

AGENDA
CITY OF BARABOO COMMON COUNCIL
Council Chambers, 101 South Blvd., Baraboo, Wisconsin
Tuesday, April 10, 2018, 7:00 P.M.

Regular meeting of the Common Council, Mayor Palm presiding.

Notices sent to Council members: Wedekind, Kolb, Plautz, Sloan, Petty, Ellington, Alt, Zolper, and Thurow

Notices sent to City Staff and Media: Atty. Truman, Adm. Geick, Clerk Zeman, Finance Director Haggard, City Engineer Pinion, Utility Super. Peterson, Street Super. Gilman, Police Chief Schauf, Parks & Recreation Dir. Hardy, City Treasurer Laux, Fire Chief Kevin Stieve, Library Director Meg Allen, CDA Director, the News Republic, WBDL, and WRPQ,

Notices sent to other interested parties: Citizen Agenda Group, Media Agenda Group

CALL TO ORDER

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF PREVIOUS MINUTES - (Voice Vote): March 27, 2018

APPROVAL OF AGENDA (Voice vote):

COMPLIANCE WITH OPEN MEETING LAW NOTED

PRESENTATION –

PUBLIC INVITED TO SPEAK (Any citizen has the right to speak on any item of business that is on the agenda for Council action if recognized by the presiding officer.)

MAYOR'S COMMENTS –

- The Mayor will welcome Council, Staff and Public to the new facility.
- The Mayor will read the 2018 National Library Week Proclamation.

CONSENT AGENDA (roll call)

CA-1... Approve the accounts payable to be paid in the amount of \$_____

ORDINANCES ON 2ND READING

SR0-1... Consider revising the speed limit on South Blvd.

NEW BUSINESS RESOLUTIONS

NBR-1... Consider joining the Great Sauk Trails Committee & naming Mike Hardy as the representative.

NEW BUSINESS ORDINANCES

NBO-1... Consider revising Section 12.02 (13A), Outdoor Alcohol in B-3 Highway Oriented Business Districts.

NBO-2... Consider adopting an ordinance prohibiting urinating/defecating in public.

MAYOR, ADMINISTRATOR, AND COUNCIL COMMENTS

**Council Chambers, Municipal Building, Baraboo, Wisconsin
Tuesday, March 27, 2018 – 7:00 p.m.**

Mayor Palm called the regular meeting of Council to order.

Roll call was taken.

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

Council Members Absent: Plautz, Ellington

Others Present: Adm. Geick, Atty. Truman, C. Haggard, B. Zeman, T. Pinion, M. Schauf, members of the press and others.

The Pledge of Allegiance was given.

Moved by Alt, seconded by Kolb and carried to approve the minutes of March 13, 2018.

Moved by Sloan, seconded by Petty and carried to approve the amended agenda.

Compliance with the Open Meeting Law was noted.

PUBLIC INVITED TO SPEAK – No one spoke.

MAYOR’S COMMENTS – The Mayor read a proclamation that April is Sexual Assault Awareness Month.

CONSENT AGENDA

Resolution No. 17-143

THAT the Accounts Payable, in the amount of \$ 811,426.13 as recommended for payment by the Finance/Personnel Committee, be allowed and ordered paid.

Moved by Petty, seconded by Wedekind and carried that the Consent Agenda be approved- 7 ayes.

ORDINANCES ON 2ND READING

Moved by Sloan, seconded by Wedekind and carried unanimously to approve the 2ND reading of **Ordinance No. 2486**, amending the licenses issued as Pawnbrokers, Secondhand Article Dealers and Secondhand Jewelry dealers to be valid for one year.

Moved by Petty, seconded by Alt and carried to approve the 2ND reading of **Ordinance No. 2487** creating an ordinance that prohibits smoking, vaping and the use of tobacco products in City Buildings.

Moved by Sloan, seconded by Kolb and carried unanimously to approve the 2ND reading of **Ordinance No. 2482** rezoning property at 1065 Walnut Street as a planned Unit Development (PUD).

NEW BUSINESS

Ordinances:

Moved by Kolb, seconded by Sloan and carried unanimously to approve the 1st reading of **Ordinance No. 2488**, consider revising the speed limit on South Blvd.

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

1. The City of Baraboo Code of Ordinances § 7.08 is revised as follows:

7.08 SPEED LIMITS. The Council hereby determines that the statutory speed limits on the following streets or portions thereof are unreasonable, unsafe and imprudent and modifies such speed limits as follows:

- (1) **SPEED LIMITS INCREASED.** Speed limits are increased on the following designated streets or portions thereof:
 - (a) 40 Miles Per Hour. On Taft Avenue (C.T.H. T) between 8th Street and the northerly City limits.
 - (b) 35 Miles Per Hour.
 1. On South Boulevard between Pate Street and State Hwy 136.
 2. On South Boulevard between Commerce Parkway and the westerly on/off ramps of US Hwy 12.
 - (c) 30 Miles Per Hour.
 1. On South Boulevard between Badger Drive and Pate Street.
 2. On 8th Street between Washington Avenue and the easterly City limits.
- (2) **SPEED LIMITS DECREASED.** The speed limits are decreased, as hereinafter set forth, upon the following streets or portions thereof:
 - (a) 15 Miles Per Hour.
 1. On Zoo Lane between Park Street and Ridge Street.
 2. All alleys.
 - (b) 25 Miles Per Hour.
 1. On South Boulevard between State Hwy 136 and Commerce Parkway.
 2. Manchester Street. (2091 08/27/02)
 3. Madison Avenue between Crawford and East Street. (2135 01/27/04)

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

Resolutions:

Resolution No. 17-144

That the following budget amendments are authorized for the 2nd Quarter and 4th Quarter, 2017:

See attached memorandum and amendment schedules.

Moved by Sloan, seconded by Petty and carried that **Resolution No. 17-144** be approved-7ayes

Resolution No. 17-145

To authorize the City Administrator to sign the Scope of Engagement agreement with Quarles & Brady, LLP for the purpose of serving as bond counsel for the of \$2.5 million of Sewerage System Revenue Bonds, Series 2018 (Clean Water Fund).

Moved by Petty, seconded by Wedekind and carried that **Resolution No. 17-145** be approved-7ayes

Resolution No. 17-146

WHEREAS, the Claims Committee is hereby dissolved and a new policy is established that gives the City Attorney have the authority to settle claims for up to \$3,000, to the City Attorney with

the approval of the City Administrator be able to settle claims for between \$3,000 and \$10,000, and that the Council, by way of the Finance/Personnel Committee, has the authority to act on any claim over \$10,000.

Moved by Zolper, seconded by Thurow and carried that **Resolution No. 17-146** be approved-7ayes

Resolution No. 17-147

That the low bids of:

D.L. Gasser	\$73,100	–	Proposal #1 – Asphaltic Paving
D.L. Gasser	\$34,800	–	Proposal #2 – Asphalt Pavement Materials
Scott Construction	\$34,180	–	Proposal #3 – Asphaltic Patching
Concrete Service Company repair	\$68,100	–	Proposal #4 – Curb and gutter & sidewalk
Kraemer Company LLC Course	\$ 5,850	–	Proposal #5 – Crushed Aggregate Base
Kraemer Company LLC Crushing	\$46,550	–	Proposal #6 – Concrete and Asphalt

Are hereby accepted and all other bids are rejected.

Moved by Kolb, seconded by Wedekind and carried that **Resolution No. 17-147** be approved-7 ayes

Resolution No. 17-148

That the proposal for mowing of the USH 12 median strips from Top 2 Bottom in the amount of \$55.00 per mowing and \$35 per hour for additional weed pulling and trimming is hereby accepted and all other bids are rejected.

Moved by Sloan, seconded by Kolb and carried that **Resolution No. 17-148** be approved-7 ayes

Resolution No. 17-149

That the Proposal for mowing of weeds and rank growth from Sunrise Property Care in the amount of \$0.01 per square foot for mowing an improved lot, \$0.05 per square foot for vacant property less than 1/2-acre, \$0.008 per square foot for vacant property greater than 1/2-acre, and \$0.03 per square foot for weed control is hereby accepted.

