

**Council Chambers, Municipal Building, Baraboo, Wisconsin
Tuesday, February 11, 2020 – 7:00 p.m.**

Mayor Palm called the regular meeting of Council to order.

Roll call was taken.

Council Members Present: Wedekind, Kolb, Plautz, Kent, Petty, Ellington, Alt, Kierzek, Thurow

Council Members Absent:

Others Present: Lt. LaBroschian, Clerk Zeman, Adm. Downing, Atty. Truman, T. Pinion, K. Stieve, W. Peterson, Robert Hasse, members of the press and others.

The Pledge of Allegiance was given.

Moved by Kolb, seconded by Wedekind and carried to approve the minutes of January 28, 2020.

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

Compliance with the Open Meeting Law was noted.

PRESENTATIONS – None Scheduled

PUBLIC HEARINGS – None Scheduled

PUBLIC INVITED TO SPEAK

MAYOR'S BUSINESS

- The Mayor congratulated Cale Good, Building & Grounds Maintenance Technician on his 20th anniversary with the City of Baraboo. Congratulations Cale!

CONSENT AGENDA

Resolution No. 19-157

THAT the Accounts Payable, in the amount of \$4,388,355.42 as recommended for payment by the Finance/Personnel Committee, be allowed and ordered paid.

Resolution No. 19-158

THAT the City Clerk be authorized to issue the following Operator's Licenses:

- Brittney Saxby, Baraboo Burger Company
- Vicki Weyh, Bump's

Resolution No. 19-159

THAT the City Clerk be authorized to issue the following Conditional Operator's License:

- Styles Grant, Get N Go

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

ORDINANCES ON 2ND READING

Moved by Petty, seconded by Ellington and carried unanimously to approve the 2nd reading of **Ordinance No. 2542** approve repealing Planned Development Overlay zoning district that was approved on October 8, 2019 to convert the existing office building located at 1208 9th Street to

a Family Day Care Center and revert the zoning to its original underlying B-3 Highway Oriented Business zoning classification as requested by Karla and Josh Reinhardt, LC.

NEW BUSINESS - RESOLUTIONS

Resolution No. 19-160

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Baraboo, Sauk County, Wisconsin:

THAT the property owner of 908 8th Street is hereby permitted to have a temporary sewer and water lateral connection with the neighboring property, located at 904 8th Street, until 8th Street is reconstructed, at which time the proper single parcel connections will be required, and

THAT the City Administrator and City Clerk shall be authorized to execute an agreement memorializing the above permissions.

Moved by Ellington, seconded by Alt and carried that **Resolution No. 19-160** be approved-9 ayes.

Resolution No. 19-161

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

That the Water Meter Reading Agreement between the City of Baraboo and the Village of West Baraboo is hereby approved and the Mayor and City Clerk are authorized to sign the same.

Moved by Wedekind, seconded by Kolb and carried that **Resolution No. 19-161** be approved-9 ayes.

Resolution No. 19-162

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Baraboo, Sauk County, Wisconsin, that:

The Common Council grants a special exemption to Robert Hasse & Elizabeth Hudson allowing them to keep three dogs in their residence until one of the three dogs passes, after which time they will be allowed to keep no more than two dogs in their residence. The exemption also requires Robert & Elizabeth to remain in compliance with §12.12(12) of the Baraboo Municipal Code for the duration of the time the three dogs are kept in the residence.

Moved by Kolb, seconded by Wedekind and carried that **Resolution No. 19-162** be approved-9 ayes.

Resolution No. 19-163

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Baraboo, Sauk County, Wisconsin:

THAT the Common Council hereby adopts the Municipal Building – Meeting Room Reservation Policy, which shall be in full force and effective on the date of adoption.

Moved by Petty, seconded by Kent and carried that **Resolution No. 19-163** be approved-9 ayes.

utilizes fire.

(10) "Open burning" means burning occurring outside of a building.

(11) "Recreational fires" and "cooking fires" both mean open burning for outdoor recreation and/or cooking purposes in an enclosure designed specifically for ember and flame containment, excluding a barrel, such as rocked-in pits, fireplaces, or barbecue grills which use only charcoal, propane gas or dry, untreated and unpainted wood as the burning material, and which satisfy the conditions set forth in Section 5.13, below.

5.032 COMPOSITION OF DEPARTMENT. (XXXXX)

—ORGANIZATIONAL STRUCTURE.

(1) The Department shall be known as the "City of Baraboo Volunteer Fire Department" and shall consist of the Fire Chief, a First, Second and Third Assistant Fire Chief, a Captain, Fire Coach, Fire Engine, a Secretary, Treasurer and such subordinates as may be authorized by the Council. The Baraboo Fire Department shall be made up of a combination of full-time, part-time and paid-per-call firefighters. The staff levels of full-time, part-time and paid-per-call shall be reviewed at appropriate intervals by the Common Council. The Fire Chief shall make recommendations for appropriate staffing levels to maintain the mission of the Fire Department-Mission.

(2) FIRE CHIEF – APPOINTMENT. Pursuant to §S. 62.13(3), Wis. Stats., the Fire Chief shall be appointed by the Police and Fire Commission and shall hold office during good behavior, subject to suspension or removal by the Commission for cause.

(3) OTHER OFFICERS; SUBORDINATES OTHER OFFICERS AND SUBORDINATES. Pursuant to §62.13(4), Wis. Stats., other Fire Department officers and subordinates shall be appointed by the Fire Chief, subject to confirmation by the Police and Fire Commission-Commission a. And as authorized by Common Council.

(1) The Fire Chief shall develop Policies, Operating Guidelines and other rules and regulations regarding the operation of the department that conform to the spirit of best practice in the modern day fire service as well as in compliance with this chapter. All members of the fire department shall have access to policies, guidelines, rules and regulations and train on same.

5.02 ORGANIZATION. The Department, by 2/3rd vote of the members, shall adopt bylaws for the control, management, and government and for the regulation of business and proceedings of the Department, subject to the approval of the Council. The Department's organization and internal regulation shall be governed by this chapter and by such bylaws as adopted by the Department and approved by the Council, except as otherwise prohibited by law and this Code.

5.043 POWERS AND DUTIES OF FIRE CHIEF. (XXXXX) APPOINTMENTS.

(1) (1) DISCIPLINARY ACTION DISCIPLINARY ACTION. The Fire Chief shall have the power to suspend, demote, expel or otherwise discipline members of the Fire Department, subject to appeal to the Police and Fire Commission, as provided in by §62.13(5), Wis. Stats.

(2) DEPARTMENT BUDGET. The Fire Chief shall file with the City's Finance Director, pursuant to the City's regular budgeting cycle, on City Clerk's year-end report of each year, a detailed estimate of the appropriations needed for the conduct of the Fire Department during the ensuing fiscal year.

(3) – GENERAL SUPERVISION. The Fire Chief shall have the general supervision of the Fire Department, which supervision shall be subject to and not conflict with this chapter, the policies, guidelines procedures, rules or regulations of the Fire Department. The Fire Chief shall be responsible for the safety of the members of the Fire Department.

(4) PRESIDING OFFICER. The Fire Chief or designee shall preside at all meetings of the Fire Department, call special meetings, preserve order, decide all points of order that may arise, and enforce a rigid observance of this chapter and the policies, guidelines, procedures, rules and regulations of the Fire Department.

