



P.O. Box 352 • 150 S. Bridge St. • Markesan, WI 53946 • P: (920) 398-3031 • F: (920) 398-3991

PUBLIC PROPERTY & HEALTH COMMITTEE

Markesan City Hall

May 7, 2019

Immediately Following Streets, Building & Utilities Committee Meeting

AGENDA

Call to Order

Roll Call

Citizen's Comments

Public Works Report

Old Business

- Discussion and Action on Soldier's & Sailor's Park Agreement with the Lions Club
- Discussion and Action Lawn Mowing at Soldier's & Sailor's Park

New Business

- Discussion and Action on 650 North Margaret Street Raze Process
- Discussion and Action on Sign Placement for Kiwanis, Lions Club and American Legion on Hwy 44
- Discussion and Action on Pool Ordinance
- Discussion and Action on Maintenance of "Memorial Trees" on Hwy 44
- Discussion and Action on SBA Tower Site

Adjournment

A quorum of the Markesan Common Council may be in attendance at this meeting to gather information about a subject over which they have decision making responsibility. Under Wisconsin Open Meeting Law, this may constitute a meeting of the Common Council pursuant to the Badtke Decision, however, the Council will not take action at this meeting.

Any person requiring special assistance to participate in this meeting should contact the Clerk-Treasurer at 398-3031 at least 24 hours prior to the meeting so appropriate accommodations can be made.

Posted: Markesan State Bank City Hall
Farmers State Bank Post Office
www.markesanwi.gov

Dated May 6, 2019
Elizabeth Amend, Clerk-Treasurer

**A MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF MARKESAN AND MARKESAN LION'S CLUB**

WHEREAS, the City of Markesan is a Wisconsin Municipality (the "City"), with their address being 150 South Bridge Street; Markesan, WI 53946 and the Markesan Lion's Club (the "Club", with their address being PO BOX 138; Markesan, WI 53946, is a non-profit (IRS Sec. 501(c)(4)) organization incorporated in Wisconsin

The purpose of this Memorandum of Understanding (MOU) is to have a written understanding between the above parties. Additionally, this MOU will outline any responsibility the Markesan Lion's Club has in order to use of the Park and Park facilities at Little Green Lake Soldiers and Sailors Park (the "Park").

This MOU by its term is not a lease, and the City shall not accept, nor shall the Club be required to pay, any rental or other monetary payment as a result of entering into this MOU.

The City recognizes that the Markesan Lion's Club is instrumental in the development of the Little Green Lake Soldiers and Sailors Park as a valuable asset to the community, providing local citizens and visitors a place to safely recreate.

THEREFORE both the City and Club agree to the following:

1. The City is the owner of the Park and assumes all responsibility for the operation and management of the Park, except as specified within this MOU.
2. The City will repair and maintain the well, buildings, piers, boat docks, or other physical structures located on the Park property.
3. The City will mow and rake the grounds and take whatever other action is reasonable and necessary to keep the grounds in suitable condition for Park purposes.
4. The Club will not build, remodel, or tear down any buildings, piers, boat docks, or other physical structures located on the Park Premises, without prior written consent and approval of the City.

5. The Club shall furnish the City with a copy of a suitable liability insurance policy, for any special events to be held on the Park premises, wherein there is a possibility of injury to any person on the Park grounds attending such event as a participant or spectator.

6. The Club shall provide the City Clerk with a schedule of events, with at least one month's advanced written notice when possible and further agrees to pay for any damage to the Park as a result of special events scheduled by the Club.

7. The Club agrees to assume responsibility for the maintenance and operation for the Park:

- a) Will maintain, organize and schedule the use of Park shelter kitchen facilities.
- b) Will maintain and replace the flag at the Park, as needed;
- c) Will organize and coordinate "walk through" clean-up of the park when personnel is available;
- d) Will organize the "Youth Service Day" clean-up of the park;
- e) Will provide sand for the beach and various playground equipment locations;
- f) Will maintain beach buoys and setup beach swimming area;
- g) Will provide up to \$2,000^{Annual} for Club approved improvements to the Park.

8. This MOU shall automatically renew annually unless the Club serving notice upon the City Clerk, or the City serving notice upon the Club Secretary, in writing or by certified mail of either parties intent to terminate at least sixty (60) days prior to the renewal date of this MOU.

9. The City and the Club agree not to commit the other party to an expense without written consent.

10. The City and the Club agree to give the other party prompt notice of any claim coming to its knowledge that in any way directly or indirectly affects the other party. Both parties shall have the right to participate in the defense of such claim to the extent of its interest.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals to this MOU by and through their duly authorized officers. Upon sign this MOU, each party acknowledges receipt of the signed and completed copy thereof, and admits that they have read and understood the foregoing terms and conditions and agrees thereto.

