



P.O. Box 352 • 150 S. Bridge St. • Markesan, WI 53946 • P: (920) 398-3031 • F: (920) 398-3991

FINANCE, PERSONNEL & SAFETY Markesan City Hall

February 4, 2020

6:30 PM

AGENDA

Call to Order

Roll Call

Citizen's Comments

Emergency Management Report

Review and Approval of Vouchers Payable

Police Report & Schedule

- Hire Ryan Behlke Part Time Officer
- Final Draft Dangerous Dog Ordinance

New Business

- Discussion and Action on Complete Count Committee for the 2020 Census
- Discussion and Action on Agenda and Materials Deadline for Common Council
- Discussion and Action on Write-off or Collection of Delinquent Personal Property Bill

Adjournment

A quorum of the Markesan Common Council may be in attendance at this meeting to gather information about a subject over which they have decision making responsibility. Under Wisconsin Open Meeting Law, this may constitute a meeting of the Common Council pursuant to the Badtke Decision, however, the Council will not take action at this meeting.

Any person requiring special assistance to participate in this meeting should contact the Clerk-Treasurer at 398-3031 at least 24 hours prior to the meeting so appropriate accommodations can be made.

Posted: Horicon Bank City Hall
ERGO Bank Post Office
www.markesanwi.gov

Dated February 3, 2020
Elizabeth Amend, Clerk-Treasurer



P.O. Box 352 • 150 S. Bridge St. • Markesan, WI 53946 • P: (920) 398-2121 • F: (920) 398-8127

Markesan Police Department
William A. Pflum, Chief of Police

Finance, Personnel and Public Safety Committee
Presented on February 4, 2020

January 2020

Agenda:

**Hire Ryan Behlke Part Time
Final Draft Dangerous Dog Ordinance**

Appendix:

1. Final Draft Dangerous Dog Ordinance

Ryan Behlke Part Time

This department would like to fill a current part time vacancy by hiring Ryan Behlke. Ryan ranked first in our most recent hiring process and will make a great addition to this department.

The addition of Ryan comes at a good time because I have been informed by Officer Stuckart that he has accepted a position with another department and will most likely turning in his resignation letter in the coming days.

Please see the attached conditional offer of employment for details.

Final Draft of Dangerous Dog Ordinance

Attorney Sondalle has finished reviewing and revising the Dangerous Dog Ordinance. This is now ready for final approval.

ORDINANCE NO _____

An Ordinance creating Section 107-4.1 of the Municipal Code of the City of Markesan regarding Dangerous Dogs.

The Common Council of the City of Markesan in session duly begun on the ____ day of _____, 2020, does ordain as follows:

SECTION 1: Section 107-4.1 of the Municipal Code of the City of Markesan is hereby created to read as follows:

A. Definitions:

- (1) *At large* means the dog is:
 - (a) on private property without consent, or
 - (b) on public property without restraint and control, or
 - (c) not secured in a vehicle, or
 - (d) on a leash which reaches within two feet of a public walk.
- (2) *Dangerous dog* means any dog which:
 - (a) has without provocation or extenuating circumstances, inflicted severe bodily harm on a human being or domestic animal, or
 - (b) has previously been classified as a potentially dangerous dog and exhibits escalating behavior which endangers the safety of a human or domestic animal.
- (3) *Dog* means any domesticated canine (*Canis familiaris*).
- (4) *Owner* means any individual that has the right of property in an animal or who keeps, harbors, cares for, acts as its custodian or who knowingly permits an animal to remain on or about his premises and/or property.
- (5) *Potentially dangerous dog* means any dog without provocation or extenuating circumstances, menaces, chases, or displays threatening behavior which endangers the safety of a person or domestic animal.
- (6) *Severe Bodily Harm* means bodily injury to a person or domestic animal including, but not limited to, a significant laceration or puncture wound, fracture of a bone, a concussion or loss of consciousness, or loss of a tooth.

