

MONONA CITY COUNCIL MINUTES
June 3, 2019

The regular meeting of the Monona City Council was called to order by Mayor O'Connor at 7:03 p.m.

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

Also Present: City Administrator Bryan Gadow, City Attorney William Cole, CARPC Commissioner Peter McKeever, Buck & Honeys owner Tom Anderson, and City Clerk Joan Andrusz

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

A motion by Alder Kuhr, seconded by Alder Grupe to approve the Minutes of the May 20, 2019 City Council meeting, was carried.

APPEARANCES

Mayor O'Connor read a Proclamation Declaring June 19, 2019 as "Juneteenth" in the City of Monona and thanks Alder Grupe for her work on this.

Former Alderperson McKeever introduced Steve Steinhoff of the Capital Area Regional Planning Commission (CARPC) who provided information Regarding the Greater Madison Vision Survey Results.

PUBLIC HEARING

There was no Public Hearing.

CONSENT AGENDA

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

1. Application for 2019/2020 Operator License:
 - a. Michael J. Baker, Monona Mart

2. Applications for 2019/2021 Operator Licenses:
 - a. Keema O. Booker, Speedway – Royal Avenue
 - b. Thaianna M. Tomlinson, Speedway – Royal Avenue
 - c. Laxmi Shrestha, Swad Indian Restaurant
 - d. Craig W. Hayes, Tully's II
 - e. Sherry L. Hayes, Tully's II

3. Renewal Applications for 2019/2020 Operator Licenses:
 - a. Kristina Kostka, Angelo's
 - b. Teresa C. Schwerin, East Side Club
 - c. Stefanie N. Hamacher, Ken's Meats & Deli
 - d. Nathan Ng, Ken's Meats & Deli

4. Renewal Applications for 2019/2021 Operator Licenses:
 - a. Jacqlyn G. Holden, Snicks Sportsman's Bar
 - b. Terrence Brown, Speedway – Monona Drive
 - c. Amanda J. Richard, Speedway – Monona Drive
 - d. Johnetta D. Walters, Speedway – Monona Drive
 - e. Robert J. Cross, Waypoint Public House
5. Application for 2019 Temporary Operator License:
 - a. Aaron J. Scharff, Clean Lakes Alliance
6. Renewal Application for 2019/2020 Class "A" Fermented Malt Beverage License:
 - a. La Rosita Mexican Store LLC, d/b/a La Rosita Mexican Store, 6005 Monona Drive
7. Renewal Applications for 2019/2020 Class "A" Fermented Malt Beverage and "Class A" Liquor (Cider Only) Licenses:
 - a. Kwik Trip, Inc., P. O. Box 2107, La Crosse, Wisconsin, 54602-2107, d/b/a Kwik Trip 966, 105 East Broadway
 - b. Speedway LLC, P. O. Box 1580, Springfield, OH, 45501, d/b/a Speedway #4088, 5450 Monona Drive
 - c. Speedway LLC, P. O. Box 1580, Springfield, OH, 45501, d/b/a Speedway #4533, 2500 Royal Avenue
8. Renewal Application for 2019/2020 "Class A" Liquor License:
 - a. Fraboni's Italian Specialties, Inc., d/b/a Fraboni's, 108 Owen Road
9. Renewal Applications for 2019/2020 Class "A" Fermented Malt Beverage and "Class A" Liquor Licenses:
 - a. Fellersen, Inc., 5725 Monona Drive, Monona, Wisconsin, 53716, d/b/a Ken's Meats & Deli, 5725 Monona Drive
 - b. Maroon Way Holdings, Inc., 4967 Highwood Circle, Middleton, Wisconsin, 53562, d/b/a Monona Mart, 1220 East Broadway
 - c. W.D.S. Inc., 704 Raymond Road, Waunakee, Wisconsin, 53597-1569, d/b/a O'Connell's Liquor, 6325 Monona Drive
 - d. Ultimate Mart, LLC, P. O. Box 305103, Nashville, Tennessee, 37230-5103, d/b/a Pick 'n Save #8181, 6540 Monona Drive
 - e. Treysta Holdings LLC, 1853 Duerst Valley Road, Mount Horeb, Wisconsin, 53572-2756, d/b/a Treysta On The Water, 320 West Broadway
 - f. Walgreen Co, P. O. Box 901, Deerfield, Illinois, 60015-0901, d/b/a Walgreens #4830, 5300 Monona Drive
 - g. Wal-Mart Stores East, LP, 702 Southwest 8th Street, Licensing Department 8916, Bentonville, Arkansas, 72716-0500, d/b/a Wal-Mart Supercenter #3857, 2151 Royal Avenue
10. Renewal Applications for 2019/2020 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. Birkys LLC, d/b/a Buck & Honeys, 800 West Broadway, Suite 300
 - d. Blazin Wings, Inc., 5500 Wayzata Boulevard, Suite 1600, Minneapolis, Minnesota, 55416-1237, d/b/a Buffalo Wild Wings, 6544 Monona Drive

