

415 N. MILWAUKEE ST.
WATERFORD, WI 53185
WATERFORD TOWN HALL

TOWN BOARD AGENDA

DECEMBER 11, 2023 @ 5:30 PM

Join Zoom Meeting

<https://us02web.zoom.us/j/82540815331?pwd=ME5saTBiMm9jUzBXVVGVE03TnY5QT09>

Meeting ID: 825 4081 5331

Passcode: 562242

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF TOWN BOARD MINUTES DATED NOVEMBER 13, 2023 AS PRINTED.
4. APPROVAL TO PAY CLAIMS AS PRESENTED/TREASURER REPORT
5. CORRESPONDENCE
6. DEPARTMENT/COMMITTEE REPORTS:
 - (a) Police Dept.
 - Discussion & possible action re: Interim Chief
 - (b) Tichigan Fire Co.
 - (c) Waterford Fire & Rescue
 - (d) Waterford Waterway Management District
 - (e) Park
 - (f) Road Dept.
 - (g) Town Planning Commission Recommendations (See December PC Agenda)- Motion to move January Planning, if needed, to 5:00 pm January 8, 2024 due to holiday.
7. OLD BUSINESS:
 - (a) Appointment of Election Officials- Term January 1, 2024 to December 31, 2025
 - (b) Discussion & possible action re: ordinance for backyard chickens
 - (c) Discussion & possible action re: repealing & re-creating Ordinance 5.23- Keeping of Certain Animals
8. NEW BUSINESS:
 - (a) Town Board Chairperson's Report
 - Update on status of possible change to No Parking Ordinance to possibly include policy for special events (discussed at last Town Board meeting)
 - Update on Culvert on 36 & Kramer Dr.
 - Update on Listening Session held December 5, 2023
 - Reminder not to dispose of yard waste into any waterway such as the river or lake

PUBLIC COMMENTS- Please be advised per State Statute Section 19.84(2), information will be received from the public. It will be the policy of the Town that citizens be pre-registered to present comments or suggestions to the Town Board. Registration forms will be available at the meeting and must be turned in to the Town Clerk prior to the start of the meeting. Pre-registered Citizens will be called by name by the Town Chair and are subject to a three-minute time period, per person, with time extensions granted at the Town Board's discretion. Be further advised that there may be limited discussion on the information received; however, no action will be taken under public comments.

FORTH COMING EVENTS-

“Requests from persons with disabilities who need to participate in this meeting or hearing should be made to the Town Chairperson Office at 534-1871 with as much notice as possible”