B. Dangerous Dog.

- (1) **Designation of Dog as Dangerous.** Any dog which without provocation or extenuating circumstances, inflicts severe bodily harm on a person or domestic animal within the City of Markesan, shall be considered a dangerous dog and shall be penalized by a forfeiture as set forth in Section E below and be subject to impoundment and euthanasia. Upon an animal being declared

dangerous in Markesan or any other jurisdiction, the owner shall immediately comply with all the requirements in Section 107-4.1 (B)(3) below.

- (2) No person shall harbor, keep or maintain within the city limits of the City of Markesan any dangerous dog not in compliance with this Ordinance.
- (3) The owner of a dangerous dog, as defined by this ordinance, shall:
 - (a) Provide that the dog be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, designed to prevent the animal from escaping, and designed so that the snout of the dog cannot protrude beyond the enclosure. The owner must provide protection from the elements for the dog. Underground fences are not sufficient to contain these dogs;
 - (b) Be permitted to take the dog off the owner's premises if restrained by a suitable leash not exceeding 4 feet in length and is under the control of an able-bodied adult and muzzled to prevent it from biting any person or animal. The muzzle shall not interfere with the dog's vision or breathing;
 - (c) Provide proof of liability insurance in the amount of at least one hundred thousand dollars for any acts of property damage or liability incurred by virtue of injury inflicted by such dog;
 - (d) Persons found in violation of the above said sections for keeping a dangerous dog shall be penalized by a forfeiture as set forth in Section E below.
- (4) A Dangerous Dog that runs at large or commits a repeat offense, the owner of said dog may be subject to a forfeiture and/or the dog impounded. Upon judgment of conviction in court the dog shall be removed from the City and shall be subject to the procedures and the standards set forth in Chapter 173 and 174 of the Wisconsin Statutes, which may include impoundment or euthanasia.

C. Potentially Dangerous Dog.

- (1) Any dog which without provocation or extenuating circumstances menaces, chases or displays threatening behavior which endangers the safety of a person or domestic animal shall be considered potentially dangerous and shall comply with the provisions of this section.
- (2) Said dog shall be securely confined indoors or in a securely enclosed area or supervised by an able-bodied adult on a physical leash not to exceed four feet, underground fences are not sufficient.
- (3) After a period of 12 months without further incidents, the owner may present proof of corrections of the potentially dangerous behavior to the Clerk's Office and request to have said designation removed.
- (4) Owners or persons found in violation of the regulations for keeping a potentially dangerous dog shall be penalized as set forth in Section E below.

D. Extenuating Circumstances. Extenuating Circumstances. Notwithstanding the other provisions of this ordinance, a dog shall not be deemed dangerous or potentially dangerous for behavior under the following circumstances:

- (1) A Dog utilized by law enforcement in performance of duties.
- (2) A dog defending itself, its young, its owner or any other person from an attack.
- (3) Result of a willful trespass or attempt to commit a crime.
- (4) Harassing or engaging in conduct reasonably calculated to provoke the dog to attack.

E. Penalties.

- (1) Forfeiture. Any person who violates this Ordinance shall be subject to a penalty as provided in Section 1-3 of this Municipal Code. Each day a violation exists constitutes a separate violation and is punishable as such. The dog may also be impounded and/or euthanized pursuant to Chapter 173 and 174 of the Wisconsin Statutes with said provisions being adopted herein.
- (2) Owners who repeatedly violate the laws will be subject to increased forfeiture with each additional violation. Notwithstanding Section 1-3 of the Municipal Code, a violation within one (1) year of a previous violation, the forfeiture to be imposed shall be not less than \$500.00 plus costs and not more than \$1,000.00 plus costs.

SECTION 2: This Ordinance shall be in full force and effect after its passage and publication.

ROLL CALL: Ayes _____ Nays _____ Absent _____ Abstained _____

APPROVED this ___ day of _____, 2020.

