

DATE: 08/16/16

# R E S O L U T I O N

No. 005

To The Board of Supervisors of Winnebago County, Wisconsin:

## AMENDATORY ORDINANCE 08/05/16

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF Winneconne in accordance with the petition of Robert Beiser and

WHEREAS, said request is in compliance with the adopted Winnebago County Land Use Plan.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF Winneconne, be and the same, are amended to provide that the attached described property be changed from the classification of **A-2** of said ordinance, which it now and heretofore had, to the zoned district of **C-1**.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby  **ADOPTED** OR  **DENIED**.

\_\_\_\_\_  
County Board Supervisor  
(Town of CLAYTON)

PARCEL NO: **030-0135-03**; FROM **A-2** TO **C-1**

### COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
201 .

\_\_\_\_\_  
Mark Harris

County Board Supervisory district **30 - Farrey**

4. Roland – Town Zoning Change (Tax ID No: 030-0183-03) – Town of Winneconne.

The town zoning change for Roland is consistent with Winnebago County's Land Use Plan. The Town of Winneconne approved the zoning change from A-2 (General Farming District) to R-1A (Residential District) and Winnebago County's land use plan shows future land use as Residential.

**RECOMMENDATION: Forward zone change to County Board for action.**

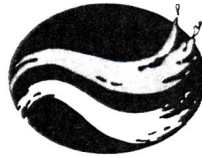
~~RK<sub>1</sub> MG<sub>2</sub> 4-0-1~~  
↓ MG<sub>1</sub> RK<sub>2</sub> 4-0-1 Approved

5. Robert N Wolff Rev Trust – Town Zoning Change (Tax ID Nos: 030-0258-06, 030-0258-07, 030-0258-08 & 030-0258-09) – Town of Winneconne.

The town zoning change for Robert N Wolff Rev Trust is consistent with Winnebago County's Land Use Plan. The Town of Winneconne approved the zoning changes for parcels 030-0258-06, 030-0258-07 & 030-0258-08 from A-2 (General Farming District) to R-1A (Residential District) to eliminate dual zoning and parcel 030-0258-09 from R-1A (Residential District) to A-2 (General Farming District) to eliminate dual zoning and Winnebago County's land use plan shows future land use as Agricultural and Rural.

**RECOMMENDATION: Forward zone change to County Board for action.**

AMG<sub>1</sub> RK<sub>2</sub> 4-0-1 Approved  
RK<sub>1</sub> MG<sub>2</sub> 4-0-1 Approved



## Winnebago County

Zoning Department

*The Wave of the Future*

MEMO FOR P & Z MEETING AGENDA OF AUGUST 5, 2016

TO: Planning & Zoning Committee

FM: Zoning Administrator *CR*

RE: Review of Town Zoning Changes

1. Beiser - Town Zoning Change (Tax ID No: 030-0135-03) – Town of Winneconne.

The town zoning change for Beiser is consistent with Winnebago County's Land Use Plan. The Town of Winneconne approved the zoning change from A-2 (General Farming District) to C-1 (Commercial District) and Winnebago County's land use plan shows future land use as Commercial.

*RK, MG 2 4-0-1 Approved*

**RECOMMENDATION: Forward zone change to County Board for action.**

2. Quigley – Town Zoning Change (Tax ID No: 030-0256-01) – Town of Winneconne.

The town zoning change for Quigley is consistent with Winnebago County's Land Use Plan. The Town of Winneconne approved the zoning change from A-2 (General Farming District) to R-1A (Residential District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

**RECOMMENDATION: Forward zone change to County Board for action.**

*MG, RK 2 4-0-1 Approved*

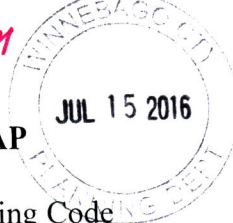
3. Dorn - Town Zoning Change (Tax ID No: 030-0432-03) – Town of Winneconne.

