with the requirements of fences, hedges, and retaining walls in residential zoning with the following exceptions:
- (A) Fences within industrial zoning shall have a maximum vertical height of eight feet.
  - (B) In industrial zoning, a barbed wire topper is permitted on a seven-foot high fence, provided that:
    - (a) The total height of the fence with the topper does not exceed eight feet.
    - (b) Topper arms that extend out may not extend over the property line.
  - (C) Except as provided in section 17.32(10), landscape buffers.
  - (D) Special exceptions: upon providing evidence of need, the city plan commission may grant a special exception to the requirements of this section.

c. *Accessory parking and storage.*

- (1) In all residential districts, driveways in the front yard setbacks emplaced to provide access to an open parking area in the side or rear yard or to a garage or carport in the rear yard shall not be wider than 12 feet. In no case shall a driveway, patio, or any concrete or nonpermeable surface be placed within two feet of a property line. In RSF, driveways shall not exceed 25' maximum width at the property line and shall not exceed 35' maximum width at the curb. Expansions of driveways after construction require a permit from the Building Inspection department.
- Exception: In all residential districts, driveways in the front yard setbacks emplaced to provide access to a garage or carport attached or adjacent to the front or side of the principal building shall be no more than 12 feet wider than the width of such garage or carport. All driveway expansions in the front or side yard setback shall remain a minimum of two feet off of a property line.
- (2) Persons who shall store any motor vehicle, vehicular-driven sports vehicle, boat, trailer, utility trailer, vehicular-driven camper, or any like business or recreational vehicle in the required front yard of any

residential district, shall store such vehicles on the driveway emplaced to provide access to the garage. Such vehicles may be stored on driveway expansions in the side yard setback that extend beyond the width of the garage provided that the storage is in the side yard only – behind the garage opening, but not in the rear yard behind the garage or house. Any of the vehicles in this subsection parked within the front or side yards on the driveway shall be parked in such a manner as to maintain all wheels and the trailer tongues on the driveway surface.

- (3) No person shall park or store such units as defined in this subsection or any other equipment on any terrace in the city except for those places where the common council has authorized the removal of a terrace for the purpose of parking.
  - (4) The parking and storage of unregistered or inoperable vehicles shall be as governed under section 10.07.
  - (5) No person shall store in the open more than three full cords of firewood in any residential district. No firewood shall be stored in any front yard or closer than two feet to any residential lot line.
4. *Height exceptions.* The height limitations in sections 17.15, 17.16 and 17.18 through 17.28 do not apply to belfries, cupolas, antennas, water tanks, elevator bulkheads, chimneys, spires, flagpoles, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
5. *Corner visibility.* On a corner lot in all zoning districts, no fence, wall, hedge, planting, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of 2 1/2 feet and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining the points along such street lines 50 feet from the point of intersection.
6. *Signs.*
- a. *Prohibited signs.* The following exterior building signs shall be prohibited within the city:
    - (1) Abandoned signs.
    - (2) Flashing signs, remnants, banners, streamers, and all other fluttering or spinning signs, except in connection with temporary sales, civic or cultural events, or officially recognized holidays.
    - (3) Snipe signs or signs attached to trees, telephone poles, public benches, street lights, or placed on any public property or public right-of-way.
    - (4) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying such sign, excluding allowed portable signs or signs or lettering on buses, taxies, or vehicles operated during the normal course of business.
    - (5) Signs displaying flashing or intermittent lights customarily associated with danger or emergencies. An illuminated sign or lighting device shall employ only lights of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving

lights or lights creating the illusion of movement. Signs located wholly within a building, public service information signs, and other electronic message or mechanical message centers which are classified as changing signs are permitted and are not subject to this restriction.

- (6) Signs which purport to be or are an imitation of or resemble an official traffic sign or signal or which bear words "stop," "caution," "warning" or similar words that are displayed in the colors normally associated with them as official signs are prohibited.

b. *Construction specifications.*

- (1) All signs shall be constructed in accordance with the requirements of chapter 14 of this Code and the national electric code, as amended, and the additional construction standards set forth in this section, where applicable.
- (2) All ground and roof sign structures shall be self-supporting Structures and permanently attached to sufficient foundations.
- (3) Electric service to ground signs shall be concealed.
- (4) All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind loads as follows, with correct engineering adjustments for the height of the sign above grade:
  - (A) For solid signs: 30 pounds per square foot on any face of the sign or structure.
  - (B) For skeleton signs: 30 pounds per square foot of the total face cover of the letters and other sign surfaces or ten pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.
- (5) No sign shall be suspended by nonrigid attachments that will allow the sign to swing due to wind action. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations. All nonpermanent signs shall be braced or secured to prevent motion.
- (6) No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of ingress and egress.
- (7) No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provisions of the city fire prevention code.
- (8) Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead conductors in accordance with the national electrical code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than six inches horizontally or vertically from any conductor or public utility guy wire.

c. *Signs in residential districts.* No sign in a residential district shall exceed eight

feet in height or produce artificial light from within.

d. *Signs in commercial districts.*

- (1) Temporary window signs advertising a sale or special event at an individual commercial establishment shall be exempt from the sign regulations.
- (2) A detached sign, any part of which is closer than 15 feet to the right-of-way shall have a minimum vertical distance of ten feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than three feet in height above grade.
- (3) Any detached sign or projecting sign within 25 feet of an intersection or 15 feet of a driveway shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of ten feet or shall be not more than three feet in height above grade.
- (4) All other projecting signs shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of nine feet.
- (5) Canopy, marquee, and awning signs shall be placed at such a height so that the extreme lower edge of such structure is at least seven feet above sidewalk grade and such signs shall not extend more than 72 inches into the public right-of-way. The vertical dimension of a sign, any portion of which is below the lower edge of the canopy or marquee structure, shall not exceed 20 inches.
- (6) Detached signs shall not project more than 72 inches into the public right-of-way, but in no case closer than two feet from the curbline as measured from the property line. The area of a ground sign shall not exceed 150 square feet per side.

e. *Billboard requirements.* Pursuant to chapter 14 of this Code, the following regulations shall be enforced:

- (1) No billboards may be erected within a 500-foot radius of another existing billboard.
- (2) No billboard may be erected within 200 feet of an existing residential use or within 200 feet of a residential district.
- (3) The maximum size of billboards shall be 300 square feet on each face, except within 100 feet of U.S. 41, where the maximum size shall be 400 square feet on each face.
- (4) Billboards shall be set back from all property lines and existing buildings equal to the height to the top of the billboard.
- (5) Roof-mounted billboards are not permitted.
- (6) Billboards shall only be permitted in the commercial highway, commercial shopping center, industrial, and industrial park districts.
- (7) All billboards which are not in conformance with the above provisions shall be placed in conformance no later than July 9, 1990.
- (8) Exception. Signage permitted under section 17.24(6)(a) of this chapter.

f. *Installation, maintenance, and repair.*

(1) All signs shall be constructed and installed in accordance with the requirements of chapter 14 of this Code and the national electric code. Every sign, including, but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting, except when a weathered or natural surface is intended, repainting, cleaning, and other acts required for the maintenance of such signs.

(2) The building inspector shall require compliance with all standards of this chapter. If the sign is not maintained to comply with safety standards outlined under chapter 14 of this Code, the building inspector shall require its removal in accordance with this section.

g. *Abandoned signs.* Except as otherwise provided in this chapter, any sign that is located on property which becomes vacant and is unoccupied for a period of two months or more or any sign which pertains to a time, event, or purpose which no longer applies shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of three months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises. If the owner fails to remove the sign, the building inspector shall take appropriate legal action to cause the same to be removed.

h. *Defective signs and signs for which no permit has been issued.* The building inspector shall cause to be removed or repaired any sign that is defective or endangers the public safety, such as a dangerous or materially, electrically, or structurally defective sign or a sign for which no permit has been issued.

i. *Notice.* The building inspector shall give the owner of the sign 30 days' written notice to remove any abandoned sign, repair, or remove any defective sign or to remove a sign for which no permit has been issued. The notice shall describe the sign and specify the violation involved. The notice shall be sent by certified mail.

j. *Appeals.*

(1) The owner of the sign may appeal the determination of the building inspector ordering removal or compliance by filing a written notice of appeal under section 17.50 within 30 days after the date of mailing the notice.

(2) For property located within the commercial core district, the owner of the sign may appeal to and be heard before the redevelopment authority.

k. *Removal of signs by the building inspector.*

(1) Notwithstanding the above, in cases of emergency, the building inspector may cause the immediate removal without notice of a dangerous or defective sign or for failure to comply with the written

order of removal or repair.

- (2) After removal or demolition of the sign, a notice shall be mailed to the owner of the sign stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the building inspector, together with an additional ten percent for inspection and incidental costs.
- (3) If the amount specified in the notice is not paid within 30 days of the notice, it shall become an assessment against the property of the sign owner and will be certified as an assessment against the property, together with interest at ten percent per annum, for collection in the same manner as real estate taxes.
- (4) The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon, unless facts to the contrary are brought to the attention of the building inspector as in the case of a leased sign.
- (5) For the purpose of removal, the definition of the term "sign" includes all sign embellishments and structures designed specifically to support the sign.

