



ADMINISTRATIVE COMMITTEE AGENDA

Date and Time: Monday, January 3, 2022 at 8:00AM
Location: City Hall, 101 South Boulevard, Baraboo, WI 53913
Room: C205 *Dennis O Thurow* Committee Room

This meeting is open to the public. However, with the health concerns regarding COVID-19, anyone appearing in person will be required to socially distance themselves.

Remote participation at this meeting is allowed and encouraged. Committee Members and the public wanting to participate remotely must dial:

Conference Call: 1 (414) 662-3639 Conference Code: 690 974 369#

Notices:

Full Paper to Members: Alderpersons: John Ellington, Heather Kierzek & Kathleen Thurow
Citizen or other notices: Mayor, Rob Nelson, City Administrator, Casey Bradley; Police Chief, Mark Schauf; Finance Director, Julie Ostrander; City Engineer, Tom Pinion; Clerk, Brenda Zeman, Library for subsequent posting, and Media

- 1) Call to Order:
 - a) Roll call of members
 - b) Note Compliance with Open Meeting Law.
 - c) Approve minutes – December 6, 2021.
 - d) Approve agenda.
- 2) Action Item(s):
 - a) Discussion and recommendation to the Common Council to amend §29.11 of the Baraboo Municipal Code, the number of cats and dogs allowed per Household and special exception permits.
- 3) Discussion Item(s): None.
- 3) Information Item(s):
 - a) Date and time of next meeting: Monday, February 7, 2022 at 8:00AM
- 4) Adjournment: Alderperson Ellington

For more information about the City of Baraboo, visit our website at www.cityofbaraboo.com.

Agenda prepared by Brenda Zeman, (608) 355-2700
Agenda Posted by Donna Griggel on December 29, 2021

Any person, who has a qualifying disability as defined by the Americans with Disabilities Act and requires the meeting or materials at the meeting to be in an accessible location or format, should contact the Baraboo City Clerk at 101 South Boulevard, Baraboo, Wisconsin or by phone (608) 355-2700 during regular business hours at least 48 hours before the meeting to ensure reasonable arrangements are made to accommodate each request.

Present: Alderpersons John Ellington, Heather Kierzek, Kathleen Thurow
Absent: None.
Also Present: Mayor Nelson, City Clerk, Brenda Zeman; Finance Director Julie Ostrander, Police Chief Schauf; City Administrator, Casey Bradley
Citizen Present: Debbie Zirzow, Rick Eilertson

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

Motion by Thurow, seconded by Kierzek to approve the November 1, 2021 minutes. Motion carried unanimously.

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

Consider Debbie Zirzow's request for Excessive Household Animals

Chief Schauf noted that the police department has had contact with Debbie regarding the barking dogs. In her request to the committee, she does explain that they have purchased "bark boxes" to help control the barking. Chief Schauf would like to see her aggressively stay in front of the barking. No other complaints have been received. Motion by Thurow, seconded by Kierzek to approve and recommend to Council Debbie Zirzow's request for Excessive Household Animals. Motion carried unanimously.

Consider the Operator's License for Brittane Leverenz

Chief Schauf explained that this license is being referred to the Administrative Committee following a denial by City staff to issue to the license. This license was denied by Chief Schauf due to pending felony drug charge and two misdemeanor drug charges. Chief Schauf advised that if the committee decides to grant the license, they consider a Conditional Operator's License. Clerk Zeman noted that Ms. Leverenz had requested her application be reviewed by the Administrative Committee; she is not in attendance at today's meeting. Ald. Kierzek requested we follow up with Columbia County regarding the charges. Chief Schauf is not sure what they will share because the case is currently pending but will follow up. Once Ms. Leverenz's case is settled, she can apply again. Motion by Thurow, seconded by Ellington to recommend to Council denying the Operator's License for Brittane Leverenz. Motion carried 2 ayes, 1 nay (Kierzek)

Consider amending §12.05(2), Special Event License

Clerk Zeman explained that there have been some issues with Special Event applications. There are some downtown businesses are concerned because they are not being notified of street closures due to Special Event. This amendment will require a detailed map to assist city staff in the setup for the event, and will also require businesses and tenants be notified of public right-of-way closures. Chief Schauf also added that this will allow us to get a little better with consistency, both internally and what is required of the applicants. It also increases the safety of all events that request closure of public right-of-way. Clerk Zeman will send the proposed changes to recent applicants of the Special Event permit to make them aware of the changes and notify them it will come before Council on December 14th. Motion by Kierzek, seconded by Thurow to approve and recommend to Council amending §12.05(2), Special Event License. Motion carried unanimously.