**TOWN BOARD MEETING FOR WATERFORD
415 N. MILWAUKEE ST.
UNAPPROVED/UNOFFICIAL MINUTES FOR NOVEMBER 13, 2023**

1. Town Board meeting was called to order at 5:30 PM by Chair Nicolai. Present: Supervisors Ulander, Schwartz, Gauerke, and Szeklinski. Also present: Attorney Dubis, Chief Johnon, Lieutenant John Nelson, DPW Director, Ken Hinz, TVFC Lieutenant Graf and Secretary Flintrop, WWMD Commissioner Bill McCormick, and residents of the Town.
2. Chair Nicolai led the Pledge of Allegiance.
3. Printed Minutes: **Supervisor Schwartz motioned to approve the Town Board meeting minutes dated October 9th, and Special minutes dated October 9th, October 12th and October 30th, 2023, as presented, seconded by Supervisor Schwartz. Vote taken: 5-0. Motion carried.**
4. Treasurer Report/Payment of Claims- Chair Nicolai read the Treasurer's report. **Supervisor Szeklinski motioned to approve the Treasurer's report and pay the claims, as presented, seconded by Supervisor Schwartz. Vote taken: 5-0. Motion carried.**
5. Correspondence: None
6. Committee Reports:
 - a) Police Dept. Report- Lt. Nelson reported 175 actual calls. Drug take back October 30, received 9 boxes totaling 198 lbs. New lockers were delivered and installed. Lockers were purchased with donation funds. Police were able to secure a refrigerator, and office chairs from Community State Bank for \$50.00 each chair. Ken Sweeny Well Drilling, in Franklin, donated \$550.00 to cover the cost of the chairs. During Trick or Treat, parole officer rode along with officers and performed sex offender house checks. TVFC provided CPR/AED/Narcan training. Gauerke indicated he had received an email from Officer Schweitzer requesting attention to and the possibility of more signage for the area by the DNR parking lot on Marsh Rd. as there have been numerous accidents at the same location. Hinz will look into.
 - b) Tichigan Vol. Fire Co- Secretary Cassidy Flintrop reported 27 Calls, 18 EMS, 3 fire calls, 2 car accidents & 2 boat incidents. CPR and first aid classes coming up.
 - Discussion & possible action re: ordinance relating to access on private/public roads to ensure safety: TVFC is wanting an ordinance that would require private roads to "be maintained with approved clearances." – Graf and Flintrop unable to answer questions pertaining to what the ordinance request. TVFC to provide a list of the roads in question.
 - Discussion & possible action re: key lock box system "Knox Box": Atty. Dubis was not certain why the TVFC needed permission from the Town. Tanya Maney, 6911 Big Bend Rd., questioned who would be liable if a theft were to occur. Attorney Dubis stated that is what insurance is for. **Supervisor Ulander motioned to table both ordinances, seconded by Supervisor Szeklinski. Vote taken: 5-0. Motion carried.**
 - c) Waterford Fire & Rescue- 11 EMS calls.

- d) WWMD- Bill McCormick reported that they had planned for transition and Luke Francois is now the Treasurer as Margaret Shoptow retired. During the 2024 budget meeting a part-time administrator was added.
- e) Park Dept.- Ken Hinz reported that the park is closed for the season.
- f) Road Dept.- Ken Hinz reported that he will look into a grant for Buena Park Rd. including a walkway and that it would be a joint project with the Village but that they will not be able to share the grant with the Village of Waterford. Grant meeting set for Wednesday of this week, possible 50/50 grant and Hinz will speak with the Village regarding the project and stated that it would not make sense to do it if the Village does not want to participate. **Supervisor Gauerke motioned to award the Town Line Rd. bid to Payne & Dolan, seconded by Supervisor Szeklinski. Vote taken: 5-0. Motion carried.** Hinz noted that there is a 140' culvert on 36 and Kramer, that is in the State ROW that needs to be addressed. Road is half Town and half Village, but the Town does not maintain or plow. State is indicating the culvert repair is the Town's responsibility. Chair Nicolai to contact Representative Wittke and discuss implication of the ROW policy.
- g) Town Planning Recommendations-
 - No November Planning meeting

7. Old Business:

- a) Root-Pike Watershed Initiative Network for DNR NR216 Contract Renewal- **Supervisor Gauerke motioned to approve, seconded by Supervisor Schwartz. Vote taken: 5-0. Motion carried.**

8. New Business:

- a) Parking on Beach Dr./The Watering Hole- Chair Nicolai stated that the Town currently has an ordinance on the books that prohibits parking on any Town roads. There are no unwritten rules allowing for parking on Beach Dr. Chris Sackman, 5630 Island View Ct. and proprietor of The Watering Hole, stated he does let the Police and Town know when they are having special events and that he has live music twice a month. He stated that not many cars are parking on the road at a time. Lt. Graf, TVFC, stated that this has been a problem in the Town and understands why the Town has this ordinance. Supervisor Ulander stated that the ordinance needs to be enforced and that parking was one of the reasons the Hilltop was denied. Karen Zierath, 6632 Canal Ln., stated that she lives on the south side and cannot see traffic and has to turn into oncoming traffic. Leroy Zierath stated that there are times when people try to park on his concrete. Rayana Kaul, 6616 N. Tichigan Rd. expressed concerns over construction vehicles parking on N. Tichigan Rd. Lt. Nelson indicated that she should contact the Police if she feels they are creating a safety hazard. Julie Plantz, 28848 Beach Dr., handed a letter to the Board and stated that she has called the police but nothing was done. She called on Halloween and the responding officer knew nothing about the special parking. Jean Maney, 28840 Beach Dr., noted that the drivers aren't just parking on the road but their property and feels the current ordinance should be enforced and that special events should have to go before the board and get approved. Shelly Massman, 28906 Beach Dr., noted that every 4th of July they get permission from the neighbors and they do not have issues. She indicated that they visit the bar and like many people, the bar was there when she purchased her home and that was a reason she purchased her home.
- b) Request from WSD #1 for increase in salary for the Commissioners- Commissioners were requesting an increase from \$333 to \$400/month for two commissioners and \$333 to \$650/month

