

Middleton Review

Editorial: The temptation of over-regulation

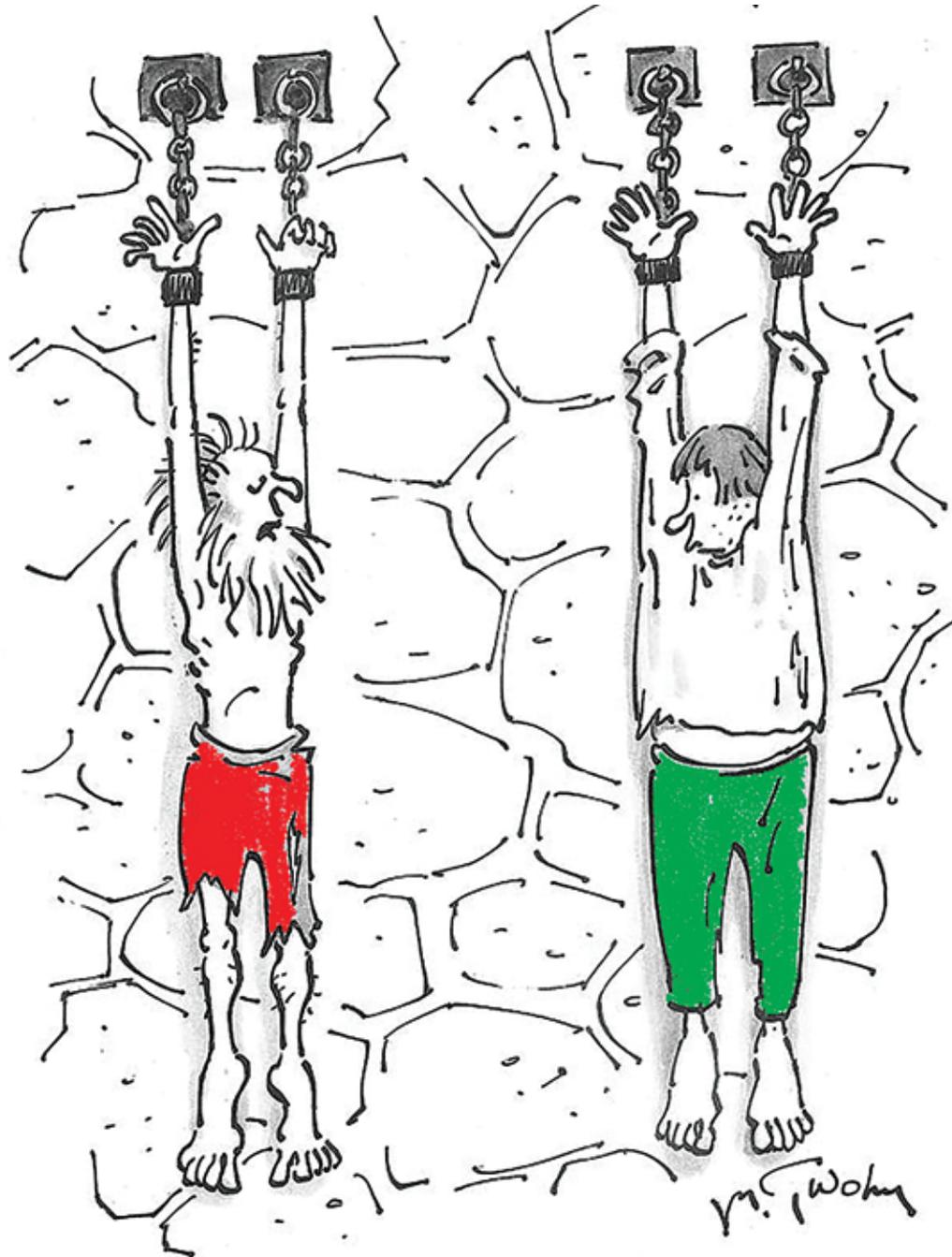
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Issue 117/November 2021



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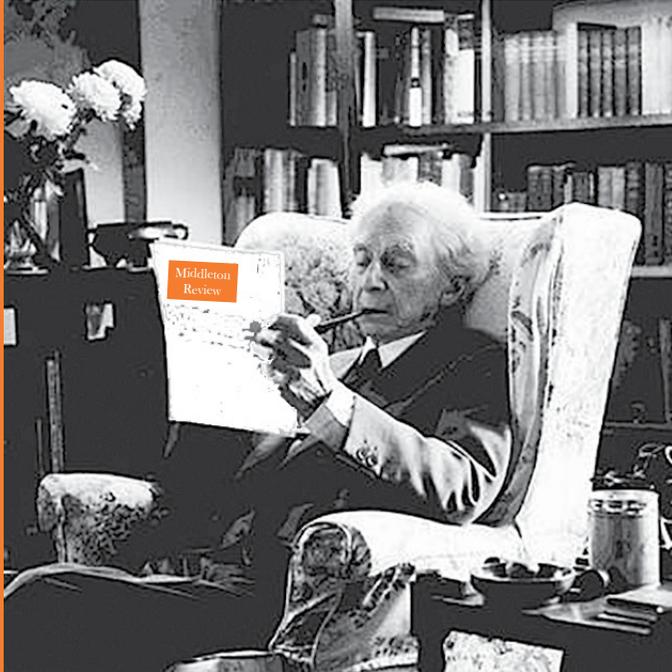
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LETTER FROM THE PUBLISHER

The temptation to over-regulate

by GEORGE ZENS

There are very few among us who do not have firm convictions about what is right and wrong, what is good and bad, about what is and is not acceptable behavior in public (and in private, too) - in short, about how to live in society.

Most of us have a moral compass that prevents us from stealing, killing, vandalizing and generally making life miserable for others. For those of us who do not, we have rules and laws and regulations accompanied by various forms of enforcement and coercion mechanisms.

Rules prevent society from descending into chaos. But they do not prevent society from descending into dictatorship. A moral compass does not guarantee freedom and the pursuit of happiness for others.

Firm convictions and an unerring moral compass have caused more harm, more unspeakable terror and more misery throughout human history than anything else. People who think that they are right, that they have god on their side (and theirs is the only god, of course), that there is only one way to live, and that all of our problems would be solved if we all just followed that one right path are as much a danger to peace and liberty as roaming gangs of bloodthirsty hooligans.

I am always suspicious of people who want to make this world a better place, and I don't care what flag they wave, what political stripes they wear, what philosophical or religious baggage they carry, what ideological cloth they wrap themselves in. There is a reason they say that the way to hell is paved with good intentions.

The threat lies not in each of us having convictions and ideas about how to live, but in each of us of trying to impose those convictions and ideas on others. We all do it every day, and it is often useful and necessary. Like when we teach our children not to pull the pot of boiling water from the stove, to stay away from the sharp ends of the cat, and to say 'please' and 'thank you' (do parents still teach that?).

But it is easy to go too far. Many of us don't know when to stop making rules, or even want to, for that matter. The temptation to micromanage and over-regulate, in short, to impose one's will on others, becomes almost irresistible when one is in a position of power. And it is of course always done with the best of intentions.

Governments on all levels and quasi-government institutions like school boards for instance micromanage people's lives all the time (drooling middle-aged male school administrators checking teenage girls' hemlines in the name of decency).

Politicians are often even called 'lawmakers', implying that their achievement is to be measured in the quantity of laws they create

(the quality of the laws is neither here nor there, since most laws are created to deal with the unintended consequences of the previous laws). A 'do-nothing-Congress' is not meant as a compliment, although it surely does less harm than a hyperactive one.

That principle also applies on our local level. Most elected representatives, citizen committee members and bureaucrats are convinced that the solution to every problem is a city ordinance, more rules, more regulations. Red tape holds society together!

Many rule and regulations make sense. We stop at red lights. We have roofs installed so they don't leak. We don't have music blaring outside at two o'clock in the morning.

But the city of Middleton also creates many rules and regulations that have very little to do with common sense, but mostly reflect the personal preferences (or prejudices) of the people who invent them. There is no scientific reason why grass shouldn't be allowed to be more than eight inches high, but the ordinance reflects somebody's preference for a clean-cut lawn over other forms of urban vegetation.

Many rules are not even enforced. Or reasonably enforceable. Dogs in the conservancy, for instance, have to be on a fixed (not extendable) leash not more than six feet long. Dogs are not allowed on the downtown plaza, for example.

In other cases, the city's red tape does not hold the community together, but strangles it. The infamous food-cart ordinance is a prime example, and, if enacted, the anti-chicken ordinance currently being worked on (see cover story) will join it in infamy.

The city should never create a blanket rule to solve individual problems. The vast majority of decent, law-abiding citizens using their common sense should not be punished because of the behavior of a few outliers. Before the city contemplates a restrictive rule, it needs to justify it; it needs to show that it would do more good than harm; in other words, it needs to show that without that rule, civilization as we know it would collapse.

There are many things that I, personally, would like to see banned: leaf blowers, top-naked male joggers, council members eating on Zoom calls, cheddar cheese on burgers, electric scooters, city officials playing with red tape, ... - maybe I should have a talk with the license and ordinance committee. They seem to be on a roll.



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CITY GOVERNMENT

News and analysis

By GEORGE ZENS

Development: Two controversial projects clear the first approval hurdle

After much debate, following public comments from some Century Harbor Condominiums residents speaking in opposition, the common council on Tuesday, November 2, approved the first reading of a rezoning ordinance to a new planned development district with general implementation plan (PDD/GIP) for the former Captain Bill's site with 6 votes to 1.

Developer T5 Real Estate Solutions intends to build a four-story apartment complex with 65 units on the lot (illustrated, with city-engineering comments).

Opponents' concerns range from traffic and pedestrian safety to underground pollution, flooding and soil conditions, although some might also regret losing their view on the lake. The city has received a petition signed by about 700 people asking for a full environmental assessment before granting approval. Most of the signatories are apparently not Middleton residents, but live in Madison and as far away as Fitchburg. The phrasing of the petition might have misled them into thinking that the future of the lake is fundamentally threatened. A required phase 1 environmental assessment has already been done, and found nothing of concern.

Approval of the first reading of the ordinance was only the first step of the project's long march through the city bureaucracy. To take effect, the ordinance will have to be approved a second time (most likely at the next council meeting on November 16), and a long list of conditions will have to be fulfilled. After that, various committees and commissions will discuss the specific implementation plan as it relates to their particular areas of expertise.

District 8 alderman Mark Sullivan was the lone no-vote. He warned his colleagues on the council against ignoring the concerns of neighbors when approving new developments, and not just in this instance. He feared that council members were increasingly out of touch with their constituents.

Previously, more than a dozen people, most of them Century Harbor Condominium residents, had spoken in opposition to the building during a public hearing at the October 26 Middleton plan commission meeting. The mandatory hearing was held as part of the rezoning process from one PDD to another PDD, including approval of the GIP.



The project proposal by local developer T5 Real Estate Solutions has been, unsurprisingly, controversial from the start. People rarely welcome new housing in their neighborhood, but in this case the condominium residents, and not only they, were taken particularly aback by the sheer size of the project's first version: seven floors with 107 units. When they discussed it in March of this year, plan commission members were also skeptical, and they sent the developer back to the drawing board with many concerns. In May, they were presented the second version, five floors and 74 units, and although they welcomed the reduction in size, they took no action pending the outcome of a traffic impact analysis (TIA). The current version, and the one that was before the plan commission on October 26, is smaller still at four floors and 65 units.

The developer's concessions have not lessened the condo residents' opposition, however. They have, as is often the case in situations like this, merely shifted their focus a bit, from the size of the building to more technical aspects, such as the geology of the site, impact on water, flooding potential, and the environmental fallout in general.

