

MONONA CITY COUNCIL MINUTES
June 15, 2020

The regular meeting of the Monona City Council, via Zoom, was called to order by Mayor O'Connor at 7:00 p.m.

Present: Mayor Mary K. O'Connor, Alderpersons Kathy Thomas, Molly Grupe, Nancy Moore, Kristie Schilling, Doug Wood, and Jennifer Kuhr

Also Present: City Administrator Bryan Gadow, City Attorney William Cole, Police Chief Walter Ostrenga, Timothy Trpkosh from Breakwater, Project Manager Brad Bruun, and City Clerk Joan Andrusz

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Mayor O'Connor noted the last sentence on Page 2 should be part of the next item's discussion.

A motion by Alder Schilling, seconded by Alder Kuhr to approve the Minutes of the June 1, 2020 City Council meeting as amended, was carried.

APPEARANCES

Mayor O'Connor read Proclamation Declaring June 19, 2020 as "Juneteenth" in the City of Monona.

Brie Chapa, 5707 Pheasant Hill Road appeared before the Council via ZOOM and spoke regarding the Monona Police Department use of force policy.

PUBLIC HEARING

There was no Public Hearing.

CONSENT AGENDA

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

1. Approval of Renewal Applications for 2020/2021 Operator Licenses:
 - a. Teresa C. Schwerin, East Side Club
 - b. Tina G. BonDurant, O'Connell's Liquor
 - c. Courtney L. Doiron, O'Connell's Liquor
 - d. Alesha A. Krengel, O'Connell's Liquor
 - e. Cody J.C. Melahn, O'Connell's Liquor
 - f. Ross A. Morey, O'Connell's Liquor
 - g. Ann T. Olley, O'Connell's Liquor
 - h. Dean E. Powers, O'Connell's Liquor

2. Approval of Applications for 2020/2022 Operator Licenses:
 - a. Justina M. Rowland, Silver Eagle Bar & Grill
 - b. Jadah L. Williams, Speedway – Monona Drive
 - c. Jessica L. Carver, Tully's II
 - d. Hugo D. Llampallas, Tully's II
 - e. Marcus N. Roeder, Walgreens

3. Approval of Renewal Applications for 2020/2022 Operator Licenses:
 - a. Allison S. Marsden, Silver Eagle Bar & Grill
 - b. Brad A. Nesbit, Silver Eagle Bar & Grill
 - c. Ashley E. Storms, Silver Eagle Bar & Grill
 - d. Scott M. Mueller, Snicks Sportman's Bar/Angelo's
 - e. Damon A. Okeson, Tower Inn
 - f. Cheryl M. Forrer, Walgreens
 - g. Julie R. Frasier, Walgreens
 - h. Teresa M. Gwaltney, Walgreens
 - i. Fay E. Hanson, Walgreens
 - j. Kimberly A. Horwath, Walgreens
 - k. Samantha R. Londo, Walgreens
 - l. Connie A. Messner, Walgreens
 - m. Galen B. Slaght, Walgreens
 - n. Aimee L. Strebiger, Walgreens

4. Approval of Renewal Application for 2020/2021 Class "A" Fermented Malt Beverage License:
 - a. La Rosita Mexican Store LLC, d/b/a La Rosita Mexican Store, 6005 Monona Drive

5. Approval of Renewal Application for 2020/2021 "Class A" Liquor License:
 - a. Fraboni's Italian Specialties, Inc., d/b/a Fraboni's, 108 Owen Road

6. Approval of Renewal Applications for 2020/2021 Class "B" Fermented Malt Beverage and "Class B" Liquor Licenses:
 - a. T. L. McGuigan, LLC, d/b/a Angelo's, 5801 Monona Drive
 - b. Breakwater Monona, LLC, 7497 Indigo Circle, Middleton, Wisconsin, 53562, d/b/a Breakwater, 6308 Metropolitan Lane
 - c. The East Side Club, Inc., d/b/a The East Side Club, 3735 Monona Drive
 - d. Mr. Luo LLC Owned by Jun Luo, d/b/a Edo Garden Japanese Restaurant, 6309 Monona Drive
 - e. Leskes Inc., d/b/a Tully's II Food & Spirits, 6401 Monona Drive

