

**Council Chambers, Municipal Building, Baraboo, Wisconsin  
Tuesday, August 10, 2021 – 7:00 p.m.**

Mayor Nelson called the regular meeting of Council to order.

Roll call was taken.

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

Council Members Absent: Plautz

Others Present: Chief Schauf, Clerk Zeman, Adm. Bradley, K. Stieve, T. Pinion, L. Laux, M. Wichner, E. Oakeson, J. Shimon, R. Werner, A. Witczak, G. Leatherberry, T. Leatherberry, J. Schwanbeck, M. Ederer, 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 July 27, 2021.

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**

Mark Wichner, 101 South Blvd, spoke against the City's COVID-19 Vaccination Policy Implementation. Mark is employed by the Baraboo Police Dept. as well as recently becoming a member of the Baraboo Fire Dept. For the past 11 years the City has entrusted him to make wise decisions. After careful consideration, he has decided to not get the COVID-19 vaccine. His issue with the proposed policy is the heavy handed tactic of forcing those not vaccinated to be tested every week. This is furthered by the threat of up to termination. He feels if the City is truly concerned about everyone's health and safety the testing requirement should be for all employees, regardless of vaccination status. With the past shut down, we were trusted to be adults and use our best judgement when it came to signs and symptoms. Current CDC recommendations, aside from getting the vaccine, include wearing a mask, staying 6' away from others, washing hands, covering cough and sneezes, cleaning and disinfecting highly touched services, and self-monitoring. He encourages Council members to have trust that we, both the unvaccinated and vaccinated employees, are all capable adults who are able to make decisions with such over sight. There are other employees that don't agree with this policy and the City cannot afford to lose these employees if indeed it does come to that. The City is risking potentially losing employees that have shown they are willing to come to work and be on the front lines of the COVID-19 pandemic.

Erik Oakeson, 101 South Blvd, spoke against the City's COVID-19 Policy. Erik has been an employee with the Baraboo Police department for approximately 9 years. CDC guidelines do not give any entity the authority to violate individual human rights and there is no legal authority that can require an individual to get a vaccine against their will. He feels this policy appears to be an attempt to coerce employees into getting the vaccination and threatening to subject them to weekly, sometimes inaccurate, testing. City employees are trusted with millions of dollars of equipment and at times expected to face dangerous and life threatening situations. This policy makes it clear that the City does not trust each employee to monitor their own health. A few months ago masks were sufficient with social distancing, why is now any different? The City has given their employees a 3 working day notice before compliance is expected. Passing this policy is an overreach and a violation of individual liberty and freedom all on the basis of a vaccine that the CDC admits does not stop everyone from catching, carrying, or transmitting COVID. If testing is required, why does it not apply to everyone since everyone can be a carrier regardless of vaccine status? If this policy is passed it will affirm a long held belief by many that the City of Baraboo does not care about its employees. You have no right to demand foreign objects be placed in anyone's body and the City is showing complete disregard for all employees by passing this and not allowing anyone the time to make a decision. Vote no and show some respect for people who have dedicated their life to the City and were not asked their thoughts on this policy.

Matt Gilbert, 101 South Blvd submitted a letter that was read by Mayor Nelson. “My first thoughts was why would such an important rule change not be relayed to the people that it directly effects in both a timely manner or in a correspondence allowing employees to hear about it prior to the possibility of the ruling going into effect, and not first hearing about it in the media at the same time as the general public as many City of Baraboo employees will unfortunately find out that way. The quick turnaround does not provide employees with any time to process the rule changes prior to it affecting them regardless of their current status of vaccination. It especially negatively affects those that are still undecided or have other reasons that they have chosen not to get vaccinated. This may include the revolving and changing guidelines that our health experts have not yet finalized and seem to change on a consistent basis as more information is learned...I also have some issues with the requirements of weekly testing for those who are not vaccinated for whatever reasoning and the City of Baraboo’s Administration using coercion type tactics to “get compliance or else” type rules to punish those or alienate those that are still undecided on such a fresh and ever changing pandemic which includes the rules involved from those that are deemed experts in the field. I not only have my concerns for the employees that will be effected physically and mentally by this testing requirement that will doubt alienate them from the rest of the work force, but also the financial impact that this will cause the for tax payers Baraboo. As we know, not every employee is on the same work schedule and many have days of the week and hours of the night that vary... This is a great concern as I know that the testing and compensation of employee for their time of the testing will add to the costs...I ask that you the elected officials please put aside any biases or beliefs regarding this pandemic and make the right decision and vote “no” for the implementation of this rule and how it is written and will negatively affect the City of Baraboo. I also ask of you to consider putting a ‘stay’ on any voting as an alternative, as the unknowns (financial, legal) of this rule will have on the City of Baraboo as a whole.”

