

# City of Stoughton

## Common Council Minutes

### June 28, 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, June 28, 2011. Mayor Olson noted a quorum present and called the meeting to order at 7:00 pm.

#### **Roll Call / Proclamations/ Presentations:**

Clerk Kelly Michaels called the roll, indicating 12 Alderpersons present as follows: Weiss, Swangstu, Swadley, McKichan, Christianson, Lawrence, Scovotti, Chenoweth, Jenson, Hohol, Olstad, Peterson.

#### **Reports / Claims / Communications:**

Mayor Olson reminded everyone of the fair in Stoughton and invited all to attend.

The following minutes were presented and placed on file: BPN 6/13/2011; CACP 6/7/2011; COA 5/3/2011; Finance 5/12 & 5/24/2011; Library 5/18/2011; Park & Recreation 6/20/2011; Personnel 5/23/2011; Planning 6/13/2011; Public Safety 6/2/2011; RDA 5/11/2011; Utilities 5/16/2011.

The following reports were presented and placed on file: Contingency 2011; Finance Check Register May 2011; Treasurer's Report May 2011; Library Administration & Statistics 5/18/2011; Utilities Financial Statement, Payments Due and Statistics April 2011.

#### **Public Comment:**

Jean Torgerson, Manager of VFW spoke in support of R-79-2011 & R-80-2011. She stated both Tom Selbo and Robert Vesterdahl are hard working, dependable employees and she felt both had learned hard lessons. She asked the council to give them a second chance.

Tom Selbo, 933 Truman, spoke in support of R-79-2011. He stated he made a mistake and has owned up to his actions. He indicated he depends on the income he receives from the VFW.

#### **Consent Agenda:**

Motion by Lawrence, second by Weiss to adopt items listed on the consent agenda as indicated. Motion carried 12-0.

Minutes of a Previous Council Meeting: May 24, 2011

R-69-2011 Approving the Stoughton Utilities Wastewater Treatment Facility and Sanitary Sewer Collection System 2010 Compliance Maintenance Annual Report (CMAR)

R-71-2011 Approving the Stoughton Utilities Electric Service Rules and Information Manual

**Old Business:**

R-44-2011

Motion by Scovotti, second by Olstad to approve a resolution of the Community Affairs Council Policy Committee repealing the Service Club Sign Placement Policy. Motion carried 10-2.

Planning Director Rodney Scheel suggested the policy be repealed and noted the zoning code already addresses a process for all signs.

Aldersperson Chenoweth questioned the process if a service club requests a sign. Scheel indicated there are procedures already in place and they would work with the club just as they have in the past.

Aldersperson McKichan stated he understood that public works already has the ability to put signs on the public right of way. He noted that the policy focused on types of clubs that were eligible.

Aldersperson Scovotti suggested they take another look as to what is practicable as a follow up. He suggested a collective sign giving all of the service clubs the opportunity to participate. He noted his preference was to keep it out of the right away and seek a solution on private property.

Aldersperson Jenson questioned whether this policy was redundant to an existing ordinance. Scheel answered that he believed we already had the tools to accomplish the signage but there isn't anything that addresses who is eligible. He noted that could be included in their approval process. Jenson questioned whether the goal was to streamline. Scheel stated the goal is to repeal the existing policy and direct the applicant through the process already in place.

Aldersperson Olstad stated as member of CACP, he wanted to reinforce that the intent of the policy was to determine what qualifies as a service club because the club would need to complete an application to the Clerk. He gave an example of a club that may not be compatible with Stoughton's values showing up and wanting a sign. Chenoweth questioned why they would throw out the policy only to redefine what a service club is.

**PUBLIC HEARING:** Pursuant to Wisconsin Statutes 66.0703 for the purpose of hearing from all interested persons concerning Resolutions R-46-2011 and R-51-2011 authorizing improvements and levying special assessments.

The following individuals spoke in reference to R-46-2011:

Cheryl Lennon, 824 W Jefferson Street, spoke in opposition. She didn't understand why she needed to pay for improvements for a problem she didn't

create. She spoke about current financial challenges in the economy and questioned why repairs were being done at this time?

Tod Goldade, 801 W Main Street, spoke in opposition. He indicated his parking lot was newly built last year. He felt the \$2400 in curb & gutter assessment was for no reason.

Gilman Porter 832 West Street, registered in opposition. He questioned why West Street was being considered for an overlay project when part of it has already been replaced. He felt only 19 feet needed replacement and that portion was destroyed by snow plows and should be paid for by the City.

