

ADMINISTRATIVE COMMITTEE AGENDA



Date and Time: Monday, August 3, 2020 at 8:00AM 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 & Kathleen Thurow
Full Paper to Others:	Mayor, Mike Palm
Paper excluding Closed Session:	Library for subsequent posting
E-mail:	Clerks and Donna Munz
Outlook Meeting Calendar:	Interim City Administrator, Ed Geick; City Attorney, Emily Truman; Police Chief, Mark Schauf; Finance Director, Cynthia Haggard; City Engineer, Tom Pinion; Clerk, Brenda Zeman
Citizen or other notices:	Neighbors to 1150 12 th Street.

1. Call to Order:

- a. Roll call of members.
- b. Note Compliance with Open Meeting Law.
- c. Approve minutes – July 6, 2020.
- d. Approve agenda.

2. Action Items:

- a. Consider application for keeping chickens – Michael Lutz. See the following attachments:
 - i. City Ordinance 29.14, Chicken Permit
 - ii. Michael Lutz @ 418 10th Street
 - iii. Additional communication from Lutz
 - iv. Letter from Jennifer Wiese @ 419 9th Street
- b. Consider application for keeping chickens – Mariah Phillips. See the following attachments
 - i. Mariah Phillips @ 316 3rd Street
 - ii. Communication from Domenick Reese @ 525 2nd Street
 - iii. Communication from Kathryn Calabrese @ 507 2nd Street
- c. Consider Liquor License for the following applicant:
 - i. Las Milpas, LLC
- d. Consider Request for Excessive Household Animals (3 Dogs) – Thomas & Teri Dorner. See the following attachments:
 - i. City Ordinance 29.11, Number of Dogs and Cats per Household Limited; Special Exception Permit.
 - ii. Memorandum from Cynthia Haggard, Finance Director
 - iii. Letter from Dorner family

3. Information Items

- a. Date and time of next meeting: Recommend Tuesday, September 8, 2020 at 8:00AM CST, since Monday, September 7, 2020 is a holiday.

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 July 30, 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 Ellington, Heather Kierzek & Kathleen Thurow
Absent: None
Also Present: Mayor Palm, Finance Director, Cynthia Haggard; Police Chief, Mark Schauf; City Clerk, Brenda Zeman; and City Attorney, Emily Truman.
Citizen Present: Geri Petterson and her daughter

The meeting was called to order by Chairman John Ellington at 8:00AM CST., with roll call and noting compliance with the Open Meetings Law.

Motion by Kierzek to approve the minutes of June 1, 2020 and June 18, 2020, seconded by Thurow and unanimously carried.

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

Review and possible recommendation to Council to update Section 12.01(6) of the City Code regarding the expiration date for licenses and permits.

City Attorney Truman stated that the change was simply changing the expiration date from December 30th to December 31st.

Motion to recommend to Council to update Section 12.01(6) of the City Code regarding the expiration date for licenses and permits by Thurow, seconded by Kierzek and unanimously carried.

Review and possible recommendation to Council to adopt a new Chapter in the City Code dedicated to ordinances regulating animals, and to instruct the City Attorney to:

- Update the Municipal Code to include the new Chapter
- Make the corresponding updates to §25.10, "Bond Schedule for Ordinance Violations,"
- Change all of the ordinances moved in their entirety to the proposed new Chapter to "Reserved," for future Code use, with the exception of §§12.08A and 12.13(M) which can be removed in their entirety, and
- Update all cross-references located throughout the Code (e.g., §§ 10.03(6) and 10.05(10), the City's Official Fee Schedule, etc.)

Motion to recommend to Council to adopt a new Chapter in the City Code dedicated to ordinances regulating animals, and to instruct the City Attorney to update the Municipal Code to include the new Chapter, to make the corresponding updates to §25.10, "Bond Schedule for Ordinance Violations," to change all of the ordinances moved in their entirety to the proposed new Chapter to "Reserved," for future code use, with the exception of §§12.08A and 12.13(M) which can be removed in their entirety, and to update all cross-references located throughout the Code (e.g., §§10.03(6) and 10.05(10), the City's Official Fee Schedule, etc. by Thurow, seconded by Kierzek and unanimously carried.

Review and possible recommendation to Council to amend Section 1.30, "Baraboo District Ambulance Commission" of the City Code by combining and consolidating Chapter 28, "Baraboo District Ambulance Commission" into that Section.

Motion to recommend to Council to amended Section 1.30, "Baraboo District Ambulance Commission" of the City Code by combining and consolidating Chapter 28, "Baraboo District Ambulance Commission" into that Section by Kierzek, seconded by Thurow and unanimously carried.

