

MONONA CITY COUNCIL MINUTES
February 20, 2017

The regular meeting of the Monona City Council was called to order by Mayor Miller at 7:30 p.m.

Present: Mayor Robert Miller, Alderpersons Jim Busse, Doug Wood, Chad Speight, Mary O'Connor, Andrew Kitslaar, and Brian Holmquist

Also Present: City Administrator April Little, Finance Director Marc Houtakker, Financial Consultant Jeff Belongia, Police Chief Walter Ostrenga, City Attorney William Cole, Public Works Director Dan Stephany, Fire Chief Scott Sullivan, and City Clerk Joan Andrusz

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

A motion by Alder Wood, seconded by Alder O'Connor to approve the Minutes of the February 6, 2017 City Council meeting, was carried.

Appearances were held later in the meeting and Agenda items were re-ordered to accommodate Mr. Belongia's travel needs and facilitate discussion.

PUBLIC HEARING

There is no Public Hearing.

CONSENT AGENDA

A motion by Alder Wood, seconded by Alder Kitslaar to approve the following, was carried:

1. Applications for 2016/2017 Operator Licenses:
 - a. Keely B. Ripp, Breakwater
 - b. Susan L. Steinhofner, Joe's Firestation
 - c. Destiny Wilson, Speedway – Monona Drive

2. Application for 2016/2018 Operator Licenses:
 - a. Marcia A. Frazier, PDQ #123

UNFINISHED BUSINESS

Finance Director Houtakker reported the following item was previously approved with an incorrect dollar amount and additional funds were needed to cover costs. City Clerk Andrusz reported the title language on this and one other item also needed correction but were non-substantive changes so were simply corrected.

A motion by Alder Busse, seconded by Alder Wood to approve Resolution 17-2-2146 Providing for the Issuance and Sale of \$3,080,000 General Obligation Promissory Notes, Series 2017A: Correction of Error in Financial Amount, was carried.

NEW BUSINESS

A motion by Alder Busse, seconded by Alder Speight to suspend the rules and take action on Resolution 17-2-2149 Authorizing the Issuance and Sale of \$3,080,000 General Obligation Promissory Notes, Series 2017A, was carried.

Finance Director Houtakker reported bond holders were contacted to negotiate a rate for 2017 stormwater Capital projects. Mr. Belongia thanks Finance Director Houtakker for his work and reported the City has maintained its AA+ Standard & Poor's rating. Any leftover funds will pay debt service. This is a 10-year issue at 2.694%. This is not as favorable as last year but is still a very good interest rate. The equities markets have increased so interest rates increased. In 2019 there will be a 1.3% yield.

A motion by Alder O'Connor, seconded by Alder Wood to approve Resolution 17-2-2149 Authorizing the Issuance and Sale of \$3,080,000 General Obligation Promissory Notes, Series 2017A. On a roll call vote, all members voted in favor of the motion.

A motion by Alder Busse, seconded by Alder Speight to suspend the rules and take action on Resolution 17-2-2150 Authorizing the Issuance and Sale of \$3,440,000 General Obligation Refunding Bonds, Series 2017B, was carried.

Finance Director Houtakker distributed copies of the Resolution revised to \$3,525,000. It was decided to take advantage of lower interest rates for a savings of \$232,657 over 10 years for TIF 4, Monona Drive. Mr. Belongia reported the figure changed because the market changed 31 basis points in the last 30 days. He reviewed the prices, costs, premium, and savings. There is cash in the TID fund and it's best to call on September 1st. The fund balance will increase so this will probably be able to be paid off earlier.

A motion by Alder Wood, seconded by Alder Busse to approve Resolution 17-2-2150 Authorizing the Issuance and Sale of the revised amount of \$3,525,000 General Obligation Refunding Bonds, Series 2017B. On a roll call vote, all members voted in favor of the motion.

A motion by Alder Busse, seconded by Alder Speight to suspend the rules and take action on Resolution 17-2-2151 Authorizing the Issuance and Sale of \$1,640,000 Water System and Sewer System Revenue Bond Anticipation Notes, Series 2017C, was carried.

Finance Director Houtakker reported this is to fulfill, for water and sewer only, the 2017 plan for Capital street projects. Mr. Belongia reported this is a typical debt issue that doesn't affect the City's debt limit. It benefits the Standard & Poor's rating to have this rather than General Obligation debt. Mayor Miller expressed appreciation for Mr. Belongia's and the Council's work on these issues.

A motion by Alder O'Connor, seconded by Alder Holmquist to approve Resolution 17-2-2151 Authorizing the Issuance and Sale of \$1,640,000 Water System and Sewer System Revenue Bond Anticipation Notes, Series 2017C. On a roll call vote, all members voted in favor of the motion.

APPEARANCES

Mayor Miller explained to those present that this portion of the meeting process is not a two-way conversation. He will invoke the 3-minute rule if needed. There will be discussion tonight with action at the next meeting which will be led by Alder Wood as there will be some Council member absences.

