

CITY OF VERONA
MINUTES
COMMON COUNCIL
August 22, 2016
Verona City Hall

1. Council President Elizabeth Doyle called the meeting to order at 7:02 p.m.
2. Pledge of Allegiance
3. Roll call: Alderpersons Luke Diaz, Elizabeth Doyle, Jack Linder, Mac McGilvray, Scott Stewart, and Evan Touchett present. Heather Reekie and Brad Stiner were absent and excused. Also in attendance: Police Chief Bernie Coughlin, Public Works Director Theran Jacobson, City Engineer Jeff Montpas, City Attorney Bryan Kleinmaier, and City Clerk Ellen Clark.
4. Public Comment:
 - Wade Whitmus, 5752 Monticello Way, Fitchburg, WI spoke on behalf of the Verona Area Girls Softball Association, the High School Softball Booster Club, and participants in Verona girls' softball programs regarding Resolution No. R-16-040 Approving a Final Plat for the Kettle Creek North Plat. The groups encourage the approval of the Kettle Creek North subdivision with the following stipulations, and ask to be involved in any additional discussions:
 1. That a 50' green space be included around the diamond
 2. That a sewage line stub be installed
 3. That rollover curbs be installed on the west side of Hemlock Drive
 - Amanda Blomberg, 1270 Lucerne Drive, #307, Verona, WI read a statement from Kelly Keyes. Ms. Keyes' statement discussed the need for updated facilities for the girls' softball program. Ms. Blomberg added that they want to be sure that the best decisions are being made for the program.
 - Russell King, 117 Llanos Street, Verona, WI spoke as a member of the Building, Grounds and Transportation Committee of the Verona Area School Board. The consensus of that committee was to request tabling of Resolution No. R-16-040 to allow time for further discussion between stakeholders.
 - Spencer Stagman, 523 Basswood Avenue, Verona, WI reported water damage to his basement from water flowing into his basement during the July 21, 2016 torrential rains. He is looking for solutions to this, so it won't happen again.
 - Kevin Anderson, 620 Acadia Way, Verona, WI presented an illustration of a proposal to remove the five lots behind the ball diamond, and instead add six lots to the area on the east side of Hemlock Drive now proposed for a park.
 - Heather Rudnicki, 14 Maple View Court, Madison, WI spoke in support of preserving and improving the 'Field of Dreams' softball facility to protect the future of the program.
 - Jeff Horsfall, 1116 Louisa Court, Verona, WI spoke in opposition of Resolution No. R-16-040 Approving a Final Plat for the Kettle Creek North Plat.

- Loyal Freymiller, 113 Paoli St., Verona, WI spoke in support of the girls' softball program, and asked the council to consider providing sufficient parking for the ball park.
 - Angela Myers, 219 Cassidy Court, Verona, WI spoke in favor of adding green space around the ball diamond and adding rollover curbs on Hemlock Drive.
5. Approval of Minutes from the July 25, 2016 Common Council meeting:
Motion by Diaz, seconded by McGilvray, to approve the minutes of the July 25, 2016 Common Council meeting. Motion carried 5-0.
 6. Mayor's Business:
On behalf of Mayor Hochkammer, Council President Doyle sought to establish availability of the Council Members for a Committee of the Whole meeting on Monday, September 19th for a briefing from the League of Wisconsin Municipalities about room tax changes. The consensus of the Council was to hold the Committee of the Whole meeting on Monday, September 19th at 7:00 p.m.
 7. Engineer's Report:
 - Northern Lights/N. Nine Mound Road Construction:
The north and south bound lanes of Northern Lights are complete. The bike path is scheduled to be paved August 20th.
 - Downtown Street Reconstruction Phase I – Church Avenue, S. Marietta Street and Grove Street:
Base course of asphalt on Church Ave. and Grove St. is scheduled for August 26th and 27th. These streets will be open for full use prior to the beginning of school.
 - USH 18/151/Epic Lane On-Ramp:
Plans and specifications have been submitted to WisDOT for review. Plans will be ready for construction in 2017.
 - CTH PD Reconstruction, Shady Oak Lane to Woods Road:
Construction is scheduled to begin September 26th.
 - 2016 Street Rehabilitation Project:
Pavement is being placed on Noel Way and Hillcrest Dr. Curb, gutter and sidewalk are being poured on Jenna Court. New curb and gutter on Commerce Parkway is being placed the week of August 22nd.
 - Bike and Pedestrian Projects:
Bids and bid openings for Project #4 lane striping and Project #3 intersection improvements on CTH M have been scheduled. Projects 2 and 2 will be designed this fall, with construction in 2017.
 8. Committee Reports:
 - A. **Plan Commission**
 - (1) Discussion and Possible Action Re: Resolution No. R-16-038 Approving a Conditional Use Permit to Allow an Indoor Commercial Entertainment Land Use at 958 Liberty Drive. Motion by Linder, seconded by Diaz, to approve a conditional use permit to allow an indoor commercial entertainment land use at 958 Liberty Drive with the following conditions:

