

City of Black River Falls
COMMON COUNCIL – AGENDA

Wednesday – April 2, 2025 – 6:00 PM
City Hall – 101 S. Second Street, Black River Falls, WI

Join Zoom Meeting:

<https://us02web.zoom.us/j/86241711746?pwd=3j1mdQUH6aHx285zbkkyh27Na3byaM.1>

Or Dial: 1-312-626-6799

Meeting ID: 862 4171 1746

Password: cityhall

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Reading of the Minutes of the March 19, 2025 Special Common Council Meeting –
Action
5. Citizens in Attendance
6. Election Results
7. Committee Reports:
 - a. Ad Hoc Branding Committee March 17, 2025
 - b. Business Improvement District (BID) Board March 20, 2025
 - c. Plan Commission March 27, 2025
 - d. Ad Hoc Branding Committee March 31, 2025
 - e. Utility Commission March 31, 2025
8. Sex offender residency restrictions – Discussion
9. Meetings: Committee of the Whole **Wednesday, April 16, 2025 6:00 PM**
10. Adjourn

Posted: March 28, 2025

The Common Council met in special session at City Hall in the City of Black River Falls on March 19, 2025 at 6:00 P.M. Alderpersons Gearing-Lancaster and Busse were present. Alderpersons Wussow, Ammann, Peloquin, M. Rave, E. Rave, and Dougherty attended remotely via Zoom meetings. Mayor J. Eddy attended remotely via Zoom meetings and presided.

It was moved by Alderperson Busse, seconded by Alderperson Gearing-Lancaster to dispense with the reading of the minutes of the March 4, 2025 Common Council meeting and approve as presented. Motion carried.

CITIZENS IN ATTENDANCE

There were no citizens in attendance.

It was moved by Alderperson M. Rave, seconded by Alderperson Dougherty to place on file the minutes of the March 5, 2025 Ad Hoc Branding Committee meeting. Motion carried.

The Department Head monthly reports were reviewed. Department heads present were Jody Stoker, Darryl Nelson, Travis Brown, and Brad Chown. Jarod Meyer attended remotely via Zoom meetings. Cara Hart was excused.

1. The Fire Chief advised new part-time EMT's being onboarded and the EMS schedule has been full.
2. The Police Chief addressed questions regarding recruitment for the open Patrol Officer positions. The Chief has one application he is reviewing now but not receiving qualified candidates. This is not unique to our department, and the new normal appears to be agencies hiring uncertified candidates and sponsoring those candidates through the course so this may be something we need to consider.
3. The Parks & Recreation Director provided an update on the Marks Field Project. Initial cost estimate was \$600-800 thousand. The scope has changed, and the new cost estimate is \$1.4 million. The donors will fully support the project minus the city funding the water and sewer portion which would be approximately \$80,000. This would be an additional rental shelter for the community. The City Administrator agreed the city contributing to the project makes sense and we would get a new, revenue generating facility in the end. The existing septic system could be abandoned allowing the city to possibly expand parking at some point. There were no objections to the city looking at that kind of expense for this project. Once the bids come in the actual amount would come to Council for approval which is expected to be in that \$80-100 thousand dollar range. There is almost \$100,000 in Parks & Recreation capital reserves and about \$30,000 in the ATC reserve fund. Jackson County Little League is planning to establish a maintenance fund for these facilities similar to the fund for the All-Abilities Park. This may be funded with donations and possibly a percentage of Little League registrations and/or a percentage of shelter rentals.

It was moved by Alderperson Ammann, seconded by Alderperson Peloquin to approve **ORDINANCE 892** – an ordinance amending Section 3.11 (1), (2), (3), and (5)(B) of the municipal codes of the city increasing the room tax from 7% to 8%. Motion carried.

CITY OF BLACK RIVER FALLS ORDINANCE NO. 892

AN ORDINANCE AMENDING SECTIONS 3.11 (1), (2), (3) and (5)(B.) OF THE MUNICIPAL CODE OF THE CITY OF BLACK RIVER FALLS, JACKSON COUNTY, WISCONSIN, REGARDING ROOM TAX

The Common Council of the City of Black River Falls, Jackson County, Wisconsin, do ordain as follows:

SECTION 1. Section 3.11 (1) of the Municipal Code is hereby amended to add AirBnB's and VRBO's and similar entities to the list of establishments covered by the definition of "Hotel" "Motel" and/or "Bed & Breakfast."

SECTION 2. Section 3.11 (12) of the Municipal Code is hereby amended to reflect the increase in the room tax from seven percent (7%) to eight percent (8%).

SECTION 3. Section 3.11 (3) of the Municipal Code is hereby amended to update the name of the "Tourism Commission" as the "BRF-Brockway Tourism Zone Commission" or "Commission."

SECTION 4. Section 3.11 (5)(B.) of the Municipal Code is hereby amended to refer to the “remaining seven percent (7%) shall be divided” rather than “remaining six percent (6%) shall be divided.”

SECTION 5. Severability. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Common Council would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provisions of this Ordinance of the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 6. Conflicting ordinances. Ordinances or parts of ordinances in conflict with the above Ordinance are hereby repealed.

SECTION 7. Effective date. Upon passage and publication, this Ordinance shall take effect and be in force as provided by law.

It was moved by Alderperson M. Rave, seconded by Alderperson Gearing-Lancaster to approve the application for a Temporary Alcohol Beverage (Picnic) License for the Guardian Angels Parish for a Fish Fry and Bake Sale March 21, 2025 at 407 Main Street. Motion carried.

It was moved by Alderperson Dougherty, seconded by Alderperson M. Rave to approve vouchers for February 2025 Check #75170 - #75281 totaling \$2,843,731.21. Motion carried.

It was moved by Alderperson Wussow, seconded by Alderperson Peloquin to approve the City Treasurer's Report for February 2025. Motion carried.

It was moved by Alderperson M. Rave, seconded by Alderperson Dougherty to approve the Revenue & Expense Report for February 2025. Motion carried.

It was moved by Alderperson E. Rave, seconded by Alderperson Busse to adjourn. Motion carried at 6:30pm.

