

**CITY OF EDGERTON
REGULAR COMMON COUNCIL MEETING
EDGERTON CITY HALL
12 ALBION STREET**

Monday, April 1, 2024 at 7:00 p.m.

NOTICE: The meeting noticed above will also be live streamed on a Zoom platform: To view the meeting, please select the link to the meeting listed on the **calendar events** on the City website's home page at www.cityofedgerton.com. Due to occasional technical difficulties, citizen participation via Zoom may not be possible.

1. Call to order; Roll call
2. Pledge of Allegiance.
3. Confirmation of appropriate meeting notice posted on Friday, March 29, 2024.
4. Council acceptance of agenda.
5. Personal appearances for non-agenda items limited to 3 minutes.
6. Minutes:
 - A. Consider approval of minutes of March 18, 2024 Council meeting.
7. Committee Reports:
 - A. Finance Committee:
 1. Consider approval of bills and payroll vouchers.
 2. Consider Temporary Class "B" Beer & Wine License for Edgerton Hospital Foundation.
 3. Consider Cigarette, Tobacco & Electronic Vaping License for Hemp 1848.
 4. Consider revocation of "Class B" Liquor License for The Decoy Bar & Grill.
 5. Consider bids for the Albion St Reconstruction project.
 - B. Fire District:
 1. Report on discussion and action taken at previous meeting.
 - C. Plan Commission
 1. Report on discussion and action taken at previous meeting.
 - D. Public Works
 1. Report on discussion and action taken at previous meeting.
 2. Consider sidewalk repair contracts.
 3. Consider contract for code enforcement services.
 - E. Parks Committee
 1. Report on discussion and action taken at previous meeting.
8. Consider second reading and adoption of City of Edgerton Ordinance 24-04: Amend Chapter 167 Alcohol Beverages, Section 167-4 Licenses and Fees to modify the number of license in

the downtown, in the Code of Ordinances, City of Edgerton, Rock and Dane Counties, Wisconsin.

9. Consider second reading and adoption of City of Edgerton Ordinance 24-05: Amend Chapter 450-33 E "Husbandry" of Chapter 450 "Zoning Ordinances", City of Edgerton Rock and Dane Counties, Wisconsin.
10. Consider second reading and adoption of City of Edgerton Ordinance 24-06: Amend Section 240-20 "Official Zoning map" of the Edgerton Code of Zoning Ordinances, City of Edgerton Rock and Dane Counties, Wisconsin for 111 Interstate Blvd.
11. Consider second reading and adoption of City of Edgerton Ordinance 24-07: Amend 2015 City of Edgerton Comprehensive Plan for the Area Known as a Portion of the Unplatted Area South of Orchard Heights Subdivision of the City of Edgerton, WI.
12. Consider second reading and adoption of City of Edgerton Ordinance 24-09: Amend the 2015 City of Edgerton Comprehensive Plan for 407 N Main St of the City of Edgerton, WI.
13. Consider City of Edgerton Arbor Day Proclamation.
14. Mayor, alderperson and staff reports.
15. Closed Session Pursuant to Wis. Stat. 19.85(1)(c) "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session." Discuss and consider land sale.
16. Return to open session and consider taking action on items discussed in closed session.
17. Adjourn.

Notice: If a person with a disability requires that the meeting be accessible or that materials at the meeting be in an accessible format, call the City Administrator's office at least 6 hours prior to the meeting to request adequate accommodations. Telephone: (608) 884-3341.

**MARCH 18, 2024 COMMON COUNCIL MEETING MINUTES
CITY OF EDGERTON**

Mayor Christopher Lund called the meeting to order at 7:00 p.m.

Present: Shawn Prebil, Casey Langan, Candy Davis, Tim Shaw, Paul Davis and Jim Burdick.

Others Present: City Administrator Ramona Flanigan, City Clerk Wendy Loveland, Municipal Services Director Howard Moser, Library Director Beth Krebs-Smith, Police Chief Bob Kowalski, City Attorney Bill Morgan, and a few citizens.

Loveland confirmed the meeting agendas were properly posted on Friday, March 15, 2024 at the City Hall, Library, Post Office and the City website.

ACCEPT THE AGENDA: A Candy Davis/Casey Langan motion to approve the agenda passed all voted in favor.

MINUTES: A Paul Davis/Casey Langan motion to approve the March 18, 2024 Council meeting minutes passed all voted in favor.

COMMITTEES:

Finance Committee: A Tim Shaw/Candy Davis motion to approve the payment to RT Fox for RTP grading in the amount of \$19,620 using Developer Fees passed on a 6/0 roll call vote.

A Tim Shaw/Shawn Prebil motion to approve the bills and payroll in the amount of \$561,782.45 passed on a 6/0 roll call vote.

A Tim Shaw/Candy Davis motion to approve the Event Packet for the Edgerton Night Market passed on a 6/0 roll call vote.

A Tim Shaw/Shawn Prebil motion to approve the bid from Arch Solar for Solar & EV charging installation at City facilities passed on a 6/0 roll call vote.

A Tim Shaw/Shawn Prebil motion to approve the 2024 Lead Service Lateral bid from Miller Pipeline in the amount of \$697,329.15 passed on a 6/0 roll call vote.

