



## CITY OF BARABOO COMMON COUNCIL AGENDA

Tuesday, May 9, 2023, 7:00 p.m.

Council Chambers, 101 South Blvd., Baraboo, Wisconsin

	Pages
1. CALL TO ORDER	
2. ROLL CALL AND PLEDGE OF ALLEGIANCE	
3. APPROVAL OF PREVIOUS MINUTES <i>(Voice Vote): April 18 &amp; 25, 2023</i>	3
4. APPROVAL OF AGENDA <i>(Voice Vote)</i>	
5. COMPLIANCE WITH OPEN MEETING LAW NOTED	
6. PRESENTATIONS Honor Roll Committee presentation of proposed changes to the Honor Roll Memorial.	
7. PUBLIC HEARINGS <i>None Scheduled.</i>	
8. PUBLIC INVITED TO SPEAK <i>(Any citizen has the right to speak on any item of business that is on the agenda for Council action if recognized by the presiding officer.)</i>	
9. MAYOR'S BUSINESS <ul style="list-style-type: none"><li>The Mayor would like to congratulate Pat Hermesen with the Baraboo Public Works Department on his 10th anniversary. Congratulations Pat!</li></ul>	
10. CONSENT AGENDA <i>(Roll Call)</i>	
10.1 Accounts Payable Approve the Accounts Payable to be paid in the amount of \$	29
10.2 2022 4th Quarter Budget Amendments Consider the 2022 4th Quarter Budget Amendments. (Ostrander)	30
11. ORDINANCES ON 2nd READING	
11.1 Amendment to revise Chapter 17 Zoning Code Consider amendment to Chapter 17 Zoning Code to review Sections 17.13A(4) and (7) of the Short-Term Rentals regulations.	33
11.2 Create Ordinance in Chapter 17 Zoning Code Consider creating Section 17.56 to create Wellhead protection Ordinance.	39
12. NEW BUSINESS RESOLUTIONS	
12.1 Wisconsin Local Government Climate Coalition Membership Consider authorizing a membership to the Wisconsin Local Government	43

- Climate Coalition. (Bradley)
- 12.2 Weights & Measures Inspections 45  
Consider approving the Agreement with the Dept. of Agriculture, Trade and Consumer Protection for Weights and Measures Inspections.  
(Zeman)
13. **NEW BUSINESS ORDINANCES**  
None.
14. **ADMINISTRATOR AND COUNCIL COMMENTS**  
*(Comments are limited to recognition of City residents and employees, memorials, and non-political community events; discussion of matters related to government business is prohibited.)*
15. **REPORTS, PETITIONS, AND CORRESPONDENCE** 48  
The City acknowledges receipt and distribution of the following:  
Reports: April, 2023 - Building Inspection  
  
Copies of meeting minutes included in this packet:  
Finance...4-11-2023  
Administrative...4-4-2023  
  
Copies of meeting minutes in City Clerk's files:  
Park & Recreation...3-13-2023, 3-22-2023  
UW Campus...3-16-2023  
Public Arts...3-23-2023  
CDA...4-4-2023  
BEDC...3-2-2023, 4-6-2023
16. **ADJOURNMENT**  
(Voice Vote)  
  
**PLEASE TAKE NOTICE-** Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires the meeting or materials at the meeting to be in an accessible location or format should contact the City Clerk at 101 South Blvd., Baraboo WI or phone (608) 355-2700 during regular business hours at least 48 hours before the meeting so reasonable arrangements can be made to accommodate each request.

## Common Council Meeting Minutes

**April 18, 2023, 5:00 p.m.**

**Council Chambers, 101 South Blvd., Baraboo, Wisconsin**

Members Present: Wedekind, Kolb, Hazard, Kent, Petty, Sloan, Kierzek, Thurow  
 Members Absent: Ellington  
 Others Present: Chief Sinden, Adm. Bradley, Clerk Zeman, P. Wedekind, D. Olson, members of the press and others.

**1. CALL TO ORDER**

Mayor Nelson called the meeting to order at 5:00pm.

**2. ROLL CALL AND PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF AGENDA (Roll Call)**

Moved by: Kolb

Seconded by: Hazard

**Motion: CARRIED (7 to 0, Wedekind Abstain)**

**4. COMPLIANCE WITH OPEN MEETING LAW NOTED**

**5. OATHS OF OFFICE (All newly elected officials will be sworn into office)**

Clerk Zeman administered the Oath of Office to Alderpersons Olson, Kent, and Sloan.

**6. PUBLIC INVITED TO SPEAK**

No one spoke.

**7. ELECTION BY COMMON COUNCIL**

**Council President**

Motion by Petty, seconded by Kent to nominate Scott Sloan for Council President. Motion by Petty, seconded by Kent and carried unanimously to close nominations. Upon secret ballot, Ald. Sloan was declared the Council President by a vote of 7 to 0, 1 abstain.

**Plan Commission**

Motion by Petty, seconded by Hazard to nominate Jason Kent and Tom Kolb to the Plan Commission. Motion by Petty, seconded by Sloan and carried unanimously to close nominations. Jason Kent and Tom Kolb are elected to serve on the Plan Commission. Mayor Nelson will continue to serve on the Plan Commission.

**8. MAYORAL APPOINTMENT - The Mayor announces appointments to Standing Committees of Council, the Board of Review, Plan Commission, and the UW Campus Commission.**

The Mayor announced the appointments to the Standing Committees of Council, the Board of Review, Plan Commission, and the UW Campus Commission.

**a) Standing Committees:** The first person listed is the Chairperson of the committee.

Finance/Personnel Committee	Scott Sloan, Jason Kent, Joel Petty
Public Safety	Tom Kolb, John Ellington, David Olson
Administrative Committee	Kathleen Thurow, Bryant Hazard, Heather Kierzek

**b) Board of Review**

Thomas Kolb	Aldersperson	<u>Thomas Kolb</u>	4/15/2024
Jason Kent	Aldersperson	<u>David Olson</u>	4/15/2024
Kathleen Thurow	Aldersperson	<u>Kathleen Thurow</u>	4/15/2024

The other six members are appointed as alternates.

**c) Plan Commission**

Matthew Boegner	Citizen	<u>Matthew Boegner</u>	4/30/2026
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**d) UW Campus Commission**

Phil Wedekind	Aldersperson	<u>Scott Sloan</u>	4/15/2024
Thomas Kolb	Aldersperson	<u>Thomas Kolb</u>	4/15/2024
Cheryl Giese	Citizen	<u>Cheryl Giese</u>	4/15/2024

**9. CONSENT AGENDA****Resolution No. 23-051**

THAT the Baraboo State Bank qualifies as a public depository under Chapter 34 of the Wisconsin Statutes, and is hereby designated as a depository in which funds of this municipality may, from time to time, be deposited; that the following described accounts have been opened and maintained in the name of this municipality with the bank; that the persons and the number thereof designated by title below be authorized for and on behalf of the municipality to sign drafts or order checks as provided by Section 66.0607 of the Wisconsin Statutes, for payment or withdrawal of money from said accounts:

<b>Name or Type of Account</b>	<b>Account #</b>	<b># of Required</b>	
		<b>Signatures</b>	<b>Authorized Persons</b>
Payment Account	101064029	1	Treasurer
Alma Waite Trust Fund NOW	104502957	2	Clerk and Treasurer
Library Segregated Fund	104551192	2	Clerk and Treasurer
Park Dept. House	101001035	2	Clerk and Treasurer
General NOW	101149830	2	Clerk and Treasurer
General ICS	101066015	2	Clerk and Treasurer
Parks & Recreation Board NOW	101000888	2	Clerk and Treasurer
Water Utility NOW	101153201	2	Clerk and Treasurer
Sewer Utility NOW	104550099	2	Clerk and Treasurer
Sewer Debt Service NOW	104506359	2	Clerk and Treasurer
Sewer Equipment Replacement NOW	104522281	2	Clerk and Treasurer
Stormwater Equipment Replacement	104565819	2	Clerk and Treasurer
Friends of the Library	103035891	2	Clerk and Treasurer
CDBG Grants	101146394	2	Clerk and Treasurer
General Fund-Bond Issue	104557859	2	Clerk and Treasurer
CDA Block Grant Escrow	101000950	2	Director and Commissioner
Low Rent Checking	101000829	2	Director and Commissioner
Donahue Terrace Checking	101000683	2	Director and Commissioner
Capital Catalyst	101155891	2	Director and Commissioner
Façade Project Fund	101006473	2	Director and Commissioner
CS Security Deposit Money Market	104523946	2	Director and Commissioner
DT Security Deposit Money Market	104523385	2	Director and Commissioner
DTA Premier Money Market	104547551	2	Director and Commissioner
PS/Admin Building	101xx4985	2	Director and Commissioner
Library Remodel & Expansion Project	101xx9375	2	Director and Commissioner
Fire Building Construction	101xx0500	2	Director and Commissioner

BE IT FURTHER RESOLVED that the persons and the number thereof, designated by title below, be authorized for and on behalf of this municipality to sign drafts and order checks as provided in Section 66.0607 of the Wisconsin Statutes for payment or withdrawal of money from the following accounts:

<b>Name or Type of Account</b>	<b>Account #</b>	<b># of Required</b>	
		<b>Signatures</b>	<b>Authorized Persons</b>
General Fund Account	101000306	2	Mayor, Clerk and Treasurer
Utilities Account NOW	101000292	2	Mayor, Clerk and Treasurer
CDA Disbursement	101153805	2	Director and Commissioner

BE IT FURTHER RESOLVED that withdrawals from savings or time deposits shall be by written order pursuant to 66.0607(3) of the Wisconsin Statutes and each transfer order shall be signed by the Clerk and Treasurer, provided, however, in lieu of personal signatures of the Clerk and Treasurer, the facsimile signature adopted by the person and approved by this Council may be affixed to the transfer order; that pursuant to 66.0607(3m) the use of money transfer techniques, including electronic funds transfers and automatic clearinghouse methods, may be used and that the Treasurer shall keep a record of date, payee and amount of such transactions.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be delivered to the Bank.

**Resolution No. 23-052**

THAT the Community First Bank qualifies as a public depository under Chapter 34 of the Wisconsin Statutes and is hereby designated as a depository in which funds of the City of Baraboo may from time to time be deposited; that the following described accounts have been opened and maintained in the name of this municipality with the bank; that the persons and the number thereof designated by title below be authorized for and on behalf of the municipality to sign drafts or order checks as provided by Section 66.0607 of the Wisconsin Statutes, for payment or withdrawal of money from said accounts:

<b>Name or Type of Account</b>	<b>Account #</b>	<b># of Required Signatures</b>	<b>Authorized Persons</b>
General Fund Money Market	86190136	2	Clerk and Treasurer
CDBG Money Market	86142136	2	Director and Commissioner
ED Revolving Loan	86186300	2	Director and Commissioner
LRPH Money Market	86147236	2	Director and Commissioner

BE IT FURTHER RESOLVED that withdrawals from savings or time deposits shall be by written order pursuant to 66.0607(3) of the Wisconsin Statutes and each transfer order shall be signed by the Clerk and Treasurer, provided, however, in lieu of personal signatures of the Clerk and Treasurer, the facsimile signature adopted by the person and approved by this Council may be affixed to the transfer order; that pursuant to 66.0607(3m) the use of money transfer techniques, including electronic funds transfers and automatic clearinghouse methods, may be used and that the Treasurer shall keep a record of date, payee and amount of such transactions.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be delivered to the Bank.

**Resolution No. 23-053**

THAT the Summit Credit Union qualifies as a public depository under Chapter 34 of the Wisconsin State Statutes and is hereby designated as a depository in which funds of the city of Baraboo may from time to time be deposited, that the following described accounts have been opened and maintained in the name of this municipality with the bank; that the persons and the number thereof designated by title below be authorized for and on behalf of the municipality to sign drafts or order checks as provided by Section 66.0607 of the Wisconsin Statutes, for payment or withdrawal of money from said accounts:

<b>Name or Type of Account</b>	<b>Account #</b>	<b># of Required Signatures</b>	<b>Authorized Persons</b>
Utility Money Market	14890100-0070	2	Clerk and Treasurer

BE IT FURTHER RESOLVED that withdrawals from savings or time deposits shall be by written order pursuant to 66.0607(3) of the Wisconsin Statutes and each transfer order shall be signed by the Clerk and Treasurer, provided, however, in lieu of personal signatures of the Clerk and Treasurer, the facsimile signature adopted by the person and approved by this Council may be affixed to the transfer order; that pursuant to 66.0607(3m) the use of money transfer techniques, including electronic funds transfers and automatic clearinghouse methods, may be used and that the Treasurer shall keep a record of date, payee and amount of such transactions.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be delivered to the Summit Credit Union.

**Resolution No. 23-054**

THAT the Local Government Investment Pool qualifies as a public depository under Chapter 34 of the Wisconsin Statutes, is hereby designated as a depository in which funds of this municipality may, from time to time, be deposited; that the following described account be opened and maintained in the name of this municipality with the Local Government Investment Pool; that the persons and the number thereof designated by title below be authorized for and on behalf of the municipality to sign drafts or order checks as provided by Section 66.0607 of the Wisconsin Statutes, for payment or withdrawal of money from said accounts:

<b>Name or Type of Account</b>	<b>Account #</b>	<b># of Required</b>	
		<b>Signatures</b>	<b>Authorized Persons</b>
Local Government Investment Pool Depositor	856206	1	Treasurer
Local Government Investment Pool Depositor	875004	1	CDA Director

BE IT FURTHER RESOLVED that withdrawals from savings or time deposits shall be by written transfer order pursuant to 66.0607(3) of the Wisconsin Statutes and each transfer order shall be signed by the Clerk and Treasurer, provided, however, in lieu of personal signatures of the clerk and Treasurer, the facsimile signature adopted by the person and approved by this Council may be affixed to the transfer order; that pursuant to 66.0607(3m) the use of money transfer techniques, including electronic funds transfers and automatic clearinghouse methods, may be used and that the Treasurer shall keep a record of date, payee and amount of such transactions.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be delivered to the Pool.

**Resolution No. 23-055**

THAT the Citizens Community Federal Bank qualifies as a public depository under Chapter 34 of the Wisconsin Statutes and is hereby designated as a depository in which funds of the City of Baraboo may from time to time be deposited; that the following described accounts have been opened and maintained in the name of this municipality with the bank; that the persons and the number thereof designated by title below be authorized for and on behalf of the municipality to sign drafts or order checks as provided by Section 66.0607 of the Wisconsin Statutes, for payment or withdrawal of money from said accounts:

<b>Name or Type of Account</b>	<b>Account #</b>	<b># of Required</b>	
		<b>Signatures</b>	<b>Authorized Persons</b>
General Fund Money Market	20032292	2	Clerk and Treasurer

BE IT FURTHER RESOLVED that withdrawals from savings or time deposits shall be by written order pursuant to 66.0607(3) of the Wisconsin Statutes and each transfer order shall be signed by the Clerk and Treasurer, provided, however, in lieu of personal signatures of the Clerk and Treasurer, the facsimile signature adopted by the person and approved by this Council may be affixed to the transfer order; that pursuant to 66.0607(3m) the use of money transfer techniques, including electronic funds transfers and automatic clearinghouse methods, may be used and that the Treasurer shall keep a record of date, payee and amount of such transactions.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be delivered to the Bank.

**Resolution No. 23-056**

THAT the Bank of Prairie du Sac qualifies as a public depository under Chapter 34 of the Wisconsin Statutes and is hereby designated as a depository in which funds of the City of Baraboo may from time to time be deposited; that the following described accounts have been opened and maintained in the name of this municipality with the bank; that the persons and the number thereof designated by title below be authorized for and on behalf of the municipality to sign drafts or order checks as provided by Section 66.0607 of the Wisconsin Statutes, for payment or withdrawal of money from said accounts:

**# of Required**

<b>Name or Type of Account</b>	<b>Account #</b>	<b>Signatures</b>	<b>Authorized Persons</b>
General Fund	471582	2	Clerk and Treasurer

BE IT FURTHER RESOLVED that withdrawals from savings or time deposits shall be by written order pursuant to 66.0607(3) of the Wisconsin Statutes and each transfer order shall be signed by the Clerk and Treasurer, provided, however, in lieu of personal signatures of the Clerk and Treasurer, the facsimile signature adopted by the person and approved by this Council may be affixed to the transfer order; that pursuant to 66.0607(3m) the use of money transfer techniques, including electronic funds transfers and automatic clearinghouse methods, may be used and that the Treasurer shall keep a record of date, payee and amount of such transactions.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be delivered to the Bank.

