



**MINUTES (APPROVED 10/16/19)**  
**CITY OF WAUPUN PLAN COMMISSION**  
**Waupun City Hall – 201 E. Main Street, Waupun WI**  
**Wednesday, September 18, 2019 at 4:45 PM**

**CALL TO ORDER**

The Waupun Plan Commission met at 4:45 pm in the Council Chambers, City Hall, Waupun on September 18, 2019.

**ROLL CALL**

Members Present: Julie Nickel, Fred Lueck, Mike Matoushek, Elton TerBeest, Jerry Medema, and Jeff Daane

Members Excused: Derek Drews

Staff Present: Kathy Schlieve, Susan Leahy, and Daniel VandeZande

**PERSONS WISHING TO ADDRESS THE PLAN COMMISSION--**

Chairman Nickel asked if there were any persons wishing to address the committee on any items not included on today's agenda. Hearing nothing, Chairman Nickel proceeded to address the items listed for consideration and action on today's committee agenda.

**FUTURE MEETINGS AND GATHERING INVOLVING THE PLAN COMMISSION**

Chairman Nickel indicated the next scheduled Plan Commission meeting would be on Wednesday, October 16, 2019 at 4:45 pm.

**CONSIDERATION - ACTION**

1. Approve Minutes of the August 20, 2019 meeting.  
Motion by TerBeest, seconded by Medema to approve the minutes of the August 20, 2019 meeting as presented. Motion carried, minutes approved, unanimously.
2. Public Hearing - Conditional Use Permit Application of Shane Rhodes at 812-814 Seymour St. for a split two-family dwelling per section 16.03(2)(d)(iii) of the Waupun Municipal Code.

Chairman Nickel read the call of the hearing and its purpose. Kathy Schlieve noted that the Plan Commission approved a CSM at last month's meeting which divided a duplex down a common wall at the center of the home. Today they are applying for a City Conditional Use Permit to divide the home into two (2) separate single family residences which are allowed in the present R-2 Zoning District.

Unit 1 will contain 6,300 sq. ft. and be owned by Doreen Nitschke and Unit 2 will be owned by Shane Rhodes and contain 6,282 sq. ft. Each unit would contain a master suite, living room, kitchen, dining area, laundry room, foyer, office and a 2 car attached garage. Shane Rhodes, proposed owner of Unit #2 was in attendance and spoke in favor of the Conditional Use Permit.

Lueck felt that the horse was put before the cart on this situation as the approval and recording of the CSM last month actually resulted in a violation of the Code by dividing the home before the Conditional Use Permit was issued and that authorizing the proposed use of 2 single family residences. Lueck noted that there have been many problems with zero lot line homes around the county and the problems are too numerous to list in these minutes.

No further information was forthcoming from the public or the committee so Chairman Nickel declared the hearing closed and asked for a motion to act on this Conditional Use Permit application.

Motion by Matoushek, seconded by Medema to grant a Conditional Use Permit for a split two family dwelling

in accordance with Section 16.03(2)(d)(iii) of the Waupun Municipal Code. This committee finds that the proposed use will not be detrimental to the adjacent land use as it is an appropriate use for this area, it will not create any traffic hazards, will not hinder future development in the area, will not create undesirable levels of noise or light in the immediate area, and will not cause property values to measurable decline.

Vote: Daane, Medema, TerBeest, Matoushek, Nickel - "AYE"

Lueck - "NAY"

Motion carried, 5/1.

3. Certified Survey Map review - extraterritorial zoning for property located at W7587 County Rd AW. Susan Leahy, City Zoning Administrator referenced the City's Subdivision Ordinance and that the jurisdiction of these regulations shall include all lands within the limits of the City of Waupun and within the limits of the Cities Extraterritorial area of 1 1/2 mile. The proposed lot is located in Part of the NE 1/4, NW 1/4, Section 1, T13N, R14E, Town of Trenton, Dodge County, Wisconsin.

The present owner is Greenfield Oaks LLC and the prospective buyer is Craig Slings. The proposed buyer said an original home has been razed and he plans on building a new home on this lot. The site presently contains two sheds. The site is located at W7587 CTH AW. The Dodge County Land Resources and Parks Committee have reviewed the proposed land division and they have placed restrictions with regard to the intended use of the new lot. This committee finds that the proposed use of this lot will not interfere with the City's Extraterritorial Zoning and future land use plan for this area.

Chairman Nickel called for a motion to act on this matter.