(5) COMMAND OF FIREFIGHTING OPERATIONS. The Fire Chief shall be present at all fires, if possible, and have complete command and entire responsibility for all fire-fighting operations, plan the control of the same, direct the action of the firefighters when they arrive at a fire, observe that every firefighter does his/her duty, grant leaves of absence at a fire when he/she may deem it proper, and see that the fire apparatus is kept in proper condition at all times.

(6) Reports to Council-REQUIRED REPORTS.

a. The Fire Chief or designee shall keep records of all incident responses made by the Fire Department. The Fire Chief or designee shall report all fire incident responses to the National Fire Incident Reporting System (NFIRS) as required by the Wisconsin Administrative Code SPS 314. Additionally, all other reports as required by State Statute or Administrative Code shall be completed.

~~Department of fire record book of every fire to which the Department was called and shall enter in such book the location of the fire, the time the alarm was received, the cause of the fire, where the fire started, the cause of delay, if any, in responding, the amount of insurance carried on buildings and contents, estimated fire loss, the time the fire was extinguished, the names of the members responding and general remarks.~~

~~—The Fire Chief shall submit a monthly written report to the Common Council listing the previous month's incident responses and fire prevention inspections/activities. Furthermore, a monthly report, whether written or verbal, shall be given to the Public Safety Committee on any pertinent information including, but not limited to, operations, membership, apparatus, equipment or training, within the fire's calendar year or that of the fire's fiscal year, and at such times as he deems desirable, relating to the conditions of various pieces of apparatus and appurtenances, budget recommendations for the coming year, the number of fires occurring since the previous report and the date of the same and loss occasioned thereby, the total number of active members in the Department, and resignations and expulsions from the Department. He shall also report upon the drill and training program of the Department, together with other pertinent information, including recommendations for such improvements as he deems proper and necessary for the operation of the Department.~~

b.

(7) ENFORCEMENT OF FIRE PREVENTION ORDINANCES. The Fire Chief shall enforce all Wisconsin State Laws, Administrative Codes and City Ordinances pertaining to fire protection and fire prevention. ~~—Enforcement of the City and the State laws and regulations relating to fire prevention.~~ The Fire Chief shall oversee the fire prevention program for citizens.

~~and shall keep citizens informed on fire prevention methods and on the activities of the Department.~~

(8) POLICIES AND GUIDELINES. The Fire Chief shall develop policies, procedures, and other rules and regulations regarding the operation of the Fire Department that conform to the spirit of best practice in the modern day fire service as well as in compliance with this chapter. All members of the Fire Department shall have access to policies, procedures, rules and regulations and train on same.

~~APPARATUS INVENTORY—He shall keep an inventory of all apparatus and equipment and an inventory of all hoses showing dates and results of tests on each length, which shall be individually numbered.~~

(9) OTHER DUTIES. The Fire Chief shall perform such other duties as are usually incumbent on the commanding officer of the Fire Department.

~~FIRE CHIEF. Pursuant to §§. 62.13(3), Wis. Stats., the Fire Chief shall be appointed by the Police and Fire Commission and shall hold office during good behavior, subject to suspension or removal by the Commission for cause.~~

~~(2) OTHER OFFICERS; SUBORDINATES. Pursuant to §62.13(4), Wis. Stats., other officers and subordinates shall be appointed by the Fire Chief, subject to confirmation by the Police and Fire Commission.~~

~~5.04 DISCIPLINARY ACTION. The Fire Chief shall have the power to suspend, demote, expel or otherwise discipline members of the Department, subject to appeal to the Police and Fire Commission, as provided in §62.13(5), Wis. Stats.~~

~~5.05 DEPARTMENT BUDGET. The Fire Chief shall file with the City Clerk, by the 1st of each year, a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.~~

~~5.06 POWERS AND DUTIES OF CHIEF.~~

~~(1) GENERAL SUPERVISION. The Chief shall have the general supervision of the Department, which supervision shall be subject to and in conformity with this chapter, the rules and regulations adopted by the Commission, and the bylaws of the Department. He shall be responsible for the safety of the members of the Department.~~

~~(2) PRESIDING OFFICER. The Chief shall preside at all meetings of the Department, call special meetings, preserve order, decide all points of order that may arise, and enforce rigid observance of this chapter and the bylaws.~~

~~(3) COMMAND OF FIRE FIGHTING OPERATIONS. The Chief shall be present at all fires, if possible, and have complete command and entire responsibility for all fire fighting operations, plan the control of the same, direct the action of the companies when they arrive at a fire, observe that every company does its duty, grant leaves of absence at a fire when he may deem it proper, and see that the fire apparatus is kept in proper condition at all times.~~

~~(4) REPORTS TO THE COUNCIL. The Chief shall submit a written report to the Council not later than October 1 of each year, and at such times as he deems desirable, relating to the conditions of various pieces of apparatus and appurtenances, budget recommendations for the coming year, the number of fires occurring since the previous report and the date of the same and loss occasioned thereby, the total number of active members in the Department, and resignations and expulsions from the Department. He shall also report upon the drill and training program of the Department, together with other pertinent information, including recommendations for such improvements as he deems proper and necessary for the operation of the Department.~~

~~(5) ENFORCEMENT OF FIRE PREVENTION ORDINANCES. He shall enforce all fire prevention ordinances of the City and the State laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.~~

~~(6) FIRE RECORD BOOK. He shall keep a fire record book of every fire to which the Department was called and shall enter in such book the location of the fire, the time the alarm was received, the cause of the fire, where the fire started, the cause of delay, if any, in responding, the amount of insurance carried on buildings and contents, estimated fire loss, the time the fire was extinguished, the names of the members responding and general remarks.~~

~~(7) APPARATUS INVENTORY. He shall keep an inventory of all apparatus and equipment and an inventory of all fire showing notes and results of tests in each length, which shall be individually numbered.~~

~~(8) DUTIES AS COMMANDING OFFICER. He shall perform such other duties as are usually incumbent on the commanding officer of the Fire Department.~~

~~5.0754 CONTROL AND CARE OF APPARATUS AND EQUIPMENT. (XXXXX)~~

~~(1) (1) The Fire Chief shall have control of all apparatus and equipment used by the Fire Department and shall be responsible for its proper care and maintenance. All apparatus and equipment~~

shall be inventoried and information kept on file. Emergency repairs may be authorized by the Fire Chief pursuant to the City's Purchasing Policy.

~~(1)(2)~~ Where required, all apparatus and equipment shall be tested at the recommended intervals and records of such tests shall be kept on file.

(32) No equipment or apparatus shall be used for any purpose except for fire fighting incident response that is within the City limits fire protection area, or in training therefore, except:

a. ~~_____ Pursuant to mutual or automatic aid agreements approved by the Common Council after the Fire Chief has given his/her recommendations on such use, and/or~~

b. ~~_____ With the prior written approval of the Fire Chief or designee, such apparatus may be used for nonemergency purposes within the City an approved area approved by the Fire Chief. The Chief shall, quarterly, file a written report to the Council regarding equipment use.~~

5.0856 POLICE POWER OF DEPARTMENT. (XXXXX)

(1) POLICE AUTHORITY AT FIRES. The Fire Chief ~~and his assistants~~ or subordinate officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Fire Department may cause the arrest of any person failing to give the right of way to the Fire Department in responding to a fire.

(2) CONTROL OF FIRES. The Fire Chief or subordinate officers in command at any fire may prescribe certain limits in the vicinity of any fire within which no persons excepting ~~firemen firefighters~~ and ~~police men police officers~~ and those admitted by order of any officer of the Fire Department shall be permitted to enter. The Fire Chief or subordinate officers in command at any fire may cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he/she may order the removal or destruction of any property necessary to prevent the further spread of the fire. He/she may also cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Fire Department during the progress of a fire.