**Resolution No. 23-057**

THAT the Bank of Wisconsin Dells qualifies as a public depository under Chapter 34 of the Wisconsin Statutes and is hereby designated as a depository in which funds of the City of Baraboo may from time to time be deposited; that the following described accounts have been opened and maintained in the name of this municipality with the bank; that the persons and the number thereof designated by title below be authorized for and on behalf of the municipality to sign drafts or order checks as provided by Section 66.0607 of the Wisconsin Statutes, for payment or withdrawal of money from said accounts:

<b>Name or Type of Account</b>	<b>Account #</b>	<b># of Required Signatures</b>	<b>Authorized Persons</b>
General Fund Money Market	163563	2	Clerk and Treasurer

BE IT FURTHER RESOLVED that withdrawals from savings or time deposits shall be by written order pursuant to 66.0607(3) of the Wisconsin Statutes and each transfer order shall be signed by the Clerk and Treasurer, provided, however, in lieu of personal signatures of the Clerk and Treasurer, the facsimile signature adopted by the person and approved by this Council may be affixed to the transfer order; that pursuant to 66.0607(3m) the use of money transfer techniques, including electronic funds transfers and automatic clearinghouse methods, may be used and that the Treasurer shall keep a record of date, payee and amount of such transactions.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be delivered to the Bank.

**Resolution No. 23-058**

THAT the US Treasury qualifies as a public depository under Chapter 34 of the Wisconsin Statutes and is hereby designated as a depository in which funds of the City of Baraboo may from time to time be deposited; that the following described accounts have been opened and maintained in the name of this municipality with the bank; that the persons and the number thereof designated by title below be authorized for and on behalf of the municipality to sign drafts or order checks as provided by Section 66.0607 of the Wisconsin Statutes, for payment or withdrawal of money from said accounts:

<b>Name or Type of Account</b>	<b>Account #</b>	<b># of Required Signatures</b>	<b>Authorized Persons</b>
General Fund	City 57206	2	Clerk and Treasurer

BE IT FURTHER RESOLVED that withdrawals from savings or time deposits shall be by written order pursuant to 66.0607(3) of the Wisconsin Statutes and each transfer order shall be signed by the Clerk and Treasurer, provided, however, in lieu of personal signatures of the Clerk and Treasurer, the facsimile signature adopted by the person and approved by this Council may be affixed to the transfer order; that pursuant to 66.0607(3m) the use of money transfer techniques, including electronic funds transfers and automatic clearinghouse methods, may be used and that the Treasurer shall keep a record of date, payee and amount of such transactions.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be delivered to the Treasury.

**Resolution No. 23-059**

THAT the Prevail Bank qualifies as a public depository under Chapter 34 of the Wisconsin State Statutes and is hereby designated as a depository in which funds of the City of Baraboo may from time to time be deposited, that the following described accounts have been opened and maintained in the name of this municipality with the bank; that the persons and the number thereof designated by title below be authorized for and on behalf of the municipality to sign drafts or order checks as provided by Section 66.0607 of the Wisconsin Statutes, for payment or withdrawal of money from said accounts:

<b>Name or Type of Account</b>	<b>Account #</b>	<b># of Required Signatures</b>	<b>Authorized Persons</b>
General Fund	10080968	2	Clerk and Treasurer

BE IT FURTHER RESOLVED that withdrawals from savings or time deposits shall be by written order pursuant to 66.0607(3) of the Wisconsin Statutes and each transfer order shall be signed by the Clerk and Treasurer, provided, however, in lieu of personal signatures of the Clerk and Treasurer, the facsimile signature adopted by the person and approved by this Council may be affixed to the transfer order; that pursuant to 66.0607(3m) the use of money transfer techniques, including electronic funds transfers and automatic clearinghouse methods, may be used and that the Treasurer shall keep a record of date, payee and amount of such transactions.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be delivered to the Prevail Bank.

**Resolution No. 23-060**

THAT the Clare Bank qualifies as a public depository under Chapter 34 of the Wisconsin State Statutes and is hereby designated as a depository in which funds of the City of Baraboo may from time to time be deposited, that the following described accounts have been opened and maintained in the name of this municipality with the bank; that the persons and the number thereof designated by title below be authorized for and on behalf of the municipality to sign drafts or order checks as provided by Section 66.0607 of the Wisconsin Statutes, for payment or withdrawal of money from said accounts:

<b>Name or Type of Account</b>	<b>Account #</b>	<b># of Required Signatures</b>	<b>Authorized Persons</b>
General	525450	2	Clerk and Treasurer
Utilities	525990	2	Clerk and Treasurer

BE IT FURTHER RESOLVED that withdrawals from savings or time deposits shall be by written order pursuant to 66.0607(3) of the Wisconsin Statutes and each transfer order shall be signed by the Clerk and Treasurer, provided, however, in lieu of personal signatures of the Clerk and Treasurer, the facsimile signature adopted by the person and approved by this Council may be affixed to the transfer order; that pursuant to 66.0607(3m) the use of money transfer techniques, including electronic funds transfers and automatic clearinghouse methods, may be used and that the Treasurer shall keep a record of date, payee and amount of such transactions.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be delivered to the Clare Bank.

**Resolution No. 23-061**

THAT the Westby Cooperative Credit Union qualifies as a public depository under Chapter 34 of the Wisconsin State Statutes and is hereby designated as a depository in which funds of the City of Baraboo may from time to time be deposited, that the following described accounts have been opened and maintained in the name of this municipality with the bank; that the persons and the number thereof designated by title below be authorized for and on behalf of the municipality to sign drafts or order checks as provided by Section 66.0607 of the Wisconsin Statutes, for payment or withdrawal of money from said accounts:

<b>Name or Type of Account</b>	<b>Account #</b>	<b># of Required Signatures</b>	<b>Authorized Persons</b>
General Fund	54962-07	2	Clerk and Treasurer

BE IT FURTHER RESOLVED that withdrawals from savings or time deposits shall be by written order pursuant to 66.0607(3) of the Wisconsin Statutes and each transfer order shall be signed by the Clerk and Treasurer, provided, however, in lieu of personal signatures of the Clerk and Treasurer, the facsimile signature adopted by the person and approved by this Council may be affixed to the transfer order; that pursuant to 66.0607(3m) the use of money transfer techniques, including electronic funds transfers and automatic clearinghouse methods, may be used and that the Treasurer shall keep a record of date, payee and amount of such transactions.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be delivered to the Westby Co-operative Credit Union.

**Resolution No. 23-062**

THAT the US Bank National Associates qualifies as a public depository under Chapter 34 of the Wisconsin State Statutes and is hereby designated as a depository in which funds of the City of Baraboo may from time to time be deposited, that the following described accounts have been opened and maintained in the name of this municipality with the bank; that the persons and the number thereof designated by title below be authorized for and on behalf of the municipality to sign drafts or order checks as provided by Section 66.0607 of the Wisconsin Statutes, for payment or withdrawal of money from said accounts:

<b><u>Name or Type of Account</u></b>	<b><u>Account #</u></b>	<b><u># of Required Signatures</u></b>	<b><u>Authorized Persons</u></b>
FICA Account		2	Clerk and Treasurer

BE IT FURTHER RESOLVED that withdrawals from savings or time deposits shall be by written order pursuant to 66.0607(3) of the Wisconsin Statutes and each transfer order shall be signed by the Clerk and Treasurer, provided, however, in lieu of personal signatures of the Clerk and Treasurer, the facsimile signature adopted by the person and approved by this Council may be affixed to the transfer order; that pursuant to 66.0607(3m) the use of money transfer techniques, including electronic funds transfers and automatic clearinghouse methods, may be used and that the Treasurer shall keep a record of date, payee and amount of such transactions.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be delivered to the Bank.

**Resolution No. 23-063**

THAT the Charles Schwab and Company, qualifies as a public depository under Chapter 34 of the Wisconsin State Statutes and is hereby designated as a depository in which funds of the City of Baraboo may from time to time be deposited, that the following described accounts have been opened and maintained in the name of this municipality with the bank; that the persons and the number thereof designated by title below be authorized for and on behalf of the municipality to sign drafts or order checks as provided by Section 66.0607 of the Wisconsin Statutes, for payment or withdrawal of money from said accounts:

<b><u>Name or Type of Account</u></b>	<b><u>Account #</u></b>	<b><u># of Required Signatures</u></b>	<b><u>Authorized Persons</u></b>
Schwab One Brokerage account	3694-7092	1	Clerk, Treasurer or Dana Investment Advisors

BE IT FURTHER RESOLVED that withdrawals from savings or time deposits shall be by written order pursuant to 66.0607(3) of the Wisconsin Statutes and each transfer order shall be signed by the Clerk and Treasurer, provided, however, in lieu of personal signatures of the Clerk and Treasurer, the facsimile signature adopted by the person and approved by this Council may be affixed to the transfer order; that pursuant to 66.0607(3m) the use of money transfer techniques, including electronic funds transfers and automatic clearinghouse methods, may be used and that the Treasurer shall keep a record of date, payee and amount of such transactions.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be delivered to the Bank.

**Resolution No. 23-064**

THAT the BMO Harris Bank qualifies as a public depository under Chapter 34 of the Wisconsin State Statutes and is hereby designated as a depository in which funds of the City of Baraboo may from time to time be deposited, that the following described accounts have been opened and maintained in the name of this municipality with the bank; that the persons and the number thereof designated by title below be authorized for and on behalf of the municipality to sign drafts or order checks as provided by Section 66.0607 of the Wisconsin Statutes, for payment or withdrawal of money from said accounts:

<b>Name or Type of Account</b>	<b>Account #</b>	<b># of Required Signatures</b>	<b>Authorized Persons</b>
General Fund	2061232	2	Clerk and Treasurer

BE IT FURTHER RESOLVED that withdrawals from savings or time deposits shall be by written order pursuant to 66.0607(3) of the Wisconsin Statutes and each transfer order shall be signed by the Clerk and Treasurer, provided, however, in lieu of personal signatures of the Clerk and Treasurer, the facsimile signature adopted by the person and approved by this Council may be affixed to the transfer order; that pursuant to 66.0607(3m) the use of money transfer techniques, including electronic funds transfers and automatic clearinghouse methods, may be used and that the Treasurer shall keep a record of date, payee and amount of such transactions.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be delivered to the Bank.

**Resolution No. 23-065**

THAT the facsimile signatures of the Mayor, Clerk, and Treasurer are hereby approved.

**Resolution No. 23-066**

THAT the Baraboo News Republic be declared the official City newspaper.

Moved by: Petty

Seconded by: Sloan

**Motion: CARRIED (8 to 0)**

**10. APPOINTED BY THE MAYOR AND CONFIRMED BY THE COUNCIL**

Motion by Hazard, seconded by Sloan and carried unanimously that the Mayor's appointments be voted on as a slate rather than individually, provided that the right to vote separately on any individual appointment is reserved if any Council member so requests.

Moved by Sloan, seconded by Kent and carried unanimously to approve the slate of appointments as requested by the Mayor:

<b>Incumbent</b>	<b>Position</b>	<b>Newly Appointed</b>	<b>New Term Ends</b>
<b><u>Administrative Review Appeals</u></b>			
Scott Sloan	Council	<u>David Olson</u>	4/15/2024
<b><u>BEDC</u></b>			
Jason Kent	Aldersperson	<u>Jason Kent</u>	4/15/2024
Rob Nelson	Mayor	<u>Rob Nelson</u>	4/15/2024
Chantel Steinhorst	Citizen	<u>Nanci Caflisch</u>	2/28/2026
Seth Meise	Citizen	<u>Seth Meise</u>	2/28/2026
<b><u>Business Improvement District</u></b>			
Kathleen Thurow	Aldersperson	<u>Kathleen Thurow</u>	4/15/2024
Brenden McDaniel	Business Owner	<u>Brenden McDaniel</u>	4/30/2026
Bekah Stelling	Retail Tenant	<u>Bekah Stelling</u>	4/30/2026
<b><u>Community Development Authority</u></b>			
Joel Petty	Aldersperson	<u>Joel Petty</u>	4/15/2024
Bryant Hazard	Aldersperson	<u>Bryant Hazard</u>	4/15/2024
Carolyn Wastlund	Citizen	<u>Carolyn Wastlund</u>	11/14/2025

Cliff Bobholz	Citizen	<u>Dave Mowers</u>	11/14/2025
Vacant	Citizen	<u>Vacant</u>	11/14/2024
Dean Skare	Tenant		11/14/2025

**Emergency Management Commission**

Kevin Stieve	Fire Dept./Emer. Man. Dir.	<u>Kevin Stieve</u>	4/15/2024
Wade Peterson	Utility Superintendent/citizen	<u>Wade Peterson</u>	4/15/2024
Caleb Johnson	Ambulance Service/citizen	<u>Caleb Johnson</u>	4/15/2024
Rob Sinden	Police Chief	<u>Rob Sinden</u>	4/15/2024
David Kitkowski	Hospital/citizen	<u>David Kitkowski</u>	4/15/2024
Tom Pinion	Engineer	<u>Tom Pinion</u>	4/15/2024
Rob Nelson	Mayor	<u>Rob Nelson</u>	4/15/2024

**Ethics Board**

Dallas Johnson	Citizen	<u>Dallas Johnson</u>	4/30/2026
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**Park and Recreation Comm.**

Heather Kierzek	Aldersperson	<u>Heather Kierzek</u>	4/15/2024
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**Weed Commissioner**

John Statz	Regular	<u>John Statz</u>	4/15/2024
Vacant	Deputy	<u>Vacant</u>	4/15/2024

**Zoning Board of Appeals**

Patrick Liston	Citizen	<u>Gil Gerdman</u>	4/30/2026
Robert Madalon (Vacant)	Citizen	<u>Gretchen Viney</u>	4/30/2026
Vacant	Citizen (Alt. #2)	<u>Patrick Liston</u>	4/30/2026

**11. ADJOURNMENT (Voice Vote)**

Moved by: Petty

Seconded by: Sloan

That the meeting adjourn at 5:11pm.

**Motion: CARRIED (8 to 0)**


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 Brenda M. Zeman, City Clerk

**Common Council Meeting Minutes****April 25, 2023, 7:00 p.m.****Council Chambers, 101 South Blvd., Baraboo, Wisconsin**

Members Present: Olson, Kolb, Hazard, Kent, Petty, Sloan, Kierzek, Thurow  
Members Absent: Ellington  
Others Present: Chief Sinden, Adm. Bradley, Clerk Zeman, J. Ostrander, T. Pinion, P. Cannon, M. Mueller, members of the press and others

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**1. CALL TO ORDER**

Mayor Nelson called the meeting to order at 7:00pm.

**2. ROLL CALL AND PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given.

**3. APPROVAL OF PREVIOUS MINUTES**

Moved by: Kolb

Seconded by: Kent

**Motion: CARRIED**

**4. APPROVAL OF AGENDA**

Moved by: Petty

Seconded by: Kolb

**Motion: CARRIED**

**5. COMPLIANCE WITH OPEN MEETING LAW NOTED****6. PRESENTATIONS**

*None Scheduled.*

**7. PUBLIC HEARINGS**

*None Scheduled.*

**8. PUBLIC INVITED TO SPEAK**

No one spoke.

**9. MAYOR'S BUSINESS**

- The Mayor read a proclamation for the month of May celebrating Older Americans.
- Re-Appointment of Paul Kujak to the Police & Fire Commission, serving until April 30, 2028
- On Monday, May 1st at 6:00pm there will be a training on Parliamentary Procedures. All Board/Committee/Commission members are encouraged to attend. Training will take place in the Council Chambers at City Hall.
- Coffee with a Cop on May 3, 2023 at Nautical Coffee Co. from 9am to 11am.

**10. CONSENT AGENDA**

Moved by: Petty

Seconded by: Kolb

**Motion: CARRIED (8 to 0)**

**10.1 Accounts Payable****Resolution No. 2023-067**

Approve the Accounts Payable to be paid in the amount of \$730,019.95.

