

# Special Board Meeting



## Support data

Provided by Village Administrator

4/16/2025

# INTRODUCTION

## Contents

The following information is intended to provide clarity on the request of Andy Beiser and his business partner Katie Harder.

- Background & considerations
- Correspondence with said requestors -Attachment A
- Meeting Minuets of plan commission – Attachment B
- State, County, Local Laws & Requirements

## **Hoping for a Path Forward for Katie's Coffee Trailer in the Village**

Dear Village of Winneconne Trustee,

I wanted to take a moment to share what's been going on with Katie and her coffee trailer plans, as it's been a bit of a rollercoaster—and honestly, really discouraging to watch unfold.

When Katie first approached the Village, she was met with quite a bit of pushback. The administrator strongly urged her to pursue a brick-and-mortar location instead, even pointing her toward the old florist building. But Katie is just getting started, and something of that scale simply isn't financially feasible for her right now.

She's incredibly smart—an engineer by trade—and she's done her homework. She pushed back a bit and was eventually told she could park her trailer on my lot, but only if she removed the wheels so it could be assessed as a structure for tax purposes. When I asked why we couldn't have a permit and fee process instead, the administrator told me point-blank, "Yes, I want the tax base from you."

Even so, I agreed—because all I really want is for Katie to get started and succeed. This location was never meant to be a long-term solution for her. It's just a stepping stone—something to help her grow until she's able to move into a brick-and-mortar location down the road. There's no profit in it for me. Her rent won't even cover, or barely will cover, the utilities she'll be using. I offered the space simply to help another small business get on its feet and give her a foundation to build something great.

As part of that agreement, she was told the trailer would need water access and a designated place to dump gray water. To make that possible, I hired SBS Plumbing to come install a gray water dump access point on the property—similar to how a camper would offload wastewater. We did our part to meet the Village's requirements and keep things moving forward.

Unfortunately, removing the wheels meant the trailer was now considered a permanent structure, which brought it under full commercial code. That opened up a host of complex requirements—direct connections to water and sewer, among others—that made the project nearly impossible for her to move forward with.

At that point, I reached out to a board member, and thankfully a conversation happened with the administrator. That's when the idea of a Peddler's Permit came up—a way for Katie to operate as originally planned, wheels on, mobile, and compliant.

Katie was told with enthusiasm that this would be a perfect solution. She was told it would be approved at the Plan Commission and then passed on to the Village Board with no anticipated issues. It was even on the original Village Board agenda for tonight.

But when she showed up at the Plan Commission meeting last night, she saw the agenda had been updated without her knowledge—and was then told her permit wouldn't be approved because the administrator hadn't had time to look into the proper fees. None of this had been communicated to her beforehand. She was completely blindsided.

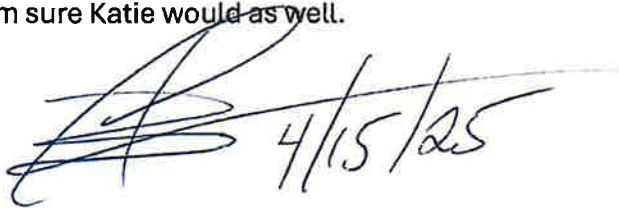
She broke down in tears. She had quit her job based on the assurance that this was moving forward. Her trailer was scheduled to be delivered tomorrow. Now she's left sitting for another month, feeling completely deflated and unwelcome.

It's just so sad that the Village has to make this so difficult. I've heard the same story time and time again over the years—people not wanting to bring their businesses here because they've heard how hard it is to work with the Village. And I get it now. This could have been such a simple win. Katie could literally go park at K&J tomorrow, just over the line in the Town, where it's a straightforward process and all that's needed is a simple permit. I even recommended she do that.

Still, I know she'll be successful—because this isn't really about the Village itself. It's about the people who live here, and I believe they'll support her, even if the Village won't.

Thanks so much for taking the time to read this. I just really hope we can find a way to make this right—not just for Katie, but for the message it sends to other small businesses who are watching how this is handled.

Thank you for taking the time to read this. If any Village Trustee would like to speak to myself or Katie about this experience, please let me know. I will make myself available and I'm sure Katie would as well.



Andrew Beiser

Village Resident and Business Owner

Call/Text: (920) 740-2565

AndyB@BeiserRealty.com



As outlined in the Planning Commission minutes, the initial proposal for this business was first introduced during public participation in January 2025. At that time, we received a sample menu and a general description of the platform (a trailer) that would be used to operate the business.

The commission was encouraged by the passion shown for starting a business in our community, but there were questions. Why hadn't vacant commercial spaces been considered? What kind of license or permit would be required? The trailer was described as mobile and intended to operate at various events throughout the year, such as Sovereign State Days and Harvest Fest, categorizing it as a transient business.

After further discussion, a solution emerged: to keep the trailer stationary. This would establish a fixed business location and allow assessors to recognize the setup as contributing value to the property. This direction was shared with Katie, Andy, and their realtor, and I maintained bi-weekly meetings to support progress and provide updates, this meeting ended shortly after my email making the trailer non mobile.

I had not been given any pushback and felt the problem was solved until, I believe, the owners realized the cost to bring everything up to state standards.

The decision to require a non-mobile structure stems from equity and consistency. Local businesses pay annual utilities, special assessments, and property taxes. A mobile setup offers the same service as existing brick-and-mortar businesses like Jackie's Parkside and Kwik Trip but avoids many of the associated costs. No data has been presented indicating job creation or a unique community benefit.

Current permits for peddlers and transient merchants were designed to accommodate temporary vendors at events – not year-round operations. Approving this could set a precedent for similar business models, potentially impacting existing businesses and weakening the purpose of our current regulations.

The Planning Commission has been actively working on refining our downtown ordinances and bypassing that process would undermine the efforts of the commission and other committees.

While some have pointed to a similar operation in Omro, I've confirmed that the coffee trailer there is not mobile. It operates as a transitional setup while their brick-and-mortar location is renovated. Omro enforces the same requirements we are proposing – state licensing, utility payments, and property taxes – for the same reasons noted above.

The Village remains committed to supporting entrepreneurs and ensuring long-term success, but it must be done in a way that is fair, consistent, and sustainable



# VILLAGE OF WINNECONNE

*The Community of Opportunity*

30 South First Street - P.O. Box 488 - Winneconne, Wisconsin 54986-0488 - 920-582-4381  
www.winneconnewi.gov

04/17/2025

To Village Board and Committee Members,

I'm writing to clarify recent feedback from the last Village Board meeting regarding the proposed mobile coffee trailer at the Beiser property.

Katy initially brought this idea to Mr. Fuller in January 2025. Due to uncertainty around how Ordinance Chapter 469 applied, she was directed to present her concept during Public Participation at the Planning Commission meeting. Since downtown policies were on the agenda, the Commission briefly discussed whether this proposal aligned with current zoning requirements.

In his roles as Zoning Administrator and Economic Development Coordinator, Logan began exploring potential opportunities with Katy. Notably, in June 2023, the Planning Commission held detailed discussions with developers regarding the old bakery near Holiday Florist as a potential coffee shop location, also engaging with the Wisconsin DOT on traffic flow and available grant/loan programs.

Logan informed Katy of the CDI grant, given her interest in operating year-round. The Commission asked whether she had explored existing vacant buildings, and—as Mr. Beiser noted—she stated she wasn't financially prepared to pursue a brick-and-mortar option.

In February, Logan presented a recommendation to the Commission: remove the trailer's tires, making it a permanent structure. This would trigger state design review, bring tax revenue to the site, and eliminate its classification as a transient use. However, increased costs and concerns around parking, utilities, and property value stalled that option.

For the past year, the Commission has worked diligently on downtown policy updates, referencing best practices from other communities. Our experience with TIF District #6, where investments in Main Street failed to yield long-term value due to lack of design standards, illustrates the risks of rushed or piecemeal planning.

At the April Commission meeting, we were informed that the permanent option was no longer being pursued. I directed members to research other municipalities' transient merchant ordinances, with Logan providing Omro as a reference.

Had Katy and Mr. Beiser presented a fully researched and viable plan accounting for state, county, and local laws, this could have progressed smoothly. We fully support entrepreneurs and have made every effort to find solutions. It's also worth noting Mr. Beiser voted in favor of the current Chapter 469 ordinance during his 2012 Board tenure, an ordinance never intended for permanent operations, only special events. Given the growing popularity of mobile food businesses, it's time for us to revisit and modernize our policy.