Angela Witzak, 326 Badger Dr., spoke against the City’s Mask/COVID policy. Angela was appointed to the Park & Rec. Commission over 6 years ago and was recently re-appointed for another 3-year term. In addition to this, she sits on an additional 4 boards/committees and technically is considered an employee of the City of Baraboo. Angela would like to believe she is far more a volunteer as she is constantly giving her time, money, and talent to better the City and fight for constant improvements. She has worked on countless projects and raised well over \$100,000 for parks and playgrounds. She is also the co-chair of the splashpad committee that is currently working on a half million dollar project that the City is unwilling to fund from taxpayer dollars. She would like to believe she is more than a mere volunteer or underpaid employee but an asset to this community. According to the policy, the City is requiring all City employees and committee members be masked while doing any City business and she has no issue with wearing a mask during meetings; however, she does take huge issue with the fact that she will be required to be vaccinated if she wants to attend the meetings in person. Per the policy, unvaccinated committee/commission members will be required to attend meetings remotely. Furthermore, all vaccinated committee members are allowed to attend whether they have COVID or not because they are not required to be tested and no one would know. If she was neither a City employee nor a volunteer she would be allowed to attend any City meeting provided she either a) wears a mask or b) doesn’t wear a mask and show her religious exemption. A year ago committees were meeting in person, socially distanced, safely with no problems. Now the City is saying the committee can no longer meet safely in the same room? More and more there are studies being shown that those with the vaccine are acting as A-symptomatic carriers of the virus without even knowing. When she was appointed by the Mayor, she took this position seriously, she wanted more for the City and has never stopped making Baraboo a great place to live. If she is restricted from attending in-person meeting, or other committee members are not allowed to come due to lack of vaccination status, the current splashpad project will mostly likely be halted for an extended amount of time.

Gayland Leatherberry, 304 12<sup>th</sup> Ave, spoke against the mask and vaccine mandate. There is a lot of misguided information and falsification of news out there. It’s well known that you cannot vaccinate against any virus. Gayland quoted the last 10 words of the Pledge of Allegiance, “under God, indivisible, with liberty and justice for all”. Liberty and justice is being infringed on here. He feels this is blown way out of proportion. Anyone that has taken the vaccine is now a carrier and passing it on.

Tyler Leatherberry, S4168 Crawford St, spoke against the mask and vaccine mandate. He questions how Council will feel if they vote yes to this and that person has an allergic reaction. How will they feel if they killed one person? This vaccine is a trial and there is no evidence stating that you will not get COVID by having this vaccine. He is standing up for the employees that do not want to get the vaccine. If the “yes” people kill one person because they were forced to take a vaccine, how are you going to feel?

John Schwanbeck, 1514 Ash St, spoke against the COVID policy. If the City is ready to go to this extreme he would challenge the City to provide some information to the citizens. As stated in the background of the COVID resolution, “Due to the increase spread of a Delta variant of COVID-19”, he would like the City to provide the citizens information on whose testing for that? What facility is testing for specific strains of this virus? He would also like the City to provide data within the City, not the County. He would also like to see a plan for any employees the City may lose because of this. Any plans for a lawsuit should an employee have a negative reaction to this vaccine? This is a pretty low bar of information that should be provided to citizens to be okay with this overstep.

Martin Ederer, 715 5<sup>th</sup> St, spoke on the COVID vaccine. Has anyone from the City checked with our liability insurance carrier legal department? Is this something they are willing to defend a lawsuit on? As we know, pharmaceutical companies have immunity on being sued due to their vaccinations. If this is forced by an employer, he doesn’t believe the employer will have the same immunity. The last training he did with his employer, a separate government agency, was put on by an insurance carrier and they were told that an employer cannot force vaccination. He recommends discussing this with the legal department of the City’s insurance company. As a citizen, he does not want to be paying the legal fees to defend a lawsuit for someone that has an adverse reaction.

**MAYOR’S BUSINESS**

- As of August 5<sup>th</sup>, Sauk County has hit a level of high community spread. The CDC continues to recommend everyone over the age of 2 wear a mask. Free vaccinations continue to be available. The quickest and easiest way to see the COVID-19 data affecting Sauk County is by visiting this website: <https://coviddata-saukpublichealth.hub.arcgis.com/>

**CONSENT AGENDA**

**Resolution No. 21-56**

THAT the Accounts Payable, in the amount of \$590,214.59 as recommended for payment by the Finance/Personnel Committee, be allowed and ordered paid.