**10.2 Appointment****Resolution No. 2023-068**

Approve the appointment of Gwen Herrewig to fill the unexpired term of Lynn Harthorne to the Library Board.

**11. ORDINANCES ON 2nd READING**

**11.1 Rezone Southwest Corner of Commerce Ave & Hatchery Road, 3.59 acres**

Moved by: Sloan

Seconded by: Petty

Approve the 2nd reading of **Ordinance No. 2609** amending §17.18(4)(a) and the Zoning District Map rezoning the northerly 3.59 acres Lot 3, of Sauk County Certified Survey Map No. 5479, located on the southwest corner of Commerce Avenue and Hatchery Road in the NE1/4 of the NW1/4 of Section 3, T11N, R6E, in the City of Baraboo, Sauk County, Wisconsin.

**Motion: CARRIED (8 to 0)**

**11.2 Rezone 821 Broadway**

Moved by: Sloan

Seconded by: Hazard

Approve the 2nd reading of **Ordinance No. 2610** amending §17.18(4)(a) and the Zoning District Map rezoning the property located at 821 Broadway, being the easterly 60 feet of the northerly 70 feet of Lot 1, Block 9, City of Baraboo, formerly Adams, Sauk County, Wisconsin.

**Motion: CARRIED (8 to 0)**

**12. NEW BUSINESS- RESOLUTIONS**

**12.1 I A.M. Dairy, Purchase Agreement**

**Amendment:**

Moved by: Hazard

Seconded by: Kolb

Motion to strike item #6 from the Purchase Agreement Addendum, "Proposed Life", because of the naming rights.

Against (5): Kent, Petty, Sloan, Kierzek, and Thurow

**Motion: DEFEATED (3 to 5)**

**Resolution No: 2023-069**

Moved by: Kent

Seconded by: Petty

**WHEREAS**, the Common Council desires to take the steps necessary to create a park as proposed on the Baraboo River between Vine and Walnut Streets,

**WHEREAS**, this area has several areas that are remnants of the Alliant East contamination site and need to be mitigated for suitable public use,

**WHEREAS**, clean-up of these sites and creation of a park in this area will allow for residential and commercial development in the area,

**WHEREAS**, the acquisition of 104 Vine Street, AKA 1 AM Dairy, is the next step in the process of creating this park,

**NOW, THEREFORE BE IT RESOLVED**, the City Administrator is hereby authorized to enter into a purchase agreement with the owner and take the steps necessary to close on the property for \$650,000.

**Motion: CARRIED (8 to 0)**

**12.2 2023 Stewardship Grant**

**Resolution No: 2023-070**

Moved by: Thurow

Seconded by: Petty

THAT the City accept the Stewardship grant contract for the Vine Street Acquisition offered by the Wisconsin Department of Natural Resources and that City staff be authorized to sign the contract on behalf of the City.

**Motion: CARRIED (8 to 0)**

12.3 Liquor License Renewal

**Resolution No: 2023-071**

Moved by: Hazard

Seconded by: Kolb

THAT the City Clerk be authorized to issue the following Liquor License for the period of May 1, 2023 to October 31, 2023:

6-month Class "B" Fermented Malt Beverage

- Baraboo Dugout Club, 950 Walnut Street (Pierce Park)

**Motion: CARRIED (8 to 0)**

12.4 Center for Rural Innovation Assessment

**Resolution No: 2023-072**

Moved by: Kent

Seconded by: Sloan

The Common Council hereby authorizes the City Administrator to use \$2,500 from the Planning Budget, Contracted Services line item and to bring back a budget amendment at a later time if one is needed.

**Motion: CARRIED (8 to 0)**

12.5 Abby Vans Contract

**Resolution No: 2023-073**

Moved by: Sloan

Seconded by: Thurow

THAT the Shared Ride Taxi Service Second Lease Addendum to Exercise Option to Renew agreement is renewed with the updated Addendum A Vehicle Information for the City of Baraboo with Abby Vans, Inc. beginning January 1, 2023 – December 31, 2023.

**Motion: CARRIED (8 to 0)**

13. **NEW BUSINESS ORDINANCES**

13.1 Revise Chapter 17 Zoning Code

Moved by: Thurow

Seconded by: Petty

Motion to approve the 1st reading of **Ordinance No. 2611** amending §17.13A to Zoning Code to regulate Short-Term Rentals.

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DO ORDAIN AS FOLLOWS:

**17.13A SHORT-TERM RENTALS**

- (1) PURPOSE. The purpose of this ordinance is to ensure that the quality of short-term rentals operating within the City is adequate for protecting public health, safety and general welfare, including: establishing minimum standards of space for human occupancy and for an adequate level of maintenance; determining the responsibilities of owners, operators and property managers offering these properties for tourists or transient occupants, to

protect the character and stability of all areas, especially residential areas, within the City; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and providing for the administration and enforcement thereof.

- (2) DEFINITIONS. For the purpose of administering and enforcing this Article, the terms or words used herein shall be interpreted as follows:

**Clerk** means the City Clerk of the City of Baraboo or designee.

**Corporate Entity** means a corporation, partnership, limited liability company or sole proprietorship licensed to conduct business in this state.

**License** means the Short-Term Rental License issued under this Article.

**Owner** means the owner of a short-term rental.

**Owner occupied** means the Owner resides in the premise a minimum of 210 days per year.

**Person** shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word person is used in any Article of this Article prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such Article.

**Property Manager** means any person that is not the Owner that is appointed to act as agent and/or provides property management services to one or more short-term rental.

**State** means the State of Wisconsin Department of Health, or its designee.

### (3) SHORT-TERM RENTAL LICENSE.

- (a) All License applications shall be filed with the Clerk on forms provided. Applications must be filed by the Owner. No license shall be issued unless the completed application form is accompanied by payment of the required fee.
- (b) Each application shall include the following information and documentation for each short-term rental unit:
  - i. Owner's name, address and phone number;
  - ii. Property Manager's name, address and phone number, if applicable (see §17.xx(4), below);
  - iii. A copy of State of Wisconsin License for a Tourist Rooming House License issued under §254.64, Wis. Stat;
  - iv. A copy of a completed State Lodging Establishment Inspection form dated within one (1) year of the date of issuance or renewal;
  - v. Proof of insurance (see §17.XX(5)(12), below);

- vi. Floor plan and requested maximum occupancy;
- vii. Site plan including available onsite parking;
- viii. A Room Tax Permit issued pursuant to §3.14, Baraboo Municipal Code;
- ix. A Seller's Permit issued by the Wisconsin Department of Revenue;
- x. An employer identification number issued by the Internal Revenue Service.

(c) Each permit and license shall run during a calendar year. Any application which does not include all of the information and documentation shall not be considered as complete.

(d) When satisfied that the application is complete, the Clerk shall forward the application to the appropriate City Departments for review. If the Clerk in consultation with City staff determines that the application meets the requirements of this Article, the Clerk shall approve the application. If the Clerk in consultation with City staff determines that the application does not meet the requirements of this Article, the Clerk shall deny the application.

(e) No License shall be issued or renewed unless there is filed with the Clerk a completed Fire Inspection Report dated not more than one (1) year before the date of issuance or renewal.

(f) No License shall be issued or renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the City, unless arrangements for payment have been approved by the Clerk.

### (4) PROPERTY MANAGER.

- (a) A Property Manager is required for any short-term rental that is not owner occupied.
- (b) To qualify as a Property Manager, the Property Manager must meet the following requirements:
  - i. Be a natural person residing in or within twenty-five (25) miles of the City, or a corporate entity with offices located within twenty-five (25) miles of the City.

- ii. Do not have an arrest or conviction record for a felony or misdemeanor charge, for which the circumstances of the charge substantially relate to the circumstances of managing a short-term rental, subject to Wis. Stat. §§ 111.321, 111.322, and 111.335.
  - (c) Each Property Manager shall be authorized by the Owner to act as the agent for the Owner for the receipt of service of notice of violation of this Article's provisions and for service of process pursuant to this Article and shall be authorized by the Owner to allow City employees, officers and their designees, to enter the Owner's property for purposes of inspection and enforcement of this Article and/or the City Municipal Code.
  - (d) As a condition of granting a License, each Property Manager shall consent to a personal photograph and sign a waiver permitting the City to secure from the Federal Bureau of Investigation and the Wisconsin Crime Information Bureau a record check of the Property Manager.
- (5) OPERATION OF SHORT-TERM RENTALS.
- (a) No person may maintain, manage, or operate a short-term rental more than six (6) nights in a 365-consecutive day period without a License.
  - (b) Every short-term rental shall be operated by an Owner or Property Manager.
  - (c) Each short-term rental shall comply with all of the following:
    - i. No vehicular traffic shall be generated that is greater than normally expected in the residential neighborhood.
    - ii. There shall not be excessive noise, fumes, glare, vibrations generated during the use.
    - iii. Name plates or other signage shall not exceed one square foot. No other signage advertising the short-term rental is permitted on site. Off-site advertising in media channels relating to the availability of the rental may take place only after all City, County and State permits and licenses have been obtained.
- iv. The number of occupants in any unit shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable county and City housing regulations based upon the number of bedrooms in each unit.
  - v. No recreational vehicles (RVs), camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees.
  - vi. Any outdoor event held at the short-term rental shall last no longer than one day, occurring between the hours of 8:00 a.m. and 10:00 p.m. Any activities shall be in compliance with other noise regulations of the City.
  - vii. Compliance with all applicable state, county, and local codes and regulations is required.
  - viii. Annual general building inspection is required prior to issuance or renewal of the license, to be conducted by the Building Inspector and Fire Inspector at the sole cost of the Owner.
  - ix. Short-term rental licenses are issued for one year period and must be renewed annually as provided for in this Article.
  - x. Each short-term rental shall carry casualty and liability insurance at all times and issued by an insurance company authorized to do business in this state by the Wisconsin Office of the Commissioner of Insurance, with liability limits of not less than

\$300,000 per individual and  
\$1,000,000 aggregate.

- xi. Each short-term rental shall maintain the following written records for each rental of the dwelling unit: the full name and current address of any person renting the property, the time period for that rental, and the monetary amount or consideration paid for that rental.
- xii. Each license shall be displayed on the inside of the main entrance door of each short-term rental.

(6) RENEWAL.

- (a) Each application for a renewal License shall include updated information for the documentation on file with the Clerk and payment of the applicable fee. The Clerk shall verify that the information provided on the renewal application is complete and in accordance with the requirements of this Article. The Clerk shall request reports from the Police Department and Zoning Administrator regarding any complaints received, calls for service or actions taken regarding the short-term rental properties.
- (b) The Clerk shall issue renewal licenses within thirty (30) days of the filing of the application unless the information provided is incomplete or otherwise not in compliance with the requirements of this Article and/or the reports from the Police Department and the Zoning Administrator indicate that there are complaints or actions involving the property that substantially relate to the use of the property as a short term rental. If the Clerk finds that the license or permit should not be renewed, the Clerk shall deny the renewal.
- (c) No License shall be renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the City, or is under an order issued by the Building Inspector, Fire Inspector, Zoning Administrator or Police Department to bring the premises into compliance with City ordinances, unless arrangements for payment have been approved by the Finance Director.

(7) STANDARDS FOR SHORT-TERM RENTALS.

- Each short-term rental shall comply with this Article's requirements or any other applicable City ordinance. Each short-term rental shall comply with the following minimum requirements:
- (a) Not less one hundred fifty (150) square feet of floor space for the first occupant thereof and at least an additional one hundred (100) square feet of floor space for every additional occupant thereof; the floor space shall be calculated on the basis of total habitable room area. Floor space is determined using interior measurements of each room. Floor space does not include kitchens, bathrooms, closets, garages, or rooms not meeting Uniform Dwelling Code requirements for occupancy. The maximum occupancy for any premises without a separate enclosed bedroom is two (2) people;
  - (b) At any property served by a septic system, at least 1 internal full bathroom for every four (4) occupants.
  - (c) Not less than one (1) onsite off-street parking spaces for every four (4) occupants based upon maximum occupancy;
  - (d) At least two safe, unobstructed means of egress from the short-term rental leading to safe, open space at ground level;
  - (e) Shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 321 of the Wisconsin Administrative Code;
  - (f) Shall not have an accessible wood burning fireplace unless the property owner provides a certificate from a properly licensed inspector, dated not more than thirty (30) days prior to submission, certifying that the fireplace and chimney have been inspected and are in compliance with National Fire Prevention Association Fire Code Chapter 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances;
  - (g) Shall not have a hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking or any other purpose on

any balcony, deck or under any overhanging structure or within ten (10) feet of any structure;

- (h) Shall not have a fire pit or other similar device used for heating or any other purpose on any balcony, deck or under any overhanging structure or within fifteen (15) feet of any structure.

(8) APPEAL AND LICENSE REVOCATION

- (a) The denial of a License application or renewal under this Article may be appealed by filing a written appeal request with the Clerk within ten (10) calendar days of the City's notice of denial. The appeal shall be governed by Chapter 6 of the Baraboo Municipal Code.
- (b) A License may be revoked by the Clerk for one or more of the following reasons:

- i. Failure of the Owner to make timely payment on taxes or debt owed to the City;
- ii. Failure of the Owner to make timely payment of the room tax;

- iii. Determination by the Chief of Police that the property is a Chronic Nuisance Premises, as defined by §10.05A, Baraboo Municipal Code.
- iv. Failure to maintain all required local, county, and state licensing requirements;
- v. Failure to use the property as a short-term rental within twelve (12) months of obtaining the License;
- vi. Any violation of local, county, or state laws that substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood.

(9) PENALTIES

- (a) Any person who violates any provision of this Article shall be subject to a penalty as provided in §25.04, Baraboo Municipal Code.
- (b) Penalties set forth in this Article shall be in addition to all other remedies of injunction, abatement or costs whether existing under this Article or otherwise

- (10) FEES. Initial and renewal Short-Term Rental application fee shall be \$200.00. This fee is nonrefundable and due upon application or renewal submission to the Clerk.

- (11) SEVERABILITY. If any provision of this Article and its ordinances is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this Article or its ordinances. It is hereby declared to be the intention of the City of Baraboo that all provisions of this Article and its ordinances therein are separable.

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

**Motion: CARRIED (8 to 0)**

13.2 Create Ordinance in Chapter 17 Zoning Code

Moved by: Kolb

Seconded by: Sloan

Motion to approve 1st reading of **Ordinance No. 2612** creating §17.56 Wellhead Protection Ordinance in the Municipal Code of the City of Baraboo, relating to the protection of the municipal water supply.

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DO ORDAIN AS FOLLOWS:

**SECTION 1. WELLHEAD PROTECTION ORDINANCE: CHAPTER 17 – ZONING CODE,**

**Sec. 17.56 - Wellhead** Protection Ordinance, of the code of ordinances, City of Baraboo, Wisconsin is hereby created to read as follows:

**17.56 WELLHEAD PROTECTION ORDINANCE.**

- **PURPOSE.** The residents of the City of Baraboo depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection Ordinance is to institute land use regulations and restrictions within a defined area which contributes water directly to the municipal water supply providing protection for the aquifer and municipal water supply of the City of Baraboo and promoting the public health, safety and general welfare of city residents.
- **AUTHORITY.** Statutory authority of the city to enact these regulations is provided by §62.23(7)(c), which specifically authorizes regulation in the incorporated areas of the city to encourage the protection of groundwater resources.
- **APPLICATION.** The regulations specified in this Wellhead Protection Ordinance shall apply within the area surrounding each municipal water supply well that has been designated as a “Wellhead Protection Area” by the city in its most recent and up-to-date Wellhead Protection Plan. The requirements of this ordinance are in addition to the requirements in the underlying zoning district for the Wellhead Protection Areas. If there is a conflict between this chapter and the zoning ordinance, the more restrictive provision shall apply.
- **WELLHEAD PROTECTION AREA.** The location and boundaries of the Wellhead Protection Areas regulated by this chapter are set forth in the City of Baraboo’s most recent and up-to-date Wellhead Protection Plan on the map titled “Wellhead Protection Area” [on file in the City of Baraboo Water Utility Office]. The map titled “Wellhead Protection Area” included in the city’s most recent and up-to-date Wellhead Protection Plan is incorporated herein and hereby made a part of this ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein.
  - *Note:* Wellhead Protection Area is derived from hydrologic studies and are based on the area surrounding a well where groundwater takes 5-years or less to travel from the land surface to the pumping well
- **PERMITTED USES.** The following uses are permitted in the Wellhead Protection Areas subject to the separation distances in Section (8) SEPARATION DISTANCES.
  - Parks, playgrounds or wildlife areas, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
  - Non-motorized trails, such as bike, skiing, nature and fitness trails.
  - Residential, commercial, industrial and public authority establishments that are municipally sewered and whose use, storage, handling and/or production of hazardous chemicals (identified by OSHA under 29 CFR 1910.1200(c) or 40 CFR Part 370) in aggregate may not exceed 20 gallons or 160 pounds at any

time, except for those uses listed as “conditional” or “prohibited” in Sections 6 or 7).

