

CITY OF VERONA
MINUTES
COMMON COUNCIL
April 13, 2020
Verona City Hall

Due to the COVID-19 pandemic, the Verona Common Council held its meeting as a virtual meeting. The Common Council did not meet at City Hall, 111 Lincoln Street. Members of the Common Council and Staff joined the meeting by using Zoom Webinar. Members of the public were able to join the meeting using Zoom Webinar via a computer, tablet, or smartphone, or by calling into the meeting via phone.

1. Mayor Diaz called the meeting to order at 7:00 p.m.
2. Roll call: Alderpersons Kate Cronin, Charlotte Jerney, Chad Kemp, Katie Kohl, Christine Posey, Heather Reekie and Evan Touchett were present. Also present: City Administrator Adam Sayre; Library Director Stacey Burkart; Senior Center Director Stephanie Ehle; Recreation Director Casey Dudley; Parks Director Dave Walker; Public Works Director Theran Jacobson; Chief of Police Bernie Coughlin; Acting Fire Chief Dan Machotka; Fitch-Rona EMS Director Patrick Anderson; City Engineer Carla Fischer; and City Clerk Ellen Clark.

Public Comment:

- Ted Higgins, Local 311 of the International Association of Professional Firefighters, AFL-CIO, discussed the City's Families First Coronavirus Response Act (FFCRA) Emergency Family and Medical Leave and Emergency Paid Sick Leave policies. The City first decided to exclude first responders from FFCRA. Some leave was added, but the number of hours of paid leave time was then called into question. The AFL-CIO proposed 96 hours; the City offered 72 hours. Because testing has been hard to come by, the AFL-CIO also asked that the requirement for a positive COVID-19 test be dropped. In addition, because first responders work 48-hour schedules, 72 hours will only cover three days' worth of work time. AFL-CIO is asking the City to increase the available leave time to 96 hours. Fears that this benefit will be abused are unfounded.
- Matt Miller, Verona firefighter spoke regarding the FFCRA leave for firefighters. He requested an additional 24 hours of available leave. The firefighters would like the same number of hours available to them as the EMS workers are getting, as they are living in the same space.
- Sayre read an email received from Kevin German, career firefighter with the City of Verona, regarding the FFCRA pandemic leave policy. He requested 96 hours of available leave time, to be in parity with the EMS workers.

3. Approval of the minutes from the March 9, 2020 Common Council meeting. Motion by Kohl, seconded by Touchett, to approve the minutes of the March 9, 2020 Common Council meeting. On roll call: Alder Kemp – Aye; Alder Kohl – Aye; Alder Posey – Aye; Alder Reekie – Aye; Alder Touchett – Aye; Alder Cronin – Aye; Alder Jerney – Aye. Motion carried 7-0.
4. Mayor’s Business:
 - Diaz thanked City Staff for their work on the April 7th Election.
6. Announcements:
 - Kohl thanked the entire City Staff as they continue to work to make sure the City runs smoothly.
7. Administrator’s Report:
 - The deadline for submitting applications for the vacant District 2 Alderperson seat has been extended until Noon on Wednesday, April 22nd due to the Safer at Home order.
 - The deadline date for the Sugar Creek RFP has been pushed back to April 27, 2020 due to COVID-19, as well.
 - Paper Census questionnaire forms are being sent out by the Federal Government by mail this week to anyone that has not yet responded online or by phone. Please complete the questionnaire and mail it back to the Census Bureau.
8. Engineer’s Report:
 - Well 6 Pumping Station Construction: Due to COVID-19, only one trade will be allowed to work in the building at a time. This is expected to push completion back 6-8 weeks.
 - Verona Area High School Construction Traffic Improvements: Inside lanes are closed for a few weeks; then lane closures will be shifted to the outside lanes. Once asphalt paving is complete on the east side, traffic will be shifted to the new lanes and work on the west half will begin. Work is planned to begin shortly on Nine Mound Road and Paoli Street, with new turn lanes and median islands being installed.
 - CTH M Construction: The contractor intends to start work again on April 13, 2020.
 - Liberty Park Phase 4 Construction: Storm sewer on Ambition Street has been installed, with street construction to follow.
9. Committee Reports
 - A. **Plan Commission**
 - (1) Discussion and Possible Action Re: Resolution No. R-20-013 approving a certified survey map to modify the shared property lot line between existing lots 9 and 10 of the Verona Technology Park plat located at the corner of Thousand Oaks Trail, and John P. Livesey Boulevard. Motion by Kohl, seconded by Cronin, to approve Resolution No. R-20-013 approving a certified survey map to modify the shared property lot line between existing lots 9 and 10 of the Verona Technology Park plat located at the corner of Thousand Oaks Trail, and John P. Livesey Boulevard.

