

**Council Chambers, Municipal Building, Baraboo, Wisconsin  
Tuesday, September 13, 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: Interim Chief Sinden, Clerk Zeman, Adm. Bradley, J. Ostrander, T. Pinion, members of the press and others.

The Pledge of Allegiance was given.

Moved by Kolb, seconded by Ellington and carried to approve the minutes of August 23, 2022.

Moved by Petty, seconded by Ellington and carried to approve the amended agenda removing the Temporary Liquor License request for Baraboo Acts Coalition and the Closed Session regarding Room Tax.

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

**PRESENTATIONS** – None Scheduled.

**PUBLIC HEARINGS** – None Scheduled.

**PUBLIC INVITED TO SPEAK**

Kory Hartman, 201 8<sup>th</sup> Ave, spoke on behalf of Baraboo Broadcasting noting that they have telecasted Council meetings for over 25 years. This started because cable companies had to have franchise agreement with the City to be allowed to even serve the residents and to use City rights. As part of the franchise agreement, Charter is required to provide the City with a number of public educational government channels. The government channel, currently channel 92, was the one chosen to broadcast Council meetings. Baraboo Broadcasting currently has an agreement with the City to broadcast the Council meetings, run the equipment, plus all of the regulatory red tape. Over the last couple of years they have added cable channel 10 and free over-the-air antenna 43.1 plus a facebook streaming. This assures the people have easy and free access to the business of the City. He asks that Council asks some tough technical questions regarding the quality of video, the current equipment, and make sure it reaches the demographic group that interacts with City government. Also, how taking funds away from a local broadcaster might impact their ability to operate and cover the city in the future.

**MAYOR'S BUSINESS**

- The Baraboo Acts Coalition presents a day of cultural workshops during “Celebrate Sauk” on Saturday, September 24<sup>th</sup> from 11 a.m. to 5 p.m. at Las Milpas restaurant on 8<sup>th</sup> Avenue.
- The City’s Fall/Winter Newsletter will be available this week online at cityofbaraboo.com. Paper copies will also be available at City Hall, Library, and Civic Center.

**CONSENT AGENDA**

**Resolution No. 22-83**

THAT the Accounts Payable, in the amount of \$2,542,026.11 as recommended for payment by the Finance/Personnel Committee, be allowed and ordered paid.

**Resolution No. 22-84**

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

- Downtown Baraboo, Inc, 2022 Brew Ha Ha, 9-23-2022
- Baraboo Young Professionals, Baraboo Night Market, 9-16-2022

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

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

*None.*

**NEW BUSINESS - RESOLUTIONS**

**Resolution No. 22-85**

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

THAT the City Clerk be authorized to issue the following Liquor License:

- Reserve “Class B” Combination License, The Relish Tray Bistro, LLC, 106 4<sup>th</sup> Ave.

Moved by Kolb, seconded by Kent and carried that **Resolution No. 22-85** be approved-9 ayes.

**Resolution No. 22-86**

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

**WHEREAS**, the Common Council has reviewed the reports and recommendations of Interim Police Chief Sinden and the City’s Administrative Committee regarding the August 3, 2022, Tavern Operator License application filed with the City by Ginger Stromberg, and

**WHEREAS**, the City Clerk has attempted to notify Ginger Stromberg of the option to appear at the September 13, 2022, Council meeting as an opportunity to speak to the Council on her behalf regarding the appeal request.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council deny Ginger Stromberg’s Tavern Operator License

Moved by Wedekind, seconded by Hazard and carried that **Resolution No. 22-86** be approved-9 ayes.

**Resolution No. 22-87**

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

WHEREAS the City has received bids for the demolition and disposal of the existing buildings at 106 Walnut Street and 103/105 Walnut Street; and

WHEREAS the City does not currently own the property at 106 Walnut Street.

NOW, THEREFORE, BE IT RESOLVED that the City Administrator is authorized to accept the donation, to the City, of the property located at 106 Walnut Street for the purpose of demolition and disposal. Upon execution of a development agreement, the property at 106 Walnut Street is to be returned.

BE IT FUTHER RESOLVED, that the Proposal for Building Demolition & Disposal at 106 and 103/105 Walnut Street from Beaver Services, Inc. in the amount of \$68,400 is hereby accepted and all other bids are rejected.