**Resolution No. 21-57**

That the following budget amendments are authorized:

- 2nd Quarter, 2021 City-Wide Supplemental Budget Amendments for \$ 111,516
- 2nd Quarter, 2021 Budget amendments effecting the General Fund \$ 6,073
- 1<sup>st</sup> Quarter, 2021 City-Wide Budgetary Transfers \$ 253,658

**2nd Quarter Budget Amendments**

Department	Account Number	Account Name	Original Budget	Increase/ (Decrease)	Amended Budget
Park Impact/Development - Parks	250-52-49300-000	Fund Balance Applied	54,351	(12,000)	42,351
				\$ (12,000)	
Park Impact/Development - Parks - Parks	250-52-55200-822-000	Building Improvements	10,299	12,000	22,299
<i>To appropriate FB for City View Restrooms</i>				\$ 12,000	
General Fund - Police	100-20-43525-610	Police Grant - Ballistic Vests	5,946	(2,373)	3,573
				\$ (2,373)	
General Fund - Police Department - Police	100-20-52110-392-610	Small Equipment- Ballistic Vest	6,272	2,373	8,645
<i>To appropriate grant funds for additional ballistic vest purchases</i>				\$ 2,373	
Firefighters Retirement Fund - Fire	900-21-49300-000	Fund Balance Applied	70,000	(35,000)	35,000

				\$ (35,000)	
Firefighters Retirement Fund - Fire Protection - Fire	900-21-52200-300-000	Operating Expense	18,700	35,000	53,700
<i>To appropriate fund balance for fire department retirements</i>				\$ 35,000	
General Fund - Library	100-51-43571-630	Library Grant	1,325	(400)	925
				\$ (400)	
General Fund - Library - Library	100-51-55110-320-000	Publications, Training, Dues	2,000	400	2,400
<i>To appropriate grant proceeds for library training</i>				\$ 400	
Ochsner Park House - Parks	890-52-49300-000	Fund Balance Applied	2,000	(1,000)	1,000
				\$ (1,000)	
Ochsner Park House - Parks - Parks	890-52-55200-260-000	Repair & Maint Serv-Buildings	-	1,000	1,000
<i>To appropriate fund balance to replace the water heater</i>				\$ 1,000	
General Fund - Fire	100-21-48500-400	Donations - Designated	2,000	(1,000)	1,000
				\$ (1,000)	
General Fund - Fire Protection - Fire	100-21-52200-392-400	Small Equipment - Designated	3,970	1,000	4,970
<i>To appropriate donations for gas detector</i>				\$ 1,000	
General Fund - Street Department	100-31-46390-000	Public Works Maint Charges	8,600	(2,300)	6,300
				\$ (2,300)	
General Fund - Snow & Ice - Street Department	100-31-53350-270-000	Special Services	2,500	2,300	4,800
<i>To appropriate revenue for compliance snow removal</i>				\$ 2,300	
UW Campus - UW Campus	800-80-48400-000	Insurance Recoveries	61,086	(30,543)	30,543
				\$ (30,543)	
UW Campus - UW Campus - UW Campus	800-80-55600-822-000	Building Improvements	-	30,543	30,543
<i>To appropriate insurance proceeds to HVAC repairs</i>				\$ 30,543	
BID - BID	390-69-49300-000	Fund Balance Applied	24,000	(12,000)	12,000
				\$ (12,000)	
BID - Community Development - BID	390-69-56700-300-972	Promotions	19,600	12,000	31,600
<i>To appropriate reserves for a DBI manager</i>				\$ 12,000	
Corson Square - Community Development Authori	981-67-40601-000	CDA Equity applied	29,800	(14,900)	14,900
				\$ (14,900)	
Corson Square - CDA Property Additions - Community Development Authori	981-67-75000-822-000	Building Improvements	-	14,900	14,900
<i>To appropriate retained earnings for furniture purchase</i>				\$ 14,900	
				Net impact on all city-wide funds' budgets	\$ 111,516
				Net impact on City's General Fund Family Only	\$ 6,073

**Resolution No. 21-58**

THAT, Erick Blasing be appointed to the Baraboo Library Board to serve the unexpired term of Michele Yates-Wickus until June 30, 2022.

Moved by Petty, seconded by Kent and carried that the Consent Agenda be approved-8 ayes.

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

Moved by Ellington, seconded by Wedekind and carried unanimously to approve the 2<sup>nd</sup> reading of **Ordinance No. 2577** revising §17.80(10), of the Sign Code to extend the special exception for the Baraboo School District.

**NEW BUSINESS – RESOLUTIONS****Resolution No. 21-59**

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

THAT the Fire Department Fee Schedule is changed as listed below for the specific items:

- Mileage - \$.56 per mile per unit
- CPR Training - \$50.00 per person

Moved by Thurow, seconded by Kent and carried that **Resolution No. 21-59** be approved-8 ayes.

**Resolution No. 21-60**

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

THAT the City's Employee COVID-19 Policy be amended as provided for in the attached Policy.

**FACE COVERINGS**

All City employees, including seasonal, temporary and paid-per-call employees (collectively "employees"), volunteers, elected and appointed officials, members of any City committee, commission or board, City contractors and vendors, and members of the public are required to properly wear face coverings while in City buildings facilities and vehicles. This includes cubicles, offices, conference rooms, elevators, stairwells, kitchenettes, bathrooms, hallways, and corridors. It does not cover rooms occupied by one person with the door closed or vehicles occupied by one person.

This requirement applies regardless of whether a person has received a COVID-19 vaccination.