#### 7. *Off-street parking.*

- a. *Requirements not specified.* Parking requirements for a use not specified shall be the same as required for a use of similar nature or sufficient off-street parking shall be provided such that no public street shall be used for parking.
- b. *Fractional spaces.* Where computation of the required parking spaces results in a fractional number, only the fraction of two or larger shall be counted as one.
- c. *Changes in buildings or use.* Whenever a building or use is changed, structurally altered, or enlarged to create a need for an increase of 25 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of 50 percent or more in the floor area, such building or use shall then comply with the parking requirements set forth in the district in which it is located.
- d. *Mixed uses.* In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the uses computed separately.
- e. *Joint use.* Two or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. A written agreement satisfactory to the city attorney shall accompany any joint use arrangement.
- f. *Off-lot parking.* Required off-street parking spaces shall be located on the same lot with the principal use, or when this requirement cannot be met such parking spaces may be located off lot, provided the parking spaces are located in the same district. Off-lot parking spaces shall also be held in fee simple ownership by the owner of the use requiring such parking or be leased or rented through a written agreement satisfactory to the city attorney. Off-lot

parking spaces for residential uses shall be within 200 feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within 300 feet of the entrance of the establishment.

g. *Off-street parking; measurement.* Floor space or area shall mean the gross floor area inside exterior walls, where floor space is indicated in section 17.15, 17.16, and 17.18 through 17.28 as a basis for determining the amount of off-street parking required.

h. *Design standards.*

- (1) Each required off-street parking space shall have a stall width of at least nine feet and a stall length of at least 18 feet.
- (2) Minimum width of aisles providing access to stalls for one-way traffic shall be as follows:
  - (A) 11 feet for 30-degree parking.
  - (B) 20 feet for 90-degree parking.
- (3) Minimum width of aisles providing access to stalls for two-way traffic shall be 24 feet.
- (4) No parking area of more than two spaces shall be designed as to require any vehicle to back into a public street.
- (5) Any parking area of more than five spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses.
- (6) Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.
- (7) All parking areas shall be surfaced with a durable, dustproof surface consisting of concrete or bituminous concrete or of compacted gravel or crushed stone properly sealed and surface treated.

8. *Off-street loading.*

a. *Loading space requirements.* The loading space requirements specified in the following table shall apply to all districts.



Use	Floor Area (square feet)	Loading Spaces
Retail, wholesale, warehouse, service, manufacturing, and industrial establishments	2,000— 10,000	1
	10,000— 20,000	2
	20,000— 40,000	3
	40,000— 60,000	4
	Each additional 50,000	1
Hotels, offices, hospitals, places of public assembly	5,000— 10,000	1
	10,000— 50,000	2
	50,000— 100,000	3
	Each additional 25,000	1
Funeral homes	2,500—4,000	1
	4,000—6,000	2
	Each additional 10,000	1

- b. *Multiple or mixed uses.* Where a building is devoted to more than one use or for different uses, and where the floor area for each use is below the minimum

required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.

- c. *Location.* Required off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within 30 feet of the nearest point of intersection of two streets or require any vehicle to back into a public street.
- d. *Design standards.* Each off-street loading space shall have a width of at least 12 feet, a length of at least 45 feet and a vertical clearance of at least 14 feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten feet in width, 25 feet in length, and eight feet in vertical clearance. Every loading space shall be sufficiently screened in the form of a solid fence or shrubbery to protect neighboring residences.

9. *Common open space.*

- a. *Nature.* Common open space shall not include street right-of-ways, driveways, parking areas, or yards required in connection with any building.
- b. *Buildings and structures.* Common open space areas may contain complementary buildings and structures appropriate for the recreational use and enjoyment of the residents of the development for which it was established.
- c. *Dedication.* When common open space or any portion thereof is approved for dedication, and complementary improvements are completed and accepted, a deed shall be conveyed to the city and the supervision and maintenance shall be the responsibility of the city.
- d. *Reservation.* When common open space or any portion thereof is to be reserved for the exclusive use and enjoyment of the residents of the development from which it was established, the developer shall establish conditions as to the ownership, maintenance, and use of such areas as deemed necessary by the city to ensure preservation of its intended purposes. Land designated as common open space shall be restricted by appropriate legal instrument satisfactory to the city attorney as open space perpetually or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successors, and assigns and shall constitute a covenant running with the land and be in recordable form.
- e. *Maintenance.* If common open space is improperly maintained, the city may serve written notice upon any property owner or association setting forth the manner in which such property owner or association has failed to maintain the common open space and demanding that maintenance deficiencies be corrected within 30 days. If maintenance deficiencies, as originally set forth or subsequently modified, are not corrected within 30 days, the city may enter upon such common open space and correct maintenance deficiencies. The cost of such maintenance shall be assessed ratable against the properties within the development that have the right to use the area and shall become a tax lien on such properties. The city, at the time of entry, shall file notice of any liens

in the office of the city treasurer.

10. *Landscaped buffer.* The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between and among different uses of land in proximity to each other.

a. *Requirements.* Where these regulations require a landscaped buffer area, the following requirements shall be met:

- (1) The landscaped buffer area shall not be less than eight feet in width measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line.
- (2) The area shall be so designed, planted, and maintained as to be 75 percent or more opaque between two feet and six feet above average ground level when viewed horizontally.
- (3) Types and numbers of plantings for landscaped buffers shall be submitted with application for a building permit or special exception, along with plans and statements demonstrating how the buffer will be maintained in the future.
- (4) Plantings shall be of a size and type which will ensure the meeting of the 75 percent opacity requirement within no longer than 12 months of the date of the first planting.
- (5) Failure to maintain the landscaped buffer area as set out above shall be a violation of this chapter.

b. *Substitution for landscaped buffer area.* Except when otherwise specifically provided by this chapter, a six feet high opaque structure set in a six feet wide landscaped buffer area may be substituted for the six feet high planted buffer above. If such opaque structure is of nonliving material, for each ten feet thereof, an average of one shrub or vine shall be planted abutting such barrier but need not be spaced ten feet apart. Such shrubs or vines shall be planted along the outside of such barrier unless they are of sufficient height at the time of planting to be readily visible over the top of such barrier. The remainder of the required landscaped areas shall be landscaped with grass, ground cover, or other landscaping.

c. *Sight distance.* When an accessway intersects a public right-of-way, all landscaping or structures shall provide unobstructed cross-visibility at a level between 2 1/2 feet and six feet within the areas of property on both sides of the accessway formed by the intersection of each side of the accessway and public right-of-way lines with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides. No structure of landscaping, except required grass or ground cover, shall be located closer than three feet from the edge of any accessway pavement.

11. *Site plans.*

a. *Applicability and procedures.* Where, by the terms of this chapter, a site plan is required prior to the issuance of a building permit, such site plan shall be

submitted to the building inspector. The building inspector shall forward such site plan to the plan commission for their recommendation. No public notice and hearing is required for site plan consideration by the plan commission, but such matters shall be handled in a public session, as part of previously prepared agenda. All matters relating to plan commission consideration of site plans shall be a public record and approval shall require formal action of the plan commission. The site plan shall be submitted to the plan commission not less than 15 days prior to the public meeting of the plan commission at which approval is to be considered.

- b. *Contents.* A site plan required to be submitted by the requirements of this chapter shall include the following elements, where applicable:
- (1) Statements of ownership and control of the proposed development.
  - (2) Statement describing in detail the character and intended use of the development.
  - (3) A site plan containing the title of the project and the names of the project planner and developer, date, and north arrow, and based on an exact survey of the property drawn to a scale of sufficient size to show:
    - (A) Boundaries of the project, any existing streets, buildings, water courses, easements, and section lines.
    - (B) Exact location of all buildings and structures.
    - (C) Access and traffic flow and how vehicular traffic will be separated from pedestrian and other types of traffic.
    - (D) Off-street parking and off-street loading areas.
    - (E) Recreation facilities, locations.
    - (F) All screening and buffers.
    - (G) Refuse collection areas.
    - (H) Access to utilities and points of utility hookups.
  - (4) Tabulations of total gross acreage in the project and the percentages thereof proposed to be devoted to:
    - (A) The various permitted uses.
    - (B) Ground coverage by structures.
    - (C) Impervious surface coverage.
  - (5) Tabulations showing:
    - (A) The derivation of numbers of off-street parking and loading spaces shown in subsection (11)(b)4 of this section.
    - (B) Total project density in dwelling units per net acre.
  - (6) Architectural definitions for buildings in the development; exact number of dwelling units, sizes, and types, together with typical floor plans of each type.
  - (7) Storm drainage and sanitary sewage plans.
  - (8) If common facilities, such as recreation areas or structures, common open space, etc., are to be provided for the development, statements as to how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed

restrictions, deeds of trust, homeowners' associations, surety arrangements, or other legal instruments providing adequate guarantee to the city that such common facilities will not become a future liability for the city.

- (9) Plans for signs, if any.
- (10) Landscaping plan, including types, sizes, and locations of vegetation and decorative shrubbery, and showing provisions for maintenance.
- (11) In the industrial districts, plans for the exterior walls of all buildings, lighting, outside storage, and industrial processes and materials pertinent to conformance with the industrial performance standards in this section.
- (12) Such additional data, maps, plans, or statements as may be required for the particular use or activity involved or as the applicant may believe is pertinent.

