

MONONA CITY COUNCIL MINUTES  
February 17, 2014

The regular meeting of the Monona City Council was called to order by Mayor Miller at 7:34 p.m.

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

Also Present: City Administrator Patrick Marsh, Recreation Director Jake Anderson, Finance Director Marc Houtakker, Public Works Director Dan Stephany, Police Chief Walter Ostrenga, Detective Lieutenant Sara Deuman, and City Clerk Joan Andrusz

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

A motion by Alder Wood, seconded by Alder Busse to approve the Minutes from February 3, 2014, was carried.

APPEARANCES

There were no Appearances.

PUBLIC HEARING

There was no Public Hearing.

CONSENT AGENDA

There was no Consent Agenda.

UNFINISHED BUSINESS

Recreation Director Anderson reported requested changes have been made to the Lottes Park Improvement documents. References to "restroom" have been changed to "park shelter" and the schedule amended to the current state of the project. A video about the safety of the fish cleaning station grinder is available.

A motion by Alder Thomas, seconded by Alder Speight to approve Resolution 14-1-1955 Approval of Proposal and Agreement from Vierbicher Associates for Engineering Consulting Services for Lottes Park Improvements, was carried.

NEW BUSINESS

A motion by Alder Holmquist, seconded by Alder Thomas to suspend the rules and take action on Resolution 14-2-1957 Providing for the Sale of \$3,400,000 General Obligation Promissory Notes, was carried.

Finance Director Houtakker reported this authorizes Financial Consultant Jeff Belongia to begin negotiations for borrowing for 2014 Capital projects. Interest rates are still low at this time. The fiscal note was reviewed which includes funds for borrowing costs. Three large projects are included. The used fire truck purchase is still pending, but if it is not purchased the funds will be set aside and used to reduce 2015 borrowing. City Administrator Marsh reported the Library and Oneida Park projects are estimates only but are within 5% of the final cost. Three items need to be re-bid for the park. Mayor Miller stated there is no risk of arbitrage if funds are not used.

A motion by Alder Holmquist, seconded by Alder O'Connor to approve Resolution 14-2-1957 Providing for the Sale of \$3,400,000 General Obligation Promissory Notes. On a roll call vote, all members voted in favor of the motion.

A motion by Alder Wood, seconded by Alder Thomas to suspend the rules and take action on Resolution 14-2-1959 Approving a Water Tower Lease Amendment with T-Mobile Central, LLC, was carried.

City Administrator Marsh reported the vendor requested permission to replace equipment on the water tower with new equipment which required new brackets. The City engineer reviewed the project for structure strength and that there would be no effect on other vendors' equipment. The project increases the lease by \$3,600 per year.

A motion by Alder Wood, seconded by Alder Speight to approve Resolution 14-2-1959 Approving a Water Tower Lease Amendment with T-Mobile Central, LLC, was carried.

Public Works Director Stephany provided information on Resolution 14-02-1958 Amending the 2014 Capital Budget to Combine Storm Water Engineering Funds and Approving a Proposal from Strand Associates for Construction Design, Administration, and Observation Services for Storm Water Project. This would combine four stormwater projects into one and approve the Strand Associates proposal. The leftover funds will be used for miscellaneous permits, sediment sampling, or any other expenses. The project would be funded over 2014 and 2015. Two hundred hours of on-site observation is included.

The Finance & Personnel Committee was concerned the low bid wasn't realistic enough, but Strand Associates was questioned three times whether the figures were firm. There was a similar variable in bids for the Broadway watermain project and the unique solution used saved extensive funds. Alder Thomas stated the Public Works Committee had similar concerns but were satisfied with the response.

The following item was taken out of order to allow Detective Lieutenant Deuman to arrive.

Alder Wood provided information on Ordinance 2-14-657 Permitting the Outdoor Consumption of Alcohol, which would provide separate treatment of beer gardens, which are large and focus on alcohol consumption, and patios, which are smaller and focus on food. Both areas close at 9:00 p.m. except for employee cleaning, which would control noise and consumption. They must comply with the noise Ordinance. A project proposed by the Silver Eagle Bar & Grill prompted the need for this Ordinance.