The town zoning change for Dorn is consistent with Winnebago County's Land Use Plan. The Town of Winneconne approved the zoning change from A-2 (General Farming District) to R-1A (Residential District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

**RECOMMENDATION: Forward zone change to County Board for action.**

*RK, MG 2 4-0-1 Approved*





**ORDINANCE 2016-2  
ORDINANCE TO AMEND THE OFFICIAL TOWN OF WINNECONNE ZONING MAP**

**WHEREAS,** One or more applications for amendments to the Map of the Town of Winneconne Zoning Code of Ordinances have been filed with the Town Clerk as described herein; and

**WHEREAS,** following the requisite Notices and Public Hearings the proposed amendments have been reviewed and recommended to the Town Board by the Town's Plan Commission; and

**WHEREAS,** the applications for amendments to the Map of the Town of Winneconne Zoning Code of Ordinances does comply with both the Town's existing land use and future land use elements of the CY 2014 update to the Town's Comprehensive Plan; and

**WHEREAS,** all other procedural requirements have been met for purposes of consideration of the amendment(s) as provided in Section 146 & 275 of the Town of Winneconne Zoning Code of Ordinances; and

**NOW, THEREFORE BE IT ORDAINED THAT,** the Town Board of the Town of Winneconne, County of Winnebago, State of Wisconsin, pursuant to Article 146 & 275 of the Town of Winneconne Zoning Code of Ordinances, hereby adopts the following Amendment(s) to the Map of the Town's Zoning Code of Ordinances:

**Section 1:** The Official Zoning Map of the Town of Winneconne is amended as follows:

**A. Property Owner:**

Robert Beiser, 5331 E State Rd 116, Winneconne, WI 54986

**Legal description of property:**

The property is located on Cross Rd north of E State Rd 116, Winneconne, WI 54986; specifically described as Tax ID # 030-0135 Lot 1, being part of the Southwest 1/4 of the Northeast 1/4 of Section 13, Township 19 North, Range 15 East, Town of Winneconne, County of Winnebago, State of Wisconsin (See Attachment A). -03

**The above described property is hereby rezoned from:**

A-2 (General Farming District) to C-1(Commercial District).

**Section 2:** This Ordinance shall be submitted to the Winnebago County Board for approval. This amendment to the Town of Winneconne Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.

Adopted this 16<sup>th</sup>, day of June, 2016

Vote: Yes: 4 No: 0 Absent: 1

ATTEST:

*Thomas R. Snider*

Thomas Snider, Chairman

*Yvonne Zobel*

Yvonne Zobel, Town Clerk

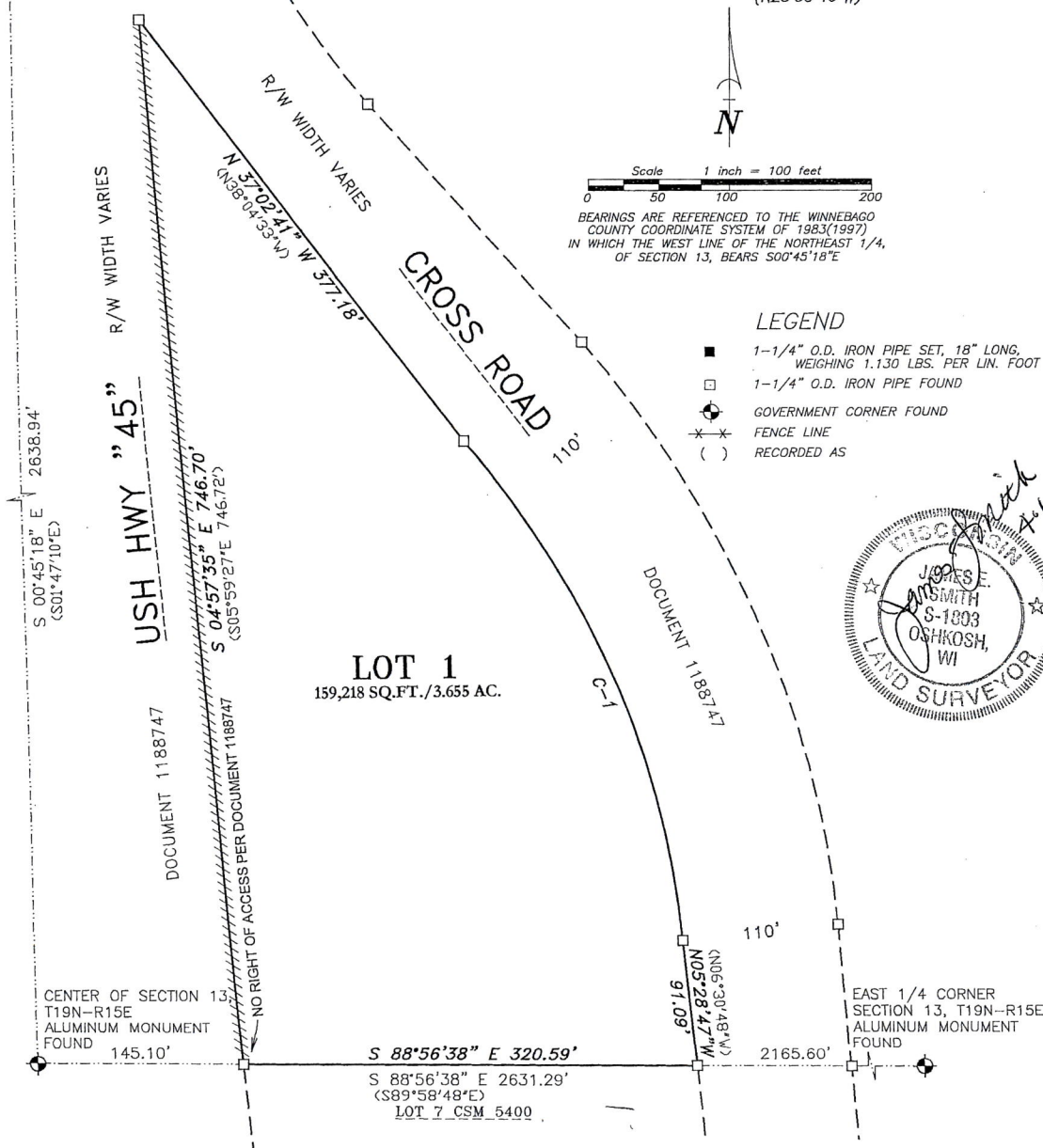
**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST  
 1/4 OF SECTION 13, TOWNSHIP 19 NORTH, RANGE  
 15 EAST, TOWN OF WINNECONNE, WINNEBAGO  
 COUNTY, WISCONSIN.

SURVEY FOR:  
 BEISER REALTY, LLC  
 144 W. MAIN STREET  
 WINNECONNE, WI 54986

Curve	Radius	Delta	Length	Chord Bearing	Chord
1	645.00'	035°00'00"	394.01'	N22°36'53.0"W (N23°38'46"W)	387.91'

NORTH 1/4 CORNER  
 SECTION 13, T19N-R15E  
 1" SURVEY NAIL FOUND



**LEGEND**

- 1-1/4" O.D. IRON PIPE SET, 18" LONG, WEIGHING 1.130 LBS. PER LIN. FOOT
- 1-1/4" O.D. IRON PIPE FOUND
- ⊕ GOVERNMENT CORNER FOUND
- ✕✕ FENCE LINE
- ( ) RECORDED AS



**Martenson & Eisele, Inc.**

109 West Main Street  
 Omro, WI 54963  
 www.martenson-eisele.com  
 P 920.685.6240 F 920.685.6340

Planning  
 Environmental  
 Surveying  
 Engineering  
 Architecture

PROJECT NO. 0-1717-003  
 FILE 1717003CSM SHEET 1 OF 3  
 This instrument was drafted by: DSL

# Certified Survey Map

PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 13,  
TOWNSHIP 19 NORTH, RANGE 15 EAST, TOWN OF WINNECONNE, WINNEBAGO  
COUNTY, WISCONSIN.

## SURVEYOR'S CERTIFICATE:

I, James E. Smith, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped, at the direction of Beiser Realty, LLC, part of the Southwest 1/4 of the Northeast 1/4 of Section 13, Township 19 North, Range 15 East, Town of Winneconne, Winnebago County, Wisconsin, described as follows:

Commencing at the North 1/4 of said Section 13; thence South 00 degrees 45 minutes 18 seconds East 2638.94 feet, along the West line of said Northeast 1/4; thence South 88 degrees 56 minutes 38 seconds East 145.10 feet, along the South line of said Northeast 1/4, to the point of beginning; thence South 88 degrees 56 minutes 38 seconds East 320.59 feet; along the said South line; thence North 05 degrees 28 minutes 47 seconds West 91.09 feet, along the West right-of-way line of Cross Road; thence 394.01 feet along the arc of a curve to the left, having a radius of 645.00 feet and whose chord bears North 22 degrees 36 minutes 53 seconds West 387.91 feet, along the said West right-of-way line; thence North 37 degrees 02 minutes 41 seconds West 377.18 feet, along the said West right-of-way line; thence South 04 degrees 57 minutes 35 seconds East 746.70 feet, along the East right-of-way line of USH HWY "45", to the point of beginning.