(3) ENTERING PREMISES. Any ~~fireman firefighter~~ while acting under the direction of the Fire Chief or other officer in command may enter upon the premises adjacent to or in the vicinity of any building or other property ~~that is on fire~~ for the purpose of extinguishing such fire and if any person shall hinder, resist or obstruct any ~~fireman firefighter~~ in the discharge of his/her duty as is herein before provided the person so offending shall be deemed guilty of resisting ~~firemen firefighter~~ in the discharge of their duties.

(4) DUTIES OF BYSTANDERS. Every person who ~~shall be~~ present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or removing or guarding property. Such officer may cause the arrest of any person refusing to obey said orders.

(5) INJURY TO EQUIPMENT PROHIBITED. No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the City and no vehicle or railroad equipment shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, track or other place to be used at any fire or alarm of fire without the consent of the Fire Department official in command.

(6) DESTRUCTION OF PROPERTY TO PREVENT THE SPREAD OF FIRE. During the progress of any fire, the Fire Chief or designee(s) shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed or destroyed other property is in danger of being of being destroyed by fire.

5.0967 FIRE PREVENTION. (1727 04/27/94, XXXXX)

(1) STATE CODES ADOPTED. Except as otherwise specifically provided in this Code Chapter, the statutory provisions of Section §101.14, Fire Inspections, Prevention, Detection and Suppression, Wis. Stats., Wisconsin Administrative Code SPS 314 and the following chapters of the Wisconsin Administrative Codes are hereby adopted by reference and made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any statute or code provision incorporated herein by reference is required or

prohibited by this Code. Any future amendments, revisions or modifications of the statutes and codes incorporated herein are considered to be made a part of this Code in order to secure uniform statewide regulation:

_____	_____	ATCP 93	Flammable, Combustible and Hazardous Liquids
_____	_____	ATCP 94	Petroleum and Other Liquid Fuel Products
_____	_____	ILHR 7SPS 307	Explosives
ILHR 10	Flammable and Combustible Liquids		
_____	ILHR 11	Liquefied Petroleum Gases	
_____	ILHR 12	NFPA 54 National Fuel Gas Code	
_____	ILHR 13	Compressed Natural Gas	
_____	ILHR 14	Fire Prevention	
_____	ILHR 16SPS 316	Wisconsin State Electrical Code Article 700 and Article 400 of the National Electrical Code	
_____	SPS 318 Elevator Code		
_____	ILHR 28SPS 328	Smoke Detectors	
_____	ILHR 51	Definitions and Standards	
_____	ILHR 52	General Requirements	
_____	ILHR 53	Structural Requirements	
_____	ILHR 54	Factories, Office, and Mercantile Buildings	
_____	ILHR 55	Theaters and Assembly Hall	
_____	ILHR 56	Schools and Other Places of Instruction	
_____	ILHR 57	Residential Occupancies	
_____	ILHR 58	Places of Detention	
_____	ILHR 59	Hazardous Occupancies	
_____	ILHR 60	Child Day Care Facilities	
_____	ILHR 61	Community-Based Residential Facilities	
_____	ILHR 62	Specialty Occupancies	
_____	ILHR 64	Heating, Ventilation, and Air Conditioning	
_____	NFPA 704	Identification of the Fire Hazards of Materials	
_____	NFPA 231D	Storage of Rubber Tires	

(2) FIRE CHIEF TO BE FIRE INSPECTOR. The Fire Chief shall hold the office of Fire Inspector with power to appoint one or more Deputy Fire Inspectors, who shall perform the same duties and shall have the same powers as the Fire Inspector.

~~(3) INSPECTOR DUTIES. It shall be the duty of the Fire Chief to provide for the inspection of every public building and place of employment to determine and cause to be eliminated any fire hazard or any violation of any law relating to fire hazards and the prevention of fires, to the extent required by §11.14, Wis. Stats. and Ch. SPS 318-14 Wis. Admin. Code, and the Chief shall further make an effort to file written reports of such inspections as may be required by the Wisconsin Department of Industry, Labor and Human Relations.~~

(34) CORRECTION OF VIOLATIONS. Whenever any fire inspection reveals a violation of this Code, the Fire ~~Inspector~~Inspector or Deputy Fire Inspector shall personally deliver, email, or send by certified mail, return receipt requested, a written compliance order to the owner of the property and to the occupant if the property is occupied by a person not the owner thereof, giving said persons a reasonable time, not to exceed sixty (60) calendar days, to correct all violations. If a violation is not corrected within the grace period allowed, a second written compliance order shall be personally delivered, emailed or sent by certified mail, return receipt requested, to the same persons giving said persons an additional grace period, not to exceed thirty (30) calendar days, to correct the violations. If any violation is not corrected within the grace period allowed by the second order, a citation may be issued to the owner and to the occupant of the property, or to an agent as provided for by Chapter 25 of this Code.

a. Each individual violation on a property and each day any such violation continues after the grace period allowed in the second notice shall constitute a separate offense.

b. If the compliance order is not referred to the Department of ~~Industry, Labor and Human Relations~~ Safety and Professional Services for further action, an action to abate such nuisance may be commenced by the City as provided in §10.07 of this Code.

c. Nothing herein shall be interpreted to mean that a citation cannot be issued immediately upon the finding of a violation of this Code, subject to the discretion of the Fire Inspector or Deputy Fire Inspector, based upon the seriousness of the offense, prior similar offenses, or for other reasonable reasons.

~~(45)~~ CITATION AUTHORITY. The Fire Chief, Deputy Fire Inspectors and City Police Officers shall be authorized to issue citations for violations of this ~~section~~ Chapter using the uniform citation method set forth in ~~§9.27~~ of this Code.

(65) SPECIAL CHARGES FOR INSPECTIONS FOR NON-COMPLIANCE. A special charge as provided in the City's Official Fee Schedule, §1.90, Official Fee Schedule shall be imposed for the second and each subsequent inspection where the inspection reveals that the owner or occupant of the property has not corrected the violations contained in the compliance order. The owner and occupant, or agent thereof as provided for by Chapter 25 of this Code, of each property inspected shall be jointly and personally liable for the charge. If the charge is not paid within thirty (30) calendar days of the date of billing, an additional administrative collection charge of 10 percent (10%) of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate 1 percent (1%) per month until paid and such charge shall be extended upon the current or next tax roll as a charge against the inspected property for current services, as provided in §66.0627, Wis. Stats.

(76) ENTERING ON PREMISES. No person shall deny a Fire Inspector or Deputy Fire Inspector free access to any property within the City at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct a Fire Inspector or Deputy Fire Inspector in the performance of his/her duty or refuse to observe any lawful direction given by the Inspector. The Fire Chief shall be deemed a peace officer for the purpose of applying for, obtaining and executing a special inspection warrant pursuant to §66.0119, Wis. Stats.

~~(4)~~(7) DISCLAIMER ON INSPECTIONS. The purpose of the inspections under this section is to comply with the fire inspection provisions of the State codes. The inspections and the reports, findings and orders issued after such inspections are not intended as, nor are they to be construed as, a guarantee. In order to advise owners, occupants and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of the inspection contained herein are intended to report conditions of non-compliance with Code provisions that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed premises. The City makes no warranty or representation, expressed or implied that its inspection of the property has discovered all fire code violations or all fire hazards or that this report contains a complete list of all fire code violations existing on the property inspected herein."

