



AMENDED A G E N D A
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

ROLL CALL

PERSONS WISHING TO ADDRESS THE PLAN COMMISSION--*State name, address, and subject of comments. (2 Minutes)*

No Public Participation after this point.

FUTURE MEETINGS AND GATHERING INVOLVING THE PLAN COMMISSION

CONSIDERATION - ACTION

- [1.](#) Approve Minutes of the August 20, 2019 meeting.
- [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.
- [3.](#) Certified Survey Map review - extraterritorial zoning for property located at W7587 County Rd AW.
- [4.](#) Discuss / Recommendation to the Common Council on the petition for annexation of land located at N2706 County Rd M, Waupun.

-

TEMPORARY ADJOURNMENT

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

RECONVENE MEETING AT WAUPUN CITY HALL

CONSIDERATION - ACTION

- [5.](#) Draft Pool Cover Ordinance amendment.

ADJOURNMENT

Upon reasonable notice, efforts will be made to accommodate disabled individuals through appropriate aids and services. For additional information, contact the City Clerk at 920-324-7915.



MINUTES (DRAFT)
CITY OF WAUPUN PLAN COMMISSION
Waupun City Hall – 201 E. Main Street, Waupun WI
Tuesday, August 20, 2019 at 4:45 PM

CALL TO ORDER

The City of Waupun Plan Commission met at 4:45 pm in the Council Chambers, City Hall, on August 20, 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, Sarah VanBuren, and Susan Leahy

PERSONS WISHING TO ADDRESS THE PLAN COMMISSION--*State name, address, and subject of comments. (2 Minutes)*

Chairman Nickel asked if there were any persons wishing to address the committee on any issue 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

No Public Participation after this point.

FUTURE MEETINGS AND GATHERING INVOLVING THE PLAN COMMISSION

Chairman Nickel indicated the next scheduled Plan Commission meeting would be Wednesday, September 18, 2019.

CONSIDERATION - ACTION

Approve minutes of the July 17, 2019 meeting.

Chairman Nickel called for a motion to approve the minutes of the July 17, 2019 meeting. Motion by Medema, seconded by TerBeest to approve the minutes of the July 17, 2019 meeting as presented. Motion carried, unanimously, minutes approved.

Certified Survey Map of Lot 19 of Mayfair Estates.

Susan Leahy, City Zoning Administrator indicated that Lot 19 of Mayfair Estates presently contains a duplex under construction. It is now proposed to divide the duplex down the center and convert it into two single family residences with a zero lot line. The CSM notes the western unit (1) is owned by Doreen Nitschke and the eastern unit (2) is owned by Shane Rhodes. Leahy indicated each lot would contain the required minimum 6,000 sq. ft. and the structure would meet all required yard and street setbacks.

She also noted that a City Conditional Use Permit will still be required for a Zero Lot line home. Mr. Rhodes indicated he has sold his home and needs to be out by October 1st and into his new one. Lueck feels the City is putting the cart before the horse as a Conditional Use Permit is still required for a Zero Lot Line home and if the Conditional Use Permit for a Zero Lot Line home is denied for some reason, the City will end up with a duplex over the lot line and in violation of the Zoning Ordinance. The Conditional Use Permit should be acted on before a CSM is approved by the Council and recorded.

Motion by Medema, seconded by Matoushek to send a favorable recommendation to the City Council to approve the CSM to divide Lot 19 of Mayfair Estates, City of Waupun into two lots for a future Zero Lot Line home.

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

Lueck - "NAY".

Motion carried 5/1

ADJOURNMENT

Motion by Matoushek, seconded by Daane to adjourn the meeting. Motion carried, meeting adjourned at 4:58 pm.

Fred Lueck

Secretary

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that at a meeting of the Plan Commission of the City of Waupun, to be held in the Council chambers in the City Hall of the City of Waupun on Wednesday the 18th day of September, 2019 at 4:45 O'clock in the P.M., there will be considered the application for a Conditional Use Permit of:

1. 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

PLEASE TAKE FURTHER NOTICE that all persons desiring to be heard on the proposed Conditional Use in support thereof or in opposition thereto, must appear at the said meeting of the Plan Commission of the City of Waupun.