- e. The East Side Club, Inc., d/b/a The East Side Club, 3735 Monona Drive
 - f. Mr. Luo LLC Owned by Jun Luo, d/b/a Edo Garden Japanese Restaurant, 6309 Monona Drive
 - g. Fat Jacks Monona, Inc., d/b/a Fat Jack's Barbecue, 6207 Monona Drive
 - h. Joe's Fire Station LLC, 1910 Tarragon Drive, Madison, Wisconsin, 53716-2319, d/b/a Joe's Fire Station, 900 East Broadway
 - i. Monona Garden Family Restaurant, Inc., d/b/a Monona Garden Family Restaurant, 6501 Bridge Road
 - j. Mr Brews Tap House Monona LLC, d/b/a Mr Brews Tap House Monona, 103 West Broadway, Suite B
 - k. Pizza Oven of Monona LLC, d/b/a Pizza Oven, 5511 Monona Drive
 - l. Red Robin International, Inc., 6312 South Fiddlers Green Circle #200N, Greenwood Village, Colorado, 80111, d/b/a Red Robin Gourmet Burgers, 6522 Monona Drive
 - m. Valdimark, Inc., d/b/a Silver Eagle Bar & Grill, 5805 Monona Drive
 - n. Snick's Sportsman's Bar, LLC, d/b/a Snick's Sportsman's Bar, 4605 Monona Drive
 - o. Tasting Room of Monona Inc., d/b/a The Tasting Room, 800 West Broadway, Suite 100
 - p. Wiltzius LLC, d/b/a Tower Inn, 1008 East Broadway
 - q. Leskes Inc., d/b/a Tully's II Food & Spirits, 6401 Monona Drive
 - r. Badger Bowl, Inc., d/b/a Monona Village Lanes, 208 Owen Road
 - s. FHMonona, LLC, 622 Stockton Court, Madison, Wisconsin, 53711, d/b/a Waypoint Public House, 320 West Broadway, Suite E
11. Renewal Applications for 2019/2020 Class "B" Fermented Malt Beverage and "Class C" Wine Licenses:
 - a. Huang & Lin China Star LLC Owned by Ming Yi Huang, d/b/a China Star Restaurant, 111 River Place
 - b. Shrestha Family LLC Owned by Madan Shrestha, d/b/a Swad Indian Restaurant, 6007A Monona Drive
 - c. WB South, LLC, d/b/a World Buffet, 2451 West Broadway
 12. Renewal Applications for 2019/2020 Class "B" Fermented Malt Beverage Licenses:
 - a. La Rosita Mexican Buffet, LLC, d/b/a La Rosita Mexican Buffet, 6001 Monona Drive
 - b. Mitchell Marks, d/b/a Monona Community Center, 1011 Nichols Road
 13. Renewal Applications for 2019/2020 Patio Permits:
 - a. Breakwater Monona, LLC d/b/a Breakwater, 6308 Metropolitan Lane
 - b. La Rosita Mexican Buffet LLC, d/b/a La Rosita Mexican Buffet, 6001 Monona Drive
 - c. Mr Brews Tap House Monona LLC, W12674 State Road 188, Lodi, Wisconsin, 53555-9795, d/b/a Mr Brews Tap House Monona, 103 West Broadway, Suite B
 - d. Valdimark, Inc., d/b/a Silver Eagle Bar & Grill, 5805 Monona Drive
 - e. Tasting Room of Monona Inc., d/b/a The Tasting Room, 800 West Broadway, Suite 100
 - f. Badger Bowl, Inc., 506 E. Badger Road, Madison, Wisconsin, 53713-2121, d/b/a Monona Village Lanes, 208 Owen Road
 - g. FHMonona, LLC, 960 John Nolen Drive, Apartment 308, Madison, Wisconsin, 53713-1411, d/b/a Waypoint Public House, 320 West Broadway, Suite E
 14. Renewal Applications for 2019/2020 Beer Gardens:
 - a. Breakwater Monona, LLC d/b/a Breakwater, 6308 Metropolitan Lane
 - b. Badger Bowl, Inc., 506 E. Badger Road, Madison, Wisconsin, 53713-2121, d/b/a Monona Village Lanes, 208 Owen Road (approval for specific dates)