- Routine tillage, planting, and field management operations in support of agricultural crop production, where nutrients from legume, manure, and commercial sources are accounted for and credited toward crop nutrient need. The combination of all nutrient sources applied or available on individual fields may not exceed University of Wisconsin soil test recommendations for that field.
- **CONDITIONAL USES.** The following uses may be conditionally permitted in the Wellhead Protection Areas under the city’s conditional use permit process found in *17.37 Conditional Uses*, and subject to the separation distances in Section (8) **SEPARATION DISTANCES.**
  - Hydrocarbon, petroleum or hazardous chemical storage tanks.
  - Motor vehicle services, including filling and service stations, repair, renovation and body work.
  - Residential, commercial industrial, and public authority establishments that are municipally sewered and whose use, storage, handling and/or production of hazardous chemicals (identified by OSHA under 29 CFR 1910.1200(c) or 40 CFR Part 370) in aggregate exceeds 20 gallons or 160 pounds at any time.
  - Storm water infiltration basins
  - Geothermal wells, also known as ground source heat pump along with any associated piping and/or ground loop component installations.
- **PROHIBITED USES.** The following uses are prohibited in the Wellhead Protection Areas.
  - Animal waste storage areas and facilities.
  - Application of fertilizer to manicured lawns or grasses in excess of the nutrient requirements of the grass.
  - Asphalt product manufacturing plants.
  - Dry cleaning establishments.
  - Fertilizer manufacturing or storage facilities.
  - Foundries and forge plants.
  - Hazardous chemical processing or manufacturing facilities.
  - Industrial liquid waste storage areas.
  - Landfills or other areas for dumping, disposal or transferring of garbage, refuse, recycling, trash, or demolition material, including auto salvage operations.
  - Metal reduction or refinement facilities.
  - Mining operations, including metallic, gravel pits, industrial or frac-sand mining.
  - Motor freight terminals.
  - Petroleum or hazardous chemical storage greater than 110 gallons in any single wall petroleum storage tank (double wall storage tanks installations shall meet the requirements of s. ATCP 93.260, Wis. Adm. Code, and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110).
  - Road salt or de-icing materials storage areas.
- **SEPARATION DISTANCES.** The following separation distances as specified in s. NR 811.12(5), Wis. Adm. Code, shall be maintained within the Wellhead Protection Areas.
  - Ten feet between a well and an emergency or standby power system that is operated by the same facility which operates the well and that has a double wall above ground storage tank with continuous electronic interstitial leakage monitoring. These facilities shall meet the installation requirements of [ATCP 93.260](#), Wis. Adm. Code, and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. [ATCP 93.110](#).

- Fifty feet between a well and a storm sewer main or a sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints. Gravity sanitary sewers shall be successfully air pressure tested in place. The air pressure test shall meet or exceed the requirements of the 4 psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer & Water Construction in Wisconsin. Force mains shall be successfully pressure tested with water to meet the AWWA C600 pressure and leakage testing requirements for one hour at 125% of the pump shut-off head.
- Two hundred feet between a well field and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one or two family residential heating fuel oil underground storage tank or above ground storage tank or private onsite wastewater treatment system (POWTS) treatment tank or holding tank component and associated piping.
- Three hundred feet between a well field and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements of s. ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
- Three hundred feet between a well field and any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy; other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of s. ATCP 93.260, and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
- Four hundred feet between a well field and a POWTS dispersal component with a design capacity of less than 12,000 gallons per day, a cemetery or a storm water retention or detention pond.
- Six hundred feet between a well field and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the standard double wall tank or single wall tank secondary containment installation requirements of s. ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

- One thousand feet between a well field and land application of municipal, commercial, or industrial waste; the boundaries of a land spreading facility for spreading of petroleum-contaminated soil regulated under state administrative regulations while that facility is in operation; agricultural, industrial, commercial or municipal waste water treatment plant treatment units, lagoons, or storage structures; manure stacks or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.
- Twelve hundred feet between a well field and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds [NR 140](#) enforcement standards; coal storage area; salt or deicing material storage area; any single wall farm underground storage tank or single wall farm above ground storage tank or other single wall underground storage tank or above ground storage tank that has or has not received written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110 for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling or storage facilities.
- **EXISTING NON-CONFORMING USES.** Nonconforming uses, structures and lots lawfully in use or existing at the time of the adoption or amendment of this ordinance may be continued although the use does not conform to the provisions of this ordinance. However, only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this ordinance.

**SECTION 2. CONFLICT AND SEVERABILITY.** If any section, subsection, sentence, clause, paragraph or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or other applicable administrative or governing body, such decision shall not affect the validity of any other section, subsection, sentence, clause, paragraph or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, paragraphs, or phrases may be declared invalid or unconstitutional.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall take effect upon passage and publication as provided by law.

**Motion: CARRIED (8 to 0)**

13.3 Annexation, STH 136

Moved by: Hazard

Seconded by: Kolb

Motion to approve suspending the Council Rules as permitted by §2.04(20) of the Baraboo Municipal Code.

**Motion: CARRIED (8 to 0)**

Moved by: Thurow

Seconded by: Sloan

Motion to waive the second reading of **Ordinance No. 2613.**

**Motion: CARRIED (8 to 0)**

Moved by: Hazard

Seconded by: Kolb

Motion to approve the 1st, and final reading of **Ordinance No. 2613** amending §§ 1.49(2), 8.01(3), and 17.18(4)(b) of the Municipal Code of the City of Baraboo thereby annexing certain lands in the Town of Baraboo to the City of Baraboo pursuant to a unanimous petition for annexation filed jointly by: JHGV, LLC, RRP Cherry Valley Holdings, LLC, the City of Baraboo, John S and Barbara J Turner, TLH BARABOO WI PROPCO, LLC.

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DO ORDAIN AS FOLLOWS:

WHEREAS, a joint petition for direct annexation by unanimous consent, together with the attached scaled map, has been presented to the Common Council requesting annexation of the territory described below to the City of Baraboo from the Town of Baraboo and it having been represented to the City in a sworn affidavit that the petition has been signed by the owners of all the lands and area and assessed value within the territory to be annexed, that no persons or electors reside within said territory, and that said territory lies contiguous to the City of Baraboo, and that the petition has been filed with the City Clerk of the City of Baraboo, and the Plan Commission has reviewed the proposed annexation and zoning thereof and recommends the adoption of this ordinance, and, pursuant to § 66.0217, Wis. Stat., the City Clerk has filed with the Wisconsin Department of Administration a copy of the petition for direct annexation, the scaled map, and the legal description of the territory to be annexed, together with other pertinent information, and the Department of Administration has found that the annexation is in the public interest, and the Common Council has reviewed the advice of the Department of Administration and the Common Council accepts the petition as sufficient and hereby determines that the said annexation proceedings herein meet the requirements of the Wisconsin Statutes, and

WHEREAS, the territory proposed to be annexed and the proposed development thereof is consistent with the 2009 City of Baraboo Comprehensive Master Plan, and

WHEREAS, the territory proposed for annexation is well-suited for development and said lands are suitable for the extension of police, fire, sewer, water, and other services, and

WHEREAS, satisfactory, adequate, and safe municipal water and municipal sanitary sewer facilities are reasonably acceptable and available for extension to serve the territory proposed for annexation, and the proposed territory to be annexed is predominantly within the sanitary sewer growth area in the City's Sanitary Sewer Service Area Plan dated January 2016, and

WHEREAS, this Common Council finds that the territory to be annexed is contiguous to the City and its shape is unexceptional, and

WHEREAS, this Common Council has considered the recommendation of the Plan Commission that the territory described above proposed for annexation should be annexed to the City and that the annexed territory be zoned as described in Section 2 of this ordinance and that the said zoning promotes the public health, safety, and general welfare of this community, and

WHEREAS, this Common Council has received and reviewed the advisory opinion of the Wisconsin Department of Administration issued pursuant to § 66.0217(6), Wis. Stat., and said opinion is on file in the office of the Baraboo City Clerk and is hereby adopted by reference as though fully set forth herein, and

WHEREAS, pursuant to § 66.0217(14), Wis. Stats., the City shall annually pay the Town of Baraboo, for a period of 5 years, an amount equal to the amount of property taxes that the Town levied on the annexed territory in the year that the annexation is final.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF BARABOO, SAUK COUNTY, WISCONSIN DOES ORDAIN AS FOLLOWS:

1. In accordance with § 66.0217 of the Wisconsin Statutes and the petition for direct annexation by unanimous consent filed with the City Clerk and signed by all of the owners of all of the real estate located in the territory to be annexed, the following described territory in the Town of Baraboo, Sauk County, Wisconsin, is hereby annexed to the City of Baraboo, Wisconsin:

Being part of the fractional Northwest Quarter of the Northeast Quarter, the fractional Northeast Quarter of the Northwest Quarter, the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter, Section 3, Town 11 North, Range 6 East, Town of Baraboo, Sauk County, Wisconsin, described as follows:

Commencing at the North Quarter corner of Section 3;  
thence South 00°15'05" East along the West line of the Northeast Quarter of Section 3, 654.56 feet to the point of beginning;  
thence South 89°50'50" East, 44.41 feet to a point in the East right-of-way line of State Trunk Highway 136;  
thence South 00°09'10" West along the East right-of-way line of State Trunk Highway 136, 184.58 feet to a point in the North line of lands described and recorded in Document No. 1244962;  
thence North 89°50'22" East along the North line of lands described and recorded in Document No. 1244962, 198.80 feet to the West line of Lot 12, Plat of City of Baraboo Industrial Park;  
thence South 00°10'37" West along the West line of Lots 11 and 12, Plat of City of Baraboo Industrial Park, 731.87 feet to the North right-of-way line of Sauk Avenue;  
thence South 89°58'33" West along the North right-of-way line of Sauk Avenue, 198.48 feet;  
thence South 00°09'10" West along the East right-of-way line of State Trunk Highway 136 and the Northerly extension thereof, 388.10 feet;  
thence South 00°28'46" East along the East right-of-way line of State Trunk Highway 136, 164.15 feet;  
thence South 89°43'00" West along the South line of lands described and recorded in Document No. 770546, the South line of lands described and recorded in Document No. 1243260 and the South line of the Northeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 3, 697.28 feet to the Southwest corner of the Northeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 3 and the East right-of-way line of Commerce Avenue;  
thence North 00°16'35" West along the East right-of-way line of Commerce Avenue and the West line of the Northeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 3, 664.80 feet to a point in the North line of the Southeast Quarter of the Northwest Quarter of Section 3 and the South line of Lot 2, Certified Survey Map, No. 6052;  
thence North 89°40'51" East along the North line of the Southeast Quarter of the Northwest Quarter of Section 3, the South line of Lot 2, Certified Survey Map, No. 6052 and the South line of Lot 4, Certified Survey Map, No. 3129, 593.97 feet to a point in the West right-of-way line of State Trunk Highway 136;  
thence North 00°09'45" East along the West right-of-way line of State Trunk Highway 136, 133.19 feet;  
thence North 89°55'05" East, 66.78 feet to a point in the West line of the Northeast Quarter of Section 3;  
thence North 00°15'05" West along the West line of the Northeast Quarter of Section 3, 390.18 feet;

thence South 89°43'20" West, 57.47 feet to the West right-of-way line of State Trunk Highway 136;  
thence North 00°08'31" East along the West right-of-way line of State Trunk Highway 136, the East line of Lot 2, Certified Survey Map, No. 518 and the East line of Lot 3, Certified Survey Map, No. 3129, 280.66 feet;  
thence South 89°50'50" East, 55.54 feet to the point of beginning.

Containing 667,820 square feet, (15.33 acres), more or less.

The petition for annexation of the above-described territory is hereby accepted as a sufficient and legal petition conforming to the requirements of § 66.0217, Wis. Stat., and it is determined that the annexation proceedings herein meet the requirements of the Wisconsin Statutes.

From and after the date of this ordinance, the territory described in Section 1 above shall be part of the City of Baraboo, Sauk County, Wisconsin, for any and all purposes provided by law, and all persons coming or residing within such territory shall be subject to all ordinances, rules, and regulations governing the City of Baraboo, Wisconsin.

2. Upon recommendation of the Plan Commission, the territory annexed to the City of Baraboo, by this ordinance and collectively owned by JHGV, LLC, RRP Cherry Valley Holdings, LLC, the City of Baraboo, John S and Barbara J Turner, and TLH BARABOO WI PROPCO, LLC respectively, shall be permanently zoned B-3, Highway Oriented Business and designated as part of Aldermanic District 5 in Ward 19 in County Supervisory District 21 upon annexation.
3. The territory described in Section 1 of this ordinance and the respective Aldermanic District, Wards, and County Supervisory District designations described in Section 2 of this ordinance are subject to the ordinances, rules, and regulations of the City of Baraboo governing wards, and the City Engineer is directed to change the City's Official Map and the City's Master Plan and supplement thereto to reflect the terms of this ordinance.
4. Pursuant to Wis. Stat. § 66.0217(14), the City agrees to pay annually to the Town of Baraboo, for 5 years, an amount equal to the amount of property taxes that the Town levied on the annexed territory, as shown by the tax roll under Wis. Stat. § 70.65, in the year in which this annexation is final.
5. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.
6. This Ordinance shall take effect upon passage and publication as provided by law.

**Motion: CARRIED (8 to 0)**

**14. NEW BUSINESS-RESOLUTIONS, Con't**

**14.1 Authorize Waiver of Notice of Public Hearing**

**Resolution No: 2023-074**

Moved by: Sloan

Seconded by: Hazard

WHEREAS, the Community Development Authority of the City of Baraboo, Wisconsin (the "Authority") proposes to acquire the property consisting of, as the date hereof, the following parcels: (1) 002-0068-00000 and (2) 206-0298-20000 (collectively, the "Property") for the purpose of carrying out blight elimination and urban renewal projects and, as required by Section 66.1333(5)(c)2., Wisconsin Statutes, proposes to hold a public hearing to determine whether the Property is a blighted property within the meaning of Section 66.1333(2m)(bm), Wisconsin Statutes;

WHEREAS, the City of Baraboo, Wisconsin (the "City") is the owner of the Property;

WHEREAS, Section 66.1333(5)(c)2., Wisconsin Statutes, requires that notice of the public hearing, describing the time, date, place and purpose of the hearing and generally identifying the property involved be given to the owner of the property at least 20 days prior to the date set for the hearing, by certified mail with return receipt requested; and

WHEREAS, the Common Council finds it necessary, desirable and in the best interests of the City to waive receipt of notice of the public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Baraboo as follows:

1. The City hereby waives receipt of the notice of public hearing required by Section 66.1333(5)(c)2., Wisconsin Statutes,
2. This Resolution shall take effect immediately upon its adoption and approval.

Adopted and approved this 25<sup>th</sup> day of April, 2023.

**Motion: CARRIED (8 to 0)**

**15. ADMINISTRATOR AND COUNCIL COMMENTS**

No Comments.