The following individual(s) registered:

Julie Warmath (Hamer), 816 W Jefferson registered in opposition.

R-46-2011

Motion by Lawrence, second by Chenoweth to approve a 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 West Jefferson Street, Harrison Street and West South Street within the City of Stoughton. Motion carried 12-0 on a roll call vote.

R-46	Yes	No
Scovotti	1	0
Chenoweth	1	
Jenson	1	
Hohol	1	
Olstad	1	
Peterson	1	
Weiss	1	
Swangstu	1	
Swadley	1	
McKichan	1	
Christianson	1	
Lawrence	1	
Result	12	0

City Planner Rodney Scheel indicated there is a multi-year sewer and water project that is occurring over the next several years. The sections occurring this year include a new storm sewer with a large box culvert along with other utilities. He noted the curb and gutter has been slated for the whole area noting there may be some sections that are ok but will need to be removed as part of the project work. He indicated the aprons are assessed at 100% by council policy. Curb and gutter improvements are assessed at

50%. Scheel reported this area has experienced recurring problems with flooding during heavy rain events and we are hoping the large box culverts will relieve the flooding.

Aldersperson Hohol requested additional information on the storm water. Scheel noted there is a real capacity problem during fast, heavy down pour events that cause flooding to back up into some of the homes in the neighborhood. That situation has been recognized and the project includes a larger box culvert tying back to the west.

Aldersperson Jenson questioned the special assessment ordinance and when it is our choice to update the storm water sewer, why residents are being assessed. Scheel responded that the city makes improvements to the area and the ordinance directs staff to assess benefited properties. Scheel noted the council could change its ordinance. Mayor Olson acknowledged that many people are going through tough times and asked the Finance Director to explain how we can help with these payments. Finance Director Sullivan indicated there is a 3 or 5 year installment plan option depending on the cost. She noted the installments are placed on the tax bill. Sullivan stated the city also has a provision for financial hardship. She encouraged property owners who are struggling financially to meet with her individually so she could assist them through the guidelines and process. She noted those that qualify go to Finance and Council for a deferral plan until the financial situation clears. She explained the guidelines include a percentage of the national poverty level and individuals would need to bring in their financial records to qualify.

Aldersperson Swadley questioned the life span of the work. Scheel estimated many have existed for 50 plus years and stated not all make it and not all fail. Some are longer and others are less. He noted it really isn't a standard but is not uncommon to have curb and gutter last for 40 years.

#### **PUBLIC HEARING R-51**

The following individuals spoke reference R-51-2011:

Richard Hoffman, 801 West St, spoke in opposition. He questioned the criteria used for determining whether or not curb and gutter needs replacing. He noted several streets have been resurfaced without replacement of the curb and gutters. He believed West Street was not bad and indicated he would have contacted the City if it were. Additionally, he felt it was one thing to send a notice telling them what the cost will be, but he felt they should also be describing why they need to spend that money. There should be information as to their ability to park on street, how long the project will take and what type of hardship they will have during the project.

Randy Weber, 817 West St spoke in opposition. He agreed with points made by the previous speaker and stated he would like more information as to the project timeline. He also felt his curb and gutter was in great shape and did not need replacement.

Kevin Porter, 832 West Street spoke in opposition. He noted he had photos to share with the council.

Todd Golgade, 801 West Main Street spoke in opposition. He stated there is no reason to replace it as it is absolutely fine. He noted there has been 31 years of flooding and he couldn't figure out what that has to do with curb & gutter at his building. He indicated the project would cut off 2/3 of access to his business.

Bryan Hamer, 816 W Jefferson registered in opposition

Paul Perdew, 832 W Jefferson registered in opposition.

#### R-51-2011

Motion by Lawrence, second by Chenoweth to approve a resolution of the Finance Committee authorizing improvements and levying special assessments against benefited property in the City of Stoughton for the improvement of curb and gutter in the 2011 Grind and Overlay Street Project at various locations as indicated in the project parcel listing. Motion failed on a tie vote 6-6. Mayor Olson chose not to break the tie. Motion failed.