A. Brad Chown
City Administrator

Voter Statistics (EL-104 information)

Polling Place Location: BLACK RIVER FALLS CITY HALL

Reporting unit ward(s): Ward 1

**Total number of voters
(last voter number on poll list):** 345

Total number of EDRs: 5

Total absentee voters: 74

Polling Place Location: BLACK RIVER FALLS CITY HALL

Reporting unit ward(s): Ward 2

**Total number of voters
(last voter number on poll list):** 321

Total number of EDRs: 9

Total absentee voters: 65

Polling Place Location: BLACK RIVER FALLS CITY HALL

Reporting unit ward(s): Ward 3

**Total number of voters
(last voter number on poll list):** 131

Total number of EDRs: 2

Total absentee voters: 35

Polling Place Location: BLACK RIVER FALLS CITY HALL

Reporting unit ward(s): Ward 4

**Total number of voters
(last voter number on poll list):** 332

Total number of EDRs: 8

Total absentee voters: 66

Election Night Call-In Return Sheet (Blank)

City of BLACK RIVER FALLS Ward 1

Total Number of Outstanding Provisional Ballots 0

TOTAL # OF VOTERS 345

Name & Phone # of person submitting results Phonda 715.896.0707 (Highest # on poll list)

PLEASE REMEMBER TO CALL 715-284-0268 (USING THIS FORM) YOUR RESULTS INTO THE COUNTY CLERK'S OFFICE AS SOON AS POSSIBLE.

Please do not leave results on answering machine.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

Brittany Kinser

178

Jill Underly

178

Adrianne Melby (write-in)

0

SCATTERING

0

JUSTICE OF THE SUPREME COURT

Brad Schimel

133

Susan Crawford

211

SCATTERING

0

COURT OF APPEALS JUDGE DISTRICT 4

Jennifer Nashold

238

SCATTERING

2

Black River Falls Alderperson District 1

MICHAEL J RAVE

282

SCATTERING

3

Black River Falls School District School Board Member

Micheala Bloczynski

108

Nick Helstad

194

Kaitlyn Cunningham

193

SCATTERING

4

State of Wisconsin Referendum

YES

191

NO

150

City Total: 1,129

Election Night Call-In Return Sheet (Blank)

City of BLACK RIVER FALLS Ward 2

Total Number of Outstanding Provisional Ballots 0

TOTAL # OF VOTERS 321

Name & Phone # of person submitting results Shonda 715.896.0707 (Highest # on poll list)

PLEASE REMEMBER TO CALL 715-284-0268 (USING THIS FORM) YOUR RESULTS INTO THE COUNTY CLERK'S OFFICE AS SOON AS POSSIBLE.

Please do not leave results on answering machine.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

Brittany Kinser	<u>119</u>
Jill Underly	<u>183</u>
Adrianne Melby (write-in)	<u>0</u>
SCATTERING	<u>0</u>

JUSTICE OF THE SUPREME COURT

Brad Schimel	<u>122</u>
Susan Crawford	<u>199</u>
SCATTERING	<u>0</u>

COURT OF APPEALS JUDGE DISTRICT 4

Jennifer Nashold	<u>207</u>
SCATTERING	<u>2</u>

Black River Falls Alderperson District 2

GARY AMMANN	<u>236</u>
SCATTERING	<u>3</u>

Black River Falls School District School Board Member

Micheala Bloczynski	<u>81</u>
Nick Helstad	<u>173</u>
Kaitlyn Cunningham	<u>187</u>
SCATTERING	<u>3</u>

State of Wisconsin Referendum

YES	<u>162</u>
NO	<u>149</u>

Election Night Call-In Return Sheet (Blank)

City of BLACK RIVER FALLS Ward 3

Total Number of Outstanding Provisional Ballots 0

TOTAL # OF VOTERS

131

Name & Phone # of person submitting results Phonda 715.896.0707

(Highest # on poll list)

PLEASE REMEMBER TO CALL 715-284-0268 (USING THIS FORM) YOUR RESULTS INTO THE COUNTY CLERK'S OFFICE AS SOON AS POSSIBLE.

Please do not leave results on answering machine.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

Brittany Kinser

54

Jill Underly

71

Adrianne Melby (write-in)

0

SCATTERING

0

JUSTICE OF THE SUPREME COURT

Brad Schimel

39

Susan Crawford

92

SCATTERING

0

COURT OF APPEALS JUDGE DISTRICT 4

Jennifer Nashold

94

SCATTERING

2

Black River Falls Alderperson District 3

DESIREE GEARING-LANCASTER

87

VERLAND GLENN CASPER

36

SCATTERING

0

Black River Falls School District School Board Member

Micheala Bloczynski

49

Nick Helstad

48

Kaitlyn Cunningham

67

SCATTERING

5

State of Wisconsin Referendum

YES

70

NO

60

Election Night Call-In Return Sheet (Blank)

City of BLACK RIVER FALLS Ward 4

Total Number of Outstanding Provisional Ballots 0

TOTAL # OF VOTERS 332

Name & Phone # of person submitting results Shonda 715-896-0707 (Highest # on poll list)

PLEASE REMEMBER TO CALL 715-284-0268 (USING THIS FORM) YOUR RESULTS INTO THE COUNTY CLERK'S OFFICE AS SOON AS POSSIBLE.

Please do not leave results on answering machine.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

Brittany Kinser	<u>139</u>
Jill Underly	<u>156</u>
Adrianne Melby (write-in)	<u>0</u>
SCATTERING	<u>03</u>

JUSTICE OF THE SUPREME COURT

Brad Schimel	<u>132</u>
Susan Crawford	<u>197</u>
SCATTERING	<u>1</u>

COURT OF APPEALS JUDGE DISTRICT 4

Jennifer Nashold	<u>226</u>
SCATTERING	<u>3</u>

Black River Falls Alderperson District 4

JOEL BUSSE	<u>240</u>
SCATTERING	<u>5</u>

Black River Falls School District School Board Member

Micheala Bloczynski	<u>99</u>
Nick Helstad	<u>189</u>
Kaitlyn Cunningham	<u>149</u>
SCATTERING	<u>3</u>

State of Wisconsin Referendum

YES	<u>197</u>
NO	<u>127</u>

A meeting of the Ad Hoc Branding Committee was held at City Hall in the City of Black River Falls on March 17, 2025 at 2:00 P.M. In attendance were committee members Mayor Jay Eddy, City Administrator Brad Chown, Amanda Gunn, Al Chaney, and Nora Young.

1. The City Administrator called the meeting to order at 2:00pm.
2. The Committee reviewed and discussed a draft survey and agreed on 9 questions for the survey and one demographic question related to age groups. Revisions will be made to the draft survey and brought back to the committee for final approval at the next meeting. There was discussion on how to distribute the survey to get the most feedback. It was decided to create a poster with a link and QR code to the survey and to use the city's website, the city's Facebook page with a paid boost, the Chamber of Commerce's website and newsletter, the Banner Journal & Shopper, WWIS, and emails to committee member contacts.
3. The next meeting was set for Monday, March 31, 2025 at 2:00pm at City Hall.
4. It was moved by Amanda Gunn, seconded by Mayor Jay Eddy to adjourn. Motion carried at 2:51pm

A. Brad Chown
City Administrator

A meeting of the Business Improvement District (BID) Board was held at City Hall on March 20, 2025 at 5:30 P.M. Board members Duane Johnson, Vincent Meyer, Andrea Hoffman, Mark Hanson, and the City Administrator were present. Board Member Kylee Wussow attended remotely via Zoom meetings. There were no citizens in attendance.