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

A motion by Alder Kitslaar, seconded by Alder Grupe to suspend the rules and take action on the Application for 2019/2020 Upper Patio Permit for Birkys LLC, d/b/a Buck & Honeys, 800 West Broadway, Suite 300, was carried.

Alder Wood reported it was unknown at the May 14 License Review Committee meeting whether variances would be requested. Mr. Anderson reported there are 30 cameras throughout the business with a monitor in the kitchen and lower level office. He is asking for more seating and later closing hours on both patios. He would like the lower to close earlier than the upper; he wants to be good neighbors. His is not a late night place. The goal is to allow people to be outside on a nice night. The kitchen closes between 10:00 and 10:30 p.m. He is flexible on the closing time based on patrons but is not open past midnight. He wants the patio open until 10:00 p.m. weekdays and midnight on weekends, the same as the Tasting Room. He probably won't be open that long but wants the flexibility. There will be light background live music which will end at 9:00 p.m.; he's had no complaints about that at his Sun Prairie location.

Alder Wood read Breakwater's variances. City Clerk Andrusz reported Breakwater's service ends at 9:00 p.m. because of the neighbors across the river. Waypoint Public House was granted later hours because they have no neighbors around them and because of the Beltline noise. The Tasting Room was granted longer hours because of Broadway road noise and very few affected neighbors. Buck & Honeys has several neighbors directly across the river from them, like Breakwater. City Administrator Gadow stated the main area of the Tasting Room's patio faces Broadway, with an end portion facing the water. Alder Kitslaar questioned whether there will be a gate on the cement walkway that connects to the Tasting Room. Mr. Anderson stated that walkway won't be used a lot, except for emergencies, and he's not sure what will be there; it's up to the contractor. Members expressed concern about control of this walkway.

Members discussed allowing liberal variances the first year with review for next year. Because this is a permit, it doesn't have the same rights of ownership as a license. Alder Moore stated the entire development is a new concept for Monona; she doesn't want residents or Breakwater offended right from the start. Evening sound carries across water. Alder Wood stated there were noise complaints about the previous tenant at Breakwater. They have turned in several Amplified Device permits for this summer. A motion by Alder Kitslaar, seconded by Alder Wood to amend the approval motion to provide a variance to the patio closing time to 10:00 p.m. was withdrawn.

Members discussed the fairness and inconsistency of having different hours for businesses in the same building; residents are affected by both business's patios. The park is open until 10:00 p.m. which also creates noise issues. Alder Kuhr stated the decision shouldn't be based on the Breakwater, who shouldn't be penalized for a past business. They can come in and request additional variances. Members agree Breakwater should be told of the Council's decision.

A motion by Alder Kuhr, seconded by Alder Moore to amend the Application for 2019/2020 Upper Patio Permit for Birkys LLC, d/b/a Buck & Honeys, 800 West Broadway, Suite 300 to grant a variance for up to 60 seats, was carried.

A motion by Alder Thomas, seconded by Alder Moore to amend the Application for 2019/2020 Upper Patio Permit for Birkys LLC, d/b/a Buck & Honeys, 800 West Broadway, Suite 300 as amended and to grant variances for the following closing hours: 10:00 p.m. Sunday through Thursday and 12:00 a.m. Friday, Saturday, and the day preceding Memorial Day, Independence Day, and Labor Day, was carried. Alder Wood voted against the motion.

