



136 North Monroe Street
Waterloo, WI 53594
Phone: (920) 478-3025
Fax: (920) 478-2021
www.waterloowi.us

CITY OF WATERLOO COUNCIL AGENDA
COUNCIL CHAMBER OF THE MUNICIPAL BUILDING – 136 N. MONROE STREET
Thursday, September 2, 2021 – 7:00 p.m.
Participate Remotely Or In-Person

Remote Meeting Information

Join Zoom Meeting: <https://us02web.zoom.us/j/84089559906?pwd=N1pCNVQwVGtZOFIScWhsanZmbTIBZz09>
Meeting ID: 840 8955 9906 Passcode: 077019

Dial-in By Phone: +1 312 626 6799 US (Chicago)
Meeting ID: 840 8955 9906 Passcode: 077019

Pursuant to Section 19.84 Wisconsin Statutes, notice is hereby given to the public and news media, that a public meeting will be held to consider the following:

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE & ROLL CALL
2. MEETING MINUTES APPROVAL: August 19, 2021
3. CITIZEN INPUT / PUBLIC COMMENT
4. MEETING SUMMARIES (since last Council meeting)
 - a. 8/23 Fire & Emergency Medical Services
 - b. 8/24, 8/26 & 8/31, 9/2 Finance, Insurance & Personnel Committee
 - c. 8/24 Library Board
 - d. 8/24 Plan Commission
 - e. 9/2 Public Works & Property Committee
 - f. 9/2 Public Safety & Health Committee
5. RECOMMENDATION OF BOARDS, COMMITTEES AND COMMISSIONS
 - a. Finance, Insurance & Personnel
 - i. July 2021 Financial Statements: General Disbursements, \$135,626.58; Payroll, \$75,245.94 & Clerk/Treasurer's Reports [[available on municipal website](#)]
 - ii. Resolution #2021-33 Establishing A 2022 Municipal Vehicle Registration Fee Status Per Adopted
 - iii. Resolution #2021-34 Authorizing The Use Of Awarded American Rescue Plan Act Dollars For The Purchase Of Radios And Communication Infrastructure To Improve Emergency Response Relating To Public Health And Welfare Including A December 15, 2021 Deadline For The Towns Served By The Waterloo Fire And Emergency Medical Services To Likewise Use Funds In This Manner
 - b. Plan Commission
 - i. Conditional Use Application, Adam Fitzgerald, 217 Maple Drive. The applicant requests a conditional use permit to allow for an additional garage. A conditional use permit is required for a Residential District (R-1) property when an additional garage or accessory building exceeds 144 square feet.
 - c. Public Works & Property Committee
 - i. Ordinance #2021-06 Creating Chapter 354 Wireless Communications Facilities in the Right-of-Way
6. NEW BUSINESS
 - a. Ordinance #2021-07 Amending Section §350-13 Off Road Vehicles Of The Municipal Code To Clarify
 - b. Memorandum of Agreement between Wisconsin Department of Transportation, Division of Transportation System Development – Southwest Region (Madison Office) and City of Waterloo, Jefferson County
 - c. Hawthorn & Stone Inc. -- Tax Incremental Financing Developer's Performance Agreement And Manner Of Interest Collection For Delinquent Guaranteed TIF Revenue
7. UNFINISHED BUSINESS
 - a. Resolution #2021-35 Updating The City Of Waterloo Fee Schedule [additional staff and committee input time requested]
8. FUTURE AGENDA ITEMS, ANNUAL CALENDAR AND ANNOUNCEMENTS

9. ADJOURNMENT



Mo Hansen
Clerk/Treasurer

Posted & Emailed: 08/31/2021

PLEASE NOTE: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above meeting(s) to gather information. No action will be taken by any governmental body other than that specifically noticed. Also, 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 such services please contact the clerk's office at the above location

CITY OF WATERLOO COMMON COUNCIL -- MEETING MINUTES: August 19, 2021

[a digital meeting recording also serves as the official record]

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE & ROLL CALL. Council President Thomas called the meeting to order at 7:04 p.m. Alderpersons present: Schoenwetter, Kuhl, Griffin, Thomas and Weihert. Absent Petts and Rhynes. Others attending remotely or in-person: Amber Gerber; Don Nell; Mayor Quimby (remote); Mark Herbst; Library Director Kelli Mountford; Police Chief Denis Sorenson; Utility Superintendent Barry Sorenson; Parks Coordinator Gabe Haberkorn; Assistant Public Works Director Chris Hauptli; Deputy Clerk/Treasurer Mike Tschanz; WLOO videographers; and Clerk/Treasurer Hansen. The pledge of allegiance was recited.
2. MEETING MINUTES APPROVAL: August 5, 2021. MOTION: [Weihert/Kuhl] To approve the minutes amended to correct the spelling of "Schoenwetter" in one instance.
3. CITIZEN INPUT / PUBLIC COMMENT. None.
4. MEETING SUMMARIES. Noted.
 - a. 8/11 Cable TV Regulatory Board
 - b. 8/17 Community Development Authority
 - c. 8/19 Finance Insurance & Personnel Comm.

5. CONSENT AGENDA ITEMS. MOTION: [Schoenwetter/Griffin] To approve. VOICE VOTE: Motion carried.

a. July Reports Of City Officials And Contract Service Providers.

i. Parks	iv. Public Works	vii. Water & Light Utility Commission
ii. Fire & EMS	v. Police	viii. Watertown Humane Society
iii. Building Inspections	vi. Library Board	

6. RECOMMENDATION OF BOARDS, COMMITTEES AND COMMISSIONS

- a. Public Safety & Health Committee
 - i. Ordinance 2021-01 Amending Section § 350-7 Parking Restrictions Of The Municipal Code. MOTION: [Schoenwetter/Kuhl to approve] VOICE VOTE: Motion carried.
- b. Public Works & Property Committee.
 - i. Ordinance 2021-06 Amending Chapter 340 Article IV UTILITIES Relating To Wireless Communications Facilities in the Right-of-Way. MOTION: [Weihert/Schoenwetter] To defer and refer to Public Works & Property with a future return to be placed on the Council agenda as the same night as the committee action. VOICE VOTE: Motion carried.
 - ii. Resolution 2021-31 Establishing Public Works Department Tree & Brush Collection Policies. MOTION: [Schoenwetter/Griffin] To establish the policies striking the red text. VOICE VOTE: Motion carried.
 - iii. Resolution 2021-32 Authorizing Repairs To The Firemen's Park Pavilion And Sump Pump Installation And Directing A Budget Amendment To Be Drafted Applying Contingency Funds In An Amount Not To Exceed \$6,053.30. MOTION: [Weihert/Kuhl] To approve. ROLL CALL VOTE: Ayes: Schoenwetter, Kuhl, Griffin, Weihert and Thomas. Noes: none with Rhynes and Petts absent. Motion carried.
- c. Community Development Authority
 - i. Considering An Economic Development Service Proposal, Entering Into A Service Provider Agreement with Baker Tilly Municipal Advisers LLC. MOTION: [Kuhl/Schoenwetter] To agree to enter into a service provider agreement with Baker Till Municipal Advisers LLC as presented. ROLL CALL VOTE: Ayes: Schoenwetter, Kuhl, Griffin, Weihert and Thomas. Noes: none with Rhynes and Petts absent. Motion carried.

7. NEW BUSINESS

- a. Resolution 2021-33 Updating The City Of Waterloo Fee Schedule. MOTION: [Weihert/Griffin] To table until the next meeting. VOICE VOTE: Motion carried.
- b. Council Confirmation Of The Mayoral Appointment Of Chad Teubert To The Cable TV Regulatory Board To Fill A Vacant Unexpired Term Ending In 2022. MOTION: [Weihert/Griffin] to confirm the appointment. VOICE VOTE: Motion carried.

8. FUTURE AGENDA ITEMS, ANNUAL CALENDAR AND ANNOUNCEMENTS.

- a. Alder Schoenwetter was thanked for his service.
- b. The Parks concert series was noted.

9. ADJOURNMENT. MOTION: [Kuhl/Schoenwetter] to adjourn. Time was approximately 7:38 pm.

Mo Hansen

Attest:
Mo Hansen, Clerk/Treasurer



136 North Monroe Street, Waterloo, Wisconsin 53594-1198
Phone (920) 478-3025
Fax (920) 478-2021

RESOLUTION #2020-33
Establishing A 2022 Municipal Vehicle Registration Fee Status
Per Adopted Ordinance #2019-08

The Common Council of the City of Waterloo, Wisconsin does hereby resolve as follows:

WHEREAS, Ordinance 2019-08 directs the City Council to annually establish a Municipal Vehicle Registration fee status for the coming calendar year, and;

WHEREAS, the Clerk/Treasurer's office has presented a revenue summary as part of this recurring resolution.

THEREFORE BE IT RESOLVED, by the City of Waterloo Common Council that it sets the 2022 fee status as follows:

- Maintain a \$15 annual registration fee.
- Modify the existing fee: _____
- Rescind this fee.

PASSED AND ADOPTED this _____ of 2021.

City of Waterloo

Signed: _____
Jenifer Quimby, Mayor

Attest:

Mo Hansen, Clerk/Treasurer

SPONSOR(S) – Clerk/Treasurer

FISCAL EFFECT – 2022 projected annual revenue is \$49,000. By state law the amount devoted to road improvement as is a revenue line item in the Capital Fund.