(89) LICENSE OR PERMIT WITHHELD. No license shall be granted or renewed for the operation of any trade, profession, business or privilege for which a license is required by any provisions of this Code nor shall any occupancy permit under ~~Chapter~~ Chapter 14 of this Code be issued for any property that contains any outstanding violation of this section.

(910) VIOLATION AND PENALTY. Any person who violates, disobeys, neglects, omits or refuses to comply with, or resists the enforcement of any of the provisions of this section shall be subject to a penalty as provided in ~~Ch. ILHR 14SPS 314~~ Adm. Code and/or §25.04 of this Code, ~~whichever is greater.~~

~~5.10~~ INFLAMMABLE MATERIALS PROHIBITED. ~~Within the business district, no person shall permit any waste paper, empty boxes, excelsior or similar or other inflammable materials to collect or remain upon the premises owned or occupied by said person, on the outside of any building or placed in any public street or alley unless the same shall be contained within a covered, fireproof container.~~

~~5.11~~ GASOLINE, BENZINE, NAPHTHA, ETC. ~~All gasoline stations, bulk gasoline storage facilities, and any facility for storing benzene, naphtha, or any other volatile liquid shall be constructed and maintained in conformity with the regulations prescribed by the State Statutes and the rules and regulations of the State Department of Industry, Labor and Human Relations.~~

5.0842 GUNPOWDER. (Renumbered only XXXX) No person shall keep or store more than 10 pounds of gunpowder at any place within the City without the written permission of the Fire Chief. Any dealer permitted to keep at his place of business in excess of 10 pounds of gunpowder shall not keep more than 200 pounds at any one time, and such gunpowder shall be kept in a safely constructed box painted yellow with the word "POWDER" printed or painted thereon in black letters not less than 5 inches in height and equipped with handles so that the same may be readily moved in case of fire, and such box shall be kept in such part of the dealer's place of business as may be directed by the Fire Chief.

5.0913 DYNAMITE. (Renumbered only XXXX) No person shall keep or store within the City any nitroglycerine, dynamite, giant powder or other explosives more violent than gunpowder without the written permission of the Fire Chief or otherwise than in accordance with the conditions prescribed in such permission as granted and in no case shall more than 50 pounds of any such explosive be stored or kept within 300 feet of any dwelling or other occupied building. The Fire Chief may direct the placement and the manner of keeping the same and the precautions to be observed in connection therewith.

~~5.14 RIGHT OF WAY.~~ The officers and members of the Fire Department, with their fire equipment of every kind, when going to or are on duty at a fire, shall have the right of way over all other vehicles upon City streets, and the operator of any other vehicle, whether motor or otherwise, upon the approach of such fire apparatus, shall immediately drive such other vehicle as far as possible to the right of the thoroughfare and shall keep such vehicle stationary until such fire apparatus shall have passed. Except when actually responding to a fire alarm or other emergency call, or when on duty at a fire, the apparatus and vehicles of the Fire Department shall, however, have no special right of way or other privileges of any kind, but shall be subject to all traffic regulations applicable to other vehicles.

5.1015 TRAFFIC LAWS APPLY TO VOLUNTEERS. (Renumbered only XXXXX) All ~~volunteer firemen fire fighters~~, when responding to an ~~fire call incident call~~ in a private vehicle, shall comply with all traffic regulations.

5.1146 EMERGENCY ALARM SYSTEMS. See §12.14 of this Code. (1833 09/26/95, ~~Renumbered only XXXXX~~)

~~5.12 RESERVED (XXXX)~~

~~5.17 SOCIAL ACTIVITIES.~~

~~(1) SOCIAL CLUB.~~ Members of the Department may organize a social club provided that social activities are not funded from City funds.

~~5.18 SMOKE DETECTOR.~~ (1485 12/8/87, 1586 03/12/91) The statutory provisions of §101.145, Wis. Stats., entitled Smoke Detectors, and the Wis. Adm. Code regulating smoke detectors are hereby adopted and by reference made a part of this Code with the same force and effect as though set forth in full. Any future amendments, revisions or modifications of the statutes and Wis. Adm. Code regulating smoke detectors are intended to be made a part of this section. Failure to comply with any of the provisions of such regulations shall constitute a violation of this section, punishable according to the penalties provided in this chapter.

5.1349 REGULATION OF OPEN BURNING. (1935 04/14/98, XXXX)

~~(1) OPEN BURNING PROHIBITED.~~

~~a. Except as otherwise provided in this Section, no person shall burn or cause to be burned any leaves, grass, wood, rubbish, waste, recyclable paper products, recyclable cardboard, painted wood, pressure treated lumber, and/or any material made of in whole or in part or coated with rubber, plastic, leather or petroleum based materials, and/or products containing flammable materials or other combustible material.~~

~~b. An Open Burning Permit may be issued by the Fire Chief or designee for prescribed vegetation management purposes subject to reasonable conditions to mitigate fire hazards. The fee for an Open Burning Permit shall be as set forth in the City's Official Fee Schedule, §1.90, as set by the Common Council. Applications for a permit must be submitted to the City Clerk at least seven (7) calendar days prior to the burning. Supervision and inspection costs shall be billed to the owner of the property upon which supervision or inspection is required.~~

Open Burning Permits shall apply to individual parcels or occupancies and are not transferable from person to person, parcel to parcel or occupancy to occupancy; however, Open Burning Permits may encompass multiple parcels under common ownership if part of a common vegetation management project.

(1) DEFINITIONS.

(a) "Burning" shall mean the kindling or maintaining of a fire that has hot ashes or embers or is giving heat, or still glowing or giving light, or a fire that is still smoldering or giving off smoke, or a fire that has not been completely extinguished.

(b) "Open burning" shall mean burning done outside of a Building.

(c) "Recreational fires" and "cooking fires" shall mean open burning for outdoor recreation and/or cooking purposes in an enclosure designed specifically for ember and flame containment, excluding a barrel, such as rocked-in pits, fireplaces, or barbecue grills which use only charcoal, propane gas or dry, untreated and unpainted wood as the burning material, and which satisfy the conditions set forth in sub (3).

(d) "Bonfire" shall mean a large, open fire kindled and maintained to mark a public event, celebration or similar occurrence, which only uses dry, untreated and unpainted wood as the burning material. A fire permit from the Fire Department is required for a bonfire.

(2) CONDITIONS OF PERMITTED OPEN BURNING. Except as permitted in sub. (3), no person shall kindle or maintain any open burning unless such open burning complies with the conditions set forth in this subsection:

(a) The hours of open burning shall be restricted to even calendar days during the hours between 8 a.m. and 10 p.m., unless otherwise expressly authorized by the Fire Department. During all other hours and times, all burning authorized under subsection (2) shall be completely extinguished.

(b) No burning shall be kindled or maintained during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban.

(c) Only dry grass, leaves, garden vegetative matter, brush and untreated and unpainted wood which is suitable for burning shall be used as the burning material, except permitted bonfires shall only use dry, untreated and unpainted wood as the burning material.

(d) No burning shall be kindled or maintained on or within any street, sidewalk, tree bank, alley, parking lot, drainage ditch, park, public place or public right-of-way, unless otherwise expressly authorized by the Fire Department.

(e) In the event of a fire, such burning shall be subject to any fire code or ordinance available, and shall be subject to any fire code or ordinance designed for lighting fires.