A motion by Alder Kitslaar, seconded by Alder Grupe to approve the Application for 2019/2020 Upper Patio Permit for Birkys LLC, d/b/a Buck & Honeys, 800 West Broadway, Suite 300 as amended, was carried.

City Attorney Cole stated the area will be vacated at the closing time. Alder Thomas stated service should stop before then.

A motion by Alder Thomas, seconded by Alder Moore to suspend the rules and take action on the Application for 2019/2020 Lower Patio Permit for Birkys LLC, d/b/a Buck & Honeys, 800 West Broadway, Suite 300, was carried.

Mr. Anderson reported there are two entrances at the lower level along the water. Requiring gates interferes with a welcoming look and feel. Two are gated and two are not. There will be signs welcoming to Buck & Honey's with "No alcohol beyond this point" on the reverse. It would create an ADA issue to have to open the gate for every patron. The Silver Eagle is open and has no sign. He would like seating for 60. City Attorney Cole reviewed the number of seats on the plan.

Alder Wood stated there is more concern with the two open entryways. It would be easier for staff to monitor one opening. Alder Kitslaar questioned whether there was a host at the gate and how patrons are seated. City Attorney Cole stated a beer garden is different because it is a place to drink so number of patrons allowed is more lenient. A patio is more food-oriented and the Ordinance requires table service. A patio may require fencing but it may not be required; the Council could restrict access. The plan is compliant with the Ordinance.

Mr. Anderson stated it will be based on how busy the restaurant is. The patio may be closed with signs sending patrons upstairs. Food will be 75% of the business. The lower door can be opened to watch the water. He distributed and projected a drawing describing the seating plan. Seating will be less crowded than shown. The gate will interfere with boatside food service. City Attorney Cole stated a variance is not needed for a gate. Alder Moore stated the hours of this patio should be different than the upper level because of the 10:00 p.m. park closing hour; there should be gates so patrons don't go into the park after hours. Mr. Anderson stated he will put the park hours on his signs. The event space may have patrons later than 10:00 p.m. Alder Moore stated staff needs to be at the opening; it is a huge liability as it is right by the water. Mr. Anderson stated there may be music on the lower level patio, and there may be Sunday brunch served there, but the event space won't have bands or big parties. He could look into the cost of gates to close when the park closes. The fence is going in right now so he will need to get changes in. Alder Thomas stated people will be boisterous and spill into the park. There needs to be precautions. She doesn't think gates are unwelcoming but thinks the hours should be the same as the upper patio.

A motion by Alder Moore, seconded by Alder Kitslaar to approve the same hours of the lower patio as the upper patio with the stipulation that gates are installed on the east and north sides to close when the park closes at 10:00 p.m. and a variance for seating for 60, was withdrawn. Alder Wood stated it should close at 10:00 p.m. without gates, so he is against the motion. City Attorney Cole stated Waypoint Public House has open areas with no fencing. Alder Wood responded Buck & Honeys has a park right there. City Attorney Cole stated it is illegal to be in the park after 10:00 p.m. Mr. Anderson asks for a compromise to allow his request now as this will be reviewed in one year.

A motion by Alder Moore, seconded by Alder Kitslaar to amend the Application for 2019/2020 Lower Patio Permit for Birkys LLC, d/b/a Buck & Honeys, 800 West Broadway, Suite 300 to grant a variance for up to 60 seats, was carried.

A motion by Alder Moore, seconded by Alder Thomas to approve Buck & Honey's lower patio hours to the same as the upper patio, was withdrawn. No action was taken on a motion by Alder Moore to add working and movable gates to enter or exit the patio area and closing hours at 10:00 p.m. due to the lack of a second.

A motion by Alder Wood, seconded by Alder Kuhr to approve the Application for 2019/2020 Lower Patio Permit for Birkys LLC, d/b/a Buck & Honeys, 800 West Broadway, Suite 300 amended to require fencing but allow openings as the applicant proposes, was carried. Alder Moore voted against the motion.