On roll call: Alder Kohl – Aye; Alder Posey – Aye; Alder Reekie – Aye; Alder Touchett – Aye; Alder Cronin– Aye; Alder Jerney – Aye; Alder Kemp– Aye. Motion carried 7-0.

- (2) Discussion and Possible Action Re: Resolution No. R-20-014 approving a certified survey map to create one (1) lot located at 319 Lincoln Street. Motion by Kohl, seconded by Kemp, to approve Resolution No. R-20-014 approving a certified survey map to create one (1) lot located at 319 Lincoln Street. The proposed certified survey map was submitted by the City to acquire land to be used for public utility purposes. On roll call: Alder Posey – Aye; Alder Reekie – Aye; Alder Touchett – Aye; Alder Cronin – Aye; Alder Jerney – Aye; Alder Kemp – Aye; Alder Kohl – Aye. Motion carried 7-0.

B. Public Works/Sewer & Water Committee

- (1) Discussion and Possible Action Re: Awarding contract for Project 2020-107, Rapid Rectangular Flashing Beacon pedestrian improvements. Motion by Touchett, seconded by Kemp, to award the contract for Project 2020-107, Rapid Rectangular Flashing Beacon pedestrian improvements. This project consists of the installation of RRFB units at North Main Street and St. Andrews Church driveway; North Nine Mound Road and Edward Street; South Nine Mound Road and Military Ridge State Trail; and Whalen Road and Military Ridge Drive. Cummings and Turk came in with the lowest bid. The contract is not to exceed \$20,905.

Posey is very happy to see this project moving forward.

Touchett stated other locations are also being considered, and will be based on budget.

On roll call: Alder Reekie – Aye; Alder Touchett – Aye; Alder Cronin – Aye; Alder Jerney – Aye; Alder Kemp – Aye; Alder Kohl – Aye; Alder Posey – Aye. Motion carried 7-0.

- (2) Discussion and Possible Action Re: Developer’s agreement for Kettle Creek North Phase 3 public improvements. Motion by Touchett, seconded by Kemp, to approve a developer’s agreement for Kettle Creek North Phase 3 public improvements. Construction is slated to begin in late April, 2020, and will be substantially completed on or about September 30, 2020. On roll call: Alder Touchett – Aye; Alder Cronin – Aye; Alder Jerney – Aye; Alder Kemp – Aye; Alder Kohl – Aye; Alder Posey – Aye; Alder Reekie – Aye. Motion carried 7-0.
- (3) Discussion and Possible Action Re: Professional services agreement with JT Engineering for inspection service for development of the “Woods at Cathedral Point”. Motion by Touchett, seconded by Cronin, to approve a professional services agreement with JT Engineering for inspection service for development of the “Woods at Cathedral Point”, contingent upon legal counsel review. The contract amount shall not exceed \$96,810. On roll call: Alder Cronin – Aye; Alder Jerney – Aye; Alder Kemp – Aye; Alder Kohl – Aye; Alder Posey – Aye; Alder Reekie

– Aye; Alder Touchett – Aye. Motion carried 7-0.

- (4) Discussion and Possible Action Re: Intergovernmental agreement for the Madison Area Municipal Storm Water Partnership. Motion by Touchett, seconded by Kemp, to approve an intergovernmental agreement for the Madison Area Municipal Storm Water Partnership. This is a four-year renewal agreement as part of our Municipal Separate Storm Sewer System permit.

Reekie asked if there are any changes to this agreement considering the flooding of last year.

Fischer replied this is a stormwater partnership, which is more about water quality education and outreach than flooding. There are no large public works or infrastructure projects as part of this agreement.

