

**COMMON COUNCIL MEETING**  
**June 11, 2013**

Present: Schraeder, Brockman, Werch, Hansen, Klein, Miller, Pape (arrived at 7:04 p.m.), Will  
Absent: Peabody  
Others: City Administrator Rich, City Attorney Wurtz, Public Works Director Drake, Police  
Chief Lukoski, City Clerk Schommer

Will called meeting to order at 7:01 p.m.

Pledge of Allegiance/Invocation – Councilmember Joel Brockman

**Approval of agenda**

Motion made by Brockman, second by Hansen to approve agenda as presented. Motion carried.

**Public communications and comment**

No one from the public came forward to address council.

**Conduct public hearing – allowing chickens in the City limits**

Will opened public hearing at 7:04 p.m. Rich handed out to council emails she had received regarding citizens positions on allowing chickens in the city limits – 3 against allowing chickens in the city limits and 1 for allowing chickens in the city limits. Appearing before council and speaking in favor of allowing chickens in the city limits: Christine Glover, 202 E Oshkosh St; Ben Glover, 202 E Oshkosh St; Frank Smith, 217 Washington St; Brett Witthun, 846 Newbury St; Jerry Davidson, 515 Scott St; Kent Gallaway, 709 Thorne St; Mark Resch, 501 Howard St; Allie Scott, 938 Ransom St. Mike Levenhagen, 636 E Fond du Lac St stated he wasn't for or against having chickens, but was concerned with what happens with the chickens when the residents were through with them. With no one else coming forward to address council, Will closed public hearing at 7:15 p.m.

**Consent calendar** (Unless the Mayor, Council, or staff asks that one or more of the items listed below be pulled, this list may be approved with a single vote.)

Motion made by Klein, second by Brockman to approve consent calendar as is with stipulations that Plaza Bowl provide proof of partnership going through before “Class B” license issued and released and that all license applicants have paid all fees, delinquent payments, utilities before licenses are issued. Motion passed 6-1 (Miller abstaining). With this motion the following items were approved.

1. Informational reports from standing committees and staff
  - a. Ripon area Fire District minutes – April 2<sup>nd</sup> & 18<sup>th</sup>
  - b. Historic Preservation minutes – April 9<sup>th</sup>
  - c. Common Council minutes – April 11<sup>th</sup> & 22<sup>nd</sup>, May 7<sup>th</sup>
  - d. Ripon Public Library minutes – April 30<sup>th</sup>
  - e. Ripon Taxi – March
  - f. Building Inspector report - April
  - g. EMS report – April
  - h. Fire District report – April

- i. Police Department report – April
- j. Public Works report – March, April
- k. Senior Center report – April
- l. City Administration reports
  - Treasurer’s report – April
  - Budget report – April
  - Check register – April
2. Fermented malt beverage and/or alcohol beverage licenses (see attached)
3. Sidewalk café and/or outdoor service/beer garden licenses (see attached)
4. Cigarette and tobacco products retail license (see attached)
5. Request for street closures (4 events) – Ripon Main Street (Craig Tebon)- close Seward Street from Ransom to Watson Street and Watson from Seward south to the Horicon Bank drive-thru entrance from 5:00 p.m. to 10:30 p.m. on the following Fridays: 6/28, 7/5, 7/26 and 8/9 for concerts that are expected to draw a large crowd. Staff has no objections.)

**Action Items**

Tabled item – Petition to allow more than 2 dogs (Frank Smith and Lisa Pagan)

Wurtz stated the City Clerk handed him sealed envelope containing a letter from Ms. Pagan’s doctor, which she received from Mr. Frank. Wurtz asked Frank what he wanted released from the letter to council, Frank stated Wurtz could release entire letter to council. Schraeder stated that council did not need to hear the contents of the letter. Frank informed council that Ms. Pagan’s dog was a therapy dog and it is not right for council to mandate he get rid of one of his 2 dogs in order for Ms. Pagan to have the 3<sup>rd</sup> dog. Motion made by Schraeder, second by Brockman to approve request from Frank Smith and Lisa Pagan to have a third dog. Motion carried.

Petition – request to allow more than 2 dogs (JoAnn Steinberg and David Sauer, 405 Ardmore Ave.)

Motion made by Pape, second by Hansen to approve request from JoAnn Steinberg and David Sauer to have third dog. Motion carried.

Petition – request to allow more than 2 dogs (Joan Will, 555 Fenton Street)

Motion made by Paper, second by Hansen to approve request from Joan Will to have third dog. Motion carried.

Resolution – Writing off certain delinquent personal property tax accounts

Motion made by Hansen, second by Miller to approve Resolution No. 2013-10, A Resolution Writing Off Certain Delinquent Personal Property Tax Accounts. Motion carried.

## **Discussion items**

### **Consider amending floodplain near Mill Pond**

Drake summarized reasoning for request to amend floodplain near the Mill Pond. A dam failure analysis (DFA) was completed as part of the city's work with WDNR on dam improvements. The dam hazard rating may be reduced from High Hazard to Significant Hazard. Travis's recommendation is the addition of the area to the 100 yr floodplain. Schraeder inquired how property owners would be affected by amending the floodplain near the mill pond. Werch answered it could be a requirement to have flood insurance. Motion made by Schraeder, second by Klein to move forward with the Plan Commissions recommendation of holding a public hearing to add the area to the 100 year floodplain. Motion carried.