Before the public hearing, the city's director of planning and community development, Abby Attoun, stated that four instances of environmental contamination near the site, some

of which had been cited by opponents as reasons to deny the development, were closed according to Wisconsin department of natural resources records. That included an old gas station that was cleaned up in the 1980s and 1990s.

The impact on traffic is a perennial hit with development opponents everywhere, and in this case it is supplemented with professed concerns about pedestrian safety.

In an initial finding, the TIA does not expect traffic to be impacted substantially by the development, which, considering the amount of traffic generated by Harbor Athletic and Starbucks alone at a cluster of already overwrought intersections (not to mention commuter traffic), is probably true enough. Still, when it comes to a traffic situation that is delicately balanced between just barely functioning and collapse, it doesn't take much to turn a cluster into a clusterfuck, and the completion of the TIA might still reveal the necessity for a more fundamental overhaul of the whole traffic control system in the area.

Walkability and pedestrian safety have never been a priority for the city in that neighborhood, and that is hardly going to change with the addition of more residents. The public works department and the public works committee, which for all intents and purposes dictate city policy in all traffic matters, are firmly in the



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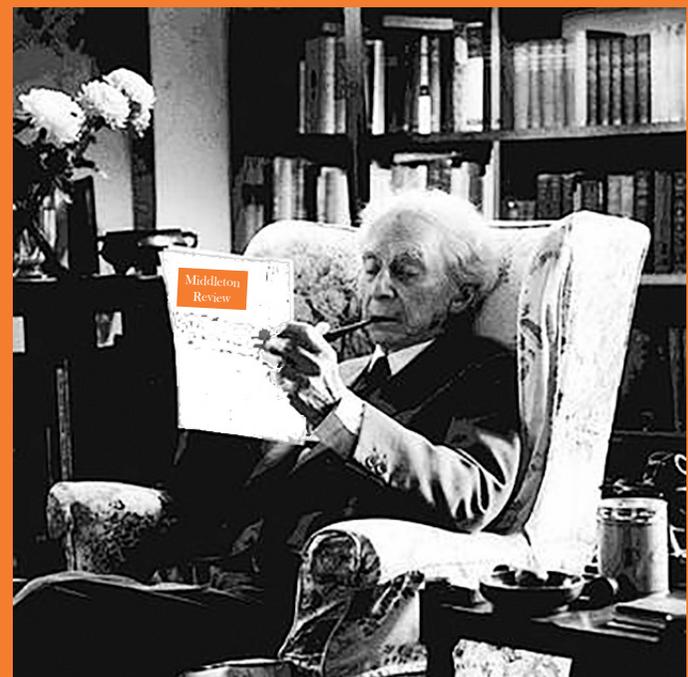
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hands of the automobile lobby, and it would take unusually decisive action, not to mention political courage, by the city council to reverse course. That, however, is all the more unlikely as Middleton residents by and large prefer the city's road networks and intersections to be car-friendly rather than pedestrian-friendly.

The second controversy concerned plans by the developer of the Community of Bishops Bay, Terrence Wall to install a natural cemetery on a twenty-acre lot on Oncken Road.

The parcel is unsuitable for housing, and its previous designation as a possible site for a school fell through after the Waunakee School District showed no interest for a school at that location.

A natural burial ground, which is a low-intensity and environmentally-friendly use of land that also allows for passive recreation, would be consistent with the city's comprehensive plan, according to city staff.

The project, however, not only provoked surprisingly vehement opposition from a handful

of Bishops Bay residents who for the most part don't live near there and can't even see the site, but they were supported in their protests by the plan commission's newest member, Gretchen Erdmann-Hermans, who has only been on the commission since August. In her aggressiveness, she not only managed to confound city staff and render the other plan commission members catatonic, but also to land herself with an ethics complaint by Terrence Wall.

The plan commission was so overwhelmed by the controversy that it tried to punt by sending the issue to the city council without a recommendation for or against. The council, however, would have none of it, and returned it to the plan commission.

The natural cemetery requires rezoning and amending the Bishops Bay GIP.

A month or so after its panic attack, the plan commission regained its mental balance and approved the rezoning and GIP unanimously, including Gretchen Erdmann-Hermans, who may

have realized that she has crossed a line or two, albeit with an exceptionally long list of conditions attached, including the requirement for a 'phase one environmental assessment', and a ground water report.

On November 2 the common council followed suit and also approved the rezoning ordinance in the first reading, with Mark Sullivan again casting the lone no-vote. The Community of Bishops Bay is part of his district, and while it is understandable that he listens to his constituents and represents them as best he can, he needs to represent all of them, and not just the loudest minority. It is also a bit disconcerting that he seems to more and more represent the NIMBY vote in the city, no matter what the district or the project.

Or, maybe, he is considering a run for mayor in 2023, and, taking a page out of the current mayor's playbook, is cultivating the populist ground.

Ward Plan As Adopted by Common Council on 11/02/21

Alder District	Existing		Percentage of ideal ward size	Proposed New Ward Plan		Percentage of ideal ward size	Amount of growth within next decade	Notes
	Ward Plan	Population		Population	Population			
1	1, 2, 9	3,187	116.8%	1, 2	2,713	99.5%	Moderate	Wards 2 and 9 consolidated because Ward 2 shrunk in area; triangular block west of Park St. added
2	3, 4	2,293	84.1%	3, 4	2,811	103.0%	Low	Extended west into Greenway Center per Council direction; Portion of Foxridge remains in District 1
3	5, 8	2,391	87.6%	5, 8	2,691	98.6%	Moderate	Expanded west of Parmenter to reduce District 5 population.
4	6, 7	2,466	90.4%	6, 7	2,744	100.6%	Medium	Few good options to increase ward boundaries in logical manner due to shape of key adjoining census tracts.
5	10, 11	3,815	139.8%	9, 10, 11	2,690	98.6%	Very high	Ward 10 split due to existing population size and future growth
6	12, 13	2,716	99.6%	12, 13, 19	2,627	96.3%	High	Shifted north/northwest so as to reduce population size of District 5 and accommodate District 7 shift.
7	14, 15	2,224	81.5%	14, 15	2,735	100.3%	Low	Shifted westward to increase population. Residents between Century Ave. bridges must be in Dist. 4
8	16, 17, 18	2,735	100.3%	16, 17, 18	2,816	103.2%	Medium	Added Anna and Connie Lanes for contiguity; 2011 ward plan envisioned the growth that occurred.
Ideal size		2,728	100.0%		2,728	100.0%		

Please see article on pages 14 and 15 for details about the new voting districts in Middleton.



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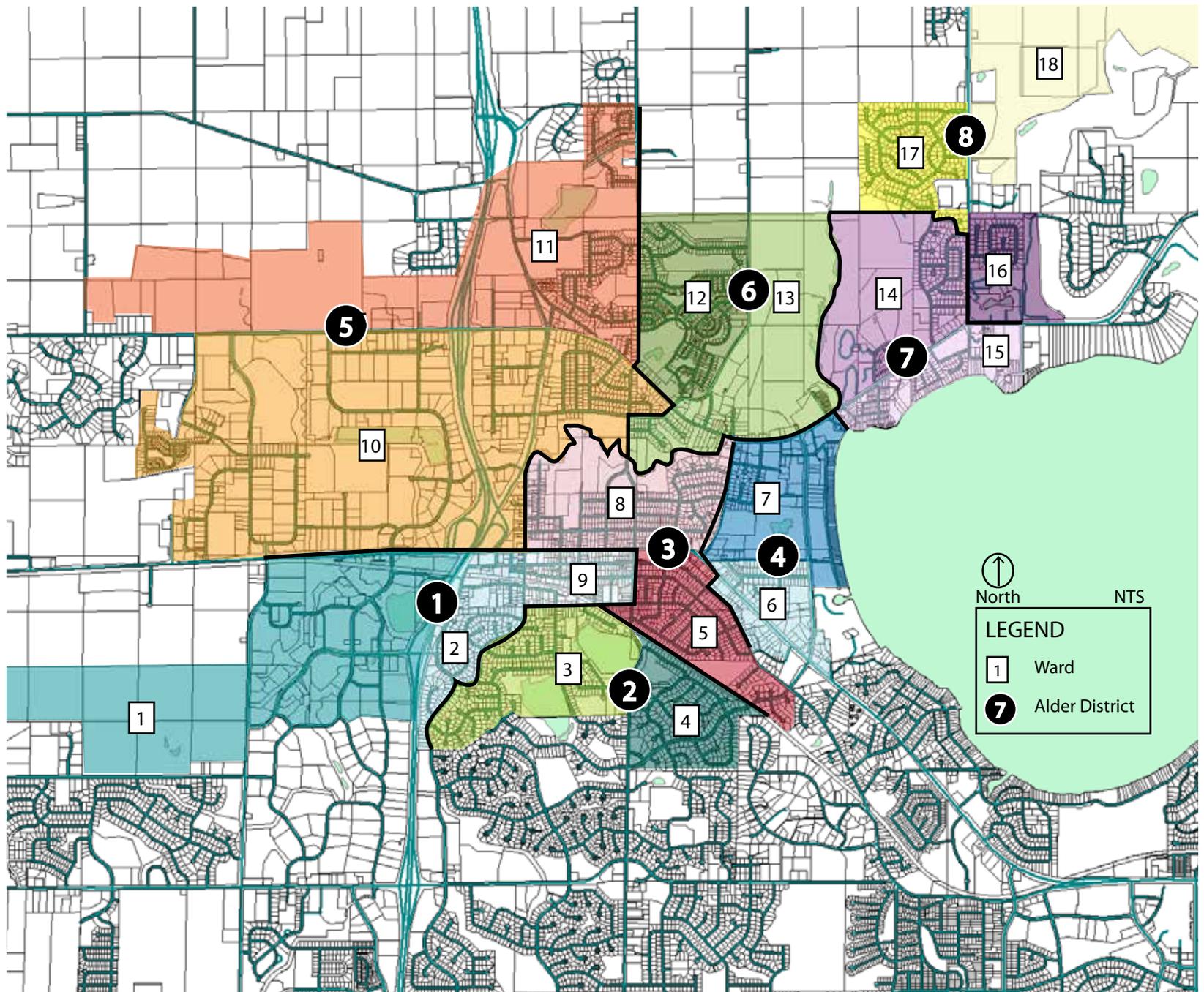
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AFTER THE 2020 CENSUS