On roll call: Alder Jerney – Aye; Alder Kemp – Aye; Alder Kohl – Aye; Alder Posey – Aye; Alder Reekie – Aye; Alder Touchett – Aye; Alder Cronin – Aye. Motion carried 7-0.

- (5) Discussion and Possible Action Re: Amendment No. 1 for Construction Related Services with AECOM at Project ID 2017-115, Well 6. Motion by Touchett, seconded by Kemp, to approve Amendment No. 1 for Construction Related Services with AECOM at Project ID 2017-115, Well 6. On roll call: Alder Jerney - Aye; Alder Kemp – Aye; Alder Kohl – Aye; Alder Posey – Aye; Alder Reekie – Aye; Alder Touchett – Aye; Alder Cronin – Aye. Motion carried 7-0.

10. New Business

- A. Discussion and Possible Action Re: Payment of bills. Motion by Kemp, seconded by Cronin, to pay the bills in the amount of \$1,432,887.81. On roll call: Alder Kemp – Aye; Alder Kohl – Aye; Alder Posey – Aye; Alder Reekie – Aye; Alder Touchett – Aye; Alder Cronin – Aye; Alder Jerney – Aye. Motion carried 7-0.
- B. Discussion and Possible Action Re: Approving a landscaping agreement with 841 North Main Street, LLC to allow landscaping on City property. Sayre explained this agreement is required by the developer as a condition of approval for a site plan and conditional use permit for a 100-unit age restricted senior housing facility at 841 North Main Street. No remarks concerning the draft landscaping agreement have been received from adjoining property owners. Motion by Kohl, seconded by Cronin, to approve a landscaping agreement with 841 North Main Street, LLC to allow landscaping on City property. On roll call: Alder Kohl – Aye; - Alder Posey – Aye; Alder Reekie – Aye; Alder Touchett – Aye; Alder Cronin – Aye; Alder Jerney – Aye; Alder Kemp – Aye. Motion carried 7-0.
- C. Discussion and Possible Action Re: Updates from City Departments on COVID-19 pandemic.

City Administrator Adam Sayre and Department Heads Ellen Clark, Stacey Burkart, Stephanie Ehle, Casey Dudley, Dave Walker, Theran Jacobson and Bernie Coughlin reported on innovations and modifications being made in each of their departments

in response to the COVID-19 pandemic.

Adam Sayre, City Administrator, reported Staff has been working on several policies to address COVID-19 issues. There is a hiring freeze, of sorts, especially for part-time positions. We will try to fill those slots with employees that are now losing hours because their buildings are closed. Many people helped with the April 7th Election. The administration side of the city hall building is closed to the public. People should use the drop boxes in the parking lot and inside the front entrance to drop bill payments, building permit applications, and other items. Finance Department employees will be coming in to pay bills and complete payroll. Building inspections are continuing, with building inspectors splitting their time between city hall and home. Developers are very cautious now, as they are not sure how long COVID-19 will be hanging over their heads.

Ellen Clark, City Clerk, reported most COVID-19 issues in the Clerk's office have been related to the election. She thanked City Staff for their help both preparing for and executing the Election on April 7th. Extended hours for early voting were eliminated and in-person hours were limited. Sneeze guards were engineered and assembled by Simon Hesch and Public Works Staff. Masks and gloves were supplied by the City, and large bottles of hand and surface sanitizer were supplied by the Wisconsin Elections Commission. Six-foot intervals were marked on the floors of both polling places to assist with social distancing. We were also fortunate enough to have ten Wisconsin National Guard members assigned to Verona, as well as several City employees working as election inspectors on Election Day. The total number of voters for the April 7th Election was 5,170. Of those, 4,370 voted absentee.

Stacey Burkart, Library Director, reported the library has been closed since March 16th. Library Staff are working from home, and the Youth Services Staff offering several programs a week online using Facebook Like and Zoom. There are also adult programs on the calendar, while more are being developed. Staff is available to the public by phone, email and online media. Staff is promoting the library's many online resources and audio books, as well. Library materials are automatically renewed until May 1st. Staff are also participating in online continuing education and webinars.

