

Meeting of: **COMMON COUNCIL OF THE CITY OF STOUGHTON**  
Date/Time: Tuesday, June 28, 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 7:03 p.m.

#### Roll Call, Communications, and Presentations:

Clerk Kropf called the roll and noted that eleven alderpersons were present, with Selsor was absent and excused.

Mayor Olson noted that the Clerk had looked through the minutes from 1979 to present to see if the City had funded the fair and the City had not. The City had funded the fireworks in the past, but discontinued in 2012. Engelberger explained that he thought that the City's funding for the fireworks was a funding for the fair itself.

Selsor joined the meeting at 7:05 p.m.

#### Children's Learning and Vision Proclamation:

Mayor Olson proclaimed August 2016 as Children's Learning and Vision month.

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

- Finance Committee (5/24/2016), Public Safety (5/25/2016), Landmarks Commission (5/12/2016), Utilities Committee (6/14/2016), Cemetery Board (6/4/2013 & 6/9/2016), Public Works Committee (5/3/2016), and Tree Commission (4/13/2016)
- May Treasurer's Report
- Utilities Financials

#### Public Comment Period:

Laura Trotter; 2156 Fallen Oak Trail; Spoke in favor of the Coffee Break Festival to be held on August 20, 2016.

### **CONSENT AGENDA**

- A. Approval of June 14, 2016 Council Minutes
- B. ~~R-75-2016~~- Confirming the Mayor's Committee Appointment of Dave Kalland to the Stoughton Cemetery Board

Motion by Lawrence, to approve the consent agenda, second by Boersma. Motion carried 12-0.

## **OLD BUSINESS**

**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*

Motion by Engelberger, to approve O-10-2016, second by Truehl. This change would allow staff people to enforce the upkeep of bushes and shrubs in the City. Motion carried 12-0.

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

Motion by Engelberger, to approve O-11-2016, second by Lawrence. Engelberger expressed that this ordinance would allow the Fire Chief or Building Inspector to set the capacity of an outdoor consumption area. Chief Leck explained the removal of the size restriction from the ordinance. This would make it so the committee and the Council would determine if the size was appropriate. Planning Director Scheel noted that the Fire Chief and Building Inspector follow the Fire Codes to set the capacity for the outdoor areas. Scheel also noted that the permitting process should include the capacity as set by the Fire Chief or Building Inspector. Swadley expressed that he is concerned about the noise that expanding the outdoor area might bring and enforcement of the noise ordinance. O'Connor expressed his concern with the noise as well.

Motion by Selsor, to table to until the next Council meeting, second by Swadley.

Motion to table rescinded by Selsor, second by Lawrence.

Motion by Selsor, to refer to the Public Safety Committee, second by Swadley.

Truehl explained that the current ordinance allows for 50% of the gross square footage of the licensed building to be the size of the outdoor area, and that this ordinance would set a capacity.

Boersma left the meeting at 7:39 p.m.

Motion by Majewski, to call the question, second by Lawrence. Mayor Olson noted that this motion would need a  $\frac{3}{4}$  vote or 8 ayes to pass.

Motion failed on a roll call vote 6-5, with Hirsch, Kittleson, Swadley, Johnson, and Engelberger voting no.

Motion to refer was reread and voted on by a roll call vote. Motion failed 2-9, with Engelberger, Hirsch, Jenson, Johnson, Kittleson, Lawrence, Majewski, O'Connor, and Truehl voting no.

Swadley noted that the attorney had not had a chance to review this ordinance. He explained that this ordinance and all ordinances should be sent to the City Attorney for review before Council consideration.

Original motion carried roll call vote 8-3, with Selsor, Swadley, and O'Connor voting no.

**NEW BUSINESS**

**R-74-2016-** Authorizing the publishing of the City of Stoughton Title VI Policy

Motion by Lawrence, to approve R-74-2016, second by Swadley. Lawrence explained that this policy is needed for the City to obtain the taxi grant. He noted that this will need to go to the CA/CP Committee for further language, to include groups that may face discrimination. Motion carried 11-0.