R-51	Yes	No	
Chenoweth		1	
Jenson		1	
Hohol		1	
Olstad	1		
Peterson		1	
Weiss		1	
Swangstu		1	
Swadley	1		
McKichan	1		
Christianson	1		
Lawrence	1		
Scovotti	1		
Result	6	6	Failed Tie Vote

Hohol questioned how we determine whether or not a street needs to be rebuilt or just resurfaced and whether the curb and gutter needs replacing. Planner Scheel stated often times sections are spot replaced but when there is a large percentage of spots that meet the criteria, we use a more cost effective method than replacing 20 sections individually. Street Superintendent Karl Manthe explained the criteria they use in determining the need. He noted the project on West Street is a pulverization process where we compact and reshape the street. A resurfacing is where we just add a couple inches of mix. West Street will be completely reground to make sure the street can last a lot longer. He noted the price tag would be a lot higher for spot replacements as you get a cheaper price for large sections with the added benefit that it will last much longer.

Hohol questioned the snow plow issue on West Street. Street Superintendent Manthe stated he did not recall what happened at that particular location but noted from time to time they may knock out a piece of curbing during plow operations due to the difficulties in knowing exactly where the curb is. They do try to make repairs when that happens.

Olstad questioned who decides what projects are being done. Street Superintendent Manthe indicated for this type of project, it is City staff that inspects the area and lists the properties benefitted by the project. He noted there is a policy that relates to curb and gutter that indicates if a certain percentage is bad then we take out the whole thing.

Weiss stated it seems on the unfair side. He stated he didn't understand why it needs to be improved and felt the assessments were unfair. He noted he will cast a protest vote of no.

Scovotti questioned the advantages of replacing the curb and gutter and what would happen if you repaired the street without replacing them. Manthe noted it would cause water issues that would damage the street prematurely. The life of the street is 40-50 years but it would only have about 10 years before you would experience alligator cracks and dips. Additionally, there would be drainage problems and flooding. He estimated the City and property owners would lose about 75% of their investment if not done correctly.

Chenoweth felt that the curb and gutter was part of the thoroughfare and questioned how we justify assessing the property owner at 50%. He noted he has spoken on this topic in the past and feels roadways are public thoroughfare and as such the community as a whole should pick up the full cost. Additionally he noted he has issues with this being an overlay project.

Hohol questioned what percentage of the project is resurfacing versus curb and gutter and how do they compare? Street Superintendent Manthe couldn't recall the exact percentages but guessed roughly about 30% of the project is curb and gutter. He noted that as the project nears they will send property owners a letter detailing the project timeline but stated that the project won't take very long. He estimated a couple weeks start to finish with only a few days where they won't be able to get in. He noted they will make as many accommodations as possible.

Swadley questioned whether projects are identified the year before. He felt a communication of such would provide an opportunity to provide longer notice of which areas are going to be reworked.

McKichan noted the general public is tapped out and we should only be making expenditures when we absolutely have to. What we are hearing is that there is no more money to just add to our resident's taxes. Everyone is stretching their dollars and still experiencing hardship. This body should be well aware of that.

Several members noted a need to review the ordinance relative to paying for special assessments.

Planning Director Scheel noted the council has previously determined there is a benefit to the property owner by having nice curb and gutter in front of their home. It has been debated and discussed a number of times over the past years and the ordinance was most recently changed to the 50% cost sharing between the public and property owner as a reflection of those discussions. He explained that this project was identified and discussed during prior year budget consideration. The assessment on this portion is about \$25,000 and would have been incorporated in your project documents when it was originally proposed.

Lawrence questioned what the exact benefit to the property owner was. Planning Director Scheel compared it to a rural subdivision where people become annoyed because drivers think they are parking on the roadway but end up on properties. Additionally, in an urban setting, curb and gutter becomes an esthetic improvement to properties. McKichan suggested a joint meeting of Public Works and Finance Committees to discuss the assessment ordinance.

Motion by Olstad, second by Chenoweth to refer the issue back to committee. Several members questioned the purpose of referring back and whether the recommendation would be any different but for delaying the project. Finance Director Sullivan cautioned that if the policy were changed we would need to roll those dollars into the budget and we would probably do fewer projects going forward.

Motion by Scovotti, second by Lawrence to call for the question. Motion carried unanimously. Motion by Hohol, second by Peterson to refer the issue back to the Public Works Committee. Motion carried 11-1 with a roll call vote.

R-51	Yes	No
Jenson	1	
Hohol	1	
Olstad	1	
Peterson	1	
Weiss	1	
Swangstu	1	
Swadley		1
McKichan	1	
Christianson	1	
Lawrence	1	
Scovotti	1	
Chenoweth	1	
Result	11	1

R-62-2011

Motion by Christianson, second by Lawrence to approve a resolution of the Public Safety Committee authorizing and directing the proper city official(s) to issue Liquor License as identified for the renewal period of July 1, 2011 through June 30, 2012 (for applicants who filed after April 15<sup>th</sup>).

