



ADMINISTRATIVE COMMITTEE AGENDA

Date and Time: Wednesday, February 26, 2020 at 8:15AM CST
Location: City Hall, 101 South Boulevard, Baraboo, WI 53913
Room: C205 *Dennis O Thurow* Committee Room

Notices:

Full Paper to Members:	Alderspersons: John Ellington, Heather Kierzek & Vacant
Full Paper to Others:	Mayor, Mike Palm
Paper excluding Closed Session:	Library for subsequent posting
E-mail:	Clerks and Donna Munz
Outlook Meeting Calendar:	Administrator, Kennie Downey; City Attorney, Emily Truman; Police Chief, Mark Schauf; Finance Director, Cynthia Haggard; City Engineer, Tom Pinion; Clerk, Brenda Zeman
Citizen or other notices:	Dakota Traver & neighboring citizens; Tracy Blake & neighboring citizens; Russell, Laura & Chelsea Fenske & neighboring citizens

1. Call to Order:

- a. Roll call of members.
- b. Note Compliance with Open Meeting Law.
- c. Approve minutes – February 3, 2020.
- d. Approve agenda.

2. Action Items:

- a. Consider Operator's Licenses for the following applicants:
 - 1) NEW
 - a) Tepanga Peschl, Baraboo Burger Company
 - b) Dana Qualy, Al. Ringling Theatre
 - c) Justine DeFosse, Zach's Bar
 - d) Dawn Wilson, the Square Tavern
- b. Recommend staff to draft an ordinance to allow Council and Commission members to attend meetings via phone or video. See the following attachments:
 - 1) Memorandum from Kennie Downing, City Administrator
 - 2) Memorandum from Emily Truman, City Attorney
- c. Review and recommend revision to Section 14.05 of the Building Code. See the following attachment:
 - 1) Revised Section 14.05 of the Building Code
- d. Consider request for Excessive Household Animals – Dakota Traver. See the following attachments:
 - 1) Memorandum from Cynthia Haggard, Finance Director
 - 2) Talk to The City of Baraboo communication from Dakota Traver
- e. Consider request for Excessive Household Animals – Tracy Blake. See the following attachments:
 - 1) Memorandum from Cynthia Haggard, Finance Director
 - 2) Talk to The City of Baraboo communication from Tracy Blake
- f. Consider request for Excessive Household Animals – Russell, Laura & Chelsea Fenske. See the following attachments:
 - 1) Memorandum from Cynthia Haggard, Finance Director
 - 2) Letter from Russell, Laura & Chelsea Fenske

3. Information Items

- a. Date and time of next meeting: April 6, 2020 at 8:15AM CST

4. Adjournment:

Aldersperson Ellington

For more information about the City of Baraboo, visit our website at www.cityofbaraboo.com.

Agenda prepared by Cynthia Haggard, (608) 355-2700

Agenda Posted by Donna Munz on February 20, 2020

Any person, who has a qualifying disability as defined by the Americans with Disabilities Act and requires the meeting or materials at the meeting to be in an accessible location or format, should contact the Baraboo City Clerk at 101 South Boulevard, Baraboo, Wisconsin or by phone (608) 355-2700 during regular business hours at least 48 hours before the meeting to ensure reasonable arrangements are made to accommodate each request.

Present: Alderpersons John Alt, John Ellington and Heather Kierzek
Absent: None
Also Present: Mayor, Mike Palm; City Administrator, Kennie Downing; Finance Director, Cynthia Haggard; Police Chief, Mark Schauf; City Attorney, Emily Truman; and City Clerk, Brenda Zeman.
Citizen Present: Styles Grant, Robert Hasse, Elizabeth Hudson and Justin Mortimer

The meeting was called to order by Chairman John Alt at 8:15AM CST., with roll call and noting compliance with the Open Meetings Law.

Moved by Ellington to approve the minutes of January 6, 2020, seconded by Kierzek and unanimously carried.

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

Review and recommendation to the Council – Operator’s Licenses.