New and old aldermanic maps

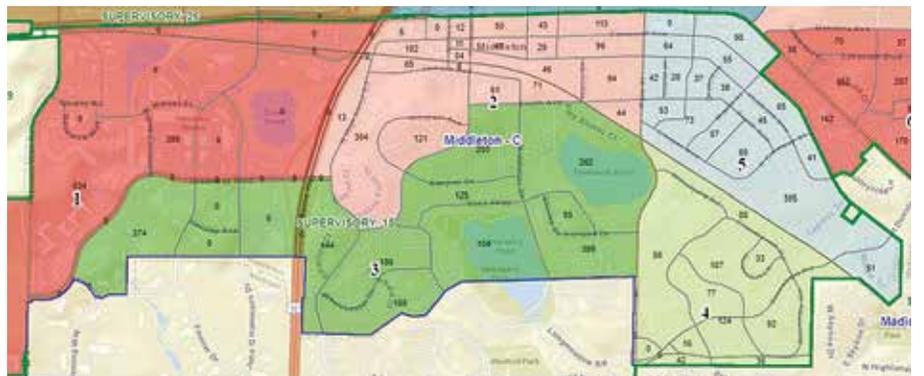
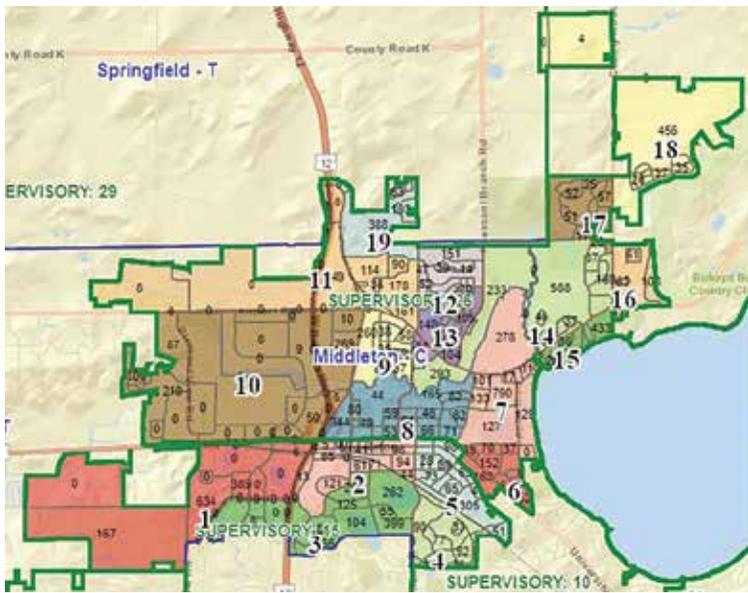
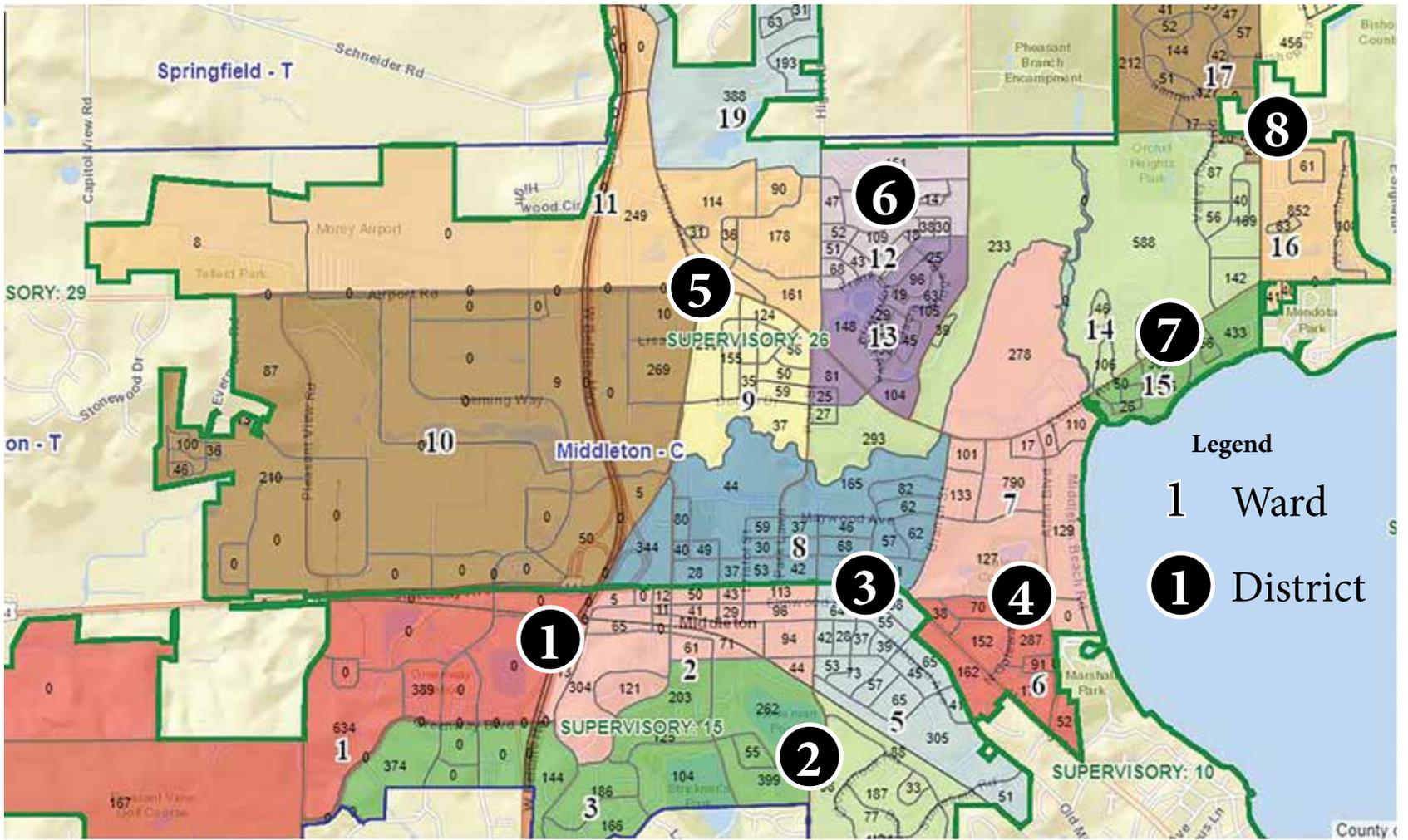


On Tuesday, November 2, the Middleton common council unanimously approved a revised revised aldermanic district map that will have its first practical effects at next year's spring election. The original revision needed to be revised because district 1 alderwoman Kathy Olson was not happy with her new boundaries.

Voting district and ward limits are adjusted every ten years after the new census figures have been published. Contrary to what one might think in view of the gerrymandering that is going on on the state level, certain rules do exist about how boundaries are redrawn. One of these rules is that districts (and wards) have to be contiguous. Another one is that populations can only be moved around in whole census blocks as established by the federal government (the number of residents within each census block is indicated on the maps). Wards, by the way, are the fundamental building blocks for voting, as they are also used for county, state and

federal elections. In Middleton, each aldermanic district is made up of two or more wards. Polling places are assigned by ward, so theoretically residents from the same district but different wards could be voting in different locations. That is rare, however, and the city tries to avoid splitting districts like that as much as possible.

According to the 2020 census, Middleton has an improbably precise 21,827 residents. Parenthesis open: This form of disestimation, where a precise number is derived from imprecise data, is commonly used by government agencies, and although Middleton's (like all other cities') disestimated official population total is almost certainly wrong, that number will be used as the basis for all official government transactions from now until the next census, when another disestimation exercise will produce a new wrong number. In the meantime, the Wisconsin department of administration will provide population updates that will be equally erroneous.



The old wards and districts map is on the facing page. The new maps are on this page. The map on top gives a close-up view of the map on the left. The map above shows the detail shifts between districts 1 and 2. A comparison of the populations and growth potential for the different districts is on the chart on page 11.

Parenthesis closed.

Besides contiguity and census blocks, another redistricting challenge is that all districts should have about the same number of residents (2,728 currently, to be precise), and that in redrawing boundaries, future growth should also be taken into account. Over the past ten years, Middleton has mostly grown to the west and north (district 5), northeast (district 8), and southwest and downtown (district 1).

Like a puzzle with many moving parts, every change in one ward or district leads to changes in other wards and districts. Among the major realignments are district 4 (wards 6 and 7) crossing Century Avenue to the north, district 7 (wards 14 and 15)

moving west and southwest, district 6 (wards 12, 13 and 19) moving northwest and gaining ward 19, district 5 (wards 9, 10 and 11) losing ward 19, and district 1 (wards 1 and 2) losing the area south of Greenway Boulevard, which is added to district 2 (wards 2 and 3). This latter adjustment happened at the insistence of Kathy Olson. Originally, her district was to keep the Greenway Boulevard area, and lose the part of the Foxridge neighborhood between Terrace Avenue, North High Point and Parmenter Street that was not already in district 2 (and which used to be) to district 2 (see detail map right above). District 2 alderman Robert Burck was not at the meeting to have his say.

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Community CoWorks is in new location



Community CoWorks has relocated to the Harbor Wellness Center at 2711 Allen Boulevard (Suite 300). The co-working and office-share business owned and operated by Kristi Warriner (pictured) offers private offices, dedicated desks and drop-in work spaces by the day, month or year at very competitive rates and conditions.

Photo by GEORGE ZENS

Sunny side up at Middleton Center



In partnership with Signature Solar, a T. Wall green company, Middleton Center installed three large solar arrays on the roofs of the three buildings. The electricity thus generated will power the common areas of the buildings, and reduce dependency on power from the local utility company. In partnership with MGE, Middleton Center also installed two electric vehicle charging stations for its residents to use.

Photo submitted by MIDDLETON CENTER



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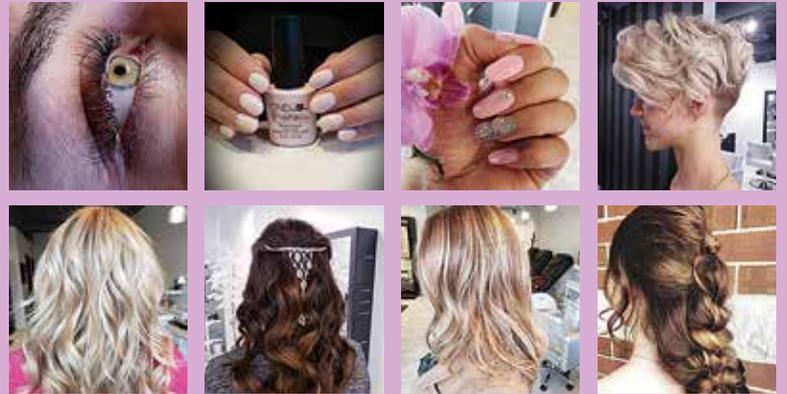
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PHOTO SCENES

Middleton Freemasons 150th anniversary



On Saturday, October 16, the Middleton Freemasons Ionic Lodge 180 held an open house to celebrate their 150th anniversary at the Middleton Masonic Center on Franklin Avenue. Wisconsin grand master Gary Stang and Grand Lodge officers rededicated the lodge and reinstalled its officers during a special ceremony.



