

**Council Chambers, Municipal Building, Baraboo, Wisconsin  
Tuesday, April 12, 2022 – 7:00 p.m.**

Mayor Nelson called the regular meeting of Council to order.

Roll call was taken.

Council Members Present: Wedekind, Kolb, Plautz, Kent, Petty, Ellington, Sloan, Kierzek, Thurow

Council Members Absent:

Others Present: Lt. LaBroschian, Clerk Zeman, Adm. Bradley, J. Ostrander, C. Johnson, T. Pinion, K. Stieve, M. Hardy, Bryant Hazard, members of the press and others.

The Pledge of Allegiance was given.

Moved by Kolb, seconded by Wedekind and carried to approve the minutes of March 22, 2022.

Moved by Ellington, seconded by Sloan and carried to approve the agenda.

**Compliance with the Open Meeting Law was noted.**

**PRESENTATIONS** – None Scheduled.

**PUBLIC HEARINGS** – None Scheduled.

**PUBLIC INVITED TO SPEAK** – No one spoke.

**MAYOR'S BUSINESS**

- Reorganizational Council Meeting will be on Tuesday, April 19, 2022 at 8:00pm
- The next stage in developing the City's Economic Resiliency Plan will be a pair of community open houses conducted on Thursday, April 21 at City Hall between noon and 1:00 p.m., and at Baraboo High School from 5:30 p.m. to 7:30 p.m.
- Groundbreaking for the Library will take place on April 28, 2022
- The Mayor read a proclamation declaring April 29, 2022 as Arbor Day in Baraboo.

**CONSENT AGENDA**

**Resolution No. 21-176**

THAT the Accounts Payable, in the amount of \$ 731,018.53 as recommended for payment by the Finance/Personnel Committee, be allowed and ordered paid.

**Resolution No. 21-177**

THAT the "Schedule for Successor of Agent" submitted by Kwik Trip, Inc., appointing Cody Sayles as the new agent be approved. The City Clerk is authorized to re-issue the liquor license for Kwik Trip, Inc., Store #657, including Cody Sayles as the agent.

**Resolution No. 21-178**

THAT the City Clerk be authorized to issue the following Picnic Licenses:

- Baraboo Area Chamber of Commerce, Big Top Parade & Circus Celebration, June 25, 2022

Moved by Petty, seconded by Kolb and carried that the Consent Agenda be approved-9 ayes.

**ORDINANCES ON 2<sup>ND</sup> READING**

Moved by Sloan, seconded by Wedekind and carried unanimously to approve the 2<sup>nd</sup> reading of

**Ordinance No. 2591** amending Section 17.18(4)(a) and the Zoning District Map rezoning Lots 93 and 94 of the Second Addition to Spruce Haven from B-3, Highway-Oriented Business to R-4, Four thru Twelve Family Residential and Lots 95 & 134 through 137 of the Second Addition to Spruce Haven from B-3, Highway-Oriented Business to R-5, Thirteen Family and Up Residential, located on Silver Drive south of Mine Road, in the SW1/4 of the NE1/4 of Section 11, T11N, R6E, in the City of Baraboo, Sauk County, Wisconsin.

Moved by Ellington, seconded by Kolb and carried unanimously to approve the 2<sup>nd</sup> reading of **Ordinance No. 2592** approving the General Development Plan/Specific Implementation Plan for Corey Oil LTD in accordance with Steps 3 and 4 of the Planned Development process to expand their existing bulk fuel storage facility and add an accessory structure on their 0.19-acres site at the southwest corner of the intersection of Potter Street and Depot Street in the City of Baraboo, Sauk County, Wisconsin.

Moved by Wedekind, seconded by Kolb and carried, 1 nay (Sloan), to approve the 2<sup>nd</sup> reading of **Ordinance No. 2593** approving the General Development Plan/Specific Implementation Plan for Menard Inc. in accordance with Steps 3 and 4 of the Planned Development process and the corresponding rezoning as a Planned Unit Development for Menard Inc to allow a self-service storage facility on the vacant 8-acre lot on the south side of their existing facility, located in a B-3 Highway Oriented Business Zoning District at 1040 State Rd 136, in and the City of Baraboo, Sauk County, Wisconsin.

### **NEW BUSINESS - RESOLUTIONS**

#### **Resolution No. 21-179**

**Resolved, by the Common Council of the City of Baraboo, Sauk County, Wisconsin:**

TO: Authorize the agreement and contract with Baraboo District Ambulance for City Authorize blood draw services for \$75/ draw. The Baraboo District Ambulance Board has reviewed and signed this extension. There is no expiration date as drafted.

Moved by Sloan, seconded by Petty and carried that **Resolution No. 21-179** be approved-9 ayes.