A Tim Shaw/Shawn Prebil motion to approve the purchase of a mower for DPW from St. Lawrence Equipment in the amount of \$11,245 passed on a 6/0 roll call vote.

Jim Burdick was concerned, if the ordinance eliminated the restriction to Class "B" Combination Liquor license in the downtown, we would have too many bars consolidated in one area. He felt we should amend the ordinance to change from 5-6.

Langan felt the culture has changed and the empty buildings downtown are being used for other types of business besides bars. If this restriction stays in place, it would limit the opportunities to business owners. He felt the restriction should be eliminated.

A Tim Shaw/Candy Davis motion to introduce and approve the first reading of City of Edgerton Ordinance 24-04: Amend Chapter 167 Alcohol Beverages, Section 167-4 Licenses and Fees in the Code of Ordinances, to eliminate the restriction of Class "B" combination liquor license in the downtown passed on a 5/1 roll call vote. Jim Burdick voted against the motion

Plan Commission: A Paul Davis/Jim Burdick motion to approve the first reading of City of Edgerton Ordinance 24-05: Amend Chapter 450-33E "Husbandry" of Chapter 450 "Zoning Ordinances", City of Edgerton Rock and Dane Counties Wisconsin passed on a 6/0 roll call vote.

A Paul Davis/Jim Burdick motion to approve the first reading of City of Edgerton Ordinance 24-06 Amend Section 450-20 "Official Zoning Map of the Edgerton Code of Ordinances for 111 Interstate Blvd, City of Edgerton Rock and Dane Counties, Wisconsin passed on a 6/0 roll call vote.

A Jim Burdick/Paul Davis motion to approve an extraterritorial CSM to create two lots from three lots on N Staff Rd in Section 18 of the Town of Fulton for Witt passed, all voted in favor.

A Jim Burdick/Paul Davis motion to approve an extraterritorial CSM to expand a lot at 9500 N County Rd F from 2 acres to 10 acres in Section 16 of the Town of Fulton for Farrington passed, all voted in favor.

ORDINANCE 24-03: A Jim Burdick/Casey Langan motion to approve the second reading and adopt City of Edgerton Ordinance 24-03: Amend Chapter 208 Direct Sellers, Section 208-7 Prohibited Practices in the Code of Ordinances, City of Edgerton passed on a 6/0 roll call vote.

ORDINANCE 24-02: A Candy Davis/Shawn Prebil motion to approve the second reading and adopt City of Edgerton Ordinance 24-02: Amend Chapter 167 Alcohol Beverages, Section 167-10(D) General Provisions to include a required duration to be open for business, in the Code of Ordinances, City of Edgerton passed on a 6/0 roll call vote.

APPOINTMENT TO JOINT REVIEW BOARD: A Paul Davis/Candy Davis motion to nominate Jim Burdick to the Joint Review Board passed, all voted in favor.

CLOSED SESSION: Casey Langan/Shawn Prebil moved to go into closed session pursuant to Wis. Stat. 1985(1)(c) "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session." Discuss and consider land sale. The motion passed on a 6/0 roll call vote.

Being no other business before the Council, a Tim Shaw/Shawn Prebil motion to adjourn from closed session passed on a 6/0 roll call vote.

Wendy Loveland
City Clerk
Adopted April 1, 2024

Memo

To: Common Council
From: Staff
Date: 3/29/2024
Re: April 1, 2024 Meeting

Code Enforcement Service: The 2024 budget includes \$5,000 for code enforcement services. Staff interviewed a company that provides very flexible code enforcement services to many other area municipalities. The attached contract with Municipal Code Enforcement (MCE) provides for an on call, or as needed, type of service which will allow the City to control expenses and the service level. Staff recommends the City enter into a contract with MCE for code enforcement.

Contracts for sidewalk repair: Staff contacted several vendors to request quotes for trip hazard mitigation in 2024. We received three quotes for saw cutting/grinding at a per linear foot cost. The lowest responsible quote was submitted by Universal Concrete Grinding as shown below:

VENDOR	LF COST
UNIVERSAL CONCRETE GRINDING	\$13.75
ASTI SAWING	\$18.50
SAFE STEP	\$27.97

Staff recommends awarding the trip hazard mitigation project to Universal Concrete Grinding for \$13.75 per linear foot. This project will be funded by the sidewalk utility.

Albion Street Bids: The City took bids for the reconstruction of Albion Street from W Fulton to W Rollin Streets. There were five bidders with bids ranging from \$695,471 to \$899,999. The low bid is from BKS. After a meeting with BKS, the City Engineer is recommending awarding the bid to BKS. The Engineer's recommendation will be presented at the meeting.

Revocation of Liquor License: Please recall the Council adopted an ordinance allowing for the revocation of a liquor license if the licensee fails to operate an establishment for at least 45 consecutive days. The operator of the Decoy Bar has not operated for more than 45 days. Staff sent a letter to the Decoy license holder to alert them to the new ordinance provision, and did not receive a reply. If the Committee wishes to pursue revocation, staff will follow the provisions of the Statutes to allow the Council to consider the revocation at a future meeting. The revocation process generally is as follows: a complaint is filed with the clerk; a summons is issued to the

licensee to attend a meeting; within ten days of the summons, a meeting is held by either the Committee or the Council.

