

NOTICE OF VILLAGE BOARD MEETING

DATE: Tuesday, September 17, 2024

TIME: 6:30pm

LOCATION: Combined Locks Civic Center,

Council Chambers, 405 Wallace Street

AGENDA

VILLAGE BOARD - 6:30pm

- A. Call to order
- B. Pledge of Allegiance
- C. Roll call
- 1. Public comment for matters not on the agenda
- 2. Review and consider approval of Special Exception for Culver's drive-thru restaurant in The Locks Business Park
- 3. Review and consider approval of CSM to realign lot lines for lots 10 and 11 in The Locks Business Park
- 4. Review and consider action to reconsider an ordinance allowing chicken and other fowl keeping within the Village
- 5. Hear update on Appleton (Fox Cities) MPO from Trustee Heckner
- 6. Other business, updates and future agenda items
 - a) Final 2024 Village Board meeting schedule: 10/01, 10/15, 10/29, 11/12, (budget hearing and approval), 12/03, and 12/17 (if needed)
- 7. Consider motion to move into closed session per Wis. Stat. 19.85(1)(c) for the purpose of considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Wages and benefits for 2025 budget preparations
- 8. Consider motion to return to open session; action if appropriate
- 9. Adjourn

Public Notice: Agendas are posted in the following locations: Combined Locks Civic Center main entrance and Village website: www.combinedlocks.wi.gov. 2015
Wisconsin Act 79 allows the publication of certain legal notices on an internet site maintained by a municipality. This law allows these types of legal notices to be posted in one physical location in the jurisdiction (instead of three) if also placed on an internet site maintained by the local government.

Special Accommodations: Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made with as much advance notice as possible to the Clerk's Office at 405 Wallace Street, 920-788-7740 extension 203 or email at gieser@combinedlocks.wi.gov.

Notice of Possible Quorum: A quorum of the Board of Review, Zoning Board of Appeals, Plan Commission, or other Village committee may be present at this meeting for the purpose of gathering information and possible discussion on items listed on this agenda. However, unless otherwise noted in this agenda, no official action by the Board of Review, Zoning Board of Appeals, Plan Commission, or other Village committee will be taken at this meeting.

Item #2

Plan Commission held a Public Hearing on 09/10/24 for a Special Exception to allow Culver's to build a restaurant with a drive-thru on Lot 11 in The Locks Business Park. Plan Commission voted unanimously to recommend approval of the Special Exception subject to final review of staff and the Village's engineer. Other conditions of approval are extension of the white vinyl fence to the west lot line and thicker and taller landscaping in the same area.



1250 Centennial Centre Blvd Hobart, WI 54155 920-662-9641 releeinc.com

August 8, 2024

Ms. Racquel Shampo-Giese VILLAGE OF COMBINED LOCKS 405 Wallace Street Combined Locks, WI 54113

RE: Special Exception Request - Parcel 230154600

Dear Ms. Shampo-Giese:

On behalf of Bayland Buildings and Culvers, Robert E. Lee & Associates, Inc. is formally requesting a special exception be granted on parcel 230154600 to allow for a drive-through restaurant to operate. Please see the attached preliminary site plan which shows general traffic flow and site design for reference.

Please do not hesitate to contact me regarding any questions.