Photos by GEORGE ZENS

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5497 Shale Rd - \$424,900. Fitchburg. Stunning transitional 2-story--traditional on the outside--anything but on the inside. Large front porch invites conversation & opens to warm, sunlit interior. Lovingly cared-for, 2-owner home reads much larger due to high ceilings, abundance windows & soft-rounded corners. Open floor plan features 3 BRs, 2.5 BAs. Main level hardwood floors throughout, large, eat-in kitchen w/ SS appliances, solid surf countertops, beautiful maple cabinets; master bedroom suite, laundry, great room w/ vaulted ceilings & gas FP. Dramatic open staircase, overlooks main level, leads to upper 2 BRs, full bath & large bonus rm/optional 4th BR. Exposed lower level, stubbed, ready to finish. Relax on the deck & enjoy the beautifully landscaped, private yard w/ adorable garden shed/playhouse. **Call Gladys Simon, 608-770-1514.**

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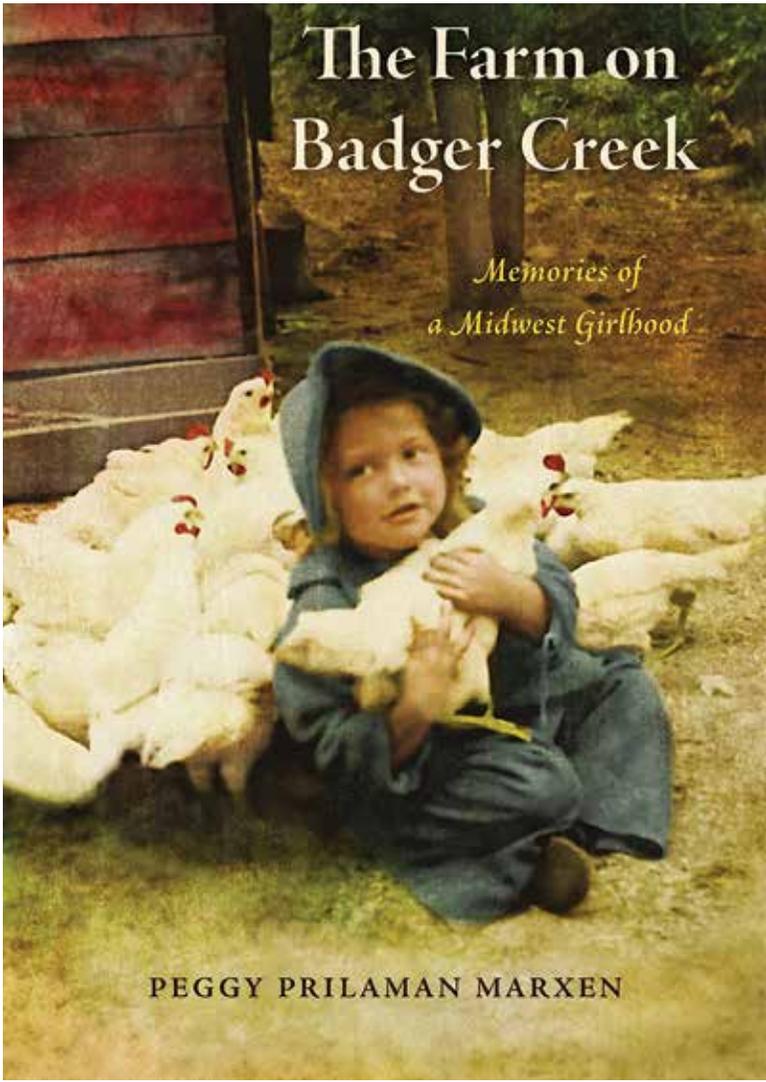


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Local author publishes childhood memoirs

In her new Wisconsin Historical Society Press memoir, *The Farm on Badger Creek: Memories of a Midwest Girlhood*, Middleton resident Peggy Prilaman Marxen tells her stories of a close-knit extended family that sustained a farm through hard weather and even harder times, and sustained itself through revolutions in agricultural technology and transportation. She tells stories of her family’s subsistence herd of dairy cows, and the inevitable sidelines of hunting, fishing, and selling timber and maple syrup to make ends meet.

that altered the fabric of her farm and community. After leaving the farm, Peggy Prilaman Marxen taught fourth grade for thirty-three years before retiring from Northside Elementary School inb Middleton.

She recounts the three-mile trek - or sled - to her one-room school, and recalls a childhood that, while lacking indoor plumbing, electricity, and a telephone, overflowed with activity, family, and humor. With a lyrical style that mixes nostalgia with humorous anecdotes, she traces her family’s story through the best and worst of times, and in so doing celebrates the hardy people who carve out a life in our nation’s rural communities.

From a hayloft in the little town of Meteor in northwestern Wisconsin’s Sawyer county, she witnessed the vanishing of a family dairy farm way of life, and the changes to rural Wisconsin

MOM Annual Art Fair

People can complete their holiday shopping or choose some favorite artwork, all while supporting local artists and helping to end hunger and prevent homelessness at MOM’s 8th annual Holiday Art Fair.

The Holiday Art Fair, which is free and open to the public, features approximately sixty local artists, all donating 20% or more of their proceeds to MOM.

Pottery, many styles of jewelry, fused and blown glass, fiber arts including purses, scarves and aprons, wood, paintings, and prints will be available for purchase.

The event will take place on Saturday, December 4th from 10:00 AM to 5:00 PM, and Sunday, December 5th from 11:00 AM to 4:00 PM at a new location - Food Concepts, Inc., at 2551 Parmenter Street in Middleton.

Shoppers will find many of their favorite artists from previous years as

well as some fun new options. MOM will again be offering ReMitts, beautiful handmade mittens made by volunteers from used wool sweaters. One hundred percent of the profits from ReMitts are donated to agencies working to end hunger, including MOM.

Shopping for someone who ‘has it all’, MOM will have Gifts of Hope available. Purchasers will receive a card to give to their gift recipient explaining that a donation was made in their honor. Thanks to a generous donor, every gift purchased through this program will be matched (up to a total of \$5,000), doubling the impact of each gift. Gifts of Hope can also be purchased online, and these gifts will also be matched.

For more information visit: www.artfair.momhelps.org



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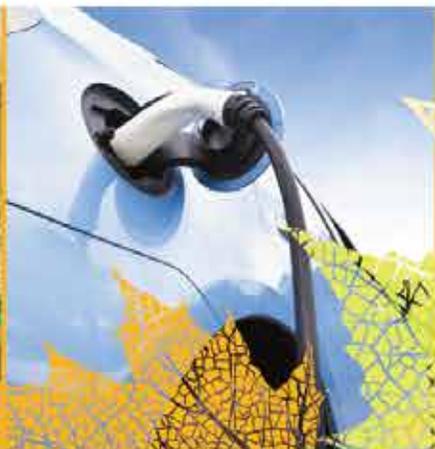
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DATA AND STATISTICS

2022 City budget

The graphs and charts on this and the following pages (27 to 33), provide a brief overview of two aspects of the recommended 2022 city of Middleton budget: The summary of general fund revenues (including the property tax levy), and capital expenses, including ARPA funding. A public hearing took place during a special common council meeting on Wednesday, November 3, after the deadline for this issue of the Middleton Review. Barring unforeseen complications, the council will formally adopt the budget and the tax levy at its regular meeting on Tuesday, November 16. The complete budget book is available on the city of Middleton website.



2022 City of Middleton Budget

General Fund Revenue Summary

	2021		2022				
	BUDGET	PROJECTED	BASE AMOUNT	DECISION ITEMS	REQUESTED BUDGET	BUDGET ADJUSTMENTS	RECOMMENDED BUDGET
TAXES							
GENERAL PROPERTY TAX	\$ 13,365,786	\$ 13,365,786	\$ 13,365,786	\$ 554,559	\$ 13,920,345	\$ 120,700	\$ 14,041,045
OMITTED PROPERTY	-	-	-	8,237	8,237	-	8,237
FEES IN LIEU OF TAXES	44,100	44,100	44,100	-	44,100	-	44,100
AG CONVERSION CHARGES	-	-	-	-	-	-	-
ROOM TAX	400,000	335,139	400,000	75,000	475,000	-	475,000
MUNICIPALLY OWNED UTILITY	475,000	495,000	475,000	40,000	515,000	-	515,000
INTEREST ON DELINQUENT TAXES	2,000	2,000	2,000	-	2,000	-	2,000
TOTAL TAXES	\$ 14,286,886	\$ 14,242,025	\$ 14,286,886	\$ 677,796	\$ 14,964,682	\$ 120,700	\$ 15,085,382
SPECIAL ASSESSMENTS							
SA - STREET IMPROVEMENTS	7,000	47,000	7,000	43,000	50,000	-	50,000
SA - SIDEWALK & CURB	50,000	100,000	50,000	20,000	70,000	-	70,000
SA - INTEREST	-	615	-	-	-	-	-
TOTAL SPECIAL ASSESSMENT	\$ 57,000	\$ 147,615	\$ 57,000	\$ 63,000	\$ 120,000	\$ -	\$ 120,000
INTERGOVERNMENTAL REVENUE							
STATE AIDS-SHARED TAXES	282,554	287,126	282,554	-	282,554	2,254	284,808
EXPENDITURE RESTRAINT PROGRAM	160,448	160,448	160,448	-	160,448	(35,034)	125,414
STATE & FEDERAL AID - FIRE	136,829	136,829	136,829	15,446	152,275	6,766	159,041
MCP SCHOOL DISTRICT - POLICE	65,307	-	65,307	-	65,307	-	65,307
STATE AID - COMPUTER PMT	261,905	261,905	261,905	-	261,905	-	261,905
STATE AID - PERSONAL PROPERTY	137,272	137,272	137,272	-	137,272	(17,583)	119,689
STATE AID - LAW ENFORCEMENT	-	8,070	-	-	-	-	-
STATE AIDS-ROADS	1,284,272	1,284,272	1,284,272	25,685	1,309,957	(134,114)	1,175,843
STATE & FEDERAL AID - RECYCLIN	55,138	55,453	55,138	-	55,138	-	55,138
PAYMENT MUNICIPAL SERVICES	7,899	7,900	7,899	-	7,899	-	7,899
STATE AIDS - FRANCHISE FEES	52,821	52,821	52,821	-	52,821	-	52,821
CARES/ROUTE TO RECOVERY	-	-	-	-	-	-	-
COUNTY AID - SIGNALS	5,000	6,076	5,000	1,000	6,000	-	6,000
COUNTY AID - SENIOR CITIZENS	67,973	76,497	67,973	5,983	73,956	-	73,956
FEMA PUBLIC ASSISTANCE	-	-	-	-	-	-	-
TOTAL INTERGOVERNMENTAL	\$ 2,517,418	\$ 2,474,669	\$ 2,517,418	\$ 48,114	\$ 2,565,532	\$ (177,711)	\$ 2,387,821
LICENSES AND PERMITS							
LICENSES - LIQUOR	45,000	50,000	45,000	-	45,000	-	45,000
LICENSES - OPERATOR	20,000	15,000	20,000	-	20,000	-	20,000
LICENSES - CIGARETTES	2,100	2,100	2,100	-	2,100	-	2,100
LICENSES - ALARMS	13,000	13,000	13,000	-	13,000	-	13,000
LICENSES - DOGS	5,000	5,000	5,000	-	5,000	-	5,000
PERMITS - SPECIAL EVENTS	2,000	500	2,000	-	2,000	-	2,000
PERMIT - SIDEWALK & SOLICITORS	5,000	2,500	5,000	-	5,000	-	5,000
AMPLIFIED SOUND PERMITS	2,000	1,500	2,000	-	2,000	-	2,000
PERMITS - BUILDING AND HVAC	300,000	260,000	300,000	-	300,000	-	300,000
PERMITS - ELECTRICAL	70,000	80,000	70,000	-	70,000	-	70,000
PERMITS - PLUMBING	70,000	90,000	70,000	-	70,000	-	70,000
EROSION CONTROL PERMIT	10,000	15,000	10,000	-	10,000	-	10,000
LICENSE - SECOND HAND DEALER	350	250	350	-	350	-	350
ZONING BOARD OF APPEALS	2,000	2,000	2,000	-	2,000	-	2,000
PLAN REVIEW - BUILDING	60,000	42,000	60,000	-	60,000	-	60,000
PLAN REVIEW - HVAC	20,000	18,000	20,000	-	20,000	-	20,000
PLAN REVIEW - PLUMBING	20,000	15,000	20,000	-	20,000	-	20,000
PLAN REVIEW - FIRE SUPPRESSION	30,000	8,000	30,000	-	30,000	-	30,000
COURT AND FIELD RESERVATIONS	5,000	15,000	5,000	5,000	10,000	-	10,000
PARK SHELTER RESERVATIONS	23,000	28,000	23,000	-	23,000	-	23,000
CABLE TV/FRANCHISE PHONE REV	215,701	215,701	215,701	-	215,701	-	215,701
TOTAL LICENSES & PERMITS	\$ 920,151	\$ 878,551	\$ 920,151	\$ 5,000	\$ 925,151	\$ -	\$ 925,151
FINES & FOREFEITURES							
FINES & FOREFEITURES	150,000	150,000	150,000	-	150,000	-	150,000
COURT COSTS	70,000	70,000	70,000	-	70,000	-	70,000
PARKING FINES	35,000	30,000	35,000	-	35,000	-	35,000
TOTAL FINES & FOREFEITURES	\$ 255,000	\$ 250,000	\$ 255,000	\$ -	\$ 255,000	\$ -	\$ 255,000

