

**CITY OF EDGERTON
REGULAR COMMON COUNCIL MEETING
EDGERTON CITY HALL
12 ALBION STREET**

Monday, July 15, 2024 at 7:00 p.m.

NOTICE: The meeting noticed above will also be live streamed on a Zoom platform: To view the meeting, please select the link to the meeting listed on the **calendar events** on the City website's home page at www.cityofedgerton.com. Due to occasional technical difficulties, citizen participation via Zoom may not be possible.

1. Call to order; Roll call
2. Pledge of Allegiance.
3. Confirmation of appropriate meeting notice posted on Friday, July 12, 2024.
4. Council acceptance of agenda.
5. Personal appearances for non-agenda items limited to 3 minutes.
6. Minutes:
 - A. Consider approval of minutes of July 1, 2024 Council meeting.
7. Committee Reports:
 - A. Finance Committee:
 1. Consider approval of bills and payroll vouchers.
 2. Consider additional funding for code enforcement.
 3. Consider contract with Tall Grass Restoration for pollinator lot on Lord St.
 4. Consider Temporary "Class B" Beer/Wine License for Hope Heart Doorways Inc, for the Edgerton Night Market.
 - B. Library Board:
 1. Report on discussion and action taken at previous meeting.
 - C. Utility Commission:
 1. Report on discussion and action taken at previous meeting.
 - D. Parks Committee:
 1. Report on discussion and action taken at previous meeting.
8. Consider introducing and approving the first reading and waiving the second reading of City of Edgerton Ordinance 24-13: An Ordinance to Amend Chapter 296 "Parks & Recreation, Section 296-2(J); Chapter 167 "Alcohol Beverages", Section 167-12, and Chapter 265 "Licenses & Permits", Section 265-4 of the Edgerton Code of General Ordinances, City of Edgerton Rock and Dane Counties, Wisconsin.
9. Mayor, alderperson and staff reports.

10. Closed Session Pursuant to Wis. Stat. 19.85(1)(e) "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session." Discuss and consider Business Park land sale and consider lease agreement for lot #7 in the Business Park.

11. Return to open session and consider taking action on items discussed in closed session.

12. Adjourn.

Notice: If a person with a disability requires that the meeting be accessible or that materials at the meeting be in an accessible format, call the City Administrator's office at least 6 hours prior to the meeting to request adequate accommodations. Telephone: (608) 884-3341.

**JULY 01, 2024 COMMON COUNCIL MEETING MINUTES
CITY OF EDGERTON**

Mayor Christopher Lund called the meeting to order at 7:00 p.m.

Present: Shawn Prebil, Michelle Crisanti, Candy Davis, Tim Shaw, Paul Davis and Jim Burdick.

Others Present: City Administrator Ramona Flanigan, City Clerk Wendy Loveland, Municipal Services Director Howard Moser, Library Director Beth Krebs-Smith, Aquatics Director Anne Gohlke, Police Chief Bob Kowalski, City Attorney Bill Morgan (remote) and many citizens.

Loveland confirmed the meeting agendas were properly posted on Friday, June 28, 2024 at the City Hall, Library, Post Office and the City's website.

ACCEPT THE AGENDA: Mayor Lund requested to move item #9 after item #12.

A Candy Davis/ Tim Shaw motion to amend the agenda by moving item #9 after item #12 and approve the agenda as amended passed on a 6/0 roll call vote.

PERSONAL APPEARANCES: Several citizens from the Washington Stand N. First St area appeared to request the city address the drainage issue on those streets.

Angie Barto, 208 N 1st St stated during the last rain storm, her basement flooded and caused very expensive damage. She stated her furnace and some appliances and personal belongings were ruined and had to be replaced.

Leia Maves, 505 Washington St stated they had sewer come up the basement drain. She also had personal belongings ruined by the sewage. She reported this was an ongoing problem and was told many years ago that their street was on the 5-year plan for replacement but could be delayed a few years. She would like to see the stormwater drainage problem addressed and would like to see the road replacement moved up on the city replacement plan.