for the president as there is a big upgrade that will require more time. Supervisor Szeklinski feels that this increase is a bit much and wouldn't be decreased after the upgrade. Board expressed their confusion that the original request indicated the salary was paid quarterly. **Supervisor Schwartz motioned to table to allow more research, seconded by Supervisor Szeklinski. Vote taken: 4-0. Motion carried. Chair Nicolai recused herself from the conversation and voting.**

- c) Tanya Maney, 6911 Big Bend Rd.- Tanya Maney indicated that she has issues with ordinance 5.23, Keeping of Certain Animals. Maney noted that there have not been any complaints from municipalities that allow chickens. There is a bill being introduced to the legislatures that will allow property owners to have up to 4 chickens. Feels there is too much government overreach. Maney requested that the Board, when passing an ordinance, consider safety, not personal opinions. Chair Nicolai indicated that she had drafted a sample ordinance and that she feels there needs to be some regulations so everyone can enjoy where they live. Tammy Begotka, 30812 Beachview Ln, thanked the board for hearing this matter and indicated that many communities allow chickens and have been successful.
- d) Discussion & possible action re: Ordinance for backyard chickens- **Supervisor Szeklinski motioned to put this on the next Town Board, seconded by Supervisor Gauerke. Supervisor Ulander clarified that this ordinance would only apply to residential properties. Vote taken: 5-0. Motion carried.**
- e) Bids for Clerk & Treasurer's Office Flooring- Chair Nicolai indicated that the carpet in the Town office needed to be replaced as there had been sewer backups. **Supervisor Schwartz motioned to go with the lowest proposal, Badger Tile, not to exceed \$9,500, seconded by Supervisor Gauerke. Vote taken: 4-1 (Szeklinski wanted to wait until after the holidays). ARPA funds to be used. Motion carried.**
- f) Report from Cooperative Boundary Group- Tom Mroczinski, present via zoom, gave update on the Cooperative Boundary Group. Listening session is Dec. 5 at 6:00 pm in the LGI Room of the high school. Outline is included in meeting packet.
- g) Town Board Chairperson's Report
 - Update on budget hearings- Budget hearing November 27th at 5:30 pm.
 - Update regarding changes to floodplains-
 - Update on Recodification of Town Ordinances

Forthcoming Events- Joseph Maney, 28840 Beach Dr., concerned about the legality of pier/wharf approved by the Planning Commission on September 11, 2023 for 28837 Beach Drive. Application indicated the pier would be a maximum of 4' x 4', but a 4' x 80' pier/wharf was approved by the Commission. Chair Nicolai will look into and possibly put on the next Planning agenda. Chief Johnson stated that the Christmas Parade is December 2 at 5 pm with roll call starting at 4 pm at the Town Hall.

Supervisor Schwartz motioned to adjourn the meeting at 7:34 pm, seconded by Supervisor Gauerke. Vote taken: 5-0. Motion carried.