#### **Resolution No. 21-180**

RESOLUTION AUTHORIZING THE ISSUANCE OF  
\$5,000,000 GENERAL OBLIGATION PROMISSORY NOTES  
AND THE ISSUANCE AND SALE OF A \$5,000,000 NOTE  
ANTICIPATION NOTE IN ANTICIPATION THEREOF

WHEREAS, the Common Council hereby finds and determines that it is necessary, desirable and in the best interest of the City of Baraboo, Sauk County, Wisconsin (the "City") to provide interim financing for public purposes, including financing water, sewer and street improvement projects in TID No. 12 (collectively, the "Project");

WHEREAS, cities are authorized by the provisions of Chapter 67, Wisconsin Statutes, to borrow money and issue general obligation promissory notes for such public purposes;

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance of and covenant to issue general obligation promissory notes (the "Securities") to provide permanent financing for the Project;

WHEREAS, the Securities have not yet been issued or sold;

WHEREAS, cities are authorized by the provisions of Section 67.12(1)(b), Wisconsin Statutes, to issue note anticipation notes in anticipation of receiving the proceeds from the issuance and sale of the Securities;

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance and sale of a note anticipation note pursuant to Section 67.12(1)(b), Wisconsin Statutes (the "Note"), in anticipation of receiving the proceeds from the issuance and sale of the Securities, to provide interim financing to pay the cost of the Project; and

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to sell the Note to Baraboo State Bank (the "Purchaser"), pursuant to the terms and conditions of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Authorization and Issuance of Securities. The City hereby authorizes the issuance and declares its intention and covenants to issue the Securities pursuant to the provisions of Chapter 67, Wisconsin Statutes, in an amount sufficient to retire the Note. There is hereby levied on all the taxable property in the City a direct, annual, irrevocable tax sufficient to pay the interest on said Securities as it becomes due, and also to pay and discharge the principal thereof.

Section 2. Authorization and Sale of the Note. In anticipation of the sale of the Securities, for the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(1)(b), Wisconsin Statutes, the principal sum of up to FIVE MILLION DOLLARS (\$5,000,000) from the Purchaser. To evidence the obligation of the City, the Mayor and City

Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, the Note in the principal amount of FIVE MILLION DOLLARS (\$5,000,000) for a purchase price equal to the principal amount drawn under the Note.

Section 3. Terms of the Note. The Note shall be designated "Note Anticipation Note"; shall be issued in the principal amount of \$5,000,000; shall be dated its date of issuance; shall be in the denomination of \$100,000 or more (exclusive of the initial draws which may be in amounts less than \$100,000); shall be initially numbered R-1; and shall bear interest at the rate of 2.15% per annum (but only on such amounts as shall have been drawn under the Note from the dates such amounts are drawn) and mature on April 28, 2027. Principal of the Note may be drawn by the City as needed up to the full principal amount of the Note, or so much thereof as the City may require. Interest shall be payable semi-annually on April 28 and October 28 of each year, commencing on October 28, 2022. Interest shall be computed upon a 365/360 basis.

Section 4. Redemption Provisions. The Note shall be subject to redemption prior to maturity, at the option of the City, on any date. Said Note shall be redeemable, as a whole or in part, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 5. Form of the Note. The Note shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit A and incorporated herein by this reference.

Section 6. Security. The Note shall in no event be a general obligation of the City and does not constitute an indebtedness of the City nor a charge against its general credit or taxing power.

No lien is created upon the Project or any other property of the City as a result of the issuance of the Note. The Note shall be payable only from (a) any proceeds of the Note set aside for payment of interest on the Note as it becomes due and (b) proceeds to be derived from the issuance and sale of the Securities, which proceeds are hereby declared to constitute a special trust fund, hereby created and established, to be held by the City Clerk or City Treasurer and expended solely for the payment of the principal of and interest on the Note until paid. The City hereby agrees that, in the event such monies are not sufficient to pay the principal of and interest on the Note when due, if necessary, the City will pay such deficiency out of its annual general tax levy or other available funds of the City, including tax increment from the City's TID No. 12; provided, however, that such payment shall be subject to annual budgetary appropriations therefor and any applicable levy limits; and provided further, that neither this Resolution nor any such payment shall be construed as constituting an obligation of the City to make any such appropriation or any further payments.