Vaping license for Hemp 1848: State licensing regulations have changed requiring licensure for entities that sell vaping related items.

**CODE ENFORCEMENT SERVICES CONTRACT BETWEEN
THE CITY OF EDGERTON AND MUNICIPAL CODE ENFORCEMENT, LLC**

THIS AGREEMENT is between the **City of Edgerton, 12 Albion Street, Edgerton, WI 53534** (hereinafter “City”) and **Municipal Code Enforcement, LLC, PO Box 62, Delavan, Wisconsin, 53115**, (hereinafter “MCE”) as of this **1st day of March, 2024**.

RECITALS:

WHEREAS, the City requires code enforcement services; and

WHEREAS, MCE maintains an agency that regularly enforces and administers municipal codes for various municipalities, providing services that include, but are not limited to, review of the municipal code, response to property complaints, completion of code inspections, preparation of written orders for repair, preparation and issuance of citations, administration of landlord licensing and vacant building programs, and other miscellaneous code enforcement activities; and

WHEREAS, the City and MCE desire to contract with each other for such code enforcement services as set forth herein, to be provided by MCE to the City; and

WHEREAS, the City agrees to compensate MCE at the rate set forth herein for performing these services.

NOW THEREFORE, for and in consideration of the recitals set forth above and for such other valuable consideration as set herein, the receipt and sufficiency of which is hereby acknowledged, and with the express intention on the part of both parties that this contract is legally binding, the parties do agree to the following:

1.) SCOPE OF SERVICES – MCE agrees to provide the City with the following code enforcement services on an on-call basis:

- **Violation Monitoring**
 - Property Maintenance
 - Unsightly Debris
 - Weeds, Grass, Trees, or Other Vegetation
 - Junked, Unlicensed, or Abandoned Vehicles/Boats
 - Snow Removal

- **Violation Follow-up**

When a violation is present pertaining to any of the items above, orders will be sent to the property owner with details of the violation and a deadline to come into compliance. After the compliance deadline has passed, a re-inspection of the property will take place to determine the status of the violation and further action will be taken, as necessary, which may include any of the following:

 - Direct communications with property owners

- Phone call or email
 - Final notice
 - Granting of extensions if warranted based on the judgment of MCE after consultation with the City
 - Issuing municipal citations through the City police department
 - Nuisance abatement pursuant to City Code
 - MCE will bill property owner for all Penalty costs, according to fee schedule set forth in the Edgerton Municipal Code (hereinafter "Code") as updated from time to time with guidance of MCE, possibly resulting in possible Special Charges against property owner.
- **Municipal Programs:**
 - Vacant Building Inspection
 - Landlord Licensing Rental Inspection Program
 - Short-Term Rental Inspection Licensing Program
 - Tree Removal Permitting Program
 - Restaurant Grease Trap Compliance Program
 - **Additional Tasks** (as requested):
 - Inspections for the purpose of building condemnation
 - Court Attendance and Evidence Preparation
 - Review and Recommendations for Improvement to Municipal Code of Ordinances
 - Collaboration with Building Inspector
 - Continuous Improvement of Municipal Codes and Ordinances
 - Other Issues/Complaints/Nuisances
 - Landlord/Tenant/Neighbor Dispute Mediation
 - Safety Hazard Elimination

2.) DUTIES – MCE shall perform the code enforcement services set out in the Scope of Services above for the City. MCE's jurisdiction shall be concurrent with the City's boundaries. Within said jurisdiction, and in the performance of those duties, MCE shall have the full lawful authority and responsibility to enforce the Code and issue citations, specific Chapters and Sections of the Code, including ordinances for which a statutory counterpart exists. MCE's agents and employees shall not have the authority to make arrests for violations of the Code. It is specifically the intent of the parties that MCE is not a law enforcement officer within the meaning of Wis. Stat. § 165.85(2)(c). MCE shall cooperate with the City's Police Department in investigating and issuing citations, and in other enforcement activities as needed to complete matters originating with MCE's investigative and Code enforcement duties.

3.) HOURS AND COMPENSATION – Unless otherwise agreed upon by both parties, MCE shall provide no more than **20 hours per week** in code enforcement services and shall be compensated at the rate of **\$49.00 per hour**. Initially, MCE will respond to requests for service made by the City. At the City's request, MCE will also perform

proactive code enforcement activities in which MCE surveys areas of the community to locate violations. If requested by the City, MCE will hold office hours in the City in office space provided by the City. MCE shall send the City an invoice every month detailing the number of hours provided and the amount owed. If an automatic renewal of this contract is enacted, as detailed below, this hourly rate shall increase by 3%, rounded to the nearest dollar, for each year that the automatic renewal takes place.

4.) TERMS OF CONTRACT – This contract shall begin **April 1, 2024** and end on **December 31, 2024**. This contract shall automatically renew, unless an amendment or a subsequent contract is executed by both parties, no less than 60 days before the contract end date. The term of the renewal contract shall be one year.