**16. REPORTS, PETITIONS, AND CORRESPONDENCE**

The City officially acknowledges receipt and distribution of the following:

Reports: March, 2023 - Treasurer

Copies of meeting minutes included in this packet:

**CITY OF BARABOO ADMINISTRATIVE MEETING  
Meeting Minutes**

**March 7, 2023, 8:00 a.m.  
City Hall, Committee Room #205  
101 South Blvd.  
Baraboo, WI 53913**

Members Present: Hazard, Kierzek, Thurow

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**1. CALL TO ORDER**

- 1.a ROLL CALL OF MEMBERS
- 1.b NOTE COMPLIANCE WITH OPEN MEETING LAW
- 1.c APPROVE MINUTES of February 7, 2023.
- 1.d APPROVE AGENDA  
**Moved by:** Hazard  
**Seconded by:** Kierzek  
**Motion:** CARRIED

**2. ACTION ITEM(S)**

- 2.a Temporary Liquor License

Rob Sinden stated no issues.

**Moved by:** Kierzek

**Seconded by:** Hazard

Motion: CARRIED

2.b Amend Chapter 26 Section 1.32 of the Baraboo Code

Bradley described the challenges encountered to repeal the Airport agreement; next step to remove Airport references in city ordinances.

**Moved by:** Hazard

**Seconded by:** Kierzek

Recommendation to the Common Council to approve the repealing and replacement of Section 1.32 in reference to the Baraboo-Wisconsin Dells Airport.

Motion: CARRIED

3. **DISCUSSION**

3.a Strategic Plan

Discussion ensued on the updates to the notes section of the Strategic Plan by all departments. The Administration Committee will review these new updates for the next meeting with the intention of electronic communication on progress as the project goes forward. Further assignments and metrics will evolve over time.

4. **INFORMATIONAL ITEM(S)**

Bradley stated he would like to gauge interest of touring buildings for possible Baraboo projects. Planning of touring will be based upon feedback.

4.a Date and time of next meeting

April 4<sup>th</sup>, 2023

5. **ADJOURNMENT (Voice Vote)**

THAT the Administrative meeting adjourn at 8:17.

**Moved by:** Hazard

**Seconded by:** Kierzek

Motion: CARRIED

**Finance/Personnel Committee Meeting Minutes**

**March 28, 2023, 6:00 p.m.**

**City Hall, Committee Room #205**

**101 South Blvd., Baraboo, WI 53913**

Members Present: Kent, Petty, Sloan

Others Present: Mayor Nelson, Adm. Bradley, Clerk Zeman, J. Ostrander, T. Pinion, T. Gilman (in at 6:30pm)

1. **Call Meeting to Order**

1.a **Roll Call of Membership**

1.b **Note Compliance with Open Meeting Law**

1.c **Approve Minutes of March 14, 2023**

**Moved by:** Petty

**Seconded by:** Kent

**CARRIED (3 to 0)**

1.d **Approve Agenda**

**Moved by:** Petty

**Seconded by:** Kent

**CARRIED (3 to 0)**

2. **Action Items**

2.a **Accounts Payable**

**Moved by:** Petty

**Seconded by:** Kent

Recommend to Common Council on paying \$1,108,979.26.

**CARRIED (3 to 0)**

**2.b Purchasing Policy**

The committee reviewed the final draft of the amended Purchasing Policy. J. Ostrander noted that two items have changed since last reviewed: Section 9.1(2), removed language regarding a purchase order and 13.3(1) now includes language regarding reporting donations to Council annually and as informational only.

**Moved by:** Kent

**Seconded by:** Petty

Recommend to Common Council to approve the amended Purchasing Policy.

**CARRIED (3 to 0)**

**2.c \$4,600,000 Note Anticipation Note**

C. Bradley explained that this is the same thing we did with the library project and the Jackson property. \$4M of this will go to the Spirit Lake project (TIF 11), and \$600,000 to the former Jackson Property (TIF 12). This includes a \$800,000 cushion for any type of overage and will be reimbursed from a TIF's. We will not incur any costs until we make the draw. We are going to take a \$50,000.01 draw initially for the design work. We will pay interest twice a year on this 5-year Note Anticipation Note, which means we are letting everyone know that we will be issuing bonds to refinance these once they are done. This keeps us from issuing bonds and paying principal and interest on money we don't use, and hopefully allows interest rates to come back down. We will be using Community First Bank for this and we will draw these funds as needed.

**Moved by:** Kent

**Seconded by:** Petty

Recommend to Common Council Resolution authorizing the issuance of \$4,600,000 General Obligation Promissory Notes and the Issuance and Sale of a \$4,600,000 Note Anticipation Note in Anticipation Thereof.

**CARRIED (3 to 0)**

**2.d Toolcat Purchase**

This resolution was amended to remove the language regarding the replacement of equipment; the amended resolution is being brought back to the Finance/Personnel Committee.

**Moved by:** Kent

**Seconded by:** Petty

Recommend to Common Council on authorizing budget transfer amendment and the purchase of a Bobcat "Toolcat" for Public Works.

**CARRIED (3 to 0)**

**3. Discussion Items**

The committee discussed partnering with City of Reedsburg and SCDC for an assessment with Center for Rural Innovation and its Tech-Based Economic Development team for a cost of \$7,500. The committee agreed that they would like Thomas Cox, executive director of SCDC, to attend a future meeting to discuss this further.

**4. Adjournment**

**Moved by:** Petty

**Seconded by:** Kent

That the meeting be adjourned at 6:40pm

**CARRIED (3 to 0)**

Copies of meeting minutes in City Clerk's files:

BID...3-8-2023

CDA Board...3-7-2023, Executive 3-28-2023

PFC...3-20-2023, 3-22-2023, 4-5-2023

EMS...2-16-2023, 2-21-2023, 3-21-2023

Library.....3-14-2023, 3-21-2023

Public Safety.....2-27-2023

**17. ADJOURNMENT**

Moved by: Kent

Seconded by: Thurow

That the meeting adjourn at 7:40pm.

**Motion: CARRIED**

Brenda M. Zeman, City Clerk

**10.1**

**RESOLUTION NO. 2023 -**

**Dated: May 9, 2023**

**The City of Baraboo, Wisconsin**

<b><i>Background:</i></b>
<b>Fiscal Note: (Check one)   <input type="checkbox"/> Not Required   <input type="checkbox"/> Budgeted Expenditure   <input type="checkbox"/> Not Budgeted</b>
<b><i>Comments</i></b>

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

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

**Offered By:** Consent  
**Motion:**  
**Second:**

**Approved by Mayor:** \_\_\_\_\_  
**Certified by City Clerk:** \_\_\_\_\_

## The City of Baraboo, Wisconsin

**Background:**

City Ordinance 3.05, Changes in Budget states, "The amount of the tax to be levied or certified, the amounts of the various appropriations, and the purpose thereof shall not be changed after approval of the budget except by a 2/3 vote of the entire membership of the Council pursuant to §65.90(5), Wis. Stats. Notice of such transfer shall be given by publication within 10 days thereafter in the official City newspaper."

Therefore, the City is required to notify the citizenry through publication in the City's official newspaper about the supplemental budget amendments. The State Statute requires publication to happen within ten (10) days upon Council approval of said amendments.

The City's publication process is to identify budget amendments in the fiscal commentary section of resolutions when spending authorizations are granted. Therefore, the City Council could approve budget transfers as often as every meeting. The City satisfies the legal requirement of publication, by publishing budget amendments after the Finance Committee and Common Council approves the listing.

**Fiscal Note: (check one) [ ] Not Required [X] Budgeted Expenditure [X] Not Budgeted**

**Comments:** Budget amendments, that are budgetary transfers, are budgeted expenditures. Budget amendments, that are supplemental, are not budgeted. The 2022 City Budget provides for publishing amendments.

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

That the following budget amendments are authorized:

- 4<sup>th</sup> Quarter, 2022 City-Wide Supplemental budget Amendments for \$259,740
- 4<sup>th</sup> Quarter, 2022 City-Wide Budgetary Transfers \$30,000

See attached amendment schedules.

**Offered by:** Finance/Personnel Committee **Approved by:** \_\_\_\_\_  
Mayor

**Motion:**

**Second:** **Certified by:** \_\_\_\_\_  
City Clerk

4th Quarter 2022 City of Baraboo BUDGET AMENDMENTS						
Account Number	Department	Account	Original Budget	Debit/(Credit)	New Appropriations (Only)	Amended Budget
100-30-53100-120-000	Mapping & Engineering	Wages	83,652.00	(9,561.00)		74,091.00
100-10-59242-900-000	General Government IT Capital	Cost Reallocation	12,000.00	9,561.00	(9,561.00)	21,561.00
424-10-49210-000	General Government IT Capital	Transfer from General Fund	(12,000.00)	(9,561.00)		(21,561.00)
424-10-51450-814-000	General Government IT Capital		23,500.00	9,561.00	9,561.00	33,061.00
	Transfers to cover utilities at Civic Center					
100-52-55200-350-000	Parks	Repair & Maint Materials	3,800.00	(125.00)		3,675.00
100-52-55200-223-000	Parks	Heat	900.00	125.00		1,025.00
	Transfers to cover utilities at Zoo					
240-31-53420-270-000	Streetlighting	Special Services	10,000.00	(1,900.00)		8,100.00
240-31-53420-350-000	Streetlighting	Repair & Maint Materials	1,600.00	1,900.00		3,500.00
	Trans CC Materials to CC Equipment					
100-10-44110-000	General Fund Revenue	Liquor & Malt Beverage License	(21,400.00)	(250.00)		(21,650.00)
100-11-51420-210-000	General Fund - City Clerk	Publishing	250.00	250.00	250.00	500.00
	Approp license revenue for publications					
981-67-41000-200-000	Corson Square CDA	Contracted Services	1,000.00	30,000.00		31,000.00
981-67-75000-822-000	Corson Square CDA Prop Add	Building Improvements	75,000.00	(30,000.00)		45,000.00
	Transfer capital \$ for housing program study					
100-52-55200-280-000	Parks	Repair & Maint Serv-Facilities	30,700.00	(640.00)		30,060.00
100-52-55200-392-000	Parks	Small Equipment Purchase	1,670.00	640.00		2,310.00
	Transfer facility funds to small equip purchases					
100-31-53300-364-000	Street Department	Signs & Materials	8,000.00	(600.00)		7,400.00
100-31-53300-366-000	Street Department	Barricades & Lights	-	600.00		600.00
	Trans Signs & Materials budget to Baracades/Lights					
100-52-55200-350-000	Parks	Repair & Maint Materials	3,875.00	(102.00)		3,773.00
100-52-56110-320-000	Parks - Forestry	Dues and Subscriptions	755.00	102.00		857.00
	Trans Parks Maint Budget to Forestry Dues Budget					
100-11-51933-910-000	General Fund - Worker's Comp	Insurance Allocation	(114,446.00)	24,700.00		(89,746.00)
100-20-52110-910-000	Police	Insurance Allocation	85,537.00	(7,650.00)		77,887.00
100-21-52200-910-000	Fire Protection	Insurance Allocation	18,154.00	(2,950.00)		15,204.00
100-30-53100-910-000	Mapping & Engineering Support	Insurance Allocation	4,903.00	(950.00)		3,953.00
100-31-53230-910-000	PW Operations - Street Department	Insurance Allocation	33,890.00	(6,450.00)		27,440.00
100-31-53240-910-000	Machinery & Equipment - Street Department	Insurance Allocation	13,865.00	1,500.00		15,365.00
100-31-53620-910-000	Garbage & Refuse - Street Department	Insurance Allocation	9,738.00	(3,700.00)		6,038.00
100-52-55200-910-000	Parks	Insurance Allocation	44,360.00	(4,100.00)		40,260.00
100-31-53270-910-000	City Services Facility - Street Department	Insurance Allocation	8,423.00	(400.00)		8,023.00
	Transfer insurance to match actual					
100-53-55420-223-000	Pool - Recreation	Heat	11,359.00	(300.00)		11,059.00
100-52-55200-223-000	Parks	Heat	1,025.00	300.00		1,325.00
	Transfer Pool Heat to Parks Heat					
100-52-55200-280-000	Parks	Repair & Maint Serv-Facilities	30,000.00	(2,240.00)		27,760.00
100-52-55200-222-000	Parks	Electricity	9,600.00	2,240.00		11,840.00
	Transfer repair/maint bdtg to electricity					
100-31-53300-371-000	Street Maintenance - Street Department	Bituminous Materials	12,000.00	(1,200.00)		10,800.00
100-31-53300-379-000	Street Maintenance - Street Department	Bitum. Matl - Patch	3,000.00	1,200.00		4,200.00
	Trans materials bdtg to patch					
100-53-55300-340-171	Recreation	Operating - Aerobics	450.00	(291.00)		159.00
100-53-55300-340-100	Recreation	Operating - Tennis	415.00	142.00		557.00
100-53-55300-340-030	Recreation	Operating - Basketball	180.00	149.00		329.00
	Trans Aerobic budget to Tennis/Basketball					
100-10-51410-320-000	Mayor	Dues & Subscriptions	1,100.00	(625.00)		475.00
100-15-56710-320-000	Economic Development	Dues & Subscriptions	469.00	625.00		1,094.00
	Transfer Mayor budget for Ice Age Trail					
100-52-55410-350-000	Zoo - Parks	Repair & Maint Materials	1,100.00	(152.00)		948.00
100-52-55410-320-000	Zoo - Parks	Dues and Subscriptions	500.00	152.00		652.00
	ZOO Transfer to cover Wolf workshop in MO					
100-52-55200-350-000	Parks	Repair & Maint Materials	3,573.00	(25.00)		3,548.00
100-52-55200-340-000	Parks	Operating Supplies	9,200.00	25.00		9,225.00
	Trans repair/maint budget to Operating Supp					
100-52-55200-280-000	Parks	Repair & Maint Serv-Facilities	27,820.00	(2,200.00)		25,620.00
100-52-55200-348-000	Parks	Gas. Diesel. Oil. Grease	17,000.00	2,200.00		19,200.00
	PKS Trans repair/maint budget to Gas Grease Oil					

