

CITY OF EDGERTON
REGULAR COMMON COUNCIL MEETING
EDGERTON CITY HALL, COUNCIL CHAMBERS
12 ALBION STREET

Tuesday, September 3, 2019 at 7:00 p.m.

1. Call to order; Roll call
2. Pledge of Allegiance.
3. Confirmation of appropriate meeting notice posted on Friday, August 30, 2019.
4. Council acceptance of agenda.
5. Personal appearances for non-agenda items limited to 3 minutes.
 - A. The public will be allowed to speak on agenda items during the meeting.
6. Minutes:
 - A. Consider approval of minutes from August 19, 2019 Council meeting.
7. Committee Reports:
 - A. Finance Committee:
 1. Consider pay request #1 from 1901 Inc for library HVAC project.
 2. Consider change order #1 from KPH Environmental Corp for 407 N Main St Asbestos Abatement contract.
 3. Consider approval of bills and payroll vouchers.
 4. Consider approval of licenses.
 - B. Tree Board:
 1. Report on discussion and action taken at previous meeting, future agenda items and upcoming scheduled meetings.
 - C. Veterans' Ad Hoc Committee:
 1. Report on discussion and action taken at previous meeting, future agenda items and upcoming scheduled meetings.
 - D. Fire District:
 1. Report on discussion and action taken at previous meeting, future agenda items and upcoming scheduled meetings.
 - E. Public Works:
 1. Consider introducing and approving the first reading of City of Edgerton Ordinance 19-08: Amending Chapter 9.03 "Parking Restrictions" of the Code of General Ordinances.
8. Consider introducing and approving the first reading of City of Edgerton Ordinance 19-07: Creating Chapter 33, "Room and Lodging Tax" and impose a room tax for the City of Edgerton.
9. Consider Adoption of Proclamation for City of Edgerton Fair Housing.
10. Consider Mayor's appointments.
11. Mayor, alderperson and staff reports.
12. Adjourn.

Notice: If a person with a disability requires that the meeting be accessible or that materials at the meeting be in an accessible format, call the City Administrator's office at least 6 hours prior to the meeting to request adequate accommodations. Telephone: (608) 884-3341.

Memo

To: Common Council
From: Staff
Date: 8/30/2019
Re: September 3, 2019 Meeting

Change order to 407 N Main Asbestos Abatement contract: All Universal Waste (AC units, ballasts , light bulbs and electric panels) are hazardous waste and must be removed from the building. The asbestos abatement contractor has provided a change order in the amount of \$4,730 to remove these items. The alternative to having the asbestos contractor remove the materials is to have the demolition contractor do this work. Staff feels the asbestos abatement contractor is best suited to do this type of work.

Fair Housing Proclamation: As part of the CDBG Rollin Street grants, the City must pass a Fair Housing Proclamation.

**AUGUST 19, 2019 COMMON COUNCIL MEETING MINUTES
CITY OF EDGERTON**

Mayor Christopher Lund called the meeting to order at 7:09 p.m.

Present: Sarah Braun, David Esau, Candy Davis, Debbie Olson, Anne Radtke and Jim Burdick

Others Present: City Administrator Ramona Flanigan, Utility Director Randy Oren, City Clerk/Treasurer Cindy Hegglund, Police Chief Bob Kowalski, City Attorney Bill Morgan, and a group of citizens.

Hegglund confirmed the meeting agendas were properly posted on Friday, August 16, 2019 at the Post Office, Edgerton Library and City Hall.

ACCEPT THE AGENDA: A Candy Davis/Debbie Olson motion to accept the agenda as posted passed, all voted in favor.

MINUTES: A Sarah Braun/David Esau motion to approve the minutes from the August 5, 2019 Common Council meeting passed, all voted in favor.

COMMITTEE REPORTS:

Finance Committee: A Candy Davis/Sarah Braun motion to approve pay request #7 for the Broadway/Chaucer St project from G. Fox & Sons Inc in the amount of \$21,353.23 passed on a 6/0 roll call vote.