5.) DOCUMENTS AND OPEN RECORDS REQUESTS – All documents produced by MCE in the course of its performance under this contract shall be deemed to be records of the City and shall be turned over to the City upon request or upon termination of this contract for any reason. In the event of an open records request that implicates records that MCE possesses or has access to, MCE shall provide the requested records to the City of Edgerton within five (5) business days of written request to MCE.

6.) MONTHLY REPORT – MCE shall provide the City Administrator with a monthly report containing a summary of its work on City matters for each month of the Contract term for the prior month's work. The report shall be delivered to the City Administrator by the tenth (10th) day of each month.

7.) TERMINATION WITHOUT CAUSE – Notwithstanding the contract term specified in this contract, both the City and MCE shall have the right to terminate this contract, without cause, by giving 90 days' written notice to the other party.

8.) TERMINATION WITH CAUSE – Notwithstanding the contract term specified in this contract, the City of Edgerton shall in its sole discretion have the right to terminate the contract with cause, in whole or in part, upon fifteen (15) days written notice of the circumstances giving rise to the decision to terminate, and MCE does not cure the alleged defect(s) if curable within fifteen (15) days following receipt of the notice.

If the contract is terminated with cause, MCE shall be entitled to receive compensation for all reasonable, allocable and allowable contract services satisfactorily performed by MCE up to the date of termination that were accepted by the City.

9.) ASSIGNMENT – MCE shall not assign, transfer, or convey any rights under this contract without the prior written consent of the City.

10.) INSURANCE – MCE shall at its own expense, procure and maintain the following insurance coverage and shall provide a certificate of insurance to the City Clerk verifying these coverages, including any required endorsements or riders, during the term of this contract:

- General Liability – One Million Dollars (\$1,000,000.00) combined single limit and Two Million Dollars (\$2,000,000.00) aggregate for bodily injury, personal injury, and property damage.
- Automobile Liability Insurance
- The City of Edgerton shall be named as an additional insured on MCE's insurance policies, on a primary and non-contributory basis, with subrogation rights against the City waived.

11.) INDEPENDENT CONTRACTOR – It is agreed and understood between the parties that MCE is an independent contractor. MCE is not an employee of the City of Edgerton and shall not be entitled to any benefits enjoyed by employees of the City. MCE remains in control of all of its employees, including but not limited to hiring, firing, discipline, evaluation, and establishment of standards for performance thereof. All MCE personnel rendering services hereunder shall be, for all purposes, employees of MCE, although they may act as officers or agents of the City while acting within the scope of the services performed under this contract.

12.) INDEMNIFICATION – To the fullest extent permitted by law, MCE shall defend, indemnify, and hold harmless the City, its elected and appointed officials, employees, consultants, and volunteers and others working on behalf of the City, from and against any and all third-party claims, demands, suits, costs (including reasonable legal costs), expenses, and liabilities ("Claims") alleging personal injury, including bodily injury or death, and/or property damage, but only to the extent that any such Claims are caused by the mistake, error, omission or negligence of MCE, or by any officer, employee, representative, or agent of MCE or the material breach of any obligation under this contract by MCE, or by any officer, employee, representative, or agent of MCE. MCE shall have no obligations under this section to the extent that any Claim arises as a result of MCE's compliance with specific municipal laws, ordinances, rules, regulations, resolutions, executive orders, or other instructions received from the City and lawfully and properly carried out by MCE. If either party becomes aware of any incident likely to give rise to a Claim under the above indemnities, it shall notify the other and both parties shall cooperate fully in investigating the incident. Nothing herein shall be construed to be a waiver of statutory liability immunity provided by Wisconsin Statutes and caselaw. This indemnification is further limited by the amounts of statutory limits of municipal liability provided by Wisconsin Statutes and caselaw.

13.) APPLICABLE LAW – This contract shall be governed in all respects by the law of the State of Wisconsin, and any litigation with respect thereto shall be brought in the courts of the State of Wisconsin.

14.) SEVERABILITY – If any term or provision in this contract is determined to be illegal, unenforceable or invalid in whole or in part for any reason, such illegal, unenforceable or invalid provision or part thereof shall be stricken from this contract, and such provision shall not affect the legality, enforceability, or validity of the remainder of this contract. If any provision or part thereof of this contract is stricken in accordance with the provisions of this section, then the stricken provision shall be replaced, to the

extent possible, with a legal, enforceable, and valid provision that is as similar in tenor to the stricken provision as legally possible.

15.) ENTIRE AGREEMENT – This contract and all other agreements, exhibits, attachments, and schedules referred to in this contract constitute the final, complete, and exclusive statement of the terms of the agreement between the parties pertaining to the subject matter of this contract and supersedes all prior and contemporaneous understandings or agreements of the parties. No party has been induced to enter into this contract by, nor is any party relying on, any representation, understanding, agreement, commitment or warranty outside those expressly set forth in this contract.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed and intend for the agreement to be effective as of the date and year first specified above.

