

Present: Alderpersons John Alt, John Ellington, Michael Zolper

Absent:

Also Present: Mayor, Mike Palm; City Administrator, Ed Geick; Attorney, Emily Truman; Police Chief, Mark Schauf; City Clerk, Brenda Zeman, City Engineer Thomas Pinion

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

Moved by Ellington to approve the minutes of July 2, 2018, seconded by Zolper and unanimously carried.

Motion by Zolper to approve agenda, seconded by Ellington and unanimously carried.

Review and recommendation to the Common Council to update the Council Member's Handbook.

Atty. Truman noted that at the last Administrative meeting, she was asked to revise the policy so that a quorum of the Council could be considered a simple majority of the Council. Per State statues, a quorum of the Council has to be 2/3. Because this is something we cannot change, Atty. Truman did not provide any other changes to the handbook today. She informed the Committee that in the near future, there could be some other changes to Chapter 2 of the City Code, that is the Common Council section of the City Code, but for today's meeting, none of that, at this point, would change the handbook.

Ellington questioned the Library Board and having a member from the Council. The Mayor notes that we have Council members on the Plan Commission and the Parks Commission, he sees no reason not to have someone on the Library Board because there are budgetary numbers involved. He agrees that if we are going to be doing a revision, this is something that could be part of the discussion for Council to vote on. Atty. Truman agrees that there could be additional discussion on this matter when the Chapter 2 revisions are brought before the Committee. In terms of the handbook, what is before the Committee today is what is current in the code. The Committee could continue to hold this at the committee level until Chapter 2 has been updated and then update the handbook to correspond with that or they could recommend approving this now knowing that if changes to Chapter 2 does happen we would have to make the changes concurrently to the handbook. Her suggestion would be to recommend the approval to Council and then as staff starts to review Chapter 2 we are not feeling quite so pressured.

Motion by Ellington to recommend Council adopt the amended Council Handbook, seconded by Zolper and carried unanimously.

Consider recommendation to the Common Council to change the City Code Chapter 14.13, "Private Swimming Pools" for the purpose of allowing pool covers as a substitution to fences – referred to in section (4) "Fences."

Atty. Truman advised that this was at the last Administrative Committee meeting. Because it died for a lack of a 2<sup>nd</sup>, it should be treated as a new discussion. Zolper confirmed that from a legal standpoint, it does not go against any of our rules for insurance; the insurance for the City is not liable. Atty. Truman noted that she had talked with our CVMIC representative and there are no concerns about any liability for the City. This is really a policy decision for the Committee. The pool cover that Zolper was specifically talking about is a keyed system that covers the pool automatically. He feels this would be the safest pool cover possible. Zolper asked Chief Schauf for any comments from the Police Department, do they have any concerns? Chief Schauf noted that with this specific system, they do still have to have the winter cover. While the winter cover will take the weight of some water, Chief Schauf is not sure it would is not take the weight of a person. If we were making a change, Zolper would want this to be a requirement. This is the type of cover he was talking about, one that a person could stand up on. Not any pool cover would be accepted. Chief Schauf states that some of the concerns that come up is when they forget to close the pool cover and if the committee does decide to change the policy, making sure that it's articulable so people know what they can get. Atty. Truman pointed out that her memo references word for word how it's included in the International Building Code what's permitted for pool covers. She's attached those specs and her suggestion is that if the committee wanted to recommend change, that the change to the ordinance follow the International Building Code that "requires fencing around a private outdoor swimming pool with the following exception: a