Moved by Kolb, seconded by Petty and carried that **Resolution No. 17-149** be approved-7 ayes

Resolution No. 17-150

RESOLUTION APPROVING THE STATE/MUNICIPAL FINANCIAL AGREEMENT FOR A STATE-LET HIGHWAY PROJECT ON STH 33 BETWEEN LINCOLN AVENUE & THE WESTERLY CITY LIMITS

WHEREAS, the reconstruction of STH 33 between Lincoln Avenue and the westerly City Limits is scheduled for 2025; and

WHEREAS, the State of Wisconsin and the City of Baraboo will share the cost of this 5

project pursuant to the term and conditions of the attached Agreement;

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Baraboo approves the State/Municipal Financial Agreement for a State-Let Highway Project dated March 07, 2018; ID # 5090-05-01/ -71.

BE IT FURTHER RESOLVED, that the City Council of the City of Baraboo authorizes the Mayor to execute the State / Municipal Financial Agreement.

Moved by Wedekind, seconded by Sloan and carried that **Resolution No. 17-150** be approved-7 ayes

Resolution No. 17-151

THAT the attached three-lot Certified Survey Map prepared by Grothman & Associates, SC is hereby approved and further,

THAT the dedication of land for the Crawford Street right-of-way as shown on this Certified Survey Map is hereby accepted.

Moved by Kolb, seconded by Sloan and carried that **Resolution No. 17-151** be approved-7 ayes

CLOSED SESSION – Moved by Wedekind, seconded by Petty and carried unanimously to adjourn to closed session per SS 19.85(1)(e) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is likely to come involved (application to display a statue on City property).

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

Council Members Absent: Plautz, Ellington

Others Present: Adm. Geick, Attny. Truman, Clerk Zeman, Chief Schauf, Tom Pinion, Scott O'Donnell

The Council discussed an application to display a statue on City property. No action was taken.

OPEN SESSION – Moved by Wedekind, seconded by Kolb and carried unanimously 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.

MAYOR, ADMINISTRATOR, AND COUNCIL COMMENTS

Adm. Geick reminded the Council members that the next meeting will be at the new building.

REPORTS and MINUTES

The City officially acknowledges receipt and distribution of the following: **Monthly Reports from February 2018** – Treasurer, Fire and Police Dept. 2017 Yearly Report

Minutes from the Following Meetings –

Finance/Personnel Committee – Council Chambers

March 13, 2018

Members Present: Petty, Thurow, Sloan

Absent: none

Others Present: Mayor Palm, E. Geick, E. Truman, C. Haggard, B. Zeman, M. Hardy, W. Peterson

Call to Order –Ald. Petty called the meeting to order at 6:02 p.m. noting compliance with the Open Meeting Law. Moved by 6

Sloan, seconded by Thurow to adopt the agenda and carried unanimously. Moved by Sloan, seconded by Thurow to approve the minutes of February 27, 2018. Motion carried unanimously.

Accounts Payable – Moved by Thurow seconded by Sloan to recommend to Council approval of the accounts payable for **\$626,285.65**. Motion carried unanimously.

Civic Center Gym – M. Hardy informed the Committee that the Park & Rec Commission did not support the use of Kuenzi funds to assist in paying for this. Without the use of Kuenzi funds, the bid from Terrytown Plumbing is about \$8,000 over budget. No action taken at this time.

Maxwell-Potter Conservancy Riverwalk – M. Hardy explained the proposed contract with Westbrook Associated Engineers, Inc. for the engineering and design of the Riverwalk Bridge. The bid from Westbrook Associated Engineers, Inc. came in significantly lower than the other bids. Motion by Sloan, seconded by Petty to recommend to Council for action. Motion carried – 2 ayes, 1 nay Thurow

2018 EAB Treatment – M. Hardy explained that only one bid for the treatment of ash trees against Emerald Ash Borer was received from TruGreen. He also noted that TruGreen has successfully treated City trees in the past. Motion by Sloan, seconded by Thurow to recommend to Council for action. Motion carried unanimously.

Employee Handbook – The Committee reviewed the changes that were made to the Employee Handbook. Motion by Sloan, seconded by Thurow to recommend to Council for action. Motion carried unanimously.

Informational Only – Ehlers – Potential Refunding of Existing Bonds. No action taken.

Comments - J. Petty asked when the last time we did a study or evaluation of the Library? With the hiring of a new director and the expansion of the Library, it was decided that this should be looked at again at the next Goal Setting.

Adjournment – Moved by Thurow, seconded by Sloan and carried to adjourn.

Minutes of the Public Safety Committee Meeting – February 26, 2018

Members Present: Phil Wedekind, Tom Kolb, and Mike Plautz. **Others Present:** Tom Pinion, Emily Truman, Wade Peterson, Ed Geick, Mark Schauf, Kevin Stieve, Tony Gilman, Ben Bromley, 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. It was moved by Kolb, seconded Plautz to approve the agenda as posted. Motion carried unanimously. It was moved by Kolb, seconded by Plautz to approve the minutes of the January 29, 2018 meeting. Motion carried unanimously.

New Business

- a. **Consider Ordinance revising official Traffic Map to show the designated handicap parking stalls in Downtown Baraboo** – Pinion stated this is housekeeping making sure the map matched the ordinance. It was moved by Plautz, seconded by Kolb to revising the official Traffic Map to show the designated handicap parking stalls in Downtown Baraboo. Motion carried unanimously.
- b. **Consider Ordinance that prohibits smoking, vaping, and the use of chewing tobacco in City-owned buildings** – Attorney Truman presented the background on the proposed ordinance. It was moved by Kolb, seconded by Plautz to accept the Ordinance prohibiting smoking, vaping, and the use of chewing tobacco in City-owned buildings. Motion carried unanimously.
- c. **Review funding for City's share of the Biosolids Project at the Water Resource Recovery Facility** – Peterson presented the background for this item. He said that as part of this loan the City qualified for some principal forgiveness of 15%, which is approximately \$451,000 reduction in the project. He said that the question is whether this amount should go entirely to the City or be divided up and given to the outlying areas. It is the staff's feeling that it is a loan that the City took out and the 15% should go to the City's portion of the loan. Peterson stated the West Baraboo was offered an opportunity to piggyback on the City's loan; however, never responded. It was moved by Plautz, seconded by Kolb to approve applying the 15% forgiveness to the City's share. Motion carried unanimously.
- d. **Review and approval of monthly Billing Adjustments/Credits for Sewer and Water Customer for the month of January 2018** – It was moved by Kolb, seconded by Plautz to approve adjustments as presented. Motion carried unanimously.
- e. **Consider updates to City Code §10.05A, Chronic Nuisance Premises** – Attorney Truman presented a detailed background and proposed updates to the Committee. It was moved to recommend approval of the proposed updates to City Code §10.05A as presented. Plautz seconded the motion. Motion carried unanimously.
- f. **Consider updates to City Code §25.10, Bond Schedule for Ordinance Violations** – Attorney Truman presented a detailed background and proposed updates to the Committee. It was moved by Kolb, seconded by Plautz to recommend approval of proposed updates to City Code §25.10 as presented. Motion carried unanimously.

Reports

- b. Utility Superintendent's Report – Peterson updated the Committee on the Lead Service Program.
- c. Street Superintendent's Report – Gilman presented his report to the Committee. He said that the Department has been helping Parks out with tree removal. He said that the Department has been chipping brush curbside. He said that he would draft an article in the Newsletter with changes to brush pickup procedures. He said changes would be made regarding contractors coming in cutting entire trees down and placing on curb for City pickup.

Pinion said that last month the Committee discussed the barriers on Highway 12 in front of Honey Boy. He said that the irons could be found to determine where the right-of-way line is and he will follow up with the Highway Department. He said that the right-of-way is about 4-feet behind the curb line; therefore, it would be very tight to try to get a guardrail in. He said his initial contact with the Highway Department, not surprisingly; they made no promises to install anything.

- d. Police Chief's Report – Schauf said that there was a computer malfunction and he could not get reports out, the problem has been fixed. He said that there was an incident in school last week and the Department is working hand in hand with Dr. Miller and the school staff to ensure safety.
- e. Fire Chief's Report – Stieve said that there are 17 junior and senior students registered for the Fire Academy classes next year. He said that the Fire Department Operations Study is continuing and making progress. He said the Projects team has spoken very highly of the Auto Aide and questioned why it cannot be done. He said that the standard of cover has a risk analysis that is being done.

