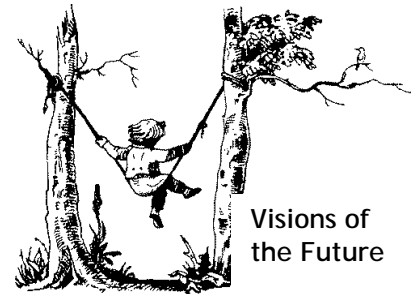


Village of Rochester

300 W. Spring Street
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Reflections of
the Past...



AGENDA
VILLAGE OF ROCHESTER
VILLAGE BOARD MEETING
MONDAY, JULY 9, 2018
7:00 P.M.

ROCHESTER VILLAGE HALL, 300 W. SPRING ST., ROCHESTER, WI

1. **Roll Call by Village Clerk (Excused Absence: Ed Chart, Village President)**
Village Trustees: Nick Ahlers, Gary Beck, Chris Bennett, Russ Kumbier, Chris Johnson, Doug Webb
2. **Nomination and Election of President Pro-Temp to serve for the duration of the meeting**
3. **Pledge of Allegiance**
4. **Submitted for Review and Approval:** June 11 & June 25, 2018 Minutes
5. **Period of Public Comment for Pre-Registered Citizens.**
Please be advised per State Statute Section 19.84(2), information will be received from the public. It is the policy of this municipality that citizens be pre-registered to present comments or suggestions to the Village Board. Registration forms will be available at the meeting and must be turned in to the Village Clerk prior to the start of the meeting. Pre-registered Citizens will be called by name by the Village President and are subject to a three minute time period, per person, with time extensions granted at the Village 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.
6. **Department Reports**
 - A. **Sheriff's Department**
 1. **Activity Report**
 2. **Communication or directives for upcoming month**

Agenda items:

7. **Application for conditional use permit for the continuation of a sand & gravel extraction operation, including washing, crushing of recycled concrete and asphalt and the operation of an asphalt plant (Honey Creek Site) at 34604 Washington Avenue, Rochester, Wisconsin**
Applicant/Owner: Payne & Dolan, Inc.
8. **Extraterritorial Plat Review - Certified Survey Map**
Proposed land division to create two parcels of land consisting of 14 acres and 22.15 acres located between N. River Road and Westwood Drive on the north side of Plank Road, in the Town of Burlington, Racine County, Wisconsin.
Applicant/Owner: Paul & Patricia Naber
9. **Second Reading: Ordinance #2018-5 "Amending the Municipal Code of the Village of Rochester to Incorporate Statutory Changes to the Building Code, Land Division, and Planning and Zoning Chapters, and to Update the Provisions for Temporary Use Permits"**
10. **Discuss Interview Process: RFP for Village Attorney**
11. **Application for Operator's Licenses: Amanda Johnson; Dinesh Nalwade, Annmaria Robel**

12. Correspondence/ Informational Items:

- A. Lakeshore Lateral Project Open House Notice: WE Energies
- B. Notice of Ordinance Enactment: Racine County Clerk

13. Committee/ Representative Reports:

- A. Ordinance Committee
 - 1. Report on discussion and action taken at previous meetings and future agenda items.
Next meeting: TBD
- B. Rochester Fire and Rescue Company Executive Board
 - 1. Report on discussion and action taken at previous meetings and future agenda items.
Next meeting: August 6, 2018
- C. Central Racine County Health Department
 - 1. Report on discussion and action taken at previous meetings and future agenda items.
Next meeting: July 19, 2018
- D. Honey Lake Protection and Rehabilitation District Board
 - 1. Report on discussion and action taken at previous meetings and future agenda items.
Next meeting: August 21, 2018
- E. Southeast Wisconsin Fox River Commission
 - 1. Report on discussion and action taken at previous meetings and future agenda items.
Next meeting: August 3, 2018
- F. Finance Committee
 - 1. Review of Monthly Disbursements and Cash Sheet
 - 2. Board Action

14. Adjourn

Betty Novy, Clerk/Treasurer

Posted: July 6, 2018

-It is possible that members and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

-Please note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the Village Hall at 262-534-2431.

Next Regular Meeting: Monday, July 23, 2018

Meeting was called to order with Ed Chart, Chris Bennett, Doug Webb, Gary Beck, Nick Ahlers and Russ Kumbier present. Chris Johnson was absent.

Betty Novy, Clerk-Treasurer and Sandi Swan, Deputy Clerk-Treasurer were also present.

Pledge of Allegiance.

Approval of May 14 & 30 minutes.

Bennett moved, 2nd by Kumbier to approve the May 14 & 30th minutes. Motion carried.

Public Appearances None.

Department Reports

Rochester Fire and Rescue: Chief Biermann provided a written report which he read to the Board.

2018 - 115 Calls as of 6/11/18

New Defibs have arrived and are in service

Training center loan has been finalized and building is on order. Scherrer will hopefully start dirt work soon. Ground breaking ceremony scheduled for Saturday July 7th at 9:30am. More info will be available soon.

ACT 97 has been put on hold by the state. RVFC was asked to be part of the pilot program to hopefully start this summer

Progress is being made on grant writing for a new command/rapid attack vehicle. Letters asking for donations/grants have been submitted for over \$50,000.00 to date.

SCBA Grant was submitted for a total of \$739,000.00, our share of the match will be \$17,681.82 and we are just waiting for approval/denial from FEMA.

We are working closer with City of Burlington Fire Dept. to pool part time employees to help fill gaps in coverage. Chief Babe has been awesome to work with and Cbfd and RVFC are working closer together than ever before.

Membership has declined over the last few months. We lost a reliable person to a full time department, one person has taken a leave of absence for family reasons, and a few have been let go for not full filling attendance and training requirements. We currently have 5 EMT's that are volunteers. We have gotten some help from others, but the burnout is starting to take its toll. We have and are continuing to try and recruit new members, but to no avail. We have gone to recruitment drives put on by the technical college and even started a mass push on social media. A lot of people just aren't willing to put in the required time it takes to be a volunteer. Other options are also being explored at this time.

With the sale and closing of Rosenthal, the smoke house for Day in the Country will be located at the fire station this year.

The fire company has created a 501c (3) entity. The Rochester Volunteer Firefighters Association was created to help with fundraising efforts for the fire company. We will be moving our fundraiser accounts over to the new entity.

Sheriff's Department: Sgt. Scott Litwin presented a written report showing the following statistics for May: ten accidents; eight speeding citations; two traffic citation; seven parking citations; and nine warnings were issued. There was two ordinance arrests; one felony arrests; zero misdemeanor arrests, two ordinance arrest and one OWI.

Complaint statistics were as follows: Nineteen complaints originated through calls directly to the Sheriff's Department; ten deputy initiated, performed follow up on thirty-six, and assisted with zero. There was one warrant served. There were eighteen working days reported, 148.5 hours and 574 miles driven under the contract. Twenty-eight foot patrols were also conducted. A call detail report was also reviewed.

Zoning Administration Schattner provided the following report:

Temporary Use Permit, Building Site & Operational Plan, Amendment to the Drainage Plan for Rookery landing Estates (West Parcel), Extraterritorial Plat Review, Conditional Uses, Violations, Rochester Code Amendments, Village of Rochester Land Use Plan and zoning/occupancy permits that have been reviewed by the Rochester Village Planning Commission and the Rochester Village Board from March 12, 2018 until June 11, 2018. They are as follows:

Temporary Use Permit

American Fireworks & Novelties LLC - Request for a Temporary Use Site Plan Approval to Sell 1,4G consumer grade fireworks from a 20' x 60' tent from June 11, 2018 until July 11, 2018 at 2723 Beck Drive. On March 5, 2018 the Village of Rochester Planning Commission granted approval of this request, subject to compliance the Zoning Administrator's staff recommendations. The Village of Rochester received a copy of the Certificate of insurance from American Fireworks and Novelties, LLC and issued the zoning permit on June 6, 2018.

Feer Laroc LLC /Greg Meinerz – Requested temporary use approval to conduct an outdoor wedding on October 27, 2018, at 705 South Front Street, previously known at the Coral Reef Site. On May 7, 2018 the Village of Rochester Planning Commission approved this request subject to staff recommendations.

Building Site and Operational Plan

Casey's General Store/Arc Design Resources – Request for building site and operational plan to construct a gas station and convenient food mart at 2728 Beck Drive. On March 5, 2018, the Village of Rochester Planning Commission granted final approval of this request, subject zoning and engineering staff recommendations, along with the recommendations of the Rochester Fire Chief, State of Wisconsin Department of Transportation, the State of Wisconsin Department of Natural Resources and the Western Racine County Sanitary District. Casey's General Store is working with our Village Engineer to address the storm water drainage concerns addressed by the adjoining property owners.

Rookery Landing Estates (West Parcel)

James & Aubry Jacobs – Request approval to amend the storm water drainage easement that presently exists on a vacant lot at 1236 Rookery Glen and also known as Lot 2, Landing Estates (West Parcel). On March 5, 2018 the Village of Rochester Planning Commission recommended approval of this request, subject to the Village Engineer's recommendations and on March 12, 2018, the Rochester Village Board granted final approval.

Extraterritorial Plat Review

Final Plat Review for Dover Ridge Subdivision – Proposed land division to create a sixteen (16) lot residential development on the south side of Washington Avenue, approximately 1320 feet west of Sharp Road, in Section 7, Township 3 North, Range 20 East, Town of Dover, Racine County, Wisconsin. On May 7, 2018 the Village of Rochester Planning Commission approved the subject plat, based on the review of the storm water drainage plan that was completed by the Rochester Village Engineer and received final approval of the Rochester Village Board on May 14, 2018.

Conditional Use Requests

Jagdish Patel – Request conditional use approval to conduct a U-Haul Truck & Trailer Rental Business (eight trucks & 2 trailers) at the Rochester Food & Liquor Store located at 2819 Beck drive, Rochester Wisconsin. On June 4,

2018 the Village of Rochester Planning Commission denied this request and it is schedule to be presented to the Rochester Village Board on June 11, 2018 for their review and final decision.

Violations

John & Kathleen Seitz – Received a notice of violation on October 9, 2017 for a residential fence that was constructed over an existing 30’ drainage easement. On November 17, 2017 the Village of Rochester Zoning Administrator granted the Seitz’s an extension of time until December 15, 2017 to look at options for allowing the fence to remain over the existing 30’ drainage easement. On December 27, 2017, the Village of Rochester Zoning Administrator granted the Seitz’s a second extension until January 31, 2018 to obtain variance approval from the Village Of Rochester Public Works Committee to allow the residential fence to remain in the drainage easement, on Lot 13, Fox River Prairie Subdivision. On January 22, 2018, John & Kathleen Seitz appeared in front of the the Village of Rochester Public Works Committee was denied their variance request to allow the residential fence to remain within the storm water drainage easement on Lot 13, Fox River Prairie Subdivision and was granted a two month extension, until March 22, 2018, on the order to remove the fence, during which time Mr. Seitz is to develop and submit a plan and a time line for the removal of the fence. Received e-mail from John Seitz indicating that he as removed the fences from the storm water drainage easement at 29338 River View Parkway and received approval from the utility companies allowing him to encroach with their easements. I will be scheduling a visit to the property to ensure that that the fence was relocated outside of the storm water drainage easement.

Jagdish Patel – On March 12, 2018, the Village of Rochester Zoning Administrator issued a notice of violation to the owner of the Rochester Food and Liquor Mart for conducting a U-Haul truck rental business and utilizing a portion of the existing commercial building for residential sleeping quarters, at 2819 Beck Drive. On June 8, 2015, the Rochester Village Board granted Mr. Patel, a conditional use permit approval to operate a grocery/liquor store on this property. The U-Haul rental business was not included as a part of this conditional use approval. In addition, utilizing a portion of the first floor of a commercial building for residential quarters is prohibited under the Village of Rochester Zoning Ordinance. Mr. Patel corrected his violation by removing the U-Haul Rental trucks and trailers along with the signage from the subject property and also removed wall signs on the building that he did not receive village zoning permit approval.

Village of Rochester Code Amendments

Ordinance 2018-5 – Amending the Municipal Code of the Village of Rochester to incorporate Statutory Changes to the Building Code, Land Division, & Planning & Zoning Chapters, and update the Provisions for Temporary use Permits. A preliminary draft of the Ordinance was given to the Planning Commission to review and bring their comments back to the next Planning Commission meeting on July 2, 2018. After completing their review of the draft Ordinance it will be forwarded to the Rochester Village Board to schedule a date to conduct a public hearing on this matter.

Village of Rochester Land Use Plan

Received a communication from Racine County Planning Services, indicating that Southeastern Wisconsin Regional Planning Commission (SEWRPC) is in the process of updating the Land Use Plans for all townships, cities and villages in Racine County. There projected timetable for completing and publishing the 2050 Multi-Jurisdictional comprehensive plan for Racine County will be in 2019. SEWRPC has reached out to the communities to take a look at the 2035 plan and see if there are any changes that have occurred since the adoption of the 2035 comprehensive plan and look at any future planned areas they would like to see included in the plan. A brief discussion took place at the March 5, 2018 Planning Commission and I indicated that we be working with the Rochester Village Board and Village Planning in 2018, regarding our vision of how we would like to see development occur in the Village of Rochester. On April 24, 2018 the Village of Rochester Planning Commission and the Village Board conduct a round table discussion to discuss items as to how they wanted development in the area outlined on our current Zoning map identified as “Urban Reserve District”. Guest speaker were also invited into this meeting to give some guidance to the Planning Commission and Village Board with what type of uses we should consider within the area zoned Urban Reserve District. On June 5, 2018 the Village of Rochester Planning

Commission decided that they would review the Land Use Plan for Village of Rochester and forward their recommendations to the Rochester Village Board.

Zoning/Occupancy Permits

- Two (2) Single-family residence with attached garage
- Two (2) Two-Family Residence with attached garages
- Five (5) In-ground Swimming Pool
- Nine (9) Residential Additions
- Eight (8) Accessory Structures
- One (1) Temporary Use (American Fireworks)
- One (1) Garage Addition
- One (1) Retaining Wall

A total of thirty (30) zoning permits have been issued in the Village of Rochester in the year of 2018.

Building Inspection – A report for March, April and May was provided for review.

Plan Commission Recommendation: Application for a conditional use permit to conduct a U-Haul Truck & Trailer Rental Business (eight (8) trucks & two (2) utility trailers) at the Rochester Food & Liquor Store, located at 2819 Beck Dr., Rochester, Wisconsin; Owner: Jagdish Patel

Chart reported on the recommendation of the Plan Commission. The recommendation was to deny the conditional permit due to concerns over the loss of parking spaces and the staff’s ability to manage liquor and tobacco sales while checking U-Haul trucks in and out. Bennett moved, 2nd by Beck to uphold the recommendation of the Plan Commission to deny the application. Motion carried.

Plan Commission Recommendation: Process for review and updating Village land use classifications and text include in “A Multi-jurisdictional Comprehensive plan for Racine County- 2035.”

Novy reported on the recommendation of the Plan Commission. The recommendation was that the Plan Commission take on the task of reviewing and updating the plan instead of a appointing a special committee for that purpose. The consensus of the Board was to agree with that recommendation. No motion was required.

Finance Committee Recommendation: Purchase of Replacement Tires for Grass Rig and Trailer

Bennett reported on the recommendation of the Finance Committee. The recommendation was to approve the purchase of replacement tires from Lois Tires in the amount of \$3,361.56.

Kumbier moved, 2nd by Ahlers to approve the purchase of tires from Lois Tires in Burlington. Motion carried.

Applications for Liquor, Soda, Cigarette and Dance Hall License Renewals: The DMZ Bunker, Java Jo’s, Honey Lake Inn, Chances, Hitch’n Post, D & T Venues, Wholesome Harvest Meals, Rochester Mini Mart, Rochester Food & Beverage, Fox N Fork, Millgate General Store and Integrity Funeral Services

The list of license renewals was provided as follows:

Name	Address	Agent/Owner
Class "B"		
The DMZ Bunker	29224 Evergreen Dr.	Michael F. Fischer
Java Jo'z	29134 Evergreen Dr.	Bonnie Weis
Honey Lake Inn	35415 Academy Rd.	Clark Krieger
Chances	205 W. Main St.	Thomas Schuerman

Hitch -N-Post	120 N. Browns Lake Rd.	Michelle Edlebeck
D & T Venues	204 W. Main St.	Dean Hintz
Wholesome Harvest Meals	207A W. Main St	Jaclyn Trimble

Class "A"

Rochester Mini Mart	605 S Front St.	Zachary Kempken
Rochester Food & Beverage	2819 Beck Dr.	Jagdish Patel
Fox N Fork	203 W. Main St.	Scott Chenier
Millgate General Store	151 S. Millgate Dr.	Michael Hurst
Intergrity Funeral Home	29134 Evergreen Dr.	Cynthia Schweitzer

2018 -2019 Soda Applications

The DMZ Bunker	29224 Evergreen Dr.	Michael F. Fischer
Java Jo'z	29134 Evergreen Dr.	Bonnie Weis
Honey Lake Inn.	35415 Academy Rd.	Clark Krieger
Chances	205 W. Main St.	Thomas Schuerman
Hitch-N-Post	120 N. Browns Lake Rd.	Michelle Edlebeck
Rochester Food & Beverage	2819 Beck Dr.	Jagdish Patel
Rochester Mini Mart	605 S Front St.	Zachary Kempken
D&T Venues	204 W. Main St.	Dean & Tracy Hintz
Millgate General Store	151 S. Millgate Dr.	Michael Hurst

2018-2019 Cigarette Applications

Honey Lake Inn	OC	35415 Academy Rd.	Clark Krieger
Hitch-N-Post	OC	120 N. Browns Lake Rd.	Michelle Edlebeck
Rochester Food & Beverage	OC	2819 Beck Dr.	Jagdish Patel
Rochester Mini Mart	OC	605 S Front St.	Zachary Kempken
Millgate General Store	OC	151 S. Millgate Dr.	Michael Hurst

2018-2019 Dance Hall License

The DMZ Bunker	29224 Evergreen Dr.	Michael F. Fischer
Honey Lake Inn	35415 Academy Rd.	Clark Krieger
Hitch-N-Post	120 N. Browns Lake Rd.	Michelle Edlebeck
Chances	205 W. Main St.	Thomas Schuerman
D & T Venues	204 W. Main St.	Dean & Tracy Hintz

Novy noted that all background checks came back clean with the exception of Scott Chenier (Fox N Fork) who had one OWI this past year. He was up front up about it and was very apologetic noting it was a mistake he will not make again.

Ahlers moved, 2nd by Beck to approve all license renewals as presented. Motion carried.