A Candy Davis/David Esau motion to approve change order #2 for the Business Park Phase 3 project from R.T. Fox Inc for an increase of \$10,000 passed on a 6/0 roll call vote.

A Candy Davis/David Esau motion to approve the final pay request for the Business Park Phase 3 project from R.T. Fox Inc in the amount of \$10,000 passed on a 6/0 roll call vote.

A Candy Davis/Sarah Braun motion to approve pay request #2 from R.T. Fox Inc for the Sweeney Rd project in the amount of \$227,677.21 passed on a 6/0 roll call vote.

A Candy Davis/Sarah Braun motion to approve change order #1 for the 2019 Sidewalk Program from JB Johnson Brothers for a decrease of \$5,252.50 passed on a 6/0 roll vote.

A Candy Davis/David Esau motion to approve the final pay request for the 2019 Sidewalk program from JB Johnson Brothers in the amount of \$4,494.22 passed on a 6/0 roll call vote.

A Candy Davis/David Esau motion to approve the bills and payroll list in the amount of \$514,615.21 passed on a 6/0 roll call vote.

A Candy Davis/Jim Burdick motion to deny an Operator's License to Alexandria Welte passed on a 6/0 roll call vote.

Candy Davis/David Esau moved to postpone the decision on an Operator License for Caitlin Ritchie until the final disposition of all charges.

Ms Ritchie has a pending court date for the alcohol related charges. Radke asked if another background check would be performed when the charges are settled? Heggglund stated that without reapplying there would not be another background check. Davis suggested adding a deadline of December 31, 2019. This will give the court time to rule on the charges. If there is no decision by the this date, Ritchie will need to reapply and another background check will need to be done.

Candy Davis/David Esau moved to amend the motion to add a deadline of December 31, 2019 whichever occurs first. The motion passed on a 6/0 roll call vote.

A Candy Davis/David Esau motion to postpone the decision on an Operator License for Caitlin Ritchie until the final disposition of all charges or December 31, 2019 whichever occurs first passed on a 6/0 roll call vote.

Mayor Lund stated the city is fortunate to receive this grant money. Without the grant this project would not happen for many years. He recognized the hard work of the City Hall staff in procuring the grant.

A Candy Davis/David Esau motion to accept the award of a \$686,000 CDBG-PF Grant for the reconstruction of W Rollin St from N Main St to Albion St passed on a 6/0 roll call vote.

A Candy Davis/Anne Radtke motion to close the State Revolving Loan Fund and return the entire amount of funds in the bank account and the loan amount passed on a 6/0 roll call vote.

A Candy Davis/David Esau motion to adopt City of Edgerton Resolution 19-19: Final resolution declaring the City Council's intentions for the 2019 Sidewalk Project to exercise special assessment police powers passed on a 6/0 roll call vote.

Jim Burdick felt the lease does not increase the monthly lease amount enough.

A Candy Davis/Sarah Braun motion to approve the Veteran's Building lease with the revisions passed on a 5/1 roll call vote. Jim Burdick voted against the motion.

A Candy Davis/Debbie Olson motion to approve crack filling around Racetrack Park concession stand in the amount of \$1,000 passed on a 6/0 roll call vote.

Being no other business before the Council, a Candy Davis/Debbie Olson motion to adjourn passed, all voted in favor.

Cindy Heggglund/wl
City Clerk-Treasurer
Adopted September 3, 2019

**CITY OF EDGERTON
ORDINANCE No. 19-08**

**AN ORDINANCE TO AMEND SECTION 9.03 “PARKING RESTRICTIONS” OF THE
EDGERTON CODE OF GENERAL ORDINANCES,
CITY OF EDGERTON ROCK AND DANE COUNTIES, WISCONSIN**

Aldersperson _____ introduced the following Ordinance and moved its adoption:

THE COMMON COUNCIL OF THE CITY OF EDGERTON, ROCK AND DANE COUNTIES,
WISCONSIN, DO ORDAIN AS FOLLOWS:

9.03 PARKING RESTRICTIONS shall be amended by adding item (f) and renumbering the ordinances as follows:

(1) No person shall stop or leave any vehicle standing or parked in any of the following places, except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of an emergency or to avoid obstruction of traffic:

- (a) In a loading zone as designated by an official traffic sign.
- (b) In an alley in a business or commercial district, except for the sole purpose of loading or unloading. Said loading or unloading shall be restricted to no more than ten (10) minutes.
- (c) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
- (d) Within four (4) feet of the entrance to an alley or a private road or driveway.
- (e) Closer than fifteen (15) feet to the near limits of a crosswalk.
- (f) **Within fifteen (15) feet of the curb radius at an intersection.**
- ~~(f)~~ (g) Upon any portion of a highway, roadway or throughway where and at the time when parking is prohibited, limited or restricted by official traffic signs, by official markings on the roadway, highway or throughway, or curb markings indicating no parking.
- ~~(g)~~ (h) Upon any bridge in the City of Edgerton.
- ~~(h)~~ (i) Upon any sidewalk or any terrace area in the City, said terrace area being the area between the sidewalk and the curb on any street or highway.
- ~~(i)~~ (j) Upon any street or highway in any area which has been designated and marked with signs or barriers by the Police Department or the Street Department indicating no parking due to snow removal or other purposes. Said signs or barriers indicate that a snow emergency exists until such time as the snow is removed and the signs or barriers are taken down, or that other circumstances exist which prohibit parking until such time as the barriers are removed. The parking prohibition of this section shall control over any other ordinance which might conflict in anyway.
- ~~(j)~~ (k) **Winter Parking Regulations.**
 1. Upon any street or highway during a snow event. A snow event is the period of time during and after any snowfall until after the snow from said street or highways has been removed or plowed to the curblines. Any vehicles parking or

left standing in violation of this section may be ticketed and/or removed by or under the direction of the City of Edgerton Police Department or Street Department. The expense of any such removal may be charged to the owner of the vehicle. Removal of said vehicle shall not prevent prosecution under this ordinance.

2. Snow emergency, as determined by the City, shall be effective when official traffic signs have been placed or erected at or reasonably near the corporate limits of Edgerton on all State or County Trunk Highways and connecting highways.
- ~~(*)~~ (I) General parking restrictions are posted on signs located on all State or County Trunk Highways and connecting highways entering the corporate City limits.

This Ordinance shall be in full force and effect after its passage and publication.

Seconded by Alderperson:

Roll Call: Ayes Noes

1st Reading: September 3, 2019

2nd Reading:

Christopher W. Lund, Mayor

Adopted:

Published:

Dated:

Ramona Flanigan, City Administrator

STATE OF WISCONSIN)

)ss.

COUNTY OF ROCK)

I, Ramona Flanigan, City Administrator, City of Edgerton, Rock and Dane Counties, Wisconsin, do hereby certify that the foregoing is a true and correct copy of the ordinance adopted by the Common Council of the City of Edgerton at its regular meeting the ____ day of _____, 2019.

Ramona Flanigan, City Administrator

CITY OF EDGERTON
ORDINANCE No. 19-07
OF THE EDGERTON CODE OF GENERAL ORDINANCES,
CITY OF EDGERTON ROCK AND DANE COUNTIES, WISCONSIN

AN ORDINANCE TO CREATE A ROOM TAX DISTRICT
AND IMPOSE A ROOM TAX

Aldersperson _____ introduced the following Ordinance and moved its adoption:

WHEREAS, §66.0615 of the Wisconsin Statutes (“Room Tax Act”) authorizes the governing body of a municipality to adopt an ordinance imposing a tax on the privilege of furnishing, at retail, rooms or lodging to transients by hotelkeepers, motel operators, lodging marketplaces, owners of short-term rentals or other persons furnishing accommodations which are available to the public (“Room Tax”); and

WHEREAS, if a tax is imposed under this statute, the imposing municipality must spend at least seventy (70%) percent of the room tax collected on tourism promotion and development, as defined in Wisconsin Statutes §66.0615(1m)(d)1, and that the remaining amount may be spent on municipal purposes; and

WHEREAS, the Common Council of the City of Edgerton has researched the issue of implementing a room tax and had determined that the collection of such a tax would benefit its efforts to attract paid overnight lodging at multiple lodging properties for the benefit of the community; and