CLOSED SESSION – The Chair announced that the Committee will go into Closed Session per §19.85(1)(g), Wis. Stat, to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved concerning sewage rates for high strength wastewater customers. It was moved by Kolb, seconded by Plautz to go into closed session. Motion carried unanimously.

OPEN SESSION – The Chair announced that the Committee will reconvene into Open Session as per §19.85(2), Wis. Stats. It was moved by Kolb, seconded by Plautz to convene into Open Session. Motion carried unanimously.

ADJOURNMENT – Kolb moved, Plautz seconded to adjourn at 2:25 p.m. Motion carried.

Minutes of the Public Safety Committee Meeting –**March 5, 2018**

Members Present: Phil Wedekind, Tom Kolb, and Mike Plautz. **Others Present:** Tom Pinion, Emily Truman, Wade Peterson, Ed Geick, Mark Schauf, Renee & Brian Bemus, Nancy, Atty Buck Sweeney, Ben Bromley, 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. It was moved by Kolb, seconded Plautz to approve the agenda as posted.

New Business

- g. Discussion with Driftless Glen Distillery, LLC, regarding wastewater discharge from the Driftless Glen Distillery at 300 Water Street and how they propose to comply with the Subchapter III: Baraboo Sewer Utility in Chapter 13 of the City's General Code of Ordinances – Engineer Pinion presented the background regarding this issue. He said that staff has had conversations and meetings with Driftless Glen repeatedly over the past couple years regarding the wastewater issue and it has not progressed to a point that has been satisfactory to the City. Pinion said that Driftless Glen has had many different offers in the past to try to solve some of the things, but from the City's perspective, we need to look at compliance with the Chapter and pre-treatment. Pinion said the Sewer Ordinance, which is sub chapter three of 13; it lays out the regulations and requirements that customers are required to comply with to discharge to the sanitary sewer. He said it is the contention of the City that this is a high strength customer, it includes the same general characteristics as domestic wastewater, but it is at excessive concentrations compared to that of domestic strength. He said that the distillery has asked that they have consideration as a unique user in the past; however, the City did not feel that they qualified for that. Pinion said that when they are under production and discharging, samples are taken of wastewater from their lateral and the concentration of BOD, suspended solids, pH, and phosphorus exceed the limits that are laid out in the ordinance. He said as this is looked at, not only are they subject to a surcharge, but it also has a detrimental effect on the Wastewater Treatment Plant. He said that it is a small volume compared to the total flow that is processed at the treatment plant, but the concentrations are so high that it has a noticeable effect on the operation of the plant. The City is looking for the wastewater to be treated in a manner that does not upset the normal operation of the Wastewater Treatment Plant, not necessarily to get it down to domestic strength sewage, but to at least pre-treat it to a point where it does not upset the proverbial apple cart. Wedekind asked how that would be done. Pinion said that it would be up to Driftless Glen to decide how to do that. He said this is not in the ordinance, nor is it up to the City's obligation to design a pre-treatment system for them, just to inform them that they are not complying with the ordinance, ask that they correct it. Kolb asked about the strength of the wastewater being discharged. Pinion stated that domestic strength sewage, as defined in the ordinance, is 300 parts per million of BOD, and 240 parts of suspended solids. He said over the course of sampling, the distillery's numbers have been substantially higher than that. Wedekind asked if using a centrifuge would make any difference. Pinion said that the distillery has used a couple of

versions of centrifuges; to our knowledge, it improves it, but does not get it to a point that completely complies. He said they have used a centrifuge to take some of the pollutants out of the wastewater stream, put them in a tanker and haul them off site, but when the wastewater being discharged was sampled, it was still well in excess of the 300 and 240. Wedekind then asked if sediment tank would have made a difference. Pinion said that the centrifuge should be more efficient in terms of removing suspended solids than simply a settling tank. Settling tank is a function of the time of detention and the size of the particulates that have to settle out and then extracting that and trying to do it efficiently. Therefore, the centrifuge tends to be more efficient, and it something that the City will be using when the bio solids treatment is upgraded at the treatment plant. Kolb asked if the centrifuge was original to the operation, or was it something that Driftless Glen acquired. Pinion said that it was not part of the original operation. Kolb asked if this was an attempt to comply and Pinion answered in the affirmative. Pinion said that original operation, back when Mike Weckerly was involved in the project and was the spokesperson for it. Pinion said that the way that he described it is that all of the product from the distilling process would be hauled off-site as feed stock source for area farmers. However, Pinion said as he understood it, the distillery did not have a consistent flow or production, so the quantities varied a little bit, and the quality of that material varied in terms of temperature. He stated that because they are manufacturing different products it was not the same feed stock, so it created some challenges for some farmers using it as feed. He understood that the temperature was hot enough that it created some problems with the teeth in the animals. He said that then Weckerly approached the City and said that the distillery's best efforts were not working and asked to discharge to the sewer system. He said that the City told him that under the right circumstances it could be done, but it would have to be tested based on the concentration and the City would be looking at a surcharge. Pinion said from his memory, based on the volume that Weckerly determined, the general concentrations, the City was looking at approximately an \$8000, or \$9000 surcharge per month. Peterson then gave the sample results of two weeks ago, which was 4848 BOD, 6,310 suspended solids, 4.35 Ph., and the phosphorus was 105. Brian Bemus said that the City charged a surcharge for the first six months of 2017 and said that Pinion and Peterson were both in the distillery and none of the stillage was going out into the sewer. He said that Geick told him that the kitchen was creating that number, and asked if that was true. Pinion said that the wastewater coming out of the distillery's lateral was sampled during that same time period; therefore, concentration was whatever was contributing too it. He said that the City has no way of knowing whether 100% of the discharge from the distilling process was to blame. Bemus said that it was not from the distilling process. Pinion said that there are floor drains that are connected, and he know that is what Bemus said was happening, but the concentration of the effluent indicated that it was still a high strength waste. Attorney Sweeney said that there are two different waste streams. He said that there is a restaurant that really is not any different from any other restaurant in the City, and then the distillery. He said that by combining the two into one lateral, there is no way to tell, and they would like to see two different laterals connecting and having two different waste streams. He does not feel that the restaurant should not be any high volume waste. He said that going forward; the distillery is going to try to find solutions to these issues. He said that the distillery is ready to hire an engineering firm to work with the City. He said that Applied Technology, Jim Smith of Brookfield works with many different municipalities with wastewater. However, he said that in order to do that, the distillery feels that there should be two different waste streams. Sweeney asked for little time to look and work with the City on figuring out the best way to address some of the issues. He said that maybe some changes should be made to the ordinances because it is the uniqueness of what is being done as a distillery. He said in most cases water comes in and goes out the sewer, but in this case, the water is bottled and put into whiskey, so the water is not going back out. Kolb said that it looks like in 2017 Advanced Chemical Systems did something. Brian Bemus said that they were on-going vendor. Renee Bemus said that she does not know about the one sample that Peterson gave the Committee, but she did not realize that they would be breaking any ordinances. She said that for the last two years the water was hauled off to a digester in Middleton; however, they were getting charged for every drop that came in and for the same amount going out. Therefore, she said because they were being charged, they might as well dump it down the drain. She said that they did that for two weeks, and she believes that is the sample being given by Peterson. He said that if he could give the Committee a sample from January, when nothing was going down the drain he would. Bemus said that they stopped pouring into the drain on January 22. She said that she would like to make sure that the sampling that Peterson quoted is actually the sampling that has been going on for the last 18 months where they have been hauling it off and paying the charged. Kolb asked if the Distillery was getting a discount on the effluent. Peterson said that the charged the same as a residence, 1 for 1. Sweeney said that is where there is a problem with the ordinance, and it is not fair. Brian Bemus stated that the distillery also has a tremendous amount of evaporation that can be proven. Pinion said that the City has an ordinance for a deduct meter; therefore, if water is being used that isn't going to be sent to the sanitary sewer and is definable, then that is an option, but typically the amount in sewer fees that is saved is off-set by the extra meter charge, which ends up being a wash for most residential and smaller businesses. He said that in this instance, the City has encouraged them to put in a sampling manhole, that would not only monitor flow, so the City could actually charge them based on what they are contributing to the sewer system, rather than what's going out the door or up the stack, that would also have a sampler in it to take an accurate sample. He said that the City offered to pay in part of that; however, the distillery resisted that, so the City has no means to measure the effluent. Kolb said he thought that at one time the City was going contribute a certain portion of that metering. Bemus said no. Pinion said that it was going to an amended developer's agreement that addressed some financial participation. He said that the TID District was going to contribute a portion. Geick said that there was approximately \$25,000 to \$30,000 left in the development fee that the City was going to pay Driftless Glen, and the City offered to amend the development agreement to allow that money to be used to help solve this problem. Brian Bemus said that the distillery offered to put a flow meter in at no charge. He said that he sent there plumber down to talk to Pinion and Pinion said not to bother. Renee Bemus said that the sampling meter was approximately \$35,000, and they were not sure that it would be used so they did not want to spend the money. She said that they were just going to take the TIF money that the distillery was going to get and put it toward the meter. Geick said that it is the City's money. Renee said that the City was giving that money to Driftless Glen as part of the project. Geick said that it was still City funds. Attorney Sweeney said that they had plans to use that money in a different

