

MONONA CITY COUNCIL MINUTES
July 16, 2018

The regular meeting of the Monona City Council was called to order by Council President Wood at 7:03 p.m.

Present: Council President Wood, Alderpersons Chad Speight, Andrew Kitslaar, Jennifer Kuhr, Molly Grupe, and Nancy Moore

Excused: Mayor Mary K. O'Connor

Also Present: City Administrator April Little, Finance Director Marc Houtakker, Library Director Ryan Claringbole, Senior Center Director Diane Mikelbank, Police Chief Walter Ostrenga, and City Clerk Joan Andrusz

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

A motion by Alder Grupe, seconded by Alder Kitslaar to approve the Minutes of the June 18, 2018 City Council meeting, was carried.

APPEARANCES

Library Director Claringbole and Senior Center Director Mikelbank distributed Memory Kits for members to look at and provided information on the program that is based upon one in Mount Horeb. Kits have themes, such as "Nature" or "Rural Life", and can be checked out of the Library by caregivers.

John Anderson, 616 Clear Spring Court registered in favor of the full-time Senior Center position.

Gwen Feit, 5716 Tecumseh Avenue registered in favor of the full-time Senior Center position via email.

Teresa Radermacher, 5201 McKenna Road appeared before the Council and spoke in favor of, and gratitude for, the water bottle filling station the Public Works Department constructed in time for use at the All City Swim & Dive Meet. Public officials will staff several zero-waste stations. Council President Wood reported the water cart was made using recycled materials such as old street signs.

PUBLIC HEARING

There was no Public Hearing.

CONSENT AGENDA

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

1. Approval of Applications for 2018/2019 Operator Licenses:
 - a. Emily S. Liegel, Red Robin Restaurant
 - b. Anthony R. Mazzarelli, Village Lanes
 - c. Fay E. Hanson, Walgreens
 - d. Connie A. Messner, Walgreens

- e. Aimee L. Strebig, Walgreens
2. Approval of Applications for 2018/2020 Operator Licenses:
 - a. Christian T. Niemi, Kwik Trip
 - b. Angelique A. Young, Speedway – Royal Avenue
 - c. Bryant A. Schaefer, The Tasting Room
3. Approval of Renewal Applications for 2018/2019 Operator Licenses:
 - a. Kristina L. Kostka, Angelo’s Monona
 - b. Kristine A. Leon, Eastside Club
 - c. Tyler J. Lewis, Ken’s Meats & Deli
 - d. Daniel P. Obrien, O’Connell’s Liquor
 - e. Brad Nesbit, Silver Eagle Bar & Grill
 - f. Nicole R. Norsetter, Silver Eagle Bar & Grill
 - g. Brian J. Scroggins, Speedway – Monona Drive
 - h. Kimberly A. Horwath, Walgreens
 - i. Sam W. Jeffers, Walgreens
 - j. Galen B. Slaght, Walgreens
4. Approval of Renewal Applications for 2018/2020 Operator Licenses:
 - a. Michelle L. Mroz, Angelo’s Monona
 - b. Phouagnaly Vilaysack, Breakwater
 - c. William J. Bressler, Fat Jack’s Barbeque
 - d. Toni J. Wood, Immaculate Heart of Mary Church
 - e. Eric E. Wheeler, Kwik Trip
 - f. Lovedeep S. Gill, Monona Mart
 - g. Shane Spoerle, Mr. Brews Taphouse
 - h. Michael A. Bailey, Pick ‘n Save
 - i. Dawn M. Cline, Pick ‘n Save
 - j. Cheryl L. Efferding, Pick ‘n Save
 - k. Vicky L. Esser, Pick ‘n Save
 - l. Mark A. Kotlowski, Pick ‘n Save
 - m. Christopher L. Long, Pick ‘n Save
 - n. Myli M. Randle, Pick ‘n Save
 - o. Lauren A. Lottes, Silver Eagle Bar & Grill
 - p. Ashley E. Storms, Silver Eagle Bar & Grill
 - q. Lisa M. Serena, Snicks Sportsman’s Bar
 - r. Carol A. Simonson, Speedway – Monona Drive
 - s. Timothy J. Armstrong, Speedway – Royal Avenue
 - t. Melody V. Parks, Speedway – Royal Avenue
 - u. Kevin L. Ploessl, Waypoint Public House
5. Approval of Application for a 2018 Temporary Operator License:
 - a. Cheyenne K. Mintor, MS Best Dam Bike Tour

UNFINISHED BUSINESS

There was no Unfinished Business.

Items on the Agenda were re-ordered to accommodate those present.