I recommend allowing the Planning Commission to complete its work by:

- Updating the Transient Merchant ordinance.
- Requiring a Winnebago County Transient Merchant License with health inspections.
- Creating a Peddlers Permit for extended stays.
- Establishing a map designating suitable locations for mobile vendors.

Finally, it's essential the Village Board respects our chain of command, which will be discussed at our upcoming workshop. Concerns about committees should be directed to the appropriate chair first. As Planning Commission Chair, I was not consulted prior to the Board meeting and was caught off guard. Our committees dedicate significant time and effort to addressing citizen concerns, and bypassing their input undermines that work.

Chris Boucher,  
Village of Winneconne, President

**SEE ATTACHMENT A1-A3**

Zackery R. Zacharias  
Project Manager  
Assessor 2 Certification  
Action Appraisers Inc.  
920-766-7323

On Mon, Jan 20, 2025 at 11:19 AM Ann Wasinger <[clerk@winneconnewi.gov](mailto:clerk@winneconnewi.gov)> wrote:

Good morning,

Please see Logan's email below. I will add that Katie told me she is leasing the space from Bieser's.

Any information or direction you can give me is appreciated. Thank you!

---

**From:** Logan Fuller <[administrator@winneconnewi.gov](mailto:administrator@winneconnewi.gov)>

**Sent:** Monday, January 20, 2025 10:37 AM

**To:** Ann Wasinger <[clerk@winneconnewi.gov](mailto:clerk@winneconnewi.gov)>

**Cc:** [kdharter15@gmail.com](mailto:kdharter15@gmail.com)

**Subject:** Accessor question

Hi Ann,

Katie Harter (cc'd) is looking at putting in her café behind Bieser reality. This is the trailer that will be there fulltime and can be removed (wheels removed) to show it's in a permanent status. My ask is to reach out to the accessor and see if that would be considered an outbuilding like residential and be assessed for property taxes. Let me know if you have any questions.

V/r,

Logan Fuller

Village Administrator

[administrator@winneconnewi.gov](mailto:administrator@winneconnewi.gov)

Office: 920.582.4381

Cell: 920.312.4281



Village of  
**WINNECONNE WI**

to the tax roll until 2026 just for his situational awareness. Let me know if you have any questions.

V/r,

Logan Fuller  
Village Administrator  
[administrator@winneconnewi.gov](mailto:administrator@winneconnewi.gov)  
Office: 920.582.4381  
Cell: 920.312.4281



Village of  
**WINNECONNE WI**

30 South 1<sup>st</sup> Street  
P.O.Box 488  
Winneconne, WI 54986

---

**From:** Zack Zacharias <[zack@actionappraisersinc.com](mailto:zack@actionappraisersinc.com)>  
**Sent:** Tuesday, January 21, 2025 1:33 PM  
**To:** Logan Fuller <[administrator@winneconnewi.gov](mailto:administrator@winneconnewi.gov)>  
**Cc:** Ann Wasinger <[clerk@winneconnewi.gov](mailto:clerk@winneconnewi.gov)>; Amy Zacharias <[amy@actionappraisersinc.com](mailto:amy@actionappraisersinc.com)>  
**Subject:** Re: FW: Accessor question

You don't often get email from [zack@actionappraisersinc.com](mailto:zack@actionappraisersinc.com). [Learn why this is important](#)  
Hey Logan,

Are you referring to Bieser's office that is at 144 W Main St.?

Would this be a new building?

Any structure that is not sitting on wheels, we would have to place a value on. This pertains to all residential, commercial, and agriculture.

If Katie owns or is renting the trailer, the value would go to Beiser if it is located on their property. Since personal property recently changed and is going away, any structure the land owner doesn't own but is located on their property will receive the value for that structure.

Let me know if you have any questions



**From:** Katie Harter <[kdharter15@gmail.com](mailto:kdharter15@gmail.com)>  
**Sent:** Tuesday, January 21, 2025 2:46 PM  
**To:** Ashlee Harlock -Realtor <[ashlee.harlock@beiserrealty.com](mailto:ashlee.harlock@beiserrealty.com)>  
**Subject:** Fwd: FW: FW: Accessor question

Hi Ashlee,

See the email chain below. I have a line of sight on how we can make it work! We just have to take the trailer off its wheels when we set it up, kind of like a mobile home, to make it an "immovable" structure.

I'm going to the Board meeting tonight and can let you know if I find out anything else.

Katie Harter

----- Forwarded message -----

**From:** Logan Fuller <[administrator@winneconnewi.gov](mailto:administrator@winneconnewi.gov)>  
**Date:** Tue, Jan 21, 2025, 1:54 PM  
**Subject:** FW: FW: Accessor question  
**To:** [kdharter15@gmail.com](mailto:kdharter15@gmail.com) <[kdharter15@gmail.com](mailto:kdharter15@gmail.com)>

Hi Katie,

This is good news. Listed below are comments from our accessor. As long as the trailer isn't on wheels, stationary, you are good to go and Andy just needs to know he will be assessed on his property taxes, the value won't be determined until after the structure is placed and won't be added

30 South 1<sup>st</sup> Street  
P.O.Box 488  
Winneconne, WI 54986

**From:** Andrew Beiser -Realtor <[andyb@beiserrealty.com](mailto:andyb@beiserrealty.com)>  
**Sent:** Wednesday, January 22, 2025 10:41 AM  
**To:** Ashlee Harlock -Realtor <[ashlee.harlock@beiserrealty.com](mailto:ashlee.harlock@beiserrealty.com)>  
**Cc:** [kdharter15@gmail.com](mailto:kdharter15@gmail.com); Logan Fuller <[administrator@winneconnewi.gov](mailto:administrator@winneconnewi.gov)>  
**Subject:** Re: FW: FW: Accessor question

You don't often get email from [andyb@beiserrealty.com](mailto:andyb@beiserrealty.com). [Learn why this is important](#)

Question guys,

Why do we need to have the wheels off?

-Andy

Andrew T. Beiser  
REALTOR®, ABR, CRB, CRS, SRS  
BROKER / OWNER • RELOCATION DIRECTOR

[AndyB@BeiserRealty.com](mailto:AndyB@BeiserRealty.com)

Call or Text: [920.740.2565](tel:920.740.2565)

Office: [920.582.4011](tel:920.582.4011)

[www.AndyBeiser.com](http://www.AndyBeiser.com)

MAIN OFFICE: 144 W Main St, PO Box 309 • Winneconne, WI 54986

BERLIN OFFICE: 189 Broadway St, Berlin, WI 54923

MEDFORD OFFICE: 132 S Main St, Medford, WI 54451

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**From:** Ashlee Harlock -Realtor <[ashlee.harlock@beiserrealty.com](mailto:ashlee.harlock@beiserrealty.com)>  
**Sent:** Wednesday, January 22, 2025 9:51:15 AM  
**To:** Andrew Beiser -Realtor <[andyb@beiserrealty.com](mailto:andyb@beiserrealty.com)>  
**Subject:** Fw: FW: FW: Accessor question

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Sent via [BlackBerry Hub+ Inbox for Android](#)

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**From:** Logan Fuller <[administrator@winneconnewi.gov](mailto:administrator@winneconnewi.gov)>

**Sent:** Wednesday, January 22, 2025 10:55:32 AM

**To:** Andrew Beiser -Realtor <[andyb@beiserrealty.com](mailto:andyb@beiserrealty.com)>; Ashlee Harlock -Realtor <[ashlee.harlock@beiserrealty.com](mailto:ashlee.harlock@beiserrealty.com)>

**Cc:** [kdharter15@gmail.com](mailto:kdharter15@gmail.com) <[kdharter15@gmail.com](mailto:kdharter15@gmail.com)>; Ann Wasinger <[clerk@winneconnewi.gov](mailto:clerk@winneconnewi.gov)>

**Subject:** RE: FW: FW: Accessor question

Andy,

If you read the email chain below you would see that the only way to assess the addition is to ensure it is on a “non-mobile” platform. Our ordinance (469, Transient Merchants) considers any merchant as transient “Any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place”.

