

MONONA CITY COUNCIL MINUTES  
May 20, 2019

The regular meeting of the Monona City Council was called to order by Mayor O'Connor at 7:01 p.m.

Present: Mayor Mary K. O'Connor, Alderpersons Kathy Thomas, Molly Grupe, Nancy Moore, Andrew Kitslaar, Doug Wood, and Jennifer Kuhr

Also Present: City Administrator Bryan Gadow, City Attorney William Cole, Miah Gatzke from the Clean Lakes Alliance, Buck and Honey's owner Tom Anderson, Tasting Room owners Jason and Jessica Smith, and City Clerk Joan Andrusz

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Alder Grupe noted a correction to page 2 under Unfinished Business, "~~She~~ Alder Grupe withdrew her..."  
Alder Thomas noted a correction to page 3 under New Business, "...the 6<sup>th</sup> 3<sup>rd</sup> and subsequent offense..."  
Mayor O'Connor noted a correction to Page 5 under her Report, "...by July + 31."

A motion by Alder Kuhr, seconded by Alder Grupe to approve the Minutes of the May 6, 2019 City Council meeting, as amended, was carried.

APPEARANCES

Dane County Supervisor Tanya Buckingham (District 24) and Dane County Executive Joe Parisi appeared before the Council and provided information regarding lake level management including the plan to dredge the Yahara River this September.

The following individuals appeared before the Council and spoke in favor of dredging Pirate Island at the same time as the Dane County Yahara River project using the Dane County engineer:

- Brad and Jacci Meier, 600 Bartels Street
- Sarah Davidson, 704 Bartels Street

Mayor O'Connor reported the Public Works Department has talked with Dane County about this. The City budgets two years in advance of a major project, with engineering in one year and work the next. Unfortunately, the timing to do this project this year doesn't work.

PUBLIC HEARING

There was no Public Hearing.

CONSENT AGENDA

A motion by Alder Wood, seconded by Alder Moore to approve the following, was carried:

1. Approval of Applications for 2019/2020 Operator Licenses:
  - a. Alissa G. Berner, East Side Club

- b. Allison S. Marsden, Silver Eagle
  - c. Michael P. Miller, Speedway – Monona Drive
  - d. Cheryl M. Forrer, Walgreens
  - e. Julie R. Frasier, Walgreens
  - f. Samantha R. Londo, Walgreens
  - g. Shawna F. McCartney, Walgreens
2. Approval of Applications for 2019/2021 Operator Licenses:
    - a. Josue Miranda-Lopez, Buck and Honey's
    - b. Jared K. Boring, Buffalo Wild Wings
  3. Approval of Applications for 2018/2020 Operator Licenses:
    - a. Jasmine D. Banks, Breakwater
    - b. Tracy M. Showers, Breakwater
    - c. Colleen C. White, East Side Club/Pizza Oven
    - d. Dean E. Powers, O'Connell's Liquor
    - e. Alicia D. Blanchar, Red Robin
    - f. Jodi L. Gallion, Red Robin
    - g. Patrick A. McKillips, Red Robin
    - h. Sara J. Russell, Red Robin
    - i. Lauren M. West, Silver Eagle
    - j. Emily R. Luse, Walmart
    - k. Rebecca J. Reese, Walmart
  4. Approval of Renewal Applications for 2019/2020 Operator Licenses:
    - a. Alexander Burger, Ken's Meats & Deli
    - b. William T. Gingher, Ken's Meats & Deli
    - c. Kelly J. Regge, Ken's Meats & Deli
    - d. Norma C. Holt, Tower Inn
    - e. Steve Lapean, Tower Inn
    - f. Jeffrey D. Zumstein, Tower Inn
  5. Approval of Renewal Applications for 2019/2021 Operator Licenses:
    - a. William D. Noltner, Independent
    - b. Jaye S. Clemmons, Mr Brews Taphouse Monona
    - c. Derek J. Marks, Silver Eagle
    - d. Donald G. Hocking, Tully's II
    - e. Brittany M. Keys, Tully's II
    - f. Kevin J. Carey, Village Lanes
    - g. Xiao Liu, World Buffet

#### UNFINISHED BUSINESS

A motion by Alder Thomas, seconded by Alder Kuhr to approve Ordinance 5-19-716 Amending the Code of Ordinances Regarding False Building Alarms, was carried.

City Administrator Gadow reported the Sign Code language change was approved by the Plan Commission. Alder Thomas stated this allows only one metal-staked framed sign in yards when there could easily be two for special events. Mayor O'Connor stated she has a storm drain sign and a Clean Lakes sign, but now could only have one of them.

