

**Council Chambers, Municipal Building, Baraboo, Wisconsin
Tuesday, April 26, 2022 – 7:00 p.m.**

Mayor Nelson called the regular meeting of Council to order.

Roll call was taken.

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

Others Present: Chief Schauf, Clerk Zeman, Adm. Bradley, J. Ostrander, R. Sinden, T. Pinion, W. Grant, D. Grant, J. Bohl, James O’Neill, Lena Nissley, members of the press and others.

The Pledge of Allegiance was given.

Moved by Ellington, seconded by Kolb and carried to approve the minutes of April 12 and April 19, 2022 noting that Ald. Kierzek was not in attendance at the April 19, 2022 meeting.

Moved by Petty, seconded by Wedekind 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

James O’Neill, 923 Manchester Street, spoke in favor of No-Mow May and encouraged the members of the Council to approve the measure declaring No-Mow May. This would be beneficial to our environment and will save money for all who normally mow in May.

Lena Nissley, 531 11th Street, spoke in favor of No-Mow May. She is a member of Powered Up Baraboo and this resolution falls right into their wheelhouse in things they are looking to do to make Baraboo a better place. She thanked Ald. Kolb for offering this resolution and the members of Council for considering the resolution. They are delighted to see the city take the lead on implementation of the “No-Mow May” and she looks forward to working with us in the future. They would like to help promote this idea and what the benefits are. If the resolution passes, their upcoming programming, and community outreach will include education on the reasons for it and benefits for “No-Mow May”. This is the type of resolution that will promote conversation, education, and small changes in our community. Having the parks and the city take the lead on this is a great way for us to get started.

MAYOR’S BUSINESS

- Re-Appointment of Brian Getschmann to Police & Fire Commission, serving until April 30, 2027
- Appointment of Barry Hartup to the Plan Commission, serving until April 30, 2025.
- Residents are encouraged to participate in the Baraboo School District’s community-wide survey on facility needs by May 9th.
- Mike Plautz recognition
- Chief Schauf recognition

CONSENT AGENDA

Resolution No. 22-19

THAT the Accounts Payable, in the amount of \$764,190.26 as recommended for payment by the Finance/Personnel Committee, be allowed and ordered paid.

Resolution No. 22-20

THAT, Michelle Miller be appointed to the Baraboo Improvement District (BID) Board to fill the unexpired term of Samantha Ramsey Bruncker until April 30, 2024.

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

NEW BUSINESS - RESOLUTIONS

Resolution No. 22-21

WHEREAS, the City of Baraboo created TID 6 on 7-27-1999 and adopted a project plan in the same year, and

WHEREAS, all TID 6 projects were completed in the prescribed allowed time; and:

WHEREAS, sufficient increment was collected as of the 2021 tax roll, payable 2022 , to cover TID 6 project costs.

WHEREAS, insufficient increment was collected to cover project costs.

THEREFORE BE IT RESOLVED, that the City of Baraboo terminates TID 6; and

BE IT FURTHER RESOLVED, that the City Clerk shall notify the Wisconsin Department of Revenue (DOR), within sixty (60) days of this resolution or prior to the deadline of April 15, 2022, whichever comes first, that the TID has been terminated; and

BE IT FURTHER RESOLVED, that the City Clerk shall sign the required DOR Final Accounting Submission Date form (PE-223) agreeing on a date by which the City shall submit final accounting information to DOR; and:

BE IT FURTHER RESOLVED that the City Treasurer shall distribute any excess increment collected after providing for ongoing expenses of the TID, to the affected taxing districts with proportionate shares as determined in the final audit by the City's auditor, Clifton Larsen Allen, LLP.

BE IT FURTHER RESOLVED, that the City of Baraboo shall accept all remaining debts for TID 9 as determined in the final audit by the City's auditor,

Adopted this 26 day of April, 2022

Moved by Sloan, seconded by Thurow and carried that **Resolution No. 22-21** be approved-9 ayes.

Resolution No. 22-22

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

WHEREAS, city staff has been in discussions with the Developer in regards to City owned property located on Lake Street parcel 206-1154-10010 ("Project"); and

WHEREAS, the Parties have negotiate the terms of the development agreement; and

WHEREAS, the Parties would each like to move forward in executing the development agreement; 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 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 Devil's Lake Townhomes, LLC Development Agreement.

Moved by Wedekind, seconded by Sloan and carried that **Resolution No. 22-22** be approved-9 ayes.