7. Approval of Renewal Application for 2020/2021 Class "B" Fermented Malt Beverage License:
 - a. La Rosita Mexican Buffet, LLC, d/b/a La Rosita Mexican Buffet, 6001 Monona Drive

8. Approval of Renewal Applications for 2020/2021 Patio Permits:
 - a. La Rosita Mexican Buffet LLC, d/b/a La Rosita Mexican Buffet, 6001 Monona Drive
 - b. Valdimark, Inc., d/b/a Silver Eagle Bar & Grill, 5805 Monona Drive

9. Approval of Renewal Application for 2020/2021 Beer Garden:
 - a. Badger Bowl, Inc., 506 E. Badger Road, Madison, Wisconsin, 53713-2121, d/b/a Monona Village Lanes, 208 Owen Road (approved for specific dates)

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

A motion by Alder Wood, seconded by Alder Thomas to suspend the rules and take action on Approval of Renewal Application for 2020/2021 Patio Permit for Breakwater Monona, LLC d/b/a Breakwater, 6308 Inland Way, was carried.

City Clerk Andrusz explained the hours of operation were changed to match that of Buck & Honey's: 10:00 p.m. Sunday through Thursday, midnight Friday, Saturday, and the day preceding Memorial Day, Independence Day, and Labor Day. Alder Kuhr reported she had issues with the sound two Sundays ago and did have a formal complaint for an earlier event for which the business didn't have a permit. Mr. Trpkosh stated he was not aware of the complaint for the event without a permit. The problem is sound carries across the water. When he became aware of the complaint on the Nextdoor site he moved the sound to not project down the waterway. He described the opening excitement and his own decibel meter showed a low sound level. Alder Grupe stated this will continue to be monitored.

A motion by Alder Moore, seconded by Alder Schilling to approve the Renewal Application for 2020/2021 Patio Permit for Breakwater Monona, LLC d/b/a Breakwater, 6308 Inland Way, was carried. Alders Kuhr and Grupe voted against the motion.

A motion by Alder Wood, seconded by Alder Moore to suspend the rules and take action on Approval of Renewal Application for 2020/2021 Beer Garden for Breakwater Monona, LLC d/b/a Breakwater, 6308 Inland Way, was carried.

City Clerk Andrusz reported this is to increase the hours to 10:00 p.m. Monday through Friday on the higher level of their outdoor deck.

A motion by Alder Wood, seconded by Alder Schilling to approve the Renewal Application for 2020/2021 Beer Garden for Breakwater Monona, LLC d/b/a Breakwater, 6308 Inland Way, was carried. Alder Kuhr voted against the motion.

A motion by Alder Kuhr, seconded by Alder Thomas to suspend the rules and take action on Consideration of Resolution 20-6-2419 Commitment of Action in Response to June 2, 2020 Police Call, was carried.

Mayor O'Connor reviewed the statement requested by Alder Moore to announce publicly. Alder Grupe questioned whether, as public comment was received, this could be modified to include action the City is taking. Alder Wood provided revisions, which are in red on the document in the meeting packet.

A motion by Alder Wood, seconded by Alder Thomas to amend Resolution 20-6-2419 Commitment of Action in Response to June 2, 2020 Police Call as provided by Alder Wood, was carried.

A motion by Alder Moore, seconded by Alder Thomas to amend Resolution 20-6-2419 Commitment of Action in Response to June 2, 2020 Police Call as follows, was carried:

- Include the entire language of Campaign Zero's "8 Can't Wait" Use of Force Policies.
- In the "Now, Therefore" section, amend #4: "...facilitated by a professionals ..."
- In the "Now, Therefore" section, amend #5: "...policies and instruct the Public Safety Committee to consider any policies that aren't in current Police policies and which need to be adopted and incorporated into Police policies:"

Alder Schilling stated a disclaimer should be added asking for police officers to stop pulling over Black American drivers without actual violations that aren't an authentic threat of harm to other drivers or pedestrians. This should be prohibited. She asks for Public Safety Committee review of policy.