For timely updates on the budget and other city news, subscribe to Middleton e-View, the Middleton Review's twice-a-week digital newsletter by visiting middletonreview.substack.com



2022 City of Middleton Budget

General Fund Revenue Summary

	2021		2022				
	BUDGET	PROJECTED	BASE AMOUNT	DECISION ITEMS	REQUESTED BUDGET	BUDGET ADJUSTMENTS	RECOMMENDED BUDGET
PUBLIC CHARGES FOR SERVICES							
CLERK-TREASURER FEE	17,000	17,000	17,000	-	17,000	-	17,000
VEHICLE REGISTRATION FEES	500	4,000	500	-	500	-	500
POLICE SPECIAL SERVICES	-	-	-	-	-	-	-
POLICE DEPARTMENT FEES	9,000	9,000	9,000	-	9,000	-	9,000
EMS BAD DEBT EXPENSE	-	-	-	-	-	-	-
AMBULANCE BILLING REVENUE	1,138,359	1,136,598	1,138,359	(10,174)	1,128,185	31,796	1,159,981
SENIOR CITIZEN PROGRAM REVENUE	4,000	1,000	4,000	-	4,000	-	4,000
SR CENTER TRIP REVENUE	7,000	-	7,000	-	7,000	-	7,000
SR. CENTER CLASSES REVENUE	10,700	9,000	10,700	-	10,700	-	10,700
SENIOR CENTER MISC REVENUE	4,000	1,000	4,000	-	4,000	-	4,000
PUBLIC LAND CHARGES	-	-	-	-	-	-	-
AQUATIC PROGRAM REVENUE	82,000	71,000	82,000	-	82,000	-	82,000
DAILY AQUATIC ADMISSIONS	90,000	60,000	90,000	-	90,000	-	90,000
AQUATIC CONCESSION REVENUE	30,000	14,000	30,000	-	30,000	-	30,000
AQUATIC MEMBERSHIPS	35,000	-	35,000	-	35,000	-	35,000
SUMMER RECREATION	117,015	117,000	117,015	-	117,015	-	117,015
FALL-WINTER-SPRING RECREATION	-	-	-	-	-	-	-
SPONSORSHIP & FUNDRAISERS	1,200	-	1,200	-	1,200	-	1,200
HUBBARD ART CENTER PROGRAM REV	60,000	45,000	60,000	-	60,000	-	60,000
ADMINISTRATIVE REVIEW FEE	-	1,750	-	-	-	-	-
ENGINEERING REVIEW FEE	-	9,000	-	-	-	-	-
PLAN COMMISSION CHARGES	12,000	12,000	12,000	-	12,000	-	12,000
PUBLIC WORKS CHARGES	-	3,586	-	3,000	3,000	-	3,000
INTERLOCKING IGNITION DEVICE	-	1,000	-	-	-	-	-
RECYCLING CENTER REVENUE	14,000	12,000	14,000	-	14,000	-	14,000
TOTAL PUBLIC CHARGES	\$ 1,631,774	\$ 1,523,494	\$ 1,631,774	\$ (7,174)	\$ 1,624,600	\$ 31,796	\$ 1,656,396
SPECIAL FUND ACTIVITY							
ADMINISTRATION-LANDFILL	5,000	5,000	5,000	-	5,000	-	5,000
SERVICE CONTRACT COST SHARING	227,616	227,616	227,616	12,030	239,646	(7,262)	232,384
ADMINISTRATION-UTILITIES	183,000	183,000	183,000	-	183,000	3,000	186,000
ADMINISTRATION-TIF 3 DISTRICT	1,026,530	1,026,530	1,026,530	(426,530)	600,000	125,000	725,000
ADMINISTRATON-FIRE DISTRICT	2,600	2,600	2,600	-	2,600	-	2,600
TOTAL SPECIAL ACTIVITY	\$ 1,444,746	\$ 1,444,746	\$ 1,444,746	\$ (414,500)	\$ 1,030,246	\$ 120,738	\$ 1,150,984
MISCELLANEOUS REVENUES							
INTEREST ON INVESTMENTS	250,000	250,000	250,000	(50,000)	200,000	-	200,000
INTEREST DELIQUENT SPEC ASSMTS	500	500	500	-	500	-	500
INTEREST ON COURT COLLECTIONS	300	500	300	-	300	-	300
CREDIT CARD REBATE PROGRAM	50,000	50,000	50,000	-	50,000	-	50,000
METRO CONTRIB. REIMBURSEMENT	-	-	-	-	-	-	-
EROSION CONTR. & SW REIMBURS	10,000	16,000	10,000	-	10,000	-	10,000
SALE OF CITY PROPERTY	-	-	-	-	-	-	-
PW MATERIAL SALES	100	-	100	-	100	-	100
MISC REVENUE	1,000	28,303	1,000	-	1,000	7,000	8,000
MADC PAYMENT	15,000	15,000	15,000	(15,000)	-	-	-
ANNUAL ENVIRONMENTL IMPACT FEE	23,661	23,661	23,661	-	23,661	-	23,661
ZONING PERMIT FEES	18,000	18,000	18,000	-	18,000	-	18,000
ZONING LETTER	600	600	600	-	600	-	600
SALES TAX REMIT DISCOUNT	-	50	-	-	-	-	-
OTHER MISC REVENUE	-	-	-	-	-	-	-
TOTAL MISCELLANEOUS	\$ 369,161	\$ 402,614	\$ 369,161	\$ (65,000)	\$ 304,161	\$ 7,000	\$ 311,161
OTHER FINANCING SOURCES							
PRIOR YEARS SURPLUS APPLIED	-	-	-	-	-	-	-
FUND BALANCE APPLIED	710,000	210,000	710,000	115,000	825,000	-	825,000
TOTAL OTHER SOURCES	\$ 710,000	\$ 210,000	\$ 710,000	\$ 115,000	\$ 825,000	\$ -	\$ 825,000
GENERAL FUND REVENUE TOTAL	\$ 22,192,136	\$ 21,573,714	\$ 22,192,136	\$ 422,236	\$ 22,614,372	\$ 102,523	\$ 22,716,895



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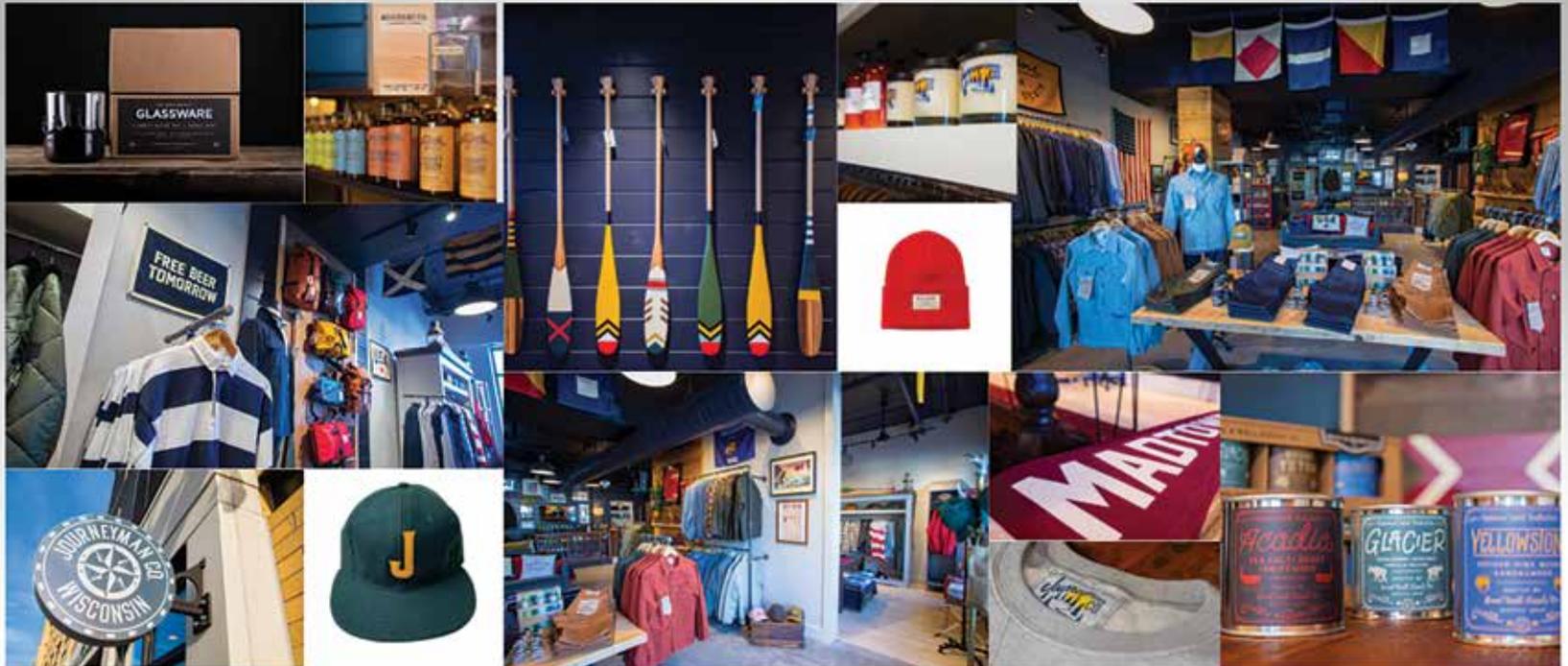
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2022 City of Middleton Budget

2022 Capital Budget Decision Matrix - Finance Committee Recommendation

Type of Project	2022 Proposed	Capital Budget	Tax Increment Financing	User Fees & Dept. Revenues	Fund Balance & Repl. Fund	Grants, Donations, & Other
Capital Projects Funds & TIF	10,508,629	4,000,246	5,298,383	65,000	260,000	885,000
Airport (Non-TIF)	70,000	-	-	70,000	-	-
Golf Course	360,000	-	-	300,000	50,000	10,000
Sewer Utility	1,020,000	-	-	1,020,000	-	-
Storm Water Utility	1,395,500	-	-	830,224	-	565,276
Water Utility	1,434,550	-	-	1,194,550	-	240,000
Fire District	195,630	-	-	-	195,630	-
Total	14,984,309	4,000,246	5,298,383	3,479,774	505,630	1,700,276