To be considered a permanent merchant under the same ordinance “Any person who, for at least one year prior to the consideration of the application of this chapter to said merchant: A) Has continuously operated an established place of business in the Village; or B) Has continuously resided in the Village and now does business from his/her residence.

Per our assessor they consider it a transient merchant if it is on wheels, denoting that it has the ability to move and wouldn't be considered as part of the value of the parcel/property it's on. We need the wheels to come off in order to ensure that the assessor can apply value to your property. That is the only way we will approve the action at this time. Let me know if you have any other questions.

V/r,

Logan Fuller

Village Administrator

[administrator@winneconnewi.gov](mailto:administrator@winneconnewi.gov)

Office: 920.582.4381

Cell: 920.312.4281



Village of  
**WINNECONNE WI**

**From:** Andrew Beiser -Realtor <andyb@beiserrealty.com>

**Sent:** Wednesday, January 22, 2025 11:13 AM

**To:** Logan Fuller <administrator@winneconnewi.gov>; Ashlee Harlock -Realtor <ashlee.harlock@beiserrealty.com>

**Cc:** kdharter15@gmail.com; Ann Wasinger <clerk@winneconnewi.gov>

**Subject:** Re: FW: FW: Accessor question

I did read it, Logan. But I am not understanding how every other community can have a food truck or a mobile trailer like this. Talking to the neighboring communities and reading your emails it sounds like all you want is to be able to tax this. At this point if this village isn't going to be more workable I'll bring my attorney in.

Does the village want growth or are you more concerned with getting a coffee shop in the old holiday florist so you make this more difficult?

As a business owner, property owner and lifelong resident, and 10 year past village board member, I can tell you this is why its so hard to bring more business and development to Winneconne. Everyone knows it, Winneconne does not look out for its people. You guys don't even support local businesses....

I see this first hand in my business.

I have. Lot more on the topic if you ever want to hear it.

-Andy

Andrew T. Beiser

REALTOR®, ABR, CRB, CRS, SRS

BROKER / OWNER • RELOCATION DIRECTOR

[AndyB@BeiserRealty.com](mailto:AndyB@BeiserRealty.com)

Call or Text: [920.740.2565](tel:920.740.2565)

Office: [920.582.4011](tel:920.582.4011)

[www.AndyBeiser.com](http://www.AndyBeiser.com)

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 [Book time to meet with me](#)

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**From:** Logan Fuller <administrator@winneconnewi.gov>  
**Sent:** Wednesday, January 22, 2025 11:18 AM  
**To:** Andrew Beiser -Realtor <andyb@beiserrealty.com>; Ashlee Harlock -Realtor <ashlee.harlock@beiserrealty.com>  
**Cc:** kdharter15@gmail.com <kdharter15@gmail.com>; Ann Wasinger <clerk@winneconnewi.gov>  
**Subject:** RE: FW: FW: Accessor question

Andy,

I am more than happy to sit down and get your thoughts on the matter. Please let me know what your availability is to meet. Once I have that I will send you a meeting invite to set an in person meeting.

V/r,

Logan Fuller  
Village Administrator  
[administrator@winneconnewi.gov](mailto:administrator@winneconnewi.gov)  
Office: 920.582.4381  
Cell: 920.312.4281



Village of  
**WINNECONNE WI**

30 South 1<sup>st</sup> Street  
P.O.Box 488  
Winneconne, WI 54986

**From:** Katie Harter <[kdharter15@gmail.com](mailto:kdharter15@gmail.com)>  
**Sent:** Thursday, March 13, 2025 4:58 PM  
**To:** Noe, Brian - DSPS <[Brian.Noel@wisconsin.gov](mailto:Brian.Noel@wisconsin.gov)>  
**Subject:** Kat's Kafe - Construction Details

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Brian,

Thank you for reaching out to me this morning. Please review the attached documents. I've tried to provide as much information as possible.

I will have an Ansul fire-suppression system installed in the hood by a professional. I do not have a spec sheet for that system as of yet.

The building the trailer would be nearest to (~7.5') is constructed of concrete masonry blocks.

We are working with an electrician to provide electrical service. We anticipate 200 amp service. We are wiring the trailer ourselves.

The owner had a plumber install a discharge port for waste water. The 4" pipe enters into the building to tie into the building's plumbing system. The pipe has a threaded plug. We are installing all plumbing within the trailer ourselves.

Once you've had time to review these documents, please let me know how to proceed. Unless we are told otherwise, we will keep working on construction but we won't close anything up until you tell us it is ok.

Thank you,

Katie Harter

970-946-2685



**From:** Katie Harter <kdharter15@gmail.com>  
**Sent:** Tuesday, March 18, 2025 7:26:00 PM  
**To:** Ashlee Harlock -Realtor <ashlee.harlock@beiserrealty.com>  
**Subject:** Fwd: Kat's Kafe - Construction Details

Hey Ashlee,

This is the email I got from the building inspector.

Katie

----- Forwarded message -----

**From:** **Katie Harter** <kdharter15@gmail.com>  
**Date:** Tue, Mar 18, 2025, 5:00 PM  
**Subject:** Fwd: Kat's Kafe - Construction Details  
**To:** <harter.nathaniel@gmail.com>

----- Forwarded message -----

**From:** **Noe, Brian - DSPS** <Brian.Noel@wisconsin.gov>  
**Date:** Tue, Mar 18, 2025, 4:50 PM  
**Subject:** RE: Kat's Kafe - Construction Details  
**To:** Katie Harter <kdharter15@gmail.com>  
**Cc:** aboyce <aboyce@winnebagoountywi.gov>

Good afternoon,

Thank You for the additional information you provide.

The structure you are proposing to construct and place at a permanent location is NOT on wheels ( NOT considered a “mobile kitchen” ) and is connected to permanent utilities, and your plan of operation all result in this building being within the scope of the State of Wisconsin Building Code.

While not being of a size that requires formal plan submittal your project is still required to comply with all applicable administrative rules and the referenced codes.

Per SPS 305 you are not permitted to do your own electrical or plumbing work and licensed persons are required to complete that work.

All electrical work is required to comply with SPS 316

All plumbing work is required to comply with SPS 381-387

All Building and HVAC work is required to comply with SPS 361-366.

All work is required to be inspected PRIOR to concealment.

If you are constructing the building off site, you will need to arrange for inspection of the structure and mechanicals PRIOR to concealment.

You will need to meet the requirements of IBC 705 for fire ratings of exterior walls and walls between buildings on the same lot per IBC 705.3 unless being considered as one structure and meeting the height and area limits of the combined structures.

Structurally there will need to be connection details showing capability of meeting wind load requirements in Chapter 16 of the IBC ( International Building Code – 2015 edition) and how the structure will be anchored in place.

We will need more information on the specifics of the installed wastewater discharge port, which may not meet plumbing code for a permanent structure requiring plumbing to discharge to code compliance sanitary waste system. In all likelihood, this will need to be a permanent connection. We will also need additional details on how potable water is being supplied to this structure, again having to be done in compliance the plumbing code.

The above list of specific items is not all inclusive and is provided to give guidance on some of the

issues identified based on the information provided. While I can answer specific code questions we do not provide design services for individual projects and depending on your understanding of the applicable codes you may need to seek the assistance of a design professional.

If you have specific code questions or wish to discuss your project further feel free to contact me.

