

MONONA CITY COUNCIL MINUTES
September 15, 2014

The regular meeting of the Monona City Council was called to order by Mayor Miller at 7:26 p.m.

Present: Mayor Robert Miller, Alderpersons Brian Holmquist, Kathy Thomas, Jim Busse, and Doug Wood

Excused: Alderpersons Mary O'Connor and Chad Speight, City Administrator Patrick Marsh

Also Present: City Attorney William Cole, City Planner Sonja Reichertz, Darrin Pope from Vierbicher Associates, Police Chief Walter Ostrenga, Tellurian UCAN, Inc. President and CEO Kevin Florek, Recreation Director Jake Anderson, and City Clerk Joan Andrusz

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

A motion by Alder Busse, seconded by Alder Holmquist to approve the Minutes from September 2, 2014, was carried.

APPEARANCES

Cathy Karr, 4713 Tonyawatha Trail appeared before the Council and spoke against the removal of cottonwood trees in Schluter Park.

Sally Buffat, 1000 Nichols Road appeared before the Council to provide information on the Library's fundraising "Shindig" event this Saturday, September 20, in Fireman's Park.

PUBLIC HEARING

There was no Public Hearing.

CONSENT AGENDA

A motion by Alder Thomas, seconded by Alder Wood to approve the 2014 Temporary Class "B" Fermented Malt Beverage Retailer's License Application for Monona Grove Businessmen's Association, President Steve Halverson, 205 Femrite Drive, Monona, Wisconsin 53716, for the Period of October 4, 2014, was carried.

UNFINISHED BUSINESS

City Attorney Cole reported the developer's agreement with Treysta gave them until December 31 to complete the project and while they are well under way they asked for more time. This Resolution gives them until June 30, 2014 and adjusts the tax increment payments.

A motion by Alder Holmquist, seconded by Alder Thomas to approve Resolution 14-09-1983 Approving a Third Amendment to the Development Agreement with Treysta Group, LLC, was carried.

City Planner Reichertz reported the following Ordinance amendment addresses DNR-required changes. Alder Wood reported the definitions section describing nonconforming uses answered his concern about language regarding residential usage on the floodplain fringes. Mr. Pope confirmed this was the only concern raised.

A motion by Alder Busse, seconded by Alder Holmquist to approve Ordinance 9-14-664 Amending Title 13, Chapter 2 of the Code of Ordinances Regarding Floodplain and Shoreland-Wetland Zoning, was carried.

NEW BUSINESS

Alder Busse recused himself from the following discussion due to professional conflicts.

City Attorney Cole provided information on Resolution 14-09-1984 Approving an Exclusive Right to Negotiate Agreement with Gorman & Company, Inc., reporting there was one response to RFQs for the Bridge Road waterfront development. Gorman doesn't want to invest time in developing a proposal if the City could give the project to anyone else. This Resolution says the City can still talk to other parties but won't enter into a contract with any other developer through December 31st with an extension possible to the end of February. Alder Wood reported this will be discussed at the September 30th CDA meeting. Mayor Miller stated the agreement is only for the parts of the project that Gorman is interested in and other developers may want to work with them. The City can still negotiate for the whole project.

City Attorney Cole provided information on Resolution 14-09-1985 Approving a Lease Amendment with Tellurian, Inc. The current 1995-2030 construction lease that was financed by WHEDA has been paid off. It included language to cure a default by leasing to another drug treatment program. Tellurian is now using a commercial lender to borrow for remodeling and improvement of the facility and the lender wants to cure a default by leasing to any entity it chooses. The City will have the first option to buy, but also wants approval on any entity chosen to sublet in the case of default.

Three additional updates were made to the lease:

1. Police Department staff time used for clients in court-ordered treatment will be reimbursed at \$40 per hour, billed in ½ hour increments, for any hours over 20 per month.
2. Tellurian cannot be used as a corrections facility; clients are allowed to leave at any time.
3. The Woodland Park path that enters the property will be allowed to remain.

Mr. Florek stated Tellurian will remain a 55-bed, unlocked facility. There have been no complaints or conflicts with neighbors. Upgrades are needed inside along with new blacktop outside and handicap assessable entrances. Funds borrowed would also be used for process improvements, appeal to private clients, and adding holistic practices. Tellurian wants to be less dependent on Dane County funding. Types of patients treated were reviewed. Patients used to be taken to Mendota, but the law now requires they go to Winnebago near Oshkosh with two officers. Tellurian is willing to pay more for this requirement. The police are called only when the person is a danger to him- or herself or others, but not when they just leave the facility. That would be a probation/parole issue and the person could be held in contempt of court. Problem patients can be refused admittance, for any reason, and that option has been used in the past. A lot of staff training has been done with Police input. Attorney Cole stated tighter control is needed as these patients are legally bound to be there.

