

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

Tuesday, September 8, 2020 at 7:00 p.m.

NOTE: PER EMERGENCY ORDER #1 FACE COVERINGS ARE REQUIRED

1. Call to order; Roll call
2. Pledge of Allegiance.
3. Confirmation of appropriate meeting notice posted on Friday, September 4, 2020.
4. Council acceptance of agenda.
5. Personal appearances for non-agenda items limited to 3 minutes.
 - A. Introduce new Police Lieutenant.
 - B. The public will be allowed to speak on agenda items during the meeting.
6. Minutes:
 - A. Consider approval of minutes from August 17, 2020 Council meeting.
7. Committee Reports:
 - A. Finance Committee:
 1. Consider approval of bills and payroll vouchers.
 2. Consider approval of licenses.
 3. Consider Public Event Packet for Edgerton FFA Alumni Pork Chop Dinner on October 2nd and waive City fees.
 4. Consider Public Event Packet for Sleep in Heavenly Peace Bed Building on September 26th and waive City fees.
 5. Consider amendment to lease of City property by Fassett Cemetery.
 6. Consider declaring sand blaster as surplus.
 7. Consider purchase of finishing mower deck for track mower.
 8. Consider quotes for removal of ash pile at compost site.
 9. Consider quotes for bi-polar ionization unit for library building.
 10. Consider bids for Marlboro storm sewer project.
 11. Consider approval for Cedar Corporation to prepare plan sheets for Marlboro storm sewer project.
 12. Consider approving second reading and adopting City of Edgerton Ordinance 20-08: Repeal and recreate Chapter 19 Section 19.17(d) Operator's License.
 - B. Public Works:
 1. Report on discussion and action taken at previous meeting, future agenda items and upcoming scheduled meetings.
 - C. Parks Committee:
 1. Report on discussion and action taken at previous meeting, future agenda items and upcoming scheduled meetings.
 - D. Tree Committee:
 1. Report on discussion and action taken at previous meeting, future agenda items and upcoming scheduled meetings.

E. Historic Commission:

1. Report on discussion and action taken at previous meeting, future agenda items and upcoming scheduled meetings.

F. Fire District:

1. Report on discussion and action taken at previous meeting, future agenda items and upcoming scheduled meetings.

8. Consider transfer of 2019 fund balance increase from General Fund to Capital Projects Fund.
9. Mayor, alderperson and staff reports.
10. 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 lease of City property for cell tower.
11. Adjourn.

Notice: Some members of the Council may attend by telephone conference for this meeting.

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.

**AUGUST 17, 2020 COMMON COUNCIL MEETING MINUTES
CITY OF EDGERTON**

Mayor Christopher Lund called the meeting to order at 7:03 p.m.

Present: Sarah Braun, Casey Langan, Candy Davis, Anne Radtke (remotely), and Jim Burdick.

Excused: Robert Reynolds

Others Present: City Administrator Ramona Flanigan, Municipal Services Director Howard Moser, Utility Director Randy Oren (remotely), City Clerk Treasurer Cindy Heggland, Aquatics Director Anne Gohlke, Police Chief Bob Kowalski, City Attorney Bill Morgan, The Edgerton Reporter and citizens.

Heggland confirmed the meeting agendas were properly posted on Friday, August 14, 2020 at the Post Office, City Hall, Edgerton Library and City's website.

ACCEPT THE AGENDA: A Candy Davis/Sarah Braun motion to accept the agenda as printed passed on a 5/0 roll call vote.

MINUTES: A Sarah Braun/Candy Davis motion to approve the minutes from the August 3, 2020 Common Council meeting passed on a 5/0 roll call vote.

A Candy Davis/Jim Burdick motion to approve the minutes from the August 10, 2020 Joint Planning Commission and Common Council meeting passed on a 5/0 roll call vote

COMMITTEES:

Finance Committee: A Candy Davis/Sarah Braun motion to approve pay request #2 from R.T. Fox Contractors in the amount of \$270,202.05 for the W Rollin St project passed on a 5/0 roll call vote.