Resolution No. 22-23

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

WHEREAS, pollinator species such as bees, flies, moths, butterflies, beetles, and select birds provide essential pollination services for food plants that humans depend on for survival; and

WHEREAS, pollinator populations are in decline regionally and world-wide; and

WHEREAS, early spring flowers, including those found in many lawns, can provide an important food source for bees and other pollinators as they emerge from hibernation; and

WHEREAS, dozens of Wisconsin cities, including Appleton, La Crosse, Wausau, Stevens Point, Fort Atkinson, Verona, and Sun Prairie currently participate in the "No-Mow May" science initiative to encourage property owners to limit their lawn mowing practices during the month of May;

WHEREAS, research by Lawrence University has shown that such practices can result in a three-fold increase in bee species richness and a five-fold increase in bee abundance; and

WHEREAS, the Baraboo Parks and Recreation Department has started replacing mowed turfgrass with native pollinator (no mow) areas in many of its parks, which has allowed the city to increase parklands without adding staff as well as cutting capital equipment, maintenance, and gas costs;

NOW, BE IT THEREFORE RESOLVED, that the City of Baraboo recognizes "No-Mow May" to actively promote and educate the community about the critical period of pollinator emergence, generation of pollinator-supporting habitat, and early spring foraging opportunities; and

BE IT FURTHER RESOLVED, that the City of Baraboo shall encourage the cultivation of food sources for bees and other pollinators by suspending enforcement of height restrictions for vegetative growth contained in Chapter 10 of the Municipal Code during the month of May, 2022; and

BE IT FURTHER RESOLVED, the growth of certain species defined as Noxious Weeds in 10.03(8) shall continue to be prohibited

Moved by Ellington, seconded by Sloan and carried that **Resolution No. 22-23** be approved-9 ayes.

NEW BUSINESS – ORDINANCES

Motion by Thurow, seconded by Kolb and carried unanimously to approve the 1st reading of **Ordinance No. 2594** creating Section 18.02(9) to require a 50-foot highway setback for all lands abutting

STH 33 east of CTH T (Taft Avenue).

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DOES ORDAIN AS FOLLOWS:

1. Section 18.02(9)(b)(1) is hereby created to read as follows:

18.02 GENERAL PROVISIONS.

- (9) SPECIAL PROCEDURES WHERE WIS DOT TRANS 233 APPLIES TO A LAND DIVISION - Whenever Wisconsin Department of Transportation Administrative Code Trans 233 applies to a land division within the City, the following procedures and standards shall apply: (2018 06/27/2000)
 - (a) The preliminary plat, final plat, or Certified Survey Map shall not be considered filed with the City for approval until the plat or map has been approved by the Wisconsin Department of Transportation pursuant to Trans 233.
 - (b) The Council shall be authorized to establish the same setback area for city zoning purposes as the setback area approved by the Wisconsin Department of Transportation, where, in the judgment of the Common Council, after report and recommendation by the Plan Commission, the setback established by the state DOT will not be contrary to the public interest and where such allowed setback is in harmony with the general purposes and intent of the City's Zoning Code. Any setback allowed by the Council under this section may be subject to such conditions and restrictions as determined by the Council to be in the public interest. The plat or map shall clearly show the boundary of the setback line.
 - 1. The minimum highway setback for all property in the City of Baraboo that is adjacent to STH 33 and east of CTH T (Taft Avenue) shall be a minimum of 50 feet.**

3. This Ordinance shall take effect upon passage and publication as provided by law.

ADMINISTRATOR AND COUNCIL COMMENTS

Ald. Ellington noted the Groundbreaking Ceremony at the Library on Thursday, April 28th at 12:00pm.

REPORTS, PETITIONS, AND CORRESPONDENCE

The City officially acknowledges receipt and distribution of the following:

- **Reports:** March, 2022 - Treasurer
- **Minutes from the Following Meetings:**

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

April 12, 2022

Members Present: Sloan, Kent, Petty

Absent:

Others Present: Mayor Nelson, Adm. Bradley, Clerk Zeman, J. Ostrander, T. Pinion, M. Hardy, R. LaBroschian, W. Peterson, K. Stieve

Call to Order –Ald. Sloan called the meeting to order at 5:00p.m. noting compliance with the Open Meeting Law.

Moved by Petty, seconded by Kent to approve the minutes of March 22, 2022. Motion carried unanimously. Moved by Petty, seconded by Kent to approve the agenda. Motion carried unanimously.