1. The City Administrator called the meeting to order at 5:30 pm.
2. It was moved by Duane Johnson, seconded by Mark Hanson to approve the purchase of 52 new plant holders from D&S Manufacturing at a cost of \$6,812.00. Motion carried.
3. The Board reviewed an email from the Wisconsin Economic Development Corporation (WEDC) regarding training and reporting requirements to remain a participating Connect Community. Duane Johnson volunteered to complete the training.
4. It was moved by Mark Hanson, seconded by Andrea Hoffman to have Duane Johnson complete the required Connect Community training for 2025. Motion carried.
5. There was discussion on whether or not to cancel the April 24, 2025 BID Board meeting. The Board agreed to keep the meeting scheduled and cancel it later if there isn't anything for the agenda.
6. It was moved by Andrea Hoffman, seconded by Duane Johnson to adjourn. Motion carried at 5:48 pm.

A. Brad Chown, City Administrator
City of Black River Falls

The Plan Commission met at City Hall in the City of Black River Falls on March 27, 2025 at 5:30 P.M. Mayor Jay Eddy, Commissioners Randy Eddy, Anneliese Eddy, Dennis Guenther, and Marc McDowell were present. Commissioners Mike Rave and Jared Smith were excused. Mayor Jay Eddy presided.

1. Mayor Jay Eddy called the meeting to order at 5:30 P.M.
2. Mayor J. Eddy opened the public hearing on the proposed 2025-2045 City of Black River Falls Comprehensive Plan. There were no citizens in attendance.
3. Mississippi River Regional Planning Commission representatives reviewed some highlights of the Comprehensive Plan. Their staff will review it again to update data as needed and to correct any grammatical errors that may still remain.
4. It was moved by Commissioner R. Eddy, seconded by Commissioner M. McDowell to close the public hearing. Motion carried.
5. It was moved by Commissioner A. Eddy, seconded by D. Guenther to recommend the Common Council approve an ordinance adopting the 2025-2045 City of Black River Falls Comprehensive Plan. Motion carried.
6. The Commission reviewed the petition from Jeriah J. Rave, Jr. to rezone Parcel 206-1257.0000 from R1 to R-Duplex to allow for a single-family home and agricultural uses.
7. It was moved by Commissioner R. Eddy, seconded by Commissioner M. McDowell to recommend the Common Council rezone Parcel 206-1257.0000 from R-1 Single Family Residential to R-Duplex Two Family Residential. Motion carried.
8. The Commission reviewed the petition from Jeriah J. Rave, Jr. for a Conditional Use Permit for Parcel 206-1257.0000 to allow agricultural uses. There was discussion on farm equipment traffic on Anne Drive and Alder Street. The property is currently being farmed so traffic patterns should not change.
9. It was moved by Commissioner R. Eddy, seconded by Mayor J. Eddy to approve a Conditional Use Permit for Parcel 206-1257.0000 to allow agricultural uses with no conditions, contingent on the Common Council rezoning the parcel to R-Duplex. Motion carried.
10. It was moved by Commissioner M. McDowell, seconded by Commissioner R. Eddy to recommend the Common Council approve the Certified Survey Map submitted by Ethan Remus on behalf of the City of Black River Falls for property in the Industrial Park, contingent on the encroaching log and woodchip piles being removed and the surveyor establishing the southwest corner and the south border of Lot 4. Motion carried.
11. It was moved by Commissioner R. Eddy, seconded by Commissioner A. Eddy to adjourn. Motion carried at 6:18 P.M.

A. Brad Chown
City Administrator

A meeting of the Ad Hoc Branding Committee was held at City Hall in the City of Black River Falls on March 31, 2025 at 2:00 P.M. In attendance were committee members Mayor Jay Eddy, City Administrator Brad Chown, Amanda Gunn, and Al Chaney. Committee member Nora Young attended remotely via Zoom meetings.

1. The City Administrator called the meeting to order at 2:09pm.
2. The Committee reviewed the draft survey. The last sentence of the first paragraph in the introduction should end with "... why Black River Falls is the place to live, work, and play". The check boxes in the gender section should be changed to buttons so only one can be selected.
3. It was moved by Brad Chown, seconded by Al Chaney to approve the survey with the recommended changes discussed. Motion carried.
4. Nora Young was excused from the meeting at 2:23pm.
5. It was moved by Brad Chown, seconded by Mayor Jay Eddy to promote the survey April 1st through April 30th by posting at the BRF Public Library, City Hall, the Chamber of Commerce office and on the City website, the City's Facebook page, the Chamber of Commerce's website, the Chamber's Facebook page, in the Chamber newsletter, through organizational emails, on Friday morning Good Neighbor program on WWIS, and via press release. Motion carried.
6. The Committee reviewed the first draft of the survey poster. Change color of "Got 2 minutes?" to brighter color that will pop off the page. Change "Make A Big Impact!" to "Take Our Survey!". Make QR code smaller and include a Bitly url link to the survey under the QR code. Replace the text in the bottom left corner with "Your thoughts will help us show off our area's best features and make sure everyone knows why Black River Falls is the place to live, work, and play!".
7. It was moved by Brad Chown, seconded by Amanda Gunn to approve the poster with the changes discussed. Motion carried.
8. It was moved by Mayor Jay Eddy, seconded by Al Chaney to set the next meeting for Monday, May 5, 2025 at 2:00pm. Motion carried. The next meeting was set for Monday, March 31, 2025 at 2:00pm at City Hall.
9. It was moved by Amanda Gunn, seconded by Al Chaney to adjourn. Motion carried at 3:03pm

A. Brad Chown
City Administrator

BLACK RIVER FALLS UTILITY COMMISSION MEETING MINUTES

March 31, 2025

Utility Commission President John Lund called a meeting of the Black River Falls Municipal Utility Commission to order on March 31, 2025 at 3:30 p.m. in the Utility Conference Room at 349 South McKinley Street. Commissioners in attendance were Jeff Amo, Justin Dougherty, Jay Eddy and Don Mathews. Also present were General Manager Casey Engebretson, Electric Supt. Kevin LaValley, Office Manager Sam Linehan, and Garrett Aleckson (Banner Journal).

A motion was made by Commissioner Mathews and seconded by Commissioner Eddy to approve the minutes from the February 24, 2025 regular meeting.

Aye: Lund, Amo, Dougherty, Eddy, and Mathews
Motion carried.

A motion was made by Commissioner Amo and seconded by Commissioner Mathews to approve the accounts payable vouchers; CK #42709 – 42758; VC #42759; CK #42760 – 42787; EP #100903 – 100906 and #100909 - 100911 – Totaling \$558,718.11.