Application for Special Exemption to allow outdoor music on August 11, 2018 from 7:00 p.m. to 1:00 a.m. for a Special Olympics Fundraiser/Poker Run: Hitch'n Post Saloon, 120 N. Browns Lake Dr.

This is an annual event and there have been no complaints in years past. Bennett moved, 2nd by Beck to approve the special exemption permit for the Hitch n Post. Motion carried.

2018 – 2019 Operator's License Renewals

The following were presented for approval:

Renewals: Susan Splan, Daniel Pellin, Judy Hegemann, Lisa Hastings, Scott Chenier, Emily Paquin, Gabrielle Garner, Joshua Hurst, Cynthia Miller, Katelyn Barwick, Juan Wagener, Heidi Zimmerman, Clark Krieger, Melissa Lloyd, Lee Bieneman, Angela Camuy, Pamela Zipfel, Katelin Fries, Jessica Mayer, Cathy Sikora, Deanna Beck, Cynthia Schweitzer, Jaelyn Trimble and Bonita Weis.

New: Andrew Brutlag, Jorgen Fiehweg, Jaelyn Silva, Blanca Vargas, Jeffrey Paruskiwicz

Background checks were completed for all new operator's licenses; all came back with a clean record.

Bennett moved, 2nd by Ahlers to approve all operator's licenses as presented. Motion carried.

Review Responses to Village Attorney RFP and Determine Selection Process

Responses to the request for proposals were submitted by:

- Atty. Todd Terry of Guttormsen & Terry, LLC, Kenosha, Wisconsin;
- Atty. Christopher Jaekels of Davis/ Kuelthau, Milwaukee, Wisconsin;
- Atty. Eric Larsen, Arenz, Molter, Macy, Riffle, Larson & Bitar, Waukesha, Wisconsin;
- Atty. Chris Geary of Pruitt, Ekes, Geary, Racine, Wisconsin; and
- Atty. Dan Olson or Rose, Olson, & Roth, Fort Atkinson, Wisconsin

The proposals, a summary sheet prepared by the Village Clerk; and comments submitted by the Village Attorney were reviewed. All firms were found well qualified to do the work. After consideration of service rates and potential conflict of interest issues, Board members narrowed candidates to Terry, Olson, and Larson. Consensus of the Board was to direct the Clerk to invite the top three candidates back on July 11, 2018 starting at 7:00 p.m. and scheduling them in thirty minute increments for interviews with the Board.

First Reading: Ordinance #2018-5 "Amending the Municipal Code of the Village of Rochester to Incorporate Statutory Changes to the Building Code, Land Division, and Planning and Zoning Chapters, and to Update the Provisions for Temporary Use Permits"

Ordinance #2018-5 was provided for review. The ordinance is to update the municipal code to be consistent with statutory changes imposed by 2017 Wisconsin Act 243. There are also changes included to temporary use permit requirements in response to previous direction by the Plan Commission to clarify that outdoor events that are not part of a properties normal business activities, or that are not a private event held on a residential property, are required to apply for a permit. This is a first reading of the ordinance.

Consensus of the Board was to schedule the public hearing for the August 6th, 2018 Board meeting.

Resolution #2018-4 "A Resolution to Adopt the Racine County Hazard Mitigation Plan Update 2017-2021"

A copy of the resolution was provided for review including an email from David Maack stating that the Racine County Board approved the Countywide Hazard Mitigation Plan and that the plan must be adopted by all

municipalities in order to maintain eligibility for Hazard Mitigation Grants. Each municipality has previously adopted the plan and each municipality has been involved in the update process.

Bennett moved, 2nd by Kumbier to approve Resolution #2018-4. Motion carried.

Summer Newsletter Presented for Review and Approval

The summer newsletter was presented for review and corrections. Consensus was to approve the newsletter for distribution.

Request to reschedule August 13 Board Meeting Due to April 14th Primary Election

Novy asked if the August 13th board meeting be rescheduled to August 6th due to the primary election being held on August 14, 2018. Consensus was to reschedule the Plan Commission to July 30, 2018 and the Village Board meeting to August 6, 2018.

Correspondence – 1) Racine County: Violation Letter regarding reclamation of Krueger non-metallic mining site

Committee Reports:

Ordinance Committee – None.

Rochester Fire Company Executive Board – Kumbier reported that the Fire Department received a \$2,500 from the WE Energies for the tri-county training center.

Central Racine County Health Department – John Monsen was unable to attend the June meeting, however provided an update to the meeting. The July meeting is cancelled. RE: the Fiscal Agent, after discussion with Racine County, Mount Pleasant and Village of Waterford, it was determined that changing the fiscal agent should go at a slower pace. Village of Caledonia will remain the Fiscal Agent for 2019.

Honey Lake Protection and Rehabilitation Board – Webb had nothing to report.

Southeast Wisconsin Fox River Commission – Meets on June 22, 2018

Finance Committee- Bennett reported on the recommendations of the committee including approval of all disbursements listed on the check detail dated May 15 to June 11, 2018. Kumbier moved, 2nd by Bennett to accept the Finance Committee's recommendations and approve the June 11, 2018 check detail. Motion carried.

Kumbier moved, 2nd by Beck to adjourn at 8:24 p.m. Motion carried.

Respectfully submitted,

Sandi Swan, Deputy Clerk-Treasurer

Ed Chart called the meeting to order at 7:35 p.m. with Nick Ahlers, Gary Beck, Chris Bennett, Chris Johnson, and Russ Kumbier present. Doug Webb was absent.

Also present: Betty Novy, Clerk-Treasurer, and Chris Birkett, Public Works Manager.

Minutes. None.

Period for Public Comment for Pre-Registered Citizens. No residents appeared for public comment.

Department Reports:

Public Works: Birkett read his written report as follows:

Lift Stations / Sewer: Testing generators and maintenance of lift stations is ongoing. I have been monitoring the lift stations during the heavy rains that we are experiencing. I have completed the operation and maintenance portion of the CMAR Report. I met with Tierney a second time to discuss details pertaining to the updated sewer map. I have also started inspecting manholes in the 2018 televising map.

Roads: I have been doing weekly road checks. I have met with Asphalt Contractors and discussed renewing the snowplowing contract for 2018-2019 season, and also discussed where they needed to improve. There was some miscellaneous road project work that I reviewed with Gary Vogel. I went with the group that discussed ditch complaints and put together a list of items to be addressed. I have been requesting bids with limited success. I have discussed traffic options dealing with the Village hall parking lot and the Spring St. stop sign. I have contacted Nolan for right of way mowing.

Parks: The parks are in pretty good shape. I met with Vesel Contractors and finalized the paper work for the park shelter. I will be available as they start work on the shelter. I assisted library programs by placing barricades and cones.

Animal Control: Quiet this month.

Stormwater: I have been monitoring standing water and where we have water topping our roads. I am currently marking areas for ditch cleaning.

Misc: Working on driveway permits. I am also reviewing new right of way permits. I have installed some new house number signs. There has been an increase in residents calling with concerns.

Engineer. Vogel's written report was reviewed as follows:

2018 Road Rehabilitation: Tasks completed: Contracts are completed and preconstruction conference has been held. Tasks Pending: Awaiting finalizing of contractor's schedule.

Caseys General Store Plan Review: Tasks completed: Review of wetland delineation, final stormwater report, and final site engineering. Recommended conditional approval, pending outside agency permits. Tasks Pending: None.

Sanitary Sewer Service Area Report Update: Tasks completed: Information such as maps and reports were compiled. Review of the information is ongoing. Tasks pending: Initial concepts of sewer service to be created.

Public Works Committee Report: Novy reported on the following actions submitted by the Public Works Committee to the Village Board:

Decide course of action to address Ditch Restoration Complaints: N. River Road/ Rochester St. The committee recommendation for the Sampon property is to have his landscape service put a quote together to regrade the problem area and plant a no-mow variety of grass; the recommendation for the Johnson property is to get bids to repair the yard, prepare the ditch, and seed with a variety of no mow grass; and the recommendation for the Weber property is to scratch up and re-seed the ditch. All of the recommendations are contingent that the property owners be notified this is the final solution the Village will be offering to address the complaints and that the property owners agree to water the grass until it is established, with further a recommendation that the costs to perform this work be paid for out of the stormwater utility.

Review bids and select contractor for ditch work. The committee recommended awarding the ditch restoration and planting work on the Sampon property to Jim's Lawn and Landscape for the amount of \$1,390 contingent that the property owner accepts this as a final solution and agrees to water the new plantings until they are established.

Review request for Snow Plow Contract extension. The committee recommended renewing the snowplowing contract with Asphalt Contractors for the 2018-2019 season at the same contract prices as 2017.

Review and decide on recommended ditch and culvert repairs on E. Spring St. The committee recommended including culvert, ditching, lawn restoration and driveway repairs on E. Spring Street in this year's road project for an additional cost of \$3,220.

Review and select tree removal contractor. The committee recommended awarding the tree removal work to Bills Top Notch Tree Service for a total cost of \$1,000.

Review and decide on CMAR Resolution. The committee recommended approval of the CMAR Resolution.

Review and decide on placement of stop sign on Spring St. The committee recommended placing a stop sign on the corner of Spring and State streets in front of the library.

Consent Agenda:

Chart asked if any Board members wished to remove any items from the consent agenda to discuss further. None wished to do so. Kumbier moved, 2nd by Johnson to approve the Public Works Committee recommendations regarding the following items listed on the Consent Agenda:

- A. Adopt Public Works Committee recommendation regarding ditch restoration complaints on N. River Road/ Rochester Street
- B. Adopt Public Works Committee recommendation regarding award of ditch work
- C. Adopt Public Works Committee recommendation regarding extension of snowplowing contract
- D. Adopt Public Works Committee recommendation regarding ditch and culvert repairs on E. Spring St.
- E. Adopt Public Works Committee recommendation regarding award of tree removal work
- F. Adopt Public Works Committee recommendation regarding CMAR Resolution #2018-6
- G. Adopt Public Works Committee recommendation regarding placement of Stop sign on Spring St.

Motion carried. (Note: Individual recommendations are detailed above under the Public Works Committee Report).

2018-2019 Assessors Contract. The 2018-2019 assessor's contract proposal was reviewed. An annual salary of \$15,000 was requested, representing an increase of \$200. All other terms were the same. Bennett moved, 2nd by Beck to approve the 2018-2019 Assessor's Contract. Motion carried.

Rochester Library Board Recommendation: Appointment of Library Board Member.

A letter from the Rochester Public Library Board was reviewed recommending appointment of Sara Damaschke as a library board member. Beck moved, 2nd by Ahlers to approve the appointment to a three-year term. Motion carried.

Application for Operator's License: Amanda Schneider

Novy reported that Schneider meets all the requirements of an operator's license. Johnson moved, 2nd by Kumbier to approve an operator's license for Amanda Schneider. Motion carried.

Beck moved, 2nd by Bennett to adjourn at 7:52 p.m. Motion carried.

Respectfully submitted:

Betty J. Novy, MMC CMTW WCPC/
Clerk-Treasurer

Chris Johnson called the meeting to order at 7:00 p.m. with Nick Ahlers, Gary Beck Jr., Chris Bennett, Ed Chart, and Vince Klemko present. Doug Webb was absent.

Also present: Village Trustees Gary Beck and Russ Kumbier; Christopher Birkett, Public Works Manager; and Betty Novy, Clerk-Treasurer.

Minutes. Bennett moved, 2nd by Beck Jr. to approve the minutes from the May 30, 2018 meeting. Motion carried.

Period for Public Comment: None.

Action Items:

Decide course of action to address Ditch Restoration Complaints: N. River Road/ Rochester St. Bennett, Birkett, Chart, and Johnson reported on conditions found during their site visits to the Sampon, Johnson, and Weber properties and their recommendations to address the ongoing ditch restoration complaints since completion of the 2016 road construction project. Differences between the properties were noted as follows: the Village paid once before to modify the original design of the Sampon ditch in response to the property owner's concerns but the Sampons are still not satisfied because the steepness of the ditch makes it difficult to mow - the recommendation for the Sampon property is to have his landscape service put a quote together to regrade the problem area and plant a no-mow variety of grass; the Johnson ditch is the steepest but this cannot be helped due to the pitch required to get the water to flow and the placement of a barn right along the roadside- the recommendation for the Johnson property is to get bids to repair the yard, prepare the ditch, and seed with a variety of no mow grass; the Weber ditch is not too steep compared to the others and grass is growing there, but not in an area where the property owner burned yard waste - the recommendation for the Weber property is to scratch up and re-seed the ditch.

Bennett moved, 2nd by Beck Jr. to recommend approving the approaches noted above to address the ditch restoration complaints on N. River Road/ Rochester Street contingent that the property owners be notified this is the final solution the Village will be offering to address the complaints; that the property owners agree to water the grass until it is established, and to further recommend that these costs to perform this work be paid for out of the stormwater utility. Motion carried.

Review bids and select contractor for ditch work. Chart moved, 2nd by Klemko to recommend awarding the ditch restoration and planting work on the Sampon property to Jim's Lawn and Landscape for the amount of \$1,390 contingent that the property owner accepts this as a final solution and agrees to water the new plantings until they are established. Motion carried.

Review request for Snow Plow Contract extension. Birkett reported on the results of his meeting with Bob Kordus of Asphalt Contractors to discuss the 2018/2019 snow plow season. Asphalt Contractors will provide the service for the same price as last year. The village would have the same drivers as last year and they have purchased another single axle with a wing for doing our roads. Chart moved, 2nd by Bennett to recommend renewing the snowplowing contract with Asphalt Contractors for the 2018-2019 season at the same contract prices as 2017. Motion carried.

Review and decide on recommended ditch and culvert repairs on E. Spring St. Birkett reported that a culvert has filled in with sediment and the downstream end is blocked by a tree that is growing very close to the road on E. Spring Street. This situation is causing water to back up and flow over the road. With the resurfacing of E. Spring St. included in this year's road project, now is the time to correct it. The engineer's estimate to complete the additional work was presented as follows: culvert replacement \$1,920; ditching \$300; lawn restoration \$200; and driveway patching \$800; for a total of \$3,220. Beck Jr. moved, 2nd by Bennett to

recommend including culvert, ditching, lawn restoration and driveway repairs on E. Spring Street in this year's road project for an additional cost of \$3,220. Motion carried.

Review and select tree removal contractor. Birkett reported there are three dead ash trees on State Street and one in the right of way on Spring Street. Quotes for removal were provided as follows: Bills Top Notch Tree Service: \$1,000; and Bienemann's Tree Service: \$1,350. Beck Jr. moved, 2nd by Bennett to recommend awarding the tree removal work to Bills Top Notch Tree Service for a total cost of \$1,000. Motion carried.

Review and decide on CMAR Resolution. Birkett presented the CMAR (Compliance Maintenance Annual Report) noting it is an annual report required by the State Department of Natural Resources. It is a management tool to help the village gauge progress on how it handles its sewer collection system. He noted the village always scores high on the report. Additionally, he noted the village put together a comprehensive plan for the sewer system two years ago. The plan deals with everything from maintenance goals, to legal authority to enforce our ordinances, to the proper procedure for handling a Sanitary Sewer Overflow, and the organizational structure of the sewer utility. He noted extra copies of the plan are available and invited committee members to view it if they wish to brush up on the sewer system. Klemko moved, 2nd by Bennett to recommend approval of the CMAR Resolution. Motion carried.

Review and decide on placement of stop sign on Spring St. Birkett noted this issue was brought up to him as part of the solution to make the library/ village hall parking lot safer. He noted he is still working on options for the north entry to the parking lot, but thinks the board should approve the stop sign request. He noted people are driving faster through the parking lot as a cut through due to the road work going on in Waterford. Ahlers moved, 2nd by Chart to recommend placing a stop sign on the corner of Spring and State streets in front of the library. Motion carried.

Bennett moved, 2nd by Chart to adjourn at 7:35 p.m. Motion carried.

Respectfully submitted:

Betty J. Novy, MMC CMTW WCPC
Clerk-Treasurer

Meeting called to order at 7:00 with Patricia Gerber, Ed Chart, Maureen Eckert, Tom Rowntree, Gary Beck and Mark Tamblyn present. Paul Beere was absent.

John Schattner, Zoning Administrator, Lynn Spleas and Betty Novy, Plan Commission Secretary, were also present.

Correction or Approval of June 4, 2018 minutes

Beck moved, 2nd by Tamblyn to approve the minutes of the June 4, 2018 meeting as printed Motion carried.

Pledge of Allegiance.

Public Hearing:

1. Application for conditional use permit for the continuation of a sand & gravel extraction operation, including washing, crushing of recycled concrete and asphalt and the operation of an asphalt plant (Honey Creek Site) at 34604 Washington Avenue, Rochester, Wisconsin Parcel Ids 176031906010000 & 17603190618000 & 17603190011000 Applicant/Owner: Payne & Dolan, Inc.

Schattner explained Payne and Dolan is requesting a two year permit to continue the quarry operation at the Honey Creek site. The land is zoned M-4, they have been good partners with the neighbors and they will continue to give the Village of Rochester a three day notice for Saturday's or night hours. This conditional use permit is a renewal.

Brian Jensen and Chad Sampson appeared for the applicant Payne and Dolan and no one appeared to comment on the application.

Tamblyn moved, 2nd by Eckert to adjourn the public hearing at 7:15 p.m. Motion carried.

Action Items:

1. Application for conditional use permit for the continuation of a sand & gravel extraction operation, including washing, crushing of recycled concrete and asphalt and the operation of an asphalt plant (Honey Creek Site) at 34604 Washington Avenue, Rochester, Wisconsin Parcel Ids 176031906010000 & 17603190618000 & 176031906011000 Applicant/Owner: Payne & Dolan, Inc

Chart moved, 2nd by Eckert to recommend to the Village Board the conditional use permit for the continuation of a sand and gravel extraction operation , including washing, crushing of recycled concrete and asphalt at the (Honey Creek Site) at 34604 Washington Avenue subject to the recommendation of the zoning administrator (as follow):

- 1) **The applicant must obtain a zoning permit card from the Rochester Zoning Administrator to continue quarry activities within this quarry site.** This card must be displayed in a prominent location at the project site. Also, a copy of these conditions must be kept at the project site at all times until the project has been completed.
2. This extraction operation must be sized and located in conformance with the submitted plans and written documentations received by the Village of Rochester on May 1, 2018 and must be restored in conformance with restoration plan (Map C) dated November 5, 1997.
3. **Failure to comply with the terms and conditions stated herein could result in citations being issued and/or the approval/permit being revoked.**
4. The asphalt plant must be located in the Phase I area south of the existing wetland as indicated on the submitted site plan. This proposed use may include aggregate drying and mixing with bituminous materials producing asphalt "pavement" for paving purposes and hauling said asphalt "pavement" to paving locations. Only one asphalt plant may be established in the Village of Rochester by Payne and Dolan, Incorporated, at any one time.
5. The asphalt plant may not be operated other than between the hours of 7 a.m. and 6 p.m., and it must be operated in a manner that meets or exceeds all local, state, and federal environmental requirements. The owner is allowed twenty-four (24) hour operations when necessitated by specific projects and shall notify the Village of Rochester at least three (3) days in advance of the operation.

