

MONONA CITY COUNCIL MINUTES
May 17, 2021

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

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

Also Present: City Administrator Bryan Gadow, Incoming Police Chief Brian Chaney Austin, City Attorney William Cole, Public Works Director Dan Stephany, Acting Police Chief Sara Deuman, Friends of San Damiano President Andrew Kitslaar, Parks & Recreation Director Jake Anderson, and City Clerk Joan Andrusz

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

A motion by Alder Grupe, seconded by Alder Moore to approve the Minutes of the April 20, 2021 City Council Organizational and May 3, 2021 City Council meetings, was carried.

APPEARANCES

Phil De Villers, Monona resident, appeared before the Council and spoke in favor of a referendum pertaining to the San Damiano purchase and against the Memorandum of Understanding with the Friends of San Damiano group.

PUBLIC HEARING and CONSENT AGENDA

There was no Public Hearing or Consent Agenda.

Mayor O'Connor moved the following item forward in the Agenda to accommodate Incoming Police Chief Chaney Austin.

NEW BUSINESS

A motion by Alder Grupe, seconded by Alder Moore to suspend the rules and take action on Resolution 21-5-2497 Approving an Employment Agreement for the Position of Police Chief, was carried.

City Administrator Gadow reported this is a standard Department Head employment agreement; Incoming Police Chief Chaney Austin starts on June 1st. Alder Kuhr questioned the position's salary range (\$95,000 to \$115,000) and wants a staff salary review and discussion included at budget time; this is a significant salary for the Police Chief. Mayor O'Connor responded City Administrator Gadow consulted the Dane County Cities and Villages Association's salary survey and they agreed that will be taken into account in budget discussions.

Alder Wood stated Incoming Police Chief Chaney Austin's starting date is a very historic day for the City with the closing on the San Damiano purchase occurring as well. He has a gay son, so hiring a gay Police Chief means a lot to him. Members welcomed the new Police Chief and sincerely thanked Acting Police

Chief Deuman for her service in the interim. Alder Thomas stated these are challenging times for police and she is grateful for the City's outstanding Department and leadership. Incoming Police Chief Chaney Austin made remarks, including that he is looking forward to working in Monona. He thanks leaders of color and the LGBTQ community for their support. He also thanks the Council and stated he wants to meet with each member, and thanks Acting Police Chief Deuman. He looks forward to getting to work.

A motion by Alder Thomas, seconded by Alder Grupe to approve Resolution 21-5-2497 Approving an Employment Agreement for the Position of Police Chief. On a roll call vote, all members voted in favor of the motion.

UNFINISHED BUSINESS

Public Works Director Stephany reported on May 5th the Public Works Committee approved Payne & Dolan for the following project.

A motion by Alder Kuhr, seconded by Alder Thomas to approve Resolution 21-5-2490 Award of Contract for 2021 Street Resurfacing Project. On a roll call vote, all members voted in favor of the motion.

Public Works Director Stephany reported on May 5th the Public Works Committee approved the low bid, Raymond P. Cattell Inc., for the following project. Work will start in three weeks after contracts are signed and he assumes it will be complete by Labor Day; he will email members when that date is known. Alder Goforth questioned the speed hump near Waterman Way because Fire Chief Jerry McMullen had reported they were hard on Department vehicles. Public Works Director Stephany explained the plan and hump approaches. Alder Grupe stated the hump also provides pedestrian access to Schluter Park. Alder Moore reported Fire Chief McMullen talked with Public Works Director Stephany and the non-traditional hump won't be as high. Public Works Director Stephany explained this one is an industry standard construction and safety vehicles navigate them well; Fire Chief McMullen is satisfied with it now. The design was approved in October of last year.

A motion by Alder Kuhr, seconded by Alder Grupe to approve Resolution 21-5-2491 Award of Contract for Winnequah Road Traffic Calming Project. On a roll call vote, all members voted in favor of the motion.