Moved by Wedekind, seconded by Ellington and carried that **Resolution No. 22-87** be approved-9 ayes.

**Resolution No. 22-88**

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

That the Encroachment Report for the STH 33 Reconstruction project prepared by Oneida Engineering Solutions and the recommendations included therein for the following properties are hereby approved and that the City Engineer is authorized to issue the respective Revocable Encroachment Agreements.

Encroach No.	Owner:	Address:	Tax Parcel No
1	City of Baraboo (Ochsner Park)	101 South Blvd (903 Park Street)	206-0190-00000
2	Jamison P Vaughn	617 8 <sup>th</sup> Avenue	206-2705-00000
4	Bean Counter Investments	201 8 <sup>th</sup> Avenue	206-1187-00000
5	Emmett McCarthy	220 8 <sup>th</sup> Street	206-1155-00000
7	Eastside Centre LLC	1212 8 <sup>th</sup> Street	206-0675-00000

Moved by Ellington, seconded by Sloan and carried that **Resolution No. 22-88** be approved-9 ayes.

**Resolution No. 22-89**

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

THAT the City Clerk is authorized to execute the attached three-year agreement with eScribe for their “Webcasting Plus” bundle for the price of \$17,870 (Year 1), \$14,725 (Year 2), and \$15,167 (Year 3).

Moved by Petty, seconded by Hazard and carried that **Resolution No. 22-89** be approved-9 ayes.

**NEW BUSINESS – ORDINANCES**

Motion by Wedekind, seconded by Thurow and carried unanimously to approve the 1<sup>st</sup> reading of **Ordinance No. 2600** amending §13.25 pertaining to Reserve Capacity Assessments and §13.35 pertaining to Residential Equivalency Charges.

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

1. Section 13.25, Reserve Capacity Assessments of the Baraboo Municipal Code is hereby amended as follows:

**13.25 RESERVE CAPACITY ASSESSMENTS.** (1589 03/12/91)

- (1) For all sanitary sewer additions made after July 1, 1986, there is hereby levied and assessed upon each lot or parcel of land currently within the City which does not have an existing connection to the waste water facilities and upon lands subsequently attached to the City by annexation or for the purpose of using the waste water facilities a reserve capacity assessment (RCA). Such RCA charge shall be payable to the City as herein provided and shall be made on the basis of one RCA charge for each residential equivalent connection (REC) to the waste water facilities. Said charge shall be as set forth in the City’s Official Fee Schedule per each REC and shall be credited to the sewer debt fund.
- (2) Any person connecting to a sanitary sewer constructed by the City shall pay a minimum connection fee as set forth in the City’s Official Fee Schedule for each connection unless special assessments in a greater amount been levied upon the parcel,

in which case the larger amount shall be paid. This connection shall be in addition to the assessment under sub. (1). The connection fee shall be paid to the City Treasurer before any lot or parcel of land, or part thereof, is connected to the sanitary sewer. Said payment shall be credited to the sewer general fund.

- (3) For the purpose of this subchapter, sewer connections in the City shall be classified as existing connections or future connections. Existing connections shall include those in existence and connections for which a sewer connection permit has been issued and construction started as of July 1, 1982. Future connections shall be those not in existence as of July 1, 1982.
- (4) The RCA for a single-family residence shall be set by the Council in a separate action. The City Engineer shall determine the residential equivalency units for all other categories of buildings, pursuant to Section 13.35 Residential Equivalency Charge Chart. Special charges may be determined by the Council for large commercial or industrial users.
- (5) There shall be no RCA charge for existing connections. Payments of the RCA charge for future connections shall be paid in full upon the issuance of a building permit.

2. Section 13.35 Residential Equivalency Charges Chart of the Baraboo Municipal Code is hereby amended as follows

**13.35 RESIDENTIAL EQUIVALENCY CHARGE CHART.** The following list is the assigned Residential Equivalent Connection to be used when and where required.