Stephanie Ehle, Senior Center Director, reported the Senior Center has also been closed since March 16th. Staff has been working from home for the most part. Meals on Wheels are being delivered once per week on Tuesday, with each delivery containing a week's worth of food. They are currently taking meals to 18-20 people per week. They are working with Badger Prairie Needs Network, Festival Foods, TNT's Catering, Miller's, and Dane County Consolidated Foods to put together the meals. In addition, The 5th Quarter, The Draft House, and Café Hollander at Hilldale have donated food. Transit Solutions is running Monday through Friday, and is helping with delivery of meals. Senior Center Case Managers are making about 150 calls per week, and are finding new ways to connect with seniors. Staff are also participating in online continuing education and webinars.

Casey Dudley, Recreation Director, reported the department has also been closed since March 16th, and is in a holding pattern now. The longer the Stay at Home Order continues, the more difficult it will become to continue spring and summer programs. Spring soccer was scheduled to begin today, but has been pushed back until at least May. Two virtual learning engineering courses have begun. There have been some requests for registration fee refunds for cancelled classes. People are being given the opportunity to take classes at a later date, but refunds will likely be necessary for the soccer program. Dudley is hoping for guidance from the Dane County Public Health Department in the next couple of weeks.

Dave Walker, Parks Department Director, reported the department has been at half-staff for the last three weeks. He reports to the office as needed, and is also working from home. The parks are being used quite heavily, though all shelters and playgrounds are closed. Because Recreation Department programs are not beginning on schedule, Parks Department Staff have a lighter workload than usual for this time of year. The workload will be getting closer to normal soon, however, as mowing and tree planting will begin in the next few weeks.

Theran Jacobson, Public Works Director, reported the office has been closed since March 16th. The recycling center is open, however e-waste, tires and oil are not being accepted at this time. Office staff capable of working from home are doing so. Staff working outside are segregated by working inside their equipment. Necessary meetings are being conducted remotely. There are currently no plans to postpone or reschedule the City's capital improvement projects, such as asphaltic rehabilitation, chip sealing, etc.

Bernie Coughlin, Chief of Police, provided a timeline of dates and actions taken by the Police Department in response to COVID-19. The department has taken a conservative, calculated and reasonable approach to the pandemic. Officers have been suspended from EMS where law enforcement is not needed. Ride-alongs and unnecessary face-to-face calls have also been suspended. March 17th Ordinance No. 20-964 was drafted to aid officers in enforcing Governor Ever's Stay at Home Order. Limits to in-custody arrests are now in place, and April and May inservice sessions have been suspended. Squads are being cleaned with a bleach water solution, as well as a peroxide based solution. LTE clerical workers have been suspended, and some full-time clerical shifts have been modified.

Dan Machotka, Acting Fire Chief, reported they are still responding to calls, and concern about exposure is rising among Staff. The fire station is closed to the public, with only duty crews and Chief level officers in-house at any point in time. All in-person trainings and meetings have been suspended. Fire inspections have also been suspended. Call volume has slowed a bit, and Staff is doing more disinfecting and cleaning of their equipment. At this time, the department has enough personal protective equipment to keep Staff safe. He reported that COVID-19 testing is available to first responders and fire fighters.

Patrick Anderson, Fitch-Rona EMS Director, reported they are still up to 100% staff. Zoom meetings are conducted with Staff two days a week, and contingency plans are being developed. Contingency plans have been working on. Currently, they have enough personal protective equipment on hand, and Verona Safety Supply donated a large supply of N-95 masks. Additional donations included gowns and face shields from SSM and UW Health, as well as the Verona School District; and hand and surface sanitizer from Yahara Bay Distillery. In addition, Verona Pharmacy has been getting medications to them at cost. Staff has been using dioxide-based cleaners from Orrin Technologies in Verona that can be used on a larger scale for disinfecting of vehicles, equipment and buildings. As another protective step, Staff is treating every patient as if they are COVID positive.

Sayre asked the Council to support local businesses as much as possible. Any opportunity to support small business is critically important at this point.