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RESOLUTION #2020-34

AUTHORIZING THE USE OF AWARDED AMERICAN RESCUE PLAN ACT DOLLARS FOR THE PURCHASE OF RADIOS AND COMMUNICATION INFRASTRUCTURE TO IMPROVE EMERGENCY RESPONSE RELATING TO PUBLIC HEALTH AND WELFARE INCLUDING A DECEMBER 15, 2021 DEADLINE FOR THE TOWNS SERVED BY THE WATERLOO FIRE AND EMERGENCY MEDICAL SERVICES TO LIKewise USE FUNDS IN THIS MANNER

The Common Council of the City of Waterloo, Wisconsin does hereby resolve as follows:

WHEREAS, the City of Waterloo has received Coronavirus local fiscal recovery funds from the Federal Government as part of the American Rescue Plan Act.

BE IT RESOLVED, by the City of Waterloo Common Council that it authorizes the use of awarded American Rescue Plan Act Dollars for the purchase of radios and communication infrastructure to improve emergency response relating to public health and welfare. It further hereby sets a December 15, 2021 deadline for towns serviced by the Waterloo Fire and Emergency Medical Services to likewise use funds in this, or otherwise pay in-full, the apportioned cost of those equipment purchases benefiting the Waterloo Fire Department.

PASSED AND ADOPTED this _____ of 2021.

City of Waterloo

Signed: _____
Jenifer Quimby, Mayor

Attest:

Mo Hansen, Clerk/Treasurer

SPONSOR(S) – Finance, Insurance & Personnel Committee

FISCAL EFFECT – See attached for cost break out and application of ARP dollars



136 North Monroe Street
 Waterloo, WI 53594
 Phone (920) 478-3025
 E-mail (cityhall@waterloowi.us)

TO: FINANCE, INSURANCE & PERSONNEL COMMITTEE
 FROM: CLERK/TREASURER
 SUBJECT: A RECOMMENDATION FOR AN THE ALLOCATION OF FEDERAL DOLLARS GRANTED TO THE CITY (ARPA FUNDS)
 DATE: JUNE 15, 2021

**A RECOMMENDATION TO
 ALLOCATE ARPA FUNDS TO PAY FOR FIRE DEPARTMENT RADIO UPDATES
 INCORPORATING IN CONTRIBUTIONS FROM SERVED TOWNSHIPS**

OPPORTUNITY: The City of Waterloo has been awarded \$348,860.29 by the federal government to fund ARPA qualifying expenditures. If dollars are allocated to fund the known 2021 expenditure of \$229,937.96 for Fire Department radio upgrades, the Department would forego ten-years of debt service payments (principle & interest) for the 2022-2031 period.

SOLUTION: In concert with those Towns served by the Department, allocate ARPA funds in relation to the standard Fire Department funding percentages as shown below. *Why this route?* The Department Fund (meaning indirectly both the City & the Towns) would otherwise borrow money and pay interest over ten-year for the same radio upgrades.

					PROPOSED	
	PRIOR BUDGET YR	2019	2021	Tax Funding 2021 FINAL	ARPA Fire Department Radios Funding (same % as 2021 tax share)	Total ARPA Funds Awarded By Federal Govt To Local Govt (source ***)
DESCRIPTION	% Tax Share	Equalized Value ***	% Tax Share	Finance Comm.		
TAX SHARE TOWN OF MILFORD	0.9589%	3,667,979	0.9919%	4,519	\$2,280.79	\$118,903.48
TAX SHARE TOWN OF PORTLAND	18.7120%	72,444,100	19.5908%	89,258	\$45,046.61	\$110,425.33
TAX SHARE TOWN OF SHIELDS	0.3959%	1,455,100	0.3935%	1,793	\$904.80	\$58,195.72
TAX SHARE TOWN OF WATERLOO	18.3140%	65,400,492	17.6860%	80,580	\$40,666.81	\$98,283.77
TAX SHARE CITY OF WATERLOO	61.6192%	226,819,279	61.3378%	279,464	\$141,038.95	\$348,860.29
TOTAL	100.0000%	369,786,950	100.0000%	455,614	\$229,937.96	\$734,668.59
NOTE: *** Equalized real estate property value data provided by Jesse O'Neill (Dodge Co.) and Tracy Saxby (Jefferson Co.)					American Rescue Plan Act - Local Fiscal Recovery Funds	Wisconsin Department of Revenue - State and Local Finance Division ***

NEXT STEPS: All Wisconsin municipalities are having this allocation decision discussion. Outreach to the Towns is a valuable next step.

ADDITIONAL ALLOCATION OPPORTUNITIES. Remaining City awarded dollars:

- Parks in amount equal to documented 2020 Parks rental losses.
- 2022 capital expenses relating to water or sewer improvements.
- Other qualifying expenses.



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\$285.00

APPLICATION FOR CONDITIONAL USE PERMIT
(Review and Action by City Plan Commission/Common Council)

Number: _____ Date Filed: _____ Fee Paid: 285.⁰⁰

Location of Property: 217 Maple Drive

Applicant: Adam Fitzgerald

Address: 217 Maple Drive Telephone: 920-988-1698

Owner of Property: Adam Fitzgerald

Address: 217 Maple Drive Telephone: 920-988-1698

Contractor: Owner

Address: Same Telephone: _____

Architect or Professional Engineer: n/a

Address: _____ Telephone: _____

Legal Description of Property: _____

Land Parcel Size: 14,000 Present Use: Single/fam Zoning District: R-1

Type of Existing Structure (if any): single fam attached garage

Proposed Use of the Structure or Site: Storage Number of Employees: —

Terms of Municipal Code

Conditional Use Requested

385-8.B.(7) Additional garage

Specify Reason(s) for Application: (for example, insufficient lot area, setback, etc.)

Storage

ATTACH THE FOLLOWING:

Site Plan showing the area involved, its location, dimensions, elevations, drainage, parking, etc., and location of adjacent structures within 200 feet.

Date: 8-12 20 21

Adam Fitzgerald
Signature of Applicant

adam.fsgaming@gmail.com

REAL ESTATE PAYMENT RECEIPT

8/12/2021

JEFFERSON COUNTY

TAX YEAR: 2020

MORTON J HANSEN
CITY OF WATERLOO
136 N. MONROE
WATERLOO, WI 53594

Total Tax: \$5,205.11
Less Lottery Credit Claimed: \$0.00
Less Tax Paid: \$0.00
Balance Due: \$5,205.11

Legal Description
BEG AT NE/C LOT 42, 1ST ADD
TO SUNSET GARDENS, N33DG37'
100FT, S56DG20'E 139.94FT,
S33DG42'W 100FT TO SE/C
LOT 42, NW TO POB.

Parcel Number: 29008130544089
Bill Number: 000579
Physical Address: 217 MAPLE DR

ADAM FITZGERALD
217 MAPLE DR
WATERLOO, WI 53594

Land Assessment: \$29,500.00
Improvement Assessment: \$178,000.00
Total Assessment: \$207,500.00
EFMV: \$246,900.00
Special Assessments: \$0.00
MFL/FCL: \$0.00
Acreage: 0.321

Receipt Date	Operator	Check #	Batch #	Tax Paid	Refund	Other	Total Paid
Receipt Number	Paid By						

THANK YOU

608-688-0997 SAFEbuilt	WI UNIFORM PERMIT APPLICATION madisoninspections@safebuilt.com <i>Inspections need to be called in by 4 pm for next business day inspections.</i>	PERMIT NO. _____ TAXKEY# _____
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ISSUING MUNICIPALITY	<input type="checkbox"/> TOWN <input type="checkbox"/> VILLAGE <input checked="" type="checkbox"/> CITY OF <u>Waterloo</u> COUNTY: <u>Jefferson</u>	PROJECT LOCATION (Building Address) <u>217 Maple Dr, Waterloo, WI</u>	PROJECT DESCRIPTION <input type="checkbox"/> COMMERCIAL <input checked="" type="checkbox"/> ONE & TWO FAMILY <u>New Detached Garage</u>
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Owner's Name Adam Fitzgerald	Mailing Address - Include City & Zip <u>217, Maple Dr, Waterloo, WI 53594</u>	Telephone - Include Area Code <u>920-988-1698</u>
Construction Contractor (DC Lic No.) Fitzgerald and Sons Construction 072100862	Mailing Address - Include City & Zip <u>217 Maple Dr, Waterloo, WI 53594</u>	Telephone - Include Area Code <u>920-988-1698</u>
Dwelling Contractor Qualifier (DCQ Lic No.) Adam Fitzgerald (082100843)	Dwelling Contractor Qualifier shall be an owner, CEO, COB, or employee of Dwelling Contractor	Telephone - Include Area Code
Plumbing Contractor (Lic No.)	Mailing Address - Include City & Zip	Telephone - Include Area Code
Electrical Contractor (Lic No.)	Mailing Address - Include City & Zip	Telephone - Include Area Code
HVAC Contractor (Lic No.)	Mailing Address - Include City & Zip	Telephone - Include Area Code

PROJECT INFORMATION	Subdivision Name _____	Lot No. _____	Block No. _____
Zoning District <u>R-1</u>	Lot Area <u>14,000</u> Sq. Ft.	N.S.E.W. Setbacks Front <u>114.5</u> Ft. Rear <u>5.5</u> Ft.	Left <u>5.5</u> Ft. Right <u>72.5</u> Ft.

