

MONONA CITY COUNCIL MINUTES
May 6, 2019

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

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

Also Present: City Administrator Bryan Gadow, City Attorney William Cole, Director of Administrative Services Leah Kimmell, Parks & Recreation Director Jake Anderson, Fire Chief Scott Sullivan, Mike Slavney and Ben Moore from Vandewalle & Associates, Project Coordinator Brad Bruun, City Planner Doug Plowman, and City Clerk Joan Andrusz

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Alder Thomas noted corrections to pages 4 and 5; Resolution No. 19-4-2351 should be corrected to Naming Rights. In Reports on page 5, Mrs. Traver's name should be corrected to Peggy.

A motion by Alder Moore, seconded by Alder Kitslaar to approve the Minutes of the April 15, 2019 City Council meeting, as amended, and the April 16, 2019 Organizational meeting, was carried.

APPEARANCES

There were no Appearances.

PUBLIC HEARING

There was no Public Hearing.

CONSENT AGENDA

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

1. Approval of Applications for 2019/2020 Operator Licenses:
 - a. J. China Crowell, Aldo Leopold Nature Center
 - b. Cheryl L. Morrison Weeks, Ken's Meats & Deli
2. Approval of Application for 2019/2021 Operator License:
 - a. Amanda J. Erdman, Village Lanes
3. Approval of Applications for 2018/2020 Operator Licenses:
 - a. Felipa Jimenez, La Rosita Mexican Buffet
 - b. Mareli L. Olivera, La Rosita Mexican Buffet
 - c. Jensi D. Pena, La Rosita Mexican Buffet
 - d. Viridiana L. Ricardo, La Rosita Mexican Buffet
 - e. Mariana Romo, La Rosita Mexican Buffet

- f. Alexio R. Ely, Speedway – Monona Drive
 - g. Jon G. Albertson, Tasting Room
 - h. Michael L. Shumway, Tasting Room
 - i. Tonya R. Dunbar, Walmart
 - j. James A. Hanson, Walmart
4. Approval of Renewal Applications for 2019/2020 Operator Licenses:
 - a. Jane E. Baldwin, Ken’s Meats & Deli
 - b. Christine M. Boreen, Ken’s Meats & Deli
 - c. Kristine M. Germann, Ken’s Meats & Deli
 - d. Marcia R. Ketchum, Ken’s Meats & Deli
 - e. Tyler J. Lewis, Ken’s Meats & Deli
 - f. Barbara J. Lukas, Ken’s Meats & Deli
 - g. Tina G. BonDurant, O’Connell’s Liquor
 - h. Courtney L. Doiron, O’Connell’s Liquor
 - i. Alesha A. Kregel, O’Connell’s Liquor
 - j. Anne T. Olley, O’Connell’s Liquor
 - k. Lela L. Senstock, O’Connell’s Liquor
 - l. Fay E. Hanson, Walgreens
 - m. Connie A. Messner, Walgreens
 - n. Aimee L. Strebig, Walgreens
 5. Approval of Renewal Applications for 2019/2021 Operator Licenses:
 - a. Jun Luo, Edo Garden Japanese Restaurant
 - b. Emily S. Liegel, Red Robin Restaurant
 - c. Adam Bruner, Tasting Room
 - d. Kevin G. Schaefer, Tasting Room
 - e. Mary S. Conklin, Village Lanes
 - f. Calvin R. Trail, Walmart
 6. Approval of Application for 2019 Temporary Operator License:
 - a. Miah P. Gatzke, Clean Lakes Alliance

UNFINISHED BUSINESS

Director of Administrative Services Kimmell reported Alders provided amendments to the family leave policy. Alder Grupe withdraws her amendment regarding foster care in favor of Alder Wood’s more comprehensive amendment. Alder Thomas reported in her work experience foster care could be as short as a week or a day. While she has high regard for those who provide this care and some do adopt, the goal is not bonding. Alder Moore stated the City’s stellar employees won’t abuse this benefit. According to Google, the average foster placement is 2 years. Bonding is very important for the child, even for a short-term placement; some have had traumatic experiences. Sometimes fostering is required prior to adoption. Alder Grupe withdrew her surrogacy amendment and hopes that will be covered in the family care policy. Alder Kitslaar stated this is a good policy to start with and he hopes it will be analyzed and revised as time goes on. Alder Wood stated in Definitions part II. B. 1., his original amendment “(including birth by a surrogate);” should be removed.

