

**CITY OF VERONA**  
**MINUTES**  
**COMMON COUNCIL**  
**March 9, 2020**  
**Verona City Hall**

1. Mayor Diaz called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance
3. Roll call: Alderpersons Kate Cronin, Charlotte Jerney, Chad Kemp, Katie Kohl, Heather Reekie and Evan Touchett were present. Also present: City Administrator Adam Sayre, City Attorney Bryan Kleinmaier, Public Works Director Theran Jacobson, City Engineer Carla Fischer, and City Clerk Ellen Clark.
4. Public Comment: None
5. Approval of the minutes from the February 24, 2020 Common Council meeting. Motion by Reekie, seconded by Kemp, to approve the minutes of the February 24, 2020 Common Council meeting. Motion carried 7-0.
6. Mayor's Business:
  - Mayor Diaz expressed his concern over the Verona Area School District's handling of an alleged sexual assault at Badger Ridge Middle School.
7. Announcements: None
8. Administrator's Report:
  - City policies regarding cost of living increases, cell phones and TIF guidelines are being updated.
  - The Hometown Days parade will be held June 7<sup>th</sup> at Noon.
  - City staff is working with Dane County, the State of Wisconsin, the Centers for Disease Control (CDC), and the Critical Infrastructure Security Agency (CISA) regarding the COVID-19 outbreak. The City has been taking its guidance from these agencies, and is encouraging employees to wash their hands and take other recommended precautions. Voters are being encouraged to vote absentee for the April 7, 2020 Spring Election. In-person absentee voting hours will be extended during the weeks leading up to the Election. The City is committed to providing essential services, and is considering remote work and other staffing options should public buildings be forced to close. Updates will be provided as required.
9. Engineer's Report:
  - Well 6 Pumping Station Construction: Roofing construction, electrical wiring and boxes are being completed.
  - Verona Area High School Construction Traffic Improvements: Traffic will continue in the same location for approximately another month. The deck for the Stewart Woods Road bridge will be poured later this month or early next month. The Military

Ridge State Trail re-route has been removed and the trail is currently closed to finish structure work.

## 10. Committee Reports

### A. Finance Committee

- (1) Discussion and Possible Action Re: Payment of bills. Motion by Kemp, seconded by Cronin, to pay the bills in the amount of \$1,915,911.60. Motion carried 7-0.

### B. Public Safety and Welfare Committee

- (1) Discussion and Possible Action Re: A Change of Agent request from Kwik Trip, Inc. for Kwik Trip #456, 2145 CTH PB, Verona, WI. Motion by Reekie, seconded by Touchett, to approve the Change of Agent request from Kwik Trip, Inc. for Kwik Trip #456, 2145 CTH PB, Verona, WI. Motion carried 7-0.
- (2) Discussion and Possible Action Re: Ordinance No. 20-959 amending Section 7-1-8 of the Code of Ordinances of the City of Verona related to animals on public property. Motion by Reekie, seconded by Touchett, to approve Ordinance No. 20-959 amending Section 7-1-8 of the Code of Ordinances of the City of Verona related to animals on public property. This amendment allows service dogs, rescue dogs, and Police and Fire K9s to be located on public grounds and cemeteries. Motion carried 7-0.

### C. Plan Commission

- (1) Discussion and Possible Action Re: Ordinance No. 20-960 rezoning land at 103 North Franklin Street from Neighborhood Office (NO) to Central Commercial (CC). Sayre explained that the zoning map amendment would allow for an office and to make custom wood bats in the existing building. Motion by Kohl, seconded by Kemp, to approve Ordinance No. 20-960 rezoning land at 103 North Franklin Street from Neighborhood Office (NO) to Central Commercial (CC). Motion carried 7-0.
- (2) Discussion and Possible Action Re: Resolution No. R-20-008 approving a conditional use permit for 103 North Franklin Street to allow light industrial activities incidental to indoor sales or services land use. Sayre explained this conditional use permit would allow for an office and to make custom wood bats in the existing building.

Kohl asked for the operating hours of the business.

Brad D’Orazio, owner of the property, stated most work is done on Saturday and Sunday, and there will be no early morning or late evening hours.

Motion by Kohl, seconded by Touchett, to approve Resolution No. R-20-008 approving a conditional use permit for 103 North Franklin Street to allow light industrial activities incidental to indoor sales or services land use, with the following conditions:

1. The total area devoted to light industrial activities shall not exceed 15% of the total area of the buildings on the property.