swimming pool with power safety cover or a spa with a safety cover compliant to ASTM F 1346-91". ASTM stands for American Society of Testing Materials. This is one suggestion if they want to move away from fences but wanted to ensure a certain type of cover has to be part of it. Ellington questions if we will have a policing issue making sure everybody's covered. Alt questions how many are in compliance right now. Chief Schauf notes that there are several pools that are not in compliance, some that were put in prior to us having a fencing ordinance. City Engineer Pinion confirms that residents are required to have a building permit to put in a pool. Zolper noted the Test Methods for Safety Covers and the Static Load Test of 485 lbs. to be a pretty strong cover. Zolper feels if they adopt a pool cover based on these standards, it seems like a pretty safe cover. There are just as many concerns with fences such as not people not latching the fences. Chief Schauf questioned if ASTM was a stamp that the pool covers would get on them. The Mayor does not believe this is the case. Zolper is looking to have some options for the owner if the technology is there available to keep the population safe; that is his biggest concern. Alt notes that this may be more appealing sometimes than fencing because fencing does deteriorate and people do not maintain them. Zolper noted that this was the concern of the resident; the resident lives in an area where he wants the view. Alt asked Atty. Truman about her recent search at other communities and she noted that it was an interesting mix. For those communities that allow pool covers, they did not have any requirements in their codes. Atty. Truman encourage they specify some degree of standards for pool covers. Zolper has to assume that a pool company selling a pool to their client has thought of engineering needed to keep families safe. It's up to the homeowners insurance if that covers them or not, but if the City is not held liable and the technology is there to keep us safe, then the choice seems like a nice option if someone wants to keep their view.

Zolper made a motion to postpone a decision to the next meeting, seconded by Ellington and carried unanimously.

#### Tavern Operator License Appeal for Eric Kaun

Chief Schauf informed the Committee that per the Code, the City utilizes an application process which must be completed. All convictions must be listed on the application because under Chapter 125 of Statues we can consider those when determining whether a person should or should not receive an Operator's License. On Mr. Kauns' application, question #7, "Have you ever been convicted for a violation of any federal laws, state laws of Wisconsin or any other state, as well as any county or municipal violations?" He indicated "No." When the Police Department completed their check, they found 3 convictions for drug related offenses. Based on the findings of that and it not appearing in the ordinance by our code it is an automatic denial by the department head and referral to the Administrative Committee. Atty. Truman informs the committee that the applicant has the right to appeal the decision; the Committee has to make a recommendation to Council to either approve or deny the application.

Eric Kaun, S3163 W. Lake Virginia Rd Reedsburg WI, appeared before the committee and told the committee that he does have a reason for answering "no" on the application. He went through plea bargains and 2 years of probation and everything was supposed to be dropped. He was never told he was convicted. He wasn't trying to hide it, he just personally did not know he had the convictions. He was trying not to be malicious.

Atty. Truman advises the Committee that they need a motion to either recommend approving his application or denying it. Chief Schauf includes that it can either be approved, approved conditionally, or denied. The big difference between a Conditional Operator and a full Operator is that a Conditional is a year by year.

Neil Cafilisch, 124 4<sup>th</sup> Avenue Baraboo WI addressed the Committee. This is the second time he has been here and the last time the person was issued a conditional. He feels Eric has to work some place and he is just asking the Council to recommend a Conditional Operator's License and go year by year.

Eric states that his first conviction was when he was 19, he is 28 now. Schauf confirms the first conviction was 2010, subsequent convictions were both in 2013, similar offenses.

Motion by Ellington to recommend approving a Conditional Operator's License to Eric Kaun, seconded by Zolper and carried unanimously. Eric Kaun and Neil Cafilisch were both provided agendas for the August 14<sup>th</sup> Council meeting.

Consider applications for keeping Chickens

Clerk Zeman noted that this new application was received within the last few weeks. CSO Goetz has approved the application as well as Chief Schauf. The neighbors were all notified and given until August 3<sup>rd</sup> to dispute the application. Nothing was received by the Clerk's office regarding this application.

Motion by Zolper to approve the chicken application for Melissa Barnes, seconded by Ellington and unanimously carried.

Member comments

The next meeting will be Friday, September 7, 2018 at 12:00PM CDT. Meeting location will be 101 South Boulevard. Moved by Ellington to adjourn, seconded by Zolper and unanimously carried. Meeting adjourned at 12:39PM CDT.

Respectfully submitted,  
Brenda Zeman, City Clerk