

The Common Council of the City of Horicon met in regular session with Mayor Maas presiding. The meeting was called to order at 6:00 p.m.

Alders Present: Frami, Marschke, Bandsma, Fenske, Miller, and Remy.

Alders Absent: None.

Mayor Maas led the Pledge of Allegiance.

Motion by Bandsma, second by Remy, to approve the Council minutes of February 23 and March 15, 2023.

All voting AYE. Motion carried.

Public Appearances:

A resident expressed concern relating to the City's infrastructure including streets and utilities; states the City is behind on road repairs and should be more aggressive.

Mayor Maas conducted a Public Hearing on the proposed City of Horicon Park and Outdoor Recreation Plan 2023.

Remy provided a brief review of the process to update the Plan.

All interested individuals and/or their representatives were provided with an opportunity to be heard. There were no appearances.

Motion by Miller, second by Bandsma, to close the Public Hearing on the proposed City of Horicon Park and Outdoor Recreation Plan 2023.

All voting AYE. Motion carried.

The following resolution was introduced by Alderperson Remy: RESOLUTION 2023-03, PARK AND OUTDOOR RECREATION PLAN.

(Copy of Resolution on page 15A)

Motion by Remy, second by Fenske, to adopt Resolution 2023-03.

All voting AYE. Motion carried.

Frami, Chairperson of the Personnel & Finance Committee, provided a brief informational report on items being considered by the committee which included: Aquatic Center Transferable Pass Policy, parks maintenance funding, vacation and comp time for full-time employees, monthly bills, and Sergeant MOU.

Bandsma, Chairperson of the Public Works & Development Committee, provided a brief informational report on items being considered by the committee which included: 2023 Mill &

**RESOLUTION NO. 2023-03**

**PARK AND OUTDOOR RECREATION PLAN**

**WHEREAS**, the City of Horicon Park & Recreation Board has worked to develop an update to the City's Park and Outdoor Recreation Plan; and

**WHEREAS**, the City of Horicon Park & Recreation Board has prepared a Park and Outdoor Recreation Plan for the City of Horicon (2023); and

**WHEREAS**, members of the City of Horicon Council has reviewed said plan and feel that said plan is consistent with the overall goals and policies of the City of Horicon; and,

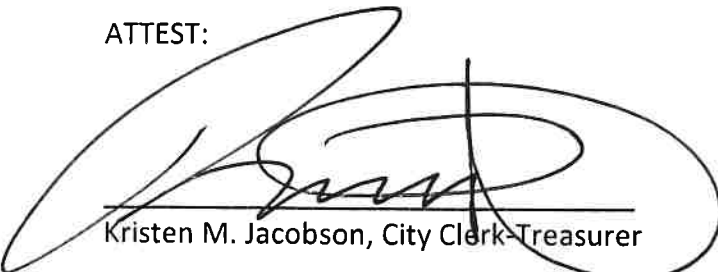
**WHEREAS**, adoption of the recreation plan will qualify the City for state and federal outdoor recreation grant funds;


**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Horicon hereby adopts the City of Horicon Park and Outdoor Recreation Plan – 2023 as the official plan for parks and outdoor recreation development in the City of Horicon.

Introduced by Alderperson Bryce Remy this 28<sup>th</sup> day of March 2023.

Adopted and approved this 28<sup>th</sup> day of March 2023.

ATTEST:

  
\_\_\_\_\_  
Kristen M. Jacobson, City Clerk-Treasurer

  
\_\_\_\_\_  
Joshua Maas, Mayor

Overlay Projects, engineering for salt storage shed, purchase of leak correlator, leak detection survey, Public Works update, and Water/Wastewater update.

Marschke, Chairperson of the Public Safety Committee, provided a brief informational report on items being considered by the committee which included: monthly reports, East Lake Street Task Force update, Emergency Response Plan, school bus stop locations, speed deterrents, proposed chicken ordinance, and train ordinance.

Remy, Chairperson of the Park & Recreation Board, provided a brief informational report on items being considered by the board which included: monthly reports, playground equipment proposals, Discher Park playground, Rotary Pak playground, 2023 Aquatic Center flyer approval, 2023 Aquatic Center family pass rates, Horicon Aquatic Center Transferable Pass Policy, request for horses in City park, Bowling Green Park monument update, Horicon Bicycle Program update, and Operation Take Flight update.

Miller, Council Representative to the Plan Commission, announced no business was conducted at the March meeting.