1. The use of outdoor seating area is permitted to operate from 7:00 a.m. to 10:00 p.m. seven (7) days per week.
2. Outdoor patio fencing shall be a minimum of 48" tall.
3. The outdoor patio fencing material shall be approved by the Director of Planning and Development.
4. The exit for the patio shall be labeled as an "exit only".
5. The fence and gate for the outdoor patio shall comply with the requirements from the Police Department and Building Inspector.

This conditional use permit will allow Lineage Restaurant to occupy approximately 5,890 square feet of space at 958 Liberty Drive. Motion carried 5-0.

(2) Discussion and Possible Action Re: Resolution No. R-16-039 Approving a Conditional Use Permit to Allow an Indoor Entertainment Land Use at 110 Keenan Court. Motion by Linder, seconded by McGilvray, to approve a conditional use permit to allow an indoor entertainment land use at 110 Keenan Court. This conditional use permit will allow the construction of a 2,835 square foot Gus's Diner restaurant at 110 Keenan Court. Motion carried 5-0.

(3) Discussion and Possible Action Re: Resolution No. R-16-040 Approving a Final Plat for the Kettle Creek North Plat Creating 174 Single-Family lots and 4 Outlots. Linder did not make a motion at this time. Linder read the background information for this item, and stated that, after listening to some of the discussion tonight, the official requests are for rollover curbs, 50' of green space, and a sewer stub.

Ron Klass, D' Onforio Kottke and Associates, spoke on behalf of Tony Heinrichs for the Kettle Creek North subdivision. Klass stated that they are willing to put that sewer stub in as they improve Hemlock Drive.

Public Works Director, Theran Jacobson, addressed concerns around storm water drainage and the discharge of storm water from Phase I onto school district property. The developer will be taking the water north, staying on their property, so this is a moot point now. There will be no drainage impacts to the softball fields as a result of this development. Regarding rollover curbs, Jacobson stated that from a maintenance standpoint, there is really no difference between a regular curb and a rollover curb. Ultimately, the benefit is that they don't create a trip hazard. People should ideally be crossing the road at the crosswalks.

Linder and Diaz supported postponing moving on this item until the next council meeting in three weeks.

City Attorney Kleinmaier reminded the council that they must take into consideration that if we don't act on this within 60 days of the date that the final plat was filed with the city, the plat will automatically be deemed approved.

Touchett expressed concern about delaying this project, as the city is in need of single-family homes. He emphasized that the school district has to be heavily involved in discussions with the developer.

Klass stated that there is no intent to diminish the use of these fields in any fashion, and the company is willing to work with the school district and athletic organizations as they move forward. The improvement of Hemlock Drive will create space for parking on both sides, and the handicapped parking stalls can remain where they

are. The consequence of delaying this is that we will not have time to get an initial phase in this fall. The lots behind the ball diamond will be several phases down the road. It could easily be a couple of years before we get to that stage, but we would like to work any issues out this fall before we go any further. He stated that an easy solution to the issue of more green space would be a net.

