

**Council Chambers, Municipal Building, Baraboo, Wisconsin
Tuesday, October 10, 2017 – 7:00 p.m.**

Mayor Palm called the regular meeting of Council to order.

Roll call was taken.

Council Members Present: Wedekind, Kolb, Plautz, Sloan, Petty, Ellington, Alt, Zolper, Thurow

Council Members Absent: none

Others Present: Chief Schauf, Clerk Giese, Adm. Geick, Attny. Truman, B. Zeman, C. Haggard, members of the press and others.

The Pledge of Allegiance was given.

Moved by Kolb, seconded by Wedekind and carried to approve the minutes of September 26, 2017.

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

Compliance with the Open Meeting Law was noted.

PUBLIC INVITED TO SPEAK – none.

MAYOR’S COMMENTS –none.

CONSENT AGENDA

Resolution No. 17-70

THAT the Accounts Payable, in the amount of \$364,595.60 as recommended for payment by the Finance/Personnel Committee, be allowed and ordered paid.

Resolution No. 17-71

That Trick or Treat hours be set on October 31, 2017 between the hours of 4 p.m. to 7 p.m. in the City of Baraboo.

Resolution No. 17-72

THAT, Elmer Ellis be appointed to Pink Lady Rail Commission serving until October 31, 2020.

Resolution No. 17-73

WHEREAS, City of Baraboo, hereby requests financial assistance under s. 287.23, Wis. Stats., Chapter NR 542 and Chapter NR 544, Wis. Admin. Code, for the purpose of planning, constructing or operating a recycling program with one or more components specified in s. 287.11(2)(a) to (h), Wis. Stats.

NOW, THEREFORE BE IT RESOLVED that the City of Baraboo hereby authorizes the Street Superintendent of the Public Works Department to act on its behalf to submit an application to the Department of Natural Resources for financial assistance under s. 287.23, Wis. Stats., Chapter NR 542 and Chapter NR 544, Wis. Admin. Code, sign necessary documents, and submit a final report.

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

2ND READING ORDINANCES

Moved by Ellington, seconded by Kolb and carried unanimously to approve the 2nd reading of Ordinance No. 2469, a General Development Plan/Specific Implementation Plan for Oak Park Property of Baraboo, LLC to construct two final additions to the complex for the Assisted Living and Independent Living units.

Moved by Wedekind, seconded by Kolb and carried unanimously to approve the 2nd Reading of Ordinance No. 2470, changing the sidewalk ordinance and sidewalk policy.

NEW BUSINESS**Resolutions:****Resolution No. 17-74**

Confirming the appointment of Cynthia Faye Haggard as Finance Director at an annual salary of \$87,000 and with four weeks of vacation and other standard employee benefits beginning October 31, 2017.

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

Ordinances:

Moved by Sloan, seconded by Petty and carried unanimously to approve the 1st reading of **Ordinance No. 2471** concerning the creation of Section 9.29, Sexting Prohibited, within the Municipal Code of the City of Baraboo.

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

1. Section 9.29 of the Municipal Code of the City of Baraboo is hereby created to read as follows:

9.29, Sexting Prohibited.

(a) **Intent.** The Common Council of the City of Baraboo has determined that sending and forwarding sexually explicit images, photographs, videos and messages between minors and that are harmful to minors, commonly referred to as “sexting,” represents a concern for the health, safety, welfare, peace and order to the citizens of the City of Baraboo. The Council has further determined that prohibiting the sending and forwarding of sexually explicit images, photographs, videos and messages between minors that are harmful to minors will serve to deter such activities within the city.

(b) **Definitions.**

Nudity means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a noticeably erect state. A mother's breastfeeding of a baby does not under any circumstances constitute "nudity," irrespective of whether or not the nipple is covered during or incidental to feeding.

Harmful to minors means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it is blatantly offensive to prevailing standards in the adult community as a

whole with respect to what is suitable material or conduct for minors and, taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

Minor means any person under the age of 18 years.

(c) A minor commits the offense of sexting if he or she knowingly:

(1) Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of any person which depicts nudity, as defined above, and is harmful to minors, as defined above.