CITY OF MARKESAN

RICHARD SLATE, Mayor

ATTEST:

ELIZABETH AMEND, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL D. SONDALLE, City Attorney

Published: _____

- (4) Any member wishing to terminate debate on a question may move to put the question before the Common Council. The presiding officer shall then state that the previous question has been moved and a vote shall be taken on whether the question shall be put to a vote. If a majority of the members vote in the affirmative, debate shall be terminated and the presiding officer shall then clearly state the question before the Common Council. The Common Council shall vote first upon pending amendments and then upon the main question.

G. Quorum; voting.

- (1) Four members of the Common Council shall be a quorum. A lesser number than a quorum may compel the attendance of absent members and may adjourn. A majority of all the members present shall be necessary to a confirmation on all questions. In case of a tie, the Mayor shall have a vote. When the Mayor does vote in case of a tie, his vote shall be counted in determining whether a sufficient number of the Common Council has voted favorably or unfavorably on any measure. The Mayor shall not be counted in determining whether a quorum is present at a meeting. (See § 62.11, Wis. Stats.)
[Amended by Ord. No. 182]
- (2) Unless approved by unanimous consent of the members, the ayes and noes shall be taken and recorded by roll call upon all questions before the Common Council. It shall not be in order for any member to explain his vote during such call. On confirmation and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the City, or any fund thereof, the vote shall be by ayes and noes.
- (3) All laws, ordinances, rules, resolutions and motions shall be passed by an affirmative vote of a majority of all the members of the Common Council present unless an extraordinary vote is otherwise required.
[Amended by Ord. No. 182]
- (4) It shall be the duty of every member to express his opinion on a question by voting thereon; however, no member can be compelled to vote.
- (5) The Mayor shall have the veto power as to all acts of the Common Council, except such as to which it is expressly or by necessary implication otherwise provided by Wisconsin law. All acts of the Common Council shall be submitted to the Mayor by the Clerk-Treasurer and shall be enforced upon approval evidenced by the Mayor's signature or upon failing to approve or disapprove within five days, which fact shall be certified thereon by the Clerk-Treasurer. If the Mayor disapproves, the Mayor's objection shall be filed with the Clerk-Treasurer, who shall present them to the Common Council at the next meeting. A 2/3 vote of all the members of the Common Council shall then be required to make the act effective notwithstanding the objections of the Mayor. If the last day for exercising a veto falls on a Sunday or a holiday, the Mayor may exercise a veto on the next succeeding secular day.

- H. Reconsideration. It shall be in order for any member who voted in the affirmative on any question which was adopted, or for any member who voted in the negative when the vote is evenly divided, or for any member who voted in the negative when the number of affirmative votes was insufficient for adoption, to move a reconsideration of such vote at the same or next succeeding regular meeting of the Common Council. A new Common Council member shall succeed to the voting position of his predecessor. A motion to reconsider shall not be in order when the same result can be obtained by another motion.

- I. Resolutions and ordinances. All resolutions and ordinances shall be presented in writing to the Common Council by a member of the Common Council. Whenever a resolution or ordinance shall be referred to a committee for consideration, such reference shall be made by the presiding officer without motion unless objected to by some member. Following passage of any ordinance, the Clerk-Treasurer shall cause the same to be published in the official City newspaper, as provided by § 62.11(4), Wis. Stats., unless the Common Council, by majority vote, directs the Clerk-Treasurer to cause the ordinance to be published pursuant to § 66.0103, Wis. Stats.

- J. Common Council agenda. A proposed agenda, together with relevant materials and communications, shall be prepared by the Clerk-Treasurer and delivered to the Mayor, the Common Council members, and City officers required to attend regular meetings not later than 4:00 p.m. on the Friday prior to each regular Common Council meeting. A similar agenda shall be prepared and delivered for special meetings of the Common Council if time permits. The proposed agenda together with relevant materials and communications shall be available at the Clerk-Treasurer's office for public inspection and copying by 4:00 p.m. on the Monday immediately preceding the regular Common Council meeting. The agenda and materials for a special Common Council meeting shall be available as soon as prepared and assembled by the Clerk-Treasurer.
[Amended 4-14-2015 by Ord. No. 233]

- K. Citizens' right to address Common Council.