area, so what they were willing to do was install a flow meter to monitor how much water is coming in and how much water is going out. Pinion said as he recalls the situation, the distillery was going to try to put a meter mid-stream of the operation that was going to track the water going to the distillery. He said that there was no effluent meter going in. Brian Bemus said that for \$1500 or \$1800 they could put a flow meter in and it would tell every drop that comes in to the sewer, whether it was from the front or the back. Pinion asked which plumber, Bemus said he could not remember, Pinion said that Mark Schadde called to inquire about some things and stated that he was working with Bemus. Sweeney said they should talk about the concept, and said that no one disagrees that a lot of the water is coming from product and a lot is being distilled off with the process. Therefore, what is trying to be done, whether it's a flow meter, or some other means to get a result of how much water is actually being used and how much is actually going back into the sewer. Sweeney feels that the restaurant portion of the distillery is not being treated the same as every other restaurant in town, and there are two separate operations. Plautz asked if this has been thought about in the past. Sweeney said that he has been working on it for the past three days. Renee Bemus stated that the distillery has talked about it multiple times, trying to separate it, when Pinion and Peterson were at the distillery, they were taken through the process and both agreed that nothing was going down, they could see exactly how the process was changed, what was done to get it off and it was being hauled off, and they were asked at that time how many other restaurants does the City test in the City. They answered that no other restaurants were tested. Therefore, they are only testing the distillery, which they claim are high BODs, which they are claiming is high waste. Plautz asked Bemus if they have taken any steps to get estimates of separating the two. Wedekind asked if an extra lateral is feasible. Pinion said that anything is feasible, but how much money does someone want to spend. He said that he has not looked at the plumbing design for the building, it should be possible, it all comes under the floor of the building; however, whether it is easy to do is unknown. Bemus said that big picture is how much is being used, what is the cost to process it, whether it is on the City side or distillery side, and how much is really going down the drain. He said to separate the two depends on cost. He said that what they want to do is find the best way to separate the solids from the liquids. He does not feel that the distillery should be paying the extravagant cost when the water is not going down the sewer. Renee Bemus said that an engineer was brought in 1½ years ago, and the City was asked if an engineer was brought in if the City would look and see what it would cost to be to the treatment plant. Kolb asked if it was Advanced Chemicals, and Bemus said that it was Jim Owens, who designed the treatment plan. She said that at a good cost to them, Owens did a study but it was dismissed by the City as not being thorough. Plautz asked what was done. Bemus said that a cost analysis on what it would cost the City to process the distillery waste. Sweeney said that they did not want to use the same engineer if they had been dismissed as not being thorough. Renee Bemus said that they have been trying to negotiate and trying to do what they can; however, the costs have gone up so much and what has happened is that they cannot be competitive in the craft distillery world. She said that they are considered one of the top five in size outside of Kentucky, as a craft distillery and what they can produce. Renee Bemus said that they have been hauling everything off, what they are hoping to get is some time where they can separate it, get the grain off and put the water down the drain. Kolb thought that an easier solution would be to change the incoming water supply. Bemus said that they did do that originally, but in 2016, the City came and said that the water was too high, so they have been hauling the grain and water since, but is still being charged for it. Bemus said that it was \$15,000 last month, and they just cannot do that. Peterson said that it is a domestic charge, part of their charge is stormwater, they had absolutely no charge for high strength, and it was the same as any other business in the City of Baraboo. Bemus said that was the last six months, but the first six months of last year the City charged them for high waste, Peterson answered in the affirmative. Bemus stated that everything was being hauled out and nothing was being put down the drain. Pinion said that based on the test results and the total over the six-month period it was \$5600, which is not \$15,000, and he is confused by that. Bemus said that the \$15,000 was the cost of what the City is charging them for sewage. Mr. Bemus said that it is \$1,000 every 1½ days to move the water off the site. Bemus said that when Peterson walked into the restaurant with a zip lock bag full of sewage, at 1:00 p.m. on Valentine's in full restaurant time, they stopped. Plautz asked when the distillery was not putting it in were the levels still high. Peterson said that the levels were still higher than what is allowed in the ordinance; however, nothing to this extent. Mr. Bemus asked if any other restaurant has been tested, because Geick told him that it was because of their grease trap. Peterson said that they did not have a grease trap and both Mr. and Mrs. Bemus said that there is a grease trap, and it is cleaned out regularly. Pinion said that based on their original plumbing plans there was no grease trap shown. Wedekind asked if it would help measuring the water going into the restaurant. Peterson said no, because when they are talking about the wetness of the water coming off the grain, they stuff that is going up in steam and what's going in the bottle, the water side cannot be accurately measured to determine what is going down the sewer. He said to be accurate; the measure needs to be in the sewage line. Pinion said that because the City has no way to determine what their production is, how much is going out in bottles or to effectively measure what is going up the stack, the most efficient way to measure it so that they are only billed based on the volume of sewage being disposed is the effluent. He said that they have 50 feet of lateral between the building and the sanitary sewer main; this is the area that was recommended to install the effluent-sampling meter. Bemus said that he has shown reports of the evaporation and how much they barrel. He said for the City to say that they do not know what is not going down the drain is not correct. Mrs. Bemus said that they could tell the City that this much is not going down the drain. Pinion said that with all due respect, it is not being metered. The City operates under the Public Service Commission and have to count for it on a metered basis and the City does not have that. Mr. Bemus said that he offered to put the meter in and Pinion stated that they refused to put it in. Bemus said that he offered to put the meter in for the flow and he did not ask any financial participation from the City to do so. Pinion said that the meter that was talked about with him was one on the process of the water delivery to the still. He said that the City would not have any objections, the City would welcome that and have been begging for that for 2½ years, with the flow proportional sampling, that is going to be the most accurate way to do it. Bemus said that it is not true, and he understands what he is saying and what Geick said about the sampling, but he offered to put in the flow valve to see what was being discharged and Pinion told his plumber not to waste the time. Pinion said that he does not believe that is accurate. Sweeney feels that there is a lack of communication and Wedekind feels that this would be a solution. Pinion said that it is a

