

CITY OF VERONA
MINUTES
COMMON COUNCIL
June 13, 2016
Verona City Hall

1. Mayor Hochkammer called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance
3. Roll call: Alderpersons Luke Diaz, Jack Linder, Mac McGilvray, Heather Reekie, Scott Stewart, Brad Stiner and Evan Touchett present. Alderperson Doyle is absent and excused. Also in attendance: Planning and Development Director Adam Sayre, Finance Director Cindy Engelke, Public Works Director Ron Rieder, Incoming Public Works Director Theran Jacobson, Police Chief Bernie Coughlin, City Attorney Bryan Kleinmaier, City Engineer Jeff Montpas, Cathy Kealy and Rebecca Kearns of United Vaccines, and City Clerk Ellen Clark.
4. Public Comment: None
5. Approval of Minutes from the May 23, 2016 Common Council meeting: Motion by Reekie, seconded by McGilvray, to approve the minutes of the May 23, 2016 Common Council meeting. Motion carried 7-0.
6. Mayor's Business:
 - Mayor Hochkammer congratulated the 2016 Verona Area High School graduates.
 - Mayor Hochkammer thanked the Chamber of Commerce, the volunteers and the workers who worked to make Hometown Days a great event once again.
 - Mayor Hochkammer thanked department heads for stepping up in the absence of a city administrator.
 - Mayor Hochkammer welcomed newly appointed District 2 Alderperson, Scott Stewart, to the Common Council.
 - Mayor Hochkammer presented the following Council Member Committee Appointments:

PERSONNEL COMMITTEE
Scott Stewart

PUBLIC SAFETY & WELFARE COMMITTEE CHAIR
Scott Stewart

- Mayor Hochkammer presented the following Citizen Committee Appointments:

LIBRARY BOARD
Mawara Sohail (for a term ending 2019)
Sarah Gaskell (for a term ending 2017)
(completing Alanya Patterson's term)

POLICE AND FIRE COMMISSION
Louis Eifert (for a term ending 2021)
(Completing Richard Jensen's term)

Motion by McGilvray, seconded by Linder, to approve the Mayor's Council Member and Citizen Committee appointments. Motion carried 7-0.

7. Engineer's Report

- Church Street, S. Marietta Street and Grove Avenue Reconstruction:
A public information meeting is scheduled for June 23rd. Construction on this project is expected to begin on June 24th or June 27th.
- 2016 Street Rehabilitation Project:
A public information meeting is being scheduled for June 28th or June 29th, to provide information to affected residents and business owners. Construction is scheduled to begin July 5th.

8. Committee Reports:

Mayor Hochkammer asked for unanimous consent of the Common Council to move Finance Committee items 8. B. (1) and 8. B. (2) up on the agenda prior to the Plan Commission items. There were no objections.

B. Finance Committee

- (1) Discussion and Possible Action Re: Payment of Bills. Motion by McGilvray, seconded by Linder, to pay the bills in the amount of \$552,364.79. Motion carried 7-0.
- (2) Discussion and Possible Action Re: Resolution No. R-16-030 Approving a First Amendment to the Development Agreement with United Vaccines. Motion by McGilvray, seconded by Linder, to approve a First Amendment to the Development Agreement with United Vaccines. The original agreement, entered into on April 8, 2015, provided for an economic development incentive in the amount of \$700,000 to the developer, contingent upon the developer achieving 85% completion of the project on or before June 30, 2016. This amendment extends the 85% completion of the project requirement to an on or before date of December 1, 2016. Alder Diaz requested an explanation for the delay. Rebecca Kearns, Managing Director at United Vaccines, spoke on behalf of the company. There was a very aggressive timeline at the beginning of the project. Interior design was not completed when construction started. In January, 2016, they reached the limit to how much exterior construction could be done without having the interior design ready. Moving forward with additional construction without a full set of design documents would not have been prudent. The company will be moving forward within the next couple of weeks to complete the construction. Final completion is scheduled for the end of February, 2017. There will then be 6-8 months of commissioning & validation of the facility and equipment. In mid-2017, they will begin moving the operations from Fitchburg to the Verona facility. The first normal product should be manufactured around the end of 2017. Motion carried 7-0.

