

Council Chambers, Municipal Building, Baraboo, Wisconsin

Tuesday, September 8, 2015 – 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, Ellington, Thurow

Council Members Absent: Plautz, Alt, Robkin

Others Present: Atty. Reitz, Chief Schauf, Clerk Giese, Adm. Geick, members of the press and others.

The Pledge of Allegiance was given.

Moved by Wedekind, seconded by Kolb and carried to approve the minutes of August 25, 2015.

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

Compliance with the Open Meeting Law was noted.

PUBLIC HEARING – The Mayor opened the public hearing relative to PUD (Planned Unit Development) at 125 9th Street.

Eng. Pinion provided background on the proposed Reese Home of eight 1 bedroom efficiency apartments and 1 manager apartment. Several developers over the past few years have brought forward projects and Mr. Fritz brings the current proposal. This is a zoning matter followed by a conditional use permit for a senior housing complex, 55 yrs or older, and a manager's apartment.

Kathleen Thurow, resident on Ash Street, owns property east and north of the Reese home. The concern of the neighbors continues to be the additional car traffic on the alley, there are numerous children playing in the yards and in the alley. Any resident could own 2 dogs and 2 cats per unit and prefers there be fewer pets in the neighborhood. She expressed concern for radon gas and other costs. The manager apartment should also be 55 and older so the number of children are limited in the neighborhood.

Joan DeSomer, resident on 9th Street, is directly across the Street stated that the facility is beautiful and something needs to be done with it. She favors the development.

Deanna Schultz, resident on 9th Street, stated that the units are small for individual apartments but encourages approval of plan. She wants to see the property used again.

Lynn Brekke, resident on 9th Street, supports the plans to renovate the Reese Home into 55 and older apartments as identified by Mr. Fritz. She liked the idea of working kitchens in the apartments and feels that he will address the structural issues with the property.

Bekah Stelling, resident on 10th Street supports the development. Mr. Fritz is a reasonable developer and has put together a reasonable plan.

PUBLIC INVITED TO SPEAK – Steve Paaske explained that Act 71 precipitated the changes we are entertaining today. Urban deer hunting programs were enacted by communities to maintain deer population within city limits. He prefers to allow archery hunting within the City limits in certain circumstances.

MAYOR'S COMMENTS – none.

CONSENT AGENDA

Resolution No. 15-54

THAT the Accounts Payable, in the amount of \$664,760.26 be allowed and ordered paid.

Moved by Petty, seconded by Kolb and carried on voice vote to approve the Consent agenda.

ORDINANCES ON 2ND READING

Moved by Wedekind, seconded by Kolb and carried unanimously to approve the 2nd reading of Ordinance 2431 repealing and recreating Chapter 17, Subchapter II-Floodplain Zoning.

Moved by Ellington, seconded by Petty and carried unanimously to approve the 2nd reading of Ordinance 2432 repealing and recreating Chapter 14, Subchapter II-Construction Site Erosion Control Code.

Moved by Wedekind, seconded by Sloan and carried unanimously to approve the 2nd reading of Ordinance 2433 approving a PUD to convert commercial space located at 232 Water Street into residential space.

NEW BUSINESS

Ordinances:

Ordinance No. 2434 was introduced and read for the first time:

Ordinance No. 2434

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

1. Sections 9.03(2), and 12.08, Code of Ordinances, are amended as follows:

9.03 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES.

(1) PROHIBITED. No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the City.

(2) EXCEPTION. This section shall not apply to archery ranges in City parks which are authorized and supervised by the Park and Recreation Commission, or ~~shooting arrows pursuant to a hunting permit issued pursuant to §12.08, Ordinances, upon parcels approved for hunting, and subject to the restrictions upon the parcel while hunting with a State of Wisconsin issued hunting license.~~ However, while hunting with a bow or crossbow, no person shall hunt within 100 yards from a building located on another person's land, unless that person who owns the land on which the building is located allows the hunter to hunt within the specified distance. Further, all persons hunting with a bow or crossbow shall discharge the arrow or bolt from the respective weapon toward the ground.

12.08 HUNTING REGULATIONS AND PERMIT.

(1) Hunting with a firearm within the City of Baraboo shall be limited to parcels that have been approved for hunting by the Hunting Review Committee, consisting of the Chief of Police, Loss Prevention/Safety Coordinator, and the City Administrator or his designee, based upon an application that has been filed with the City Clerk by the parcel owner. No permit shall be required for bow or crossbow hunting provided that the restrictions of §9.03, Ordinances, and State law are complied with. The Committee shall approve or deny any

parcel submitted for hunting approval, and may place restrictions upon hunting at the parcel, including but not limited to the type (bow, shotgun, rifle) or caliber of weapon (.22 cal, 410 gauge, etc.) used for hunting. In determining whether to allow a parcel of land to be enrolled for hunting, and the restrictions to be placed upon the parcel, if any, the Chief of Police shall consider the following factors: [...]