A motion by Alder Wood, seconded by Alder Grupe to approve Alder Wood’s amendments to Resolution 19-4-2349 Adopting a Policy to Provide a Paid Parental Leave Benefit for City Employees, was carried.

A motion by Alder Kitslaar, seconded by Alder Grupe to approve Resolution 19-4-2349 Adopting a Policy to Provide a Paid Parental Leave Benefit for City Employees as amended, was carried.

Recreation Director Anderson reported the Parks & Recreation Board discussed the Riverfront ice rink naming rights and agreed to allow less signage on the side boards and to reduce the entry fee by \$1 for customers or card holders, whose use will be tracked. Monona Bank supports these changes. City Attorney Cole stated the use of “MSB”, which was corrected by the Bank, doesn’t change the substance of the Agreement. Recreation Director Anderson reported the Board reviewed a future naming policy; they learned from this process. Alder Moore reported this is the first time something is named for a business rather than a person. Alder Wood reported Finance Director Houtakker calculated the present value of \$10,000 per year in 15 years as \$128,500, or 40% of the cost of the rink. City Administrator Gadow distributed a list of additional benefits with the actual values listed. Members thank Recreation Director Anderson for his efforts. Alder Thomas stated there was concern the Bank would discontinue other donations but they will continue there, too.

A motion by Alder Kitslaar, seconded by Alder Wood to approve Resolution 19-4-2351 Approving an Agreement with Monona Bank for Facility Naming Rights for an Outdoor Ice Rink at the Riverfront Development, was carried.

NEW BUSINESS

Fire Chief Sullivan provided information on Ordinance 5-19-716 Amending the Code of Ordinances Regarding False Building Alarms. This was reviewed by the Public Safety Committee. During recodification this was left off the Police Department’s section, so this will restore it. The Fire Department charges for more than 3 in 12 months. Police charge the \$100 standard fine for 3 in 60 days and now adds an escalating fee of up to \$500 for the 3rd and subsequent offense. No citations have been issued in his 10 years in Monona. Police haven’t as well, but this gives the ability to issue citations. At school the individual is ticketed, not the school. A landlord is ticketed if the alarm is from the building, a tenant is ticketed if there are repeated alarms for cooking or other issues. Alder Grupe supports the fact that this is more widely publicized at schools.

Mr. Slavney and Mr. Moore provided information on Ordinance 5-19-717 Amending Chapter 480, Article XII of the Code of Ordinances Regarding Signage Regulations. They worked with the Plan Commission and updated the Ordinance to what is actually being done in the City. They thank the steering committee for their work. This Code is easier to follow and use and expands opportunities for pedestrian traffic. The project’s history was reviewed. They presented a legal model, but it was customized to what the Commission wanted. Standard rules were modernized without much change.

City Attorney Cole reported two rules were approved over his objections. A “temporary miscellaneous sign” prohibits a commercial message so it is a content-based regulation which makes that provision indefensible. In the chart regarding the limit to the number of political signs and the time period allowed; those have been declared unconstitutional. This is because there could be 4 residents in a dwelling and each may want a sign. This is a 1st Amendment right. Municipalities that want to regulate this define signs by limiting the total size which can be split into several signs.

Alder Thomas stated community values should be reflected; Monona doesn’t want numerous signs. If the limit is objected to then the Council would have to change it then. City Attorney Cole responded that now is the time to bring up concerns, not when challenged. There could be a substantial monetary downfall to the City, not just an Ordinance change. Alder Moore stated the Code is not referencing a sign inside the dwelling but to not allow multiple signs in a yard. City Attorney Cole responded that would be a tough argument to make to a judge that a person with a strong opinion isn’t allowed to have a sign in

their yard, but can have one in their window; it's not enough of a defense. Alder Wood stated he is against telling people how many political signs are allowed in their yards. Also, an Ordinance that is unconstitutional shouldn't be adopted.

City Attorney Cole stated he can prepare language for the second reading and the Council could decide to refer this back to the Plan Commission or take action on the amendment. Alder Kitslaar questioned how the limit of square inches is defensible. City Attorney Cole responded free speech case law splits hairs; a municipality can't limit the number of signs, but can limit the total size. The number of signs in a yard is a legitimate concern but the fact that it is Constitutionally prohibited – it's his job to point out issues.

