

MONONA CITY COUNCIL MINUTES
June 7, 2021

The regular meeting of the Monona City Council, via Zoom, was called to order by Mayor O'Connor at 7:00 p.m.

Present: Mayor Mary K. O'Connor, Alderpersons Kristie Goforth, Doug Wood, Jennifer Kuhr, Kathy Thomas, Molly Grupe, and Nancy Moore

Also Present: City Administrator Bryan Gadow, Police Chief Brian Chaney Austin, Detective Lieutenant Chief Sara Deuman, Manager Garrett Gracner and Owner Patrick DePula from Salvatore's Tomato Pies, Fire Chief Jerry McMullen, Parks & Recreation Director Jake Anderson, MESBA Director Devin Renner, and City Clerk Joan Andrusz

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Mayor O'Connor noted a correction to the end of the 3rd paragraph of page 9: "~~...contact her~~ use the application form on the City's website."

A motion by Alder Wood, seconded by Alder Goforth to approve the Minutes of the May 17, 2021 City Council meeting as amended, was carried.

APPEARANCES

Mayor O'Connor read a Proclamation Declaring June as Pride Month in the City of Monona. She thanks Alder Kuhr for providing a new rainbow flag for City Hall.

Mayor O'Connor read a Proclamation Declaring June 19, 2021 as "Juneteenth" in the City of Monona.

Sandra Splinter BonDurant, 6209 Midwood Avenue appeared before the Council and spoke against the Breakwater Patio and Beer Garden Permit renewal. The music is now throughout the week, not just on weekends, and is a quality of life issue. She can hear it throughout her home, even when the house is closed up. She will be calling the Police every time this happens.

Jayson Chung, Monona resident and Chinese American, appeared before the Council and spoke in favor of the Resolution Condemning Xenophobia, Racism, and Violence Against the Asian Pacific Islander Desi American (APIDA) Community. There is recurrent persecution of Asian Americans as scapegoats, usually for economic reasons. Being lumped into a group, such as "model minority", doesn't allow people to be themselves.

PUBLIC HEARING

There was no Public Hearing.

CONSENT AGENDA

Alder Kuhr requested that consideration of Breakwater's Patio and Beer Garden permits be moved to New Business.

A motion by Alder Wood, seconded by Alder Grupe to approve to following, was carried:

1. Renewal Applications for 2021/2022 Class "A" Fermented Malt Beverage and "Class A" Liquor (Cider Only) Licenses:
 - a. Kwik Trip, Inc., P. O. Box 2107, La Crosse, Wisconsin, 54602, d/b/a Kwik Trip 966, 105 East Broadway
 - b. Speedway LLC, 500 Speedway Drive, Enon, OH, 45323, d/b/a Speedway #4088, 5450 Monona Drive
 - c. Speedway LLC, 500 Speedway Drive, Enon, OH, 45323, d/b/a Speedway #4533, 2500 Royal Avenue

2. Renewal Application for 2021/2022 "Class A" Liquor License for Fraboni's Italian Specialties, Inc., d/b/a Fraboni's, 108 Owen Road

3. Renewal Applications for 2021/2022 Class "A" Fermented Malt Beverage and "Class A" Liquor Licenses:
 - a. Felleron, Inc., 5725 Monona Drive, Monona, Wisconsin, 53716, d/b/a Ken's Meats & Deli, 5725 Monona Drive
 - b. Maroon Way Holdings Inc, 4967 Highwood Circle, Middleton, Wisconsin, 53562, d/b/a Monona Mart, 1220 East Broadway
 - c. W.D.S. Inc., 6325 Monona Drive, Monona, Wisconsin, 53716, d/b/a O'Connell's Liquor, 6325 Monona Drive
 - d. Roundy's Supermarkets, Inc., P. O. Box 305103, Nashville, Tennessee, 37230-5103, d/b/a Ultimate Mart LLC/Pick 'n Save #8181, 6540 Monona Drive
 - e. Walgreen Co, P. O. Box 901, Deerfield, Illinois, 60015-0901, d/b/a Walgreens #04830, 5300 Monona Drive
 - f. Wal-Mart Stores East, LP, 702 Southwest 8th Street, Licensing Department 8916, Bentonville, Arkansas, 72716-0500, d/b/a Wal-Mart Supercenter #3857, 2151 Royal Avenue