Brian Noe

**Building Inspector**

**State of Wisconsin**

**Department of Safety and Professional Services**

**Division of Industry Services**

**Bureau of Field Services**

**(920) 420-4796**

**[brian.noe@wisconsin.gov](mailto:brian.noe@wisconsin.gov)**

*The information and response presented above is a general code answer based on the question submitted. This response should not be construed as a formal code interpretation.*

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**From:** [Andrew Beiser -Realtor](#)  
**To:** [Logan Fuller](#)  
**Subject:** Fw: Kat's Kafe - Construction Details  
**Date:** Saturday, March 22, 2025 11:53:54 AM

---

-Andy

Andrew T. Beiser  
REALTOR®, ABR, CRB, CRS, SRS  
BROKER / OWNER • RELOCATION DIRECTOR

[AndyB@BeiserRealty.com](mailto:AndyB@BeiserRealty.com)  
Call or Text: [920.740.2565](tel:920.740.2565)  
Office: [920.582.4011](tel:920.582.4011)  
[www.AndyBeiser.com](http://www.AndyBeiser.com)

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WAUPACA OFFICE: 109 E Fulton St • Waupaca, WI 54981

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Sent via [BlackBerry Hub+ Inbox for Android](#)

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**From:** Ashlee Harlock -Realtor <ashlee.harlock@beiserrealty.com>  
**Sent:** Tuesday, March 18, 2025 7:39:07 PM  
**To:** Andrew Beiser -Realtor <andyb@beiserrealty.com>  
**Subject:** Fw: Kat's Kafe - Construction Details

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**From:** Andrew Beiser -Realtor <andyb@beiserrealty.com>

**Sent:** Monday, April 14, 2025 6:21 PM

**To:** Logan Fuller <administrator@winneconnewi.gov>

**Subject:** Katy

I am beyond upset how the village is handling this situation with Katy. She gets told this will get taken care of and she has to wait until this meeting. Now Making her wait another month because the village can't get their shit together IS THE EXACT REASON NO ONE WANTS TO COME INTO THIS COMMUNITY!

You are preventing a business from operating when she is doing everything you've asked.

-Andy

Andrew T. Beiser  
REALTOR®, ABR, CRB, CRS, SRS  
BROKER / OWNER • RELOCATION DIRECTOR

[AndyB@BeiserRealty.com](mailto:AndyB@BeiserRealty.com)

Call or Text: [920.740.2565](tel:920.740.2565)

Office: [920.582.4011](tel:920.582.4011)

[www.AndyBeiser.com](http://www.AndyBeiser.com)

MAIN OFFICE: 144 W Main St, PO Box 309 • Winneconne, WI 54986

BERLIN OFFICE: 189 Broadway St, Berlin, WI 54923

MEDFORD OFFICE: 132 S Main St, Medford, WI 54451

OSHKOSH OFFICE: 821 Witzel Ave, Suite B • Oshkosh, WI 54902

WAUPACA OFFICE: 109 E Fulton St • Waupaca, WI 54981

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**From:** Logan Fuller <administrator@winneconnewi.gov>  
**Sent:** Monday, April 14, 2025 7:30:40 PM  
**To:** Andrew Beiser -Realtor <andyb@beiserrealty.com>  
**Subject:** RE: Katy

Andy,

I'm not going to rush the process at the expense of getting it right. Neither I nor the Planning Commission is trying to block or delay new business. Past failures often stemmed from oversight or lack of diligence. I appreciate Katy's enthusiasm and commitment to opening her mobile coffee shop in the community, but I'm also not going to set her up for failure.

Why push something through that we'll just have to fix later, causing more frustration?

I told her this would get resolved, but I didn't give a specific timeline or stop communication. I wasn't aware of the state's involvement regarding wheel removal until I checked in with your office. I took your word on compliance and adjusted our original plan accordingly.

Now, I've proposed a new alternative that will go to the Planning Commission and then the board. This approach addresses the complexities and provides a solid path forward—not just for Katy, but for anyone pursuing similar efforts in the future.

There is currently an open seat on the Planning Commission that needs to be filled. If you believe you can bring value to both existing and future businesses in the Village of Winneconne, I encourage you to consider submitting your name for consideration. If you would like to discuss more, please let me know and we can set up a meeting at my office.

V/r,

Logan Fuller  
Village Administrator  
[administrator@winneconnewi.gov](mailto:administrator@winneconnewi.gov)  
Office: 920.582.4381  
Cell: 920.312.4281



Village of  
**WINNECONNE WI**

30 South 1<sup>st</sup> Street  
P.O.Box 488  
Winneconne, WI 54986

**From:** [Andrew Beiser -Realtor](#)  
**To:** [Logan Fuller](#)  
**Cc:** [Ashlee Harlock -Realtor](#)  
**Subject:** Re: Katy  
**Date:** Monday, April 14, 2025 8:04:14 PM  
**Attachments:** [image001.png](#)

---

I would be happy to submit my name.

But you you misled katy, you told her it would go before the planning commission tonight and then the board tomorrow. Now, she already quit her job and it very much appears you dropped the ball on doing some simple research to get this done.

-Andy

Andrew T. Beiser  
REALTOR®, ABR, CRB, CRS, SRS  
BROKER / OWNER • RELOCATION DIRECTOR

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**SEE ATTACHMENT B**



# VILLAGE OF WINNECONNE

*The Community of Opportunity*

30 South First Street - P.O. Box 488 - Winneconne, Wisconsin 54986-0488 - 920-582-4381

[www.winneconnewi.gov](http://www.winneconnewi.gov)

## MINUTES

### Planning Commission COMMITTEE

Monday, January 13th, 2025 at 5:30 pm

Village Board Room, 30 South First Street

---

#### Call to Order

Meeting called to order at 5:30 pm

#### Roll Call

Chris Boucher, Ted Kreuzer, Peggy Larson, Kim Utschig, Don Maslan, Logan Fuller in attendance and Steve Foster by Phone, Jim Kubasta, Absent

#### Approval of Minutes

Approval of 9/9/24 and 11/11/24 Meeting minutes

Motion by Larson, 2<sup>nd</sup> by Maslan

All eyes

#### Public Participation:

Katie Harder (town of Winneconne resident) interested in a location to open a café in Winneconne. She is entertaining an idea of a coffee trailer next to Beiser Reality.

#### Old Business

##### **-Review of ordinance for downtown policies**

Discussion on updating our sellers permits to make the village more aware of what is happening in our community along with setting better policies for our downtown. Check with B1 zoning and our current ordinance of food trucks.

##### **-Review & Discussion of Right of Way transition to adjacent neighbors**

Pending cost analysis by our property auditors

#### New Business

##### **-Action and Consideration to review and approve written offers for the industrial land listed for sale: Switchgear and Precision Plumbing LLC**

Motion to Approve and Recommend to the Board the written offers for the sale of properties to Switchgear and Precision Plumbing LLC noting zoning needs to be changed to Industrial as it is currently listed as R1.

Motion by Kreuzer, 2<sup>nd</sup> by Larson all eyes

Pursuant to WI Statute 985.02(1)(b): notice is hereby given that Village Board Members may also be present at this meeting for informational purposes only.



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www.winneconnewi.gov

## **-Action and Consideration to address ordinance 580-26 Accessory Buildings as it relates to sections F & G.**

Discussion of our current ordinance of 1200 sq ft might be too small considering most houses built today exceed that with attached garage. Compromise of 1500 sq ft seemed to be more standard with house designs. Board felt we needed to evaluate the size of property before allowing all to the 1500 sq ft max. Looking at properties on GIS it appeared 20% coverage could be reduced to 15%. Board wanted to look at other communities and compare more homes in Winneconne before presenting a recommendation to the Village Board.

Confirm next meeting date: Feb10, 2025 5:30

### **Adjourn**

Motion to adjourn at 7:00 pm: Foster, 2<sup>nd</sup> by Maslan, all ayes

The Winneconne Municipal Center is accessible to the physically disadvantaged. If special accommodations are necessary, please contact the Village Clerk/Treasurer at (920) 582-4381 and we will make very effort to accommodate the requests.