solution to accurately measure the quantity, but it does not address the quality, the concentration of the pollutants. Pinion said that there are floor drains within the process, he does not know if it is accurate to say that it is a complete separation between the two. Sweeney said that it is a complete separation between the two, he went there and that place is a clean operation. He believes that if the City were to test any other restaurants within the City similar concentrations would be found. He said that if there are ways to improve anything, they are going to try to improve it, but to treat one restaurant different from another is not fair. Plautz asked if there is anything in the ordinance regarding regular testing and Peterson said no. Mrs. Bemus stated that their restaurant is the only one tested. Pinion said that the City has done periodic sampling in various parts of the collection system just to see what the general concentrations are; it is not any specific lateral, but the resulting flow is not enough for the City to take issue with it. He said things are turned upside at the treatment plant when the distillery is discharging, so there is a correlation. Kolb feels that a pre-filtering system of some type would be cheaper in the end and feels that it does not make sense to surcharge because it is still taking a toll on the treatment plant's equipment. Mrs. Bemus said that she has contacted other distilleries in other cities to find out what they are doing, 45th Parallel, which is north of the State, in Door County, they bring in 350,000 gallons of water a month. They do not have a closed cooling system like they do, but they are the same and their bill last month was approximately \$1,000. She said that 95 percent of their water goes down a storm drain because it is clean, just like theirs is clean. Brian Bemus said that they have been proactive in this, he has talked to Advanced Chemical and a lot of people about putting their own water treatment plant in, it is about \$1,000,000, and that it silly when the City already does it. He said someone in the City has to look at the big picture and come to a compromise. Renee said that she knows that the distillery is not as big as thought, but next month they are going to be on National TV with Rob Lowe, and it is going to be all about Driftless Glen and Baraboo. She went on to say that, all kinds of programs are going to be happening this year and eventually they would like to add a second and third shift, but it definitely can't sustain that. Plautz likes Kolb's idea of a pre-filter system. Sweeney said that is why he suggested hiring Jim Smith from Applied Technologies to look at the different options, come up to evaluate the systems, he is someone who didn't design the plant in Baraboo, but can use that information and do an analysis of the system. He said they don't want to upset the treatment plant, from their point of view, they want to be treated fairly, they don't think they should pay for the water that goes out as whiskey, a solution just has to be found. Kolb asked if a pre-filtering system would be viable. Pinion said that he would refrain from calling it pre-filtering, a pre-treatment system of some sort, arguably, the centrifuge is a type of pre-treatment, and is not doing the job as efficient as it could. Mr. Bemus said that they purchased one for \$45,000 had it installed, and it removed the big chunks, but the fine BOD it did not, so he does not feel that the centrifuge is a remedy to clean the water. Peterson said that the ordinance states what can be discharged and the fees that go along with that. Sweeney said that there is a facility here that everyone spent a lot of money to invest in this community; there are variances, in any of the ordinances that can be legally worked through. There are issues that can be addressed between the City Attorney and himself. He said that the first thing that has to be done is a solution to the problem through an engineer, and then getting down to the fairness issues, which can be addressed through a variance, it is not black and white, there is no black and white. Kolb has Pinion is would some kind of a pre-treatment in conjunction with the centrifuge be something that would work. Pinion said that he is not a wastewater treatment expert, but would a centrifuge possibly be part of a pre-treatment, possibly, but he would defer to their expert, whomever they would like to hire, that has been a huge missing link. Sweeney said that they have him hired, but he has not had a change to get here yet. Renee Bemus said that they did hire someone to come in to do it, and gave the cost analysis of their distillery and what it would do to the treatment plant in December, 21016. Kolb said that the City found that that to be inadequate. Pinion said that the City replied and pointed out the weaknesses of that report and that is where it ended, the City did not get a response. Mrs. Bemus said that she did get a letter from the City Attorney and she dismissed it as being inadequate. Kolb's concern right now is what can be done in the meantime; he does not want to see another illegal dump. Brian Bemus said that is not going to happen, they are continuing to haul it off-site. He just does not feel that they are getting a fair shake. Mrs. Bemus asked while the City is doing their testing phase that they not charge them for the water, assuming water coming in is the same amount as going out. She said that in 2016 she asked the City if they brought in an engineer would they look at the report, and they answered yes; now they are going to do it again, which she has no problem with, but they are going to pay again, and they were dismissed with one letter and that was hard of them, and she would like reassurances that the City is actually not going to thumb their nose at them and waste another \$20,000 or \$30,000 between the attorney and engineer. Kolb said that he felt that the City has been trying to encourage the distillery business, they bartered a little bit with the looks of the rick house, but feels the City has all along been trying to work with them. Mrs. Bemus said that there is still a situation with the rick house, they are still considered in the flood plan, Mr. Pinion needs to send a loan of request, that she has asked for, to FEMA, because the request that he originally sent was singed incorrectly and they have been paying flood insurance and paid a couple times for surveys for supposedly a piece of property that was clean and it was not. Kolb said that the level was raised there. Pinion said that he signed the form that their consultant asked him too, and gave the revised one requested to Bemus. Wedekind asked Attorney Truman if there was a problem with their request. Truman said that as far as putting a halt on charging them in the meantime, part of the problem quite frankly, and to be quite literal is that this is just marked as a discussion right now, and technically if the Committee wanted to take that into consideration she would suggest having it put on a different agenda and having some time to get some information. She said the more general question of if they agreeing in principal to not dump anything right now, and agreeing in principal to be providing an engineering report, then there is no problem into taking that under consideration at this point, taking it under advisement as a non-action item, and possibly informally directing City staff to follow-up in a week or two, hopefully, by then the Committee would have more information. It is up to the Committee if they would want to reconvene to check the progress, or direct City staff to follow up on that. Wedekind would like to bring it back. Kolb said that if Bemus was talking about relief from the way it is being charged now, he does not think they can do that. Sweeney said that the Committee could do it at their next meeting as an agenda item, because it has to be on their agenda as an action item. Therefore, he said that if they could on the next agenda for that, they have given them the information before on the modeling and the amount of water that comes in and goes out of the bottles and the

evaporation. He said that it is not a flow meter, by any means, but it is pretty accurate information and has been calculated from an engineer, so what Renee is asking for is when they come back with that information and share it with everyone can they get some relief, because they only want to pay for the waste that is going out, not all the water that is going out as whiskey. Plautz said that the one thing that Pinion mentioned is that even if the Committee has all that information on the evaporation, the City operates under a metered system, and that is how it is calculated. Sweeney said that they are going to work on that, and no one disagrees, Bemus is only asking for some temporary relief. Mr. Bemus said that he is not opposed to paying for a flow meter and putting it in tomorrow if that was possible, but that doesn't seem like it is going to satisfy Wade, Tom, and Ed, he thinks they are looking for something a little more than grandiose than a flow meter. Peterson said that it fills in one unknown variable in the equation, and the other one is still the strength, and until they get a method to sample that flow proportional basis it is not going to be as accurate as it could be. He said that flow is one thing, and if a flow meter that is accurate is gotten, absolutely we will base the sewer change on that. Bemus asked if it was correct that there is no provision in the statute to give a credit to anyone for not putting it down the drain. Sweeney said that this is where the variance would come in, because it does not fit in the ordinance. Sweeney said that the flow meter would help temporarily, and he is sure that he can get that done. However, if they are designing something on a pre-treatment basis, he does not know if it is feasible from an economic point of view until they have an engineer look at it a run the numbers and look at what they can do. He said that maybe they cannot meet it, but get a lot closer and then come back to City whether that is close enough to get a variance and look at the costs. Renee Bemus said that in the business development, there is nothing in there about wastewater or what those ordinances were, and so it was not until they were in production that they were told that there was a City ordinance, even though when going through business development, water would have been a definite discussion. She said that there is nothing in any of the minutes, or business development about the water. She is not stating it was the City's issue, it was on both parties, both sides should have said, what is going to happen with the water, is there going to be surcharge, are you going to be able to fit inside the City limits, or do you need to go outside the City, or go somewhere else that can handle it, because that would have been a major point in the original development of this site. Kolb said that seems to remember talking to Weckerly about the use of water. Bemus said that it was in one of the minutes, and Weckerly said that the City would have to talk with the Master Distiller and it was never stated that there was an ordinance. Kolb said it was his understanding that he was going to take the water off-site. Pinion said the he was going to take the by-products from the distilling off-site. Pinion said that it is the topic of discussion for every business enterprise that the City entertains, it was certainly discussed, and it was not incorporated in the development agreement because there was not going to be any discharge to the sewer system from the distillery. Mr. Weckerly told the Plan Commission that because they did question it. Gene Robkin specifically questioned what it is going to do, can our water system handle that much demand and can our wastewater. Renee Bemus said that Weckerly said that he had to defer that to his distiller, he was not there, and he did not know that. She said that they were blind-sighted and they would have never know about these kind of charges and what they would have been, or they would have changed their business plan, or they would have changed where they were located, had they known about this kind of expense. She said that it is the largest expense that they have, it cost them an extra \$4.50 per bottle by what they have to do by hauling it off. Sweeney said that what Renee is saying is that in the future development agreement should be openly discussed. Bemus said that the ordinance is vague and not very specific on certain things, and that is why they were saying that there would be a way of going around the ordinance and they did not understand why they were not part of the special usage fee because they are unique. Kolb said that they are not unique in terms of the ordinance, and Bemus asked what the ordinance uniqueness is. Pinion said the wastewater characteristics has BOD, suspended solids, and Ph., that is the ordinary wastewater stream. Bemus asked what would make a unique user, and why they are not considered a possibility. Pinion said that in his opinion, it would be something out of the ordinary in terms of what is being discharged, in terms of the components within the wastewater, some other chemical, some of product that isn't normally considered as part of domestic strength sewage. He said the distillery still have BOD, suspended solids, Ph. and phosphorus, they are at excessive levels, but there is nothing unique about any of those components. Sweeney said that it depends on how unique is defined. He said that unique can be defined under Pinion's definition, but it could also be defined under businesses coming in, or many different ways. Plautz stated that the ordinance states that the City at any time can establish additional rates for any large commercial service. The normal rates of the industrial discharge, domestic strength discharge, so the distillery would have to pay those, and as a unique user would pay additional charges. Sweeney said that variances are allowable; there just has to be a rational basis. He said they don't want to set a bad precedence for Baraboo, their goal is to have if the City is going to go this way, then this is the way it should be done. Pinion said that the City's sewer rates are charged in part by the Federal Register and the City is supposed to charge people for that, so the City is bound by a host of regulations, which the attorneys have talked about, Therefore, he said to just pick a number and say that they are willing to pay this much per month, there is really no sound basis without the variability of the wastewater, not enough history to say it is consistent on a daily basis on flow or quality, so that was looked at and considered, but again, no real basis to say that is what the City is bound to. Renee said that it was so much per gallon. Brian Bemus said that he made an offer saying that he would pay it when he distilled it not when he sold it, because it could sit in the distillery for ten years, and he didn't want the contingent liability, so he thought a dollar amount, and at that time he proposed 50 cents per proof gallon as he produced it. He said that those reports are Federal reports. Sweeney said that can be looked again, but there has to be a plan of action first and then they have to work with the City Attorney to see if that is feasible for a legal point of view. Bemus said that another thing that needs to be discussed if what is acceptable for the City to go down and what is not, as far as what is more important, cleaning up the BOD or the phosphorus, nitrogen, or all of the above. Pinion said as the DNR has been talking about phosphorus removal, that is certainly a hot topic is the industry today, the City is doing very well, but that is based on people discharging something with typical phosphorus levels, and the latest discharge was nowhere close to typical. Sweeney asked if the City does any phosphorus trading and Pinion said that is trying to be avoided, but may be the City's only option. Mrs. Bemus asked what is done with the water after it is treated, and Pinion said it is discharged to the Baraboo River, under the conditions of the City's Wisconsin Pollution Elimination Permit. He said

