

CITY OF WATERLOO COMMON COUNCIL
MEETING MINUTES: February 1, 2018

Digital audio files are archived with these written minutes additionally serving as the official record.
Minutes, audio & meeting packet are accessible at www.waterloowi.us

CALL TO ORDER, PLEDGE OF ALLEGIANCE & ROLL CALL. Mayor Thompson called the meeting to order at 7:00 p.m. Alderpersons present: Ziaja, Quimby, Springer, Thomas, Stinnett and Petts. Absent: Griffin. Others present: Tammy Krueger, Watertown Daily Times; Diane Graff, Courier; Police Chief Sorenson; WLOO videographers; Barry Sorenson; Jeff Robbins; Chris Hauptli; Keri Sellnow; Frankie Fuller; Jason Schoenwetter; Maureen Giese; Richard Korth; Jay Lang; Mike Kawula; an unidentified man and Clerk/Treasurer Hansen. The pledge of allegiance was recited.

MEETING MINUTES APPROVAL: January 4, 2018; January 18, 2018 (no meeting). MOTION: Moved by Springer, seconded by Stinnett to approve the meeting minutes as presented. VOICE VOTE: Motion carried.

CITIZEN INPUT. Maureen Giese read from a submitted document describing the recently held Administrative Review Appeal Board meetings on Public Works Department snow/ice invoices for clearing sidewalks. She objected to only two Board members attending the December 13th meeting. She objected to Cliff Butzine's Mayoral Board appointment citing 68.11.2 Wis. Stats. She objected to terminology used in Board motions. She objected to the minutes mentioning accuracy. She said due process was violated, wanted all the outcomes of the appeals meetings dismissed, and she objected to the Mayor's remarks to Richard Korth denying him a chance to speak at a Board meeting.

CONSENT AGENDA ITEMS. MOTION: Moved by Thomas, seconded by Stinnett to approve the consent agenda items as presented. VOICE VOTE: Motion carried.

- a. Reports Of City Officials And Contract Service Providers
 - i. Fire And Rescue, December
 - ii. Building Inspector – Building, Plumbing, & Electrical Permit, December
 - iii. Public Works Director, December
 - iv. Police Department, December
 - v. Karl Junginger Memorial Library, December
 - vi. Waterloo Water & Light Commission – January 2, 2018
 - vii. Watertown Humane Society, December
- b. Approval Of Operator's License For License Period Ending June 30, 2019
 - i. Lori Tetzlaff, 423 Fargo Street, Lake Mills
 - ii. Joelle Root, 217 North Monroe Street, Waterloo
- c. Informing The Council Of Public Notices
 - i. Public Test Of Voting Equipment, February, 15, 2018
 - ii. Notice of Absentee Voting For February 20, 2018 Spring Primary Election

REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

- a. Finance, Insurance & Personnel Committee
 - i. General Disbursements, December - \$250,159.90. MOTION: Moved by Springer, seconded by Quimby to approve disbursement as presented. ROLL CALL VOTE: Ayes: Ziaja, Quimby, Springer, Thomas, Stinnett and Petts. Noes: none with Griffin absent. Motion carried.
 - ii. Payroll, December - \$82,580.61. MOTION: Moved by Springer, seconded by Quimby to approve payroll as presented. ROLL CALL VOTE: Ayes: Ziaja, Quimby, Springer, Thomas, Stinnett and Petts. Noes: none with Griffin absent. Motion carried.
 - iii. Treasurer's Report & Budget Reports, December. MOTION: Moved by Springer, seconded by Quimby to approve reports as presented. ROLL CALL VOTE: Ayes: Ziaja, Quimby, Springer, Thomas, Stinnett and Petts. Noes: none with Griffin absent. Motion carried.
- b. Public Works & Property Committee
 - i. Ordinance #2018-01 Amending Section 324-6 Of The Municipal Code Snow And Ice Removal Creating A Warning Notice For The Removal Of Snow And Ice From Sidewalks. DISCUSSION: Springer agreed with a warning but said 24 hours was too long. MOTION: Moved by Springer, seconded by Ziaja to approve the ordinance changing 24 hours to 8 hours. FURTHER DISCUSSION: Thomas said the issue repeatedly comes up over time. He objected to issuing a warning each snow storm. Stinnett said staff would not patrol but rather act on complaints and on sidewalk identified during the course of other work. Thomas said previously the shoveling amount was increased to \$95. Thomas said he would like to leave