Section 7. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund. Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for Note Anticipation Note" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Note is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Note; (ii) any proceeds of the Note representing capitalized interest on the Note or other funds appropriated by the City for payment of interest on the Note, as needed to pay the interest on the Note when due; (iii) proceeds of the Securities (or other obligations of the City issued to pay principal of or interest on the Note); (iv) such other sums as may be necessary at any time to pay principal of and interest on the Note when due and which are appropriated by the Common Council for that purpose; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Note until all such principal and interest has been paid in full and the Note canceled; provided that such monies may be invested in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Said account shall be used for the sole purpose of paying the principal of and interest on the Note and shall be maintained for such purpose until the Note is fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When the Note has been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 8. Covenants of the City. The City hereby covenants with the owners of the Note as follows:

(A) It shall issue and sell the Securities as soon as practicable, as necessary to provide for payment of the Note;

(B) It shall segregate the proceeds derived from the sale of the Securities into the special trust fund herein created and established and shall permit such special trust fund to be used for no purpose other than the payment of principal of and interest on the Note until paid. After the payment of principal of and interest on the Note in full, said trust fund may be used for such other purposes as the Common Council may direct in accordance with law; and,

(C) It shall maintain a debt limit capacity such that its combined outstanding principal amount of general obligation bonds or notes or certificates of indebtedness and the \$5,000,000 authorized for the issuance of the Securities to provide for the payment of the Note shall at no time exceed its constitutional debt limit.

**Section 9. Proceeds of the Note; Segregated Borrowed Money Fund.** The proceeds of the Note (the "Note Proceeds") (other than accrued interest which must be paid at the time of the delivery of the Note into the Debt Service Fund Account created above) shall be deposited into a special fund (the "Borrowed Money Fund") separate and distinct from all other funds of the City and disbursed solely for the purpose or purposes for which borrowed or for the payment of the principal of and interest on the Note. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for which the Note has been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

**Section 10. No Arbitrage.** All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Note to be an "arbitrage bond" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Note, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Note to the Purchaser which will permit the conclusion that the Note is not an "arbitrage bond," within the meaning of the Code or Regulations.

**Section 11. Compliance with Federal Tax Laws.** (a) The City represents and covenants that the projects financed by the Note and the ownership, management and use of the projects will not cause the Note to be a "private activity bond" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Note including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Note) if taking, permitting or omitting to take such action would cause the Note to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Note to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Note shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Note provided that in meeting such requirements the City will do so only to the extent consistent

with the proceedings authorizing the Note and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

**Section 12. Execution of the Note; Closing; Professional Services.** The Note shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price of the first draw on the Note, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Note may be imprinted on the Note in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Note, at least one of the signatures appearing on the Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Note shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Note and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Note, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Note is hereby ratified and approved in all respects.

**Section 13. Payment of the Note; Fiscal Agent.** The principal of and interest on the Note shall be paid by the City Clerk or the City Treasurer (the "Fiscal Agent").

**Section 14. Persons Treated as Owners; Transfer of Note.** The City shall cause books for the registration and for the transfer of the Note to be kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Note surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

**Section 15. Record Date.** The 15th day of the calendar month next preceding each interest payment date shall be the record date for the Note (the "Record Date"). Payment of interest on the Note on any interest payment date shall be made to the registered owners of the Note as they appear on the registration book of the City at the close of business on the Record Date.

**Section 16. Resolution a Contract.** The provisions of this Resolution shall constitute a contract between the City and the owner or owners of the Note and after issuance of the Note no change or alteration of any kind in the provisions of this Resolution may be made, until the Note has

been paid in full as to both principal and interest. The owner of the Note shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce his or their rights against the City.

**Section 17. Record Book.** The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Note in the Record Book.

**Section 18. Conflicting Resolutions., Severability: Effective Date.** All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded April 12, 2022.

Moved by Wedekind, seconded by Plautz and carried that **Resolution No. 21-180** be approved-9 ayes.

**Resolution No. 21-181**

RESOLUTION APPROVING THE ISSUANCE OF \$6,000,000 INTERIM COMMUNITY DEVELOPMENT REVENUE BONDS BY THE COMMUNITY DEVELOPMENT AUTHORITY AND APPROVING A CONTRIBUTION AND COOPERATION AGREEMENT IN CONNECTION THEREWITH

WHEREAS, the Community Development Authority of the City of Baraboo, Wisconsin (the "Authority") is undertaking a program of blight elimination and community development in the City of Baraboo, Wisconsin (the "City"), consisting of constructing a new library (the "Project"); and

WHEREAS, on April 13, 2021, the Common Council declared certain property described in Exhibit A to be a blighted property and approved the Authority's proposal to acquire such property (the "Project Property"); and

WHEREAS, on April 5, 2022, the Authority authorized the issuance and sale of \$6,000,000 Interim Community Development Revenue Bonds (the "Bonds"), pursuant to the terms provided for in the Authority's Resolution attached hereto as Exhibit B, the proceeds of which shall be used to provide interim financing for the Project; and

WHEREAS, the Authority intends to issue Community Development Revenue Bonds (the "Permanent Bonds") to USDA-Rural Housing Services in an amount sufficient to refund the Bonds in order to provide permanent financing for the Project; and

WHEREAS, the Authority has requested that the City assist in providing support to facilitate the Authority's ability to issue the Bonds, specifically paying interest on the Bonds; and

WHEREAS, the Authority has requested that the City provide such support by entering into an agreement to provide for the payment of interest on the Bonds (the "Contribution and Cooperation Agreement").