Chenoweth ask council to consider tabling this matter until council can have discussion on O-14-2011 appearing later on the agenda. Motion by Chenoweth, second by Lawrence to table the matter at this time. Motion carried 8-3 with Swangstu abstaining due to personal conflict.

R-62	Yes	No	ABS
Hohol		1	
Olstad	1		
Peterson	1		
Weiss	1		
Swangstu			1
Swadley	1		
McKichan	1		
Christianson	1		
Lawrence	1		
Scovotti		1	
Chenoweth	1		
Jenson		1	
Result	8	3	1

O-11-2011

Motion by Christianson, second by Lawrence to approve an ordinance of the Public Safety Committee Amending Section 70-98(16), of the Stoughton Municipal Code, Dane County, Wisconsin related to Handicapped Parking (2nd Reading). Motion carried 10-2 on a roll call

O-11	Yes	No
Olstad	1	
Peterson	1	
Weiss	1	
Swangstu	1	
Swadley	1	
McKichan		1
Christianson	1	
Lawrence	1	
Scovotti		1
Chenoweth	1	
Jenson	1	

Hohol	1	
Result	10	2

O-12-2011

Aldersperson Hohol introduced an ordinance of the Planning Commission rezoning 607 Kensington from PD, Planned Development to PD-GDP, Planned Development General Development Plan. Public Hearing held on June 13, 2011 (1st Reading).

O-13-2011

Aldersperson Hohol introduced an ordinance of the Planning Commission amending Chapter 30, Floodplain Zoning of the Stoughton Municipal Code (1st Reading).

**NEW BUSINESS:**

R-85-2011

Motion by Chenoweth, second by Lawrence to adopt a resolution of the Committee of the Whole authorizing and directing the proper city official(s) to take such action as to redistrict the boundaries of the Aldermanic Districts according to the four district plan.

Motion by Chenoweth, second by McKichan to amend the resolution to redistrict the boundaries according to a three district plan.

Hohol noted he opposed the amendment for reasons discussed at the Committee of the Whole. He encouraged members to maintain four districts by voting against the amendment to a 3 district plan.

Jenson noted he has had numerous conversations and can see advantages to both maintaining the status quo and saving budget dollars by streamlining. He didn't think three versus four would make that much difference with the citizens and had confidence that the voting public could handle poll site changes.

McKichan stated he is still trying to find the arguments in this. Currently we have 2 polling places really close to each other. Consider the time spent setting up these polls. Look at the two proposed maps as there are so many similarities in them. People will figure it out no matter what the redistricting changes are as this doesn't affect outlying corridors. He supported the 3 district plan because the council body would result in an odd number of representatives. He stated the committee structure could be dealt with. He felt the 9 ward 3 district plan made good sense and the other issues could be worked out.

Chenoweth agreed with McKichan and noted his support for the 9 ward plan. He acknowledged there is more diversity with 12 members but was weary of the increasing split decisions on council. He noted his concerns with council actions being decided by the executive branch. He supported having an odd number of members for vote counts that support the council body making decisions. He noted it doesn't diminish the Mayor's right and ability to veto council actions. He felt the tie votes were an increasing

problem that showed indecision. He felt council was not doing its job and that was a problem for him.

Scovotti agreed and noted that is why the CACP Committee and Committee of the Whole both felt it wise to divide the two issues. Current ordinance reads that there are 3 alders per district and so if we vote for the 3 district plan we are in effect choosing 9 alders. If you overlay the maps, the voting area that is collapsed is the District 1 and 2 areas. The Firehouse is downtown and is a positive voting location. The problematic area is the fact, it automatically creates a 9 person council, but I haven't heard any really good reason to keep 12 except it has always been that way. Scovotti suggested a compromise whereby we adopt the 3 district 9 ward plan but include in the amendment a sunset clause to give us the capability in the future to make a determination as to whether we keep it at 9 or go back to 12. He stated we can explore it but if it doesn't work there would be recourse to go back.

Hohol stated there is a power struggle between the city council and executive branch and felt the push for the 3 districts plan would virtually eliminate the mayor's power to vote on a tie. He felt that with the new voter id bill, keeping four districts was better. He indicated he had no problem with the Mayor, who is also an elected official, to vote to cure a tie and really didn't understand the power struggle going on. He stated times are tough and we need to work together. He felt 12 members were better than 9 in bringing diverse thoughts to solve the tough budget decisions ahead.

