

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

Monday, January 6, 2020 at 7:00 p.m.

1. Call to order; Roll call
2. Pledge of Allegiance.
3. Confirmation of appropriate meeting notice posted on Friday, January 3, 2020.
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 December 16, 2019 Council meeting.
7. Committee Reports:
 - A. Finance Committee:
 1. Consider approval of final pay request from 1904 Inc for the Library HVAC project.
 2. Consider approval of bills and payroll vouchers.
 3. Consider approval of licenses.
 - a. Consider Temporary Class “B” License for Edgerton Chamber of Commerce for Trivia on January 25, 2020.
 - b. Consider Operator’s License for Megan Luchsinger.
 - B. Fire District:
 1. Report on discussion and action taken at previous meeting, future agenda items and upcoming scheduled meetings.
8. Consider clarification amendment and re-adoption of City of Edgerton Ordinance 19-09: To Amend Section 18.105 “Prohibiting the Use of Tobacco Products”.
9. Discuss and consider Veteran’s Building Assessment Committee’s recommendation for future use of Veteran’s Memorial Building.
10. Consider taking action on the option to shorten the lease term in the Veteran’s Building lease agreement.
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.

**DECEMBER 16, 2019 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 and Citizens.

Hegglund confirmed the meeting agendas were properly posted on Friday, December 13, 2019 and an emergency amendment to the agenda was posted on December 16th at 1:00 pm. Agendas were posted at the Post Office, Edgerton Library and City Hall.

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

PERSONAL APPEARANCES: Bill Olmulski, 21 Garfield St appeared to discuss the money the City paid for the property at 407 N Main St. He feels the City has already paid too much money on a property they don't own and the taxpayers should not have to pay any more money toward this property.

MINUTES: A Candy Davis/David Esau motion to approve the minutes from the December 2, 2019 Common Council meeting passed, all voted in favor.

A Candy Davis/Debbie Olson motion to approve the minutes from the December 5, 2019 Joint Common Council and RDA meeting passed as corrected, all voted in favor.

COMMITTEE REPORTS:

Finance Committee: A Candy Davis/Debbie Olson motion to approve the bills and payroll list in the amount of \$256,977.76 passed on a 6/0 roll call vote.

A Candy Davis/Sarah Braun motion to approve an Operator's License to Alexis Smith passed on a 6/0 roll call vote.

A Candy Davis/David Esau motion to approve a Temporary Class "B" Beer License to the Edgerton Chamber of Commerce on December 17, 2019 passed on a 5/0/1 roll call vote. Candy Davis abstained.

A Candy Davis/David Esau motion to adopt City of Edgerton Resolution 26-19: 2020 Salary Resolution, with correction of Library Admin Salary after 5 years, passed on a 6/0 roll call vote.

Plan Commission: An Anne Radtke/Jim Burdick motion to approve a water main easement reduction at 910 Rock River Rd passed on a 6/0 roll call vote.

An Anne Radtke/Jim Burdick motion to approve a preliminary Certified Survey Map near the west side of the Industrial Park with the Plan Commission's conditions passed on a 6/0 roll call vote.

An Anne Radtke/Jim Burdick motion to adopt City of Edgerton Resolution 27-19: Approving final CSM near the west side of the Industrial Park passed on a 6/0 roll call vote.

PURCHASE AGREEMENT FOR 407 N MAIN ST: A request to extend the purchase agreement for 407 N Main to March 2020 is being made to allow extra time for the completion of the phase 2 soils analysis. The current owner is requesting the maximum carrying cost the city would owe be raised from \$8,000 to \$12,000 if the extension is approved. This increase would cover any additional costs they may incur during the extension. The new agreement would include snow removal and require the City to pay for title insurance and recording fees.

A Candy Davis/Sarah Braun motion to approve the extension of the purchase agreement for 407 N Main St passed on a 6/0 roll call vote.

ORDINANCE 19-09: Attorney Morgan submitted two versions of the ordinance incorporating the changes discussed at the last meeting. He stated version A is more inclusive and restrictive, version B is slightly less restrictive.

Jim Burdick stated he disagrees with the restrictive language of version A. He also disagrees with the language including chewing tobacco and snuff. He stated the purpose of the ordinance is to protect the public health, general welfare, safety and comfort of the people of Edgerton. He does not feel there is a second hand danger to the public if someone uses either chewing tobacco or snuff.

Candy Davis feels going directly to the most restrictive version may cause more problems. She felt that slowly moving in that direction with version B would be the best way to start.

Anne Radtke/Sarah Braun moved to approve the second reading and adopt City of Edgerton Ordinance 19-09: To Amend Section 18.105 "Prohibiting the Use of Tobacco Products using version A as presented in the draft ordinance failed on a 1-5 roll call vote. Sarah Braun, David Esau, Candy Davis, Debbie Olson and Jim Burdick voted against the motion.

Attorney Morgan stated language could be added to address the use of chewing tobacco or snuff. He suggested putting the word "smoking in front of Section 4a items 3-8. This would prohibit only smoking and not chewing tobacco and snuff from those specific areas.

Alderspersons Burdick and Braun expressed concerns about prohibiting smoking in service lines and how it would affect the events in town. The section of the draft ordinance regarding service lines would apply to events where people are waiting in line to purchase tickets or alcohol. They feel this might be a deterrent for some event goers. Attorney Morgan suggested inserting language to Section 4a7 to allow an exception is requested in an events packet.