Allison Schwark, Municipal Code Enforcement, LLC Date

NAME, TITLE Date

ATTEST:

NAME, TITLE Date

CITY OF EDGERTON
ORDINANCE No. 24-04

**AN ORDINANCE TO AMEND CHAPTER 167 ALCOHOL BEVERAGES, SECTION 167-4
LICENSES AND FEES IN THE CODE OF ORDINANCES, CITY OF EDGERTON ROCK AND
DANE COUNTIES, WISCONSIN**

Alderperson introduced the following Ordinance and moved its adoption:

THE COMMON COUNCIL OF THE CITY OF EDGERTON, ROCK AND DANE COUNTIES,
WISCONSIN, DO ORDAIN AS FOLLOWS:

Chapter 167 Alcohol Beverages, Section 167-4 shall read as follows:

§ 167-4 **Licenses and fees.**

Λ. Intoxicating liquor.

(1) "Class A" retail liquor license. [**Amended at time of adoption of Code (see Ch. 1,
General Provisions, Art. II)**]

(a) Λ "Class A" retail liquor license when issued by the City Clerk under authority of the City Council shall permit to the holder the retail sale of intoxicating liquor for consumption off the premises where sold and in original packages and containers. "Class A" licenses shall particularly describe the premises for which issued and are not transferable, except as provided in § 125.04(12), Wis. Stats., or by local ordinance in strict conformity therewith.

(b) Said "Class A" retail liquor licenses shall be limited to six within the Edgerton City Limits.

(2) "Class B" retail liquor license and reserve "Class B" licenses:

(a) Λ "Class B" retail liquor license and reserve "Class B" retail liquor license (both referred to as "Class B" retail liquor licenses), when issued by the City Clerk under authority of the City Council, authorize the sale of intoxicating liquor to be consumed by the glass on the premises where sold or off the premises if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises. The "Class B" license also authorizes the sale of intoxicating liquor in the original package or container, in any quantity, to be consumed off the premises where sold. No "Class B" retail liquor license shall be granted to any person who is not the holder of a Class "B" license for fermented malt beverages granted by the City Council. "Class B" licenses shall particularly describe the premises for which issued and are not transferable, except as provided in § 125.04(12), Wis. Stats., or by local ordinance in strict conformity therewith. [**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)**]

(b) As of December 1, 1997, the City of Edgerton's "Class B" retail liquor license quota was at 10 not including the reserve "Class B" retail liquor license. No more than one reserve "Class B" retail liquor license shall be issued for each 500 in population based on the Wisconsin Department of Administration's numbers used for the purpose of revenue sharing distribution.

(c) ~~The City restricts the number of "Class B" retail liquor licenses issued to establishments in the Fulton Street Historic District that do not qualify as a mixed-use retailer to five. See § 246-2, Edgerton historic plan, for a description of the Fulton Street Historic District boundaries. The burden is on the alcohol beverage licensee to prove to the municipality that the establishment complies with the definition of a mixed-use retailer. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**~~

~~{1} If an applicant, whose license if issued would exceed the maximum number of licenses in the Fulton Street Historic District, does not meet the definition in this chapter of mixed-use retailer, he/she may appeal for an exceptional circumstance license. Exceptional circumstance licenses may include but not be limited to proposals that add a new dimension to the Historic District, meet changing market demands, or that offer fare designed to appeal to the area as determined by the Finance Committee and City Council.~~

(d) ~~"Class B" intoxicating liquor licenses issued as a mixed-use retailer license are required to comply with the following: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**~~

~~{1} The licensee shall maintain that status throughout the existence of its alcohol beverage license and may be required to provide evidence substantiating such upon the request of the Finance Committee or City Council.~~

~~{2} After the first 90 days of operation following the initial issuance of the license, the licensee shall file with the City Clerk an affidavit prepared by a certified public accountant. Such affidavit shall state the percent of gross revenue from the sale of food and nonalcohol beverages and the percent of gross revenue from the sale of fermented malt beverages and intoxicating liquor for such initial ninety-day period.~~

~~{3} Thereafter, such affidavit prepared by a certified public accountant shall be filed with the renewal application and shall include gross revenues from the sale of food and nonalcohol beverages and the percent of gross revenue from the sale of fermented malt beverages and intoxicating liquor for the entire previous calendar year.~~

~~{4} The Finance Committee may, at any time it is deemed necessary, request the licensee to file an additional affidavit from a certified public accountant to verify the percentage of gross revenue as required above.~~

~~{5} Failure to file the required affidavit, failure to maintain the required percent of food sales, or failure to comply with any of the requirements for the "Class B" intoxicating liquor license for mixed-use retailers shall be grounds for nonrenewal, suspension or revocation of the "Class B" intoxicating liquor license for mixed-use retailers.~~

(3) Temporary "Class B" wine license. A temporary "Class B" wine license may be issued to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six months before the date of application and to posts of veterans organizations authorizing the sale of wine containing not more than 6% alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed from an original package,

container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

B. Fermented malt beverages. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- (1) Class "A" retailer's beer license. A Class "A" retailer's beer license for fermented malt beverages, when issued by the City Clerk under authority of the City Council, shall permit to the holder the retail sales of fermented malt beverages for consumption off the premises where sold and in original packages, containers and bottles. Class "A" licenses shall particularly describe the premises for which issued and are not transferable except as provided in § 125.04(12), Wis. Stats., or by local ordinance in strict conformity therewith.
- (2) Class "B" retailer's beer license. A Class "B" retailer's beer license for fermented malt beverages, when issued by the appropriate City Clerk under the authority of the City Council, shall permit to its holder the retail sales of fermented malt beverages to be consumed either on the premises where sold or off the premises. Class "B" licenses shall particularly describe the premises for which issued and are not transferable except as provided in § 125.04(12), Wis. Stats., or by local ordinance in strict conformity therewith.
- (3) Temporary Class "B" beer license. A temporary Class "B" beer license may be issued to bona fide clubs bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, churches, lodges or societies that have been in existence for at least six months before the date of application and to posts of veterans organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The license shall be granted under such conditions as may be imposed by the City Council.