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City as follows:

Section 1. Approval of the Contribution and Cooperation Agreement. In order to provide for the payment of interest on the Bonds, the City hereby approves the provisions and terms included in the Contribution and Cooperation Agreement in substantially the form attached hereto as Exhibit C and incorporated herein by this reference. The Mayor and the City Clerk are hereby authorized to execute and deliver the Contribution and Cooperation Agreement, with such insertions, deletions or modifications as the Mayor and City Clerk deem are consistent with this Resolution, on behalf of the City. Execution of the Contribution and Cooperation Agreement by the Mayor and City Clerk shall constitute conclusive evidence of his or her approval of the form of such agreement.

**Section 2. Statement of Intent to Appropriate.** The City hereby declares that it fully expects and anticipates that it will appropriate funds each year in an amount equal to the amount requested by the Authority pursuant to Section 2.2 of the Contribution and Cooperation Agreement.

Section 3. Issuance of Permanent Bonds. The City covenants and agrees that it will take all actions within its power necessary to enable the Authority to issue the Permanent Bonds.

**Section 4. Execution and Delivery of Documents.** The Mayor and City Clerk are hereby authorized for and in the name of the City to execute and deliver any and all additional documents as may be necessary or desirable to effectuate the sale of the Bonds and the completion of the transactions contemplated hereby.

Adopted, approved and recorded this 12th day of April, 2022.

Moved by Petty, seconded by Wedekind and carried that **Resolution No.21-181** be approved-9 ayes.

**Resolution No. 21-182**

**Resolved, by the Common Council of the City of Baraboo, Sauk County, Wisconsin:**

WHEREAS the City of Baraboo is interested in constructing a Splashpad and Restroom/Picnic Shelter facility at Attridge Park in accordance with the City of Baraboo 2022-2026 CORP which will be for public outdoor recreation purposes; and

WHEREAS financial aid matching previous donations received from the community is required to complete the project:

THEREFORE, BE IT RESOLVED THAT the City of Baraboo has agreed to accept a 50% matching donation from the Friends of Baraboo Parks and HEREBY AUTHORIZES the Parks, Recreation and Forestry Director to act on behalf of the City of Baraboo to:

- Submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available;
- Submit reimbursement claims along with necessary supporting documentation within 6 months of project completion date;
- Submit signed documents and

Take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED THAT the City of Baraboo will comply with state or federal



rules for the programs; may perform force account work; will maintain the completed project in an attractive, inviting and safe manner; will keep the facilities open to the public during reasonable hours; and will obtain from the Wisconsin Department of Natural Resources or the National Park Service approval in writing before any change is made in the use of the project site.

Moved by Kent, seconded by Petty and carried that **Resolution No.21-182** be approved-9 ayes.

**Resolution No. 21-183**

**Resolved, by the Common Council of the City of Baraboo, Sauk County, Wisconsin:**

**WHEREAS**, there is a current shortage of housing supply in the City of Baraboo; and

**WHEREAS**, conducting a housing study now would allow current and future developers better meet the market need in the City; and

**WHEREAS**, the City would benefit from a housing study as it could better perform it's anticipated Comprehensive Plan working the need identified in a housing study into the plan; and

**WHEREAS**, many of the projects current and future are located in existing TID's, this cost can be charged back to the eligible TIDs.

**NOW, THEREFORE BE IT RESOLVED**, the Baraboo City Council does hereby authorize entering into a contract with Redevelopment Resources for the purposes of performing a housing study as outlined in their proposal and the associated costs be charged back to the benefiting TIDs.

**BE IT FURTHER RESOLVED** that the City Council authorizes the City Clerk and City Administrator to execute the attached proposal between the City of Baraboo and Redevelopment Resources, not to exceed \$12,500.

Moved by Wedekind, seconded by Petty and carried that **Resolution No.21-183** be approved-9 ayes.

**Resolution No. 21-184**

**WHEREAS** a revised Request for Proposal (RFP) seeking Planning and Design Services for a new Fire/EMS Building was issued on February 14, 2022.

**AND WHEREAS**, four Proposals were submitted prior to the March 30th deadline.

**AND WHEREAS**, a seven-member Selection Committee independently reviewed the four Proposals and met on April 7th to collectively review them.

**AND WHEREAS**, the Selection Committee has unanimously determined that Five Bugles Design, a niche service under the Wendel Companies umbrella, offers the best expertise, services and approach for the Planning and Design Services for a new Fire/EMS Building.