Other residents from that area addressed the Council to state they also got an excessive amount of water in their basements due to the storm and would like to see the stormwater drainage problem addressed.

MINUTES: A Candy Davis/Shawn Prebil motion to approve the June 17, 2024 Council meeting minutes passed, all voted in favor.

COMMITTEES:

Finance Committee: A Tim Shaw/Shawn Prebil motion to approve pay request #1 for BKS Excavating for the Albion St Street & Utility Improvement Project in the amount of \$159,978.10 passed on a 6/0 roll call vote.

A Tim Shaw/Candy Davis motion to approve the bills and payroll in the amount of \$387,947.12 passed on a 6/0 roll call vote.

Tim Shaw/Candy Davis moved to approve the Edgerton Tobacco Heritage Days event packet with the following conditions:

- a. Waive the \$400 rental fee, \$350 deposit will remain
- b. Allow park to be open past dusk on Friday and Saturday
- c. Prohibit alcohol ticket sales after 11:30pm
- d. Waive all fees including fence installation
- e. Event responsible for ½ Police OT
- f. Event will be responsible for extra staff hours for DPW on Saturday for garbage removal
- g. Allow baseball leagues to sell bottled water on Saturday

The motion passed on a 6/0 roll call vote.

A Tim Shaw/Shawn Prebil motion to approve a Temporary Class "B" Beer license for Edgerton Tobacco Heritage Days celebration passed on a 6/0 roll call vote.

A Tim Shaw/Candy Davis motion to approve amending the approval process for Private Property on Public Sidewalk and Sandwich Board permit allowing them to be approved administratively passed on a 6/0 roll call vote.

Shawn Prebil stated through research conducted by himself, the Family Dollar Stores have been known to be habitually understaffed. He was concerned that with this staffing situation, there is potential for violations to occur.

Jim Burdick agreed that the potential issues of the alcohol being unattended and sold to underage patrons could be an issue. He felt another establishment selling alcohol was not needed. He stated he was very apprehensive to approve the license last year when they initially applied.

A Tim Shaw/Candy Davis motion to approve a "Class A" Combination Beer/Liquor License for Family Dollar Stores of WI agent Priscilla Santos failed on a 2/4 roll call vote. Shawn Prebil Michelle Crisanti, Paul Davis and Jim Burdick voted against the motion.

A Tim Shaw/Candy Davis motion to approve a Cigarette, Tobacco and Vaping Device Retail License for Family Dollar of WI failed on a 3/3 tie vote.

A Tim Shaw/Shawn Prebil motion to approve the purchase of a new router for the pool in the amount of \$212.50 passed on a 6/0 roll call vote.

A Tim Shaw/Candy Davis motion to approve the temporary IT agreement with Crystal Computers passed on a 6/0 roll call vote.

A Tim Shaw/Shawn Prebil motion to approve the Mill and Overlay bid from Tri-County Paving for the mill and overlay project for W Rollin St, Stoughton Rd and Lyons St in the amount of \$150,665 passed on a 3/0 roll call vote.

RESOLUTION 17-24: A Tim Shaw/Shawn Prebil motion to adopt City of Edgerton Resolution 17-24: Resolution Authorizing the Submittal of a Grant Application for the Wisconsin Ready to Reuse Loan and Grant Program for 407 N Main St passed on a 6/0 roll call vote.

CLOSED SESSION: Candy Davis/Shawn Prebil moved to go into closed session Pursuant to Wis. Stat. 19.85(1)(e) "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session." Discuss and consider Business Park land sale; consider lease agreement for lot #7 in the Business Park; and consider Marshview Ct land sale.

And

Closed Session pursuant to 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". Discuss and consider Orchard development.

The motion passed on a 6/0 roll call vote.

OPEN SESSION: A Tim Shaw/Candy Davis motion to go into open session passed on a 6/0 roll call vote.

TAX INCREMENT FINANCE PRESENTATION: Ramona Flanigan presented a demonstration on how the Tax Increment Finance program works.