12. *Placement of structures.*

- a. No dwelling shall be erected, placed, or built within any district unless the structure has a minimum width of 22 feet for at least 70 percent of the structure's length and has a perimeter frost barrier footing.
- b. No dwelling built prior to June 15, 1976, shall be relocated to any residential lot within the city except to an approved mobile home lot. Dwellings built after June 15, 1976, must have proof of compliance with applicable department of housing and urban development (HUD) codes and bear the HUD seal of compliance in order to be eligible for a moving permit. Proof of compliance must be provided by the applicant to the city plan commission along with a site plan for commission concurrence prior to the issuance of a moving permit.
- c. No nondwelling structure exceeding 170 square feet in ground area, which has its place of origin off premises, shall be relocated onto any residentially zoned lot, unless the structure complies with current city building regulations and that a bond or irrevocable cashier's check be received by the city for 100 percent of the market replacement value of the structure. The bond or cashier's check shall be returned upon final inspection of the structure finding compliance with all applicable building codes and zoning ordinances. If 60 days after issuance of a permit for the moving of the structure, the structure fails to comply with the building codes and zoning ordinances, then in addition to any compliance action taken by the building inspector, the bond or cashier's check shall be retained and may be applied to the costs of effecting compliance and to any forfeiture, court costs, and cost of prosecution imposed by the court.

13. *Telecommunications antennas and towers.*

- a. *Purpose.* The purpose of this subsection is to establish general guidelines for the siting of towers and antennas. The goals of this subsection are to:
  - (1) Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community;

- (2) Strongly encourage the joint use of new and existing tower sites;
  - (3) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
  - (4) Minimize the adverse visual impact of the towers and antennas;
  - (5) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; and
  - (6) Protect the public health, safety and general welfare of the city.
- b. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Antennas* means any exterior apparatus designed for telecommunications, radio or pager services through the sending or receiving of electromagnetic waves, digital signals, radio frequencies, wireless telecommunication signals, including, but not limited to, directional antennas, such as panels, microwaves and satellite dishes, and omni-directional antennas, such as whip antennas.

*Antenna support structures* means any building, pole, telescoping mast, tower, tripod or any other structure which supports an antenna.

*Co-location* means the location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or alternative tower structure.

*FAA* means the Federal Aviation Administration.

*FCC* means the Federal Communications Commission.

*Height* refers to the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna.

*Personal communication services (PCS)* means a provider of personal wireless service facilities as defined by federal law.

*Personal wireless facilities* means transmitters, antenna structures, and other types of installations used to provide personal wireless services.

*Pre-existing towers and antennas* means any legally placed tower or antenna permitted prior to the effective date of the ordinance from which this section is derived that shall not be required to meet the requirements of this section other than applicable federal or state requirements or city building codes.

*Tower* means any structure that is designed and constructed primarily for the

purpose of supporting one or more antennas, including self-supporting lattice towers or monopole towers. The term "tower" includes personal communication service towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like. The term "guy towers" are towers supported externally by a set or series of wires from the tower to the ground.

*Tower site* means the area encompassing a tower and all supporting equipment, structures paved or graveled areas, fencing and other items used in connection with the tower.

*Wireless telecommunications services* means licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhances specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

c. *Special exception required.* A special exception permit in accordance with section 17.47 shall be required for the locating and construction of a new tower or for the co-location of an antenna on an existing tower not previously granted a special exception.

- (1) No special exception shall be granted for the placement of a tower in any residential zone or area zoned conservancy.
- (2) Antennas not exceeding 30 feet in antenna height may be placed on existing structures that have an existing height greater than 45 feet, irrespective of the zoning district.
- (3) No special exception for a tower site exceeding 30 feet in height shall be granted within 2,500 feet of an existing tower site whether the existing site is within or without the city.
- (4) If a special exception permit is granted, the city council may impose conditions to the extent the city council concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- (5) Any information of an engineering nature required by the special exception that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- (6) Private HAM radio operators and citizen band radio operators, along with their associated towers and apparatus, licensed under applicable FCC regulations, shall be exempt from the provisions of this section, provided that the facilities are situated on the same lot as the transmitter/receiver set.

d. *Information required.* Each applicant requesting a special exception permit under this section shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and

dimensions of all improvements, including information concerning topography, frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the city council to be necessary to assess compliance with this section, including, but not limited to, the provision of co-location per subsection 17.32(12)(f).

- e. *Considered in granting special exception permits.* The city council shall consider the following factors in determining whether to issue a special exception permit, although the city council may waive or reduce the burden on the applicant of one or more of these criteria if the city council concludes that the goals of this section are better served thereby:
  - (1) Height of the proposed tower.
  - (2) Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for co-location of another provider's equipment.
  - (3) Proximity of the tower to residential structures and residential district boundaries.
  - (4) Nature of uses on adjacent and nearby properties.
  - (5) Surrounding topography.
  - (6) Surrounding tree coverage and foliage.
  - (7) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
  - (8) Proposed ingress and egress to the tower site.
  - (9) Availability of suitable existing towers and other structures as discussed in section 17.32(13)(f).
  - (10) Compliance with current FAA and FCC regulations so as to, in part, minimize the possibility of interference with locally received transmissions.
- f. *Co-location.*
  - (1) Any proposed telecommunication tower and tower site shall be designed, structurally, electrically, and in all other respects to accommodate co-location of both the applicant's antennas and comparable antennas for at least two additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.
  - (2) The holder of a permit for a tower shall allow co-location for at least two additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional users demonstrate (through independent arbitration or other pertinent means) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, the original permit on the tower site shall become null and void.
  - (3) No new tower shall be permitted unless the applicant demonstrates, to the reasonable satisfaction of the city council, that no existing tower or



structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- (A) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
- (B) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- (C) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
- (D) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (E) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (F) The fees, costs or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower.

g. *Setbacks and separation.* The following setbacks and separation requirements shall apply to all towers and antennas for which a special exception permit is required; provided, however, that the city council may reduce the standard setbacks and separation requirements if the goals of this subsection would be better served thereby.

- (1) Towers must be set back a distance equal to the height of the tower from any off-site residential structure.
- (2) Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.

h. *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a special exception permit is required; provided however, that the city council may waive such requirements if the goals of this subsection would be better served thereby.

- (1) Tower sites shall be landscaped with a mixture of deciduous and evergreen trees and shrubs that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
- (2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
- (3) Existing mature trees growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such towers sited on large wooded lots, natural growth around the property

perimeter may be a sufficient buffer.

- i. *Removal of abandoned antennas and towers.* Any antenna or tower that is not operated for a continuous period of six months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the city council notifying the owner of such abandonment. If such antenna or tower is not removed within the 90 days, the city council may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this section shall not become effective until all users cease using the tower.

- j. *Applicability.*

- (1) *District height limitation.* The requirements set forth in this subsection shall govern the location of towers that exceed, and antennas that are installed, at a height in excess of the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas, however, in no case shall any tower, excluding antennas, exceed a height of 220 feet.
  - (2) *Inventory of existing sites.* Each applicant for an antenna and or tower shall provide to the planning department an inventory of all existing towers that are within a five-mile radius of the proposed site, on which the company is also located, leased or owned, including specific information about the location, height and design of each tower that applies. The city plan department may share such information with other applicants applying for special exception permits under this article or other organizations seeking to locate antennas within the jurisdiction of the city council; provided, however, that the planning and zoning department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

14. *Small wind energy system ordinance.*

- a. *Authority.* This section is adopted pursuant to authority granted by Wis. Stats. §§ 62.23(7) and 66.0401.
- b. *Purpose.* The purpose of this section is to:
  - (1) Oversee the permitting of small wind energy systems.
  - (2) Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system (per Wis. Stats. § 66.0401).
- c. *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Administrator* means the city building inspector.

*Common council* means the city common council.

*Meteorological tower (met tower)* is defined to include the tower, base plate,

anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment, anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

*Owner* means the individual or entity that intends to own and operate the small wind energy system in accordance with this section.

*Rotor diameter* means the cross-sectional dimension of the circle swept by the rotating blades.

*Small wind energy system* means a wind energy system that:

- (1) Is used to generate electricity;
- (2) Has a nameplate capacity of 100 kilowatts or less; and
- (3) Has a total height of 170 feet or less.

*Total height* means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

*Tower* means the monopole, freestanding, or guyed structure that supports a wind generator.

*Wind energy system* means the equipment that converts and then stores or transfers energy from the wind into usable forms of energy, as defined by Wis. Stats. § 66.0403(1)(m). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other component used in the system.

*Wind generator* means blades and associated mechanical and electrical conversion components mounted on top of the tower.

d. *Standards.* A small wind energy system shall be a conditionally permitted use in all zoning districts subject to the following requirements:

(1) *Setbacks.* A wind tower for a small wind energy system shall be set back a distance equal to its total height from:

- (A) Any public road right-of-way, unless permission is granted by the governmental entity with jurisdiction over the road. Such permission shall be in a form acceptable for recording in the county register of deeds office for the parcel on which the tower is located.
- (B) Any overhead utility lines, unless permission is granted by the affected utility, such permission shall be in a form acceptable for recording in the county register of deeds office for the parcel on which the tower is located.

