

City of Stoughton

Common Council Minutes

February 22, 2011

Mayor Donna Olson presided at a Regular Meeting of the Common Council of the City of Stoughton, Dane County, Wisconsin, held in the Council Chambers located in the Public Safety Building, on Tuesday, February 22, 2011. Mayor Olson noted a quorum present and called the meeting to order at 7:00 pm.

Roll Call / Proclamations/ Presentations:

City Clerk Kelly Michaels called the roll noting the following Alderpersons were present: Tone, Swangstu, Lawrence, Christianson, McKichan, Chenoweth, Jenson, Scovotti, Olstad, Hohol, Carter. The following Alderperson was excused: Weiss.

Hohol thanked those citizens who attended the citizen participation event on Saturday for BFO. Mayor Olson echoed those words.

Olson read the following on behalf of the City, Residents, Volunteers and Opera House staff:

On February 22nd, one hundred and ten years ago today, the City of Stoughton celebrated the grand opening of the City Auditorium (now known as the Stoughton Opera House) with a sold-out performance of a theatrical production, *The Doctor's Warm Reception*.

Today is also the 10th anniversary of the grand re-opening of the Opera House following the completion of an extensive restoration project. That project would not have been possible without the dedication of restoration coordinator John Vorndran and his wife Judy.

Sadly, Judy passed away on February 14th – so on this very special anniversary we would like to acknowledge the countless hours of service Judy spent in her efforts to return to the citizens of Stoughton a historical and cultural landmark that was very nearly lost.

Thank you Judy and thank you John – our thoughts are with you.

No proclamations or presentations were made.

Reports / Claims / Communications:

The following reports were presented and placed on file: January 2011 Treasurer's Report, February 2011 Library Administration Report, Utilities Dec 2010 Financial Summary, Utilities Dec 2010 Statistical Report, Utilities Payments Due Listing.

The following minutes were presented and placed on file: Council Affairs/Council Policy 2/3/2011, Commission on Aging 2/1/2011, Library Board 1/19/2011, Police & Fire Commission 2/2/2011, Public Works Committee 11/16/2010 & 12/8/2010, Tree Commission 1/13/2011, Utilities Commission 1/24/2011.

Public Comment:

None

Consent Agenda:

Motion by Scovotti, second by Carter to adopt items on the consent agenda as follows.
Motion carried 11-0.

- 1) Minutes of a previous meeting: February 8, 2011.
- 2) R-17-2011 - Resolution of Utilities authorizing and directing the proper City official(s) to write off delinquent balances from debts deemed uncollectible.
- 3) R-18-2011 - Resolution of Utilities authorizing and directing the proper City official(s) to participate in the Rock River Total Maximum Discharge Limits Group (TMDL).

Removed from Consent:

R-13-2011

Motion by Carter, second by Tone to adopt a joint resolution of Public Works and Finance Committees authorizing and directing the proper City officials(s) to enter into an agreement for engineering services with Vierbicher for West Jefferson Street Stormwater Improvements. Motion carried 11-0.

Chenoweth questioned how many proposals were received. Carter indicated he would refer to Planner Rodney Scheel but was aware of two bids being received, one from Vierbicher and the other from Strand. Chenoweth asked whether there was a formal RFP process. Scheel noted these two firms were invited to provide proposals as this was a professional services agreement and not a publicly bid construction project. Chenoweth questioned whether the City had an ongoing list of prequalified Engineering Firms that would be eligible for this project. Scheel responded that he did not think the City had a prequalified list, however both firms have done engineering services work specifically in this area which is why they were requested to provide proposals. Chenoweth questioned whether the Public Works Committee had any discussions as to expanding the proposal process for this, noting the amount was a \$75,000 dollar amount. He noted there are a lot of qualified firms out looking for work and we may have been able to do a little better on this proposal if the process had been expanded. Carter responded that the committee did not discuss the process. Chenoweth noted he had no issue with Vierbicher and believes they are a quality firm however he expressed concern with approving a fairly large project with only inviting two consultants to bid. He acknowledged that this doesn't occur, all that often, but asked that the Public Works Committee take up a discussion at their next meeting to possibly entertain a prequalified listing process for the future.