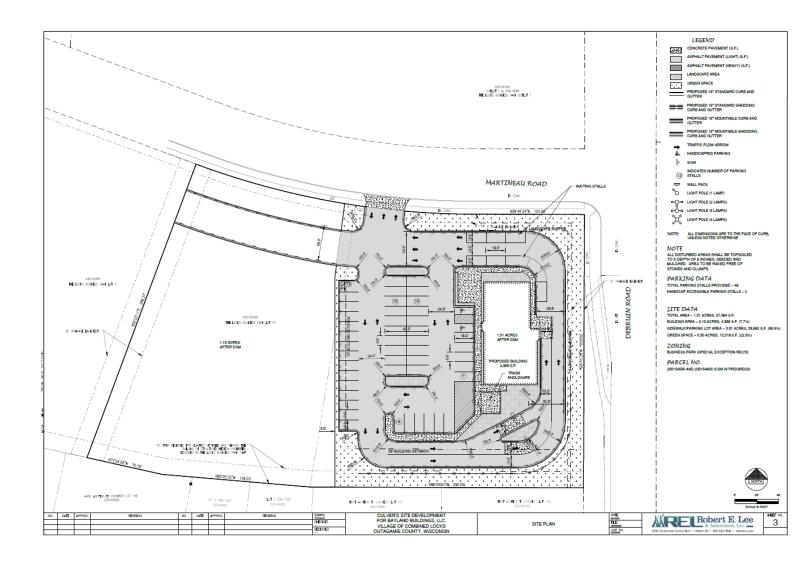
Sincerely,

ROBERT E. LEE & ASSOCIATES, INC.

Michael S. Leidig, E.I.T. Project Engineer

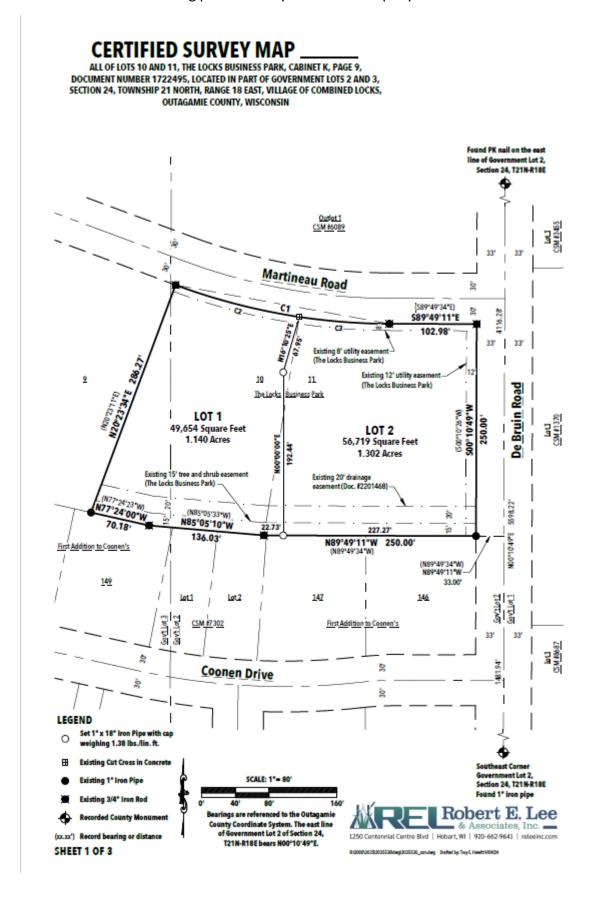
MRL

ENC.



Item #3

Plan Commission voted unanimously to approve the CSM to change the shared lot line for Lots 10 and 11 in The Locks Business Park. Both lots are being purchased by the same company.



CERTIFIED SURVEY MAP

ALL OF LOTS 10 AND 11, THE LOCKS BUSINESS PARK, CABINET K, PAGE 9, DOCUMENT NUMBER 1722495, LOCATED IN PART OF GOVERNMENT LOTS 2 AND 3, SECTION 24, TOWNSHIP 21 NORTH, RANGE 18 EAST, VILLAGE OF COMBINED LOCKS, OUTAGAMIE COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE:

I, Troy E. Hewitt, Professional Land Surveyor, do hereby certify that by the order and under the direction of the owners listed hereon, I have surveyed, mapped and divided all of Lots 10 and 11, The Locks Business Park, Cabinet K, Page 9, Document Number 1722495, located in part of Government Lots 2 and 3, Section 24, Township 21 North, Range 18 East, Village of Combined Locks, Outagamie County, Wisconsin.

Said parcel contains 106,373 square feet (2.442 acres) of land more or less subject to easements and restrictions of record.

That the within map is a true and correct representation of the exterior boundaries of the land surveyed and the division of that land and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes in the surveying, mapping and dividing of the same.