Lawrence agreed with Hohol. He stated the logic in going from 4 to 3 districts has devolved into nothing more than we should try it. He stated we are trying to fix something that doesn't need fixing and the argument for cost savings is weak.

Christianson felt after sitting through two meetings they can't seem to separate the two issues between poll site versus number of alders. Not being broken? We have had a number of tie votes and we don't have a Mayor who is willing to make a decision. Is it broken? It is broken. We can't even make a decision here tonight. How do we move forward if we can't even make up our mind. With an odd number we could.

Peterson questioned if we stay with four districts whether it will alter the expectation of the voter as it relates to registration. Michaels replied that a registered voter who is redistricted to a new district does not need to re-register. They will be notified of their new district and assigned poll location. Peterson felt there would be fewer voters per alder and better representation with the 4 district plan. Additionally, he felt more alders meant more creativity.

Weiss noted he has served on council for 5 years and finds our current Mayor to be very cooperation in working with the Council. He has not seen any incidents that would warrant having her power taken away. He believed having 12 alders was better and that the Mayor was doing a good job.

Swadley supported the 3 district proposal and questioned whether choosing that plan would mean there would be 9 alders. It was explained that the current ordinance indicates 3 alders per district but that it doesn't prevent council from amending the ordinance in the coming months to another number as long as there was an evenly distributed number in each district. Swadley stated that Clerk Michaels has assured us there is a viable plan to streamline the process of voting to help with lines. He noted he would like to see our Mayor focus on daily operations rather than the political issues to break tie votes. He noted that whether or not you are for one plan or the other, if we go for the 3 district proposal it will save money. There is a cost to supply and staff poll sites with poll workers and we will need to purchase new voting machines at some point in the future. He indicated they went through dramatic changes recently in the schools and at the end of the day the kids still got on the bus and went to school. The amount of money we are talking about is what we budget for the youth center or the amount these folks here tonight are trying to saving on their special assessments. We will be looking to cut corners any way we can and this is one way.

Olstad noted that in taking a small straw poll of his constituents it has been nearly unanimous to go to a smaller council. He noted he has embraced change in his life and it is fun when you lead the charge versus it being led to you. He didn't believe have 9 alders to serve 12,611 people would be much of a change. He stated the bottom line is that the executive branch will decide this issue. He stated this is not about Mayor Olson, me, you or future elected officials. This is deciding whether we as a city want the title of mayor to break council vote ties. If you are on the fence, the executive branch will decide and fundamentally I don't agree with that.

Jenson stated he also took a straw poll of constituents and opinions weren't strong either way. There was indifference or strongly opinionated one way or the other. They just want us to do our job.

Motion by Jenson, second by Chenoweth to amend the amendment to adopt the 3 district plan and direct staff to bring forth an amendment of ordinance 2-146 which will strike one alderperson shall be elected each year from each aldermanic district for a term of three years and replace with two alderpersons shall be elected every two years from each district allowing the council to maintain 12 alderperson. Motion failed 2-10.

Amend 2-146	Yes	No
Peterson		1
Weiss		1
Swangstu		1
Swadley		1
McKichan		1
Christianson		1
Lawrence		1
Scovotti		1
Chenoweth	1	

Jenson	1	
Hohol		1
Olstad		1
Result	<u>2</u>	<u>10</u>

Failed

A vote was taken on the original amendment motion for the 3 district 9 ward plan. Vote failed on a tie 6-6. Mayor Olson voted no. Motion failed 6-7.

Amendment 3D	Yes	No
Weiss		1
Swangstu		1
Swadley	1	
McKichan	1	
Christianson	1	
Lawrence		1
Scovotti	1	
Chenoweth	1	
Jenson		1
Hohol		1
Olstad	1	
Peterson		1
Result	<u>6</u>	<u>6</u>
- Mayor Voted No		7

Failed 6-7

Hohol noted we already have a huge problem with voter apathy and reducing the number of poll sites will make it harder and less convenient to vote. He noted he is not in favor of reducing the number of opinions and sets of life experiences we have on this body. He noted they already have meetings cancelled due to lack of quorum.

Swadley expressed his concern with the amendment to the amendment for two year terms. He felt it would potentially lead to a lot of council turn over and would mean members would be in an almost perpetual year round cycle of campaigning.

Motion by Hohol, second by Jenson to call for the question. Motion failed 7-4-1 (required 2/3 vote to end debate). Debate continued.