# VILLAGE OF WINNECONNE

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30 South First Street - P.O. Box 488 - Winneconne, Wisconsin 54986-0488 - 920-582-4381

[www.winneconnewi.gov](http://www.winneconnewi.gov)

## MINUTES PLANNING COMMISSION Thursday, February 13<sup>th</sup>, 2025 @ 5:30 pm Village Board Room, 30 South First Street

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### Call to Order

### Roll Call

Chris Boucher-P, Ted Kreuzer-P, Peggy Larson-A (excused), Kim Utschig-P, Don Maslan-P, Logan Fuller-P, Steve Foster-By phone, Vacant seat

### Approval of Minutes

01/13/2025 Meeting Minutes

Motion by Maslan, 2<sup>nd</sup> by Kreuzer

All aye voice votes 5-0-absent

### Public Hearing

For the rezoning of parcel 19100351603 located on Tower RD & Windustrial RD from R-1A single Family to I General Industrial for the development of multiple business facilities

First call no comment, second call no comment, third call no comment

Closed by President Boucher

### Public Participation

None

### Communications

None

### Old Business

- Ordinance 580-26 Accessory Buildings as it relates to sections F&G
  - More discussion with the intent to have something to vote on if adjusting the current ordinance is required by April's meeting
- Ordinance related to our downtown policies
  - Continued the discussion, intent is to have findings with recommendations NLT May's meeting
- Right of way transition to adjacent neighbors
  - Expect to have a path forward by May 2025 that has estimated costs for taking on the opportunity

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## **New Business**

**Action and Consideration** to approve the rezoning of parcel 19100351 from R-1A single family to I General Industrial for the development of multiple business facilities

Motion to approve by Kreuzer, Second by Larson

All aye voice votes 5-0-absent contingent on signed developers' agreements

**Action and Consideration** to approve CSM NO 7320 requested by the property owners Chad Longworth and Meghan Brehmer

Motion by Maslan, seconded by Utschig

All aye voice votes 6-0-absent

## **Follow-up**

**Confirm next meeting date: 10 March 2025 5:30**

## **Adjourn**

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# VILLAGE OF WINNECONNE

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30 South First Street - P.O. Box 488 - Winneconne, Wisconsin 54986-0488 - 920-582-4381  
www.winneconnewi.gov

## MINUTES PLANNING COMMISSION Monday, March 10<sup>th</sup>, 2025, at 5:30 pm 30 S 1<sup>st</sup> Street Village Hall Board room

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### Call to Order

### Roll Call

Chris Boucher-President (P), Steve Foster (P), Ted Kreuzer (P), Peggy Larson (P), Kim Utschig(P), Don Maslan(P), Open position, Logan Fuller- Village Administrator (P)

### Approval of Minutes

13JAN2025 Minutes

Vote to approve the 13JAN Minutes motion made by foster, seconded by Kreuzer voice vote  
7-0

### Public Participation

None

### Old Business

- Continue to review ordinance for downtown policies
  - President Boucher requests that all commission members be prepared for updates on their findings by the June commission meeting
- Review of dead-end roads with the option to turn over those parcels to private residents which boarder said land. Evaluate cost impacts to residents that would consider taking the opportunity.
  - This topic is still being worked, status update provided by Administrator Fuller, anticipate an update and path forward by June's meeting.
- Address ordinance 580-26 Section F&G related to current size limitations on accessory buildings
  - More comparisons are required, President Boucher has requested commission members to provide some comparable data from surrounding communities for reference.

### New Business

- Review candidates for appointment to the open position on this commission
  - Member Utschig stated she may have a candidate. Administrator Fuller also had a candidate to recommend filling a current vacancy.
- Business update from Village Administrator Fuller
  - Discussed new business opportunities and current business
  - Current partnerships with companies assisting with economic development
  - Provided updates on what the Winnebago County IDB focus is on as related to housing development
- Review of applicable fees related to this commission
  - No change to current offerings were noted

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- Review of a conditional use permit request. Requested by Jon Simon in support of opening a small business from his residence
  - Mr. Jon Simon provided his business plan and outline of how his request is compliant with the requirements described in the applicable ordinance

## **Follow-up**

**Confirm next meeting date: 14 April 2025**

## **Adjourn**

Motion by Maslan, seconded by Larson, voted unanimously 7-0

The Winneconne Municipal Center is accessible to the physically disadvantaged. If special accommodations are necessary, please contact the Village Hall at 920-582-4381 and we will make every effort to accommodate the requests.

As defined under Wisconsin State Statute 19.82 a quorum of the Winneconne Village Board members may be present for informational purposes, but no Village Board action will be taken.

The Winneconne Municipal Center is accessible to the physically disadvantaged. If special accommodations are necessary, please contact the Village Clerk/Treasurer at (920) 582-4381 and we will make every effort to accommodate the requests.

State of Wisconsin Department of Agriculture, Trade & Consumer Protection

[https://datcp.wi.gov/Pages/Programs\\_Services/MobileTempRestaurants.aspx](https://datcp.wi.gov/Pages/Programs_Services/MobileTempRestaurants.aspx)

Mobile and Transient Retail Food Establishments  
Mobile Retail Food Establishments

All mobile retail food establishments and mobile service bases not licensed during the previous year must be inspected before opening for business. If a mobile service base is located in a different jurisdiction from the mobile retail food establishment, the operator of the mobile retail food establishment must first apply for a license for the mobile service base in this different jurisdiction. Licensure as a transient retail food establishment does **not** exempt an operator from licensure as a mobile retail food establishment.

Transient Retail Food Establishment License

A transient retail food establishment is a food establishment that operates at a fixed location in conjunction with a special event and sells or serves food **for a period of no more than 14 consecutive days** or in conjunction with an occasional sales promotion. The Wisconsin Department of Agriculture, Trade and Consumer Protection, or a Local Public Health Department, acting as an Agent to the State, may limit or modify the nature of the food service or the food being served to protect the health and safety of the general public. Transient food stand operators may be limited in terms of type of food served, methods of preparation and storage, the number of persons served or the type of utensils. The requirement of the license and/or inspection is to ultimately ensure that the public is receiving the safest food possible and to prevent foodborne disease outbreaks.

Chapter 97 of the Wisconsin State Statutes requires that person(s) operating a food service establishment have a valid license issued by the Department and/or Agent health department. These license types are transferable from one location to another, meaning that if you have a license from Sheboygan County, you can travel to Marathon County to operate without additional licensing from Marathon County. All local jurisdictions reserve the right to inspect your unit and charge an inspection fee when you are operating within their boundaries.

Where you get the license will depend on whether the event is located in an agent health department's jurisdiction or in an area that is under the State's jurisdiction.



**WINNEBAGO COUNTY**  
**ENVIRONMENTAL HEALTH FOOD SAFETY AND RECREATIONAL LICENSING PROGRAM**



97.30, 254.61, Wis. Stats, WI ADMIN CODE ATCP 75, WINNEBAGO COUNTY ORDINANCE 11.11

**2024/2025 APPLICATION FOR TRANSIENT RETAIL FOOD ESTABLISHMENT**

Before completing this application, read Temporary Food Service Guidelines.

Do you have a current state license or do you plan to operate in multiple jurisdictions? **IF YES, PLEASE CONTACT US PRIOR TO FILLING OUT THIS FORM.**

Completed applications should be received (with all applicable fees) by the Winnebago County Health Department at least 1 week before the event. Late fees may apply if not received one week prior to event. Please print neatly.

**ORGANIZATION INFORMATION**

**APPLICANT INFORMATION**

Name of Organization:			Applicant Name:		
Address:			Address:		
City:	State:	Zip:	City:	State:	Zip:
Phone:			Phone:		
Person in Charge of Food - Name:			Person in Charge of Food - Phone:		
			Email:		

**Non- Profit Organizations Only**

Qualifying non-profit organizations under Wisconsin Administrative Code includes churches, service clubs and religious, youth, patriotic and civic organizations. A Transient Retail Food Establishment must be obtained when an organization operates for more than 3 days during a licensing year. Licensing year runs July 1<sup>st</sup> to June 30<sup>th</sup>.