That I have fully complied with Chapter 236.34 of the Wisconsin Statutes in surveying, dividing, and mapping the same and the Town of Winneconne, and Winnebago County Subdivision Ordinances.

This map is a correct representation of all of the exterior boundaries of land surveyed and the division thereof.

Given under my hand this 6 day of April, 2016.

James E. Smith  
James E. Smith, WI. Land Surveyor, S-1803



## Winnebago County Planning and Zoning Committee Certificate:

Pursuant to the Land Subdivision Regulations of the County of Winnebago, Wisconsin, all the requirements for approval have been fulfilled. This Minor Subdivision was approved by the Winnebago County Planning and Zoning Committee on \_\_\_\_\_ day of \_\_\_\_\_, 2016.

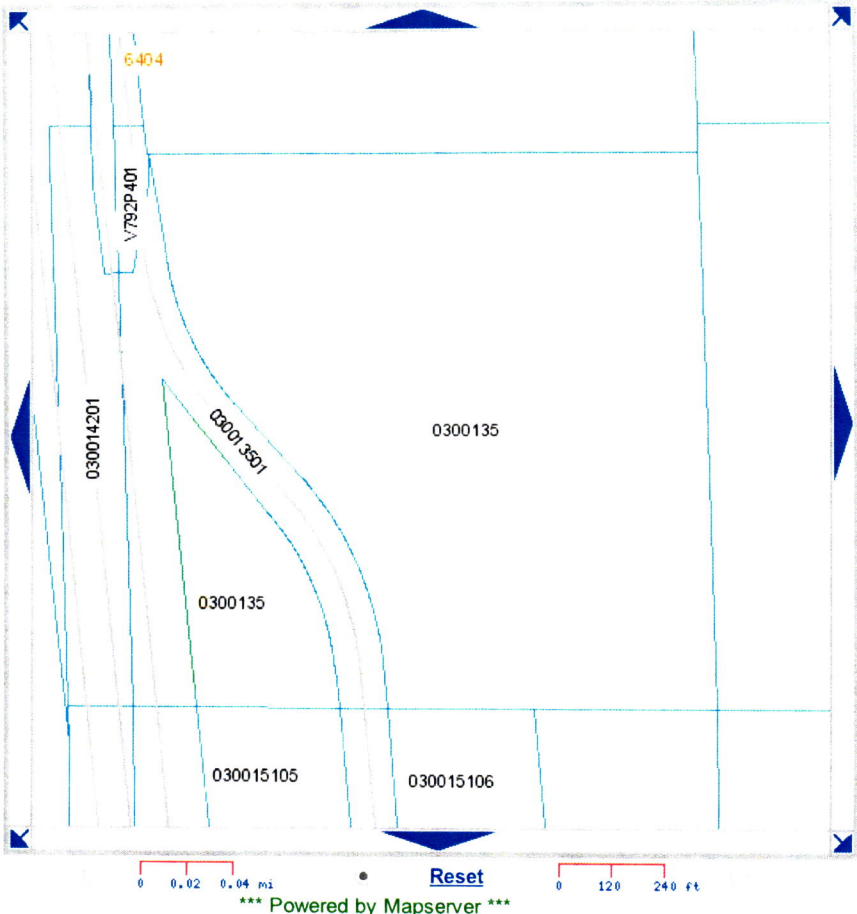
\_\_\_\_\_  
Chairman, Planning and Zoning Committee

This CSM is contained wholly within the property described in the following recorded instruments:

Owner(s) of record	Document(s)	Parcel Number(s)
Robert Beiser	415603	0300135
Carol Beiser		