**R-76-2016-** Authorizing and directing the proper City official(s) to approve the Stoughton Utilities Wastewater Treatment Facility and Sanitary Sewer Collection System 2015 Compliance Maintenance Annual Report (CMAR)

Motion by Jenson, to approve R-76-2016, second by Engelberger. Utilities Director Kardasz explained that this is an annual report and that the Utilities has received a high grade for the collection system. Motion carried 11-0.

**R-77-2016-** Approving a Conditional Use Permit for James Brooks to operate an outdoor commercial entertainment establishment (Military Style Obstacle Course) at 150 Business Park Circle, Lot 22 Business Park North, Stoughton, Wisconsin.

Motion by Truehl, to approve R-77-2016, second by Lawrence. Truehl noted that this would allow an obstacle course in the business park. Motion carried 11-0.

**R-82-2016-** Authorizing and directing the proper city official(s) to approve the three year extension of the Hamacher Lawn Care Service mowing contract for Riverside & Wheeler Prairie Cemeteries.

Motion by Johnson, to approve R-82-2016, second by Majewski. Finance Director Sullivan explained that the Cemetery Board has used Hamcher for the last six years and this will be the last year that the Board can renew without an request for proposal (RFP), per the Cemetery Board's policy. Motion carried 11-0.

**R-78-2016-** 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 Chamber of Commerce for the Coffee Break Festival.

Motion by Engelberger, to approve R-78-2016, second by Truehl. Engelberger noted the Committee reviewed the application and recommend approval. Motion carried 11-0.

**R-79-2016-** Authorizing and directing the proper city official(s) to issue an Outdoor Consumption Permit to Vikester Holdings, LLC, Dave Eugster, agent, d/b/a The Nauti Norske located at 324 S Water St

Motion by Engelberger, to approve R-79-2016, second by Truehl. Chief Leck noted that there isn't a restriction to the capacity to the outdoor area in the permit and would suggest one. Planning Director Scheel noted that the indoor area has a capacity of 140 and that the Fire Chief suggested that the outdoor capacity be half of the indoor capacity. Scheel also noted that the fencing should be addressed as well.

Motion by Truehl, to recommend approval for the Outdoor Consumption permit to add a condition that the permit be referred to the Fire Chief to establish the capacity. No second was offered.

Truehl withdrew his motion.

Amendment to the main motion by Truehl, to approve the Outdoor Consumption Permit with a condition that the maximum capacity set by the Fire Chief, but not to exceed 70 people in the outdoor consumption area, second by Lawrence.

Motion by Engelberger, to table this item until the July 11, 2016 Planning Commission meeting and a special July 12, 2016 Public Safety Committee meeting then to the July 12, 2016 Council meeting, second by Truehl.

Truehl expressed concern with a capacity not being set in the event of an emergency outdoors that would make patrons come inside, without overrunning the indoor capacity. He feels that there needs to be a capacity for the property overall. Johnson expressed concern with noise during the day.

Attorney Dregne explained that the previously approved ordinance, that relates to outdoor consumption areas, is not in effect until the day after it is published.

Majewski stated that he would like to see this permit get approved and revisit the issue at the later date.

Scheel added that the application doesn't match the site plan that the Planning Commission had approved and this would need to be brought to Planning for consideration.

Motion to table R-79-2016, carried 11-0.

**R-80-2016-** Authorizing and directing the proper city official(s) to issue a Class "B" Fermented Malt Beverage & "Class C" Wine license to Paco's Tacos, LLC, Celso Paco Xelhua, agent, d/b/a Paco's Tacos located at 135 W Main St, Suite # 107

Motion by Engelberger, to approve R-80-2016, second by Truehl. Engelberger explained that this is a new license, everything is in order and Public Safety recommends approval. Motion carried 11-0.

## **ADJOURNMENT**

Motion by Lawrence, to adjourn the meeting of the Common Council, second by Jenson. Motion carried 11-0. The meeting of the Common Council adjourned at 8:36 p.m.