NEW BUSINESS

Council President Wood reported Mayor O'Connor will have a review of the following item but she wanted to have this on the Agenda to have action taken as soon as possible. Senior Center Director Mikelbank provided information on Resolution 18-7-2276 Amending the 2018 Operating Budget for a Full-Time Project Assistant Position in the Senior Center. She learned of a part-time staff member's retirement on July 2. She doesn't ask for things outside of the budget very often, but with over a 61% increase in visits and an over 54% increase in programs, more help is needed. With the increasing senior population, the Center should think ahead. She is the only full-time staff person and consistency is needed. Volunteers come to her because she is there all of the time. Part-time staff has to catch up on volunteer's work at each of their shifts. Follow-through on calls and emails, and working with volunteers is important. The Intern was busy 16 hours per week which shows there is enough work for another full-time staff member, who could also keep up with social media and networking. She currently can't leave the office and staff can't take breaks.

Alder Grupe expressed strong support for this position; this is an active, vibrant Center. Finance Director Houtakker distributed a spreadsheet reporting the financial impact in 2019 of this and other department's staff who started partway through this year. A full year of expenses increase the budget by \$145,000. The Fund Balance is high at 25%; the goal is 15% to 20%. TIF 2 is closing and will gain \$500,000. Projections with health insurance will cost \$350,000. Other departments are requesting more staff as well and this leaves \$150,000 for that. \$800,000 will be added to the Fund Balance from TIF 2. Walmart's share of property taxes will be shifted to taxpayers. Council President Wood stated Mayor O'Connor has other requests to consider.

A motion by Alder Speight, seconded by Alder Kitslaar to Convene in Closed Session Pursuant to Wisconsin Statute Section 19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved (Wal-Mart Real Estate Business Trust v. City of Monona and Four Lakes Yacht Club v. City of Monona, et al.). On a roll call vote, all members voted in favor of the motion.

Upon reconvening in Open Session:

Police Chief Ostrenga provided information on Ordinance 7-18-702 Creating Chapter 198-6 of the Code of Ordinances Regarding Smoking and Vaping in Educational Facilities. The School Resource Officer brought this forth in March or April. Incidents are occurring in school bathrooms. The Public Safety Commission and City Attorney have reviewed this.

Police Chief Ostrenga provided information on Ordinance 7-18-703 Creating Chapter 281-9 of the Code of Ordinances Regarding Sexting. This was requested by the School Resource Officer. He wanted a City violation to use for minors to act as a deterrent without District Attorney charges being brought. The Public Safety Commission and City Attorney have approved this. Council President Wood stated his concern is whether a legal response to teenage behavior is useful. Police Chief Ostrenga reported parents get involved and this can help discussion and prevention. Alder Speight questioned whether consenting minors will be prohibited. Police Chief Ostrenga responded the concern is that the texts will be released to the Internet for all to see. This gives the School Resource Officer a tool to use; parents want something done.

Police Chief Ostrenga provided information on Ordinance 7-18-704 Amending Chapter 334-4 of the Code of Ordinances Regarding Weapons in Public Buildings. The School Resource Officer reports that fake guns are being brought to school and there is nothing available with which to charge the student.

Prevention is needed. Alder Moore questioned whether this should go beyond buildings and apply to school grounds, parks, or the swimming pool. That would send a community message about public safety. Police Chief Ostrenga responded this is specific to buildings, other areas may already be addressed in the Ordinance. Alder Moore questioned whether it only relates to firing a weapon. Police Chief Ostrenga responded he wants to stop threats, etc. versus play. Alder Speight questioned school versus public buildings and guns at football games; school officials would probably want other areas covered. Police Chief Ostrenga responded threatening is a different level of behavior. The City Attorney could add other areas to the Ordinance. The School Resource Officer has a metal detector wand. Alder Grupe questioned whether the term “weapon” should be changed to “firearm” to match the statute language. Council President Wood agreed the language should match if a statute is referenced.

Council President Wood provided information on Ordinance 7-18-705 Amending Chapter 335-8 C (1) of the Code of Ordinances Regarding Amplified Device Permits. Language is added to reference the fact that a Police Chief designates staff to issue these permits, and the permit and fee should be added to the Fee Schedule. City Clerk Andrusz stated the goal is to have the Ordinances match actual practice. Alder Moore questioned what constitutes a device – such as a radio versus a band – and stated it seems like selective enforcement. Police Chief Ostrenga discussed reasonableness; a person can’t use a device as loud as they want to, even with a permit. If complaints are received and they don’t have a permit they are asked to turn down the device; a fine may be assessed. Noise complaints do not occupy much of the Department’s time; some complaints are for other items like vehicles.

Police Chief Ostrenga provided information on Ordinance 7-18-706 Repealing and Recreating Chapter 175-25 of the Code of Ordinances Regarding Swimming Pools and In-Ground Hot Tubs. A complaint was received regarding a temporary swimming pool with no railing; the current Ordinance only addresses permanent in ground, not above ground or temporary pools. The Building Inspector copied from the City of Portage’s Ordinance. The Public Safety Commission and City Attorney have approved this with a four-foot high fence requirement. Code Enforcement would handle compliance, not the Department. Council President Wood stated he questioned the diameter measurement and that the 15-inch height was too low. There are a lot of requirements if the pool meets the size addressed and it could affect kiddie pools. Police Chief Ostrenga read the regulations regarding above ground pools. This also applies to existing pools.