WHEREAS, the creation of a tourism zone as provided by Wisconsin Statutes §66.0615 requires the creation of an Intergovernmental Cooperation Commission created under Wisconsin Statutes §66.0301 to oversee the use of the collected tax on overnight lodging; and

WHEREAS, Common Council of the City of Edgerton finds that the geographic area encompassing the CITY OF EDGERTON, WISCONSIN, a Wisconsin municipal corporation and political subdivision (“Edgerton”), the TOWN OF ALBION, WISCONSIN, a Wisconsin municipal corporation and political subdivision (“Albion”), and the TOWN OF FULTON, WISCONSIN, a Wisconsin municipal corporation and political subdivision (“Fulton”), is perceived by the traveling public as a single tourism destination as that term is used in the Room Tax Act (the “Edgerton Tourism Zone”); and

WHEREAS, the Common Council of the City of Edgerton finds that the best interests of the City of Edgerton are served by the passage of this Ordinance.

NOW THEREFORE, the City Council of the City of Edgerton does hereby enact the following ordinances to be effective in the City of Edgerton as follows:

CHAPTER 33

Room and Lodging Tax

(1) DEFINITIONS.

Except as defined below, capitalized terms shall have the definitions ascribed to them in §66.0615 of the Wisconsin Statutes.

- (a) “Chamber” shall mean the Edgerton Area Chamber of Commerce Inc., a Wisconsin nonstock corporation, and its’ successors.
- (b) “Tourism Zone” shall mean that geographic area encompassing the City of Edgerton, Wisconsin; the Town of Albion, Wisconsin; and the Town of Fulton, Wisconsin that hereafter becomes a party to the Room Tax Commission Agreement.
- (c) “Operators” shall mean hotelkeepers, motel operator, lodging marketplaces, owners of short-term rentals, and other persons furnishing accommodations that are available to the public, which are located in the City and are obligated to pay Room Taxes under this Ordinance.
- (d) “Quarterly Payment Date” shall mean each January 31, April 30, July 31, and October 31, each of which is the last day of the month next succeeding the end of a calendar quarter.
- (e) “Room Tax” shall mean a tax on the privilege of furnishing, at retail, rooms or lodging to transients by the Operators pursuant to the Room Tax Act.
- (f) “Room Tax Act” shall mean §66.0615 of the Wisconsin Statutes, as amended from time to time.
- (g) “Room Tax Commission” shall mean the Edgerton Room Tax Commission created by the Municipalities within the Tourism Zone pursuant to the Room Tax Commission Agreement in order to coordinate tourism promotion and tourism development within the Tourism Zone.
- (h) “Room Tax Commission Agreement” shall mean the Room Tax Commission Agreement, dated October 1, 2019 entered into by and among the Municipalities and the Room Tax Commission, as amended from time to time.

(2) IMPOSITION OF ROOM TAX.

- (a) Tax Imposed. Pursuant to the Room Tax Act, there is hereby imposed a five percent (5%) Room Tax on the privilege of furnishing, at retail, rooms or lodging to transients, by the Operators. Operators shall remit all Room Taxes to the City Treasurer in accordance with the requirements of this Ordinance and the Room Tax Act. Such tax shall not be subject to the selective sales tax imposed by Wisconsin

Statutes §77.52(2)(a)1, and may not be imposed upon sales to the federal government and persons listed under Wisconsin Statutes §77.54(9a). The Room Tax shall be allocated as follows:

- (1) Seventy percent (70%) shall be imposed and allocated toward the support of the Room Tax Commission, to be used for the promotion of the Tourism Zone as a tourism destination.
 - (2) Thirty percent (30%) (“Municipal Room Tax”) shall be imposed and retained by the City of Edgerton to be used as determined by the City Council.
- (b) Taxation Effective Date. The effective date of the Room Tax shall be January 1, 2020.
- (c) Room Tax Payment Frequency. Room Tax shall be paid by the Operator on a monthly basis. It shall be paid by the end of the month following the month in which it was collected to the City Treasurer.
- (d) Quarterly Room Tax Return^[WEM1]. The Quarterly Room Tax Return filed with the room tax payment by the Operator shall contain the following information: name of the business, physical address, postal address, municipality located within, name of the designated person filling out the return, quarter and year the return is for, total available rental units during each month of the quarter (number of rental units in the facility multiplied by the days in the quarter or days they were open), number of rooms or units rented, total lodging sales for each month, room tax to be paid (which should equal total lodging sales multiplied by the 5% Room Tax) and the signature of the person filling out this return, attesting to the accuracy. This information will allow the municipality or Commission to judge the accuracy of the return and with all returns in total, to judge the effectiveness of the tourism promotion.

Every Operator required to file such quarterly report shall, with the first report, elect to file an annual report based on either the calendar year or its fiscal year. Such annual report shall be filed within ninety (90) days of the close of each such calendar or fiscal year. The annual return shall summarize the quarterly reports, shall reconcile and adjust for errors in the quarterly reports, and shall contain certain such additional information as the City requires. Such annual reports shall be signed by a representative of the Operator or its duly authorized agent, but need not be verified by oath. The City may, for good cause, extend the time of filing any report, but in no event shall such extension be longer than one (1) month after the due date.

- (e) Priority of Payment. In the event any Operator fails to remit the entire Room Tax amounts due on any Quarterly Payment Date under this Ordinance, the City directs that the amounts actually received by the City shall be applied in the following priority order:

1. First, to the Room Tax Commission until paid in full;
2. Second, to the City general fund.

(f) Confidentiality of Reports. All Room Tax returns, schedules, exhibits, writings or audit reports relating to such returns, on file with the Commission and the municipality are deemed confidential pursuant to Wisconsin Statutes §66.0615(3) except they may divulge their contents to the following, and no others:

1. The person who filed the return.
2. Officers, employees or agents of the City Treasurer and the Commission.
3. Other persons for the use in the discharge of duties imposed by law, or in the discharge of the duties of their office (unless otherwise prohibited by law), or by order of a court.

(3) **TOURISM ENTITY**. The Room Tax Commission shall contract with a “tourism entity,” or qualified “non-profit organization” as those terms are that term is defined in the Room Tax Act, (collectively, Tourism Entity) for purposes of providing staff, support services and assistance to promote the Tourism Zone to visitors as more fully set forth in an agreement between the Room Tax Commission and the Tourism Entity.

(4) **ADMINISTRATION OF ROOM TAX**

(a) This Ordinance shall be administered by the City Treasurer.

(b) Permit Required^(WEM2). Every Operator under this Ordinance shall annually file with the City Clerk an application for a permit for each place of business that is required to collect Room Tax hereunder before providing lodging for transients. Every application for a permit shall be made upon a form prescribed by the City and shall pay an annual fee of thirty-five dollars (\$35) set forth the name under which the applicant transacts or intends to transact business, the location of place of business, and such other information as the City requires. The application shall be signed by the owner if a sole proprietor and, if not a sole proprietor, by the person authorized to act on behalf of such owner. At the time of making an application, the applicant shall pay the City an initial fee of thirty-five dollars (\$35.00) for each permit. A permit issued hereunder is non-transferable.

(5) **ENFORCEMENT**

The City shall enforce this Ordinance in accordance with the Room Tax Act.