1a. PROJECT <input checked="" type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Raze <input type="checkbox"/> Alteration <input type="checkbox"/> Repair <input type="checkbox"/> Move <input type="checkbox"/> Other _____	3. TYPE <input checked="" type="checkbox"/> Single Family <input type="checkbox"/> Two Family <input type="checkbox"/> Multi <input type="checkbox"/> Commercial	6. STORES <input checked="" type="checkbox"/> 1-Story <input type="checkbox"/> 2-Story <input type="checkbox"/> Other <u>14'</u>	9. HVAC EQUIPMENT <input type="checkbox"/> Forced Air Furnace <input type="checkbox"/> Radiant Baseboard or Panel <input type="checkbox"/> Heat Pump <input type="checkbox"/> Boiler <input type="checkbox"/> Central Air Conditioning <input type="checkbox"/> Other _____																								
1b. GARAGE <input type="checkbox"/> Attached <input type="checkbox"/> Detached	4. CONST. TYPE <input checked="" type="checkbox"/> Site Constructed <input type="checkbox"/> Mfd. UDC <input type="checkbox"/> Mfd. HUD	7. FOUNDATION <input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Masonry <input type="checkbox"/> Treated Wood <input type="checkbox"/> ICF <input type="checkbox"/> Other _____	12. ENERGY SOURCE <table style="width:100%; border-collapse: collapse;"> <tr> <td style="border: none;"></td> <td style="border: none; text-align: center;">Fuel</td> <td style="border: none; text-align: center;">Nat. Gas</td> <td style="border: none; text-align: center;">L.P.</td> <td style="border: none; text-align: center;">Oil</td> <td style="border: none; text-align: center;">Elec. *</td> <td style="border: none; text-align: center;">Solid</td> <td style="border: none; text-align: center;">Solar</td> </tr> <tr> <td style="border: none;">Space Htg</td> <td style="border: 1px solid black; text-align: center;"><input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;"><input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;"><input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;"><input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;"><input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;"><input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="border: none;">Water Htg</td> <td style="border: 1px solid black; text-align: center;"><input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;"><input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;"><input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;"><input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;"><input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;"><input type="checkbox"/></td> <td style="border: 1px solid black; text-align: center;"><input type="checkbox"/></td> </tr> </table>		Fuel	Nat. Gas	L.P.	Oil	Elec. *	Solid	Solar	Space Htg	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water Htg	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fuel	Nat. Gas	L.P.	Oil	Elec. *	Solid	Solar																				
Space Htg	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																				
Water Htg	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																				
2. AREA Basement _____ Sq. Ft. Living Area <u>440</u> Sq. Ft. Garage _____ Sq. Ft. Other _____ Sq. Ft. TOTAL _____	5. ELECTRICAL Entrance Panel Size: _____ amp Service: ___ New ___ Rewire _____ Phase _____ Volts <input checked="" type="checkbox"/> Underground <input type="checkbox"/> Overhead Power Company: _____	8. USE <input type="checkbox"/> Seasonal <input type="checkbox"/> Permanent <input type="checkbox"/> Other _____	10. PLUMBING Sewer <input type="checkbox"/> Municipal <input type="checkbox"/> Septic No. _____																								
		11. WATER <input type="checkbox"/> Municipal Utility <input type="checkbox"/> Private On-Site Well	13. HEAT LOSS (Calculated) Total _____ BTU/HR																								
			14. ESTIMATED COST \$ <u>12K</u>																								

I understand that I: am subject to all applicable codes, laws, statutes and ordinances, including those described on the Notice to Permit Applicants form; am subject to any conditions of this permit; understand that the issuance of this permit creates no legal liability, express or implied, on the state or municipality; and certify that all the above information is accurate. If one acre or more of soil will be disturbed, I understand that this project is subject to ch. NR 151 regarding additional erosion control and stormwater management and the owner shall sign the statement on the Notice to Permit Applicants form. I expressly grant the building inspector, or the inspector's authorized agent, permission to enter the premises for which this permit is sought at all reasonable hours and for any proper purpose to inspect the work which is being done.

I vouch that I am or will be an owner-occupant of this dwelling for which I am applying for an erosion control or construction permit without a Dwelling Contractor Certification and have read the cautionary statement regarding contractor responsibility on the Notice to Permit Applicants form.

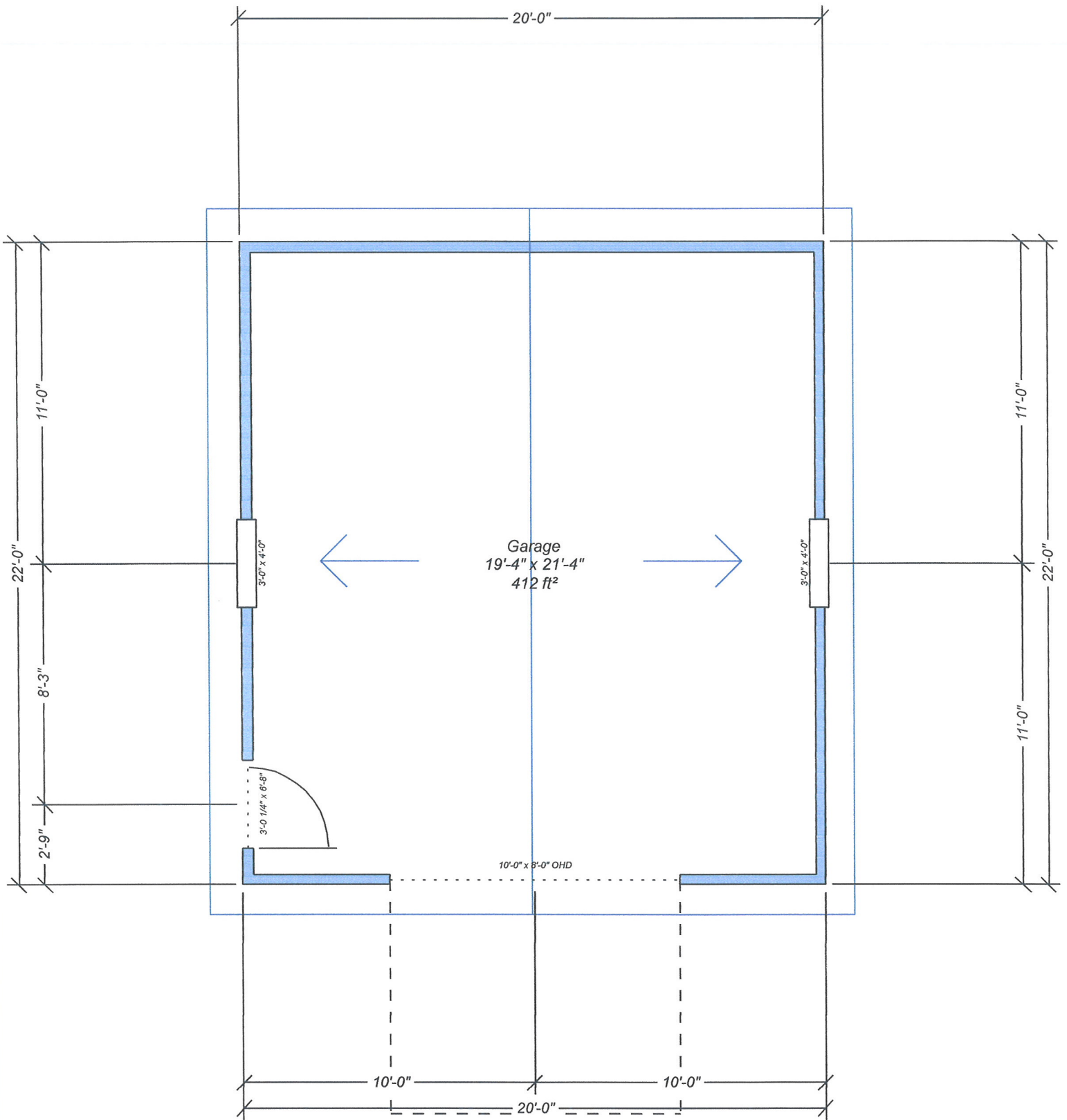
APPLICANT (PRINT): _____ **SIGN:** _____ **DATE:** _____