Mayor Maas announced the Blue Heron Landing had recently been sold and the new owners intend to resume operating it. He also announced Olson Builders held a groundbreaking ceremony earlier in the day to expand their business on land recently purchased from the City. Maas announced the fencing project at Discher Park has started. Mayor Maas stated the Department Heads and Council have done well in the last year and he appreciates everyone and their efforts.

The following ordinance was introduced by Alderperson Remy: ORDINANCE 2023-07, AN ORDINANCE ESTABLISHING TITLE 7, CHAPTER 15 MOBILE FOOD VENDORS OF THE MUNICIPAL CODE OF THE CITY OF HORICON.

(Copy of Ordinance on pages 16A – 16F)

Motion by Remy, second by Fenske, to adopt Ordinance 2023-07.

All voting AYE. Motion carried.

Werner Biedermann, Emergency Management Director, presented the proposed Horicon Emergency Response Plan and explained the need for the City to adopt the Plan.

Discussion was held relating to the Plan and how to add additional materials.

Motion by Marschke, second by Remy, to approve the City of Horicon Emergency Response Plan dated 3/16/2023.

Bandsma thanked Biedermann for his work on the Plan.

Vote on the above motion.

All voting AYE. Motion carried.

**ORDINANCE NO. 2023-07**

**AN ORDINANCE ESTABLISHING TITLE 7, CHAPTER 15 MOBILE FOOD VENDORS  
OF THE MUNICIPAL CODE OF THE CITY OF HORICON**

**THE COMMON COUNCIL OF THE CITY OF HORICON DOES ORDAIN AS FOLLOWS:**

Title 7, Chapter 15 Mobile Food Vendors of the Municipal Code of the City of Horicon is hereby created to read as follows:

**Chapter 15      Mobile Food Vendors**

- 7-15-1**      Definitions
- 7-15-2**      License Required: General Provisions
- 7-15-3**      License Application, Background Check, Time Limit, Transferability, Denial of License
- 7-15-4**      Suspension and Revocation
- 7-15-5**      Violations and Penalties

**Sec. 7-15-1      Definitions.**

As used in this Chapter:

- (a) **Food.** All articles used for food, nonalcoholic drink, or condiment, including ice or water used by humans, whether simple, mixed or compound, and articles used or intended for use as ingredients in the composition or preparation thereof.
- (b) **Mobile Food Vehicle.** A self-contained, mobile food unit, including trucks, carts, and trailers, in which food is prepared or processed and from which food is sold or dispensed to the end consumer.
- (c) **Mobile Food Vehicle Vendor.** The owner of a mobile food vehicle or pushcart; hereinafter referred to as "vendor".
- (d) **Pushcart.** A non-self-propelled wheeled cart, specifically designed and used for keeping, storing, cooling food or beverage or warming food or beverage for sale by a mobile food vehicle vendor, which may be moved by one person without the assistance of a motor.

**Sec. 7-15-2      License Required: General Provisions.**

- (a) It shall be unlawful for any person to do any of the following within a public right-of-way or on public property within City limits without having first obtained a valid Mobile Food Vending License as prescribed in this chapter:
  - (1) Operate a mobile food vehicle or pushcart.
  - (2) Serve, sell, or distribute food from a mobile food vehicle or pushcart.

- (3) Cook, wrap, package, process or portion food in a mobile food vehicle or pushcart for service, sale, or distribution.
- (b) No person shall park, stop, or operate a mobile food vehicle or pushcart, nor shall any mobile food vehicle vendor permit any person to park, stop, or operate a mobile food vehicle or pushcart in a location adjacent to or within a two hundred foot radius of the nearest edge of any building or section of a building comprising a licensed food establishment within the City, the kitchen of which is open for serving food to patrons, excluding any patio, awning or temporary enclosure attached thereto. This requirement may be waived if the most recent application for a mobile food vending license was submitted together with the written consent of the proprietor of the adjacent licensed food establishment.
- (c) All vendors will abide by all parking and traffic laws, ordinances, statues, rules, and regulation at all times, except that a mobile food vehicle that is of such a length that it occupies all or a portion of two marked parking spaces may park in said spaces so long as it abides by all other parking restrictions, including length of time operations.
- (d) Mobile food vehicle vending locations will be utilized on a first-come, first-served basis and may generally occur in commercially and industrially zoning areas (subject to limitations within residential areas). All mobile food vehicles must maintain a distance of five feet from the nearest edge of any building and two feet from the curb. All vendors will maintain the appropriate distances from crosswalks, curb cuts, sidewalk benches, bike racks, bus shelters and stops, and other obstructions. The vendor is required to set up the mobile food vehicle, arrange for waiting on customers, and have customers line up in a way that avoids conflict between customers and the traveling public, including pedestrians, parked vehicles and moving vehicles. A vendor shall maintain a clearance of not less than five feet wide on any public sidewalk upon which a pushcart is located. Mobile food vehicles are not permitted on public sidewalks. A vendor shall maintain clear access to and visibility of crosswalks and street corners. When operating in the public right-of-way, serving and dispensing of food products shall be directed toward the sidewalk or terrace immediately adjacent.
- (e) Vendors are not allowed in City parking lots or on public property, except with written approval from the Mayor or the Common Council. Vendors are not allowed in City parks where the City has a vending contract or in City parks when concession or food stands are open. Mobile vehicle food vending is not allowed adjacent to parks with vending contracts or open concession or food stands. Vendors are permitted adjacent to City parks upon approval of the Chief of Police or their respective designee(s).
- (f) Vendors may set up on private property zoned for commercial, industrial, agricultural, or conservancy but such an operation may require a Conditional Use Permit. In residential areas (such as areas not adjacent to City parks), vendors are not permitted to park and remain in one location; vendors must keep moving and make only short stops to sell products, except as part of an approved special event or upon approval of the Chief of Police or their respective designee(s).