A Candy Davis/Sarah Braun motion to approve the amended bills and payroll list in the amount of \$514,724.98 passed on a 5/0 roll call vote.

A Candy Davis/Sarah Braun motion to deny an Operator's License to Chris Nottestad passed on a 5/0 roll call vote.

A Candy Davis/Sarah Braun motion to direct staff to send an RFP for trash and recycling collection services passed on a 5/0 roll call vote.

A Candy Davis/Sarah Braun motion to approve a façade grant for 2-8 E Fulton St for the replacement of awnings and windows, pending Historic Preservation Commission approval, in the amount of \$5,000 passed on a 5/0 roll call vote.

Candy Davis/Sarah Braun moved to introduce and approve the first reading of City of Edgerton Ordinance 20-08: Repeal and Recreate Chapter 19 Section 19.17(d) Operator's License.

Candy Davis had concerns with the wording of Section 19.17(d)8 which requires at least four (4) affirmative Council member votes needed for approving an Operator's License. This could prevent a license from being approved or postponed if council members were absent. She felt it should read a requirement of affirmative votes from the majority of Council members.

Jim Burdick also added he felt it should specify the majority of Council members present, to clarify even further.

Attorney Bill Morgan stated there was a typo in the State Statute number in Section 19.17(d)5. The correct Statute number should be 111.335 instead of 11.335.

Candy Davis/Sarah Braun moved to amend the original motion to correct the statute number in section #5 to 111.335 and change section #8 to say an affirmative vote from the majority of Council members present. The motion passed on a 5/0 roll call vote.

Candy Davis/Sarah Braun moved to introduce and approve the first reading of City of Edgerton Ordinance 20-08: Repeal and Recreate Chapter 19 Section 19.17(d) Operator's License as amended. The motion passed on a 5/0 roll call vote.

Utility Commission: A Candy Davis/Sarah Braun motion to approve a 3% inflationary increase for water rates for 2021 passed on a 5/0 roll call vote.

A Candy Davis/Anne Radtke motion to approve a 3% inflationary increase for sewer rates for 2021 passed on a 5/0 roll call vote.

Plan Commission: A Jim Burdick/Sarah Braun motion to approve waiving the fencing requirements for a temporary outdoor entertainment area at 520 N Main St passed on a 5/0 roll call vote.

A Jim Burdick/Candy Davis motion to approve an extraterritorial land division for Bill Morrison, Town of Fulton, Section 8 to create three lots out of two lots on STH 59 passed on a 5/0 roll call vote.

A Jim Burdick/Casey Langan motion to approve an extraterritorial land division for Schumaker, Town of Fulton, Section 16 to combine two lots on N Blackhawk Dr passed on a 5/0 roll call vote.

ORDINANCE 20-07: A Candy Davis/Jim Burdick motion to approve the second reading and adopt City of Edgerton Ordinance 20-07: Adopt an amendment to the 2015 City of Edgerton Comprehensive Plan for 407 N Main St passed on a 5/0 roll call vote.

LIFTING HIRING FREEZE: A Sarah Braun/Casey Langan motion to approve lifting the hiring freeze for a public works operator position passed on a 5/0 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 sale of City land in the Business Park. The motion passed on a 5/0 roll call vote.

Being no other business before the Council, a Candy Davis/Sarah Braun motion to adjourn passed on a 5/0 roll call vote.

Cindy Hegglund/wl
City Clerk-Treasurer

Adopted September 8, 2020

Memo

To: Common Council
From: Staff
Date: 9/4/2020
Re: September 8, 2020 Meeting

Notes of items on the bills list:

Fence repair at deer pen: Included on the bills list is an invoice for \$1,500 for a repair to the deer pen fence. The fence was damaged when a tree in Racetrack park fell on it. The Conservation Club is asking that the City pay for the repair.

