

Meeting of: **COMMON COUNCIL OF THE CITY OF STOUGHTON**
Date/Time: Tuesday, June 14, 2016 @ 7:00 p.m.
Location: Council Chambers at the Public Safety Building
Members: Mayor Donna Olson, Tim Swadley, Sid Boersma, Michael Engelberger, Regina Hirsch, Greg Jenson, Kathleen Johnson, Dennis Kittleson, Paul Lawrence, Tom Majewski, Pat O'Connor, Tom Selsor, Scott Truehl

CALL TO ORDER

Mayor Olson called the meeting of the Common Council to order at 7:00 p.m.

Roll Call, Communications, and Presentations:

Clerk Kropf called the roll and noted that there were 11 alderpersons present, with Truehl being absent and excused.

Mayor Olson announced that "Ladies Night Out" is going to be held on Thursday, June 23, 2016, in Stoughton from 5:30 p.m. to 9 p.m. She noted that the proceeds of this event will be going to the Stoughton Youth Center, Seniors In Need, and the Stoughton Area Resource Center.

Mayor Olson explained that "Around the Corner with John McGivern" will be in town to do some taping in Stoughton on June 16 and June 17, and it will air on PBS in February 2017.

Relay for Life Proclamation

Mayor Olson proclaimed June 17, 2016 and June 18, 2016 as Relay for Life days.

Funds and Fund Balance Presentation by Finance Director Laurie Sullivan

Finance Director Sullivan gave an overview of the City of Stoughton governmental funds and explained each fund's purpose.

Liquor Licensing Presentation by Attorney Matt Dregne

Attorney Matt Dregne gave the Council a detailed overview of the Council's responsibility regarding issuing or renewing liquor licenses for the City.

Minutes and Reports: The following minutes and reports were entered into the record:

Public Safety Committee (4/27/2016), Library Board (4/20/2016), Landmarks Commission (4/14/2016), Personnel Committee (5/2/2016), and Finance Committee (5/10/2016)

Public Comment Period:

Jake White; 3341 Old Stone Rd; Spoke in favor of the Pig Wrestling event.
Samantha White; 3341 Old Stone Rd; Spoke in favor of the Pig Wrestling event.
Lisa Keehn; 10642 N Wilder Rd, Evansville; Spoke in favor of the Pig Wrestling event.
Ted Keehn; 10642 N Wilder Rd, Evansville; Spoke in favor of the Pig Wrestling event.
Susan Elsing; 601 Center Rd; Spoke in favor of the pig Wrestling event.

Bethany Menta; 109 Teddy St, Brooklyn; Spoke in opposition of the Pig Wrestling event.
Holly Pfaff; 109 Teddy St, Brooklyn; Spoke in opposition of the Pig Wrestling event.
Eric Hunt; 2 E Mifflin St, Madison; Spoke as a representative of the Fair Association.
Sara Andrews; 3318 Ridgeway Ave, Madison; Spoke in opposition of the Pig Wrestling event.
Lynn Pauly; 5133 Maher Ave; Spoke in opposition of the Pig Wrestling event.
Rick Bogle; 5133 Maher Ave; Spoke in opposition of the Pig Wrestling event.
Debbie Fields; 5508 Healy Ln, Monona; Spoke in opposition of the Pig Wrestling Event.
Lizzie Sexton; 5106 Trafalger Ave, Madison; Spoke in opposition of the Pig Wrestling event.
Marina Drake; 46 Dixon St, Madison; Spoke in opposition of the Pig Wrestling event.
Rebekah Klemm; 7781 Elmwood Ave 3313, Middleton; Spoke in opposition of the Pig Wrestling event.
Marsha Stanek; 469 Game Ridge Trl, Oregon; Spoke in opposition of the Pig Wrestling event.
Joe Farmer; undisclosed address; Spoke in favor of the Pig Wrestling event.
Renee Benell; 4846 Maple Ave, Fitchburg; Spoke in opposition of the Pig Wrestling event.
Michelle Livanos; 325 Elmside Blvd, Madison; Spoke in opposition of the Pig Wrestling Event.
Timothy Garrett; 4317 Brown Ln, Madison; Spoke in opposition of the Pig Wrestling event.
Brett Olson; 504 Hannerville Rd, Edgerton; Spoke in favor of the Pig Wrestling event.
Thomas Tobias; 1517 Buckingham Rd; spoke in favor of the Pig Wrestling event.
Colleen Dryson; 124 Harding St; Spoke in favor of the Pig Wrestling event.

