

City of Stoughton

Common Council Minutes

April 12, 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, April 12, 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 10 Alderpersons were present: Tone, Swangstu, Lawrence, McKichan, Chenoweth, Jenson, Scovotti, Olstad, Hohol, Carter. The following Alderpersons were excused: Christianson, Weiss.

Recreation Director, Tom Lynch gave a brief power presentation with reference to the Park Recreation Department. He noted recreational programs and quality parks have proven to have an economic and social benefit to communities. They create part time jobs, attract people to the community to live, bring significant dollars into the local economy and businesses through recreational opportunities, tournaments and celebrations.

No proclamations were made.

Reports / Claims / Communications:

The following minutes were presented and placed on file: Minutes: Arts Council 1/4/2011; Commission on Aging 3/1/2011; Finance Committee 3/8/2011; Tree Commission 2/10/2011.

Mayor Olson introduced Library Director, Richard MacDonald noting he started with the City on March 31, 2011. MacDonald noted he was happy to be here and looking forward to working with you all in the coming years. He gave a brief history of his experience in other library systems. He stated he is currently commuting but looking to live in and become part of the Stoughton community.

Mayor Olson noted it was that time of year when we pay appreciation to volunteers and invited all to an open house to extend congratulations in the Mayor's Office on Thursday, April 14, 2011 from 3:30-4:30pm. She announced the following recipients of this year's awards:

Volunteer of the Year: Cheryl Learn, Giovanna Lazzaro, Friends of the Stoughton Area Youth Center and City of Stoughton Food Pantry Volunteers. Friend of Youth: Friends of the Stoughton Area Youth Center & The Construction Committee. Business Person of the Year: Terrence Brenny, CEO of Stoughton Hospital.

Alderperson Tim Carter indicated it was his last meeting and he wanted to thank the residents of District 4, noting it was an honor and privilege to represent them.

Aldersperson Hohol thanked Aldersperson Tim Carter and Steve Tone for their hard work and efforts on behalf of the community. Mayor Olson agreed and also thanked the outgoing alderspersons for their service to the City.

Public Comment:

None

Consent Agenda:

Aldersperson Tone asked that R-35-2011 be removed from the consent agenda to be considered individually. Mayor Olson noted it would be the first item considered under new business.

Motion by Scovotti, second by Jenson to adopt remaining items listed on the consent agenda as indicated. Motion carried 10-0.

1. Minutes of previous meeting(s): 2/22/2011, 2/25/2011, 3/8/2011, 3/22/2011.

Old Business:

O-8-2011

Motion by Scovotti, second by Carter to suspend Rule 2-42 to waive the second reading requirement in order to act on the following ordinance today. Motion carried 10-0.

Motion by Scovotti, second by Carter to adopt an ordinance of the Public Safety Committee repealing and recreating Section 50-12 and Section 50-12.5 of the Municipal Code of the City of Stoughton, Dane County, Wisconsin related to Truancy. Motion carried 10-0.

R-16-2011

Motion by Jenson, second by Hohol to adopt a joint resolution of the Personnel Committee and Utilities Committee authorizing and directing the proper city official(s) to fill a Water Operator II Position. Motion carried 10-0.

O-3-2011

Motion by Hohol, second by Chenoweth to adopt an ordinance of the Plan Commission rezoning 728, 732, 736, 801, 805, and 809 Berry Street from PD – Planned Development to SR-6 Single Family Residential - (2nd reading). Motion carried on Roll Call Vote: 8-0 with 2 members abstaining.

O-3-2011	Yes	No	ABS
Hohol	1		
Carter	1		
Tone	1		
Weiss	0	0	
Swangstu	1		
Lawrence	1		
Christianson	0	0	
McKichan	1		
Chenoweth	1		
Jenson			1
Scovotti			1
Olstad	1		
Result	8	0	2

R-12-2011

Motion by Hohol, second by Olstad to adopt a resolution of the Plan Commission approving a Certified Survey Map (CSM) for SDS Builders, Scott Skavlen at 728, 732, 736, 801, 805, 809, 820, 824, and 832 Berry Street, Stoughton, Wisconsin. Motion carried 10-0.

PUBLIC HEARING (R-23-2011)

Mayor Olson opened the public hearing and asked City Planner Rodney Scheel to introduce the matter: Planner, Rodney Scheel noted the resolution authorizes special assessments on properties as a result of a major street reconstruction project that includes street grade, sidewalks, curb and gutter, driveway aprons and carriage walks on East Main Street. He noted the project does include ramp work on the sidewalk at the corners however those are not assessable on properties. He stated the carriage walks can also be removed from the project if the property owner wishes. He stated they have had numerous meetings on the project and is available to answer questions at this public hearing as well.