- (C) All property lines, unless permission is granted from the affected landowner or neighbor, such permission shall be in a form acceptable for recording in the county register of deeds office for both the parcel on which the tower is located and the affected parcel.

(2) *Access.*

- (A) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- (B) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground.

- (3) *Electrical wires.* All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

- (4) *Lighting.* A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

- (5) *Appearance, color, and finish.* The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless otherwise approved in the building permit.

- (6) *Signs.* All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.

- (7) *Code compliance.* A small wind energy system, including tower, shall comply with all applicable state construction and electrical codes, and the National Electrical Code.

- (8) *Utility notification and interconnection.* Small wind energy systems that connect to the electric utility shall comply with the public service commission of Wis. Admin. Code ch. PSC 119, "rules for interconnecting distributed generation facilities."

- (9) *Met towers.* Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.

e. *Permit requirements.*

- (1) *Building permit.* A building permit shall be required for the installation of a small wind energy system.

- (2) *Documents.* The building permit application shall be accompanied by a lot plan which includes the following:

- (A) Property lines and physical dimensions of the property.
- (B) Location, dimensions, and types of existing major structures on the property.

- (C) Location of the proposed wind system tower.
- (D) The right-of-way of any public road that is contiguous with the property.
- (E) Any overhead utility lines.
- (F) Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
- (G) Tower foundation blueprints or drawings stamped by a design professional.
- (H) Tower blueprint or drawing stamped by a design professional.
- (I) The property lines and dimensions, with the names and addresses of the owners, of any properties proposed to be restricted from activities interfering with the system.

- (3) *Fees.* The same fee required for a building permit for a permitted accessory use must accompany the application for a building permit for a small wind energy system.
- (4) *Expiration.* A permit issued pursuant to this section shall expire if the small wind energy system is not installed and functioning within two years from the date the permit is issued.

f. *Abandonment.*

- (1) A small wind energy system that is out-of-service for a continuous two-year period, excluding time spent on repairs or improvements, will be deemed abandoned. The administrator may issue a notice of abandonment to the owner of a small wind energy system that is deemed abandoned. The owner shall have the right to respond to the notice of abandonment within 30 days from the notice receipt date. The administrator shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.
- (2) If it is determined the small wind energy system is abandoned, the owner of same shall remove the wind generator from the tower at the owner's sole expense within three months of receipt of notice of abandonment. If the owner fails to remove the wind generator from the tower, the administrator may pursue a legal action to have the wind generator removed at the owner's expense and such expense shall be entered as a special charge on the tax roll.

g. *Building permit procedure.*

- (1) An owner shall submit an application to the administrator for a building permit for a small wind energy system. The application must be on a form approved by the administrator and must be accompanied by two copies of the lot plan identified above.
- (2) Within 30 days of receipt of an application, the administrator shall

determine whether the application is satisfactorily completed and, if no other properties are to be restricted by the permit, place the application on the agenda before the city plan commission. If the application identifies other properties to be restricted by the permit, the applicant shall provide notice to the owners of those properties personally or by certified mail; and provide receipts for the delivery of such notice to the administrator. The administrator shall provide the notice form. The hearing before the city plan commission shall, in such cases, be scheduled in compliance with the timelines of Wis. Stats. § 66.0403(3) and (4). The plan commission shall approve or deny the application based on the criteria as provided within this Code.

- (3) If the application is approved, the administrator will return one signed copy of the application with the permit and retain the other copy with the application.
  - (4) If the application is rejected, the administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may appeal the administrator's decision pursuant to Wis. Stats. ch. 68. The applicant may re-apply if the deficiencies specified by the administrator are resolved.
  - (5) The owner shall conspicuously post the building permit on the premises so as to be visible to the public at all times until construction or installation of the small wind energy system is complete.
- h. *Violations.* It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with the ordinance from which this section is derived or with any condition contained in a building permit issued pursuant to this section. Small wind energy systems installed and operated prior to the adoption of this section are exempt.
- i. *Administration and enforcement.*
- (1) The administrator or other designated official shall administer this section.
  - (2) The administrator may enter any property for which a building permit has been issued under this section to conduct an inspection to determine whether the conditions stated in the permit have been met.
  - (3) The administrator may issue orders to abate any violation of this section.
  - (4) The administrator may issue a citation for any violation of this section.
  - (5) The administrator may refer any violation of this section to legal counsel for enforcement.
- j. *Penalties.*
- (1) Any person who fails to comply with any provision of this section or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as provided in section 17.56.
  - (2) Nothing in this section shall be construed to prevent the common council from using any other lawful means to enforce this section.

(Code 2011, § 17.32)

## AFTER AMENDMENT

### 17.32 Supplementary District Regulations

1. *General application.* The regulations set forth in this section shall supplement or modify the regulations set forth in other applicable regulations set forth in this chapter.
2. *Lots and yards.*
  - a. *More than one building per lot.* In any district, more than one building housing a principal use may be erected on a single lot, provided that yard and other requirements of these regulations shall be met for each building as though it were on an individual lot.
  - b. *Through lots.* On through lots, the required front yard shall be as provided on each street, except that on through lots fronting limited access roads, the setbacks for fences, hedges, berms, or accessory buildings shall be as if for a rear yard setback in the yard adjacent a limited access road.
  - c. *Development in mapped streets.* Where an official line has been established for the future widening or opening of a street, the depth of a front yard or the width of a side yard shall be measured from such official line to the nearest line of the building.
  - d. *Access.* Every building housing a principal use erected or moved shall be on a lot with direct access to a public street and all such buildings shall be so located as to provide safe and convenient access for servicing and off-street parking.
  - e. *Building groups.* In any nonresidential district, a group of buildings separated only by common or party walls shall be considered as one building.
  - f. *Yard encroachments.* Every part of every required yard shall be open and unobstructed from 30 inches above the general ground level of the graded lot upward to the sky except as provided in this chapter or as otherwise permitted in these regulations:
    - (1) Roof eaves may project into a required side yard not more than three feet where the required side yard is eight feet or more in width. Roof eaves may project into a required side yard not more than two feet where the required side yard is less than eight feet.
    - (2) Sills, belt courses, cornices, vertical solar screens, and other ornamental features may project not over one foot into a required yard.
    - (3) Fire escapes, stairways, and balconies, whether unroofed, open and unenclosed, or enclosed, shall not intrude into required yards.
    - (4) Solar collectors which are part of the principal building may extend into a required rear yard for a distance not to exceed ten feet, and solar collectors may extend into a required side yard, provided that they have a minimum seven-foot clearance from grade, and provided,

further, that such extension shall be at least five feet distant from the adjacent lot line and shall not extend more than three feet from the building.

- g. *Corner lots.* On corner lots, the street side yard shall equal the required front yard for lots fronting on that street.
- h. *Through lot map.* There shall be created and maintained for public review within the department of public works a through lot map that designates all through lots within the corporate limits of the city. The map shall label those roads listed as a limited access road for purposes of issuing building permits.

3. *Accessory uses and structures.*

- a. *Accessory buildings on vacant lots.* In any residential district, no accessory building shall be built on a lot without a principal building.
- b. *Fences, hedges and retaining walls.*

- (1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Hedge* means any combination of two or more vegetative plants that, when mature, provides an opaque visual barrier of 50 percent or more.

*Height of fence, hedge, or retaining wall* means the vertical height of a fence, hedge or retaining wall shall be measured from the grade adjacent to the fence, hedge or foot of a retaining wall.

*Permanent fence* means fences intended, designed, and constructed to be in place for longer than six months.

*Permanent fence materials.* Permanent fences shall be constructed of naturally decay-resistant or treated wood, galvanized or vinyl-coated chainlink, prefabricated or manufactured vinyl, wrought iron, brick, masonry, concrete, stone or other similar materials as approved by the building inspector.

*Prohibited fences,* except as may be permitted in areas zoned IND Industrial, no fence may be constructed with barbed or razor wire or designed to produce an electric shock or in any way designed to create a risk of injury to one crossing the fence.

*Retaining wall* means a vertical or nearly vertical wall constructed to prevent lateral movement of soil.

*Retaining wall materials* means retaining walls shall be constructed of naturally decay-resistant or treated wood, masonry brick and stone,



landscape blocks designed for the purpose or other materials as approved by the building inspector.

*Temporary fences* means fences intended, designed, and constructed to be in place for a maximum of six months, as evidenced by no permit being obtained prior to construction. Erosion control fences are an exception.

*Temporary fence materials* means materials commonly known as "snow fence," "construction fence," "welded wire," "chicken wire" or other similar materials. Temporary fences may be supported with impact-driven posts.

(2) *Permits and fees.*

(A) *Permits required.* All permanent fences and retaining walls, regardless of length or height, shall require a permit to be issued by the building inspector. Hedges are exempt from permits and fees.

(B) *Permit fees.* Permit fees shall be established by common council resolution and fee schedules shall be kept on file in the office of the city clerk.

(3) *Temporary fences in residential zoning:*

(A) Temporary fences used for the protection of plantings, the control of snow or similar uses shall be permitted in residential zoning, provided that all of the height and location requirements for permanent fences are followed.

(B) Temporary fences are required to be removed no later than six months after placement. Temporary fences may not be re-established sooner than six months after removal.

(C) Permits are not required for temporary fences.

