



ADMINISTRATIVE COMMITTEE AGENDA

Date and Time: Monday, April 2, 2018 at 12:00PM CDT
Location: City Council Chambers, 135 4th Street, Baraboo, WI 53913

Notices:

Full Paper to Members:	Alderspersons: Dennis Thurow, John Ellington & John Alt
Full Paper to Others:	Mayor, Mike Palm
Paper excluding Closed Session:	Library for subsequent posting
E-mail:	Media-Committee e-mail group, Clerks
Outlook Meeting Calendar:	Administrator, Ed Geick and Police Chief, Mark Schauf, Brenda Zeman
Citizens' notices:	Thunderbird Lanes, Amber Zurawski

1. Call to Order:
 - A. Note Compliance with Open Meeting Law.
 - B. Approve minutes – March 5, 2018.
 - C. Approve agenda.
2. Action Items:
 1. Consider recommendation to the Common Council that Section 12.02(13A) (Outdoor Alcohol in B-3 Highway Oriented Business Districts) of the Baraboo Municipal Code be amended.
 2. Consider recommendation to the Common Council that the City adopt an ordinance prohibiting urinating/defecating in public.
3. Information Items;
 - A. Date and time of next meeting: May 7, 2018 at 12:00PM CDT
4. Adjournment;
Dennis Thurow, Chairman

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

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 135 4th Street or phone (618) 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 Dennis Thurow, John Ellington and John Alt

Absent: None

Also Present: Attorney Emily Truman, Administrator Edward Geick, Finance Director Cynthia Haggard, Police Chief Mark Schauf, Spin Shack Owner, Tiffany Opperman

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

Moved by Ellington to approve the minutes of February 5, 2018, seconded by Alt and unanimously carried.

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

Consider amending Ordinance 12.03, Regulating and Licensing of Pawnbrokers, Secondhand Article Dealers and Secondhand Jewelry Dealers, so that all licenses issued under this section are valid for one year.

Truman addressed the Committee with this housekeeping issue. She reminded the Committee that it has been discussed numerous times with the Committee. The State has a Statute for pawnbrokers and secondhand dealers. The City is allowed to be more restrictive, but not less restrictive. The license period for these types of licenses should be one (1) year to properly align with the Statute. This proposal is to amend our current ordinance so that all licenses are valid for one (1) year.

Motion to recommend amendment of Ordinance 12.03 by Ellington, seconded by Alt and unanimously carried.

Review and recommendation of amending the fee charged to pawnbrokers and secondhand article and jewelry dealers:

- a. Increase license fees
- b. Amend per transaction fee
- c. Agree to have City absorb cost

Truman addressed the Committee with three (3) options for addressing the fee charged to pawnbroker and secondhand article and jewelry dealers. Option (a.) was discussed at the previous meeting. Option (b.) is to change the transaction fee from \$0.90 per transaction to \$0.45 per transaction. Option (c.) is to have City absorb the cost.

Motion by Ellington to discuss options, seconded by Alt and unanimously carried.

Haggard shared with the Committee information she gathered dating back to 2013. Four (4) businesses paid for licenses in 2013 and from there, the numbers diminished to only one (1) in 2017. Secondhand article and secondhand jewelry dealers have been the only two licenses issued since 2013. In calculating the breakeven, she used the largest population of licenses issued of five (5) businesses in 2013. Breakeven is calculated at roughly \$530.

Alt asked Truman if antique establishments should be included in this category of businesses. Truman referred to Statute and mentioned there is a list of fourteen (14) items the businesses could buy. If a business was to buy any of these items from someone walking into their store, the business would be required to purchase a license. What the Police Department found, by interviewing antique stores, was that the antique stores are not buying items listed in the Statute.