The proper wearing of a face covering means:

- A surgical mask or a mask approved by the Department Head. Certain employees are required by the nature of their job to wear N-95 masks and will be advised of this requirement; and
- Is worn in a manner which completely covers a person's mouth and nose.

Employees or members of the public who are unable to wear face coverings due to physical or mental health conditions or disability or because of a sincerely held religious belief should notify their Department Head. Member of the public who wish to enter a City building or facility with those restrictions or beliefs should similarly notify the City employee in charge of the building or facility upon entering that building or facility. This policy does not apply to children under age of two.

The City will have a supply of appropriate face coverings available for employees and members of the public doing business with the City. Employees may wear their own clean, work-appropriate face coverings which meet the above requirements.

Face coverings may be removed when eating, drinking, communicating with someone who is deaf or hard of hearing, and when communication cannot be achieved through other means, to confirm identity if requested, or if in an enclosed space where no other person is present.

Employees who refuse to comply with this directive may be subject to discipline up to and including termination.

Members of the public who refuse to follow this directive will not be permitted to enter the City building or facility or will be asked to leave the building or facility. The City will make reasonable arrangements to facilitate the conduct of City business with members of the public who do not comply with this directive.

An elected or appointed official and any member of a City committee who does not comply with this directive will be required to attend any properly noticed meeting of a City body or committee remotely. The City will facilitate such remote attendance and the member's remote presence will qualify for quorum and per diem purposes.

### Testing/Vaccinations

The City strongly encourages its employees, volunteers, elected officials, and committee members to receive an approved COVID-19 vaccination. At the time of the adoption of this policy, those vaccinations are two shots of Pfizer-BioNTech taken 21 days apart, two shots of Moderna vaccine taken 28 days apart, or one shot of the Johnson & Johnson's Janssen vaccine.

All employees, volunteers, elected officials, committee, commission or board members are required to provide the City with written documentation by August 16, 2021 that they have received an approved COVID-19 vaccination. An employee, volunteer, elected official, or committee member who does not provide the City with such written documentation will be considered unvaccinated for the purpose of this policy. Any employee, volunteer, elected official, or committee member who provides written documentation of full vaccination after August 16, 2021 shall thenceforth be considered vaccinated and eligible for the benefits outlined below.

The written documentation of vaccination status ("documentation") must be submitted to the City Clerk or her designee. The documentation for all individuals will be kept confidential in a segregated file marked "Confidential." The documentation will not become part of an employee's personnel file. Access to the documentation is restricted to the Clerk or designee, the City Administrator, the Mayor, the employee's Department Head, and any individual with an objective reason to know such information for the purpose of conducting City business.

~~All unvaccinated City employees and volunteers must submit to a COVID-19 test at least one time per week and at least five days apart. In addition, any employee with COVID-19 exposure and/or symptoms must report such to their Department Heads who may require that employee to obtain a COVID-19 test. The City will conduct such testing and the Department Heads will notify employees of the City's testing schedule. In addition, vaccinated employees may receive a COVID-19 test through the City. Any employee required to obtain a COVID-19 test may use an approved testing service other than through the City, but must provide the City with the written test result.~~

~~The written documentation of the COVID-19 tests ("test documentation") must be submitted to the City Clerk or her designee. The test documentation for all individuals will be kept confidential in a segregated file marked "Confidential." The test documentation will not become part of an employee's personnel file. Access to the test documentation is restricted to the Clerk or designee, the City Administrator, the Mayor and the employee's Department Head and any individual with an objective reason to know such information for the purpose of conducting City business.~~

~~An unvaccinated employee who does not provide such test documentation may be required to work remotely, be placed on administrative leave without pay, or disciplined, up to and including termination. Employees who are unable to undergo such testing due to physical or mental health conditions or disability or because of a sincerely held religious belief should notify their Department Head.~~

An unvaccinated elected or appointed official and any member of a City committee, commission or board ~~may~~ **will be required to** attend any properly noticed meeting of a City body or committee remotely. The City will facilitate such remote attendance and the member's remote presence will qualify for quorum and per diem purposes.

### COVID-19 Emergency Sick Leave

The City will provide regular part-time and full-time City employees **who have received the full dose of an approved COVID-19 vaccine**, up to eighty (80) hours of additional paid leave in the form of COVID Emergency Sick Leave to be used during the first fourteen calendar days by those employees who are unable to work (or telework). COVID Emergency Sick Leave shall be used due to the following reasons:

1. The employee tests positive for COVID-19;
2. The employee is experiencing COVID-19 symptoms and is seeking medical diagnosis or waiting for COVID test results; or

3. The employee has been advised by a medical provider, a Public Health Agency, or the City to quarantine due to, but limited to, the following: being determined to be a close contact of a positive individual or living in a household with a confirmed positive individual

The City may follow up with an employee requesting such leave to obtain additional information and to advise the employee of other benefits available including FMLA benefits to run concurrently where permitted. The employee may also use his or her own paid leave. Employees wishing to utilize this leave are required to notify their Department Head immediately.