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

Moved by Sloan, seconded by Petty, and carried that the Ordinance take its regular course - 6 ayes.

Attorney Reitz explained that the City cannot restrict bow and arrow hunting within the city, but we can impose 2 restrictions such as no discharge within 100 yds of occupied dwellings and discharge must be at a downward angle.

Ordinance No. 2435 was introduced and read for the first time:

Ordinance No. 2435

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

1. Section 17.18(4)(d), Code of Ordinances, is amended as follows:

17.18 ESTABLISHMENT OF DISTRICTS AND INCORPORATION OF ZONING DISTRICT MAP

- (4) DISTRICT BOUNDARIES AND MAP AMENDMENTS.

(d) Planned Unit Developments. The following Planned Unit Developments are approved and incorporated into the zoning map: 2015-03.

2. The attached General Development Plan / Specific Implementation Plan is approved as Planned Unit Development 2015-03.
3. This Ordinance shall take effect upon passage and publication as provided by law.

**GENERAL DEVELOPMENT PLAN / SPECIFIC IMPLEMENTATION PLAN
FOR A PORTION OF 125 9th STREET
CITY OF BARABOO, SAUK COUNTY, WISCONSIN,
TO BE ZONED AS A PLANNED UNIT DEVELOPMENT**

Richard Fritz, d/b/a 125 9th Street LLC, has petitioned to rezone the property located at 125 9th Street as a Planned Unit Development (PUD) under the City of Baraboo's Zoning Code, for purposes of a multi-family independent living complex. The property is presently owned by the Church Pension Fund, and Mr. Fritz has an accepted Offer to Purchase for the subject property. The PUD shall be based upon the following General Development and Specific Implementation Plans submitted for approval pursuant to §17.36B(7), of the Baraboo Code of Ordinances:

1. The real property involved in this Planned Unit Development consists of the property located at 125 9th Street (Tax Parcels 206-3460-00000 and 206-3413-00000), in the City of Baraboo, Sauk County, Wisconsin. The legal description for the PUD is as follows:
 - Lots 3 and 4 in Block 3 of Wallace's Addition to the City of Baraboo and Lots 4, 5, and 6, Block 2, Warren's Addition to the City of Baraboo, Sauk County, Wisconsin.
2. The property is presently zoned R-1A Single Family Residential District. The specific intention of the petitioner is to utilize the existing facility as an 8-unit multi-family independent living complex with one additional unit, traditionally used as a manager's apartment.
3. The property is specifically approved for the use and operation of a multi-family independent living complex. The use of the property shall not be changed from such use without the modification of this General Development Plan (GDP) with the approval of the City's Common Council.
4. This GDP is also accepted as the Specific Implementation Plan (SIP) for the property and in accordance with the site plan for development approved by the Baraboo Plan Commission on August 18, 2015.
5. The following relief is granted the Petitioner in relation to the project:
 - a. The required number of parking stalls located on the property shall be ten, which shall include one van-accessible handicap parking stall.
 - b. The property is approved for multi-family residential use.
6. In addition to the relief granted the Petitioner, the following requirements shall be met by the Petitioner in the development of the project:
 - a. The eight one-bedroom rental units shall be used exclusively for Age 55 and older tenants and meet the Senior Housing Exemption of the Federal Fair Housing Act.
 - b. A minimum of ten off-street parking stalls and/or garage stalls for vehicles shall be provided on the premises.
 - c. The intent shall be to provide long term residential rentals to tenants. Tenancies at will, daily, weekly, and monthly rentals shall not be allowed, except that month-to-month leases are allowed for the renewal of longer term leases.
 - d. The maximum number of one-bedroom rental units shall be eight.
 - e. Each of the kitchens in the eight one-bedroom rental units shall include a stove and the reconfiguration of each unit shall be completed in accordance with state-approved plans.

- f. No more than two residents may reside in any single one-bedroom rental unit.
 - g. The two-bedroom “manager’s” apartment shall be limited to the use of a single family.
 - h. There shall be no rental of storage facilities on the premises to non-residents.
 - i. The property shall be limited to one free-standing sign of not to exceed eight square feet in area.
7. The terms of the GDP / SIP shall be covenants running with the land, and applicable not only to the petitioner, but to any and all subsequent owners as well.

Moved by Kolb, seconded by Wedekind , and carried that the Ordinance take its regular course with the condition that the catch basin be connected to the storm sewer before occupancy - 6 ayes.

Mr. Fritz discussed parking after removing the existing garage and several trees, there would be room for 12 cars. He also stated that he plans to restrict the number of pets that are allowed. He discussed other properties that he owns where he does not allow animals by tenants, but he would leave it up to the City. Many people in the 55 and older age group have companion pets or service animals and he is not comfortable totally restricting animals. Kolb discussed the catch basin in the back yard which tends to overflow and prefers to see that addressed in the PUD. It was clarified that the manager’s apartment would be used by the property manager.