Chief Schauf mentioned there was nothing precluding the issuance of licenses to Brittney Saxby and Vicki Weyh and recommended approval.

Motion to recommend to approve and move on to Council the Operator’s Licenses for Brittney Saxby and Vicki Weyh by Ellington, seconded by Kierzek and unanimously carried.

In relation to Styles Grant’s Operator’s License, Chief Schauf stated in order for there to be a denial, there has to be a Nexus. The Nexus has to be very strong and compelling. This individual is on probation not allowing him to sell alcohol. He cannot violate his Department of Corrections (DOC) rules. Mr. Grant submitted a letter from his DOC Probation Officer as support for him being issued an Operator’s License. Chief Schauf took the letter and will reach out to the Probation Officer before the next Council meeting. Chief Schauf was in favor of a conditional approval.

Motion by Kierzek Motion to recommend a conditional approval to allow the Chief to complete his investigation, seconded by Ellington and unanimously carried.

Review and recommendation to Council for excessive household animals – Robert Hasse & Elizabeth Hudson.

Cynthia Haggard began by stating that letters were sent to adjacent property owners giving them notice of the meeting today. An adjacent neighbor, Justin Mortimer, stated he didn’t have a problem with the three dogs. Alderperson Alt noted that Mr. Mortimer had concerns with an aggressive dog, but that Mr. Mortimer did not have an issue with the multiple dogs.

Chief Schauf mentioned that there were two very different specific issues: One with multiple dogs and the other with dogs at large. With the later, the Police Department will address that section of the code, as needed.

Motion to recommend to approve and move on to Council the waiver for excessive household animals by Kierzek, seconded by Ellington and unanimously carried.

Review and recommend adopting a Meeting Room Reservation Policy

Chief Schauf stressed the importance of having this Policy as the demand for meeting space for this building has increased. This Policy addresses security when Civic groups are present. This policy also protects against the potential of groups preaching messages that go against City intrinsic values. In summary, this policy addresses the safety of the employees here at the City and the potential for liability.

Motion to approve and move on to Council the Meeting Room Reservation Policy by Ellington, seconded by Kierzek and unanimously carried.

Member comments

The next meeting will be Wednesday, February 26, 2020 at 8:15AM CST. Meeting location will be 101 South Boulevard.

Motion to adjourn by Kierzek, seconded by Ellington and unanimously carried. Meeting adjourned at 8:16AM CST.

Respectfully submitted,
Cynthia Haggard, Finance Director



To: Administrative Committee
From: Kennie Downing, City Administrator
Date: 2-26-2020
Re: Allow Council and/or Commission members to attend meetings via phone or video

Staff is requesting the Administrative Committee consider allowing members of the Common Council and/or Commission members the option to attend meetings via phone or video, and if approved, direct staff to draft an ordinance to be presented to the Common Council at a later date. Please see the attached legal opinion and comparative cities survey provided by City Attorney Emily Truman showing other cities that allow phone or video attendance for their council and commission meetings.

We are trying to widen our outreach to Baraboo citizens who may want to serve on the Common Council and/or a Commission but may have difficulties attending some of the scheduled meetings in person because of their job, medical status, or family obligations. For example, mothers of young children may want to serve on a commission however has childcare issues in attending 6:00pm meetings; or a young professional that works in Madison can't always make it to a 8:15am meeting back in Baraboo, but could phone in or video in.

Staff feels that allowing such an option will help diversify the committees with different voices, viewpoints, and backgrounds in determining the future success of Baraboo. We haven't worked out the technology solution with the phone or video yet or determined the cost, however we are asking for this committee's direction on whether we should pursue looking at the technology and receive your comments and recommendations on how the ordinance should be drafted for City of Baraboo. A few sample ordinances are also attached to this memo. City staff suggests the following items be included in the ordinance:

1. If choosing to phone or video into a meeting, Commissioners and Aldermen will bear their own phone and video expenses.
2. Limitations should be placed on the number of sequential phone or video occurrences. For example, no more than two consecutive phone or video meetings will be allowed.
3. Phone or video attendees will count towards reaching a quorum.
4. Phone or video attendees will be allowed to vote on all action items.
5. Phone or video attendees will not be allowed in closed session meetings, unless their presence is needed to maintain the quorum.