City of Markesan, WI
Friday, January 31, 2020

Chapter 23. Common Council

§ 23-5. Standing committees.

- A. Appointment and duties. The standing committees of the Common Council shall be appointed by the Mayor annually at the time of the organization of the Common Council and shall consist of five members, including the Mayor, except as otherwise provided, and the duties shall consist of, but not be limited to, the following:
[Amended by Ord. No. 155; Ord. No. 160]
- (1) Finance, Personnel and Safety Committee. Responsible for reviewing and reporting to the Common Council all matters regarding expenditures, investments, insurance, police, safety and personnel.
 - (2) Street, Building and Utilities Committee. Responsible for planning and budgeting and implementing repair and improvements. The Building Inspector shall submit all applications for review.
[Amended 4-14-2015 by Ord. No. 233]
 - (3) Public Property and Health Committee. Responsible for planning and budgeting and implementing maintenance and improvements for all municipal properties, buildings, parks, health and sanitation.
-  B. Reports. All committees to whom any matter shall be referred shall report thereon at the first stated meeting after such reference. Committees, on making their reports, shall return all papers containing the subject matter referred. All reports and resolutions shall be entered on the minutes and filed with the Clerk-Treasurer.
- C. Expenditures. Any committee appointed by the Mayor and approved by the Common Council shall have the right to order work done for the City with expenditures limited to \$1,000.
[Amended 4-14-2015 by Ord. No. 233]

Rich Slate

Mayor of Markesan

July 11, 2019

City Clerk
Elizabeth Amend
PO BOX 352
Markesan, WI 53946

Dear Betsy,

We spoke before about getting information to the Council members. Below is our ordinance concerning when agendas must be delivered to Council members. Although I have been laidback on this issue, I want to start following the proper procedure from this point forward.

If Council members require it in paper format, it will be delivered to them before the deadline if I must do it myself. If reports are not in by that time, they have the possibility of not being acted on at the Council meeting.

Sincerely,



Rich Slate

Common Council Agenda. A proposed agenda, together with relevant materials and communications, shall be prepared by the Clerk-Treasurer and delivered to the Mayor, the Common Council members, and City officers required to attend regular meetings **not later than 4:00 p.m. on the Friday prior to each regular Common Council meeting.** A similar agenda shall be prepared and delivered for special meetings of the Common Council if time permits. The proposed agenda together with relevant materials and communications shall be available at the Clerk-Treasurer's office for public inspection and copying by 4:00 p.m. on the Monday immediately preceding the regular Common Council meeting. The agenda and materials for a special Common Council meeting shall be available as soon as prepared and assembled by the Clerk-Treasurer.
[Amended 4-14-2015 by Ord. No. 233]

PO BOX 400
Markesan, WI 53946
(920)398-2371

23-4 (J)

