

Common Council Minutes
Monday, July 22, 2013

Present: Peabody, Werch, Brockman, Hansen, Klein, Miller, Will

Absent: Schraeder, Pape

Others: City Administrator Rich, City Attorney Wurtz, Public Works Director Drake,
City Clerk Schommer

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

Pledge of Allegiance/Invocation – Clay Salmela

Approval of agenda

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

Public communications and comment

Mary Whitrock, 917 Watson Street, Ripon, new Superintendent of Ripon Area School District, introduced herself to council. Whitrock stated she would like to partner with the city and has an open door policy.

Actions items

Ordinance – Repeal Subsection 13.34.040 Operation on connecting highways or intersections, crossing a State trunk highway

Motion made by Peabody, second by Werch to approve Ordinance Number 1429, An Ordinance to Repeal Subsection 13.34.040 Operation on connecting highways or intersections, crossing a State trunk highway. Motion carried.

Consider local historic designation forms/guidelines

Klein explained importance of having local historic designations in the City of Ripon. Peabody inquired who approves property as local historic designations. Wurtz and Klein stated applications first go to Historic Preservation Committee and then to Council for final approval. Werch wondered what benefits were to having the local designation and if property owner would be forced to become a local historic designation. Wurtz stated it is voluntary request of the home owner. Motion made by Klein, second by Hansen to approve local historic designation forms/guidelines. Motion carried.

Plan Commission minutes – July 17th

Rich explained on July 17th, the Plan Commission held a public hearing to amend the City's floodplain ordinance to include the dam failure shadow, which is required for reducing the hazard rating on the dam. The Commission also approved correction of a mapping error and the wellhead protection ordinance.

Amendment to City's floodplain ordinance

Peabody inquired if affected property owners were contacted. Will and Rich stated yes. Motion made by Peabody, second by Brockman to approve (an amendment to the city's floodplain ordinance), Resolution 2013-12-A Resolution to Maintain a Dam Breach Flood Zone Map Pursuant to Chapter 20.46.015, Subsection (2). Motion carried.

Correction to official city map to correct mapping error between 1984 and 1992

Motion made by Peabody, second by Hansen to approve correction to official city map to correct mapping error between 1984 and 1992 for property located at 428 E Oshkosh Street. Zoning will be restored to Industrial from R-3. Motion carried.

Wellhead protection ordinance

Motion made by Brockman, second by Klein to approve Ordinance Number 1430-Ordinance to Create Chapter 20.50 Wellhead Protection Overlay District of the Municipal Code of the City of Ripon and Ordinance Number 1431-Ordinance to Amend Subsection 20.04 Definitions to Include the Definitions of Aquifer, Time of Travel, Zone of Contribution, and Wellhead of the Municipal Code of the City of Ripon, WI . Motion carried.

Discussion items

Consider increasing the \$100,000 insurance liability requirement for pit bulls

Klein stated she had received many emails in support of changing liability insurance requirement on pit bulls. Klein feels the city should increase liability insurance requirement to \$250,000 for the safety of its citizens. Will stated Rich had inquired requirements from other municipalities and that they were all over the board, including a few that do not require liability insurance. Peabody wondered what reasoning was for Beloit not to have liability insurance requirement. Donna Marquart, 640 E Jackson St, Ripon, spoke before council in support of keeping the current ordinance. Marquart owns 2 dangerous dogs, American Staffordshire Terriers. Marquart read from a recent TIME magazine article and basically stated that it depends on how the dogs are raised and treated, not because they are what the city considers a “dangerous dog”. Marquart feels it would be prejudicial of the city to increase liability insurance coverage and punishing someone for having a certain breed of dog when other breeds can be more dangerous. Adam Chase, 1092 Metomen Street, Ripon, also spoke against raising the current liability insurance requirement. Chase doesn’t see what raising the liability insurance requirement to \$250,000 will do and what the council was trying to do by raising the requirement. Chase volunteers at the Green Lake Animal Shelter and inquired why not all aggressive breeds are not included in the ordinance, example, German Shepards, Labs. Chase stated if council wanted to make a change to the ordinance, they should require pet owners go through a certified training program and bring the certificate to the city before the owner would be able to purchase a pet license. Brockman inquired from Chase if he thought increasing the fine instead of insurance liability would be a more positive action. Chase stated it might, but then again some owners just don’t care. Chase also stated a greater percentage of dog owners lie about owning a pit bull. Dennis Cotton, 456 Scott St, Ripon spoke in favor of increasing the liability insurance requirement and having landlords also having to have to carry a higher liability insurance if they knowingly rent to a pit bull owner or land owners if they get a pit bull. Cotton read from many different sources regarding statistics in pit bull attacks, deaths, plastic reconstruction surgery, etc. Will asked Cotton if statistics were from entire country or a municipality. Cotton stated it didn’t matter because all the reports state pit bulls are the most dangerous breed of dog. Ann Kloechner, 424 Scott Street, Ripon spoke in favor of keeping current ordinance and not increase liability insurance requirement. Kloechner stated she does not own a pit bull and has read same article and statistics that Cotton had read and the article states that the statistics should not be used to make government decisions. Kloechner also stated it