(f) All such burning shall be extinguished by the person who kindled the fire, and the person in charge of the fire shall have fire extinguishing equipment and materials available at all times and easily accessible for immediate use.

(g) Burning, under this subsection, shall not be kindled or maintained in a barrel.

(h) Whenever burning is undertaken in a pile, the maximum size of the burning materials shall be four feet in diameter, measured horizontally, and three feet measured vertically, and the pile of material being burned shall be at least 15 feet away from any combustible material, combustible wall or partition, exterior window opening, exit, access or exit unless otherwise expressly authorized by the Fire Department.

(i) No burning shall be maintained so that flames exceed 4 feet in height.

(j) No burning shall be kindled or maintained so as to cause a public nuisance prohibited by Ch. 10 of the Code.

(k) All such burning shall be conducted on a non-combustible surface.

(32) REGULATION OF RECREATION FIRES AND COOKING FIRES. Recreational fires and cooking fires shall be exempt from the provisions set forth in sub (2), are permitted so long as they provided; however, recreational fires and cooking fires shall comply with each of the following conditions:

- ~~a.~~(a) Burning, under this subsection, shall not be kindled or maintained in a barrel.
- ~~b.~~(b) No burning shall be kindled or maintained on or within any street, sidewalk, treebank, alley, parking lot, drainage ditch or public right-of-way.
- ~~c.~~(c) No burning shall be maintained such that the flames exceed ~~4~~four feet in height.
- ~~d.~~(d) No burning shall be maintained so as to cause a public nuisance prohibited by Ch. 10 of the Code.
- ~~e.~~(e) Except for barbecue, gas, and charcoal grills, any other burning receptacle, enclosure or pit shall be no greater than 30 inches in diameter at its greatest width.
- ~~f.~~(f) All such burning shall be constantly supervised and personally attended by a responsible adult until the fire is completely extinguished. The person in charge of the fire shall have fire extinguishing equipment or materials available at all times and easily accessible for immediate use.
- ~~g.~~
Except for barbecue, gas, and charcoal grills, no burning shall be kindled or maintained during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban.
- ~~h.~~(h) Whenever a portable fireplace or grill is located on a combustible surface, such as a wooden patio or deck, a non-combustible material shall be placed under and around the fireplace or grill for a distance of at least 24 inches on each side thereof.
- ~~i.~~(i) In relation to one and two family dwellings, except for barbecue, gas, and charcoal grills, no such burning shall be undertaken within 15 feet of any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire ~~Department~~Chief. (2353 01/25/11)
- ~~j.~~(j) In buildings with three or more dwelling units, no burning shall be undertaken within 25 feet of any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire ~~Department~~Chief. (2118 05/27/03, 2353 01/25/11)
- ~~k.~~(k) In buildings with three or more dwelling units, regardless of type or size, no barbecue, gas, charcoal or electric grill, or any other burning receptacle shall be stored or used on balconies above the first floor, under any overhangs or within 10 feet of the structure. (2118 05/27/03, 2353 01/25/11)
- ~~(3)~~ ~~(4)~~ — BONFIRES REGULATED. No person shall kindle or maintain any bonfire without first obtaining a ~~Bonfire p~~Permit from the Fire ~~Department~~Chief or designee and each such permit shall be subject to the conditions established by the Fire Department. Applications for a permit must be submitted to the City Clerk at least seven (7) calendar days prior to the bonfire. The permit fee shall be as set forth in the City's Official Fee Schedule, §1.90, as set by the Common Council.
- ~~(4)~~ FIRE PERFORMANCE. No person shall engage in any fire performance without first obtaining a Fire Performance Permit from the Fire Chief or designee, at his or her discretion, and each permit shall be subject to the conditions established by the Fire Department. Applications for a permit must be submitted to the City Clerk at least fourteen (14) calendar days prior to the performance. The permit fee shall be as set forth in the City's Official Fee Schedule, §1.90, as set by the Common Council.
- ~~The bonfire permit fee is set forth in the City's Official Fee Schedule, §1.90.~~

~~BURNING OF CERTAIN MATERIALS PROHIBITED. No person shall kindle or maintain open burning where the burning material is recyclable paper products, recyclable cardboard, rubbish, garbage, trash, refuse, painted wood, pressure treated lumber, and/or any material made of in whole or in part or coated with rubber, plastic, leather or petroleum based materials, and/or products containing flammable materials.~~

(65) EXCEPTIONS TO BURNING REGULATIONS. The following fires for burning shall be exempt from the provisions of ~~§§(subs. (12) and (43), above:~~ (2118 05/27/03)

a. ~~_____ (a)~~ Fires conducted inside of a building, including, but not limited to, fireplaces and incinerators.

b. ~~_____ (b)~~ Fires conducted to remove frost from the ground by public utility companies, City employees, cemeteries, and building contractors.

c. ~~_____ (c)~~ Small open flames for welding, acetylene torches, safety flares, heating tar or similar applications.

d. ~~_____ (d)~~ Fires conducted for training or instruction of fire-fighters by the City Fire Department or for the testing of fire equipment by the City Fire Department.

a.e. ~~_____ (e)~~ Any fire expressly authorized in writing by the Fire Chief. An Exception to Burning Regulations permit issued by the Fire Chief shall be subject to the conditions established by the Fire Department. The fee for an Exception to Burning Regulations Permit shall be as set forth in the City's Official Fee Schedule, §1.90, as set by the Common Council~~See Official Fee Schedule, §1.9 - Firing permit fee.~~ (2118 05/27/2003)

(7) EMERGENCY REGULATIONS. The Fire Chief may, when necessary, declare a "Emergency Condition of Fire Hazard" for a specified period of time and, during such time, no burning shall be permitted unless done or controlled by the Fire Department. In addition, during such declared fire emergency period, the Fire Chief may prohibit the use of the following:

a. Fireworks as defined by §167.10(1), Wis. Stats.

b. Any of the items included under §167.10(1)(e), (f), (i), (j), (k), (l), (m), and (n), Wis. Stats.

~~b.c.~~ Any other device that may pose a fire hazard.

(7) OPEN BURNING PROHIBITED WHEN WIND EXCEEDS EIGHT (8) MILES PER HOUR. No person shall kindle or maintain any open burning within the City whenever the wind speed exceeds eight (8) miles per hour as measured by a portable wind meter device approved by the Fire Chief. Before taking any enforcement action under this ~~sub§(8), section, the Fire Chief, Fire Ins,~~ the Fire Chief or his/her designee shall first order the violator to completely extinguish the open burning. A citation shall not be issued if the open burning is immediately extinguished after the order to do so has been given. No person shall continue to maintain any open burning after being ordered to completely extinguish the burning as provided in this Section. (2146 04/13/2004)

(98) PERMIT REQUIREMENTS. All permits required under this Section must meet the minimum City licensing and permitting standards of §12.01 and shall require the permittee to indemnify the City of Baraboo.