City of Markesan
 PO Box 352
 Markesan, WI 53946

Statement

Date
12/31/2019

To:
DAVEY'S SMALL ENGINE REPAIR 535 E JOHN ST MARKESAN WI 53946

*Write-off or
 Collect?*

		Amount Due	Amount Enc.		
		\$637.51			
Date	Transaction	Amount	Balance		
05/01/2017	INV #206. Due 05/31/2017. Orig. Amount \$463.44.	463.44	463.44		
05/31/2017	INV #FC 3. Due 05/31/2017. Orig. Amount \$4.57. Finance Charge	4.57	468.01		
06/30/2017	INV #FC 13. Due 06/30/2017. Orig. Amount \$4.62. Finance Charge	4.62	472.63		
07/31/2017	INV #FC 20. Due 07/31/2017. Orig. Amount \$4.82. Finance Charge	4.82	477.45		
08/31/2017	INV #FC 27. Due 08/31/2017. Orig. Amount \$4.87. Finance Charge	4.87	482.32		
09/30/2017	INV #FC 35. Due 09/30/2017. Orig. Amount \$4.77. Finance Charge	4.77	487.09		
10/31/2017	INV #FC 47. Due 10/31/2017. Orig. Amount \$4.97. Finance Charge	4.97	492.06		
11/30/2017	INV #FC 53. Due 11/30/2017. Orig. Amount \$4.87. Finance Charge	4.87	496.93		
12/31/2017	INV #FC 66. Due 12/31/2017. Orig. Amount \$5.07. Finance Charge	5.07	502.00		
01/31/2018	INV #FC 72. Due 01/31/2018. Orig. Amount \$5.12. Finance Charge	5.12	507.12		
02/28/2018	INV #FC 126. Due 02/28/2018. Orig. Amount \$4.66. Finance Charge	4.66	511.78		
03/31/2018	INV #FC 127. Due 03/31/2018. Orig. Amount \$5.22. Finance Charge	5.22	517.00		
04/30/2018	INV #FC 128. Due 04/30/2018. Orig. Amount \$5.12. Finance Charge	5.12	522.12		
05/31/2018	INV #FC 138. Due 05/31/2018. Orig. Amount \$5.32. Finance Charge	5.32	527.44		
06/30/2018	INV #FC 145. Due 06/30/2018. Orig. Amount \$5.22. Finance Charge	5.22	532.66		
07/31/2018	INV #FC 151. Due 07/31/2018. Orig. Amount \$5.42. Finance Charge	5.42	538.08		
08/31/2018	INV #FC 157. Due 08/31/2018. Orig. Amount \$5.48. Finance Charge	5.48	543.56		
09/30/2018	INV #FC 163. Due 09/30/2018. Orig. Amount \$5.37. Finance Charge	5.37	548.93		
10/31/2018	INV #FC 169. Due 10/31/2018. Orig. Amount \$5.59. Finance Charge	5.59	554.52		
11/30/2018	INV #FC 175. Due 11/30/2018. Orig. Amount \$5.48. Finance Charge	5.48	560.00		
12/31/2018	INV #FC 181. Due 12/31/2018. Orig. Amount \$5.71. Finance Charge	5.71	565.71		
01/31/2019	INV #FC 187. Due 01/31/2019. Orig. Amount \$5.77. Finance Charge	5.77	571.48		
02/28/2019	INV #FC 193. Due 02/28/2019. Orig. Amount \$5.25. Finance Charge	5.25	576.73		
03/31/2019	INV #FC 200. Due 03/31/2019. Orig. Amount \$5.88. Finance Charge	5.88	582.61		
04/30/2019	INV #FC 207. Due 04/30/2019. Orig. Amount \$5.76. Finance Charge	5.76	588.37		
05/31/2019	INV #FC 214. Due 05/31/2019. Orig. Amount \$6.00. Finance Charge	6.00	594.37		
06/30/2019	INV #FC 221. Due 06/30/2019. Orig. Amount \$5.88. Finance Charge	5.88	600.25		
07/31/2019	INV #FC 227. Due 07/31/2019. Orig. Amount \$6.12. Finance Charge	6.12	606.37		
08/31/2019	INV #FC 233. Due 08/31/2019. Orig. Amount \$6.18. Finance Charge	6.18	612.55		
09/30/2019	INV #FC 239. Due 09/30/2019. Orig. Amount \$6.06. Finance Charge	6.06	618.61		
10/31/2019	INV #FC 245. Due 10/31/2019. Orig. Amount \$6.30. Finance Charge	6.30	624.91		
11/30/2019	INV #FC 252. Due 11/30/2019. Orig. Amount \$6.18. Finance Charge	6.18	631.09		
12/31/2019	INV #FC 261. Due 12/31/2019. Orig. Amount \$6.42. Finance Charge	6.42	637.51		
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
6.42	0.00	6.18	6.30	618.61	\$637.51