Respectfully Submitted,

Heather Stratton, Deputy Clerk

DECEMBER 4, 2023
PLANNING COMMISSION MEETING
TOWN OF WATERFORD
415 N. MILWAUKEE ST., WATERFORD, WI

TOWN HALL

5:30 PM

Join Zoom Meeting

<https://us02web.zoom.us/j/83524973735?pwd=eFYzZ0V2NXFDaTM2L1F3Q1JiLzlZdz09>

Meeting ID: 835 2497 3735

Passcode: 162515

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF OCTOBER 2, 2023 MINUTES AS PRESENTED (NOVEMBER MEETING WAS CANCELLED)
4. SHORT-TERM RENTAL- ESCH, 6507 WILLOW CT.
5. CORRESPONDENCE/PUBLIC COMMENTS
6. FORTH COMING EVENTS-

“Requests from persons with disabilities who need to participate in this meeting or hearing should be made to the Town Chairperson Office at 534-1871 with as much notice as possible”

TOWN BOARD MAY BE IN ATTENDANCE

This notice is subject to amendment up and to the time applicable as allowed by law. Please check with Town Clerk for any changes.

**PLANNING COMMISSION MEETING
415 N. MILWAUKEE ST.
DECEMBER 4, 2023 @ 5:30 PM
UNAPPROVED/UNOFFICIAL MINUTES**

1. Planning Commission meeting was called to order at 5:30 PM by Chair Teri Nicolai. Present: Commissioners Wagner, Wenck, Mroczkowski, Dickinson (viz Zoom) & Derse. Commissioner Nelson was excused. Applicants Loren and Hannah Esch were via Zoom.
2. Chair Nicolai led the Pledge of Allegiance.
3. **Commissioner Wenck motioned to approve the October 2, 2023 minutes as presented, seconded by Mroczkowski. Vote taken: 6-0. Motion carried.**
4. Short-Term Rental- Esch, 6507 Willow Ct.- Applicants appeared via Zoom. Commissioner Mroczkowski questioned the applicants about occupancy. Hannah Esch indicated that the minimum was 10 and a maximum of 14. The garage is three-car but only two would be utilized and that there were 6 additional parking spaces outside the garage. **Commissioner Derse motioned to approve the STR, seconded by Commissioner Wenck. Vote taken: 6-0. Motion carried.**
5. Correspondence/Public Comments- Commissioner Derse would like to see a change under the littering ordinance relating to the river and lake to include the verbiage yard waste and not debris as it is currently written.
6. Forthcoming Events- Commissioner Mroczkowski noted that the Cooperative Boundary Agreement Listening Session will be held Tuesday, December 5th at 6:00 pm in the LGI Room at Waterford Union High School.

Commissioner Derse motioned to adjourn the meeting at 5:46 PM, seconded by Commissioner Mroczkowski. Vote taken: 6-0. Motion carried.

Respectfully Submitted,

Tina Mayer, Town Clerk

Chickens may be kept in the Town under the provisions set forth herein:

- A. Permit Required. No residential zoned parcel shall keep chickens in the Town without obtaining a valid permit issued by the Clerk. The permit process requires the applicant to complete the License Application for keeping of Chickens. The applicant must also include a detailed site plan showing location of all buildings and lot lines, a manure management plan, written approval of all neighboring property owners, and proof of the livestock premises registration with the Department of Agriculture, Trade and Consumer protection (DATCP), accompanied by the fee set by the Town Board. The Clerk shall put the applicant's request on the next Planning Commission and Town Board agenda for consideration. Upon approval of both boards, the Clerk will issue the permit. The fee shall not be refundable in the event the application is denied.
- (1) Permits shall only be issued to persons living in single family or two-family residential premises. No permits will be issued for commercial buildings or mixed-used occupancies. This ordinance does not apply to agriculturally zoned properties.
 - (2) If the applicant is a tenant, the owner of the property must also sign the application. If the building contains two dwellings, the other tenant shall also sign the application.
 - (3) Permits are not transferrable from person to person or property to property.
 - (4) Permits shall expire on March 31 of each year, regardless of the date of issuance, and must be renewed annually. The fee shall not be prorated.
 - (5) Renewal of Permit. No neighbor notification is required prior to renewal of permit. Upon application for renewal, the Clerk shall review the record of any violations or complaints filed and may refer the matter to the Town Board for consideration.
 - (6) The Town is not responsible for issuing a permit that violates any rules or regulations of any neighborhood/owner's association.
- B. Coop and run construction.
- (1) The coop shall not exceed 32 square feet in area and 10 feet in height. (a structure over 36 sq feet is considered an accessory structure and requires a County zoning permit and Town building permit). The chicken run shall not exceed 64 square feet in area and the fence surrounding it shall be between 48 and 96 inches in height. The coop and run together shall be large enough to provide at least 16 square feet per chicken.
 - (2) The coop and run enclosures shall not be located closer than 25 feet to any residential Structure on an adjacent lot, at least 6 feet from property lines and shall be located behind the dwelling or garage as to not be seen from the front street yard.