100-52-55130-260-000	Parks - Civic Center	Repair & Maint Serv-Buildings	11,000.00	(492.00)		10,508.00
100-52-55130-250-000	Parks - Civic Center	Repair & Maint Serv-Equipment	3,500.00	492.00		3,992.00
	PKS Trans Building budget to Equipmwnr					
100-30-53100-252-000	Mapping & Engineering Support	Software service and support	4,200.00	230.00		4,430.00
100-30-53100-320-000	Mapping & Engineering Support	Dues and Subscriptions	500.00	(230.00)		270.00
	Transfer for cover GIS software					
100-52-55200-220-000	Parks	Telephone	940.00	(201.00)		739.00
100-52-55130-220-000	Parks - Civic Center	Telephone	971.00	201.00		1,172.00
	Transfer to cover Telephone					
100-53-55300-346-080	Recreation	Uniforms - Soccer	630.00	(404.00)		226.00
100-53-55300-210-000	Recreation	Publishing	2,500.00	404.00		2,904.00
	Trans Soccer to Publishing					
100-52-55200-280-000	Parks	Repair & Maint Serv-Facilities	25,620.00	(467.00)		25,153.00
100-52-55200-330-000	Parks	Travel & Training	-	467.00		467.00
	Trans Facilities to Travel & Training					
100-53-55300-340-030	Recreation	Operating - Basketball	329.00	(300.00)		29.00
100-53-55300-330-000	Recreation	Training and Travel	-	300.00		300.00
	Trans Basketball to Travel & Training					
100-52-55410-280-000	Zoo - Parks	Repair & Maint Serv-Facilities	6,200.00	(1,000.00)		5,200.00
100-52-55410-342-000	Zoo - Parks	Animal Feed	21,250.00	1,000.00		22,250.00
	Transfer to cover food budget					
100-31-53310-410-000	Alleys - Street Department	Concrete & Clay Materials	3,000.00	(519.00)		2,481.00
100-31-53310-371-000	Alleys - Street Department	Bituminous Materials	40,000.00	519.00		40,519.00
	Transfer to cover Alley asphalt					
100-52-55200-280-000	Parks	Repair & Maint Serv-Facilities	25,153.00	(2,205.00)		22,948.00
100-52-55200-260-000	Parks	Repair & Maint Serv-Buildings	9,941.00	(1,505.00)		8,436.00
100-52-55200-341-000	Parks	Tires	1,220.00	(1,000.00)		220.00
100-52-55130-222-000	Parks - Civic Center	Electricity	16,250.00	2,205.00		18,455.00
100-52-55130-223-000	Parks - Civic Center	Heat	11,450.00	2,505.00		13,955.00
	Transfers to cover utilities at Civic Center					
100-52-55410-260-000	Zoo - Parks	Repair & Maint Serv-Buildings	3,700.00	(1,350.00)		2,350.00
100-52-55410-223-000	Zoo - Parks	Heat	2,570.00	450.00		3,020.00
100-52-55410-222-000	Zoo - Parks	Electricity	8,000.00	900.00		8,900.00
	Transfers to cover utilities at Zoo					
100-52-55130-350-000	Parks - Civic Center	Repair & Maint Materials	1,650.00	(198.00)		1,452.00
100-52-55130-250-000	Parks - Civic Center	Repair & Maint Serv-Equipment	3,992.00	198.00		4,190.00
	Trans CC Materials to CC Equipment					
100-31-53270-250-000	City Services Facility - Street Department	Repair & Maint Serv-Equipment	20,000.00	(2,000.00)		18,000.00
100-31-53270-340-000	City Services Facility - Street Department	Operating Supplies	14,300.00	2,000.00		16,300.00
	Transfer to cover additional operating supplies					
230-11-43530-610	Taxi Grant - City Clerk	Taxi Grant - Federal	(208,974.00)	(24,776.00)		(233,750.00)
230-11-43530-620	Taxi Grant - City Clerk	Taxi Grant - State	(183,365.00)	64,375.00		(118,990.00)
230-11-43530-629	Taxi Grant - City Clerk	Taxi Grant - State CARES		(114,761.00)		(114,761.00)
230-11-46399-000	Taxi Grant - City Clerk	Taxi Fares	(228,446.00)	68,066.00		(160,380.00)
230-11-53500-290-000	Taxi Grant - Taxi Transportation	Other Contracted Services	616,753.00	7,096.00	7,096.00	623,849.00
	Appropriate addl Federal funding					
100-15-49300-400	General Fund - Economic Development	Fund Balance Applied-Marketing	(3,180.00)	(625.00)		(3,805.00)
100-15-56710-271-400	General Fund - Economic Development	Marketing Services-Designated	-	625.00		625.00
	Appropriate funds for Ice Age Trail Community					
100-20-43525-400	Police	Police Grant	-	(3,000.00)		(3,000.00)
100-20-52110-270-000	Police	Special Services	19,800.00	1,500.00	1,500.00	21,300.00
100-20-52110-320-000	Police	Dues & Subscriptions	18,500.00	650.00	650.00	19,150.00
100-20-52120-340-000	Police	Operating Supplies	2,500.00	580.00	580.00	3,080.00
100-20-52110-392-000	Police	Small Equipment Purchase	20,000.00	270.00	270.00	20,270.00
	PD - Appropriate CVMIC grant to expenditure accts					
100-20-52140-392-420	Canine Unit - Police	Small Equipment Purchase	-	835.00		835.00
100-20-48540-420	Police	Canine Unit Contributions	(5,750.00)	(835.00)		(6,585.00)
	PD - Appropriate Canine donations					
Net impact on all city-wide funds' budgets				<u>289,740.00</u>	<u>10,346.00</u>	
Net impact on City's Fund Family only				259,740.00		
Budgetary Transfers				30,000.00		

Published by the authority of the City of Baraboo  
Julie Ostrander, Finance Director

## The City of Baraboo, Wisconsin

**Background:** The original Short-Term Rentals Ordinance was adopted in March, 2019. The Plan Commission recently reviewed a couple of provisions of that Ordinance pertaining to Allowable Occupancy of a dwelling and the Qualifications for Property Manager.

The Plan Commission completed their review of this matter at their June 21<sup>st</sup>, 2022 meeting and forwarded the matter to the Common Council with a recommendation to amend the Section 17.13A of the Zoning Code.

**Fiscal Note:** (check one) ☒ Not Required ☐ Budgeted Expenditure ☐ Not Budgeted **Comments:**

An Ordinance amending §17.13A to Zoning Code to regulate Short-Term Rentals.

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DO ORDAIN AS FOLLOWS:

### 17.13A SHORT-TERM RENTALS

(1) PURPOSE. The purpose of this ordinance is to ensure that the quality of short-term rentals operating within the City is adequate for protecting public health, safety and general welfare, including: establishing minimum standards of space for human occupancy and for an adequate level of maintenance; determining the responsibilities of owners, operators and property managers offering these properties for tourists or transient occupants, to protect the character and stability of all areas, especially residential areas, within the City; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and providing for the administration and enforcement thereof.

(2) DEFINITIONS. For the purpose of administering and enforcing this Article, the terms or words used herein shall be interpreted as follows:

**Clerk** means the City Clerk of the City of Baraboo or designee.

**Corporate Entity** means a corporation, partnership, limited liability company or sole proprietorship licensed to conduct business in this state.

**License** means the Short-Term Rental License issued under this Article.

**Owner** means the owner of a short-term rental.

**Owner occupied** means the Owner resides in the premise a minimum of 210 days per year.

**Person** shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word person is used in any Article of this Article prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such Article.

**Property Manager** means any person that is not the Owner that is appointed to act

as agent and/or provides property management services to one or more short-term rental.

**State** means the State of Wisconsin Department of Health, or its designee.

(3) SHORT-TERM RENTAL LICENSE.

- (a) All License applications shall be filed with the Clerk on forms provided. Applications must be filed by the Owner. No license shall be issued unless the completed application form is accompanied by payment of the required fee.
- (b) Each application shall include the following information and documentation for each short-term rental unit:
  - i. Owner's name, address and phone number;
  - ii. Property Manager's name, address and phone number, if applicable (see §17.xx(4), below);
  - iii. A copy of State of Wisconsin License for a Tourist Rooming House License issued under §254.64, Wis. Stat;
  - iv. A copy of a completed State Lodging Establishment Inspection form dated within one (1) year of the date of issuance or renewal;
  - v. Proof of insurance (see §17.XX(5)(12), below);
  - vi. Floor plan and requested maximum occupancy;
  - vii. Site plan including available onsite parking;
  - viii. A Room Tax Permit issued pursuant to §3.14, Baraboo Municipal Code;

- ix. A Seller's Permit issued by the Wisconsin Department of Revenue;
- x. An employer identification number issued by the Internal Revenue Service.

(c) Each permit and license shall run during a calendar year. Any application which does not include all of the information and documentation shall not be considered as complete.

(d) When satisfied that the application is complete, the Clerk shall forward the application to the appropriate City Departments for review. If the Clerk in consultation with City staff determines that the application meets the requirements of this Article, the Clerk shall approve the application. If the Clerk in consultation with City staff determines that the application does not meet the requirements of this Article, the Clerk shall deny the application.

(e) No License shall be issued or renewed unless there is filed with the Clerk a completed Fire Inspection Report dated not more than one (1) year before the date of issuance or renewal.

(f) No License shall be issued or renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the City, unless arrangements for payment have been approved by the Clerk.

(4) PROPERTY MANAGER.

(a) A Property Manager is required for any short-term rental that is not owner occupied.

(b) To qualify as a Property Manager, the Property Manager must meet the following requirements:

- i. Be a natural person residing in or within twenty-five (25) miles of the City, or a corporate entity with offices located within twenty-five (25) miles of the City.
- ii. ~~Not have pending any criminal charge or been convicted of a felony or misdemeanor of any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another. Do not have an arrest or conviction record for a felony or misdemeanor charge, for which the circumstances of the charge substantially relate to the circumstances of managing a short-term rental, subject to Wis. Stat. §§ 111.321, 111.322, and 111.335.~~

(c) Each Property Manager shall be authorized by the Owner to act as the agent for the Owner for the receipt of service of notice of violation of this Article's provisions and for service of process pursuant to this Article and shall be authorized by the Owner to allow City employees, officers and their designees, to enter the Owner's property for purposes of inspection and enforcement of this Article and/or the City Municipal Code.

(d) As a condition of granting a License, each Property Manager shall consent to a personal photograph and sign a waiver permitting the City to secure from the Federal Bureau of Investigation and the Wisconsin Crime Information Bureau a record check of the Property Manager.

## (5) OPERATION OF SHORT-TERM RENTALS.

- (a) No person may maintain, manage, or operate a short-term rental more than six (6) nights in a 365-consecutive day period without a License.
- (b) Every short-term rental shall be operated by an Owner or Property Manager.
- (c) Each short-term rental shall comply with all of the following:
  - i. No vehicular traffic shall be generated that is greater than normally expected in the residential neighborhood.
  - ii. There shall not be excessive noise, fumes, glare, vibrations generated during the use.
  - iii. Name plates or other signage shall not exceed one square foot. No other signage advertising the short-term rental is permitted on site. Off-site advertising in media channels relating to the availability of the rental may take place only after all City, County and State permits and licenses have been obtained.
  - iv. The number of occupants in any unit shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable county and City housing regulations based upon the number of bedrooms in each unit.
  - v. No recreational vehicles (RVs), camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees.

- vi. Any outdoor event held at the short-term rental shall last no longer than one day, occurring between the hours of 8:00 a.m. and 10:00 p.m. Any activities shall be in compliance with other noise regulations of the City.
- vii. Compliance with all applicable state, county, and local codes and regulations is required.
- viii. Annual general building inspection is required prior to issuance or renewal of the license, to be conducted by the Building inspector and Fire Inspector at the sole cost of the Owner.
- ix. Short-term rental licenses are issued for one year period and must be renewed annually as provided for in this Article.
- x. Each short-term rental shall carry casualty and liability insurance at all times and issued by an insurance company authorized to do business in this state by the Wisconsin Office of the Commissioner of Insurance, with liability limits of not less than \$300,000 per individual and \$1,000,000 aggregate.
- xi. Each short-term rental shall maintain the following written records for each rental of the dwelling unit: the full name and current address of any person renting the property, the time period for that rental, and the monetary amount or consideration paid for that rental.
- xii. Each license shall be displayed on the inside of the main entrance door of each short-term rental.

(6) RENEWAL.

- (a) Each application for a renewal License shall include updated information for the documentation on file with the Clerk and payment of the applicable fee. The Clerk shall verify that the information provided on the renewal application is complete and in accordance with the requirements of this Article. The Clerk shall request reports from the Police Department and Zoning Administrator regarding any complaints received, calls for service or actions taken regarding the short-term rental properties.
- (b) The Clerk shall issue renewal licenses within thirty (30) days of the filing of the application unless the information provided is incomplete or otherwise not in compliance with the requirements of this Article and/or the reports from the Police Department and the Zoning Administrator indicate that there are complaints or actions involving the property that substantially relate to the use of the property as a short term rental. If the Clerk finds that the license or permit should not be renewed, the Clerk shall deny the renewal.
- (c) No License shall be renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the City, or is under an order issued by the Building Inspector, Fire Inspector, Zoning Administrator or Police Department to bring the premises into compliance with City ordinances, unless arrangements for payment have been approved by the Finance Director.

(7) STANDARDS FOR SHORT-TERM RENTALS. Each short-term rental shall comply with this Article's requirements or any other applicable City ordinance.

Each short-term rental shall comply with the following minimum requirements:

~~(a) One (1) internal full bathroom for every four (4) occupants;~~

~~(b)(a)~~ Not less one hundred fifty (150) square feet of floor space for the first occupant thereof and at least an additional one hundred (100) square feet of floor space for every additional occupant thereof; the floor space shall be calculated on the basis of total habitable room area. Floor space is determined using interior measurements of each room. Floor space does not include kitchens, bathrooms, closets, garages, or rooms not meeting Uniform Dwelling Code requirements for occupancy. The maximum occupancy for any premises without a separate enclosed bedroom is two (2) people;

~~(b) At any property served by a septic system, at least 1 internal full bathroom for every four (4) occupants.~~

(c) Not less than one (1) onsite off-street parking spaces for every four (4) occupants based upon maximum occupancy;

(d) At least two safe, unobstructed means of egress from the short-term rental leading to safe, open space at ground level;

(e) Shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 321 of the Wisconsin Administrative Code;

(f) Shall not have an accessible wood burning fireplace unless the property owner provides a certificate from a properly licensed inspector, dated not more than thirty (30) days prior to submission, certifying that the

fireplace and chimney have been inspected and are in compliance with National Fire Prevention Association Fire Code Chapter 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances;

(g) Shall not have a hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking or any other purpose on any balcony, deck or under any overhanging structure or within ten (10) feet of any structure;

(h) Shall not have a fire pit or other similar device used for heating or any other purpose on any balcony, deck or under any overhanging structure or within fifteen (15) feet of any structure.

#### (8) APPEAL AND LICENSE REVOCATION

(a) The denial of a License application or renewal under this Article may be appealed by filing a written appeal request with the Clerk within ten (10) calendar days of the City's notice of denial. The appeal shall be governed by Chapter 6 of the Baraboo Municipal Code.

(b) A License may be revoked by the Clerk for one or more of the following reasons:

i. Failure of the Owner to make timely payment on taxes or debt owed to the City;

ii. Failure of the Owner to make timely payment of the room tax;

iii. Determination by the Chief of Police that the property is a Chronic Nuisance Premises, as defined by §10.05A, Baraboo Municipal Code.

- iv. Failure to maintain all required local, county, and state licensing requirements;
- v. Failure to use the property as a short-term rental within twelve (12) months of obtaining the License;
- vi. Any violation of local, county, or state laws that substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood.

(b) Penalties set forth in this Article shall be in addition to all other remedies of injunction, abatement or costs whether existing under this Article or otherwise

(10) FEES. Initial and renewal Short-Term Rental application fee shall be \$200.00. This fee is nonrefundable and due upon application or renewal submission to the Clerk.

(11) SEVERABILITY. If any provision of this Article and its ordinances is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this Article or its ordinances. It is hereby declared to be the intention of the City of Baraboo that all provisions of this Article and its ordinances therein are separable.

(9) PENALTIES

- (a) Any person who violates any provision of this Article shall be subject to a penalty as provided in §25.04, Baraboo Municipal Code.

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

Mayor's Approval: \_\_\_\_\_

Clerk's Certification: \_\_\_\_\_

I hereby certify that the foregoing Ordinance was duly passed by the Common Council of the City of Baraboo on the \_\_\_\_ day of \_\_\_\_\_, 2023 and is recorded on page \_\_\_\_ of volume \_\_\_\_.

City Clerk: \_\_\_\_\_

## The City of Baraboo, Wisconsin

**Background:** Staff is nearing completion a long, arduous process to create regulations that will help protect our drinking water supply. The City's water distribution system includes 5 wells. Typically, communities adopt a wellhead protection plan (WHPP) in an attempt to minimize the presence of potential contaminants in the vicinity of their wells. To date, the City has yet to adopt such a plan. The Utility has been working with the Wisconsin Rural Water Association to develop a WHPP and draft a model ordinance. The WDNR has approved the WHPP. The next step in this process is the development of a Wellhead Protection Ordinance. The first draft of a WPO was developed in June 2022 and was introduced to the Public Safety Committee. The Committee supported completing a WPO so the initial draft was sent to our legal counsel for review and the final version was introduced to the Plan Commission as an amendment to the Zoning Code.

The Plan Commission completed their review of this matter at their September 20<sup>th</sup>, 2022 meeting and forwarded the matter to the Common Council with a recommendation to add Section 17.56 to the Zoning Code.

**Fiscal Note: (check one)** ☒ **Not Required** ☐ **Budgeted Expenditure** ☐ **Not Budgeted** **Comments:**

An Ordinance creating §17.56 Wellhead Protection Ordinance in the Municipal Code of the City of Baraboo, relating to the protection of the municipal water supply.

