

**JANUARY 6, 2020 COMMON COUNCIL MEETING MINUTES
CITY OF EDGERTON**

Mayor Christopher Lund called the meeting to order at 7:00 p.m.

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

Others Present: City Administrator Ramona Flanigan, City Clerk/Treasurer Cindy Hegglund, Utility Director Randy Oren, Municipal Services Director Howard Moser, Police Chief Bob Kowalski, Library Director Kirsten Almo, City Attorney Bill Morgan, Edgerton Reporter and a group of citizens.

Hegglund confirmed the meeting agendas were properly posted on Friday, January 3, 2020 at the Post Office, Edgerton Library and City Hall.

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

MINUTES: A Candy Davis/David Esau motion to amend the minutes by adding quotes passed, all voted in favor.

A David Esau/Sarah Braun motion to approve the minutes from the December 16, 2019 Common Council meeting as amended passed, all voted in favor.

COMMITTEE REPORTS:

Finance Committee: A Candy Davis/David Esau motion to approve the final pay request from 1901, Inc in the amount of \$16,477.75 for the Library HVAC project passed on a 6/0 roll call vote.

A Candy Davis/Debbie Olson motion to approve the bills and payroll list in the amount of \$199,264.82 passed on a 6/0 roll call vote.

A Candy Davis/David Esau motion to approve a Temporary Class “B” Liquor License to the Edgerton Chamber of Commerce for trivia night on January 25, 2020 passed on a 6/0 roll call vote.

A Candy Davis/David Esau motion to deny an Operator’s License for Megan Luchsinger passed on a 6/0 roll call vote.

ORDINANCE 19-09: The second sentence of Ordinance 19-09: “Prohibiting the Use of Tobacco Products”, section 18.105(4)7 needs to be clarified. As adopted, it does not specify if the Council’s intention was to require events approved by an event packet establish a segregated smoking area. Two options for the amendment were presented to the Council. Option 1 states the event organizers shall designate smoking areas in a location reasonably removed from the main observation area but cannot include the entire venue. Option 2 states the event organizers may designate smoking areas.

Candy Davis stated it was her understanding the Council wanted to give the event organizers the option to provide a designated smoking area. Heggland said the event packet would be amended to address the option to designate a smoking area.

A Jim Burdick/Sarah Braun motion to amend City of Edgerton Ordinance 19-09, "Prohibiting the Use of Tobacco Products", section 18.105 4(7) last sentence to read "Organizers of the city issued permitted events may designate smoking areas" and re-adopt passed on a 5/1 roll call vote. Anne Radtke voted against the motion.

VETERANS' MEMORIAL BUILDING: Mayor Lund read the report submitted by Chairperson Fred Falk and the Veterans Building Assessment Committee which recommends that, given the projected continued cost to the tax payers for a facility that does not have a viable city use, the City Council sell the building. The Committee also recommended the City Council request that any future owner of the building retain the Veterans' Memorial Community Center sign on the building. Mayor Lund also read his letter to the Council regarding the Veterans' Building Committee's recommendation to sell the facility and how he recommends any proceeds from a sale be used to benefit veterans.

Cathy Engler, 2825 Dartmouth Dr, Janesville, Owner of Edgerton Children's Center spoke regarding the sale of the building. Her discomfort with the sale of the building is in the timing. She stated that she was not made aware of the possible sale until September. When she signed the current lease she was not warned this was happening. She stated she applied for a building permit in April of 2019 for a storage shed and that was approved with no indication the building could be sold. Engler reported on some of the expenses she incurred in the maintenance of the building including blacktop, a broken refrigerator and stove, and some painting. She wanted the Council to understand she is vested in this building. She feels the vote has been rushed. She wanted the Council to know the impact the sale of the building would have on her and her staff professionally and personally. Ms. Engler is requesting the Council delay the decision until there can be more discussion about the impact it will have on the community.

A David Esau/Debbie Olson motion to delay taking action on the Committee's recommendation failed on a 2/4 roll call vote. Sarah Braun, Candy Davis, Anne Radtke and Jim Burdick voted against the motion.

David Esau stated the purpose of the delay would allow the Council to consider the new information that was presented. The information was financial in nature and the briskness of the whole process was alarming. He feels if there were citizen protests about the nature of the commercial enterprise they could be addressed more above board rather than behind the scenes. He feels the families that will be denied a top-rated service should be considered. Delaying the decision would allow all the people involved the opportunity to be heard. Flanigan asked for a list of items that still need explanation.

Candy Davis stated the Council's decision is not to shut down the business. She sympathizes with the families, however she is still trying to keep in mind the decision that needs to be made is not to keep open or close the business, it is about the building itself. Davis requested some additional information on the lease.

Attorney Morgan reported the lease is a 36-month lease. The current lease was signed on September 1, 2019 it runs through the end of August 2022. Morgan stated the “briskness” of the decision was because of the short time frame required to give notice to terminate or shorten the lease. According to the lease terms the City needs to give notice by February 1, 2020 if they wish to terminate early or shorten the lease. If the decision is not made the city will be locked into a 3-year lease. If the Council votes to shorten the lease, the lease will continue until July 2021.

Sarah Braun asked Ms. Engler what her opinion was about the option of buying the building. Ms. Engler stated she is not opposed to purchasing the building however, she does not want to over pay for a building that needs work. Engler stated the Council has not kept her informed of the process and as the tenant she feels she should be kept better updated.

Candy Davis inquired to the possibility of extending the notice date of February 1st by a month to give the Council the opportunity to answer any questions.

Ben Palmer, client of the Edgerton’s Children Center spoke in favor of the Children’s Center. He asked the Council be more considerate of Ms. Engler’s business and what an asset it is to the community.

Marnie Weis, 1151 Fieldcrest spoke in favor of the Children’s Center. She feels the Council should consider the 4k program that is offered at the center.

Fred Falk, N333 Charley Bluff Rd, Milton, Chairperson of the Veterans’ Building Committee wished to reply to the statement that “things were going on behind the scenes”. He feels this is very untrue. He stated there were four public meetings that were published. All the options for the building were addressed at every meeting. At the very last public meeting all but two of the options were eliminated. Mr. Falk would like to clarify that all the information that was gathered by the committee was shared with the Council. Esau clarified that his comment about secret discussions was not related to the Committee’s work but instead with neighbors’ comments.

Debbie Olson asked if it was common practice to give the current tenant right of first refusal. Attorney Morgan said no and that particular provision was not negotiated in the lease.

A Jim Burdick/Sarah Braun motion to accept the Veterans’ Memorial Building Committee’s recommendation to sell the Veterans Memorial Building passed on a 5/1 roll call vote. Debbie Olson voted against the motion.

Prior to the vote, Candy Davis asked what the next steps would be if the sale of the building is approved. Attorney Morgan stated some of the decisions that would have to be made are: time to sell, value of the property, and if the sale would be closed bids or open market.

VETERAN’S MEMORIAL BUILDING LEASE: A Debbie Olson/David Esau motion to table the decision to shorten the lease term on the Veterans Memorial Building lease agreement

until the next meeting passed on a 4/2 roll call vote. Candy Davis and Jim Burdick voted against the motion.

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

Cindy Hegglund/wl
City Clerk-Treasurer
Adopted January 20, 2020