Mayor Miller reported smoking areas would be grandfathered in. City Administrator Marsh explained they are different from patios because they are open longer, require a fence, and are accessed only from the main building. Alder Wood reported patios would have a limit of 40 people, requires table seating, and would have no separate bar. Fencing would be optional, the requirements of which would be determined by the Plan Commission and City Council. Fencing is mandatory for beer gardens. City Administrator Marsh reported the Fire Department also reviews zoning applications.

Alder Wood answered members' questions. The application requires specific area description and the Plan Commission wouldn't allow blockage of egress. Smoking in the area would be allowed at the owner's discretion, but would not be allowed within 5 feet of an entrance per Statute and Ordinance.

Fencing was discussed. Alder Thomas questioned how patrons would know the limits of the area, how the seating requirement would be enforced, and the added difficulty for the Police Department to know on sight whether compliance was being met. Alder Busse stated tables would define the area. Alder Wood explained it would be up to the owner to police the area and only serve to seated patrons in the defined area. The requirement for fencing raises the issue of defining the fence materials. Fencing would not be necessary in all locations, and is not desired by the Treysta development because it would block the view to the water. If a Police Officer sees no one is seated it would be addressed with the owner and video surveillance is required. Alder Busse stated if there are problems the permit would not be renewed the following year. Alder Wood stated this is a permit, not a license, and does not entail property interest so can be rescinded at the will of the Council.

Members were unsure of the food requirement because sitting outside with a beverage would be desired. The License Review Committee decided not to mandate food. Alder O'Connor stated food service would keep the areas from just being small beer gardens. Mayor Miller stated cafés along State Street have required barriers which are locked or packed up at night. Members don't wish to over-regulate these areas. Alder Holmquist stated The Tasting Room is not a restaurant, but may desire outdoor seating.

After discussion, Alder Wood agrees the requirement for food service and fencing may be amended and will provide the smoking Ordinance for the next meeting. Mayor Miller and members agree this is a new concept growing in popularity and the final Ordinance can be amended as needed.

Police Chief Ostrenga and Detective Lieutenant Deuman provided information and a Power Point presentation on Ordinance 2-14-656 Precluding Child Sex Offenders from Being Present in Areas Congregated by Children, stating this should have been listed as "Discussion of" on the Agenda. The State requires registration with the local Police Department of offenders under "active supervision" but not for those who are not under "active supervision" but are on the State's offender list. It is up to the offender to visit the Police Department in person for this registration, and not all comply. Research is done weekly to keep up-to-date on new residents, and they may be identified accidentally, such as at a traffic stop. There are 114 Ordinances of this type throughout the State, and the concern is if Monona doesn't enact something the City will become an island for offenders to congregate.

The Public Safety Commission decided that a 1,000 foot buffer was too restrictive, essentially prohibiting people from residing almost anywhere in the City except a concentrated area. A 250 foot buffer was more reasonable and creates "child safety zones" at facilities like schools, the Library, and the swimming pool, as well as 25 feet from any bus stop.

Alder Holmquist reported the Public Safety Commission examined various situations and involved the School Board in the process. A residency restriction has no effect on safety, but "child safety zones" do. However, there are legitimate reasons for an offender to be in a location and that should be addressed. Alder Thomas reported the goal was to be fair and reasonable and consider that the same offender label applies no matter the severity of the crime. The Department of Corrections currently houses sex offenders under "active supervision" in a facility in the City.

Alder Wood stated restrictions should be spelled out along with the City Attorney's powers. The "no exception" rule causes concern; and questions whether there is any evidence either plan reduces these crimes. The restrictions apply to the lifetime of the offender and recidivism rates are low. Either plan causes ghettoizing and affects the safety and property values of those neighborhoods. Alder Speight is concerned about the Public Library restriction cutting the offender off from essential services.

Mayor Miller thanks Committee members and staff for their extensive work on this issue and requests a final version of this Ordinance be brought back to the Council after additional review by the Public Safety Commission.

Alder Wood provided information on Ordinance 2-14-658 Pertaining to Commercial Quadricycles, which allows consumption of beer by multiple patrons who power a vehicle by pedaling like a bicycle. The Statute now allows these unless a municipality enacts an Ordinance prohibiting them. The City Attorney drafted an Ordinance to be put into place before applications are received. The License Review Committee's concern was the streets where bars are located, Monona Drive, Broadway, and Bridge Road, are not compatible with this type of use in terms of safety. Restriction to streets with 25 mile an hour speed limits were considered.