DATED THIS ____ DAY OF _____, 2019

CITY OF MARKESAN

MARKESAN LION'S CLUB

Mayor

President

Clerk

Secretary

WILSNACK PROPERTY – 650 N MARGARET STREET - TIMELINE

In fall of 2017, Officer Watry sent letters to property owners with dilapidated buildings.

January 2018, Officer Watry sent out second follow up letters, verifying no contact was made.

In May 2018 Mike Parrot of GEC was hired by City of Markesan to do an inspection on property.

On June 28, 2018 Connie Wilsnack called Clerk to see who complained about her property? I referred the phone call to Police Chief Pflum, who then called her back on June 29, 2018. Connie was informed that no one in particular complained; it was a decision on behalf of the City to start to clean up dilapidated buildings. (In which Officer Watry started in 2017 but unfortunately did not complete due to his resignation, so Chief Pflum is now dealing with these properties with the City's building inspector.)

In July, Mike Parrot completed his Assessment and distributed the report to the City of Markesan.

The GEC Property Condition Assessment was then mailed to Connie Wilsnack in July.

On August 2, 2018, the Public Property Committee discussed the inspection report. Connie Wilsnack was present at this meeting. The Committee requested that Connie get a plan to the City of Markesan within 30 days depicting what she will be doing to resolve dilapidated buildings

On August 13, 2018, Connie emailed and called Rachel Heiling requesting minutes from August 2nd Public Property meeting and asked who did the Inspection report? Very confusing, because she has a copy of the report. Rachel sent the minutes to her via email and confirmed that GEC did do the inspection report.

On August 29, 2018 Connie emailed Betsy to inform her that her 30 day window fell on the weekend, so she would be getting her plan to the City by the following business day, Sept. 4.

On September 3, 2018, Connie Wilsnack emailed her plans to the City of Markesan Clerk and asked her to distribute it to the Public Property Committee.

On September 4th the clerk forwarded the plan via email to Brenda Henke, PP Chairperson.

On September 5, 2018 at 9:21 PM, Connie emailed Betsy and said she could not find agenda online. She "assumed" her property was not on the agenda for the September 6, 2018 Public Property meeting because no one called and told her. See attached email correspondence for details.

On September 6, Betsy called Connie to inform her she was on agenda. Connie stressed that she did not know if she could make the meeting, and that she did not like the "TONE" of the meetings. She felt they are very stressful on her.

Betsy relayed all correspondence from Connie Wilsnack to Brenda Henke.

On December 3, 2018, Connie emailed Betsy asking about the next meeting to discuss the her property at 650 N Margaret St. I advised her that she was not on the agenda, because we did not hear from her with an update on her property. No buildings had been razed yet, when she said they would be by end of November 2018. I told her that we could put her on the agenda in January, and she said she would attend with an update for the committee then.

Again on December 27, 2018, Betsy reached out via email to Connie to confirm that the committee would like an update at January meeting. I copied this to Brenda Henke.

On January 3, 2019 (day of Public Property Committee meeting), Connie emailed Brenda and expressed a concern with the bad weather and that she was unable to do any work due to these conditions. She requested that she give the City monthly updates until July 2019 and then see where things were at after she is done teaching and can spend more time on the project.

I sent the January Public Property minutes to Connie on February 1 and reminded her that she would be on the agenda in February and asked her to attend.

On February 5, Connie emailed Betsy and Brenda to inform them that she could not attend the meeting that evening due to weather and health issues. She advised that she would let the City know on any progress she has made on the property going forward. She also wanted to know about the steps for razing the building and permits needed. Betsy gave her the building inspectors name, phone and email.

Betsy sent her the February Public Property minutes on February 13, 2019, and informed her of the next meeting date in March.

At the March Public Property meeting, Wilsnack property was discussed. Martin had material explaining steps on Placard for the buildings and ordinance Chapter 252 on nuisances, especially on dilapidated buildings and abatement of public nuisances that he discussed with the building inspector. The building inspector believes that Connie should be given proper notice of the violations and the City should proceed with placarding the various structures once give proper notice. The minutes from the March meeting were emailed to Connie on March 19, 2019.

On March 29, Connie emailed Betsy and said that she had not yet received notice from the building inspector. She explained that she has not done anything to the building yet due to weather. She also said she needed to sell or remove items in the building first. She said she assumes the Committee would understand that due to the weather she could not do anything with the property. She said 30 day notice is not enough time for her. She also said she did not know when the April meeting was. Meetings are posted on the website at all times. Her property was not on the April meeting. This information was copied to Brenda and Rich on April 1.