MAYOR, ADMINISTRATOR, AND COUNCIL COMMENTS

The Mayor announced the clean sweep at County Landfill on September 26th.

REPORTS and MINUTES

The City officially acknowledges receipt and distribution of the following:

Monthly Reports for August, 2015 from – Fire Dept.

Minutes from the Following Meetings -

BARABOO BUSINESS IMPROVEMENT DISTRICT (BID)

BOARD OF DIRECTOR’S MEETING

August 19, 2015

Members Present: S. Kessenich, D. Cowan, B. Stelling, D. Thurow, N. Marklein Bacher, T. Wickus, S. Fay

Members Absent: F. Kruse, L. Steffes

Others E. Geick

Call to Order: Sandy Kessenich presided over the meeting, called it to order at 5:48P.M., and noted compliance with the Open Meeting Law.

Meeting Minutes:

Moved by Cowan, seconded by Stelling, and unanimously carried to approve the minutes of July 15, 2015.

Agenda: Moved by Stelling, seconded by Cowan, and unanimously carried to approve the agenda as published.

Reports:

President – Reminder to start discussing budget in October.

Treasurer – Will email Committee Chairs with budgets from last year.

Business Development – Grow Baraboo Plan will be discussed again at next City County meeting.

Appearance –

- Revealed farmers market banners
- Sold old planters for \$175.00
- Mural Project will be financed through BID and Public Arts Committee and will reimburse BID. Moved by Wickus, seconded Fay, to make BID holding account for mural and move \$8,000.00 donation from reserves to that account.

New Business:

1. Vouchers –	Display Sales –	\$ 401.40
	(Brackets for Farmers Market banners)	
	Half of Muralist fee paid to Bernie’s Signs	12,500.00
	Minute Man Press – Posters for Mural	32.49

TOTAL: \$12,933.89

Moved by Wickus, seconded by Stelling and unanimously carried to approve the vouchers.

Next Meeting: Wednesday, September 16, 2015 at 5:45 p.m., Room 11, Civic Center.

Adjournment: Moved by Stelling, seconded by Wickus, and unanimously carried to adjourn at 6:08 PM.

Finance/Personnel Committee – Council Chambers

August 25, 2015

Members Present: Petty, Sloan and Thurow

Absent: none

Others Present: C. Giese, E. Geick, M. Reitz, W. Petersen and others

Call to Order –Ald. Petty called the meeting to order at 6:15 p.m. noting compliance with the Open Meeting Law. Moved by Thurow, seconded by Sloan to adopt the agenda and carried unanimously. Moved by Sloan, seconded by Thurow to approve the minutes of August 11, 2015. Motion carried unanimously.

Accounts Payable – Moved by Thurow, seconded by Sloan to recommend Council approval of the accounts payable for **\$641,398.93**. Motion carried unanimously.

2016 Budget Issues – Giese reported on 2016 budget preparations including net new construction allows a levy increase of 1.67%, net new construction was about \$12M, equalized value increase was about \$16M, TID increment increase was just under \$400,000. In the preliminary budget, wages, benefits and operating costs were increased 1%. The previously committed debt payments have been included in the budget. Approximately \$515,000 has been applied from Fund Balance that exceeds 25%. All of the capital expenditures shown in the capital plan have been inserted into the preliminary budget for approximately \$13.3M. New debt in the budget of \$11.7M includes Public Safety/Admin building, street reconstruction and Civic Center bathrooms. The Levy for 2015 was \$7,727,452 and if the preliminary budget is approved as is, the levy would be approximately \$650,000 higher. The committee recognized that some work needs to be done to bring the budget into the goal of between 2 to 3% increase in levy. However, several commented that this should be a very achievable goal.

Budget Amendments – The Committee reviewed the 2nd quarter budget amendments. Moved by Sloan, seconded by Thurow and carried to approve the 2nd quarter budget amendments.

Fee Waiver – The Committee reviewed the fee waiver request from the Kiwanis for their annual Run/Walk event. Moved by Sloan, seconded by Thurow and carried to waive the fee for the Kiwanis 5K Run/Walk event and carried unanimously.

Committee Comments: None.

Adjournment – Moved by Thurow, seconded by Sloan and carried to adjourn. Motion carried, meeting adjourned at 6:38 p.m.

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

Police & Fire Comm.	7-20-15	Emergency Management	8-27-15
Plan Commission	8-18-15	Public Arts Ad-Hoc	8-27-15
Insurance Claims	8-28-15		

CLOSED SESSION

Moved by Petty, seconded by Kolb and carried unanimously to adjourn to closed session per SS 19.85(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. (property acquisition)

OPEN SESSION

Moved by Kolb, seconded by Wedekind 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.

ADJOURNMENT

Moved by Kolb, seconded by Wedekind, and carried on voice vote, that the meeting adjourn.

Cheryl M. Giese, Clerk-Finance Director