This policy does not extend to members of the public who wish to attend a meeting to listen or speak. The public's physical presence is still required.

OFFICE OF THE CITY ATTORNEY

LEGAL OPINION

To: City Administrator Kennie Downing
From: City Attorney Emily Truman
Date: February 11, 2020
RE: Telephone/Video Appearance at City Meetings

Question Presented: Whether the City may allow member attendance at City meetings by phone/video.

Short Answer: Yes, the City may allow members to attend City meetings by phone or video, but it is recommended that the City create an ordinance clearly stating when such attendance is allowed and the effect of such attendance on the meeting (e.g., quorum numbers, voting in closed session, what to do in an event of equipment failure, etc.).

Discussion:

From the League of Wisconsin Municipalities:

May a member of a city council, village board or other municipal governmental body "attend" a meeting by telephone?

Yes, if authorized by the governing body. Although state law does not prohibit a member of a city council, village board or other municipal governmental body from attending a meeting by telephone, there are at least two concerns that indicate a need for careful consideration of this practice and authorization by the governing body.

- *First, telephone attendance by one or more members of a governmental body must comply with the public's right to a reasonably accessible public meeting established by the open meetings law. Inadequate equipment or any other problem created by telephone attendance of one or more members of a governmental body that impairs the public's right of reasonable access may rise to the level of an open meetings law violation. If so, any action taken by the governmental body at such a meeting is subject to being voided.*
- *Second, there is some non-Wisconsin legal authority that indicates only the members of a governmental body that are physically present in the same place may be counted for quorum purposes. This issue has not yet been decided by a Wisconsin court. Therefore, it is an open question whether Wisconsin law allows a member of a city council, village board or other municipal governmental body appearing by phone to be counted for purposes of establishing a quorum.*

Notably, I could find nothing to support the League's opinion that authorization of the governing body is required for an appearance by telephone. Nonetheless, it is strongly encouraged that such permission be granted, and procedures are created (ideally in code) to ensure consistent application of the permission.

Municipality	Appearance via Phone/Video Allowed	Notes/Restrictions?
Appleton	Yes, with restrictions	Requires a qualifying disability and advanced approval
DeForest	Yes, with restrictions	Trustees may call in for meetings. The Village does not use video
Dodgeville	Yes, with restrictions	Only allowed if there is a quorum issue and it is at the discretion of the Mayor. Callers are not allowed to participate in closed sessions
Janesville	Yes	No written rules but has allowed Council members to call in if on vacation or stuck in traffic. Callers are counted towards the quorum
Lake Delton	Yes, with restrictions	Remote appearance must be arranged in advance (Ch. 4)
Madison	Yes, with restrictions	City Ordinance s. 2.025 requires prior notification if an Alder will miss a regularly scheduled meeting and s. 2.15(1) states no meetings can be conducted by phone or electronically unless it is a special emergency meeting
Mauston	No	
Middleton	Yes, with restrictions	Only allowed by phone; they have not figured out how to do it by video yet. Still requires a physical presence for quorum
Portage	Yes, but only for the Board of Review	The taxpayer may appear by phone at BOR
Prairie du Sac	No	
Reedsburg	No	
Richland Center	Yes, with restrictions	Alders are allowed to attend council meeting by phone but it must be approved in advance
Sauk City	No	
Sun Prairie	No	
Wausau	No	
Wisconsin Dells	No	

POLL OF MUNICIPALITIES

Data collected w/ Assistance of Dori Helms, BPD

SAMPLE CODE

City of Appleton

Sec. 2-29. Alderperson absence; participation electronically.