6. The oil storage area, if any, must be surrounded by a berm. Said berm must be of sufficient height, and width to hold and contain the capacity of all oil storage tanks located in said area. Oil storage area and surrounding berms shall be lined with an impermeable surface.
7. The final restoration of this site now includes a 260 acre lake. This lake must comply with any and all applicable Wisconsin Department of Natural Resources and United States Army Corps of Engineers recommendations or requirements. The site operator must retain on the site an amount of topsoil and overburden that is an ample amount to cover all of the disturbed area outside the lake with a minimum of 6 inches of subsoil and a minimum of 6 inches topsoil. The side slopes of the proposed pond must be sloped, covered with soil, and seeded to prevent excessive soil erosion until all phases of this quarrying are completed. Side slopes of the lake to be 8:1 for the first 5 feet of depth and no steeper than 3:1 thereafter.

See the attached National Resource Conservation Service (formerly SCS) technical guide sheets on pond construction for proper side slopes. Do not block or create surface water drainage problems on the adjacent properties.

Chapter 12.5 of the Racine County Code of Ordinances relative to nonmetallic mining reclamation very thoroughly covers the handling of topsoil, the storage of topsoil, and financial assurance that can be used to mandate that commitments to reclamation are kept, and can be found in the following sections:

12.5-10 (21)	Replacement of topsoil
12.5-10 (23)	Topsoil
12.5-10 (24)	Topsoil
12.5-11 (4)	Topsoil Management
12.5-11 (6)	Topsoil Redistribution
12.5-14 (a)	Financial Assurance Requirements
12.5-14 (a) (3)	Amount and Duration of Financial Assurance
12.5-14 (a) (12)	Adjustment of Financial Assurance

Ample amounts of topsoil to complete reclamation as approved will remain on the site at all times. If it is determined by the Village or the County that, at any time, the amount of topsoil on site is not sufficient to accomplish reclamation as approved, then the financial assurance will be adjusted to cover any deficiency.

This parcel must be restored as a natural preservation with the possibility of residential lots in the area that is not designated to be parkland. The lots will meet the requirements of local communities at the time of development.

A portion of this site, 82.86 acres in the Town of Waterford and 40.92 acres in the Village of Rochester, are designated to become parkland and shall be graded, sloped, and planted as depicted in the reclamation plan.

The Village shall take ownership of the parkland no later than six (6) months after completion of reclamation.

8. The restoration of the site must meet or exceed all of the requirements of the mandated NR135 regulation and subsequent nonmetallic mine reclamation ordinance adopted by Racine County in May of 2001. Payne and Dolan, Incorporated, must continue to comply with Condition Numbers 10, 11 and 12, concerning well testing, from the August 20, 2001, conditions of approval.
9. Payne and Dolan, Incorporated, must work with the affected municipalities for traffic control so that quarry traffic does not overload either the northern or southern access points on the connecting road network.
10. No blasting is permitted on this property as part of this approval. No explosives shall be used or stored on this property.
11. All haul roads throughout the entire pit must be maintained in an all-weather, dust free condition. When applying treatment to any access road surface, the application must make every effort to avoid the spread of this treatment material onto the public roadway. Should such material and/or soil material be spread, carried, and/or spilled onto the public roadway, the applicant must take action to mitigate the problem. The haul roads must be provided with gates

that can be locked whenever the quarry is not operating. All trucks loaded with asphalt product shall be covered with tarp before they leave the subject property.

12. The applicant is responsible for insuring that all truck drivers strictly obey all posted speed limits and all traffic laws. This includes coming to a full stop before entering the public roadway. The quarry driveways shall have a speed limit of 15 miles per hour. Engine breaking is prohibited on the subject properties and on all public roads within the Village of Rochester. Should this office receive substantial complaints that such laws are being broken; the Village of Rochester reserves the right to revoke this permit for noncompliance.
13. The applicant is responsible for control and/or cutting of noxious weeds in compliance with each Village's weed ordinance.
14. The Village of Rochester reserves the right to require, with 60 days notice, a complete set of elevations, including bottom of pit grades. These elevations must be taken by a registered land surveyor or a professional engineer. This operation shall not occur below the grades shown on the submitted restoration plan.
15. Hours of operation for grading, crushing, washing, material load out, internal trucking and external trucking:

Monday – Friday

- Village of Rochester 6:00 a.m. – 7:00 p.m.

Saturday

- Village of Rochester 7:00 a.m. – 2:00 p.m.
Limited to 20 Saturdays per year.

No mining or trucking operation on Sunday or holidays.

Activities such as equipment maintenance and minimum site maintenance, such as snowplowing and lawn mowing, may take place outside of the times listed above. **The applicant is prohibited from the use of back-up horns on any vehicles & equipment used or being maintained outside of the times listed above.**

16. The Village of Rochester Zoning Administrator or his designee may enter the mine site to verify compliance with these conditions. Representatives must have the proper MSHA training or be escorted by Payne and Dolan, Incorporated, personnel.
17. The topsoil must be stockpiled separately from the remaining overburden material. All stockpiles must be temporarily seeded with twenty (20) pounds per 1,000 square feet of perennial rye grass or winter wheat within seven days of formation. The operator is responsible for reseeded until all overburden stockpiles are in a dense vegetative cover.
18. If a sediment basin(s) is needed, it must be designed in accordance with the criteria shown in the Wisconsin Construction Site Handbook that was developed by the Wisconsin Department of Natural Resources. The plans must be submitted to this office for review and approval prior to construction of the sediment basin(s).
19. The proposed landscape berms must be no steeper than 2:1 and it is preferred that the slope be 3:1 or flatter. A minimum of three (3) inches of topsoil shall be placed over the subsoil prior to seeding, mulching, and the planting of shrubs and trees. Seeding shall be accomplished using the seeding mixtures from the prior phases of the operation.
20. All excavation boundaries must be staked or otherwise marked and may be inspected by the department prior to commencing operations under this approval. Stakes must be made of steel, fiberglass, or other suitable material as determined by this office.

21. A security fence must be maintained around the property with signs warning of the mining activity to be placed around the property boundaries spaced no more than 250 feet apart.
22. The wash area may be located in the Operations Area as shown on the site drawing labeled Parcel Sequencing Plan Sheet B dated November 5, 1997. No well is approved by this action. Such an additional water source will require the further review and approval of the Village of Rochester Planning Commission and the Rochester Village Board, through the public hearing process.
23. The washing ponds must be constructed in a manner that prevents any of the wash water from entering the wetlands. This may require additional berms or barriers as determined by this office.
24. Dust control must be established on all internal haul roads. Dust palliatives must be DNR approved. Airborne particulate matter shall not exceed Wisconsin State Administrative Code Regulations.
25. Payne & Dolan, Incorporated, must continue an annual evaluation of monitoring data to identify actual groundwater conditions compared to those that are anticipated and provide copies of evaluation to Village of Rochester. Furthermore, Payne & Dolan, Incorporated, must investigate any reported problems with water supply wells for groundwater users within 2500 feet of the quarry limits. If it is determined that the mining operation is responsible for a well problem, the well must be repaired or replaced as necessary by Payne & Dolan, Inc., provided the well is:
 - located within the well protection area (2500 feet of the boundary of this quarry site);
 - the owner of an existing well allows the representatives of Payne & Dolan, Incorporated, to inspect and test the well prior to the excavation; or
 - the owner of any new well drilled during the excavation notify Payne & Dolan, Incorporated, at the time of drilling thereof and allows the company to inspect the same to determine its condition.
26. This approval is for a two-year period shall expire on July 9, 2018. However, no permit renewal will be granted unless the project is in reasonable compliance with the conditions of this approval. An on-site evaluation by this office will determine compliance.
27. The applicant is responsible for full compliance 35-100 3. Special Conditional Use Provisions for Quarrying Operations, found in Chapter 35 (Planning & Zoning) of the Municipal Code for the Village of Rochester.
28. No additions, deletions, or changes may be made to these conditions without the prior approval from the Village of Rochester Planning Commission and Rochester Village Board.
29. The applicant is responsible for obtaining all necessary federal, state and local permits, approvals, and licenses.
30. Your accepting the conditional use approval/zoning permit and beginning the project means that you have read, understand and agree to follow all conditions of this approval. Therefore, Payne and Dolan, Incorporated, and its officers, heirs and assigns are responsible for full compliance with the above conditions.
32. It is the property owner's responsibility to inform any subsequent owner of the existence of these conditions.

Action Item 2

Extraterritorial Plat Review - Certified Survey Map

**Proposed land division to create two parcels of land consisting of 14 acres and 22.15 acres located between N. River Road and Westwood Drive on the north side of Plank Road, in the Town of Burlington, Racine County Wisconsin.
Owner: Paul & Patricia Naber Parcel Id. # 002031923011001**

Schattner presented an aerial that displayed the proposed layout and location of the proposed certified survey map land Division in the Town of Burlington. He explained this land borders the Village of Rochester and is in its extraterritorial review area. Extraterritorial review entails checking Village ordinances and land use plans to ensure no conflicts exist. It

also entails identifying any drainage concerns that may impact the Village. Schattner noted no conflicts or concern are related to this land division that would affect the Village. He recommended approval.

Motion by Eckert, 2nd by Tamblyn to recommend approval of the extraterritorial plat review to create two lots of land consisting of 14 and 22.15 acres locate between N River Road and Westwood Drive on the north side of Plank Road in the Town of Burlington. Motion carried.

Action Item 3.

Second Reading: Ordinance #2018-5 “Amending the Municipal Code of the Village of Rochester to Incorporate Statutory Changes to the Building Code, Land Division, and Planning and Zoning Chapters, and to Update the Provisions for Temporary Use Permits”

Novy distributed copies of 2017 Wisconsin Act 67 which was recently enacted by the State Legislature and noted that proposed changes relating to the consideration of conditional use permits in Ordinance #2018-5 are taken verbatim from the statutory language. She noted the changes very specifically dictate that conditions, approvals, and/or denials of conditional use permits must be based on substantial evidence (facts and information) rather than personal preferences or speculation. These must be tied back to adopted plans and/or village ordinances. She noted land use decisions are one of the most common reasons municipalities are sued and continued that the Plan Commission will want to take note of this and tighten some of their procedures in regards to conditional use permits. Plan Commissioners were asked if they had any further comments or concerns regarding the ordinance. Eckert questioned whether the village attorney had looked into the section on prohibited signs. It was noted the attorney had been on vacation and would review it prior to Plan Commission action on the ordinance, scheduled for the July 30th meeting.

Action 4.

Distribute for discussion and review at the following meeting: Chapter 1 “Plan Commission Handbook”, and “Goals, Policies and Objectives” outlined in the report known as “A Multi-jurisdictional Comprehensive plan for Racine County – 2035”

Novy pointed out the recent change in members, a new chairperson, statutory changes, and the Plan Commission taking on the task of reviewing the comprehensive plan make this a good time to review the Plan Commission’s functions and responsibilities. The UW Extension has published a Plan Commission Handbook. Chapter one, discussing the organization, qualifications, and membership of a plan commission, was distributed along with the “Goals, Policies, and Objectives” section of the comprehensive plan. Novy asked Commissioners to review these materials and to come back to the July 30th meeting ready to discuss what they learned or found interesting, and to discuss any proposed additions or updates to the goals, policies, and objectives statements included in the comprehensive plan.

Eckert moved, 2nd by Tamblyn to adjourn at 7:40 p.m. Motion carried.

Respectfully submitted:

Lynn B. Spleas, WCMC
Administrative Assistant



PAYNE & DOLAN
INCORPORATED
A WALREC GROUP COMPANY

May 1st, 2018

Mr. Jon Schattner
Zoning Administrator
Village of Rochester
300 W. Spring Street
Rochester, WI 53167

Site Plan Review – CUP Renewal
Honey Creek Aggregate Site, Village of Rochester

Dear Mr. Schattner:

Payne & Dolan, Inc. is requesting a site plan review and two year renewal of its existing conditional use permit for the continued operation of the Honey Creek Aggregate Site and asphalt plant located in the Village of Rochester on CTH D. It is Payne & Dolan's intent to continue to operate this site in compliance with the conditions and requirements as previously approved. We are not requesting any changes to the proposed Conditional Use Permit at this time.

Thank you for your time and effort in this request. We appreciate the continued opportunity to work in your community. If you have any questions and/or need additional information, please do not hesitate to contact me at the office (262) 524-1258 or on my cell phone (262) 366-5429.

Sincerely,


Payne & Dolan, Inc.

Clint Weninger,
Land Resources Manager

An Equal Opportunity Employer

PO Box 781
N3 W23650 Badinger Rd
Waukesha, WI 53187
262-524-1700

www.payneanddolan.com

CONDITIONAL USE APPLICATION

VILLAGE OF ROCHESTER, WISCONSIN

Note: Application must be fully completed and signed by the applicant or the applicant's agent.

OWNER:	Payne & Dolan, Inc.	APPLICANT/ AGENT:	Payne & Dolan, Inc.
Zoning District:	M-4, Quarrying District		

TO THE VILLAGE OF ROCHESTER PLAN COMMISSION:

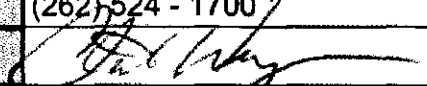
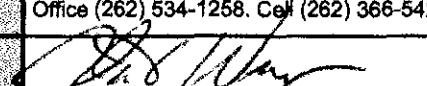
The undersigned requests a conditional use permit to (specify use, project, structure, size, etc.):

Renewal of an existing CUP for sand & gravel extraction and related accessory uses for the Honey Creek Aggregate Site. No changes to the existing CUP are requested.

AT (aka address):	34605 Washington Ave, Burlington, WI 53105		
Subdivision:	Lot(s):	Block:	
Parcel ID(s):	176031906010000, 17603190611000 and 176031906018000		
If served by municipal sewer, check here:	<input type="checkbox"/>	Sanitary permit #	

✓ Attached are:

- Zoning permit application fully completed & signed by the applicant or the applicant's agent. The Village of Rochester will provide the original or the form may be obtained at <http://rochesterwi.us>
- 12 SETS: drawn-to-scale site plan that is based on a survey (2 full sets at scale, 10 no larger than 11' x 17', folded to 8.5" x 11")
- Letter of agent status- If the applicant does not own the property at the time of filing and/or public hearing, a written, signed and dated letter from the property owner acknowledging said petition and authorizing specified agent to speak on the owner's behalf must be submitted.
- Hearing/ review fee payable to "Village of Rochester" (Fees are non-refundable, and re-publication/ amendment fees will be charged where applicable.
- Signed "Agreement for Reimbursable Services"
- 3 SETS: landscaping/ lighting plan
- 12 SETS: report/ cover letter & operations plan
- Names & mailing addresses of the property owner's within 100' of the subject property and across the street.
- Other _____

Property Owner Name:	Payne & Dolan, Inc.	E-mail address:	
Address:	N3 W23650 Badinger Rd Waukehsa, WI 53187	Telephone #:	(262) 524 - 1700
Agent Name:	Clint Weninger (Payne & Dolan)	Signature:	
Address:	N3 W23650 Badinger Rd Waukesha, WI 53187	E-mail address:	cwenger@payneanddolan.com
		Telephone #:	Office (262) 534-1258. Cell (262) 366-5429
		Signature:	

Staff Use Only:

BASED ON CURRENT MAPPING, check applicable statement(s) below and underline or circle the word "all" or "partially"

- The property is all / partially located in the _____ shoreland area.
- The project is all / partially located in the _____ shoreland area.
- The property is all / partially located in the _____ floodplain.
- The project is all / partially located in the _____ floodplain.
- The property is all / partially located in the wetland.
- The project is all / partially located in the wetland.

The applicant is subject to the following Ordinance provisions (specify article/ section):

Shoreland contract : Yes No

Public Hearing Date:		Site plan review meeting date:	
Submittal Received by:		Date petition filed:	
Cash or Check #:		Amount received:	

Village of Rochester
Agreement for Reimbursable Services
By Petitioner/Applicant/Property Owner

The Village may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in its review of a proposal coming before the Plan Commission. The Village reserves the right to apply the charges for these services as well as for staff time expended in the administration, investigation and processing of applications to the Petitioner.

The Petitioner is required to provide the Village with an executed copy of this agreement as a prerequisite to the processing of the development application. The submittal of a development proposal application or petition shall be construed as an agreement to pay for such professional review services applicable to the proposal. The Village may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the Petitioner pays such fees. Review fees which are applied to a Petitioner, but which are not paid, may be assigned by the Village as a special assessment to the subject property.

Payne & Dolan, Inc., the applicant/petitioner/ property owner(s) for
(Names)
Honey Creek CUP Renewal, dated MAY 21st, 2018,
(Nature of application/petition)

agrees to reimburse the Village of Rochester for all consultant services (e.g. engineering, planning, surveying, legal) required to process this application in addition to those normal costs payable by an applicant/petitioner (e.g. filing or permit fees, publication expenses, recording fees, impact fees, etc.), and, further, agrees to reimburse the Village for other administrative staff review if, in the judgment of the Village Board, such reimbursement is warranted.

Dated this 21st day of MAY, 2018.


(Signature of Applicant/Petitioner)

(Signature of Property Owner, if Different from Applicant/Petitioner)

APPLICATION FOR ZONING PERMIT VILLAGE OF ROCHESTER, WISCONSIN			PERMIT NO.	DATE PERMIT ISSUED
OWNER: Payne & Dolan, Inc.			APPLICANT: Payne & Dolan, Inc.	
Mailing Address N3 W23650 Badinger Rd			Mailing Address (If Corporation, registered name) N3 W23650 Badinger Rd	
Waukesha	WI	53187	Waukesha	WI 53187
City	State	Zip	City	State Zip
Phone (H)		(W) (262) 524 - 1700	Phone (W) (262) 524 - 1700	(H)
Parcel Id#	176031906010000, 17603190611000 and 176031906018000			
Site Address	34605 Washington Ave, Burlington			

Lot	Block	Subdivision Name	CSM #
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Proposed Construction/ Use Renewal of an existing CUP for sand & gravel extraction and related accessory uses for the Honey Creek Aggregate Site. No changes to the existing CUP are requested.