Department and Project	Project #	Y / N	2022 Request	Capital Budget	Tax Increment Financing	User Fees & Dept. Revenues	Fund Balance & Repl. Fund	Grants, Donations, & Other
ADMINISTRATION								
1 Strategic Planning	AD-22-04	Y	60,000	30,000	30,000	-	-	-
2 Re-paint City Entryway Signs	AD-22-01	Y	10,000	10,000	-	-	-	-
3 Purchase of Trail Easement	AD-22-02	Y	4,000	4,000	-	-	-	-
4 Council Chambers Hybrid Technology (ARPA)	AD-22-03	Y	25,000	-	-	-	-	25,000
TOTAL			99,000	44,000	30,000	-	-	25,000
AIRPORT								
1 Replacement of Lighting System for Runway & Taxiway	AI-22-01	Y	70,000	-	-	70,000	-	-
TOTAL			70,000	-	-	70,000	-	-
BUILDING INSPECTION								
1 Senior Center Furnance Replacements	BI-22-01	Y	15,000	15,000	-	-	-	-
TOTAL			15,000	15,000	-	-	-	-
CONSERVANCY LANDS								
1 Master Planning	CL-22-01	Y	18,000	18,000	-	-	-	-
1B Property Acquisition/planning	CL-22-01B	Y	15,000	15,000	-	-	-	-
2 Post Flood Pond Revegitation	CL-22-02	Y	10,000	10,000	-	-	-	-
3 Bock Community Forest	CL-22-03	Y	30,000	15,000	-	-	-	15,000
4 Middleton Hills Restoration	CL-22-04	Y	30,000	30,000	-	-	-	-
5 Graber Pond Boardwalk Decking	CL-22-05	N	50,000	-	-	-	-	-
TOTAL			153,000	88,000	-	-	-	15,000
EMS								
1 Cardiac Monitor/Defibrillator/Pacemakers	EM-22-01	Y	148,000	148,000	-	-	-	-
TOTAL			148,000	148,000	-	-	-	-
FIRE DISTRICT								
1 Public Safety (Fire) Capital Reserve	FI-22-01	Y	195,630	-	-	-	195,630	-
TOTAL			195,630	-	-	-	195,630	-
GOLF COURSE								
1 9 Woods green design and construction	GC-22-01	Y	15,000	-	-	15,000	-	-
2 Course improvement project and construction	GC-22-02	Y	15,000	-	-	15,000	-	-
3 Storage shed	GC-22-03	Y	50,000	-	-	50,000	-	-
4 Greens mower replacement	GC-22-04	Y	50,000	-	-	50,000	-	-
5 PermaEdge & Porous Pave bunker renovation	GC-22-05	Y	20,000	-	-	20,000	-	-
6 Rough mower replacement	GC-22-06	Y	50,000	-	-	50,000	-	-
7 Utility cart replacement	GC-22-07	Y	15,000	-	-	15,000	-	-
8 PondHawk (aeration) for two large ponds	GC-22-08	Y	30,000	-	-	30,000	-	-
9 Cartpath improvements	GC-22-09	Y	25,000	-	-	25,000	-	-
10 Kitchen equipment replacement	GC-22-10	Y	20,000	-	-	20,000	-	-
11 LED light exchange at clubhouse	GC-22-11	Y	15,000	-	-	10,000	5,000	-
12 Solar panels - clubhouse	GC-22-12	Y	55,000	-	-	-	45,000	10,000
TOTAL			360,000	-	-	300,000	50,000	10,000

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2022 City of Middleton Budget

Department and Project	Project #	Y / N	2022 Request	Capital Budget	Tax Increment Financing	User Fees & Dept. Revenues	Fund Balance & Repl. Fund	Grants, Donations, & Other
INFORMATION TECHNOLOGY								
1 Computer Replacement Plan	IT-22-01	Y	40,000	40,000	-	-	-	-
2 Firewall Appliance Replacement	IT-22-02	Y	20,000	20,000	-	-	-	-
3 Financial System Upgrade/Replacement	IT-22-03	Y	30,000	25,000	-	5,000	-	-
4 Fleet Upgrade of Data Modems	IT-22-04	Y	25,000	25,000	-	-	-	-
5 VPN Multit-Factor ID & Laptops for Remote Work	IT-22**	Y	25,000	25,000	-	-	-	-
TOTAL			140,000	135,000	-	5,000	-	-
LIBRARY								
1 Vehicle (ARPA) DEFERRED	LB-22-02	N	65,000	-	-	-	-	-
TOTAL			65,000	-	-	-	-	-
PEDESTRIAN AND BICYCLE PROJECTS								
1 North Fork: Standard Imaging to Hitters	PB-22-01	N	207,810	-	-	-	-	-
2 South Fork: Deming Way to UW Health Ct.	PB-22-02	N	189,180	-	-	-	-	-
TOTAL			396,990	-	-	-	-	-
PARKS, RECREATION, & FORESTRY								
1 Walter Bauman Aquatic Center (ARPA)	PR-22-01	Y	150,000	-	-	-	-	150,000
2 ADA Transition Plan Implementation	PR-22-02	Y	35,000	35,000	-	-	-	-
3 Playground Replacement Plan	PR-22-03	Y	40,000	40,000	-	-	-	-
4 Parisi Park Shelter	PR-22-04	Y	50,000	-	-	-	50,000	-
5 Tennis Courts	PR-22-05	Y	300,000	150,000	-	-	150,000	-
6 Basketball Court Upgrades	PR-22-06	Y	20,000	20,000	-	-	-	-
7 Master Plans (Lakeview East, Boat Launch, Bishops)	PR-22-07	Y	35,000	-	-	-	30,000	5,000
8 HWY Q Dog Park Lights	PR-22-08	Y	60,000	-	-	60,000	-	-
9 Community Center Feasibility Study	PR-22-10	Y	30,000	-	-	-	30,000	-
TOTAL			720,000	245,000	-	60,000	260,000	155,000
PLANNING								
1 Stone Horse Green Development (TIF 3/Donations)	PL-22-01	Y	1,600,000	-	1,000,000	-	-	600,000
2 North Mendota Trail Connector (Capital)	PL-22-02	N	1,600,000	-	-	-	-	-
3 BCycle E-Bike Share System (TIF 3/Tourism)	PL-22-03	N	160,000	-	-	-	-	-
4 Pheasant Branch Conservancy Trailhead (TIF 5/Grant)	PL-22-04	Y	58,383	-	58,383	-	-	-
5 Community Art Utility Box Project (Capital)	PL-22-05	Y	20,000	10,000	10,000	-	-	-
TOTAL			3,438,383	10,000	1,068,383	-	-	600,000
POLICE DEPARTMENT								
1 Portable Radio Replacement	PD-22-01	Y	110,000	110,000	-	-	-	-
2 Library Car to Car Receiver Replacement	PD-22-02	Y	12,000	12,000	-	-	-	-
3 Replace PD Auxiliary Base Station	PD-22-03	Y	13,000	13,000	-	-	-	-
4 Remote Site Environmental Monitoring	PD-22-04	Y	10,000	10,000	-	-	-	-
TOTAL			145,000	145,000	-	-	-	-
PUBLIC WORKS (STREETS)								
1 Middleton Beach, Mendota Reconstruction	PW-22-01	Y	1,100,000	1,100,000	-	-	-	-
2 Shorecrest Resurfacing	PW-22-02	Y	695,000	695,000	-	-	-	-
3 Pleasant View Reconstruction (TIF)	PW-22-03	Y	4,000,000	-	4,000,000	-	-	-
4 Century Ave. Bridge Replacement (TIF)	PW-22-04	Y	200,000	-	200,000	-	-	-
5 Lake, Dewey Reconstruction	PW-22-05	Y	45,000	45,000	-	-	-	-
6 Street Surface Treatments (incl. crack filling)	PW-22-06	Y	250,000	250,000	-	-	-	-
7 Clark, Lee Reconstruction	PW-22-07	N	395,000	-	-	-	-	-
8 Middleton Springs Resurfacing	PW-22-08	Y	180,000	180,000	-	-	-	-
9 Franklin Reconstruction	PW-22-12	N	60,000	-	-	-	-	-
10 Elm Reconstruction	PW-22-13	N	40,000	-	-	-	-	-
TOTAL			6,965,000	2,270,000	4,200,000	-	-	-
PUBLIC WORKS (OTHER)								
1 Salt Shed Roof Replacement	PO-22-01	Y	30,000	30,000	-	-	-	-
2 Replace Traffic Signal Controller	PO-22-02	Y	50,000	50,000	-	-	-	-
3 Rail Spur Repairs, Industrial Park	PO-22-03	Y	164,000	164,000	-	-	-	-
4 Rail Crossing Repairs	PO-22-04	Y	30,000	30,000	-	-	-	-
5 Replacement of mobile radios and repeater	PO-22-05	Y	18,000	18,000	-	-	-	-
6 Retaining Wall Repair: Bike Path at Pleasant View Rd Und	PO-22-06	Y	20,000	20,000	-	-	-	-
7 Speed Display Sign: Maywood Ave hill	PO-22-07	Y	12,000	12,000	-	-	-	-
8 RRFB: Evergreen at White Coral	PO-22-08	Y	15,000	15,000	-	-	-	-
TOTAL			339,000	339,000	-	-	-	-

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2022 City of Middleton Budget

Department and Project	Project #	Y / N	2022 Request	Capital Budget	Tax Increment Financing	User Fees & Dept. Revenues	Fund Balance & Repl. Fund	Grants, Donations, & Other
PUBLIC WORKS (FLEET ADDITIONS)								
1 Ford F550 with dump box	PV-22-01	N	85,000	-	-	-	-	-
2 Ford F350 with utility box	PV-22-02	N	65,000	-	-	-	-	-
TOTAL			150,000	-	-	-	-	-
SEWER UTILITY								
1 Sewer Main Replacement	SU-22-01	Y	75,000	-	-	75,000	-	-
2 Sewer Force Main Replacement	SU-22-02	Y	250,000	-	-	250,000	-	-
3 Sewer Lift Station Rehab	SU-22-03	Y	200,000	-	-	200,000	-	-
4 Sewer Utility Vehicle Replacement	SU-22-04	Y	495,000	-	-	495,000	-	-
TOTAL			1,020,000	-	-	1,020,000	-	-
STORM WATER UTILITY								
1 Pheasant Branch: Confl Pond-Park (1): Repair	SW-22-01	Y	381,500	-	-	232,912	-	148,588
2 Pheasant Branch: Parmenter-Park (2): Repair	SW-22-02	Y	270,000	-	-	145,812	-	124,188
3 Pheasant Branch: Park-Century: Repair	SW-22-03	Y	319,000	-	-	171,975	-	147,025
4 Pheasant Branch: N. of Century: Repair	SW-22-04	Y	315,000	-	-	169,525	-	145,475
5 Clovernook/RR Ditch Drainageway: Repair	SW-22-05	Y	75,000	-	-	75,000	-	-
6 Spring Hill Pond: Sediment Removal	SW-22-06	Y	15,000	-	-	15,000	-	-
7 Middleton Hills SE Pond: Dredging	SW-22-07	Y	20,000	-	-	20,000	-	-
TOTAL			1,395,500	-	-	830,224	-	565,276
VEHICLE & EQUIPMENT REPLACEMENT PLAN								
1 Vehicle Replacement Plan Annual Funding	VE-22-01	Y	500,000	500,000	-	-	-	-
TOTAL			500,000	500,000	-	-	-	-
WATER RESOURCES COMMISSION								
1 Adaptive Management/TMDL Compliance	WR-22-01	Y	61,246	61,246	-	-	-	-
2 Misty Valley (ARPA)	WR-22-02	Y	45,000	-	-	-	-	45,000
3 Hidden Oaks (ARPA)	WR-22-03	Y	45,000	-	-	-	-	45,000
4 Esser Pond Dredge & Outfall Improv. (ARPA)	WR-22-04	N	50,000	-	-	-	-	-
5 Confluence Pond Weir Modification (ARPA)	WR-22-05	N	20,000	-	-	-	-	-
TOTAL			221,246	61,246	-	-	-	90,000
WATER UTILITY								
1 Water Meter Replacement	WU-22-01	Y	75,000	-	-	75,000	-	-
2 Water Main Replacement	WU-22-02	Y	1,110,000	-	-	1,110,000	-	-
3 Water Utility Equipment Replacement	WU-22-05	Y	9,550	-	-	9,550	-	-
4 Solar Array - Well #6 (ARPA)	WU-22-06	Y	60,000	-	-	-	-	60,000
5 Solar Array - Well #8 (ARPA)	WU-22-07	Y	180,000	-	-	-	-	180,000
TOTAL			1,434,550	-	-	1,194,550	-	240,000
TOTAL ALL DEPARTMENTS			17,971,299	4,000,246	5,298,383	3,479,774	505,630	1,700,276

City of Middleton
Proposed American Rescue Plan Act Projects
Finance Committee Recommendations 9/29/2021