(a) An alderperson, who is a qualified individual with a disability as defined in s. 35.104, Code of Federal Regulations, Title 28, Chapter 1, Section 3, unable to appear in person at a meeting of the Common Council may request in writing or by email at least twenty-four (24) hours in advance of the meeting the written or emailed permission from the President of the Common Council to participate in the meeting electronically. The participation by an alderperson electronically shall be permitted in cases where extreme temperatures would negatively impact adaptive equipment used by the person either on their person or as a mode of transportation. An alderperson's appearance electronically must be noted in the meeting

minutes. Electronic participation must occur in the meeting room so that the physically absent member can hear and can be heard by all those who are present. An alderperson appearing electronically shall be entitled to participate and vote to the fullest extent possible.

(b) Notwithstanding paragraph (a) above, an alderperson participating electronically in a fact finding hearing shall not vote on any matter that may require observation of any part of the proceeding, including the demeanor of a witness or viewing exhibits not previously provided.

(c) An alderperson participating electronically shall not count towards a quorum.
(Ord 22-17, §1, 2-21-17)

Village of Lake Delton

D. Video Conferencing.

1. Subject to the provisions of this subsection 4.02(D) members appearing via video conference shall be considered the same as attending in person. The primary purpose of allowing

attendance by remote presence is to accommodate the government body and to allow for meetings to occur when circumstances would prevent the physical attendance of a quorum of the body's members. A secondary purpose is to ensure that all members can participate in the business of the body to which they were elected.

2. The Village shall provide, at the location where the government body is physically present, communication equipment consisting of an audio and visual display and a camera and microphone so that the person(s) participating via video conference, the members of the government body in physical attendance, and the members of the public in physical attendance, may all actively participate in the meeting. The communication equipment at the meeting's physical location should allow for all meeting attendees to see, hear and fully communicate with the video conferencing participant(s).

3. Members of a government body attending a public meeting via video conference are deemed present for all purposes including participating in a roll call vote. However, the member of the government body presiding over the meeting must be present at the physical address where notice was given to the public of the meeting. If the presiding member is only available via video conference, the most senior member physically present shall preside over the meeting.

4. Remote appearances by village officials, staff, and citizens. The remote appearance by village officials, staff, agents, representatives and citizens shall be arranged in advance and with the consent of the presiding officer.

5. If at any time during the meeting one or more of the elements of the video conference is compromised such that any participants are unable to see, hear or fully communicate, the chair shall call a recess until such time as communication is re-established. If communication is not restored within 5 minutes, the chair may entertain a motion to continue the meeting in the absence of the video conferencing member(s). If a video conference appearance by a participant becomes disruptive or interferes with the proceeding, the chair may [discontinue] or [entertain a motion to discontinue] the video conference. If meeting continues without the video conference participant(s) then from the time of the compromise forward, the video conference participant(s) will be deemed absent and this absence shall be reflected in the meeting minutes.

6. If the absence of the video conferencing member results in the loss of a quorum, the recess shall continue until the quorum is restored, or the meeting shall adjourn.

7. If the members of the governing body vote to go into closed session and one or more members appear by video conference, all state and local laws related to closed sessions shall apply. If in closed session, members appearing by video conference shall take all reasonable measure to ensure that no members of the public present at their location are able to see, hear or otherwise observe the closed session.

8. In any open or closed session, the minutes taken shall reflect the member(s) physically present and those appearing remotely.

9. The words used in the section are defined as follows:

"Video conference" shall refer to a means of communication via an electronic connection made up of three components: a. a live two-way video transmission of the person not in physical attendance; b. a live audio transmission allowing person not in physical attendance to be heard by those in physical attendance; and c. a live audio transmission allowing the person not in physical attendance to hear those in physical attendance.

"Physical presence" means being at the location of the meeting.

"Remote" and Remote presence" means attending via video conference.