Close Debate	Yes	No	Abs
Swangstu	1		
Swadley	1		
McKichan		1	
Christianson			1
Lawrence	1		

Scovotti		1	
Chenoweth		1	
Jenson	1		
Hohol	1		
Olstad		1	
Peterson	1		
Weiss	1		
Result	7	4	1

Failed (need 2/3 vote)

Chenoweth noted his disappointment. Olstad asked members to forget about who the Mayor is and think about the fact that the Mayor just decided the size of our council body for us. Scovotti noted that it was interesting that those who debated for the “voices of many” are going to allow the voice of one to decide this matter.

A vote was taken on the original motion for a 4 district 8 ward plan. Motion carried 7-4-1 on a roll call vote.

4 D Plan	Yes	No	Abs
Swadley		1	
McKichan		1	
Christianson			1
Lawrence	1		
Scovotti	1		
Chenoweth		1	
Jenson	1		
Hohol	1		
Olstad		1	
Peterson	1		
Weiss	1		
Swangstu	1		
Result	7	4	1

R-70-2011

Motion by Hohol, second by Peterson, to adopt a resolution of the Utilities approving the Stoughton Utilities application to the USDA for loan funding in an amount up to \$740,000. Motion carried 10-2 on a roll call vote.

Utilities Director Robert Kardasz noted this will be coming back before you but felt it was a win-win for the City and Utilities.

Hohol explained this is an economic development tool for a no interest loan. He noted the Utility can take application from folks interested in new development here in

Stoughton and already have someone interested. He noted it acts as a tenant, but would be essentially an incubator.

Swadley questioned why this program is through the Utilities and not the City. Utilities Director Kardasz explained it is only available to Utilities who have a rural customer base. He stated we would manage the project to ensure the money comes back into the loan program.

Jenson noted that their main concern was the risk. Kardasz explained that with the program, the Utilities will apply for the loan and work with our business partners at the bank to make sure the loan is strong. If the loan is not paid, the electric utility would be on the hook so we want it to be a really strong plan.

Chenoweth questioned the process and whether there is a prequalification. Kardasz indicated they would contact the USDA with the intent to apply and then it comes back with an approval. At that time, we would work with the client and our banking partner to set up a schedule for the money to be disbursed to them with the payments coming to us. He noted they would have to be a very strong candidate or we wouldn't come back to the council for approval.

Chenoweth questioned the approval process. Kardasz indicated that there is a banking partner with a loan officer who does this for a living.

McKichan stated we will have Stoughton Electric Utility become a developer. Kardasz stated you are not hearing that from me. In this case, we work with a new customer who has a viable business plan and should own that building when we are done. He noted the program has been used by one other utility in Wisconsin and Stoughton would be the second.

Chenoweth stated that we are talking about a bank customer. You don't just walk into a bank and get a loan. He stated he was not sure the place to do this is through the utility. We would be heading down a path whereby if someone defaulted the city would eat the loan.

Hohol stated this is an opportunity for \$750,000 of no interest economic development money coming into our city. There is collateral and a federal program set up for it to run through the Utilities. The City council would still have the opportunity to make sure the person who gets the loan is solid.

Scovotti asked Kardasz to explain how this money is distributed and what it is used for. Kardasz stated as of right now we are looking at the USDA with the intent to apply. Not making any commitment and they will get back to us. We will look at the business plan and if the owners are solid, we would draw on monies from USDA and then they would pay back the utilities. Scovotti questioned what the money would be used for. Kardasz indicated for the construction of a building. Scovotti summarized that the program would

involve applying for monies by the utilities to effect economic development in the City of Stoughton.

Olstad stated if we don't support the ability to apply for something then we don't trust ourselves. He felt this was a no brainer.

Roll call vote was taken.

R-70	Yes	No
McKichan		1
Christianson	1	
Lawrence	1	
Scovotti		1
Chenoweth	1	
Jenson	1	
Hohol	1	
Olstad	1	
Peterson	1	
Weiss	1	
Swangstu	1	
Swadley	1	
Result	10	2

R-79-2011

Motion by Christianson, second by Scovotti to adopt a resolution of the Public Safety Committee authorizing and directing the proper city official(s) to issue an Operator's license to Thomas Selbo. Motion carried 7-5 on a roll call vote

Scovotti noted that this person's employer has been sitting in the back of this room for 2 or 3 hours to support this person. He stated he would like to see this council give Mr. Selbo a second chance.

Hohol indicated it was not appropriate to disclose his convictions but noted they were not long ago and we have a recommendation from the Police Chief not to renew.