Dated this day of	2024.				
Troy E. Hewitt PLS #2831 ROBERT E. LEE & ASSOCIATES, INC.					
This certified survey map is contained wholly within the property described in the following recorded instrument.					
Owner of Record	Recording Information	Tax Parcel ID Number			
Coonen Development, Corp.	Document Number 1688444	230154600, 230154500			

				Curve Table	•		
Curve#	Delta	Radius	Length	Chord Direction	Chord Length	Tangent Bearing	Second Tangent Bearing
C1	20°12'45"	730.00'	257.53	(579°43"11.5"E) \$79°42'48.5"E	256.19"	(569*36*49*E) \$69*36*26*E	(589°49'34°E) \$89°49'11°E
C2	11°50'59"	730.00'	150.98"	(575°32°18.5°E) N75°31°55.5°W	150.71'	(569*36'49*E) N69*36'26"W	(581°27'48°E) N81°27'25°W
C3	8°21'46"	730.00'	106.55"	(\$85°38'41"E) N85°38'18"W	106.45	(\$81°27'48°E) N81°27'25"W	(\$89*49*34*E) N89*49*11*W

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ALL OF LOTS 10 AND 11, THE LOCKS BUSINESS PARK, CABINET K, PAGE 9, DOCUMENT NUMBER 1722495, LOCATED IN PART OF GOVERNMENT LOTS 2 AND 3, SECTION 24, TOWNSHIP 21 NORTH, RANGE 18 EAST, VILLAGE OF COMBINED LOCKS, OUTAGAMIE COUNTY, WISCONSIN

further certify that this Certified Survey k	lap is required by s			ection: VILLAGE OF COMBINED LOCKS	
Coonen Development Corp.	Date				
Print name and title					
STATE OF WISCONSIN)COUNTY) SS					
Personally came before me this instrument and acknowledged the same.	day of	, 2024, the above named	to me known to be the same p	ersons who executed the foregoing	
Notary Public, State of Wisconsin		_			
(print name)					
My commission expires:	-				
VILLAGE OF COMBINED LOCK	(S APPROVAL	L CERTIFICATE:			
Approved for the Village of Combined Lo	ks on the	day of	, 2024.		
Racquel Shampo-Giese Village Clerk					
TREASURERS CERTIFICATE:	and I have be another the			to an any of the lands shown because	
As duly elected Outagamie County Treasu	irer, i nereby certify	y unas unere are no unpaid taxe	o or unpaid special assessment	s on any of the lands shown hereon.	
tochelle Oskey	_				



OWNER'S CERTIFICATE:

Item #4

The Village Board will continue discussion to consider approval of a request to keep fowl within the Village. A resident of Park Street addressed the trustees at the 09/03/24 meeting citing a Senate Bill being circulated that would prohibit municipalities from allowing residents to keep a minimum of 4 fowl (specific list) per property. She mentioned that it would be considered when the Legislative Session begins in January. **The bill is 2023 Senate Bill 912 which failed to pass in April 2024.** In the 2023-2024 Legislative Session, 2,342 Bills were introduced. 272 Acts were signed into law, and there were 78 Vetoes. The standard is that 90% of bills die – 88% died in the 2023-2024 Legislative Session.

At the municipal level, the Combined Locks Village Board voted 4-3 on 07/18/23 to not pursue an ordinance change to allow keeping fowl within the Village. The vote came after two prior meetings discussing the proposed ordinance change.

Other residents who have or had been keeping fowl on their properties also spoke in favor of allowing fowl within the Village.

Trustee Stutzman received information from Representative Sortwell that the intent is to have the bill reintroduced early in the next Legislative Session. Sortwell believes it will pass the Assembly, but they will still need to convince some people in the Senate to get it to the Governor's desk.

President Neumeier spoke with representatives at the League of Municipalities who oppose and will not advocate for any legislation that limits municipal autonomy.

Trustee Rietveld reminded the trustees that in order to reconsider the matter, a trustee who previously voted "nay" must make the motion to reconsider the matter.