~~ENFORCEMENT AND BONFIRE PERMIT FEE. The Fire Chief, Fire Inspector, and Police Officers of the City shall be authorized to enforce the provisions of this Section. (Re-numbered only per 2146 04/13/2004)~~

(9) ENFORCEMENT. The Fire Chief and his/her designee(s) and Police Officers of the City shall be authorized to enforce the provisions of this Section. (Renumbered only per 2146 04/13/2004)

(1040) RECOVERY OF ABATEMENT COST. The City has determined that a violation of this section

creates a public nuisance or a hazard to the public safety. Therefore, in addition to any other penalty imposed by this code for a violation of this section, if the Fire Department is dispatched to a fire caused as a result of any act, omission, condition, or thing that constitutes a violation of this ~~§5.19~~section, the person causing, permitting, or maintaining such occurrence, may be charged a fee to cover the City's cost for responding (to such public nuisance. Any such fee shall be charged as set forth in the City's Official Fee Schedule, §1.90~~City's Official Fee Schedule~~. The charge shall be collected as a debt and, if the charge is not paid within thirty (30) calendar days of the date of billing, an administrative collection charge of ten percent (10%) of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of one percent (1%) per month until paid. If the owner of the property where the public nuisance occurred caused, permitted, or maintained such public nuisance, such charge shall be extended upon the current or next tax roll, to the extent allowed by law. (2118 05/27/2003, Re-numbered only per 2146 04/13/2004)

~~SEVERABILITY. If any Section, Subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any Court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof, and to this extent, the provisions of this Ordinance shall be severable. (2118 05/27/2003, Renumbered only per 2146 04/13/2004)~~

5.14 FIRE LANES AND FIRE HYDRANTS (1870 05/14/96, 2002 01/11/2000, XXXXXX)

(1) **FIRE LANES AND FIRE HYDRANTS REQUIRED.** Fire lanes and fire hydrants shall be required in accordance with this section on public or private property used for assembly, commercial, educational, industrial, institutional, or multi--family dwelling purposes, and on private property containing residential developments consisting of three or more dwelling units to which access is provided from a public street by a private road or driveway where any dwelling unit is set back more than fifty (50) feet from the paved portion of the public street. Fire lanes may also be designated on those private roads where it is found by the Fire Chief that such access is necessary for ~~fire-fighting~~firefighting equipment and apparatus. No building permit shall be issued without compliance with the terms of this section if any part of the area being developed contains any of the uses or conditions described in this section.

(2) ~~In this Section:~~

(a) ~~"Fire Chief" means the Fire Chief of the City of Baraboo.~~

(b) ~~"Fire lane" means a part of a public or private parking lot or private driveway or private road which is designated as a fire lane and designed to provide access for fire trucks to any building or location and which lanes meet the following minimum specifications:~~

- ~~1. Not less than 24 feet wide at any point.~~
- ~~2. Curves and turnarounds shall be designed for a 40 foot turning radius.~~
- ~~3. Dead end lanes more than 300 feet long shall provide for a turn around that is T-type, hammerhead, cul-de-sac, or curved driveway at the closed end of the lane.~~
- ~~4. The surface shall be paved with bituminous or concrete or other approved similar all-weather material and shall be of sufficient strength to support City fire-fighting equipment.~~

(c) ~~"Fire hydrant" means a hydrant satisfying the specifications contained in Subch. II, BARABOO WATER-UTILITY, of Ch. 13 of this Code.~~

(2) **LOCATION AND MAINTENANCE OF FIRE LANES AND FIRE HYDRANTS.** Fire lanes and fire hydrants shall be located where necessary to provide fire protection to all buildings and premises within the City as determined by the Fire Department. In all cases, a fire hydrant shall be located within 350 feet from each building to be served by the hydrant and all hydrants shall be accessible to fire lanes. All existing and new fire hydrants located on private property shall be routinely inspected, repaired, tested, and maintained by the owner thereof as specified in American Water Works Association Manual 17, Installation, Field Testing and Maintenance of Fire Hydrants, and all fire hydrants shall satisfy the minimum performance requirements established by the City Water Department for City fire hydrants. The City's Water Department and Fire Department personnel shall have open and free access to all fire hydrants upon public and private property within the City at any reasonable time for the purpose of inspecting, repairing, testing, and maintaining fire hydrants. The fire flow test procedures in National Fire Protection Association Ch. 291, Fire Flow Testing and Marking of Hydrants, shall be followed when performing fire hydrant fire flow tests.

(3) SNOW REMOVAL. Each owner and/or each occupant of any premises where a fire lane and/or a fire hydrant is required shall be responsible for the prompt removal of snow and ice from a fire lane and for the prompt removal of all snow surrounding each fire hydrant. (2002 01/11/2000)

(4) WRITTEN RECORDS. Written records shall be maintained by the Utility Superintendent showing the installation, inspection, field testing, repair, and maintenance of each fire hydrant within the City. Such records shall be made available for inspection and copying upon request by Fire Departmenters and to the City.

(5) ~~(b)~~—DISCLAIMER ON FIRE HYDRANT INSPECTING AND TESTING. The purpose of the inspection and testing of fire hydrants authorized by this Section is to improve the quality of fire protection service within the City. Any inspections and the reports and findings issued pursuant thereto are not intended as, nor are they to be construed as, a guarantee. The findings of any inspection or testing are intended to ascertain conditions that are readily apparent at the time of such inspection or testing and do not involve a detailed examination of all mechanical systems on the entire premises. The City makes no representation or warranty, express or implied, as to the thoroughness or accuracy of any such inspection or testing. The City disclaims, and does not assume, any liability or responsibility whatsoever in the event any error or omission was made by the City as the result of an inspection and/or testing authorized by this Section, whether such errors or omissions result from negligence, accident, or other source or cause. The City shall further not be liable or responsible for damage caused to any fire hydrant while such fire hydrant is being properly tested as required by this Section.

(6) DUTIES AND POWERS OF FIRE CHIEF. *All building and project development plans for projects covered by this Section shall be referred to the Fire Chief for examination and approval. If the Fire Chief finds that a proposed fire lane or fire hydrant in a development project does not comply with this Section, the Fire Chief shall be authorized to specify the changes necessary to bring the proposal into compliance. Appeals from orders of the Fire Chief shall be to the Zoning Board of Appeals. The Fire Chief shall inspect the construction of any fire lanes and the placement and specifications of any fire hydrant required by this Section and no occupancy permit shall be issued for any project covered by this Section until the Fire Chief has inspected and approved the fire lanes and fire hydrants.*

(75) DESIGNATION AND SIGNAGE FOR FIRE LANES. The owner or occupant of any premises where a fire lane is required under this Section shall designate and mark all fire lanes and shall post appropriate signs indicating the existence of all fire lanes and indicating that no parking is permitted on fire lanes at any time, as specified and approved by the Fire Chief. Signs and markings shall be used in such locations and in such a manner as in the judgment of the Fire Chief will carry out the purposes of this Section and give adequate warning to users of the premises where the fire lanes and fire hydrants are located. Signage and markings shall meet the following minimum standards:

a. ~~(a)~~—Where reasonably feasible, signs shall be erected within 5 feet of the beginning and within 5 feet of the end of the fire lane with spacing between signs not exceeding 75 feet. Each sign shall face in the direction of oncoming traffic and shall be affixed to a stationary pole or object.

b. ~~(b)~~—Curb along a fire lane shall be painted yellow and if no curb exists, a 4-inch wide stripe shall be painted the full length of the fire lane. Lanes identified exclusively as fire lanes shall be identified with approved fire lane signs on each side facing forward and the pavement area between the signs shall be striped with 4-inch wide yellow strips.

~~(68)~~ OBSTRUCTIONS OTHER THAN MOTOR VEHICLES. No person who is the owner or occupant of a premises required by this Section to maintain a fire lane or a fire hydrant shall place, locate, permit, or allow the placement or location of any obstruction of any fire lane or so as to block access to any fire hydrant. (2007 09/12/2000)

(97) RESTRICTED PARKING IN FIRE LANES.— See §7.09 of the Code.