Dated this 5th day of September, 2019

Susan Leahy
Zoning Administrator
City of Waupun

(PUBLISH September 11, 2019)

9/4/19?

Fee: \$150.00

Paid: ✓ #1075

Date: 8-13-19



CITY OF WAUPUN
201 E. Main Street
WAUPUN, WISCONSIN 53963

Conditional Use Permit Application

From: Shane Rhodes (706 Fern St)
(business name or individual)

Property Description and address:

812-814 SEYMOUR STREET

LOT 19, MAYFAIR ESTATES IN THE SOUTHWEST 1/4 of the Southwest 1/4 of SECTION 4, Township 13 N, RANGE 15 EAST, CITY OF WAUPUN, DODGE CTY, WI

Conditional Use Requested:

DIVIDE PARCEL FOR 2-FAMILY SPLIT

Zoning Ordinance Section Involved:

16.03(2)(d)(iii)

Date Presented to Plan Commission:

9-18-19

CONDITIONAL USE: ☐ Granted ☐ Denied

Comments:

Signature of Applicant (s)

Sh Rhodes

CERTIFIED SURVEY MAP NO.

For Craig Slings

Part of the NE1/4-NW1/4 of Section 1, T13N-R14E,
Town of Trenton, Dodge County, Wisconsin



LEGEND

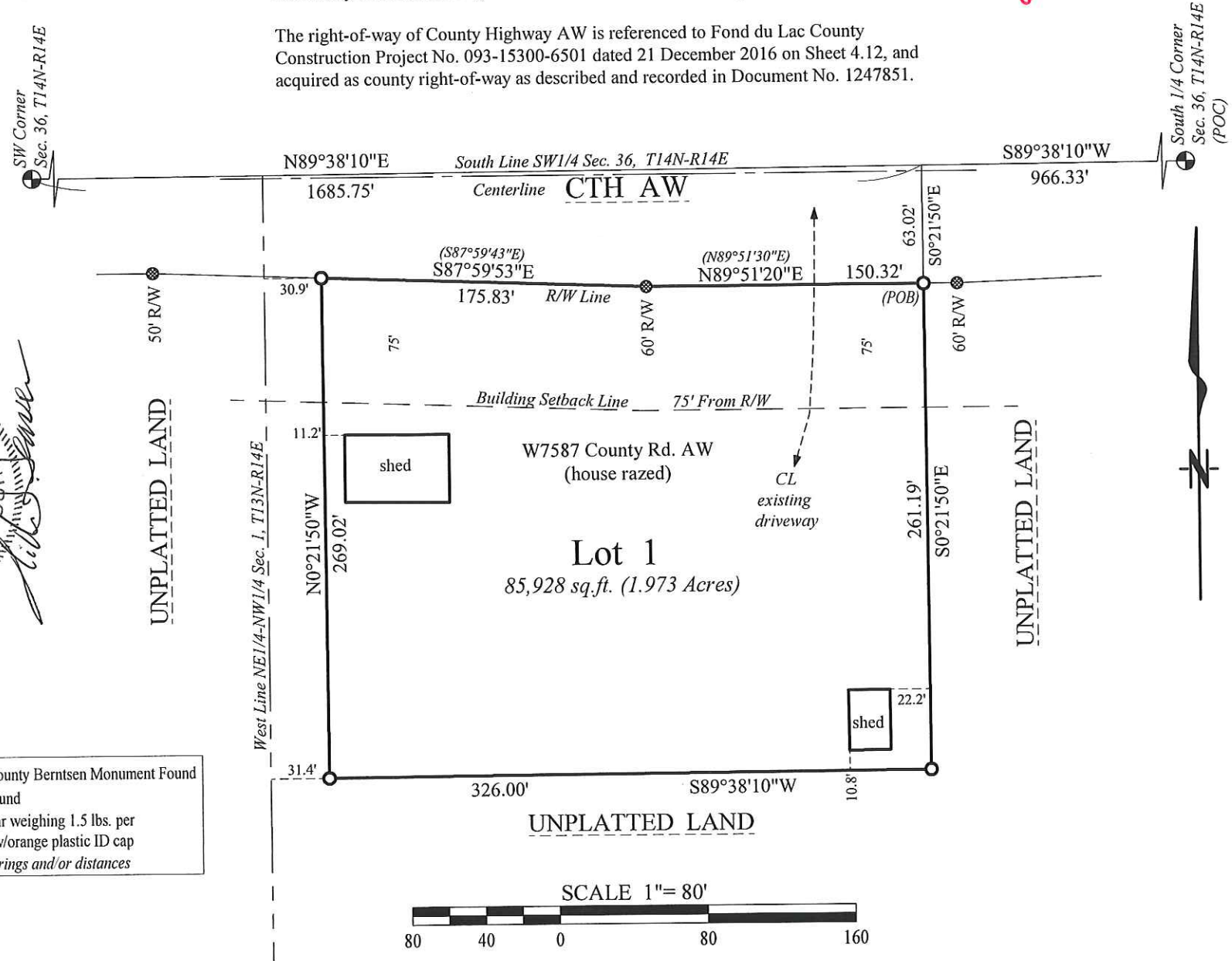
- Fond du Lac County Berntsen Monument Found
- ⊙ 0.75" Rebar Found
- 0.75"x 18" rebar weighing 1.5 lbs. per lineal foot set w/orange plastic ID cap
- () = recorded bearings and/or distances