**NOW, THEREFORE, BE IT RESOLVED** the City Administrator is authorized to enter negotiations with Five Bugles Design, a niche service under the Wendel Companies umbrella, for a Lump Sum contract to provide Planning and Design Services for the Fire/EMS Building, in accordance with the provision of the RFP.

Moved by Sloan, seconded by Petty and carried that **Resolution No.21-184** be approved-9 ayes.

**Resolution No. 21-185**

**RESOLVED, BY THE COMMON COUNCIL OF THE CITY OF BARABOO, SAUK COUNTY, WISCONSIN:**

**WHEREAS**, the reconstruction of Madison Street & Madison Avenue between East Street and Draper Street must be scheduled during the 2022/2023 biennium; and

**WHEREAS**, the Wisconsin Department of Transportation and the City of Baraboo will share the cost of this project pursuant to the term and conditions of the attached Agreement;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Baraboo approves the State-Municipal Project Agreement for a Local Roads Improvement Project dated April 03, 2022.

**BE IT FURTHER RESOLVED**, that the City Council of the City of Baraboo authorizes the Mayor and City Clerk to execute the State Municipal Project Agreement on behalf of the Council.

Moved by Sloan, seconded by Kent and carried that **Resolution No.21-185** be approved-9 ayes.

**NEW BUSINESS – ORDINANCES** – None.

**ADMINISTRATOR AND COUNCIL COMMENTS** – None.

**REPORTS, PETITIONS, AND CORRESPONDENCE**

The City officially acknowledges receipt and distribution of the following:

- **Reports:** February 2022 – Fire Dept.  
March 2022 – Building Inspection
- **Minutes from the Following Meetings:**

**Finance/Personnel Committee–Dennis Thurow Committee Room, #205**

**March 22, 2022**

**Members Present:** Sloan, Kent, Petty

**Absent:**

**Others Present:** Mayor Nelson, Adm. Bradley, Clerk Zeman, J. Ostrander, T. Pinion, Seth Meise

**Call to Order** –Ald. Sloan called the meeting to order at 6:00p.m. noting compliance with the Open Meeting Law.

Moved by Petty, seconded by Kent to approve the minutes of March 8, 2022. Motion carried unanimously. Moved by Kent, seconded by Petty to approve the agenda. Motion carried unanimously.

**Action Items**

- a) **Accounts Payable** – Moved by Petty, seconded by Kent to recommend to Council approval of the accounts payable for **\$1,000,261.48**. Motion carried unanimously.
- b) **Line of Credit** – J. Ostrander explained that this is a \$750,000 line of credit that we must renew every 5 years. We borrow the money so that we can put it on our debt service, so we can put it on our levy. We turn around and pay it off in January. This is the lease payment for the Public Safety/Administration building. This renews our agreement with the bank to continue to do this for the next five years, currently paying .55% interest. Motion by Petty, seconded by Kent to recommend to Council authorizing a \$750,000 Line of Credit with the Baraboo State Bank for the Public Safety/Administration building lease payment. Motion carried unanimously.

- c) **TID 9 Termination** – J. Ostrander explained that we are closing TID #9; any expenditures must be done by December 31, 2022. This TID was originally created for the old Ringling Hospital. With the closing of this TID, our overall value will decrease. Motion by Kent, seconded by Petty to recommend to Council authorizing Termination of Tax Incremental District (TID) #9 effective March 22, 2022. Motion carried unanimously.
- d) **Hwy 33 Access** – T. Pinion explained that back in 1991, the DOT came through as part of the Hwy 33 resurfacing project acquired access rights; the Jackson farm was entitled to one single access point. From a public safety standpoint, and because of the current developments, it is not a good idea to put in upwards of 300 dwelling units with a single point of access. The State was petitioned to allow two access points which requires the negotiation of a memorandum of agreement with the DOT to alter the access. The results of these negotiations is they have allowed four access points within the City limits on the south side of Hwy 33: two to the property west of us, one to the property east of us, and one for us. The agreement before the Committee tonight allows us two access points, with the west access being right-in/right-out only, and we will have to do an appraisal to determine the value of the second access point and reimburse the State. Motion by Kent, seconded by Petty to amend the resolution to state “Approving the State/Municipal Agreement between the City of Baraboo and the Wisconsin Department of Transportation Regarding Changes in Access/Intersection Reconstruction” and to recommend to Council authorizing a Memorandum of Agreement (MOA) with the State of Wisconsin for access on State Highway 33. Motion carried unanimously.
- e) **Reimbursement of Expenditures** – J. Ostrander noted that this resolution is to let everyone know that when we borrow funds for this project, we will be paying for some of these costs up front and that we will need to reimburse ourselves. Motion by Petty, seconded by Kent to recommend to Council declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing for the Fire/EMS Facility. Motion carried unanimously.
- f) **Baraboo Transit** – J. Ostrander informed the committee that because of COVID-19 and the lower ridership with the Baraboo Transit Shared Ride program, we are proposing that we take our shortfall out of ARPA funds. We did not get the State CARES funding as we have in the past and because of this, and the decrease in ridership, we have a shortfall for 2021. Ald. Kent requests that this item be brought back to the committee for review of alternative options for providing this service. Motion by Petty, seconded by Kent to recommend to Council the transfer of \$40,097.15 from ARPA funds into the Shared Ride Taxi Fund to cover the 2021 local share. Motion carried unanimously.
- g) **Baraboo-Wisconsin Dells Regional Airport** – Adm. Bradley noted that this is being presented based on discussions from Council’s Committee of the Whole and would start the process of withdrawing from the airport. If accepted, it would become effective immediately; however, we are still on the hook for the end of the year financially for what we are committed to for 2022. Part of the original agreement is if anyone backs out, you surrender your rights and forfeit your equity. Motion by Kent, seconded by Petty to recommend to Council withdrawing from the Baraboo-Wisconsin Dells Regional Airport. Motion carried unanimously.