Richard Stark of Janesville WI representing 609 E. Main Street questioned whether there were any grant dollars to assist with project since the roadway may fall under the responsibility of the state or county. Scheel answered they had been in pursuit of grant dollars for the past few years however they were unsuccessful in getting any funds for this particular project. Mr. Stark questioned why they were replacing some sidewalks that don't need repair. Scheel answered they have reviewed the sidewalk areas and those that are being torn up solely for utility purposes will be assessed to utilities and not the property owner. Those that do need replacing will be assessed to the property owner. Mr. Stark thanked members of the council for listening.

R-23-2011

Motion by Tone, second by Carter to adopt a final resolution of the Finance Committee authorizing improvements and levying special assessments against benefited property in the City of Stoughton for the improvement of sidewalk, curb and gutter, driveway aprons and carriage walks on East Main Street within the city of Stoughton. Motion carried 10-0 by roll call vote.

McKichan questioned assessments on corner properties. Scheel noted they did review those corner properties that were to receive an assessment on both sides. He stated the City's concern was that we would have to go back next year to replace them, so if there was an imminent hazard we are replacing, but if not, then they are not being replaced to minimize the cost impact this year with the caveat we might have to replace them next year or the year after.

New Business:

R-35-2011 (removed from consent)

Motion by Scovotti, second by Carter to adopt a resolution of the Public Safety Committee authorizing and directing the property city official(s) to issue a Class "B" Beer License to Stoughton Merchant Baseball Club, Inc., for the sale of beer during baseball games at Norse Park (6 month duration). Motion carried 8-2.

Scovotti spoke in support of the resolution noting that in the past he has opposed this type of activity. He stated he has learned that licensing has benefits of control by inhibiting the number of carry-ins that come into the park. Hohol questioned the 6 month term of the license. Scovotti noted it was as detailed on the application. Olstad spoke in support indicating this is their second year and they were successful last year. He noted revenues are put back into the community and park to sustain the recreation. Tone spoke against the measure noting he is against any alcohol in the parks including carry-ins. He questioned whether there are any restrictions on other uses at the park when an event is serving alcohol. Lynch noted it was possible that there would be limited use by others, whereby someone rents the shelter about 30 feet from the diamond.

O-9-2011

Motion by Scovotti, second by Jenson to suspend Rule 2-42 to waive the second reading in order to act on the ordinance today. Motion carried 8-2.

Motion by Scovotti, second by Lawrence to adopt an ordinance of the Public Safety Committee creating Section 50-5(c)(3) of the Municipal Code of the City of Stoughton, Dane County, Wisconsin related to Noise Regulations. Motion carried 7-3 by roll call vote.

Scovotti noted the ordinance is relative to addressing a new problem born out of the smoking ban, which gave way to smoking decks taking noise outside where noise was not problematic previously. He stated the committee has worked diligently to finding a balance between the residents and business properties. McKichan argued in favor of the second reading and indicated he would be voting no because this has not received notice to the public who may anticipate its adoption not tonight, but at a second reading. Tone agreed and stated he would also vote no on the ordinance because it of the 2nd reading issue. He cautioned members that in the meetings he attended there were 2 or 3 concerned citizens and since there is no urgency he didn't feel rushing it through was a good thing. He felt there was public interest and that the citizens were being short changed. McKichan stated that in the past the motion to suspend and motion to adopt were all in one motion and questioned the purpose and legality of separating the suspension from the ordinance. Attorney Dregne noted that the threshold for passage is different between the two motions and in working with other municipalities it is commonly done in two motions. Also he reviewed that a motion to suspend is not debatable, amendable or allowed to be reconsidered which makes a combined motion problematic. Scovotti pointed out that the public participation at the committee level was much higher than 2 or 3 individuals and argued that the fact there was no one present this evening was proof of the inclusive job done at the committee level. He stated they labored long and hard with the ordinance and he did not believe there was any additional work to be done. Lawrence questioned Tone as to the issues he had with the ordinance. Tone noted he never said there was a problem with the ordinance, he merely had a problem with not allowing the public the ability to participate by having a 2nd reading. The motion passed 7-3 and Tone asked that it be noted for the record that his not vote was cast only because the second reading on the ordinance had been suspended.

O-9-2011	Yes	No
Tone		1
Weiss	0	0
Swangstu	1	
Lawrence	1	
Christianson	0	0
McKichan		1
Chenoweth	1	
Jenson	1	
Scovotti	1	
Olstad	1	
Hohol	1	
Carter		1
Result	7	3

R-25-2011

Motion by Jenson, second by Hohol to adopt a joint resolution of the Public Safety and Personnel Committees authorizing and directing the proper city official(s) to approve a request to fill two vacancies in the Fire Department. Motion carried 10-0.