1

State of Misconsin 2023 - 2024 LEGISLATURE

LRB-4967/1 EVM:edc&skw

2023 SENATE BILL 912

January 11, 2024 - Introduced by Senators Taylor and Cabral-Guevara, cosponsored by Representatives Sortwell, Bodden, Behnke, Gustafson, S. Johnson, Magnafici, Moses, Penterman, Rozar, Schmidt and Tittl. Referred to Committee on Transportation and Local Government.

AN ACT to create 66.0442 of the statutes; relating to: local regulation of fowl.

Analysis by the Legislative Reference Bureau

This bill prohibits political subdivisions and sewerage districts from prohibiting the keeping of up to four chickens, ducks, geese, quail, or guinea fowl (fowl) by property owners or certain lessors on properties zoned for residential use. The bill specifically allows political subdivisions and sewerage districts to do any of the following with regard to the keeping of fowl:

- Require a keeper of fowl to obtain a permit.
- Require notification of adjoining land owners.
- Impose reasonable regulations related to the location of fowl housing on a property.
 - Prohibit the keeping of roosters.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- Section 1. 66.0442 of the statutes is created to read:
- 3 66.0442 Local regulation of fowl. (1) In this section:
 - (a) "Fowl" means chickens, ducks, geese, quail, or guinea fowl.
- 5 (b) "Local governmental unit" means a city, village, town, county, or sewerage
- 6 district.

SENATE BILL 912

1	(2) No local governmental unit may prohibit the keeping of 4 or fewer fowl by
2	any of the following on a property zoned for residential use:
3	(a) The owner of the property.
4	(b) A lessor of the property if the property is owner-occupied.
5	(3) Notwithstanding sub. (2), a local governmental unit may do any of the
6	following with regard to the keeping of fowl:
7	(a) Require a keeper of fowl to obtain a permit.
8	(b) Require notification of owners of properties adjoining the property on which
9	fowl are to be kept.
10	(c) Impose reasonable regulations related to the location of fowl housing on a
11	property.
12	(d) Prohibit the keeping of roosters.
13	(END)

Excerpts of minutes from 2023 when Village Board last heard and voted down the request:



MINUTES OF VILLAGE BOARD MEETING

DATE: Tuesday, June 6, 2023

TIME: 6:30pm

LOCATION: Combined Locks Civic Center,

MINUTES

- **A. Call to order:** Meeting called to order by Village President Neumeier at 6:30pm.
- B. Pledge of Allegiance: Pledge recited
- **C. Roll call:** Board members present Neumeier, Vander Zanden, Ponto, Rietveld, Heckner, Schinke, and Stutzman. Board members absent none. Village staff present Administrator Shampo-Giese and Public Works Director Swick. Others present Judy Hebbe of the Times Villager, Wade Micoley of Tycore Built, and several residents.
 - 1. Public comment for matters not on the agenda: President Neumeier asked for a moment of silence in honor of McKenzie Van Eperen; the young girl who died in a traffic accident at the intersection of Wallace Street and CTH N.
 - 2. Review and consider approval of minutes and bills: J. Ponto made a motion to approve the minutes as presented. C. Vander Zanden seconded the motion, and it passed unanimously. M. Rietveld made a motion to approve the bills as presented. C. Vander Zanden seconded the motion, and it passed unanimously.
 - 3. Administrator, Public Works Director and Law Enforcement reports accept and file: The Administrator and Public Works Director reviewed the activities within the Village for the previous and current month. The Law Enforcement monthly activity report was received. All reports were accepted and are on file in the Clerk's Office.
 - 4. Hear from residents who want an ordinance change to allow chicken keeping in the Village; action if appropriate:
 Roughly eight (8) residents were in attendance to voice their request for the Village to allow chicken keeping.
 Residents K. Bern, M. Schmidt, A. Asplundh, and D. Hopfensperger addressed the trustees with their request and reasons to allow chicken keeping. Statements included: sustainable food production, educational opportunities, community bonding and engagement, economic benefits, roosters not allowed, proper coops to keep out predators, and fenced yards. Trustees discussed monitoring of properties who might be permitted, cost, manure disposal, attracting predators, and noise. The trustees asked the Administrator to get more information, and the matter would be discussed again at the 06/20/23 meeting.