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DO  
ORDAIN AS FOLLOWS:

**SECTION 1. WELLHEAD PROTECTION ORDINANCE:** CHAPTER 17 – ZONING CODE, Sec. 17.56 - Wellhead Protection Ordinance, of the code of ordinances, City of Baraboo, Wisconsin is hereby created to read as follows:

**17.56 WELLHEAD PROTECTION ORDINANCE.**

- (1) **PURPOSE.** The residents of the City of Baraboo depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection Ordinance is to institute land use regulations and restrictions within a defined area which contributes water directly to the municipal water supply providing protection for the aquifer and municipal water supply of the City of Baraboo and promoting the public health, safety and general welfare of city residents.
- (2) **AUTHORITY.** Statutory authority of the city to enact these regulations is provided by §62.23(7)(c), which specifically authorizes regulation in the incorporated areas of the city to encourage the protection of groundwater resources.
- (3) **APPLICATION.** The regulations specified in this Wellhead Protection Ordinance shall apply within the area surrounding each municipal water supply well that has been designated as a “Wellhead Protection Area” by the city in its most recent and up-to-date Wellhead Protection Plan. The requirements of this ordinance are in addition to the requirements in the underlying zoning district for the Wellhead Protection Areas. If there is a conflict between this chapter and the zoning ordinance, the more restrictive provision shall apply.
- (4) **WELLHEAD PROTECTION AREA.** The location and boundaries of the Wellhead Protection Areas regulated by this chapter are set forth in the City of Baraboo's most recent and up-to-date Wellhead Protection Plan on the map titled “Wellhead Protection Area” [on file in the City of Baraboo Water Utility Office]. The map titled “Wellhead Protection Area” included in the city's most recent and up-to-date Wellhead Protection Plan is incorporated herein and hereby made a part of this ordinance. Said map,

together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein.

- (a) *Note:* Wellhead Protection Area is derived from hydrologic studies and are based on the area surrounding a well where groundwater takes 5-years or less to travel from the land surface to the pumping well
- (5) PERMITTED USES. The following uses are permitted in the Wellhead Protection Areas subject to the separation distances in Section (8) SEPARATION DISTANCES.
- (a) Parks, playgrounds or wildlife areas, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
  - (b) Non-motorized trails, such as bike, skiing, nature and fitness trails.
  - (c) Residential, commercial, industrial and public authority establishments that are municipally sewered and whose use, storage, handling and/or production of hazardous chemicals (identified by OSHA under 29 CFR 1910.1200(c) or 40 CFR Part 370) in aggregate may not exceed 20 gallons or 160 pounds at any time, except for those uses listed as “conditional” or “prohibited” in Sections 6 or 7).
  - (d) Routine tillage, planting, and field management operations in support of agricultural crop production, where nutrients from legume, manure, and commercial sources are accounted for and credited toward crop nutrient need. The combination of all nutrient sources applied or available on individual fields may not exceed University of Wisconsin soil test recommendations for that field.
- (6) CONDITIONAL USES. The following uses may be conditionally permitted in the Wellhead Protection Areas under the city’s conditional use permit process found in *Sec. 17.37 Conditional Uses*, and subject to the separation distances in Section (8) SEPARATION DISTANCES.
- (a) Hydrocarbon, petroleum or hazardous chemical storage tanks.
  - (b) Motor vehicle services, including filling and service stations, repair, renovation and body work.
  - (c) Residential, commercial industrial, and public authority establishments that are municipally sewered and whose use, storage, handling and/or production of hazardous chemicals (identified by OSHA under 29 CFR 1910.1200(c) or 40 CFR Part 370) in aggregate exceeds 20 gallons or 160 pounds at any time.
  - (d) Storm water infiltration basins
  - (e) Geothermal wells, also known as ground source heat pump along with any associated piping and/or ground loop component installations.
- (7) PROHIBITED USES. The following uses are prohibited in the Wellhead Protection Areas.
- (a) Animal waste storage areas and facilities.
  - (b) Application of fertilizer to manicured lawns or grasses in excess of the nutrient requirements of the grass.
  - (c) Asphalt product manufacturing plants.
  - (d) Dry cleaning establishments.
  - (e) Fertilizer manufacturing or storage facilities.
  - (f) Foundries and forge plants.
  - (g) Hazardous chemical processing or manufacturing facilities.
  - (h) Industrial liquid waste storage areas.
  - (i) Landfills or other areas for dumping, disposal or transferring of garbage, refuse, recycling, trash, or demolition material, including auto salvage operations.
  - (j) Metal reduction or refinement facilities.
  - (k) Mining operations, including metallic, gravel pits, industrial or frac-sand mining.
  - (l) Motor freight terminals.
  - (m) Petroleum or hazardous chemical storage greater than 110 gallons in any single wall petroleum storage tank (double wall storage tanks installations shall meet the requirements of s. ATCP 93.260, Wis. Adm. Code, and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110).
  - (n) Road salt or de-icing materials storage areas.

- (8) SEPARATION DISTANCES. The following separation distances as specified in s. NR 811.12(5), Wis. Adm. Code, shall be maintained within the Wellhead Protection Areas.
- (a) Ten feet between a well and an emergency or standby power system that is operated by the same facility which operates the well and that has a double wall above ground storage tank with continuous electronic interstitial leakage monitoring. These facilities shall meet the installation requirements of s. [ATCP 93.260](#), Wis. Adm. Code, and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. [ATCP 93.110](#).
  - (b) Fifty feet between a well and a storm sewer main or a sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints. Gravity sanitary sewers shall be successfully air pressure tested in place. The air pressure test shall meet or exceed the requirements of the 4 psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer & Water Construction in Wisconsin. Force mains shall be successfully pressure tested with water to meet the AWWA C600 pressure and leakage testing requirements for one hour at 125% of the pump shut-off head.
  - (c) Two hundred feet between a well field and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one or two family residential heating fuel oil underground storage tank or above ground storage tank or private onsite wastewater treatment system (POWTS) treatment tank or holding tank component and associated piping.
  - (d) Three hundred feet between a well field and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements of s. ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
  - (e) Three hundred feet between a well field and any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy; other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of s. ATCP 93.260, and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
  - (f) Four hundred feet between a well field and a POWTS dispersal component with a design capacity of less than 12,000 gallons per day, a cemetery or a storm water retention or detention pond.
  - (g) Six hundred feet between a well field and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the standard double wall tank or single wall tank secondary containment installation requirements of s. ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
  - (h) One thousand feet between a well field and land application of municipal, commercial, or industrial waste; the boundaries of a land spreading facility for spreading of petroleum-contaminated soil regulated under state administrative regulations while that facility is in operation; agricultural, industrial, commercial or municipal waste water treatment plant treatment units, lagoons, or storage structures; manure stacks or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.

- (i) Twelve hundred feet between a well field and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds ch. [NR 140](#) enforcement standards; coal storage area; salt or deicing material storage area; any single wall farm underground storage tank or single wall farm above ground storage tank or other single wall underground storage tank or above ground storage tank that has or has not received written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110 for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling or storage facilities.
- (9) EXISTING NON-CONFORMING USES. Nonconforming uses, structures and lots lawfully in use or existing at the time of the adoption or amendment of this ordinance may be continued although the use does not conform to the provisions of this ordinance. However, only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this ordinance.

**SECTION 2. CONFLICT AND SEVERABILITY.** If any section, subsection, sentence, clause, paragraph or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or other applicable administrative or governing body, such decision shall not affect the validity of any other section, subsection, sentence, clause, paragraph or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, paragraphs, or phrases may be declared invalid or unconstitutional.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall take effect upon passage and publication as provided by law.

Mayor's Approval: \_\_\_\_\_

Clerk's Certification: \_\_\_\_\_

I hereby certify that the foregoing Ordinance was duly passed by the Common Council of the City of Baraboo on the \_\_\_\_ day of \_\_\_\_\_, 2023 and is recorded on page \_\_\_\_ of volume \_\_\_\_.

City Clerk: \_\_\_\_\_

**RESOLUTION NO. 2023 -****Dated: May 9, 2023****The City of Baraboo, Wisconsin**

**Background:** In 2008, the City of Baraboo passed Resolution 2008-127, through this resolution the City declared itself a partner with the State of Wisconsin in pursuit of the “25x25” goals for energy independence along with the further commitment to improve the energy efficiency of its buildings and operations. This commitment was a pledge to reduce our carbon emissions by 25% by 2025.

Partnering with Wisconsin Local Government Climate Coalition (WLGCC) will enable us the opportunity to be a part of the group of communities who have also taken similar pledges and/or more substantial pledges to fully reduce their reliance on fossil fuels. Staff has met with other member communities and discussed some of the potential advantages of joining the coalition, what was identified that would be of benefit to the City of Baraboo as takeaways were: collaboration with Wisconsin communities focusing on these efforts, assistance with grants, collective voice in helping to shape the formation of policy along with access expertise from other communities that we don’t have available within our community.

**Fiscal Note: (Check one) ☒ Not Required ☐ Budgeted Expenditure ☐ Not Budgeted**

**Comments:** The fiscal impact of this resolution will be staff time, potentially travel time for meetings. Participation in anything that would require additional funding will be brought back to council for further consideration.

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

**WHEREAS**, the City of Baraboo has cause for concern regarding the negative impacts of climate change on greater society and within the local community insofar as climate change increases the risk of flooding, extreme weather, public infrastructure damage, and economic loss; and

**WHEREAS**, addressing and mitigating the major contributing factors, such as the burning of fossil fuels, is imperative to slow climate change and protect the public welfare; and

**WHEREAS**, the State of Wisconsin has a goal of 100% carbon-free electricity by 2050, and local governments are important actors to help implement the State’s goal and Clean Energy Plan; and

**WHEREAS**, the Wisconsin Local Government Climate Coalition (WLGCC) is comprised of local governments that work together to seek low-carbon and clean energy solutions, and members recognize that climate change poses severe risks to communities and that the worst effects of climate change cannot be avoided without effective State policy; and

**WHEREAS**, WLGCC supports the following solutions and strategies:

- Increased funding for and emphasis on energy efficiency, including the Focus on Energy program
- Increased clean energy choices, including:
  - universal access to renewable energy and a diversity of renewable business models to support all Wisconsin customers

- access to fuel switching, demand response and advanced technology solutions
- Opportunities for communities to encourage increased resource efficiency in new construction and retrofit projects, consistent with community-level goals
- Increased data sharing and transparency between and among key stakeholders so that communities can easily assess progress toward carbon reduction goals
- Policy and program support for the electrification of buildings and transportation systems in ways that reduce carbon emissions and increase economic prosperity
- Incentives and regulations that institutionalize and further smart growth development to preserve natural resources, including agricultural, forestry, and recreational lands
- Research, development, investment and training in clean energy industries/workforce
- Innovative approaches to transportation policy that reduce vehicle miles traveled and increase health and wellness
- A state-level plan to retire all coal plants by 2040 and all other fossil fuel generating facilities as quickly as possible, no later than 2045.
- Partner with the Wisconsin Office of Sustainability and Clean Energy to develop a platform and model resolutions for all local governments to adopt climate change resolutions; and

**WHEREAS**, there are no fees or dues to becoming a WLGCC member; and

**WHEREAS**, the City of Baraboo shares the goals of the WLGCC.

**NOW THEREFORE BE IT RESOLVED**, by the City of Baraboo, WI officially joins the Wisconsin Local Government Climate Coalition and will contribute to sustaining its advocacy efforts; and

**BE IT FURTHER RESOLVED**, that City Administrator is authorized to comment on or generally support WLGCC efforts that are in the best interest of furthering the City's sustainability and carbon reduction goals.

**Offered By:** Finance Committee  
**Motion:**  
**Second:**

**Approved:** \_\_\_\_\_  
**Certified:** \_\_\_\_\_

## The City of Baraboo, Wisconsin

**Background:** The City is required to inspect devices which measure products by weight or volume eventually sold to consumers. Examples include gas pumps, packaged dairy products, and checkout scanners. This program ensures that consumers may shop with confidence that they are receiving the quantities marked. All communities in Wisconsin over 5000 in population are required by the State to have an inspection program.

The City of Baraboo has traditionally contracted with the Wisconsin Department of Agriculture, Trade and Consumer Protection for the inspection services. The State inspector visits Baraboo businesses at least once per year with some businesses requiring follow-up visits for compliance purposes. The City receives an inspection report of all businesses that were tested and their results; the City then charges back the cost of the inspection program to the affected business.

The current contract, which was approved last May, included a charge for seven (7) days at \$400 per day for a total contract amount of \$2,800.00. This was a decrease from previous years contracts due to a decrease in the number of contract days. The City of Baraboo went from 11 days to 7 days.

For the new contract, the Dept. of Agriculture, Trade and Consumer Protection is increasing their fee from \$400 per day to \$750 per day for a new total contract amount of \$5,250 (7 days x \$750/day).

This contract will be reviewed by the Finance/Personnel Committee at the May 9, 2023 meeting.

**Fiscal Note:** (4 one) [ ] Not Required [x] Budgeted Expenditure [ ] Not Budgeted  
**Comments:** This contract will affect the 2024 City budget. The cost for 2023 is \$2,800 and is included in the 2023 budget.

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

THAT the City contract with the Wisconsin Department of Agriculture, Trade and Consumer Protection for the Weights and Measures inspections at an annual cost of \$5,250.00.

**Offered by:** Finance/Personnel Comm. **Approved by Mayor:** \_\_\_\_\_

**Motion:**

**Second:** **Certified by City Clerk:** \_\_\_\_\_

## MEMORANDUM OF AGREEMENT WEIGHTS AND MEASURES INSPECTION

THIS AGREEMENT is entered into by and between the STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION, hereinafter referred to as the Department, and the MUNICIPALITY OF **BARABOO**, hereinafter referred to as the Municipality.

Pursuant to Wis. Stat. § 98.04(2), the Department agrees to furnish the services and perform the duties required to enforce the provisions of Wis. Stat. ch. 98 in the Municipality. The Department further agrees to report to the Municipality at least annually on the extent and nature of the services performed. It is understood and agreed that the Municipality shall not be required to maintain a department of weights and measures or appoint sealers of weights and measures while this agreement is in effect.

Pursuant to Wis. Stat. §§ 66.0301 and 98.04(2), the Municipality agrees to pay to the Department fees sufficient to cover the Department's annual costs of providing such services on a fiscal year basis that starts on July 1 and continues through the following June 30, with payment to be made not later than May 1 of the fiscal year of this agreement. Payment for services performed by the Department for less than any contract period shall be prorated accordingly.

This agreement shall be self-renewing for succeeding fiscal year periods, except that the sum to be paid to the Department for services rendered shall be subject to renegotiation for each succeeding contract period based on the cost of providing services. This agreement may be terminated at the end of any fiscal year by either party giving the other party written notice at least 60 days prior to July 1 of the following fiscal year. Annual fees payable to the Department shall be in the amount of **\$5,250.00**, except as otherwise agreed upon for succeeding contract periods. Under Wis. Stat. § 98.04(2), a municipality may recover an amount not to exceed the cost of fees paid to the Department by assessing fees on the persons who receive services under the weights and measures program.

The parties have entered into this agreement effective the **1<sup>st</sup> day of July 2023**.

WISCONSIN DEPARTMENT OF  
AGRICULTURE, TRADE AND CONSUMER  
PROTECTION

By \_\_\_\_\_  
Signature Date

Acting Administrator  
Division of Trade & Consumer Protection  
(608) 224-4929

MUNICIPALITY OF \_\_\_\_\_

By \_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Title Telephone Number



State of Wisconsin  
Governor Tony Evers

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**Department of Agriculture, Trade and Consumer Protection**  
Secretary Randy Romanski

**Date:** April 18, 2023

**To:** Municipal Weights and Measures Program Administrator

**From:** Joe Smith, Director, Bureau of Weights and Measures

The Department of Agriculture, Trade and Consumer Protection's (DATCP) Bureau of Weights and Measures will be implementing a weights and measures inspection fee adjustment for contract municipalities effective July 1, 2023.

As part of a comprehensive 2022 review of the inspection program, the Department's Bureau of Weights and Measures identified appropriate adjustments to inspection frequencies and fees. Starting on July 1, 2022, weights and measures device inspection frequencies - within contract municipalities - changed from annual to biennial. This change was based on inspection data demonstrating no significant compliance difference between a one-year or two-year device inspection frequency. In addition, the Department reviewed the contract municipality inspection fee structure, which had not been adjusted since 2003. This review identified the need for a fee adjustment from \$400 per day to \$750 per day, to reflect the increased costs of doing the contracted inspections. This adjustment supports DATCP's work with each municipality per Wisconsin Statute s. 98.04(2).

As you are likely aware, State law requires that a municipality with a population over 5,000 either establish their own weights and measures inspection program with enough staff and equipment to ensure compliance with Wisconsin Statute Chapter 98, or contract with the State to provide those services. Wisconsin Statute s. 98.04(2) also allows a municipality to assess fees to businesses that receive weights and measures services. Those fees may not exceed the actual cost of fees paid to the Department for the same services. Ordinances and fees should be reviewed and adjusted as needed if your municipality recovers weights and measures inspection costs from regulated businesses.