R-29-2011

Motion by Tone, second by Olstad to adopt a resolution of the Finance Committee authorizing and directing the proper city official(s) to pay the claim of Ronald Dobie. Motion **FAILED** 0-10.

R-30-2011

Motion by Tone, second by Carter to adopt a resolution of the Finance Committee authorizing and directing the proper city official(s) to execute Change Order #2 as it relates to the EMS Remodeling Project. Motion carried 10-0.

Tone summarized the totals. Scheel noted they are not expecting anymore change orders and was happy to report they had expected it to come in at a million dollars and the project came in well under that amount so they were pleased.

R-33-2011

Motion by Scovotti, second by Carter to adopt a resolution of the Public Safety Committee authorizing and directing the property city official(s) to issue a "Class A" Beer & Liquor license to the Dolgencorp LLC, dba Dollar General Store #10659 for the sale of beer and liquor at 1050 West Main Street. Motion **FAILED** 0-10.

Scovotti reported that the committee felt the Dollar General was not the type of store that could provide the best venue for this type of sales. He also noted the Police Chief also recommended denial. Carter shared that he did not support this request at committee primarily because the application is for a "Class A" Beer and had the liquor penciled in as well. Unlike other retail establishments that are allowed to sell liquor, this application did not have a site plan with a separate entrance which would need recommendation from Plan.

R-34-2011

Motion by Scovotti, second by Carter to adopt a resolution of the Public Safety Committee authorizing and directing the property city official(s) to issue an Operator's License for Dustin J. Bolig. Motion **FAILED** 0-10

Motion by Lawrence, second by Hohol to recess for 5 minutes. Motion carried 10-0.

R-32-2011

Motion by Tone, second by Olstad to adopt a resolution of the Finance Committee authorizing and directing the proper city official(s) to approve a transfer of funds from contingency in the amount of \$5,000 to the Clerk's Office as read on the council floor.

Motion by Scovotti, second by Tone to amend the motion and to direct the Personnel Committee to immediately review all position descriptions and duties in the Clerk's Office for change if needed. Motion carried 10-0

Motion by McKichan, second by Tone to amend the third "Whereas" paragraph to add "and Finance Director" after Clerk's Office. Motion carried 8-2 by roll call vote.

Amendment	Yes	No
R-32-2011		
Weiss	0	0
Swangstu	1	
Lawrence	1	
Christianson	0	0
McKichan	1	
Chenoweth	1	
Jenson	1	
Scovotti		1
Olstad	1	
Hohol	1	
Carter		1
Tone	1	
Result	8	2

Motion by Hohol to amend the last paragraph in the resolution to strike \$5,000 and keep \$2,400 for training and to strike the last sentence reference \$2,600 in funding for the outside data help. Motion died for lack of second.

Motion by Scovotti, second Chenoweth to amend the third "Whereas" paragraph to add "including the Deputy City Clerk" after Finance Director and before is warranted. Motion carried 10-0.

Motion by Tone, second by Chenoweth adopt the resolution and keep benefit processing in the Clerk's Office. Motion carried 7-3 by roll call vote.

Amendment		
R-32-2011	Yes	No
Swangstu		1
Lawrence	1	
Christianson	0	0
McKichan	1	
Chenoweth	1	
Jenson		1
Scovotti	1	
Olstad	1	
Hohol		1
Carter	1	
Tone	1	
Weiss	0	0
Result	7	3

The main motion and resolution as amended on the council floor was read and then adopted on a roll call vote of 9-1.

Main as Amended		
R-32-2011	Yes	No
Lawrence	1	
Christianson	0	0
McKichan	1	
Chenoweth	1	
Jenson	1	
Scovotti	1	
Olstad	1	
Hohol		1
Carter	1	
Tone	1	
Weiss	0	0
Swangstu	1	
Result	9	1

CLOSED SESSION: Motion by Scovotti, second by Chenoweth to enter into 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 a resolution relating to intergovernmental negotiations with the Town of Rutland. Motion carried 10-0 by roll call vote.

Motion by Chenoweth, second by Scovotti to enter into open session. Motion carried 10-0.

R-31-2011

Motion by Hohol, second by Scovotti to adopt a resolution of the Planning Commission authorizing and directing the proper city official(s) to enter into an agreement between the City of Stoughton and the Town of Rutland. Motion carried 9-1 by roll call vote.

R-31-2011	Yes	No
McKichan	1	
Chenoweth	1	
Jenson	1	
Scovotti	1	
Olstad	1	
Hohol	1	
Carter		1
Tone	1	
Weiss	0	0
Swangstu	1	
Lawrence	1	
Christianson	0	0
Result	9	1

Motion by Lawrence, second by Scovotti to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 10:01 pm.

Respectfully submitted,

Kelly Michaels, WCMC, CMC
City Clerk/Personnel Director