

COUNCIL PROCEEDINGS

Mayor David called the regular meeting of the Common Council of the City of Watertown to order at 7:00 p.m. on Tuesday, December 16, 2014, in the Council Chambers at City Hall.

ROLL CALL

Roll call showed the following members present: Alderpersons McFarland, Smith, Berg, Larsen, Coughlin, Tietz, Maron and Romlein. (9) Absent: Zgonc (1). Also present were Fire Chief Greg Michalek, Police Chief Tim Roets, City Engineer Jaynellen Holloway, City Attorney Will Gruber and City Clerk/Treasurer Cindy Rupprecht.

PLEDGE OF ALLEGIANCE

The Council recited the Pledge of Allegiance to the American flag.

MINUTES OF PRECEDING MEETING

Mayor David inquired if there were any additions or corrections to the minutes of the meeting held Tuesday, December 2, 2014. There being none, the minutes were approved as presented.

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT

Barry Baumann, 1303 S. Ninth Street, was present to speak regarding the proposed changes to the Council Agenda. Mr. Baumann feels that these will eliminate the free speech and he is opposed to this. Mr. Baumann also addressed the "Move to Amend" petition and the activities that occurred on Election Day. Mr. Baumann urged the Council to vote against their liberal agenda.

Attorney Andrew Griggs, representing the Town of Watertown and James & Sharon Greenwald, located at 2001 Airport Road, was present to urge the Council to approve their petition to detach from the City of Watertown and annex to the Town of Watertown.

Bob Preuss, W2571 Rock River Paradise Road, who is a supervisor for the Town of Watertown, was present to encourage the Council to also pass the detachment ordinance for James & Sharon Greenwald.

Sharon Greenwald, 2001 Airport Road, was present urging the Council to approve their detachment from the City to allow them to annex to the Town of Watertown. Sharon stated that they have a good well and septic system that they wish to keep. She feels their property is a better fit into the Town of Watertown versus being in the City.

Darcy Henriksen, 814 Harvey Avenue, spoke regarding the "Move to Amend" petition. She was here to request that the Council move to place this on the April 7, 2015 ballot, allowing the voters to express their opinion on this issue.

Daniel Farry, W7466 Cty. Rd. J, in the Town of Oakland, Fort Atkinson, WI, was present also to urge the Council to place the "Move to Amend" petition forward to a referendum question on April 7, 2015.

PUBLIC HEARING

Mayor David declared open the public hearing regarding the modification to Chapter 22 of the Floodplain and Shoreland-Wetland Zoning Code of the City of Watertown, to amend and update the FEMA Digital Flood Insurance Rate Maps and Flood Insurance Study at 7:21 p.m.

Greg David, W4512 Riverdale Lane, was present to speak on this issue. Greg is on the County Planning and Zoning Committee, who has also had to approve and modify these maps. He is encouraging the City to do so as well. Mayor David then declared closed the public hearing at 7:23 p.m.

COMMITTEE REPORTS

Finance Committee, December 8, 2014. 1. Closed Session per Wis. Stat. 19.85(1)(e) for negotiations with the Fire Union. Motion was made and roll call vote taken to move into closed session. Following negotiations a motion was made by Alderperson Maron, seconded by Larsen to reconvene to open session. 2. Acceptance of bids for two vehicles in the Building, Safety & Zoning Department. Ads were placed for two older vehicles, advertising them to be sold "as is". One bidder, Andy's Automotive, submitted a bid for \$300.00 each. Motion was made and seconded to approve the sale to Andy's Automotive. 3. Payroll Resolution for 2015. City Clerk/Treasurer Cindy Rupprecht was present to explain the Payroll Resolution. The Budget includes a 3% Pay Plan Table increase, as well as for several other positions. A resolution will be presented. 4. Discuss and approve the Fund Balance Policy. After discussion a motion was made to adopt a range of 20% - 30%, with a target goal of 25%. A resolution will be presented to adopt this policy. 5. Discuss and approve transfer of funds for KW Surveying. No action was taken on this topic as it may come back at a later date. 6. Request for hardship from an applicant for an ambulance call. After discussion relating to this call, a motion was made and seconded to deny this hardship request. 7. Review and approve the hiring of a Street Department employee. Street Superintendent Rick Schultz presented his top three finalists. Motion was made and seconded to recommend the hiring of Dustin Hoeft at a Grade E, Step 3 rate of \$16.77 per hour. 8. Approve the Dispatch Personnel Hiring Process for the Police Department. Police Chief Roets was present to explain the hiring for 2015. He has budgeted to hire one full-time dispatcher and three part-time dispatchers, as the Dispatch Supervisor, a sworn officer, will be moving to full-time patrol. Another opening will be taking place as a dispatcher will be going to the Police Academy. Motion was made and seconded to give Chief Roets permission to begin the hiring processes needed for 2015. 9. Discuss and approve Rules for Public Comment at City Council Meetings. Discussion centered around some rules that the Finance Committee would like to see in place for the Public Comment Section of the City Council Agenda. It was noted that sometimes topics are brought up that are not on the agenda and this area has often been used for campaign speeches. The intent of this Public Comment Section is for citizens to make comments relative to topics on the agenda. A suggestion was made that citizens will be required to fill out a form with their name, address and a brief description of the topic that they wish to discuss. Discussion also centered around the second Public Comments Section at the end of the meeting. It was felt that this section could be eliminated, as comments are allowed at the beginning. After further discussion, it was moved that Attorney Gruber would take care of drafting the necessary ordinance and resolution changes to allow this to happen. Report was received and placed on file.