4. Renewal Applications for 2021/2022 Class "B" Fermented Malt Beverage and "Class B" Liquor Licenses:
 - a. Breakwater Monona, LLC, 7497 Indigo Circle, Middleton, Wisconsin, 53562, d/b/a Breakwater, 6308 Inland Way
 - b. Birkys LLC, d/b/a Buck and Honey's, 800 West Broadway, Suite 300
 - c. Blazin Wings, Inc., 5500 Wayzata Boulevard, Suite 1400, Minneapolis, Minnesota, 55416, d/b/a Buffalo Wild Wings, 6544 Monona Drive
 - d. The East Side Club, Inc., d/b/a The East Side Club, 3735 Monona Drive
 - e. Mr. Luo LLC Owned by Jun Luo, d/b/a Edo Garden Japanese Restaurant, 6309 Monona Drive
 - f. Fat Jacks Monona Inc, d/b/a Fat Jack's Barbecue, 6207 Monona Drive
 - g. Monona Garden Family Restaurant Inc., d/b/a Monona Garden Family Restaurant, 6501 Bridge Road
 - h. Mr Brews Tap House Monona LLC, d/b/a Mr Brews Tap House Monona, 103 West Broadway, Suite B
 - i. Red Robin International, Inc., 6312 South Fiddlers Green Circle #200N, Greenwood Village, Colorado, 80111, d/b/a Red Robin Gourmet Burgers, 6522 Monona Drive
 - j. Valdimark Inc, d/b/a Silver Eagle Bar & Grill, 5805 Monona Drive
 - k. Snick's Sportsman's Bar, LLC, d/b/a Snick's Sportsman's Bar, 4605 Monona Drive
 - l. Tasting Room of Monona Inc., d/b/a The Tasting Room, 800 West Broadway, Suite 100
 - m. Wiltzius LLC, d/b/a Tower Inn, 1008 East Broadway
 - n. Leskes Inc, d/b/a Tully's II Food & Spirits, 6401 Monona Drive

- o. FHMonona LLC, 1402 Neponset Trail, Monona, Wisconsin, 53716, d/b/a Waypoint Public House, 320 West Broadway, Suite E
5. Renewal Applications for 2021/2022 Class "B" Fermented Malt Beverage and "Class C" Wine Licenses:
 - a. Shrestha Family LLC Owned by Madan Shrestha, 2921 Richardson Street, Fitchburg, Wisconsin, 53711, d/b/a Swad Indian Restaurant, 6007A Monona Drive
 - b. WB South, LLC, d/b/a World Buffet, 2451 West Broadway
6. Renewal Applications for 2021/2022 Patio Permits:
 - a. Birkys LLC, d/b/a Buck and Honey's, 800 West Broadway, Suite 300 (Upper)
 - b. Birkys LLC, d/b/a Buck and Honey's, 800 West Broadway, Suite 300 (Lower)
 - c. Mr Brews Tap House Monona LLC, W12674 State Road 188, Lodi, Wisconsin, 53555-9795, d/b/a Mr Brews Tap House Monona, 103 West Broadway, Suite B
 - d. Valdimark, Inc., d/b/a Silver Eagle Bar & Grill, 5805 Monona Drive
 - e. Tasting Room of Monona Inc., d/b/a The Tasting Room, 800 West Broadway, Suite 100
 - f. FHMonona, LLC, 960 John Nolen Drive, Apartment 308, Madison, Wisconsin, 53713-1411, d/b/a Waypoint Public House, 320 West Broadway, Suite E

UNFINISHED BUSINESS

Recreation Director Anderson reported Dane County Public Health lifted COVID-19 related restrictions on outdoor events, so the Department will adhere to their guidance now and in the future.

A motion by Alder Wood, seconded by Alder Grupe to approve Resolution 21-5-2495 Authorizing Beer Sales by Parks and Recreation Staff during Special Events, was carried.

NEW BUSINESS

A motion by Alder Kuhr, seconded by Alder Thomas to suspend the rules and take action on the Renewal Applications for the 2021/2022 Patio Permit and 2021/2022 Beer Garden Permit for Breakwater Monona, LLC d/b/a Breakwater, 6308 Inland Way, was carried.

Alder Kuhr reported the City had complaints about the noise level last year and now they are having outdoor music much more often than in the past. She observed band members outside who were louder. Residents on the east end of Midland Lane complained to her and residents of Woody Lane said it was loud as well. The recorded music from the public address system could be heard from Bridge Road after the band ended. The Council has discussed this before; it is a repeat issue. She wants to consider not approving these permits for this business.