Consider application for keeping chickens for Michael Lutz @ 418 10th Street

Ellington referenced a letter from Lutz requesting a waiver for the placement of the coop. The waiver was received after the agenda was posted. A copy of the letter is included in the minutes of the meeting (Exhibit A)

Kierzek brought up a section in the Code that addresses the max size of a coop per chicken. Since there was an issue with the number of chickens and the size of the coop, the application was postponed.

Motion to postpone consideration of application for keeping chickens for Michael Lutz @ 418 10th Street to the August 3rd meeting by Thurow, seconded by Kierzek and unanimously carried.

Consider Request for Excessive Household Animals (4 Dogs) – Geri Pettersen

Ellington mentioned that a letter was received from Dave Mowers, Pettersen's neighbor, sharing past experiences. The letter came after the agenda was posted. A copy of the letter is included in the minutes of the meeting (Exhibit B).

Motion to approve and move on to Council the request for Pettersen's Excessive Household Animals (4 dogs) by Kierzek, seconded by Ellington and unanimously carried.

Member comments

The next meeting will be Monday, August 3, 2020 at 8:00AM CST. Meeting location will be 101 South Boulevard.

Motion to adjourn by Kierzek, seconded by Thurow and unanimously carried. Meeting adjourned at 8:36AM CST.

Respectfully submitted,
Cynthia Haggard, Finance Director

- d. The applicant cannot have any convictions for animal abuse, animal neglect or animal cruelty.
 - e. The applicant is not delinquent in the payment of any taxes, assessments or other claims owed to the City.
- (4) LICENSE CONDITIONS. The following conditions shall apply to all Animal Rescue Licenses:
- a. No more than a total of eight animals (four adult dogs and four adult cats combined) shall be owned, harbored or kept by one household.
 - b. Only one Animal Rescue License shall be allowed per household.
 - c. Each animal kept on the premises must be raised in a safe, sanitary and healthful environment and shall be properly fed and groomed at all times and all animal waste shall be disposed of in a safe and sanitary manner.
 - d. The owner of the household where such animals are harbored or kept must give his/her written consent to the granting of an exception under this subsection.
 - e. If the license holder becomes unaffiliated with the bona fide animal rescue organization listed on the application, the license holder must immediately notify the City Clerk and provide the name of the new bona fide animal rescue organization the license holder is affiliated with.
- (5) LICENSE TERM. All licenses shall expire on June 30 of every odd numbered year.
- (6) INSPECTIONS. Law enforcement officers and humane officers shall be authorized to inspect the household with reasonable notice to the owner or occupants thereof for compliance with the license conditions.
- (7) LICENSE REVOCATION. A single violation of any of the conditions contained in this ordinance, or any applicable condition contained in §12.01 of the Code, shall be sufficient grounds for revocation of the Animal Rescue License by the Common Council. For purposes of this section, a “violation” need not have resulted in a conviction so long as a law enforcement officer or humane officer is able to reasonably articulate and provide clear and convincing evidence, of which testimony may suffice, of said violation.

29.13 CHICKEN PERMIT. (1854 02/17/96, 2312 07/28/09)

- (1) PERMIT REQUIRED.
- a. Chickens may be raised in the R-1, R-1A, R-2, R-3, and MH-S Residential Zoning Districts provided the owner of the premises has been issued a permit by the City Clerk. (2458 08/27/17, 2515 03/12/19)
 - b. Upon receipt of a completed permit application, other than a renewal application pursuant to Par. (3), below, the City Clerk shall notify by regular mail all property owners contiguous with the parcel proposed for the chicken coop. These property owners shall have 10 business days from the date of the letter to file with the City Clerk a written objection, signed by the objector, to the permit being issued.
 - c. If an objection is received, the City Clerk shall place the permit application on the next regularly scheduled Administrative Committee meeting agenda, where the objection will either be read into the record or the objector will have an opportunity to be heard on the objection. The Administrative Committee shall approve the permit application so long as the following are satisfied:
 - i. The basis for the objection is not reasonable, is not relevant to the facts presented, and/or the benefit to the applicant outweighs the reasons for the objection made by the objector.
 - ii. The applicant does not have a history of non-compliance with this ordinance, or, if there is a history of non-compliance, the applicant has provided sufficient proof that such non-compliance will not continue.
 - iii. The coop and run have been inspected by the humane officer or designee to ensure that they are adequate and in compliance with the requirements this ordinance.
 - iv. The applicant has no prior convictions for animal cruelty or related offenses.
 - v. The applicant is not delinquent in the payment of any taxes, assessments or other claims owed to the City, including a forfeiture resulting from a violation of any ordinance of the City.
 - d. If no objection is received, the City Clerk shall issue the permit so long as the following are satisfied:
 - i. The applicant does not have a history of non-compliance with this ordinance or, if there is a history of non-compliance, the applicant has provided sufficient proof that such non-

compliance will not continue.