5.15KEY LOCK BOX SYSTEM (2394 04/23/2013, XXXX)

(1) The following structures shall be equipped with a key lock box or a component thereof at or near the main entrance or such other location required by the Fire Chief:

- a. Commercial or industrial structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency.
- b. Multi-family residential structures protected by an automatic alarm system, or automatic suppression system, or that have restricted access through locked doors and have a common corridor for access to the living units.
- c. Governmental structures.
- d. Any special facilities or properties that may possess restricted access by the means of a fence, gate or similar device.

(1)(2) This ordinance shall not be construed to ~~so as to~~ require a key lock box for the following structures or uses:

- a. One- and two-family dwellings.
- b. Hospitals, nursing homes, jails or other institutional use buildings when on-site staff is available at all times.
- c. Commercial or industrial structures when on-site staff is available at all times.
- d. In the event that any of the structures or uses as set forth in this paragraph install a key lock box system, it shall meet and comply with all the requirements of this ordinance.

(3) All newly constructed structures subject to this ~~S~~section shall have the key lock box installed and operational prior to the issuance of a occupancy permit. All existing structures as of the effective date of this ordinance and subject to its provisions shall have one year to install an operational key lock box.

(4) The Fire Chief shall designate the type of key lock box system to be implemented within the ~~C~~city and shall have the authority to require all structures as set forth in section (1) of this ordinance to use the designated system.

(2)(5) The owner or operator of a structure required to have a key lock box shall, at all times, keep current key(s) in the key lock box, each of which shall be clearly marked so as to indicate it's purposes, that will allow access to the structure. The key lock box shall contain the following keys, as applicable:

- a. Keys to locked points of ingress and egress, whether on the interior or exterior of such buildings.
- b. Keys to locked mechanical rooms.
- c. Keys to locked elevator rooms.
- d. Keys to elevator controls.
- e. Keys to any fence or secured areas.
- f. Keys to any other areas as directed by the Fire Chief or Deputy -Fire Inspector.
- g. Keys required by this section shall not ~~include~~ keys to individual living units in a multi-family residential ~~structure.~~
~~structure.~~

(6) The Fire Chief shall be authorized to implement rules and regulations for the placement and use of the key lock box system.

(7) The ~~Baraboo~~ Fire Department is authorized to share key lock box access with other public safety departments, including the Sauk County Sheriff's Department, the Baraboo Police Department, and the Baraboo Ambulance District, under rules and policies to be established by the Fire Chief.

(8) Entry keys shall be updated as necessary and will be checked as part of the fire inspection visits.

(9) The owner or operator of a structure required to have a key lock box system shall provide to the ~~Baraboo~~ Fire Department a list each year of the emergency contacts in case of an emergency requiring the use of the key lock box.

(3)(10) Any person who owns or operates a structure subject to this section shall be subject to the penalties set forth in §5.30 of this Code for any violations of this section.

5.1622 SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision

shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof, and to this extent, the provisions of this ordinance shall be severable. (2118 05/27/2003, Renumbered only per 2146 04/13/2004, Renumbered only XXXXX)

-5.17 thru 5.29 Reserved

5.30 PENALTY. (2002 01/11/2000, 2027 09/12/2000, Renumbered only XXXXX) Any person who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this chapter, or any order, rule, or regulation made hereunder shall be subject to a penalty as provided in §25.04 of this Code. In addition to the payment of a forfeiture, the City Attorney may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent or enjoin the erection, enlargement, alteration, repair, moving or occupancy of any building or structure located on any premises in violation of this chapter. In any such action, the fact that a permit was issued shall not constitute a defense and each violation and each day a violation continues or occurs shall constitute a separate offense. (~~2027-09/12/2000~~)

~~5.31~~

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

Moved by Ellington, seconded by Kolb and carried unanimously to approve the 1st reading of **Ordinance No. 2544** amending Section 1.90, Fee Schedule, of the Baraboo Municipal Code.

1. Section 1.90, Fee Schedule, of the Baraboo Municipal Code is amended as follows:

Bonfire Permit - \$50.00 (currently \$25.00)
Open Burning Permit - \$50.00 (currently \$25.00)
Fire Performance Permit - \$50.00 (this is a new permit)

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

ADMINISTRATOR AND COUNCIL COMMENTS

- Finance Director, Cynthia Haggard will be featured on 99.7fm radio to address the Baraboo Transit System on Wed. Feb. 12th.

REPORTS, PETITIONS, AND CORRESPONDENCE

The City officially acknowledges receipt and distribution of the following:

- **Reports:** January, 2020 Building Inspection
- **Minutes from the Following Meetings:**

Finance/Personnel Committee--Dennis Thurow Committee Room, #205

January 28, 2020

Members Present: Petty, Thurow, Kent

Absent:

Others Present: Mayor Palm, Adm. Downing, E. Truman, B. Zeman, P. Cannon, J. Bergin, Ald. Ellington, 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 Kent, seconded by Thurow to approve the minutes of January 14, 2020 and carried unanimously. Moved by Kent, seconded by Thurow to approve the agenda and carried unanimously.

Action Items

- a) **Accounts Payable** – Moved by Kent, seconded by Thurow to recommend to Council for approval of the accounts payable for \$481,819.67. Motion carried unanimously.

- b) **Review and Recommendation to Common Council for approving CDBG \$1,000,000 Grant application towards library expansion project** – Adm. Downing explained that the Library Board was interested in applying for a CDBG Grant for the Library expansion. There are a lot of requirements to apply and implement a CDBG Grant and the Library is not able to apply themselves, the City of Baraboo must apply as the head agency. Ald. Petty noted that based on the pros and cons provided to the Committee, he does not see this as a financial benefit. Ald. Kent agrees with Ald. Petty and also noted that this would tie up this grant for other projects during the 2-year window.

City Engineer T. Pinion reminded the Committee that we used a CDBG Program this year to free up some revolving loan funds. There was a large amount of administration work that had to be done in-house, much more than originally expected. It's agreed that we would definitely have to hire out for the administration of this grant.

CDA Director P. Cannon noted that it's a \$1,000,000 grant with a non-refundable \$10,000 application fee. MSA has offered to administer the grant for a fee of \$60,000-\$70,000. At that point, you are making Ninety-three cents on the dollar. Because of the changes to prevailing wage, it's going to cost another fifty to sixty cents on the dollar so all of a sudden your return on investment is not as great as what was expected. Additionally, it's hard to put a cost on the opportunity cost; regular tasks that are not getting done by staff.

Library Director J. Bergin explained that this first came up while working with their architects, MSA. The Library Board is aware of the different costs associated with the grant. She feels that the Library Board would like the Committee to consider if this is a good use of this grant. Is there another City project that might be better use of this grant? The grant application deadline is soon approaching. The Library project will be able to move forward with or without this grant.

Mayor Palm explained that on a weekly basis, you are required to monitor every person that worked on this job. You are constantly chasing contractors for this information. Because the Library does not need this money to build, some additional fundraising will be a lot less trouble in the long run. Davis-Bacon wage rates will, without a question, increase the cost of the library.

No recommendation made.

- c) **Review and Recommendation for approving pay grade increase for Office Assistant-Accounts in the Finance Department** – C. Haggard explained that two employees hired in the Finance Department were brought in as Grade 3. Because these employees have taken on more responsibilities, with little or no supervision, she is requesting an increase to Grade 4 for both employees. The job description has been amended as well, changing their titles to be "Finance Assistant-Accountant". Former City Adm. Geick did a job factor analysis and supported the recommendation. The wage increase will be effective 1/1/2020 and is included in the 2020 budget

Ald. Kent agrees with the wage increase; making the revision on the high quality of work and advanced job duties. The work being done for the CDA is still being done; it's redefined in the new job description. C. Haggard does not feel this requires additional staff.