NOTE: Dodge County Land Resources and Parks Committee restrictions have been placed on Lot 1 as indicated on Sheet 2.

Bearings are referenced to the Dodge County Coordinate System, with a bearing of N89°38'10"E on the south line of the SW1/4 of Section 36, T14N-R14E. Previously recorded bearings and/or distances are indicated in parentheses.

The right-of-way of County Highway AW is referenced to Fond du Lac County Construction Project No. 093-15300-6501 dated 21 December 2016 on Sheet 4.12, and acquired as county right-of-way as described and recorded in Document No. 1247851.

Dodge County
2019-0374



CERTIFIED SURVEY MAP NO. _____

For Craig Slings
Part of the NE1/4-NW1/4 of Section 1, T13N-R14E,
Town of Trenton, Dodge County, Wisconsin


SURVEYOR'S CERTIFICATE

I, Rich J. Leaver, Wisconsin Licensed Land Surveyor, hereby certify that I have surveyed, divided and mapped a parcel of land by the direction of Craig Slings, representing the owner. This parcel is located and described as indicated above, and more particularly described as the following:

Commencing at the South 1/4 Corner of Section 36, T14N-R14E,
thence S89°38'10"W, 966.33 feet along the south line of the SW1/4 of Section 36;
thence S0°21'50"E, 63.02 feet to the point of beginning on the south right-of-way line of County Highway AW;
thence continuing S0°21'50"E, 261.19 feet;
thence S89°38'10"W, 326.00 feet;
thence N0°21'50"W, 269.02 feet to said south right-of-way line;
thence S87°59'53"E, 175.83 feet along said south right-of-way line to an angle point;
thence N89°51'20"E, 150.32 feet along said south right-of-way line to the point of beginning.
Bearings are referenced to the Dodge County Coordinate System.

The above described parcel contains 85,928 square feet (1.973 acres) of land, and is also subject to all easements, including utility easements and restrictions, either recorded or unrecorded, if any.

I further certify that the information contained herein is a correct representation of the boundaries of the land surveyed and mapped, and that I have fully complied with the provisions of Chapter 236.34 of the revised Wisconsin State Statutes, and the Dodge County Land Use Code, and the subdivision ordinances of the Town of Trenton in surveying and mapping the same, to the best of my knowledge and belief.