(4) *Permanent fences and hedges in areas zoned residential.*

(A) *Fences and hedges in front yard.*

(a) *Height.* Fences and hedges in front yards shall have a maximum vertical height of 42 inches.

(b) *Visibility.* Fences in front yards shall be constructed to provide a minimum of 50 percent through-visibility.

(c) *Additional requirements.* Additional requirements, as required under section 8.11 of this Code, to include streets, alleys, and driveways.

(B) *Fences and hedges in side and rear yards.*

(a) *Fences.* Fences in rear and side yards shall have a maximum vertical height of 72 inches.

(b) *Hedges.* Hedges in rear and side yards may be allowed to grow to a natural height.

(c) *Additional requirements.* Additional requirements, as required under section 8.11 of this Code,, to include

streets, alleys, and driveways.

(C) *Locations of fences and hedges.*

- (a) *Location of fences.* Fences may be located such that the finished exterior surface is at the property line.
- (b) *Location of hedges.* Hedges shall be planted such that, when mature, foliage will not extend beyond the property line. This planting requirement shall not subject an owner to city enforcement action for hedges planted prior to the adoption of this revision.
- (c) *Location of property lines.* It shall be the responsibility of the property owner or permit holder to provide, to the satisfaction of the building inspector, an accurate, on-site representation of the property line. This shall include, but is not limited to:
  - 1. The physical recovery and exposure of official property stakes or irons and the provision of a string line identifying the property line.
  - 2. If unable to comply with subsection (3)(b)4.c.iii.A of this section, then, if requested by the building inspector, and at the expense of the owner or permit holder, a survey, signed and sealed by a state-registered land surveyor certifying the location of the finished fence shall be provided to the building inspector.
  - 3. Appearance of fence: fences shall be constructed such that all supporting vertical and horizontal framing members of the fence shall face the interior of the lot on which the fence is erected.
  - 4. Structural integrity: all fences shall be constructed to withstand a wind load of at least 30 pounds per square foot. The construction of any opaque fence that is four feet or more in height shall be properly anchored into a depth of not less than 36 inches below grade.

(5) *Retaining walls in residential zoning.*

(A) *Height.*

- (a) *Requirements.* A retaining wall within six feet of a property line shall have a maximum height of 24 inches. An additional wall may be erected, provided that a minimum 24-inch horizontal terrace is

established between the lower and upper walls. Retaining walls with a total vertical height of greater than 48 inches shall be permitted only when designed through structural analysis by a registered professional.

- (b) *Additional requirements.* Additional requirements, as required under section 8.11, to include streets, alleys, and driveways.
- (B) *Location.* Retaining walls shall be located such that the finished exterior surface is one foot inside of the property line.
- (C) *Location of property lines.* It shall be the responsibility of the property owner or permit holder to provide, to the satisfaction of the building inspector, an accurate, on-site representation of the property line. This shall include, but is not limited to:
  - (a) The physical recovery and exposure of official property stakes or irons and the provision of a string line identifying the property line.
  - (b) If unable to comply with subsection (3)(b)5.C.a of this section, then, if requested by the building inspector, at the expense of the owner or permit holder, a survey, signed and sealed by a state-registered land surveyor, certifying the location of the finished retaining wall, shall be provided to the building inspector.
- (6) *Fences, hedges, and retaining walls in commercial, business, and institutional zoning.*
  - (A) *Requirements.* Except as provided in section 17.32(10), landscape buffers, fences, hedges and retaining walls shall comply with the requirements of fences, hedges and retaining walls in residential zoning.
  - (B) *Special exceptions.* Upon providing evidence of need, the city plan commission may grant a special exception to the requirements of this section.
- (7) *Fences, hedges, and retaining walls in industrial zoning.* Fences, hedges, and retaining walls in industrial zoning shall comply with the requirements of fences, hedges, and retaining walls in residential zoning with the following exceptions:
  - (A) Fences within industrial zoning shall have a maximum vertical height of eight feet.
  - (B) In industrial zoning, a barbed wire topper is permitted on a seven-foot high fence, provided that:
    - (a) The total height of the fence with the topper does not exceed eight feet.
    - (b) Topper arms that extend out may not extend over the property line.

- (C) Except as provided in section 17.32(10), landscape buffers.
- (D) Special exceptions: upon providing evidence of need, the city plan commission may grant a special exception to the requirements of this section.

c. *Accessory parking and storage.*

- (1) In all residential districts, driveways in the front yard setbacks emplaced to provide access to an open parking area in the side or rear yard or to a garage or carport in the rear yard shall not be wider than 12 feet. In no case shall a driveway, patio, or any concrete or nonpermeable surface be placed within two feet of a property line. ~~In RSF, driveways shall not exceed 25' maximum width at the property line and shall not exceed 35' maximum width at the curb.~~ Expansions of driveways after construction require a permit from the Building Inspection department.

In RSF zoning, maximum driveway width at the curb shall be the width at the right of way plus the flared driving area width as determined by the City Engineer, or designee, in no case shall driveway width curb exceed 37'. Driveway width right of way in RSF zoning shall not exceed the least of the following:

- (A) For Attached and Front Yard Detached Garages:
  - (a) 34' maximum
  - (b) Width of the Outer-most to Inner-most garage door opening plus 4'
  - (c) 40% of the lot frontage
- (B) For Rear Yard Garage/Parking (Access from Street):
  - (a) 12' maximum
- (C) For Rear Year Garage (Access from Alley):
  - (a) Width of the garage frontage + 12'
- (D) 50% of the lot frontage on the alley

Exception: In all residential districts, driveways in the front yard setbacks emplaced to provide access to a garage or carport attached or adjacent to the front or side of the principal building shall be no more than 12 feet wider than the width of such garage or carport. All driveway expansions in the front or side yard setback shall remain a minimum of two feet off of a property line.

- (2) Persons who shall store any motor vehicle, vehicular-driven sports vehicle, boat, trailer, utility trailer, vehicular-driven camper, or any like business or recreational vehicle in the required front yard of any residential district, shall store such vehicles on the driveway emplaced to provide access to the garage. Such vehicles may be stored on driveway expansions in the side yard setback that extend beyond the

width of the garage provided that the storage is in the side yard only – behind the garage opening, but not in the rear yard behind the garage or house. Any of the vehicles in this subsection parked within the front or side yards on the driveway shall be parked in such a manner as to maintain all wheels and the trailer tongues on the driveway surface.

- (3) No person shall park or store such units as defined in this subsection or any other equipment on any terrace in the city except for those places where the common council has authorized the removal of a terrace for the purpose of parking.
  - (4) The parking and storage of unregistered or inoperable vehicles shall be as governed under section 10.07.
  - (5) No person shall store in the open more than three full cords of firewood in any residential district. No firewood shall be stored in any front yard or closer than two feet to any residential lot line.
4. *Height exceptions.* The height limitations in sections 17.15, 17.16 and 17.18 through 17.28 do not apply to belfries, cupolas, antennas, water tanks, elevator bulkheads, chimneys, spires, flagpoles, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
5. *Corner visibility.* On a corner lot in all zoning districts, no fence, wall, hedge, planting, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of 2 1/2 feet and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining the points along such street lines 50 feet from the point of intersection.
6. *Signs.*
- a. *Prohibited signs.* The following exterior building signs shall be prohibited within the city:
    - (1) Abandoned signs.
    - (2) Flashing signs, remnants, banners, streamers, and all other fluttering or spinning signs, except in connection with temporary sales, civic or cultural events, or officially recognized holidays.
    - (3) Snipe signs or signs attached to trees, telephone poles, public benches, street lights, or placed on any public property or public right-of-way.
    - (4) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying such sign, excluding allowed portable signs or signs or lettering on buses, taxies, or vehicles operated during the normal course of business.
    - (5) Signs displaying flashing or intermittent lights customarily associated with danger or emergencies. An illuminated sign or lighting device shall employ only lights of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving lights or lights creating the illusion of movement. Signs located wholly within a building, public service information signs, and other electronic message or mechanical message centers which are

classified as changing signs are permitted and are not subject to this restriction.

- (6) Signs which purport to be or are an imitation of or resemble an official traffic sign or signal or which bear words "stop," "caution," "warning" or similar words that are displayed in the colors normally associated with them as official signs are prohibited.

b. *Construction specifications.*

- (1) All signs shall be constructed in accordance with the requirements of chapter 14 of this Code and the national electric code, as amended, and the additional construction standards set forth in this section, where applicable.
- (2) All ground and roof sign structures shall be self-supporting Structures and permanently attached to sufficient foundations.
- (3) Electric service to ground signs shall be concealed.
- (4) All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind loads as follows, with correct engineering adjustments for the height of the sign above grade:
  - (A) For solid signs: 30 pounds per square foot on any face of the sign or structure.
  - (B) For skeleton signs: 30 pounds per square foot of the total face cover of the letters and other sign surfaces or ten pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.
- (5) No sign shall be suspended by nonrigid attachments that will allow the sign to swing due to wind action. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations. All nonpermanent signs shall be braced or secured to prevent motion.
- (6) No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of ingress and egress.
- (7) No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provisions of the city fire prevention code.
- (8) Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead conductors in accordance with the national electrical code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than six inches horizontally or vertically from any conductor or public utility guy wire.

c. *Signs in residential districts.* No sign in a residential district shall exceed eight feet in height or produce artificial light from within.

d. *Signs in commercial districts.*

- (1) Temporary window signs advertising a sale or special event at an

individual commercial establishment shall be exempt from the sign regulations.