A motion by Alder Thomas, seconded by Alder Grupe amend Ordinance 5-19-717 Amending Chapter 480, Article XII of the Code of Ordinances Regarding Signage Regulations to allow two yard signs, was carried.

Alder Wood disagrees with the Ordinance and stated a property can end up with multiple signs. The only enforcement has been right-of-way removal. Mayor O'Connor questioned whether there can be a limit on the number of identical signs. City Attorney Cole responded that would be content-related legislation. The Plan Commission consensus was to leave the limit at only one. Alder Kitslaar supports allowing two signs.

City Attorney Cole stated this amendment would increase the total to six at elections. Alder Wood stated there is a 38-day period restriction on political signs so he won't support the Ordinance change. Time doesn't outweigh a person's right to express their political view. City Attorney Cole reported this proposal is based on the International Lawyers Association effort at not limiting the time but any sign type is increased to 6 at election time. He is satisfied that this will survive scrutiny. The two that are limited could both be political. Alder Wood responded a judge would most likely see through this as an attempt to limit content. City Attorney Cole stated an easier way would be to set a limit now on the number with no time period. This amendment attempts to limit a plethora of signs. Every community struggles with this issue and are limiting them while trying not to go too far.

Alder Kitslaar stated his concern is the extreme number of signs that create unsightliness and the repeating of the same signs. Alder Thomas stated the goal is to put reasonable controls on signs; nothing is guaranteed when going before a judge, but this is safer. City Attorney Cole stated garden décor is not regulated and noted a previous argument on what is considered debris. There was a large community backlash in a previous case regarding a parked boat. Alder Kuhr stated the Ordinance can be changed if there are complaints or code violations. Alder Moore stated it is a reasonable accommodation between free speech and community appearance.

A motion by Alder Grupe, seconded by Alder Moore to approve Ordinance 5-19-717 Amending Chapter 480, Article XII of the Code of Ordinances Regarding Signage Regulations as amended, was carried. Alders Wood and Grupe voted against the motion.

A motion by Alder Wood, seconded by Alder Kuhr to approve Resolution 19-5-2353 Approval of Electric Distribution Facilities Relocation Agreement for Bridge Road Reconstruction Project, was carried.

City Administrator Gadow stated the following Resolution is the budget amendment for the previous action. Some bids came in over budget and some under.

A motion by Alder Kuhr, seconded by Alder Kitslaar to approve Resolution 19-5-2354 Amending the 2019 Capital Budget to Complete Private Utility Undergrounding on Bridge Road. On a roll call vote, all members voted in favor of the motion.

## NEW BUSINESS

A motion by Alder Wood, seconded by Alder Thomas to suspend the rules and take action on the Temporary Class "B" Fermented Malt Beverage Retailer's License for Clean Lakes Alliance Loop the Lake Bike Ride, President James Tye, 150 East Gilman Street, Suite 2600, Madison, Wisconsin, 53703, for the Period of June 15, 2019, was carried.

Alder Wood stated the License Review Committee approved this on May 14 with the fencing requirement waived. He noted there is no fencing at many Madison events; the City has been going in the direction of not requiring fencing. Alder Kitslaar reported the 20k Lake Loop and City events in Winnequah Park are not fenced. Alder Grupe agrees to this change to the motion. Alder Wood reported it is new to have an event at Arrowhead Park rather than Winnequah Park. Clean Lakes Alliance staff member Miah Gatzke, who is present to answer any questions, has a temporary Operator license and will monitor the drinker's ages.

A motion by Alder Wood, seconded by Alder Grupe to approve the Temporary Class "B" Fermented Malt Beverage Retailer's License for Clean Lakes Alliance Loop the Lake Bike Ride, President James Tye, 150 East Gilman Street, Suite 2600, Madison, Wisconsin, 53703, for the Period of June 15, 2019 with a variance granted to waive the fencing requirement, was carried.

A motion by Alder Wood, seconded by Alder Kitslaar to suspend the rules and take action on the Applications for 2018/2019 Class "B" Fermented Malt Beverage and "Class B" Liquor Licenses For Birkys LLC, d/b/a Buck and Honey's, 800 West Broadway, Suite 300, was carried.

Alder Wood reported this was approved by the License Review Committee on May 14. Their patio permits were also approved and will be presented at the June 3 council meeting. Mr. Anderson, introduced his son, Tom, Jr., who was present to observe, and provided information on his project, which was two years in the making, getting through challenges and obstacles. His Sun Prairie location has been in operation for 10 years. He will provide upscale and family dining. Décor will include Monona Inland Boats history, with large photographs, similar to the local history showcased in the Sun Prairie restaurant. He plans to open sometime in July. The plans were displayed with the layout and plan for use of spaces described. Alder Wood stated his motion should include a requirement to install cameras. Alder Kitslaar agreed. City Attorney Cole will talk to Mr. Anderson tonight and have Detective Sergeant Ryan Losby contact him.