- ii. The coop and run have been inspected by the City Humane officer or designee to ensure that they are adequate and in accordance with the requirements of this ordinance.
- iii. The applicant has no prior convictions for animal cruelty or similar offenses.
- iv. The applicant is not delinquent in the payment of any taxes, assessments or other claims owed to the City, including a forfeiture resulting from a violation of any Ordinance of the City.

(2) PARCEL, COOP AND RUN REQUIREMENTS.

- a. Chicken coops and runs shall not be located closer than 10 feet to any lot line and may not be located closer to a neighboring residence than to the residence located upon the coop's parcel.
- b. The lot upon which the chickens are raised shall have a minimum width of fifty feet, and contain only a single-family dwelling. In addition, all contiguous properties to the lot upon which the chickens are raised shall contain only a single-family or two-family dwelling.
- c. A zero lot line duplex is not qualified to have chickens.
- d. The chickens shall be provided with a covered coop with not less than two nor more than four square feet of area per chicken.
- e. The coop shall be constructed of sturdy, predator-proof material and shall provide adequate shade from the sun and warmth in cold weather. The floor of the coop shall be covered with wood or cedar chips and be regularly cleaned and otherwise maintained.
- f. The coop may be built as part of a yard shed or garage, but cannot be placed on top of a building.
- g. Chickens shall be provided with a run attached to or surrounding the coop. The run shall be made of strong, predator-proof wire fencing. To prevent chickens from flying out of the run, fencing shall be of sufficient height, be covered, or the chickens shall have their wings clipped.
- h. Chickens shall be kept in the covered coop or in the fenced run at all times.

(3) CHICKEN CARE REQUIREMENTS.

- a. Chickens shall not be allowed inside of a residence.
- b. Chickens may only be raised on the property of the owner, or if a tenant, with the written consent of the owner.
- c. Roosters and crowing cockerels shall not be kept.
- d. No more than six chickens may be maintained on any parcel.
- e. The slaughtering of chickens in the Residential Zoning Districts is prohibited.
- f. The standards and requirements of § 29.27 of this Code shall fully apply to the keeping of chickens.

(4) PERMIT TERM. All permits shall expire on June 30 of every odd numbered year.

(5) PERMIT RENEWAL. Current permit holders may apply for a renewal license no sooner than three months prior to the permit expiration date and no later than five days prior to the expiration date. Prior to the issuance of a renewal permit, the humane officer or designee shall inspect the coop and run to ensure continued compliance with this code; failure to be in compliance with this code at the time of inspection shall result in the renewal license not being issued and the permit holder needing to apply for a new license.

(6) REVOCATION. In the event a permit holder accumulates three violations of this ordinance within any 12-month period, or five violations within any 36-month period, or if the permit holder is convicted of an offense under Ch. 951, Wis. Stats., or any comparable statute in another jurisdiction, the permit shall be revoked 10 business days after the service of a Notice of Revocation on the permit holder by the City Clerk. Notice of Revocation is deemed served upon the day of mailing if sent by certified mail to the permit holder at the address as listed upon the application for the permit. If, during those 10 business days the permit holder files a request for an appeal with the City Clerk, the revocation will be stayed pending the outcome of the appeal. The Administrative Committee shall hear the appeal at their next regularly scheduled meeting and make a final determination on the revocation based on whether there are validated complaint(s) investigated by the Baraboo Police Department.

(7) REAPPLICATION. The denial, non-renewal or revocation of a permit shall not preclude an applicant from reapplying for a permit at any time in the future.

- (8) NON-TRANSFERRABLE. Permits are non-transferrable from person to person or place to place. In the event a permit holder moves, the permit holder must notify the City Clerk within 10 calendar days of said move and the permit shall be revoked by the City Clerk.
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29.14 VICIOUS ANIMALS; LICENSE.