New	Principal Bldg.	Size	() x () () x ()
Addition	Accessory	Area (sq ft)	() () ()
Alteration	Deck	# of Units/ Stories	/
Conversion	Sign	Peak Ht. (ft)	
Temporary	Other	Eave Ht. (ft)	
		Building Ht. (Avg ft.)	
		100yr Floodplain (elevation)	
		Flood Protection Elevation	

Contractor: _____ **Est. Value w/ Labor \$** _____ **ZONING DIST.** _____

Existing Nonconforming?	N/A	*Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Yard Setbacks	Proposed	OK?
*Structure's Fair Mkt Value	\$	Cumulative %				Street- 1"		
*>50% of Fair Market Value	N/A	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Street - 2"		
Structure in Shoreland (per map)		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Side - 1"		
Structure in Floodplain? (per map)		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Side - 2"		
Structure in Wetland (per map)		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Rear		
Substandard Lot?		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Shore		
Abutting Lot- Same Owner/ Closely Related		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Acc. Structures %		
BOA Variance Needed?		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	--Date of Approval		
Conditional Use/ Site Plan Needed?		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	--Date of Approval		
Shoreland Contract Needed?		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	--Date of Approval		
Additional Zoning Permit Stipulations Listed on Back of this Form?		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	→ (If Yes, see back)		

The applicant hereby certifies that the information submitted on this application (both sides) and attached hereto, is true and correct to the best of the knowledge and belief of the signer, and that all construction/use will be done in accordance with applicable stipulations, Wisconsin laws and Village of Rochester ordinances.

BOA/ Conditional Use/ Site Plan Cash/ Check # _____ **Pd: \$** 2,000⁰⁰

Shoreland Contract Fee _____ **Pd: \$** _____

Other: _____ **Pd: \$** _____

Zoning Permit Fee Cash/ Check # _____ **Pd: \$** _____

[Signature]

 Signature of Applicant

[Signature]

 Signature of Secretary of Corporation/ Partner

MARK FILMANOWICZ

 Print Name

5-21-18

 Date

5/21/18

 Date

Make checks payable to: "Village of Rochester"

Note*: All fees are nonrefundable

 Zoning Administrator

 Date

ZONING PERMIT REQUIREMENTS

If public municipal sewer serves the property, check here _____. Do not complete # 1 – 6 below.

If a private sewage system serves the property, check here _____ and complete # 1 – 6 below:

- 1) Sanitary Permit # _____ Date issued _____ Year installed _____ Failing? _____
- 2) If zoning permit is for an accessory structure without plumbing, check here _____ and go to #4.
- 3a) If a commercial facility, public building, or place of employment, will there be a change in occupancy of the structure; or will the proposed modification affect either the type or number of plumbing appliances, fixtures or devices discharging to the system? Yes* _____ No _____ N/A _____
- 3b) If a dwelling, will addition/alteration change the number of bedrooms? Yes* _____ No _____ N/A _____ *If "Yes" above, documentation must be submitted to verify that the system can accommodate a modification in wastewater flow or contaminant load pursuant to Comm 83.25 (2) (d).
- 4) Will construction interfere with setback requirements to private sewage system per Comm 83.43 (8) (i)? Yes _____ No _____ If "Yes," provide variance approval date: _____
- 5) Has a new sanitary permit been issued to accommodate the structure or proposed modification in wastewater flow or contaminant load and/or County sanitary approval granted? Yes _____ No _____
- 6) Comments _____

POWTS Inspector's Signature: _____ Date: _____

POWTS License #: _____

A Plat of Survey shall be prepared by a Land Surveyor registered in Wisconsin for all new principal structures located on lots less than five (5) acres in size. All zoning permit applications shall be accompanied by plans drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon and any primary and accessory buildings, the lines within which the building shall be erected, altered or moved, the existing and/or intended use of each building or part of a building and the number of families and/or employees the building is intended to accommodate. Plans should also include floodplain, wetlands, environmental corridors, easements and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for ordinance enforcement.

All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. Lot area shall not contain road right-of-way. The lot and location of the building thereon shall be staked out on the ground before construction is started. NOTE: All street yard, side yard, and rear yard setbacks shall be measured from the closest property lines. Shore yard setbacks shall be measured from the closest point of the ordinary highwater mark of a navigable body of water. All elevations shall be provided in mean sea level datum.

All zoning permits issued pursuant to this ordinance are valid for six (6) months, unless substantial construction has commenced and is continuing, otherwise such zoning permits shall become null and void and a new zoning permit is required.

Applicant
Initials

ADDITIONAL ZONING PERMIT STIPULATIONS (check all that apply)

- _____ Proposed structure is for personal use only. No business, commercial or industrial use is allowed.
- _____ All disturbed soils must be reseeded and mulched, or sodded immediately upon completion of project.
- _____ Must install the following within 14 days of completion of roof: gutters and downspouts which outlet onto splashblocks or into drain tiles; or a hard surface material that extends at least 16" beyond the dripline of the structure.
- _____ All excess soil not used for backfilling project must be removed from the shoreland area within 10 days of excavation.
- _____ A hard surface material must be placed beneath the deck to prevent soil erosion.
- _____ All existing yard grade elevations will remain unchanged.
- _____ Adequate off-street parking must be provided in accordance with Chapter 15- Sec. 6.08, Village of Rochester Municipal Code.
- _____ Driveway access shall be 12 feet wide for 1 & 2-family dwellings and a minimum of 24 feet wide for all other uses.
- _____ It is the responsibility of the property owner to comply with any restrictive covenants associated with this property and obtain all necessary federal, state, and local permits, approvals, and licenses and comply with all applicable codes and regulations.
- _____ Proposed construction will not be located within a utility of drainage easement.
- _____

Section 3.(2).(a).2) Ordinance No. 2009-5 of the Village of Rochester's Code of Ordinances list the following requirements for a conditional use application in the M-4 zoning district:

a) Name and address of the applicant.

Payne & Dolan, Inc.
N3 W23650 Badinger Road
Waukesha, WI 53187

Phone: (262) 524-1700
Fax: (262) 524-1845

b) Name and address of the owner of the site on which use is taking place.

Same as above.

c) Description of the site for use by lot, block and recorded subdivision or by metes and bounds.

The following property descriptions were taken from the Racine County GIS.

E1/2 NE1/4 EXC COM SE COR NE 1/4 N48 SW TO PT 45W OF POB E45 TO POB & EXC S35 OF W660 **TOTAL ACRES** 85.00

W1/2 NE1/4 EXC PT LY S OF CTH D **TOTAL ACRES** 76.00

E1/2 NW1/4 LY E OF RR & COM 1173 E & 1024 NE OF W1/4 COR NE151 E373 S150 W394 TO POB EXC V1015P17 EXC V2032P322 PT FROM 014031906016000 IN 90 FOR 91 ROLL **TOTAL ACRES** 69.00

all in Section 6, Town 3 North, Range 19 East, Village of Rochester, Racine County, Wisconsin.

d) Address of the site.

34604 Washington Avenue (CTH D)
Waterford, WI 53185

e) Statement of the nature of the proposed operation, and appropriate exhibits, including:

The nature of the existing operation is the extraction and processing of sand & gravel including earthmoving, crushing, washing, sorting, sizing, stockpiling, transporting and reclamation. Operations also include the location of a hot-mix asphalt plant on site, the mixing of asphalt, the recycling of materials to be used in hot-mix asphalt, and the trucking and loadout of hot-mix asphalt and aggregate products.

The extraction operation will be conducted in general accordance with the operations plan dated November 5, 1997 and the will be restored in conformance with the reclamation plan dated November 5, 1997.

1.) List of equipment and machinery to be used to conduct operations.

Equipment to be used in the extraction, crushing and washing operation includes, but is not limited to: dozers, scrapers, backhoes, various types of crushers, screen plants, wash plants, conveyors, stackers, surge bins, front end loaders, generator sets, scale, scale office building, etc. in addition to various rolling stock equipment currently being operated at the site such as end loaders and trucks.

Equipment to be used in the operation of the asphalt plant includes, but is not limited to: various components of the asphalt plant itself such as the baghouse, control house, silos, feed bins, drum, storage tanks, scale, etc. in addition to various rolling stock equipment currently being operated at the site such as end loaders and trucks.

2.) Type and amount of explosives to be stored, if any.

No explosives will be used or stored on site.

3.) Size, location, and use of the buildings to be constructed on the site.

A scale office building has been constructed on the site. See attached aerial photo for location.

4.) Smoke and dust control devices to be utilized, if any.

Mineral extraction, processing and asphalt plant operations shall be conducted in accordance with the Federal Environmental Protection Agency and the State of Wisconsin Department of Natural Resources air pollution control regulations.

Air pollution control measures may be required from time to time on an as needed basis. Such measures may include sweeping of access roads, paving portions of access roads, water or chemical control of processing and material handling operations, control of dust from storage piles and the utilization of a baghouse on the asphalt plant.

The operations at the site will meet EPA and DNR requirements concerning air quality. Airborne particulate matter will not exceed Wisconsin DNR Administrative Code Regulations.

5.) Highways to be used for the truck traffic to and from the subject site.

The transportation of products from the site will utilize the existing transportation routes that exist with the current operation. The site has entrances unto STH 20 to the north in the Town of Waterford and CTH D (Washington Ave.) to the south in the Village of Rochester.

6.) Deodorants or odor control devices.

Potential odors emitted from the site can and will be controlled utilizing the latest odor control additives or technologies. The most effective odor additive to date that Payne & Dolan has used is Ecosorb which is produced by Odor Management, Inc. Ecosorb is a non-toxic, non-hazardous, biodegradable odor additive. These odor additive suppressant products actually act as an oxygen scavenger that significantly retard the release of compounds that are responsible for the characteristic asphalt smell.

7.) Proposed devices for muffling noise.

The noise created by the proposed operation of the site will be of a similar nature to the existing/past operations. A majority of the operations occur in the existing extraction area 20 ft. below grade in the center of the site. This location takes advantage of the natural topography and existing vegetation which help mitigate potential noise from leaving the site. In addition, equipment is properly muffled and maintained.

8.) The employment of safety devices to protect the public from dangers inherent to the proposed use.

Security fence, locking gates, signing, berms, landscaping and plantings are all devices that are used limit public access to the operations area on the site thus protecting the public from potential dangers inherent to the proposed use. Site specific hazard awareness training that details potential hazards of the operation is given to all employees, contractors and visitors that come unto the site.

9.) Method of concealing unsightly deposits, if any.

The site is screened from view of surrounding properties by earthen berms and previous installed landscaping and plantings.

10.) Employee and machinery/equipment parking areas.

See attached plan.

11.) Any other pertinent data which the applicant deems material, or as requested by the Village.

Provided as needed.

f) Zoning of the site to be used. Existing land use and zoning abutting subject property.

The property is currently zoned M-4. The existing land use is mineral extraction and associated operations including a crushing plant, washing plant and asphalt plant.

The surrounding land use is primarily M-2, A-2 and R-2.

g) *Depth of existing and proposed excavations.*

There is approximately 3-10 ft. of topsoil and other overburden materials overlying the sand & gravel. The depth of the current excavation varies from 10-30 feet above the water and up to 25-30 feet below the water. Depths of the excavation may change depending on the area of the property being worked.

h) *Commencement and completion dates of each type of operation proposed.*

The site is already an existing operation. Extraction on the site will follow the phasing outlined in the submitted operations and reclamation plan.

i) *Hours and days of operation.*

The hours of operation for all operations at the site shall be limited to 6:00 AM to 7:00 PM Monday thru Friday.

Further, twenty (20) Saturdays may be worked per year, provided that at least three (3) days advanced written notice is provided to the Village of Rochester.

Activities such as equipment maintenance and minimum site maintenance, such as snowplowing and lawn mowing, may take place outside of the times listed above.

j) *Number of employees.*

The number of employees can vary from 1-15 depending upon the scope and nature of the work being performed and also the time of year operations are occurring. The employees are mainly seasonal with more on site during the typical construction season than in the winter months.

k) *Method and manner of draining surface water and accumulated water from the licensed premises.*

Payne & Dolan has secured and shall maintain a NR-216 stormwater permit and notice of intent from the Wisconsin Department of Natural Resources for the operations on site. Stormwater from within the site is internally drained. With very severe and wet weather conditions, there is an occasional need to pump water into adjoining drainage ditches and waterway. Any discharge of water off-site is completed per local and state requirements. Any water discharge is tested on a regular basis to insure compliance with Wisconsin DNR standards.

l) Method and manner of restoring the areas of the operation after the cessation of operation to a condition of practical usefulness and reasonable physical attractiveness.

Reclamation is an on-going process during the nonmetallic mineral extraction process, with a majority of the reclamation being completed during active mineral extraction. The topsoil and other overburden materials covering the nonmetallic mineral deposit are removed and stockpiled separately for future reclamation. After the nonmetallic minerals are removed, the topsoil and other overburden materials will be placed over the area where the minerals were excavated, graded to conform with the surrounding land and seeded. The existing topsoil and overburden are re-distributed across the parcel and fine graded to present a uniform appearance. Reclaimed slopes will be seeded upon completion of the fine grading. Payne & Dolan will perform the necessary grading to achieve the final topography and drainage patterns as outlined in the approved reclamation plan.

m) Topographic mapping of the site showing existing and proposed contours, with a contour interval no greater than two (2) feet. (12 copies)

Operations plan shows the existing contours available when the plan was approved in 1997. Plan shows existing and proposed contours but at an interval greater than 2 ft. More detailed contours can be provided within 60 days notification.

Contours shall be constructed in general accordance with the plans and drawings submitted at the time of application and hearing and shall be merged with existing and proposed contours abutting properties, the pit bottom shall have a minimum slope of 0.5% to provide drainage.

n) Existing trees two inches or more in diameter, measured two feet from the existing elevation, and proposed tree plantings.

Existing trees and vegetation can be seen on the aerial photograph submitted. No additional tree plantings are proposed.

o) Landscaping berms, fencing and gates.

The existing entrance unto Washington Ave (CTH D) is currently bermed. There is a gate at the entrance to limit accessibility to the site. A significant number of trees have been planted around the perimeter of the site. A majority of the site is fenced.

p) Sign locations and sizes.

A sign is located at the entrance unto the site from CTH D. Various safety signs are located throughout the property as needed and include such signs as No Trespassing (on perimeter fence).

q) Existing and proposed access roads.

Vehicles entering and leaving the site will utilize the existing paved entrance and access road from CTH D. This access road extends north to STH 20 through a portion of the site that is in the Town of Waterford. There is no need at this time for any additional access roads into the site.

r) Water supply facilities, including source quantity and disposition of the water to be used.

Water for the scale house comes from a private well. Water used in the processing operations comes from the on-site ponds. The washing process recycles the water used. The wash water returns "clean" water to the ponds after the fine sediments have had time to settle out of the water.

s) Proposed sanitary facilities.

The scale building utilizes a conventional septic system. Other site operations utilize portable sanitary facilities such as Port-a-Johns.

t) Test results of area water wells, and proposed testing plans, where the proposed use includes excavation below the water table, along with sureties to insure performance of continued testing and resolution of issues identified, in a form determined by the Village Plan Commission upon the Village Plan Commission finding that such condition or conditions are proper for protection of health, safety and or welfare of the public.

Before underwater excavation was initiated, Payne & Dolan performed a hydrologic study as required by Racine County to determine the baseline water quality and quantity on the site. A copy of the study was given to Racine County and the Towns of Waterford and Rochester for their review and approval.

Before work on the lake was initiated, Payne & Dolan offered property owners within 2,500 feet of the subject parcel boundary an opportunity to have Payne & Dolan perform a baseline well test to establish water quality and quantity in said well(s). The offer was made in the form of written notices (certified mail; return receipt requested) to each property owner. Payne & Dolan submitted to Racine County and the respective Towns a list of to whom the notices were sent and a second list which enumerates those property owners who have requested the baseline well test.

If there is a problem with any such tested well after work below the water table has begun, a disinterested third party will be brought in at Payne & Dolan's expense to investigate the situation. If it is determined that Payne & Dolan is responsible for the well problem, the well will be repaired, dug deeper, or a new well dug, whichever the disinterested third party recommends as the appropriate remedy, at Payne & Dolan's expense. Payne & Dolan will be responsible for supplying potable water to the affected party until the well problem is resolved.

- u) Highway access restrictions, deed restrictions and traffic control, along with repair plans for public roads affected by the operation. Where determined necessary by the Village Plan Commission, the applicant shall submit a financial surety for the projected road repair.**

The transportation of products produced at the site will utilize the existing transportation routes that currently exist with the present operation. The highway access to CTH D and necessary traffic control are already in place. A repair plan for CTH D is not necessary as county roads are built to handle the traffic and types of trucks associated with a nonmetallic mineral extraction operation. Use of all other Village Roads shall be prohibited, except for a local delivery.

- v) Letter of Agreement from the applicant agreeing to restore the subject site in accordance with the approved reclamation plan (see subsection (5.07c.(1))**

See Letter of Agreement on file – also see Certification of Reclamation on Sheet S of the Reclamation and Operations Plan for the site..