If your municipality intends to continue to contract with the State for its weights and measures inspection program, please sign and return the enclosed contract by June 15, 2023 to: DATCP; Holly Wing; P.O. Box 8911; Madison, WI 53708-8911. A completed copy of the contract will be returned to you for your records, and you will be billed for this service in April 2024. If you have questions, please contact Stephen Peter at 608-224-4954 or email [Stephen.peter@wisconsin.gov](mailto:Stephen.peter@wisconsin.gov)

Joe Smith  
Director – Bureau of Weights and Measures  
Division of Trade and Consumer Protection

Enclosure

*Wisconsin - America's Dairyland*

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • [Wisconsin.gov](http://Wisconsin.gov)

Page 47 of 54  
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**REPORT OF BUILDING INSPECTION**  
**Construction, Plumbing, Electrical, HVAC, Commercial**  
**APRIL**

PERMIT TYPE	2022						2023					
	ISSUED	YTD	EST COST	YTD	FEES	YTD	ISSUED	YTD	EST COST	YTD	FEES	YTD
Commercial, New	0	0	\$0.00	\$0.00	\$0.00	\$0.00	0	1	\$0.00	\$1,352,825.00	\$0.00	\$642.80
Commercial Addition	0	1	\$0.00	\$9,731,600.00	\$0.00	\$0.00	0	1	\$0.00	\$379,064.00	\$0.00	\$525.36
Commercial, Alterations	1	9	\$260,000.00	\$1,171,600.00	\$168.84	\$1,614.69	1	3	\$5,000.00	\$432,000.00	\$150.00	\$1,256.05
Commercial, Razing	0	1	\$0.00	\$20,000.00	\$0.00	\$30.00	0	1	\$0.00	\$0.00	\$0.00	\$30.00
Residential , New SF	1	1	\$250,000.00	\$250,000.00	\$759.37	\$759.37	2	9	\$690,000.00	\$2,751,000.00	\$1,774.31	\$7,404.77
Residential, New Duplex	0	0	\$0.00	\$0.00	\$0.00	\$0.00	2	6	\$933,000.00	\$3,347,230.00	\$2,963.22	\$7,584.35
Residential, Additions	0	2	\$0.00	\$125,000.00	\$0.00	\$404.20	0	1	\$0.00	\$37,000.00	\$0.00	\$100.00
Residential Remodel	3	19	\$62,143.00	\$284,701.00	\$225.00	\$1,524.83	4	18	\$61,892.00	\$571,392.00	\$317.50	\$2,731.45
Residential, Razing	0	0	\$0.00	\$0.00	\$0.00	\$0.00	0	0	\$0.00	\$0.00	\$0.00	\$0.00
Accessory Building Razing	0	0	\$0.00	\$0.00	\$0.00	\$0.00	0	0	\$0.00	\$0.00	\$0.00	\$0.00
Roofing/Siding/Windows	11	23	\$102,707.00	\$271,580.00	\$659.35	\$1,672.59	4	20	\$40,000.00	\$282,639.00	\$252.00	\$1,803.20
Garage/Sheds/Deck/Fence	12	22	\$96,732.00	\$176,332.00	\$780.00	\$1,515.00	12	18	\$85,620.00	\$116,120.00	\$780.00	\$1,275.00
Multi-Family Units	0	0	\$0.00	\$0.00	\$0.00	\$0.00	0	7	\$0.00	\$10,137,363.00	\$0.00	\$35,073.56
Plumbing Only	0	2	\$0.00	\$181,500.00	\$0.00	\$120.00	0	1	\$0.00	\$17,750.00	\$0.00	\$60.00
Electrical Only	1	8	\$2,000.00	\$14,000.00	\$60.00	\$480.00	1	3	\$6,280.00	\$9,530.00	\$60.00	\$180.00
HVAC Only	1	3	\$43,063.00	\$47,948.00	\$120.00	\$240.00	1	2	\$5,400.00	\$57,970.00	\$60.00	\$120.00
Sign Permits	1	5	\$2,000.00	\$9,270.00	\$120.00	\$360.00	0	5	\$0.00	\$97,600.00	\$0.00	\$540.00
Solar Install	0	4	\$0.00	\$38,335.00	\$0.00	\$240.00	0	6	\$0.00	\$94,211.00	\$0.00	\$360.00
Misc. Permits	0	4	\$0.00	\$6,000.00	\$0.00	\$220.00	1	5	\$0.00	\$20,000.00	\$100.00	\$370.00
<b>TOTALS</b>	<b>31</b>	<b>104</b>	<b>\$818,645.00</b>	<b>\$12,327,866.00</b>	<b>\$2,892.56</b>	<b>\$9,180.68</b>	<b>28</b>	<b>107</b>	<b>\$1,827,192.00</b>	<b>\$19,703,694.00</b>	<b>\$6,457.03</b>	<b>\$60,056.54</b>

## Finance/Personnel Committee Meeting Minutes

April 11, 2023, 5:30 p.m.  
City Hall, Committee Room #205  
101 South Blvd., Baraboo, WI 53913

Members Present: Joel Petty, Jason Kent, Scott Sloan

Others Present: Adm. Bradley, Clerk Zeman, J. Ostrander, M. Hardy, W. Peterson, T. Pinion,  
Thomas Cox

### 1. Call Meeting to Order

#### 1.a Roll Call of Membership

#### 1.b Note Compliance with Open Meeting Law

#### 1.c Approve Minutes of March 28, 2023

Moved by: Joel Petty

Seconded by: Jason Kent

**CARRIED (3 to 0)**

#### 1.d Approve Agenda

Moved by: Jason Kent

Seconded by: Joel Petty

**CARRIED (3 to 0)**

### 2. Action Items

#### 2.a Accounts Payable

Moved by: Jason Kent

Seconded by: Joel Petty

Recommend to Common Council on paying \$571,368.21.

**CARRIED (3 to 0)**

#### 2.b 2023 Stewardship Grant for the completion of the Oak Street Overlook

M. Hardy explained that a resolution is required to apply for these grants, the first grant being for the Oak Street Overlook. We will apply for \$250,000 for this matching grant. Because we already have \$500,000 that can be used as matching funds, no additional funding is needed. These funds will have to be used in 2024 or an extension applied for.

Moved by: Joel Petty

Seconded by: Jason Kent

Recommend to Common Council to approve the Parks, Recreation and Forestry Department to apply and accept a 2023 Stewardship Grant for the completion of the Oak Street Overlook/ADA path construction project.

**CARRIED (3 to 0)**

#### 2.c 2023 Stewardship Grant for completion of the Riverwalk Extension

M. Hardy noted that this is the same program and directly across from the overlook at the park. This development grant will be used to purchase the I A.M. Dairy property. The concept is to continue the Riverwalk along the south side of the river, with the addition of a picnic shelter, play equipment, and possibly additional amenities. We would be looking at an additional \$250,000 for this phase and installation would take place in 2024.

Moved by: Jason Kent

Seconded by: Joel Petty

Recommend to Common Council to approve the Parks, Recreation, and Forestry Department to apply and accept a 2023 Stewardship Grant for the completion of the Riverwalk extension and park amenities in the proposed Riverfront park development.

**CARRIED (3 to 0)**

#### 2.d Purchase of two John Deere riding lawn tractors

M. Hardy explained that this is an unbudgeted item but due to a successful surplus auction from old equipment, they now have enough funds in their Park Equipment fund for this purchase. They received three bids with the lowest bid coming from Mid-State Equipment. These mowers will be used for routine mowing of catch basins, ball diamonds, etc. With the

governmental discount, it is a better deal to purchase these mowers vs leasing. All maintenance on this equipment is done in-house with the City's mechanic.

**Moved by:** Jason Kent

**Seconded by:** Joel Petty

Recommend to Common Council on approving the purchase of two (2) John Deere riding lawn tractors from Mid-State Equipment for \$23,800 from the Parks Equipment Fund.

**CARRIED (3 to 0)**

**2.e Backup Water Service Agreement**

The City was previously the backup for the Village of West Baraboo; however, that contract expired 10 years after the day they turned their well on. Theoretically, they have been without an agreement for the last two years. When Hwy 33 is rebuilt, the old connection will be abandoned and a new connection will be paid for by West Baraboo. They will then turn the 200 ft of water main back over to us as part of the agreement.

**Moved by:** Joel Petty

**Seconded by:** Jason Kent

Recommend to Common Council to enter into the Backup Water Service Agreement with the Village of West Baraboo.

**CARRIED (3 to 0)**

**2.f Sewerage Service Agreement**

W. Peterson explained that when the Village of West Baraboo requested the update to the Water Service Agreement, the City recommended upgrading the Sewerage Service Agreement, which was originally signed in 1958. The agreement requires the Village to follow our sewer ordinances, we charge them for the sewer usage, and requires some additional testing on their waste water. Whenever there is a capital improvement project at the wastewater treatment plant there is a calculation to determine how much each of the four entities, Baraboo, West Baraboo, Sanitary District #1, and Devil's Lake, contributes. In the past, West Baraboo was based on population; it's now based on flow base.

**Moved by:** Jason Kent

**Seconded by:** Joel Petty

Recommend to Common Council to enter into an Agreement for Sewerage services with the Village of West Baraboo.

**CARRIED (3 to 0)**

**2.g Rehabilitation of Sanitary Sewer Mains**

W. Peterson noted that 1/3 of the sanitary sewer system was televised last year. With this, significant leaks were found along Water Street. Because this pipe is all clay tile, they are proposing to do a full lining of over 2,000 ft of sanitary sewer, 27-inch. This is some of the largest sewer we have in the system and has a tremendous amount of flow through this line. The price includes lining of the pipe as well as temporary bypass of the existing sanitary sewer lines so we can keep flow going during the project. Any residents that have laterals that tie onto this pipe will receive hotel vouchers for an evening. This repair is completely trenchless technology and will not require digging in the streets. This project is currently planned for after Labor Day. This project was not included in the 2023 budget. To fund this project, they will be using funds available in their Fund Balance. After the use of these funds, they will continue to have sufficient funds in their Fund Balance for future projects and/or catastrophes.

**Moved by:** Jason Kent

**Seconded by:** Joel Petty

Recommend to Common Council to approve accepting a bid from Visu-Sewer in the amount of \$401,437.50 for rehabilitation of sanitary sewer mains.

**CARRIED (3 to 0)**

**2.h STH 136 Median Mowing**

T. Pinion noted that this is an annual resolution for the mowing of grass medians on STH 136. A total of three bids were received.

**Moved by:** Joel Petty

**Seconded by:** Jason Kent

Recommend to Common Council to approve the STH 136 Median Mowing Proposal and award of contract to Top 2 Bottom in the amount of \$70.00 per mowing, not \$60 as initially included on the resolution, and \$30 per hour for additional weed pulling and trimming.

**CARRIED (3 to 0)**

**2.i Noxious Weeds & Rank Growth Proposal**

T. Pinion noted this is also an annual resolution with only one proposal being received.

**Moved by:** Jason Kent

**Seconded by:** Joel Petty

Recommend to Common Council to accept the Proposal for mowing of weeds and rank growth from Sunrise Property Care in the amount of \$0.0125 per square foot for mowing an improved lot \$0.015 per square foot for vacant property less than ½-acre, \$0.008 per square foot for vacant property greater than ½-acre, and \$0.04 per square foot for weed control.

**CARRIED (3 to 0)**

**2.j Capital Funds Creation & Allocation of Dollars**

J. Ostrander explained that the City currently has one capital fund and everything is combined. Based on the relationship to depreciation, they determined how to split the combined fund into different capital funds.

**Moved by:** Jason Kent

**Seconded by:** Joel Petty

Recommend to Common Council to authorize the creation of Capital Funds and the allocation of dollars.

**CARRIED (3 to 0)**

**2.k State/Municipal Financial Agreement, STH 33**

T. Pinion explained that we finally have accurate estimates of the City's share of the reconstruction of Hwy 33. This has gone up significantly from two years ago due to labor and material costs. The City's combined total cost is \$5,573,000 based on the estimates. Water & Sanitary Sewer will cover their mains; we will recover a small portion of this in terms of special assessments for sanitary laterals and the sidewalk replacement. This is the last version of the agreement and is based on the most recent estimates. Weather permitted, this project could start later this year. Hwy 33 will be closed during construction.

**Moved by:** Joel Petty

**Seconded by:** Jason Kent

Recommend to Common Council to approve the final State/Municipal Agreement for a State-Let Highway Project on STH 33.

**CARRIED (3 to 0)**

**3. Discussion Items**

The committee, along with SCDC Executive Director Thomas Cox, discussed the City of Baraboo partnering with City of Reedsburg and SCDC for an assessment with Center for Rural Innovation and its Tech-Based Economic Development team for a cost of \$7,500. The committee would like to see this brought back as an action item at the next Finance meeting.

**4. Adjournment**

**Moved by:** Joel Petty

**Seconded by:** Jason Kent

That the meeting be adjourned at 6:47pm.

**CARRIED (3 to 0)**

Brenda M. Zeman, City Clerk



## CITY OF BARABOO ADMINISTRATIVE MEETING

### Meeting Minutes

April 4, 2023, 8:00 a.m.  
City Hall, Committee Room #205  
101 South Blvd., Baraboo, WI 53913

Members Present: Hazard, Kierzek, Thurow

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#### 1. CALL TO ORDER

1.a ROLL CALL OF MEMBERS

1.b NOTE COMPLIANCE WITH OPEN MEETING LAW

1.c APPROVE MINUTES from March 7, 2023

**Moved by:** Hazard

**Seconded by:** Kierzek

Motion: CARRIED

1.d APPROVE AGENDA

**Moved by:** Kierzek

**Seconded by:** Hazard

Motion: CARRIED

#### 2. ACTION ITEM(S)

2.a Temporary Liquor License

Rob Sinden noted that self policing works very well with this group but there is still a police presence.

**Resolution No: TO recommend to the Common Council for approval of 2023 Wine Walk, 05/05/2023.**

**Moved by:** Hazard

**Seconded by:** Kierzek

Motion: CARRIED

2.b Change of Agent

Rob Sinden had no problem with this request.

**Resolution No: TO recommend to the Common Council for Liquor License Change of Agent for Peking Buffet, LLC to Honyan Li.**

**Moved by:** Kierzek

**Seconded by:** Hazard

Motion:CARRIED

2.c Liquor License Renewal

Rob Sinden remarked that this application has been requested over the past many years with no adverse events.

**Resolution No: TO recommend to Common Council the 2023, 6 month "B" Liquor License Application for the Baraboo Dugout Club.**

**Moved by:** Hazard

**Seconded by:** Kierzek

Motion:CARRIED

3. **DISCUSSION**

3.a Strategic Plan

Administrative Committee items reviewed and discussed from the Strategic Plan Notes workbook:

\*Cross-Training is prioritized in departments to ensure high level of customer service.

Report all cross training and how frequently it is happening.

\*Conduct regular "stay interview" between employees and supervisors to understand their capacity and resource needs.

Metrics will be number of employees interviewed by committee members.

Retention and define turnover

\*Develop program to recognize and invest in future leaders (including professional development, tuition reimbursement, passing responsibility downward.

\*Each department to conduct an evaluation of their skills inventory and identify gaps annually.

\*Maintain non-virtual formats of communication for residents who cannot access and/or understand technological delivery models..

Adding note for resources such as QR code in the tax bills.

\*Create benchmarks to measure reach and impact of social media use to understand which platforms to prioritize.

\*Develop an evaluation tool to measure new technologies.

Look at having informational videos produced to help explain governmental processes.

Enhance meeting access through the calendar and newsletter access.

\*Draft and adopt a solid 5-year capital improvement plan annually.

Template has been developed, Monthly fixed asset processing is in the design phase. Communication with department heads to stay abreast of capital needs has to be developed. Budget banking methodology to create nest egg for future purchases with levy limit consideration challenges.

4. **INFORMATIONAL ITEM(S)**

4.a Date and time of next meeting is May 2, 2023 at 8:00 a.m.

5. **ADJOURNMENT (Voice Vote)**

5.a Adjourn at 9:12 am

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Julie A. Ostrander, Finance Director