CONSENT AGENDA

- A. Approval of May 24, 2016 Council Minutes
- B. **R-71-2016-** Confirming the Mayor's Committee Appointments to the Hall of Fame Committee

Motion by Lawrence, to approve the consent agenda, second by Engelberger. Motion carried 11-0.

OLD BUSINESS

O-9-2016- Amending the City of Stoughton Municipal Zoning Ordinance Section 78-105(5)(a)2b and Appendix C, allowing Outdoor Commercial Entertainment as a conditional use within the Planned Industrial District.

Motion by Engelberger, to approve O-9-2016, second by Lawrence. Engelberger explained that this change would allow an obstacle course to be placed in a Planned Industrial District if a business would so choose. Motion carried by a roll call vote 11-0.

NEW BUSINESS

R-70-2016- Authorizing and directing the proper city official(s) to approve the 2015 City of Stoughton Audit.

Motion by Lawrence, to approve R-70-2016, second by Swadley. Carla Gogin from Baker Tilly addressed the Council regarding the City of Stoughton 2015 Audit and gave an overview of the auditing process. She further explained the City's funds, fund balances, and debt services. She noted that the City of Stoughton has solid financial results. Motion carried by a roll call vote 11-0.

The Council recessed at 9:08 p.m.

The Council reconvened at 9:18 p.m.

R-68-2016- Authorizing and directing the proper city official(s) to approve a Temporary Class “B”/Class “B” Retailer’s License and a Special Event License to the Stoughton Opera House Friends Association for the Catfish River Music Festival.

Motion by Engelberger, to approve R-68-2016, second by Jenson. Engelberger explained that everything seemed in order for the event and noted that the Public Safety Committee recommended approval. Boersma explained that he will be against the issuance of this license. Motion carried 10-1, with Boersma voting no.

R-72-2016- Authorizing and directing the proper city official(s) to approve the updated position description and title change from Streets Foreman to Streets Supervisor.

Motion by O’Connor, to approve R-72-2016, second by Lawrence. Human Resources Director Amy Jo Gillingham explained that the change is to the title and updates to the job description. Motion carried 11-0.

R-73-2016- Authorizing and directing the proper city official(s) to approve the elimination of the Internal Hiring Policy (Other than department heads) and replace it with the Concurrent Hiring Policy.

Motion by O’Connor, to approve R-73-2016, second by Engelberger. O’Connor explained that currently any job openings are currently posted internally first. Gillingham explained that this policy would allow for internal and external candidates to be offered the job opening at the same time. This would allow a position to be potentially filled sooner, without having to wait for internal candidate posting. Motion carried 11-0.

Discussion relating to the regulation of events such as pig wrestling, including the possible development of an ordinance.

Swadley explained that he had recommended that the Community Affairs and Council Policy Committee discuss this issue at the committee level. He further explained that this was brought to the Council as a request from Alderperson Engelberger. Attorney Dregne explained that he concluded after examining local ordinances and state statutes that if the City wanted to prohibit the event of pig wrestling the Council would need to adopt an ordinance. He explained that the ordinance must be clear in its intention and gave the State of Minnesota’s statute on animal cruelty as an example. He commented on a memo from 2010 by Brian Blanchard saying that the District Attorney’s office would not bring charges related to pig wrestling.

Engelberger explained that his main reason for bringing this issue forward is that the event does

not represent Stoughton well, and he is concerned with the businesses being boycotted because the event is being held. He is also concerned that the event is a threat to public health as participants can come in contact with pig urine or feces. He feels that the Fair Board could find other ways to entertain the public and to raise money for the fair. He explained that he had asked the fair to cancel the event for this year and replace it with another event.

Jenson explained that whether you are pro or con of the event, the main thing to focus on is the economy of the City, because he feels that point is being missed. He also agrees that the controversy over this event is bad for Stoughton's image. He also agrees that an ordinance would be appropriate to stop the event in the future.

Lawrence explained that in years past, there wasn't much talk about this event. He also explained that to make the fair cancel the event this close to the fair would be unjustified and without due process. He also doesn't want to rush the process to prevent this year's event and is in favor of sending this to committee to discuss further.

Hirsch explained that she and Alderperson Boersma had contacted the fair last year without resolve. She further explained the negative effects that this event has on the animals. She also agrees that the City should not rush to abolish this event for this year, but to take the time to discuss an ordinance change at a committee level for the future.