# Winnebago County GIS Viewer and Property Profiler



Zoom In  
  
  
 Zoom Out

**Property Information Profile**

← Check This Box then click a property to initiate a 'Property Profile'. Property profiler reports the parcel information and checks interactions with multiple layers not available as part of the regular 'Display Options.' [More About Profiler!](#)

**Display Options**

Draw	Label	Symbology & Layer Names
<input type="checkbox"/>		Aerial Photos (2009)
<input type="checkbox"/>		Buildings
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Parcel Boundaries
<input type="checkbox"/>	<input type="checkbox"/>	Parcel Dimensions
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parcel Addresses
<input type="checkbox"/>	<input type="checkbox"/>	Certified Surveys
<input type="checkbox"/>	<input type="checkbox"/>	Floodplain
<input type="checkbox"/>	<input type="checkbox"/>	Navigable Streams
<input type="checkbox"/>	<input type="checkbox"/>	Official Mapped Rds.
<input type="checkbox"/>	<input type="checkbox"/>	Public Land Survey
<input type="checkbox"/>	<input type="checkbox"/>	Railroads
<input type="checkbox"/>	<input type="checkbox"/>	Rights-Of-Way
<input type="checkbox"/>	<input type="checkbox"/>	Shoreland Zoning
<input type="checkbox"/>	<input type="checkbox"/>	DR. Street Name Text
<input checked="" type="checkbox"/>	<input type="checkbox"/>	City & Village Limits

= Not Applicable for this Layer.

## NOTICE OF PUBLIC HEARING

The Town of Winneconne Plan Commission will hold a Public Hearing at the Winneconne Town Hall, 6494 County Rd. M, Winneconne on WEDNESDAY, JUNE 1, 2016 at 6:30 p.m. to consider the following zoning change.

The Plan Commission is advisory to the Town Board. A decision may be made by the Town Board at their next regularly scheduled meeting after this first public hearing or the item(s) listed below may be posted on agenda notices for discussion by the Plan Commission and/or the Town Board until a final decision is made.

**BE ADVISED: Certified notices are only sent to neighboring properties within 300 feet prior to the 1<sup>st</sup> Plan Commission hearing.**

**Public comment on the issue will be accepted at all meetings until a final decision is made.**

	<u>Description of Subject Site</u>
<u>Applicant/ Owner of Property</u>	Robert Beiser
<u>Property Address/Location:</u>	Part of Tax Parcel 030-0135 Lot 1 on Cross Rd.
<u>Explanation:</u>	Zoning change from A-2 Agricultural To C-1 Commercial.

Tom Spierowski, Zoning Administrator



**TOWN OF WINNECONNE  
BOARD MEETING MINUTES  
JUNE 16, 2016**

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**CALL TO ORDER:**

Chairman Tom Snider called the regular meeting to order at 6:30 p.m. at the Winneconne Town Hall, 6494 County Rd. M, Winneconne, WI.

**ROLL CALL:** Chairman Tom Snider, Supervisors Wm. Benedict, Dale Burghardt and Matt Woods were present. Absent and excused was Eric Lang. Also in attendance were Clerk Yvonne Zobel, Deputy Clerk Elizabeth Knaack, Treasurer Leota LeMere, Police Chief Brad Hanson, Assistant Fire Chief Ed Quigley, Town Attorney Matthew Parmentier and 6 citizens. A Board quorum was present.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was said in unison.

**NOTICE VERIFICATION:**

Clerk Zobel verified that the agenda notices were posted on June 9, 2016 at the Winneconne Town Hall, the Butte des Morts Lions Club Bldg., and the Butte des Morts Post Office. Notices were also e-mailed to The Winneconne News, The Oshkosh Northwestern and posted on the Town website.

**APPROVE THE MINUTES OF THE MAY 19, 2016 BOARD MEETING:**

---MOTION by Supervisor Woods, second by Supervisor Burghardt to dispense with reading and approve the Board meeting minutes of May 19, 2016; motion carried on a unanimous 4-0 voice vote---

**TREASURER'S REPORT:**

Treasurer Leota LeMere reported the following May 31, 2016 account balances:

First Merit Bank – Checking	\$44,613.35	State Investment – Public Safety	\$19,538.09
First Merit Bank – Savings	\$316,737.30	State Investment – Fire Protection	\$6,604.98
Bank First National – Savings	\$161,253.30	State Investment – Wolf Wilderness Trail	\$3,841.82
State Investment Pool - General Fund	\$178,658.85		

**CORRESPONDENCE:**

None.