- D. Discussion and Possible Action Re: Resolution No. R-20-015 Declaration of Emergency in the City of Verona and Authorization of Joint Executive Authority to Implement Necessary Measures in Response to COVID-19. This Resolution ratifies the Mayor's Emergency Proclamation due to COVID-19 executed on March 16, 2020. The Common Council is declaring a Local State of Emergency until such time that the State of Wisconsin's public health emergency declaration is lifted. The action also directs City Staff to track expenses for potential reimbursements that might become available.

Diaz asked what impacts the City has seen from the declaration being in place.

Sayre replied some general COVID-19 policies were put in place with the approval of the Mayor, and two personnel policies related to COVID-19 are waiting to be voted on by the Council this evening. The City generally has not seen a huge impact from the COVID-19 pandemic. We have purchased a large supply of cleaners and sanitizers that we would not normally purchase, and have pre-ordered some other items. The City's sick leave policy covers time off situations. That policy has been expanded to include taking time off for dependents. As the situation goes on, there could be a cost issue involved. This Resolution will allow Sayre or Diaz to act and/or spend City funds without Council approval for emergency situations related to COVID-19, should it become necessary.

Diaz stated he does not foresee this happening, but it is good to have such a policy in place, should it be needed.

Motion by Kohl, seconded by Touchett, to approve Resolution No. R-20-015 Declaration of Emergency in the City of Verona and Authorization of Joint Executive Authority to Implement Necessary Measures in Response to COVID-19. On roll call: Alder Posey – Aye; Alder Reekie – Aye; Alder Touchett – Aye; Alder Cronin – Aye; Alder Jerney – Aye; Alder Kemp – Aye; Alder Kohl – Aye. Motion carried 7-0.

- E. Discussion and Possible Action Re: Families First Coronavirus Response Act and the Public Health Emergency: Emergency Family and Medical Leave and Emergency Paid Sick Leave Policies. The Families First Coronavirus Response Act (“FFCRA”) which expanded the Family and Medical Leave Act (Emergency Family and Medical Leave Expansion Act) and created a paid sick leave entitlement (Emergency Paid Sick Leave Act) for all eligible full and part-time employees was signed into law on March 18, 2020. by President Trump. This leave would allow an eligible employee to take up to twelve (12) weeks of paid leave for COVID-19 related absences. Two (2) of the 12 weeks would be paid at 100% of the employee’s regular salary if the employee is sick or quarantined with COVID-19 or COVID-19 related symptoms. Another 10 weeks, paid at two-thirds of the employee’s salary, is available for employees who need to care for a sick or quarantined family member or to care for children who cannot be in school or childcare due to COVID-19. The provisions of FFCRA became effective on April 1, 2020. Within the FFCRA is a provision which allows local governments to exempt “emergency responders” and “health care providers” from provisions of the FFCRA. The purpose of the exemption language is to allow local governments to identify those categories of employees whose continued work in their respective roles is vital and necessary for the local response to COVID-19. The policy defines which positions are considered “first responders” and qualify for exemptions in the FFCRA, including Police and Fire Department staff. To address concerns of the need for emergency paid sick leave for these emergency responders who are exempted from the FFCRA, Staff developed a separate two-week paid leave policy for those exempted employees who may be unable to work because of a positive COVID-19 test, care for a family member who has tested positive or need for quarantine due to exposure. This emergency paid leave policy has been reviewed and accepted by the Police Department and union. The Fire Department union has not accepted the emergency paid leave at this time. The policy was put into place by the Mayor and City Administrator. Because the policy has leave components, it must be approved by the Common Council. The Fire Department has not accepted the emergency paid leave at this time.

Kohl stated she is in favor of 96 hours of leave for the firefighters, to create parity with other employees in the city, who have two weeks’ leave available.

Touchett asked what the thought process was regarding the number of hours being made available to each department.

Sayre replied the same offer that was made to the Police Department was also made to the Fire Department union. That offer included 96 hours of leave time, and two criteria: that the employee test positive for COVID-19, or that a member of the immediate family living in the household test positive for COVID-19. A verbal agreement was made to this offer between Staff and Ted Higgins. The following day, some additional demands were made by the union. Our responsibility as Staff is to be able to fully staff the Fire Department. If the City does not hold to the positive COVID-19 test criteria, it may cause issues for us to be able to fully staff the department. We settled at 72 hours for the Fire Department because we made some additional concessions on the eligibility criteria that are different than those for the Police Department.