- (2) A detached sign, any part of which is closer than 15 feet to the right-of-way shall have a minimum vertical distance of ten feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than three feet in height above grade.
- (3) Any detached sign or projecting sign within 25 feet of an intersection or 15 feet of a driveway shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of ten feet or shall be not more than three feet in height above grade.
- (4) All other projecting signs shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of nine feet.
- (5) Canopy, marquee, and awning signs shall be placed at such a height so that the extreme lower edge of such structure is at least seven feet above sidewalk grade and such signs shall not extend more than 72 inches into the public right-of-way. The vertical dimension of a sign, any portion of which is below the lower edge of the canopy or marquee structure, shall not exceed 20 inches.
- (6) Detached signs shall not project more than 72 inches into the public right-of-way, but in no case closer than two feet from the curbline as measured from the property line. The area of a ground sign shall not exceed 150 square feet per side.

e. *Billboard requirements.* Pursuant to chapter 14 of this Code, the following regulations shall be enforced:

- (1) No billboards may be erected within a 500-foot radius of another existing billboard.
- (2) No billboard may be erected within 200 feet of an existing residential use or within 200 feet of a residential district.
- (3) The maximum size of billboards shall be 300 square feet on each face, except within 100 feet of U.S. 41, where the maximum size shall be 400 square feet on each face.
- (4) Billboards shall be set back from all property lines and existing buildings equal to the height to the top of the billboard.
- (5) Roof-mounted billboards are not permitted.
- (6) Billboards shall only be permitted in the commercial highway, commercial shopping center, industrial, and industrial park districts.
- (7) All billboards which are not in conformance with the above provisions shall be placed in conformance no later than July 9, 1990.
- (8) Exception. Signage permitted under section 17.24(6)(a) of this chapter.

f. *Installation, maintenance, and repair.*

- (1) All signs shall be constructed and installed in accordance with the requirements of chapter 14 of this Code and the national electric code.

Every sign, including, but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting, except when a weathered or natural surface is intended, repainting, cleaning, and other acts required for the maintenance of such signs.

- (2) The building inspector shall require compliance with all standards of this chapter. If the sign is not maintained to comply with safety standards outlined under chapter 14 of this Code, the building inspector shall require its removal in accordance with this section.
- g. *Abandoned signs.* Except as otherwise provided in this chapter, any sign that is located on property which becomes vacant and is unoccupied for a period of two months or more or any sign which pertains to a time, event, or purpose which no longer applies shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of three months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises. If the owner fails to remove the sign, the building inspector shall take appropriate legal action to cause the same to be removed.
  - h. *Defective signs and signs for which no permit has been issued.* The building inspector shall cause to be removed or repaired any sign that is defective or endangers the public safety, such as a dangerous or materially, electrically, or structurally defective sign or a sign for which no permit has been issued.
  - i. *Notice.* The building inspector shall give the owner of the sign 30 days' written notice to remove any abandoned sign, repair, or remove any defective sign or to remove a sign for which no permit has been issued. The notice shall describe the sign and specify the violation involved. The notice shall be sent by certified mail.
  - j. *Appeals.*
    - (1) The owner of the sign may appeal the determination of the building inspector ordering removal or compliance by filing a written notice of appeal under section 17.50 within 30 days after the date of mailing the notice.
    - (2) For property located within the commercial core district, the owner of the sign may appeal to and be heard before the redevelopment authority.
  - k. *Removal of signs by the building inspector.*
    - (1) Notwithstanding the above, in cases of emergency, the building inspector may cause the immediate removal without notice of a dangerous or defective sign or for failure to comply with the written order of removal or repair.
    - (2) After removal or demolition of the sign, a notice shall be mailed to the owner of the sign stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by



the building inspector, together with an additional ten percent for inspection and incidental costs.

- (3) If the amount specified in the notice is not paid within 30 days of the notice, it shall become an assessment against the property of the sign owner and will be certified as an assessment against the property, together with interest at ten percent per annum, for collection in the same manner as real estate taxes.
- (4) The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon, unless facts to the contrary are brought to the attention of the building inspector as in the case of a leased sign.
- (5) For the purpose of removal, the definition of the term "sign" includes all sign embellishments and structures designed specifically to support the sign.

7. *Off-street parking.*

- a. *Requirements not specified.* Parking requirements for a use not specified shall be the same as required for a use of similar nature or sufficient off-street parking shall be provided such that no public street shall be used for parking.
- b. *Fractional spaces.* Where computation of the required parking spaces results in a fractional number, only the fraction of two or larger shall be counted as one.
- c. *Changes in buildings or use.* Whenever a building or use is changed, structurally altered, or enlarged to create a need for an increase of 25 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of 50 percent or more in the floor area, such building or use shall then comply with the parking requirements set forth in the district in which it is located.
- d. *Mixed uses.* In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the uses computed separately.
- e. *Joint use.* Two or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. A written agreement satisfactory to the city attorney shall accompany any joint use arrangement.
- f. *Off-lot parking.* Required off-street parking spaces shall be located on the same lot with the principal use, or when this requirement cannot be met such parking spaces may be located off lot, provided the parking spaces are located in the same district. Off-lot parking spaces shall also be held in fee simple ownership by the owner of the use requiring such parking or be leased or rented through a written agreement satisfactory to the city attorney. Off-lot parking spaces for residential uses shall be within 200 feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be

within 300 feet of the entrance of the establishment.

g. *Off-street parking; measurement.* Floor space or area shall mean the gross floor area inside exterior walls, where floor space is indicated in section 17.15, 17.16, and 17.18 through 17.28 as a basis for determining the amount of off-street parking required.

h. *Design standards.*

- (1) Each required off-street parking space shall have a stall width of at least nine feet and a stall length of at least 18 feet.
- (2) Minimum width of aisles providing access to stalls for one-way traffic shall be as follows:
  - (A) 11 feet for 30-degree parking.
  - (B) 20 feet for 90-degree parking.
- (3) Minimum width of aisles providing access to stalls for two-way traffic shall be 24 feet.
- (4) No parking area of more than two spaces shall be designed as to require any vehicle to back into a public street.
- (5) Any parking area of more than five spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses.
- (6) Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.
- (7) All parking areas shall be surfaced with a durable, dustproof surface consisting of concrete or bituminous concrete or of compacted gravel or crushed stone properly sealed and surface treated.

8. *Off-street loading.*

a. *Loading space requirements.* The loading space requirements specified in the following table shall apply to all districts.

Use	Floor Area (square feet)	Loading Spaces
Retail, wholesale, warehouse, service, manufacturing, and industrial establishments	2,000— 10,000	1
	10,000— 20,000	2
	20,000— 40,000	3
	40,000— 60,000	4
	Each additional 50,000	1
Hotels, offices, hospitals, places of public assembly	5,000— 10,000	1
	10,000— 50,000	2
	50,000— 100,000	3
	Each additional 25,000	1
Funeral homes	2,500—4,000	1
	4,000—6,000	2
	Each additional 10,000	1

b. *Multiple or mixed uses.* Where a building is devoted to more than one use or

for different uses, and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.

- c. *Location.* Required off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within 30 feet of the nearest point of intersection of two streets or require any vehicle to back into a public street.
- d. *Design standards.* Each off-street loading space shall have a width of at least 12 feet, a length of at least 45 feet and a vertical clearance of at least 14 feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten feet in width, 25 feet in length, and eight feet in vertical clearance. Every loading space shall be sufficiently screened in the form of a solid fence or shrubbery to protect neighboring residences.

9. *Common open space.*

- a. *Nature.* Common open space shall not include street right-of-ways, driveways, parking areas, or yards required in connection with any building.
- b. *Buildings and structures.* Common open space areas may contain complementary buildings and structures appropriate for the recreational use and enjoyment of the residents of the development for which it was established.
- c. *Dedication.* When common open space or any portion thereof is approved for dedication, and complementary improvements are completed and accepted, a deed shall be conveyed to the city and the supervision and maintenance shall be the responsibility of the city.
- d. *Reservation.* When common open space or any portion thereof is to be reserved for the exclusive use and enjoyment of the residents of the development from which it was established, the developer shall establish conditions as to the ownership, maintenance, and use of such areas as deemed necessary by the city to ensure preservation of its intended purposes. Land designated as common open space shall be restricted by appropriate legal instrument satisfactory to the city attorney as open space perpetually or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successors, and assigns and shall constitute a covenant running with the land and be in recordable form.
- e. *Maintenance.* If common open space is improperly maintained, the city may serve written notice upon any property owner or association setting forth the manner in which such property owner or association has failed to maintain the common open space and demanding that maintenance deficiencies be corrected within 30 days. If maintenance deficiencies, as originally set forth or subsequently modified, are not corrected within 30 days, the city may enter upon such common open space and correct maintenance deficiencies. The cost of such maintenance shall be assessed ratable against the properties within the development that have the right to use the area and shall become a tax lien

on such properties. The city, at the time of entry, shall file notice of any liens in the office of the city treasurer.