A Sarah Braun/Jim Burdick motion to amend Section 4A7 to add "Except as exclusively permitted by the event packet passed on a 5/1 roll call vote. Anne Radtke voted against the motion.

A Jim Burdick/Sarah Braun motion to approve the second reading and adopt City of Edgerton Ordinance 19-09: To Amend Section 18.105 “Prohibiting the Use of Tobacco Products using version B with the amendment to insert “smoking” in front of items subsection 4a items 3-8 passed on a 4/2 roll call vote. Debbie Olson and Anne Radtke voted against the motion.

ORDINANCE 19-11: A Candy Davis/David Esau motion to approve the second reading and adopt City of Edgerton Ordinance 19-11: To amend Chapter 20 “Building Regulations” to include commercial inspections passed on a 6/0 roll call vote.

NAMING OF STREET NEAR GEAR DR: With the purchase of the lot from Nelson Young on the west side Industrial Park, a new street will be created to service the lot. The City is given the opportunity to name the street. Mayor Lund listed some possible names.

A Candy Davis/Sarah Braun motion to approve naming the new street west of Gear Drive as Marshview Court passed on a 6/0 roll call vote.

COMMITTEE APPOINTMENTS: A Candy Davis/Anne Radtke motion to approve the Mayor’s recommendation to appoint poll workers as listed (see attached list) passed, all voted in favor.

ADDENDUM TO 2016 SHARED RIDE TAXI CONTRACT: A Candy Davis/Sarah Braun motion to approve the addendum to the 2016 Shared Ride Taxi Contract to extend the contract until December 31, 2020 passed on a 6/0 roll call vote.

CLOSED SESSION: Candy Davis/Jim Burdick moved to go into closed session pursuant to Wis. Stat. 19.85(1) (e) “Deliberating 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.” Discuss and consider potential sale of City property. The motion 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 Hegglund/wl
City Clerk-Treasurer
Adopted January 6, 2019

Memo

To: Common Council
From: Staff
Date: 1/3/2020
Re: January 6, 2020 Meeting

As adopted at the last meeting, the second sentence of 18.105 (4)7 of the smoking ordinance should be clarified.

Ordinance as adopted

(4) USE OF TOBACCO PRODUCTS PROHIBITED IN CITY VEHICLES AND ON DESIGNATED PUBLIC AREAS.

In addition to the general smoking prohibition in Chapter 101, Wisconsin Statutes, it shall be unlawful and a violation of this section for any person, whether employed by the City of Edgerton or a member of the public, to smoke or use tobacco products as follows:

7. smoking within 25 feet of any outdoor seating area for an outdoor theater, outdoor concert, or outdoor sporting, service line or other outdoor public gatherings or events on City-owned property, except as allowed by a city issued event permit. **Where such events do not provide specific seating areas, designated smoking areas shall be provided in a location reasonably removed from the main observation area as established by the person in charge;**

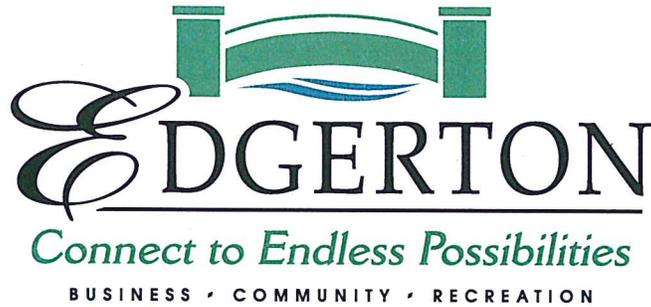
Is it the Council's intention to **require** events approved by an event packet to establish a segregated smoking area removed from the "gathering" areas? If so then the ordinance should be clear that the entire venue cannot be designated as a smoking area.

Where such city issued permitted events do not provide specific seating areas, the event organizers shall designate smoking areas in a location reasonably removed from the main observation area but cannot include the entire venue.

Or

Is it the Council's intention to permit organizers of events approved by an event packet to decide if they want to have a designated smoking area?

Organizers of the city issued permitted events may designate smoking areas.



January 3, 2020

Common Council Members:

The Veterans' Building Assessment Committee established by the Council on July 15, 2019 presented the attached recommendation and background information regarding the future use of the Veterans' Memorial Community Center. The recommendation to sell the property is based on: public input; a lack of any proposals to use the building for a public use; and the cost to tax payers for maintaining the building. Much consideration was given to the concerns of the current tenant. Given the ongoing expenses however, the Committee did not feel the tax payers should maintain a structure for the primary benefit of a private business.

Based on the work of the committee, I would support the sale of the building with the following conditions:

1. The building is sold by the acceptance of sealed bids due on April 1, 2020. This will allow any interested party, including the current tenant, to bid on the building.
2. The Council elects to take the shorter lease term of the July 30, 2021 termination date. This term allows the tenant to operate the remainder of this school year and the entire 2020-2021 school year. A longer term may be an impediment to the sale of the property.
3. The proceeds from the sale of the building would be used to benefit veterans. I recommend the proceeds first be used to fund the remaining portion of the veterans' memorial project planned for Veterans' Park since this monument is being designed and supported by Veterans.

The remaining funds would be used to support housing for veterans in need. Edgerton Community Outreach is very interested in working with the Council to provide transitional unit(s) for veterans. Outreach has experience with the management and ownership of several transitional housing units. Potentially a mixed use building downtown could be purchased that would provide housing units for veterans and a commercial space for Outreach activities thus providing benefits to a broad cross section of the community.

Sincerely,

Christopher W. Lund
Mayor