Members expressed surprise that this would be allowed because alcohol consumption in most other vehicles is not allowed. Alder Wood stated the "driver" of the vehicle is prohibited from drinking. Alder Busse stated a future area of the City may want this type of activity. Mayor Miller stated this doesn't currently fit into the City but members agree this could be revisited if a reasonable application is received.

A motion by Alder Wood, seconded by Alder Busse to suspend the rules and take action on Resolution 14-2-1960 Approving a Second Amendment to the Development Agreement with Treysta Group, LLC, was carried.

City Administrator Marsh reported this was a financing requirement for the developer and increases the value of the development to current real estate value and allows the construction start date to be changed from December 31<sup>st</sup> to June 1<sup>st</sup>. There are no consequences from the date change. TIF payments are being made. A letter from the bank documenting that financing has been approved will be required.

A motion by Alder Wood, seconded by Alder Busse to approve Resolution 14-2-1960 Approving a Second Amendment to the Development Agreement with Treysta Group, LLC, contingent upon the City Administrator's receipt, review, and approval of the developer's bank's financing approval letter from the was carried.

#### MISCELLANEOUS BUSINESS

Mayor Miller reported residents have been asked to continue running a pencil-sized stream of cold water from one faucet. There have been 20 watermain freezes this winter, the most in Public Works Director Stephany's 20-year career. Most problems occur in areas where the insulating snow has been removed. Alder Wood stated water running needs to continue even as it gets warmer because frost gets pushed down as the surface thaws.

City Administrator Marsh reported the Public Safety Commission requires looking at the City as a whole when figuring credits. There will be an analysis of what the requested flow costs on a daily basis. Residents will be assessed that charge and be given a credit for excess water for that period of time compared to the same period last year. Bills will be received based on the billing segment a resident is in, so may not show up on a bill until July. There is not a lot of compliance. Residents will be charged for the work required to thaw frozen lines. The City is borrowing McFarland's steamer or hiring a contractor who uses welding equipment. There is high demand, so there may be a delay in this service. Now that the public has been notified, non-compliance will result in charges for repairs, which could be \$1,000 to \$5,000. The expense of running water is relatively minimal, approximately \$2 per week. The resident is responsible for the service lateral up to the main.

Alder Holmquist suggested a letter or postcard mailing to all residents. Alder Thomas suggested a notice be sent home with all students. City Administrator Marsh will look into these costs and will post additional notices in all public buildings including churches and schools. Alder O'Connor suggested the rate information be added to the notification.

#### REPORTS

Alder Holmquist reported the Family Attraction, Retention, and City Promotion Committee will start the process to dissolve as members agree the group has met its goals.

Alder Busse reported the Plan Commission will continue work on the Comprehensive Plan.

Alder O'Connor reported the Sustainability Committee will work on resident rain gardens.

Alder Speight reported ridership has increased and the Transit Commission will work on a marketing plan.

Alder Wood reported the Library Board meets tomorrow night and bids for the remodeling project are in process. City Administrator Marsh reported construction estimates and design issues are on the agenda for this summer project.

City Clerk Andrusz reported there is no Spring Primary Election tomorrow, but Election Inspector training will take place. New voting equipment will be in place for the April 1 Spring Election.

City Administrator Marsh announced Volunteer Fire Fighter Jeremy Small will start tomorrow as the new Property Maintenance Inspector. Members are invited to the staff meeting on March 3 at 11:00 a.m. where a new Police Officer, hired after an extensive narrowing process, will be sworn in.

Mayor Miller reminds residents to use the City's new website. The "Emergency Alert" service has been successfully utilized several times. A wide area is clear for skating on the Lagoon rink, which is a wonderful experience, and ice skate and snowshoe rentals are available.

#### APPOINTMENTS

There were no Appointments.

#### ADJOURNMENT

A motion by Alder Speight, seconded by Alder Wood to adjourn, was carried. (9:26 p.m.)

Joan Andrusz  
City Clerk