Rich J. Leaver, WI_LS-1492
Leaver Land Surveying LLC
W8871 Gossfeld Ln.
Beaver Dam, WI 53916
920-887-2401



Owner of Record
Greenfield Oaks LLC
W12493 County Road AW
Waupun, WI 53963

Dodge County
2019-0374

Dodge County Land Resources and Parks Committee restrictions placed on Lot 1:

Only one single family residential unit may be located on this lot, unless this lot is successfully rezoned into a zoning district which allows for additional residential units.

This lot shall not be further divided for the purpose of residential use until after 15 years from the recording date of this certified survey map, unless the Official Dodge County Zoning Map is amended so that the subject parcel is rezoned out of an agricultural zoning district, or this restriction has been released in accordance with the provisions of the Dodge County Land Use Code and the Town of Trenton.

The owner and subsequent owners of this non-farm residential lot hereby agree to comply with Subsection 9.1, Right to Farm provisions of the Dodge County Land Use Code, and that they will not cause unnecessary interference with adjoining farming operations producing agricultural products and using generally accepted agricultural practices, including access to active farming operations.

CERTIFIED SURVEY MAP NO. _____

For Craig Slings

Part of the NE1/4-NW1/4 of Section 1, T13N-R14E,
Town of Trenton, Dodge County, Wisconsin

Town Board Certificate

State of Wisconsin)
Dodge County) ss

This certified survey map and the resulting lot are hereby approved in accordance with the Town of Trenton subdivision ordinances.

Dated this 11 day of September, 2019

Russell Kottke

Russell Kottke, Chairman Town of Trenton

Dodge County

2019-0374

Extraterritorial Jurisdiction Approval City of Waupun

This certified survey map and the resulting lot are hereby approved in accordance with the City of Waupun, by its extraterritorial jurisdiction.

Dated this _____ day of _____, 2019

Julie Nickel, Mayor

Dated this _____ day of _____, 2019

Angela Hull, Clerk



VANDE ZANDE & KAUFMAN, LLP
ATTORNEYS AT LAW

408 EAST MAIN STREET
POST OFFICE BOX 430
WAUPUN, WISCONSIN 53963-0430
(920) 324-2951
FACSIMILE (920) 324-2968

received
8/12/19 via mail
AK

DANIEL L. VANDE ZANDE, JD, PhD
COURT COMMISSIONER
dan@vklaw.us

CLARENCE VANDE ZANDE
1952 -1999

SAM KAUFMAN
COURT COMMISSIONER
sam@vklaw.us

August 8, 2019

Ms. Angela Hull
Waupun City Clerk
201 East Main Street
Waupun, WI 53963

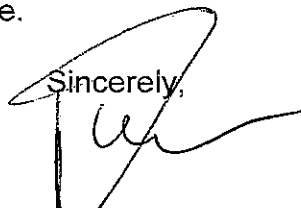
Re: Annexation Petition of Molly Gilbertson and Sydney Hintz

Dear Angie:

I enclose to you the original Petition for direct annexation to the City of Waupun of real estate owned by Molly Gilbertson, together with the appropriate municipal filing fee. This real estate is currently located in the Town of Waupun and I am therefore sending a copy of the petition to the Town Clerk on this date.

I am also sending a copy of the petition to the Wisconsin Department of Administration, together with a Request for Annexation Review, and the statutory review fee.

If you have any questions, please contact me.

Sincerely,


Daniel L. Vande Zande

DVZ/mb
enc.

cc: Wisconsin Department of Administration, w/ enc.
Clerk, Town of Waupun, w/ enc.
Molly Gilbertson and Sydney Hintz

PETITION FOR DIRECT ANNEXATION

TO: Waupun Common Council
Ms. Angela Hull, City Clerk
201 East Main Street
Waupun, WI 53963-0232

Molly Gilbertson and Sydney P. Hintz ("the petitioners") respectfully petition the City of Waupun for annexation by unanimous approval, in accordance with Chapter 66 of the Wisconsin Statutes, as follows:

1. The real estate to be annexed to the City of Waupun ("the real estate") is presently located in the Town of Waupun and is more particularly described on Exhibit "A" to this petition, which is attached and incorporated here by reference.