A motion by Alder Wood, seconded by Alder Kitslaar to approve the Applications for 2018/2019 Class "B" Fermented Malt Beverage and "Class B" Liquor Licenses For Birkys LLC, d/b/a Buck and Honey's, 800 West Broadway, Suite 300, contingent upon installation and maintenance of digital video surveillance as approved by the Chief of Police, was carried.

A motion by Alder Grupe, seconded by Alder Wood to suspend the rules and take action on the Application for Transfer of Retail 2018/2019 Class "B" Fermented Malt Beverage and "Class B" Liquor Licenses for Tasting Room of Monona Inc, d/b/a The Tasting Room, from 6000 Monona Drive, Suite 103 to 800 West Broadway, Suite 100, was carried.

Alder Wood reported this was approved by the License Review Committee on May 14 and is a transfer to their new Riverfront location. The motion should include a camera system requirement. Alder Grupe agrees. They will have far better air circulation and will use their liquor license more while maintaining the required 30% ratio of tobacco sales in order to allow smoking.

Mr. and Mrs. Smith provided information, stating they reside at 4701 Tonyawatha Trail. They purchased the Tasting Room two years ago. The new location will have an air system that produces fresh air every 4 minutes and complies with international standards. There will be a full service bar. They are members of the Tobacconists' Association of America, which is a prestigious limited group with access to rare hand-rolled cigars. Rocky Patel, who founded and owned the 4<sup>th</sup> premium cigar company in America, will be at the grand opening. The store will be a destination; customers come from 30 states to Monona for limited edition, rare, and specialty cigars. It will be safe and comfortable for smokers and non-smokers. No cigarettes are allowed inside or outside; pipes are allowed.

A motion by Alder Wood, seconded by Alder Grupe to approve the Application for Transfer of Retail 2018/2019 Class "B" Fermented Malt Beverage and "Class B" Liquor Licenses for Tasting Room of Monona Inc, d/b/a The Tasting Room, from 6000 Monona Drive, Suite 103 to 800 West Broadway, Suite 100, contingent upon installation and maintenance of digital video surveillance as approved by the Chief of Police, was carried.

A motion by Alder Wood, seconded by Alder Thomas to suspend the rules and take action on the Application for the 2018/2019 Patio Permit for Tasting Room of Monona Inc, d/b/a The Tasting Room, 800 West Broadway, Suite 100, was carried.

City Clerk Andrusz reported variances have been granted in the past for patio and beer garden permits, which are required to close at 9:00 p.m. with seating limited to 40. She displayed Waypoint Public House's license which notes their extended patio hours and increased seating capacity. This was granted based on the fact that there are no affected neighbors because the patio faces the Beltline.

Mr. Smith stated he requests weekday closing at 10:00 p.m. and the day preceding a holiday and weekends at midnight. He has not had Police Department review to determine capacity yet but he would like 54 seats. He distributed a complete patio plan with seating layout. There will be 70 decibel speakers for background sound which staff will keep at a low level. The goal is to offset some of the road noise from Broadway and allow conversation. It won't conflict with the park on the opposite side. Alder Thomas stated the concern is the residents across the river. Attorney Cole reviewed the noise Ordinance and discussed the decibel level at the property line.

Mr. and Mrs. Smith stated this is the only public space on that part of the building. The patio is not below the apartments. The southeast prevailing wind and fans on the patio would disperse smoke, which they are very concerned about, and mosquitos. Alder Kuhr questioned how difficult it would be to revoke a variance. City Attorney Cole responded there can be conditions placed on the granting and because this is a permit it can be revisited in one year. Possible Buck and Honey's requests were discussed; Alder Wood stated that could compare with Breakwater, but each location is different.

Alder Moore stated she has heard resident's concerns about Schluter Park being open until 10:00 p.m. Sound is a concern because even a conversation carries. The Tasting Room's patio could be loud even with just talk. City Attorney Cole stated noise limits are measured at the lot line in the Ordinance. This patio is closer to some apartments. Alder Thomas stated the landlord will monitor noise. Conditions could be added. The worst case can always be imagined but may not happen.

A motion by Alder Thomas, seconded by Alder Kuhr to amend the Application for the 2018/2019 Patio Permit for Tasting Room of Monona Inc, d/b/a The Tasting Room, 800 West Broadway, Suite 100 to grant variances for 54 seats and the following closing hours: 10:00 p.m. Sunday through Thursday and 12:00 a.m. Friday, Saturday, and the day preceding Memorial Day, Independence Day, and Labor Day, was carried.