On March 30, Connie emailed Betsy and said if there was a meeting that week that it was impossible for her to attend due to her schedule conflicts. She said that, "she felt the Council ignores laws when it would protect her property and that the City is not being reasonable with the weather we have had this past year, summer, fall and winter in regards to the appearance of buildings. She also said, "I realize it is

in the City, but I drive all over and see buildings like this!” Betsy informed Connie on April 1 that the meeting schedule has been on the website all month and that her property was not on the agenda in April. Betsy also told Connie in the email that she would be receiving a letter from the building inspector soon.

On April 2nd, certified letters were sent to Connie Wilsnack and Miriam Wilsnack from the building inspector. The intent of the letter was to notify them about the buildings located at 650 N Margaret Street being in violation of Chapter 252 Public Nuisances of the City Ordinances. See attached letter. Wilsnacks were told they had 30 days from the date of the letter to raze buildings #4 and #10 and to 30 days to eliminate vermin infestation. They also were told that they had 5 days from the receipt of the letter to request a hearing before the Common Council or Public Property Committee.

Miriam Wilsnack returned the certified letter receipt on April 9, 2019. Connie Wilsnack never returned the certified letter receipt. Since no hearing was requested within the allowable time frame, the notice shall become an order of the building inspector.

On April 6, 2019, Connie emailed Betsy and said that with warm weather coming and spring break soon, she was hoping to make progress. She said she would be able to take care of everything this summer. Betsy forwarded this information to Brenda and Rich.

On April 4, Tim Tripp advised Betsy that if a hearing request was not received from Wilsnacks, then the order would go into effect. Then the buildings would need to be placarded and the City would move forward to enforce the removal of the buildings. He advised to consult legal counsel, and have him advise us on the possible hearing and the entering of private property to placard the buildings, and also the City moving forward on having the buildings razed.

On April 9th, Betsy emailed Connie to see if she received the certified letter from Tim Tripp, the building inspector.

ORDINANCE NO. 115-7

An Ordinance Amending Ordinance No. 115-7 of the Municipal Code of the City of Markesan.

The Common Council of the City of Markesan in session duly begun on the ____ day of _____, 2019, hereby amends Ordinance No. 115-7 of the Markesan Municipal Code to read as follows:

SECTION 1: Ordinance 115-7 of the Municipal Code is hereby amended to read as follows:

Swimming Pool Regulations

A. Definition. A swimming pool is a body of water or an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 18 inches located above or below the surface of ground elevation, installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semi-permanent structure on the land. The term includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

B. Exempt pools. Storable children's swimming or wading pools with a maximum dimension of 15 feet and a maximum wall height of 18 inches and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this section.

C. Permit required. Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required building permit fee pursuant to the City Building Code shall accompany such application.

D. Construction requirements. In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection C unless the following construction requirements are observed:

(1) Approved materials. All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and codes and with any and all ordinances of the City now in effect or hereafter enacted.

(2) Plumbing. All plumbing work shall be in accordance with all applicable ordinances of the City and all state codes. Every private or residential swimming pool shall be provided with a

suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system or onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.

(3) Electrical installations. All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and City ordinances regulating electrical installations.

E. Setbacks and other requirements.

(1) Private swimming pools shall be erected or constructed in rear or side yards only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.

(2) A swimming pool shall be at least 10 feet from any lot line or building unless designed and approved as an addition to a building and in no case shall the pool be allowed closer than what is permitted for an accessory structure.

F. Life Preservers required.

Every private swimming pool shall be equipped with a minimum of two throwing ring buoys or equivalent life preservers.

G. Enclosure.

(1) Fence; in-ground/above ground pools. All outdoor, below-grade swimming pools or above ground pools with sides less than four feet high, as in the case of aboveground pools, shall have a fence or other solid structure not less than four feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than three inches square. All gates or doors opening through the enclosure shall be equipped with a self-closing and self-latching devices and kept securely closed and locked at all times when not in actual use.

(2) Pool wall border.

(a) An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water-enclosing wall of the pool. Such walls shall extend more than three feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.

(b) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing and gate a minimum of 36 inches high on the top.

H. Compliance. All swimming pools existing at the time of passage of this chapter not satisfactorily fenced shall comply with the fencing requirements of this section when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.

I. Pool Draining. No private swimming pool shall be constructed to allow water from the pool to drain into a sanitary sewer or septic tank or onto any adjoining property. Provisions may be made for draining the contents of a swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Water Department Superintendent and/or Building Inspector.