2. Molly Gilbertson is the sole owner of all of the real estate proposed for annexation. Molly Gilbertson and Sydney P. Hintz constitute all of the electors residing on the real estate proposed for annexation.

3. The real estate is contiguous to the City of Waupun, and is not presently served by any public sewer facility.

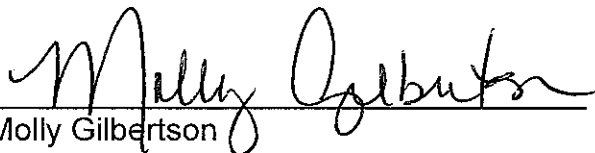
4. A scale map showing the real estate to be annexed and its proximity to the present corporate limits of the City of Waupun is included on Exhibit "B" to this petition, which is attached and incorporated here by reference.

5. Simultaneously with the filing of this petition the petitioners are filing a copy of the petition and map with the Clerk of the Town of Waupun, and the Department of Administration, 101 E. Wilson Street, PO Box 1645, Madison, Wisconsin, 53701.

WHEREFORE, the petitioners respectfully request the following:

- (a) The real estate be annexed to the City of Waupun.
- (b) The real estate be zoned R-1, Single Family Residential.
- (c) The real estate be provided with sewer service.
- (d) The real estate be placed in the Sixth Aldermanic District

Dated this 7 day of August, 2019.