Old Business:

None.

New Business:

R-10-2011

Motion by Hohol, second by Carter to adopt a resolution of the Plan Commission approving a request by Bill Buglass, Payne & Dolan, to work 24 hours per day, 7 days a week for up to 7 weeks at 793 US Highway 51, Stoughton, Wisconsin, for a possible WDOT highway project. Motion carried 11-0.

R-11-2011

Moved by Tone, second by Carter to adopt a joint resolution of the Finance, Public Works and Utilities Committees authorizing and directing the proper city official(s) to award the base bid, Alternative Bid #1 and Alternative Bid #4 to low bidder, R.T. Fox Construction, for the City's portion of the East Main Street Reconstruction Project and the base bid, Alternative Bid #1 and Alternative Bid #2 to low bidder, R.T. Fox Construction, for the Utilities portion. Motion carried 11-0 by roll call vote.

R-11-2011	Yes	No
Lawrence	1	
Christianson	1	
McKichan	1	
Chenoweth	1	
Jenson	1	
Scovotti	1	
Olstad	1	
Hohol	1	
Carter	1	
Tone	1	
Weiss	0	0
Swangstu	1	
Result	11	0

R-16-2011

Moved by Chenoweth, second by Hohol to adopt a resolution of the Utilities Committee Resolution authorizing and directing the proper City official(s) to fill a Water Operator II Position. No vote taken on this motion.

Motion by Chenoweth, second by Scovotti to refer this request to the Personnel Committee for recommendation. Motion carried 10-1.

SUSPEND THE RULES

Motion by Jenson, second by Hohol to suspend the rule for the standing committee process outlined in the City of Stoughton Municipal Code Section 2-66(b), c(5), for the purpose of taking council action on the following measures (as listed) without a recommendation from standing committee. (This vote requires 2/3 of council members present to pass)

- 1) CLOSED SESSION: Pursuant to State Statute 19.85(1)(e), for the purpose of deliberating on or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session and then to reconvene into open session for possible action on same.
- 2) R-14-2011 Resolution authorizing and directing the proper City official(s) to enter into a Memorandum of Understanding Agreement between the City of Stoughton and the City of Stoughton Police Department Dispatch Unit.

Attorney Dregne questioned this requirement. Motion by Lawrence, seconded by Hohol to take a 5 minute recess to confer with the City Attorney. Motion carried 11-0.

Attorney Dregne opined that while the ordinance does provide for a committee process, it does not require it exclusively, therefore there is no requirement to suspend the rules prior to consideration of the resolution. He noted that the ordinance is unclear in this area and does not expressly forbid action in this case. Mayor Olson noted she accepted the Attorney's opinion that the suspension of the rules was not necessary and proceeded with the agenda item.

Motion by Jenson, second by Hohol to enter into Closed Session for the purpose of deliberating.

Motion by Scovotti to appeal the chair's determination. Attorney Dregne opined that the motion was out of order and would have had to have been made prior to moving on to the next item on the agenda. Mayor Olson asked the Clerk to call the roll on the closed session motion.

Motion to enter into closed session failed on roll call vote of 5-6:

Closed Session	Yes	No
Christianson		1
McKichan		1
Chenoweth		1
Jenson	1	
Scovotti		1
Olstad	1	
Hohol	1	
Carter		1
Tone	1	
Weiss	0	0
Swangstu	1	
Lawrence		1
Result	5	6

Motion by Hohol, second by Jenson to adopt Resolution R-18-2011 authorizing and directing the proper City official(s) to enter into a Memorandum of Understanding Agreement between the City of Stoughton and the City of Stoughton Police Department Dispatch Unit. No vote taken.

Motion Carter, second by Chenoweth to refer the matter to Personnel Committee for recommendation. Motion carried 11-0.

Motion by Lawrence, second by Carter to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:02 pm.

Respectfully submitted,

Kelly Michaels, WCMC, CMC
City Clerk/Personnel Director