Alder Moore stated this should apply to permanent facilities and questions regulating someone’s use of their own backyard. Alder Speight supports safety standards but “exempt pools” should be clarified. Alder Grupe stated volume of water as a metric doesn’t affect what would cause a child to drown. Alder Kitslaar stated not having a fence is a huge liability to the homeowner. Decks require permits and pools should, too; he supports this Ordinance. Police Chief Ostrenga stated a permit requirement could be added.

Police Chief Ostrenga provided information on Ordinance 7-18-707 Amending Sections 335-1 A. (25) and 335-9 B. of the Fees, Fines, and Penalties Schedule. This was requested by the School Resource Officer and Fire Chief. Many false fire alarms occurred at the end of the school year. Raising this fine and the fine for urination and defecation is requested as a deterrent.

City Clerk Andrusz provided information on Ordinance 7-18-708 Amending Chapter 18-3 of the Code of Ordinances Regarding the Board of Review. This is an update of language to match that of the statute changes that became effective January 1, 2018 and relates to timing of notices and meetings.

City Administrator Little provided information on Resolution 18-7-2277 Allocating a Contribution from General Fund Balance toward the League of Wisconsin Municipalities’ Dark Store Elimination Efforts. The League of Wisconsin Municipalities is continuing its efforts to keep this issue in the forefront with

lobbying, public education, etc. This affects all taxpayers. Mayor O'Connor and Council President Wood agreed the City should contribute more toward this cause. Alder Kitslaar reported the amount requested was based upon the effect on the community and is small versus what would be lost. Success is unknown but Governor Walker has now stated he would support this. There is a lot of support in the legislature, but not all support it. Voters should hold the legislature accountable. Alder Speight is concerned the Governor's stance is election year posturing. Alder Moore stated the League has a good track record with lobbying. Alder Kitslaar reported there is a great re-cap of their various efforts in the Municipality publication. There have been more successes than not. Council President Wood stated the League gets issues before the legislature. A lot depends on the November election outcome.

A motion by Alder Kitslaar, seconded by Alder Kuhr to suspend the rules and take action on Resolution 18-7-2279 Amending the 2018 Capital Budget for Increased Costs for Demolition Services for the Riverfront Redevelopment, was carried.

City Administrator Little reported some change orders lowered costs and some increased costs. This one is required because the Budenz property wasn't owned by the City so the contractor couldn't go in to assess the needs. The amount of contaminated soil removal is now known and they will do the work next week. Council President Wood reported the blank cost amount lines were taken out at the Finance & Personnel Committee.

A motion by Alder Kitslaar, seconded by Alder Kuhr to remove the rest of the sentence after the dollar amount in the "Now, Therefore" section of Resolution 18-7-2279 Amending the 2018 Capital Budget for Increased Costs for Demolition Services for the Riverfront Redevelopment, was carried.

A motion by Alder Kitslaar, seconded by Alder Kuhr to approve Resolution 18-7-2279 Amending the 2018 Capital Budget for Increased Costs for Demolition Services for the Riverfront Redevelopment, as amended. On a roll call vote, all members voted in favor of the motion.

No action was taken on Resolution 18-7-2278 Approving a Settlement Agreement with Wal-Mart Real Estate Business Trust.

REPORTS

Alder Grupe announced the Library's annual fund raising event will be held on January 26, 2019 with a beach theme. Save the date!

Alder Kuhr commends the Fire and Police Department's response to the explosion in the City of Sun Prairie and loss of a colleague. Council President Wood reported that as Acting Mayor, he authorized them to expend any and all resources needed to help.

Alder Speight thanks City staff for their involvement in the All City Swim & Dive Meet. It is a great showcase for the City.

City Clerk Andrusz reported Deputy Clerk Houser is attending her first year of the UW Green Bay Institute, working toward her Wisconsin Certified Municipal Clerk certification.

City Administrator Little reported she will be attending the CVMIC conference this Thursday and Friday. 13,000 tons of waste from the Riverfront Development was diverted from the landfill; much of the materials went to area entities for re-use.

Council President Wood thanks City staff for maintaining smooth operations while the Mayor is vacationing.

APPOINTMENTS

A motion by Alder Moore, seconded by Alder Kitslaar to approve Dan Costello to the Sustainability Committee (effective immediately–April 2021), was carried.

ADJOURNMENT

A motion by Alder Grupe, seconded by Alder Moore to adjourn, was carried. (9:33 p.m.)

Joan Andrusz
City Clerk