R-79	Yes	No
Christianson	1	
Lawrence	1	
Scovotti	1	
Chenoweth		1
Jenson	1	
Hohol		1
Olstad	1	
Peterson		1
Weiss		1

Swangstu	1	
Swadley		1
McKichan	1	
Result	<u>7</u>	<u>5</u>

R-80-2011

Motion by Christianson, second by Lawrence to adopt a resolution of the Public Safety Committee authorizing and directing the proper city official(s) to issue an Operator's license to Robert Vesterdahl. Motion carried 7-4-1 on a roll call vote.

Swadley stated if we vote for the motion we are voting against our own policy.

Lawrence noted that having sat on this Council for awhile and the Public Safety Committee many times going through the same machinations of deciding who should or shouldn't get a license, he felt members of Public Safety are the judge and jury. He stated he doesn't buy into the Council being bound by what the Police Chief recommends or what their record is. If a bartender goofs up, the infraction goes against the business. Lawrence stated he disagreed that they are voting against their own policy.

Attorney Dregne explained that the policy is directed at the Police Chief and goes about the task of establishing criteria as to how he should make a recommendation to the committee. It is not binding on council. The recommendation is presented to the committee who makes a recommendation to council.

Swadley questioned whether we were opening ourselves up to a discrimination claim if we rule one way and then a twin shows up and argues the same but we vote the other way? He stated this has nothing to do with the individual but having criteria so it is not too subjective.

Hohol questioned the process. Christianson explained that the individual is invited to Public Safety and may speak to the committee. The committee then makes their decision and forwards a recommendation to council. He stated they are in favor of being consistent and they do try to follow the policy but there are circumstances.

R-80	Yes	No	Abs
Lawrence	1		
Scovotti			1
Chenoweth		1	
Jenson	1		
Hohol		1	
Olstad	1		
Peterson	1		
Weiss		1	
Swangstu	1		

Swadley		1	
McKichan	1		
Christianson	1		
Result	7	4	1

R-81-2011

Motion by Christianson, second by Lawrence to adopt a resolution of the Public Safety Committee authorizing and directing the proper city official(s) to issue an Operator's license to Markee Raasch. Motion carried 10-2 with a roll call vote.

R-81	Yes	No
Scovotti	1	
Chenoweth		1
Jenson	1	
Hohol	1	
Olstad	1	
Peterson	1	
Weiss	1	
Swangstu	1	
Swadley		1
McKichan	1	
Christianson	1	
Lawrence	1	
Result	10	2

R-78-2011

Motion by Christianson, second by Scovotti to adopt a resolution of the Public Safety Committee authorizing and directing the proper city official(s) to issue an Operator's license to Sarah Hendrickson. Motion carried 12-0.

R-72-2011

Motion by Hohol, second by Jenson, to adopt a resolution of the Utilities approving the Stoughton Utilities preparation of a two-lot certified survey of the West Electric Substation Property. Motion carried 12-0.

R-74-2011

Motion by Jenson, second by Swangstu to adopt a resolution of the Personnel Committee authorizing and directing the proper city official(s) to fill the Assistant Director position at the Senior Center. Motion carried 9-3 on a roll call vote.

R74	Yes	No
Chenoweth		1
Jenson	1	
Hohol	1	
Olstad	1	

Peterson	1	
Weiss	1	
Swangstu	1	
Swadley	1	
McKichan		1
Christianson	1	
Lawrence	1	
Scovotti		1
Result	9	3

R-75-2011

Motion by Lawrence, second by Olstad, to adopt a joint resolution of the Public Works and Finance Committees authorizing and directing the proper city official(s) to award the 2011 33,000 GVW Dump Truck Bid to Capital City International. Motion carried 12-0 on roll call vote.

It was noted this was a budget amendment due to the bid coming in higher than anticipated and a lower than anticipated trade in value. Manthe noted that an old truck and some other equipment was sold to make up the difference.

R75	Yes	No
Jenson	1	
Hohol	1	
Olstad	1	
Peterson	1	
Weiss	1	
Swangstu	1	
Swadley	1	
McKichan	1	
Christianson	1	
Lawrence	1	
Scovotti	1	
Chenoweth	1	
Result	12	0

R-76-2011

Motion by Lawrence, second by Christianson, to adopt a resolution of the Finance Committee authorizing and directing the proper city official(s) to pay the subrogation claim of AFNI on behalf of Jennie P. Lien. Motion failed 0-12.

R-77-2011

Motion by Lawrence, second by Swadley, to adopt a resolution of the Finance Committee authorizing and directing the proper city official(s) to award the Curb, Gutter and Sidewalk Ramp Bid to Yeske Construction Company.