Baby changing station: Staff received a request for an infant changing station to be installed in the men's restroom located at the Depot. Currently there is only an infant changing station located in the women's restroom. The lowest cost to purchase a horizontal wall mounted Koala Baby changing station is \$179.92 with free shipping from Amazon. This purchase is included on the bills list.

Marlboro Street Storm Sewer Project - The bid opening for the Marlboro Street sewer project occurred on Tuesday September 1st at 3:00pm. We received one bid that exceeded the budgeted amount. Staff recommends rejecting that bid and re-bidding the project. Staff approached Cedar Corp. to provide a drawing of the project to be included in the bid documents in order to clarify the project scope and increase interest for qualified contractors. The cost for this drawing is \$1,200-1,500 and will be funded by the stormwater utility.

Fassett Cemetery Farm Land Lease: Tim Clark currently leases the 8 acres of the cemetery that is farmed. Mr. Clark is willing to take all of the existing compost and chips for use on the farm land and with his business. This is a significant saving to the City as the City will not have to haul this material away. Mr. Clark will also consider taking the compost and wood chip material created in the future. In return, Mr. Clark would like the lease extended to 2025 so that he has adequate time to utilize and benefit from the materials.

Declare sand blaster equipment surplus: The Public Works Department would like to declare the sandblaster surplus and sell the equipment on auction.

Finish Mower Deck -The Public Works Department currently has an Altoz TRX mower with a rough cutting deck that is used 3 to 4 times a year to mow ditches throughout the City. Staff contacted several vendors to get pricing for a finish mowing deck that would allow us to use this mower at City owned properties the rest of the season. The lowest responsible quote was received from CW Mowers in the amount of \$2,429.00. As a comparison, Staff also sought quotes for a new 60 inch mower and the cost was \$10,965.00. Staff recommends accepting the quote from CW Mowers in the amount of \$2,429.00. Funding is proposed to come from the sale of the sand blaster. Please note the 2020 budget includes the purchase of an X Mark mower but the Director decided to not purchase that mower this year and would like to carry those funds to 2021 to purchase the mower then.

Ash Pile Removal - After grinding the compost and brush piles at the City's drop off site earlier this year, there is approximately 400 cubic yards of material that was created by burning brush in previous years. This material is not suitable for anything but landfill. The Public Works Committee met and directed Staff to get quotes for the removal of this pile from the drop off site. Staff contacted several vendors and McGuire Landscaping and Nursery provide the lowest responsible bid at \$4,500.00. This includes loading, hauling, and disposal of the material. Staff recommends awarding this contract to McGuire Landscaping and Nursery of Milton, WI in the amount of \$4,500.

The work done this year to clean up the compost operation has been charged to Fund 206. It is estimated that this fund will be \$42,600 over budget resulting in a \$15,600 deficit (not including cost to remove ash pile) in the Refuse Fund at year end after using the \$27,009 in available fund balance.

2019 General Fund surplus: The Council passed a policy on January 6, 2014 to consider the transfer of General Fund surplus generated each year to the Capital Projects Fund to be used for either capital equipment purchases or capital projects.

The \$81,716 that is recommended to be transferred this year is the surplus created in 2019 as per the audited financial statements less any newly designated funds plus projects that were completed in 2019 that used previously designated funds.

At this time, the Council should take action if you wish to transfer funds to the Capital Projects Fund. The actual use of these funds will be discussed at budget time. If the Council elects to make the transfer, the projected balance in the capital surplus fund as of today would be \$186,627.

September 4, 2020

TO: Edgerton City Council

FM: Kirsten Almo, Library Director

RE: EPL HVAC Ionization Units

The library board has been interested in adding a bipolar ionization system to the existing HVAC units as an aid in keeping our library safe during the COVID-19 pandemic. Many schools, hospitals, and offices are utilizing this technology.

I asked for quotes from 3 different vendors to install a bipolar ionization system to our HVAC. All the companies sent a representative to our building and they looked at the rooftop units.