Acting Police Chief Deuman reported the City of Madison repealed their requirement for bicycle licensing and the Public Safety Committee agreed to go forward with this in Monona. There are two national registries; there is no recommendation for either of them or none could be used. Alder Grupe thanks Alder Goforth for bringing this forward and the Committee for approving it. Alder Kuhr stated she hopes resources won't be expended on this; the City shouldn't promote either registry. It is done at high-end shops and very few people register bicycles. Alder Goforth agrees and noted two typographical errors in the Ordinance: the word "bicycles" is misspelled in the title and in the second "Whereas" section, in the second sentence, the word "but" should be "by". Alder Thomas stated there will only be WVMO and eNewsletter notices, not expansive announcements and no funds spent.

A motion by Alder Thomas, seconded by Alder Moore to approve Ordinance 5-21-739 An Ordinance Repealing Chapter 168-3 of the Code of Ordinances Requiring Registration and Licensing of Bicycles, as corrected, was carried.

Mayor O'Connor introduced the Friends of San Damiano MOU; it has been vetted by City Attorney Cole. Mr. Kitslaar sent members the bylaws, member list, and IRS form. Alder Moore reported the incorporation IRS form was delayed by COVID-19 and is backdated for 501(c)(3) designation. Alder

Grupe thanked Mr. Kitslaar for his prompt response. This is a much different action than a school referendum and she is very excited to go forward.

City Administrator Gadow inquired about the Friends quarterly report, yearly audit of financial statements, and that the City is the sole recipient of any funds. Mr. Kitslaar responded income statements are filed quarterly and reviewed at meetings and he will get the annual IRS 990 form to the City. The Friends are not legally bound to an annual audit and they are expensive to have done. Alder Goforth urged him to do this as a prudent thing to do because a lot of money is involved. Mr. Kitslaar reported this year they had their attorney do the 990 form, but going forward a third party will do that. Legally, the City can't be declared the sole recipient of funds until it pledges to maintain the property as a public park going into the future.

Alder Goforth questioned the bylaws. They don't state a maximum number of Board members; she suggests 11 to 15, an odd number. Term limits should be addressed; three years is standard, "until death" is not. Tighter financial control is needed; the bylaws should state which officers have access to funds. She questioned the Board's ability to take out loans at its discretion. Mr. Kitslaar responded the bylaws were drafted before the City took out its loan; they thought the Friends might do that. Alder Goforth questioned how the Board was chosen and its diversity. Mr. Kitslaar responded people reached out and then others wanted to join. They are getting a Ho-Chunk member and will widen the search. Term limits will be addressed. Alder Goforth questioned member compensation, which is mentioned in two places. Mr. Kitslaar responded that language is standard; expenses are reimbursed. The annual meeting is just directors now. Alder Goforth noted there are four positions listed but only three members.

City Attorney Cole responded to Alder Kuhr's question about what responsibility the Friends owes the City. The City is binding itself to cooperate with the Friends and coordinate fund raising. The Friends will keep the City apprised of its actions. Comments are good but the Friends can do what they want; they are obligated to donors and the IRS.

Alder Moore stated none of the other Friends groups in the City have MOUs. The bylaws aren't germane to this discussion. City Attorney Cole responded to Alder Thomas's question about whether the City can take in a donation if someone doesn't want to go through the Friends; this would not violate the MOU. Alder Grupe stated she is glad the bylaws were discussed; this will make Alder Goforth and others more comfortable. Alder Goforth questioned what is done with large donations. Mr. Kitslaar stated the Friends is committed to the whole property being maintained as a park but the City makes the final decision.

A motion by Alder Grupe, seconded by Alder Kuhr to approve Resolution 21-5-2493 Approving a Memorandum of Understanding Between the Friends of San Damiano and the City of Monona for Fundraising Activities, was carried. Alder Goforth voted present.

City Attorney Cole responded to Mayor O'Connor's question about voting "present". Any representative has the obligation to constituents to vote for or against an issue. Abstention is used in cases of conflict of interest. "Present" is used in Congress, not usually in local government; local government should act, should figure out how to represent constituents. Alder Wood stated it is up to Alders; they have the right to vote whatever they want. Alder Thomas stated she has never seen "present" used before this year; an Alder has to make a choice, "present" doesn't represent anything. Alder Moore stated the Friends members are owed gratitude; they have pledged to provide hours and hours of work to raise funds. She thanks all donors and volunteers. Alder Goforth stated she thinks this action is premature and needs more discussion; the bylaws concerned her. She voted "present" on advice she was given.