depends on how the animal is raised. Any breed can be taught to attack, maul, etc. She also stressed the importance of training for both the animal and pet owner and that responsible dog owners will not have a problem taking the training. Brockman inquired from Wurtz if his 2 miniature dogs were to get loose and run at large, there would be a fine to pay just like if a pit bull was running at large. Wurtz stated yes. Brockman inquired what happens to a dangerous dog breed if it was not properly licensed and was running at large. Wurtz indicated that the animal would need to be removed from the city and/or given a time period in which to license the dog. Werch stated a number of things come into play and that the city is already giving undo responsibility to pit bull or dangerous dog owners and he would rather have the animals licensed than not licensed. Werch and Brockman inquired is increasing the insurance liability requirement and making landlords or home owners have higher liability insurance would open the city to civil/criminal lawsuits. Wurtz stated raising liability insurance would not open the city to civil/criminal lawsuit, but forcing landlords to also be liable would in a civil suit. Klein sees the bigger problem as getting pet owners to license their animals, period. Many council members agreed with Werch regarding keeping the ordinance as is. Klein stated it was the city's job to protect our citizens. Brockman stated we have a police department doing a fine job at enforcing the laws on the books, but he would encourage making fines higher and/or removal of the dogs from the city if owners do not follow city ordinances/state statutes. Many council members want it stressed that it is the pet owner's responsibility to license their pets and to follow ordinances. Motion made by Werch, second by Hansen to keep existing Pit Bull and Vicious/Dangerous Dog ordinance as is. Motion passed 5-1(Klein voting no).

Review 2014 budget schedule; solicit Council's input/parameters

Rich stated the schedule of meetings and key dates for the 2014 budget process is attached for Council's review. In addition, as has been done in recent years, staff is seeking input from the Council as we begin this process. Rich also stated if council has a conflict with the budget dates or have questions or want additions added to the budget to contact her. Klein stated she would like to see single stream recycling added to 2014 budget. Werch inquired if Main Street, Chamber of Commerce have been contacted regarding budgeting room tax dollars. Rich stated as in the past, the amounts would be left open and in October the groups would be invited to come in and give their sales pitch for the room tax dollars.

Project updates & staff reports

Peabody inquired of Drake when the dam project begins if the dam would be drawn down to 100% and if the city should budget monies for clean-up process. Drake stated he did not know yet, but his sense is that a coffer dam with bypass system probably would be employed. Klein inquired why there was no music on the cable channel. Peabody stated the committee is looking at different avenues due to copyright laws.

Mayor's communications and appointments

Appoint member of Cable TV Advisory Committee

Motion made by Peabody, second by Hansen to approve appointment of Amanda Przybyl to the Cable TV Advisory Committee for a 5-year term ending 3-31-18. Motion carried.

Agenda items for future Council meetings

Review forfeitures for pets not licensed, running at large, etc and possible requirement of having owners/dog training and certificates.

Adjourn to closed session 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: Consider offer to purchase city-owned property (933 Newbury)

Council will also review minutes from the closed session on 7/9/2013 for accuracy.

Motion made by Klein, second by Peabody to adjourn to closed session. Motion carried.

With no further business in open session, Will declared meeting adjourned at 8:07 p.m.

Ann Schommer, City Clerk