**Adjournment** – Moved by Kent, seconded by Petty and carried to adjourn at 6:40pm.

## **Minutes of Plan Commission Meeting**

**February 15, 2022**

**Call to Order** – Mike Palm called the meeting of the Commission to order at 5:15 PM.

**Roll Call** – Present were Phil Wedekind, Roy Franzen, Jim O’Neill, Tom Kolb, Dee Marshall, and Matthew Boeggner. Mile Palm was absent.

Also in attendance were Tom Pinion, Mayor Nelson, Mitch Buschkopf, Meg Roback, Tyler Edwards, and Mike Stafford.

### **Call to Order**

- a. **Note compliance with the Open Meeting Law.** Mayor Designee Palm noted compliance with the Open Meeting Law.
- b. **Agenda Approval:** It was moved by Kolb, seconded by Franzen to approve the agenda as posted. Motion carried unanimously.
- c. **Minutes Approval:** It was moved by O’Neill, seconded by Kolb to approve the minutes of the January 18, 2022 meeting. Motion carried unanimously.

**Public Invited to Speak** (*Any citizen has the right to speak on any item of business that is on the agenda for Commission action if recognized*)

*by the presiding officer.)* – There were no speakers.

### **New Business**

- a. Request to Rezone Lots 93 and 94 of the Second Addition to Spruce Haven from B-3, Highway-Oriented Business to R-4, Four thru Twelve Family Residential and Lots 95 & 134 through 137 from B-3 Highway-Oriented Business to R-5, Thirteen Family and Up Residential by Robert Bowden – No one was in attendance to address this request, no action was taken by the Commission.
- b. Review and approve a One-Lot Certified Survey Map for JDJE, LLC in an I-4 Planned Industrial/Business zoning district, located on the west side of Gateway Drive in the NW1/4 of the SW1/4, Section 3, T11N, R6E in the City of Baraboo, Sauk County, Wisconsin – Meg Roback introduced herself to the Commission. Pinion presented the background for the request. It was moved by Kolb, seconded by O'Neill to approve the CSM as presented. On roll call vote for the motion, Ayes – Wedekind, Franzen, O'Neill, Kolb, Marshall, and Boeggner. Nay – 0, motion carried 6-0.
- c. Review and approve a Site Plan for JDJE, LLC for a proposed Fairfield Inn & Suites hotel on a 2.49-acre lot on the west side of Gateway Drive between Pizza Ranch and Teel Plastics – Meg Roback addressed the Commission. Roback said that they are proposing a 4-story, wood frame hotel for a Fairfield Inn and Suites. She said there will 97 hotel units, full dedicated parking surrounding the building, several outdoor spaces in addition to that parking to serve meeting room and an indoor/outdoor hot tub spa type element, a fire pit patio area that will be off the main lobby and breakfast room. She said that the hotel also features a covered entry and a driveway under entry for the comfort of guests. Roback then presented the exterior materials and color schemes of the proposed hotel. The possible need for storage space was discussed. Roback presented sustainable features. There will be charging stations for electric vehicles. She said the building will contain low flow plumbing fixtures for water conservation and LED energy efficient lighting. She said the owner is looking at an option for an energy management system. She said that the rooms would have energy star appliances. Roback said the owner is looking into the pool being salt-water pool. Kolb asked if the site lighting plan and stormwater management plan have been submitted. Roback said that the site lighting plan would be contingent on approval. Pinion aid that they would have to get a separate permit from the DNR for stormwater management and the City mirrors the DNR requirements. Kolb moved to approve the site plan for the JDJE, LLC for a proposed Fairfield Inn & Suites conditioned on meeting stormwater management, site lighting, and landscaping requirements, and approved by management. O'Neill seconded the motion. On roll call vote for the motion, Ayes – O'Neill, Kolb, Marshall, Boeggner, Wedekind, and Franzen. Nay – 0, motion carried 6-0.