Item #	Project	Risk Level	ARPA Category	2021	2022	2023	2024	TOTAL
1	Support MOM Housing Stability & Food Security Programs	Low Risk	2.1 / 2.2	-	20,000	20,000	20,000	60,000
2	Housing Assistance for Seniors (Moving Costs & Deposits)	Low Risk	2.2	-	10,000	10,000	10,000	30,000
3	Housing Assistance Grants for People of Color	Low Risk	2.3	-	15,000	15,000	15,000	45,000
4	Mental Health First Aid Training	Low Risk	1.1	-	12,000	-	-	12,000
5	Diversity, Equity & Inclusion Training	Medium Risk	3.4	-	-	-	-	-
6	Youth Summer Camp Program	Low Risk	3.6	3,500	5,000	5,000	5,000	18,500
7	Energy Efficiency/Solar in NOAH	Low Risk	2.3	-	150,000	150,000	150,000	450,000
8	Mobile Library to Expand Access	Medium Risk	3.1 / 3.3	-	-	-	-	-
9	Job Seeking Kiosks	Low Risk	2.7	-	-	-	-	-
10	Health Screening Kiosk	Low Risk	1.12	-	-	-	-	-
11	Misty Valley Stormwater Improvements	Low Risk	5.6	-	45,000	400,000	-	445,000
12	Hidden Oaks Stormwater Improvements	Low Risk	5.6	-	45,000	300,000	-	345,000
13	Esser Pond Dredging & Outfall Improvements	Low Risk	5.6	-	-	-	-	-
14	Confluence Pond Weir Modifications	Low Risk	5.6	-	-	-	-	-
15	Solar Array on Well #6	Low Risk	5.7	-	60,000	-	-	60,000
16	Solar Array on Well #8	Low Risk	5.7	-	180,000	-	-	180,000
17	Multi-Factor Authentication for (VPN)	Medium Risk	1.7	-	-	-	-	-
18	Laptops to Support Remote Work & Hybrid Meetings	Medium Risk	1.7	-	-	-	-	-
19	Council Chambers Meeting Room Technology	Low Risk	1.7	-	25,000	-	-	25,000
20	Pleasant View Golf Course LED Lighting & Solar	High Risk	Not Eligible	-	-	-	-	-
21	Middleton Spring Drive Resurfacing	High Risk	Not Eligible	-	-	-	-	-
22	Middleton Aquatic Center Improvements	Low Risk	3.9	-	300,000	-	-	300,000
TOTAL				3,500	867,000	900,000	200,000	1,970,500
							Availabel ARPA Funds	2,096,930
							Unallocated Amount	126,430



URBAN CHICKENS

Ordinance most fowl

The city of Middleton's license and ordinance committee wants to make life harder for urban chicken owners.

By GEORGE ZENS

An attempt by district 1 alderwoman and common council president Kathy Olson to strictly regulate chickens in Middleton is ruffling some feathers.

A first draft of an ordinance that would set stringent new rules and conditions, and impose hefty fines for anybody not complying, was discussed at

This article is an edited version of an article first published in Middleton e-View, the digital newsletter of the Middleton Review.

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a license and ordinance committee (L&O) meeting on Tuesday, October 12.

More than four pages long, it goes into some surprising details, hinting at an enthusiastic zeal for over-regulation.

Provisions like 'Chickens will have access to a source of fresh water at all times that will remain unfrozen during winter months' do not credit chicken owners with much common sense, and one wonders how the stipulation that 'Coops and runs shall be cleaned regularly - no less frequently than once per week' shall be enforced without the creation of a special chicken-poop police.

The city has gone overboard like this before, creating bad solutions to largely hypothetical prob-

lems while significantly restricting individual freedom in the process (the food-truck ordinance is a prime example).

When creating new regulations, the license and ordinance committee rarely consults outside experts to come up with a realistic ordinance, but rather cobbles together various aspects of similar ordinances from other municipalities, thus running the risk of copying rules that might have turned out to be ineffective or counter-productive.

Assistant city attorney Matt Fleming, who, with the help of Kathy Olson, who is also the chair of L&O, did much of the copy-pasting, admitted that some of the provisions were hit-and-miss, and maybe not necessary (like a requirement that the



temperature inside chicken coops can't drop below 40 degrees Fahrenheit - a potentially dangerous requirement that could lead chickens of some breeds to overheat in winter, and others to not develop enough of a fat layer, according to chicken experts).

Besides the details mentioned above, the proposed ordinance micro-manages many other aspects of chicken husbandry, including how and where feed may be stored, minimum setbacks for chicken coops (and composters for the chicken manure) from the lot line (fifteen feet) and neighbor's house (25 feet), maximum spacing of the mesh in the fencing (one inch), maximum height of the chicken coop (twelve feet), minimum elevation of the coop off the ground (eighteen inches), minimum area of the chicken coop and chicken run per chicken, maximum number of chickens allowed (four for any lot under half an acre in size, with an extra chicken for every quarter acre after that, up to a maximum of ten chickens), to name but these.

The number of four chickens per household has been copied from the Madison ordinance, and is not only arbitrary, but considered too low by many chicken experts: Chickens do better in larger flocks for temperature regulation (in winter) and protection.

Some legal scholars have argued that mandatory

setbacks are a form of expropriation. In this case that assessment is not much of an exaggeration, as a fifteen-foot setback on all sides of a 0.2 acre lot (a standard size in many Middleton neighborhoods) would result in loss-of-use of more than half the lot area. As a comparison: The city's 2012 bee-keeping ordinance mandates a three-foot setback from the lot line (and ten feet from a public sidewalk).

The space requirements in the proposed ordinance, by the way, virtually guarantee that a large number of Middleton residents won't be able to keep any chickens, and almost look designed to favor large-lot home owners. Some current chicken owners will most likely have to get rid of their coops and hens altogether.

For some reason known only to her, Kathy Olson has made it clear, however, that she won't budge on the setbacks.

Chicken coops would also have to go through an elaborate and expensive permitting process, including submittal of detailed line drawings to the city's department of building inspection.

As a comparison, dogs, of which there are many more in Middleton than chickens, are regulated much more loosely. Apart from allowing up to five dogs and/or cats per dwelling, city ordinance only specifies that the *'dogs and cats must be kept in a safe and sanitary environment in conformity with*

A state-of-the-art chicken coop on North Avenue built and maintained by Mike Ferguson and Victoria Yracheta (who also keep bees). Their six hens run free when the owners are home, and the coop is well protected against predators. It is insulated and easy to keep clean. The chicken manure is composted, and a sought-after fertilizer for organic gardening. And yet, both coop and compost would violate the city's proposed anti-chicken ordinance.

all existing ordinances and statutes and not constitute a public or private nuisance', without mandating room temperature, square footage, setbacks from the neighbor's yard, or any other onerous nonsense.

Considering how dog-obsessed Middleton residents are, this is not all that surprising: It would be political suicide for any elected official to try to regulate dogs to the extent of the proposed chicken ordinance, even though dogs generate many more complaints than chickens do.

And it was indeed complaints from two of her constituents about their neighbors' chicken coops that prompted Kathy Olson to spring into action. To consider the proposed ordinance a knee-jerk reaction is probably not much of an overstatement,



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(4) REQUIREMENTS AND STANDARDS

The following requirements and standards are considered to be the minimum standards necessary to protect the public health, welfare and safety. This Section does not necessarily establish all best practices for the keeping of chickens, nor does compliance with this Section preclude a finding that a public or private nuisance may exist by virtue of keeping chickens.

(a) Number allowed. For parcels $\frac{1}{2}$ acres in size or less, up to four (4) hens may be kept. For each additional $\frac{1}{4}$ acre, one (1) additional hen may be kept, but in no event may the total number exceed ten (10).

(b) Roosters prohibited. Roosters may not be permitted under this Section.

(c) Chicken Coops. All chickens shall be provided an enclosed and covered coop which shall:

1. be a minimum of three (3) square feet for each chicken kept;

2. be located in rear yards only unless the property is a corner lot in which case a side yard may be used if it has larger dimensions than the rear yard, but in no case may a coop be located forward of the front of the primary structure;

3. be located no closer than twenty-five (25) feet from the nearest dwelling unit and fifteen (15) feet from the property line;

4. be no taller than twelve (12) feet in height from grade and shall be at least eighteen (18) inches off of the ground;

5. be kept in good repair and reasonably secure from predators and weather and be capable of maintaining a temperature no lower than 40 degrees Fahrenheit during winter months.

(d) Chicken Runs. All chickens shall be provided an outdoor chicken run which shall:

1. be directly accessible from the coop and comply with paragraphs (c)1. and 2.

2. be a minimum of ten (10) square feet for each chicken kept (including any properly enclosed area underneath the coop).

3. be fenced with fencing having no greater than one (1) inch spacing and buried at least six (6) inches below ground to prevent predators from entering the run.

(e) Feed. All feed shall be kept in airtight and waterproof containers inaccessible to or otherwise secure from other animals.

(f) Waste. Coops and runs shall be cleaned regularly, no less frequently than once per week and all waste shall be disposed of in airtight and waterproof containers for off-site disposal or composted in a manner such that no perceptible offensive odors are allowed to exist.

(g) Water. Chickens shall have access to a source of fresh water at all times that will remain unfrozen during winter months.

(h) No Slaughter. No chickens may be slaughtered in the City of Middleton except in a lawfully operating commercial operation.



A chicken coop on a lot line on Hubbard Avenue (background) has generated complaints from the neighbor. Alderwoman Kathy Olson has taken sides in this and a similar neighbor quarrel also in her district, and proposed Draconian regulations and fines for non-compliant chicken owners.

although it is all the more odd as one of the constituents is well known as a serial complainer with a long history of not getting along with any neighbors.

According to Jim Sjolander, the city's building inspector, complaints about chickens are a rare and recent phenomenon, starting only about three months ago.

His department is currently investigating three active complaints. This low number is all the more remarkable as people have been keeping backyard chickens in the city for at least fifteen years.

The total number of chicken owners in Middleton, or chickens for that matter, is not known, but estimates range from forty to over one hundred (owners). A 'Middleton Backyard Chickens' group on the social media site Nextdoor has 27 members. According to city officials all Middleton chicken owners are in compliance with current city regulations.

Which brings up another point: The proposed ordinance would require every existing chicken owner to get into compliance with the new ordinance within ninety days of the ordinance taking effect - no grandfathering in.

That requirement would force most, if not all of them, to move their coops, a difficult undertaking at the best of times, but the timing would also make it the middle of winter, which could do serious harm to the chickens.

And many, if not most, chicken owners would also have to destroy some of their flock because almost all of them have more than four hens.

District 3 alderwoman Katy Nelson, a member of the license and ordinance committee, was clearly not impressed with the proposed ordinance,

and she was adamant that current chicken owners should be grandfathered in when and if the new ordinance takes effect.

The severity of Kathy Olson's initiative also provoked a most unusual public rebuke from the city's director of planning and community development, Abby Attoun. Rather than make keeping urban chickens more difficult, she urged, the city should try to be more permissive, and encourage what is essentially a sustainable practice.

The proposed ordinance also goes against the city's efforts to promote smaller lot sizes.

Chicken feed needs to be stored in tightly shut containers, and chicken poop needs to be disposed of properly: One wonders how the chicken owners in the Middleton have managed for the past fifteen years without such expert rules, and how the rest of the city has avoided major pestilence without strict regulation.

The complaints that form the basis for the proposed ordinance may or may not be justified, although the building inspector seems to think they are, and he and his staff are trying to resolve the situation through the city's nuisance ordinance.

The nuisance ordinance, however, seems to be hard to enforce sometimes, and the process can be cumbersome and time-consuming. Hence the apparent need for the new regulation.