Matt Marks, 5205 Mesa Road, appeared before the Council and spoke against reducing the fine for marijuana possession to \$1, and presented a petition with 41 additional signatures against the change along with supporting documents.

Mary Mead, 4905 Midmoor Road, registered against reducing the fine for marijuana possession to \$1.

The following individuals registered in favor of reducing the fine for marijuana possession to \$1:

- Shaun Kelderman, W2457 Lomira Drive, Brownsville
- Lamar Filipewicz, 712B Pirate Island Road
- Chris Nyland, 1239 E. Mifflin Street
- Dennis Brennan, 1214 E. Mifflin Street
- William Sherry, 632 W. Racine Street, Jefferson
- Laura Torres, 6412 SE 135th, Portland, Oregon

The following individuals appeared before the Council and spoke in favor of reducing the fine for marijuana possession to \$1:

- Richard Larson, 4804 Midmoor Road
- Ruth Reifeis, 4600 Gordon Avenue #1
- Nate Petreman, 3317 Harvey Street, Madison
- Casey Grady, 7618 Westchester Drive, Middleton
- Shelley Kennedy, 712 Pirate Island Road
- Mark Kelderman, W2457 Lomira Drive, Brownsville
- Daniel Conners, 4814 Goldfinch Drive, Madison

NEW BUSINESS

Alder Kitslaar began discussion of Ordinance 2-17-686 Relating to the Possession of Marijuana, reporting the Public Safety Commission voted 5 to 4 against this change the first time it was presented and then voted unanimously in favor of it the second time. Alder Holmquist stated last year more options were discussed besides \$1 versus no change. Fines were increased based upon criterion such as locations and repeat offenders.

Police Chief Ostrenga reported in the summer of 2015 he met with Mr. Petreman and in February, 2016 the Public Safety Commission discussed 5 different propositions:

- The Ordinance addresses under 21-year-olds only
- The court cost is \$62.26
- The Ordinance remains as is with a sliding fee scale, like underage drinking, for those under 21
- The current fine for under age 21 and \$1 for over age 21
- Fine reductions for 1st, 2nd, and 3rd offenses

In 2014 there were 44 citations issued; in 2015 there were 74. Only 70% of the fine is collected by the City. While the purpose of the fine is not revenue, it does generate funds. He read a statement from High School Principal Paul Brost in support of the Ordinance remaining the same and against fine reduction. Superintendent Dan Olson is against a change. Cathy Kalina provided a statement against the change on behalf of the Monona Cares and Cottage Grove Cares Coalitions. He reviewed a report from the Wisconsin State Council on Alcohol and Other Drug Abuse.

Police Chief Ostrenga reported the Department is not searching for users in homes. They have numerous criminal contacts with people in possession of cannabis. The Department is called for parking lot disputes and bar fights and the participants are issued tickets for cannabis possession with possible disorderly conduct or operating a vehicle under the influence. There seems to be more people who are in possession doing wrong things. A \$1 fine sends the wrong message that the Department shouldn't do anything at all. The District Attorney won't prosecute for less than 25 grams or less and fine reduction won't affect this. A municipal citation doesn't go on a person's criminal record but it is the only thing available to be able to hold a person accountable for breaking the law.

City Attorney Cole stated that no matter what the Council decides an Ordinance change won't change federal or state law. Ordinance language was cleaned up to remove confusion that possession of more than 25 grams wasn't prohibited. It was assumed that more than that was a criminal offense. An amount can be specified but language should be changed and should include both possession and use. A list of medical practitioners was cleaned up to match the statute; possession is allowed with a valid prescription.

Alder Wood commented that fines are not an effective deterrent on people's behavior. The country's anti-drug efforts have failed. Random enforcement is confusing. He doesn't think possessing cannabis means people do bad things. Labeling it a "gateway drug" is a specious allegation. As the License Review Committee Chair for 10 years he knows there have been periodic problems at bars with large crowds at closing time. Owners appear before the Committee and get better surveillance equipment installed. Possession of cannabis at the same time as being legally served alcohol is irrelevant. Regarding the "message to youth" aspect, his children have smoked cannabis and a fine wouldn't impact that behavior. That has more to do with the parent/adolescent relationship. It is preferable to have statewide deregulation. That would be uniform for all, take out cartels, and address other issues. Reducing the fine to \$1 shows the Council thinks we should move toward legalization.

Alder Speight stated he supports the fine reduction and agrees with legalization and decriminalization. Correlating heroin and cocaine with marijuana is absurd and no study supports that. Regulation and taxation of the substance is needed.

Members discussed waiting until the March 20 meeting to allow more members to be present and allow time for more research. The decision should be made tonight so attendees will be aware of when the matter will be voted upon. Alder Busse asks for use location to be addressed, such as use in a multi-family dwelling where smoke rises and disturbs neighbors. City Attorney Cole asks Alders to let him know about anything they would like addressed for the draft Ordinance. Use in the presence of a child, near a school, possession where a child might access it, etc. could be addressed. Mayor Miller requests an alternative draft but also keep this version and have members bring amendments.