MINUTES OF VILLAGE BOARD MEETING

DATE: Tuesday, June 20, 2023

TIME: 6:30pm

LOCATION: Combined Locks Civic Center,

Council Chambers, 405 Wallace Street

MINUTES

A. Call to order: Village President Neumeier called the meeting to order at 6:30pm.

B. Pledge of Allegiance: Pledge recited.

C. Roll call: Board members present – Neumeier, Stutzman, Schinke, Heckner, Rietveld, Ponto, and Vander Zanden. Board members absent – none. Village staff present - Administrator Shampo-Giese and Public Works Director Swick. Others present – several residents.

1. Public comment for matters not on the agenda: None

2. Review draft of proposed ordinance language allowing chicken keeping in the Village; action if appropriate: The Village President reviewed the proposed ordinance language with the trustees and the residents in attendance. The residents were able to voice their support of creating an ordinance to allow chicken keeping in the Village. The matter was discussed. Questions about permit and inspection fees were asked and answered. The Village President asked trustees if any were opposed to allowing chicken keeping. Two said they did not support having chickens in the Village (Schinke and Neumeier). Other trustees need more time to consider the ordinance. No action was taken on the proposed ordinance, and it will be on the 07/18//23 agenda.



MINUTES OF VILLAGE BOARD MEETING

DATE: Tuesday, July 18, 2023

TIME: 6:30pm

LOCATION: Combined Locks Civic Center, Council Chambers, 405 Wallace Street

MINUTES

A. Call to order: Meeting called to order by Village President Neumeier at 6:30pm.

B. Pledge of Allegiance: Pledge recited

- **C. Roll call:** Board members present Neumeier, Vander Zanden, Ponto, Rietveld, Heckner, Schinke, and Stutzman. Board members absent none. Village staff present Administrator Shampo-Giese, Public Works Director Swick and LES Van Berkel. Others present Rick and Lori Strick, David Hopfensperger, Kari Bern, Andrew Lindsey, and Todd Finch.
 - 1. Public comment for matters not on the agenda: Rick Strick addressed the trustees with a request to make sure that retired firefighters are recognized during the 100 Year Anniversary of the Fire Department. A Fire Centennial Celebration is being planned along with the Light the Lights and Village Corn Roast. The Administrator assured Mr. Strick that plans are in place for the recognition as well as an invitation to the retired firefighters to attend a Village picnic scheduled for Saturday, September 9th. Todd Finch addressed the trustees with a concern about some possible homeless people living at Lindberg Park. He also reported some suspicious activity at the park as well as an incident on his property. Sgt. Van Berkel explained that she and other Deputies have made contact with the people who appear to be homeless. She has provided information for resources that might be helpful to them and reminded them that the park closes at 11:00pm. She and the Deputies will continue to be vigilant in monitoring Lindberg and other Village parks.
 - **2. Review and consider approval of minutes and bills:** C. Vander Zanden made a motion to approve the minutes as provided. J. Ponto seconded the motion, and it passed unanimously. T. Stutzman made a motion to approve the bills as presented. M. Rietveld seconded the motion, and it passed unanimously.
 - **3.** Administrator, Public Works Director and Law Enforcement reports accept and file: The Administrator, Public Works Director, and LES reviewed the activities within the Village for the previous and current month. All reports were accepted and are on file in the Clerk's Office.
 - **4.** Review draft of proposed ordinance language allowing chicken keeping in the Village; action if appropriate: The Village President recapped the previous discussions regarding the proposed ordinance language to allow chicken keeping. Trustees and residents openly discussed the proposal. J. Ponto called for a survey of the trustees to determine if more effort should be put forward to allow chicken keeping. M. Rietveld seconded

the request for the survey. Via a roll call vote of 4-3, there will not be any further effort to create an ordinance allowing chicken keeping. The nay votes were: J. Neumeier, B. Schinke, K. Heckner, and C. Vander Zanden. The aye votes (favoring additional effort to create the chicken keeping ordinance) were: M. Rietveld, J. Ponto and T. Stutzman.