- (g) A person with a valid driver's license of such classification to allow the operation of the mobile food vehicle shall always be with the vehicle when any activity is taking place in the mobile food vehicle. The vendor is liable for any violation of this subsection.
- (h) No person will park, stop, or operate a mobile food vehicle, nor will any mobile food vehicle vendor permit any person to park, stop, or operate a mobile food vehicle, in a location within 500 feet of the boundary line of any property upon which a fair, farmer's market, festival, carnival, circus, special event, or civic event licensed or sanctioned by the City is occurring except with the permission of the Common Council.
- (i) Appropriate permits or other properly obtained permission must be obtained to park, stop, or operate a mobile food vehicle or pushcart in a location within 500 feet of the boundary line of any property upon which a fair, farmer's market, festival, circus, special event, or civic event licensed or sanctioned by the City is occurring.
- (j) All mobile food vehicle vendors are prohibited from connecting to light poles, utility poles, or any public source of electricity, water, or sewer or to any planter or tree or other public amenity.
- (k) All signage must be permanently affixed to the mobile food vehicle or pushcart. No accessory signage will be placed outside or around the mobile food vehicle or pushcart.
- (l) Mobile food vehicle or pushcart vending hours on public property and public right-of-way are 8:00 a.m. – 9:00 p.m. (Sunday through Thursday) and 8:00 a.m. – 10:00 p.m. (Friday and Saturday). The mobile food vehicle must be closed, the area cleaned, and the mobile food vehicle removed by the time specified. Mobile food vehicle vending hours are not restricted on private property locations.
- (m) Nothing in this chapter shall be deemed to supersede or repeal any ordinance relating to noise, park closing hours, or parking except as specifically provided in this chapter. Vendors will take every precaution to ensure that their operations do not materially affect the peace and welfare of the general public nor cause unreasonably loud, disturbing, and unnecessary noise or any noise of such character, intensity, or duration as to be detrimental to the life or health of any individual or which is in the disturbance of public peace and welfare.
- (n) Mobile food establishments shall keep the area clean and free from litter, garbage and rubble, and debris at all times. They shall maintain at least one leakproof container for the deposit of waste, garbage, litter, and refuse. When leaving the vending area, the mobile vendor and his/her employee(s) shall be responsible for the removal of all litter resulting from its operations.