Action Items

- a) **Accounts Payable** – Moved by Kent, seconded by Petty to recommend to Council approval of the accounts payable for **\$731,018.53**. Motion carried unanimously.
- b) **Blood Draw Services** – Lt. LaBroschian noted that this is a renewal of a current contract with the Baraboo District Ambulance Service for blood draws. Motion by Petty, seconded by Kent to recommend to Council authorizing the Agreement for Blood Draw Services with the Baraboo District Ambulance Service (BDAS). Motion carried unanimously.
- c) **Line of Credit** – Adm. Bradley explained that this is issued as a refunding promissory note, or a “Note Anticipate Note”. When we issue this, it does not start the clock on the 20 years. The way we have this worked out with Baraboo State Bank, by law we have to take an initial draw of a certain percentage, which amounts to \$50,000.01. We will pay interest on that, but we will not pay any interest on the portions we don’t take out. We will pull draws now from the \$5M to fulfill our requirements at the Jackson Property. This gives us the flexibility to keep up with the developer as he progresses. Eventually we will come back and refund this into a bond. Future draws will be approved through the process of accounts payable. Motion by Kent, seconded by Petty to recommend to Council 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 (Greenfield Estates/Jackson Farm). Motion carried unanimously.
- d) **Line of Credit** – Adm. Bradley noted this is identical to the \$5M Line of Credit. We will be taking the initial draw of \$50,000.01. The main difference here is that the Community Development Authority (CDA) is the one taking out the loan. We are authorizing the CDA to this out and in the agreement, the City is making the payments. Per the agreement, we are to pay the CDA the interest and the CDA will then in turn pay the bank. Full draw will not take place until all the other funds from the Library Fund have been exhausted. Motion by Petty, seconded by Kent to recommend to Council Authorizing the Issuance of \$6,000,000 Interim Community Development Revenue Bonds by the Community development Authority and Approving a Contribution and Cooperation Agreement (Construction of the Carnegie-Schadde Memorial Public Library Expansion project). Motion carried unanimously.
- e) **DNR Grant Application** – M. Hardy explained that the DNR put out grant applications that are due May 1st of every year. This is a request to submit another application for the Attridge Park Splashpad. Friends of the Park have raised approximately \$327,000; the project is currently estimated to cost \$615,000. This is a 50% match grant with no impact on the City’s budget. Motion by Petty, seconded by Kent to recommend to Council authorizing the Parks and Recreation department to submit a 2022 Department of Natural Resources (DNR) grant application for the Attridge Park Splashpad project. Motion carried unanimously.
- f) **Housing Study** – Adm. Bradley noted that we have had several different developers looking at Baraboo and with that, some Council members have questioned the need for additional housing. We did receive one written request from a developer to justify speeding up the construction; this is something a developer can take to the bank and show immediate need. Because majority of the housing now is taking place within the TID’s, we can charge this back against the TID’s. There have been two companies that have done housing work since Sauk County Economic Development Corporation did theirs. We asked both companies for a quote, one was \$25,000-\$30,000 and Redevelopment Resources offered to do it for a little over \$12,000. The committee discussed some concern with the productivity of Redevelopment Resources and considered taking this out for RFP’s. Because Redevelopment Resources already has much of the data needed, they decided against an RFP and will expect Redevelopment Resources to match our expectations better. Motion by Petty, seconded by Kent to recommend to Council entering into an agreement with Redevelopment Resources for a Housing Study. Motion carried unanimously.
- g) **Fire/EMS Station Design** – K. Stieve noted that the committee previously authorized city staff to review and revise the proposal for planning and designing services for a new Fire/EMS Station. This proposal was sent to 27 architectural firms, 4 proposals were returned. The building committee project management team reviewed the 4 proposals and it was unanimously decided to recommend Five Bugles Design. This company did submit a proposal back in 2019 and scored fairly high then as well. A formal contract will be brought back for approval. Motion by Kent, seconded by Petty to recommend to Council authorizing the City Administrator to enter into negotiations with Five Bugles Design for the Fire & EMS Station project for the purpose of a Preliminary Design, with a contract price not to exceed \$800,000, not inclusive of reimbursables. withdrawing from the Baraboo-Wisconsin Dells Regional Airport. Motion carried unanimously.

- h) **Street Reconstruction** – T. Pinion explained that as part of the LRIP Program, there is extra stimulus funds available. The state funded 41 projects and we received the maximum that was awarded, \$400,000. The earliest we can start this project is July 1, 2023; however, we have six years to spend the money. Because of past main breaks, this project will include some underground work on the utilities. Motion by Petty, seconded by Kent to recommend to Council to approve the Wisconsin Department of Transportation Municipal Agreement with City for reconstruction of Madison Street and Madison Avenue between East Street and Draper Street. Motion carried unanimously.

Closed Session – Moved by Petty, seconded by Kent, to go into Closed Session.

Ald. Sloan announced that the Finance/Personnel Committee 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

Members Present: Sloan, Kent, Petty

Others Present: Mayor Nelson, Adm. Bradley, Clerk Zeman, J. Ostrander, T. Pinion, M. Hardy, R. LaBroschian, K. Stieve

- 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

Members Present: Sloan, Kent, Petty

Others Present: Mayor Nelson, Adm. Bradley, Clerk Zeman, J. Ostrander, R. LaBroschian

Open Session - Moved by Kent, seconded by Petty, to return to Open Session. Ald. Sloan announced that the Finance/Personnel Committee 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.