Police Chief Ostrenga stated race is tracked with arrest reports. Speeding can be done without other traffic around and he questions whether that means the driver can't be stopped. It is hard to see drivers clearly enough to decide who to stop. Alder Wood stated he can't support applying traffic laws based on race and verified with City Attorney Cole that this would be illegal. He questions whether the issue Alder Schilling is raising is racial profiling. Alder Schilling stated it's been seen many times that blacks pulled over for minor infractions are shot.

She wants to lessen that happening. Mayor O'Connor questioned whether this should apply to black people only or all people of color. Alder Thomas stated not all blacks are obviously black. Alder Grupe questioned whether the Council could look beyond the "8 Can't Wait" to add this, or wait and follow up on whether it was discussed by the Public Safety Committee. Alder Thomas stated the Committee will do this and update Alders. Alder Schilling agreed to wait. A motion by Alder Schilling, seconded by Alder Thomas to address this was withdrawn after discussion. Alder Moore stated this Resolution already states policies will be reviewed and is only the beginning of the process; data gathered will be a large part of the outcome.

Mayor O'Connor stated the City Council doesn't review police policies. City Attorney Cole stated the Ordinance doesn't require the Council to review policies; historically the Police Chief enacts rules and policies. Municipalities usually review more serious policies like use of force. Mayor O'Connor stated that may need to be added to the Ordinance. Alder Thomas stated it seems implicit; "review and recommend" and the statute allows this.

Alder Schilling questioned whether a committee would be formed to address the "Now Therefore" section number 1. She's had contact with people who are interested in serving. Alder Thomas stated an expert in law enforcement is needed. City Attorney Cole stated once the report findings are received the City can have a group of various ethnicities review it and give input. Alder Wood stated this will now go to the Public Safety Committee and people of color should have input there. Alder Thomas stated the question in the June 2 case is whether the officers followed policy, and if they did, does the policy need to be revised. Alder Schilling reported Ms. Chapa asked whether a minority business owner or a member of a minority organization could be part of the committee. Alder Moore stated the Public Safety Committee is speaking with people of color. Alder Grupe stated it doesn't have to be a law enforcement agency doing this review. Mayor O'Connor stated many avenues are being pursued.

Alder Schilling stated the "8 Can't Wait" is low-hanging fruit; everyone wants to go beyond that, it's only a start. Mayor O'Connor responded that isn't the only thing being done. Alder Thomas stated the City is not adopting that policy, but reviewing it and seeing what can apply. Alder Wood stated he agrees the City needs to go beyond that policy; a lot has changed in a short period of time.

A motion by Alder Moore, seconded by Alder Grupe to approve Resolution 20-6-2419 Commitment of Action in Response to June 2, 2020 Police Call as amended, was carried.

A motion by Alder Moore, seconded by Alder Wood to suspend the rules and take action on Ordinance 6-20-731 An Ordinance Concerning the Issuance of Operator's Licenses, was carried.

Alder Wood reported this allows the City Clerk to approve and issue these licenses rather than the City Council in the Consent Agenda. City Clerk Andrusz reports this streamlines the process for applicants; applications with issues would still be reviewed by the License Review Committee and then the City Council, if needed.

A motion by Alder Wood, seconded by Alder Grupe to approve Ordinance 6-20-731 An Ordinance Concerning the Issuance of Operator's Licenses, was carried.

A motion by Alder Wood, seconded by Alder Grupe to suspend the rules and take action on Ordinance 6-20-732 An Ordinance Amending Various Sections of the Monona Code of Ordinances to Allow Staff to Approve New or Expanded Patios on a Temporary Basis, was carried.

Alder Wood reported this would allow new or expanded temporary outdoor patios of up to 40 patrons. The Council would have to approve the extension of premises per statute. Alder Moore stated this enables bars and restaurants to survive. Occupancy is cut back 25% to 50% for social distancing, which greatly reduces revenues. Alder Wood reported two businesses have expressed interest. They still have to submit applications and need Council approval. He questioned whether members would be willing to hold a special meeting; members agree to this.