**Sec. 7-15-3 License Application, Background Check, Time Limit, Transferability, Denial of License.**

- (a) Any person desiring to operate a mobile food vehicle or pushcart will be required to complete and return to the City Clerk an application form provided by the City Clerk which shall require the following information:
- (1) Name of applicant, name of business, name of business owner, address of all listed on the application, phone numbers of all listed on the application, and email of applicant.
  - (2) Names, addresses, and phone numbers of those who will operate the mobile food vehicle or pushcart.
  - (3) Copy of applicant and all operators of the mobile food vehicle or pushcart driver's license.
  - (4) Copy of State of Wisconsin Seller's Permit.
  - (5) Copy of all inspection reports as required for the operation of a mobile food vehicle.
  - (6) Certificate of Insurance along with proof the City has been listed as an additional insured.
  - (7) Copy of current mobile food establishment permit issued by the State of Wisconsin.
  - (8) Description, including dimensions, and photo of the mobile food vehicle or pushcart to be operated.
  - (9) Current proof of registration of the mobile food vehicle.
  - (10) Description of the items to offered for sale.
  - (11) Location for which a permit is being sought. Including a site plan identifying the accurate location where the mobile food vehicle or pushcart will be located.
  - (12) Documentation from the property owner that the operator has permission to operate at that location.
  - (13) Plan of Operations addressing the following: pedestrian and traffic safety, days and hours the mobile food establishment will be on site, hours the sales will occur, customer parking, tables/chairs number and location, lighting, music, signage, restroom access, waste containers, on-site storage, and any other information pertinent to operation.
  - (14) All vehicles must pass inspection by the Horicon Fire Department, a copy of the passing inspection report must be submitted prior to the approval of a mobile food vending license.
  - (15) Application fee.
  - (16) Any other information as deemed necessary to determine if the issuance of a mobile food vending license would be in the best interest of the public.
- (b) Upon receipt of an application for a mobile food vending license, the Clerk may conduct a background check and may refer to the Chief of Police or their respective designee(s) who may make and complete an investigation of the statements made in such registration. Any such investigation will be completed as soon as practicable.

The City Clerk may refuse to register the applicant if any of the following is determined:

- (1) The application contains any material omission or materially inaccurate statements;
  - (2) The applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related the applicant's fitness to engage in direct selling; or
  - (3) The applicant failed to comply with any requirement of the application.
- (c) A mobile food establishment can obtain a seasonal permit that is valid from June 1 to August 31 or an annual permit that is valid from June 1 to May 30. Fees for said permits shall be paid according to the schedule of fees as approved annually by the Common Council. Applications for renewals shall be handled in the same manner as original applications.
- (d) A mobile food vending license is issued to an entity or person and is not transferable.
- (e) A mobile food vending license is issued to each vehicle/pushcart and is not transferable.
- (f) The mobile food vending license must be displayed at all times.
- (g) Any person denied a mobile vending license may appeal the denial to the Common Council by filing a written statement therewith within 14 days after the date registration was denied, setting forth the grounds for appeal. The City Clerk or their respective designee(s) will notify the applicant, at least 48 hours prior to the Common Council meeting, of the time and place of such hearing.

#### **Sec. 7-15-4 Suspension and Revocation.**

A mobile food vending license may be suspended or revoked by the City Clerk, or the Chief of Police, if the license holder made any material omission or materially inaccurate statements in the license application, or if the license holder violates any provision of this chapter, if there are noise complaints related to the mobile food vehicle or the operation thereof, or if the license holder is convicted of any crime or ordinance or statutory violation directly related to the licensed activity. Notice of suspension or revocation will be mailed to the applicant and will include a statement of the act(s) upon which the denial is based.

#### **Sec. 7-15-5 Violations and Penalties.**


- (a) Any person adjudged in violation of any provision of this chapter shall forfeit not less than \$10 or more than \$1,000 for each violation per day, plus costs of prosecution. Each violation shall constitute a separate offense.
- (b) The Police Department shall have concurrent authority to remove or cause the removal of any vending equipment or merchandise found on the street, sidewalk, terrace, or other vending location in violation of any regulations established pursuant hereto. In addition to any forfeiture, the violator shall be liable for any removal, towing and storage charges incurred by the Department.

This ordinance shall be become effective upon passage and publication as provided by law.

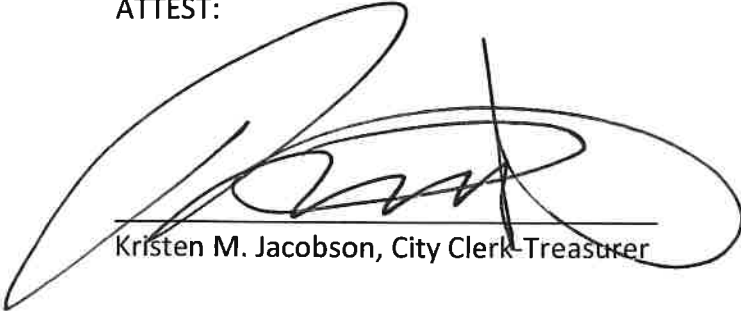


Introduced by Alderperson Bryce Romy, this 28<sup>th</sup> day of March 2023.

Adopted and approved this 28<sup>th</sup> day of March 2023.