A. Plan Commission

- (1) Discussion and Possible Action Re: Resolution No. R-16-020 Approving an Amendment to a Conditional use Permit to Allow for a Group Development at 1979 Milky Way. Motion by Linder, seconded by McGilvray, to approve an amendment to a conditional use permit to allow for a group development at 1979 Milky Way. This amendment will allow for the expansion of the previously approved Epic Campus 5 parking structure to add an additional 700,000 square feet to provide a total of 3,035 parking spaces. The required public hearing was held on June 6, 2016. Motion carried 7-0.
- (2) Discussion and Possible Action Re: Resolution No. R-16-021 Approving an Amendment to a Conditional Use Permit to Allow for a Group Development at 1979 Milky Way. Motion by Linder, seconded by McGilvray, to approve an amendment to a conditional use permit to allow for a group development at 1979 Milky Way. This amendment will allow for the permanent placement of two contractor sheds on Epic's campus. The required public hearing was held on June 6, 2016. Motion carried 7-0.
- (3) Discussion and Possible Action Re: Resolution No. R-16-022 Approving a Conditional Use Permit to Allow an Indoor Commercial Entertainment Land Use at 631 Hometown Circle. Motion by Linder, seconded by Diaz, to approve a conditional use permit to allow an indoor commercial entertainment land use at 631 Hometown Circle. This conditional use permit will allow a Jimmy John's Restaurant at 631 Hometown Circle adjacent to the recently approved Arby's Restaurant. The required public hearing was held on June 6, 2016. Motion carried 5-2, with Alder McGilvray abstaining and Alder Diaz voting no.
- (4) Discussion and Possible Action Re: Resolution No. R-16-023 Approving a Final Plat for the Hometown Grove Plat Creating 32 Single-Family Lots and 20 Zero Lot Line Parcels. Motion by Linder, seconded by McGilvray, to approve a final plat for the Hometown Grove plat creating 32 single-family Lots and 20 zero lot line parcels, located at 845 Kimball Lane, with the following conditions:
 1. Prior to the issuance of building permits, the developer shall enter into a developer's agreement with the City.
 2. The developer shall construct privacy fence or landscaping on the condominium property to screen the condominiums from Schubert Street. The fence materials size, location and height or landscaping materials shall be approved by the Director of Planning and Development. Once the fence is constructed or landscaping installed, maintenance of the fence shall be the responsibility of the condominium owners. The fence or landscaping shall be constructed or installed prior to the issuance of building permits for the single-family houses. The Council approved the preliminary plat for this project in April of 2016. The required public hearing was held on June 6, 2016. Diaz asked the developer to the timeline of this project. Chuck Buell spoke on behalf of Apex Property Management., the owners of the property. They are currently underway with a contract

for the grading for the 4-unit building. This includes the demolition of the existing foundation and backfilling. The hope is to have the project completed near Thanksgiving. Motion carried 7-0.

- (5) Discussion and Possible Action Re: Ordinance No. 16-871 Approving Rezoning Lots 1-32 of the Hometown Grove Plat from Community Residential (CR) with a Planned Unit Development (PUD) Overlay, to Community Residential (CR). Motion by Linder, seconded by McGilvray, to approve Ordinance No. 16-871 Approving Rezoning Lots 1-32 of the Hometown Grove Plat from Community Residential (CR) with a Planned Unit Development Overlay (PUD), to Community Residential (CR). This rezoning will allow for the construction of single-family homes. The required public hearing was held June 6, 2016. Touchett asked for a timeline for the single-family lots. Mr. Buell stated that construction will likely start on the single-family lots in late August. The lots should be ready to put on the market by Thanksgiving. Motion carried 7-0.
- (6) Discussion and Possible Action Re: Resolution No. R-16-024 approving a General Development Plan (GDP) for a Mixed Use Project Located at 142 Paoli Street. Motion by Linder, seconded by McGilvray, to approve a General Development Plan (GDP) for a mixed use project located at 142 Paoli Street, with the following conditions:
1. Any internally illuminated signs or any other signs with internal illumination or indirect light from the back of the letters or sign shall not produce any glare. Internally illuminated signs displaying illuminated copy shall be designed in such a way so that when illuminated, the sign appears to have light colored copy on a dark or non-illuminated background. The monument sign shall only be illuminated during the hours of operation of the business.
 2. The businesses located within the commercial portion of the building shall operate between the hours of 6:00 a.m. and 10:00 p.m.
 3. The commercial land uses shall conform to the allowable uses of the Neighborhood Commercial (NC) zoning district.