2. The production area shall be physically separated by a wall from other activity areas and shall be soundproofed.
3. Any noise from the building shall conform to the standards of the City's Ordinances.

Motion carried 7-0.

- (3) Discussion and Possible Action Re: Resolution No. R-20-009 approving a plat to create two lots and two outlots located at 1979 Milky Way. This plat would reduce the number of parcels on the Epic campus from 23 parcels to 2 lots and 2 outlots. Motion by Kohl, seconded by Touchett, to approve Resolution No. R-20-009 approving a plat to create two lots and two outlots located at 1979 Milky Way. Motion carried 7-0.
- (4) Discussion and Possible Action Re: Ordinance No. 20-961 rezoning Epic Systems Corporation Lots 1 and 2 to Suburban industrial (SI), with outlots 1 and 2 remaining as Rural Agricultural (RA). Motion by Kohl, seconded by Kemp, to approve Ordinance No. 20-961 rezoning Epic Systems Corporation Lots 1 and 2 to Suburban Industrial (SI), with outlots 1 and 2 remaining as Rural Agricultural (RA). Motion carried 7-0.
- (5) Discussion and Possible Action Re: Resolution No. R-20-010 releasing certain restrictions and grants of easements pursuant to Wis. Stats. Sec. 236.293 related to the Epic 2 Plat. This Resolution will release certain restrictions and easements as part of the Epic 2 Plat. Motion by Reekie, seconded by Cronin, to approve Resolution No. R-20-010 releasing certain restrictions and grants of easements pursuant to Wis. Stats. Sec. 236.293 related to the Epic 2 Plat. Motion carried 7-0.
- (6) Discussion and Possible Action Re: Resolution No. R-20-011 terminating certain restrictions on a plat pursuant to Wis. Stat. Sec. 236.293 related to the Epic 2 Plat. A restriction related to future WisDOT reviews once Epic exceeded 3,000 employees is no longer applicable, as the City has completed updated traffic impact analysis for the area. Motion by Kohl, seconded by Kemp, to approve Resolution No. R-20-011 terminating certain restrictions on a plat pursuant to Wis. Stat. Sec. 236.293 related to the Epic 2 Plat. Motion carried 7-0.
- (7) Discussion and Possible Action Re: Resolution No. R-20-012 discontinuing portions of roads pursuant to Wis. Stat. Sec. 66.1003 related to the Epic 2 Plat. This Resolution will discontinue portions of Northern Lights Road as part of the Epic 2 Plat. Motion by Kohl, seconded by Kemp, to introduce Resolution No. R-20-012 discontinuing portions of roads pursuant to Wis. Stat. Sec. 66.1003 related to the Epic 2 Plat. Motion carried 7-0.

#### **D. Public Works/Sewer & Water Committee**

- (1) Discussion and Possible Action Re: Awarding a contract for Project 2020-101, 2020 Verona Street Asphaltic Rehabilitation Project. Motion by Touchett, seconded by Kemp, to award a contract for Project 2020-101, 2020 Verona Street

Asphaltic Rehabilitation Project. Motion carried 7-0.

- (2) Discussion and Possible Action Re: Awarding a contract for Project 2020-102 Bituminous Seal Coat Project. Motion by Touchett, seconded by Kemp, to award a contract for Project 2020-102 Bituminous Seal Coat Project. Motion carried 7-0.
- (3) Discussion and Possible Action Re: Developer's agreement for Whispering Coves Phase 1 public improvements. Motion by Touchett, seconded by Cronin, to approve a developer's agreement for Whispering Coves Phase 1 public improvements, subject to final review by the City Attorney. Motion carried 7-0.
- (4) Discussion and Possible Action Re: Professional services agreement with KL Engineering for inspection services for Whispering Coves Phase 1. Motion by Touchett, seconded by Kemp, to approve a professional services agreement with KL Engineering for inspection services for Whispering Coves Phase 1 contingent upon legal counsel review. This is a pass through cost to the developer. The contract shall not exceed \$347,224. Motion carried 7-0.

#### 11. New Business

- A. Discussion and Possible Action Re: Pre-annexation Review Agreement between the City of Verona and West Madison Bible Church. This agreement requires a deposit and reimbursement for City review costs. The City will draw upon the reimbursement account for costs associated with annexing. Motion by Kemp, seconded by Kohl, to approve a Pre-annexation Review Agreement between the City of Verona and West Madison Bible Church.

Diaz clarified that this is just a first step, and does not mean that there is a project identified at this time.