	FC-48	iMod
1901 Heating & Cooling	\$3,400	\$10,500
General Heating & Air Conditioning		\$8,249 *
Harker Heating & Cooling		\$10,235 *

*doesn't include cost for outside electrician if needed

I'd like to recommend that we award the bid to 1901 Heating & Cooling for \$3,400. The FC-48 is sized sufficiently for our building RTUs which are 20 tons. 1901 is also the company that installed the RTUs and has our current maintenance contract for the boiler.

- FC-48 sized for systems up to 25 tons
- iMod sized for systems over 25 tons

ORDINANCE NO. 20-08
AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 19 SECTION 19.17(d)
OPERATOR'S LICENSE OF THE CODE OF GENERAL ORDINANCES
OF THE CITY OF EDGERTON, WISCONSIN

Alderperson Candy Davis introduced the following Ordinance and moved its adoption:

The City Council of the City of Edgerton, Wisconsin, does ordain as follows:

Section 19.17(d) shall be repealed and replaced with the following:

(d) OPERATOR'S LICENSE.

1. When Required: No premises operated under a Class "A", Class "B", "Class A", "Class B", or "Class C" license may be open for business unless there is upon the premises the licensee, the agent named in the license if the licensee is a corporation, or some person who has an operator's license and who is responsible for all persons serving any fermented malt beverages, intoxicating liquor or wine to customers. For the purposes of this Subsection, any member of the licensee's immediate family who is at least 18 years of age, who is related to, and reside in the common household of the licensee shall be considered the holder of an operator's license. No person, including an underage member of the licensee's immediate family, other than the licensee or agent may serve or sell fermented malt beverages, alcohol beverages or wine in any place operating under the licenses listed herein unless he or she has an operator's license or is at least eighteen (18) years of age and is under the immediate supervision of the licensee or agent or a person holding an operator's license, was on the premises at the time of the service.
2. Types of Operator's Licenses.
 - (a). **Regular Operator's License: new and renewal.** A Regular Operator's License is one that is issued for a twelve (12) month period or a fraction thereof for the first year. A regular operator's license may be renewed on an annual basis if the applicant meets the standards listed below or is approved by the Common Council.
 - (b). **Provisional Operator's License.** The City Clerk shall issue a Provisional Operator's License to any person who:
 1. Has filed a lawful application for a regular Operator's License with the City Clerk in the manner required by this chapter and has paid the fee required therefore; and
 - 2 At the time of such regular Operator's License application, also applied for a Provisional Operator's License and paid the required fees; and
 - 3 Indicates on the application form that he or she has never had held a regular Operator's License in the City of Edgerton; and
 - 4 Indicates on the application that a Provisional Operator's License has not been denied or revoked by the City; and

5. Shall be enrolled in a Responsible Beverage Server Training Course which is completed during the term of the Provisional Operator's License unless any of the exceptions under (d)1 above apply; and
 6. Provisional Operator's License shall be issued in the same manner as all other Operator's Licenses.
 7. A Provisional Operator's License is valid for a period not to exceed sixty (60) days from the date of issuance by the City Clerk or until a regular Operator's License is issued to the applicant.
- (c) **Temporary Operator's License.** The City Clerk and/or Common Council may grant a temporary operator's license under the terms and conditions as all other Operator's License except that:
1. This license may be issued only to operators employed by, or donating their services to, nonprofit corporations.
 2. No person may hold more than one license of this kind per year.
 3. The license is valid for any period from one (1) to fourteen (14) days, and the period for which it is valid shall be stated on the license.
3. Application. An operator's license may be issued by the City Clerk upon completion of a written application; *upon* payment of the proper initial fee or any renewal fee; and with a positive recommendation from the Chief of Police or the Chief's designee using the standards outlined in section 4. Applications which are not recommended for approval by the Police Department or which the City Clerk determines merit review by the Common Council, (Review Determination) shall be forwarded to the Finance Committee for a recommendation of approval or denial to the Common Council. Applications for operator's licenses may be denied only by action of the Common Council. The City Clerk shall provide a copy of the Review Determination to the applicant within 10 days of the determination.