- w) The Village Plan Commission may also as a condition precedent to the issuance of the zoning permit and conditional use permit, require an agreement with the applicant and owner whereby they agree to restore the site to a condition of practical usefulness and reasonable physical attractiveness.**

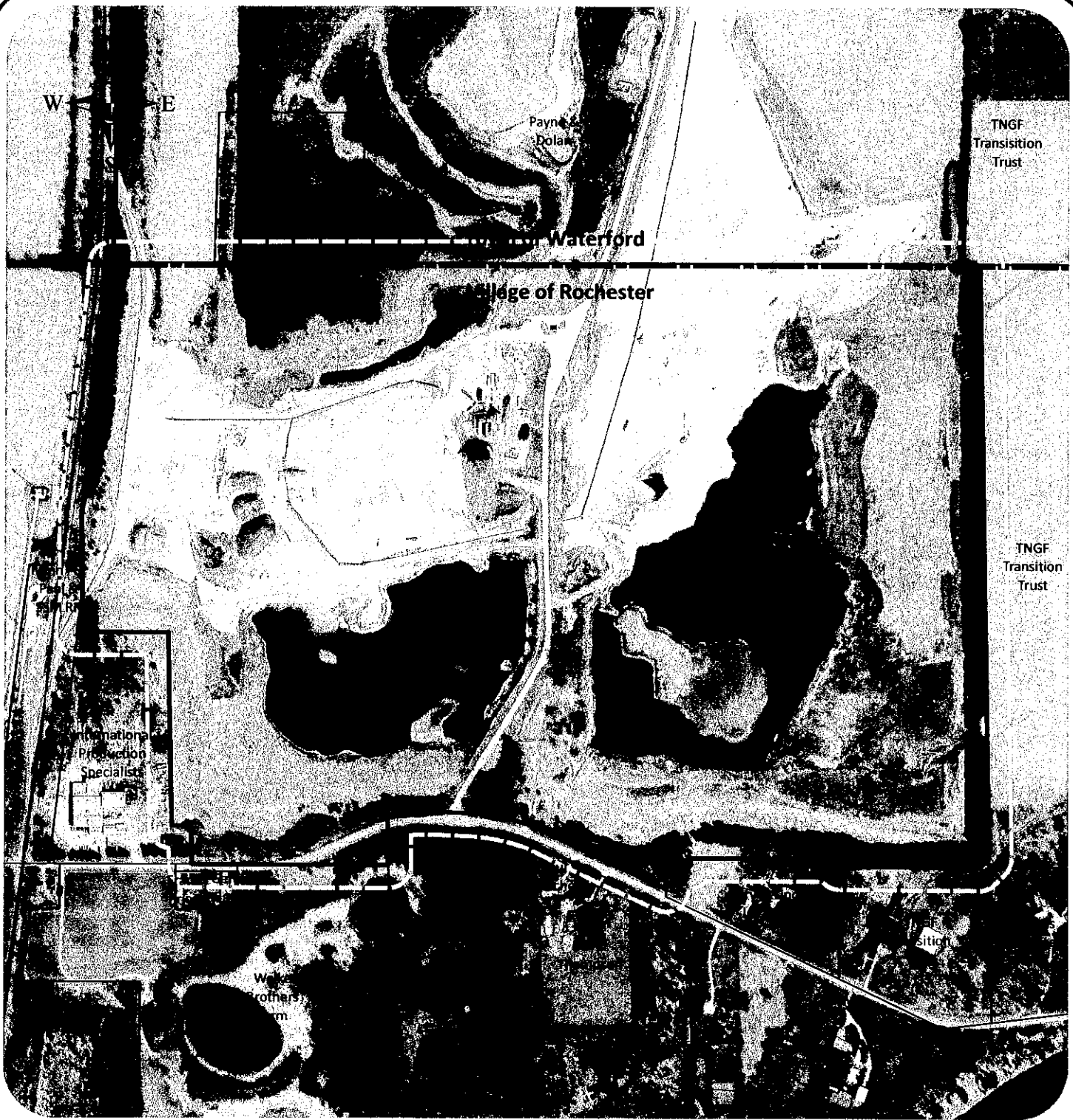
The reclamation plan has been previously approved by Racine County and the then Town of Rochester. A copy of the reclamation plan is attached.

Payne & Dolan currently has a reclamation permit (#NM01-014-002) issued by Racine County for the site. A reclamation bond in the amount of \$369,000 is currently posted with Racine County.





Payne & Dolan: Honey Creek CUP Renewal

Village of Rochester: Name and Address of landowners within 100 feet of the CUP boundary

Site Address	Landowner	Landowner Mailing Address Line #1	Landowner Mailing Address Line #2
33914 Washington Av	Thomas & Kathleen Terek	33914 Washington Ave	Burlington, WI 53105
	TNGF Transition Trust	4901 Big Bend Rd	Waterford, WI 53185
Washington Ave	Welke Brothers Farm	30822 Ketterhagen Rd	Burlington, WI 53105
33833 Washington Ave	Raisleger Family Partnership	33833 Washington Ave, Bx 60	Honey Creek, WI 53138
34411 Washington Ave	David Thompson	34411 W Washington Ave	Burlington, WI 53105
34118 Washington Ave	TNGF Transition Trust	4901 Big Bend Rd	Waterford, WI 53185
34230 Washington Ave	Gary & Linda LeClaire	34230 Washington Ave	Burlington, WI 53105
34425 Washington Ave	Paul Urlacher	34425 Washington Ave	Burlington, WI 53105
34823 Washington Ave	Gerald & Barbara BeGuhl	34823 Washington Ave	Burlington, WI 53105
34901 Washington Ave	Frank Price	34901 Washington Ave	Burlington, WI 53105
34827 Washington Ave	Eugene Conti	34827 Washington Ave	Burlington, WI 53105
	Minn - St Paul & SSM Railroad		
35006 Washington Ave	International Production Specialists	PO Box 125	Honey Creek, WI 53138
	Payne & Dolan	PO Box 781	Waukesha, WI 53186
	Payne & Dolan	PO Box 781	Waukesha, WI 53186
4901 Big Bend Rd	TNGF Transisition Trust	4901 Big Bend Rd	Waterford, WI 53185



Legend

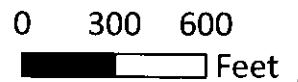
-  Property Boundary
-  100ft Notification Offset
-  Municipal Boundary
-  Tax Parcel

Payne & Dolan - Honey Creek Agg. Site

2018 CUP Renewal
 Property Owner's within 100'



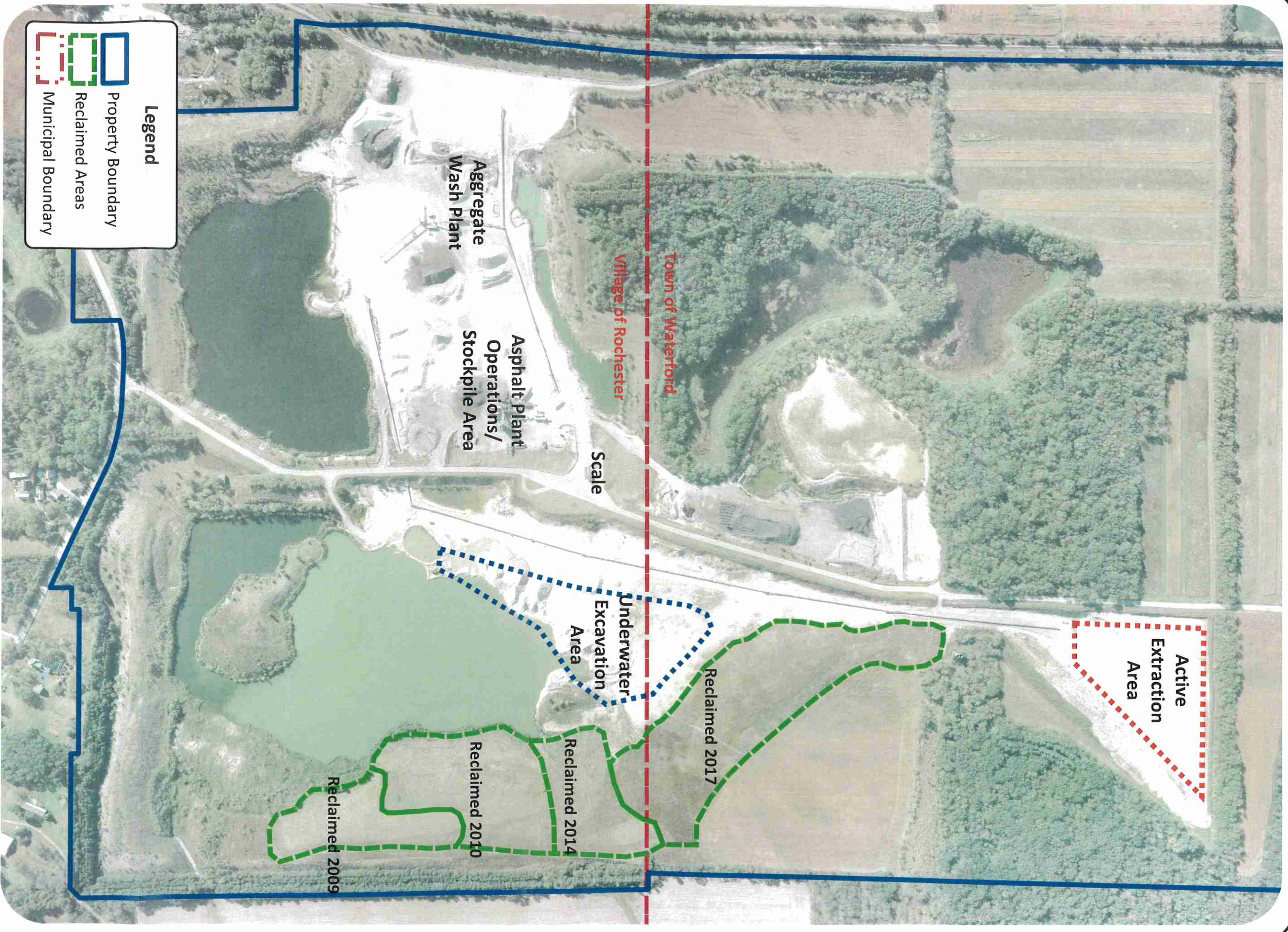
PAYNE & DOLAN
 INCORPORATED
 A WALBEC GROUP COMPANY





North

Sec. 6-3-19
Rochester



Legend

- Property Boundary
- Reclaimed Areas
- Municipal Boundary

Active
Extraction
Area

Underwater
Excavation
Area

Reclaimed 2017

Reclaimed 2014

Reclaimed 2010

Reclaimed 2009

Aggregate
Wash Plant

Asphalt Plant
Operations/
Stockpile Area

Scale

Village of Rochester

Town of Waterford

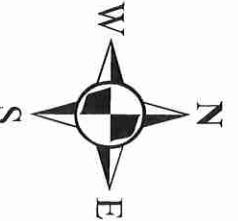
Payne & Dolan - Honey Creek Agg. Site

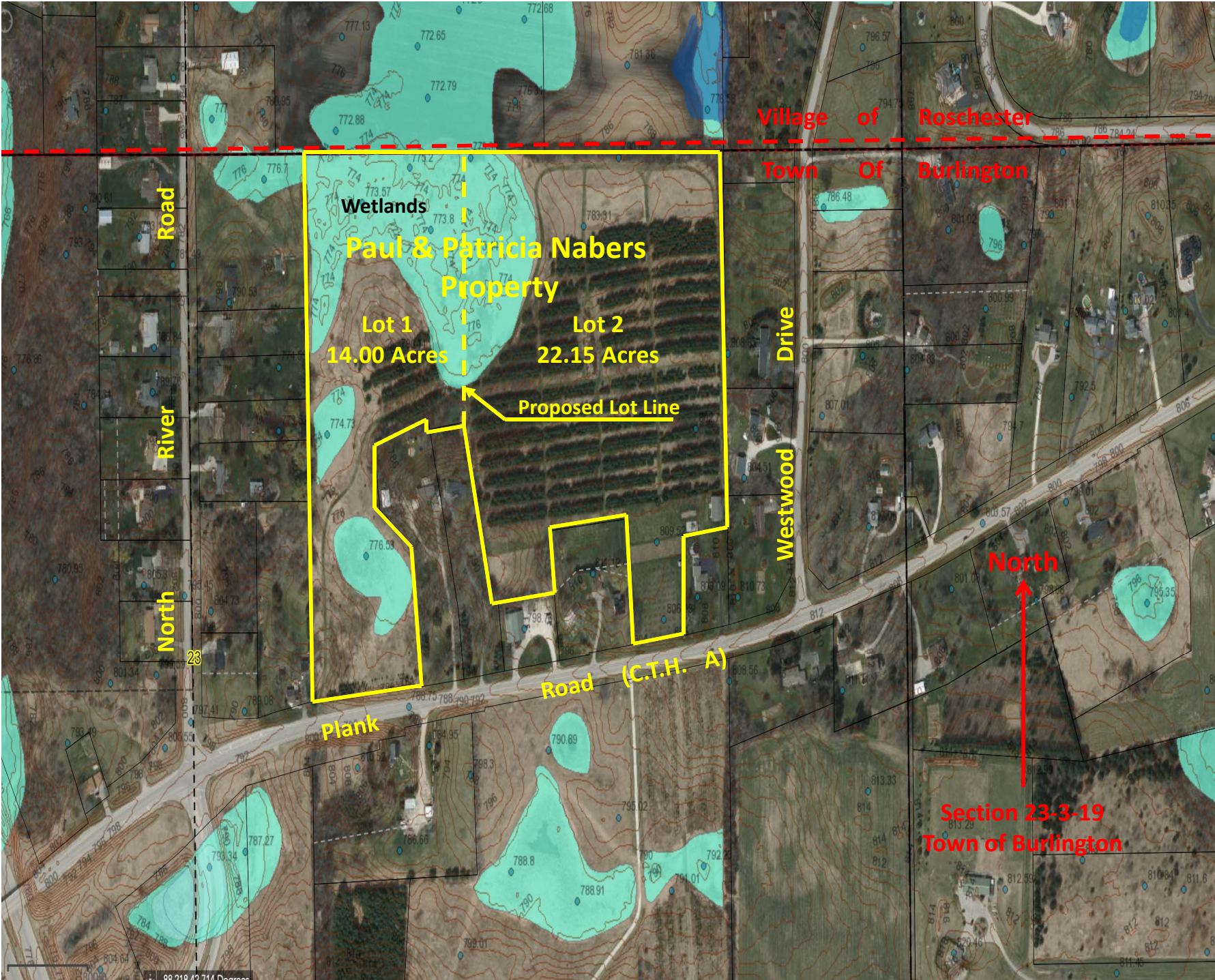
2018 CUP Renewal

Aerial Date: 9/30/2017



PAYNE & DOLAN
INCORPORATED
A WALBEC GROUP COMPANY





Village of Roschester

Town of Burlington

Wetlands
Paul & Patricia Nabers
Property

Lot 1
14.00 Acres

Lot 2
22.15 Acres

Proposed Lot Line

River Road

Westwood Drive

North

North

Plank Road (C.T.H. A)

Section 23-3-19
Town of Burlington

CERTIFIED SURVEY MAP NO. _____

BEING PART OF THE NORTHEAST 1/4, NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 23,
TOWNSHIP 3 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF BURLINGTON COUNTY OF
RACINE AND STATE OF WISCONSIN.

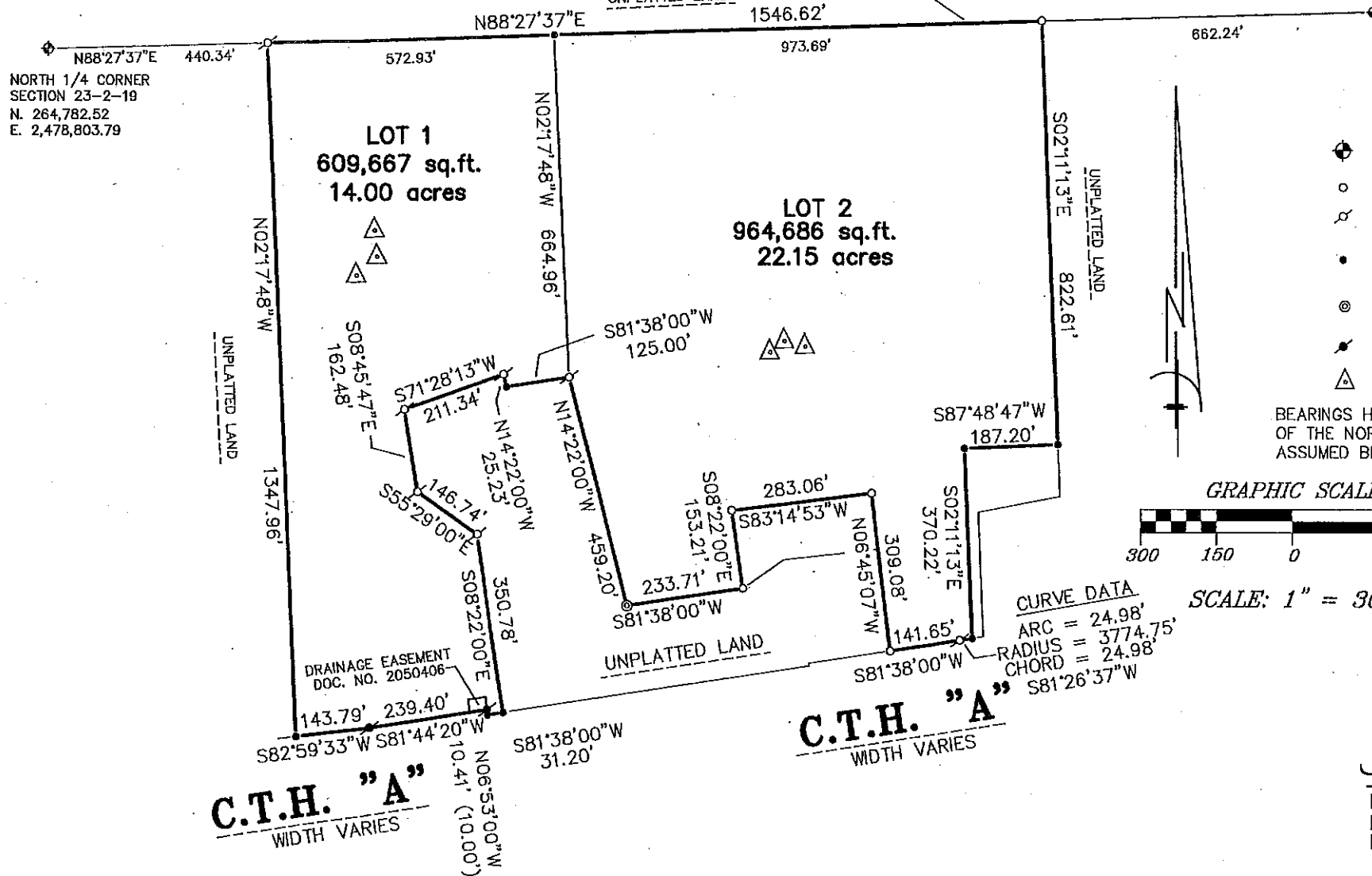
PREPARED FOR: PAUL J. AND PATRICIA A. NABER
3405 S. BROWNS LAKE DRIVE
BURLINGTON, WI 53105

NORTH LINE NORTHEAST 1/4 SECTION 23-3-19
N88°27'37"E 2649.20'
UNPLATTED LAND

PREPARED BY: B.W. SURVEYING, INC.
412 N. PINE STREET
BURLINGTON, WI 53105
(262)-767-0225
JOB NO. 9534-CSM

NORTH 1/4 CORNER
SECTION 23-2-19
N. 264,782.52
E. 2,478,803.79

NORTH EAST CORNER
SECTION 23-2-19
N. 264,853.70
E. 2,481,451.95



BEARINGS HEREON RELATE TO THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 23-3-19, ASSUMED BEARING NORTH 88°27'37" EAST.