The City may at its sole discretion make modifications to this policy at any time including, but not limited to, termination of this policy. There is no carryover of unused COVID Emergency Sick Leave and any unused leave will be forfeited on the date this policy is terminated. The application of this leave program is not intended to provide cumulative benefits if future mandated paid-leave programs are imposed at either the State or Federal level.

Employees who are eligible to work from home will be required to work from home if medically possible. These work-from-home hours will be paid as regular hours and will not be counted toward this leave. When taking leave under this policy, employees are entitled to receive their regular rate of pay as compensation during a qualifying period of absence. Unless an employee is teleworking, COVID Emergency Sick leave for qualifying reasons must be taken in full-day increments and cannot be taken intermittently. Prior to returning to work, employee must meet the requirements set forth in the departmental return to work policy.

Regular part-time and full-time City employees **who have NOT received the COVID-19 vaccine are not eligible** for COVID-19 Emergency Sick Leave and will need to use their bank of accrued leave (sick, vacation, personal holiday, or compensatory time) for any absences due to the following:

1. The employee tests positive for COVID-19.
2. The employee is experiencing COVID-19 symptoms and is seeking medical diagnosis or waiting for COVID test results.
3. The employee has been advised by a medical provider, a Public Health Agency, or the City to quarantine due to, but limited to the following: being determined to be a close contact of a positive individual or living in a household with a confirmed positive individual.

Employees unable to receive the COVID-19 vaccine due to medical reasons or because of a sincerely held religious belief, practice, or observance, may request an exemption from this policy to receive the COVID Emergency Sick Leave. Exemptions or reasonable accommodations are not guaranteed. Personal or philosophical reasons for not getting vaccinated are insufficient, and requests of this nature will be denied. The City may verify an employee's medical exemption with their medical provider. Employees requesting an exemption understand that the City is not required to provide an exemption accommodation if doing so would pose a direct threat to the employee or other in the workplace or would create undue hardship for the City. Requests for an exemption should be submitted in writing to the City Administrator.

The COVID Emergency Sick Leave will be interpreted by the City Administrator, utilizing the regulations governing the Family First Coronavirus Recovery Act as a guide, and administered in his sole judgement.

#### **Effective Date**

This policy will be in effect as of 12:01 a.m. on Monday, August 16, 2021 and will remain in effect until rescinded by the Common Council. The provisions of the COVID-19 Emergency Sick Leave are not retroactive.

Moved by Wedekind, seconded by Kolb to accept the policy with the amendment to remove the requirement for weekly testing of unvaccinated City employees and to remove the requirement that unvaccinated committee, commission or board members attend meetings remotely. Motion carried; 6 ayes, 2 nays, Sloan & Kent.

#### **NEW BUSINESS - ORDINANCES**

Moved by Kolb to amend and approve the 1<sup>st</sup> reading of **Ordinance No. 2578** to include increasing the expense allowance for Board of Review to \$35. Seconded by Petty and motion carried; 6 ayes, 2 nays, Kierzek & Thurow

1. **2.07 EXPENSE ALLOWANCE FOR ALDERPERSONS AND MAYOR FOR ATTENDING MEETINGS.**

- (1) EXPENSE ALLOWANCES FOR ATTENDING MEETINGS. Except as provided in Section 2.08, alderpersons or the Mayor who are members of a standing or special committee of the Council shall not be paid an expense allowance for attending any meetings of these committees. Alderpersons or the Mayor who are regular members of any of the boards or commissions enumerated in Subchapter II of Chapter 1 of this Code, shall be paid an expense allowance of \$35 for each meeting attended and the expense allowance for attending Board of Review shall be ~~\$30~~ \$35 per day. The maximum per diem expense allowance to be received by any alderperson or the Mayor for attending meetings of a City board or commission shall be \$35 regardless of the number of different meetings or hours involved.

2. This Ordinance shall take effect January 1, 2022 and upon publication as provided by law.

**ADMINISTRATOR AND COUNCIL COMMENTS** – None.

**REPORTS, PETITIONS, AND CORRESPONDENCE**

The City officially acknowledges receipt and distribution of the following:

- **Reports:** 2<sup>nd</sup> Qtr. 2021 City Financial Statements  
2<sup>nd</sup> Qtr. 2021 Taxi Financial Statement  
June, 2021 Building Inspection
- **Minutes from the Following Meetings:**

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

**July 27, 2021**

**Members Present:** Kent, Petty

**Absent:** Sloan

**Others Present:** Mayor Nelson, Adm. Bradley, Clerk Zeman, M. Hardy, K. Stieve

**Call to Order** –Ald. Petty called the meeting to order at 6:15p.m. noting compliance with the Open Meeting Law. Moved by Kent, seconded by Petty to approve the minutes of July 13, 2021 & July 19, 2021. Motion carried unanimously. Moved by Kent, seconded by Petty to approve the agenda and carried unanimously.