- C. ~~Wine. A "Class C" wine license may be issued to any person for the retail sale of wine by the glass or by open original container for consumption on the premises. The licensee or licensed operator must be on the premises at all times. Any holder of a "Class C" license shall abide by the same closing hours as provided to those holders of Class "B" licenses. Said "Class C" license can only be issued to mixed-use retailers and only if less than 50% of gross receipts of the mixed-use retailer are for alcohol sales, and wine is the only intoxicating liquor sold in the barroom. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]:"~~ Class C" wine licensees may sell wine by the glass or in one opened original container for consumption on the premises where sold. The open container may be taken for consumption off the premises only if in compliance with sec 125.51(3r). The licensee or licensed operator must be on the premises at all times. Any holder of a "Class C" license shall abide by the same closing hours as provided to those holders of Class "B" licenses. "Class C" wine licenses may be granted to an applicant only if: (1) the applicant meets the qualifications set out in sec. 125.04(5) for other retail licensees; (2) the license is for a restaurant (see sec. 125.02(18)) in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts; and (3) wine is the only intoxicating liquor sold in the barroom. Sec 125.51(3m), Stats.

**CITY OF EDGERTON
ORDINANCE No. 24-05**

**AN ORDINANCE TO AMEND CHAPTER 450-33 E “HUSBANDRY” OF CHAPTER 450
“ZONING ORDINANCES”, CITY OF EDGERTON ROCK AND DANE COUNTIES,
WISCONSIN**

Alderson introduced the following Ordinance and moved its adoption:

THE COMMON COUNCIL OF THE CITY OF EDGERTON, ROCK AND DANE COUNTIES,
WISCONSIN, DO ORDAIN AS FOLLOWS:

Chapter 450, Section 450-33 E shall read as follows:

450-33 E (26) Husbandry. Description: husbandry land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than one animal unit (as defined in § 450-10) per acre where the husbandry activities are not the principal use of the property. Apiaries (beekeeping) are considered husbandry land uses. [Amended 2-15-2021 by Ord. No. 21-03]

(a) General regulations not including apiaries, ducks and chickens

[1] Permitted by Right: Not Applicable.

[2] Permitted by Right with Additional Special Requirements: Not Applicable.

[3] Conditional Use Regulations: {A-1}

[a] Any building housing animals shall be located a minimum of three hundred (300) feet from any residentially zoned property, and one hundred (100) feet from all other lot lines.

[b] All outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of ten (10) feet from any residentially zoned property.

[c] Shall comply with Subsection 22.206, standards and procedures applicable to all conditional uses.

[4] Parking Regulations: One (1) space per employee on the largest work shift.

(b) Regulations for apiaries only.

[1] Permitted by right: N/A.

[2] Permitted by right with additional special requirements: all districts.

[a] No bees shall be intentionally kept and maintained other than honeybees.

[b] No hive shall exceed 20 cubic feet in volume.

[c] No more than six hives may be kept on a zoning lot.

[d] No hive shall be located closer than 10 feet from any property line or right-of-way or 25

feet from a principal building on an abutting lot in different ownership.

- [c] An ever-present supply of water shall be provided for all hives.
 - [f] A flyway barrier at least six feet in height shall shield any part of a property line of a zoning lot in different ownership that is within 25 feet of a hive. The flyway barrier must effectively direct bees to fly up and over the barrier when flying in the direction of the barrier. The flyway barrier shall consist of a wall, fence, dense vegetation or combination thereof, and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded. The barrier shall further comply with any applicable fence regulations contained in this chapter.
 - [g] Every owner of a hive shall obtain a license for such hive prior to establishing a hive and annually thereafter. There will be a fee as set by the City Council in the current Fee Schedule for said license, on file in City Hall. Hive licenses are required to be renewed by March 31 every year. License renewal payments received after the March 31 deadline will be subject to a late fee as set by City Council in addition to any applicable license fees.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - [h] Shall comply with § 450-17 standards and procedures applicable to all special uses.
- [3] Conditional use regulations: N/A.
 - [4] Parking regulations: one space per employee on the largest work shift.