Aye: Lund, Amo, Dougherty, Eddy, and Mathews
Motion Carried.

The Commission reviewed the February 2025 financial statements and arrears. It was noted that the financial statements are unaudited. The 2024 audit is ongoing.

Casey Engebretson informed the Commission the plans for the 2025 Pine St. water project have been completed and submitted for WDNR review. Casey and water staff will be meeting this week with the City Administrator and Street Superintendent to discuss the future street and water improvement schedule.

Casey Engebretson informed the Commission that SEH has completed the Well Site Investigation Report and submitted the report to the WDNR for review. Reviews typically take 60-90 days to complete. Casey provided a timeline of both construction and funding considerations. Casey also stated that he is submitting Congressionally Direct Spending (CDS) Request applications for both the well and the substation voltage conversion projects. Casey provided a timeline for the CDS process.

Kevin LaValley summarized the work completed at the German Hill substation and the remaining work needed to complete the project. Kevin informed the Commission that the remaining work is planned to resume in two weeks.

Casey Engebretson outlined the schedules for procurement of the two power transformers and pricing and funding options for each.

The Commission reviewed contribution requests from the Milt Lunda Memorial Arena Committee (MLMAC) and the Black River Falls Shooting Tigers (BRFST).

BRFMU IS AN EQUAL OPPORTUNITY PROVIDER

A motion was made by Commissioner Eddy and seconded by Commissioner Dougherty to make donations of \$500.00 to the MLMAC for mandatory kitchen updates and \$200 to the BRFST for a sponsorship.

Aye: Lund, Amo, Dougherty, Eddy, and Mathews
Motion carried.

Casey Engebretson presented an amendment to the handbook for the Commission's consideration. Casey stated the Commission approved using the Federal standard for meal pay reimbursements back in 2015. The amendment simply revised the reimbursement amounts to reflect the current federal meal pay breakdown.

A motion was made by Commissioner Amo and seconded by Commissioner Mathews to approve the revised meal pay handbook provision as presented.

Aye: Lund, Amo, Dougherty, Eddy, and Mathews
Motion carried.

Casey Engebretson informed the Commission the two 100-hour electric employees will both start out as 2nd-year lineman apprentices after qualifying and/or testing out of the 1st-year requirement. The Utility plans to hire both employees full-time as of June 1, 2025. Casey stated that he will present a more substantive staffing report at April's meeting.

Next Meeting: April 28, 2025 @ 3:30 p.m.

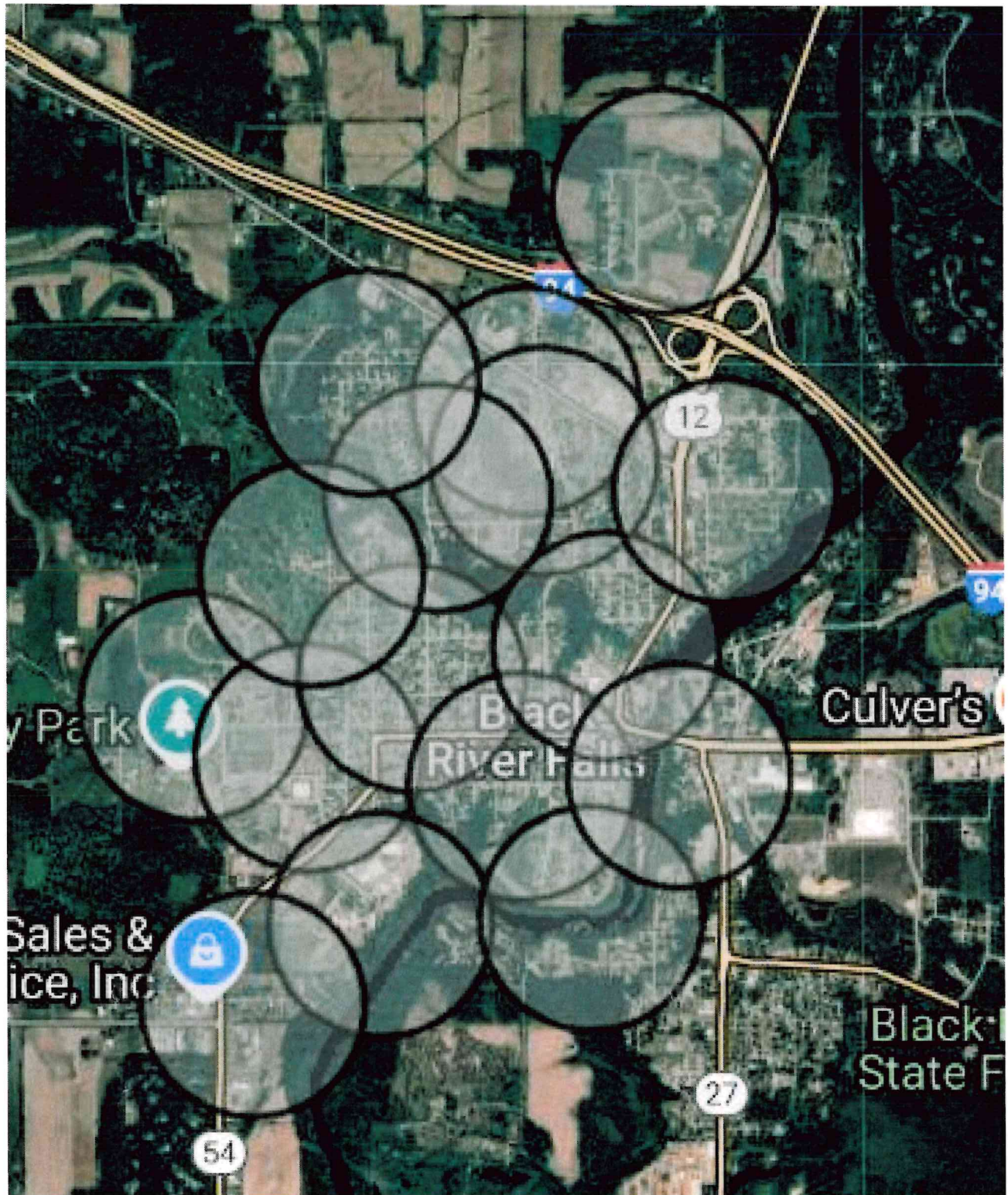
A motion was made by Commissioner Eddy and seconded by Commissioner Mathews to adjourn the meeting at 4:14 p.m.

Aye: Lund, Amo, Dougherty, Eddy, and Mathews
Motion Carried.

