

CITY OF VERONA
MINUTES
COMMON COUNCIL
March 12, 2018
Verona City Hall

1. Mayor Hochkammer called the meeting to order at 7:04 p.m.
2. Pledge of Allegiance
3. Roll call: Alderpersons Luke Diaz, Elizabeth Doyle, Sarah Gaskell, Jack Linder, Heather Reekie, Brad Stiner and Evan Touchett present. Also present: City Administrator Jeff Mikorski, City Planning and Development Director Adam Sayre, Community Development Specialist Katherine Holt, City Attorney Bryan Kleinmaier, Public Works Director Theran Jacobson, AECOM Representative Carla Fischer, and City Clerk Ellen Clark.
4. Public Comment:
 - Ray Yunker, 458 S. Owen Street, Madison, spoke representing NorthPointe Construction, Inc., the applicant for Item 11.C.(5) - Ordinance No. 18-911 amending Title 13, Chapter 1 of the Code of Ordinances of the City of Verona, Wisconsin relating to the maximum living space requirements of the Community Residential Zoning District. NorthPointe Construction purchased Hometown Grove last year and is now constructing homes in that subdivision. Mr. Yunker urged the Common Council to consider approving this ordinance amendment.
 - Sylvia Novak, 110 Lincoln Street, Verona, spoke in opposition to the Lincoln Street apartment development, asking the Council to consider increased traffic caused by the development will affect everyone living here.
 - Joyce Frisinger, 265 S. Franklin Street, Verona, spoke in opposition to the Lincoln Street apartment development, citing concerns about traffic flows and stormwater management.
 - Richard Novak, 110 Lincoln Street, Verona, spoke in opposition to the Lincoln Street apartment development, citing concerns about the effect of increased traffic and parking on emergency response times from the fire station and police department.
5. Approval of Minutes from the February 26, 2018 Common Council Meeting:
Motion by Linder, seconded by Reekie, to approve the minutes of the February 26, 2018 Common Council meeting. Motion carried 7-0.
6. Discussion and Possible Action Re: Approving an appointment to fill a vacancy on the City Council. Mayor Hochkammer stated that Chad Kemp is willing to accept the Council's appointment to fill the vacant District 1 Alderperson seat for the remainder of the current term. Mr. Kemp was sworn in by the City Clerk. Motion by Diaz, seconded by Touchett, to appoint Chad Kemp to fill the vacant District 1 Alderperson seat for the remainder of the current term. Motion carried 7-0.

Mayor Hochkammer welcomed Alderperson Kemp to the Common Council.

7. Mayor's Business:

A. Committee appointments.

Mayor Hochkammer requested approval of the appointment of District 1 Alderperson Chad Kemp as a member of the Finance Committee, Public Works/Sewer & Water Committee, and the Senior Citizens Commission. Motion by Doyle, seconded by Diaz to confirm the appointment of Alderperson Kemp to the Finance Committee, Public Works/Sewer & Water Committee, and the Senior Citizens Commission. Motion carried 7-0.

Alderperson Kemp thanked the mayor for his service over the years. He is looking forward to working with everyone here and doing the city's business.

8. Announcements:

- Mr. Stiner announced the candidate's forum at the Senior Center on Tuesday, March 13th at 6:00 p.m.
- City Clerk Clark requested a quorum for the annual Board of Review on Monday, May 21, 2018 at 7:00 p.m.
- Clerk Clark announced that Kayla Martin has accepted the Deputy Clerk position, and will be starting her duties on Tuesday, March 20th.

9. Administrator's Report:

- The Fitchrona EMS Commission will meet at 7 p.m. on Thursday, March 15th at the Verona Fire Station, 101 Lincoln Street.
- The City of Verona/Town of Verona Joint Planning Committee will meet at 7 p.m. on Monday, March 19th at the Verona Town Hall, 7669 CTH PD.