Ellington reflected to a figure of seven (7) businesses presented to this Committee during an earlier meeting. Schauf responded that Haggard was using numbers of businesses that actually paid for licenses. The Police Department identified seven (7). Haggard added that she had received communication that there were six (6) additional businesses that should be included. Those six (6) businesses were not part of the four (4) that paid for

licenses. Ellington questioned why that was the case. Schauf responded that someone left his department who was assigned the responsibility of following up with area businesses and wasn't later reassigned to someone else. Schauf added that there could be as much as ten (10) to twelve (12) businesses in total.

Ellington brought up the fee for the program of \$2,238. At the last meeting, the proposed license fee was at \$350 to cover costs for the paperwork and the program. Alt added that this fee could change as the number of businesses grows. Truman interjected that if it was decided that the best way for the City to recoup the cost is through a license fee, she recommended reevaluating the fee annually. May consider setting the fee at an arbitrary low number of \$300 and have the City absorb some of the costs. This proposal will ensure the City is not overcharging for those services.

Geick added that the City could do a budget amendment for the cost of the software to make the program work. We can analyze this program over the year to see what the results are at year end, rather than decide for the future what those fees should be. Ellington surmised that we are not going to set a fee for the number we think we have. A year from now, we will have a more solid number to set the fee and reevaluate the fee every year. Opperman weighed in that anything above \$300 to \$350 will be too detrimental.

Schauf shared his understanding: The license fees in place today for \$30 and \$27.50 will remain unchanged. The City will absorb the \$2,238 for the program fees. We should have a better idea at year end on the number of licenses we have. Next year's licenses will then be enough to pay for the program and overhead costs.

Ellington reiterated that the City should absorb the fees for the program and keep the present license fees the same for 2018. Upon the study results, the fees for 2019 will be established. The target date is set for November 2018 for 2019 budgeting purposes. The per-transaction fee will go away.

Ellington made a motion to amend the per-transaction fee and for the City to make a budget amendment to pay for the program in 2018, seconded by Alt and unanimously carried.

Ellington made a motion to accept the amended Ordinance to do away with the per-transaction fee and for the City to make a budget amendment to pay for the program in 2018, seconded by Alt and unanimously carried.

Member comments

The next meeting will be April 2, 2018 at 12:00PM CST. Moved by Ellington to adjourn, seconded by Alt and unanimously carried. Meeting adjourned at 12:23PM CST.

Respectfully submitted,
Cynthia Haggard, Finance Director

ADMINISTRATIVE COMMITTEE ITEM SUMMARY
April 2, 2018

ITEM: Consider Recommendation to the Common Council that Section 12.02(13A) (Outdoor Alcohol in B-3 Highway Oriented Business Districts) of the Baraboo Municipal Code be amended.

LEGISLATIVE HISTORY:

This section of the Municipal Code was last amended in October of 2014 to lessen the restrictions on properties zoned B-1 and B-3 selling alcohol from outdoor locations.

DISCUSSION:

The owners of Thunderbird Lanes, located at 1117 8th Street in Baraboo, is exploring moving their horseshoe pit from the front of their building to the rear of their building. They would also like to add other recreational activities to the area behind their building (such as additional horseshoe pits, volleyball nets, etc.).

Thunderbird Lanes currently has a Class "B" (beer) and a "Class B" (liquor) license and would like to be able to sell alcohol to people outside of their main building but within their proposed outdoor recreational area in the back of their building. The City's current ordinance permits properties zoned B-3, such as Thunderbird Lanes, to have their alcohol licenses cover outdoor spaces on their property, but the space must be contiguous to, or touching, the licensed building itself (such as a porch or patio attached to the building). It is recommended that our ordinance be amended to allow a licensee add to their license an outdoor area that is not contiguous to the licensed building itself so long as the outdoor area complies with all of the other requirements of the Code (e.g., fencing requirement, lighting requirement, etc.)

ACTION:

Recommend/Not recommend that the Common Council amend Section 12.02(13A) of the Baraboo Municipal Code

Note: Motions may also be made to amend, to postpone to the next meeting, to postpone indefinitely, etc.