Alder Wood stated the Ordinance is not based on a decibel level but the Police are in the process of purchasing meters. Alder Grupe recalled that when this was discussed in the past the Council was liberal because of the effect construction had on this business. She questioned whether certain days could be allowed. Alder Kuhr stated Amplified Device Permits are not on the Agenda tonight, the Police Department approves those; the discussion is about the Patio and Beer Garden Permits. Alder Wood stated the music is on the top level, which is the Beer Garden. A commercial amplified device Ordinance is being discussed.

City Clerk Andrusz stated the requests for live music are for noon to 8:00 p.m., Tuesdays through Sundays, but she's not sure they have music that whole time. The application asks for specific listing of devices to be used. Approval is being given for one week at a time to allow complaints to effect the approval of the next week. These permits are approved by the Police Department so they are aware of locations having amplified sound; they were designed for backyard parties. The differences between a

Beer Garden and a Patio include that table service is required on a patio and a licensed bartender is required to be in a beer garden at all times. Other businesses that have Amplified Device Permits that may be during the week are Tasting Room, Buck & Honey's, and The East Side Club for their summer concert series.

Alder Moore cautions relying on a decibel level as the only way to measure a complaint. The Plan Commission extended Breakwater's outdoor hours of operation to match other establishments. Police Chief Chaney Austin reported he has a history with noise levels in Madison. Sound travels; decibel meters are just a tool and shouldn't be the only thing relied upon. It is difficult to take the human factor out of a complaint. Breakwater's next permits won't be issued until there are no complaints and they will be re-assessed and re-evaluated. It is appropriate for them to ask for these permits to keep their business going. Alder Goforth questioned whether a different location for the music has been discussed and the history of conversations with this business, and stated she supports a decibel level being part of the noise Ordinance to provide guidelines. City Administrator Gadow stated levels are only listed in the Zoning Code but they would apply to this issue.

Detective Lieutenant Deuman stated Community Resource Officer Nathan Reynolds has had numerous conversations with Breakwater's manager because of the number of events, hours, and days of the week, which is why there is conditional approval. Only one complaint has been received. Without substantial complaints, especially from close neighbors, the Police couldn't go forward with action or citations. Police Chief Chaney Austin stated this will be watched this week. Officers can bring forward a complaint themselves. "Unreasonable level" is what the Police need to hear about. Alder Moore stated sound carries very easily over water.

Alders Kuhr and Wood want Breakwater management to come in to the Council to discuss this matter. No action was taken on the motion by Alder Wood, seconded by Alder Goforth to approve the Renewal Applications for the 2021/2022 Patio Permit and 2021/2022 Beer Garden Permit for Breakwater Monona, LLC d/b/a Breakwater, 6308 Inland Way.

A motion by Alder Wood, seconded by Alder Kuhr to table Approval of the Renewal Applications for the 2021/2022 Patio Permit and 2021/2022 Beer Garden Permit for Breakwater Monona, LLC d/b/a Breakwater, 6308 Inland Way until the next meeting, was carried.

A motion by Alder Kuhr, seconded by Alder Grupe to suspend the rules and take action on the Renewal Application for 2021/2022 Class "A" Fermented Malt Beverage License For La Rosita Mexican Store LLC, d/b/a La Rosita Mexican Store, 6001 and 6005 Monona Drive, was carried.

Alder Wood reported the change is the La Rosita Mexican Buffet is no longer in operation. The location is now an extension of the current grocery store. The City Attorney confirmed they only needed one license for both locations.

A motion by Alder Kuhr, seconded by Alder Moore to approve the Renewal Application for 2021/2022 Class "A" Fermented Malt Beverage License For La Rosita Mexican Store LLC, d/b/a La Rosita Mexican Store, 6001 and 6005 Monona Drive, was carried.

A motion by Alder Grupe, seconded by Alder Wood to suspend the rules and take action on the Applications For 2020/2021 "Class B" Liquor and Class "B" Fermented Malt Beverage Licenses For Salvatore's Tomato Pies 2, LLC, d/b/a Salvatore's Tomato Pies, 5507 and 5511 Monona Drive, Monona, Wisconsin, 53716, was carried.

Alder Wood reported Salvatore's Tomato Pies owner and manager came to the License Review Committee who approved this as a straightforward, good use of one of the City's quota licenses. If this is approved, the City still has four such licenses available.

A motion by Alder Wood, seconded by Alder Grupe to approve the Applications For 2020/2021 “Class B” Liquor and Class “B” Fermented Malt Beverage Licenses For Salvatore’s Tomato Pies 2, LLC, d/b/a Salvatore’s Tomato Pies, 5507 and 5511 Monona Drive, Monona, Wisconsin, 53716, was carried.