**WINNEBAGO COUNTY SHERIFF'S DEPARTMENT ACTIVITIES REPORT:**

No officer in attendance.

**PUBLIC COMMENT:**

Gary Petrick addressed the Board regarding the Indian Shores Boat launch. He believes that when the repair was done to the area by Radtke Contractors that a concrete slab was removed and taken to their facility.

Bill Benedict stated he will contact Radtke Contractors regarding replacing the concrete slab if it is still at their facility.

**LIONS CLUB REQUEST TO MAKE IMPROVEMENTS IN THE BUTTE DES MORTS PARK:**

Pete Ehlert, representing Butte des Morts Lions Club, asked the Board to approve the following improvements to be made in the Butte des Morts Park:

- Install new backboards and rims in the basketball court.
- New edging and gravel around the playground area.
- Tree trimming.

He also told the Board about some changes that will be made to the Lions property:

- A new canvas header on the pavilion.
- A new posting board for notices.
- The Pepsi machine will be removed.
- A new HD antenna which provides WiFi to the Clubhouse for meetings or movie nights.

---MOTION by Supervisor Burghardt, second by Supervisor Benedicts to approve the request from the Lions Club to make improvements in the Butte des Morts Park; motion carried on a unanimous 4-0 voice vote---

**CERTIFIED SURVEY MAP:**

**BEISER REALTY-CROSS ROAD - PART OF TAX PARCEL 030-0135**

---MOTION by Supervisor Burghardt, second by Supervisor Benedict to approve the CSM for Beiser Realty, Part of Tax Parcel 030-0135; motion carried on a unanimous 4-0 voice vote---

**TOWN OF WINNECONNE  
BOARD MEETING MINUTES  
JUNE 16, 2016**

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**APPLICATION FOR ZONING CHANGE:**

**ROBERT BEISER-CROSS ROAD-PART OF TAX PARCEL 030-0135**

----**MOTION** by Supervisor Burghardt, second by Supervisor Benedict to approve the zoning change from A-1 to C-1 for the Robert Beiser property, part of Tax Parcel 030-0135 because it is consistent with the Town's Future Land Use Plan; motion carried on a unanimous 4-0 voice vote----

**DEVELOPERS AGREEMENT FOR ROBERT BEISER SEV'N'LMS SUBDIVISION:**

Town Attorney Matt Parmentier explained that the Developers Agreement for the Sev'n'Lms Subdivision had expired in 2011. He reviewed various options for the Board.

----**MOTION** by Supervisor Woods, second by Supervisor Burghardt to extend the dates for Phase II roads in the Developers Agreement as follows;

- Grade and gravel completion – 9/30/2026
- State Highway 116 curb/gutter and asphalt completion – 9/30/2026
- Asphalt binder course completion – 10/30/2028
- Asphalt surface course completion – 10/30/2029

Motion carried on a unanimous 4-0 roll call vote----

**SLUDGE DISPOSAL PERMIT RENEWAL FOR GEORGE DODD-CHRISTENSEN ROAD:**

----**MOTION** by Supervisor Burghardt, second by Supervisor Woods to approve the sludge disposal permit renewal for George Dodd – Christensen Road; motion carried on a unanimous 4-0 voice vote----

**LIQUOR LICENSES:**

“Class B” Fermented Malt Beverage and Intoxicating Liquor:  
Butte des Morts Supper Club, LLC/Agent Joan A. Riebock  
Butte des Morts Supper Club  
5756 Main St. Butte des Morts

T J LaFever Enterprises Inc. /Agent Miles LaFever  
White House Inn  
5776 Main St. Butte des Morts

Lake Breeze Holdings LLC/ Agent David Petrack  
Lake Breeze Golf Club  
6333 Ball Prairie Rd. Winneconne

Tilly's Too Tavern LLC/Agent Thomas A. Herbert  
Tilly's Too Tavern  
5071 Washington St. Butte des Morts

“Class A” Fermented Malt Beverage and Intoxicating Liquor:  
K & J Beverage Mart Inc. /Agent Charlotte Unser  
K & J Beverage Mart  
933 E Main St. Winneconne