J. Filter system required. All private swimming pools within the meaning of this ordinance must have a filtration system in place to assure proper circulation of the pool water and maintenance of the proper bacterial quality.

K. Dirt bottoms prohibited. All permanent or semi-permanent swimming pools shall have the sides and bottom of a smooth, impervious finish, and no sand or dirt bottom shall be permitted.

SECTION 2: This ordinance shall be in full force and effect upon passage and publication.

ROLL CALL: Ayes ___ Nays ___ Absent ___ Abstained

APPROVED this ___ day of _____, 2019.

CITY OF MARKESAN

RICH SLATE, Mayor

ATTEST:

ELIZABETH AMEND, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL D. SONDALLE, City Attorney

Proposed Pool Ordinance check list:

- This ordinance would apply to all pools with a greater dimension of 15 feet and any pool that has a wall height greater than 18 inches.
- Before work is commenced on the construction or erection of a private or residential swimming pool or any alternations, additions, remodeling or other improvements a swimming pool permit must be obtained from the building inspector.
- Every private or residential pool shall provide suitable draining methods; in no case shall waters from any pool be drained into the sanitary sewer system or onto lands of other property owners adjacent to the pool.
- All electrical installations, including lighting and heating used in conjunction with the private pool shall be in conformance with state laws and city ordinances regulating electrical installations.
- Private pools shall be erected or constructed in the rear or side yard only and only on a lot occupied by a principal building.
- A swimming pool shall be at least 10 feet from any lot line or building unless designed and approved as an addition to a building and in no case shall the pool be allowed closer than what is permitted for an accessory structure.
- Every private swimming pool shall be equipped with a minimum of two throwing ring buoys or equivalent life preservers.
- All below grade swimming pools and above ground pools with sides less than four feet high shall have a fence or other solid structure not less than four feet in height completely enclosing the pool with no opening larger than three inches square. All gates or doors opening through the enclosure shall be equipped with a self-closing and self-latching device and kept securely closed and locked at all times when not in actual use.

The police department has received several complaints about the "Memorial Trees" along STH 44/Margaret Street. Branches are in the way of people's view when pulling out of driveways and some are blocking speed limit signs.

Please advise what should be done about this.



Betsy Amend <bamend@markesanwi.gov>

SBA TOWER SITE - WI15212-B/ Manchester 11, WI/Lease Buyout Proposal - 680 Precision Drive

1 message

Virginia Molster <VMolster@sbsite.com>
To: "Bamend@markesanwi.gov" <Bamend@markesanwi.gov>

Wed, May 1, 2019 at 3:40 PM

City of Markesan

Elizabeth Amend - Bamend@markesanwi.gov

RE: WI15212-B/ Manchester 11, WI/Lease Buyout Proposal - 680 Precision Drive

Dear Amend,

It was a pleasure speaking with you today!

As discussed, SBA (tower owner) is offering a lease buyout to create a new communications easement. Please remember, **we do not buy the land**, only the rent.

An easement simply gives someone the right to use your land for a specific purpose. A utility company may have an access easement for your property already to install and maintain telephone and electric service to your home. Our communications easement will give us the opportunity to access and operate a wireless communications site on your property until technology changes and the specifically stated purpose for the easement is no longer necessary. At that time, the easement would be removed.

SBA would like to offer a **lump sum payment of \$150,000** for a **Perpetual Communications Easement**.

This offer is contingent upon SBA management's approval.

In exchange for acceptance of this proposal, **you will receive a large, one-time, lump sum payment** in lieu of any rent payments or collocation fees plus:

- Your rent continues to be paid uninterrupted until day of closing;
- Upon receipt of a fully executed Letter Agreement, we strive to close within 120 days
- We continue the same property site maintenance;
- We order due diligence and prepare all closing documents;
- As the owners of the tower on the property we have all the documents we need to expedite the closing process and are highly focused on ensuring you receive your money as soon as possible;

5/6/2019

City of Markesan Mail - SBA TOWER SITE - WI15212-B/ Manchester 11, WI/Lease Buyout Proposal - 680 Precision Drive

- And, we pay all closing costs associated with the transaction exclusive of any advisory fees you may incur for your personal attorney or accountant.

As your business partner, we are committed to helping you structure a transaction that meets your 2019 financial goals.

Please contact me at **561-981-7342** so we may provide additional information and clarify any questions.

Sincerely,

Virginia Molster

Real Estate Acquisition Specialist



800-799-4722 x7342 + P

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561-226-0877 + F

vmolster@sbsite.com