Robert J. Wetzel
ROBERT J. WETZEL S-1778
FEBRUARY 9, 2018
REVISED: MARCH 21, 2018
SHEET 2 OF 3

**VILLAGE OF ROCHESTER
NOTICE OF PUBLIC HEARING
AUGUST 6, 2018, 7:30 P.M.**

NOTICE IS HEREBY GIVEN by the Village Board of the Village of Rochester, Racine County, Wisconsin, of a public hearing on Ordinance #2018-5:

“Amending the Municipal Code of the Village of Rochester to Incorporate Statutory Changes to the Building Code, Land Division, and Planning and Zoning Chapters, and to Update the Provisions for Temporary Use Permits”

to be held on Monday, August 6, 2018 in the Rochester Village Hall, 300 West Spring Street, Rochester, Wisconsin. The proposed amendments update the building code, land division, and planning and zoning chapters of the municipal code to be consistent with statutory changes imposed by 2017 Wisconsin Act 243. There are also changes included to temporary use permit requirements to clarify that outdoor events that are not part of a properties normal business activities, or that are not a private event held on a residential property, are required to apply for a permit. The proposed ordinance will be effective in the entirety of the Village of Rochester.

The complete text of the ordinance is available upon request at the Rochester Village Hall, 300 W. Spring Street, Rochester, Wisconsin, or by visiting the Village website: <http://rochesterwi.us>

NOTICE IS FURTHER GIVEN that at said hearing opportunity will be given to any person or persons, whether or not represented by agent or attorney, to be heard either for or against the requested ordinance.

Dated at Rochester, Wisconsin, this 19th day of July, 2018

BY ORDER OF THE VILLAGE BOARD

Betty Novy
Clerk-Treasurer

Published in the Burlington Standard Press on July 19, 2018 and July 26, 2018.

ORDINANCE NO. 2018-5
Amending the Municipal Code of the Village of Rochester to Incorporate
Statutory Changes to the Building Code, Land Division, and Planning and Zoning Chapters,
and to Update the Provisions for Temporary Use Permits

The Village Board of the Village of Rochester, Racine County, Wisconsin, do ordain as follows:

I. That Chapter 11, Building, Plumbing, Electrical And Mechanical Code, Section 11-20, Scope of Uniform Dwelling Code Expanded, subsection E, Construction Sites, is hereby amended as follows:

11-20.E.2. Noise from Remodeling, Repair, Construction, Excavation or Demolition. It is unlawful and shall be considered a nuisance for any person to engage in the construction, including excavation and demolition, alteration, remodeling or repair of any building or structure; the construction of any roadway or other public improvements; or the operation or startup of any pile driver, power shovel, backhoe, bulldozer, pneumatic hammer, derrick, steam or electric hoist, or other construction machinery, the noise of which can be heard beyond the property lines, or the vibration of which can be felt beyond the property lines, other than between the hours of seven a.m. and seven p.m., Monday through Friday, or between the hours of eight a.m. and five p.m. on Saturdays without the approval of the Village board. No such work is permitted on Sundays and the following national holidays: Christmas, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day.

a. This subsection:

- (1) does not prohibit a private person from working on the jobsite of a commercial or residential real estate development construction project on a Saturday.
- (2) does not apply to a private person who works on a commercial or residential real estate development construction project on a Saturday if the person works between the hours of seven a.m. and seven p.m.
- (3) does not preclude individual homeowners from doing work on buildings and structures located on the property on which they reside during daylight hours.

b. In the case of urgent necessity in the interest of public health and safety, the chairperson of the Village Public Works Committee or Village President can give written approval for such work. Such approval may be granted for a period not to exceed three days or less while the emergency continues and which may be renewed for periods of three days or less while the emergency continues. If the chairperson of the Public Works Committee or Village President should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building, or the excavation of streets and highways within the hours of six p.m. and seven a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of seven p.m. and seven a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work

II. That Chapter 30, Land Division, Section 30-12, Improvements, Introduction, is hereby amended as follows:

30-12. IMPROVEMENTS. Before final approval of any final plat located within the jurisdiction limits of this Chapter, the subdivider shall install street, utility and other public improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall, before the recording of the plat, enter into a contract with the Village agreeing to install the required improvements and shall file with said contract a bond or letter of credit meeting the approval of the Village Attorney in an amount equal to 120 percent of the estimated cost of the improvements -- said estimate to be made pursuant to the procedures in Wis. Stat. s. 236.13(2) -- as a guarantee that such improvements will be completed by the subdivider or the subdivider's

contractors or subcontractors not later than two years from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. In addition:

III. That Chapter 30, Land Division, Section 30-101, General, Sections A and D, are hereby amended as follows:

30-101.A. An opinion of probable cost of all public improvements, including those defined in Wis. Stat. s. 236.13 and prepared pursuant to the procedures set forth in that statute..

30-101.D. Bond or Letter of Credit in a form approved by the Village in the amount of 120 percent of the probable cost of the installation of the public improvements in the first phase of the project with good and sufficient surety thereon, to be approved by the Village Board, conditioned upon the installation of the required improvements within two years of the approval of the final plat, or within a time specified by the Village Board. A new bond or letter of credit shall be provided prior to the commencement of each subsequent phase of the project.

IV. That Chapter 30, Land Division, Section 30-102, Reduction of Surety, is hereby amended as follows:

30-102.A.2. The 20 percent contingency shall be held as retainage and shall not be released until substantial completion of the public improvements. Substantial completion is defined as the time the binder course (the asphalt or concrete non-surface-level course that is attached to the packed-level gravel course) is installed on roads to be dedicated, or, if there is no road to be dedicated, at the time that 90 percent of the public improvements by cost are completed. Upon substantial completion, the amount of the surety shall be reduced to the amount to complete any uncompleted public improvements plus 10 percent of the total cost of the completed public improvements, which shall remain in place for at least 14 months after the date of substantial completion. The public improvements shall be completed in their entirety no later than 12 months after substantial completion and tendered to the Village for acceptance. Upon acceptance of the project and receipt of the five percent maintenance bond as specified in section 30-92, the original surety shall be released. If the work has not been completed in its entirety 12 months after substantial completion, the Village may declare the Developer to be in default of the Development Agreement and use the surety for completion of the public improvements.

V. That Chapter 35, Planning and Zoning, Section 35-21, Use Restrictions, subsection G., Temporary Uses of Land and Temporary Structures, subsections 10.b. (Introduction) and 19.e. are hereby amended as follows:

35-21.G.10.b. Temporary Outdoor Sales. This land use includes the display of any items outside of the confines of a building that is not otherwise permitted as a permitted or conditional use, or as part of an event utilizing the public right-of-way that is authorized by the Village Board. Examples of this land use include, but are not limited to, seasonal garden shops, tent sales, Christmas tree sales, farmers markets, flea markets, and food stands. Temporary outdoor sales shall adhere to the following regulations:

35-21.G.10.e. Outdoor concerts and events.

[1] Except as set forth in subsection [2], outdoor concerts and events, including weddings and other celebrations, shall be subject to the conditions imposed by the Plan Commission as necessary for the specific duration and attendance expected at the event.

[2] Private weddings and other private celebrations held on private property used in whole or in part for residential purposes are exempt from the Temporary Use Permit requirements if all amplified music ends by 10:00 p.m. A Temporary Use Permit is required if there will be amplified music after 10:00 p.m.

VI. That Chapter 35, Planning and Zoning, Section 35-100, Conditional Uses, subsection C., Review and Approval, subsection 3, is hereby amended as follows:

35-100.C.3. The Plan Commission shall hold a public hearing, giving a Class 2 notice therefor as set forth in s. 35-240, and shall make its recommendation to approve or deny the Conditional Use Permit to the Village Board. The Village Board shall approve the conditional use permit and the conditions to be applied thereto, or shall deny the permit as set forth in Wis. Stat. s. 62.23(7)(de), as follows:

- a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the Code or those imposed by the Plan Commission or the Village Board, the Village shall grant the conditional use permit. Any condition imposed must be related to the purpose of the Code and be based on substantial evidence.
- b. The requirements and conditions described under subsection a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the Village relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The Village's decision to approve or deny the permit must be supported by substantial evidence, i.e., facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.
- c. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the Village may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the Code or by the Plan Commission or Village Board.
- d. If a person's conditional use permit application is denied, the person may appeal the decision to the circuit court under the procedures contained in Wis. Stat. s. 62.23(7)(e) 10.

VII. That Chapter 35, Planning and Zoning, Section 35-210, Zoning Board of Appeals, subsection D, Powers, is hereby amended as follows:

35-210.D. Powers.

1. The Zoning Board of Appeals shall have the powers set forth in Wis. Stat. s. 62.23(7)(e) and all other powers provided by statute and Village Code, including but not limited to the following powers:
 - a. Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of Wis. Stat. s. 62.23(7) or any ordinance adopted pursuant thereto.
 - b. Variances. To hear and decide appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this Code shall be observed and the public safety, welfare, and justice secured and substantial justice done. The Zoning Board of Appeals may authorize upon appeal variances where special conditions, such as terrain cover or nearby existing or potential land or water uses prevent applicant from meeting the provisions of this Chapter.
 - (1) In this section, "area variance" means a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure that is granted by the Zoning Board of

Appeals under this Section. In this section, “use variance” means an authorization by the Zoning Board of Appeals for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

- (2) A property owner bears the burden of proving “unnecessary hardship,” as that term is used in this section, for an area variance, by demonstrating that strict compliance with a Zoning provisions would unreasonably prevent the property owner from using the property owner’s property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.
 - (3) A variance granted under this Section shall expire one year after the date it was granted, or on a date specified by the Zoning Board of Appeals, if the action authorized by the variance has not been commenced. What constitutes commencement shall be specified by the Zoning Board of Appeals. If the Zoning Board of Appeals does not specify an expiration date for the variance, a variance granted under this section does not expire unless, at the time it is granted, the Zoning Board of Appeals specifies in the variance a specific date by which the action authorized by the variance must be commenced or completed.
 - (4) A variance granted under this Section runs with the land.
- c. Interpretations and Boundary Lines. To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the Village Plan Commission has made a review and recommendation.
- d. Unclassified Uses and Special Exceptions. After the Plan Commission has made a review and recommendation, to hear and decide applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district, and to hear and decide applications for special exceptions provided that the waiver of the zoning regulations are justified under the circumstances. When making a decision on unclassified uses or special exceptions, the following provisions apply:
- (1) If an applicant meets or agrees to meet all of the requirements and conditions specified in the Code or those imposed by the Plan Commission or the Village Board, the ZBA shall grant the application. Any condition imposed must be related to the purpose of the Code and be based on substantial evidence.
 - (2) The requirements and conditions described under subsection a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the approval’s duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the Village relating to the application are or shall be satisfied, both of which must be supported by substantial evidence. The ZBA’s decision to approve or deny the application must be supported by substantial evidence, i.e., facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain approval and that reasonable persons would accept in support of a conclusion.

- (3) Once granted, the approval shall remain in effect as long as the conditions upon which the approval was issued are followed, but the Village may impose conditions such as the approval's duration, transfer, or renewal, in addition to any other conditions specified in the Code or by the Plan Commission.
- e. Temporary Uses. To hear and decide appeals of denied applications for temporary use permits provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses, and the Village Plan Commission has made a review and denied that application. The permit shall be temporary, revocable, subject to any conditions required by the Zoning Board of Appeals, and shall be issued for a period not to exceed twelve months. Compliance with all other provisions of this Chapter shall be required.
- f. Permits. In exercising the above mentioned powers such board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.
- g. Other Appeals, Variances, Boundary Disputes, etc. See the applicable chapter.
- 2. Assistance. The Board may request assistance from other Village officers, departments, commissions, and boards.
- 3. Oaths. The Chair may administer oaths and compel the attendance of witnesses.

VIII. That Chapter 35, Planning and Zoning, Section 35-210, Nonconforming Uses, Structures, Properties and Fixtures, Subsection B., Nonconforming Structures, and Subsection C, Existing Nonconforming (Substandard) Properties, are hereby amended as follows:

35-210B. Nonconforming Structures.

- 1. Definitions. In this chapter:
 - “Development Regulations” means the part of this Planning and Zoning Code that applies to elements including setbacks, height, lot area, lot width, lot coverage, yards, parking, loading, access, etc.
 - “Nonconforming Structure” means a dwelling or other building that existed lawfully before the current Planning and Zoning Code was enacted or amended, but that does not conform with one or more of the development regulations in the current Code.
- 2. Repair, rebuilding and maintenance of a nonconforming structure. Pursuant to Wis. Stat. s. 62.23(7)(h), the repair, maintenance, renovation, or remodeling of a nonconforming structure may proceed without regard to the cost of the work.
- 3. A nonconforming structure may not be extended, enlarged, reconstructed, moved, structurally altered or expanded except when:
 - a. Such extension, enlargement, reconstruction, etc. is required by law or so as to comply with the provisions of this Chapter; or
 - b. The change does not result in an increase to the nonconforming nature of the structure. No such change may increase the parking requirements for the use unless the on-site parking requirements of this Chapter are met.

4. Restoration or Replacement of Certain Nonconforming Structures. Pursuant to Wis. Stat. s. 62.23(7)(hc), a nonconforming structure that is damaged beyond repair or destroyed may only be reconstructed in conformance with the provisions of this chapter, except that such a structure may be restored or replaced to the size, location and use that it had immediately before the damage or destruction occurred as follows:
 - a. The damage or destruction occurred on or after March 2, 2006; and
 - b. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
 - c. If the requirements of a. and b. are met, the size of the structure may be larger than the size it was immediately before the damage or destruction occurred if necessary for the structure to comply with applicable state, federal and Village requirements.

C. Existing Nonconforming (Substandard) Properties.

1. Definition. "Substandard lot" means a legally created lot or parcel that met any applicable lot size requirements when it was created, but does not meet current lot size requirements.
2. A substandard lot may be conveyed and may be used as a single building site provided that the use is permitted in the district and the following conditions are met::
 - a. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
- b. The substandard lot or parcel is developed to comply with all other ordinances of the Village, including the provisions for private sewerage systems required in Chapter 10 of this Code.
3. Construction on any substandard lot shall comply as nearly as possible with all relevant district and shoreland requirements insofar as is practicable, as determined by the relevant provisions of this Chapter, and with the following guidelines:

Lot	Width	Minimum 30 ft.
	Area	Minimum 4,000 sq. ft.
Building	Height	Maximum 30 ft.
Yard (Setbacks)	Street	Minimum 25 ft., the second street yard on corner lot shall not be less than 10 feet
	Side	16 percent of the lot width, but not less than 5 Feet nor greater than the zoning district side yard setback requirement for a standard lot
	Rear	Minimum 25 ft.

4. A person may, but shall not be required, to combine a substandard lot with another substandard lot, or a standard lot, for purposes of development. Such lots may be combined into one lot by use of a deed restriction, quit claim deed, or similar instrument, which shall be recorded in the office of the County Register of Deeds.. In the A-1 and A-3 agricultural district, a farm owner is permitted to divide off separate parcels for the residences of the parents or children of the farm owner, and such parcels shall be considered as separate lots, must meet A-2 District zoning requirements and shall not be considered substandard lots. The provisions of Chapter 30 apply to these divisions.
5. Where public water supply systems are not available, private well construction shall be required to conform to Wis. Admin. Code ch. NR 812. Where a public sewage collection and treatment system is not available, design and construction of private sewage disposal systems shall be governed by Chapter 10, Public and Private Sewage Systems, of this Code. No private waste

disposal systems or parts thereof shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered or their use changed without full compliance with Chapter 10. A zoning permit for a principal structure or an addition thereto may not be issued until evidence of such compliance is provided to the Zoning Administrator.

- IX.** That Chapter 35, Planning and Zoning, Section 35-240, Notification – Public Hearings, Introduction, is hereby amended as follows:

35-240 NOTIFICATION - PUBLIC HEARINGS. Notice of any public hearing which the Plan Commission, Village Board or Zoning Board of Appeals is required to hold under the terms of this Ordinance shall specify the date, time and place of said hearing and shall state the matter to be considered at said hearing. Notice shall be provided as required by applicable state statutes, inclusive of Class 2 notice prior to consideration of Planning and Zoning changes by the Village Board, Conditional Use Permits by the Village Board, and Zoning Board of Appeals hearings, along with notice to neighboring municipalities, the owner or operator of an airport, or the DNR where applicable. The following notifications shall be required in addition to the notice required by statute:

- X.** That Chapter 35, Planning and Zoning, Section 35-81, PUD Planned Unit Development Overlay District, subsection E., Criteria For Approval, subsection 4, Implementation Schedule, is hereby amended as follows:

35-81.E.4. Implementation Schedule. A PUD shall include suitable assurances that each phase could be completed in a manner which would not result in an adverse effect upon the community as a result of termination at any point in the development. The implementation schedule shall designate to what extent the development shall be implemented within a twenty-four month period of time of approval of the implementation plan for the property. The PUD approval shall expire five years after the date of the last approval if it has not been completed and the land shall automatically revert back to its original zoning, unless the Village Board grants an extension of the expiration date.

- XI.** That Chapter 35, Planning and Zoning, Section 35-220, Changes and Amendments, subsection I, Protest, is hereby amended as follows:

35-220.I. Protest; Super-Majority Votes.

1. **Airport Affected Area.** If the proposed amendment would make any change in an airport affected area, and no part of the area to be changed is more than three miles from the airport, and the owner or operator of the airport bordered by the airport affected area protests against the amendment, the amendment shall not become effective except by the favorable vote of two-thirds of the of the members of the Village Board voting on the proposed change. (Note: 2017 Wisconsin Act 243, Section 8., repealed the supermajority requirement in the event of a protest against a proposed change effective 1-1-2019. Wis. Stat. s. 62.23(7)(d)2m.a. applies until 12-31-18.)
2. **Down Zoning.**
 - a. In this Code, “Down Zoning Ordinance” means a zoning ordinance that affects an area of land in one of the following ways:
 - (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.
 - (2) By reducing the permitted uses of the land, that are specified in a zoning ordinance or other land use regulation, to fewer uses than were allowed under its previous usage.
 - b. The Village Board may enact a down zoning ordinance only if the ordinance is approved by at least two-thirds of its members-elect, except that if the down zoning

ordinance is requested, or agreed to, by the person who owns the land affected by the proposed ordinance, the ordinance may be enacted by a simple majority of the members-elect.

- 3. Notices of such tentative recommendations or proposed changes in the regulations may contain the street names and house or lot numbers for purposes of identification if the commission or board so determines.
- XII.** That Chapter 35, Planning and Zoning, Section 35-174, Prohibited Signs, subsection A is hereby amended as follows:

35-174 PROHIBITED SIGNS. The following signs are prohibited in all zoning districts:

- A. Specifically prohibited signs include projecting signs, billboards, pole signs, roof signs, pylon signs, flashing or moving signs or beacons, bench signs, trailer signs, banner signs on poles or buildings, balloons, inflatable advertising devices, inflatable signs and pennants. No sign shall contain, include or be illuminated by any flashing light, or moving part or be illuminated by other than white lights or be composed of any animated part. Colored coverings are not permitted. Notwithstanding any other provision of this Code, pursuant to Wis. Stat. s. 66.1102, a banner is allowed over the entire height and length of a fence surrounding a construction site when placed there by the owner or other person in control of the construction site, unless the banner will cause a health or safety concern.
- XIII.** This ordinance shall take effect after public hearing, passage and publication as provided by law. All other language contained in the Municipal Code of the Village of Rochester shall remain without change and in full force and effect.