- (a) Penalty for Violations. In addition to the forfeiture set forth in subsection (c) herein, any Operator in violation of the terms of this Ordinance by failing to obtain and maintain a permit, when such permit is required, shall be subject to a forfeiture not to exceed \$200.00 for each violation. Each room or unit separately rented or offered for rent, and each day of such rental or offer for rental of such unit shall be a separate violation. In addition, injunctive relief is hereby authorized to discontinue any violation of this Ordinance. Any Operator deemed to have violated any of the provisions of this Ordinance shall be obligated to pay the costs of prosecution, in addition to actual attorney fees expended in the course of said enforcement. The City may revoke or suspend any permit issued hereunder for failure to comply with the provisions hereof.
- (b) Liability for Tax on Sale or Transfer of Business. If any Operator liable for any amount of tax under this Ordinance sells or transfers all or substantially all of its interest in its hotel, motel or other lodging accommodation, its successors or assigns shall withhold sufficient amounts from the purchase price to pay any amount of Room Tax liability due through the sale or transfer date until the Operator produces a receipt that its liability has been paid in full or a certificate stating that no Room Tax amount is due. If a successor Operator subject to the tax imposed by this Ordinance fails to withhold such amount from the purchase price as required, such successor Operator shall become personally liable for payment of the Room Tax amount it is required to withhold.
- (c) Delinquent Room Tax. Delinquent Room Tax returns shall be subject to a twenty-five dollar (\$25) late filing fee. The tax imposed by this Ordinance shall become delinquent if not paid by the due date of the return. A forfeiture of twenty-five percent (25%) of the room tax due or five thousand dollars (\$5,000.00) whichever is less, of the tax imposed, is hereby established and due and owing in the event that the room tax is not paid within thirty (30) days after the due date of the return. In addition to this forfeiture, all unpaid taxes under this Ordinance shall bear interest at the rate of one percent (1%) per month from the due date of the return until received and deposited by the City Treasurer.
- (d) Inspection and Audit of Financial Records. Whenever the City Treasurer has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, or that the tax has not been paid, the City Treasurer is authorized to examine and inspect the books, records, memoranda and property of any person in order to verify the tax liability of the person or another person to determine the amount of tax owed. Any Operator who fails to comply with a request to inspect and audit the Operator's financial records shall be subject to a forfeiture in an amount equal to five percent (5%) of amount of tax due in the best judgment of the City Treasurer. The Operator shall pay the amount of tax determined due by the City Treasurer plus interest at the rate of one percent (1%) per month on the unpaid balance. If any past due tax, interest or penalties are due at the beginning of

a calendar year, a new annual room tax-lodging permit will not be issued by the clerk of the municipality unless satisfactory financial arrangements have been made with the City Treasurer to satisfy payment.

This Ordinance shall be in full force and effect after its passage and publication.

Seconded by Alderperson:

Roll Call: Ayes Noes

1st Reading: September 3, 2019

2nd Reading:

Christopher W. Lund, Mayor

Adopted:

Published:

Dated:

Ramona Flanigan, City Administrator

STATE OF WISCONSIN)

)ss.

COUNTY OF ROCK)

I, Ramona Flanigan, City Administrator, City of Edgerton, Rock and Dane Counties, Wisconsin, do hereby certify that the foregoing is a true and correct copy of the ordinance adopted by the Common Council of the City of Edgerton at its regular meeting the _____ day of _____, 2019.

Ramona Flanigan, City Administrator

**CITY OF EDGERTON
PROCLAMATION**

Recognition of Fair Housing within the City of Edgerton

WHEREAS, the Edgerton City Council recognizes the enactment of the Federal Fair Housing Act of 1968; and

WHEREAS, a fundamental goal of government is to eliminate discrimination and assure the rights of every resident without regard to race, religion, sex, national origin, disability, family status, age, source of income, sexual orientation, gender identity, marital status, immigration status and first language; and

WHEREAS, as the City of Edgerton recognizes that Fair Housing reflects on the importance in communities, states, and the nation to affirm civil rights and oppose discrimination; and

WHEREAS, the City of Edgerton affirms every American has the right to live with dignity in any area they desire without fear of discrimination, and supports state and federal protection against discrimination in the sale and rental of housing; and

WHEREAS, the City of Edgerton supports the education of homeowners, realtors, landlords, property managers, homebuyers, and tenants regarding their rights and responsibilities under federal and state fair housing laws; and

WHEREAS, the City Council is proud of its commitment to fair housing, recognizes the need to affirmatively promote fair housing in its policies and practices, and will continue to work to identify and remove impediments to fair housing choices.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Edgerton hereby confirms its commitment to Fair Housing in regards to the Federal Fair Housing Act of 1968 to ensure there is equal access to housing for every member in the community.

Christopher Lund, Mayor

Ramona Flanigan, City Administrator