A motion by Alder Thomas, seconded by Alder Kuhr to approve the Application for 2019/2020 Lower Patio Permit for Birkys LLC, d/b/a Buck & Honeys, 800 West Broadway, Suite 300 as amended and to grant variances for the following closing hours: 10:00 p.m. Sunday through Thursday and 12:00 a.m. Friday, Saturday, and the day preceding Memorial Day, Independence Day, and Labor Day, was carried. Alder Wood voted against the motion.

Members agree to contact Breakwater. Mr. Anderson announced invitations will follow for a July 10 VIP grand opening party.

City Administrator Gadow provided information on Resolution 19-6-2358 Reauthorizing CDA "Renew Monona" Housing Stock Renewal Loan Program. The program started 5 years ago and the funds have expired. TIF 2 funding is now available. There is now 2% interest on a 10-year repayment per the bank's suggestion so applicants are eligible for other programs like WHEDA. Eligibility is based on the home's value of \$254,000 or less. The same projects as before are eligible, but now include energy efficiency options. Work will be with local financial institutions. He will be contacting other banks as well. Promotion will be through realtors, social media, the City's website, and at banks.

Alder Kuhr stated remodelers planning time is important. Alders suggested information be available at the Senior Center and the Herald-Independent. Alder Moore asked for the definition of a "local" banking institution and what type of work is excluded. City Administrator Gadow responded a bank with a brick and mortar location in Monona. Projects have to be permanent, not a tear down. Members agree roofs, air conditioners, and hot water heaters are maintenance and would be excluded. Alder Moore questioned whether a solar hot water heater would be considered. City Administrator Gadow responded applications are considered by the CDA; every possible item is not parsed out. Alder Moore expressed appreciation for the work that went into this and the addition of renewable and energy efficient projects.

City Administrator Gadow provided information on Resolution 19-6-2359 Authorizing a Request for Proposals (RFP) for Contracted Assessment Services. The contract with Accurate Appraisals ends this year. The RFPs will be sent out in early July with an August due date. Staff will review applicants, followed by the Finance & Personnel Committee, with final review and approval by the City Council.

A motion by Alder Grupe, seconded by Alder Wood to Convene in Closed Session under Wisconsin Statute Section 19.85(1)(e), Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (Yahara Commons Development Agreement). On a roll call vote, all members voted in favor of the motion.

City Administrator Gadow had to leave from the Closed Session. Upon reconvening in Open Session:

REPORTS

Alder Moore reported the Resident Energy Survey is still open and she urges everyone to take the short survey. The Renew Wisconsin contract was signed for a group solar buy. In the next 6 weeks there will be 3 listening sessions: at the Aldo Leopold Nature Center Thursday from 6:00 to 7:00 p.m., at the Library on June 25 from 7:00 to 8:00 p.m., and at Rosie's Coffee Bar on July 16 from 5:30 to 6:30 p.m. More information is available on the Sustainable Monona Facebook page.

Alder Kuhr reported the Library's Summer Reading Program started on June 1 for kids and adults, and there are prizes!

Alder Wood reported the Monona Mound plaque that will be placed at 4007-4009 Monona Drive is on display at the Library.

City Clerk Andrusz reported that the Board of Review will convene tomorrow night in the Library's Municipal Room. Property owners who can show good cause as to why they did not file their intent to object in time can still appear at the hearing and ask the Board to hear their case. She attended a legislative hearing on the ballot efficiency option which allows an in-person absentee voter to place their ballot into the voter machine at the time that they vote. Senator Mark Miller is against the measure because the political parties wouldn't be able to post observers over the course of that many days.

Mayor O'Connor thanks members for their participation in the Memorial Day Parade and Aldo Leopold Nature Center events. She hopes there will be no meeting on July 1. She congratulates City Administrator Gadow for achieving his Certified Public Manager Credential.

APPOINTMENTS

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

1. Katy Byrnes Kaiser to the Community Media Committee (effective immediately–April 2022).
2. Karen Turino to the Distinguished Service Award Committee (effective immediately–April 2021).
3. Linda Laszewski to the Facilities Committee (effective immediately–April 2022).
4. Joe Fontaine, Police and Fire Commission Member to the Public Safety Committee (effective immediately–April 2020).

ADJOURNMENT

A motion by Alder Kitslaar, seconded by Alder Grupe, to adjourn was carried. (10:03 p.m.)

Joan Andrusz
City Clerk