The general development will create a planned development (PUD) for the property at 142 Paoli Street. The developer is proposing to construct a mixed-use building that would contain 29 apartment units and approximately 3,700 square feet of commercial space. The required public hearing was held on June 6, 2016. Diaz thanked the developer for the improvements made. He has been a "model citizen" for listening to the neighbors. He has been hearing mostly good things from people in the neighborhood. Diaz asked the developer to talk about the management company that will be handling the apartments in this building. Bill Dresser spoke on behalf of DDD Development. The partners are talking to Forward Management. This is an experienced management company with several buildings in Madison. Diaz stated that having a good management company is good for public safety. McGilvray noted for the record that the second is in agreement with the conditions laid out by the motion. Planning and Development Director Sayre stated this project is currently in step

three of four steps in the planned development process. Step four, the Precise Implementation Plan (PIP), would have to come back to the Plan Commission and Common Council. There would be a public hearing before the Plan Commission. If a conditional use permit is needed for the business going in, that will have to go to the Plan Commission and the Common Council, as well. Motion carried 7-0.

- (7) Discussion and Possible Action Re: Ordinance No. 16-872 Approving the Annexation of 46.11 Acres of Land in Sections 21 and 22 in Township 6 North, Range 8 East, Town of Verona. Motion Linder, seconded by McGilvray, to approve Ordinance No. 16-872 approving the annexation of 46.11 acres of land in Section 21 and 22 in Township 6 North, Range 8 East, Town of Verona. This annexation will add 46.11 acres of land to the City for the Coating Place. The annexation is consistent with the City's Comprehensive Plan. The Department of Administration has approved the annexation petition and has found the annexation request to be in the public interest. The required public hearing was held June 6, 2016. Motion carried 7-0.
- (8) Discussion and Possible Action Re: Ordinance No. 16-873 Approving a Zoning Map Amendment to 16.40 Acres of Annexed Land to Urban Industrial (UI). Motion by Linder, seconded by McGilvray, to approve Ordinance No. 16-873 Approving a Zoning Map Amendment to 16.40 Acres of Annexed Land to Urban Industrial (UI). The zoning map amendment would zone 16.40 acres of land for the Coating Place to Urban Industrial, which is consistent with the zoning surrounding the property. The required public hearing was held June 6, 2016. Motion carried 7-0.
- (9) Discussion and Possible Action Re: Resolution No. R-16-025 Approving a Conditional Use Permit for the Use of a Drive-Thru Pick-Up Area at 991 Kimball Lane. Motion by Linder, seconded by McGilvray, to approve a conditional use permit for the use of a drive-thru pick-up area at 991 Kimball Lane. This conditional use permit would convert an existing carwash bay to a drive-thru pick-up area for coffee and food. The required public hearing was held June 6, 2016. Cars would come into the drive-thru from the north end of the building, requiring employees to walk around the front of the cars to deliver coffee to the driver's side. Reekie clarified that the driveway that is in place now is the one that will be used for exiting the drive-thru. Diaz asked if this would increase traffic in the area. Sayre stated that it would, simply by the use. It is constructed to conform to city code requirements. Motion carried 6-1, with Alder McGilvray voting no.
- (10) Discussion and Possible Action Re: Resolution No. 16-026 Approving a General Development Plan (GDP) for Pure Sweet Honey Located at 506, 508 and 514 Commerce Parkway. Motion by Linder, seconded by McGilvray, to approve a General Development Plan (GDP) for Pure Sweet Honey located at 506, 508 and 514 Commerce Parkway. This general development will create a planned development overlay (PUD) for Pure Sweet Honey, and would allow for the construction of a 1,000 square foot office addition, a 1,600 square foot

manufacturing addition, a 20,000 square foot warehouse addition, and a future third phase expansion. The required public hearing was held June 6, 2016. Motion carried 7-0.