Condon Oil Co. Inc. /Agent Kraig Bauman  
Butte des Morts Mobile  
5761 County Rd. S, Butte des Morts

----**MOTION** by Supervisor Burghardt, second by Supervisor Woods to approve the liquor licenses as listed above; motion carried on a unanimous 4-0 voice vote----

**OPERATOR LICENSES:**

Joelle Berger, Jolie Ebert, Alex Maldwin, Clifford Phillips, Molly Rebman, McKayla Vogt  
Kelly Kay Barkovich, Alex Michael Barthel, Zoey Dougherty, Catherine Gavin, Thomas Alan Herbert, Kim Marie Hillman, Mary J. Larsen, Michael Peter Larsen, Daniel Mason, Michael J. Miller, Sherri Lee Mittelstaedt, Shawn Marie Mueller, Nicholas Osbourne, Jamie Louise Peterson, David J. Petrack, Kristin Ramthun, Emilee Marie Salm, Denise Ann Schutte, Jackie Sitter, Marlys Jean Swenson, Rebecca Patricia Vold, Vicki Wilson, Lisa Marie Zegers, Evan Zemke, Norman R. Zobel

----**MOTION** by Supervisor Burghardt, second by Supervisor Woods to approve the operators licenses as listed above; motion carried on a unanimous 4-0 voice vote----

**FIRE DISTRICT ACTIVITIES REPORT:**

Assistant Fire Chief Quigley reported on the Open House for the Fire District. The May meeting had been cancelled but there will be a meeting of the Fire District in July.

Chairman Snider asked him to remind Chief Krings to write a letter to the Town regarding abandonment of the high capacity well at the Town Hall.

**TOWN OF WINNECONNE  
BOARD MEETING MINUTES  
JUNE 16, 2016**

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**POLICE DEPARTMENT ACTIVITIES REPORT:**

Chief Hanson provided his written report for the Board. On June 11 he had issued a 60 day order to remove the travel trailer on the property located at 6843 Oak Hill Road.  
Supervisor Woods thanked Chief Hanson for the extra patrol he has been providing.

**ROAD MAINTENANCE REPORT:**

Highway Superintendent Benedict reported that the County has started road repairs in the Town.  
Supervisor Woods inquired about monitoring deterioration on Cross Road due to heavy farm equipment traffic.

**BOARD ACTIVITIES REPORT:**

None.

**AUTHORIZATION FOR PAYMENT OF ACCOUNTS PAYABLE:**

---MOTION by Supervisor Benedict, second by Supervisor Burghardt to authorize payment of the following Accounts Payable; motion carried on a unanimous 4-0 roll call vote---

Advanced Disposal	12,132.45	Alliant Energy Co	428.27
Anderson Cleaning	85.00	AT & T	175.00
CenturyLink	4.73	Dept. of Admin.	65.00
Edgerton St. Peter Petak	880.00	FleetCor	50.00
Great America Leasing	172.16	K&C Pest Control LLC	119.00
Kerber Rose & Assoc.	4,250.00	National Pen Co.	323.95
NTD	53.95	Oshkosh City Cab	168.00
Oshkosh Office Systems	12.58	Race Office Products	287.77
Radtko Contractors	300.00	Rapid Printing	18.00
The Winneconne News	78.13	Tom Snider	34.56
Town of Clayton	2,877.94	Town Hall Software	60.00
Verizon Wireless	41.30	Wis. DNR	125.00
William Benedict	68.04	Winn. Co. Reg. Deeds	75.00
Winn CNTY Treas	2,408.67	Winnebago Cnty Treasurer	3,611.08
Winnebago County Treas	2,597.64	Winn. County Treasurer	234.85
Winneconne Chamber	500.00	WPS	590.86

Accounts Payable	\$32,828.93
Payroll	7,786.75
FICA/Med/Fed W/ H	1,451.96
State W/H	532.46

Total	\$42,600.10
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**ADJOURNMENT** upon **MOTION** by Supervisor Benedict, second by Supervisor Burghardt at 7:35 p.m.

Respectfully submitted,  
Yvonne Zobel, Clerk

Approved: \_\_\_\_\_  
Date: \_\_\_\_\_