Informational Items:

- J. Ostrander presented an update on the Vehicle Registration Fee
- The Committee reviewed the option of a Public Fire Protection Charge. This will be brought back before the Committee on April 26, 2022.
- B. Zeman noted that it was recommended by Boardman & Clark, the current acting attorney, to deny two claims filed with the City. One was for a trip and fall and one was for a broken windshield.

Adjournment – Moved by Kent, seconded by Petty and carried to adjourn at 6:52pm.

Administrative Committee

February 7, 2022

Present: Alderpersons John Ellington, Heather Kierzek, Kathleen Thurow

Absent: None.

Also Present: City Clerk, Brenda Zeman; Finance Director Julie Ostrander, Police Chief Schauf; City Administrator, Casey Bradley

Citizen Present: None.

The meeting was called to order by Chairman John Ellington at 8AM, with roll call and noting compliance with the Open Meetings Law.

Motion by Thurow, seconded by Kierzek to approve the January 3, 2022 minutes. Motion carried unanimously.

Motion by Kierzek, seconded by Thurow to approve the Agenda. Motion carried unanimously.

Action Items:

- a) Review and recommendation to the Common Council for the Liquor License Change of Agent for Al Ringling Theatre to Shannon Hill.

Clerk Zeman explained that Police approved the change. Thurow was under the impression that Shannon Hill had not been in the state for the required 90 days. Administrator Bradley and Chief Schauf indicated this was a misunderstanding and that Shannon fulfilled the resident qualification. Chief Schauf also pointed out that the violation listed under question 4 (four) is of the nature that cannot be considered for this application.

Motion by Kierzek, seconded by Thurow to recommendation to the Common Council for the Liquor License Change of Agent for Al Ringling Theatre to Shannon Hill. Motion carried unanimously.

- b) Review and recommendation to the Common Council on approving the Temporary Liquor License (aka Picnic License) for the Downtown Baraboo Spring Brew Ha Ha, March 11, 2022.

Clerk Zeman stated that this license application was reviewed and approved by the Chief of Police.

Motion by Thurow, seconded by Kierzek to recommendation to the Common Council on approving the Temporary Liquor License (aka Picnic License) for Downtown Baraboo Spring Brew Ha Ha. Motion carried unanimously.

- c) Review and recommendation to the Common Council for a “Class B” Combination Reserve Liquor License for Las Milpas, LLC, 603 8th Ave, Suite A (Restaurant).

Clerk Zeman noted that Las Milpas restaurant has a Beer/Wine license and are seeking a liquor license. The City will use one of their reserve licenses. She also pointed out that this reserve license was non-transferable and costs \$10,000. The Clerk thinks the city has 10 reserve licenses with this being the 3rd to be used. She will verify this.

Motion by Kierzek, seconded by Thurow for recommendation to the Common Council for the “Class B” Liquor License for Las Milpas, LC, 603 8th Ave, Suite A (Restaurant). Motion carried unanimously.

- d) Review and recommendation to the Common Council for a Class “B” Fermented Malt Beverage and “Class C” Wine License for Ben’s Mama Mia’s, LLC, 113 Third St.

Clerk Zeman stated that Ben’s Mama Mia has had these licenses in the past for Beer and Wine. The Police Department approved the application and it has been published.

Motion by Kierzek, seconded by Thurow for recommendation to the Common Council for a Class “B” Fermented Malt Beverage and “Class C” Wine License for Ben’s Mama Mia’s, LLC, 113 Third St. Motion carried unanimously.

- e) Review and recommendation to the Common Council for a “Class B” Combination Liquor License for G & G Mgt., LLC (dba Brothers On Oak), 412 Oak St.

Chief Schauf and Clerk Zeman indicated that this merely a management LLC name change and these are the same people that managed the business before.

Motion by Thurow, seconded by Kierzek to recommendation to the Common Council for a “Class B” Combination Liquor License for G & G Mgt., LLC (dba Brothers On Oak), 412 Oak St. Motion carried unanimously.

Discussion Items: Kierzek asked Clerk Zeman to do the research regarding the number of regular and reserve liquor licenses.

Informational Items

The next meeting will be Monday, March 7, 2022 at 8:00AM.

Motion to adjourn by Thurow, seconded by Ellington at 8:15AM and unanimously carried.

- **Copies of these meeting minutes are on file in the Clerk’s office:**
 Bicycle Advisory.....3-23-2022, 4-13-2022 Emergency Mgmt.....2-24-2022
 Library.....3-8-2022 UW Campus.....3-17-2022
- **Petitions & Correspondence Being Referred:** Letter from Police & Fire Commission.

ADJOURNMENT

Moved by Petty, seconded by Kent, and carried on voice vote, that the meeting adjourn at 7:23pm.

Brenda Zeman, City Clerk