CHAPTER 14
BUILDING, CONSTRUCTION SITE AND HOUSING CODES

SUBCHAPTER I: BUILDING CODE

14.05 APPLICATION OF STATE CODES. The Uniform Dwelling Code - Department of Safety and Professional Services (DSPS) Chs. 316, 320 through 325 ~~and 50, 360 through 70366, and 375 through 387~~, the State ~~Electrical Code, the State Plumbing Code the State~~ Flammable ~~and~~, Combustible, ~~and~~ Hazardous Liquids Code – Agriculture, Trade, and Consumer Protection (ATCP) Ch. 93, and the State Well Drilling Code – Natural Resources (NR) 812 of the Wisconsin Administrative Code are hereby adopted by reference and the Building Inspector shall enforce the provisions thereof. Any violation of said codes or amendments thereto shall constitute a violation of this code, whether unlawful building alteration, installation, moving or construction involved is specifically covered by other provisions of this code or not, and shall render the violator liable to the penalties contained herein. Any future amendments, revisions, or modifications of the code provisions incorporated herein are intended to be made a part of this chapter. (2/12/2020)



Finance Department Memorandum

To: Administrative Committee

From: Cynthia Haggard, Finance Director,

A handwritten signature in black ink, appearing to be "CH", located to the right of the "From:" line.

Date: February 26, 2020

Re: Dakota Traver – Request for Excessive Household Animals

A letter was prepared and hand delivered by the Police Department to residents adjacent to the property at 1219 Carpenter St., Baraboo WI, 53913 where Dakota Traver resides. The letter included a copy of the agenda for the February 26, 2020 meeting; residents were invited to attend.



Talk to the City of Baraboo....

Category You will be asked for a Category before submitting this document.

Request Exception on number of dogs allowed. 2 of my dogs that I have to rehome are 10 years old, one male and one female, and have never been separated. We moved to Baraboo with the landlord knowing how many dogs we have was never told city has a limit until now. The Male does not do well with new dogs and has never been by himself which is why I am requesting an exception.

Name Dakota Traver

Street Address 1219 Carpenter St

City Baranoo

State Wisconsin

Zip Code 53913

Phone 6084342087

E-Mail Tdakota13@gmail.com

eSigned via SeamlessDocs.com

Key: 786912113443a995d1e1bd0384567e17

Citizen Signature



Finance Department Memorandum

To: Administrative Committee

From: Cynthia Haggard, Finance Director,

A handwritten signature in black ink, appearing to be "CH", located to the right of the "From:" line.

Date: February 26, 2020

Re: Tracy Blake – Request for Excessive Household Animals

A letter was prepared and hand delivered by the Police Department to residents adjacent to the property at 1021 5th St., Baraboo WI, 53913 where Tracy Blake resides. The letter included a copy of the agenda for the February 26, 2020 meeting; residents were invited to attend.



Talk to the City of Baraboo....

Category You will be asked for a Category before submitting this document.

Request We have 3 dogs and would like to keep our dogs. We thought you could have 4 animals in the city limits. We have a fenced in yard and our pets are cared for. We have one larger dog (75#) who is 4 years old. A medium dog (50#) who is 6 years old and a small dog(25#) who is 13 years old.

 They are all up to date on shots and spayed/ neutered.

 We would like to keep them with the understanding that when one passes away we will not exceed the city limit.

Name Tracy Blake

Street Address 1021 5th Street

City Baraboo

State Wisconsin

Zip Code 53913

Phone 6083456591

E-Mail haleybug0509@gmail.com

eSigned via SeemlessDocs.com
Tracy Blake
Key: 78d612113443af99d1e1bdc384667ef7

Citizen Signature



Finance Department Memorandum

To: Administrative Committee

From: Cynthia Haggard, Finance Director, 

Date: February 26, 2020

Re: Fenske Family – Request for Excessive Household Animals

A letter was prepared and hand delivered by the Police Department to residents adjacent to the property at 553 Carignan Ct., Baraboo WI, 53913 where Russell, Laura & Chelsea reside. The letter included a copy of the agenda for the February 26, 2020 meeting; residents were invited to attend.

Russell-Laura-Chelsea Fenske
553 Carignan Ct
Baraboo WI 53913

February 11, 2020

Re: Variance to have extra number of cats in our home as emotional support animals

Dear Administration City of Baraboo

We are writing to you today to request permission to allow the extra 2 cats Chelsea received as a birthday present that are already living in our house. We will make every effort to assure you we'll be courteous pet owners.

