

## **COUNCIL PROCEEDINGS**

Mayor McFarland called the regular meeting of the City of Watertown Common Council to order at 7:00 p.m. on Tuesday, July 2, 2019, in the Council Chambers at City Hall.

### **ROLL CALL**

Roll call showed the following members present: Ald. Mudler, Tortomasi, Ruetten, Larsen, Holthaus, Raether, Schmid and Maron. Absent: Kilps. Also present: Police Chief Robert Kaminski, Fire Chief Kraig Biefeld, Engineer Jaynellen Holloway, City Attorney Rose Simon-Silva, Zoning Administrator Jacob Maas and Clerk/Treasurer Elissa Friedl.

### **PLEDGE OF ALLEGIANCE**

The Council recited the Pledge of Allegiance to the American flag.

### **MINUTES OF PRECEDING MEETING**

Mayor McFarland inquired if there were additions or corrections to the minutes of the meeting held Tuesday, June 18, 2019. There being none, the minutes were approved as presented.

### **COMMENTS & SUGGESTIONS FROM CITIZENS PRESENT**

Erick Frommgen, W1082 Concord Center Dr., Sullivan, President of the Jefferson County Tavern League, was present to explain that the Tavern League feels that adults use e-cigarettes to quit smoking. He stated that this ordinance includes banning e-cigarettes in restaurants and bars, which the Tavern League would like to see excluded. They feel this should be the decision made by the businesses.

Kathy Siegel, 1408 Memorial Dr., was present to explain that she supports the e-cigarette ban. She lost her mother to emphysema, as well as a friend to lung cancer, who had smoked all his adult life and switched to e-cigarettes. She has been a nurse for over 50 years and believes e-cigarettes hastened his death. She stated that she doesn't think the public is aware of the damage that nicotine does to the blood vessels.

Andrea Turke, 521 Carl Schurz Dr., explained that e-cigarettes do not have as much nicotine, but have many bad elements in the aerosol they give off. She stated that vaping is not regulated and it becomes a mist with contaminants in it that land on people, tables, glasses, etc. She feels that cigarette companies are using e-cigarettes to increase smoking, enticing teens with flavored vape juice. She has been a nurse for many years and a school nurse and stated that nicotine is addictive and she feels e-cigarettes are a gateway to smoking.

Michael English, 205 Cherrywood Ln., spoke against the e-cigarette ordinance, stating that he is a smoker of 42 years and because of e-cigarettes he has been 6 years free of smoking. He believes people have to be educated about all the chemicals in cigarettes. He also spoke of an FDA report which states that e-cigarette chemicals are below FDA allowable exposure. He stated that it won't cause kids to smoke, but rather, will keep them from smoking. He doesn't feel that picking on the bars is the answer, but suggests that people get educated.

### **PUBLIC HEARING**

Mayor McFarland declared open the public hearing relating to proposed industrial development revenue bond financing for Ad-Tech Industries, Inc. project at 7:16 p.m. There being no one present to speak, Mayor McFarland declared the public hearing closed at 7:16 p.m.

Mayor McFarland declared open the public hearing to amend Chapter 550, Zoning Code, through amending Section 550-90; Drainageway Overlay District at 7:17 p.m. Charles Weiss, 1118 Riverview Ln., stated that he owns a lot on Richards Ave. which is impacted by setbacks of 75 feet, making the lot unbuildable. He stated this was not the case when he bought it in 2004 or when platted in 1992. He is in favor of the new setback of 50 feet. There being no one else present to speak, Mayor McFarland declared the public hearing closed at 7:19 p.m.

## COMMITTEE REPORTS

**Finance Committee, June 24, 2019.** Minutes of June 10, 2019 meeting. Motion carried to approve the minutes. Final Resolution regarding Industrial Development Revenue Bond Financing for Ad-Tech Industries, Inc. Project. Motion carried to recommend approval of this resolution. StrucRite, Inc. contract for Municipal Building Masonry Control Joints Project. Motion carried to approve this contract at a cost of \$2,700. Hiring SW Surveying for setting benchmarks at Upper Dam. This item was tabled until quotes are received. Closed Session per Wis. Stat. §19.85(1)(g), Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved (213-215 W. Main Street property). Motion carried to move into closed session. Report received and placed on file.