Introduced:

Adopted:

BY ORDER OF THE VILLAGE BOARD

Edward Chart, President

ATTEST:

Betty J. Novy, Clerk-Treasurer

State of Wisconsin



2017 Assembly Bill 479

Date of enactment: **November 27, 2017**

Date of publication*: **November 28, 2017**

2017 WISCONSIN ACT 67

AN ACT *to renumber and amend* 59.694 (7) (c) and 62.23 (7) (e) 7.; *to amend* 59.69 (10e) (title), 59.69 (10e) (a) 1., 59.69 (10e) (b), 60.61 (5e) (title), 60.61 (5e) (a) 1., 60.61 (5e) (b), 62.23 (7) (hb) (title), 62.23 (7) (hb) 1. a. and 62.23 (7) (hb) 2.; and *to create* 59.69 (5e), 59.694 (7) (c) 1., 59.694 (7) (c) 3., 60.61 (4e), 60.62 (4e), 62.23 (7) (de), 62.23 (7) (e) 7. a., 62.23 (7) (e) 7. d., 66.10015 (1) (e), 66.10015 (2) (e), 66.10015 (4), 227.10 (2p) and 710.17 of the statutes; **relating to:** limiting the authority of local governments to regulate development on substandard lots and require the merging of lots; requiring a political subdivision to issue a conditional use permit under certain circumstances; standards for granting certain zoning variances; local ordinances related to repair, rebuilding, and maintenance of certain nonconforming structures; and the right to display the flag of the United States.

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

SECTION 2. 59.69 (5e) of the statutes is created to read:

59.69 (5e) **CONDITIONAL USE PERMITS.** (a) In this subsection:

1. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a county, but does not include a variance.

2. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(b) 1. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the county ordinance or those imposed by the county zoning board, the county shall grant the conditional use permit. Any condition imposed must be

related to the purpose of the ordinance and be based on substantial evidence.

2. The requirements and conditions described under subd. 1. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The county's decision to approve or deny the permit must be supported by substantial evidence.

(c) Upon receipt of a conditional use permit application, and following publication in the county of a class 2 notice under ch. 985, the county shall hold a public hearing on the application.

(d) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the county may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the county zoning board.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

(e) If a county denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in s. 59.694 (10).

SECTION 3. 59.69 (10e) (title) of the statutes is amended to read:

59.69 (10e) (title) REPAIR, REBUILDING, AND MAINTENANCE OF CERTAIN NONCONFORMING STRUCTURES.

SECTION 4. 59.69 (10e) (a) 1. of the statutes is amended to read:

59.69 (10e) (a) 1. "Development regulations" means the part of a zoning ordinance enacted under this section that applies to elements including setback, height, lot coverage, and side yard.

SECTION 5. 59.69 (10e) (b) of the statutes is amended to read:

59.69 (10e) (b) An ordinance enacted under this section may not prohibit, or limit based on cost, or require a variance for the repair, maintenance, renovation, rebuilding, or remodeling of a nonconforming structure or any part of a nonconforming structure.

SECTION 8. 59.694 (7) (c) of the statutes is renumbered 59.694 (7) (c) 2. and amended to read:

59.694 (7) (c) 2. To authorize upon appeal in specific cases variances from the terms of the ordinance that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

4. A county board may enact an ordinance specifying an expiration date for a variance granted under this paragraph if that date relates to a specific date by which the action authorized by the variance must be commenced or completed. If no such ordinance is in effect at the time a variance is granted, or if the board of adjustment does not specify an expiration date for the variance, a variance granted under this paragraph does not expire unless, at the time it is granted, the board of adjustment specifies in the variance a specific date by which the action authorized by the variance must be commenced or completed. An ordinance enacted after April 5, 2012, may not specify an expiration date for a variance that was granted before April 5, 2012.

5. A variance granted under this paragraph runs with the land.

SECTION 9. 59.694 (7) (c) 1. of the statutes is created to read:

59.694 (7) (c) 1. In this paragraph:

a. "Area variance" means a modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of adjustment under this subsection.

b. "Use variance" means an authorization by the board of adjustment under this subsection for the use of

land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

SECTION 10. 59.694 (7) (c) 3. of the statutes is created to read:

59.694 (7) (c) 3. A property owner bears the burden of proving "unnecessary hardship," as that term is used in this paragraph, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

SECTION 11. 60.61 (4e) of the statutes is created to read:

60.61 (4e) CONDITIONAL USE PERMITS. (a) In this subsection:

1. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a town, but does not include a variance.

2. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(b) 1. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the town ordinance or those imposed by the town zoning board, the town shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

2. The requirements and conditions described under subd. 1. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the town relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The town's decision to approve or deny the permit must be supported by substantial evidence.

(c) Upon receipt of a conditional use permit application, and following publication in the town of a class 2 notice under ch. 985, the town shall hold a public hearing on the application.

(d) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the town may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the town zoning board.

(e) If a town denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures described in s. 59.694 (10).

SECTION 12. 60.61 (5e) (title) of the statutes is amended to read:

60.61 (5e) (title) REPAIR, REBUILDING, AND MAINTENANCE OF CERTAIN NONCONFORMING STRUCTURES.

SECTION 13. 60.61 (5e) (a) 1. of the statutes is amended to read:

60.61 (5e) (a) 1. "Development regulations" means the part of a zoning ordinance ~~enacted under this section~~ that applies to elements including setback, height, lot coverage, and side yard.

SECTION 14. 60.61 (5e) (b) of the statutes is amended to read:

60.61 (5e) (b) An ordinance ~~enacted under this section~~ may not prohibit, or limit based on cost, or require a variance for the repair, maintenance, renovation, rebuilding, or remodeling of a nonconforming structure or any part of a nonconforming structure.

SECTION 15. 60.62 (4e) of the statutes is created to read:

60.62 (4e) (a) In this subsection:

1. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a town, but does not include a variance.

2. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(b) 1. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the town ordinance or those imposed by the town zoning board, the town shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

2. The requirements and conditions described under subd. 1. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the town relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The town's decision

to approve or deny the permit must be supported by substantial evidence.

(c) Upon receipt of a conditional use permit application, and following publication in the town of a class 2 notice under ch. 985, the town shall hold a public hearing on the application.

(d) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the town may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the town zoning board.

(e) If a town denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures described in s. 61.35.

SECTION 16. 62.23 (7) (de) of the statutes is created to read:

62.23 (7) (de) *Conditional use permits.* 1. In this paragraph:

a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.

b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

2. a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.

3. Upon receipt of a conditional use permit application, and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.

4. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit's duration, transfer, or

renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.

5. If a city denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10.

SECTION 17. 62.23 (7) (e) 7. of the statutes is renumbered 62.23 (7) (e) 7. b. and amended to read:

62.23 (7) (e) 7. b. The board of appeals shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto; to hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

e. The council of a city may enact an ordinance specifying an expiration date for a variance granted under this subdivision if that date relates to a specific date by which the action authorized by the variance must be commenced or completed. If no such ordinance is in effect at the time a variance is granted, or if the board of appeals does not specify an expiration date for the variance, a variance granted under this subdivision does not expire unless, at the time it is granted, the board of appeals specifies in the variance a specific date by which the action authorized by the variance must be commenced or completed. An ordinance enacted after April 5, 2012, may not specify an expiration date for a variance that was granted before April 5, 2012.

f. A variance granted under this subdivision runs with the land.

g. The board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

SECTION 18. 62.23 (7) (e) 7. a. of the statutes is created to read:

62.23 (7) (e) 7. a. In this subdivision, "area variance" means a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of appeals under this paragraph. In this subdivision, "use variance" means an authorization by the board of appeals under this paragraph for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

SECTION 19. 62.23 (7) (e) 7. d. of the statutes is created to read:

62.23 (7) (e) 7. d. A property owner bears the burden of proving "unnecessary hardship," as that term is used in this subdivision, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

SECTION 20. 62.23 (7) (hb) (title) of the statutes is amended to read:

62.23 (7) (hb) (title) *Repair, rebuilding, and maintenance of certain nonconforming structures.*

SECTION 21. 62.23 (7) (hb) 1. a. of the statutes is amended to read:

62.23 (7) (hb) 1. a. "Development regulations" means the part of a zoning ordinance ~~enacted under this subsection~~ that applies to elements including setback, height, lot coverage, and side yard.

SECTION 22. 62.23 (7) (hb) 2. of the statutes is amended to read:

62.23 (7) (hb) 2. An ordinance ~~enacted under this subsection~~ may not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.

SECTION 23. 66.10015 (1) (e) of the statutes is created to read:

66.10015 (1) (e) "Substandard lot" means a legally created lot or parcel that met any applicable lot size requirements when it was created, but does not meet current lot size requirements.

SECTION 24. 66.10015 (2) (e) of the statutes is created to read:

66.10015 (2) (e) Notwithstanding any other law or rule, or any action or proceeding under the common law, no political subdivision may enact or enforce an ordinance or take any other action that prohibits a property owner from doing any of the following:

1. Conveying an ownership interest in a substandard lot.
2. Using a substandard lot as a building site if all of the following apply:
 - a. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
 - b. The substandard lot or parcel is developed to comply with all other ordinances of the political subdivision.

SECTION 25. 66.10015 (4) of the statutes is created to read:

66.10015 (4) Notwithstanding the authority granted under ss. 59.69, 60.61, 60.62, 61.35, and 62.23, no political subdivision may enact or enforce an ordinance or take any other action that requires one or more lots to be merged with another lot, for any purpose, without the consent of the owners of the lots that are to be merged.

SECTION 26. 227.10 (2p) of the statutes is created to read:

227.10 (2p) No agency may promulgate a rule or take any other action that requires one or more lots to be merged with another lot, for any purpose, without the consent of the owners of the lots that are to be merged.

SECTION 27. 710.17 of the statutes is created to read:

710.17 Right to display the flag of the United States. (1) DEFINITIONS. In this section:

(a) "Housing cooperative" means a cooperative incorporated under ch. 185 or organized under ch. 193 that owns residential property that is used or intended to be used, in whole or in part, by the members of the housing cooperative as their homes or residences.

(b) "Member of a homeowners' association" means a person that owns residential property within a subdivision, development, or other similar area that is subject to any policy or restriction adopted by a homeowners' association.

(c) "Member of a housing cooperative" means a member, as defined in s. 185.01 (5) or 193.005 (15), of a housing cooperative if the member uses or intends to use part of the property of the housing cooperative as the member's home or residence.

(2) **RIGHT TO DISPLAY THE FLAG OF THE UNITED STATES.** (a) Except as provided in sub. (3), a homeowners' association may not adopt or enforce a covenant, condition, or restriction, or enter into an agreement, that

restricts or prevents a member of the homeowners' association from displaying the flag of the United States on property in which the member has an ownership interest and that is subject to any policy or restriction adopted by the homeowners' association.

(b) Except as provided in sub. (3), a housing cooperative may not adopt or enforce a covenant, condition, or restriction, or enter into an agreement, that restricts or prevents a member of the housing cooperative from displaying the flag of the United States on property of the housing cooperative to which the member has a right to exclusive possession or use.

(3) **EXCEPTIONS.** A homeowners' association or housing cooperative may adopt and enforce a covenant, condition, or restriction, or enter into an agreement, that does any of the following:

(a) Requires that any display of the flag of the United States must conform with a rule or custom for proper display and use of the flag set forth in [4 USC 5 to 10](#).

(b) Provides a reasonable restriction on the time, place, or manner of displaying the flag of the United States that is necessary to protect a substantial interest of the homeowners' association or housing cooperative.

SECTION 28. Initial applicability.

(1) **RIGHT TO DISPLAY THE FLAG OF THE UNITED STATES.** The treatment of section 710.17 of the statutes first applies to a covenant, condition, or restriction that is adopted, renewed, or modified, or to an agreement that is entered into, renewed, or modified, on the effective date of this subsection.

(2) **CONDITIONAL USE PERMITS.** The treatment of sections 59.69 (5e), 60.61 (4e), 60.62 (4e), and 62.23 (7) (de) of the statutes first applies to an application for a conditional use permit that is filed on the effective date of this subsection.

VILLAGE OF ROCHESTER MEETINGS

300 W. SPRING STREET, P.O. BOX 65, ROCHESTER, WI 53167, PHONE 534-2431, FAX 534-4084

PUBLIC MEETING NOTICE **SPECIAL VILLAGE BOARD MEETING**

Wednesday, July 11, 2018

7:00 p.m.

Rochester Village Hall, 300 W. Spring St., Rochester, WI

Notice is hereby given that a special meeting of the Village of Rochester Board of Trustees will be held on Wednesday, July 11, 2018 at 7:00 p.m. at the Rochester Village Hall, 300 W. Spring St., Rochester, Wisconsin.

Agenda:

- 1. Call meeting to order in open session.**

Village Attorney Interviews:

- 7:00 p.m. Atty. Dan Olson of Rose, Olson & Roth, Fort Atkinson, WI**
 - 7:30 p.m. Atty. Eric Larson of Arenz, Molter, Macy, Riffle, Larson & Bitar, Waukesha, WI**
 - 8:00 p.m. Atty. Todd Terry of Guttormsen & Terry, LLC, Kenosha, WI**
- 2. Adjourn into closed session as allowed by Wis. Stats. s. 19.85(1)(c) "Considering employment and compensation of any public employee over which the Village Board has jurisdiction or exercises responsibility for the purpose of evaluating candidates for the Village Attorney position and making a determination regarding an offer of employment."**
 - 3. Reconvene into open session.**
 - 4. Possible Action: Appoint Village Attorney to term beginning September 1, 2018**
 - 5. Adjourn.**

Posted: July 6, 2018

It is possible that members and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

Please note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, or to request this service, please contact the Village Hall at 262-534-2431

Qualification Statement Criteria (from 5.7.18 Request for Proposals)	Guttormsen & Terry 4015 80th St., Suite H Kenosha, WI 53142	Arenz, Molter, Macy, Riffle, Larson & Bitar 730 N Grand Ave. Waukesha, WI 53187	Rose, Olson & Roth 314 Madison Ave., Suite 5 Fort Atkinson, WI 53538
Designated Attorney	Atty. Todd Terry	Atty. Eric Larson	Atty. Daniel Olson
Knowledge of and experience with Wisconsin Municipal Law, including whether the applicant is qualified to practice employment law;	X	X	X
Municipal or other local public sector experience, including experience with development and redevelopment agreements and incentives;	X	X	X
attorney(s) or firm's qualifications and experience and/or specific information relevant to the Scope of Services of the Village Attorney, as set forth in Section II;	X	X	X
A minimum of five professional references;	X	X	X
A listing of all ongoing public sector and other major clients;	Village of Rochester (Prosecuting Attorney)	Many Villages:	Newly formed- Previous experience & League WI Municipalities
	Town of Spring Prairie	Butler	
	Village of Watford	Dousman	
	Town of Burlington	Fox Point	
	Village of Twin Lakes	Greendale	
	Village of Somers	Jackson	
	Town of Somers	Nashotah	
	City of Kenosha	continued in proposal...	
If possible, specify name or names of attorney(s) proposed to act as substitute or backup legal representation for the Village in the event of the absence or unavailability of the designated Village Attorney;	Atty. Anthony Nudo	Any Other Attorney on staff (10)	To be determined
A cost proposal to provide the services identified in this request; and	\$150/ hour	\$199/ hour	\$75/ hour
The proposed Engagement Agreement.	X	X	To be provided

REQUEST FOR PROPOSALS:
VILLAGE ATTORNEY SERVICES
VILLAGE OF ROCHESTER, WI

The Village of Rochester is soliciting proposals from attorneys and law firms interested in providing contract legal services as the Village Attorney. A firm must be able to provide a designated individual to serve as the Village Attorney.

The Village of Rochester is a mixed community consisting of both urban and rural areas with a population of about 3,700, covering nearly 18 square miles. Rochester is located in Western Racine County and is governed by a Village President and six Trustees, all elected at large. Village services include general government, public works, a library, a sewer utility, and a storm water utility. The Village contracts with the Racine County Sheriff's Office for law enforcement services and with the Rochester Volunteer Fire Company, Inc. for fire and rescue services. The Village also contracts for building inspection, zoning administration, engineering services, and audit services. This position does not include prosecution services.

The current Village Attorney is retiring at the end of August. The Village wishes to engage an attorney experienced in development to take on work related to Village growth and new projects, without supervision, immediately, eventually taking over the balance of the current attorney's duties.

PROPOSAL DEADLINE: June 4, 2018

Questions and submittals should be to the attention of:

Betty Novy, Village Clerk-Treasurer
300 West Spring Street
P.O. Box 65
Rochester, WI 53167-0065
262-534-2431, ext. 304
bnovy@rochesterwi.us

I. BASICS OF PROCESS:

Statements and proposals should be submitted based on the following Scope of Services, Additional Services and any supporting documentation.

The Village selection will be based on its evaluation of the written proposal, the Applicant's qualifications and experience, client references, the areas of legal services that the Applicant is able to provide, an oral presentation (if requested), and the overall fee structure. All proposals shall provide a straightforward, concise delineation of the Applicant's capabilities to satisfy the requirements of the request. Emphasis should be on completeness and clarity of content. The Village reserves the right to waive any irregularities in proposals, to accept or reject any or all proposals for any reason, to negotiate with any attorney, law firm, or business, and to select one or more law firms deemed to have submitted a proposal which in the judgment of the Village is in the best interest of the Village. Proposals may be held by the Village for a period not to exceed 60 days from the date of the opening of proposals for the purpose of reviewing proposals and investigating the qualifications of the Applicant prior to the award of a contract. To

ensure fairness and uniformity, firms submitting responses are requested to not contact the Village Staff or the Village Board of Trustees, other than the Clerk-Treasurer as stated below.