(1)	Single-family dwelling	One REC
(2)	Duplex	Two REC
(3)	Condo, townhouse	One REC
(4)	Apartment, mobile home	0.67 REC for each unit
(5)	Hotel or motel	0.50 REC for each unit
(6)	Church	One REC
(7)	Funeral home	Two REC
(8)	Greenhouse	One REC
(9)	Garage/filling station	One REC
(10)	Car wash, automatic	6 REC
(11)	Car wash, self-serve	One REC for each stall
(12)	Beauty parlor, barber shop	One REC for each 3 stations
(13)	Bowling alleys	0.33 REC for each lane
(14)	Restaurants/Tavern	0.034 REC per seat (2240 10/24/2006)
(15)	Doctors and dentists	One REC for each 2 doctors
(16)	Offices/Industries	One REC for each 20 employees
(17)	Halls	One REC for each 20 capacity
(18)	Nursing homes	0.33 REC for each unit
(19)	Laundromats	One REC for each washing machine
(20)	Schools, without shower	One REC for each 75 students
(21)	Schools, with shower	One REC for each 50 students
	Additional for food preparation	One REC for each 250 meals
(22)	Travel trailer dumping station	Two REC for each station
(23)	Campsite	0.6 for each site (1590 3-12-91)

Any category of users not listed shall be assigned a REC by the City after a recommendation by the City Engineer. This list may be revised and updated from time to time.

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

### **COMMITTEE OF THE WHOLE**

Moved by Ellington, seconded by Sloan, to enter Committee of the Whole to discuss the future use and disposition of current Fire/EMS Station property and the 2023 Budget.

#### ***Future Use and Disposition of current Fire/EMS Station Property***

Adm. Bradley explained that there are different options for the existing Fire/EMS facility. We currently are in the process of working with developers to potentially refurbish this site. There are developers that are interested in possibly doing this. The theme we have had with developers that we partner with long term is we focus on developers that have financial workflow to complete projects but also ones that have a proven track record of not only owning, but also managing long term any projects that they take part of. With this being a downtown project, one of the concerns is getting it right the first time. Development agreements require transfer of ownership by the City to be approved. There was the suggestion that we potentially look at an RFP and soliciting proposals; this is not a process Adm. Bradley is comfortable with just because of the sensitivity of the location of this property. He doesn't feel we want to entrust this to just anyone. He would prefer we continue working with developers and their projects as proposed to Council.

Mayor Nelson did some research regarding Request for Proposals (RFP's) is something that would be viable. He did receive several responses from municipalities requesting RFP's for downtown projects. While it was a small sample size, most of them felt it was an opportunity for the City to put some boundaries on what we are looking for; we can, in a request for proposals, announce some of the things we would like to see to steer a developer towards something we are going to find favorable. It would also give us an opportunity to take it a step further and engage in public comment as to what they would like to see. This is the alternate vision on how we proceed.

Ald. Kolb noted that he has received several calls from residents regarding this city property we are turning over to a developer and why we are not putting out RFP's. Even with an RFP we could still control what type of developer we have. Mayor Nelson confirms that Council would have ultimate authority on which development project they want to endorse, and there would be nothing prohibiting any developers that have already expressed an interest in submitting a proposal. It's not a situation where we would need to take low bid; we could filter out developers that don't have the experience we are looking for.

Ald. Kent questioned Adm. Bradley's trepidation with going with RFP's. Adm. Bradley suggests that we cannot accurately go through an RFP process and do a financial analysis because they are not going to turn over their financials when it's a proposal situation. With the current process, it's part of negotiations and this information is turned over to the attorneys for review.

Ald. Kent noted that the way we have been doing it, from his perspective, seems like there is a developer that is interested in a piece of land that has not been developed or is underdeveloped, the city may or may not own, and that's the path we seem to go. Council may not have knowledge of the developers turned down, but all of a sudden it goes real fast. With the current process he feels it's already a done deal by the time it gets to Council and has to happen "right now". He feels it would be beneficial to understand what our other options are; however, he also understands the opportunity costs as well.

Ald. Wedekind feels we should move with what we have. Ald. Kolb noted that he is looking for a

little more transparency and the ability for the public to comment on the ideas they come up with.

Mayor Nelson noted that by the time the project comes to Council, it's basically a "yes or no" answer. This would allow Council to review multiple projects and vote.

Ald. Sloan noted that if you send out RFP's for a hotel, that is what you are going to get; there is no creativity for other options. He also feels we've had very good results with past developers.

Ald. Thurow feels that with an RFP you are extending the project way out.

Ald. Kent questioned how long the process was for Pelton before the Jackson property was brought to Council. Adm. Bradley noted that they started talking to them in February and the development agreement was approximately October.