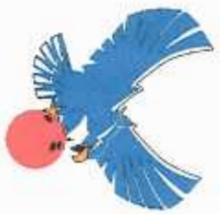
PROPOSED AMENDMENTS TO ORDINANCE

(13A) OUTDOOR ALCOHOL IN B-3 HIGHWAY ORIENTED BUSINESS DISTRICTS

- (a) The sale and consumption of alcohol outdoors in the B-3 Highway Oriented Business District shall comply fully with the requirements of this section.
- (b) Sidewalk sale and consumption. The sale and consumption of alcohol beverages upon the sidewalk is prohibited.

(c) Non-sidewalk sale and consumption. The sale and consumption of alcohol by a licensed premise in an outdoor area not a sidewalk shall be regulated by the requirements of this section.

1. The outdoor area shall be described in detail on the license application and must be on the same lot as the licensed indoor premises. Alcohol possession and consumption in any area of not described in detail on the license application is strictly prohibited.2. The outdoor area must be surrounded by a fence which is (a) a minimum of three feet in height, (b) a minimum of 50 percent opaque (meaning the spaces between the pickets are equal to or less than the width of the pickets), and (c) maintained in a structurally sound and attractive manner.
3. Entry to the outdoor area shall be restricted to entry from the licensed indoor premises and not from a public way.
4. The outdoor area shall be promptly vacated no later than 10:00 PM by all customers and patrons, except the owner and regular employees of the licensed premises and then only for the purpose of cleaning up.
5. The outdoor area shall comply with all fire regulations including emergency exits and be subject to inspection by the Fire Inspector.
6. The outdoor area may be used for recreational activities, such as, for example, volleyball, horseshoes, darts, and softball. No music shall be broadcast directly into the outdoor area by means of outdoor speakers or jukeboxes, nor shall live music be permitted, except with a special permit. However, no recreational activities shall be allowed on parcels that are contiguous with a residential zoning district. For purposes of determining contiguity, any parcel used by, or serving the business, including parking, shall be considered a portion of the licensed business.
7. Lighting of the outdoor area shall not be of such intensity or brilliance as to be a hazard or dangerous distraction to vehicular traffic. All lighting for the outdoor premises shall be downdirected lighting and shall comply with the requirements of §17.47(3)(c)14, Ordinances.



Thunderbird Lanes

1117 8th Street, Baraboo, WI 53913

Phone (608)356-9111 Fax (608) 356-5872

paraboolanes@gmail.com

March 5, 2018

To whom it may concern,

I am submitting a request to be able to move our current horseshoe pits from the front of my establishment to the rear of the parking lot. We would also like to have a building located in the fenced in area for storage that we will also use as a small serving area.

Thank you,

Jim Nelson
Proprietor

ADMINISTRATIVE COMMITTEE ITEM SUMMARY
April 2, 2018

ITEM: CONSIDER RECOMMENDATION TO THE COMMON COUNCIL THAT THE CITY ADOPT AN ORDINANCE PROHIBITING URINATING/DEFECATING IN PUBLIC.

LEGISLATIVE HISTORY:

None.

DISCUSSION:

The City does not currently have an ordinance specifically prohibiting urinating/defecating in public. Instead, if a person urinates/defecates in public, an officer will issue the person a citation for littering. In order to clearly convey that this behavior is prohibited in the City, it is recommended that an ordinance be created that specifically regulates this behavior. It is suggested that a violation of this ordinance should have the standard bond and forfeiture amount of \$60 (for a total of \$213.10 with costs).

ACTION:

Recommend/not recommend that the Common Council adopt an ordinance prohibiting urinating/defecating in public.

Note: Motions may also be made to amend, to postpone to the next meeting, to postpone indefinitely, etc.

PROPOSED ORDINANCE LANGUAGE:

9.30 PUBLIC URINATION AND DEFECATION PROHIBITED. It is unlawful for any person to urinate or defecate outside of designated sanitary facilities, upon any sidewalk, street alley, public parking lot, park, playground, cemetery or other public area with the City, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators of public or commercial buildings, or to expose his/her genitalia in such a way as to appear to urinate or defecate in any location described herein.