the ordinance as is. The Mayor agreed. Quimby said she thought the ordinance intent was to issue warnings once during a snow season. Hansen said the Plan Commission had discussed a Beaver Dam model of hiring a firm to identify and clear walks, as well as weeds and blight removal, with costs charged back to property owners. Petts said Waterloo was not Beaver Dam, and a minimum snow amount should be put in place. She said some municipalities have a two inch minimum. Robbins noted a recent fall by Hansen on ice under a small accumulation of snow. Giese said hiring a firm would be costly. Thompson said we should not even be doing this, but some people don't seem to get the message to clean sidewalks. Thomas said if passed, someone would complain they didn't get two warnings. ROLL CALL VOTE: Ayes: none. Noes: Ziaja, Quimby, Springer, Thomas, Stinnett and Petts with Griffin absent. Motion failed. FURTHER DISCUSSION: Springer called for leaving the ordinance as-is, but changing it to include one tracked warning per season. Thomas said he found that acceptable. Thomas asked if it could be done without changing the ordinance. Thompson said a warning could be added to the ordinance. MOTION: Moved by Springer, seconded by Quimby to leave the ordinance as is, but to add a single one-time warning per snow season. ROLL CALL VOTE: Ayes: Ziaja, Quimby, Springer, Thomas, Stinnett and Petts. Noes: none with Griffin absent. Motion carried.

ii. Resolution #2018-04 Amending The City Of Waterloo Fee Schedule Increasing The Public Works Department Charge From \$95 To \$150 For Snow Shoveling And/or Salting. MOTION: Moved by Springer, seconded Thomas to withdraw the resolution. ROLL CALL VOTE: Ayes: Ziaja, Quimby, Springer, Thomas, Stinnett and Petts. Noes: none with Griffin absent. Motion to withdraw the resolution carried.

c. Plan Commission

i. Conditional Use Permit, HIEP, LLC, Owner Of The Property Located At 700 Commercial Avenue, Is Requesting A Conditional Use Permit To Allow For Construction Of A Building 65' In Height. DISCUSSION: Springer said the Plan Commission addressed questions of dust, suitable firefighting equipment and a sprinkler system. MOTION: Moved by Springer, seconded by Quimby to approve the permit as presented. DISCUSSION: In response to Petts questions, Springer said the height was roughly double the maximum, and no Fire Department concerns were raised. ROLL CALL VOTE: Ayes: Ziaja, Quimby, Springer, Thomas, Stinnett and Petts. Noes: none with Griffin absent. Motion carried.

NEW BUSINESS

- a. Council Confirmation Of Mayoral Appointment, Mike Kawula As Deputy Clerk/Treasurer. MOTION: Moved by Thomas, seconded by Petts to confirm. VOICE VOTE: Motion carried.
- b. Resolution #2018-05 Endorsing And Supporting The Glacial Heritage Solar Group Buy. DISCUSSION: In reply to a Quimby question, Petts said no cost would be incurred. MOTION: Moved by Petts, seconded by Stinnett to approve the resolution. ROLL CALL VOTE: Ayes: Ziaja, Quimby, Springer, Thomas, Stinnett and Petts. Noes: none with Griffin absent. Motion carried.
- c. Council Confirmation Of Mayoral Appointment, Andrew Lewandowski, Community Development Authority Completing An Unexpired Term Ending in 2022. ROLL CALL VOTE: Ayes: Ziaja, Quimby, Springer, Thomas, Stinnett and Petts. Noes: none with Griffin absent. Motion carried.
- d. Resolution #2018-06 Consenting To A PACE Special Charge and Financing Agreement For 575 West Madison Street And Acknowledging The Impact On The Existing Developer Agreement Between The City And Rediscovered LLC. DISCUSSION: Jay Lang described building improvement noting improvements were for further expansion of the ASCEND company at the location. MOTION: Moved by Quimby, seconded by Stinnett to approve the resolution as presented. ROLL CALL VOTE: Ayes: Ziaja, Quimby, Springer, Thomas, Stinnett and Petts. Noes: none with Griffin absent. Motion carried.
- e. Resolution #2018-07 Approving An Agreement Between The City Of Waterloo And Waterloo Professional Police Association, Wisconsin Professional Police Association Law Enforcement Employee Relations Division, 2018-2020. DISCUSSION: Thomas thanked the municipal negotiating team but said he can't support the agreement. He said it would be the fourth time since 2012 in which non-represented employees received no wage increase. In reply to a Petts question the Mayor said arbitration would be a next step if the agreement is not approved. The Mayor said the cost of arbitration and the likely amount asked for by the union as part of arbitration were factors in bringing this agreement forward. MOTION: Moved by Springer, seconded by Quimby to approve the resolution as presented. ROLL CALL VOTE: Ayes: Quimby, Springer, Stinnett and Petts. Noes: Thomas with Ziaja abstaining and Griffin absent. Motion carried.