- (1) VICIOUS ANIMALS PROHIBITED. No person shall own, possess, harbor, keep, maintain, sell or transfer a vicious animal contrary to the terms of this section. (2092 09/10/02)
- (2) VICIOUS ANIMAL LICENSE. Any person who may own, possess, harbor, keep, or maintain a vicious animal shall do so only after first having obtained a Vicious Animal License approved by the Chief of Police or designee and issued by the City Clerk. A Vicious Animal License will be issued subject to proof of the following:
- a. A liability insurance policy written by an insurance company licensed to do business in the State of Wisconsin, covering death and personal injury, in the amount of at least three hundred thousand dollars (\$300,000) and property damage in the amount of at least fifty thousand dollars (\$50,000). The policy shall provide notice to the City Clerk thirty (30) days in advance of any material change therein and of its termination or non-renewal.
 - b. Current vaccination for rabies.
 - c. Current animal license.
 - d. Neutering or spaying.
 - e. Permanently marking the animal a subcutaneous microchip and providing the identification information on the application for license. (2279 04/22/08)
 - f. The applicant cannot have any convictions for animal abuse, animal neglect or animal cruelty.
 - g. The applicant is not delinquent in the payment of any taxes, assessments or other claims owed to the City.
- (3) CONDITIONS OF LICENSE. A license issued pursuant to this ordinance is conditioned upon the following:
- a. Continued compliance with Par. (2), above.
 - b. The posting of signs no smaller than twenty-four inches (24") in size on each of four sides, made of metal or plastic, fluorescent yellow in color, bearing the wording, "WARNING VICIOUS ANIMAL," in English print, no smaller than three inches (3") high and also bearing the license number of each vicious animal no smaller than one inch (1") high, which signs shall be posted at each entrance to the building in which the vicious animal is kept and at each entrance through a fence, and at such location as is viewable from the public sidewalk, if any, in the vicinity of any walk or drive approaching any entrance to the building in which the vicious animal is kept.
 - c. The animal, while off the premises where kept, shall be muzzled with a no-bite type muzzle, restrained as to movement by a choke-type collar or harness and leash secured by and under the direct control and supervision of a mentally competent adult.
 - d. The animal, while on the premises where kept, shall be placed within a secured building, or within a secured fence of sufficient height and construction to maintain the animal within, which fence shall be inspected and approved by the Police Department.
 - e. If the animal dies from any cause or means, or if the animal is relocated outside of the City for any reason, the owner shall immediately inform the City Clerk and the license shall be revoked.
 - f. If the animal is relocated outside of the City, the owner of the animal consents to the Chief of Police or designee informing the Chief of Police or comparably titled employee of the municipality where the animal relocates that the animal was licensed as a vicious animal by the City; however, under no circumstances is the Chief of Police or any other employee or agent of the City obligated to provide said notice.
- (4) SELLING OR TRANSFERRING A VICIOUS ANIMAL. If a vicious animal is sold or if ownership is transferred, the owner must:
- a. Notify the person to whom the vicious animal is being sold or transferred of the fact that such is a vicious animal and of any requirements imposed upon the selling or transferring party by this Ordinance.
 - b. Notify the City Clerk in writing at least five (5) business days in advance of the sale or transfer.

FOR TREASURER'S USE ONLY

Chicken 2020000052

Receipt #

Account # 100-10-44290

APPLICATION FOR KEEPING CHICKENS

License Applied For:

New \$25.00

Renewal \$10.00

(Fees are non-refundable and due upon filing)

The undersigned requests permission to keep chickens in the City of Baraboo.

MICHAEL LUTZ

Name: _____ Phone: _____ Email: _____

Address of applicant: 418 10TH STREET, Baraboo, WI 53913

Property Owner Tenant

Zoning District: Available on City Website at www.cityofbaraboo.com.
(Permit is only allowed in R1 or R1A Zoning Districts)

R1 A

Tax parcel number of site: 206-3500

Lot Size: Width (50' minimum) 60

Number of Chickens to be kept: (Cannot exceed 6.) 3

Accurate description of coop (must be covered, predator proof, provide adequate shade from summer and warmth in winter. Floor to be covered with wood or cedar chips. Coop may be part of yard shed or garage but may not be on top of a building.) Can attach photo or drawing, if preferred.
The coop and run will be 5 feet wide, 10 feet long, and 7 feet high at the peek. It will have a roofing for shade and hardware cloth for protection for predators. The coop will have windows for ventilation and a deep bedding system for warmth in the winter. We will using the American Coop by Carolina Coops as a model for how we build our coop.

Coop size: Length 4 Width 5
(Must provide two to four square feet per chicken.)

Size of Run attached or surrounding the coop: 6 feet long and 5 feet wide

Distance of Coop/Run to Lot lines: 26 feet to closest side lot line, 13 feet to rear lot line. (May not be closer than 10 feet to any lot line. Coop may not be placed in the front yard.)

Distance of Coop/Run to Applicant's house: 48 feet
(Must be closer to applicant's house than any other neighbor's house.)

Name, address, and tax parcel number of the owners of each parcel immediately touching your property line. (No application can be approved if 50% or more of the neighboring properties object.)

Name	Address	Parcel # 206-
Tom and Shirley Cummings	412 10th Street	3499 -
Joe and Claudia Bavlinka	424 10th Street	3501 - 00000
Kristi Schneider	430 10th Street	3498-00000
Joel Soenksen	433 9th Street	3486-00000
Joseph Mowlis or Current	425 9th Street	3485-00000

Name, address, and tax parcel number of the owners of each parcel immediately touching the property that also touches your property. Check the Sauk County GIS Website to verify neighbors
<http://lrs.co.sauk.wi.us/AscentLandRecords/PropertyListing/RealEstateTaxParcel#/Search>

Put in your parcel number and click Find Now. Follow this to the next page where you will find a selection to view an Interactive Map. This should show you the Parcel Numbers of your surrounding neighbors and their information. If it is a rental property, please put the information of the Property OWNER NOT RENTER in the below space.

