City of Stoughton
Common Council Minutes
January 25, 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, January 25, 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, Olstad, Hohol, Carter. The following Alderpersons were excused: Weiss, Scovotti.

No proclamations or presentations were made.

Reports / Claims / Communications:

The following were presented and placed on file: City Check Register – Monthly Claims Report, Utilities Check Register Summary, Community Affairs/Council Policy Meeting Minutes, Library Board Minutes, Planning Commission Minutes and Personnel Committee Minutes.

Alderperson Steve Tone reviewed the claims process including the purchasing policy adopted in 2008. Mayor Olson further explained this process indicating we would be looking at ordinances as a housekeeping measure to make sure our policy is not in conflict with the ordinance.

Alderperson Hohol congratulated Alderperson Sonny Swangstu who was named Citizen of the Year in support of his work in the community and with the Youth Center.

City Planner Rodney Scheel highlighted the Regional Transit Authority Board which will be meeting in Stoughton this Thursday. He welcomed members to participate in their outreach efforts and noted he planned to give a summary of our Shared Ride Taxi service as well. Alderperson Tim Carter pointed out the RTA agenda had indicated the meeting was on Wednesday but he confirmed it is actually Thursday.

Public Comment:

Brenda Taylor Tummett, 3047 Shore View Drive, spoke to the Council reference the process at the Plan Commission and noted she was not asked to speak. She expressed concern that the only information provided was that of the developer. She spoke against the land division and asked the Council to table the issue to seek neighborhood input.

Carl Tummett, 3047 Shore View Drive, noted the developer was to have a neighborhood meeting to address their concerns. However, the meeting has yet to occur. He spoke against the land division and asked the Council to delay action until the neighborhood meeting takes place.

Planner Scheel noted for the record he was not related to the developer, who had a similarly pronounced name but spelled differently.

Consent Agenda:

Motion by Lawrence, second by Carter to adopt all items on the consent agenda as presented. Motion carried 10-0.

Minutes of a previous meeting: January 11, 2011

Old Business:

None.

New Business:

R-4-2011

Motion by Hohol, second by Chenoweth to adopt a resolution of the Plan Commission approving a conditional use permit – Veteran's of Foreign War Badger Post #328 (VFW), 200 Veteran Road, Stoughton WI. Motion carried 9-1, with Christianson casting the dissenting vote.

Alderperson Hohol indicated the conditions were the same as other properties that have gained permission. Attorney Dregne noted he had reviewed the premise and wished to share a few issues related to the license itself and ordinance. There is a license for the sale and consumption of alcohol on the described premise. There is also an application and process for licensure to obtain permission for outdoor consumption and an ordinance on the books which exempts VFW in their picnic shelter area only. The current license indicates a premise description as the bar upstairs and downstairs. That is significant as this area is legally the only area whereby alcohol is allowed to be served and consumed. The VFW may be under the false impression they may sell and serve at any location on their premise. There is also language in the ordinance which has a provision indicating no alcohol may be served or sold in anything but one room. This is a problematic ordinance because it is in conflict with where I suspect alcohol is being served in establishments all over the City. Attorney Dregne suggested we take a look at the language in this particular ordinance.

Dregne noted that one of the motivating factors is the state's new smoking law. The VFW and possibly others are looking for an opportunity to provide a smoking area that allows their patrons to take their drink with them while they are smoking. There are completely different rules in play for the structure than those in play for licensure. The VFW would also need an amendment to its premise description on their license to describe all areas alcohol is served and there may be other issues. Dregne noted these

licensing issues would be going before the Public Safety Committee but he wanted to make sure the folks at the VFW were aware that there are other issues besides getting permission to build a structure. Dregne also cautioned there would likely be additional applications coming from other establishments to request similar permissions. Plan Commission would need to deal with these using factors considering just the structure and then a second process would be needed to deal with the licensing issue. Dregne questioned whether they were interested in looking at their process.

Carter wanted to make it clear the issue had not come before the Public Safety Committee yet. He clarified the only thing before them was for the conditional use permit as a smoking facility and not an alcohol beverage license. Scheel agreed.

Hohol pointed out there is other applicants that will be looking to do additional things for the same reasons. He did not believe it was necessary to link the two processes. He felt they could vote tonight to finish the one part and the alcohol would be a separate step. Mayor Olson indicated she would be meeting with a representative of the VFW along with Leck, Scheel and Michaels to talk through these issues. Hohol indicated the VFW was ok with the conditions.

R-5-2011

Moved by Hohol, second by Chenoweth to adopt a resolution of the Plan Commission approving an Extraterritorial Land Division – Lot 20, Country Club Estates, Town of Pleasant Springs. No action.

Motion by Hohol, second by Carter to table the resolution to allow the Township to act on the land division first. Motion carried 10-0.

Scheel indicated the Town of Pleasant Springs is responsible to determine the lot sizes and should be following the wishes of their constituents. This action is for the extraterritorial land division and the resolution requires the town to take responsibility as such.

Carter noted he would oppose because it is a land division less than 1 acre within our extraterritorial jurisdiction. He noted he had received a concern from a constituent that informed him more than 50% of neighbors are not in favor of this division and that the developer is not abiding by deed restrictions. Tone questioned the timing of the two meetings. Scheel indicated he was not aware of any timing requirements.

R-6-2011

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 #1 as it relates to the EMS Remodeling Project. Motion carried on a Roll Call Vote of 10-0. Roll Call Ayes: Swangstu, Lawrence, Christianson, McKichan, Chenoweth, Jenson, Olstad, Hohol, Carter, Tone.

Christianson questioned whether the EMS was an enterprise fund and whether we are fronting them and why they are asking the council for permission. Sullivan noted that the remodeling project involved borrowed funds. She further explained the council would act anytime there is a change.

Motion by Lawrence, second by Christianson to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:38 pm.

Respectfully submitted,

Kelly Michaels, WCMC, CMC
City Clerk/Personnel Director