that is a phosphorus limit on this. Phosphorus may be good as a fertilizer, but if the DNR had their way, they would outlaw it, because it promotes algae growth, and hampers water quality of the public waters. He went on to say that, they are squeezing the licensed wastewater treatment plants and not addressing the non-point source of phosphorus, which is in the agricultural fields. Wedekind feels the issue has been covered well today and the distillery work with their engineer. Sweeney asked to be put on the next agenda. Pinion said that the City is open to listening to anyone that they employ. It was the consensus to put it on the next agenda as a possible action item.

- h. Set March meeting date – Pinion said that Plautz is gone on the next meeting date of the 26th. He said that he has Public Works Projects bids coming in on Friday, March 16th. It was moved by Kolb, seconded by Plautz to set the next meeting date to Monday, March 19, at 1:00 p.m.

ADJOURNMENT – Wedekind moved, Plautz seconded to adjourn at 2:09 p.m. Motion carried.

Minutes of the Public Safety Committee Meeting –

March 19, 2018

Members Present: Phil Wedekind, Tom Kolb, and Mike Plautz. **Others Present:** Tom Pinion, Wade Peterson, Ed Geick, Mike Palm, Mark Schauf, Tony Gilman, and Ben Bromley.

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. Kolb, seconded by Plautz to approve the agenda as posted, moved it. Motion carried unanimously. It was moved by Plautz, seconded by Kolb to approve the minutes of the February 26, 2018 and March 5, 2018 meetings. Motion carried unanimously.

New Business

- i. Review Bid Tabulation and Recommend award of 2018 Public Works Contracts – Pinion presented and bid tabulation from bid openings on March 16, 2018. He said that it was staff recommendations to award the contracts to the respective low bidders. Kolb moved, Plautz seconded to accept the low bid on each of the six proposals. Motion carried unanimously.
- j. Review Bid Tabulation and Recommend award of 2018 Mowing Proposals – Pinion said two contractors submitted prices with identical numbers. The bids were \$55.00/mowing for medians on Highway 12, and if there is weed abatement, \$35.00/hour. He said Top 2 Bottom has had the contract for median mowing the last few years and Sunrise Property Care has been the sole provider for the Noxious Weed and Rank Growth. It was moved by Kolb to award the median mowing to Top 2 Bottom, and the Noxious Weed and Rank Growth mowing to Sunrise Property Care. Plautz seconded the motion. Motion carried unanimously.
- k. Consideration of State-Municipal Project Agreement for Preliminary Engineering for the reconstruction of STH 33 between Lincoln Ave and the westerly City Limits – Pinion presented the background for this issue. He said that the DOT informed the City in February that Hwy 33 is slated for reconstruction in 2025. He said that at this point, they have submitted a State Municipal Financial Agreement, which would cover just the preliminary design engineering only, and the City's share would be 25%. He said that the preliminary engineering is \$1,000,000, with the City's share being forecasted at \$270,000. Plautz moved to approve the State-Municipal Project Agreement for the Preliminary Engineering for the reconstruction of STH 33 between Lincoln Ave. and the westerly City Limits as presented. Plautz seconded the motion. Motion carried unanimously.
- l. Consideration of revising posted speed limit on South Blvd. – Pinion said that the posted speed limit does not jive with the City Ordinance, despite the fact that the ordinance has two speed limits on the same segment. Pinion explained the proposed speed limits to the Committee. Plautz moved to recommend revising City Ordinance to coincide with posted speed limits on South Blvd. as presented. Wedekind seconded by the motion. Kolb voted not, motion carried 2 to 1.
- m. Review and approval of monthly Billing Adjustments/Credits for Sewer and Water Customers for February 2018 – It was moved by Kolb, seconded by Plautz to approve monthly Billing Adjustments/Credits as presented. Motion carried unanimously.

Reports

- f. Utility Superintendent's Report – Peterson had nothing to report.
- g. Street Superintendent's Report – Kolb asked if he is concentrating on the inlets. Gilman said that they are cleaned periodically and as soon as the Johnson Sweeper is back, it will be sent around to pull the grates and suck the leaves out. Trimming at the end of the outfalls has started, and this summer the silt will be cleaned out so they can be opened and then they will be jetted. He said that a grinder for stump removal has been reserved the month of April. He said that 230 trees were taken down this winter. Pinion explained the procedure that was being taken for the logs from the trees and the revenue made. Gilman then gave the department's monthly report and equipment purchase update.
- h. Police Chief's Report – Chief Schauf said that the 2017 yearly report will be in the next Council packet. He said that the department participated in the recent student walkout and everything went well. He said that the department continues to work with the school district on different issues, trying to make sure that safety is the primary thought. He said the department continues working on the ongoing drug issues. He discussed the pending budget items.

- i. Fire Chief's Report – No report.

ADJOURNMENT – Kolb moved, Plautz seconded to adjourn at 1:28 p.m. Motion carried.

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

Friends of the Library	02-13-18	Park & Rec.	02-12-18
Plan Commission	02-20-18	Police & Fire Commission	02-19-18
Plan Commission	03-20-18		

ADJOURNMENT

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

Brenda M. Zeman, City Clerk

The City of Baraboo, Wisconsin

<i>Background:</i>
Fiscal Note: (Check one) [] Not Required [] Budgeted Expenditure [] Not Budgeted
<i>Comments</i>

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

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

Offered By: Consent

Approved by Mayor: _____

Motion:

Certified by City Clerk: _____

Second:

The City of Baraboo, Wisconsin

Background: The Great Sauk Trail Commission (“Commission”) facilitates intergovernmental cooperation in and oversees the development, operation, and maintenance of a trail on former railroad right-of-way in Sauk County and develops and encourages, where appropriate, various connections to this trail (“Trail”). The Commission is comprised of representatives from the units of government through which the Trail runs, and began with representatives from the first segment of the Great Sauk State Trail: Sauk County, Villages of Prairie du Sac and Sauk City, and the Towns of Merrimac, and Prairie du Sac (“Local Partners”). The Intergovernmental Agreement (“Agreement”) between the Local Partners and the bylaws of the Commission were approved by the Sauk County Board of Supervisors by Resolution No. 17-2014.