Motion by Kent, seconded by Thurow to recommend the Grade Increase to Council for action. Motion carried unanimously.

- d) **Review and Recommendation to approve updates to the Employee Handbook for the City's FMLA policy and Holiday policy** – The Committee reviewed the changes to the Employee Handbook. Adm. Downing explained that most of the changes to the FMLA policy now reference the federal regulations; FMLA will now be based on a 12-month look-back period, not calendar year. The Holiday policy is amended to include Martin Luther King Jr. Day. Adm. Downing presented wage information for Police Holiday pay and explained that police officers do have the option of taking holiday as comp time. Ald. Petty feels that potential staff will look at both their hourly wages as well as the benefit packages; not only on new hires, but also retaining current staff. Motion by Kent, seconded by Thurow to recommend the updated Employee Handbook to Council for action. Motion carried unanimously.

Informational Items

- 1) Chief Schauf presented information regarding a possible rate increase for parking citations. Parking tickets are done on a bond schedule approved by Finance and Council. Chief Schauf recommends increasing the \$10 to \$15 and the \$20 to at least \$25. Atty. Truman is also going to add an appeals process to the ordinance. Ald. Petty is in favor of raising the citations but would like to see some feedback from the officers. This information will be presented at a later meeting.

Adjournment – Moved by Kent, seconded by Thurow and carried to adjourn at 6:44pm.

I. **Call to Meeting to Order and Note Compliance with Open Meeting Law**
Chair John Alt called the meeting to order at 5:30 PM at the Baraboo Municipal Building, room 205, 101 South Blvd., Baraboo, WI. The meeting was noticed in conformance with Wisconsin State Statutes regarding open meetings.

II. **Roll Call**

Present: Alt, Bowers, Johnson, Palm, Ryan, White
Absent: Ayar, Cafilisch, Mueller, Reppen, Taylor, Walczak, Wastlund
Other: Kennie Downing, Patrick Cannon

It was noted that quorum was not present at the meeting, therefore the meeting was cancelled

Minutes of Plan Commission Meeting

January 21, 2020

Call to Order – Phil Wedekind called the meeting of the Commission to order at 6:00 PM.

Roll Call – Present were Phil Wedekind, Dennis Thurow, Roy Franzen, Pat Liston, Jim O’Neill, Kolb, and Dee Marshall.

Also in attendance were Tom Pinion, Administrator Kennie Downing, Bob Vajgrt, , Shawn McNevin, Brian Hearn, Jim Lombarg, and Bridget Gore (BNR).

Call to Order

- a. Note compliance with the Open Meeting Law. Wedekind noted compliance with the Open Meeting Law.
- b. Agenda Approval: It was moved by Liston, seconded by Kolb to approve the agenda as posted. Motion carried unanimously.
- c. Minutes Approval: It was moved by Kolb, seconded by O’Neill to approve the minutes of the December 17, 2019 meeting. Motion carried unanimously.

Public Invited to Speak (*Any citizen has the right to speak on any item of business that is on the agenda for Commission action if recognized by the presiding officer.*) –There were no speakers.

Public Hearing

- a. The request of the Baraboo School District for a Conditional Use permit to expand the existing Jack Young Middle School building in an R-1 Single-Family Residential zoning district on Lot 1 of CSM #4227, located at 1531 Draper Street, City of Baraboo, Sauk County, Wisconsin - There being no speakers, the hearing was declared closed.

New Business

- a. Consider the Baraboo School District’s request for a Conditional Use Permit to expand the existing Jack Young Middle School building in an R-1 Single-Family Residential zoning district on Lot 1 of CSM \$4227, located at 1531 Draper Street, City of Baraboo, Sauk County, Wisconsin – Bob Vajgrt, Architect for the project introduced himself to the Commission. Vajgrt presented the proposed site plan to the Commission. He stated that the addition is going over the top of the existing gymnasium and cafeteria. The addition is comprised of a new gymnasium, an expanded student commons/cafeteria, and additional learning spaces. He said that all the areas of the addition is one-story, other than within the commons there is a library that expands over the top, there is a two-story there, almost like a bridge. He said that there will also be renovations to the existing building within the project. He said that the circular parking is being removed, additional parking will be added. Vajgrt then presented erosion control, and utilities. He said that the entire building will be sprinkled. He said that the building addition, other than the academic one will be separated from the rest of the building by a fire wall. He then touched on landscaping, along with the nature trail being added, and sitting areas. Jim Lombarg then presented stormwater, saying that there would be a basin installed just south of the new parking lot. He said the basin will have landscaping included. Vajgrt then presented the lighting plan to the Commission. He then gave a detailed presentation of the floor plan. Brian Hearn spoke more of the architecture of the building to the Commission. He said that they are trying to blend some of the existing materials with the existing building. He said that the existing brick is a three-brick blend, and the new brick that will be used is a complimentary color, a slightly brighter tone. The other materials that will be used on the academic addition, commons, and the gym have a stone base, which is a lighter stone. He said a third material that will be used on the commons areas is a composite metal panel used on the commons area, similar to the high school. Liston asked if this would be conventional heat. It was stated that different options are being looked at for heating. Kolb asked if any consideration has been given to solar heat. Sean McNevin said when the referendum was done solar wasn’t included based on numbers. He said that Committee are working on solar options, the District has commissioned a study for the Jack Young Middle School, and High School, and looking at adding on and supplementing it, not only for the power savings, but also for the curriculum addition. The solar would be done as an add-on, and done through their budget. He said, ironically, they are finding out that the High School is the better investment because it is used year round. Kolb asked if they were thinking solar array, or rooftop, and McNevin said that they have settled on a rooftop. It was moved by Liston, seconded by Kolb to approve the request for a conditional use permit as presented. On roll call vote for the motion, Thurow, Franzen, Liston, O’Neill, Kolb, Marshall, and Wedekind. Nay – 0, motion carried unanimously. McNevin said that this addition is really transforming the inside of this building. He said what has been done is going from a Middle School, mixed classroom concept to a house concept, which is one of the biggest changes that will not be seen from the outside. He said that the increased size of the cafeteria will decrease the number of lunch periods down to two instead of three. The gymnasium now will be able to fit the entire school body in the bleachers.
- b. Review and approve a site plan for renovations to the Jack Young Middle School, at 1531 Draper Street, for the Baraboo School District – It was moved by Liston, seconded by Kolb to approve the site plan for renovations to the Jack Young Middle

School as presented. On roll call vote for the motion, Franzen, Liston, O’Neill, Kolb, Marshall, Wedekind, and Thurow. Nay – 0, motion carried unanimously.

Adjournment - It was moved by Liston, seconded by Franzen to adjourn at 5:47 p.m. The motion carried unanimously.

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

Emergency Mgmt.	11-21-2019	Public Arts.....	12-12-2019
Library.....	12-3-2019, 1-28-2020	Airport.....	1-7-2020, 1-29-2020
Park & Recreation....	1-6-2020, 1-13-2020		
CDA	12-3-2019, 1-7-2020		

• **Petitions & Correspondence Being Referred:** None.

ADJOURNMENT

Moved by Petty, seconded by Wedekind, and carried on voice vote, that the meeting adjourn at 7:21pm.

Brenda Zeman, City Clerk