Molly Gilbertson
Petitioner

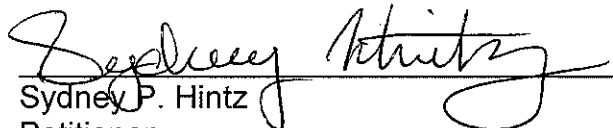

Sydney P. Hintz
Petitioner

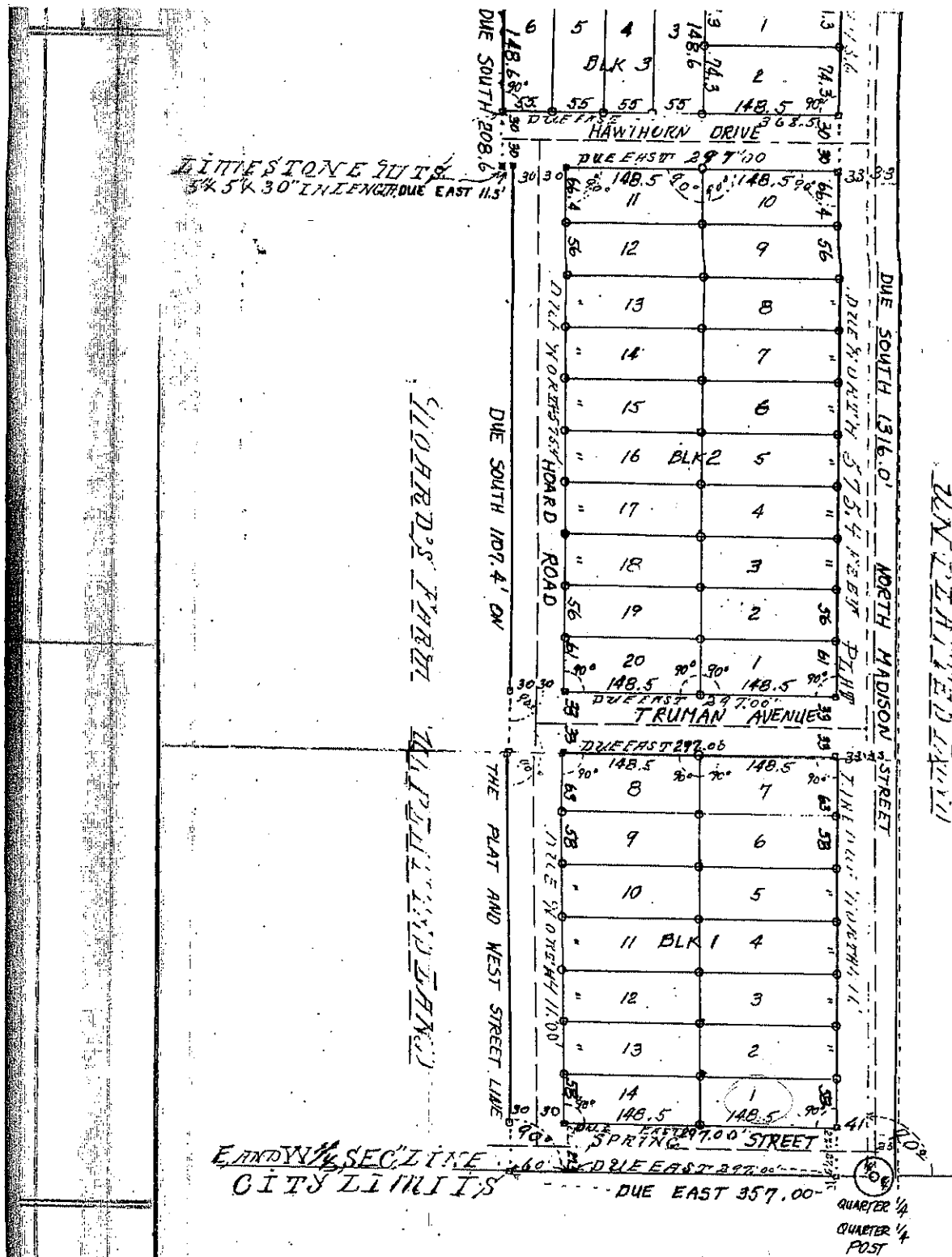
EXHIBIT "A"

ANNEXATION PROPERTY DESCRIPTION

Lot One (1) of Block One (1) of the Plat of Harry H. Hoard Hawthorne Park, situated in the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section 32, Township 14 North of Range 15 East, Town of Waupun, Fond du Lac County, Wisconsin.

Property Address: N2706 County Road M, Waupun, WI 53963

Tax Parcel Number: T21-14-15-99-HA-010-00



LEGEND

- LARGE CIRCLES SHOW GOVERNMENT SURVEY CORNERS.
- SMALL CIRCLES SHOW POSITIONS OF GAS PIPES 30" LONG 1 1/4" IN DIAMETER FOR LOT CORNER MARKERS.
- FREE HAND SQUARES SHOW BLOCK CORNERS AND ROAD ANGLE LIMESTONE MARKERS

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EXHIBIT “B”

MAP LEGEND

1. White Area: Real estate located within the City of Waupun
2. Shaded Red Area: Real estate located within the Town of Waupun
3. Shaded Green Area: Real estate proposed for annexation



TONY EVERS

GOVERNOR

JOEL BRENNAN

SECRETARY

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview>

September 03, 2019

PETITION FILE NO. 14244

ANGELA J HULL, CLERK
CITY OF WAUPUN
201 E MAIN ST
WAUPUN, WI 53963

SUSAN ALSUM, CLERK
TOWN OF WAUPUN
N3359 LORI LANE
WAUPUN, WI 53963-8734

Subject: GILBERTSON ANNEXATION

The proposed annexation submitted to our office on August 14, 2019, has been reviewed and found to be against the public interest because annexation of this parcel will create an area of the Town of Waupun – Parcel # N2716 - that is surrounded by the City of Waupun and isolated from the rest of the Town. This is referred to as a 'town island' and is prohibited by s. 66.0221(1), Wis. Stats.

