

## Public Works Department – Engineering Division

**To:** Chairperson Davis and Committee Members  
**From:** Nathan Williams, Civil Staff Engineer  
**Date:** May 29, 2025  
**Subject:** Public Safety & Welfare Committee Meeting of June 4, 2025

Review and take possible action: Proposed structure within Old Boomer Street public right-of-way

### Background

The Engineering Division received a request for a variance to Chapter 457-7 to place a permanent memorial wall in the public right-of-way adjacent to 917 Boomer Street (Aero Park). The wall is a scale replica of the Vietnam Veterans Wall of Names Memorial in Washington DC. The request comes from the American Legion Post 189. Only a portion of the wall would be installed in the right-of-way, as seen on the attached plans. The right-of-way to be encroached upon was formerly occupied by Boomer Street but is now vacant, as Boomer Street was realigned in 2023. As City Code does not permit structures of this nature in the right-of-way without a variance, the request is being brought before the Public Safety & Welfare Committee for review. The applicant has submitted a description, project drawings, and related information, which are attached for consideration. This project has been considered and passed conditionally at the Airport Commission, Site Plan Review Committee, and Plan Commission.

Per City Code §457-7(D) – Obstructions and Encroachments: Application for Variance, variances follow the process outlined below:

1. The applicant submits a variance application and a \$5 fee.
2. The chairperson or acting chairperson is notified upon receipt of the application and fee. The chairperson sets a public hearing date and informs City staff.
3. City staff notifies the applicant of the hearing details by regular mail at least 72 hours before the hearing.
4. The Engineering Division, in consultation with the City Attorney, prepares an overview of applicable City ordinances and State statutes related to right-of-way encroachments and submits this information to the Committee in advance of the hearing.
5. The applicant or their representative attends the hearing.

6. The Public Safety & Welfare Committee makes a determination within 30 days of the hearing.

The Engineering Division has received the application, which is attached for review. The fee is waived as the subject property is owned by the City of Watertown.

If the wall needs to be removed in the future, removal is covered under Wisconsin State Statute §86.04 (1) Highway Encroachments – Order For Removal, which states:

*(1) ORDER FOR REMOVAL. If any highway right-of-way shall be encroached upon, under or over by any fence, stand, building or any other structure or object, and including encroachments caused by acquisition by the public of new or increased widths of highway right-of-way, the department, in case of a state trunk highway, the county highway committee, in case of a county trunk highway, or the city council, village or town board, in case of a street or highway maintained by or under the authority of any city, village or town, may order the occupant or owner of the land through or by which the highway runs, and to which the encroachment shall be appurtenant, to remove the encroachment beyond the limits of the highway within 30 days. The order shall specify the extent and location of the encroachment with reasonable certainty, and shall be served upon the occupant or owner of the land through or by which the highway runs, and to which the encroachment shall be appurtenant.*

Encroachments are not allowed as found in City Ordinance Section §457-7 (A)(1) Obstructions and Encroachments Prohibited:

*Obstructions and encroachments prohibited. No persons shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachments or encumbrances to be placed or remain in any public way adjoining the premises of which he is the owner or occupant, except as provided in Subsection B.*

Subsection B speaks to exceptions to the ordinance; the proposed obstruction adjacent to doesn't meet Subsection B requirements, therefore the requirements of Chapter 457-7 apply to the property owner's proposal.

The Engineering Division has reviewed the proposed encroachment area and has confirmed that the wall will only encroach on the Old Boomer Street right-of-way, and will not impact traffic patterns, vehicle sight distances, pedestrian movements, public utilities, or emergency vehicle functions.

Enclosed:

- Variance request application & plans
- City Code Section 457-7
- State Statute 86.04
- Revocable occupancy permit form

## Budget Goal

N/A

## Financial Impact

N/A

## Recommendation

The Engineering Division of the Public Works Department recommends the Public Safety & Welfare Committee approve the proposed encroachment within the Old Boomer Street public right-of-way, subject to the following conditions:

1. Consideration of a Revocable Occupancy Permit – If a revocable occupancy permit is required for this property, the applicant shall work with the Engineering Division to draft said permit for the proposed encroachment. The applicant shall record the permit with the Jefferson County Register of Deeds prior to the issuance of a building permit.
2. Building Permit & Plan Review – The applicant shall obtain a building permit from the Building, Safety & Zoning Division.

These conditions are consistent with previous approvals of encroachments and align with City requirements to ensure public safety and compliance with applicable regulations. If approved, the encroachment would remain subject to removal under Wisconsin State Statute §86.04.

**Proposed Motion:**

*Motion to approve the encroachment within the Boomer Street public right-of-way adjacent to Aero Park at 917 Boomer Street, at the location depicted on the attached plans, subject to the conditions outlined in the Engineering Division's recommendation.*

## 2025 Operational Goals

The purpose of our operational goals is to identify, prior to the budgeting process, what work the city intends to achieve in 2025. The goals should align with our mission. Not only will the operational goals inform budget prioritization, but they will also guide the creation of the 2025 Department Work Plans.

*Present a budget that (in no particular order):*

1. Invests in the strategic planning and maintenance of our city buildings
2. Proactively maintains and improves our parks and infrastructure to ensure safety, quality, and equity
3. Supports employee retention and growth, while also evaluating operations and the associated staffing
4. Fosters community growth by assessing opportunities, stakeholder input, environmental needs, and modern code and policy priorities
5. Maintains a safe and healthy community, with an eye toward future needs and trends