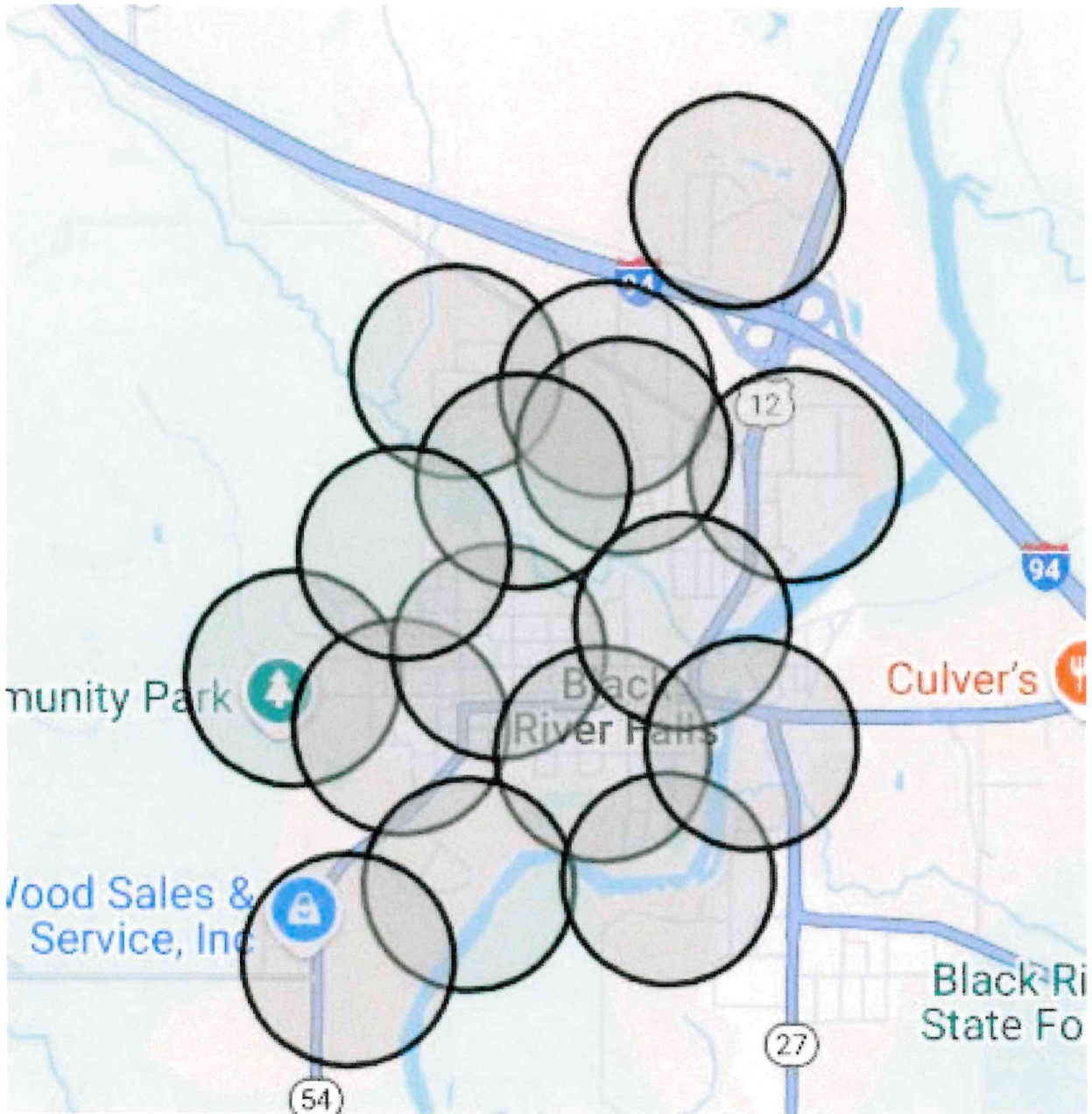
Casey Engebretson, General Manager

comm.mtg.minutes.3.31.2025

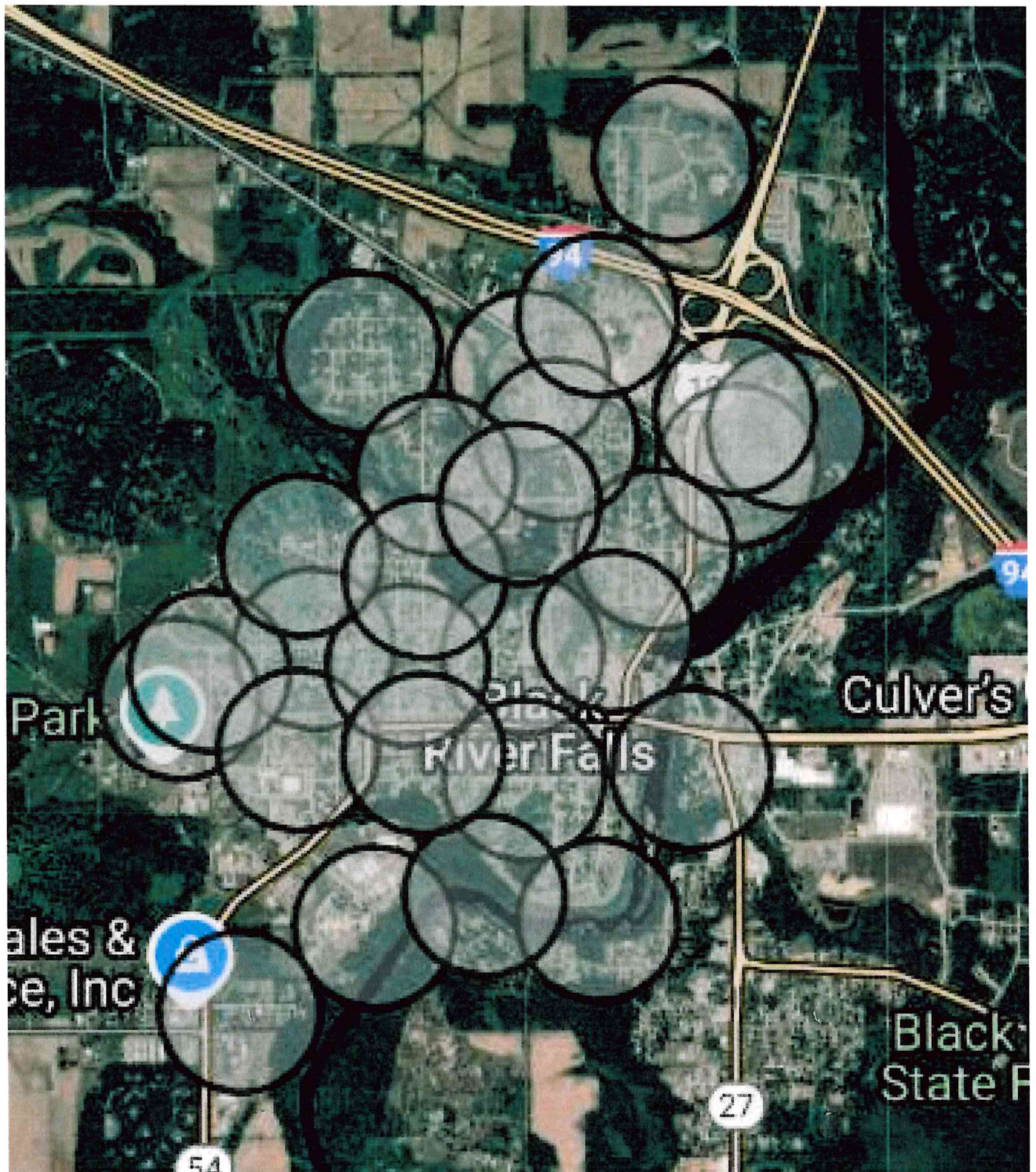
Residential Restriction Map – 1,500 Feet