Consider amending §29.11(1), number of cats and dogs allowed per household

Chief Schauf noted that this was brought to the committee because of the number of requests received. Per the discussion at the last Administrative Committee, the code was amended to allow for 3 dogs or 3 cats, for a total of 4 animals. This was presented to animal control officers and they have no issues with the changes. Motion by Thurow, seconded by Kierzek to approve and recommend to Council amending §29.11(1), Special Event License. Motion carried unanimously.

Discussion Items: None.

Informational Items

The next meeting will be Monday, January 3, 2022 at 8:00AM.

Motion to adjourn by Kierzek, seconded by Thurow and unanimously carried.

Respectfully submitted, Brenda Zeman, City Clerk

- (4) **RABIES VACCINATION REQUIRED.** It shall be unlawful for any person to keep an adult dog in the City which has not received a rabies vaccination as required by §95.21, Wis. Stats., or to keep an adult cat in the City which has not received a rabies vaccination. No license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented to the City Clerk or designee. A rabies vaccination tag shall be attached to the collar of all licensed dogs and cats at all times, except as provided in §95.21, Wis. Stat.
- (5) **UNTAGGED DOGS AND CATS.** Untagged adult dogs and cats are prohibited. An adult dog or adult cat is considered to be “untagged” if a rabies vaccination tag or City-issued license tag is not attached to a collar which is kept on the dog or cat whenever the dog or cat is outdoors unless the dog or cat is confined.

29.11 NUMBER OF DOGS AND CATS PER HOUSEHOLD LIMITED; SPECIAL EXCEPTION PERMIT.

- (1) **DOG AND CAT LIMITS.** Except as otherwise permitted by this Chapter, no person shall own, harbor or keep more than two adult dogs and two adult cats in a household. If more than two adult dogs and two adult cats are owned, harbored or kept in or by any one household, the head of the household shall be deemed the person so owning, harboring or keeping such animals, notwithstanding that the dog or cat license or licenses may be issued to other members of the household as owners of such animals.
- (2) **SPECIAL EXCEPTION PERMIT.** The Common Council shall be authorized to grant a Special Exception Permit to allow a greater number of adult dogs and/or adult cats for a specific household provided the following conditions are satisfied:
 - a. Permit Request.
 - i. The head of household must submit a request for a Special Exception Permit in writing to the City Clerk, who, upon receipt, shall schedule the request to be considered at the next regularly scheduled Administrative

Committee meeting where the notice requirements described in sub. ii, below, can be timely made.

- ii. Upon receiving the request, the City Clerk or designee shall attempt to notify the owners of property immediately adjacent to the requestor’s property regarding the request. This attempt shall be made by regular mail to be posted at least 10 calendar days prior to the date of the Administrative Committee meeting at which the application will be heard.
- b. Administrative Committee Review. Before the Council considers a request for a Special Exception Permit, the request shall be reviewed by the Administrative Committee. If the Administrative Committee finds that the Permit should not be issued based on the factors listed in Subs. (c) i-vii, below, this determination shall be final and shall constitute a formal denial of the request. If the Administrative Committee finds that the Permit should be granted, or granted with conditions in addition to those listed in Par. (3), below, this determination shall be deemed a recommendation only and the final determination shall be made by the Council.
- c. Common Council Authorization. Upon a recommendation from the Administrative Committee to grant a Special Exemption Permit, or to grant a Special Exemption Permit with conditions in addition to those listed in Par. (3), below the Council shall make the final determination based on the following factors: (1885 10/08/96, 2448 09/13/16)
 - i. Whether the need for the additional animal is based on a change in

household circumstances. An existing household acquiring a new animal shall not be considered a change in household circumstances if that was the only change to the household.

- ii. Whether the excess animal is an ADA service animal, as defined by 28 CFR § 35.104.
- iii. How and when the excess animal was acquired by the household and whether the animal was acquired with knowledge of the limited number of such animals permitted by this ordinance.
- iv. The care and treatment of all animals in the household.
- v. Whether any resident of the household has a conviction involving or related to animal cruelty or abuse, including a violation of §29.27 of this Code.
- vi. Relevant testimony of any property owner notified pursuant to Subs. (a) ii, above.
- vii. Whether the applicant is delinquent in the payment of any taxes, assessments or other claims owed to the City.