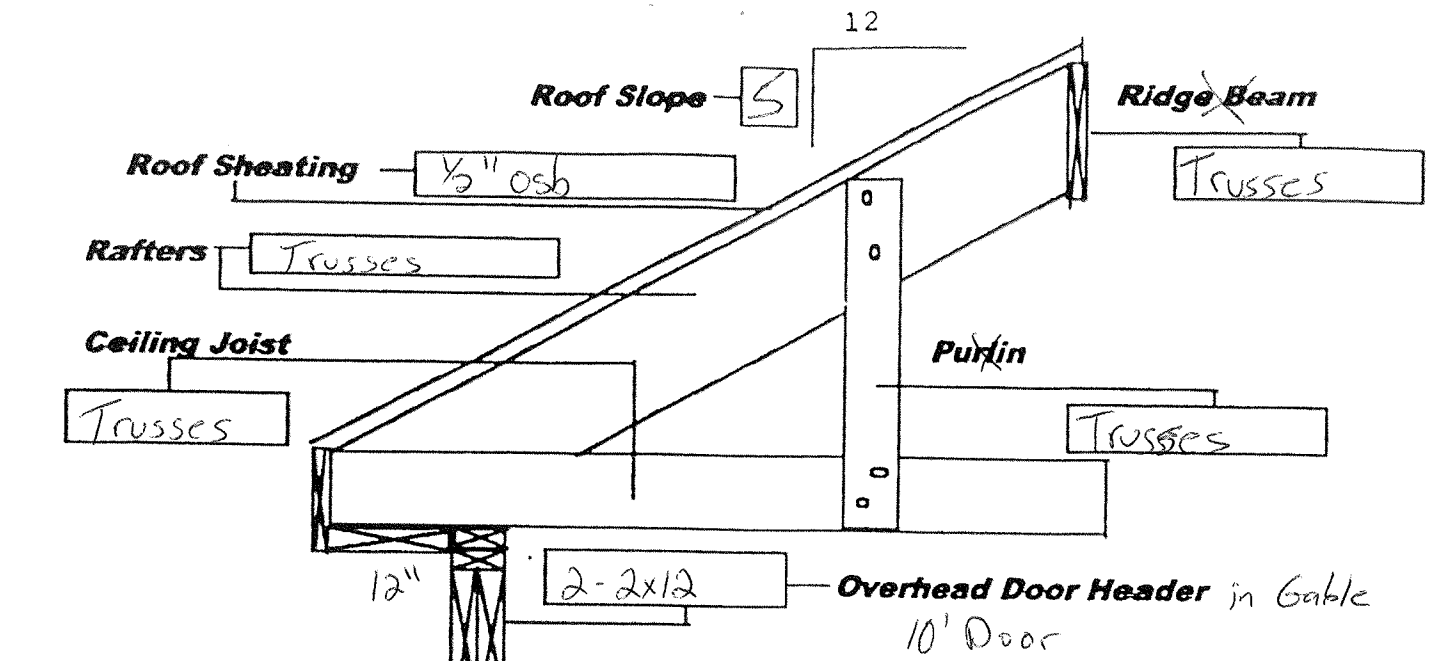
APPROVAL CONDITIONS This permit is issued pursuant to the attached conditions. Failure to comply may result in suspension or revocation of this permit or other penalty. Owner/Builder solely responsible for compliance with all applicable State & Local Building and Zoning codes.

INSPECTIONS NEEDED Building Footing Foundation Rough Insulation Bsmt. Fl. Final
 Electric Rough Service Final Plumbing Rough Underfloor Final HVAC Rough Final

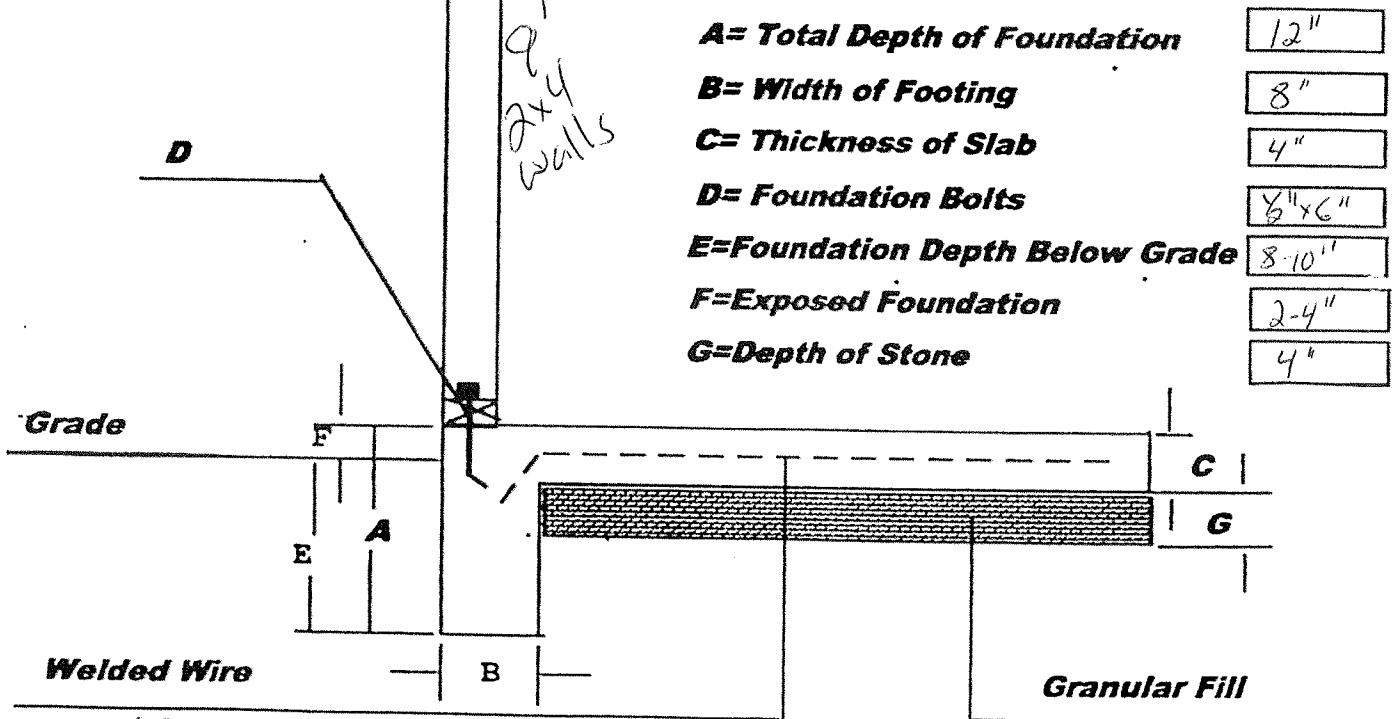
FEES: Building Fee _____ Zoning Fee _____ WI Seal _____ Electric Fee _____ Plumbing Fee _____ HVAC Fee _____ Adm. Fee _____ Other _____ Total _____ S 0.00	PERMIT(S) ISSUED Bldg. # At top of form _____ Zoning # ^R _____ Elec. # _____ Plmb. # _____ HVAC # _____	SEAL NO. _____ Municipality No. _____	RECEIPT CK # _____ Amount \$ _____ Date _____ From _____ Rec By. _____	PERMIT EXPIRATION: Permit expires two years from date issued unless municipal ordinance is more restrictive.	PERMIT ISSUED BY MUNICIPAL AGENT: Name _____ Date _____ Certification No. _____
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217
Maple Dr.





Detached Garage Wall Section



- A= Total Depth of Foundation** 12"
- B= Width of Footing** 8"
- C= Thickness of Slab** 4"
- D= Foundation Bolts** 1/2" x 6"
- E= Foundation Depth Below Grade** 8-10"
- F= Exposed Foundation** 2-4"
- G= Depth of Stone** 4"

Detached Garage

217 Maple Dr.
Waterloo



BIRRENKOTT SURVEYING, INC.

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI. 53590
Phone (608) 837-7463
Fax (608) 837-1081

PLAT OF SURVEY-PLOT PLAN

SURVEYOR'S CERTIFICATE:

I, Daniel V. Birrenkott, hereby certify that this survey is in compliance with the Wisconsin Administrative Code, Chapter A-E7. I also certify that I have surveyed and mapped the lands described hereon and that the map is a correct representation in accordance with the information provided and is correct to the best of my knowledge and belief.

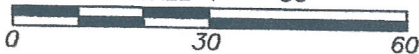
Daniel V. Birrenkott

Wisconsin Professional Land Surveyor No. S-1531. 10-1-2018

Description of Record:

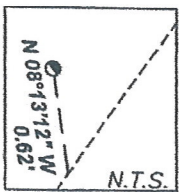
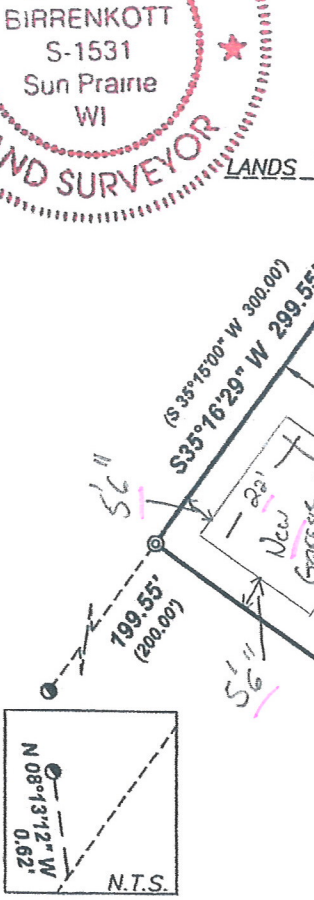
Beg at NE/C Lot 42, 1st Add to Sunset Gardens, N33DG37'E 100 FT, S56DG20'E 139.94FT, S33DG42'W 100FT TO SE/C Lot 42, NW to POB.