Alder Busse questioned whether this informal agreement between Mr. Florek and Police Chief Ostrenga to not accept problem individuals should be formalized in the contract. City Attorney Cole responded that would create issues with HIPAA and other conflicts and the discretion should continue as is.

Police Chief Ostrenga described the long process each call takes; up to 20 hours combined staff time for each, along with other costs. The Department spent 30 hours in June, almost 60 hours in July, and 20 hours in August in response to Tellurian. There are many more calls to businesses like Walmart, but those require much less time and staff to finalize.

Alder Thomas questioned whether the fee should go up after 5 years. City Attorney Cole stated an escalator clause could be added that matches the rent escalator. Mayor Miller stated the communication between the Police Department and Tellurian should continue. The presence of uniformed officers does have a calming influence. City Attorney Cole reported the reimbursement amount was a simple calculation based on actual costs, not a money-making endeavor. Alder Thomas expressed pride in the way the community has welcomed this hard-to-place facility. Mayor Miller reports that from his Aldo Leopold Nature Center office he sees good behavior on the part of Tellurian residents.

The notation for immediate action was removed for the following item.

Recreation Director Anderson provided information on Resolution 14-09-1986 Approving a 2014 Capital Funds Transfer for Schluter Park Restroom Design. After Capital Budget discussions with Mayor Miller, it was decided to attempt to do the stormwater and bathroom projects at the same time as a construction cost savings measure and to avoid having portions of this popular park closed for two years in a row. Potential bicycle grants will be sought.

Shoreline cottonwood trees were planned for removal to allow dredging access, but he will be meeting with the engineer to discuss options. The plan is to slope the shoreline to make it safer and more usable. Mayor Miller is against cutting down huge, healthy trees and wants this reviewed. He urges members to go to the park and walk the area. Alder Busse suggested dredging be done from a barge, though cost might be an issue.

This will be discussed at tomorrow night's Parks & Recreation Board meeting, along with trees vs. access. Mayor Miller will be presenting a plan for just a restroom without other amenities. He does not want a building to block the view to the lake. He wants this work to be done soon as the current bathroom is in bad shape. An RFP has been sent for design work. Alder Holmquist requests that members receive a plan copy.

MISCELLANEOUS BUSINESS

There was no Miscellaneous Business.

REPORTS

Recreation Director Anderson reported the Fall Festival will include multiple events on October 4 and 5 in Winnequah Park. On Saturday, October 4 there will be the Hoot Hoot Hustle benefiting the Winnequah School PTO and the Monona Parks & Recreation Department; the Monona Grove Businessmen's Association Annual Chili Cook-Off; the Monona Pie Party benefiting Playtime Productions Children's Theatre; and an arts and crafts fair hosted by the Madison-Monona Lioness Club. Sunday, October 5 is the Family Fun Day with lots of activities, food, and music. Tomorrow night will be the Oneida Park Shelter ribbon cutting at 6:00 p.m. Recreation Director Anderson thanks Harmony

Construction Management and all the contractors involved for this wonderful project.

Alder Wood reported tomorrow at 6:30 p.m. is the ribbon cutting for the new Library entryway. Donor tiles will be installed soon. The Library Board meeting follows with review of the personnel manual.

City Clerk Andrusz reported that photo ID will be required for the November 4 General Election. More information will be available after the Government Accountability Board determines how this law will be implemented. Driver license, Wisconsin ID, military ID, student ID along with enrollment information, and passports are among the accepted photo ID documents.

Mayor Miller reported the Aldo Leopold Nature Center “Pipers on the Prairie” is on October 4 with bagpipes, a bonfire, food, and music. He has received many complaints about the traffic barrels on Broadway and hopes these will be removed this week.

APPOINTMENTS

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

1. Chris Homburg, Plan Commission (effective immediately – May 2017)
2. Jerry Nelson, Landmarks Commission (effective immediately – May 2016)
3. Catherine Lamb, Zoning Board of Appeals (effective immediately – May 2016)
4. Paul Gavins, Zoning Board of Appeals (effective immediately – May 2016)

ADJOURNMENT

A motion by Alder Busse, seconded by Alder Wood to adjourn, was carried. (8:44 p.m.)

Joan Andrusz
City Clerk