Public Works Commission, January 21, 2014. These minutes were related to a special meeting held prior to the Council Meeting, which have not been presented to the Council at this time. 1. Lower Watertown Dam – Approval to send resolution to Common Council. This special meeting was held to gather information regarding dam repairs. Estimated cost of Engineering is in excess of \$100,000.00. A recommendation is being made to apply for a grant through the DNR. Motion was made and seconded to send this resolution to the Council for approval to participate in Wisconsin DNR Municipal Dam Program. Report was received and placed on file.

Public Works Commission, December 9, 2014. 1. Review Milford Street Curb & Gutter Installation. Discussion centered around complications with AT&T wanting to charge the City \$53,000.00 to relocate two lines that would be situated in an area where our storm sewer ditch was proposed. It appears that curb & gutter will be the best solution to this area. Motion was made and seconded to install curb & gutter on the east side of Milford Street, from the railroad tracks south to Commerce Drive in 2015. 2. Review Benton Street Curb & Gutter Installation. Money was paid

through developer fees years ago for curb & gutter work on the west side of Benton Street, between South Street and Crestview Drive. It is being recommended that this be installed. At the same time, it is being recommended that curb & gutter be proposed for the east side of Benton Street also, in 2015, from South Street to Crestview Drive. 3. Discuss approved T-Mobile Antenna Upgrade on Western Avenue Tower. After discussion a motion was made and seconded to grant approval for T-Mobile to go ahead with proposed antenna upgrades. 4. Update on Diesel Utility Vehicle. Bobcat of Madison was the low bidder for this vehicle, however; they indicated that mistakes were made in their bid and they would lose money if they went ahead and honored it. After discussion with City Attorney and threats of litigation, Bobcat agreed to honor their bid. 5. Discuss Water Tower Selling Leases. Water Systems Manager Freber has been repeatedly contacted from companies wanting to purchase our existing leases for a lesser lump sum value. Kevin explained that he relies on the lease revenue for annual budget payments and is not interested in selling them. Motion was made and seconded to have Kevin ignore any and all offers going forward to purchase out these existing lease agreements. Report was received and placed on file.

Public Safety & Welfare Committee, December 3, 2014. 1. Request to remove parking on S. Third Street between Clark & Mary Streets. After discussion with residents in the area, the overwhelming response was to leave two sided parking on these blocks. It was decided to have the Street Department paint the curbs at the intersections of Mary and S. Third Street, and Clark and S. Third Street, to indicate a 15' no parking area at the intersections. 2. Establish a "No Wake" Rule between the City Limits and the Upper Dam. Requests were submitted both for and against a "No Wake" Zone between the City Limits and the Upper Dam. Several residents indicated that they would like to leave the rules as they are. Discussion centered around "No Wake" rules in effect in high water conditions and the Committee felt there was no reason to make a change at this time, so the rules will remain as is. 3. Riverside Park/Labaree Street Parking. The curb is painted yellow from the bathrooms to the north end of the pavilion on Labaree Street. After discussion it was decided to extend the no parking area to the south end of the pavilion. 4. Riverside Park Wheeled Device Ordinance. Due to problems with young persons hanging out at Riverside Park and the damage being done by skateboards in the Upper Pavilion, motion was made and seconded to include the Pavilion and Band Shell area in "No Wheeled Device" Ordinances which will be presented. 5. Brandenstein Parking, Spaulding Street Parking. An ordinance will be presented to modify parking in this area. 6. Autistic Child Area Sign Request. City Engineer Holloway presented a request from a citizen for this sign. After discussion it was felt that the City would not be able to place and then remove signs and or enforce traffic violations for any of these types of situations. 7. Loading Zone signs on S. Water Street. These signs were taken down during construction of the Globe Apartment Buildings. The Committee is recommending the Street Department put the signs back up. Report was received and placed on file.