**Finance Committee, June 10, 2019.** Minutes of May 28, 2019. Motion carried to approve the minutes. Update on Fire Department ladder truck. Chief Biefeld updated the Committee on mechanical issues with Tower Ladder 1. He will update Committee once the repair quote is received. Credit Card purchases over \$10K Report. This informational report was reviewed. Update to Employee Handbook Vacation Policy. Motion carried to make presented changes to bring this policy in alignment with what was negotiated with the police and fire unions for 2019. Budget amendment in Debt Fund for refinance of General Obligation Promissory Notes dated April 23, 2012. Motion carried to approve the resolution as presented to update the 2019 budget for the refinancing. Report received and placed on file.

**Public Works Commission, May 7, 2019.** Minutes of April 23, 2019 meeting. Motion carried to approve the minutes. Change Order No. 1 for 2019 Pavement Marking Project. Motion carried to approve this Change Order, reducing the amount of work to meet the City's financial obligations. Change Order No. 1 for 2019 Sidewalk, Curb & Gutter Project. Motion carried to decrease contract by \$53,246.15 from awarded price to meet budget shortfall. A resolution will be presented. Change Order No. 1 for 2019 Bituminous Surfacing Project. Motion carried to decrease the contract by \$94,037.70 from awarded price to meet budget shortfall. Purchase of a Wide Area Mower (WAM) & Hydraulic Boom from Reinder's, Sussex, WI. Motion carried to approve this purchase, along with sale of the old WAM on the Wisconsin Surplus Online Auction Site. Quotes and change in coverall and mat service vendors to Cintas, Madison, WI. Motion carried to pursue this contract for review. Report received and placed on file.

**Public Works Commission, June 25, 2019.** Minutes of May 28, 2019 meeting. Motion carried to approve the minutes. Dismissing the mowing bill for 760 N. Church Street. Motion carried to approve waiving this \$500 charge for mowing since there was not a letter sent out prior to work being done. Amendment to agreement for processing of recyclables with Johns Disposal Service, Inc. Motion carried to approve this two-month extension to the current contract. Proposed Utility Accommodation Ordinance, recommendation to Common Council for approval. Motion carried to make corrections of Administrator being Engineering, rather than Street Superintendent, as well as modifying the fee schedule and then send this back to Finance Committee for approval. Moving 419-10 (Plumbing Code) Street & Sidewalk Openings Permit Language to 457-6 (Street Code) Street & Sidewalk Openings. Motion carried to approve moving this section of code. Street light modification at intersection of Hall & Boughton Streets update. Engineer Holloway updated the Commission that WE Energies repositioned this light down and area residents were happy with the change. Pull ADA ramp improvements at College Avenue & E. Main Street. Motion carried to pull this item from the 2019 Sidewalk Repair Program due to work scheduled for this area in 2020. Report received and placed on file.

## COMMUNICATIONS & RECOMMENDATIONS

Mayor McFarland presented the appointment of Candy Stramara to the Historic Preservation & Downtown Design Commission for a partial term, replacing Dan Rahfaldt. Motion was made by Ald. Larsen seconded by Ald. Ruetten to approve this appointment and carried by roll call vote: Yes-8; No-0.

Mayor McFarland presented a Disallowance of Claim from Statewide Services, Inc. in the case of Bradley Gamroth. Motion was made by Ald. Raether seconded by Ald. Maron to approve this disallowance and carried by roll call vote: Yes-7; No-0. Abstain-Schmid

### **ACCOUNTS PAYABLE**

Certified accounts in the amount of \$498,384.91 were presented for payment. Ald. Larsen moved to pay all certified accounts, seconded by Ald. Tortomasi and carried by roll call vote: Yes-8; No-0. (Complete listing of accounts payable is open for public inspection in City Clerk/Treasurer's office.)