Name	Address	Parcel # 206-
Ryan Banks	408 10 th St	3502-00000
Bruce Galitz	409 9 th St	3482-00000
Dawn Thompson	415 9 th St	3483-00000
Jennifer Wiese	419 9 th St	3484-00000

WHEREFORE, the undersigned applicant hereby states that the foregoing information and all attachments to this application are true and correct.

Rules per Code 9.10(3):

1. Roosters and crowing cockerels shall not be kept.
2. Chickens shall not be allowed inside of a residence.
3. Chickens shall be kept in the covered coop or in the fenced run at all times.
4. The slaughtering of chickens in Residential Zoning Districts is prohibited.
5. A permit can be revoked for 3 violations within 12 months, or 5 violations within 36 months.

I will pay: On Line by US Mail In Person

Dated: 06/15/2020

eSignat via Sauk County, WI

Key: 27200420170807000001000100000000

Applicant/Property Owner

APPROVERS:

July 2, 2020

Dear Members of the Baraboo City Council,

We are writing in regards to the location of our chicken coop on **418 10th Street**.

The location we are proposing is to the north of our garden and adjacent to our neighbor's garage (see photo below).



This "garden" location seems most ideal for all, as it is tucked away and out of sight of all three adjacent neighbors. We understand that our neighbor to our south (across the alley) was concerned about the chickens causing her dog to get overly excited. The garden location would help alleviate these concerns. (See next photo).

Our alternate, less preferred location is near our large silver maple, in the middle of our yard (see right). This "tree" location would be in sight of our southern neighbor with the dog, as well as the neighbors to our west. This is also an almost 100 year old tree that will likely need to be taken down in the near future, which will leave little shade for the chickens.



Below are signatures from our neighbors to the East, who own the garage in the first photo, and are agreeable to this location near the garden and garage.

Michael and Aimee Lutz,

A handwritten signature in black ink, appearing to read "Aimee Lutz".

Joe and Claudia Bavlnka,

A handwritten signature in black ink, appearing to read "Joe and Claudia Bavlnka".

Jennifer Wiese
419 9th Street
Baraboo, WI 53913
June 26, 2020

Rec'd
6-29-20

Brenda Zeman
City Clerk
City of Baraboo
101 South Blvd.
Baraboo, WI 53913

Dear Brenda Zeman:

I would like to formally object to Michael Lutz's request to keep chickens at his residence. I feel that the presence of chickens less than 12 feet from my backyard would make my dog bark which would lead to noise complaints. I would like to enjoy my backyard with my dog and not have to lock her away to avoid complaints from my neighbors. I feel that allowing chickens would have a negative impact to my neighborhood and should not be approved.

Please view this letter as a formal objection to Mr. Lutz's request to keep chickens and my concern with noise of my neighborhood. Please feel free to reach out to me with any additional questions or concerns.

Sincerely,



Jennifer Wiese

FOR TREASURER'S USE ONLY
 Chicken 2020000005:
 Receipt # _____
 Account # 100-10-44290
 07/14/2020
 BM

APPLICATION FOR KEEPING CHICKENS

License Applied For:

- New \$25.00
- Renewal \$10.00

(Fees are non-refundable and due upon filing)

The undersigned requests permission to keep chickens in the City of Baraboo.

MARIAH PHILLIPS

Name: _____ Phone: _____ Email: _____

Address of applicant: 516 3RD STREET, Baraboo, WI 53913

Property Owner Tenant

Zoning District: Available on City Website at www.cityofbaraboo.com. R1A
 (Permit is only allowed in R1 or R1A Zoning Districts)

Tax parcel number of site: 206-0613-00000

Lot Size: Width (50' minimum) 66'

Number of Chickens to be kept: (Cannot exceed 6.) 6

Accurate description of coop (must be covered, predator proof, provide adequate shade from summer and warmth in winter. Floor to be covered with wood or cedar chips. Coop may be part of yard shed or garage but may not be on top of a building.) Can attach photo or drawing, if preferred.
 4x3' wooden raised coop with attached 4x8' run. Tin roof covering the coop and the run. 1/4" hardware cloth covering the sides of the run.

Coop size: Length 4' Width 3'
 (Must provide two to four square feet per chicken.)

Size of Run attached or surrounding the coop: 4'x8'

Distance of Coop/Run to Lot lines: 10' feet to closest side lot line, 20' feet to rear lot line. (May not be closer than 10 feet to any lot line. Coop may not be placed in the front yard.)

Distance of Coop/Run to Applicant's house: 20' feet
 (Must be closer to applicant's house than any other neighbor's house.)