Touchett's position is to trust the City. When one department tries to pick favorite pieces out of a policy, that is not fair to the other departments.

Kohl asked if Acting Fire Chief Machotka thinks there will be a staffing issue, and if it will be abused.

Sayre replied this is time made available above and beyond the normal sick leave that is offered by the City. There is a risk with any department that this could be abused.

Kemp wants to be fair to all individuals serving and protecting the City at a time like this. He is failing to understand why one department is being offered 80 hours, while another is being offered 72 hours.

Sayre replied we went into this knowing that we are not required to offer any paid leave time, but we felt it was the right thing to do. The Police Department would have more hours available, but the criteria for using it would be more limited.

Posey stated the two week time frame has to do with disease transmission, and asked if testing access will impact this.

Kohl stated she would like to trust our public servants, as they need the support. She does not think it will be abused, as they know they will probably need the leave at some point.

Jerney asked if the number of hours for the Fire Department could be increased to 80, to be in line with what is being given to the Police Department.

Cronin agrees that keeping things on a level playing field is important. The fact that they are housed with Fitch-Rona EMS and on the same schedule is good reason to bring the time off up to 96 hours.

Kemp stated first responders should have the same amount of hours available to them. He is concerned about the broader opportunities that the Fire Department will have to use this time off.

Sayre replied the Fire Department initially had the same two criteria as the Police Department, and were offered 96 hours of paid leave time. That was not acceptable to the Fire Department. This is a counter proposal.

Jerney asked if the Fire Department would be excluded from paid leave time if this is voted on as it currently exists.

Sayre replied the Fire Department union would have to sign off on any agreement. The Council could modify the Resolution in any way they like, and the Fire Department union would have to sign off on it.

Kohl believes 80 hours is not enough for the Fire Department because of their schedule.

Touchett stated he is comfortable with 80 hours, and the same criteria as was offered to the Police Department. If we are allowing this special time for COVID-19, it should be used for COVID-19.

Motion by Touchett, seconded by Kemp, to amend the offer to the Fire Department to match the offer accepted by the Police Department, which is 80 hours of paid leave time and the following eligibility criteria:

1. The employee tests positive for COVID-19.
2. The employee is caring for a member of the immediate family living in the household who has tested positive for COVID-19.

Kohl stated no other fire department represented by the union is requiring a positive test result. First responders have better access to testing, but their family members do not. We should follow the CDC guidelines, which say people should not go to work if they have COVID-like symptoms.

Diaz does not want anyone to feel like they are not appreciated.

On roll call: Alder Reekie – Aye; Alder Touchett – Aye; Alder Cronin – No; Alder Jerney – Aye; Alder Kemp – Aye; Alder Kohl – No; Alder Posey – No. Motion carried 4-3, with Cronin, Kohl and Posey voting no.

- F. Discussion and Possible Action Re: Ordinance No. 20-964 amending Section 11-1-1 of the Code of Ordinances relating to violations of law relating to health. This ordinance amendment will clarify that the City is able to enforce the Governor’s Safer at Home Order. Motion by Kemp, seconded by Touchett, to approve Ordinance No. 20-964 amending Section 11-1-1 of the Code of Ordinances relating to violations of law relating to health. On roll call: Alder Touchett – Aye; Alder Cronin – Aye; Alder Jerney – Aye; Alder Kemp – Aye; Alder Kohl – Aye; Alder Posey – Aye; Alder Reekie – Aye. Motion carried 7-0.
- H. Discussion and Possible Action Re: Approval of operator licenses. Motion by Touchett, seconded by Reekie, to approve operator license applications as presented by the City Clerk. On roll call: Alder Cronin – Aye; Alder Jerney – Aye; Alder Kemp – Aye; Alder Kohl – Aye; Alder Posey – Aye; Alder Reekie – Aye; Alder Touchett – Aye. Motion carried 7-0.

11. Adjournment:

Motion by Touchett, seconded by Reekie, to adjourn at 9:28 p.m. Motion carried 7-0.

Ellen Clark
City Clerk