Draft rules and regulations from 2023 consideration of chicken keeping:

Proposed Chicken Keeping Rules and Regulations

These rules and regulations will be used and enforced in conjunction with Ordinance Section 7-1-13 should the Combined Locks Village Board approve the keeping of chicken within the Village's corporate boundaries.

- 1. Persons desiring to keep chickens within the Village of Combined Locks shall obtain an annual permit from the Clerk's Office. Fees for said permits shall be on file with the Clerk's Office. Before a permit is issued, the applicant must provide a plan on the form provided by the Village that include a detailed diagram of the coop location including distances from nearby structure on neighboring properties, coop design and materials plan, a plan to dispose of manure in a safe and adequate manner and comply with Wisconsin Department of Agriculture, Trade and Consumer Protection's premises registration program.
- The keeping of up to <u>four (4) chickens</u>, (keep verbiage as is, or change to six (6), or change to maximum of six (6) total animals on each property/parcel with a permit is allowed on single family or two-family dwellings only. Permits are not allowed on multi-family, commercial, or mixed-use buildings/occupancies.
- 3. The term "chicken" used throughout these regulations shall exclusively mean a female gallinaceous bird or hen of any age (including chicks). The term "chicken" does not include roosters or other kinds of fowl, including but not limited to, ducks, quail, grouse, pheasant, turkeys, peacocks, emus, ostriches, or the like.
- 4. No person shall keep any rooster.
- 5. Property Requirements:
 - a. Written permission from the property owner is required if the permit applicant does not own the property where chickens will be kept. Written permission will be on a Village prescribed document issued by the Village to the property owner of record.
 - b. Chickens shall not be kept or maintained upon a vacant lot, inside a residential dwelling unit, including basements, porches, garages, sheds, or similar storage structures.
 - c. Written approval from all abutting property owners who have an occupied dwelling unit within 100 feet of the proposed coop location is required on an annual basis (with each permit renewal). An agreement form will be mailed to the property owners from the Clerk's Office.

 Keep or remove this verbiage
 - d. If a new dwelling unit is built upon, or if a new owner purchases abutting property after a chicken keeping permit is issued, the new property owner must also provide written approval in order for the permit holder to retain the chicken keeping permit.

6. Coop Location and Design:

a. The chicken coop and attached chicken run shall be located only in the rear yard of the license holder's residence. Coops and runs shall be located not less than 15 feet from any side and rear lot lines, and shall be a minimum of 25 feet from any dwelling structure or public sidewalk.

Keep verbiage or change/add: Property requirement exceptions to 6a. When prior written approval is provided from all abutting property owners that have an occupied dwelling unit within 100 feet of the proposed coop location, the following coop location may apply: A coop shall be located only in the rear yard. Coops may be located closer than 15 feet to a side or rear lot line but must still maintain a minimum of 25 feet from any dwelling structure or sidewalk.

b. All chickens shall be kept in a ventilated and roofed coop with the floor area of not less than three (s) square feet for each hen. The height of the coop shall not exceed eight (8) linear feet as measured vertically from the coop's grade level to the outside highest point of the coop. All coops must include an enclosed run area, and all components of the coop shall be enclosed with wire netting or material that prevents chickens from escaping the coop and of adequate structure to prevent predators from entering the coop. The chicken run enclosure shall be limited to a maximum of 64 square feet. All coop floors shall be composed of a hard, cleanable surface, e.g., painted or sealed wood, linoleum, hard plastic, and shall be resistant to rodents, therefore, a dirt floor is not acceptable.

7. Conditions for Keeping and Sanitation

- a. Chicken coops and chicken runs shall be cleaned of feces, uneaten food, feathers, and other waste as necessary to ensure the birds health and prevent objectionable odor.
- b. Chickens shall be kept or maintained with a coop and/or attached chicken run enclosure at all times and shall be provided with adequate water, food and shelter. Food shall be stored in containers which make the feed inaccessible to rodents, vermin, wild birds, and predators.
- c. Deceased chickens shall be disposed of immediately in a safe manner, which may include trash disposal after placing the deceased chicken in a sealed bag.
- d. Unusual illness or death of chickens shall be immediately reported to the Outagamie County Health Department.
- e. Sale of eggs is prohibited both onsite and offsite except as otherwise permitted by the State of Wisconsin and USDA.