City Clerk Wendy Loveland presented the Council with some information regarding the denial of the Liquor license and the Cigarette, Tobacco and Vaping Device license for the Family Dollar that occurred earlier in the meeting. Loveland stated the WI Statutes require renewal of a license unless a licensee holder violates a specific statutory provision. The Family Dollar did not violate any of the criteria. Therefore, she did not believe the Council had grounds to not renew the license.

Shawn Prebil stated that he would like the Family Dollar organization to be contacted with the concerns of the Council regarding the sale of alcohol in their store.

A Shawn Prebil/Jim Burdick motion to reconsider the “Class A” Combination Beer/Liquor license for Family Dollar Stores of WI agent Priscilla Santos passed on a 6/0 roll call vote.

A Tim Shaw/Candy Davis motion to approve a “Class A” Combination Beer/Liquor License for Family Dollar Stores of WI agent Priscilla Santos passed on a 6/0 roll call vote.

A Jim Burdick/Paul Davis motion to reconsider the Cigarette, Tobacco and Electronic Vaping Device Retail License for Family Dollar of WI passed on a 6/0 roll call vote.

A Tim Shaw/Candy Davis motion to approve a Cigarette, Tobacco and Vaping Device Retail License for Family Dollar of WI passed on a 6/0 roll call vote.

Being no other business before the Council, a Tim Shaw/Shawn Prebil motion to adjourn passed, all voted in favor.

Wendy Loveland
City Clerk
Adopted July 15, 2024

Memo

To: Common Council
From: Staff
Date: 7/12/2024
Re: June 17, 2024 Meeting

Code Enforcement Contract: The 2024 Budget included \$5,000 for contractual code enforcement services. Upon payment of the June invoice, we will have paid Municipal Code Enforcement (MCE) \$5,713.40. MCE has addressed property maintenance issues throughout the City sending violation letters to approximately 43 properties with 7 citations for property maintenance; 33 for mowing; 16 for debris; 2 for dangerous trees; and 2 for signage. There are approximately 20 addresses with violations pending further action.

By having staff handle the common issues such as tall grass, bulk items at the curb, snow on sidewalk, etc., and only sending complex issues to MCE, we can better stretch the funds moving forward. Staff recommends the Council approved an additional \$5,000 for code enforcement. Funding for this could come from the anticipated surplus in police patrol wages due to a vacancy.

Lord St pollinator maintenance: Please recall the City received a grant of free seed from the Bee and Butterfly Foundation to plant 2 acres of pollinator plants on the City's parcel on Lord Street. Maintenance protocols require mowing or other weed control for the first year. Tall Grass Restoration, the company that planted the pollinators seeds, has provided a quote to perform the maintenance for 2024 in the amount of \$1,455 and has completed the first of three required mowings. Funding for this could come from contingency.

Park regulation ordinance amendment: Prior to recodification, the ordinance contained a provision that permitted renters of the entire Racetrack Park to prohibit carry-ins of alcohol during events. That provision was removed inadvertently. The attached ordinance reestablishes this authority. Tobacco Days is interested in restricting carry-ins this year. If the Council supports the ordinance amendment, it could consider waiving the second reading to allow Tobacco Days to restrict carry-ins this year.

The ordinance also modifies the tobacco section to include vaping.

**CITY OF EDGERTON
ORDINANCE No. 24-13**

**AN ORDINANCE TO AMEND CHAPTER 296 “PARKS & RECREATION”, SECTION 296-2(J);
CHAPTER 167 “ALCOHOL BEVERAGES”, SECTION 167-12 “PARTIALLY FILLED
CONTAINERS PROHIBITED AND CHAPTER 265 “LICENSES & PERMITS SECTION 264-4
“CIGARETTES” OF THE EDGERTON CODE OF GENERAL ORDINANCES, CITY OF
EDGERTON ROCK AND DANE COUNTIES, WISCONSIN**

Aldersperson introduced the following Ordinance and moved its adoption:

THE COMMON COUNCIL OF THE CITY OF EDGERTON, ROCK AND DANE COUNTIES,
WISCONSIN, DO ORDAIN AS FOLLOWS

Chapter 296 Parks & Recreation; Chapter 167 Alcohol Beverages and Chapter 265 Licenses &
Permits shall be amended as follows

296-2 Unlawful acts.