- (3) Chicken coops shall have a solid roof that is predator proof, weatherproof, and fully ventilated. It shall be moisture resistant and either be raised off the ground or placed on a hard surface such as concrete or gravel. Coops and runs should be designed to prevent the collection of standing water and be easily accessed for cleaning and maintenance. Adequate drainage shall be established to protect surrounding properties from surface water drainage containing contaminants or waste.

C. Raising and Keeping of Chickens Allowed. The keeping of a maximum of four (4) chickens is allowed with a permit.

- (1) No Roosters shall be kept, nor any other type of fowl.
- (2) No person shall slaughter any chickens on permitted property
- (3) Sale of chickens, eggs or other by products are prohibited without approval from the Racine County Department of health and Wisconsin Department of Trade and Consumer Protection (DATCP)
- (4) Chickens shall be cared for in a humane manner and given fresh clean water and food daily. They shall be kept safe from the elements and predators. Chickens are not allowed to be outside the coop or covered run.
- (5) Any owner who no longer wishes to possess their chickens must rehome them.
- (6) No person shall keep chickens that cause any nuisance, unhealthy condition, create a public health threat or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.

D. Public Health requirements

- (1) DATCP registration The permit applicant must register the premises with the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) and provide proof of registration to the Clerk at the time application is processed.
- (2) Chickens shall be kept in a sanitary manner and any unusual illness or death of a chicken shall be reported by the owner to DATCP and any human related illness to the Racine County Health Department.
- (3) Manure and other by products of chickens need to be properly disposed of away from the property. During the application process, an owner may request to compost or spread the manure.

E. Violations The Clerk shall keep a record of all complaints, charges, warnings and other reports filed against the permit holder. Any person violating this section is subject to the following:

- (1) Permit revocation. A permit is subject to revocation by the Town Board upon notification of a conviction for failure to comply with any provision of Subsections C or D. The Town Board shall notify the permit holder of its consideration of the revocation and shall allow the permit holder the opportunity to be heard. Once a permit is revoked, the chickens shall be removed from the property and a permit shall not be reissued to the same applicant or residence for a period of 12 months.
- (2) Double permit fees Any person who does not obtain a permit prior to having live chickens on the property shall pay double fees for the permit.

(3) Cost of Inspections. Any person found to be in violation of the regulations hereunder shall be responsible for payment of all costs incurred related to inspection of their property.

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5.23 KEEPING CERTAIN ANIMALS

NOTWITHSTANDING ORDINANCE

No residentially zoned parcel may be used to keep any wild or domestic animal normally used or raised on a farm, including, but not limited to, horses, cattle, mules, donkey, sheep, goats, swine, mink or poultry. This does NOT include dogs, cats, or other small animals normally kept as pets in the home, unless given prior special permission by the Town Board. Permission may be granted for one animal on parcels of three acres, and one additional animal per acre afterwards. Included in any permitted use will be the condition establishing the type of stabling or housing of said animal (s). This usage shall be solely for the owners/residents of said parcel and not for hire or livery. Any permitted usage may be withdrawn, upon notice and for cause shown. Failure to comply with this Ordinance shall result in a forfeiture not to exceed \$200. Each day of keeping of the above animals in violation of this ordinance is a separate offense.

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