Ald. Kent notes that if we had competing developers, there is opportunity costs and what is the difference between them? Adm. Bradley noted that each developer is going to be slightly different based on the needs of the City.

Ald. Petty questions the likelihood of developers coming to Baraboo if we start setting restrictions on what we want. Adm. Bradley's bigger concern is that we don't want this to be a mistake; and that could mean going with a developer that's done these types of development with a successful track record.

It was also noted the uncertainty with today's economy.

Ald. Sloan noted that at any point the City is able to say "no". If there is a proposal that Council does not like, they have the option to say no.

Ald. Hazard noted that in the past, the Jackson property may have sat vacant because we didn't have the housing shortage we currently have. We need to show our citizens that we are not married to one developer.

Adm. Bradley explained that we've had developers walk away when we tell them transfer of ownership is a requirement. It will be in every contract and is non-negotiable. If we are going to give tax incentives to the projects that Council ultimately should be able to vet who the new owner may be.

Mayor Nelson asked Council members to participate in an informal straw vote giving direction to staff on how to move forward with proposals for redeveloping the fire station property. This resulted in a vote of 7 votes to work with developer that has already expressed interest and 2 votes to prepare a request for proposal and distributing them.

Ald. Hazard stated that the public can still contact them with any concerns; this is not cast in stone.

### ***2023 Budget***

Finance Director J. Ostrander gave an update on the 2023 budget. For salaries, wages, and benefits, it does include a 4% COLA for employees. The departments were allowed to offer their budget cuts for 2023, some to include the permanent removal of currently unfilled staff positions.

She also provided the Council with a snapshot of our current debt.

Discussion on the levy and capital planning will take place at the September 27<sup>th</sup> Council meeting.

Moved by Kolb, seconded by Kent, to rise and report from Committee of the Whole and return to regular session. (*Roll Call*)

### **ADMINISTRATOR AND COUNCIL COMMENTS**

- Ald. Kolb thanked Kory and his team for providing communication services for the last 25 years.
- Ald. Wedekind noted they will be taking down the flags at the cemetery on Saturday morning.

### **REPORTS, PETITIONS, AND CORRESPONDENCE**

The City officially acknowledges receipt and distribution of the following:

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

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

**August 9, 2022**

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

**Absent:**

**Others Present:** Mayor Nelson, Adm. Bradley, Treasurer Laux, J. Ostrander, P. Cannon

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

Moved by Kent, seconded by Sloan to approve the minutes of July 26, 2022. Motion carried unanimously. Moved by Petty, seconded by Kent 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 **\$1,579,732.96**. Motion carried unanimously.
- b) **UW-Baraboo Campus Budget** – J. Ostrander explained that the UW-Baraboo Campus has requested from Sauk County \$110,000 for their 2023 budget. For the City, this means a contribution of \$110,000 which is double the \$55,000 from 2022. Over the course of the next few years, the Campus is estimating about \$550,000 of expenses, not counting the theatre project. This cost would be split 50/50 between the City and Sauk County. Adm. Bradley noted that the City is responsible for 50% of the infrastructure costs. Repairs and updates to the Fine Arts Building, the theatre project, is estimated at \$800,000. J. Ostrander noted that the Campus does have money available in their fund balance; a cushion should emergency repairs be needed. The Committee questioned whether we can afford this increase and the general consensus is no. It is requested that the Campus provide a presentation to the City Council. No action taken.
- c) **General Obligation Bonds** – J. Ostrander noted that this has to do with closing TID #6 and paying off the debt in TID #8. The 2012A Bond \$75,000 is to pay off TID #6 and \$390,000 is for TID #8. The 2013A is all TID #8, \$585,000. The 2014A is \$200,000 for TID #6 and \$250,000 for TID #8. Basically TID #6 is going to close next year, we are going to get the debt paid off now and roll excess funds over for payment of TID #8 debt. Motion by Petty, seconded by Kent to recommend to Council to approve Resolution Authorizing the Partial Redemption of Certain Outstanding General Obligation Bonds. Motion carried unanimously.

### **Discussion Items:**

The Committee continued to review the proposed changes to the Purchasing Policy. This will be brought back to the next Finance/Personnel Committee meeting to continue the review.