(c) Regulations for chicken and duck keeping only

- [1] Permitted by Right: Not Applicable.
- [2] Permitted by Right with Additional Special Requirements: {For chicken and duck keeping only: R-1, R-2, R-3 and R-4}
 - [a] No more than a combined total of six (6) chickens or ducks on a lot containing a single-family dwelling only; keeping of ducks and chickens is not allowed on residential lots containing two (2) or more dwelling units.
 - [b] Keeping of roosters is prohibited.
 - [c] Ducks must be flightless.
 - [d] Slaughter of chickens or ducks is prohibited on site.
 - [e] The chickens and ducks shall be provided with a structurally sound covered enclosure and an attached fenced enclosure. Chickens and ducks must be kept in the covered enclosure or an attached fence enclosure at all times. The enclosures must be maintained in good repair and kept free from rodents and other vermin. The fence of the enclosure shall be of sufficient opacity or webbing to contain a chicken or duck.
 - [f] The covered and the fenced enclosures shall be located in a rear yard only. The covered enclosure shall be a minimum of twenty-five (25) feet from any residential structure on any adjacent lot.

[g] The total area of the covered and fenced enclosure shall not exceed seventy-five (75) square feet except when the rear yard of the property is fenced in which case the rear yard can serve as the fenced enclosure. If the fenced enclosure also serves as a rear yard fence, the rear yard fence shall be 100% opaque. The total area of the covered enclosure shall be a minimum of four (4) square feet per chicken or duck. The total area of the fenced enclosure must be a minimum of six (6) square feet per chicken or duck. The covered enclosure is not considered an accessory structure as defined in Subsection 22.304(5)(d).

[h] Neither chickens nor ducks shall be allowed to be kept within a residential dwelling or garage.

[i] Any electrical work requires an electrical permit through the building inspection department.

[j] Prior to the establishment of the use and prior to work commencing on the enclosure, a permit must be issued, an inspection must be completed, and the improvements must be found to be satisfactory.

[k] Shall comply with Subsection 22.207, standards and procedures applicable to all special uses.

[3] Conditional Use Regulations: Not Applicable.

This Ordinance shall be in full force and effect after its passage and publication.

Seconded by Alderperson: Jim Burdick

Roll Call: Ayes: Nocs:

Christopher Lund, Mayor

Public Hearing Date: March 7, 2024
1st Reading: March 18, 2024
2nd Reading: April 1, 2024
Adopted: April 1, 2024
Published: April 3, 2024
Dated: April 1, 2024

Wendy Loveland, City Clerk

STATE OF WISCONSIN)
)ss.
COUNTY OF ROCK)

I, Wendy Loveland, City Clerk, City of Edgerton, Rock and Dane Counties, Wisconsin, do hereby certify that the foregoing is a true and correct copy of the ordinance adopted by the Common Council of the City of Edgerton at its regular meeting the 1st day of April, 2024.

Wendy Loveland, City Clerk

**CITY OF EDGERTON
ORDINANCE No. 24-06**

**AN ORDINANCE TO AMEND SECTION 450-20 “OFFICIAL ZONING MAP”
OF THE EDGERTON CODE OF ZONING ORDINANCES, CITY OF
EDGERTON ROCK AND DANE COUNTIES, WISCONSIN FOR
111 INTERSTATE BLVD**

Aldersperson introduced the following Ordinance and moved its adoption:

WHEREAS the Plan Commission has held a public hearing, reviewed the zoning changes and recommends the Common Council approve the changes, and

WHEREAS the Common Council has reviewed the recommendation and concluded that the zoning change supports the following finding of fact:

The potential public benefits of the proposed rezoning outweigh any and all potential adverse impacts of the proposed rezoning.

WHEREAS the Common Council has the final authority to approve all zoning changes,

NOW THEREFORE BE IT RESOLVED, the Common Council of the City of Edgerton, Rock and Dane Counties, Wisconsin, do ordain as follows:

SECTION 450-20 “Official Zoning Map” shall be amended for the approval of a zoning change from M-1 Light Industrial District to M-2 General Industrial District for the property located at 111 Interstate Blvd to allow the establishment of outside storage (parcel 051234197102)

This Ordinance shall be in full force and effect after its passage and publication.

Seconded by Aldersperson:

Roll Call: Ayes: Noes:

Public Hearing: March 7, 2024

1st Reading: March 18, 2024

2nd Reading: April 1, 2024

Adoption: April 1, 2024

Published: April 3, 2024

Dated: April 1, 2024

Christopher W. Lund, Mayor

Wendy Loveland, City Clerk

ORDINANCE NO. 24-07
AN ORDINANCE TO ADOPT AN AMENDMENT TO THE
2015 CITY OF EDGERTON COMPREHENSIVE PLAN
FOR THE AREA KNOWN AS A PORTION OF THE UNPLATTED AREA SOUTH OF
ORCHARD HEIGHTS SUBDIVISION
OF THE CITY OF EDGERTON, WISCONSIN

Aldersperson _____ introduced the following Ordinance and moved its adoption:

The City Council of the City of Edgerton, Wisconsin, does ordain as follows:

SECTION 1. Pursuant to sections 62.23(2) and (3) and 66.1001 of Wisconsin Statutes, the City of Edgerton is authorized to prepare, adopt, and amend a comprehensive plan as defined in sections 66.1001(l)(a) and 66.1001(2) of Wisconsin Statutes.