Name, address, and tax parcel number of the owners of each parcel immediately touching your property line. (No application can be approved if 50% or more of the neighboring properties object.)

Name	Address	Parcel # 206-
LISA WOLFCALE	520 3RD STREET	0612-00000
EUGENE & MARY BIESEK	510 3RD STREET	0614-00000
JOANN JONES	513 2nd ST	0630-00000
GUY REYNOLDS	517 2 nd ST	0629-00000
ANTHONY NINO CALABRESE	507 2 nd ST	0631-00000

Name, address, and tax parcel number of the owners of each parcel immediately touching the property that also touches your property. Check the Sauk County GIS Website to verify neighbors
<http://irs.co.sauk.wi.us/AscentLandRecords/PropertyListing/RealEstateTaxParcel#/Search>

Put in your parcel number and click Find Now. Follow this to the next page where you will find a selection to view an Interactive Map. This should show you the Parcel Numbers of your surrounding neighbors and their information. If it is a rental property, please put the information of the Property OWNER NOT RENTER in the below space.

Name	Address	Parcel # 206-
STEVEN & FRANCINE GEIKE	506 3RD STREET	0615-00000
NATHAN & ANNA MAHINSKI	526 3RD STREET	0611-00000
MARTIN STROBEL	529 2 ND ST	0627-00000
DOMENICK REESE	525 2 ND ST	0628-00000

WHEREFORE, the undersigned applicant hereby states that the foregoing information and all attachments to this application are true and correct.

Rules per Code 9.10(3):

1. Roosters and crowing cockerels shall not be kept.
2. Chickens shall not be allowed inside of a residence.
3. Chickens shall be kept in the covered coop or in the fenced run at all times.
4. The slaughtering of chickens in Residential Zoning Districts is prohibited.
5. A permit can be revoked for 3 violations within 12 months, or 5 violations within 36 months.

I will pay: On Line by US Mail In Person

Dated: 07/10/2020

eSigned via ScanthenDoc.com
Mariah Jean Phillips
Key: 779c545af7e057ca070186d913e48d

Applicant/Property Owner

APPROVERS:

Zeman, Brenda

From: Domenick Reese
Sent: Friday, July 24, 2020 8:11 AM
To: Zeman, Brenda
Subject: Re: Phillips Application for Keeping Chickens

I guess you approved the chickens. They are here. Farm animals inside town limits. Crazy

From: Domenick Reese
Sent: Wednesday, July 22, 2020 6:38 PM
To: bzeman@cityofbaraboo.com <bzeman@cityofbaraboo.com>
Subject: RE: Phillips Application for Keeping Chickens

Clerk Zeman,

I have a neighbor, across the street, with 3 parrots that scream so loud it sounds like a baby is being murdered. Wonderful thing to hear having morning coffee on the front porch. I have a neighbor behind me with a monster of a dog so when he barks I swear the windows rattle. I have Peter Rabbit and his entire village living in my yard. Then I have this group of squirrels that like to tear up my flowers and then I watch them high five each other like they do on the GEICO commercial. So please, no farm animals. I don't need roosters cock a doddle doddling and hens a clucking too!

Thank you,
Domenick Reese
525 2nd St
Baraboo, WI

PS. I made this response funny, I hope it made you smile, but the "please, no farm animals" is real. So are all the animals in my neighborhood!

Zeman, Brenda

From: Kathy Calabrese
Sent: Monday, July 27, 2020 1:27 PM
To: Zeman, Brenda
Subject: Chickens on 3rd Ave

Dear Brenda,

I live near Mariah Phillips and have received a notice from the city regarding the keeping of chickens at 516 3rd Street. I am co-owner, with my husband Anthony, of 507 2nd Street.

While I do not want to discourage neighbors from pursuing a healthy lifestyle, especially during these economic times, I do have a couple of questions/concerns about keeping the chickens.
I see that the Phillips already have a coop set up in the backyard.

First, are they planning on having a rooster? I really am concerned about that, as roosters can be noisy and crowing all day long.
How many chickens are they planning to keep? Even hens can be noisy.
Have they taken steps to keep the food secure so they do not attract rodents?
Have they planned to dispose of waste so that neighbors will not have an odor?

Thank you,
Kathryn Calabrese
507 2nd Street
Baraboo

Entered 7-28-20

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 8/15/20 ending: 6/30/21
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: Town of } BARABOO
 Village of }
 City of }
County of SAUK Aldermanic Dist. No. _____
(if required by ordinance)

Check one: Individual Limited Liability Company
 Partnership Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number <u>456-1027168960-03</u>	
FEIN Number <u>45-1135245</u>	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ <u>100</u>
<input checked="" type="checkbox"/> Class C wine	\$ <u>100</u>
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ <u>35.00</u>
TOTAL FEE	\$

91.67
91.67

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)

LAS MUIPAS LLC.