10. Engineer's Report:

Carla Fisher presented the engineer's report

- The contracts for the 2018 street rehabilitation project, seal coat project, downtown rehabilitation phase 2 project, and city parking lot reconstruction projects have been returned to the city for review and signature. A preconstruction conference will be scheduled for the week of March 19th.

11. Committee Reports:

A. Finance Committee

- (1) Discussion and Possible Action Re: Payment of Bills. Motion by Linder, seconded by Doyle, to approve the payment of bills in the amount of \$ 890,266.60. Motion carried 8-0.
- (2) Discussion and Possible Action Re: Resolution No. R-18-003 approving redemption of the 2015 State Trust Fund loan and utilization of TID 5 and TID 7 residual funds. Motion by Linder, seconded by Doyle, to approve Resolution No. R-18-003 approving redemption of the 2015 State Trust Fund loan and utilization of TID 5 and TID 7 residual funds. Staff is recommending the use of debt service funds, as well as unallocated TID 5 and TID 7 residual funds to redeem a 2015 State Trust Fund loan with a balance of \$271,203.62. This loan was used to purchase the former Verona

Area Community Theater building at 405 Bruce Street. The early redemption will save the city approximately \$34,200 in interest. Motion carried 8-0.

B. Parks, Recreation and Forestry Commission

- (1) Discussion and Possible Action Re: A Professional Services Agreement with MSA Professional Services for an amended Fireman's Park Master Plan. Motion by Reekie, seconded by Stiner, to approve a Professional Services Agreement with MSA Professional Services for an amended Fireman's Park Master Plan. The agreement is for design, construction documents, bidding and construction management for a total cost of \$297,000. Including contingencies, the approximate total cost for improvements to Fireman's Park would be \$3,150,000. Mr. Linder stated a lot of this money was earmarked for a water feature, but this is our best option at the moment. It would help build a nice building there.

Ms. Doyle added that this isn't an either/or option. It is in light of not having a viable pool site at this time. This is a good opportunity to upgrade the park without too much borrowing.

Mr. Diaz stated this has the potential to be a great reinvigorated city park. Motion carried 8-0.

C. Planning Commission

- (1) Discussion and Possible Action Re: Resolution No. R-18-004 approving a Certified Survey Map to create one (1) lot at 116 Paoli Street. Motion by Diaz, seconded by Linder, to approve Resolution No. R-18-004 approving a Certified Survey Map to create one (1) lot at 116 Paoli Street. In May of 2017, the city and the owner of the property at 116 Paoli Street entered into a development agreement to allow a single-family home to be constructed. The agreement required the property owner to relocate a water line and complete a Certified Survey Map (CSM). This CSM satisfies the requirements of the agreement. Motion carried 8-0.
- (2) Discussion and Possible Action Re: Resolution No. R-18-005 approving a Conditional Use Permit Amendment at 120 Enterprise Drive. Motion by Linder, seconded by Stiner, to approve Resolution No. R-18-005 approving a Conditional Use Permit Amendment at 120 Enterprise Drive, with the condition that the landscaping is approved by the city Planning Department. Tanya's Big House 4 Kidz is requesting an amendment to their 2003 Conditional Use Permit. The Applicant is requesting that the maximum number of children enrolled at the facility be increased to 150, and that an outdoor play area be allowed on the north side of the building. There were some concerns about potential noise and screening on that side of the building. The owner has offered to install additional arborvitaes. Motion carried 8-0.
- (3) Discussion and Possible Action Re: Resolution No. R-18-006 approving a Conditional Use Permit to allow a group development at 404 Legion Street. Motion by Linder, seconded by Stiner, to approve Resolution No. R-18-006 approving a Conditional Use Permit to allow a group development at 404 Legion Street. This CUP would allow for

the construction of an 8,800 square foot building at 404 Legion Street. Motion carried 8-0.

- (4) Discussion and Possible Action Re: Resolution No. R-18-007 approving a General Development Plan to be located at 102/104 Lincoln Street that would allow for the construction of 90 multi-family units.

