

## COUNCIL PROCEEDINGS

Mayor McFarland called the regular meeting of the City of Watertown Common Council to order at 7:03 p.m. on Tuesday, February 4, 2020, in the Council Chambers at City Hall.

### ROLL CALL

Roll call showed the following present: Ald. Mudler, Tortomasi, Ruetten, Larsen, Holthaus, Raether, Schmid, Maron and Kilps. Also present: Police Chief Robert Kaminski, Fire Chief Kraig Biefeld, 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 minute of Common Council meeting held Tuesday, January 21, 2020. There being none, minutes were approved as presented.

### COMMENTS & SUGGESTIONS FROM CITIZENS PRESENT

Maynard Carl, 1509 Utah St., was present to inform the Council and Mayor about the RC Jaye Memorial Composite Squadron 057 of the Civil Air Patrol in Watertown. He explained that this is a great program for the youth in the community and invited all to attend an open house for the local Civil Air Patrol Unit to be held at Schurz School on 2/15/2020 from 10 a.m. to 2 p.m. Jim Sempf, 106 Audubon Ct., Mayville, introduced himself as a candidate for Dodge County Circuit Court Judge. He discussed his qualifications in the field of law for this elected position as well as his endorsements from colleagues and initiatives if elected. Mae Lange, 212 Summit Ave., noted that the Civil Air Patrol is a wonderful organization. Laurie Hoffmann, 1009 N. 2<sup>nd</sup> St., spoke regarding proposed Ord. 20-07. She indicated that Ald. Larsen stated two reasons for the proposed ordinance, the first being to avoid situations that lead to conflict between the Mayor and Council. She noted this was likely due to the recent issues with the AMVETS using City storage space. Hoffmann stated that the AMVETS were not made to leave and the Mayor complied with the Council's decision on this matter. Hoffmann indicated that Larsen's second reason for proposing Ord. 20-07 was that the further up the ladder a position is the more removed the position is from the public. Hoffmann opined that the Mayor is often more available than Alderpersons due to the position being a full-time job at City Hall. She also noted that Mayor McFarland is available via social media and has held Mayor Meetups to meet with the public about issues. Nate Salas, 821 Pheasant Run, spoke regarding proposed Ord. 20-07. Salas noted this is a big change to how the City is run and to elevate the ordinance to this level without committee consideration would be a disservice to the community. He asked the Council to consider taking the ordinance to committee for transparency and to understand intended and unintended consequences of the proposed legislation. Jim Romlein, 1042 Richards Ave., noted State of WI statutes that specify the powers and duties of the Mayor and that there are many different forms of local government. Romlein also spoke about the AMVETS occupying 1640 sf of space owned by the City. He said the Council and Mayor need to work together to come to a resolution. Steve Board, 1019 Boughton St., first spoke of his disappointment in the Council turning down the first zoning request under the new Land Use Plan. He then spoke regarding proposed Ord. 20-07. He said that both John David and Emily McFarland have made themselves available during their terms as Mayor with an open door. Board stated that there is a process that should be followed to make changes like this, and due caution is needed. He challenged the Council to think deeply about following the correct process. Nicole Chwala, N8874 Jefferson Rd., spoke regarding proposed Ord. 20-07. Chwala questioned whether age and gender were behind the proposed legislation because she opined that Mayor McFarland has not done anything to call into question her ability to perform the job she was elected for. Chwala

questioned which constituents in Ald. Larsen's district requested the proposed legislation. Chwala stated that the situation with the AMVETS was not without the knowledge of the Council and the Mayor was working well within the responsibilities she was elected to do. She suggested the ordinance was proposed hastily and without going through proper channels. Chwala questioned that if the proposed ordinance is about a change in where the responsibility for property management lies, what were the reasons for the other changes within the ordinance? She suggested discussing items with the Mayor to move the City forward rather than burying the City under a boulder of inefficiency. Fred Smith, 903 Edgewater Ct., spoke regarding proposed Ord. 20-07. He thanked the Mayor and Council for their work for the community. He noted that changing a charter ordinance is a serious step that seeks to address the balance of power. He added that he served with Mayor McFarland on the Council and she was honorable, committed and intelligent. Smith noted that some issues are difficult to resolve to the satisfaction of all. He stated that conflict is not the problem but rather it is from insufficient communication. He said a lack of communication undermines the mutual respect that the Council and Mayor must have for each other. Smith stated that we need to presume the best about those who think differently than we do; promote good communication; seek to truly understand others; and always speak and act respectfully of your partners in good government. John David, 1201 Richards Ave. Unit F, spoke regarding proposed Ord. 20-07. He stated that changing a charter ordinance is a big deal and should come out of the Finance Committee and is not something that should be voted on immediately. He suggested that such a change should come from weeks or months of consideration and refinement. He added that the Mayor needs to be the CEO of the City and take care of the day to day operations. David shared a story of when he was contacted by the Jefferson County Economic Development Consortium regarding a potential business that wanted to locate in Watertown and wanted to meet the same day. He stated the Mayor needs to be able to react to such requests immediately rather than calling a public meeting which would take time as well as considering that some developers want to remain anonymous until they are ready to move their project forward. He said that someone needs to be in a decision-making position day to day. David requested the Council not decide on this ordinance tonight and respectfully requested the Council let the measure die on the floor tonight or refer it back to a committee.