  
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Joshua Maas, Mayor

ATTEST:

  
\_\_\_\_\_  
Kristen M. Jacobson, City Clerk-Treasurer

Motion by Remy, second by Marschke, to approve increasing the Aquatic Center season pass rate for a family to \$150 which includes 4 family members, with the ability to add additional family members for \$10/each up to a total of 7 people.

All voting AYE. Motion carried.

Motion by Remy, second by Marschke, to approve the 2023 Aquatic Center Flyer as distributed in the Council packet.

All voting AYE. Motion carried.

Motion by Remy, second by Bandsma, to approve the request from Marsh Area Chamber of Commerce to have a horse in Discher Park as part of their Veterans Run on June 3, 2023.

All voting AYE. Motion carried.

Motion by Frami, second by Remy, to approve the Horicon Aquatic Center Transferable Pass Policy as distributed in the Council packet.

All voting AYE. Motion carried.

Item #21 – No discussion or action taken on MOU between the City of Horicon and the Horicon Professional Police Association Local 484 for Sergeant's position.

Motion by Remy, second by Fenske, to approve the Street Use Permit for use of the "loop" of Valley Street in River Bend Park by the Horicon Historical Society May 12-14, 2023 for their 2023 Living History Days event.

All voting AYE. Motion carried.

Motion by Remy, second by Bandsma, to approve the request from Horicon Phoenix Program to hang a banner mid-May – September over Lake Street upon permission from adjacent building owners.

All voting AYE. Motion carried.

Motion by Bandsma, second by Marschke, to approve purchase of phosphorus removal chemical from Martelle Water Treatment in the amount of \$45,345.

All voting AYE. Motion carried.

Motion by Frami, second by Remy, to approve the proposed Certified Survey Map for Marshland Crossing dated 3/22/2023 subject to any review comments and pending approval from the City of Horicon Plan Commission.

All voting AYE. Motion carried.

Items #26 & #27 – No action or discussion on Marshland Crossing Business Park Addition plans and authorization to bid.

There were no Operator License applications.

The following is a financial statement for the City of Horicon as of January 31, 2023:

Cash Balance, January 1, 2023	\$ 108,888.36
Receipts	<u>\$ 6,697,314.51</u>
	\$ 6,806,202.87
Expenditures	<u>\$ 5,185,869.17</u>
	\$ 1,620,633.70
Payroll	<u>\$ 107,418.30</u>
Cash Balance, January 31, 2023	<u>\$ 1,513,215.40</u>

Motion by Frami, second by Bandsma, to approve the financial statement for January 31, 2023 as printed.

All voting AYE. Motion carried.

The following is a financial statement for the City of Horicon as of February 28, 2023:

Cash Balance, February 1, 2023	\$ 1,513,215.40
Receipts	<u>\$ 2,724,632.34</u>
	\$ 4,237,847.74
Expenditures	<u>\$ 3,190,973.55</u>
	\$ 1,046,874.19
Payroll	<u>\$ 96,874.11</u>
Cash Balance, February 28, 2023	<u>\$ 950,000.08</u>

Motion by Frami, second by Bandsma, to approve the financial statement for February 28, 2023 as printed.

All voting AYE. Motion carried.

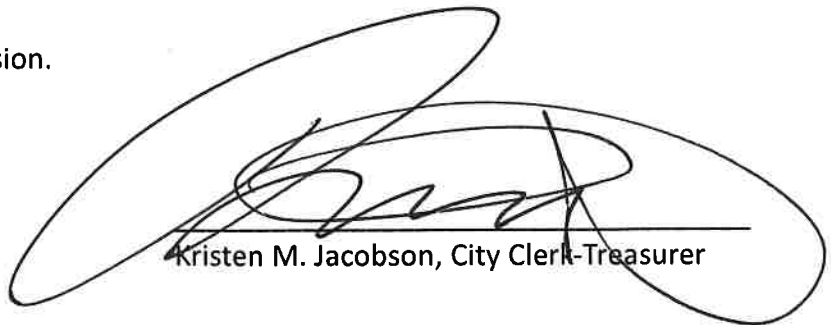
Motion by Frami, second by Miller, to approve payment of bills for February 2023 in the amount of \$2,758,320.30.

All voting AYE. Motion carried.

Motion by Bandsma, second by Remy, to adjourn into closed session for the purpose of deliberating terms of sale of public property per WI Stats. 19.85(1)(e) and for the purpose of discussing City personnel per WI Stats. 19.85(1)(c).

All voting AYE. Motion carried.

The Council adjourned into closed session.



Kristen M. Jacobson, City Clerk-Treasurer

KMJ