A motion by Alder Moore, seconded by Alder Goforth to suspend the rules and take action on the Renewal Applications For 2021/2022 “Class B” Liquor and Class “B” Fermented Malt Beverage Licenses For Salvatore’s Tomato Pies 2, LLC, d/b/a Salvatore’s Tomato Pies, 5507 and 5511 Monona Drive, Monona, Wisconsin, 53716, was carried.

A motion by Alder Thomas, seconded by Alder Moore to approve the Renewal Applications For 2021/2022 “Class B” Liquor and Class “B” Fermented Malt Beverage Licenses For Salvatore’s Tomato Pies 2, LLC, d/b/a Salvatore’s Tomato Pies, 5507 and 5511 Monona Drive, Monona, Wisconsin, 53716, was carried.

A motion by Alder Moore, seconded by Alder Grupe to suspend the rules and take action on the Application For 2021/2022 Patio Permit For Salvatore’s Tomato Pies 2, LLC, d/b/a Salvatore’s Tomato Pies, 5507 and 5511 Monona Drive, Monona, Wisconsin, 53716, was carried.

City Clerk Andrusz reported that Plan Commission approval isn’t required yet because they are using their temporary extension now. When they have a final plan for their permanent patio, that would go to the Plan Commission and then back to the License Review Committee and City Council for approval on a permanent basis. On May 11th the License Review Committee approved a 10:00 p.m. closing time variance. Several other businesses have requested variances in closing time and number of patrons allowed based on space and need.

A motion by Alder Grupe, seconded by Alder Goforth to approve the Application For 2021/2022 Patio Permit For Salvatore’s Tomato Pies 2, LLC, d/b/a Salvatore’s Tomato Pies, 5507 and 5511 Monona Drive, Monona, Wisconsin, 53716, was carried.

A motion by Alder Thomas, seconded by Alder Grupe to suspend the rules and take action on Resolution 21-6-2498 Resolution Condemning Xenophobia, Racism, and Violence Against the Asian Pacific Islander Desi American (APIDA) Community, was carried.

Alder Goforth thanked Mr. Chung for his thoughtful words. She advocated for her Filipino stepfather and 15-year-old half-sister who has experienced racism from the age of 5 in her Green Bay school. There has been a surge of hate and racism in the last year. She said aloud the names of the women who were victims in the Atlanta spa shooting: Xiaojie Tan, Daoyou Feng, Suncha Kim, Soon Chung Park, Yong Ae Yue, and Hyun Jung Grant. She thanks the Mayor for co-sponsoring this action and Council members for their support.

A motion by Alder Wood, seconded by Alder Goforth to approve Resolution 21-6-2498 Resolution Condemning Xenophobia, Racism, and Violence Against the Asian Pacific Islander Desi American (APIDA) Community, was carried.

A motion by Alder Thomas, seconded by Alder Moore to suspend the rules and take action on Resolution 21-6-2199 Approval of Participation in a WI Bureau of Transportation Safety Grant Titled: 2021 Speed Grant Task Force, was carried.

Police Chief Chaney Austin reported staff will focus on hazardous driving behaviors. Only Monona Officers will be in the section covered for certain dates. This will be publicized before the dates and the results will be publicized afterwards. Alder Goforth expressed concern about the seatbelt component.

Police Chief Chaney Austin responded that is in the other grant. He has spoken to Officers on this and seatbelts won't be used as a primary stop reason. Alder Grupe questioned whether using un-armed Officers would be considered. Police Chief Chaney Austin responded he has heard of this but it is against the law to make a traffic stop or use blue lights unless you are a Police Officer. Officers get shot at traffic stops; he has significant concerns for Officer safety. State law would have to change before he would consider that.

A motion by Alder Thomas, seconded by Alder Goforth to approve Resolution 21-6-2199 Approval of Participation in a WI Bureau of Transportation Safety Grant Titled: 2021 Speed Grant Task Force, was carried.

A motion by Alder Wood, seconded by Alder Thomas to suspend the rules and take action on Ordinance 6-21-740 Extending Temporary Patio Permits, was carried.

Alder Wood reported this is the same as the previously approved Ordinance. Dane County Public Health orders have expired, but Tully's II and Salvatore's were concerned that not all people will feel comfortable coming back or that orders could be reinstated. This allows flexibility. Alder Moore stated people are back in cars now and parking could cause an issue. Alder Wood stated he is not sure the other businesses will want to continue their extensions. Alder Kuhr stated she is in favor of this; it allows restaurants to explore outdoor dining options and is a way to boost business. Problems, if any, can be evaluated over the summer. Mr. Renner questions whether street parking could be evaluated. A majority of restaurants are facing staffing and patron confidence issues. Anything that can help that will help businesses recover. Alder Thomas stated it is inviting to see outdoor diners. Salvatore's has lots of parking and in addition the business in that strip mall are closed or close early. Snicks has a lot of parking as well. She thinks this request should be accommodated.