8. Permits and Fees

- a. Permits shall be issued on an annual basis and expire July 31st.
- b. Permits shall not be transferrable and license application fees shall not be pro-rated or refundable.
- c. Annual Inspection fee: \$75 Annual Permit fee: \$25

- c. The Clerk, or designee thereof, is authorized to issue a permit pursuant to this section upon the applicant satisfying all requirements set forth herein and upon confirmation from who shall inspect and monitor ______that all setback requirements are met and all work requiring permits has been completed.
- d. New and renewal applications that are not approved shall, upon written request from the applicant, and received by the Clerk within fifteen (15) days of denial, be reviewed by the Village Board at its next regularly scheduled meeting.
- e. Chicken coops and chicken runs shall be removed from the property in their entirety within 30 days of a previously issued license being revoked or expiring and not being renewed.

9. Enforcement:

- a. Permits for the keeping of chickens are issued by the Clerk's Office. The Clerk, Law Enforcement, Public Works, ______, and Building Inspector shall also have jurisdiction to investigate and enforce any failure to comply with these requirements. Representatives of these departments/entities may issue compliance orders and citations pursuant to these requirements and the municipal code section under which they are adopted, other sections of the municipal code that may apply and state law.
- b. Violations of these requirements may also constitute a public nuisance under the Village of Combined Locks Municipal Code and Wisconsin Statutes.
- c. In addition to any other penalties imposed, any actual costs incurred by the Village resulting from the abatement of a nuisance or other violation of these rules and regulations shall be collected by the Village as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance and, if notice to abate the nuisance or violation has been given to the owner, such cost shall be assessed against the real estate as a special charge.
- d. In addition to issuing citations for violations, the Village shall have the right to suspend or revoke any permit issued pursuant to this section for violations of ordinances, laws or requirements regulating activity and for other good cause.

10. Severability:

a. If any section of these rules and regulations is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

Other options for consideration:

Limit number of permits issued?

Prohibit or regulate the sale of eggs/chickens as home occupation?

1, 2, or 3 strike revocation of permit policy?

Slaughtering allowed at the permit residence?

<u>Item #5</u>

Trustee Heckner attended the Appleton (Fox Cities) MPO Orientation Session on 09/05/24. He will share the information he received.

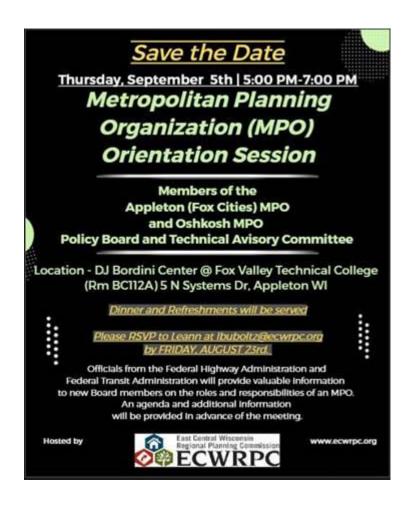
SAVE THE DATE – September 5, 2024

~THANK YOU~ for your service as a member of the

- Appleton (Fox Cities) Metropolitan Planning Organization Policy Board
- Oshkosh Metropolitan Planning Organization Policy Board
- Technical Advisory Committee(s)

MPO Orientation Session

- Your attendance at this meeting is respectfully requested
- Valuable member input is highly anticipated and greatly welcomed
- Crucial information to be presented and shared
- Redesignation Agreements formally executed Signatures needed by Policy Board members.



<u>Item #6</u>

In an effort to not have a Village Board meeting on 11/05/24 (Election Day), and still meet the budget approval requirement, please consider changing the October and November meetings to:

10/01 10/15 (fire and public works budgets) 10/29 (detailed budget review) 11/12 (budget hearing and approval) 12/03 12/17 (if needed)