- (11) Discussion and Possible Action Re: Ordinance No. 16-874 Approving a Zoning Map Amendment to Rezone Lot 16 of the Verona Technology Park from Suburban Industrial (SI) to Suburban Commercial (SC). No motion was made. This rezoning would help facilitate a future request to use the property for a dog daycare business. The City's Southeast Neighborhood Plan identified this property as a future "commercial" use. Linder stated that he voted against this zoning amendment at the Plan Commission meeting, as the dog daycare is not definite. It might be bad policy to rezone without having a specific user ready to move in. Touchett added to Linder's concerns. Sayre stated the request is consistent with the City's Southeast Neighborhood plan. The dog daycare use is allowed in Suburban Commercial and Urban Commercial zoning districts. The property is currently zoned Suburban Industrial. The only way to accommodate the dog daycare use is to rezone the property or amend the Suburban Industrial zoning district to allow that use. Staff's recommendation is to rezone the property. Sayre stated that to rezone this property to Suburban Commercial would be consistent with the City's comprehensive plan, and would be easier than trying to amend the ordinance. Discussion followed regarding: postponing the rezoning until the deal between the developer and the dog daycare business is closed; reasons for rezoning, including that the Suburban Commercial zoning is consistent with the City's comprehensive plan for that area; the recommendation of staff to rezone; adding a contingency of sale to the motion to rezone; statutory obligations to the developer; possible access restrictions to other potential properties; delaying action to a later date; the business model for the dog daycare; concern on the part of the owners about going further with the project without proper zoning in place; whether the outdoor play area for the dogs is allowed by city ordinance; if all other properly zoned properties have been considered; the closing date of the sale of the property; findings of fact in the City's ordinance; lack of grounds to deny the rezoning; and alternate motions. Motion by McGilvray, seconded by Touchett to approve Ordinance No. 16-874 Approving a Zoning Map Amendment to Rezone Lot 16 of the Verona Technology Park from Suburban Industrial (SI) to Suburban Commercial (SC). The approval of the zoning map amendment shall become effective upon Tailwagger's, LLC acquiring the subject property by December 1, 2016. Motion failed 4-3, with Reekie, Diaz, Stiner and Linder voting no. Mayor Hochkammer stated that, even though the motion failed, the developer can continue to work with city staff. Sayre advised making an alternative motion, rather than a flat denial. There are three findings of fact in our ordinances, and if the council votes this down in that manner, it has to not qualify with one of those findings of facts. McGilvray stated we are at odds with our own plan. Mayor Hochkammer stated that the Council has the option of reconsideration of the motion. Upon knowledge that Tailwagger's, LLC has

signed a contract with the developer, Linder requested reconsideration of the prior action. Mayor Hochkammer explained that in order to reconsider prior action, you must take action at the same meeting, or at the very next meeting. A motion to reconsider requires that you make the same motion that was considered prior to that, and it cannot be amended. Motion Linder, second McGilvray, to reconsider the prior motion. Motion carried 6-2, with Alder Reekie and Alder Stiner voting no.

- (12) Discussion and Possible Action Re: Resolution No. R-16-027 Approving a Certified Survey Map to Modify Lot Lines for Lots 15 and 16 of the Verona Technology Park Plat. Motion by Linder, seconded by Touchett, to approve a Certified Survey Map to modify lot lines for Lots 15 and 16 of the Verona Technology Park Plat. The approval of the certified survey map shall become effective upon Tailwagger's, LLC acquiring the subject property by December 1, 2016. The required public hearing was held June 6, 2016. Motion carried 7-0.
- (13) Discussion and Possible Action Re: Resolution No. R-16-028 Approving a Certified Survey Map to Modify Lot Lines for Property Located at 500 South Main Street. Motion by Linder, seconded by Touchett, to approve a Certified Survey Map to modify lot lines for property located at 500 South Main Street. The proposed CSM will modify the lots lines to locate the existing driveway and septic drain field entirely on Lot 1 of the CSM. The required public hearing was held June 6, 2016. Motion carried. 7-0.
- (14) Discussion and Possible Action Re: Resolution No. R-16-029 Approving a Preliminary Plat for Kettle Creek North to Create 174 Single-Family Parcels. Motion by Linder, seconded by Stewart, to approve a preliminary plat for Kettle Creek North to create 174 single-family parcels. The lot sizes will range from approximately 8,085 square feet to 29,590 square feet. The required public hearing was held June 6, 2016. Motion carried 7-0.

C. Public Works Sewer & Water Committee

- (1) Discussion and Possible Action Re: Professional Services Agreement for Consulting Services for Right of Way Acquisition for the CTH M/PD Intersection Project. Motion by Touchett, seconded by Diaz, to approve the Professional Services Agreement with MSA for consulting services for right of way acquisition for the CTH M/PD intersection project. Motion carried 7-0.
- (2) Discussion and Possible Action Re: Consulting Services Agreement for Construction Related Services for the Downtown Streets Reconstruction Phase I. Motion by Touchett, seconded by Diaz, to approve the Consulting Services Agreement with AECOM for construction related services for the downtown streets reconstruction phase I. Motion carried 7-0.

