

**CITY OF HARTFORD
COMMON COUNCIL
August 23, 2022**

The Common Council of the City of Hartford, Washington and Dodge Counties, Wisconsin, met for its regularly scheduled meeting on Tuesday, August 23, 2022 7:00 p.m., in the Common Council Chambers of Hartford City Hall, 109 North Main Street, Mayor Timothy Michalak presiding.

PLEDGE OF ALLEGIANCE

Mayor Michalak led the Common Council in the Pledge of Allegiance.

ROLL CALL

The Mayor and all Alderpersons were present; Alderperson Kohler attended via Zoom, and Alderperson Carroll arrived at 7:27 p.m.

UNANIMOUS CONSENT AGENDA

MOTION by Alderperson Hegy, seconded by Alderperson Sikora approving the following items:

1. The Common Council minutes of August 16, 2022.
2. Accepting a quote from Safe Slide Restoration for the refinishing of the Veterans Memorial Aquatic Center slides for an amount not to exceed \$31,929.

MOTION CARRIED UNANIMOUSLY.

APPEARANCES/CITIZEN COMMENTS

1. Alexander Walters appeared for a transient merchant license for Polar Bear Express Ice Cream. He expressed his continued interest in operating his business in the Hartford community.
2. Wendi Unger from Baker Tilly presented the 2021 City of Hartford Financial Statements, which included a summary of the audited statements and a summary of fund balances.

MAYOR'S REPORT

Mayor Michalak confirmed that this coming weekend will be the last weekend the Veterans Memorial Aquatic Center will be open for the season and encouraged everyone to take advantage of the pool.

RESOLUTIONS AND POSSIBLE ACTION THEREON

1. Resolution No. 3634 – A resolution approving the transfer of an 8,818 square foot parcel of land adjacent to 835 East Sumner Street to JJR Properties, LLC.
 - a. City Attorney Ian Prust explained this is a next step in the process to allow an adjacent property owner to fully develop this parcel of land. The right of way was vacated for this property a few months ago. He advised the City can enter into the transaction after any legal fees or transactional fees incurred from the vacation of the land are paid by JJR Properties, LLC.

MOTION by Alderperson Fulop, seconded by Alderperson Hegy for the adoption of proposed Resolution No. 3634.

MOTION CARRIED UNANIMOUSLY.

2. Resolution No. 3635 – A resolution approving the transfer of a 10,243 square foot parcel of land adjacent to 1147 East Sumner Street to JJR Properties, LLC.
 - a. Mr. Prust explained this explanation is similar to the previous parcel, but the City is requesting the resolution be approved contingent upon the recording of an easement across the property for the Affiliate Clinical Services building. The property transfer would occur after the easement is drafted and recorded.
 - b. Alderperson Carroll asked what the easement is needed for. Mr. Prust explained there is a driveway on one end of the property that requires an easement so that Affiliated Clinical Services has access to the parking lot from that driveway.

MOTION by Alderperson Sikora, seconded by Alderperson Webb for the adoption of proposed Resolution No. 3635.

MOTION CARRIED UNANIMOUSLY.

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3. Resolution No. 3636 – A resolution authorizing execution of the Department of Natural Resources Principal Forgiven Financial Assistance Agreement.
 - a. Director of Utilities Brian Rhodes explained this resolution is related to the Lead Service Line Replacement Program that has been underway since July. The replacement program was funded by a DNR grant and the project was contracted out to Wood Sewer and Excavating. By adopting this resolution, the City is now fulfilling the DNR requirements in order to have the principal amount of the loan forgiven.

MOTION by Alderperson Turchi, seconded by Alderperson Garza for the adoption of proposed Resolution No. 3636.

MOTION CARRIED UNANIMOUSLY.