**Adjournment** – Moved by Petty, seconded by Kent and carried to adjourn.

**Administrative Committee**

**August 3, 2022**

Present: Alderpersons Kathleen Thurow, Heather Kierzek, Bryant Hazard

Absent: None.

Also Present:      City Clerk Brenda Zeman, Interim Police Chief Rob Sinden  
Citizen Present: None

The meeting was called to order by Chairman Kathleen Thurow at 8:00am, with roll call and noting compliance with the Open Meetings Law.

Motion by Hazard second by Kierzek to approve the July 5, 2022, minutes.

Motion by Hazard seconded by Kierzek to approve the agenda. Motion carried unanimously

**Action Items:**

- a)      Review and recommendation to the Common Council for a Class “B” Fermented Malt Beverage and a ”Class C” Wine License for TB’s Broadway Diner, LLC, 304 Broadway St. .

Interim Police Chief Rob Sinden noted there are no issues with this license, the background check has been completed, and recommends approval. City Clerk Zeman noted that the Broadway Diner currently holds a license; this application is due to the sale of the business. Motion by Hazard, seconded by Kierzek to recommend to the Common Council the approval of the Class “B” Fermented Malt Beverage and the “Class C” Wine License for TB’s Broadway Diner, LLC. Motion carried unanimously

- b)      Review and recommendation to the Common Council for the Liquor License Change of Agent for Kwik trip #855 to Cody Sayles

A background check has been completed on Cody Sayles; no issues were found. Motion by Hazard, seconded by Kierzek to recommend to the Common Council the approval of the Liquor License Change of Agent for Kwik Trip #855 to Cody Sayles. Motion carried unanimously.

- c)      Review and recommendation to the Common Council for the Liquor License Change of Agent for Kwik trip #657 to Riley Kay Roberts

A background check has also been completed on Riley Kay Roberts; no issues were found. Motion by Hazard, seconded by Kierzek to recommend to the Common Council the approval of the Liquor License Change of Agent for Kwik Trip #657 to Riley Kay Roberts. Motion carried unanimously.

- d)      Review and recommendation to the Common Council on approving the Temporary Liquor License (aka Picnic License) for the Baraboo Area Chamber of Commerce Oktoberfest, 9-24-2022

Interim Police Chief Sinden noted that the police department will be working very closely with the Chamber to ensure they comply with the liquor license; there are no issues with this application. Motion by Hazard, seconded by Kierzek to recommend to the Common Council the approval of the Temporary Liquor License for the Baraboo Area Chamber of Commerce Oktoberfest on 9-24-2022. Motion carried unanimously.

**Informational Items**

- a)      Date and time for next meeting: Tuesday, September 6, 2022, at 8:00AM

Motion to adjourn by Hazard, seconded by Kierzek at 8:04AM and unanimously carried.

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

Public Arts.....	7-28-2022	Park & Recreation.....	8-8-2022
Ambulance.....	5-27-2022, 8-24-2022	BDAS/BFD Consolidation..	7-11-2022
Library.....	7-19-2022, 7-26-2022	Airport.....	5-12-2022
CDA.....	7-29-2022, 8-2-2022, 8-25-2022		



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

### **CLOSED SESSION**

Moved by Petty, seconded by Kent, to go into Closed Session. The Mayor announced that the Council will go into Closed Session pursuant to §19.85(1)(g), Wis. Stat., to confer with legal counsel for the governmental body who is rendering oral or written advise concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (Claim filed against City)

Council Members Present: Wedekind, Kolb, Hazard, Kent, Petty, Ellington, Sloan, Kierzek, Thurow  
Council Members Absent:  
Others Present: Mayor Nelson, Clerk Zeman, Adm. Bradley, J. Ostrander, T. Pinion

### **OPEN SESSION**

Moved by Thurow, seconded by Ellington, to return to Open Session. The Mayor announced 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. 22-90**

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

THAT the claim filed by Barbara Lewis be denied and authorize Attorney Eric Hagen to notify Ms. Lewis of the denial.

Moved by Thurow, seconded by Ellington and carried that **Resolution No. 22-90** be approved-  
9 ayes.

### **ADJOURNMENT**

Moved by Ellington, seconded by Sloan, and carried on voice vote, that the meeting adjourn at 9:07pm.

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Brenda Zeman, City Clerk