**Action Items**

- a) **Accounts Payable** – Moved by Petty, seconded by Kent to recommend to Council for approval of the accounts payable for **\$568,516.15**. Motion carried unanimously.
- b) **Riverwalk Property Purchase** – M. Hardy explained that Bruce Meyer owns the property at 825 Second Ave and had approached Mayor Palm earlier this year regarding the City purchasing this property for \$86,000 as a connection between the Lower Ochsner Park and Mary Rountree sections of the Riverwalk. In order to connect, we would need an easement from 3 additional properties; at this time, the owners of these properties are not interested in selling to the City. With this information, the Parks Commission did not want to withdraw their recommendation on the purchase of this property. Moved by Petty, seconded by Kent to recommend to Council to not enter into a contract for the purchase of the property at 825 Second Ave. with Bruce Meyer for extending the Riverwalk. Motion carried unanimously.
- c) **Fire Dept. Position** – K. Stieve presented information regarding a Paid-on-Premise Firefighter position; another way to add staff to the fire department. He currently has a candidate that lives outside of the area. This would replace the internship program and would be a limited number of hours. The current budget supports this position. Moved by Kent, seconded by Petty to recommend to Council to approve a Paid-on-Premise Firefighter position for the Baraboo Fire Department. Motion carried unanimously.

**Information Items** – None.



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

**Minutes of the Public Safety Committee Meeting**

**June 14, 2021**

**Members Present:** Phil Wedekind, Tom Kolb and Mike Plautz. **Others Present:** Tom Pinion, Mark Schauf, Kevin Stieve, Wade Petersen, and Tony Gilman.

Chairman Kolb congratulated Phil Wedekind for stepping down as Chairman of the PSC after numerous years.

**Call to Order** - Committee Tom Kolb called the meeting to order at 1:00 P.M. at Baraboo City Service Center. Compliance with the Open Meeting Law was noted. It was moved by Wedekind, seconded by Plautz to approve the agenda as posted. Motion carried unanimously. It was moved by Wedekind, seconded by Plautz to approve the minutes of the March 29, 2021 meeting with the correction of Plautz being present. Motion carried unanimously.

**Action Items**

- a. Consider Alliant Energy's request for a 12-foot wide utility easement for natural gas on City-owned land on the south side of the City Service Center campus, between S Center Street and Briar Street – Pinion said that Alliant Energy is in the process of redoing a fair amount of their gas network through the City. It was moved by Wedekind, seconded by Plautz to recommend approving Alliant Energy's request for a 12-foot wide utility easement. Motion carried unanimously.
- b. Review and recommendation to add two new streetlights on the east side of the 1300 block of Lake Street, between its two intersections with Springbrook Drive – Pinion presented the background for this topic. As the area has grown, he has received calls regarding the darkness in this area. It was moved by Wedekind, seconded by Plautz to approve adding two new streetlights on the east side of the 1300 block of Lake Street as requested. Motion carried unanimously.
- c. Review and recommendation public access from STH 33 to proposed subdivision development on the City-Owned property (a/k/a the Jackson Farm) on the south side of STH 33, approximately ¼ miles east of CTH T – Pinion presented the background of this item to the Committee. Reportedly, in 1992, the DOT compensated the Jacksons for the little bit of right-of-way they acquired along the front of their property and the document suggests the Jacksons were also restricted to a single private access point, which is the existing driveway. He said the DOT contends they formally acquired access control and they are not required to approve any additional access to STH 33. Pinion questions whether or not the DOT's acquisition applies to the subsequent owners, successors, heirs and assigns. The City has an interest in seeing the Jackson Farm develop to meet the increasing needs for housing in Baraboo and that two public access points are necessary in the interest of public safety to avoid a situation like the Blackhawk Manor Mobile Home Park, which has approximately 400 mobile home lots with Moore Street being the one and only access point onto South Blvd. An awful lot has changed since 1992; the ownership has changed, the property was annexed to the City of Baraboo from the Town of Greenfield, the City limits now extend 1/4 mile east of the former Jackson property, and the City developed a Comprehensive Plan showing a clear intention to develop the property. Given the magnitude of the changes over the last 28 years, Pinion suggested the DOT should be more receptive to allowing a second access given and that the City should agree to work with the DOT to control the number of access points in that ¾ mile of STH 33 east of CTH T (that was outside of the City limits in 1992). Kolb asked how the City would control it and Pinion explained the City's authority to regulate all land divisions and subdivision. The DOT contends that Schwartz property already has two approved access points, one private drive and one field entrance. Pinion said that the City could exercise its eminent domain authority to acquire the field entrance immediately west of the Jackson property and convert it into a public access point; however the DOT explained they had no obligation to convert a field entrance to a public entrance. Pinion explained that the City has appealed to Representative Considine's and Senator Erpenbach's offices and they are trying to work with staff at the DOT. Pinion said that he has had two virtual meetings with DOT's development team. Pinion explained he is soliciting support for two public access points from the City and the County in the interest of public safety. It was moved by Wedekind, seconded by Plautz to recommend approval of two public access connections onto STH 33, in the interest of public safety, to support the proposed development on the south side of STH 33 as presented. Motion carried unanimously.
- d. Review and recommend approval of the Water Resource Recovery Facility's 2020 Compliance Maintenance Annual Report (CMAR) – Peterson said that this report is the Utilities yearly report card, the crew and staff have done an outstanding job again, all As and one B. It was moved by Plautz, seconded by Wedekind to recommend approval of the Water Resource Recovery Facility's 2020 Compliance Maintenance Annual Report as presented. Motion carried unanimously.