Kleinmaier stated that there are two things to consider. First, the 60 days can be extended with mutual agreement between the two parties. Second, if the final plat conforms substantially to the preliminary plat, as approved, it is entitled to approval. Most of these requests can be addressed in a developer's agreement. If the request for green space would require moving residential lots, it would likely be considered to be a substantial change to the preliminary plat. Since this final plat substantially conforms to the preliminary plat, the city is essentially bound to approve it.

City Engineer Montpas confirmed that the date of submittal of the final plat was July 8, 2016. The September 12th council meeting will not fall within the 60-day time limit.

Stewart requested an explanation from Mr. Whitmus about where the 50' number for green space is coming from, and why a parking area is a concern, since there will be parking space created on Hemlock Drive. Whitmus explained that they looked at a copy of the plot in relation to where the access road goes through on the back side of the diamonds and where the property lines are. Twenty-six feet takes you just to the edge of the trees behind the diamond. When balls go over the fence, they can land as far as 62'-67' behind the diamond. To be able to retrieve the balls, and at the same time not disturb the neighbors, there needs to be at least 50' of green space behind the property line. Currently, 60 cars park off-street for a normal game. In addition, buses bring in players and spectators. Pushing all of those cars and buses out onto the street will result in traffic flowing over into the side streets, clogging up the neighborhood whenever there are games. The rollover curbs would allow for cars to drive over them and park on the grass and off the street.

McGilvray stated that we have to recognize that Hemlock has been shown in that location for quite some time, and regardless of whether or not nets seem appropriate in the back portion, something will have to be done on the side that Hemlock is on. The city can't just tell the developer that he's going to have to give up 50 feet of land. Some kind of payment or gift to the developer would be required. We should not delay. By not having lots available, we're driving up the cost of land in the city. The school district should be in talks with the developer.

Touchett questioned if approving the final plat tonight locks the school district and the developer into that plat.

Kleinmaier responded by stating that it does not lock it in. Plat amendments can be done later, land can be purchased by the school district, etc.

McGilvray stated this is a good opportunity to provide better access to the facility, if you can work with the school district to put in a lot and a sidewalk that runs all the way down the facility.

Kleinmaier stated the next council meeting will be outside the 60-day window. It would be deemed approved without any action at the 60-day time limit for approval.

Doyle stated the girls softball league has brought a wealth of resources to the community, especially when it comes to developing girls in the community. It's great to see people coming out in full force in support of the girls. It is her hope that the school district will work with the developer on this issue.

Tony Heinrichs, developer on this project stated he hears the softball league's concerns. If the plat is not approved, we'd probably not get any lots in there this fall. Since the phase behind the ball diamond is probably 2 to 3 years out, he'd be willing to restrict building permits on those lots for one year to give the school district and the softball organization to have a dialog about this.

Linder questioned if approving the plat with the condition that building permits for Lots 56-60 could not be issued for a period of one year would cause a problem with the 60-day time limit for approval.

Kleinmaier answered that the council could add that as a second condition to the resolution approval without any effect on the 60-day time limit for approval.

Motion by McGilvray, seconded by Touchett, to approve Resolution No. R-16-040 approving a final plat for the Kettle Creek North Plat creating 174 single-family lots and 4 outlots, 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. Building permits may not be issued for Lots 56-60 for a period of one year.

McGilvray stated that this approval forces the developer and the school district to sit down and work through these issues and get things moving for everyone.

Diaz stated that these discussions probably should have started months ago, but it is good to know now what the issues are. He is confident that the city can work through the things that it controls, like installing rollover curbing.

Linder agreed that we cannot force the developer to give up land. This has to be between the school district and the developer. This is not necessarily an ideal situation, but it is probably the best option we have.

Doyle commented that communication can always be improved. Unfortunately, momentum is not always gained in these issues until a part of it has already been approved. Motion carried 4-1, with Alder Linder opposed.