### **COMMITTEE REPORTS**

**Finance Committee, 01/27/20.** Comments from citizens present. Mae Lange was present to explain a situation where one of her tenants called 911 and, due to misinformation, the Fire Department broke down the door of the wrong apartment. She is looking for reimbursement of \$1500+ for the cost of replacing the door. Statewide Insurance has recommended disallowance of the claim. Minutes of previous meetings. Motion carried to approve these minutes. EMS billing write offs. Motion carried to approve write offs as presented. Change order for boring under the Rock River, Fiber Project. Motion carried to approve this change order. Purchase of accessible minivan for Transit System from State HSV contract with Ewald in the amount of \$37,949. Motion carried to recommend approval of this purchase. Performance bonus payment for seven redlined and other employees not receiving an increase to their hourly wage for a total amount of \$5,330.15. Motion carried to approve the performance bonuses with payment to occur in December 2020. Credit card purchases over \$10K report. Information only. License and liability waiver agreement for Marathon Gas Station/College Avenue Realignment Project. Motion carried to recommend approval of the liability waiver. Update to license and inspection fees. After discussion as to where these fees go and what the difference is between the DATCP fees and fees charged by the Health Dept., motion carried to recommend approval of the revised fee schedule. Grant from Greater Watertown Community Health Foundation. Health Officer Quest explained that the Health Dept. and Police Dept. will each receive \$1,500 to continue working with GWCHF to become trauma-informed. Motion carried to approve the grant for both the Health Dept. and Police Dept. 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 (Claimant, Mae Lange). Motion carried to enter closed session. Reconvene to open session. Motion carried to reconvene to open session. Decision regarding claim by Mae Lange. Motion carried to recommend paying the claim by Mae Lange from the City's contingent account.

**Plan Commission, 01/27/2020.** Minutes of previous Site Plan Review Committee meetings. Motion carried to approve these minutes. Minutes of previous Plan Commission meeting. Motion carried to approve these minutes. Minutes of previous Joint Plan Commission/Common Council meeting. Motion carried to approve these minutes. 792 Milford Street review and take action Preliminary Certified Survey Map (easement adjustment). Calvary Baptist Church, Inc. is looking to adjust an easement currently recorded on 792 Milford Street. Motion carried to approve the CSM identified on sheet 2 of 4. 740 N. Church St. review and take action, Preliminary Certified Survey Map. This CSM was created to resolve issues identified at the 3/25/2019 Plan Commission. Motion carried to approve with the condition that lots 1 and 2 have an Airport Approach Protection Zone elevation limit of 968 feet above mean sea level for all buildings, structures and objects of natural growth. 704 W. Madison Street initial review and set public hearing date for Planned Unit Development request. Motion carried to set the public hearing date before the Common Council on February 18, 2020. Discussion on proposed fee schedule change. Chapter 550 Fee Schedule: Planned Unit Development (PUD). The Plan Commission agreed that based on information received by the Zoning and Floodplain Administrator, the fee schedule changes and ordinance needs to be updated for review at the February 10, 2020 Plan Commission meeting. Preliminary review and set public hearing date to amend section 550-53F(1)(d): Composting Operation Land Use. Due to the City having a strong food processing/production history, the Building, Safety & Zoning Department is proposing an amendment which may allow for a new industrial avenue to develop off of existing industry byproduct. Motion carried to set a public hearing date of February 18, 2020.

**Public Works Commission, 01/21/20.** Minutes of previous meeting. Motion carried to approve these minutes. 2020 Annual Sidewalk Repair Program Area. Motion carried to approve.