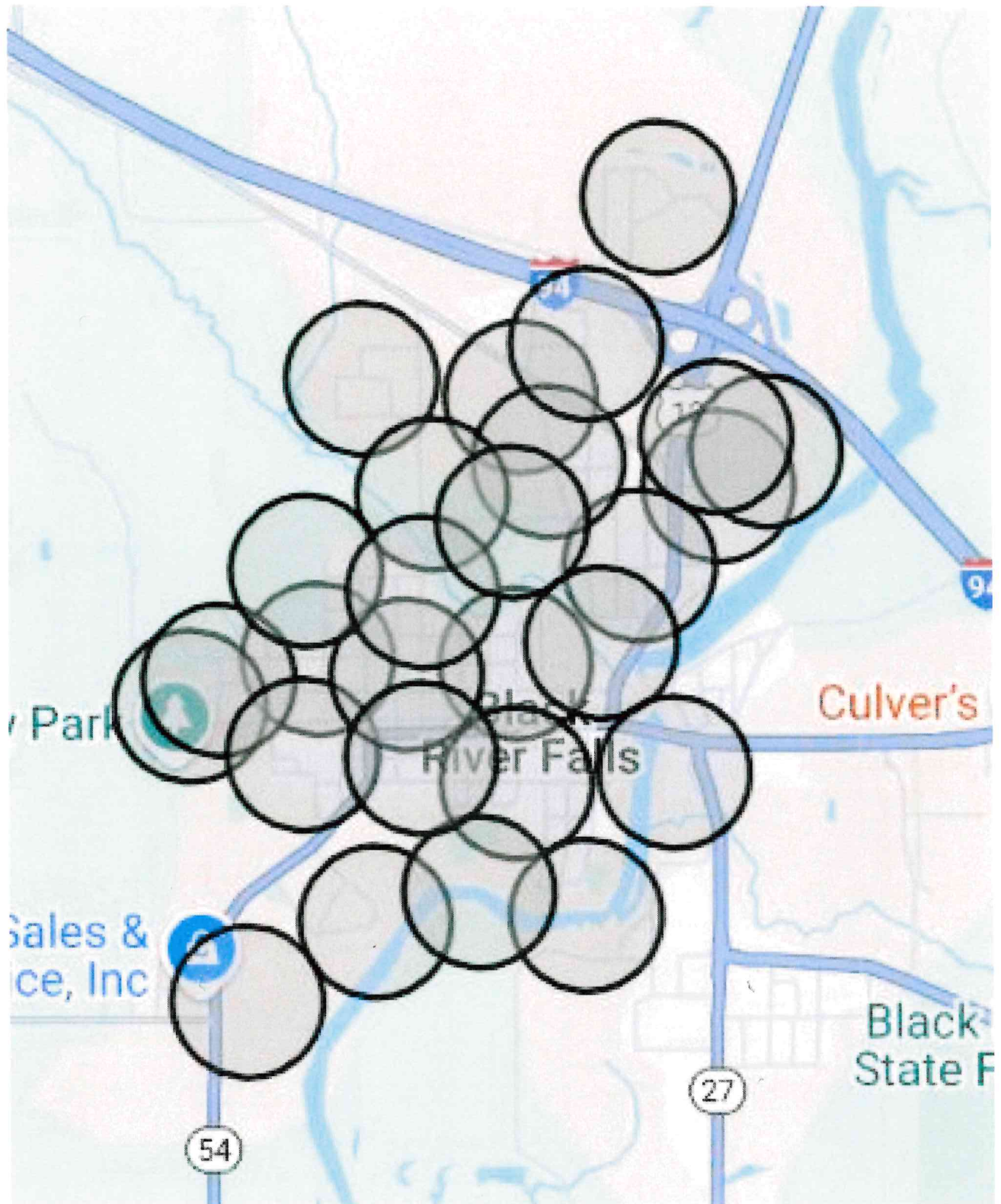
Residential Restriction Map – 1,500 Feet



Residential Restriction – 1,000 Feet



Residential Restriction – 1,000 Feet



School Bus Stops – City of BRF

- 125 Rye Bluff Road (Stays on Rye Bluff Road)
- 145 Rye Bluff Road (Stays on Rye Bluff Road)
- N. 14th Street Townhouses (Stays on Street)
- Pineview Road by Tadpoles Child care
- Forrest Street & Gordon Street
- Forrest Street & Clifton Street
- N. 4th Street by District Offices
- N. 3rd Street by District Offices
- S. 10th Street (Main St/Hwy 54) by Fairgrounds
- Buena Vista Drive & Chula Vista Drive
- W. Jefferson Street by alley between Chestnut Street & Pine Street
- E. Jefferson Street & Maple Street
- Washington Street at Riverside Cemetery entrance
- 650 Elm Street (Stays on Elm Street)
- Rose Street midway between Washington Street & Columbus Street
- Pony Lane & Larson Street
- North Star Drive
- Westwind Drive
- E. Pine Street near Lallapalooza
- W. Adams Street & Timber Creek Circle
- BRF Childcare – in parking lot
- N. 8th Street Apartments (Stays on Street)
- N. 10th Street & Harrison Street
- Fillmore Street & S. 2nd Street
- Fillmore Street & S. 6th Street
- Fillmore Street & S. 8th Street
- Fillmore Street & S. 9th Street
- Fillmore Street & S. 11th Street

CITY OF BLAIR ORDINANCE NO. _____ CREATING **CHAPTER 71** OF THE CODE OF ORDINANCES
RELATING TO SEX OFFENDER RESIDENCY

The Common Council of the City of Blair, Trempealeau County, Wisconsin do ordain as follows:

Section 1. **CHAPTER 71** in the Code of Ordinances of the City of Blair is hereby created to read as follows:

CHAPTER 71

71.01 Title.

71.02 Recitals.

71.03 Purpose.

71.04 Definitions.

71.05 Residency restriction.

71.06 Residency restriction exceptions.

71.07 Safety zones.

71.08 Safety zone exceptions.

71.09 Original residency restriction.

71.10 Sale or rental of property for use by sex offenders.

71.11 Enforcement.

71.12 Petition for exemption.

71.01 **Title.**

This Ordinance shall be entitled the "Sex Offender Residency Ordinance."