- (4) Discussion and Possible Action Re: Ordinance No. 16-880 Approving the Rezoning of the Kettle Creek North Plat. Motion by McGilvray, seconded by Touchett, to approve the rezoning of the Kettle Creek North Plat. The zoning map amendment will zone lots 1-174 of the Kettle Creek North Plat to Neighborhood Residential (NR) and zone outlots 1-4 to Public Institutional. This rezoning is consistent with the City's North Neighborhood Plan. Motion carried 4-1, with Alder Linder opposed.
- (5) Discussion and Possible Action Re: Resolution No. R-16-041 Approving the Release of a Plat Restriction for the Badger Prairie Neighborhood Plat. Motion by Linder, seconded by McGilvray, to approve the release of a plat restriction for the Badger

Prairie Neighborhood Plat. Lots 1-14 of the Badger Prairie Neighborhood Plat are located on the east side of Enterprise Drive extending north from the library to Cross Country Road, and abut Badger Prairie Park. The owners of Lots 1-14 have requested the City release their 50-foot rear setback plat restriction, so the properties will have a 25-foot setback instead of a 50-foot setback. Motion carried 5-0.

B. Finance Committee

- (1) Discussion and Possible Action Re: Payment of Bills – August 8, 2016 Bill Run. Motion by McGilvray, seconded by Linder, to pay the August 8, 2016 bills in the amount of \$ 733,604.95. Motion carried 5-0.
- (2) Discussion and Possible Action Re: Payment of Bills – August 22, 2016 Bill Run. Motion by McGilvray, seconded by Linder, to pay the August 22, 2016 bills in the amount of \$651,873.67. McGilvray stated that one payment to TriNorth for the fire station was taken out of tonight’s bill run. It is the committee’s hope to have the final payments made and the fire station project closed out before our next meeting. Motion carried 5-0.

C. Public Safety and Welfare Committee

- (1) Discussion and Possible Action Re: A Special Event Permit for the Ironman Triathlon on Sunday, September 11, 2016, from Ryan Richards, World Triathlon Corporation. Motion by Stewart, seconded by Touchett, to approve a Special Event Permit for the Ironman Triathlon on Sunday, September 11, 2016 from Ryan Richards, World Triathlon Corporation. The World Triathlon Corporation has applied to host the 2016 Ironman Wisconsin Triathlon on Sunday, September 11, 2016, with a portion of the bike course going through the City of Verona. Portions of Whalen Road, County Highway M, Locust Drive, Bruce Street, Paoli Street, North Nine Mound Road, Cross Country Road, East Verona Avenue and CTH PB will be closed for the event. Street closures will be in effect beginning at 7:00 a.m. and ending at approximately 5:00 p.m. Motion carried 5-0.
- (2) Discussion and Possible Action Re: Ordinance No. 16-881 Amending Section 10-1-12 of the Code of Ordinances – Speed Limits, Speed Limit on Old CTH PB. Motion by Stewart, seconded by Touchett, to approve Ordinance No. 16-881 Amending Section 10-1-12 of the Code of Ordinances – Speed Limits, changing the speed limit from 45 MPH to 35 MPH on Old CTH PB from its intersection with East Verona Avenue southerly to a point .13 miles south of its intersection with Forest View Drive. The Town of Verona has expressed concern about bicycle safety at the Old CTH PB crossing in the City of Verona. At the Town of Verona’s request, the City of Verona has agreed to change the speed limit from 45 MPH to 35 MPH on Old CTH PB. Motion carried 4-1, with Alder McGilvray opposed.

D. Public Works/Sewer and Water Committee

- (1) Discussion and Possible Action Re: Resolution No. R-16-042 Approving an Addendum to the Amended Relocation Order for North Nine Mound Road. Motion by Touchett, seconded by Diaz, to approve Resolution No. R-16-042 approving an addendum to the amended relocation order for North Nine Mound Road. This addendum is to rectify the reduction of fee title from multiple properties along Northern Lights Road from Cross Country Road to CTH PD. Motion carried 5-0.