FUTURE AGENDA ITEMS AND ANNOUNCEMENTS. ## Jim Larrabee commented on snow tracks left by

vehicles crossing sidewalks to enter driveways saying these should be cleaned.

ADJOURNMENT. MOTION: Moved by Springer, seconded by Quimby to adjourn. Motion carried. Approximate time: 7:47 p.m.

A handwritten signature in black ink that reads "Mo Hansen". The signature is written in a cursive, slightly slanted style.

Attest:
Mo Hansen, Clerk/Treasurer

.February 1, 2018
Waterloo City Council Meeting

Submitted
by Maureen
Goese

Thank you for 5 minutes to address the Council on my concerns re: Administrative Review Appeal Board Meetings of January 4, January 10, January 17.

First of all I would like to remind the seven members of the City Council that YOU discuss, debate, pass or reject motions set forth by various Commissions, Committees, etc. Each one of you is elected by the citizens of Waterloo to represent them in a civil discussion of the issues. In essence YOU run the City of Waterloo.

Direction is given from the Mayor (who appoints Commission Members, Appeal Board Members and reports various Commission meetings), only votes when there is a tie among the Council or Board decisions. Also is chairman of the Planning Commission and special meetings. The Clerk-Treasurer takes minutes of all Commission Meetings, Financial concerns, etc.

January 4 Administrative Review Appeal Board was requested by “ Mr. Timothy Nelson re: sidewalk/snow fine of \$95. He requested (within the 30 day time frame) the charge to be dropped as he felt it was an unfair charge, as the amount of snow on his sidewalk was minor.”

Clerk-Treasurer Hanson reviewed the process and said the correct response after discussion, should be “affirm, reverse or modify” the Appeal grievance.

A good discussion followed with points made by Mr. Nelson, saying he does not fault the Public Works Department, they are doing their job..he is expressing his remarks as a “**judgement call,**” in fact he said “**mature judgement.**” He went on to discuss even a snow blower leaves a residue of snow on the sidewalk. Even a meteorologist says “light snow or flurries reported.” Many factors affect snow on sidewalks, wind, drifting, sidewalk facing north or south east or west. Mr. Butzine reported Watertown does not issue fines or to clear sidewalks unless someone complains. Mrs. Quimby reported she had received about 6 complaints about the fines/charges re: December 12, the day in question. Public Works Department reviewed what has been done in the past re: issuing a Warrant and fines. Eventually fines were increased. Also reported the time and effort in issuing a fine. Checking all sidewalks to observe which ones were not in compliance, then taking pictures of before and after, checking with City Hall on properties, sending out letters ...all takes time and effort of limited Public Works Department. Many times 5-6 days before a property owner received the notice. The snow on sidewalks on Dec. 12 was .9 of a tenth of accumulation.