(2) Possesses a photograph or video of any person that was transmitted or distributed by another minor which depicts nudity, as defined above, and is harmful to minors, as defined above. A minor does not violate this paragraph if all of the following apply:

- a. The minor did not solicit the image or video;
- b. The minor took reasonable steps to report the photograph or video to a school or law enforcement official; and
- c. The minor did not transmit or distribute the photograph or a video to a third party other than to a school or law enforcement official, or to the minor's parent or legal guardian in an effort to take the reasonable steps described in b, above.

(3) Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any text, correspondence, or message of a sexual nature when it is clearly offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

(4) Solicits the transmission or distribution of any image, photograph, video or message from another minor that would itself be prohibited under this section of the Municipal Code.

(d) Violations. Any person who violates this section shall, upon conviction of such violation(s), be subject to a penalty pursuant to §25.04, Penalty Provisions, of the City of Baraboo Municipal Code.

3. The creation of ordinance shall take effect upon passage and publication as provided by law.

Moved by Sloan, seconded by Petty and carried unanimously to approve the 1st reading of **Ordinance No. 2472** amending Section 1.86(7), Council Conduct with the Media, within the Municipal Code of the City of Baraboo.

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

1. Section 1.86(7) of the Municipal Code of the City of Baraboo is hereby amended to read as follows:

- (7) **COUNCIL CONDUCT WITH THE MEDIA.** The Mayor is the official spokesperson and representative on City positions. The Mayor shall be the designated

representative of the Council to present and speak on the official City position. If individual Council members or members of a committee are contacted by the media, the Councilmember or member of a committee shall, to the fullest reasonable extent possible, be clear about whether their comments represent the official City position or a personal viewpoint.

3. The amendment of the ordinance shall take effect upon passage and publication as provided by law.

Moved by Petty, seconded by Ellington and carried unanimously to amend the ordinance to add that in the Mayor's absence, the City Administrator shall be the official spokesperson, and in the absence of the Mayor and City Administrator, the City Attorney shall be the official spokesperson. Roll Call on amended ordinance was unanimously carried.

MAYOR, ADMINISTRATOR, AND COUNCIL COMMENTS- none

REPORTS and MINUTES

The City officially acknowledges receipt and distribution of the following:

Monthly Reports for Sept. 2017 from – Building Inspection, Fire Dept., Library

Minutes from the Following Meetings -

Minutes of the Public Safety Committee Meeting –

August 28, 2017

Members Present: Phil Wedekind and Tom Kolb, and Mike Plautz. **Others Present:** Kevin Stieve, Mark Schauf, Mike Palm, Ed Geick, Pat Liston, Ben Bromley, Ryan & Kim Boardman, Tom Pinion, Wade Peterson, Tony Gilman, Ed Geick, Mike Palm, Tom Pinion, Mark Schauf, Kevin Stieve, Emily Truman, Tony Gilman, Grant Slayton, Greg Slayton, Julie Enloe, Joe Ledger, Rob Hoverman, Tim Luger, and Kris Jackson.

Call to Order - Committee Chairman Phil Wedekind called the meeting to order at 1:00 P.M. at the City Services Center, 450 Roundhouse Court, Baraboo, Wisconsin. Compliance with the Open Meeting Law was noted. Wedekind asked for a motion to approve the agenda with the exception letter 1 to a. Kolb moved, Plautz seconded to approve the agenda with the changes. By voice vote, the motion carried. Plautz requested a change be made to the July 31 minutes. He said under Item E, discussion on wheel tax, the minutes said 99 cents on the dollar goes to the State and the remainder to the City, this should be reversed. Kolb, seconded by Plautz to approve the minutes of August 31 with the correction. By voice vote, the motion carried.