- (2) Discussion and Possible Action Re: Professional Services Agreement with AECOM for Project 2016-119 Northern Lights and CTH PD Water Main Extensions. Motion by Touchett, seconded by McGilvray, to approve the Professional Services Agreement with AECOM for Project 2016-119 Northern Lights and CTH PD Water Main Extensions. The consulting services agreement is for design of water main extending from 500 feet south of CTH PD to the north side of CTH PD. Total estimated fee not to exceed \$14,800. Motion carried 5-0.
- (3) Discussion and Possible Action Re: Change Order No. 2 for Community Park and Park Lane Parking Lot Construction. Motion by Touchett, seconded by McGilvray, to approve Change Order No. 2 for Community Park and Park Lane parking lot construction. This change order is to cover additional work at Community Park to remove tree stumps, concrete foundation walls, and saw cut concrete; and at Park Lane parking lot due to vandalism during the curing period of the concrete. Amount of the change order is \$6,489. Motion carried 5-0.
- (4) Discussion and Possible Action Re: Awarding of the Contract for Construction of the Downtown Streetscape Phase I. Motion by Touchett, seconded by Diaz, to award the contract for construction of Downtown Streetscape Phase I to J.P. Cullen, Verona, WI in the amount of \$562,332.00. J.P. Cullen submitted the sole base bid for this project. The engineers' estimate prior to the bid opening, without contingencies, was \$350,000.00. J.P. Cullen has performed work in an acceptable manner in the past. This project involves multiple specialty contractors and coordination for the small scale of the project. On the committee level, we noted that due to the size of this project, some estimates may have not been accurate. The committee also felt it was important to get this done now, considering the considerable amount of work that will be done by the city on the downtown project next summer. McGilvray that it is important to take action on this now, as we want to get the veteran's memorial back where it belongs before Veteran's Day. Diaz stated this is not ideal, but we would be taking a big risk rebidding it. Motion carried 5-0.
- (5) Discussion and Possible Action Re: Professional Services Agreement with H&H Industries for a Head Load Study on the Heating, Ventilation and Air Conditioning (HVAC) System at the Senior Center. Motion by Touchett, seconded by McGilvray, to approve the Professional Services Agreement with H&H Industries for a head load study on the HVAC system at the Senior Center. This study will determine the appropriate sized unit to replace the failing system at the Senior Center. Total estimated fee not to exceed \$2,000. Motion carried 5-0.

9. Old Business

- A. Discussion and Possible Action Re: Development Agreement and Deed Restriction for Matts House Property. Kleinmaier stated this is a development agreement and deed restriction that relates to the rehabilitation of the Matts House property. The agreement addresses the terms and conditions for the rehabilitation of the structure and the sale of the land to the developer. Staff recommends approval of the agreement, including the deed restriction. The deed restriction has two significant provisions. The first states that the developer cannot demolish the structure. The second states that the property must remain taxable, and if it does not, PILOT payments must be made to the city. The

agreement deals with the conveyance of Matts House property from the city to the LLC, how improvements will be made to the property, and when rehabilitation will start and be finished. We haven't been able to come to terms with the developer on the last two items, which is why the City Planning Director and City Attorney should be involved. Twelve months is being contemplated for completion, but it could be extended, as we are coming into winter now. We want to have some pressure over the developer to get it completed. Motion by Diaz, seconded by McGilvray, to approve the Development Agreement and Deed Restriction for the Matts House property subject to review and approval by the City Planning Director and City Attorney. Motion carried 5-0.

10. New Business

A. Discussion and Possible Action Re: Approval of Operator Licenses. Motion by Touchett, seconded by Diaz to approve operator licenses for Kurt Jurewicz for Cahoots; Jordan Ciccarelli and Eileen Ross for Francois Oil; Adam Langjahr for Kwik Trip #456; Riyun Buchberger for Mr. Brews Taphouse; Shawn Gonzalez for Pasquals; Eric Pynnonen for Sugar River Pizza; Leroy Cordova for Treads; Logan Loeffelholz for Montes; and Luckinda Cole for Vincenzo BP. Motion carried 5-0.

11. Announcements:

Alder McGilvray welcomed Mr. Jeff Mikorski as the new City Administrator. His first day is Monday, August 29th.

12. Adjournment:

Motion by Touchett, seconded by Diaz, to adjourn at 9:17 p.m. Motion carried 5-0.

Ellen Clark
City Clerk