Discussion followed regarding traffic analysis, adequate on-site parking, stormwater management, single-family vs. multi-family units on this property, the effect of additional traffic on emergency response times, and compatibility of this development with the rest of the neighborhood.

Motion by Doyle, seconded by Gaskell, to approve a General Development Plan to be located at 102/104 Lincoln Street that would allow for the construction of 90 multi-family units. 3 Ayes, 5 Nays. Motion fails, with Touchett, Linder, Stiner, Diaz and Kemp voting no.

- (5) Discussion and Possible Action Re: Ordinance No. 18-911 amending Title 13, Chapter 1 of the Code of Ordinances of the City of Verona, Wisconsin relating to the maximum living space requirements of the Community Residential Zoning District. Currently, the ordinance caps the maximum living space for Community Residential (CR) zoned houses at 1,600 square feet for a one-story home and 1,900 square feet for a two-story home. This amendment would increase the square footage caps to 1,800 square feet for a one-story home and 2,200 square feet for a two-story home. Mr. Sayre stated the cost to add to or remodel a home is always more expensive than adding the additional square footage initially. The CR homes have a lower price tag, but are smaller. The smaller homes cost the same or more per square foot than the larger Neighborhood Residential (NR) homes. The intent of the CR zoning district is to promote affordable detached family housing.

Mr. Linder stated there may be an advantage to having some smaller, less expensive housing in the city.

Mr. Sayre replied that the CR zoning can give homeowners an additional challenge, as it makes it difficult to add on to the home, and more likely that they may have to move rather than add on. This ordinance is a fair compromise to repealing CR zoning entirely.

Mr. Stiner stated this has worked very well for people that cannot afford a larger home. He is in favor of retaining CR zoning.

Ms. Gaskell, Ms. Doyle, Mr. Diaz and Mr. Touchett would like to revisit this item after the Council has the housing study back from the Capitol Area Regional Planning Commission.

Ms. Reekie considers it favors smaller minimum lot and house sizes as a way to offer variability and potential options going forward.

Mayor Hochkammer asked for consensus of the Council to bring this item back to the Council at a future date. There were no objections. No action was taken on this item.

- (6) Discussion and Possible Action Re: Ordinance No. 18-912 rezoning Stewart's Woods from Rural Agricultural to Public Institutional. Motion by Linder, seconded by Gaskell, to approve Ordinance No. 18-912 rezoning Stewart's Woods from Rural Agricultural to Public Institutional. The Public Institutional zoning classification will match the zoning of the land for the future high school to the north. Motion carried 8-0.
- (7) Discussion and Possible Action Re: Resolution No. R-18-008 approving a Conditional Use Permit to allow for the construction of a 65-foot high school to be located in the West End, South of West End Circle. Motion by Diaz, seconded by Stiner, to approve Resolution No. R-18-008 approving a Conditional Use Permit to allow for the construction of a 65-foot tall high school to be located in the West End, South of West End Circle. The Zoning Ordinance requires a Conditional Use Permit for any building over 35 feet in height. Motion carried 8-0.
- (8) Discussion and Possible Action Re: Resolution No. R-18-009 approving a Certified Survey Map to create three (3) lots and one (1) outlot for the new high school to be located in the West End, south of West Verona Avenue, and west of South Nine Mound Road. Motion by Diaz, seconded by Kemp, to approve Resolution No. R-18-009 approving a Certified Survey Map to create three (3) lots and one (1) outlot for the new high school to be located in the West End, south of West Verona Avenue and west of South Nine Mound Road, with the following conditions:
1. Prior to the city signing the CSM, the Applicant shall obtain all signatures on the CSM including Verona Area School District and the Erbach Trust.
 2. The CSM shall be recorded prior to the issuance of building permits.
 3. A new CSM or an affidavit of correction shall be submitted for city review and approval that provides the names of the roadways identified on the CSM.
- Lot 1 of this CSM would be retained by the Erbach Trust, lots 2 and 3 would contain the future high school, and outlot 1 would be created for a future roadway that could extend across US 18/151 to Valley Road. Motion carried 8-0.