It shall be unlawful for any person:

J. ~~Alcohol beverages~~Beer, wine and intoxicating liquor prohibited. To possess or drink any ~~alcohol beverages~~fermented malt beverages, wine or intoxicating liquor in any public park, (See exception 296-2 (J)(1) and (2). It shall be lawful for a person to traverse a public park without stopping while carrying unopened alcohol beverages~~fermented malt beverages, wine or intoxicating liquor.~~

(1) Racetrack Park shall be exempted from the provisions of this section so that persons may possess opened alcohol beverages ~~fermented malt beverages or intoxicating liquor~~ provided that: said person has obtained the legal drinking age; the beverage is not in a glass container; and further provided that no person may possess any opened alcohol beverages in Racetrack Park between sunset and 9:00 AM unless they are a renter of Racetrack Park or an authorized user of the Conservation Club.

(2) If a renter has rented the entire Racetrack Park, the renter may prohibit the possession of ~~fermented malt beverages, wine, and intoxicating liquor~~alcohol beverages in the Park or may prohibit the possession of ~~fermented malt beverages, wine or intoxicating liquor~~alcohol beverages not sold by the renter during the term of the rental period. A renter of either part of or the entire Racetrack Park cannot prohibit the possession of ~~fermented malt beverages, wine or intoxicating liquor~~alcohol beverages sold by the Conservation Club in Racetrack Park. The renter of either part of or the entire Racetrack Park must obtain the appropriate license prior to the sale of any fermented malt beverages and or wine.

167-12 Partially filled containers prohibited.

A. It shall be unlawful for any person to have in his or her possession any container partially filled with alcohol beverages except when such person is on premises which are duly licensed for the sale of alcohol beverages; or except when any person, or his or her guests, are within said person's own residence, or upon his or her own residence premises and have obtained the legal drinking age. Residence premises includes those driveways, parking areas or lawn areas used exclusively for the residents and guests of the premises involved, but does not include those driveways, parking areas or lawn areas which are available for use by the general public, are available for use by patrons of any business establishment, or are

available for the combined use for both residents of the premises involved and patrons of the premises involved and/or general public. (See exception 296-2 (J)(1)).

- (1) ~~Racetrack Park. Racetrack Park shall be exempted from the provisions of this section so that persons may possess fermented malt beverages or intoxicating liquor, provided that said persons have obtained the legal drinking age, the beverage is not in a glass container; and further provided that no person may possess any opened alcohol beverages in Racetrack Park between sunset and 9:00 a.m. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]~~

265-4 Cigarettes, Tobacco & Electronic Vaping Devices.

- A. The provisions of §§ 134.65 and 134.66, Wis. Stats., and any amendments thereto are hereby adopted and made a part of this section as well as the license fee required by said § 134.65, Wis. Stats. (See Fee Schedule.)
- B. The rules, regulations, procedures and penalties as prescribed in §§ 134.65 and 134.66, Wis. Stats., or any amendments thereto shall govern in all proceedings and/or prosecutions by the City for violation of this section.

This Ordinance shall be in full force and effect after its passage and publication.

Seconded by Alderperson:

Roll Call: Ayes Noes

1st Reading: July 15, 2024

2nd Reading:

Christopher W. Lund, Mayor

Adopted:

Published:

Dated:

Wendy Loveland, City Clerk

STATE OF WISCONSIN)

)ss.

COUNTY OF ROCK)

I, Wendy Loveland, City Clerk, City of Edgerton, Rock and Dane Counties, Wisconsin, do hereby certify that the foregoing is a true and correct copy of the ordinance adopted by the Common Council of the City of Edgerton at its regular meeting the ____ day of _____, 2024.

Wendy Loveland, City Clerk