New Business

- l) **Consider request by Ryan Boardman to allow a connection to the City's watermain for his 10.46-acre parcel located on the east side of CTH A approximately 550 feet north of Crawford Street, at S3950 CTH A in the Town of Fairfield** – Engineer Pinion gave background. He said that DNR prohibits private wells within 1200 feet of a landfill, whether it is planned, active, or closed. He said Boardman wants to connect to the City's water main, and he has no other option. He said that if the Committee favorably reviews this, it would go to Council for a formal ordinance amendment. It was moved by Kolb, seconded by Plautz to allow connection to the City's watermain and forward to Council for ordinance amendment. Motion carried unanimously.
- a) **Consider imposing a Parking Restriction on the south side of Manchester Street east of Effinger Road** – Pinion said that this area is 29 feet from face of curb to face of curb and when vehicles are parked on both sides of the street it only leaves 14 or 15 feet for cars to pass in opposite directions. Pinion said that his concern is limiting parking to one side will make snow removal, street sweeping, brush collection, and refuse/recycling collection more challenging. He said that it is being requested that parking be allowed on the south side of the street, rather than the north side so that mailboxes would not be obscured and easier for people to see getting in and out of their driveway. Pat Liston said that this area gets very congested, and vehicle drive at a high rate of speed. Plautz said that he monitored this area and does not see an issue with cars parking on the street and does not feel a parking restriction is necessary. Kolb felt that the restricting the parking should be tried. Plautz said that the restrictions should be just on Manchester, but around the corner on Effinger. It was moved by Kolb to restrict parking on the north side of the Manchester street, and around the corner to curb cut on Effinger. Plautz seconded the motion and on voice vote, the motion carried.
- b) **Consider imposing a Parking Restriction on the south side of 2nd Avenue west of Broadway** – Pinion said that he received a "petition" from employees of Compeer (formerly Badgerland Financial) requesting the parking be restricted on the south side of 2nd Avenue. He said that Chief Schauf and him have reviewed the situation and are not recommending any

additional parking restrictions on 2nd Avenue. He feels that Compeer should consider a one-way exit into the alley, similar to the Post Office. A spokesman of Compeer said that they are asking for four parking stalls be eliminated on the south side. Chief Schauf said that that is generally not quick to remove parking, especially downtown, and when he looked there has only been one accident there in the past ten years; therefore, he does not have the data to support eliminating parking. Kolb questioned if eliminating the closest parking stall to the west of the driveway would give better visibility. Compeer representative did not feel that would be sufficient. Pinion asked if changing it to a 2-hour parking restriction would help the situation. Compeer felt that this would be a step in the right direction. It was moved by Plautz, Kolb seconded to restrict parking to 2-hour parking. Motion carried unanimously.