- d. Consider the General Development Plan Specific Implementation Plan in accordance with Steps 3 and 4 of the Planned Development process for Menards for a self-service storage facility on the vacant 8-acre lot on the south side of their existing facility, located at 1040 State Rd 136, in the City of Baraboo, Sauk County, Wisconsin – Tyler Edwards, Real Estate Division for Menard's addressed the Commission. He said that all the doors face in; all units will be fully enclosed with no rows of doors being visible. He then presented the landscape, and site lighting plans. Edwards then presented the elevations and exterior materials and colors to the Commission. Edwards said that they are looking into the possibility of the use of solar energy. Kolb asked if Edwards would consider working with the Baraboo Arts Council at some time for a possible mural on the wall. Edwards answered in the affirmative. Kolb moved to forward to Council with a positive recommendation, conditioned on the landscaping and stormwater plans being approved by the City. Boeggner seconded the motion. Franzen said that it wasn't long ago the Commission denied a project of this sort across from Walmart, he feels the Commission didn't want it then and should not have it now. Boeggner said given the location of this project and the new highway going in, going down that stretch it is a lot different from being the first thing you see as you come off the highway. On roll call vote for the motion, Ayes - O'Neill, Kolb, Marshall, Boeggner, and Wedekind. Nay – Franzen. Motion carried 5-1.
- e. Review a Conceptual Development Plan in accordance with Step 2 of the Planned Development process for Corey Oil LTD to expand their existing bulk fuel storage facility and add an accessory structure on their 0.19-acre site at the southwest corner of the intersection of Potter Street and Depot Street in the City of Baraboo, Sauk County, Wisconsin – Mike Stafford addressed the Commission. Stafford said that they want to use the 10x16 building for an accessory to the bulk plant. He said that it is needed most for security cameras, internet, and the new tank monitoring system. Pinion explained to the Commission the need for the PUD zoning. The consensus of the Commission was to move forward with the PUD Zoning.
- f. Review and recommend approval of the Final Plat of Greenfield Reserve, a residential subdivision on the south side of STH 33 approximately ¼ of a mile east of Taft Avenue (CTH T), located in the east half of the SW1/4 of Section 31, T12N R7E and the N1/4 of the NW1/4 of Section 6, T12N, R6E, City of Baraboo, Sauk County, Wisconsin – Pinion presented the background for the Final Plat for Greenfield Reserve. Pinion explained the Stormwater plan to

the Commission. It was moved by Kolb, seconded by Franzen to recommend approval of the Final Plat of Greenfield Reserve as presented. On roll call vote on the motion, Ayes – Kolb, Marshall, Boegnner, Wedekind, Franzen, and O’Neill. Nay – 0, motion carried 6-1.

**Adjournment** - It was moved by Kolb, seconded by O’Neill to adjourn at 6:11 p.m. The motion carried unanimously.

**Baraboo BID Meeting Minutes**

3/16/2022

Present:

Members: S. Fay, T. Wickus, B. Stelling, K. Thurow, T. Sloan, B. McDaniel

Absent:

Members: S. Ramsey Brunker, M. Yount

Others:

Andrew w/ Baraboo Radio Shack. Tracey Sefkar w/ Baraboo State Bank

President Fay called the meeting to order at 6:04 PM

Roll Call

Approval of February 2022 minutes: Sloan/McDaniel, Carried

Adoption of Agenda: Thurow/Stelling, Carried

**Officer/Committee:**

**Report**

President:

None

Secretary:

None

Treasurer:

None

Appearances:

Planters are still frozen, sleigh removal soon

Business Development:

None

Finance:

None

Parking:

None

Promotions:

Ad being placed in Wisconsin Dells Hotline, billboard at Johnson Insurance being updated, 2 new Farmers Market vendors

**Old Business:**

- o None

**New Business:**

- Approval of financials
  - o Motion to approve financials: Stelling/McDaniel, Carried
- Approval of Vouchers
  - o City of Baraboo invoice# 12545 for 3<sup>rd</sup> & 4<sup>th</sup> Quarter copies and 4<sup>th</sup> Quarter postage
    - \$78.74
  - o Graber Manufacturing invoice# 88475 for circus wheel bike rack
    - \$150.00
  - o Total: \$228.74
    - Motion to approve: Sloan/McDaniel, Carried
- Garbage Can Discussion
  - o Waiting to hear back from Tony
- BID Board seats and options
  - o Need to fill 1 seat with either owner or retail tenant

**Next Meeting Items:**

- Electricity update
- Reserves planning and spending

Motion to adjourn at 6:43 PM by Wickus/McDaniel, carried.