71.02 **Recitals.**

The Wisconsin Statutes, including Chapters 940, 944, and 948 thereof, govern the punishment of individuals who commit sex crimes. The Wisconsin Statutes also govern the release into the community of such individuals. The city is responsible to maintain the public health, safety, and welfare and finds that sex offenders have high recidivism rates that threaten the public health, safety, and welfare, especially that of children.

The city counsel has reviewed findings in several studies related to recidivism and risk related to individuals who have committed sex crimes. Those studies include the following:

- Center for Sex Offender Management Fact Sheet: What You Need to Know About Sex Offenders. This fact sheet provided information about sex offender recidivism, including that it is estimated that one in every five girls and one in every seven boys are sexually abused by the time they reach adulthood; that one in six adult women and one in 33 adult men experience an attempted or completed sexual assault; that approximately 67 percent of all victims of reported sexual assaults are under age 18 and more than half are under age 12; and that about 12 to 24 percent of sex offenders will re-offend.
- U.S. Department of Justice, Bureau of Justice Statistics—Recidivism of Sex Offenders Released from Prison in 1994. This study found that compared to non-sex offenders released from state prisons, released sex offenders were four times more likely to be re-arrested for a sex crime.
- Correctional Service Canada—Forum on Corrections Research. This study of 178 sex offenders released from a maximum-security psychiatric facility found that after an average follow-up of 59 months, 27.5 percent of sex offenders in the study sexually recidivated and 40.4 percent of the sex offenders were arrested, convicted, or returned to a psychiatric facility for a violent offence.
- California Research Bureau—The Impact of Residency Restrictions on Sex Offenders and Correctional Management: A Literature Review. This study found that at the time it was written 22 states had enacted some form of residency restriction that prohibits sex offenders from living within a certain distance of schools, daycare centers, or places where children congregate. The least restrictive among them was 500 feet, but distances from 1,000 to 2,500 feet were common.
- National Bureau of Economic Research—There Goes the Neighborhood? Estimates of the Impact of Crime Risk on Property Values from Megan's Laws. This study found that the majority of both violent and non-violent offenses take place less than one mile from victims' homes. It also found that prices of homes near sex offenders declined considerably following an offender's arrival in the neighborhood.
- An Evaluation of Sex Offender Residency Restrictions in Michigan and Missouri. This study found that while in Michigan, residency restrictions led to a slight increase in recidivism, in Missouri, the reconviction rate declined.

Based on the above studies and other information presented to the city counsel, the counsel determines that the restrictions set forth in this section serve the purpose of protecting the public health, safety, and welfare from the risk of recidivism of sex offenders. The counsel further determines that the intent and effect of this article is not to banish sex offenders from residing within the city, and careful attention has been given to ensure that there are ample locations for sex offenders to reside within the city in compliance with the requirements of this article.

The counsel further determines that the opportunity for individualized consideration of the risks and benefits of residency restrictions on a case-by-case basis is the best approach to achieve the purposes of this article and, to that end, this article establishes an "exemption" process by which a sex offender may seek an exemption from its residency restrictions by petitioning to the City's Sex Offender Residence Counsel.

71.03 Purpose.

The purpose of this article is to protect the public health, safety, and welfare in the city by regulating the residency of sex offenders.

71.04 Definitions.

(a) Sex offender. A person who has been convicted of, has been found delinquent of, or has been found not guilty of by reason of disease or mental defect of a sexually violent offense or a crime against children.

(b) Sexually violent offense. Shall have the meaning set forth in Wis. Stat. § 980.01(6).

(c) Crime against children. Shall mean any of the following offenses set forth in the Wisconsin Statutes, as amended, or in the laws of this or any other state or the federal government having like elements necessary for conviction, respectively:

Wis. Stat. § 940.225(1) First Degree Sexual Assault.

Wis. Stat. § 940.225(2) Second Degree Sexual Assault.

Wis. Stat. § 940.225(3) Third Degree Sexual Assault.

Wis. Stat. § 940.22(2) Sexual Exploitation by Therapist.

Wis. Stat. § 940.30 False Imprisonment — Victim was Minor and Not Offender's Child.

Wis. Stat. § 940.31 Kidnapping — Victim was Minor and Not Offender's Child.

Wis. Stat. § 944.02 Rape (prior statute, now Wis. Stat. § 940.225).

Wis. Stat. § 944.06 Incest.

Wis. Stat. § 944.10 Sexual Intercourse with a Child (prior statute, now Wis. Stat. § 948.02).

Wis. Stat. § 944.11 Indecent Behavior with a Child (prior statute, now Wis. Stat. § 948.02).

Wis. Stat. § 944.12 Enticing Child for Immoral Purposes (prior statute, now Wis. Stat. § 948.07).

Wis. Stat. § 948.02(1) First Degree Sexual Assault of a Child.

Wis. Stat. § 948.02(2) Second Degree Sexual Assault of a Child.

Wis. Stat. § 948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child.

Wis. Stat. § 948.05 Sexual Exploitation of a Child.

Wis. Stat. § 948.055 Causing a Child to View or Listen to Sexual Activity.

Wis. Stat. § 948.06 Incest with a Child.

Wis. Stat. § 948.07 Child Enticement.

Wis. Stat. § 948.075 Use of a Computer to Facilitate a Child Sex Crime.

Wis. Stat. § 948.08 Soliciting a Child for Prostitution.

Wis. Stat. § 948.095 Sexual Assault of a Student by School Instruction Staff.

Wis. Stat. § 948.11(2)(a) or (am) Exposing a Child to Harmful Material.

Wis. Stat. § 948.12 Possession of Child Pornography.

Wis. Stat. § 948.13 Convicted Child Sex Offender Working with Children.

Wis. Stat. § 948.30 Abduction of Another's Child.

Wis. Stat. § 971.17 Not Guilty by Reason of Mental Disease or an Included Offense.

Wis. Stat. § 975.06 Sex Crime Law Enforcement.

(d) Residence. A place where a person sleeps, abides, lodges, or resides on a permanent or regular basis. For purposes of this definition, a permanent basis means 14 or more consecutive days and a regular basis means 14 or more aggregate days during any calendar year and four or more days in any month. A person may have more than one residence.

(e) City. Means the City of Blair, located in Trempealeau County, Wisconsin.