After a good discussion of questions, looking at photos of the sidewalk, Mrs. Quimby said she would reverse Mr. Nelson’s charge of \$95. Mr. Butzine debated and eventually said that he also agreed with Mrs. Quimby. **Out of this good discussion came a suggestion for the Public Works Commission to amend the Snow Ordinance for forthcoming Public Works and Council meetings.**

January 10th Appeal Board Meeting was called to address the remaining December 12th requests plus other snow/sidewalk fines. Mayor absent. Clerk-Treasurer Hanson, Mrs. Quimby

and Mr. Butzine present with Public Works Department and other citizens. Meeting opened with **Mr. Butzine saying “would like to say Snow is Snow, I reversed my decision because the picture showed Mr. Nelson did shovel I and I agree with the Snow Ordinance.”** When I asked if he was reneging on his decision he said, “Don’t put words in my mouth.” I, Maureen Giese was present with other citizens at this and the previous Jan. 4th meeting. I just wanted to be clear on what he meant by his comment. Mr. Butzine went on to say these men work hard and I support the Ordinance, and he shoveled his sidewalk. Five more Appeals were submitted in the time frame allowed. All were present to present their view on why their \$95 charges should be reversed as was Mr. Nelson’s. Mrs. Quimby expressed her opinion as the first five Appeals re: December 12 should be reversed. Mr. Butzine said he did not agree, the Ordinance should be upheld. A tie in other words. The Mayor can vote then, as he was absent.

December 17 the Appeal Board met again. More Appeals were presented, one by one went through, comments were given by citizens present. 13 Appeals were on the list. Some referred to Dec. 30th. The Mayor and two Board of Appeal members were present plus Public Works representatives. All gave their view on why their Sidewalk/Snow fine should be reversed. Richard E. Korth, asked permission to speak when neighbor Lee Stock’s appeal and pictures were brought up. The Mayor asked **“Are You a Citizen of Waterloo?”** Richard said “No” but I have lived her all my life and then went into the service and have since returned and have some observations regarding snow sidewalk issue close to Lee Stock’s sidewalk. **The Mayor refused to give him time to explain.** Since when does a citizen have to live here to speak at a meeting?? Perhaps, the sign **Find Your Place Here**” should be added **are you a citizen!!** Mrs. Quimby voted to reverse the first five Dec. 12th fines, Mr. Butzine reported “I stick to the Ordinance.” The Mayor than casts his vote. The only ones agreed to reverse were the two Appeals with dead end streets.

My objections: Granted State Statues say “a minimum of two people” should serve on the Appeal Board. It seems to me when the Snow and Ice removal Ordinance has been a volatile discussion point before, at least three people should have been requested to serve on the Board.. As the Mayor knows, he votes when there is a tie on the Council or other City business when there is a tie. This creates an arbitrary and capricious situation.

I object to Mr. Clifford Butzine being appointed by the Mayor as he is related to a City Employee therefore can not be an “impartial decision maker.” 68.11. 2) The municipality shall provide an impartial decision maker...who did not participate in making or reviewing the initial determination..who shall make the decision on Administrative appeal.”

I object to minutes of January 10 and Jan. 17 Appeal Board Meeting.. Mr. Butzine replied “stick to the ordinance” or agree with Jennie on a vote, not “affirm, reverse or modify” as stated by State Statues. 68.09 5) Decision on Review...Municipal authority may affirm, reverse or modify the initial determination of the person aggrieved. Words to be used, so there is no confusion of response.

When I asked about minutes of the January 3 and 10 meetings I was told no minutes are taken, this is a hearing not a formal meeting. I then checked State Statues and found Wisconsin Statues Archive relating to Municipal Procedure state re: Appeals say **68.11 3) Record of Hearing** “the person conducting the hearing or a person employed for that purpose shall take notes of the testimony...”.

January 4 and January 10 Appeal Meeting “minutes” were sent to me January 24. They are not accurate as it says DPW voted on the various Appeals. DPW were present for informational purposes, not to vote.

In conclusion I would suggest to the Council that all three Appeal Meetings be dismissed as per 68.09, 68.11 were not followed, and the Council hear all Appeals that were appealed in the time frame stated by State Statues be heard again.

This process may conclude the same result as the past, or it may not...but Due Process protection under the 14th Amendment to the U.S.Constitution will be accomplished.

Lastly, I object to Mayor Thompson’s intimidating remarks to Mr. Korth and denying him to speak on a related snow/sidewalk issue.

I would like the three Appeal Board Meetings be dismissed and the City Council hear all involved citizens again. The conclusion of grievances may be affirmed, or it may be reversed or it may be modified. But due process of the democratic law will be served.