- c) Consider imposing a Parking Restriction on north side of Water Street east of Elizabeth Street – Pinion said the concern is vehicles headed south on Elizabeth Street approaching the stop sign, with cars parked all along the gravel parking lot, it limits visibility for traffic coming from the east heading westbound. He said that parked cars when trying to enter crosswalk could also hide pedestrians. Kolb feels moving the yellow line back one parking stall would be adequate. Kolb moved, Plautz seconded to extend the yellow line backing one parking stall. Motion carried unanimously.
- d) Consider imposing Parking Restriction on the south side of 14th Street west of Tuttle Street – Pinion said that this request was initiated at the public hearing for the Zolper Chiropractic, which the Council favorably reviewed the zoning, but suggested that Public Safety review the parking situation. He said that the tenants plan to utilize only the first floor. He said that he reviewed the situation with Chief Schauf and considering the recent elimination of the former eye clinic on the north side of the street and the expanded parking lot at St. Clare Hospital, they believe restricting the parking may be premature and suggest a “wait and see” approach and monitor the situation to determine if such a restriction is really warranted. Kolb does not feel that the entire side needs to be restricted. Adam Leonhard agreed with Pinion that it is sparsely parked; however, when the building is in use the parking changes. He feels that the problem is that the parking lot for a building lot size is too small. Leonhard is proposing to restrict parking during business hours on the south side from the east side of his driveway (624 14th Street) to the corner. Pinion said that if this were done and if the medical building customers were to park on the north side of the street they would be crossing the street mid-block because they would not climb through the snowbank to get to the sidewalk to get to the crosswalk. Kolb moved, seconded by Plautz to do nothing at this time and wait to see if problems arise when the building is occupied. Motion carried unanimously.
- e) No Turn for westbound Trust for the 2nd/3rd Alley from Ash to Oak – Pinion said that that within the past couple of years the awning of Jeweler’s Edge has been hit four or five times by trucks exiting the alley. He said that the owner is requesting a “No Turn” for truck sign posted in the alley above the stairwell. The sign will project into the alley, but could not be hit unless someone drove through the stairwell. He said that he and Schauf reviewed the situation and although they have doubts that signage will completely solve the problem, it would not hurt to try. It was moved by Kolb, seconded by Plautz to authorize installation of a “No Turn for Truck” sign on the Brothers On Oak building above the stairwell. Motion carried unanimously.
- f) Consider designating the north side of 9th Ave., from Draper to Berkley Blvd, and east side of Berkley Blvd., from 9th Avenue north to the westerly entrance to the High School Parking Lot as a Loading Zone – Schauf said as the result of the annual safety meeting with the school they are addressing some concerns coming up for the current year that will be unique based on the construction that is going on as part of the referendum. He said that the upper drive-thru, which is how people normally dropped off their kids and parking is restricted because they need the room for building equipment. He said that the best resolution for a student drop-off would be to restrict parking on the north side of 9th Avenue and the east side of Berkley Blvd. and designate it as a Loading Zone during school hours. Schauf said the one challenge that this does have is with the construction they have eliminated or reduced the number of parking stalls, they have sold all of the parking stalls to students, and the other will be pushed farther out into the neighborhood. Kolb moved, Plautz seconded to designate the north side of 9th Avenue and the east side of Berkley Blvd. as a Loading Zone during school hours as presented. Motion carried unanimously.
- g) Review and approve Purchase of a 2008 Freightliner Plow Truck Chassis and a stainless tailgate sander – Pinion said that since Tony Gilman has been on board he has taken a more active interest in being acclimated with the fleet and one thing that cannot be hidden is that it is an ancient fleet. He said that second oldest plow truck is a 1995 Ford L8000, high mileage and is due for some routine repairs. He said that Mechanic, Mike Pate feels that it is going to be more extensive. He said that Truck Country recently accepted a 2008 Freightliner truck chassis as a trade-in from the City of Waterloo and it is in very good condition. He said that Pate asked Truck Country for their bottom dollar on the 2008 Freightliner chassis and they have offered a one-time discounted price of \$43,062. Plautz moved, Kolb seconded to approve the purchase of a 2008 Freightliner Plow Truck Chassis and a stainless tailgate sander as presented. Motion carried unanimously.
- h) Consider a revision to the Sidewalk Policy provision pertaining to installation of sidewalk for new home construction – Pinion said that the sidewalk policy states that sidewalks go in before an occupancy permit is issued for a new home, which is what has been done; however, it states to the extent required by Section 8.08(5)(b), and in looking at 8.08(5)(b) it says only if it is within the City’s 3-year sidewalk plan. He went on to say that, the City has not had a 3-year sidewalk plan since 2005 that was officially adopted. Wedekind feels that when a new house is built, sidewalks should be required regardless. Kolb moved, Plautz seconded to eliminate Section 8.08(5)(b) of the Code as it pertains to 3-year Sidewalk Plan. Motion carried unanimously.