The Agreement and bylaws envisioned expansion of the Commission as the Trail extended further through Sauk County, by providing that if the Trail is extended, other units of government may join the Agreement as Local Partners with the unanimous consent of the parties to the Agreement. The parties to the Agreement are Sauk County and the current Local Partners noted above.

After completion of the Badger Unit of the Trail, the Trail will go through the City of Baraboo, the Town of Baraboo, and the Village of West Baraboo. Sauk County passed a resolution on March 20, 2018, stating that if the City of Baraboo, the Town of Baraboo and the Village of West Baraboo wished to join the Commission as a Local Partners, they may do so upon appointing a member to the Commission.

It is recommended that the City of Baraboo join the Commission and appoint MIKE HARDY, Park & Recreation Director and City Forester, to be the City’s member of the Commission.

*Note: (✓one) [x] Not Required [] Budgeted Expenditure [] Not Budgeted
Comments:*

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

The Common Council accepts Sauk County’s offer to join the Great Sauk Trail Commission as a Local Partner and hereby appoints Mike Hardy, Park & Recreation Director and City Forester, as the City’s member to the Commission.

Approved: _____

Attest: _____

NBO-1

The City of Baraboo, Wisconsin

Background: The owners of Thunderbird Lanes, located at 1117 8th Street in Baraboo, is exploring moving their horseshoe pit from the front of their building to the rear of their building. They would also like to add other recreational activities to the area behind their building (such as additional horseshoe pits, volleyball nets, etc.). Thunderbird Lanes currently has a Class “B” (beer) and a “Class B” (liquor) license and would like to be able to sell alcohol to people outside of their main building but within their proposed outdoor recreational area in the back of their building.

The City’s current ordinance permits properties zoned B-3, such as Thunderbird Lanes, to have their alcohol licenses cover outdoor spaces on their property so long as the space is contiguous to, or touching, the licensed building itself (such as a porch or patio attached to the building). It is recommended that our ordinance be amended to allow a licensee add to their license an outdoor area that is not contiguous to the licensed building itself so long as the outdoor area complies with all of the other requirements of the Code (e.g., fencing requirement, lighting requirement, etc.)

Fiscal Note: (check one) Not Required Budgeted Expenditure Not Budgeted
Comments:

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

That City Ordinance s. 12.02(13A) be amended as follows:

(13A) OUTDOOR ALCOHOL IN B-3 HIGHWAY ORIENTED BUSINESS DISTRICTS

- (a) The sale and consumption of alcohol outdoors in the B-3 Highway Oriented Business District shall comply fully with the requirements of this section.
- (b) Sidewalk sale and consumption. The sale and consumption of alcohol beverages upon the sidewalk is prohibited.
- (c) Non-sidewalk sale and consumption. The sale and consumption of alcohol by a licensed premise in an outdoor area not a sidewalk shall be regulated by the requirements of this section.

1. The outdoor area shall be described in detail on the license application and must be on the same lot as the approved premise for the licensee. The outdoor area must be specifically applied for upon the license and approved by the City. licensed indoor premises. Alcohol possession and consumption in any area of not described in detail on the license application is strictly prohibited.

~~2. The approved premises shall be contiguous to the indoor premises.~~

23. The outdoor premise area must be surrounded by a ~~n attractive~~ fence which is (a) a minimum of three feet in height, (b) a minimum of 50 percent opaque (meaning the spaces between the pickets are equal to or less than

the width of the pickets), and (c) maintained in a structurally sound and attractive manner.

3. Entry to the outdoor ~~premise area~~ shall be restricted to entry from the same lot as the licensed indoor premises building and not from a public way.
4. The outdoor ~~area premises~~ shall be promptly vacated no later than 10:00 PM by all customers and patrons, except the owner and regular employees of the licensed premises and then only for the purpose of cleaning up.
5. ~~All The~~ outdoor ~~licensed premises area~~ shall comply with all fire regulations including emergency exits and be subject to inspection by the Fire Inspector.
6. The outdoor ~~licensed premises area~~ may be used for recreational activities, such as, for example, volleyball, horseshoes, darts, and softball. No music shall be broadcast directly into the outdoor area by means of outdoor speakers or jukeboxes, nor shall live music be permitted, except for with a special permit. However, no recreational activities shall be allowed on parcels that are contiguous with a residential zoning district. For purposes of determining contiguity, any parcel used by, or serving the business, including parking, shall be considered a portion of the licensed business.
78. -Lighting of the outdoor area shall not be of such intensity or brilliance as to be a hazard or dangerous distraction to vehicular traffic. All lighting for the outdoor premises shall be down directed lighting and shall comply with the requirements of §17.47(3)(c)14, Ordinances.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF BARABOO, SAUK COUNTY, WISCONSIN DO ORDAIN AS FOLLOWS:

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

Mayor's Approval: _____

Clerk's Certification: _____

I hereby certify that the foregoing Ordinance was duly passed by the Common Council of the City of Baraboo on the ___ day of _____, 2018, and is recorded on page ____ of volume _____.

City Clerk: _____

NBO-2

The City of Baraboo, Wisconsin

Background: The City does not have an ordinance specifically prohibiting urinating/defecating in public. Although this is not a common occurrence in the City, it does happen on occasion. In order to clearly convey that this behavior is prohibited in the City, it is recommend that an ordinance be created that specifically prohibits this behavior. It is suggested that a violation of this ordinance should have the standard bond and forfeiture amount of \$60 (for a total of \$213.10 with costs).

On April 2, 2018, the Administrative Committee reviewed the proposed ordinance and voted unanimously to forward it to Council with a favorable recommendation.

Fiscal Note: (check one) [x] Not Required [] Budgeted Expenditure [] Not Budgeted
Comments:

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

That the following City Ordinance is hereby created:

9.30 PUBLIC URINATION AND DEFECATION PROHIBITED. It is unlawful for any person to urinate or defecate outside of designated sanitary facilities, upon any sidewalk, street, alley, public parking lot, playground, cemetery or other public area within the City, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators of public commercial buildings, or to expose his/her genitalia in such a way as to appear to urinate or defecate in any prohibited location herein described.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF BARABOO, SAUK COUNTY, WISCONSIN DO ORDAIN AS FOLLOWS:

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

Mayor's Approval: _____

Clerk's Certification: _____

I hereby certify that the foregoing Ordinance was duly passed by the Common Council of the City of Baraboo on the ___ day of _____, 2018, and is recorded on page ____ of volume _____.

City Clerk: _____

REPORT OF BUILDING INSPECTION
Construction, Plumbing, Electrical, HVAC, Commercial
MARCH