Check One	FOR PROFIT PERMIT	Fee	Check One	NON-PROFIT PERMIT	Fee
	Transient Retail – TCS (hot and cold food, egg rolls, hot dogs, hamburgers, pizza, dip/soft serve ice cream, etc.)	\$198.00		Transient Retail – TCS (More than 3 days – hot and cold food, hot dogs, hamburgers, brats, pizza, egg rolls, dip/soft serve ice cream etc.)	\$106.00
	Transient Retail – NON TCS/ Prepackaged TCS (cotton candy, popcorn, kettle corn, prepackaged ice cream, etc.)	\$113.00		1-3 Days NO PERMIT NEEDED	\$0.00
	Internal use only - Temporary Inspection Fee (if inspected by WCHD and operator has a current license from the state or other Health Dept)	\$63.00		TCS = time/temperature controlled for safety previously potentially hazardous foods (PHF)	

**Make Check Payable To: Winnebago County Health Department**

Submit To: Winnebago County Health Department  
 112 Otter Ave, 2<sup>nd</sup> Floor

[www.winnebagoountywi.gov](http://www.winnebagoountywi.gov)  
[health@winnebagoountywi.gov](mailto:health@winnebagoountywi.gov)

The county also abides by Wisconsin code ATCP75  
[https://docs.legis.wisconsin.gov/code/admin\\_code/atcp/055/75](https://docs.legis.wisconsin.gov/code/admin_code/atcp/055/75)

**Food Preparation Information:**

<p><b>Food Source (home prepared foods are not allowed food must come from licensed facility):</b>  <input type="checkbox"/> Restaurant    <input type="checkbox"/> Retail Grocery    <input type="checkbox"/> Wholesaler    <input type="checkbox"/> Other, Specify _____</p>
<p><b>Food Preparation Site (All food must be prepared at a commercial kitchen or on-site at event.)</b>  <input type="checkbox"/> Off-site    <input type="checkbox"/> On-site    <input type="checkbox"/> Both off-site and on-site</p> <p>Offsite prep kitchen name/address: _____</p>
<p><b>Food Transport Method</b>  <input type="checkbox"/> Ice Chest    <input type="checkbox"/> Refrigerated Truck    <input type="checkbox"/> Cambro    <input type="checkbox"/> Other _____</p>
<p><b>Menu Information/Food for Sale:</b></p>   
<p><b>Cooking Equipment:</b>  <input type="checkbox"/> Grill    <input type="checkbox"/> Smoker    <input type="checkbox"/> Fryer    <input type="checkbox"/> Flat Top    <input type="checkbox"/> Propane Cooker    <input type="checkbox"/> Other</p>
<p><b>Hot Food Holding Equipment (Hot hold food at 135F or above):</b>  <input type="checkbox"/> Nescos    <input type="checkbox"/> Stove/Oven    <input type="checkbox"/> N/A    <input type="checkbox"/> Other – please describe</p>
<p><b>Cold Food Holding (Cold hold food at 41F or below):</b>  <input type="checkbox"/> Refrigerator    <input type="checkbox"/> Coolers with ice    <input type="checkbox"/> N/A</p>
<p><b>Food Stand Requirements:</b></p> <p><b>Hand Washing Facilities:</b>    <input type="checkbox"/> Plumbed Sink    <input type="checkbox"/> Temporary Station**  <small>**5-gallon food grade container with spigot that locks in the open position for a continuous flow of water and a bucket to catch wastewater</small></p> <p><input type="checkbox"/> Disposable gloves, deli tissue, tongs, etc. (bare hands are not allowed to touch ready-to-eat food)</p> <p><input type="checkbox"/> Thermometers - metal-stem &amp; refrigeration (required for foods needing temperature control)</p> <p><input type="checkbox"/> Dishwashing</p> <ul style="list-style-type: none"> <li>• One day food service - serving utensils/equipment to be replaced every 4 hours or dish washing in 3 tubs of adequate size. Dishes must be washed, rinsed, and sanitized.</li> <li>• More than one day food service or onsite food prep – dish washing in 3 tubs of adequate size or 3 compartment sink. Dishes must be washed, rinsed, and sanitized.</li> </ul> <p><input type="checkbox"/> Sanitizer solution (bleach water or quaternary ammonia)  100 ppm chlorine = ½ capful of bleach/1 gallon of water or 1 oz bleach/4 gallons of water  200 ppm Quat = mix as directed on label</p> <p><input type="checkbox"/> Overhead protection (tent or canopy if outdoors) and food protection including condiments.</p> <p><input type="checkbox"/> Flooring – concrete/asphalt. Wood chips and gravel set up is not allowed.</p> <p><input type="checkbox"/> Access to restroom facilities</p>

Pursuant to the General Code of Winnebago County and Wisconsin Administrative Code, you may appeal any written orders of the Winnebago County Health Officer and all decisions of the Health Department relative to its permit-issuing authority, except in those cases where the Appellant has a right to a state administrative appeal hearing.



## LICENSING REQUIREMENTS FOR SERVING FOOD TO THE PUBLIC AT A SPECIAL OR TEMPORARY EVENT

Winnebago County Health Department issues Transient Retail Food licenses (temporary restaurant licenses/temporary retail food licenses) to businesses or organizations that prepare, serve, give away or sell food to the public during events, celebrations, sales promotions or fund raisers.

If your group or event organizer will be advertising the event to the public in the paper, on street signs, with local media and/or on social media it is a public event and will be subject to licensing.

### NO LICENSE OR PERMIT IS REQUIRED FOR:

- A meal following a church service intended for church members only
- A private event and event by invitation only
- A group pot-luck that is intended for the members only
- Prepackaged food that is not required to be kept hot or cold for food safety (bagged snacks, candy bars, bottled water or soda, etc.)
- Whole fruits such as apples, oranges, bananas
- Lemonade stands, if lemonade or other drinks are made from a powder mix and potable water
- Bake sales, if all items are prepackaged for sale and do not require refrigeration
- Non-profit groups (youth groups, churches, service clubs, etc.) that prepare, serve or sell food to the public for 3 days or less during a licensing period (July 1 to June 30)

### WHEN IS A TRANSIENT RETAIL FOOD LICENSE PROCESSING TCS (TEMPORARY RESTAURANT) LICENSE REQUIRED?

Transient Retail Food Processing TCS (TEMPORARY RESTAURANT/RETAIL LICENSE) is required for any for-profit business.

- If your business will be operating only in Winnebago County (excluding the City of Menasha), the Winnebago County Health Department will issue your license.
- If your business will be operating in multiple jurisdictions – a State License or a license issued by the city/county health department that you will be operating in at your first event will be required.
- If you have a State license or a license issued by another city/county health department and your business is inspected by Winnebago County Health Department during an event, you will be subject to an inspection fee.

Transient Retail Food Processing TCS NON PROFIT - (TEMPORARY RESTAURANT LICENSE) is required for organizations such as youth groups, churches, and service clubs (Boy Scouts, Rotary, Kiwanis, etc.) that prepare, serve or sell food to the public 4 days or more during a licensing period (July 1 to June 30) anywhere in the State of Wisconsin.

If your business will be operating in multiple jurisdictions 4 days or more – a license will be required. This license can be obtained from the State or another City/County Health Department. If you have a current license issued by the State or a City/County Health Department – we will honor that license and if your business is inspected by Winnebago County Health Department during an event, you will be subject to an inspection fee. All businesses operating 4 or more days will be issued a Transient Retail Food License.

All licenses/permits expire annually on June 30.

**\*\*\*GROUPS FOUND OPERATING WITHOUT PROPER LICENSING  
WILL BE SUBJECT TO A DOUBLE LICENSE/PERMIT FEE\*\*\***

Winnebago County Health Department encourages organizers to follow safe food handling practices.

### **WHO TO CONTACT WITH ADDITIONAL QUESTIONS?**

Winnebago County Health Department

Phone: (920) 232-3000

Email: [health@co.winnebago.wi.us](mailto:health@co.winnebago.wi.us)

Village ordinance 580-2

The purpose of this chapter is to adopt minimum requirements to promote the health, safety, morals, prosperity, aesthetics and general welfare of the Village; to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes; and for said purposes to divide the Village into districts of such number, shape and area as are deemed best suited to carry out the said purposes. This chapter is designed to determine, establish, regulate, and restrict:

Village ordinance 580-4

The Village Administrator shall also serve as the Zoning Administrator, unless another person or entity is appointed by the Village Board. The Zoning Administrator is hereby authorized to administer and enforce the provisions of this chapter and Chapters [546](#) and [559](#) of this Code through use of the following duties and powers:

**A.**

Advise applicants as to the provisions of this chapter and assist them in preparing permit applications and appeal forms;

**B.**

Issue permits and certificates of compliance, and inspect properties for compliance with this chapter and Chapters [546](#) and [559](#) of this Code;

**C.**

Keep records of all permits issued, inspections made, work approved and other official actions;

**D.**

Have access to any structure or premises for the purpose of performing these duties;

**E.**

Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, map or text amendments, and any other documentation associated with this chapter to the appropriate federal, state or local agency as required by federal, state or local regulation or other applicable law in a timely manner; and

**F.**

Investigate and report violations of this chapter and Chapters [546](#) and [559](#) of this Code to the appropriate municipal planning agency and to the Village Attorney.