SCALE 1" = 30'



Description of Survey:

Part of the Southwest 1/4 of the Southeast 1/4 of Section 5, T8N, R13E, City of Waterloo, Jefferson County, Wisconsin more particularly described as follows: Beginning at the Easterly Corner of Lot 42, 1st Addition to Sunset Gardens, thence N35°16'29"E (recorded as N35°15'00"E), 100.00 feet; thence N54°43'31"W (recorded as N54°45'00"W), 140.00 feet; thence S35°16'29"W (recorded as S35°15'00"W) to the Northerly corner of said Lot 42, 100.00 feet; thence S54°43'31"E (recorded as S54°45'00"E) along the East line of said Lot 42, 140.00 feet to the point of beginning. Containing 14,000 sq. ft. or 0.32 acres



LOT 42
FIRST ADDITION
TO SUNSET GARDENS

Prepared For:

Fitzgerald and Sons
865 Herron Drive
Waterloo, WI 53594
(920)-988-1698

EASTERLY CORNER

o the
blatted
" W



136 North Monroe Street, Waterloo, Wisconsin 53594-1198
Phone (920) 478-3025
Fax (920) 478-2021

ORDINANCE #2021-06

~~Creating Chapter 354 Amending Chapter 340 Article IV UTILITIES Relating To~~ **Wireless Communications Facilities in the Right-of-Way**

The City Council of the City of Waterloo, Jefferson County, Wisconsin do ordain as follows:

SECTION A: ~~Chapter 354 is hereby created -Chapter 340 Article IV Communications Utility is hereby amended as shown below incorporating the text presented here enumerating it after the exiting sections 340-27 to 340-29.~~

Article IV
Communications Utility

Section 1: Definitions

For the purposes of this Chapter, the terms below shall have the following meanings:

"Administrator" means the City of Waterloo Clerk/Treasurer's office or his or her designee.

"Application" means a formal request, including all required and requested documentation and information, submitted by an applicant to the City of Waterloo for a wireless permit.

"Applicant" means a person or entity filing an application for a wireless permit under this Chapter.

"Base Station," consistent with 47 C.F.R. § 1.6100(b)(1), means a structure or wireless equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. This definition does not include towers, or any equipment associated with a tower.

"City," means the City of Waterloo, Wisconsin.

"Eligible Facilities Request," consistent with 47 C.F.R. § 1.6100(b)(3), means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

"FCC" means the Federal Communications Commission.

"Governmental Pole," consistent with Wis. Stat. § 66.0414(1)(n), means a utility pole that is owned or operated by the City of Waterloo in the right-of-way.

"Historic District," consistent with Wis. Stat. § 66.0414(3)(c)5, means an area designated as historic by the City of Waterloo, listed on the national register of historic places in Wisconsin, or listed on the state register of historic places.

“Right-of-Way” means the surface of, and the space above and below the entire width of an improved or unimproved public roadway, highway, street, bicycle lane, landscape terrace, shoulder, side slope, public sidewalk, or public utility easement over which the City of Waterloo exercises any rights of management and control or in which the City of Waterloo has an interest.

“Small Wireless Facility,” consistent with 47 C.F.R. § 1.6002(l), means a facility that meets each of the following conditions:

- (1) The structure on which antenna facilities are mounted, measured from ground level:
 - i. is 50 feet or less in height, or
 - ii. is no more than 10 percent taller than other adjacent structures, or
 - iii. is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height, whichever is greater, as a result of the collocation of new antenna facilities;
- (2) Each antenna (excluding associated antenna equipment) is no more than three cubic feet in volume;
- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is cumulatively no more than 28 cubic feet in volume;
- (4) The facility does not require antenna structure registration under 47 C.F.R. part 17;
- (5) The facility is not located on Tribal land as defined in 36 C.F.R. § 800.16(x); and
- (6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified by federal law.

“Support Structure” means any structure in the right-of-way (other than an electric transmission structure) capable of supporting wireless equipment, including a utility pole, a wireless support structure as defined in Wis. Stat. § 66.0414(1)(zp), or a base station.

“Tower,” consistent with 47 C.F.R. § 1.6100(b)(9), means any structure built for the sole or primary purpose of supporting any Federal Communication Commission (FCC) licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.

“Transmission Equipment,” consistent with 47 C.F.R. § 1.6100(b)(9), means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

“Underground District,” consistent with Wis. Stat. § 66.0414(3)(c)5, means an area designated by the City of Waterloo in which all pipes, pipelines, ducts, wires, lines, conduits, or other equipment, which are used for the transmission, distribution, or delivery of electrical power, heat, water, gas, sewer, or

telecommunications equipment, are to be located underground.

“Utility Pole,” means a pole that is used in whole or in part by a communications service provider; used for electric distribution, lighting, traffic control, signage, or a similar function; or used for the collocation of small wireless facilities. “Utility pole” does not include a wireless support structure or an electric transmission structure.

“Utility Pole for Designated Services” means a utility pole owned or operated in a right-of-way by the City of Waterloo that is designed to, or used to, carry electric distribution lines, or cables or wires for telecommunications, cable, or electric service.

“Wireless Equipment” means an antenna facility at a fixed location that enables wireless services between user equipment and a communications network, and includes all of the following: (a) equipment associated with wireless services; (b) radio transceivers, antennas, or coaxial, metallic, or fiber-optic cable located on, in, under, or otherwise adjacent to a support structure; (c) regular and backup power supplies; (d) equipment that is comparable to equipment specified in this definition regardless of technical configuration. “Wireless Equipment” does not include (a) the structure or improvements on, under, or within which the equipment is collocated; (b) wireline backhaul facilities; or (c) coaxial, metallic, or fiber-optic cable that is between utility poles or wireless support structures or that is not adjacent to a particular antenna. The definition of “Wireless Equipment” in this ordinance is consistent with the definition of “wireless facility” in Wis. Stat. § 66.0414(1)(z).

“Wireless Facility” or **“Facility”** means an installation at a fixed location in the right-of-way consisting of wireless equipment and the support structure, if any, associated with the wireless equipment.

“Wireless Infrastructure Provider” means any person or entity, other than a wireless services provider, that builds or installs wireless communications transmission equipment, antenna equipment, or wireless support structures.

“Wireless Permit” or **“Permit”** means a permit issued pursuant to this Chapter and authorizing the placement or modification of a wireless facility of a design specified in the permit at a particular location within the right-of-way, and the modification of any existing support structure to which the wireless facility is proposed to be attached.

“Wireless Provider” means a wireless infrastructure provider or a wireless services provider.

“Wireless Regulations” means those regulations adopted pursuant to Section 5(b)(1) to implement the provisions of this Chapter.

“Wireless Services” means any service using licensed or unlicensed wireless spectrum, including the use of a Wi-Fi network, whether at a fixed location or by means of a mobile device.

“Wireless Service Provider” means a person or entity that provides wireless services.

Definitions in this Section may contain quotations or citations to 47 C.F.R. §§ 1.6100 and 1.6002 and Wis. Stat. § 66.0414. In the event that any referenced section is amended, creating a conflict between the definition as set forth in this Chapter and the amended language of the referenced section, the definition in the referenced section, as amended, shall control. City of Waterloo

Section 2: Purpose

In the exercise of its police powers, the City of Waterloo has priority over all other uses of the right-of-way. The purpose of this Chapter is to provide the City of Waterloo with a process for managing, and uniform standards for acting upon, requests for the placement of wireless facilities within the right-of-way consistent with the City of Waterloo obligation to promote the public health, safety, and welfare; to manage the right-of-way; and to ensure that the public's use is not obstructed or incomed by the use of the right-of-way for the placement of wireless facilities. The City of Waterloo recognizes the importance of wireless facilities to provide high-quality communications and internet access services to residents and businesses within the City of Waterloo. The City of Waterloo also recognizes its obligation to comply with applicable Federal and State laws regarding the placement of wireless facilities in the right-of-way including, without limitation, the Telecommunications Act of 1996 (47 U.S.C. § 151 et seq.), Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Wis. Stat. § 182.017, Wis. Stat. § 196.58, and Wis. Stat. § 66.0414, as amended, and this Chapter shall be interpreted consistent with those provisions.

Section 3: Scope

(a) **Applicability.** Unless exempted by Section 3(b), below, every person who wishes to place a wireless facility in the right-of-way or modify an existing wireless facility in the right-of-way must obtain a wireless permit under this Chapter.

(b) **Exempt Facilities.** The provisions of this Chapter (other than Sections 10-13) shall not be applied to applications for the following:

- (1) Installation, maintenance, operation, or replacement of a small wireless facility strung on cables between two existing utility poles in compliance with the National Electrical Safety Code, provided that the small wireless facility does not exceed 24 inches in length, 15 inches in width, and 12 inches in height and has no exterior antenna longer than 11 inches.
- (2) Installation of a mobile cell facility (commonly referred to as "cell on wheels" or "cell on truck") for a temporary period in connection with an emergency or event, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement, or removal of existing facilities.
- (3) Placement or modification of a wireless facility by City of Waterloo staff or any person performing work under contract with the City of Waterloo.
- (4) The replacement of an existing small wireless facility with a small wireless facility that is substantially similar to, or the same size or smaller than, the existing small wireless facility, provided that there is no change to the support structure on which the small wireless facility is placed.
- (5) Routine maintenance of a wireless facility.