218.34

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name <u>MORALES</u>	(First) <u>ADOLFO</u>	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code) <u>E11631 PEN-MARC CT. BARABOO 53913</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name <u>TORRES</u>	(First) <u>ANA</u>	(Middle Name) <u>C.</u>	Home Address (Street, City or Post Office, & Zip Code) <u>E11631 PEN-MARC CT. 53913</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name _____ Business Phone Number 608 477 3427
2. Address of Premises 603 A 18TH AVE Post Office & Zip Code 53913

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

ONE ROOM OF 1200 SQ FT.
AND 12 X 18 FEET WALK IN
COOLER.
ONE OUTDOOR PATIO OF
800 SQ FT.

4. Legal description (omit if street address is given above): _____

5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No

(b) If yes, under what name was license issued? _____

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** Yes No
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? **If yes, explain.** Yes No
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** Yes No
9. (a) **Corporate/limited liability company applicants only:** Insert state _____ and date _____ of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** Yes No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.** Yes No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] Yes No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) TORRES ANA C.	Title/Member AGENT	Date 07/27/20
Signature 	Phone Number [REDACTED]	Email Address [REDACTED]

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk 7.27.20	Date reported to council / board 8.11.20	Date provisional license issued —	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

- (5) **UNTAGGED DOGS AND CATS.** Untagged adult dogs and cats are prohibited. An adult dog or adult cat is considered to be “untagged” if a rabies vaccination tag or City-issued license tag is not attached to a collar which is kept on the dog or cat whenever the dog or cat is outdoors unless the dog or cat is confined.
-

29.11 NUMBER OF DOGS AND CATS PER HOUSEHOLD LIMITED; SPECIAL EXCEPTION PERMIT.

- (1) **DOG AND CAT LIMITS.** Except as otherwise permitted by this Chapter, no person shall own, harbor or keep more than two adult dogs and two adult cats in a household. If more than two adult dogs and two adult cats are owned, harbored or kept in or by any one household, the head of the household shall be deemed the person so owning, harboring or keeping such animals, notwithstanding that the dog or cat license or licenses may be issued to other members of the household as owners of such animals.
- (2) **SPECIAL EXCEPTION PERMIT.** The Common Council shall be authorized to grant a Special Exception Permit to allow a greater number of adult dogs and/or adult cats for a specific household provided the following conditions are satisfied:
- a. Permit Request.
 - i. The head of household must submit a request for a Special Exception Permit in writing to the City Clerk, who, upon receipt, shall schedule the request to be considered at the next regularly scheduled Administrative Committee meeting where the notice requirements described in sub. ii, below, can be timely made.
 - ii. Upon receiving the request, the City Clerk or designee shall attempt to notify the owners of property immediately adjacent to the requestor’s property regarding the request. This attempt shall be made by regular mail to be posted at least 10 calendar days prior to the date of the Administrative Committee meeting at which the application will be heard.
 - b. Administrative Committee Review. Before the Council considers a request for a Special Exception Permit, the request shall be reviewed by the Administrative Committee. If the Administrative Committee finds that the Permit should not be issued based on the factors listed in Subs. (c) i-vii, below, this determination shall be final and shall constitute a formal denial of the request. If the Administrative Committee finds that the Permit should be granted, or granted with conditions in addition to those listed in Par. (3), below, this determination shall be deemed a recommendation only and the final determination shall be made by the Council.
 - c. Common Council Authorization. Upon a recommendation from the Administrative Committee to grant a Special Exemption Permit, or to grant a Special Exemption Permit with conditions in addition to those listed in Par. (3), below the Council shall make the final determination based on the following factors: (1885 10/08/96, 2448 09/13/16)
 - i. Whether the need for the additional animal is based on a change in household circumstances. An existing household acquiring a new animal shall not be considered a change in household circumstances if that was the only change to the household.
 - ii. Whether the excess animal is an ADA service animal, as defined by 28 CFR § 35.104.
 - iii. How and when the excess animal was acquired by the household and whether the animal was acquired with knowledge of the limited number of such animals permitted by this ordinance.
 - iv. The care and treatment of all animals in the household.
 - v. Whether any resident of the household has a conviction involving or related to animal cruelty or abuse, including a violation of §29.27 of this Code.
 - vi. Relevant testimony of any property owner notified pursuant to Subs. (a) ii, above.
 - vii. Whether the applicant is delinquent in the payment of any taxes, assessments or other claims owed to the City.
- (3) **PERMIT CONDITIONS.** The following conditions shall apply to all Special Exception Permits:
- a. No more than a total of five animals (adult dogs and adult cats combined) shall be owned, harbored or kept by one household, except that the Council may allow additional animals based upon a finding by the Council that the animals are ADA service animals, as defined by 28 CFR § 35.104, and that all other conditions of this ordinance are met.
 - b. Only one Special Exception Permit shall be allowed per household so that in no case shall a household have more than 3 adult dogs or 3 adult cats, except that the Council may allow excess animals based upon a finding by the Council that the animals are ADA service animals, as defined by 28 CFR § 35.104, and that all other conditions of this ordinance are met.