(3) PERMIT CONDITIONS. The following conditions shall apply to all Special Exception Permits:

- a. No more than a total of five animals (adult dogs and adult cats combined) shall be owned, harbored or kept by one household, except that the Council may allow additional animals based upon a finding by the Council that the animals are ADA service animals, as defined by 28 CFR § 35.104, and that all

other conditions of this ordinance are met.

- b. Only one Special Exception Permit shall be allowed per household so that in no case shall a household have more than 3 adult dogs or 3 adult cats, except that the Council may allow excess animals based upon a finding by the Council that the animals are ADA service animals, as defined by 28 CFR § 35.104, and that all other conditions of this ordinance are met.
- c. Each permitted animal must be neutered or spayed.
- d. Each permitted animal must be raised in a safe, sanitary and healthful environment and shall be properly fed and groomed at all times and all animal waste shall be disposed of in a safe and sanitary manner.
- e. If a permitted animal dies, it shall not be replaced with another animal.
- f. Each permitted animal must be kept or harbored inside the residence.
- g. The owner of the household where such animals are harbored or kept must give his/her written consent to the granting of an exception under this subsection.
- h. Each permitted animal must be properly registered with the City and all license fees paid.
- i. Any additional conditions the Council deems necessary for public health, safety and general welfare.

(4) INSPECTIONS. Law enforcement officers and humane officers shall be authorized to inspect the household with reasonable notice to the owner or occupants thereof for compliance with the conditions established by the Council.

(5) PERMIT TERM. A Special Exception Permit shall be valid until the permitted animal dies or is no longer kept in the household.

(6) STAY OF ENFORCEMENT. A person in violation of Par. (1), above, but who has submitted a request for a Special Exception

Permit to the City Clerk and is waiting the final decision on the request shall not be subject to penalty under this Chapter during the time in which the request has been submitted and the final decision has been made.

- (7) PERMIT REVOCATION. A single violation of any of the conditions contained in this ordinance, or any other condition ordered by the Council, or any applicable condition contained in §12.01 of the Code, shall be sufficient grounds for revocation of the Special Exception Permit by the Common Council. For purposes of this section, a “violation” need not have resulted in a conviction so long as a law enforcement officer or humane officer is able to reasonably articulate and provide clear and convincing evidence, of which testimony may suffice, of said violation.

29.12 NUMBER OF DOGS AND CATS PER HOUSEHOLD; ANIMAL RESCUE LICENSE. (2370 01/10/2012 [created])

- (1) DEFINITIONS. As used in this section,
- a. “Animal rescue household” means a single-family residence working in conjunction with a bona fide animal rescue organization to temporarily board dogs or cats until a new home can be found for the animal.
 - b. “Bona fide animal rescue organization” is an organization dedicated to the adoption of surrendered, abandoned, homeless, or otherwise ownerless dogs and/or cats, and which:
 - i. Has been in existence as an organization for a minimum of two years;
 - ii. Does not allow animals in the organization’s care to be mated or bred;
 - iii. Requires that animals live indoors in an environment suitable for socializing with humans;
 - iv. Requires that animals have up-to-date vaccinations;

- v. Requires a personal visit to the home of potential clients of their animals; and
- vi. Is a member of the Alliance of Wisconsin Animal Rehoming Efforts.

- (2) ANIMAL RESCUE HOUSEHOLD; PERMITTED ANIMALS. A licensed animal rescue household shall be allowed two additional adult dogs or two additional adult cats in the household. The additional animals shall not be vicious animals as defined by this Chapter.

- (3) LICENSE REQUIRED. An Animal Rescue Household License shall be issued by the City Clerk to the head of the household of an animal rescue household that meets the following requirements:

- a. The applicant provides a letter of recommendation with the application for the license from a veterinarian supporting the household for animal rescue operations.
- b. The applicant provides evidence that the animal rescue organization the applicant is associated with is a bona fide animal rescue organization as defined in this ordinance.
- c. All other dogs and cats in the household are licensed.
- d. The applicant cannot have any convictions for animal abuse, animal neglect or animal cruelty.
- e. The applicant is not delinquent in the payment of any taxes, assessments or other claims owed to the City.

- (4) LICENSE CONDITIONS. The following conditions shall apply to all Animal Rescue Licenses:

- a. No more than a total of eight animals (four adult dogs and four adult cats combined) shall be owned, harbored or kept by one household.
- b. Only one Animal Rescue License shall be allowed per household.
- c. Each animal kept on the premises must be raised in a safe, sanitary and healthful environment and