(c) **Placement on City of Waterloo-Owned or –Controlled Support Structures.** Any applicant who wishes to place wireless equipment on a support structure owned or controlled by the City of Waterloo, including governmental poles and utility poles for designated services, must obtain a wireless permit under this Chapter and enter into an attachment agreement with the Waterloo Water & Light Commission . The agreement shall include provisions regarding make-ready work and specify the compensation to be paid to the City of Waterloo for use of the support structure in accordance with the standards set out in Wis. Stat. § 66.0414(4), as amended. Unless prohibited by state or federal law, the person or entity seeking the agreement shall reimburse the City of Waterloo for all costs the City of

Waterloo incurs in connection with its review of and action upon the request for an agreement.

Section 4: Nondiscrimination

In establishing the rights, obligations, and conditions set forth in this Chapter, it is the intent of the City of Waterloo to treat each applicant and right-of-way user in a competitively neutral and nondiscriminatory manner, to the extent required by law, while taking into account the unique technologies, situation, and legal status of each applicant or request for use of the right-of-way.

Section 5: Administration

(a) **Administrator.** The administrator is responsible for administering this Chapter.

(b) **Powers.** As part of the administration of this Chapter, the administrator may:

- (1) Adopt wireless regulations governing the placement and modification of wireless facilities in addition to but consistent with the requirements of this Chapter, including regulations governing collocation, the resolution of conflicting applications for placement of wireless facilities, and aesthetic standards. The regulations must be published in advance of their enforcement.
- (2) Interpret the provisions of the Chapter and the wireless regulations.
- (3) Develop forms and procedures for submission of applications for wireless permits consistent with this Chapter.
- (4) Collect any fee required by this Chapter.
- (5) Establish deadlines for submission of information related to an application and extend or shorten deadlines where appropriate and consistent with federal laws and regulations.
- (6) Issue notices of incompleteness or requests for information in connection with any wireless permit application.
- (7) Select and retain an independent consultant or attorney with expertise in telecommunications to review any issue that involves specialized or expert knowledge in connection with any permit application.
- (8) Coordinate and consult with other City of Waterloo staff, committees, and governing bodies to ensure timely action on all other required permits under Section 6(b)(11) of this Chapter.
- (9) Negotiate attachment agreements for the placement of wireless equipment on governmental poles or utility poles for designated.
- (10) Subject to appeal as provided in Section 8(d) of this Chapter, determine whether to grant, grant subject to conditions, or deny an application.
- (11) Take such other steps as may be required to timely act upon wireless permit applications, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.

Section 6: Application

(a) **Format.** Unless the wireless regulations provide otherwise, the applicant must submit both a paper copy and an electronic copy (in a searchable format) of any application, as well as any amendments or supplements to the application or responses to requests for information regarding an application, to the Administrator. An application is not complete until both the paper and electronic copies are received by the Administrator.

(b) **Content.** In order to be considered complete, an application must contain:

(1) All information required pursuant to the wireless regulations.

(2) A completed application cover sheet signed by an authorized representative of the applicant.

(3) The name of the applicant (including any corporate or trade name), and the name, address, email address, and telephone number of a local representative and of all duly authorized representatives and consultants acting on behalf of the applicant with respect to the filing of the application. If the applicant is a wireless infrastructure provider, the name and contact information for the wireless service provider(s) that will be using the wireless facility must also be provided.

(4) A statement of which state or federal deadline(s) apply to the application.

(5) A separate and complete description of each proposed wireless facility and the work that will be required to install or modify it, including but not limited to detail regarding proposed excavations, if any; detailed site plans showing the location of the facility and technical specifications for each element of the facility, clearly describing the site and all structures and equipment at the site before and after installation or modification and identifying the owners of such preexisting structures and equipment; and describing the distance to the nearest residential dwelling unit. Before and after 360-degree photo simulations must be provided for each facility.

(6) A certification by the applicant that the wireless facility will not materially interfere with the safe operation of traffic control equipment or sight lines or clear zones for transportation of pedestrians and will fully comply with the federal Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.

(7) A certification by the applicant that the wireless facility will comply with relevant FCC regulations concerning radio frequency emissions from radio transmitters and unacceptable interference with public safety spectrum, including compliance with the abatement and resolution procedures for interference with public safety spectrum established by the FCC set forth in 47 C.F.R. §§ 22.97 to 22.973 and 47 C.F.R. §§ 90.672 to 90.675.

(8) A statement that the wireless facility will comply with the state electrical wiring code, as defined in Wis. Stat. § 101.80(4), as amended; the state plumbing code specified in Wis. Stat. § 145.13, as amended; the fire prevention code under Wis. Admin. Code § SPS 314, as amended; the Wisconsin commercial building code under Wis. Admin. Code §§ SPS 361 to 366, as amended; the Wisconsin uniform dwelling code under Wis. Admin. Code §§ SPS 320 to 325, as amended; and all local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.

(9) A structural report performed by a professional engineer registered in the State of Wisconsin evidencing that the support structure on which the wireless equipment will be mounted will

structurally support the equipment, or that the structure may and will be modified to meet structural requirements, in accordance with applicable codes, including the National Electric Safety Code and the National Electric Code.

(10) If the support structure on which the wireless equipment will be mounted is owned by a third party, a certification that the applicant has permission from the owner to mount its equipment on the structure. This is not required if the support structure is a governmental pole or a utility pole for designated services, as permission will be evidenced by the executed attachment agreement referenced in Section 3(c).

(11) To the extent that filing of the wireless permit application establishes a deadline for action on any other permit that may be required in connection with the wireless facility, the application must include complete copies of applications for every required permit (including without limitation electrical permits, building permits, traffic control permits, and excavation permits), with all engineering completed.

(12) Payment of all required fees.

(c) **Waivers.** Requests for waivers from any requirement of this Section 6 shall be made in writing to the Administrator. The Administrator may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of the waiver, the City of Waterloo will be provided with all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the wireless permit sought.

(d) **Eligible Facilities Requests.** If the applicant asserts in writing that its application is an eligible facilities request, the City of Waterloo will only require the applicant to provide that information set forth in subsection (b) to the extent reasonably related to determining whether the request meets the definition of “eligible facilities request” under 47 C.F.R. § 1.6100(b)(3). The applicant will be required to submit evidence that the application relates to an existing tower or base station that has been approved by the City of Waterloo. Before and after 360-degree photo simulations must be provided with detailed specifications demonstration that the modification does not substantially change the physical dimensions of the existing approved tower or base station.

(e) **Fees.** Applicant must pay an application fee in an amount set by the Common Council to allow recovery of the City of Waterloo’s direct costs of processing the application, subject to the limits contained in state and federal law, including Wis. Stat. § 66.0414(3)(d), as amended.

(f) **Public Records.** Applications are public records that may be made publicly available pursuant to state and federal public records law. Notwithstanding the foregoing, the applicant may designate portions of the application materials that it reasonably believes contain proprietary or confidential information by clearly marking each portion of such materials accordingly, and the City of Waterloo shall endeavor to treat the information as proprietary and confidential, subject to applicable state and federal public records laws and the Administrator’s determination that the applicant’s request for confidential or proprietary treatment of the application materials is reasonable. The City of Waterloo shall not be required to incur any costs to protect the application from disclosure.

Section 7: General Standards

(a) **Generally.** Wireless facilities shall meet the minimum requirements set forth in this Chapter and the wireless regulations, in addition to the requirements of any other applicable law or regulation.

(b) **Regulations.** The wireless regulations and decisions on wireless permits shall, at a minimum, ensure that the requirements of this Chapter are satisfied, unless it is determined that the applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of telecommunications or personal wireless services, or otherwise violate applicable laws or regulations. If that determination is made, the requirements of this Chapter and the wireless regulations may be waived, but only to the extent required to avoid the prohibition.

(c) **Standards.**

(1) Wireless facilities shall be installed and modified in a manner that:

(A) Minimizes risks to public safety;

(B) Ensures that placement of wireless equipment on existing support structures is within the tolerance of those structures;

(C) Ensures that new support structures will not be installed when the applicant has the right to place its wireless facility on an existing structure on reasonable terms and conditions and placement in that location is technically feasible and not materially more expensive;

(D) Avoids installation or modification of a utility pole that would exceed the height limits set forth in Wis. Stat. § 66.0414(2)(e)2, as amended;

(E) Avoids placement of aboveground wireless facilities in historic districts and underground districts (except for placing equipment on or replacing pre-existing support structures, so long as the collocation or replacement reasonably conforms to the design aesthetics of the original support structure);

(F) Avoids placement of wireless facilities in residential areas when commercial or industrial areas are reasonably available;(G) Maintains the integrity and character of the neighborhoods and corridors in which the facilities are located;

(H) Ensures that the City of Waterloo bears no risk or liability as a result of the installations; and

(I) Ensures that applicant's use does not obstruct or hinder travel, drainage, maintenance, or the public health, safety, and general welfare; inconvenience the public; interfere with the primary uses of the right-of-way; or hinder the ability of the City of Waterloo or other government entities to improve, modify, relocate, abandon, or vacate the right-of-way or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the right-of-way.

(2) In no event may ground-mounted equipment interfere with pedestrian or vehicular traffic and at all times must comply with the requirements of the Americans with Disabilities Act of 1990.

(d) **Standard Permit Conditions.** All wireless permits, whether granted under this Chapter or deemed granted by operation of state or federal law, are issued subject to the following minimum conditions:

(1) **Compliance.** The permit holder shall at all times maintain compliance with all applicable Federal, State, and local laws, regulations, and other rules.