Section. 66.0217(6), Wis. Stats. also requires the Department to examine the shape of the proposed annexation and the homogeneity of the territory with the annexing village or city to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. In this case, the proposed annexation is for territory that is reasonably shaped and contiguous to the **CITY OF WAUPUN**, which can provide needed municipal sewer and water service, police protection, and other City services.

However, to resolve the Town island issue, the landowner of the Town island Parcel #N2716 may wish to join in this annexation so there is no longer any Town island created. Alternatively, Petitioner could possibly utilize the non-unanimous method of annexation under s. 66.0217(3) Wis. Stats. to bring in Parcel #N2716 to avoid creating a Town island. Finally, the City and Town could develop a boundary agreement under either ss. 66.0301 or 66.0307 Wis. Stats. to transfer these parcels and possibly resolve other areas where the City-Town municipal boundary is fragmented and confusing and could be made more rational and compact. Because the Department reviews boundary agreements, staff is available to provide the Communities with technical assistance on the process and requirements for developing a boundary agreement.

Should the City choose to adopt an annexation ordinance for this petition, the Department reminds of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

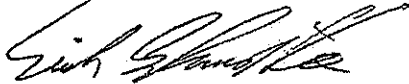
"The clerk of a city or village which has annexed shall file immediately with the secretary of administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through

failure to file with the Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14244 with your ordinance.** Ordinance filing checklist available at <http://mds.wi.gov/>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2318>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

A handwritten signature in black ink, appearing to read "Erich Schmidtke", with a stylized flourish at the end.

Erich Schmidtke, Municipal Boundary Review

cc: petitioner

Wisconsin Annexation/Attachment/Detachment Ordinance Filing Checklist

Please include the following information within the ordinance. Missing items may cause the ordinance to be returned.

☐ **List type of Land Transfer and associated statute number:**

Annexation by: Unanimous Approval (s. 66.0217 (2) Wis.Stats.),

One-half Approval (s. 66.0217 (3) (a) Wis.Stats.), or Referendum (s. 66.0217 (3) (b) Wis.Stats.)

Annexation of Territory Owned by a City or Village (s. 66.0223 Wis.Stats.)

Detachment (s. 66.0227 Wis. Stats.)

Annexation or Attachment resulting from s. 66.0307 Wis. Stats. Boundary Agreement

Annexation or Attachment resulting from s. 66.0301 Wis. Stats. Boundary Agreement

Annexation resulting from judicial stipulations and orders (s. 66.0225 Wis. Stats.)

Annexation by City or Village Initiated Referendum (s. 66.0219 Wis.Stats.) (rare)

Annexation of Town Islands (s. 66.0221 Wis. Stats.) (very rare)

☐ **Ordinance Effective Date** (Provide publication date if known in the ordinance)

☐ **Municipal Boundary Review (MBR) Number assigned when reviewed by DOA:**

Annexation Petitions by Unanimous or One-Half approval require review by the Wisconsin Department of Administration (DOA) for land in counties having a population greater than 50,000.

When requested DOA also reviews annexations in counties having a population less than 50,000.

Record the MBR number in the ordinance transmittal letter or within the clerk's certification of the ordinance.

☐ **Square feet or acres-** please list the area of the land transferred. If land comes from multiple municipalities show separate areas for each.

☐ **Parcel Number(s)**, if available (if only part of a tax parcel is being transferred, include the number of that parcel)

☐ **Clerk's certification** of documents with original signature

☐ **Population:** Include the number of all people living on the transferred land. If transferring from more than one municipality, include population for each affected municipality

☐ **Map**

☐ The map shall be an *accurate reflection* of the legal description of the parcel being transferred. As such, it must show:

-A tie line from the parcel to the monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the parcel lies. The corner and monument must be identified.

-Bearings and distances along all parcel boundaries as described.

-All adjoining as referenced in the description.

☐ The map must include a **graphic scale**.

☐ The map must show and identify the existing municipal boundary, in relation to the parcel being transferred.

[It is beneficial to include a North arrow, and identify adjacent streets and parcels on the map.]

Continued on next page.