- e. Review and approve proposed revisions to Utilities Fees on City's Official Fee Schedule – Peterson said that the revisions would incorporate at the new rate structure for the Water Utility, things that were passed by the Public Service Commission. It was moved by Wedekind, seconded by Plautz to approve the proposed revisions to Utilities Fees as presented. Motion carried unanimously.
- f. Review and approve the School Resource Officer Memorandum of Understanding between the City of Baraboo and the Baraboo School District – Chief Schauf presented the background. He said that the current MOU was created in 2017 and expires this year, and they are now trying to update it to what they are actually doing at this time. He said that the biggest change is the adoption of State Statute of Act 143, which is the School Safety Act. He said as part of that there are statutory requirements for doing threat assessment that the school has to do which involves the police department. He said that the MOU would then set the School Resource Officer as the primary point of contact. He said that the MOA clearly delineates that a police officer's job within the school and show that they are not school staff. Schauf said that one thing Officer Sabol created in the Middle School is a contract against bullying, the student signs the contract and if they are involved in an active bullying that is reported to the school resource officer, she pulls the student in and also their contract, shows them what they did, and then writes out something that the student has to take home to their parents. He said that the new School Administrator is on-board with what is being done. It was moved by Plautz, seconded by Wedekind to approve the School Resource Officer Memorandum of Understanding as presented. Motion carried unanimously.
- g. Review and approval of monthly Billing Adjustments/Credits for Sewer and Water Customers for March, April, and May 2021 – There was no adjustments/credits for May. It was moved by Wedekind, seconded by Plautz to approve the monthly Billing Adjustments/Credits for March and April. Motion carried unanimously.

### Information Items

#### Reports

- a. Utility Superintendent's Report
- i. Staffing Updates – Nothing to reports
  - ii. Project Updates – Peterson said other than the new business items discussed earlier the crew has finished the 2021 sewer cleaning and root cutting. He said that the crew is making good progress on the maintenance program for hydrants and valve. He said that they would have a contractor this summer to paint another 70 fire hydrants. Peterson said that the first disconnection day was on May 18, and the number of customers and dollars in arrear was not too different from pre-Covid-19.
- b. Street Superintendent's Report
- i. Staffing Updates – Gilman said that staff has been continuing with split shift that we have used since COVID.
  - ii. Monthly Report on Public Works Department activities – Gilman stated that the brush chipping crew has been sent out, as a filler task when there is a couple crewmembers available. He said responding to requested brush pickups on an as requested basis, and addressing those piles when there is an accumulated list of 10-12 has been working. He said there were a few incidents where tree contractors did work for residents and placed on the curb for City to pick up. He said the brush pickup program clearly states that the City will not pickup contractor generated brush, hoping this issue is resolved via word of mouth; however, if not a policy or ordinance may need to be created for enforcement purposes. Leaf pickup for spring 2021 is complete, with the next scheduled pickup to begin October 18, 2021. He said that the yard waste disposal site has been managed and the users cooperative. He said that there were a couple incidents of brush/garbage being dumped at the yard waste site; but the PD was able to identify the individuals and had them pick up the un-allowed materials for proper disposal. Traffic striping has been ongoing since warm weather. The painting crew will be painting crosswalks, centerlines, parking lots and No Parking areas. He said that the City would be going away from painting driveway ends yellow, as we are not obligated to provide that service. Street sweeping is ongoing through the spring/summer/fall months with early morning sweeping downtown every other Friday or the day prior to special events. He said that currently all streets and alleys have been swept at least once.
  - iii. Project Updates – Gilman said that the crew has started on alleys with the 2/3 – West to Center being rough prepped for future paving. They have begun cutting the 6-7 Birch to West alley on June 1 and expect to have that rough prepped by the end of the week. He said that it is his plan to then move to the 8<sup>th</sup> Avenue/Summit Alley and prepare for pavement. Gilman said Engineering staff is evaluating the intersection of Ott Lane/Jefferson and Parkside/Spruce drive to determine the feasibility of asphalt and concrete repairs. Gilman said that they have the usual street maintenance items to be address throughout the 2021 road construction season. Crack filling, asphalt patching, and stormsewer maintenance will be performed again this year.