Applications submitted to the Finance Committee shall include a written notice to the applicant stating that the applicant has the right to appear at the Finance Committee meeting or provide a written statement responding to the issues raised in the Review Determination before the Finance Committee meeting for individual review of the application. The notification to the applicant shall state that failure to appear or provide a written statement before the Committee meeting may result in denial of the application. The review of any such application may be held in suspension for up to 60 days after the Review Determination to allow for the applicant to appear or respond.

Incomplete applications or those which contain false or misleading information shall be given a negative recommendation by the Police Chief. Unless the Committee finds strong mitigating circumstance, they will make a negative recommendation to the Council. If an applicant is denied by the Council because of providing false or misleading information on the application, such applicant must wait at least six (6) months before submitting another application unless the Common Council overrides the denial and grants the Operator's License to the applicant.

4. Standards for Evaluating Operator's License Applications. The following standards shall govern the City Clerk and Police Chief in considering applications for Operator's Licenses including regular, renewal, provisional and temporary Operator's Licenses. If an applicant's Review Determination finds any of the standards apply, the applicant will be given the right to appear in person or respond in writing at the next Finance Committee meeting.

In addition, the Finance Committee and/or Council may use these guidelines in making their determination.

- (a) Any alcohol related conviction within the last twelve (12) months.
 - (b) More than one (1) alcohol related convictions as long as the most current conviction is within the last twenty-four (24) months.
 - (c) Any drug related convictions within the last twelve (12) months.
 - (d) Any conviction within the last twelve (12) months which involve resisting arrest, battery to a police officer or obstructing justice.
 - (e) At least two (2) convictions in the last twenty-four (24) months for disorderly behavior type offenses if they occurred in conjunction with activity at a licensed alcohol establishment.
 - (f) Any felony conviction within five (5) years that substantially relate to the purpose of the license.
 - (g) Any pending criminal charges which relate to an alcohol matter or an Exempt Offense under Wis. Stat. Section 111.335(1m)(b) that involve a violent crime against a child.
 - (h) Any incomplete, misleading or falsified application when the incomplete, misleading or falsified information provided by the applicant pertains to either the identification of the applicant or to any matter prior to the date of application.
 - (i) Any outstanding fines, forfeitures, penalties, assessments and/or user fees owed to the City unless the applicant is appealing said fines, forfeitures, penalties, assessments or fees.
5. If the Council denies, suspends or non-renews a license due to a conviction record other than for an Exempt Offense, the Council shall allow the applicant an opportunity to demonstrate evidence of rehabilitation and fitness as provided by Wis. Stat. Section 111.335(4)(d).
6. Renewal Application. All renewal applications shall be submitted on or before May 1st of the year the license is sought to be renewed to be considered without a lapse of coverage.
7. Operator Training. No Operator's License shall be issued unless the applicant has successfully completed a Responsible Beverage Server Training Course approved by the State of Wisconsin Department of Revenue or unless the applicant fulfills one of the following requirements:

- (a) The person is renewing an Operator's License;
- (b) Within the two (2) years immediately preceding the application the person held a Class "A", Class "B", "Class A" or "Class B" License or permit or Operator's License;
- (c) Within the past two (2) years, the person has completed such a training course.

8. Terms and Conditions of License. For those applications being considered by the Common Council, the Common Council may grant and direct that the City Clerk to issue an Operator's License only upon the affirmative vote of ~~at least four (4)~~ *of the majority of the Council members present*. Any license granted by the Council shall be valid for the period commencing upon issuance of said license and expiring on the following June 30th.

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

Seconded by Alderperson Sarah Braun

Roll Call: Ayes Noes

1st Reading: August 17, 2020
 2nd Reading:
 Adopted:
 Published:
 Dated:

 Christopher Lund, Mayor

 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 _____, 2020.

 Ramona Flanigan, City Administrator