- i) Discussion and possible recommendation to establish a local vehicle registration fee as an alternative funding source for future street improvements – Wedekind stated that the roads and financing of roads were the top priorities for the past two years in policy meetings held. He said that it is his opinion this issue should go to referendum now for tax and take the chance. Plautz agreed with Wedekind regarding the referendum. Kolb said that previously discussion took place in regards to holding a public hearing; however, he likes the idea of a referendum better because who knows what is going to happen in the State Legislature, if they pass that then it has to go to referendum anyway. Kolb moved, Plautz seconded to recommend to Council to have a referendum question regarding adding a wheel tax to the vehicle registration fee on the April ballot. Motion carried unanimously.
- j) Discussion and possible recommendation to consider creation of a Street Light utility to fund the annual operating costs for streetlights throughout the City of Baraboo – Wedekind said he does not like the idea of collecting a fee every month. Peterson said that they bill quarterly for the Utility and this could be something that went on that bill. Wedekind said he would rather see the wheel tax first. Geick said that before the Committee considered doing the streetlight utility a background study would have to be done. He said that there would be a lot of preliminary work that would need to be done first. After a lengthy discussion, Pinion said that this subject should be kept on radar as budget numbers are reviewed, should the need arise it can be pursued later.
- k) Discussion and Possible Action on recommendations included in the Fire Department Operations Study – After a lengthy discussion took place, Geick said what he would like to do develop an implementation plan for the Committee to consider. He said as we go through the next couple of weeks, hopefully we will have a better idea of where we are going and how we are going to get there, and at the same time have a better idea of where what our local funding is, which will have some influence on what we can do with recommendations to this plan. Kolb said one of the interesting suggestions that he heard was a type of built-in incentive for public works employees to be firefighters since they already had CDLs. Stieve said that he does not have a problem, it is getting a commitment and there would have to be training if they were not going to be a full-fledged member. He said that they would have to be certified firefighters if they were not already, and it could interrupt their work schedule during day. He said that they do not need a CDL to drive a firetruck if they are a member of the Fire Department. Plautz said that one of future recommendations was to the merge the Fire and Ambulance together and they have the same kind of organizational structure that the Ambulance Commission has, which is overseen by the City and the surrounding townships, he asked what Stieve's thoughts were on this. Stieve said that his personal and professional opinion there are members that are cross training and could do both. He said that the ambulance service is very busy and there has been conversation on bringing the ambulance service into the building because there is a lot of space, he feels that this could happen, there may have to be some adjustments to the building. He said ultimately this would be the Committee's decision and how that would be done. Steve said that one thing that he would like to see is a training person.
- m) Consideration of Resolution Declaring Official Intent to Reimburse Expenditures made for next year's anticipated Bio-solids Upgrade Project at the WWTP – Peterson said that he is applying for the Clean Water Fund Loan for the upgrade to the Treatment Plant. Kolb moved, seconded by Wedekind to recommend approving the Resolution Declaring Official Intent to Reimburse Expenditures made for next year's anticipated Bio-solids Upgrade Project at the WWTP. Motion carried unanimously.
- n) Consideration of Resolution designating an Authorized Representative to File Clean Water Fund Loan Application for next year's anticipated Bio-solids Upgrade Project at the WWTP – Peterson said this is again through the Clean Water Fund and is asking that the Mayor be the designated representative. It was moved by Kolb, seconded by Plautz to recommend the resolution designating the Mayor as the representative as requested. Motion carried unanimously.
- o) Review and approval of monthly Billing Adjustments/Credits for Sewer and Water Customers for the month of August, 2017 – It was moved by Kolb, seconded by Plautz to approve the monthly Billing Adjustments/Credits as presented. Motion carried unanimously.

Reports

- a. Utility Superintendent's Report – Peterson said Bio-solids solids is on track and going well. He said that he was relying on being able to apply for the variance regarding phosphorus, but because the Utility is so frugal, the requirements were not met to use that avenue.
- b. Street Superintendent's Report – Gilman said that painting crosswalks and curbs is winding down. He said crews are working on alleys and getting ready for paving. Brush pickup and trimming is ongoing. Gilman said that he would be trying to get the residents to stack their brush a certain way. Wedekind asked if they chip on-site, he said that he would not mind doing that; however, there is a problem getting rid of chips as well as brush. Pinion said that if the City is going to continue to burn, the facility needs to be licensed.
- c. Police Chief's Report – Schauf said that school has started and the Resource Officers were going to be applying the new truancy ordinance that was approved at Council. He said the department is also working on training with Chief Stieve and Emergency Management on re-education, and how to handle on-going violence situations. Schauf said that the Department would also be doing some training to become a dementia friendly community.

d. Fire Chief’s Report – Stieve said that there were two crashes on the new bypass, nothing major. He said that there are four in the hopper for hiring; the Police and Fire Commission have approved the eligibility list.