SECTION 2. The City of Edgerton has prepared documentation entitled, "Amendment to the City of Edgerton Comprehensive Plan," as illustrated in Exhibit #1 attached to this Ordinance which will serve to amend the "City of Edgerton Comprehensive Plan" adopted in 2015 and subsequently amended.

SECTION 3. The City Council of the City of Edgerton has adopted and followed the written procedures outlined in the 2015 City of Edgerton Comprehensive Plan that are designed to foster public participation in the comprehensive plan amendment process as required by section 66.1001 (4)(a) of Wisconsin Statutes.

SECTION 4. The Plan Commission of the City of Edgerton, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending to the City Council the adoption of the amendment to the "City of Edgerton Comprehensive Plan for the Area Known as a Portion of the Unplatted Area South of the Orchard Heights Subdivision".

SECTION 5. The City of Edgerton has held one public hearing on this ordinance, in compliance with the requirements of section 66.1001(4)(d) of Wisconsin Statutes and provided other opportunities for public involvement per its adopted public participation procedures.

SECTION 6: The City Council of the City of Edgerton, Wisconsin, does, by enactment of this ordinance, formally adopt the document entitled, "Amendment City of Edgerton Comprehensive Plan for the Area Known as a Portion of the Unplatted Area South of the Orchard Heights Subdivision" pursuant to section 66.1001(4)(c) of Wisconsin Statutes.

SECTION 7. This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Council and publication/posting as required by law.

This Ordinance shall be in full force and effect after its passage and publication.

Seconded by Aldersperson:

Roll Call: Ayes: Noes:

1st Reading: March 25, 2024

2nd Reading: April 1, 2024

Adopted:

Published:

Dated:

Christopher W. Lund, Mayor

Wendy Loveland, City Clerk

STATE OF WISCONSIN)
)SS.
COUNTY OF ROCK)

I, Wendy Loveland, City Clerk, City of Edgerton, Rock and Dane Counties, Wisconsin, do hereby certify that the foregoing is a true and correct copy of the ordinance adopted by the Common Council of the City of Edgerton at its regular meeting the 1st day of April, 2024.

Wendy Loveland, City Clerk

ORDINANCE NO. 24-09
AN ORDINANCE TO ADOPT AN AMENDMENT TO THE
2015 CITY OF EDGERTON COMPREHENSIVE PLAN
FOR 407 NORTH MAIN STREET
OF THE CITY OF EDGERTON, WISCONSIN

Aldersperson _____ introduced the following Ordinance and moved its adoption:

The City Council of the City of Edgerton, Wisconsin, does ordain as follows:

SECTION 1. Pursuant to sections 62.23(2) and (3) and 66.1001 of Wisconsin Statutes, the City of Edgerton is authorized to prepare, adopt, and amend a comprehensive plan as defined in sections 66.1001(l)(a) and 66.1001(2) of Wisconsin Statutes.

SECTION 2. The City of Edgerton has prepared documentation entitled, "Amendment to the City of Edgerton Comprehensive Plan," as illustrated in Exhibit #1 attached to this Ordinance which will serve to amend the "City of Edgerton Comprehensive Plan" adopted in 2015 and subsequently amended.

SECTION 3. The City Council of the City of Edgerton has adopted and followed the written procedures outlined in the 2015 City of Edgerton Comprehensive Plan that are designed to foster public participation in the comprehensive plan amendment process as required by section 66.1001 (4)(a) of Wisconsin Statutes.

SECTION 4. The Plan Commission of the City of Edgerton, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending to the City Council the adoption of the amendment to the "City of Edgerton Comprehensive Plan for 407 North Main Street".

SECTION 5. The City of Edgerton has held one public hearing on this ordinance, in compliance with the requirements of section 66.1001(4)(d) of Wisconsin Statutes and provided other opportunities for public involvement per its adopted public participation procedures.

SECTION 6: The City Council of the City of Edgerton, Wisconsin, does, by enactment of this ordinance, formally adopt the document entitled, "Amendment City of Edgerton Comprehensive Plan for 407 North Main Street" pursuant to section 66.1001(4)(c) of Wisconsin Statutes.

SECTION 7. This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Council and publication/posting as required by law.

This Ordinance shall be in full force and effect after its passage and publication.

Seconded by Aldersperson:

Roll Call: Ayes: Noes:

1st Reading: March 25, 2024

2nd Reading: April 1, 2024

Adopted:

Published:

Dated:

Christopher W. Lund, Mayor

Wendy Loveland, City Clerk

STATE OF WISCONSIN)
)SS.
COUNTY OF ROCK)

I, Wendy Loveland, City Clerk, City of Edgerton, Rock and Dane Counties, Wisconsin, do hereby certify that the foregoing is a true and correct copy of the ordinance adopted by the Common Council of the City of Edgerton at its regular meeting the 1st day of April, 2024.

Wendy Loveland, City Clerk

CITY OF EDGERTON PROCLAMATION

RECOGNIZE THE LAST FRIDAY IN APRIL AS ARBOR DAY

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, BE IT RESOLVED that the City of Edgerton does hereby proclaim the last Friday in April as Arbor Day, and urges all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, the City of Edgerton urges all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Christopher W. Lund, Mayor

ATTEST

Wendy Loveland, City Clerk

Dated April 01, 2024