- c. Each permitted animal must be neutered or spayed.
 - d. Each permitted animal must be raised in a safe, sanitary and healthful environment and shall be properly fed and groomed at all times and all animal waste shall be disposed of in a safe and sanitary manner.
 - e. If a permitted animal dies, it shall not be replaced with another animal.
 - f. Each permitted animal must be kept or harbored inside the residence.
 - g. The owner of the household where such animals are harbored or kept must give his/her written consent to the granting of an exception under this subsection.
 - h. Each permitted animal must be properly registered with the City and all license fees paid.
 - i. Any additional conditions the Council deems necessary for public health, safety and general welfare.
- (4) INSPECTIONS. Law enforcement officers and humane officers shall be authorized to inspect the household with reasonable notice to the owner or occupants thereof for compliance with the conditions established by the Council.
- (5) PERMIT TERM. A Special Exception Permit shall be valid until the permitted animal dies or is no longer kept in the household.
- (6) STAY OF ENFORCEMENT. A person in violation of Par. (1), above, but who has submitted a request for a Special Exception Permit to the City Clerk and is waiting the final decision on the request shall not be subject to penalty under this Chapter during the time in which the request has been submitted and the final decision has been made.
- (7) PERMIT REVOCATION. A single violation of any of the conditions contained in this ordinance, or any other condition ordered by the Council, or any applicable condition contained in §12.01 of the Code, shall be sufficient grounds for revocation of the Special Exception Permit by the Common Council. For purposes of this section, a “violation” need not have resulted in a conviction so long as a law enforcement officer or humane officer is able to reasonably articulate and provide clear and convincing evidence, of which testimony may suffice, of said violation.

29.12 **NUMBER OF DOGS AND CATS PER HOUSEHOLD; ANIMAL RESCUE LICENSE.** (2370 01/10/2012 [created])

- (1) DEFINITIONS. As used in this section,
- a. “Animal rescue household” means a single-family residence working in conjunction with a bona fide animal rescue organization to temporarily board dogs or cats until a new home can be found for the animal.
 - b. “Bona fide animal rescue organization” is an organization dedicated to the adoption of surrendered, abandoned, homeless, or otherwise ownerless dogs and/or cats, and which:
 - i. Has been in existence as an organization for a minimum of two years;
 - ii. Does not allow animals in the organization’s care to be mated or bred;
 - iii. Requires that animals live indoors in an environment suitable for socializing with humans;
 - iv. Requires that animals have up-to-date vaccinations;
 - v. Requires a personal visit to the home of potential clients of their animals; and
 - vi. Is a member of the Alliance of Wisconsin Animal Rehoming Efforts.
- (2) ANIMAL RESCUE HOUSEHOLD; PERMITTED ANIMALS. A licensed animal rescue household shall be allowed two additional adult dogs or two additional adult cats in the household. The additional animals shall not be vicious animals as defined by this Chapter.
- (3) LICENSE REQUIRED. An Animal Rescue Household License shall be issued by the City Clerk to the head of the household of an animal rescue household that meets the following requirements:
- a. The applicant provides a letter of recommendation with the application for the license from a veterinarian supporting the household for animal rescue operations.
 - b. The applicant provides evidence that the animal rescue organization the applicant is associated with is a bona fide animal rescue organization as defined in this ordinance.
 - c. All other dogs and cats in the household are licensed.



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: August 3, 2020

Re: Thomas & Teri Dorner – Request for Excessive Household Animals

Letters were prepared and hand delivered to residents adjacent to the property at 1150 12th Street, Baraboo WI, 53913 where the Dorner family resides. The letters were hand delivered on July 30, 2020 and included a copy of the agenda for the August 3, 2020 meeting; residents were invited to attend the meeting.

From: Thomas Dörner [REDACTED]
Sent: Friday, July 10, 2020 8:24 AM
To: Zeman, Brenda <bzeman@cityofbaraboo.com>
Subject: Request for dog ordinance variance

Ms. Zeman,

As instructed, I am contacting you to ask the city for a dog ordinance "variance" to allow us to have 3 licensed dogs within the the city limits.

My wife Teri and I moved into the city from the Town of Delton last year with our three dogs, and so request the variance. I apologize for the late request. The dogs are always inside our house, except for when they are tied outside or walked. The dogs are 13, 10 & 9 years old at this time, and we understand that at some point we will need to abide by the 2 dog limit.

Thank you for your consideration.

Tom & Teri Dörner
1150 12th Street
Baraboo, WI 53913
[REDACTED]