Wedekind asked Pinion to check the shrubs on the corner of Camp and 8th Street.

ADJOURNMENT – Kolb moved, Wedekind seconded to adjourn at 2:46 p.m. Motion carried.

Finance/Personnel Committee – Council Chambers **September 26, 2017**

Members Present: Petty, Thurow, Sloan

Absent: none

Others Present: Mayor Palm, E. Truman, M. Hardy

Call to Order –Ald. Petty called the meeting to order at 6:03 p.m. noting compliance with the Open Meeting Law. Moved by Sloan, seconded by Thurow to adopt the agenda and carried unanimously. Moved by Sloan, seconded by Thurow to approve the minutes of September 12, 2017. Motion carried unanimously.

Accounts Payable – Moved by Sloan seconded by Thurow to recommend to Council approval of the accounts payable for **\$486,405.53**. Motion carried unanimously.

Pierce Park Lease – M. Hardy reviewed the Pierce Park lease with the Baraboo Youth Hockey Association which is a 6 month term over the winter months. There is no rental fee but in exchange, the Assn pays building improvements and utility costs. Moved by Thurow, seconded by Sloan and carried unanimously to forward to Council for action.

Seasonal Recreation Wages – M. Hardy reviewed the annual review setting Recreation, Pool and Seasonal employees for 2018. Lifeguard rates are increased to attract workers and will be offset by higher pool fees. Moved by Sloan, seconded by Thurow and carried unanimously to recommend to Council for action.

Tuscania Memorial Donation – The Memorial fund raising is on track and there are plans to open the memorial next year. The Parks Commission recommends that it be placed in the Mary Rountree Park and that the donation be accepted. Moved by Sloan, seconded by Thurow and carried to recommend to Council for action.

BMO Harris Bank – Moved by Sloan, seconded by Thurow to rescind the previous resolution and approve the BMO Harris Bank resolution concerning banking services.

Kiwanis Fun Run/Walk – Moved by Sloan, seconded by Thurow and carried to waive the fee as requested.

Comments: none

Adjournment – Moved by Sloan, seconded by Thurow and carried to adjourn at 6:21 p.m.

Copies of these meeting minutes are on file in the Clerk's office:

Police & Fire Comm	8-21-17	BID Appearance Comt.	9-18-17
District Ambulance Comm.	7-26-17	District Ambulance Ad Hoc	7-26-17
District Ambulance Comm.	6-29-16 corrected	District Ambulance Ad Hoc	8-31-16corrected
District Ambulance Comm.	8-31-16 corrected	UW Campus Commission	8-17-17
Public Art Assn.	8-31-17	BEDC	9-7-17

PETITIONS, AND CORRESPONDENCE

Petitions and Correspondence Being Referred -none

CLOSED SESSION

Moved by Sloan, seconded by Petty and carried unanimously to adjourn to closed session per SS 19.85(1)(e) to deliberate or negotiate the purchase of public property, invest public funds, or conduct other specific business whenever competitive or bargaining reasons requires a closed session. (1208

Oak Street).

Council Members Present: Wedekind, Kolb, Plautz, Sloan, Petty, Ellington, Alt, Zolper, Thurow

Council Members Absent: none

Others Present: Chief Schauf, Clerk Giese, Adm. Geick, Attny. Truman, Brenda Zeman, Cynthia Haggard

The Council heard a report concerning a potential development at 1208 Oak Street. No action taken.

OPEN SESSION

Moved by Wedekind, seconded by Kolb and carried on a unanimous roll call vote to return to Open Session as per WI Stats 19.85(2) to address any business that may be the result of deliberations made in Closed Session.

INFORMATIONAL ITEMS

Thank you letter from Baraboo Lions Club for waiving fee for Cornhole Tournament.

Summons and Complaint from Wal-Mart concerning property assessment value.

ADJOURNMENT

Moved by Sloan, seconded by Petty, and carried on voice vote, that the meeting adjourn.

Cheryl M. Giese, Clerk-Finance Director