Alder Kuhr questioned whether neighborhood association covenants or subdivisions could adopt restrictions. City Attorney Cole responded that condominium by-laws are a private contract that the resident signs and they are defensible. They can be amended but some have to be unanimous so sometimes that's not feasible.

Alder Moore stated the Plan Commission meets on Monday and they could review the City Attorney's language then. They took all of his recommendations except these two, and considered his notes. Alder Thomas stated the size limit option is new information. Mr. Slavney stated the "slow down" signs are covered under the provision for only one sign allowed regardless of content, such as a garage sale sign. Commercial speech is limited. City Attorney Cole stated these are not protected to the degree of political speech. City Administrator Gadow stated the Ordinance should be written to cover 90% of situations. Mr. Slavney stated there could be variances but suggests an amendment would be better. Mayor O'Connor questioned whether she would have to take down her storm drain sign to be able to put up a political sign. City Attorney Cole responded she couldn't have a non-political sign like that or a yard sale sign.

Political signs, like "Impeach...", versus electoral signs, like "Vote for..." were discussed and defined. Alders Thomas and Moore will take this Ordinance to the Plan Commission so those members can review the City Attorney's input.

Project Coordinator Bruun provided an Update and Discussion of Sustainability Work Plan, reviewing the memorandum. This will be reviewed and presented each year. Alder Moore thanks him and Intern Ciara Miller for all their work on the Green Tier score and thanks staff and the Sustainability Committee for their work. Monona is ahead of other communities in data tracking. The \$4,000 approved for the Committee for 2019 will launch several major initiatives, including a contract with Renew Wisconsin for a group buy of solar, a community campaign for energy efficiency and renewable resources to educate the public and businesses on available programs, sponsoring the first energy showcase at the National Night Out with vendor displays, and a possible home tour of residents' efforts. Project Coordinator Bruun reported solar panel generation has dropped. Repairs were made so there should be an increase in the percentage of renewable energy usage.

City Administrator Gadow provided information on Resolution 19-5-2353 Approval of Electric Distribution Facilities Relocation Agreement for Bridge Road Reconstruction Project. This Resolution authorizes the work and the next Resolution amends the budget because the bids came back either over or under the estimates that were made a year ago.

City Administrator Gadow provided information on Resolution 19-5-2354 Amending the 2019 Capital Budget to Complete Private Utility Undergrounding on Bridge Road. This was part of TIF #9. The bulk of the \$5,756.47 cost is in TIF #9 and the rest will be from savings from the Library and City Hall HVAC projects.

REPORTS

Alder Kuhr reported the City's radio station, WVMO, won Station of the Year in the Wisconsin Broadcaster's Association Large Market category, which includes Madison and Milwaukee.

Alder Wood reported on Wednesday at 6:00 p.m. Joe DeRose will provide a presentation on what makes a historic place. The Monona Mound marker dedication is delayed and will be announced when scheduled. The plaque has arrived and will be on display in the Library.

Alder Grupe reported the Public Safety Commission discussed a possible emergency management tabletop exercise regarding last fall's flooding.

City Administrator Gadow reported he met with Police Chief Ostrenga and Consultant Larry Reed regarding that tabletop. He will have a presentation to staff at their meeting on May 20 and will update the Council. Staff and Council members will be attending the Clean Lakes Alliance breakfast on Wednesday, May 8.

City Clerk Andrusz reported last week's Open Book sessions were very busy. If residents were unable to attend or have property assessment questions, they should contact Accurate Appraisals at the toll free number on their assessment notice.

Mayor O'Connor reported work has begun on the Capital Budget. Finance Director Houtakker will send instructions to staff soon. She wants these reviewed by committees by July 31.

APPOINTMENTS

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

1. Christopher Conrad to the Zoning Board of Appeals (effective immediately–April 2021).
2. Wynn Davies to the Zoning Board of Appeals (First Alternate) (effective immediately–April 2021).
3. Coreen Fallat to the Plan Commission (effective immediately–April 2021).

ADJOURNMENT

A motion by Alder Grupe, seconded by Alder Moore, to adjourn was carried. (8:32 p.m.)

Joan Andrusz
City Clerk