II. SCOPE OF SERVICES:

The Village Attorney must be licensed to practice law, in good standing, in the State of Wisconsin. The Attorney provides all legal services needed by the Village in order to support the needs of the organization through the Village Board and Staff, except for occasional services that require unusual expertise such as serving as bond counsel, as follows:

- A. Provide clear and concise legal advice (oral and written) as requested or required to the Village Board, Village Clerk-Treasurer, and Staff on a variety of matters pertaining to all aspects of village law. Contacts are typically made by email or telephone and a response time of less than 24 hours is expected.
- B. Research and interpret laws, court decisions and other authorities for preparing legal opinions and to advise the Village accordingly.
- C. Draft, review, and/or revise documents when directed, including but not limited to contracts, ordinances, resolutions, legal memoranda, licenses, easement agreements, Village policies, notices, open records advice and responses, leases, deeds, permits, and staff reports. Clear, concise, well-organized writing is a prerequisite.
- D. Make recommendations for updating Village codes, resolutions, and policies and practices.
- E. Provide Village Staff with assistance, legal research and counseling on matters such as development and redevelopment, the acquisition or sale of property, preparation of leases, deeds and easements, contracts and agreements, operations governed by law, liability situations, government ethics and grant guidelines.
- F. Represent the Village in intergovernmental projects and other matters, as needed.
- G. Coordinate the work of outside legal counsel, as needed and directed by Village Clerk-Treasurer.
- H. Prepare correspondence and other legal documents on behalf of the Village as directed.
- I. Provide information regarding legislation or judicial opinions to the Village Board, Clerk-Treasurer, and Staff that have potential impact to the Village.
- J. Represent and advise the Village Board, Village Officers, Boards and Commissions in all matters of law pertaining to their offices.
- K. Attend regular and special Village Board meetings (open and closed sessions) if requested and advise the Board on matters on the agenda as well as procedural matters that may arise during and following the meeting. The Village Board meets at 7:00 pm on

the second Monday of the month, and on the fourth Monday after the Public Works Committee Meeting, which begins at 7:00 p.m. Special meetings are called as needed.

L. Represent the Village before governmental bodies and agencies to promote the interest of the Village as requested by the Village Clerk-Treasurer.

M. Provide guidance and legal advice on Wisconsin Open Meetings Law and parliamentary procedure.

N. Perform other duties as directed by the Village Clerk-Treasurer.

O. Non-routine Legal Services: The Village Attorney may represent the Village in litigation and mediation (civil, tort, liability, construction law/public works, general writ, etc.).

III. PROPOSAL FORM AND CONTENT.

Proposals should provide a straightforward, concise description of the respondent's capabilities to satisfy the requirements of this Request for Proposal, and should be easily reproducible.

All pages of the proposal must be numbered consecutively. The proposal should not exceed 15 pages in length. Resumes, licenses and work examples will not count against this page limit. The proposal should be organized in accordance with the list of proposal contents. Respondents may contact Betty Novy, Village Clerk-Treasurer, by email at bnovy@rochesterwi.us in order to setup a meeting prior to the submittal of the proposal as a means to gather information and conduct research about the Village.

IV. SELECTION PROCESS.

The proposals will be reviewed by the Village Clerk-Treasurer and members of the Village Board. Selected attorney(s) and/or firms will be invited for initial interviews with the Village Board or its designees, and if a second interview is warranted, by all members of the Village Board of Trustees in open session. The formal contract outlining duties and compensation will be entered into with the successful attorney(s) or firm. The Village Board of Trustees will formally appoint a Village Attorney, who shall serve at the Board's pleasure. The Village Attorney is an independent contractor and not a Village employee. The term of the Village Attorney will be determined by the Village Board.

V. BASIC APPLICATION INSTRUCTIONS.

Please read all pages in the Request for Proposal. Applicants are responsible for submitting their proposals to the appropriate location and prior to the time indicated in the specifications. No proposal will be accepted after the designated time or date indicated in the specifications. No exceptions. Should an applicant have questions on the specifications, or find discrepancies or omissions in the specifications, the applicant shall notify the Village Clerk-Treasurer, and she will send written instructions to all law firms who have contacted her. The Village will not assume responsibility for any oral instructions, or interpretations of meaning of the specifications or other contract documents to any law firm by any person or persons. Whether a proposal is sent by mail or by personal delivery, the Applicant assumes all responsibility for having its proposal deposited to the office of the Village Clerk-Treasurer by the designated date and time.

All proposals must provide specific and succinct answers to all questions and requests for information. Indirect, imprecise, or incomplete responses can serve only to the disadvantage of the applicant. Please answer the questions in the format and order presented. (Submissions of individual resumes alone will not be considered a response to any specific question.)

VII. PROPOSAL.

The proposal shall specifically address the following: Legal name of attorney(s) or the firm and name of the individual proposed as Village Attorney; Address, telephone number, fax number, and e-mail address(s); Qualifications statement addressing:

- A. Knowledge of and experience with Wisconsin Municipal Law, including whether the applicant is qualified to practice employment law;
- B. Municipal or other local public sector experience, including experience with development and redevelopment agreements and incentives;
- C. Information that will enable the Village Board to more fully understand the attorney(s) or firm's qualifications and experience and/or specific information relevant to the Scope of Services of the Village Attorney, as set forth in Section II;
- D. A minimum of five professional references;
- E. A listing of all ongoing public sector and other major clients;
- F. If possible, specify name or names of attorney(s) proposed to act as substitute or backup legal representation for the Village in the event of the absence or unavailability of the designated Village Attorney;
- G. Current availability of designated Village Attorney;
- H. A cost proposal to provide the services identified in this request; and
- I. The proposed Engagement Agreement.

VII. FEE SCHEDULE.

It is anticipated the attorney(s) or firm will propose a system wherein services are provided at a specified hourly rate. The proposal should include the hourly rate for services. Such hourly fees shall include all office support services, operational, and travel costs. The Village reserves the right to accept or negotiate an acceptable fee structure.

VIII. GENERAL SUPPORT INFORMATION. The attorney(s) or firm selected by the Village must be accessible by phone and e-mail as well as have a facsimile machine available. The Village does not provide any office or clerical support for the position. Meeting rooms can be reserved for use, however, there is no dedicated Village office space provided.

IX. SUBMISSION OF PROPOSAL: Proposals must be received by the Village Clerk-Treasurer by 4:00 p.m. on Monday, June 4, 2018. Applicants must submit an original proposal and seven copies. The Village will not be responsible for any expenses incurred by an Applicant in preparing, submitting or presenting a proposal. Seven copies of each complete proposal shall be submitted in a sealed envelope bearing the caption: "Village of Rochester- Village Legal Counsel Proposal" and addressed to: Village of Rochester Attention: Betty Novy, Village Clerk-Treasurer, 300 W. Spring St., P.O. Box 65, Rochester, WI 53167-0065. All inquiries regarding this Request for Proposal and current legal services of the Village should be directed to Betty Novy, Village Clerk-Treasurer at bnovy@rochesterwi.us

7.9.18 Operator's License Applications

First	Last	Employer	BG Check	Beverage Server Cert.	Approval Date:
Amanda	Johnson	Chances	Good	Yes	
Annamaria	Robel	Bunker	Good	Prev. Operators License	
Dinesh	Nalwade	Rochester Food & Beverage	Good	renewal	



We Energies
231 W. Michigan St.
Milwaukee, WI 53203
www.we-energies.com

PSB-P478 TB
BETTY NOVY
VILLAGE OF ROCHESTER
300 W SPRING ST
PO BOX 65
ROCHESTER WI 53167-0065

Lakeshore Lateral Project Open House

Southeast Wisconsin is in need of an additional natural gas supply to increase reliability and support customer needs. We recently submitted an application to the Public Service Commission of Wisconsin to address this need with a natural gas lateral that would extend from La Grange, Wisconsin, to our system in Mount Pleasant, Wisconsin.

Please join us at an open house to learn more about the proposed Lakeshore Lateral Project. Stop by to talk with project team members about proposed routes, the permitting process and estimated timelines.

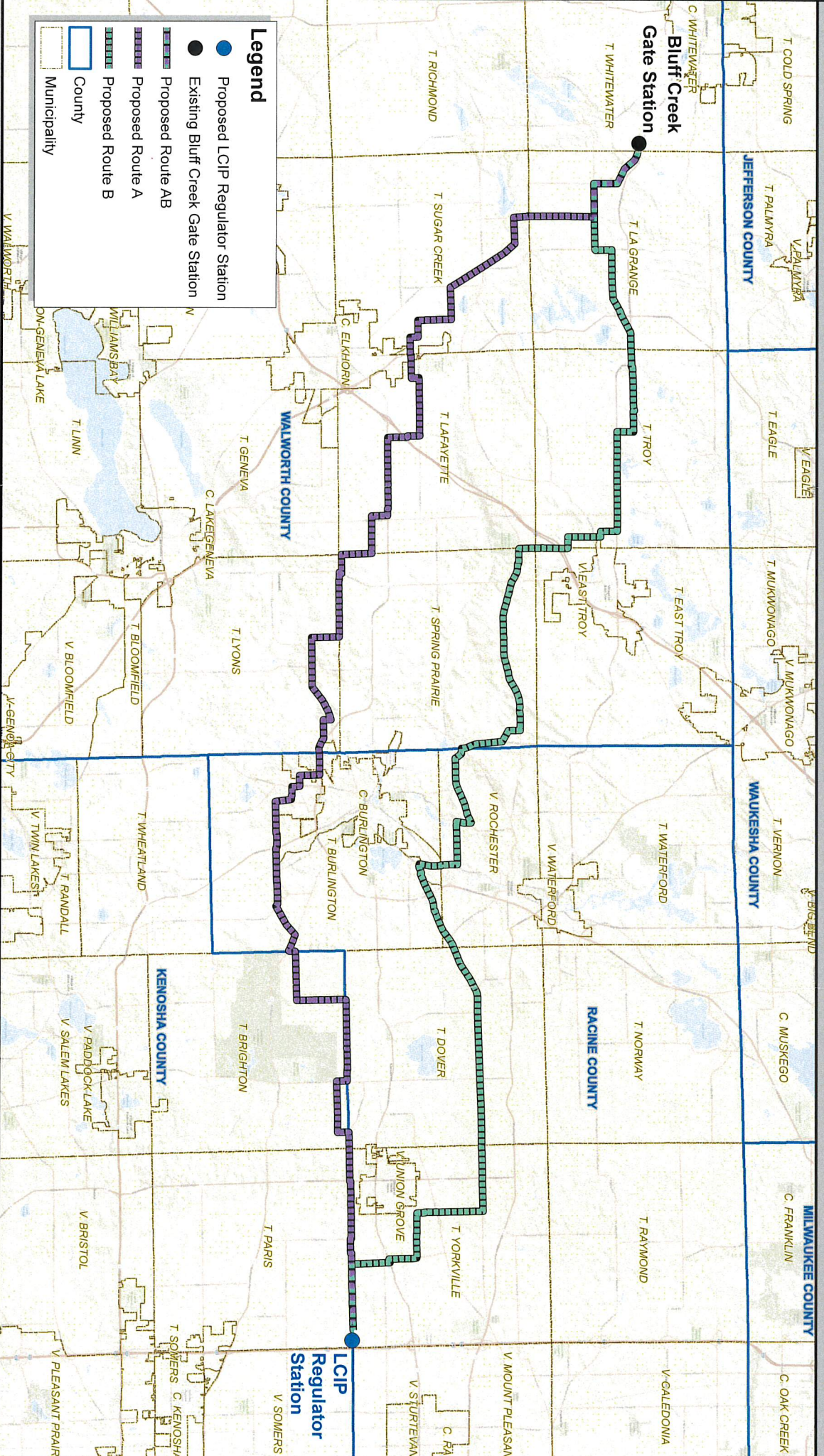
For your convenience, we scheduled three dates at different locations along the route.

Date and time	Location
Tuesday, July 10, 2018 2 to 7 p.m.	Veterans Terrace 589 Milwaukee Ave. Burlington, WI 53105
Wednesday, July 11, 2018 2 to 7 p.m.	Roma's Ristorante N8416 County Road ES East Troy, WI 53120
Thursday, July 12, 2018 2 to 7 p.m.	Michael's on the Lake 3101 Eagle Road Kansasville, WI 53139

Can't make it to the open house?

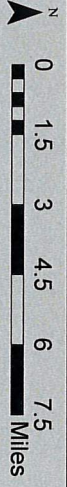
For more information about the project, please call us at 877-380-0522.

APPENDIX A ATTACHMENT 1 - OVERVIEW MAP



Legend

- Proposed LCIP Regulator Station
- Existing Bluff Creek Gate Station
- ▬ Proposed Route AB
- ▬ Proposed Route A
- ▬ Proposed Route B
- ▭ County
- ▭ Municipality



PROPOSED LAKESHORE LATERAL PROJECT

Date: 5/7/2018




Wendy M. Christensen

County Clerk
730 Wisconsin Avenue
Racine, WI 53403
262-636-3482
fax: 262-636-3491
Wendy.Christensen@racinecounty.com

June 2018

TO WHOM IT MAY CONCERN:

I, Wendy M. Christensen, County Clerk in and for
the County of Racine, State of Wisconsin, do
hereby certify that the attached is a true and correct
copy of an Ordinance enacted by the Racine
County Board of Supervisors on June 26, 2018.


Wendy M. Christensen
Racine County Clerk

County Seal

2
3 **ORDINANCE BY THE RACINE COUNTY ECONOMIC DEVELOPMENT AND LAND**
4 **USE PLANNING COMMITTEE CREATING SECTION 20-1226(18) EVENT BARN IN**
5 **THE A-2 DISTRICT OF CHAPTER 20, ZONING, RACINE COUNTY CODE OF**
6 **ORDINANCES**

7
8 **To the Honorable Members of the Racine County Board of Supervisors:**

9
10 **AN ORDINANCE TO AMEND that Certain Ordinance Entitled RACINE COUNTY**
11 **ZONING ORDINANCE adopted December 2, 1969, found on pages 185 to 232 of the**
12 **OFFICIAL PROCEEDINGS OF THE RACINE COUNTY BOARD OF SUPERVISORS**
13 **FOR THE YEAR 1969 as recodified May 28, 1991, by Ordinance 91-196.**

14
15 **The County Board of Supervisors of the County of Racine ordains as follows:**

16
17 **Create Section 20-1226(18) to read as follows:**

18
19 (18) Event Barns in the A-2 District. For the conversion of existing farm buildings
20 constructed prior to 1965 on a farm, with the presence of a principal residence,
21 for organized meetings and/or reception space as a gathering place for
22 weddings, private parties, and corporate events.

23
24 a. Town Board approval shall be required prior to the issuance of a conditional
25 use permit for an event barn.

26
27 b. The minimum parcel size shall be three (3) acres.

28
29 c. Event barn must be located no less than 250 feet from any abutting
30 residence on an adjoining parcel of land.

31
32 d. Buffer plantings shall be provided along a property line where there is an
33 abutting residence and that are intended to screen views, lights and noise
34 from the operation. A landscaping plan shall be submitted with the
35 application for review and approval.

36
37 e. Parking areas may be graveled or paved. Overflow parking on grass or hay
38 areas is permissible. Parking on public right-of-way is prohibited.

39
40 f. Parking areas shall meet the minimum standards of Section 20-1088
41 Parking requirements.

42
43 g. Signage shall comply with County ordinances and obtaining the necessary
44 permit and approval.

45
46 h. A lighting plan shall be submitted for review and approval. Lighting fixtures
47 shall be shielded in such a manner as to prevent light from shining directly
48 onto abutting rights-of-way and adjacent properties.

- 4 i. Parcels not served by public sanitary sewer shall be served by a code-
5 complying Private Onsite Wastewater Treatment System (POWTS) and shall
6 meet all State and County ordinances.
- 7
- 8 j. It is the responsibility of the applicant to comply with all State and Local
9 regulations regarding public health.
- 10
- 11 k. It is the responsibility of the applicant to comply with all Federal, State, and
12 Local building codes that apply to public use of a barn.
- 13
- 14 l. Music, dining and dancing permitted only within the barn structure.
- 15
- 16 m. Fires may only be within a contained area made specifically for outdoor fires
17 and must be illustrated on accompanying site plan if applicable. Outdoor fires
18 must also comply with local municipality regulations and local Fire
19 Department.
- 20
- 21 n. Overnight camping is prohibited.
- 22

23 The Racine County Clerk is directed to transmit duplicate copies of this ordinance by
24 registered mail to the all affected Town Clerks within seven (7) days after this ordinance
25 is adopted.

26 Respectfully submitted,

27 1st Reading 6-12-18

28 2nd Reading 6-26-18

29 BOARD ACTION

30 Adopted yes
31 For _____
32 Against _____
33 Absent _____

34 VOTE REQUIRED: Majority

35 Prepared by:
36 Public Works & Development
37 Services Department

38 **ECONOMIC DEVELOPMENT & LAND USE
39 PLANNING COMMITTEE**

40 
41 _____
42 David J. Cooke, Chairman

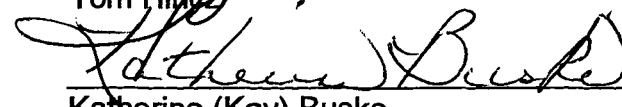
43 
44 _____
45 Thomas Roanhouse, Vice-Chairman

46 
47 _____
48 Robert D. Grove, Secretary

49 
50 _____
Thomas Pringle







1 Ordinance No. 2018-26
2 Page Three
3
4
5

6 **The foregoing legislation adopted by the County Board of Supervisors of Racine**
7 **County, Wisconsin, is hereby:**
8

9 **Approved:** _____

10 **Vetoed:** _____

11
12 **Date:** _____,

13
14 _____
15 **Jonathan Delagrave, County Executive**
16
17
18
19
20
21
22
23

Betty Novy

From: John Mosen <jmosen@tds.net>
Sent: Friday, June 8, 2018 4:30 PM
To: bnovy@rochesterwi.us
Cc: Chris Bennett
Subject: Board of Health cancellation and Fiscal Agent update

FYI

Sent from my iPad

Begin forwarded message:

From: Margaret Gesner <MGesner@crchd.com>
Date: June 8, 2018 at 11:28:00 AM CDT
To: Margaret Gesner <MGesner@crchd.com>
Subject: **CANCELLED: June 21 Board of Health. NEXT MEETING: Thursday, July 19, 2018**

To Board of Health Members:

I am cancelling the June 21 Board of Health meeting. **We will next meet Thursday, July 19 at 5:30 pm so please mark your calendars.**

Re: the Fiscal Agent question. After several fruitful and informative discussions with Racine County, Mount Pleasant and Village of Waterford, it became clear to all involved that if we are to change Fiscal Agents, it cannot be done in such a short timeframe i.e. for 2019. It appears crucial to go at a slower pace and develop the best plan possible for the future. Village of Caledonia is set to continue to be Fiscal Agent for 2019 and so this will be the plan for now unless something unforeseen comes up. If you have any questions before the July meeting, please feel free to contact me.

Margaret

PS. I am on vacation next week (!) but I will return any calls upon my return.

Margaret Gesner, Health Officer

Central Racine County Health Department
10005 Northwestern Avenue
(2nd floor US Bank Building)
Franksville, WI 53126

Phone: 262-898-4463 (direct)
Phone: 262-898-4460 (main number)
Fax: 262-898-4490
Mgesner@crchd.com