(2) **Construction Deadline.** The permit holder shall commence the activity authorized by the permit no later than 365 days after the permit is granted and shall pursue work on the activity until completion.

(3) **Contact Information.** The permit holder shall at all times maintain with the City of Waterloo accurate contact information for the permit holder and all wireless service providers making use of the facility, which shall include a phone number, mailing address, and email address for at

least one natural person.

(4) **Emergencies.** The City of Waterloo shall have the right to support, repair, disable, or remove any elements of the facilities in emergencies or when the facility threatens imminent harm to persons or property.

(5) **Indemnification.** The permit holder, by accepting a permit under this Chapter, agrees to indemnify and hold harmless the City of Waterloo, its elected and appointed officials, officers, employees, agents, representatives, and volunteers (collectively, the “Indemnified Parties”) from and against any and all liability and loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of rights-of-way by the permit holder or anyone acting under its direction or control or on its behalf arising out of the rights and privileges granted under this Chapter, even if liability is also sought to be imposed on one or more of the Indemnified Parties. The obligation to indemnify and hold harmless the Indemnified Parties shall be applicable even if the liability results in part from an act or failure to act on the part of one or more of the Indemnified Parties. However, the obligation does not apply if the liability results from the sole negligence or willful misconduct of an Indemnified Party.

(6) **Adverse Impacts on Adjacent Properties.** The permit holder shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, or removal of the facility.

(7) **General Maintenance.** The wireless facility and any associated structures shall be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.

(8) **Graffiti Removal.** All graffiti on facilities shall be removed at the sole expense of the permit holder within 48 hours after notification from the City of Waterloo.

(9) **Relocation.** At the request of the City of Waterloo pursuant to Section 10 of this Chapter, the permit holder shall promptly and at its own expense permanently remove and relocate its wireless facility in the right-of-way.

(10) **Abandonment.** The permit holder shall promptly notify the City of Waterloo whenever a facility has not been in use for a continuous period of 60 days or longer and must comply with Section 11 of this Chapter.

(11) **Restoration.** A permit holder who removes or relocates a facility from the right-of-way or otherwise causes any damage to the right-of-way in connection with its activities under this Chapter must restore the right-of-way in accordance with Section 12 of this Chapter.

(12) **Record Retention.** The permit holder shall retain full and complete copies of all permits and other regulatory approvals issued in connection with the facility, which includes without limitation all conditions of approval, approved plans, resolutions, and other documentation associated with the permit or regulatory approval. In the event the City of Waterloo cannot locate any such full and complete permits or other regulatory approvals in its official records, and the permit holder fails to retain full and complete records in the permit holder’s files, any ambiguities or uncertainties that would be resolved through an examination of the missing documents will be conclusively resolved against the permit holder.

(13) **Radio Frequency Emissions.** Every wireless facility shall at all times comply with applicable

FCC regulations governing radio frequency emissions, and failure to comply with such regulations shall be treated as a material violation of the terms of the permit.

(14) **Certificate of Insurance.** A certificate of insurance sufficient to demonstrate to the satisfaction of the Administrator that the applicant has the capability to cover any liability that might arise out of the presence of the facility in the right-of-way.

Section 8: Application Processing and Appeal

(a) **Rejection for Incompleteness.** Notices of incompleteness shall be provided in conformity with state, local, and federal law, including 47 C.F.R. § 1.6003(d) and Wis. Stat. § 66.0414(3)(c), as amended.

(b) **Processing Timeline.** Wireless permit applications (including applications for other permits under Section 6(b)(11) necessary to place or modify the facility) and appeals will be processed in conformity with the deadlines set forth in state, local, and federal law, as amended, unless the applicant and the City of Waterloo agree to an extension.

(c) **Written Decision.** In the event that an application is denied (or approved with conditions beyond the standard permit conditions set forth in Section 7(d)), the Administrator shall issue a written decision with the reasons therefor, supported by substantial evidence contained in a written record. If the permit is for a small wireless facility, the applicant may cure the deficiencies identified in the written decision denying the permit and re-submit the application no later than 30 days after receipt without being required to pay an additional application fee.

(d) **Appeal to City Council.** Any person adversely affected by the decision of the Administrator may appeal that decision to the Waterloo Utility Commission or Waterloo Common Council, which may decide the issues *de novo*, and whose written decision will be the final decision of the City. An appeal by a wireless infrastructure provider must be taken jointly with the wireless service provider that intends to use the wireless facility. If an applicant contends that denial of the application would prohibit or effectively prohibit the provision of service in violation of federal law, or otherwise violate applicable law, the documentation accompanying the appeal must include that contention and provide all evidence on which the applicant relies in support of that claim.

(e) **Deadline to Appeal.**

(1) Appeals that involve eligible facilities requests must be filed within three business days of the written decision of the Administrator.

(2) All other appeals not governed by Section 8(e)(1), above, must be filed within seven business days of the written decision of the Administrator, unless the Administrator extends the time therefor. An extension may not be granted where extension would result in approval of the application by operation of law.

(d) **Decision Deadline.** All appeals shall be conducted so that a timely written decision may be issued in accordance with the applicable deadline.

Section 9: Revocation

(a) **Revocation for Breach.** A wireless permit may be revoked for failure to comply with the conditions of the permit or applicable federal, state, or local laws, rules, or regulations. Upon revocation, the facilities for which the permit has been revoked must be removed within 30 days of receipt of written

notice from the City of Waterloo. All costs incurred by the City of Waterloo in connection with the revocation, removal, and right-of-way restoration shall be paid by the permit holder.

(b) **Failure to Obtain Permit.** Unless exempted from permitting by Section 3(b) of this Chapter, a wireless facility installed without a wireless permit must be removed within 30 days of receipt of written notice from the City of Waterloo. All costs incurred by the City of Waterloo in connection with the notice, removal, and right-of-way restoration shall be paid by the entities who own or control any part of the wireless facility.

Section 10: Relocation

Except as otherwise prohibited by state or federal law, a permit holder must promptly and at its own expense, with due regard for seasonal working conditions and as directed by the City of Waterloo, permanently remove and relocate any of its wireless facilities in the right-of-way whenever such relocation is necessary to prevent the wireless facility from interfering with a present or future City of Waterloo use of the right-of-way; a public improvement undertaken by the City of Waterloo; an economic development project in which the City of Waterloo has an interest or investment; when the public health, safety, or welfare require it; or when necessary to prevent interference with the safety and convenience of ordinary travel over the right-of-way. Notwithstanding the foregoing, a permit holder shall not be required to remove or relocate its facilities from any right-of-way that has been vacated in favor of a non-governmental entity unless and until that entity pays the reasonable costs of removal or relocation to the permit holder.

Section 11: Abandonment

(a) **Cessation of Use.** In the event that a permitted facility within the right-of-way is not in use for a continuous period of 60 days or longer, the permit holder must promptly notify the City of Waterloo and do one of the following:

- (1) Provide information satisfactory to the Administrator that the permit holder's obligations for its facilities under this Chapter have been lawfully assumed by another permit holder.
- (2) Submit to the Administrator a proposal and instruments for dedication of the facilities to the City. If a permit holder proceeds under this Section 11(a)(2), the City of Waterloo may, at its option:
 - (A) Accept the dedication for all or a portion of the facilities;
 - (B) Require the permit holder, at its own expense, to remove the facilities and perform the required restoration under Section 12; or
 - (C) Require the permit holder to post a bond or provide payment sufficient to reimburse the City of Waterloo for reasonably anticipated costs to be incurred in removing the facilities and undertaking restoration under Section 12.
- (3) Remove its facilities from the right-of-way within one year and perform the required restoration under Section 12, unless the Administrator waives this requirement or provides a later deadline.

(b) **Abandoned Facilities.** Facilities of a permit holder who fails to comply with Section 11(a) and which, for one year, remain unused shall be deemed to be abandoned. Abandoned facilities are deemed to be a nuisance. In addition to any remedies or rights it has at law or in equity, the City of Waterloo may, at its option:

- (1) abate the nuisance and recover the cost from the permit holder or the permit holder's successor in interest;
- (2) take possession of the facilities; and/or
- (3) require removal of the facilities by the permit holder or the permit holder's successor in interest.

Section 12: Restoration

In the event that a permit holder removes or is required to remove a wireless facility from the right-of-way under this Chapter (or relocate it pursuant to Section 10), or otherwise causes any damage to the right-of-way in connection with its activities under this Chapter, the permit holder must restore the right-of-way to its prior condition in accordance with City of Waterloo specifications. However, a support structure owned by another entity authorized to maintain that support structure in the right-of-way need not be removed but must instead be restored to its prior condition. If the permit holder fails to make the restorations required by this Section 12, the City of Waterloo at its option may do such work after providing 15 days' written notice to the permit holder. In that event, the permit holder shall pay to the City of Waterloo, within 30 days of billing therefor, the cost of restoring the right-of-way.

Section 13: Severability

If any section, subsection, clause, phrase, or portion of this Chapter is for any reason held to be illegal or otherwise invalid by any court or administrative agency of competent jurisdiction, such illegal or invalid portion shall be severable and shall not affect or impair any remaining portion of this Chapter, which shall remain in full force and effect.