- iv. Informational items – Gilman said that the department is assembly a list of areas in which No Parking to be designated. He said that some areas have been found troublesome when entering or exiting alleys with the refuse/recycling equipment and plow equipment.
- c. Police Chief's Report
  - i. Staffing Update – Schauf said that Officer Voltz has been promoted to Detective and Voltz's position has been filled. He said the department is getting ready for summer activities such as the fair and 4<sup>th</sup> of July. He said with the changes in COVID policy the department is getting questions answered as best as they can. He said that the gas prices increased about 20% more than expected.
  - ii. Case Response Update – Schauf answered questions from the Committee regarding case response reports included in the packet.
- d. Fire Chief's Report
  - i. Monthly Incident Report – Stieve said the monthly incident report would be in the Council packet.
  - ii. Building Remodel Update – Stieve said the EMS has been in the building for a few months. He said that one HVAC rooftop unit was replaced. He said that they have a system in place where someone comes across something they scan a QR code and fill out a form to fix it. He said that he does have a PO pending for a front entrance door to make it more energy efficient and become a punch key lock.
  - iii. Staffing updates – Stieve said that there were some retirements at the end of April. He said there is one person taking the test on Monday, and he is applying with Baraboo Ambulance. He said that some of the retirees were officers and he is the process of contacting the people that were not promoted. He said that there are four lieutenant positions open with five candidates. Stieve explained the promotion process.

**AJOURNMENT** – It was moved by Wedekind, seconded by Plautz to adjourn at 2:02 p.m. Motion carried.

**Baraboo BID Meeting Minutes**

**6/16/2021**

Present:

Members: S. Fay, A. Adams, K. Thurow, T. Sloan, M. Yount, B. McDaniel  
 Additional: None

Absent:

Members: T. Wickus S. Ramsey Brunker, B. Stelling

President Fay called the meeting to order at 5:45 PM

Roll Call

Approval of May 2021 minutes: M. Yount/B. McDaniel, Carried

Adoption of Agenda: Thurow/Yount, Carried

President:	None
Secretary:	None
Treasurer:	None
Appearances:	None
Business Development:	Seeking surveys regarding Baraboo; Drafting building-owner surveys about how BDC and BID can help them; Flyer re: Who BID is and what BID does
Finance:	None
Parking:	Spraying for weeds has been done once
Promotions:	None

Old Business:

- Garbage can overflow issue
  - City has discussed individually with suspected owners
  - Still planning on sending letter to BID members
- Farmers Market update
  - Continues to be well attended and well stocked
  - Everything seems to be going well

New Business:

- Approval of Vouchers for March, April, May
  - Amy Schertz, BID Planters
    - Design and arrangements
    - \$656.64
  - Clifton Larson Allen LLP

- Audit Services
    - \$1,600.00
  - Capital Newspapers
    - Notice of handicapped space
    - \$14.02
  - DBI Manager Support
    - \$15,000.00
  - Total: \$17,270.66
    - Motion to approve: Sloan/McDaniel
      - Carried
- Approval of Financials
  - Motion to approve: Yount/McDaniel
    - Carried
- Nominate/Vote on New Treasurer
  - A. Adams considering the possibility
- BID Board person of interest
  - Steph Shanks

Next Meeting:

- Discussion of information to add to flyer and survey for BID members
- Update committees
- Newspaper voucher question
- Treasurer position

Motion to adjourn at 6:20 PM by Thurow/McDaniel, carried.

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

Library.....6-15-2021, 7-20-2021	CDA.....7-6-2021
Park & Rec.....6-7-2021, 6-28-2021	Plan.....6-15-2021
UW Campus.....6-17-2021	Ambulance.....6-30-2021

- **Petitions & Correspondence Being Referred:** Correspondence regarding ATV Route in City of Baraboo.

**CLOSED SESSION**

Moved by Kolb, seconded by Ellington, to go into Closed Session. The Mayor will announce that the Council will go into Closed Session 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. (Development Agreement for 1606 8<sup>th</sup> Street)

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

Council Members Absent: Plautz

Others Present: Mayor Nelson, Chief Schauf, Clerk Zeman, Adm. Bradley, K. Stieve, Lucas Pelton, Cody Pelton, Mark Pelton, Rob Meister

**OPEN SESSION**

Moved by Sloan, seconded by Kent, to return to Open Session. The Mayor announces 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. 21-61**

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

The Common Council hereby authorizes the City Administrator and the City Clerk to execute on

behalf of the City the Development Agreement between the City of Baraboo and Cornerstone Villages, LLC, 1606 8<sup>th</sup> Street, Baraboo, WI, on behalf of the City.

Moved by Kolb, seconded by Petty and carried that **Resolution No. 21-61** be approved-8 ayes.

**ADJOURNMENT**

Moved by Wedekind, seconded by Kent, and carried on voice vote, that the meeting adjourn at 8:56pm.

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Brenda Zeman, City Clerk