Motion by TerBeest, seconded by Matoushek to send a favorable recommendation to the Council on the proposed CSM under the City's Extraterritorial Zoning jurisdiction to create a 1.973 acre lot at W7587 CTH AW and located in part of the NE 1/4, NW 1/4. Section 1, T13N R14E, Town of Trenton, Dodge County, WI

Vote: Daane, TerBeest, Medema, Matoushek, Lueck, and Nickel - "AYE"

Motion carried, unanimously 6/0.

4. Discuss / Recommendation to the Common Council on the petition for annexation of land located at N2706 County Rd M, Waupun.

An annexation petition has been filed with the City by Molly Gilbertson and Sydney Hintz. The petition states the real estate is contiguous to the City of Waupun and is not presently served by any public sewer facilities. The real estate is presently in the Town of Waupun. The petition requests the real estate be annexed to the City of Waupun, be zoned R-1 Single Family Residential, be provided with City sewer services and be placed in the 6th Aldermanic District.

The annexation property is known as Lot 1 of Block 1 of the Plat of Harry H Hoard Hawthorn Park, situated in the SW 1/4, NE 1/4 of Section 33, T14N, R15E, Town of Waupun, Fond du Lac County, Wisconsin. The address is N2706 County Rd M, Waupun, and the tax parcel # is T21-14-15-99-HA-010-00.

City Attorney VandeZande explained the annexation process. He did note that the City received a letter from the State Department of Administration who reviews annexations. They note in their letter that upon their review, it was found the annexation to be against the public interest because annexation of this parcel will create an area of the Town of Waupun, Parcel N2716, will be surrounded by the City of Waupun and isolated from the rest of the Town. This is referred to as a "Town Island" which is prohibited by Wisconsin State Statute 66.0221 (1).

Molly Gilbertson, the property owner and petitioner said her septic system is failing and she wants to hook up the City's sewer. City Attorney VandeZande requests that the Plan Commission provide a favorable

recommendation to the City Council on the Condition that he will be able to find some case law that will authorize this annexation. There were no further comments or questions from the public or the committee so Chairman Nickel asked for a motion to act on this annexation request

Motion by Matoushek, seconded by Nickel to forward a favorable recommendation to the City Council on the annexation petition of Molly Gilbertson to annex Lot 1 of Block 1 of the Plat of Harry H Hoard Hawthorn Park, located in the SW 1/4, NE 1/4 Section 32, T14N R15E, Town of Waupun, Fond du Lac County, Wisconsin to annex said real estate to the City of Waupun. Said real estate to be Zoned R-1 Single Family Residential, said real estate to be provided with public sewer, said real estate to be placed in the 6th Aldermanic District, on the condition that the City Attorney can resolve the Town Island issue with the State Department of Administration.

Vote: Daane, TerBeest, Medema, Matoushek, Lueck, and Nickel - "AYE"

Motion carried, unanimously 6/0

### **TEMPORARY ADJOURNMENT**

The Plan commission will temporarily adjourn to 910 Taft Ln. to view the pool cover for possible update to the municipal code.

Chairman Nickel asked for a Temporary Adjournment to view a pool cover issue at 910 Taft Ln regarding a possible ordinance amendment. Lueck asked if the City Attorney had any legal concerns with a temporary adjournment or if there was a problem with Ex Parte contact with the property owner or any neighbor. Attorney VandeZande said he had no legal concerns with either issue. The committee then left for 910 Taft Ln.

### **RECONVENE MEETING AT WAUPUN CITY HALL**

The committee returned to the Council Chambers at approximately 5:30 pm and reconvened their temporary adjourned meeting.

### **CONSIDERATION - ACTION**

#### **5. Draft Pool Cover Ordinance amendment.**

Mike Matoushek questioned the safety of the pool when the owners happen to go inside their home for a minute or two when young children are around. Jeff felt the pool appeared to be safe when the pool was closed with its safety cover. Jerry said he has discussed the pool cover with several people and he has gotten more negative comments than positive.

It takes approximately 30 seconds for the pool cover to cover the pool. The cover itself is a clear plastic type membrane and can hold approximately 475 pounds of weight on top of it.

Chairman asked for a motion to proceed with a possible ordinance amendment to allow a safety pool cover on a pool in lieu of an exterior barrier fence.

Motion by Nickel, seconded by Matoushek to proceed with a Public Hearing to discuss an ordinance amendment that will allow a locking safety cover on a swimming pool in lieu of a barrier fence.

Vote: Daane, TerBeest, Medema, Matoushek, Lueck, Nickel - "AYE"

Motion carried, unanimously 6/0.

### **ADJOURNMENT**

Motion by Medema, seconded by Matoushek to adjourn the meeting. Motion carried, meeting adjourned at 5:44 pm.

Fred Lueck,  
Secretary