12. Old Business

- A. Discussion and Possible Action Re: Costs associated with public roads, public rights-of-way, and potential property purchase in partnership between the City of Verona and the Verona Area School District regarding the development of the new high school and property.

The Common Council may convene in a closed session, as authorized by Wisconsin Statute 19.85(1)(e), 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 deem a closed session necessary. The Common Council may reconvene in open session to discuss and take action on the subject matter discussed in the closed session.

Mr. Mikorski explained that this item is for discussion of the Verona Area School District's response to the term sheet provided them by the City on March 2, 2018 regarding the costs associated with the roads, public rights-of-way and possible property purchase relating to the development of the new high school and property. It included three options for the school district to review. The school district's response to the revised term sheet was received by the city on March 9, 2018.

Ms. Doyle and Mr. Diaz would like to hear the school district's response in open session.

Mr. Kleinmaier explained that in the revised term sheet to the school district, the city put three different contribution options on the table. Those options are listed in the Common Council minutes of February 26, 2018.

Mr. Kleinmaier further explained that the school district responded that they would accept Option 3, which proposes the following: The city would make payment to the school district of up to \$4million, with a payment schedule identified; the Sugar Creek property would be conveyed to the city in as-is condition; and the city would waive any special assessments on the Erbach Trust property for the cost of improvements to the property. The school district understands that the payment of \$4 million will be in installments. The scheduled installment dates are not deadlines for completion of work, but the specified percentage completion of work must take place before the installment payments will be made by the city. The school district also agrees that the Sugar Creek property would be conveyed to the city in "as-is" condition. The waiver of special assessments on the Erbach Trust property is no longer of interest to the school district. Instead, they are asking that the city pay an additional \$500,000, and create an agreement with the Erbach Trust such that when the improvements to the property hit a trigger determined by the city, the city would expect that money back from them. Regarding improvements that are necessary for the high school project to go forward, three pieces of property still need to be acquired. The school district is proposing that the city should assume responsibility for acquisition of this land and bear the costs of those acquisitions. Staff is concerned about inserting the city into what the city considers to be the school district's road construction project. The school district is concerned that it may not obtain the required authorization from its electors to acquire the property itself.

Mr. Jacobson stated that he is not aware of any known costs, appraisals, or definite acquisition areas for the required properties at this time.

Mr. Diaz asked if the additional road is required, or is it something that can be delayed or not done at all.

Mr. Jacobson replied that the road is a requirement as part of the traffic impact analysis that was done. It is part of the overall improvements that are necessary to get traffic in and out of the new high school campus.

Mr. Kleinmaier stated the school district is suggesting that the city use tax increment from TID 9 to help pay for the acquisition costs for the road projects. There is no tax increment in TID 9 at this time, and we don't have these road projects identified within

the TID, so we would have to amend the project plan. This is not recommended by city staff.

Noah Roberts, VASD Board of Education President, disagrees with the premise behind the city attorney's statement about the city inserting itself in the road construction process. He stated that the city's Public Works Director gave school district representatives instruction to not contact the property owners from whom property would need to be acquired for the road to S. Nine Mound Road, as he would be the sole negotiator. Therefore, the city has already inserted itself in the process.

Meredith Stier-Christensen, VASD Board of Education Vice-President, stated that the district can go to the electors for permission to acquire the necessary property, but the electors can say no, and at that point there will be no recourse for the district. District representatives were explicitly told not to take steps to acquire property.

Mr. Jacobson explained that he told school district representatives that he would be the first contact to the property owner off of S. Nine Mound Road only if the city were the lead for the project, designing the project, and constructing the project. Those directions have changed, as the city is not the lead on the project.

Mr. Roberts and Ms. Stier-Christensen argued that the directions did not include such stipulations. If there was a change in direction, it was not clearly communicated to the school district.