ORDINANCES

First Reading and Possible Action Thereon

1. Ordinance No. 1461 – An ordinance repealing and recreating Chapter 26 of the Municipal Code.
 - a. City Attorney Ian Prust explained the changes to Chapter 26, which included a proposed chicken keeping ordinance, implementing a cap on total animals allowed at one residence, updating vicious and dangerous dog code, and moving some license requirement code from a different chapter into Chapter 26.
 - b. Mayor Michalak commented that the proposed annual fee for keeping chickens without inspection was too high. He also commented that there are many more communities with chicken ordinances than he initially thought. He also wanted the council to consider allowing 2 more chickens than what was proposed in the ordinance.
 - c. Mr. Prust advised that the number of allowed chickens in the ordinance can be changed, and that then then total number of animals could also be changed to incorporate that increase. He also anticipated that this would be a first reading only, allowing for changes and edits to be presented at a future meeting.
 - d. Alderperson Webb proposed increasing the total number of animals allowed to ten and asked for clarification on the designation of a dangerous and/or vicious dog. After Mr. Prust explained that there was language in the ordinance that makes it clear that the designation is under a declaration from a police officer and there is a right to a hearing, Alderperson Webb expressed concern that the criteria to designate a dangerous dog needs to be stricter. Mr. Webb also asked if there would be the requirement of getting neighbor approval for chicken keeping, as was discussed in a previous meeting. Mr. Prust explained that this provision was left out of the ordinance to avoid any potential neighbor issues. He further explained requiring neighbor approval could take away the right of the homeowner to do something on their property that could be in complete compliance of the ordinance. Mr. Webb then asked about the number of cats and dogs allowed at a residence. He asked if there was a specific reason as to why the number is 3. He would like to see the number increased to 4 so that if the number of chickens was increased to 6, the total number of allowed animals could be increased to 10. Mr. Prust explained that the number of cats and dogs allowed has to do with the nature of those animals. Dogs and cats need a larger amount of space than an animal that is largely kept indoors. Smaller city lots can't necessarily support more than a combination of 3 dogs and cats.
 - e. Alderperson Sikora asked for clarification on property versus residence. Mr. Prust explained the dog and cat limits apply to dwelling units. The chicken provision would only be applicable to owner-occupied single-family homes or duplexes. Rental properties would not be allowed to keep chickens if the owner does not reside in the residence.
 - f. Alderperson Hegy supported keeping the dog and cat combination limit to 3. He also proposed keeping the chicken limit to 4 with the option of increasing the number after 1 year. Mr. Hegy clarified the number of animals allowed for the fancier's permit to be a combination of cats and/or dogs.
 - g. Alderperson Turchi asked how many requests for chickens the city has received in the last two years. City Clerk Lori Hetzel advised she had received at most two. She added that the last request she received was around Easter.

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- h. Alderperson Rusniak commented that he had received one email requesting to have chickens. He then commented that he received two verbal requests not to have chickens.
- i. Alderperson Fulop asked how common it is for those with fancier's permits to not have more than 4 dogs, and what was used to determine that number. Mr. Prust explained that discussions with Planning and Zoning are used and lot sizes are heavily considered.
- j. Alderperson Webb asked if the chicken ordinance violations would go through the normal code violation process. Mr. Prust answered that code violations would result in a citation. Mr. Webb then asked how long that process would continue. Mr. Prust showed in the code that if someone is cited for a violation, their permit would be revoked and they would be ineligible for another permit for a period of 1 year. If a second violation occurs, they would not be allowed to ever obtain another permit. Similar language is included with the fancier's permit.
- k. Alderperson Turchi asked if a Homeowner's Association could dictate the specifications of a homeowner's chicken coop. Mr. Prust stated yes, the Association could do that. He also advised that the HOA could prohibit chickens altogether, but that would be a separate restriction that the city has nothing to do with.

Mr. Prust suggested proposing individual amendments to the ordinance and seeing if there is a majority support for the amendment, then bringing the amended ordinance back to the council at a future meeting.

MOTION by Alderperson Webb, seconded by Alderperson Fulop to change the total number of cats and dogs to 4, but no more than 3 of each.

ROLL CALL VOTE: AYE: (5) Fulop, Garza, Sikora, Webb, Kohler; NAY: (4) Turchi, Carroll, Hegy, Rusniak;
MOTION CARRIED

MOTION by Alderperson Webb, seconded by Alderperson Fulop to remove the dangerous dog provision but maintain the vicious dog prohibition.