Section 14: Use Fee

The permit holder must pay to the City an annual fee to use the right of way (Use Fee). The Use Fee shall equal the maximum fee allowable under Wis. Stat. § 66.0414(2)(c). The permit holder shall be invoiced for the first Use Fee on the date the permit is issued, prorated based on the proportion of the calendar year then remaining. Subsequent invoicing shall be prospective and occur each January. If the permit holder fails to pay the Use Fee within 30 days after it is due, the permit holder shall pay interest of two percent per month on the amount past due.

SECTION B: This ordinance shall take effect and be in force from and after its passage and posting as provided by law.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF WATERLOO

Mayor

Attest:

Date Adopted: _____

Date Published: _____

FISCAL EFFECT: Undetermined nNew revenue to Waterloo Utilities and General Fund.



136 North Monroe Street, Waterloo, Wisconsin 53594-1198
Phone (920) 478-3025
Fax (920) 478-2021

ORDINANCE #2021-06
Amending §350-13 Off-Road Vehicles Relating To The Use Of All-Terrain Vehicles and Utility Terrain Vehicles To Clarify

The City Council of the City of Waterloo, Jefferson County, Wisconsin do ordain as follows:

SECTION I: Chapter 350-13 Off-road Vehicles is hereby amended as shown in red and includes the marks indicating the changes made by Ordinance #2021-04.

§ 350-13 Off-road vehicles.

- A. Intent. The City of Waterloo adopts the following all-terrain vehicle trails and routes for the operation of all-terrain vehicles and utility terrain vehicles upon roadways and City-owned property throughout Waterloo. Following due consideration of the recreational value to connect trail opportunities and weighed against the possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, these routes and trails have been created
- B. State laws adopted. The statutory provision in § 23.33, Wis. Stats., and Chs. 340 to 348, Wis. Stats., establishing definitions and regulations with respect to ATVs and UTVs, and Ch. NR 64, Wis. Adm. Code, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Unless otherwise provided in this chapter, any act required to be performed or prohibited by any statute incorporated herein is hereby required or prohibited by this section. Any future amendments, revisions or modifications of the statutes incorporated herein are made a part of this chapter in order to secure uniform statewide regulation of ATVs and UTVs.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

ALL ATV/UTV VEHICLE TRAIL

A marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle or utility terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways or highways, except those roadways that are seasonally not maintained for motor vehicle traffic.

ALL-TERRAIN VEHICLE (ATV)

A commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on three or more ~~low pressure tires and nonpneumatic tires.~~

OFF-ROAD VEHICLES

Shall include, but not be limited to, minibikes, all-terrain vehicles, and utility terrain vehicles.

UTILITY TERRAIN VEHICLE (UTV)

Any of the following:

- (1) A commercially designed and manufactured motor-driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all the following:
 - (a) A weight, without fluids, of 2,000 pounds or less.
 - (b) Four or more ~~low-pressure tires or nonpneumatic~~ tires.
 - (c) A cargo box installed by the manufacturer.
 - (d) A steering wheel.
 - (e) A taillight.
 - (f) A brake light.
 - (g) Two headlights.
 - (h) A width of not more than 65 inches.
 - (i) A system of seat belts, or similar system, for restraining each occupant of the device in the event of an accident.
 - (j) A system of structural members designed to reduce the likelihood that an occupant would be crushed as a result of a rollover of the device.
- (2) A commercially designed and manufactured motor driven device to which all the following applies: All other applicable words or phrases defined within § 23.33, Wis. Stats., and Ch. 340.01, Wis. Stats., are incorporated within this section.
 - (a) It has a weight, without fluids, of more than 900 pounds but not more than 2,000.
 - (b) It has a width of 50 inches or less.
 - (c) It is equipped with a seat designed to be straddled by the operator.
 - (d) It travels on three or more ~~low-pressure tires or nonpneumatic~~ tires.
- D. Regulated. No person shall operate an off-road vehicle on any City street, alley, park, or parking lot; on any public lands or parking lots held open to the public; or on any land zoned residential within the City except as provided below:
 - (1) Designation of all-terrain and utility terrain vehicle routes. Pursuant to § 23.33(8)(b)2., Wis. Stats., all City-maintained streets, roads and alleys are designated as all-terrain and utility terrain vehicle routes unless posted.

Under Wis. Stat. s. 23.33(8)(b)1., the City of Waterloo designates STH 19 as an ATV route from the 25/40 MPH speed limit transition to Canal Road. The route shall not be effective unless the Department of Transportation approves the route under s. 23.33(8)(b)3.

- (2) Conditions of operation. In addition to the provisions in § 23.33, Wis. Stats., and Chs. 340 to 348, Wis. Stats, the following conditions apply:

- (a) "ATV/UTV vehicle route" means a highway or sidewalk designated for use by all terrain vehicle or utility terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.
- (3) The City of Waterloo reserves the right to close or modify routes and trails at any time.
- (4) The City of Waterloo or its designee shall maintain all route and trail signs within the City of Waterloo. The City of Waterloo shall maintain all route signs erected on state highways within the City of Waterloo.
- (5) All ATV/UTV routes and trails shall be signed in accordance with Chs. NR 64.12 and NR 64.12(7)(c), Wis. Stats.
- (6) All City of Waterloo streets, roads and alleys are designated as ATV/UTV routes, not including county highways, state trunk highways, or connecting highways unless Jefferson County and/or the Department of Transportation approves or is required to approve the designation.
- (7) Per § 23.33 (11)(am)(4), Wis. Stats., the City of Waterloo authorizes the operation of ATVs/UTVs on all highways that have a speed limit of 35 miles per hour or less that are located within the territorial boundaries of the City of Waterloo.
- (8) Conditions of route use. As a condition for the use of these trails and routes, the following conditions shall apply to all operators and passengers as applicable:
 - (a) All ATV/UTV units shall be registered in accordance with WI DNR regulations.
 - (b) All ATV/UTV operators shall observe all applicable rules of the road governing motorized vehicles on municipal streets in accordance with Ch. 346, and § 23.33, Wis. Stats.
 - (c) No ATV/UTV shall be operated at a speed greater than the posted street speed limit unless posted otherwise.
 - (d) All operators of ATVs or UTVs are subject to Wis. Stats. and/or DNR rules and regulations pertaining to age, safety and safety certificate requirements.
 - (e) No ATV/UTV may be operated on any designated trail or route without fully functional headlights, taillights and brake lights. Operators must display a lighted headlight and taillight at all times while on the trail or route.
 - (f) All ATV/UTV operators shall ride single file.
 - (g) ATV/UTVs may be operated on paved roadway surfaces only.
 - (h) No ATV/UTV may be operated on any designated route between the hours of 10:00 p.m. and 7:00 a.m. daily, unless otherwise authorized by the Chief of Police.
 - (i) ATV/UTVs that do not meet Wisconsin State or local noise pollution requirements may not be operated on any trail or route.
 - (j) Operation within any municipal park unless specifically designated is prohibited.
 - (k) Operation on any sidewalk unless specifically designated is prohibited.
 - (l) No person shall leave or allow any ATV owned or operated by him/herself to remain unattended on

any public highway or public property while the motor is running or with the starting key left in the ignition. Insurance is required for all ATVs/UTVs operated within the City of Waterloo.

(m) DOT. Approved protective helmets will be worn for all operators and passengers of any ATV/UTV for persons under the age of 18 years old.

(n) A valid Department of Transportation driver's license is required to operate any ATV/UTV.

(9) (9) In accordance with §23.33 (11)(am)(3), Wis. Stats., the operation of ATVs and UTVs is authorized on a highway bridge that is not part of the national system of interstate and defense highways, that is 1,000 feet in length or less, and is located within the territorial boundaries of the City of Waterloo, regardless of whether the City of Waterloo has jurisdiction over the highway. The City of Waterloo authorizes the operation of ATVs on STH 19 from the 35/45 MPH speed limit transition to Heil Street, under Wis Stat. ss. 23.33(4)(d)3.b. and (11)(am)3. to cross over the Maunesha River tributary provided that a person crossing a bridge shall do all the following:

(a)Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing;

(b)Stay as far to the right of the roadway or shoulder as practicable;

(c)Stop the vehicle prior to the crossing;

(d)Yield the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway or shoulder; and

(e)Exit the highway as quickly and safely as practicable after crossing the bridge.

~~In accordance with § 23.33 (11)(am)(3), Wis. Stats., the operation of ATVs and UTVs is permitted on a highway bridge that is not part of the national system of interstate and defense highways, that is 1,000 feet in length or less, and is located within the territorial boundaries of the City of Waterloo, regardless of whether the City of Waterloo has jurisdiction over the highway, provided that a person crossing a bridge shall do all the following:~~

~~(a) Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing;~~

~~(b) Stay as far to the right of the roadway or shoulder as practicable;~~

~~(c) Stop the vehicle prior to the crossing;~~

~~(d) Yield the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway or shoulder; and~~

~~(e) Exit the highway as quickly and safely as practicable after crossing the bridge.~~

SECTION II: This ordinance shall take effect and be in force from and after its passage and posting as provided by law.

**BY ORDER OF THE CITY COUNCIL OF THE CITY OF
WATERLOO**

Mayor

Attest:

Date Adopted: _____

Date Published: _____

FISCAL EFFECT: None.