• **Copies of these meeting minutes are on file in the Clerk’s office:**

PFC.....2-21-2022, 3-14-2022

Ambulance.....2-23-2022

CDA.....3-1-2022

Public Arts.....1-27-2022

Library.....2-14-2022, 2-15-2022

Bicycle Advisory Comm.....2-10-2022, 2-23-2022

- **Petitions & Correspondence Being Referred:** None.

### **CLOSED SESSION**

Moved by Wedekind, seconded by Petty, to go into Closed Session.

The Mayor announced that the Council will go into Closed Session for three purposes:

- Pursuant to §19.85(1)(e), Wis. Stat., to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
  - Potential Land Acquisition(s)
  - Pre-Development Agreement

Council Members Present: Wedekind, Kolb, Plautz, Kent, Petty, Ellington, Sloan, Kierzek, Thurow

Council Members Absent:

Others Present: Lt. LaBroschian, Clerk Zeman, Adm. Bradley, J. Ostrander, C. Johnson, T. Pinion, K. Stieve, M. Hardy, Bryant Hazard

- Pursuant to §19.85(1)(e), Wis. Stat., to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
  - Union Negotiations

Council Members Present: Wedekind, Kolb, Plautz, Kent, Petty, Ellington, Sloan, Kierzek, Thurow

Council Members Absent:

Others Present: Lt. LaBroschian, Clerk Zeman, Adm. Bradley, J. Ostrander, Bryant Hazard

### **OPEN SESSION**

Moved by Sloan, seconded by Ellington, to return to Open Session. The Mayor will announce that the Council will return to Open Session as per §19.85(2), Wis. Stats., to address any business that may be the result of discussions conducted in Closed Session.

#### **Resolution No. 2021-186**

**Resolved, by the Common Council of the City of Baraboo, Sauk County, Wisconsin:**

**WHEREAS**, city staff has been in discussions with Developer in regards to City owned property located on Lynn St, Vine St. and Walnut St. parcels 206-1769-00000, 206-0934-00000, 206-1769-10000 (“Project”); and

**WHEREAS**, the Parties are continuing to negotiate the terms of the development agreement; and

**WHEREAS**, the Parties would each like to secure certain rights at this time, with said terms contained in this Agreement, prior to investing additional time and money in exploring the development of the Project; and

**WHEREAS**, the City finds that allowing the Developer to secure certain rights to the Property at this time and contingent to the terms contained in this Agreement will be beneficial to the City for many reasons, including the possibility of the Project bringing additional housing to the City of Baraboo.

**NOW, THEREFORE BE IT RESOLVED**, the Baraboo City Council does hereby authorize entering into the pre-development agreement in accordance with the terms set forth and directs staff to take the steps necessary to facilitate the City's responsibilities under this agreement.

**BE IT FURTHER RESOLVED** that the City Council authorizes the City Clerk and City Administrator to execute the attached City of Baraboo and 3 Amigos Pre-Development Agreement.

Moved by Petty, seconded by Kolb and carried that **Resolution No.21-186** be approved-9 ayes.

**Resolution No. 21-187**

**Resolved, by the Common Council of the City of Baraboo, Sauk County, Wisconsin:**

WHEREAS the City of Baraboo is interested in acquiring proposed park lands in accordance with the City of Baraboo 2022-2026 CORP which will be for public outdoor recreation purposes; and;

WHEREAS costs to include acquisition, relocation, environmental studies, attorney fees, closing costs and signage may be included as eligible costs as part of the application in accordance with DNR grant guidelines; and

WHEREAS financial aid matching from the City's TID #10 is required to complete the project:

THEREFORE, BE IT RESOLVED THAT the City of Baraboo has agreed to pursue DNR grant funding for the project and HEREBY AUTHORIZES the Parks, Recreation and Forestry Director and/or the city Administrator to act on behalf of the City of Baraboo to:

- Submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available;
- Submit reimbursement claims along with necessary supporting documentation within 6 months of project completion date;
- Submit signed documents and

Take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED THAT the City of Baraboo will comply with state or federal rules for the programs; may perform force account work; will maintain the completed project in an attractive, inviting and safe manner; will pursue activities to make the site accessible and open to the public during reasonable hours for future outdoor recreation pursuits; and will obtain from the Wisconsin Department of Natural Resources or the National Park Service approval in writing before any change is made in the use of the project site

Moved by Sloan, seconded by Thurow and carried that **Resolution No.21-187** be approved-9 ayes.

**ADJOURNMENT**

Moved by Ellington, seconded by Petty, and carried on voice vote, that the meeting adjourn at 8:11pm.

Brenda Zeman, City Clerk