City Attorney Cole stated variances can be reviewed but the applicant has to comply with the Ordinances. This is subject to the Fire Chief's capacity determination. Alder Wood stated if problems arise the License Review Committee would invite Mr. and Mrs. Smith in for discussion.

A motion by Alder Wood, seconded by Alder Thomas to approve the Application for the 2018/2019 Patio Permit for Tasting Room of Monona Inc, d/b/a The Tasting Room, 800 West Broadway, Suite 100, as amended and contingent upon installation and maintenance of digital video surveillance as approved by the Chief of Police, was carried.

A motion by Alder Kitslaar, seconded by Alder Kuhr to suspend the rules and take action on Resolution 19-5-2356 Approval to Submit 2018 Compliance Maintenance Annual Report (CMAR) Review and Recommendations, was carried.

City Administrator Gadow reported this is a regular yearly action required by the DNR. The City achieved a Grade A, the highest score possible for the City's actions from a financial and operational standpoint. He reviewed specific portions, including the effects of 2018 rain events. Alder Kitslaar requested specific information regarding annual sewer cleaning and I & I areas. City Administrator Gadow will request that from Public Works Director Dan Stephany.

A motion by Alder Kitslaar, seconded by Alder Kuhr to approve Resolution 19-5-2356 Approval to Submit 2018 Compliance Maintenance Annual Report (CMAR) Review and Recommendations, was carried.

A motion by Alder Wood, seconded by Alder Kitslaar to suspend the rules and take action on Resolution 19-5-2357 Approving the Purchase of Site Furniture for the Riverfront Park Plaza, was carried.

City Administrator Gadow reported \$36,000 was approved for this in the 2018 Capital Budget. Questions about TIF eligibility will require Auditor review, which he will pursue. Furnishings include blue and white café tables and movable, stackable terrace seating. Powder-coated black will be the consistent theme on other furnishings. Alder Thomas stated she wants TIF to pay for whatever it can, like the Zamboni. Alder Kitslaar reported \$100,000 is budgeted for the site furnishings in total. City Administrator Gadow reviewed future items to be requested. Alder Moore reported installation will be done in-house for a cost savings.

A motion by Alder Wood, seconded by Alder Moore to approve Resolution 19-5-2357 Approving the Purchase of Site Furniture for the Riverfront Park Plaza. On a roll call vote, all members voted in favor of the motion.

## REPORTS

Alder Kuhr reported that a large portion of ash trees will be removed; 29 affected residents will be notified as well as public service announcements on WVMO. This is a significant change to the City.

Alder Moore reported a Renew Wisconsin contract was signed for a group solar buy. Three informational sessions will be held. Those interested should go to the Sustainable Monona Facebook page for information.

Alder Grupe reminds everyone to take the residential energy survey.

City Clerk Andrusz reported that residents can still contact Accurate Appraisals at the toll free number on their assessment notice. If they are dissatisfied with the outcome they should call her to be placed on the June 4 Board of Review hearing agenda.

City Administrator Gadow reported a 2018 flood event debriefing was held with emergency management consultant Larry Reed at this morning's staff meeting. Discussion centered on lessons learned, what will be done differently, and preparations for future events. He will have a report for the Council soon.

Mayor O'Connor reported a limited number of invitations were sent for the Aldo Leopold Nature Center's "Cocktails in the Cattails" event honoring the City of Monona, Pleasant Rowland, and the Leopold family on the Center's 25<sup>th</sup> anniversary. Members should RSVP by May 27. She and City Administrator Gadow met with Madison Mayor Satya Rhodes-Conway and Deputy Mayor Leslie Orrantia, discussing concerns of mutual interest. They plan to keep that conversation going. Members are asked to meet at 9:00 a.m. to be ready for the Memorial Day Parade.

Alder Wood reported Mayor O'Connor, Director of Administrative Services Leah Kimmell, and City Clerk Andrusz will be participating in the Library's Story Jam 2 event this Wednesday at 6:00 p.m.

#### APPOINTMENTS

A motion by Alder Kitslaar, seconded by Alder Grupe to approve the following, was carried:

1. Ryan Kelley to the Board of Review, First Alternate (effective immediately–April 2020).
2. Luke Dorzweiler to the Board of Review, Second Alternate (effective immediately–April 2020).

#### ADJOURNMENT

A motion by Alder Wood, seconded by Alder Kitslaar, to adjourn was carried. (8:49 p.m.)

Joan Andrusz  
City Clerk