City Attorney Cole stated revocation would be done by the City Administrator; City Administrator Gadow stated he is willing to do this. City Attorney Cole stated the City Administrator would decide what type of fencing or marking off of the area is required based on the specifics of the application. City Administrator Gadow stated ropes and bollards would be sufficient and tents if they made sense. Alder Kuhr questioned whether Dane County Public Health would have to be notified. City Attorney Cole responded that is not required. Alder Wood stated capacity is not being added but these areas would get businesses back closer to capacity. The Badger Bounce Back program doesn't apply to outdoor areas.

A motion by Alder Wood, seconded by Alder Moore to approve Ordinance 6-20-732 An Ordinance Amending Various Sections of the Monona Code of Ordinances to Allow Staff to Approve New or Expanded Patios on a Temporary Basis, was carried.

City Administrator Gadow began Discussion and Update on Staffing, Budgetary and City Operations Contingency Plans for COVID-19. All park playground equipment is open to the public. The Library will open at reduced capacity soon; the Library Board will discuss a plan at a meeting this week. Alder Wood stated the Parks & Recreation Board approved reservations to be taken for Ahuska and Fireman's Park shelters. City Administrator Gadow reported 2 or 3 select bathrooms will be open. Alder Wood reported that included the Dream Park; Mayor O'Connor read the list of facilities. Alder Moore reported the Madison Biergarten and the East Side Club Tiki Bar are very busy. Mayor O'Connor reported Recreation Director Jake Anderson wants to open Monona's but is concerned about safety.

Project Manager Bruun provided a Presentation of 2019 Sustainability Progress Report. A lot of progress has been made, including hybrid Police vehicles, which will pay for themselves in 3 years; the Bicycle/Pedestrian Plan; the 100% Clean Energy Resolution; and the Adopt a Storm Drain program. He is working on a Green Tier Legacy scoresheet. There are quick-read dashboard signs at parks to let the public know about the City's efforts. The City is on track to 25% renewable energy by 2025. Members commented on other efforts, like LED lighting, and thanked Project Manager Bruun for his work on this.

Project Manager Bruun provided a Presentation of Office of Energy Innovation Grant / Monona Energy Plan. The City has to have a clean energy plan to participate. He worked with 6 municipalities and Dane County facilitated by Slipstream. Most of the City's energy use is streetlights and uninsulated buildings, like City Hall, the Community Center, and the Public Works Garage. The Library has average energy use except for heating. He suggested facilities the City should consider for long-term renovations or rebuilds to be more energy efficient, including the Community Center and swimming pool; and other improvements as well, such as fleet upgrades. Streetlights are 30% of the City's electricity usage and only 4 are LED. Upgrades without substantial labor costs could be done when MG&E does their annual inspections. The cost without labor would be \$215,000, and could be double or triple that, but MG&E would work with the City. The City could get on a 6-year cycle for these upgrades.

REPORTS

Alder Schilling reported there were presentations at the Community Media Committee for the City and School District to show the full scope of what media can do that will be provided to the Council in August. City Planner Doug Plowman is calling and sending letters to owners of historical properties.

Alder Grupe reported both the Express and Lift transit options are running during the COVID-19 situation. The bus company is following cleaning practice guidelines. Ridership is increasing as the community is opening up; she doesn't know the percentage of previous decrease. Both buses were vandalized but are back in service. She thanks the community for their contacts regarding the June 2 police incident. The Law Enforcement Standards Board can make changes; residents can call them or Josh Kaul for information.

City Clerk Andrusz reported all voting on Election Day, August 11, will be at the Community Center. She urges voters to get their absentee ballot requests in as soon as possible; use the My Vote Wisconsin website.

Mayor O'Connor reported there is a lot of work to do as a result of the June 2 incident but it won't be done quickly; the issues and processes are very complicated.

APPOINTMENTS

There were no Appointments.

ADJOURNMENT

A motion by Alder Grupe, seconded by Alder Kuhr, to adjourn was carried. (8:59 p.m.)

Joan Andrusz
City Clerk