MOTION CARRIED UNANIMOUSLY.

MOTION by Alderperson Turchi, seconded by Alderperson Rusniak to remove the chicken keeping provision.

MOTION FAILED 2-7. Alderperson Turchi and Rusniak voted (AYE).

MOTION by Alderperson Webb, seconded by Alderperson Fulop to increase the total number of animals allowed to 8.

MOTION CARRIED 8-1. Alderperson Turchi voted (NAY).

MOTION by Alderperson Garza, seconded by Alderperson Fulop to approve the first reading of Ordinance No. 1461 and to incorporate the above amendments.

MOTION CARRIED 8-1.

2. Ordinance No. 1462 – An ordinance repealing Chapter 21 of the Municipal Code.

- a. City Attorney Ian Prust explained most of the provisions in this chapter have been moved to Chapter 26 or are null and void due to there not being a City Health Officer. The remaining provisions will be incorporated into the Nuisance ordinance, which will all be presented at the next meeting.

3. Ordinance No. 1463 – An ordinance creating Section 7.115 – Maintenance of Right of Way.

- a. City Attorney Ian Prust explained that traditionally the residents of Hartford have taken care of the terrace area within the right of way. However, there is not currently an ordinance that specifies the maintenance of the grass in the right of way. This ordinance would officially make the property owner responsible for maintaining the grass in the right of way. This ordinance also has provisions prohibiting installations in the right of way that would impede sight.

MOTION by Alderperson Hegy, seconded by Alderperson Carroll to suspend the rules for immediate consideration of proposed Ordinance No. 1463.

MOTION CARRIED UNANIMOUSLY.

MOTION by Alderperson Carroll, seconded by Alderperson Sikora for the adoption of proposed Ordinance No. 1463 – An ordinance creating Section 7.115 – Maintenance of Right of Way.

MOTION CARRIED UNANIMOUSLY.

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CITY ADMINISTRATOR'S REPORT

1. Second quarter General Fund Results
 - a. City Administrator Steve Volkert explained revenues are a bit behind last years and expenses are a bit higher than last year. Revenues are expected to increase in the fourth quarter, as that is when taxes are collected, and Mr. Volkert explained that it would not be surprising if expenses went over the budget this year due to inflation and operating costs.
2. Appeal of Sex Offender Residency Exemption decision.
 - a. City Administrator Steve Volkert explained the Sex Offender Residency Board met in July to consider requests for exemption from the city's sex offender residency ordinance. The board denied one request, and that individual appeared to appeal that decision.
 - b. Brian Schessler, 303 North Main Street, explained to the council the reasons why he believes he should be exempt from the Sex Offender Residency Restriction, which included a personal and professional support system, full-time employment, completion of sex offender treatment while incarcerated, and completion of a cognitive thinking group.

CLOSED SESSION

1. The Common Council to move into closed session under § 19.85 (1)(1a) "Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before the governmental body" relative to the request for exemption from sex offender residency restrictions. Common Council to reconvene in open session for possible action.
MOTION by Alderperson Hegy, seconded by Alderperson Sikora to move into closed session at 8:34 p.m.
ROLL CALL VOTE: AYE: (9) NAY: (0) MOTION CARRIED UNANIMOUSLY. Alderperson Kohler was not allowed to participate in the closed session due to appearing via Zoom call.

OPEN SESSION

1. Possible action on exemption from Sex Offender Residency Restrictions.
MOTION by Alderperson Fulop, seconded by Alderperson Turchi to reconvene in open session at 9:10 p.m.
MOTION CARRIED UNANIMOUSLY.
MOTION by Alderperson Webb, seconded by Alderperson Fulop to grant Brian Schessler exemption from the Sex Offender Residency Restrictions.
MOTION CARRIED 8-0, Alderperson Kohler did not vote as he did not participate in the closed session.

ADJOURNMENT

MOTION by Alderperson Sikora, seconded by Alderperson Webb for adjournment at 9:11 p.m.
MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,
Lori Hetzel, City Clerk

CCAUG23.22