### **REPORTS AND MISCELLANEOUS BUSINESS**

The following reports were presented: Committee of the Whole-June 18, 2019; Parks, Recreation & Forestry Commission-June 3, 2019; Payroll Summaries-June 6-18, 2019; Senior Center Advisory Board-June 19, 2019; Transit Commission-June 18, 2019; All reports were accepted as presented.

### **ORDINANCES**

**Ord. #19-11**, to amend Chapter 550, Official Zoning Map of the City of Watertown, rezoning 1225 N. Fourth Street from General Business (GB) to Two-Family Residential (TR-6) was presented. *Sponsor: Mayor McFarland. From: Plan Commission (positive recommendation).* Ald. Larsen moved for adoption of this ordinance on its second reading, seconded by Ald. Maron and carried by roll call vote: Yes-8; No-0.

**Ord. #19-12**, to amend Section 410-50 "Use of Cigarettes & Tobacco Products Prohibited" of Chapter 410, "Peace & Good Order" was presented. *Sponsor: Ald. Raether. From: Public Safety & Welfare Committee.* Ald. Raether moved for adoption of this ordinance on its first reading, seconded by Ald. Tortomasi. Ald. Raether moved to propose an amendment to the ordinance to change the maximum forfeiture listed in Ord. 19-12 to \$50.00, seconded by Ald. Tortomasi. Ald. Schmid moved to refer Ord. 19-12 back to the Public Safety and Welfare Committee, seconded by Ald. Larsen. The motion to refer back to the Public Safety and Welfare Committee failed with a vote of Yes-1; No-7. The motion to approve the amendment to change the maximum forfeiture listed in Ord. 19-12 to \$50.00 passed with a vote of Yes-6; No-2. Ald. Larsen moved to amend Section 1, Item B of Ord. 19-12 to include the words "or electronic smoking devices", seconded by Ald. Maron and passed with a vote of Yes-8; No-0. The motion to adopt the ordinance on its first reading passed with a vote of Yes-7; No-1.

**Ord. #19-13**, to amend Section 410-56 "Smoking in Prohibited Places" of Chapter 410, "Peace & Good Order" was presented. *Sponsor: Sponsor: Ald. Raether. From: Public Safety & Welfare Committee.* Ald. Raether moved for adoption of this ordinance on its first reading, seconded by Ald. Maron. Ald. Schmid moved to refer Ord. 19-13 back to the Public Safety and Welfare Committee, seconded by Ald. Larsen. The motion to refer failed by vote of Yes-3; No-5. Following considerable debate, the motion to adopt Ord. 19-13 on its first reading passed by vote of Yes-6; No-2.

### **RESOLUTIONS**

**Res. Exh. #8840**, to approve a two-month extension to current contract for disposal of residential recyclables with John's Disposal, Whitewater, WI was presented. *Sponsor: Mayor McFarland. From: Finance Committee.* Ald. Larsen moved for adoption of this resolution, seconded by Ald. Schmid and carried by roll call vote: Yes-8; No-0.

**Res. Exh. #8841**, for consideration of “Final Resolution Regarding Industrial Development Revenue Bond Financing for Ad-Tech Industries, Inc. Project” was presented. *Sponsor: Mayor McFarland. From: Finance Committee*  
Ald. Maron moved for adoption of this resolution, seconded by Ald. Raether and carried by roll call vote: Yes 8; No-0.

#### **ADJOURNMENT**

There being no further business to come before the Council at this time, Ald. Raether moved to adjourn, seconded by Ald. Larsen and carried by voice vote at 8:00 p.m.

Elissa Friedl, Clerk/Treasurer

(Complete video of Council Proceedings on DVD.)

*(DISCLAIMER: These minutes are uncorrected; any corrections will be noted in the proceedings at which these minutes are approved.)*