Motion by Scovotti, second by Hohol to postpone this matter to the next council meeting. Motion carried 12-0.

R-82-2011

Motion by Jenson, second by Lawrence to adopt a resolution of the Personnel Committee authorizing and directing the proper city official(s) to fill the Administrative Ass't position in the Police Department. Motion carried 10-2 on a roll call vote.

R-82	Yes	No
Hohol	1	
Olstad	1	
Peterson	1	
Weiss	1	
Swangstu	1	
Swadley	1	
McKichan		1
Christianson	1	
Lawrence	1	
Scovotti	1	
Chenoweth		1
Jenson	1	
Result	10	2

R-83-2011

Motion by Jenson, second by Lawrence to adopt a resolution of the Personnel Committee authorizing and directing the proper city official(s) to create an eligibility listing for future vacancies in the position of Patrol Officer at the Stoughton Police Department. Motion carried 12-0.

R-84-2011

Motion by Jenson, second by Christianson to adopt a resolution of the Personnel Committee authorizing and directing the proper city official(s) to extend the residency requirement of the Police Chief for one year to August 2012. Motion carried 11-1.

R-51-2011

Motion by Jenson, second by Hohol to reconsider a resolution of the Finance Committee authorizing improvements and levying special assessments against benefited property in the City of Stoughton for the improvement of curb and gutter in the 2011 Grind and Overlay Street Project at various locations as indicated in the project parcel listing. Motion failed 3-9

R-51	Yes	No
Reconsider		
Olstad	1	
Peterson		1

Weiss		1
Swangstu		1
Swadley		1
McKichan		1
Christianson	1	
Lawrence		1
Scovotti		1
Chenoweth		1
Jenson	1	
Hohol		1
Result	3	9

Aldersperson Weiss exited the meeting.

**CLOSED SESSIONS:**

Motion by Lawrence, second by Scovotti to enter into closed session pursuant to Wisconsin Statutes 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds or conducting other specified business, whenever competitive or bargaining reasons require a closed session in order to consider land purchase(s) as it relates to the Business Park Expansion and then reconvening into open session for the possible purpose of taking action on the item considered in closed session if warranted or continuing the agenda as posted and to enter into closed session pursuant to Wisconsin Statutes 19.85(1)(g) for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved as it relates to the alcohol beverage licensing activities and then to reconvene back into open session for the purpose of taking action of the closed session item and/or continuing the agenda. Motion carried 12-0 on a roll call vote.

Motion by Lawrence, second by Hohol to reconvene the meeting into open session. Motion carried 12-0.

O-14-2011

Motion by Chenoweth, second by Swadley to suspend Rule 2-42 to waive the 2<sup>nd</sup> reading and vote on the ordinance tonight. Motion carried 9-1-1 on roll call vote.

Waived Rule 2-42	Yes	No	Abs
Weiss			
Swangstu			1
Swadley	1		
McKichan	1		
Christianson	1		
Lawrence	1		
Scovotti	1		

Chenoweth	1		
Jenson	1		
Hohol		1	
Olstad	1		
Peterson	1		
Result	9	1	1

Motion by Chenoweth, second by Christianson to adopt an ordinance amending Section 14-38(a) in Article II (Alcohol Beverages) in Chapter 14 Businesses, of the Municipal Code of the City of Stoughton, Dane County, Wisconsin. Motion carried 6-4-1 on roll call vote.

O-14	Yes	No	Abs
Swangstu			1
Swadley	1		
McKichan	1		
Christianson	1		
Lawrence		1	
Scovotti	1		
Chenoweth	1		
Jenson		1	
Hohol		1	
Olstad	1		
Peterson		1	
Weiss			
Result	6	4	1

R-62-2011

Motion by Christianson, second by Chenoweth to approve a resolution of the Public Safety Committee authorizing and directing the proper city official(s) to issue Liquor License as identified for the renewal period of July 1, 2011 through June 30, 2012 (for applicants who filed after April 15<sup>th</sup>). Motion carried 10-0-1.

R-62	Yes	No	Abs
Swadley	1		
McKichan	1		
Christianson	1		
Lawrence	1		
Scovotti	1		
Chenoweth	1		
Jenson	1		
Hohol	1		
Olstad	1		
Peterson	1		

Weiss			
Swangstu			<u>1</u>
Result	10	0	1

Motion by Lawrence, second by Christianson to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 12:30 pm.

Respectfully submitted,

Kelly Michaels, WCMC, CMC  
City Clerk/Personnel Director