As an adult special need's person Chelsea became attached to these two brother cats while she was spending time with her job coach. Her job coach at the time was putting the cats up for adoption. Since the cats were brothers, she did not want the cats to be separated. So, whoever adopted these cats must adopt both of them. It was around Chelsea's birthday and with few options for gifts we decided to adopt the cats.

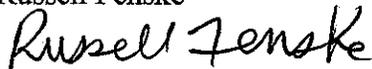
These two cats joined her other cat **Cali** that she had received for her graduation from High School in 2010. Chelsea, who now is 28 years old has always been an animal lover. She has taken on the roll of taking care of all the pets in our home. It has given her a sense of leadership as she is in charge of feeding them and cleaning out the litter boxes. Since she has had Cali, she has also taken care of financially by paying all the veterinarian expenses. In addition, Chelsea is responsible for the new cats' expenses such as food, kitty litter, vet bills, etc. At this time, it would be devastating for Chelsea to give up these cats who are named after our city **Bear** and **Boo**. These cats offer her emotional support and comfort as it enriches her daily routine. It will not be to much longer that we will lose our other cat Bootsie who is 17 years old, played into our decision to adopt these two extra cats.

We promise to provide appropriate levels of exercise, attention and care for our pets. We will continue to keep a clean home and ensure our pets are properly cared for.

You will find attached a letter from her psychiatrist as to her needing these animals for her emotional support.

Kindly,

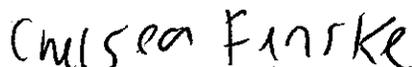
Russell Fenske



Laura Fenske



Chelsea Fenske





PSYCHIATRIC SERVICES, S.C.

2727 MARSHALL COURT □ MADISON, WI 53705 □ 608 238-9354 □ FAX 608 238-7675
www.psychavcs.com

February 17, 2020

RE: Chelsea Fenske
DOB: 12/16/1991

To Whom It May Concern:

Ms. Fenske has been in treatment with me since 2008. I am familiar with her history and with the functional limitations imposed by her chronic illness. She meets the definition of disability under the Americans with Disabilities Act, the Fair Housing Act, and the Rehabilitation Act of 1973.

Due to this disability, Ms. Fenske has certain limitations related to coping with depression and anxiety. In order to help alleviate these difficulties I am recommending that Ms. Fenske be allowed to have emotional support animals, in this case two cats. The presence of these animals in her residence is necessary for her emotional/mental health because the animals' presence will help mitigate Ms. Fenske's chronic mood symptoms.

Sincerely,


Kenneth Herrmann, M.D.
Board Certified Psychiatrist
WI State License 34131-020

KJH:LC

Anne DiPrima, PsyD,
Clinical Psychology

Kristen M. Esbensen, L.C.S.W.
Clinical Social Work

Michael A. Gerst, L.C.S.W.
Clinical Social Work

Sherril M. Hansen, M.D.
Psychiatry

Rachel K. Hellizer, Ph.D.
Clinical Psychology

Nancy K. Henderson, L.C.S.W.
Clinical Social Work

Kenneth J. Herrmann, M.D.
Psychiatry

Charles J. Hodulik, M.D.
Psychiatry

Daniel N. Levin, Ph.D.
Clinical Psychology

Alexandra McMurray, M.D.
Child/Adult Psychiatry

Amy J. Miller, APNP
Psychiatry

Colleen M. Mortell, Ph.D., BACB
Clinical Psychology

Maureen D. Rickman, Ph.D.
Clinical Psychology

James S. Rohan, M.D.
Psychiatry

Hank S. Sherman, Ph.D.
Clinical Psychology

Steven Singer, M.D.
General Psychiatry

Valerie J. Stromquist, Ph.D.
Clinical Psychology

Donna M. Ulrelg, L.C.S.W.
Clinical Social Work