OLD BUSINESS

Aldersperson Coughlin has submitted his resignation effective December 31, 2014, as he is moving to California. Mayor David presented Aldersperson Coughlin with a plaque and thanked him for his years of service on the Council. At this time, Mayor David also informed the Council that two persons had come forward indicating their desire to replace Aldersperson Coughlin. Timothy Raether, 1105 N. Fourth Street, and Susan L. Padron, 219 Lounsbury Street provided resumes which were provided to the alderspersons. After a brief discussion and a show of hands, Timothy Raether was elected by the Council by a vote of 6 to 2 to replace Aldersperson Coughlin, effective January 1, 2015.

COMMUNICATIONS AND RECOMMENDATIONS OF THE MAYOR

Mayor David presented a copy of an e-mail he received from Mary Christiansen regarding her support for the "Move to Amend" petition.

Mayor David also then reminded the Council that there will be a Special Year End Meeting to approve bills and the Carry Over resolution to be held on Tuesday, December 30, 2014 at 4:00 p.m.

ACCOUNTS PAYABLE

Certified accounts in the amount of \$270,030.68 were presented for payment. Alderperson Romlein moved to pay all certified accounts, seconded by Alderperson Coughlin and carried on a roll call vote: Yes – 8. No – 0.. (Complete listing of accounts payable is on file and open for public inspection in the office of the City Clerk/Treasurer.)

REPORTS AND MISCELLANEOUS BUSINESS

The following reports were presented: Airport Commission – November 12, 2014. Community Development Authority – November 20, 2014. Family Center Board of Directors – November 25, 2014. Library Board of Trustees – November 13, 2014. Licensing Board – December 10, 2014. Payroll Summaries – November 26 – December 9, 2014. Plan Commission – December 8, 2014. Police & Fire Commission – December 8, 2014. Reserve Balances for period ending November 30, 2014. All reports were accepted as printed.

LICENSES

The following have made applications for Beverage Operator Applications for year ending June 30, 2015: Samantha Jo Behm, 611 E. Milwaukee St., Watertown, WI; Nancy J. Crum, 105 Aztalan St., Lot 26, Johnson Creek, WI; Chloe R. DeFrate, 411 N. Warren St., Watertown, WI; Craig W. Detert, 1504 River Drive, Watertown, WI; Kayla Dittberner, 1101 Western Ave., Watertown, WI; Angela K. Eklund, 607 ½ Dodge St., Watertown, WI; Nina J. Ellis, 904 S. Fourth St., Watertown, WI; Karen A. Leach, 304 W. Spaulding St., Watertown, WI; Monique R. Renderman, 105 Scot St., Watertown, WI; Crystal M. Rossey, 426 W. Wisconsin Ave., Oconomowoc, WI; Tiffany N. Schulz, W1654 Rocky Ln., Sullivan, WI; Cole Simmons, 206 E. Spaulding St., Watertown, WI; Megan D. Trewyn, 608 N. Main St., Lake Mills, WI; Samantha C. White, 212 S. Monroe St., Watertown, WI.

The following made application for a “Class B” Malt & Liquor license: Arthur J. Lenius (Market Cocktail Lounge Bar), 210 S. Water St. (nka Sonder Martini Lounge & Coffee Bar).

The following made application for a Special Event license: YES, winter event at 730 N. Water St., Silver Creek Pond, January 31, 2015.

The following made application for an agent change: Pick & Save, 624 S. Church St., (Laurie Ann Nelson, Agent). Alderperson Smith moved to grant all licenses, seconded by Alderperson Larsen and carried on a voice vote.

ORDINANCES

Ord. #14-32, to provide for detachment of a portion of the City of Watertown located at 2001 Airport Road was presented. *Sponsor: Mayor David. From: The Plan Commission (with a negative recommendation).* Alderperson Romlein moved for the adoption of this ordinance on its first reading. This motion failed for the lack of a second. Alderperson Smith then moved to deny this Petition for Detachment, seconded by Alderperson Berg. This motion carried on a roll call vote: Yes – (7) McFarland, Smith, Berg, Larsen, Coughlin, Tietz and Maron. No – (1) Romlein

Ord. #14-33, to amend Section 22.02(8)(a)(1) & 22.02(8)(b) Floodplain and Shoreland-Wetland Zoning Code of the City of Watertown. *Sponsor: Mayor David. From: The Plan Commission.* Alderperson Smith moved for the adoption of this ordinance on its first reading, seconded by Alderperson Larsen and carried on a roll call vote: Yes – 8. No – None.