Mr. Kleinmaier expressed his displeasure with the treatment of Mr. Jacobson at this meeting. He also stated that the city could take on acquisition responsibilities, but asked if the city would be willing to exercise condemnation authority to acquire land for a project that is not its own. Not doing so could push the cost of the properties up considerably.

Mr. Diaz asked if there are any alternatives to the property acquisitions.

Mr. Kleinmaier replied that if this access point is not provided, specifically related to RVS Properties, such that the road does not go through there, it will result in additional costs for other parts of the project.

Motion by Doyle, seconded by Gaskell, to convene in a closed session, as authorized by Wisconsin Statute 19.85(1)(e), 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 deem a closed session necessary, regarding costs associated with public roads, public rights-of-way, and potential property purchase in partnership between the City of Verona and the Verona Area School District regarding the development of the new high school and property. The Common Council may reconvene in open session to discuss and take action on the subject matter discussed in the closed session.

On roll call: Alder Reekie – Nay; Alder Stiner – Nay; Alder Touchett – Aye; Alder Diaz – Nay; Alder Doyle – Aye; Alder Gaskell – Aye; Alder Kemp – Aye; Alder Linder – Aye.

Motion carried 5-3, with Alders Diaz, Reekie and Stiner voting Nay.

The Common Council convened in closed session at 8:39 p.m.

CLOSED SESSION

Motion by Doyle, seconded by Kemp, to reconvene in open session at 9:47 p.m. Motion carried 8-0.

Kleinmaier stated for the public that city staff will put together a response to the school district's term sheet in the next couple of days. Highlights of that term sheet are:

1. The school district is choosing the city's Option 3, with the change that the district is requesting in regard to the Erbach Trust property. The city is in agreement.
2. Section 1.c.A. of the school district's response refers to the payment by the city of \$4million in installments. Clarifying language will be added. We are not intending to set deadlines for the completion of construction in the payment schedule identified by the city.
3. In regard to Sugar Creek property, the city agrees to acquire the property in "as-is" condition through a conveyance on or before August 21, 2021. The acquisition of this property is part of the \$4 million payment by the city.
4. The city is willing to act as the bank on the additional \$500,000 installment payment to the school district, and will work out an agreement with the Erbach Trust about when we might be able to recoup that \$500,000 based on the fact that the road improvements that we will be making will benefit the Erbach property. That will be a separate agreement between the Erbach Trust and the city.
5. In regard to Section 2 of the term sheet relating to required improvements, the city will not be changing its proposal for paragraph 2.
6. Section 3 relates to city fees. An exhibit to the agreement with the school district will list the fees and provide more detail.
7. The city agrees with Section 4 of the school district's response. The city does not require, but will continue with current practice.
8. All of the school district's language in Section 5 regarding the Certified Survey Map (CSM) is agreeable with the city.

B. Discussion and Possible Action Re: Selection of a City Council Representative to the Planning Commission. Alder Diaz nominated Alder Gaskell as the City Council Representative to the Planning Commission. There were no other nominations. Mayor Hochkammer asked for a motion to cast a unanimous ballot for Alder Gaskell as the City Council Representative to the Planning Commission. Motion by Doyle, seconded by Diaz, to select Alder Gaskell as the City Council Representative to the Planning Commission. Motion carried 7-1, with Alder Linder voting no.

13. New Business

A. Discussion and Possible Action Re: Approval of Operator Licenses. Motion by Linder, seconded by Gaskell, to approve operator license applications for Ashlee A. Schaefer for Sugar River Pizza; Holly A. Schwichtenberg for Tied House; and Patricia S. Ullsperger and Kallie C. Collins for Fisher King Winery. Motion carried 8-0.

13. Adjournment:

Motion by Diaz, seconded by Reekie, to adjourn at 10:00 p.m. Motion carried 8-0.

Ellen Clark
City Clerk