D. Public Safety & Welfare Committee

- (1) Discussion and Possible Action Re: Alcohol License Applications for the 2016-2017 Licensing Period. Motion by Touchett, seconded by Reekie, to approve the alcohol license applications for the 2016-2017 licensing period as presented, excluding Cahoot's LLC, d/b/a Cahoots. Motion carried 7-0.
- (2) Discussion and Possible Action Re: Cigarette/Tobacco License Applications for the 2016-2017 Licensing Period. Motion by Touchett, seconded by Reekie, to approve cigarette/tobacco license applications for the 2016-2017 licensing period as presented, excluding Cahoot's, LLC, d/b/a Cahoot's. Motion carried 7-0.
- (3) Discussion and Possible Action Re: Ordinance No. 16-875 Amending Section 27 of Chapter 1 of Title 10 of the Code of Ordinances – Motor Vehicles and Traffic, Parking Prohibited Zones to Prohibit Parking on Keenan Court. Motion by Touchett, seconded by Reekie, to approve Ordinance No. 16-875 Amending Section 27 of Chapter 1 of Title 10 of the Code of Ordinances – Motor Vehicles and Traffic, Parking Prohibited Zones to Prohibit Parking on Keenan Court. Diaz requested an explanation for prohibiting parking. Sayre stated that the right of way was platted at 54' instead of the normal 66'. Parking would be very challenging in this area. Motion carried 7-0.

9. Old Business

- A. Discussion and Possible Action Re: Property Tax Litigation with Walgreens and Proposed Settlement, Walgreen Company v. City of Verona, Dane County Case No. 15-CV-1670. Motion by Touchett, seconded by Diaz, to convene in closed session as authorized by Section 19.85(1)(e) of the Wisconsin Statutes for the purpose of deliberating or negotiating the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. The Common Council may reconvene in open session and discuss and take action on the subject matter discussed in closed session. On roll call: Linder – Aye, McGilvray – Aye, Reekie – Aye, Stiner –N Aye, Touchett – Aye, Stewart – Aye, Diaz – Aye. Motion carried 7-0. The Council convened in closed session for this item at 8:57 p.m.

CLOSED SESSION

The Common Council reconvened in open session at 10:04 p.m. No action was taken in closed session.

- B. Discussion and Possible Action Re: City Administrator Position. Motion by Touchett, seconded by Diaz, to go into closed session as authorized by Section 19.85(1)(c) of the Wisconsin Statutes for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. The Common Council may reconvene in open session and discuss and take action on the subject matter discussed in closed session. On roll call: Linder – Aye, McGilvray – Aye, Reekie – Aye, Stiner – Aye, Touchett – Aye, Stewart – Aye, Diaz – Aye. Motion carried 7-0. The Council convened in closed session for this item at 8:58 p.m.

CLOSED SESSION

The Common Council reconvened in open session at 10:04 p.m. No action was taken in closed session.

10. New Business

- B. Discussion and Possible Action Re: Approval of Operator License Applications for the 2016-2017 and 2016-2018 Licensing Periods. Motion by Touchett, seconded by Diaz, to approve the operator license applications for the 2016-2017 and 2016-2018 licensing periods as presented. Motion carried 7-0.

11. Announcements:

- Stiner announced that the Verona Area Community Theater will have a groundbreaking ceremony on June 17, 2016 at 3:30 p.m. at the new site on Lincoln Street.
- Stiner announced that a voter registration drive will be held at City Hall, Verona Public Library and Miller's Supermarket on June 28, 2016, from 3 p.m. – 7 p.m., and encouraged eligible high school students to come out and register early.
- Mayor Hochkammer reminded the Council that there will be a joint meeting of the City of Verona Common Council and the Town of Verona Town Board on Monday, June 20, 2016 at 6:30 p.m. at the Verona Fire & EMS Station. The purpose of the meeting is to hold a joint Public Hearing to gather input on the proposed boundary agreement between the City of Verona and the Town of Verona. The purpose of the agreement is to create predictability for development in both jurisdictions.

12. Adjournment:

Motion by Reekie, seconded by Touchett, to adjourn at 10:06 p.m. Motion carried 7-0.

Ellen Clark
City Clerk