### **Mill Pond Dam spillway alternatives**

Drake supplied council with a color photo of an ogee type spillway as requested. Drake stated Peabody at the last council meeting raised issue of liability with this type of dam. Drake stated any dam is going to be a liability to the city. Schraeder inquired whether the city has had any liability claims on the current dam. Drake responded no. Pape asked Drake why recommendation of an ogee vs. what we currently have. Drake stated cost and the structure will need to be closer to 90 ft (zigzag pattern). Motion made by Schraeder to go with Drake recommendation of 50 ft Ogee Spillway design, second by Klein. Motion carried.

### **Consider allowing backyard fowl within City limits**

Klein inquired why item stated backyard fowl and not just chickens. Wurtz explained current ordinance states fowl. Will stated discussion would be whether or not to bring subject back to council on future agenda in form of an Ordinance. Motion made by Klein for staff to draft for consideration an ordinance allowing 4 chickens (hens), no other fowl and for chickens to be confined in a contained area, second by Hansen. Much discussion ensued. Brockman stated he is against allowing chickens within city limits. When he purchased property in the city he had expectations that no agricultural animals would be allowed. Hansen stated he was contacted by many people in favor of allowing chickens with restrictions. Miller stated citizens in the audience for the public hearing had made some good points, but wondered how many were raised on a farm. Few members of the audience raised their hands. Schraeder questioned who would be responsible for enforcing the ordinance. Wurtz responded the Code Enforcement Officer and the Building Inspector. Schraeder stated the city currently does not have a Code Enforcement Officer so who would be responsible. Wurtz responded the Police Department. Werch stated he had received many calls from concerned citizens against allowing chickens within the city limits. Reasons he received were, enforcement issues, extra burden on departments needing to enforce complaints, health department would need to be involved, upkeep and maintenance. Werch also stated he has spoken with other municipalities that have recently passed ordinances allowing chickens within their boundaries and the other municipalities stated the extra burden of cost of enforcement in their municipalities. Werch stated he has checked with the City of Ripon Police Dept and they had received 312 animal complaints in 2011, 288 animal complaints in 2012 and nearly 144 complaints in 2013 so far. Werch stated this was a lot of cost following up on complaints of animals already allowed within city limits. Werch also has concerns with neighborhoods deteriorating. He would push for an ordinance that stated 100% of the neighborhood would need to agree to have someone in their

neighborhood to have chickens at their address. Does the one neighbor who didn't sign off become the outcast of the neighborhood and have to fear repercussions. Pape asked Werch what his inclination for allowing chickens within city limits was. Werch responded he was against it due to cost issues, enforcement issues and worry about neighborhood situations. Werch explained that this subject could be explored in the future. Roll call vote taken: Werch-no; Brockman-no; Hansen-yes; Klein-yes; Miller-no; Pape-yes; Schraeder-no. Motion fails 3-4 (Werch, Brockman, Miller and Schraeder voting no). Motion made by Brockman to table subject of allowing chickens within city limits to a 24 month moratorium. Schraeder stated that in April 2014 there will be a new council sworn in and feeling could be different. Schraeder inquired whether it was fair to have a moratorium. Brockman withdrew his motion.

### **Project updates & staff reports**

Drake stated they were string-lining for curb and paving should start late next week. He also stated that Public Works is way behind on mowing due to wet weather and short on manpower. He has as many people working on mowing as he can spare. Drake has let other repair items slide until caught up on mowing. Hansen requested Public Works fill cut out on Belleville with gravel. Schraeder and Werch both commended Public Works personnel on great job handling Spring Cleanup. They both had received favorable phone calls. Brockman inquired about sink holes in terrace areas and who was responsible for repair. Drake stated he hoped minor damage would be taken care of by the property owner and that major infrastructure problems, Public Works would handle. Werch inquired who was responsible for N Douglas Street/RR tracks and could a load of gravel be delivered and spread. Drake stated WI Southern plans to take care of the problem, but that he could have someone from Public Works spread gravel. Schraeder asked Rich for update on filling Code Enforcement Officer position. Rich stated still trying to fill the position. Building Inspector is going to deal with issues that arise. Brockman asked if all summer help positions are filled. Drake responded that they are 1 person short.

### **Mayor's communications and appointments**

Appoint member of Library Board- Motion made by Schraeder, second by Miller to approve Diane Christenson for a 3-year term ending June 30, 2016 to the Library Board of Trustees. Motion carried.

### **Agenda items for future Council meetings**

Klein recognized employees celebrating anniversaries in June with the city: Lindsey Michels-Ripon Police Dept.; Randy Cluppert-Public Works Dept.; Jack Wendler-Wastewater Dept.; Kelly Schmuhl-Ripon Police Dept.; Jim Jacobs-Water Dept.

Adjourn to closed session under Wisconsin Statutes 19.85(1)(e) "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session"

RE: Possible acceptance of the donation of residential property

RE: Consider reducing the asking price on the South Grove lot

RE: Consider release of excess collateral (Rolling Hills)

Council will review minutes from the closed session on 5/14/2013 for accuracy and release.

Motion made by Brockman, second by Schraeder to adjourn to closed session. Motion carried.

With no further business in open session, Will declared meeting adjourned at 8:09 p.m.

Ann Schommer, City Clerk