Kittleston agreed that to cancel the event now would be unfair, but encouraged both the Fair Board and the Pig Wrestling opposition to work together to find a solution moving forward.

Motion by Engelberger, for city to donate \$6,000 from the contingency fund to the Stoughton Fair Board and to start the process of drafting an ordinance that would ban pig wrestling in due time, with the agreement of the fair board to cancel the event for this year, second by Johnson.

The representative of the board said that he could not speak on behalf of the board and that the members of the board present, to constitute a quorum, are not available tonight to make that decision.

Selsor offered the agreement to remove the language relating to creating an ordinance and just make the offer to the fair board. Hirsch explained that she agrees with Engelberger's motion, but would like to see an ordinance created and approved prior to this year's fair.

Kittleston explained that this seems reactive to the situation and he feels that the groups should work together to come to a conclusion.

Motion by Lawrence, to table this motion, no second was offered. The motion failed for a lack of second.

Hirsch explained that she feels with the amount of public interest, this event may bring protestors that may threaten public safety.

Swadley asked Police Chief Leck what the plans would be for law enforcement for this event.

Leck explained that he would assign extra staff to the event as good planning and that if necessary, the police department can call in mutual aid.

Brett Olson explained that he feels that the City shouldn't have to pay for the lost event and that the group that brought the opposition forward should have to offer some monetary reprieve.

The original motion was re-read. Motion carried 7-4, with Lawrence, Kittleson, Majewski, and Jenson voting no.

Attorney Dregne offered a clarification of the motion that if the Stoughton Fair Board cancels the pig wrestling event then the City will donate \$6,000 to the Fair Association, and the City will then start the process of drafting an ordinance to abolish pig wrestling.

Majewski left the meeting at 10: 53 p.m.

Motion by O'Connor, to reconsider the motion relating to pig wrestling, second by Jenson. Motion carried by a roll call vote 8-2, with Hirsch and Boersma voting no.

Lawrence left the meeting at 11: 05 p.m.

Motion by Jenson, if the Stoughton Fair Board notifies the Mayor's office by Noon on Thursday, June 16, 2016, that the Pig Wrestling event will not occur at the Stoughton Fair in 2016, then the City will make a \$6,000 payment to the Stoughton Fair Association not later than July 15, 2016, second by Engelberger. Motion carried 9-0.

O-10-2016- Amending Chapter 58 of the Stoughton Municipal Code – Public Nuisances
Public Nuisances affecting peace and safety; *relating to bush, hedge and tree maintenance*

Engelberger offered O-10-2016 as a first reading and will be back for Council consideration on June 28, 2016.

O-11-2016- Amending the City of Stoughton Municipal Ordinance Section 14-40(6)(b) -
Operation by licensee under Class B license; additional city regulations; *relating to outdoor consumption areas*

Engelberger offered O-11-2016 as a first reading and will be back for Council consideration on June 28, 2016. He also explained that language had been added at the Special Public Safety Meeting held before Council, to state that "The capacity is to be set by the City of Stoughton Fire Chief and/or Building Inspector, for Outdoor Consumption Areas."

R-66-2016- Authorizing and directing the proper city official(s) to approve the Liquor License renewals for the period of July 1, 2016, to June 30, 2017.

Motion by Engelberger, to approve R-66-2016, second by Jenson. Engelberger explained that this would renew all of the current licenses in the City. Motion carried 9-0.

R-67-2016- Authorizing and directing the proper city official(s) to issue a Class “B” Fermented Malt Beverage & “Class B” Liquor license to Vikester Holdings, LLC, David Eugster, agent, d/b/a The Nauti Norske located at 324 S Water Street.

Motion by Engelberger, to approve R-67-2016, second by Jenson. Engelberger explained that this is a new license and the Public Safety Committee recommended approval. Motion carried 9-0.

R-69-2016- Authorizing and directing the proper city official(s) to amend the 2016 Building Maintenance Fund Budget by \$9,500 to replace the tile floor of the Stoughton City Hall.

Motion by O’Connor, to approve R-69-2016, second by Engelberger. Swadley explained that the amendment to the budget would allow the City to replace the existing tiles in the City Hall lobby with new tiles that replicate the existing tiles. Motion carried 8-1, with Johnson voting noe.

ADJOURNMENT

Motion by Engelberger, to adjourn the meeting of the Common Council, second by Jenson. Motion carried 9-0. The meeting adjourned at 11:26 p.m.