Village ordinance 469-1

It shall be unlawful for any transient merchant to engage in direct sales within the Village of Winneconne without being registered for that purpose as provided herein

Village ordinance 469-2 Transient Merchant

Any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. The term shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the transient merchant for the retention of goods by a donor or prospective customer. For purposes of this section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include the sale of produce or other perishable products at retail or wholesale by a resident of this state

# Food Trucks in Wisconsin: The (Regulated) Open Road

By Attorney Paul Mirr – Ruder Ware, L.L.S.C.



**In recent years, food trucks have emerged as an increasingly popular way for people of all ages to indulge in their favorite street foods, from barbeque to shaved ice to pizza to tacos...and on and on. One of the benefits of owning a food truck is that the startup costs are generally much lower than starting up a traditional restaurant. If you are thinking about starting up a food truck of your own, pump the brakes: below are some issues to consider before you jump into the driver's seat (don't worry: that was the last bad pun in this article).**

**State Regulations.** All food trucks in Wisconsin must comply with the Wisconsin Food Code requirements for Restaurants or Retail Food Establishments. In general, the Wisconsin Food Code requires all food trucks, or technically "mobile food establishments", to obtain a mobile food establishment license and a service base license, in addition to any permits or licenses required by a specific municipality (for example, if you plan on operating in the City of Eau Claire, you will also need to obtain a restaurant license from the City and have your food truck pass inspection by the Eau Claire Fire Department – more on municipal requirements below). A service base is "an operating base location to which a mobile food establishment or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food." Wisconsin Food Code 1-201.10(B)(84). In essence, the service base is a licensed facility where food for the mobile food establishment is stored or prepared, where water is obtained and waste is disposed, and where vehicle and equipment cleaning takes place. Food trucks must return to their services bases at least once every 24 hours. Note that service bases cannot be a private home; instead, they must be a warehouse or commercial space, a shared space from a licensed restaurant or retail establishment, or a shared space from a licensable community kitchen.

The Wisconsin Food Code also requires that all mobile food establishments that prepare, handle or serve unpackaged meals have a Certified Food Manager's license. Additionally, the Code places very specific

and differing restrictions or requirements on mobile food establishments based upon whether the establishment is "open air" (i.e., bicycle or push carts), "enclosed limited service" (i.e., small enclosed trailer), or "enclosed full service" (i.e., large truck or trailer with full kitchen). Such restrictions or requirements include the minimum size of required hand washing facilities; ventilation system standards; minimum required fresh water supply; minimum size of waste storage tank(s); the types of equipment allowed or required inside the food truck; electric or gas supply requirements; floor and wall finishes and lighting standards; and fire protection requirements.

In addition to the requirements contained in the Wisconsin Food Code, food truck operators will need to obtain a Seller's Permit from the Wisconsin Department of Revenue before serving any food. Also, all licenses must be posted on the food truck for the public to view.

**Local Municipal Rules/Ordinances.** In addition to the State of Wisconsin's food truck requirements, several municipalities are beginning to pass food truck ordinances to regulate food trucks operating within the municipality's limits. For example, the City of Eau Claire's food truck ordinance restricts several things, such as a food truck's hours of operation (8am-11pm), locations food trucks may operate (i.e., no residential neighborhoods, must be 200 feet away from existing brick-and-mortar restaurants, and cannot stay in one location for more than a four hour stretch), and describes certain public parks in which food trucks operate (unless a special event is occurring at such parks). The Eau Claire ordinance

also contains insurance requirements, and provides that food trucks must not show any visible signs of rust or deterioration. The City of Altoona's food truck ordinance also restricts locations food trucks may operate, and allows food trucks to operate between the hours of 7am-10pm Friday-Saturday, and 10am-9pm Sunday-Thursday. The City of Hudson restricts food trucks from operating on City-owned property or within the public right of way unless the use is authored as party of a temporary special event, and the food truck must not make or cause to be made any excessive noise, lighting or other method of attracting public attention.

Moral of the story: make sure to check with each local municipality to determine whether a food truck ordinance or regulations exist, and if so, make sure your food truck operation is in compliance with all local requirements, in addition to the State of Wisconsin's requirements. The good news is that most of these items will be available on your municipality's website. Finally, don't forget that most municipal licenses must be annually renewed.



**Attorney Paul Mirr,  
Ruder Ware, L.L.S.C.**

Sec. 10-573. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Edible goods* includes, but is not limited to:

- (1) Prepackaged and prepared food, including, but not limited to, ice cream, hot dogs, desserts, and pizza.
- (2) On-site prepared food, including, but not limited to, shaved ice, sandwiches, and tacos.

*Mobile* means the state of being in active, but not necessarily continuous, movement.

*Mobile food establishment* means a restaurant or retail food establishment where food is served or sold from a movable vehicle, trailer or cart which periodically or continuously changes location and requires a service base to accommodate the unit for servicing, cleaning, inspection and maintenance, or except as specified in the Wisconsin Food Code.

*Mobile food vendor* means the registered owner of a mobile food establishment or the owner's agent or employee, or any business which sells edible goods from a mobile food establishment within the City of Green Bay.

*Sell* means the act of exchanging a good for profit or in return for a donation.

*Service base* means an establishment operated under license or permit of an appropriate regulatory authority where food is manufactured, stored, prepared, portioned or packaged, or any combination of these, where such food is intended for consumption at another establishment or place, and where such units are serviced, cleaned, supplied, maintained, and where the equipment, utensils and facilities are serviced, cleaned and sanitized.

*Vehicle* means any motor vehicle as defined by Wis. Stats. § 340.01(35) or trailer as defined by Wis. Stats. § 340.01(71). The term "vehicle" shall also include any bicycle or other self-propelled device.

*Vend* means to sell or to transfer the ownership of an article to another for a price in money.

(Code 1984, § 6.39(1); Ord. No. 12-15)

Sec. 10-574. - License required.

- (a) *No vending/selling without approved license.* No mobile food vendor and/or mobile food establishment shall vend, sell or dispose of or offer to vend, sell or dispose of goods, wares or merchandise, produce or any other thing at any place whatsoever in the City of Green Bay without having obtained an approved license from the City Clerk.
- (b) *Issuance and expiration of license.* Every mobile food vendor shall have a license issued by the City Clerk to conduct business in the City of Green Bay. Each mobile food establishment shall be licensed separately. A mobile food establishment license shall expire on December 31 each year.
- (c) *License fee.* The license to operate a mobile food establishment shall be as provided in the City Fee Schedule. If an applicant requests a license under this article from an existing City of Green Bay based business that sells food-based products, the license fee shall be as provided in the City Fee Schedule.
- (d) *License renewal.* Licenses must be renewed annually. To renew a license, each applicant must submit a renewal application, a renewal fee as provided in the City Fee Schedule, and any new permitting documentation upon the license renewal. License renewal from an existing City of Green Bay based businesses shall be as provided in the City Fee Schedule. If the applicant fails to submit the application and renewal fee within 30 calendar days after the expiration of the license, the applicant shall reapply as a new applicant.
- (e)

*Transfer of license.* A license issued under this article shall not be transferable from person to person. A license is valid for one vehicle only and shall not be transferrable between vehicles.

- (f) *Surrender of license; alteration of license; failure to display license.* On the expiration of a license issued under this article, the license holder shall surrender the license to the City Clerk. No person shall alter or change in any manner any license issued under the provisions of this article, and such alteration or the failure of the holder of the license to display the license in a conspicuous place on the mobile unit or their person or to exhibit the license upon demand of any officer or customer or prospective vendee shall be cause for revocation of such license.

(Code 1984, § 6.39(2); Ord. No. 22-20, § 1, 8-18-2020; Ord. No. 13-23, § 1, 6-6-2023)

Sec. 10-575. - License application process.

- (a) *Application.* Any person desiring to operate a mobile food establishment shall apply for a license on a form promulgated by the City Clerk and pay the proper license fee for each mobile food establishment managed by the person. The City Clerk shall forward the application to the Police Department for review. If the Police Department approves the application, the City Clerk shall issue the license to the applicant.
- (b) *Application denial.* An applicant of a mobile food establishment may be denied where:
- (1) The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity.
  - (2) The applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of the particular job or licensed activity.
  - (3) The applicant made a false statement on the application.
  - (4) The applicant is under 18 years old.
  - (5)

The applicant is found to have unpaid civil judgments which relate to the duties and responsibilities of the permitted occupation which shall be determined by the nature and the amount of the judgment, the relationship of the judgment to the purpose of the permit and the extent that the permit would allow someone to engage in further activity that would lead to unsatisfied civil judgments.