A motion by Alder Kitslaar, seconded by Alder O'Connor to table Ordinance 2-17-686 Relating to the Possession of Marijuana until the March 20, 2017 City Council meeting, was carried.

UNFINISHED BUSINESS

Public Works Director Stephany reported the Public Works Committee recommended approval of Homburg Contractors, Inc. for the 2017 Capital road reconstruction project.

A motion by Alder Kitslaar, seconded by Alder Speight to approve Resolution 17-2-2140 Award of Bid for 2017 Road Reconstruction Project. On a roll call vote, all members voted in favor of the motion.

Public Works Director Stephany reported the Council requested more information on the differences in the July preliminary estimate and the final estimate for the 2017 Capital road reconstruction project. He also compared neighboring community's recent road bids, which were similar. Changes were reviewed; digging deeper and rock removal are cost factors.

A motion by Alder Holmquist, seconded by Alder Speight to approve Resolution 17-2-2141 Amending the 2017 Capital Budget for the 2017 Road Reconstruction Project. On a roll call vote, all members voted in favor of the motion.

Public Works Director Stephany reported the Council had asked for more information on parking restrictions during snow emergencies and distributed a copy of the current Ordinance that addresses towing. City Attorney Cole stated the current Code suffices to cover these costs.

A motion by Alder O'Connor, seconded by Alder Holmquist to approve Ordinance 2-17-685 Amending Section 10-1-26 of the Code of Ordinances Regarding Parking Restrictions During and After Snowstorms, was carried.

Fire Chief Sullivan reported five municipalities go together to purchase breathing apparatus budgeted for in 2018. The current tanks go out of service in 2019. The grant would save money; the City pays 10%. The City doesn't need to sign now; it won't be signed until the grant is granted. It covers a third of the cost with new bottles and face masks. City Attorney Cole addressed the Council's concern about forcing a future Council into an action they may not want to take and provided amendment language.

A motion by Alder Busse, seconded by Alder Holmquist to approve amendment language to the last "Now, Therefore," section of Resolution 17-2-2144 Approving a Memorandum of Understanding for Participation in an Assistance to Firefighters Grant for the Group Purchase of Self-Contained Breathing Apparatus as follows: "...Assistance to Firefighters Grant (AFG) is conceptually approved with actual approval to be granted after the award of the grant.", was carried.

Fire Chief Sullivan reported the grant application will be completed this year for purchase in 2018. A committee will decide which to test and then make a decision on which to purchase. It's required, even conceptually, that the Council is in favor of this MOU, otherwise time would be needed for a re-write. If it is more expensive and the City doesn't want to participate they can go back to FEMA to change the grant amount and tell them what was approved.

A motion by Alder Kitslaar, seconded by Alder Holmquist to approve Resolution 17-2-2144 Approving a Memorandum of Understanding for Participation in an Assistance to Firefighters Grant for the Group Purchase of Self-Contained Breathing Apparatus as amended, was carried.

NEW BUSINESS

A motion by Alder Kitslaar, seconded by Alder Holmquist to suspend the rules and take action on Resolution 17-2-2148 Approving the Purchase of a Zoll "X" Series Manual Defibrillator, was carried.

Fire Chief Sullivan reported this equipment is used on almost every call. It provides multiple functions for vital sign assessment. One of the old ones will be kept as a back-up and the other will be traded in for \$3,500 as there is no other use for it. This is not an AED; training is required to use this equipment. The state bid price was used for the purchase.

A motion by Alder Kitslaar, seconded by Alder Speight to approve Resolution 17-2-2148 Approving the Purchase of a Zoll “X” Series Manual Defibrillator. On a roll call vote, all members voted in favor of the motion.

REPORTS

Fire Chief Sullivan reported a grant was received from Invisible Fence for three different sizes of oxygen masks to use at fires for animals. A second set is coming so there will be one on each engine. Members suggested a “thank you” announcement be made on WVMO. The truck that was supposed to be here in October is still not here but interest is being earned because of pre-payment.

Members announced upcoming committee meeting dates and times.

Alder Kitslaar reported the new Library Director starts on March 1. He will be at the March 6 Council meeting and “meet and greet” events are planned.

Alder O’Connor reported the March 9 Community Media Committee meeting has been moved to March 16.

Alder Wood reported he has been elected to the Board of Directors of the Friends of the Senior Center at its first meeting. Mayor Miller thanks him for his service.

City Clerk Andrusz reported polling places are set up and ready for tomorrow’s Spring Primary and she urges those listening to give the new ExpressVote printer a try.

City Administrator Little reported laptop/tablet hybrids provided by Dell and HP is available for member testing for about 20 days; she will get a specific date.

Mayor Miller reported the Friends of WVMO kick-off event was very successful. The mural artist emailed him that preliminary sketches will be available for viewing soon. The Riverfront project is still progressing in a positive direction and will be presented to the Council when it’s ready.

APPOINTMENTS

There were no Appointments.

ADJOURNMENT

A motion by Alder Busse, seconded by Alder Kitslaar to adjourn, was carried. (9:57 p.m.)

Joan Andrusz
City Clerk