But even the new anti-chicken ordinance would not solve the problems the city is apparently having with enforcing the nuisance ordinance, nor would it shield chicken owners who are in complete compliance with the ordinance from vindictive neighbors.

Indeed, on top of all the other restrictions, the draft ordinance explicitly leaves room for an even

stricter interpretation and repressive action by the chicken police: '(...) nor does compliance with this Section preclude a finding that a public or private nuisance may exist by virtue of keeping chickens' (see draft ordinance facsimile excerpt on the facing page).

In other words, even chicken owners who follow the ordinance to the letter can still be subject to fines and persecution. Combined with the fact that, as Kathy Olson explained, enforcement will be "complaint-based", that provision virtually invites abuse and arbitrariness

That is almost Kafkaesque in its implications.

The fact that all responsible chicken owners in the city will be penalized because of the inconsiderate behavior of a few irresponsible ones is unfortunate, but unavoidable, according Matt Fleming and district 7 alderman Dan Ramsey, the third member of the license and ordinance committee.

They are right in their assessment, but wrong in their conclusion, as well as deeply unfair (and all the more so, as they - as L&O - are the ones committing the 'unfortunate, but unavoidable).

It is the instinctive reaction of every politician to create one-size-fits-all blanket solutions for very specific problems, and the results are usually fraught with unintended consequences that - politicians following their instincts - lead to more unnecessary rules and regulations.

In this case the problem clearly lies with the nuisance ordinance, and the logical solution would be to improve that ordinance, making it easier to enforce. Otherwise, if our elected officials create a new complex ordinance for every neighbor complaint, then life in our fair city will soon be unbearable, our daily lives micro-managed by city hall down to the last fart.

The draft anti-chicken ordinance, meanwhile, was deferred until several policy issues can be worked out, including the possibility of grandfathering, as well as setbacks, and it might be on the November 9 L&O meeting's agenda (that agenda was published after this issue of the *Middleton Review* went to press).

If Kathy Olson and her colleagues can't leave well enough alone and insist on regulating chickens in Middleton, they would do well to abandon their current sledgehammer approach, and to sit down with local chicken owners and experts, and create a common-sense solution that works for everybody.



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THEN & NOW

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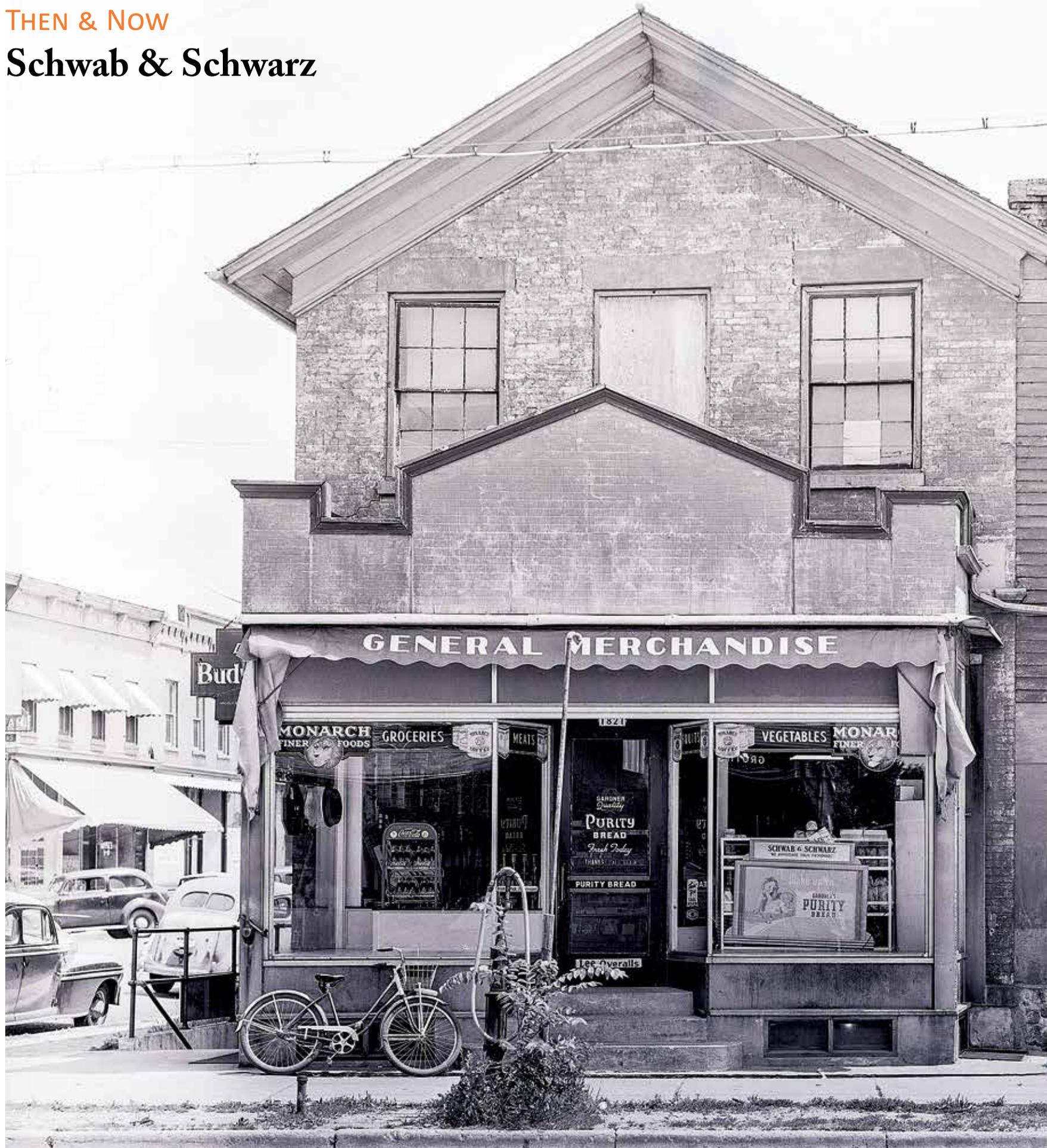


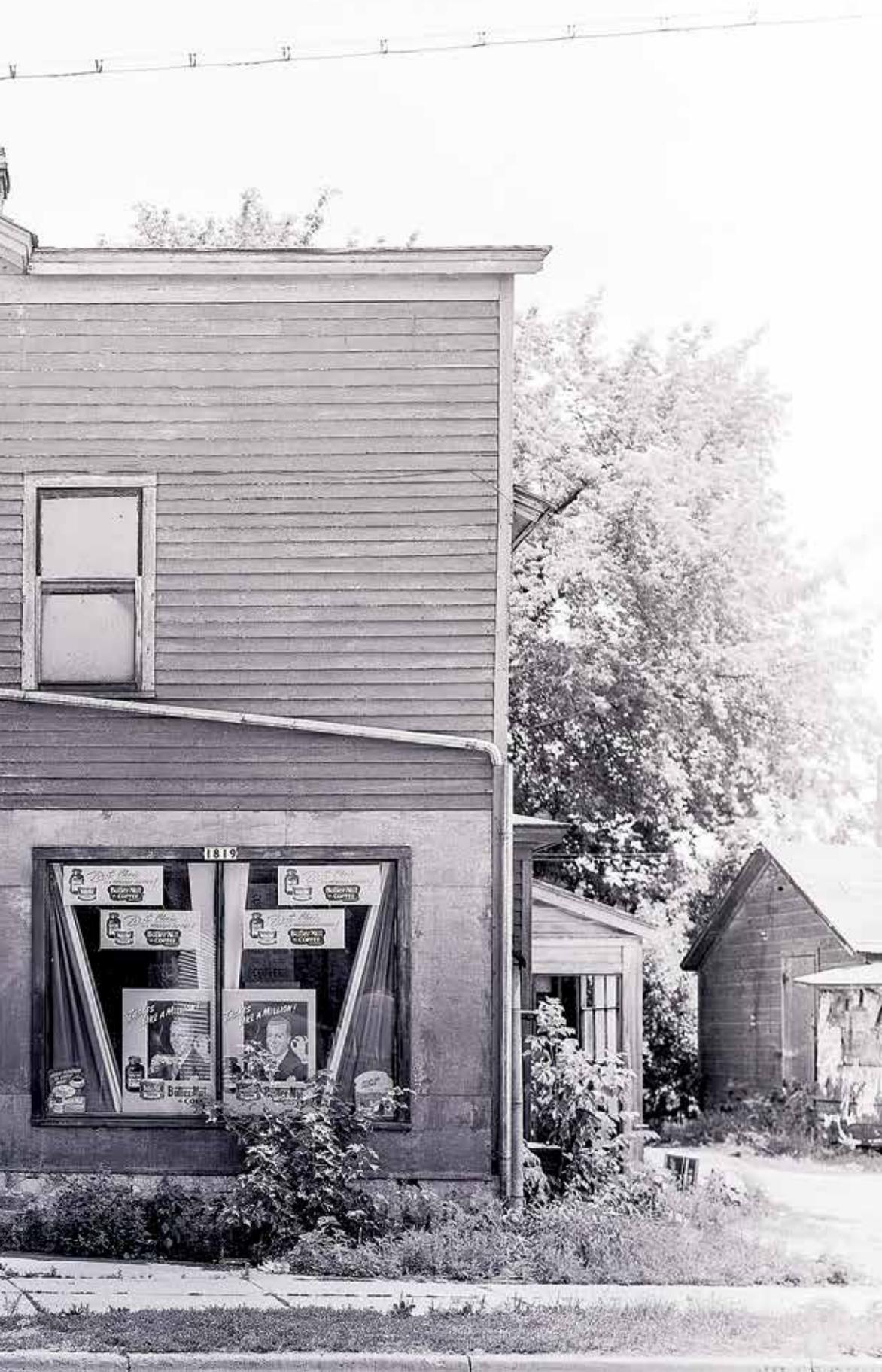
In 1947 LaVerne Lubcke, whose family owned the Elk's Hotel (Opera House), built this addition to the hotel on Hubbard Avenue as a location for his Lubcke Electric Company. In 1955 he moved his business to Elmwood Avenue on the other side of the hotel, and the original building has been occupied by a variety of businesses ever since, including Atkins Jewelry and Middleton Music Store (late 1950s), Friendships Candles (mid-1970s), Diane's Creations (late 1970s), Doll Haven (late 1980s until 1991), Zingg Design (1995 to 2005), and Grape Water Wine Bar (since 2017).

Historical 1948 photo by LEIF ERSLAND
Original negative in the possession of the MIDDLETON AREA HISTORICAL SOCIETY
Digital photo file created by JEFF MARTIN/JMAR FOTOWERKS
Present-day photo by GEORGE ZENS
Historical information from 'MIDDLETON'S EARLY YEARS' by LORENA GORDON, MIDDLETON AREA HISTORICAL SOCIETY, third edition, 2006

THEN & NOW

Schwab & Schwarz





In 1948 Joseph Schwab and Arnulf Schwarz were the joint managers of 'The Friendly Store', a general store located in what was said to be the oldest building in Middleton (not including Pheasant Branch), built in 1856 by William A. Wheeler at the corner of Parmenter Street and Hubbard Avenue. Throughout its long history it was home to many businesses, including a saloon, general merchandise store, furniture store(s), beauty shop, and, from 1998, the Middleton Antiques Mall. In the early 2000s the building, which had been gutted and rebuilt inside in the 1970s was demolished during botched restoration work. In its current incarnation it houses, among others, the Mustard Museum and its retail store.

Historical 1948 photo by LEIF ERLAND
Original negative in the possession of the MIDDLETON AREA HISTORICAL SOCIETY
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