PERMIT TYPE	2017						2018					
	ISSUED	YTD	EST COST	YTD	FEES	YTD	ISSUED	YTD	EST COST	YTD	FEES	YTD
Commercial, New	0	0	\$0.00	\$0.00	\$0.00	\$0.00	0	0	\$0.00	\$0.00	\$0.00	\$0.00
Commercial Addition	1	1	\$300,000.00	\$300,000.00	\$528.00	\$528.00	0	0	\$0.00	\$0.00	\$0.00	\$0.00
Commercial, Alterations	2	5	\$13,200.00	\$40,200.00	\$247.00	\$692.00	3	9	\$128,381.00	\$618,357.00	\$752.00	\$2,426.05
Commercial, Razing	0	0	\$0.00	\$0.00	\$0.00	\$0.00	0	0	\$0.00	\$0.00	\$0.00	\$0.00
Residential , New SF	1	1	\$390,000.00	\$390,000.00	\$1,120.16	\$1,120.16	2	3	\$430,000.00	\$592,000.00	\$1,641.66	\$2,527.61
Residential, New Duplex	0	0	\$0.00	\$0.00	\$0.00	\$0.00	0	2	\$0.00	\$5,000.00	\$0.00	\$2,018.24
Residential, Additions	1	2	\$10,000.00	\$14,000.00	\$100.00	\$200.00	0	0	\$0.00	\$0.00	\$0.00	\$0.00
Residential Remodel	1	9	\$1,500.00	\$217,000.00	\$60.00	\$1,207.75	3	8	\$33,000.00	\$287,850.00	\$225.00	\$1,409.56
Residential, Accessory Razing	0	0	\$0.00	\$0.00	\$0.00	\$0.00	0	1	\$0.00	\$0.00	\$0.00	\$60.00
Residential Dwelling Razing	0	0	\$0.00	\$0.00	\$0.00	\$0.00	0	0	\$0.00	\$0.00	\$0.00	\$0.00
Roofing/Siding/Windows	7	12	\$83,350.00	\$102,850.00	\$546.00	\$702.00	8	15	\$83,200.00	\$238,200.00	\$576.00	\$1,692.00
Garage/Sheds/Deck/Fence	2	3	\$1,500.00	\$6,500.00	\$120.00	\$225.00	4	4	\$29,700.00	\$29,700.00	\$300.00	\$300.00
Multi-Family Units	0	0	\$0.00	\$0.00	\$0.00	\$0.00	0	0	\$0.00	\$0.00	\$0.00	\$0.00
Plumbing Only	0	0	\$0.00	\$0.00	\$0.00	\$0.00	0	0	\$0.00	\$0.00	\$0.00	\$0.00
Electrical Only	3	6	\$3,400.00	\$6,200.00	\$220.00	\$400.00	0	3	\$0.00	\$17,300.00	\$0.00	\$240.00
HVAC Only	1	3	\$5,900.00	\$17,601.00	\$60.00	\$540.00	0	1	\$0.00	\$3,802.00	\$0.00	\$60.00
Sign Permits	1	2	\$1,000.00	\$7,000.00	\$60.00	\$420.00	1	4	\$1,000.00	\$5,000.00	\$60.00	\$330.00
Misc. Permits	1	2	\$2,000.00	\$23,000.00	\$30.00	\$60.00	2	4	\$0.00	\$0.00	\$30.00	\$150.00
TOTALS	21	46	\$811,850.00	\$1,002,501.00	\$3,091.16	\$6,094.91	23	54	\$705,281.00	\$1,797,209.00	\$3,584.66	\$11,213.46

Members Present: Petty, Thurow, Sloan

Absent: none

Others Present: Mayor Palm, E. Geick, E. Truman, C. Haggard, B. Zeman, T. Pinion

Call to Order –Ald. Petty called the meeting to order at 6:00 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 March 13, 2018. Motion carried unanimously.

Accounts Payable – Moved by Sloan seconded by Thurow to recommend to Council approval of the accounts payable for **\$811,426.13**. Motion carried unanimously.

Budget Amendments – C. Haggard presented the 2nd & 4th Qtr. Budget Amendments to the Committee. She explained to the Committee that with the new accounting system we are able to generate reports that include much more detail. She also explained the difference between supplemental and budgetary amendments. Supplemental budget amendments are new sources of money where as budgetary amendments are simply transfers between funds or expense accounts. The budget amendment presented tonight is roughly \$2.9M and includes assigning the budgets for self-sustaining funds. Moved by Sloan, seconded by Thurow to recommend to Council for action. Motion carried unanimously.

Sewerage System Revenue Bonds – Admin. Geick explained that this is the next phase in the Wastewater Treatment Plant upgrade. Moved by Sloan, seconded by Thurow to recommend to Council for action. Motion carried unanimously.

Insurance Claims – Att. Truman explained that because of a recent court case ruling, she is recommending that we dissolve the Claims Committee and change our policy as to how claims are handled. In the past, the Claims Committee was responsible for reviewing claims up to \$10,000. Att. Truman recommends that the City Attorney, with the authority to settle up to \$3,000, review all future claims. Any claims made against the City between \$3,000 and \$10,000 will require review and approval from both the City Attorney and the City Administrator. Any claim over \$10,000 will require approval from the Council. Moved by Sloan, seconded by Thurow to recommend to Council for action. Motion carried unanimously.

State-Municipal Agreement – T. Pinon explained that we have received the Financial Agreement for State Hwy Project. This agreement is strictly for preliminary engineering. The DOT currently has the reconstruction of this 2-mile stretch of Hwy 33 scheduled for 2025. The cost of the preliminary engineering is based on a percentage of the total project cost with the City responsible for 25% of the engineering cost. It's estimated that the City's cost for engineering will be roughly \$270,750. T. Pinion believes this will be a 2-year design project. For future years we will have to budget for this but for 2018, we have enough Bond money to cover any piece of the design that is done this year. Moved by Sloan, seconded by Thurow to recommend to Council for action. Motion carried unanimously.

Comments - None.

Adjournment – Moved by Sloan, seconded by Thurow and carried to adjourn at 6:26pm.

Brenda Zeman, City Clerk

Present: Alderpersons Dennis Thurow and John Alt
Absent: John Ellington
Also Present: Attorney Emily Truman, Administrator Edward Geick and Finance Director Cynthia Haggard

The meeting was called to order by Chairman Thurow at 12:00PM CDT., noting compliance with the Open Meetings Law.

Moved by Alt to approve the minutes of March 5, 2018, seconded by Thurow and unanimously carried.

Motion by Alt to approve agenda, seconded by Thurow and unanimously carried.

Consider recommendation to the Common Council that Section 12.02(13A) (Outdoor Alcohol in B-3 Highway Oriented Business Districts) of the Baraboo Municipal Code be amended.

Truman addressed the Committee about the need to amend the aforementioned Ordinance which came to the City's attention based on a request from Thunderbird Lanes, the bowling alley located on 8th Street. They propose taking the horseshoe pit, which is in front of their establishment, and relocating it in the back of their property. They may also add additional recreational type activity areas in the back of the building. They would like to be able to serve beer in the back area.

Truman added that the way the code reads now, the only way a business can do what Thunderbird proposes is from a patio or something that is physically attached to the building. Truman continued to offer that this particular business is the only business this would affect. Truman recommends the City amend the code in lieu of making an exception. She emphasized that if an establishment is already licensed to serve, they can still serve beer, and it doesn't have to be attached to the building as long as they meet the other requirements, such as:

1. Required to have a fence – the backyard area would need to be fenced;
2. The hours of service – they will still be held to certain hours;
3. Can't serve anyone under the lawful age; and,
4. Someone with a beer cannot walk off the property, etc.

Alt questioned if this would impact the City of Baraboo Eastside Corridor Study. Mayor Palm commented that this amendment would help business owners. Mayor Palm continued, that we want to help businesses as much as we can. Alt mentioned that if we need to readjust the amount of frontage that was going to be used for reconstruction we can always go back and say we worked with you on this issue.

Geick added that the relocation of the pit to the back of the building will be less of a distraction to the public and Mayor Palm added that it would be less unsightly being in the back.

Motion to recommend amendment of Ordinance 12.02(13A) by Thurow, seconded by Alt and unanimously carried.

Consider recommendation to the Common Council that the City adopt an ordinance prohibiting urinating/defecating in public.

Truman introduced the need for this Ordinance based on a phone call she received from one of the City's police officers who had a report that someone was urinating in public. The officer wanted to know what kind of ordinance violation should be issued. Truman mentioned that typically these types of violations fell under the City's littering ordinance. She added that this situation does not fit well within the existing litter ordinance. Most municipalities have a specific ordinance prohibiting urinating and defecating in public. Truman continued, that if someone was issued a citation for violating the proposed ordinance, the fine would be the standard forfeiture amount of \$60 and court costs for a total of \$213.10. The intent of this new ordinance is to discourage the public from urinating and defecating in public.

Motion to recommend amendment of Ordinance 12.02(13A) by Thurow, seconded by Alt and unanimously carried.

Member comments

The next meeting will be May 7, 2018 at 12:00PM CDT. Meeting location will be 101 South Boulevard. Moved by Alt to adjourn, seconded by Thurow and unanimously carried. Meeting adjourned at 12:12PM CDT.

Respectfully submitted,
Cynthia Haggard, Finance Director