- (c) *Appeal; hearing before Committee.* If the Police Department denies an application for a license, the applicant may appeal within 15 days after the City Clerk mails a notice of denial to the applicant. If the applicant files a timely appeal with the Clerk, the Clerk shall schedule an appeal hearing before the Protection and Policy Committee.
- (d) *Committee approval; Council action.* The Committee may approve any application placed on its agenda only if the applicant is qualified under this section and may place conditions upon approval. The Common Council shall affirm, reverse or modify the Committee decision.
- (e) *Issuance.* The Clerk shall issue the mobile food establishment license if the applicant has completed the application requirements and has been approved by the Police Department.

(Code 1984, § 6.39(3); Ord. No. 22-20, § 1, 8-18-2020)

Sec. 10-576. - License suspension or revocation.

The Common Council may revoke or suspend, for no fewer than ten days and nor more than 90 days, any license under this article for violation by any vendor or the vendor's employee or agent of any provision of this chapter or any state law or City ordinance which renders future vending contrary to the public health, safety or welfare, or for fraud or misrepresentation in solicitation under this chapter.

(Code 1984, § 6.39(4); Ord. No. 22-20, § 1, 8-18-2020)

Sec. 10-577. - Sanitation requirements.

Each applicant must certify that they have received all necessary County and State permits and provide copies thereof to the Clerk's office.

(Code 1984, § 6.39(6); Ord. No. 22-20, § 1, 8-18-2020)

Sec. 10-578. - Conduct of business.

- (a) *General regulations.* The following regulations shall apply to mobile food establishments during the regular order of business:
- (1) A licensee shall not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome or tainted edible goods, nor intentionally misrepresent to any prospective customer the purpose of their solicitation, the name of the business of their principal, if any, the source of supply of the goods, wares or merchandise which they sell or offer for sale or the disposition of the proceeds of their sales.
  - (2) A licensee shall not use the license provided by the City after expiration or revocation of the license.
  - (3) A licensee shall keep the premises in a clean and sanitary condition and the edible goods offered for sale well-covered and protected from dirt, dust and insects. All food vendors shall comply with requirements of State and local authorities.
  - (4) A licensee may vend, sell or dispose of, or offer to sell, vend, or dispose of, goods, wares, or merchandise in the City of Green Bay between the hours of 6:00 a.m. and 10:00 p.m. All sales within the portion of the Downtown District of Green Bay, as defined and displayed in Exhibit A in Section 10-580, shall be allowed between the hours of 6:00 a.m. and 3:00 a.m.
  - (5) All business activity relating to the mobile food establishments in the public right-of-way shall be conducted from the curbside of the vehicle at all times. No sales shall be made from a vehicle except from the curbside

of said vehicle, unless otherwise authorized by the owner of private property.

(b) *Zoning restrictions.*

- (1) The vendor of the mobile food establishment shall not operate in a congested area where such operation impedes or inconveniences public use. No vendor shall engage in the licensed business on any public park, playground, school, library or other public premises.
- (2) No mobile food establishment or pedestrian desiring to conduct business at the mobile food establishment shall obstruct an adjacent path or lane of travel. A path or lane of travel includes, but is not limited to, sidewalks, motor vehicle lanes, bicycle lanes and other designated parking areas.
- (3) No mobile food vendor shall be located on any private property without written permission from the property owner. A copy of the written permission shall be kept in the mobile food unit at all times. The mobile food vendor shall comply if asked to leave the private property by the property owner or a City official.
- (4) No mobile food establishment shall conduct business within 500 feet of Bay Beach Amusement Park or any fair, festival, special event or civic event that is licensed or sanctioned by the City of Green Bay unless the licensee has obtained written permission from the event sponsor.

(Code 1984, § 6.39(7); Ord. No. 22-20, § 1, 8-18-2020)

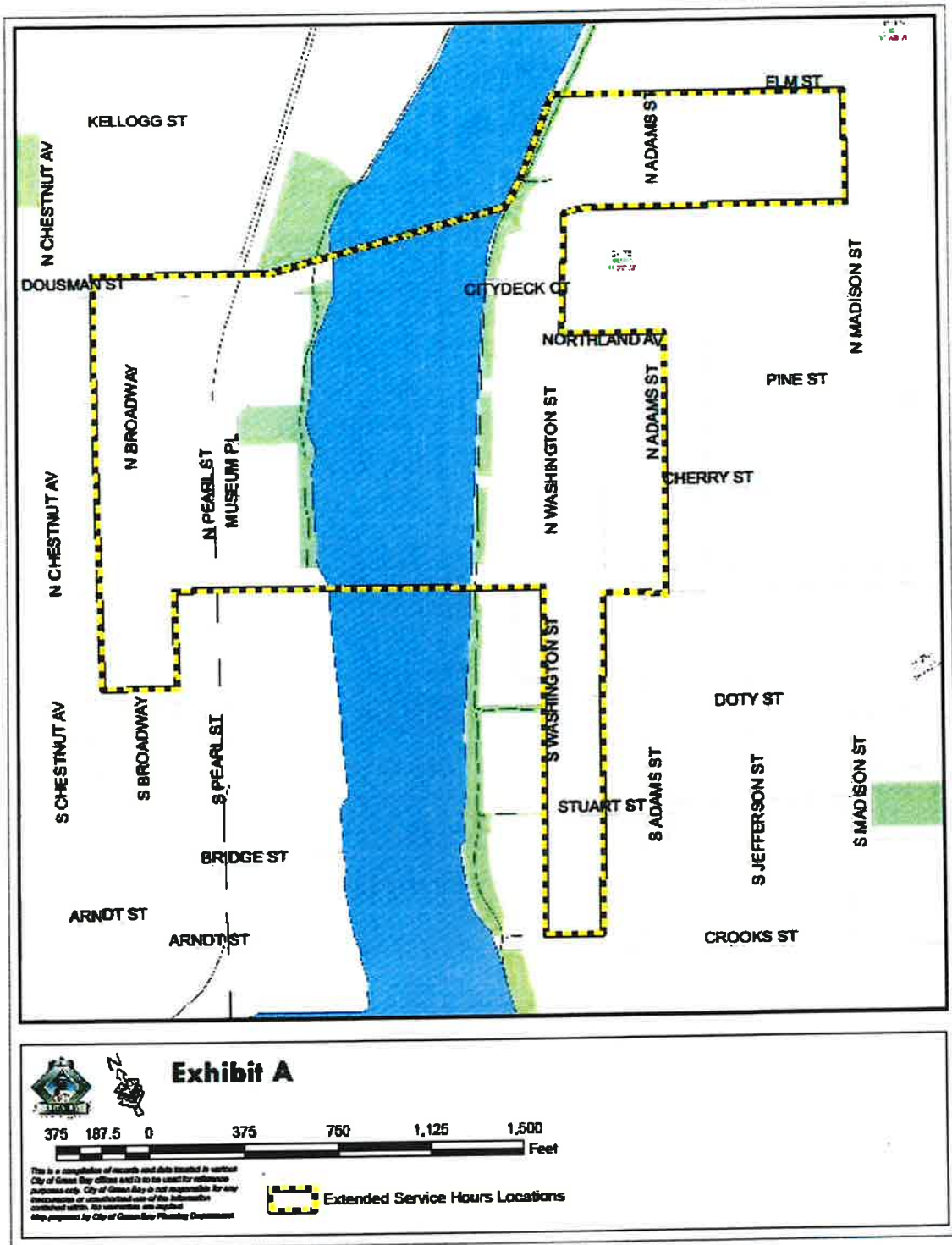
Sec. 10-579. - Penalties.

A licensee or vendor who violates any provision of this article or any regulation, rule, or order made hereunder shall be subject to a forfeiture of not less than \$1.00 nor more than \$500.00 for each offense.

(Code 1984, § 6.39(8); Ord. No. 22-20, § 1, 8-18-2020)

Sec. 10-580. - Designated zone for mobile food establishments.

# Exh. A. Designated District Zone Area



(Code 1984, § 6.39(Exh. A))

Secs. 10-581—10-597. - Reserved.