**Public Works Commission, 01/28/20.** Approve minutes of previous meeting. Motion carried to approve these minutes. Discussion regarding the path to a compliant use and leasing of 722 O'Connell Street. Documentation was prepared on options for compliant use of this space after the Common Council approved a resolution to authorize leasing of storage space to AMVETS. The Planned Unit Development was determined to be the best option with AMVETS needing to go through Site Plan Review Committee and Plan Commission. 2020 Annual Street Program overview. Motion carried to approve the 2020 Annual Street Program. Hiring Tetra Tech (Formerly Cornerstone), Richfield, OH, to continue inspections of the gas blower building at the old landfill on Boomer Street. Motion carried to approve this contract in the amount of \$6,000. Permission to advertise fill from Watertown Airport, 1741 River Drive. This is on recommendation of the City Attorney as there are 40,000 yards of fill that FAA told the City needs to be removed. Motion carried to authorize the Street Superintendent to dispose of this fill by whatever means is acceptable with review by the City Attorney. Quotes and process to purchase trees for the Forestry Department. Of three bids received, none were able to bid all trees requested. Motion carried to authorize Street Superintendent Franks to use multiple vendors, choosing trees at the best price offered. Equipment rates for 2020 set by the DOT. Motion carried to adopt the 2020 equipment rates as presented. 2019 water bill write-offs. Motion carried to approve write-offs in the amount of approximately \$26,000. Water & Wastewater Departments summary/overview of permits, regulatory requirements and reports submitted during the calendar year. Information only.

## COMMUNICATIONS & RECOMMENDATIONS

Mayor McFarland presented a recommendation by the Finance Committee to allow and pay a claim by Mae Lange in the amount of \$1,534 from the contingent account. The claim was recommended for disallowance by Statewide Services. Motion was made by Ald. Larsen, seconded by Ald. Tortomasi to approve payment of the claim by Mae Lange and carried by roll call vote: Yes-9; No-0.

## ACCOUNTS PAYABLE

Certified accounts in the amount of \$270,414.56 were presented. Ald. Mudler moved to pay all certified accounts, seconded by Ald. Larsen and carried by roll call vote: Yes-8; No-0; Abstain-Ruetten. (Complete listing of accounts payable is open for public inspection in City Clerk/Treasurer's office.)

## REPORTS AND MISCELLANEOUS BUSINESS

Reports presented: Parks, Recreation & Forestry Commission-01/06/20; Payroll Summaries-01/15-01/28/20; All reports accepted as presented.

## ORDINANCES

**Ord. #20-2**, repeal and recreate Chapter 56 "Emergency Government" was presented. *Sponsor: Ald. Raether. From: Public Safety & Welfare Committee.* Ald. Raether moved for adoption of this ordinance on its first reading with recommendations for re-numbering suggested by Chief Biefeld, seconded by Ald. Schmid and carried by roll call vote: Yes-9; No-0.

**Ord. #20-3**, repeal Chapter 319, Sections 319-30 through 319-34 "Hazardous Materials" 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. Schmid and carried by roll call vote: Yes-9; No-0.

**Ord. #20-4**, create Section 500-6A(4) "Parking Limitations", on the west side of S. Seventh St. 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. Mudler and carried by roll call vote: Yes-9; No-0.

**Ord. #20-5**, repeal and amend Section 500-6B(1) "Parking Limitations"; Parking Reserved for vehicles Disabled on S. Second St. 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. Ruetten and carried by roll call vote: Yes-9; No-0.

**Ord. #20-6**, amend Section 500-6A(5)(N) "Parking Limitations, Municipal Parking Lot Parking Limitations", Market Street parking lot was presented. *Sponsor: Ald. Raether. From: Public Safety & Welfare Committee.* Ald. Mudler moved for adoption of this ordinance on its first reading, seconded by Ald. Tortomasi. Ald. Raether then moved to refer this ordinance back to the next Public Safety & Welfare Committee meeting, seconded by Ald. Maron and carried by roll call vote: Yes-9; No-0.

**Ord. #20-7**, changing responsibilities of the Mayor was presented. *Sponsor: Ald. Larsen.* Ald. Larsen moved for adoption of this ordinance on its first reading. The motion failed without a second.

## RESOLUTIONS

**Exh. #8934**, Resolution Authorizing the Issuance and Sale of \$3,285,000 General Obligation Promissory Notes was presented. *Sponsor: Mayor McFarland. From: Finance Committee.* Ald. Larsen moved for adoption, seconded by Ald. Raether. Kevin Mullen of RW Baird was present to inform the Council of the favorable interest rates and interest savings the City will experience from the refinancing portion of this borrowing as well as the one referred to in the next ordinance. He indicated the savings on the refinancing portion of this issuance is approximately 12% and for the

refinancing in Exh. 8935 is approximately 16%. He reviewed the City's debt service levy and future plans for borrowing and repayment. Motion carried by roll call vote: Yes-9; No-0.