Ord. #14-34, to create Section 7.09(1)(z-176) to prohibit parking on the west side of Labaree St. from a point 40’ south of the north curb line of Ann Street extended to a point 333” further south was presented. *Sponsor: Ald.*

Zgonc. From: *The Public Safety & Welfare Committee*. Alderperson Teitz moved for the adoption of this ordinance on its first reading, seconded by Alderperson Maron and carried on a roll call vote: Yes – 8. No - None.

Ord. #14-35, to create Section 11.171(14), Miscellaneous Conduct of Chapter 11 was presented.

Sponsor: Alderperson Zgonc. From: The Public Safety & Welfare Committee. Alderperson Coughlin moved for the adoption of this ordinance on its first reading, seconded by Alderperson Teitz and carried on a roll call vote: Yes – 8. No – None.

Ord. #14-36, to create Section 2.05(7)(f), Park, Recreation & Forestry of Chapter 2 was presented.

Sponsor: Alderperson Tietz. From: The Park, Recreation & Forestry Commission. Alderperson Tietz moved for the adoption of this ordinance on its first reading, seconded by Alderperson Coughlin and carried on a roll call vote: Yes – 8. No – None.

RESOLUTIONS

Exhibit #8110, to authorize the transfer of funds to be made from Account #05-32-11-55 Milwaukee Street Bridge \$19,278.71 to Account #05-32-11-58 North Second Street Bridge, and from Account #05-32-11-67 North Church Street \$25,006.26 to Account #05-32-11-69 Annual Streets, and from Account #05-32-11-95 Christmas Decorations \$2,352.32 to Account #05-32-11-69 Annual Streets was presented. *Sponsor: Mayor David. From: The Finance Committee.* Alderperson Berg moved for the adoption of this resolution, seconded by Alderperson Smith and carried on a roll call vote: Yes – 8. No – None.

Exhibit #8111, petition for Direct Legislation Supporting a Constitutional Amendment was presented.

Sponsor: City of Watertown electors. Alderperson Berg moved for the adoption of this resolution, seconded by Alderperson Coughlin. The petitions presented called for a resolution to be passed by the Common Council or placed as a referendum question on the April 7, 2015 ballot as follows: “Be It Resolved, that We the People of the City of Watertown, Wisconsin, call for reclaiming democracy from the expansion of the rights of artificial legal entities and the corrupting influence of unregulated political spending. We stand with communities across the country and Move to Amend supporting an amendment to the United States Constitution stating: 1. Only human beings are endowed with constitutional rights – not corporations, unions, nonprofits or similar associations; and 2. Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech. Be It Further Resolved, that we hereby instruct our state and federal representatives to enact resolutions and legislation to advance this effort.” Alderperson Smith read and summarized statements in the 183 page U.S. Supreme Court ruling in Citizens United versus the Federal Elections Commission, which is the basis for this movement. After his summary he urged the Council not to pass this resolution, but instead to defeat it and allow this issue to be brought before the voters as a vote on the April 7, 2015 election. The motion to adopt this resolution failed on a roll call vote: Yes – 0. No – 8.

Exhibit #8112, Payroll Resolution for 2015 was presented. *Sponsor: Mayor David. From: The Finance Committee.* Alderperson Maron moved for the adoption of this resolution, seconded by Alderperson Coughlin and carried on a roll call vote: Yes – 8. No – None.

Exhibit #8113, to approve a Fund Balance Policy was presented. *Sponsor: Mayor David. From: The Finance Committee.* Alderperson Smith moved for the adoption of this resolution, seconded by Alderperson Berg and carried on a roll call vote: Yes – 8. No – None.

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT

Barry Baumann, 1303 S. Ninth St., again addressed the Council regarding the “Move to Amend” petition. He stated that this kind of slick legislation doesn’t help our Country and applauded the Council for seeing that.

Timothy Raether, 1105 N. Fourth Street, addressed the Council, thanking them for their support and confidence in electing him to replace Alderperson Coughlin. He also thanked Alderperson Coughlin for his years of service as an Alderperson.

Alderperson Coughlin then wished to address the Council, thanking Alderperson Smith for his detailed explanation and synopsis of the Supreme Court Ruling which was the basis for the "Move to Amend" Petition.

Mayor David then reminded the Council one more time that a special meeting would be held on December 30th at 4:00 p.m.

ADJOURNMENT

There being no further business to come before the Council at this time, Alderperson Coughlin moved to adjourn, seconded by Alderperson Larsen and carried on a voice vote. The time being 8:36 p.m.

Cynthia D. Rupprecht

City Clerk/Treasurer

CDR/dn

(Complete video of Council Proceedings on DVD.)

(DISCLAIMER: These minutes are uncorrected and any corrections made thereto will be noted in the proceedings at which these minutes are approved.)