NEW BUSINESS

A motion by Alder Thomas, seconded by Alder Wood to suspend the rules and take action on Resolution 21-5-2496 Authorizing the Recording and Posting of Public Meetings During the COVID-19 Pandemic, was carried. Alder Kuhr voted against the motion.

Alder Thomas reported the Community Media Committee discussed this and voted to upload and record Zoom meetings while having Zoom meetings, not hybrid meetings, for the duration of the need for meeting via Zoom. Alder Wood stated the CDA and Library Board are separate entities. City Administrator Gadow responded they are included. Alder Kuhr stated this has been discussed but this is the first Resolution presented to the Council; there is no rush to get this done. Alder Thomas stated discussion has been going on for months and this will no longer be relevant in a month. Other communities do it and there is no reason not to; it contributes and adds to transparency. Alder Kuhr was concerned there was no retention policy outlined.

A motion by Alder Kuhr, seconded by Alder Thomas to approve to retain files for six months after the meeting dates and then those files would be purged and any additional deletion from YouTube as necessary, was carried.

Alder Wood stated recordings should be disposed of by a records disposition authority. City Administrator Gadow will check into that. Alder Moore stated the Internet has a very long shelf life which has had negative consequences. The number of meetings would overload the City's YouTube channel. Alder Thomas responded this would be for Zoom meetings only and not into perpetuity, probably only six months. City Administrator Gadow stated it will be up to committee members, their comfort level, and Public Health Department orders, but Zoom meetings will probably end before the end of summer. Alder Goforth stated lots of municipalities have a lot of YouTube recordings so that is not a valid point. Alder Grupe suggested adding language to agendas and that it should be announced at meetings that it's going to be recorded. Alder Kuhr agrees; business with the City is on the Internet; the public should be informed. Alder Wood questioned whether the Committee has discussed how meetings will be done going forward. Alder Thomas responded there should be a Council decision regarding hybrid meetings. This action should be done now and future processes should be addressed later.

A motion by Alder Thomas, seconded by Alder Goforth to approve Resolution 21-5-2496 Authorizing the Recording and Posting of Public Meetings During the COVID-19 Pandemic as amended, was carried. Alder Kuhr voted against the motion.

Recreation Director Anderson provided information on Resolution 21-5-2495 Authorizing Beer Sales by Parks and Recreation Staff during Special Events. On May 11th the Parks & Recreation Board proposed Bier Garten dates. The CDC and Public Health Department will provide mask guidance and orders will allow outdoor events.

REPORTS

Mayor O'Connor asked for reports on the first three specific items below:

Recreation Director Anderson provided an Update on Proposed Swimming Pool Opening Plan. Aquatics Supervisor Missy Miller sent out an opening plan and schedule. Registrations are taken from both residents and non-residents and revenues exceed year-to-date two years ago. 75% occupancy is allowed but with social distancing required, the pool can't be at that capacity, so the maximum is 250 people. The pool will open June 5. He described the schedule of open swim, fitness sessions, and lessons. He will recommend not requiring masks on the pool deck and is confident new orders will lift

restrictions. He will provide chairs; moving the chairs from storage will open up more wading pool space for patrons. Non-residents don't get priority but are not limited except for swim lessons. Higher fees for non-residents are reviewed and approved by the Council annually; this keeps taxpayer costs down. Alder Kuhr thanks Recreation Director Anderson and Aquatics Supervisor Miller for following orders and keeping residents and patrons safe. They've been very nimble with programming during COVID-19. Mayor O'Connor thanks them for their creative activities. Recreation Director Anderson responded to Alder Goforth that the chlorine shortage doesn't affect commercial swimming pools.