**Exh. #8935**, Resolution Authorizing the Issuance and Sale of \$2,825,000 Taxable General Obligation Promissory Notes was presented. *Sponsor: Mayor McFarland. From: Finance Committee.* Ald. Mudler moved for adoption, seconded by Ald. Tortomasi and carried by roll call vote: Yes-9; No-0.

**Exh. #8936**, to authorize an update to the Watertown Fire Department \* Juneau EMS existing intercept agreements was presented. *Sponsor: Mayor McFarland. From: Finance Committee.* Ald. Larsen moved for adoption, seconded by Ald. Holthaus and carried by roll call vote: Yes-9; No-0.

**Exh. #8937**, to approve updating license and inspection fees for establishments licensed under the Department of Agriculture, Trade and Consumer Protection Agent Contract was presented. *Sponsor: Mayor McFarland. From: Finance Committee.* Ald. Raether moved for adoption, seconded by Ald. Maron and carried by roll call vote: Yes-9; No-0.

**Exh. #8938**, to approve accepting the 2020 Greater Watertown Health Foundation Grant was presented. *Sponsor: Mayor McFarland. From: Finance Committee.* Ald. Larsen moved for adoption, seconded by Ald. Tortomasi and carried by roll call vote: Yes-9; No-0.

**Exh. #8939**, to approve a Memorandum of Understanding with WiscNet for internet service to Fiber Optic Cable Network was presented. *Sponsor: Mayor McFarland. From: Finance Committee.* Ald. Larsen moved for adoption, seconded by Ald. Ruetten and carried by roll call vote: Yes-9; No-0.

**Exh. #8940**, to approve change order with Koch Telecommunications for Fiber Optic Project, boring under the Rock River was presented. *Sponsor: Mayor McFarland. From: Finance Committee.* Ald. Larsen moved for adoption, seconded by Ald. Ruetten. Schmid questioned the longevity of the pipe to be used. Mayor McFarland indicated she will get that information to Ald. Schmid. Motion carried by roll call vote: Yes-9; No-0.

**Exh. #8941**, to approve the purchase of an accessible minivan for Transit System with 80% Federal grant funding was presented. *Sponsor: Mayor McFarland. From: Finance Committee.* Ald. Raether moved for adoption, seconded by Ald. Schmid and carried by roll call vote: Yes-9; No-0.

**Exh. #8942**, to approve license and liability waiver for work associated with the Marathon Gas Station/College Avenue realignment project was presented. *Sponsor: Mayor McFarland. From: Finance Committee.* Ald. Mudler moved for adoption, seconded by Ald. Ruetten. Ald. Tortomasi questioned the consequence of waiving liability. Attorney Simon-Silva indicated the waiver gives the City permission to demolish the Marathon Gas Station prior to the property transfer to the City and the waiver indicates that Jefferson County is not responsible for any work injuries to City employees or damage to City equipment during demolition. Motion carried by roll call vote: Yes-9; No-0.

**Exh. #8943**, to adopt 2020 Equipment Rates was presented. *Sponsor: Ald. Maron. From: Public Works Commission.* Ald. Maron moved for adoption, seconded by Ald. Mudler and carried by roll call vote: Yes-8; No-0; Abstain-Schmid.

**Exh. #8944**, to authorize maintenance of the old blower building at the old Landfill was presented. *Sponsor: Ald. Maron. From: Public Works Commission.* Ald. Maron moved for adoption, seconded by Ald. Raether and carried by roll call vote: Yes-9; No-0.

**Exh. #8945**, to authorize the purchase of trees for the Park & Forestry Tree Planting Program was presented. *Sponsor: Ald. Maron. From: Public Works Commission.* Ald. Maron moved for adoption, seconded by Ald. Larsen. Schmid questioned if this had anything to do with trees offered by the DNR and asked about the cost. Ald. Maron explained that one singular vendor could not meet the need for all trees so there are two different vendors involved.

Street Superintendent Franks indicated the total combined cost is approximately \$15,000 for trees from the two vendors. Motion carried by roll call vote: Yes-8; No-1 (Schmid).

**Exh. #8946**, to authorize the sale of Water/WW items on the Wisconsin Surplus Online Auction Site was presented. *Sponsor: Ald. Maron. From: Public Works Commission.* Ald. Maron moved for adoption, seconded by Ald. Schmid and carried by roll call vote: Yes-9; No-0.

#### **ADJOURNMENT**

There being no further business to come before the Council at this time, Ald. Mudler moved to adjourn, seconded by Ald. Tortomasi and carried by voice vote at 8:19 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.)*