608-264-6102 mds@wi.gov <http://mds.wi.gov>

Wisconsin Annexation/Attachment/Detachment Ordinance Filing Checklist

☐ Complete Legal Description

☐ The ordinance must include a legal description of the land to be transferred. The land must be described by reference to the government lot, private claim, quarter-section, section, town and range in which the land lies. The land must be further described by metes and bounds commencing from a monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the land lies; OR

☐ If the land is wholly and entirely within a lot or lots, or all of a block or blocks of a recorded subdivision plat or certified survey map, it must be described by reference to the lot (s) and/or block (s) therein, along with the name of the plat or the number, volume, page, and County of the certified survey map.

☐ The land may NOT be described only by:

- Aliquot part;
- Reference to any other document (plat of survey, deed, etc.);
- Exception or Inclusion;
- Parcel ID or tax number.

Wisconsin Elections Commission Requirements

☐ Will the annexation territory join an existing ward or necessitate creation of a new ward? For more information, please contact the Wisconsin Elections Commission at (608) 266-8005 or elections@wi.gov or see their annexation checklist here:

WEC Annexation Checklist <http://elections.wi.gov/forms/el-100>.

Email legible scanned copy of required materials to mds@wi.gov
Scan in color any page or map containing color. Scan large maps at full size.

OR mail one copy of required materials to:
Wisconsin Department of Administration
Municipal Boundary Review
PO Box 1645, Madison WI 53701-1645

608-264-6102 mds@wi.gov <http://mds.wi.gov>

ORDINANCE # 19 - ____

**AN ORDINANCE TO AMEND CHAPTER NINE OF THE MUNICIPAL CODE OF THE CITY OF
WAUPUN ENTITLED "PUBLIC NUISANCES" AND CHAPTER SIXTEEN
ENTITLED "ZONING CODE"**

THE COMMON COUNCIL OF THE CITY OF WAUPUN ORDAINS:

SECTION 1: Section 9.02(4)(i) of the Municipal Code of the City of Waupun entitled "Public Nuisances Affecting Peace and Safety" is repealed and recreated to provide as follows:

(i) Any pool containing more than 12 inches of water and having sides of more than 18 inches which does not also have a barrier side or fence surrounding the pool with a minimum height of 48 inches above ground level, or a pool cover in full compliance with Section 16.01(11)(g) of this Municipal Code.

SECTION 2: Section 16.01(11)(g) of the Municipal Code of the City of Waupun entitled "Zoning Code – Swimming Pools" is repealed and recreated to provide as follows:

(g) Swimming Pools. Swimming pools shall be considered an accessory use and shall observe all side yard and rear yard setbacks as required by this Ordinance. All swimming pools with more than 12 inches of water and sides of more than 18 inches shall be fully enclosed by barrier sides or fencing or, in the alternative, shall be fully covered when not in immediate use by a pool safety cover, subject to the following specifications. Swimming pool barrier sides or fencing shall fully surround the pool with a minimum height of 48 inches above ground level, constructed as not to have voids, holes or openings larger than 4 inches in one dimension, and all gates or doors shall be constructed so as to be capable of being

locked, and shall be closed and secured so as to prevent unlatching by persons outside the pool at all times when the pool is not in actual use. Swimming pool safety covers shall meet the standards of ASTM F1346-91(2018), Standard Performance Specification for Safety Covers and Labeling 14-12 Requirements for All Covers for Swimming Pools, Spas and Hot Tubs, ASTM International. Anyone wishing to install a swimming pool must submit a plan or sketch of the installation to the Building Inspector and obtain the appropriate permit(s) prior to proceeding with the installation.

SECTION 3: All ordinances or portions of ordinances inconsistent with the provisions of this ordinance are repealed.

SECTION 4: This Ordinance shall be in full force and effect on its passage and publication as provided by law.

Enacted this ____ day of _____, 2019.

Julie J. Nickel
Mayor

ATTEST:

Angela Hull
City Clerk