A motion by Alder Wood, seconded by Alder Grupe to approve Ordinance 6-21-740 Extending Temporary Patio Permits, was carried.

Council members agreed action on Approval of 2021 Temporary Extension of Premises and Temporary Patio Permit for Leskes Inc. d/b/a Tully's II Food & Spirits, 6401 Monona Drive is not required as they can update their current permit.

REPORTS

Mayor O'Connor asked for reports on the specific item below:

Alder Grupe began Updates/Discussion on Diversity, Equity, and Inclusion (DEI) Efforts. The City should consider support for transgender athletes in the Monona Grove School District. She may bring forth a Resolution. Alder Moore reported she has been streaming the CNN series United Shade of America. The Sustainability Committee is starting on a roadmap of long-term projects relating to housing and support for first-time homebuyers. Mayor O'Connor reported 18 applications have been received for the Diversity Committee and she is in the process of meeting with applicants. She will meet with the Nehemiah Center on when they can meet and other details.

Members announced meeting dates and times and provided the following:

Alder Goforth thanks Monona Grove School District teachers, administration, and Board for getting through a challenging year. The Landmarks Commission will discuss Habitat Restore's National Registry application, Patricia Howell from the Friends of San Damiano will provide an update, and the Pagoda repair timeline will be discussed.

Alder Wood reported the Parks & Recreation Board met for a tour of the San Damiano property and house, the full-schedule swimming pool opening was approved, and special events at Grand Crossing Park were approved, including a Badger tailgate.

Alder Kuhr reported the Library will host a Drag Queen Storytime at the Dream Park on Tuesday, June 29, at 6:00 p.m. that will include miniature horses, dancing, and chalk art. It will be a very exciting event! She asks the public to access the San Damiano property from Monona Drive, not the private driveway on the side.

Alder Moore thanks community members who have extended themselves in the San Damiano effort, especially Monona Community Media for their wonderful video. The Friends is hosting a clean-up event on June 19, from 1:00 to 5:00 p.m. Everyone can help out or just be there to explore the grounds. The Parks Department has been working hard on clean-up as well. Go to sandamiano.org/events to sign up.

Alder Grupe reported the first Senior Center Summer Concert in Winnequah Park is on July 20 with the Mark Croft Band and food carts.

Fire Chief McMullen welcomes Police Chief Chaney Austin and thanks Detective Lieutenant Deuman for her work as Interim Chief. Four new volunteers are interviewing this week and next week. He thanks volunteers for their help with the successful search for a missing elderly woman, which included the Police Department and mutual aid from McFarland.

Police Chief Chaney Austin thanks Fire Chief McMullen and for the Fire Department's help in that search. He has completed the Police Officers search and will go through the list. He is settling in and there is a lot to learn. There was great teamwork on a significant Beltline crash. He thanks the Council for recognizing Pride Month and the flag and for acknowledging Juneteenth. It all means a lot to him.

City Clerk Andrusz reported the Board of Review hearing is tomorrow night at the Library starting at 6:00 p.m. and the docket is over-full. It is too late to file an objection, but a property owner can come to the hearing, fill out an objection form and provide an explanation of why they are late, and ask the Board to hear their case. The Board may choose to hear additional cases at their discretion.

City Administrator Gadow reported Monona Drive work will be completed mid-week if rain doesn't delay striping. Dane County COVID-19 orders have been lifted. Vaccinated staff are not wearing masks; those not vaccinated are asked to wear masks. All staff will mirror the actions of the public they meet face to face.

Mayor O'Connor reported the Capital Budget process is starting, followed by the Operating Budget. She hopes to have budgets wrapped up by the end of November. She was at Sunday's Farmer's Market with Dane County Supervisor Sarah Smith. At least 15 to 20 people that came up to speak with her were very positive and excited about the San Damiano purchase and most had already visited the property.

APPOINTMENTS

A motion by Alder Wood, seconded by Alder Grupe to approve Jill Mueller to the Police and Fire Commission (effective immediately–April 19, 2022), was carried.

ADJOURNMENT

A motion by Alder Kuhr, seconded by Alder Goforth, to adjourn was carried. (9:42 p.m.)

Joan Andrusz
City Clerk