Mayor O'Connor began Discussion on Resuming In-Person City Council Meetings. The Municipal Room has a lot of space to spread out for social distancing. Alder Kuhr questioned whether there has been a directive given to staff. City Administrator Gadow responded they should ask the Chair to gauge interest and comfort in meeting in-person. Members agree in-person should be allowed but staff should be asked. Alder Wood stated the License Review Committee did meet in person and felt safe with masks and social distancing. The Parks & Recreation Board met outside and will again. Bryan will ask staff.

City Administrator Gadow began Updates/Discussion on Diversity, Equity, and Inclusion (DEI) Efforts. The Nehemiah Center worked closely with PFC members for the May 6th Police Chief candidate event which Harry Hawkins moderated. He is working with the Center to schedule meetings and events for the summer. The Library's Winnequah Park Unity Project is underway and goes through the end of the month. Alder Kuhr provided the Unity Project dates, which are on the Library's page on the City's website. Alder Grupe sets goals for herself, one of which was to confirm the new Police Chief. She has had positive committee conversations and has added DEI efforts as an agenda item. Members and staff were enthusiastic. Alder Wood reported he decided to reach out to Department Heads to talk about DEI efforts and the Nehemiah process. Alder Goforth has been sharing the Nehemiah assessment at the Transit Commission meetings. Mayor O'Connor reported she and City Administrator Gadow are accepting Diversity Committee member applications from May 12th through the 26th, and asks members to have anyone they know that is interested use the application form on the City's website.

Members announced meeting dates and times and provided the following:

Alder Moore reported there is a detailed listing of items collected at the Sustainability Committee's recycling event. 17,147 pounds of electronics and appliances and 1,589 pounds of Freon was recycled. The event was a huge success and she thanks all those involved and citizens for participating.

Alder Wood reported liquor license renewal applications were reviewed at the May License Review Committee meeting. The Parks & Recreation Board meeting was a B-Cycle tour of the parks.

Alder Grupe reported the B-Cycles were a lot of fun to use for the meeting mentioned above. The Board didn't accomplish the full parks tour as planned, but had extensive discussion of park plans for the future and current practices that can be updated. The Sustainability Committee needs "Sustainability Champions" interviews for the Story Map project to describe efforts individuals have made. She congratulates Alder Kuhr on the 4th anniversary of when she first filled Mayor O'Connor's Alder position. She was and is an inspiration!

Alder Goforth reported the Transit survey will go out in the June eNewsletter; it is for all residents but is targeted more to non-riders.

Alder Kuhr reported the Library's Unity Project in Winnequah Park is beautiful.

Alder Thomas reported that on Friday WVMO will broadcast an interview with new Police Chief Brian Chaney Austin. She will send out an email with the time.

City Clerk Andrusz reported liquor license renewals will be on the next Council Agenda for review and approval so the Agenda will be quite large.

Acting Police Chief Deuman reported there continues to be increased vehicle crashes on the Beltline in the evening because of construction. She and Department staff look forward to Chief Chaney Austin's start on June 1st.

City Administrator Gadow reported the City will receive \$810,000 from the American Rescue Plan Act over two years, with the first half coming in sometime this spring. Once this payment is received he wants to establish a separate sinking fund to allow tracking of expenditures. The City has until 2025 to expend the funds. He is reviewing a 151-page U.S. Department of Treasury document on how the funds can be used. There are six large expenditure categories, including essential worker premium pay and various lost revenues. The League of Wisconsin Municipalities and Dane County Cities and Villages Association are reviewing the same document. He wants to make sure spending is done the right way, so wants to be careful. Items will be presented for Council discussion and decision later in the summer.

Mayor O'Connor reported Dane County Emergency Management says there will be COVID-19 updates tomorrow that will take into account CDC guidance. The eNewsletter will be out on Wednesday. The next meeting is in three weeks.

APPOINTMENTS

A motion by Alder Grupe, seconded by Alder Goforth to approve Colleen Flaherty to the Tourism Commission (effective immediately–April 19, 2022), was carried.

ADJOURNMENT

A motion by Alder Grupe, seconded by Alder Kuhr, to adjourn was carried. (8:53 p.m.)

Joan Andrusz
City Clerk