71.05 Residency restriction.

(a) Except as otherwise provided in this Ordinance, a Sex Offender may not reside within 1,500 feet of any real property upon which there exists any of the following uses:

- (1) A school for children.
- (2) A public park, park facility, or pathway.
- (3) A daycare licensed by the State of Wisconsin.
- (4) A public library.
- (5) A public playground.
- (6) A public athletic field used by children.
- (7) A residential care center for children.
- (8) A public swimming pool.
- (9) A public community center
- (10) Designated School Bus Stops (pick-up/drop-off)

(b) For purposes of this section, distance is to be measured in a straight line from the closest boundary line of the real property upon which the sex offender's residence is located to the closest boundary line of the real property of the applicable use.

71.06 Residency restriction exceptions.

A sex offender residing within an area otherwise prohibited by section 71.05 does not commit an offense if any of the following apply:

- (1) The person is required to serve a sentence at a jail, prison, juvenile facility, or other facility located at the otherwise prohibited location.
- (2) The person had established a residence, as defined in section 71.04(d) above, at the location prior to the effective date of this article.
- (3) The use enumerated in section 71.05(a) was established after the sex offender established a residence at the location and registered that residence as required by law.
- (4) The sex offender is a minor or ward under guardianship.

71.07 Safety zones.

No sex offender may enter or be present on any real property upon which there exists any facility used for or which supports the use of:

- (1) A school for children.
- (2) A public park, park facility, or pathway.
- (3) A daycare licensed by the State of Wisconsin.
- (4) A public library.
- (5) A public playground.
- (6) A public athletic field used by children.
- (7) A residential care center for children.
- (8) A public swimming pool.
- (9) A public community center.

71.08 Safety zone exceptions.

A Sex Offender present in an area otherwise prohibited by section 71.07 does not commit an offense if any of the following apply:

(1)The property supporting a use enumerated in section 71.07 also supports a church, synagogue, mosque, temple, or other house of religious worship, subject to the following conditions:

- a. Entrance and presence on the property may occur only during hours of worship or other religious program or service.
- b. The person may not participate in any religious education programs that include individuals under the age of 18.

(2)The property supporting a use enumerated in section 71.07 also supports a use lawfully attended by the sex offender's natural or adopted child or children, which child's use reasonably requires the attendance of the sex offender, provided that entrance and presence on the property occurs only during hours of activity related to the use by the child or children.

(3)The property supporting a use enumerated in section 71.07 also supports a polling location in a local, state, or federal election, subject to the following conditions:

- a. The sex offender is eligible to vote.
- b. The polling location is the designated polling location for the sex offender.
- c. The sex offender casts his or her ballot with whatever usual and customary assistance is available and vacates the property immediately after voting.

(4) The property supporting a use enumerated in section 71.07 also supports a school lawfully attended by the sex offender as a student, provided that the sex offender may only remain on the property at such times that are reasonably required for his or her educational purposes.

(5) The property supporting a use enumerated in section 71.07 also supports a police station, City Hall, or other governmental building, provided that the sex offender vacates the property immediately after completing the activity that required his or her presence at the property.

71.09 Original residency restriction.

In addition to the other residency restrictions set forth herein and subject to the limitations in section 71.06, no sex offender may establish a residence in the city unless he or she was a resident of the city at the time of the most recent offense resulting in the person's most recent conviction, commitment, or placement as a sex offender. This limitation shall not apply to the establishment of a residence at a dwelling that is owned by a member of the sex offender's family at the time the sex offender establishes residence therein. For purposes of this section, a member of a sex offender's family means the sex offender's mother, father, brother, sister, child, or grandparent.

71.10 Sale or rental of property for use by sex offenders.

No person may sell or rent any place, structure, or part thereof with knowledge that it will be used as a residence by any sex offender that is prohibited from establishing residence therein by this article.

71.11 Enforcement.

A person violating this article shall be subject to forfeitures in an amount of not less than \$200.00 nor more than \$1,000.00 for each violation plus the costs of prosecution (including reasonable attorneys' fees). For purposes of calculating forfeitures, each day that a violation exists shall constitute a separate offense. Violations of this article are also deemed public nuisances, and the city may bring an action in circuit court to enjoin or abate any violation.

71.12 Petition for exemption.

(a) A sex offender may seek an exemption from this article by petitioning to the Blair Sex Offender Appeals Board ("Appeals Board").

(b) The Appeals Board shall consist of three (3) citizens residing in the city, which may include City Counsel members. Board Members shall be appointed by the Mayor. Board Members shall serve for a term of five (5) years and shall serve no more than two consecutive terms. The terms for the initial members of the Appeals Board shall be staggered with one Board Member serving one year, a second Board Member serving three years, and a third Board Member serving five years.

(c) The Appeals Board shall approve an official petition form. The sex offender seeking an exemption must complete the petition and submit it to the City Clerk, who shall forward it to the members of the Appeals Board. The Appeals Board shall hold a hearing on each petition, during which the Appeals Board may review any pertinent information and accept oral or written statements from any person. The Appeals Board shall base its decision on factors related to the city's interest in promoting, protecting, and improving the health, safety, and welfare of the community. Applicable factors for the Appeals Board to consider include, but are not limited to:

- (1) Nature of the offense that resulted in designated offender status.
- (2) Date of offense.
- (3) Age at time of the offense.
- (4) Recommendation of probation or parole officer.
- (5) Investigative report of the police department.
- (6) Recommendation of any treating practitioner.
- (7) Counseling, treatment, and rehabilitation status of the sex offender.
- (8) Remorse of sex offender.
- (9) Duration of time since sex offender's incarceration.
- (10) Support network of sex offender.
- (11) Relationship of offender and victim(s).

(12) Presence or use of force in offense(s).

(13) Adherence to terms of probation or parole.

(14) Proposals for safety assurances of sex offender.

(15) Conditions to be placed on the exemption.

(d) The Appeals Board shall decide by majority vote whether to grant or deny an exemption. An exemption may be unconditional or limited to a certain address, time, or subject to other reasonable conditions. The Appeals Board's decision shall be final for purposes of any appeal. A written copy of the decision shall be provided to the sex offender and the police department.

Section 2. Severability. The provisions of this ordinance shall be deemed severable, and it is expressly declared that the City would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons and/or circumstances shall not be deemed affected.

Section 3. Effective Date. This ordinance becomes effective upon passage and publication as required by law.

Mayor, City of Blair

ATTEST:

City Clerk/Deputy City Clerk

DATE PASSED:

DATE PUBLISHED:

ACKNOWLEDGEMENT

State of Wisconsin)
) ss.
County of Trempealeau)

Personally came before me this ____ day of _____, 2025, the above-named **John Rawson** and **Debi Fremstad**, to me known to be the Mayor and City Clerk of the City of Blair, Trempealeau County, Wisconsin respectively, and to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Notary Public - State of Wisconsin
My commission expires _____.