Sayre stated these agreements are required before any annexation takes place to ensure the City is able to recover costs involved with the annexation process should the annexation not take place. Motion carried 7-0.

- B. Discussion and Possible Action Re: Ordinance No. 20-962 correcting Ordinance No. 20-956 annexing 0.224 acres of land at 515 West Verona Avenue. Motion by Cronin, seconded by Kemp, to approve Ordinance No. 20-962 correcting Ordinance No. 20-956 annexing 0.224 acres of land at 515 West Verona Avenue. Motion carried 7-0.
- C. Discussion and Possible Action Re: Process for filling City Council vacancy. On March 1<sup>st</sup>, Sarah Gaskell resigned as District 2 Alderperson, having accepted the Town of Verona Administrator/Planner position. Staff recommends the Council appoint a person to complete the District 2 term that will expire in April of 2021 with the following procedure:
  - March 10<sup>th</sup> – Advertise vacancy
  - March 25<sup>th</sup> – Applications/resumes due to City Clerk
  - March 30<sup>th</sup> – Each candidate will have three minutes to present to the Common Council
  - April 13<sup>th</sup> – Appointment of the new Alderperson

Staff is requesting direction and feedback from the Council.

Sayre reviewed the application, as well as the advertisement that will appear in the Verona Press.

Motion by Kohl, seconded by Touchett, to approve the process for filling the District 2 Alderperson vacancy as discussed. Motion carried 7-0.

- D. Discussion and Possible Action Re: Selection of a City Council representative to the Plan Commission. Alderperson Cronin nominated Alderperson Kohl as the City Council representative to the Plan Commission. There were no other nominations. On roll call: Alder Jerney – Aye; Alder Kemp – Aye; Alder Kohl – Aye; Alder Posey – Aye; Alder Reekie – Aye; Alder Touchett – Aye; Alder Cronin – Aye.

Kohl thanked the Council for the nomination. She is pleased to be part of the Plan Commission.

- E. Discussion and Possible Action Re: Current litigation involving condemnation claim made by property owner related to County Highway M/PD road project.  
*The Common Council may convene in closed session as authorized by Section 19.85(1)(g) of the Wisconsin Statutes for the purpose of conferring with legal counsel who either orally or in writing will advise the governmental body on strategy to be adopted with respect to current or likely litigation. The Common Council may reconvene in open session and take action on the closed session item.*

Kleinmaier stated there is a proposed settlement agreement for this item. The settlement is within the scope of the discussions that were held by the Council in closed session at the February 24, 2020 Common Council meeting. The settlement does require an additional payment by the City. The City would collect utility-related costs for the CTH M project when the land is annexed; however, collection of the road costs by the City was waived. If the agreement is approved by the Council, the terms of the agreement will then become public, and the litigation will be dismissed.

Motion by Touchett, seconded by Kemp, to approve the settlement agreement involving a condemnation claim made by a property owner related to the County Highway M/PD road project. Motion carried 7-0.

The Common Council did not convene in closed session for this item.

- F. Discussion and Possible Action Re: Collective Bargaining with Local 311 of the International Association of Professional Firefighters, AFL-CIO.  
*The Common Council may convene in closed session as authorized by Section 19.85(1)(e) of the Wisconsin Statutes for the purpose of deliberating or negotiating the purchase of public properties, 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 take action on the closed session item.*

Sayre stated City staff has been negotiating with Local 311 of the International Association of Professional Firefighters, AFL-CIO for a new collective bargaining

agreement since November 2019. Staff is requesting a closed session to update the Council on the status of those negotiations and obtain feedback and direction from the Council.

Diaz requested unanimous consent to invite Acting Fire Chief Machotka to remain for the closed session. There were no objections.

Motion by Touchett, seconded by Cronin, 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 purchase of public properties, 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 take action on the closed session item. On roll call: Alder Jerney – Aye; Alder Kemp – Aye; Alder Kohl – Aye; Alder Posey – Aye; Alder Reekie – Aye; Alder Touchett – Aye. Motion carried 7-0. The Common Council convened in closed session at 7:55 p.m.

#### CLOSED SESSION

The Common Council reconvened in open session at 8:29 p.m.

Diaz stated the City will continue negotiations with Local 311 of the International Association of Professional Firefighters, AFL-CIO.

#### 12. Adjournment:

Motion by Touchett, seconded by Kemp, to adjourn at 8:29 p.m. Motion carried 7-0.

Ellen Clark  
City Clerk