10. *Landscaped buffer.* The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between and among different uses of land in proximity to each other.

a. *Requirements.* Where these regulations require a landscaped buffer area, the following requirements shall be met:

- (1) The landscaped buffer area shall not be less than eight feet in width measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line.
- (2) The area shall be so designed, planted, and maintained as to be 75 percent or more opaque between two feet and six feet above average ground level when viewed horizontally.
- (3) Types and numbers of plantings for landscaped buffers shall be submitted with application for a building permit or special exception, along with plans and statements demonstrating how the buffer will be maintained in the future.
- (4) Plantings shall be of a size and type which will ensure the meeting of the 75 percent opacity requirement within no longer than 12 months of the date of the first planting.
- (5) Failure to maintain the landscaped buffer area as set out above shall be a violation of this chapter.

b. *Substitution for landscaped buffer area.* Except when otherwise specifically provided by this chapter, a six feet high opaque structure set in a six feet wide landscaped buffer area may be substituted for the six feet high planted buffer above. If such opaque structure is of nonliving material, for each ten feet thereof, an average of one shrub or vine shall be planted abutting such barrier but need not be spaced ten feet apart. Such shrubs or vines shall be planted along the outside of such barrier unless they are of sufficient height at the time of planting to be readily visible over the top of such barrier. The remainder of the required landscaped areas shall be landscaped with grass, ground cover, or other landscaping.

c. *Sight distance.* When an accessway intersects a public right-of-way, all landscaping or structures shall provide unobstructed cross-visibility at a level between 2 1/2 feet and six feet within the areas of property on both sides of the accessway formed by the intersection of each side of the accessway and public right-of-way lines with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides. No structure or landscaping, except required grass or ground cover, shall be located closer than three feet from the edge of any accessway pavement.

11. *Site plans.*

a. *Applicability and procedures.* Where, by the terms of this chapter, a site plan is required prior to the issuance of a building permit, such site plan shall be

submitted to the building inspector. The building inspector shall forward such site plan to the plan commission for their recommendation. No public notice and hearing is required for site plan consideration by the plan commission, but such matters shall be handled in a public session, as part of previously prepared agenda. All matters relating to plan commission consideration of site plans shall be a public record and approval shall require formal action of the plan commission. The site plan shall be submitted to the plan commission not less than 15 days prior to the public meeting of the plan commission at which approval is to be considered.

- b. *Contents.* A site plan required to be submitted by the requirements of this chapter shall include the following elements, where applicable:
- (1) Statements of ownership and control of the proposed development.
  - (2) Statement describing in detail the character and intended use of the development.
  - (3) A site plan containing the title of the project and the names of the project planner and developer, date, and north arrow, and based on an exact survey of the property drawn to a scale of sufficient size to show:
    - (A) Boundaries of the project, any existing streets, buildings, water courses, easements, and section lines.
    - (B) Exact location of all buildings and structures.
    - (C) Access and traffic flow and how vehicular traffic will be separated from pedestrian and other types of traffic.
    - (D) Off-street parking and off-street loading areas.
    - (E) Recreation facilities, locations.
    - (F) All screening and buffers.
    - (G) Refuse collection areas.
    - (H) Access to utilities and points of utility hookups.
  - (4) Tabulations of total gross acreage in the project and the percentages thereof proposed to be devoted to:
    - (A) The various permitted uses.
    - (B) Ground coverage by structures.
    - (C) Impervious surface coverage.
  - (5) Tabulations showing:
    - (A) The derivation of numbers of off-street parking and loading spaces shown in subsection (11)(b)4 of this section.
    - (B) Total project density in dwelling units per net acre.
  - (6) Architectural definitions for buildings in the development; exact number of dwelling units, sizes, and types, together with typical floor plans of each type.
  - (7) Storm drainage and sanitary sewage plans.
  - (8) If common facilities, such as recreation areas or structures, common open space, etc., are to be provided for the development, statements as to how such common facilities are to be provided and permanently

maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, homeowners' associations, surety arrangements, or other legal instruments providing adequate guarantee to the city that such common facilities will not become a future liability for the city.

- (9) Plans for signs, if any.
- (10) Landscaping plan, including types, sizes, and locations of vegetation and decorative shrubbery, and showing provisions for maintenance.
- (11) In the industrial districts, plans for the exterior walls of all buildings, lighting, outside storage, and industrial processes and materials pertinent to conformance with the industrial performance standards in this section.
- (12) Such additional data, maps, plans, or statements as may be required for the particular use or activity involved or as the applicant may believe is pertinent.

12. *Placement of structures.*

- a. No dwelling shall be erected, placed, or built within any district unless the structure has a minimum width of 22 feet for at least 70 percent of the structure's length and has a perimeter frost barrier footing.
- b. No dwelling built prior to June 15, 1976, shall be relocated to any residential lot within the city except to an approved mobile home lot. Dwellings built after June 15, 1976, must have proof of compliance with applicable department of housing and urban development (HUD) codes and bear the HUD seal of compliance in order to be eligible for a moving permit. Proof of compliance must be provided by the applicant to the city plan commission along with a site plan for commission concurrence prior to the issuance of a moving permit.
- c. No nondwelling structure exceeding 170 square feet in ground area, which has its place of origin off premises, shall be relocated onto any residentially zoned lot, unless the structure complies with current city building regulations and that a bond or irrevocable cashier's check be received by the city for 100 percent of the market replacement value of the structure. The bond or cashier's check shall be returned upon final inspection of the structure finding compliance with all applicable building codes and zoning ordinances. If 60 days after issuance of a permit for the moving of the structure, the structure fails to comply with the building codes and zoning ordinances, then in addition to any compliance action taken by the building inspector, the bond or cashier's check shall be retained and may be applied to the costs of effecting compliance and to any forfeiture, court costs, and cost of prosecution imposed by the court.

13. *Telecommunications antennas and towers.*

- a. *Purpose.* The purpose of this subsection is to establish general guidelines for the siting of towers and antennas. The goals of this subsection are to:
  - (1) Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community;

- (2) Strongly encourage the joint use of new and existing tower sites;
  - (3) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
  - (4) Minimize the adverse visual impact of the towers and antennas;
  - (5) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; and
  - (6) Protect the public health, safety and general welfare of the city.
- b. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Antennas* means any exterior apparatus designed for telecommunications, radio or pager services through the sending or receiving of electromagnetic waves, digital signals, radio frequencies, wireless telecommunication signals, including, but not limited to, directional antennas, such as panels, microwaves and satellite dishes, and omni-directional antennas, such as whip antennas.

*Antenna support structures* means any building, pole, telescoping mast, tower, tripod or any other structure which supports an antenna.

*Co-location* means the location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or alternative tower structure.

*FAA* means the Federal Aviation Administration.

*FCC* means the Federal Communications Commission.

*Height* refers to the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna.

*Personal communication services (PCS)* means a provider of personal wireless service facilities as defined by federal law.

*Personal wireless facilities* means transmitters, antenna structures, and other types of installations used to provide personal wireless services.

*Pre-existing towers and antennas* means any legally placed tower or antenna permitted prior to the effective date of the ordinance from which this section is derived that shall not be required to meet the requirements of this section other than applicable federal or state requirements or city building codes.

*Tower* means any structure that is designed and constructed primarily for the



purpose of supporting one or more antennas, including self-supporting lattice towers or monopole towers. The term "tower" includes personal communication service towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like. The term "guy towers" are towers supported externally by a set or series of wires from the tower to the ground.

*Tower site* means the area encompassing a tower and all supporting equipment, structures paved or graveled areas, fencing and other items used in connection with the tower.

*Wireless telecommunications services* means licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhances specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

c. *Special exception required.* A special exception permit in accordance with section 17.47 shall be required for the locating and construction of a new tower or for the co-location of an antenna on an existing tower not previously granted a special exception.

- (1) No special exception shall be granted for the placement of a tower in any residential zone or area zoned conservancy.
- (2) Antennas not exceeding 30 feet in antenna height may be placed on existing structures that have an existing height greater than 45 feet, irrespective of the zoning district.
- (3) No special exception for a tower site exceeding 30 feet in height shall be granted within 2,500 feet of an existing tower site whether the existing site is within or without the city.
- (4) If a special exception permit is granted, the city council may impose conditions to the extent the city council concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- (5) Any information of an engineering nature required by the special exception that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- (6) Private HAM radio operators and citizen band radio operators, along with their associated towers and apparatus, licensed under applicable FCC regulations, shall be exempt from the provisions of this section, provided that the facilities are situated on the same lot as the transmitter/receiver set.

d. *Information required.* Each applicant requesting a special exception permit under this section shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and

dimensions of all improvements, including information concerning topography, frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the city council to be necessary to assess compliance with this section, including, but not limited to, the provision of co-location per subsection 17.32(12)(f).

e. *Considered in granting special exception permits.* The city council shall consider the following factors in determining whether to issue a special exception permit, although the city council may waive or reduce the burden on the applicant of one or more of these criteria if the city council concludes that the goals of this section are better served thereby:

- (1) Height of the proposed tower.
- (2) Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for co-location of another provider's equipment.
- (3) Proximity of the tower to residential structures and residential district boundaries.
- (4) Nature of uses on adjacent and nearby properties.
- (5) Surrounding topography.
- (6) Surrounding tree coverage and foliage.
- (7) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- (8) Proposed ingress and egress to the tower site.
- (9) Availability of suitable existing towers and other structures as discussed in section 17.32(13)(f).
- (10) Compliance with current FAA and FCC regulations so as to, in part, minimize the possibility of interference with locally received transmissions.

f. *Co-location.*

- (1) Any proposed telecommunication tower and tower site shall be designed, structurally, electrically, and in all other respects to accommodate co-location of both the applicant's antennas and comparable antennas for at least two additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.
- (2) The holder of a permit for a tower shall allow co-location for at least two additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional users demonstrate (through independent arbitration or other pertinent means) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, the original permit on the tower site shall become null and void.
- (3) No new tower shall be permitted unless the applicant demonstrates, to

the reasonable satisfaction of the city council, that no existing tower or structure can accommodate the applicant's proposed antenna.

Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- (A) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
- (B) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- (C) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
- (D) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (E) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (F) The fees, costs or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower.

g. *Setbacks and separation.* The following setbacks and separation requirements shall apply to all towers and antennas for which a special exception permit is required; provided, however, that the city council may reduce the standard setbacks and separation requirements if the goals of this subsection would be better served thereby.

- (1) Towers must be set back a distance equal to the height of the tower from any off-site residential structure.
- (2) Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.

h. *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a special exception permit is required; provided however, that the city council may waive such requirements if the goals of this subsection would be better served thereby.

- (1) Tower sites shall be landscaped with a mixture of deciduous and evergreen trees and shrubs that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
- (2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
- (3) Existing mature trees growth and natural land forms on the site shall

be preserved to the maximum extent possible. In some cases, such towers sited on large wooded lots, natural growth around the property perimeter may be a sufficient buffer.

- i. *Removal of abandoned antennas and towers.* Any antenna or tower that is not operated for a continuous period of six months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the city council notifying the owner of such abandonment. If such antenna or tower is not removed within the 90 days, the city council may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this section shall not become effective until all users cease using the tower.

- j. *Applicability.*

- (1) *District height limitation.* The requirements set forth in this subsection shall govern the location of towers that exceed, and antennas that are installed, at a height in excess of the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas, however, in no case shall any tower, excluding antennas, exceed a height of 220 feet.
  - (2) *Inventory of existing sites.* Each applicant for an antenna and or tower shall provide to the planning department an inventory of all existing towers that are within a five-mile radius of the proposed site, on which the company is also located, leased or owned, including specific information about the location, height and design of each tower that applies. The city plan department may share such information with other applicants applying for special exception permits under this article or other organizations seeking to locate antennas within the jurisdiction of the city council; provided, however, that the planning and zoning department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

14. *Small wind energy system ordinance.*

- a. *Authority.* This section is adopted pursuant to authority granted by Wis. Stats. §§ 62.23(7) and 66.0401.
- b. *Purpose.* The purpose of this section is to:
  - (1) Oversee the permitting of small wind energy systems.
  - (2) Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system (per Wis. Stats. § 66.0401).
- c. *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Administrator* means the city building inspector.

*Common council* means the city common council.

*Meteorological tower (met tower)* is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment, anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

*Owner* means the individual or entity that intends to own and operate the small wind energy system in accordance with this section.

*Rotor diameter* means the cross-sectional dimension of the circle swept by the rotating blades.

*Small wind energy system* means a wind energy system that:

- (1) Is used to generate electricity;
- (2) Has a nameplate capacity of 100 kilowatts or less; and
- (3) Has a total height of 170 feet or less.

*Total height* means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

*Tower* means the monopole, freestanding, or guyed structure that supports a wind generator.

*Wind energy system* means the equipment that converts and then stores or transfers energy from the wind into usable forms of energy, as defined by Wis. Stats. § 66.0403(1)(m). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other component used in the system.

*Wind generator* means blades and associated mechanical and electrical conversion components mounted on top of the tower.

d. *Standards.* A small wind energy system shall be a conditionally permitted use in all zoning districts subject to the following requirements:

- (1) *Setbacks.* A wind tower for a small wind energy system shall be set back a distance equal to its total height from:
  - (A) Any public road right-of-way, unless permission is granted by the governmental entity with jurisdiction over the road. Such permission shall be in a form acceptable for recording in the county register of deeds office for the parcel on which the tower is located.
  - (B) Any overhead utility lines, unless permission is granted by the affected utility, such permission shall be in a form acceptable for recording in the county register of deeds office for the

parcel on which the tower is located.

- (C) All property lines, unless permission is granted from the affected landowner or neighbor, such permission shall be in a form acceptable for recording in the county register of deeds office for both the parcel on which the tower is located and the affected parcel.

(2) *Access.*

- (A) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- (B) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground.

- (3) *Electrical wires.* All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

- (4) *Lighting.* A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

- (5) *Appearance, color, and finish.* The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless otherwise approved in the building permit.

- (6) *Signs.* All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.

- (7) *Code compliance.* A small wind energy system, including tower, shall comply with all applicable state construction and electrical codes, and the National Electrical Code.

- (8) *Utility notification and interconnection.* Small wind energy systems that connect to the electric utility shall comply with the public service commission of Wis. Admin. Code ch. PSC 119, "rules for interconnecting distributed generation facilities."

- (9) *Met towers.* Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.

e. *Permit requirements.*

- (1) *Building permit.* A building permit shall be required for the installation of a small wind energy system.

- (2) *Documents.* The building permit application shall be accompanied by a lot plan which includes the following:

- (A) Property lines and physical dimensions of the property.
- (B) Location, dimensions, and types of existing major structures

on the property.

- (C) Location of the proposed wind system tower.
  - (D) The right-of-way of any public road that is contiguous with the property.
  - (E) Any overhead utility lines.
  - (F) Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
  - (G) Tower foundation blueprints or drawings stamped by a design professional.
  - (H) Tower blueprint or drawing stamped by a design professional.
  - (I) The property lines and dimensions, with the names and addresses of the owners, of any properties proposed to be restricted from activities interfering with the system.
- (3) *Fees.* The same fee required for a building permit for a permitted accessory use must accompany the application for a building permit for a small wind energy system.
- (4) *Expiration.* A permit issued pursuant to this section shall expire if the small wind energy system is not installed and functioning within two years from the date the permit is issued.

f. *Abandonment.*

- (1) A small wind energy system that is out-of-service for a continuous two-year period, excluding time spent on repairs or improvements, will be deemed abandoned. The administrator may issue a notice of abandonment to the owner of a small wind energy system that is deemed abandoned. The owner shall have the right to respond to the notice of abandonment within 30 days from the notice receipt date. The administrator shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.
- (2) If it is determined the small wind energy system is abandoned, the owner of same shall remove the wind generator from the tower at the owner's sole expense within three months of receipt of notice of abandonment. If the owner fails to remove the wind generator from the tower, the administrator may pursue a legal action to have the wind generator removed at the owner's expense and such expense shall be entered as a special charge on the tax roll.

g. *Building permit procedure.*

- (1) An owner shall submit an application to the administrator for a building permit for a small wind energy system. The application must be on a form approved by the administrator and must be accompanied by two copies of the lot plan identified above.
- (2) Within 30 days of receipt of an application, the administrator shall

determine whether the application is satisfactorily completed and, if no other properties are to be restricted by the permit, place the application on the agenda before the city plan commission. If the application identifies other properties to be restricted by the permit, the applicant shall provide notice to the owners of those properties personally or by certified mail; and provide receipts for the delivery of such notice to the administrator. The administrator shall provide the notice form. The hearing before the city plan commission shall, in such cases, be scheduled in compliance with the timelines of Wis. Stats. § 66.0403(3) and (4). The plan commission shall approve or deny the application based on the criteria as provided within this Code.

- (3) If the application is approved, the administrator will return one signed copy of the application with the permit and retain the other copy with the application.
  - (4) If the application is rejected, the administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may appeal the administrator's decision pursuant to Wis. Stats. ch. 68. The applicant may re-apply if the deficiencies specified by the administrator are resolved.
  - (5) The owner shall conspicuously post the building permit on the premises so as to be visible to the public at all times until construction or installation of the small wind energy system is complete.
- h. *Violations.* It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with the ordinance from which this section is derived or with any condition contained in a building permit issued pursuant to this section. Small wind energy systems installed and operated prior to the adoption of this section are exempt.
- i. *Administration and enforcement.*
- (1) The administrator or other designated official shall administer this section.
  - (2) The administrator may enter any property for which a building permit has been issued under this section to conduct an inspection to determine whether the conditions stated in the permit have been met.
  - (3) The administrator may issue orders to abate any violation of this section.
  - (4) The administrator may issue a citation for any violation of this section.
  - (5) The administrator may refer any violation of this section to legal counsel for enforcement.
- j. *Penalties.*
- (1) Any person who fails to comply with any provision of this section or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as provided in section 17.56.
  - (2) Nothing in this section shall be construed to prevent the common



council from using any other lawful means to enforce this section.

(Code 2011, § 17.32)

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON COUNCIL

Presiding Officer

Attest

\_\_\_\_\_  
Anthony J. Penterman, Mayor, City of  
Kaukauna

\_\_\_\_\_  
Sally Kenney, Clerk, City of  
Kaukauna