

CITY OF VERONA
MINUTES
COMMON COUNCIL
April 23, 2018
Verona City Hall

1. Mayor Diaz called the meeting to order at 7:02 p.m.
2. Pledge of Allegiance
3. Roll call: Alderpersons Kate Cronin, Elizabeth Doyle, Sarah Gaskell, Chad Kemp, Katie Kohl, Heather Reekie and Evan Touchett present. Also present: City Administrator Jeff Mikorski, Planning and Development Director Adam Sayre, Community Development Specialist Katherine Holt, City Attorney Bryan Kleinmaier, Public Works Director Theran Jacobson, Parks Director Dave Walker, City Engineer Jeff Montpas, and City Clerk Ellen Clark.
4. Public Comment:
None
5. Approval of Minutes from the April 9, 2018 Common Council meeting and the April 17, 2018 Organizational meeting:
Motion by Doyle, seconded by Touchett, to approve the minutes of the April 9, 2018 Common Council meeting and the April 17, 2018 Organizational meeting, with a change to the Organizational meeting minutes deleting Alderperson Reekie from, and adding Alderperson Cronin to the list of Public Safety and Welfare Committee members. Motion carried 7-0.
6. Mayor's Business:
 - A. Arbor Day Proclamation
Mayor Diaz read the 2018 Arbor Day Proclamation and declared April 27, 2018 as Arbor Day in the City of Verona.
 - B. Citizen Committee Appointments
Mayor Diaz recommended the following citizen committee and commission appointments:

Cemetery Board:
Evan Touchett – Chair of Public Works/Sewer and Water Committee
Brian Lamers – Finance Director
David Walker – Parks Director
(Citizen members were appointed in 2017 for a three-year term)

City/Town Joint Planning Committee: Two-Year Term
Steve Heinzen

Community Development Authority: Four-Year Term
Adam Frey

Fitch-Rona EMS Commission: Two-Year Term
Gregg Miller

Library Board: Three-Year Term

To be appointed at a later date

Parks, Recreation and Forestry Commission: One-Year Term

Mike Bare – Chair

Plan Commission: One-Year Term

Mike Bare

Tourism Commission: One-Year Term

Charlie Eggen – Representative from the Hotel Industry

Jason Hunt – Citizen Member

Halley Jones – Citizen Member

Karl Curtis – Citizen Member

Verona Economic Development Commission: One-Year Term

Craig Coleman – Chamber Appointment

Sean Cleary, Cleary Building Corp. – Business Appointment

Zoning Board of Appeals: Three-Year Term

Roger Remus

(Two alternate positions on the Zoning Board of Appeals remain vacant)

Motion by Doyle, seconded by Kemp to approve the 2018-2019 citizen committee and commission appointments. Motion carried 7-0.

7. Announcements:

- Ms. Gaskell announced that the Word on the Street 5K fundraiser for the Library will be held on Saturday, May 5th beginning at 8 a.m. The Verona Area Chamber of Commerce is sponsoring a Cinco de Mayo celebration at Festival Park from 11 a.m. to 4 p.m. on May 5th, as well.
- Ms. Reekie announced that the Verona Area Community Theater is presenting the musical “Hairspray” April 26-28 at 7:30 p.m., and April 28th at 2 p.m.

8. Administrator’s Report:

- Alliant Energy planned power outages for April 23rd are in an area north of Verona Avenue west of and including Main Street in the N. Shuman area, and south of Verona Avenue east of and including Main Street in the S. Jefferson area.
- August 9, 2018 is the deadline for the League of American Bicyclists application for bicycle friendly communities. With the amount of work that the city has been doing regarding bicycling, it would be worthwhile to apply for the recognition for Verona.
- Dane County City and Villages Association annual meeting will be held on Wednesday, May 2nd.
- The annual Board of Review will be held on May 21st at 7:00 p.m. Board of Review training by at least one board member is required. Please contact the City Clerk if you are interested in obtaining training materials.
- City of Verona representatives met with representatives from the school district, the Town of Verona and the City of Fitchburg this morning. The school district is looking

at using the new Act 142 for safety improvement funds, and we are waiting on the school board to pass the Police Safety Liaison Officer contract.

9. Engineer's Report:

- The downtown streets reconstruction project is moving along well.
- Stage one parking lot reconstruction for the library has been done. The stormsewer and pavement removal are done at the old library.
- 4 bid openings were completed on April 17th, and recommendation letters have been sent.

10. Committee Reports:

A. Finance Committee

(1) Discussion and Possible Action Re: Payment of Bills. Motion by Doyle, seconded by Kemp, to approve the payment of bills in the amount of \$736,816.53. Motion carried 7-0.

(2) Discussion and Possible Action Re: Amendment to the City Administrative Policy #27 – Financial Management. Motion by Doyle, seconded by Cronin, to approve the amendment of the City Administrative Policy #27 – Financial Management. This amendment updates Section Five “Fund Balance” of the policy, reducing the unassigned fund balance of certain funds by the calculated liability for vested sick pay prior to determining the percentage of fund balance available for working capital. The city will maintain a minimum of 25% of budgeted operating expenditures, and will strive to maintain 35%. Should a budget proposal utilize a portion of the working capital within the target goal above 25% of budgeted operating expenditures, the reasoning for the usage shall be included in the budget document. Motion carried 7-0.

B. Joint City/Town Planning Committee

(1) Discussion and Possible Action Re: Resolution No. R-18-014 approving an extraterritorial certified survey map creating two (2) lots at 6555 County Highway M in the Town of Verona.

Mr. Sayre explained that the proposed certified survey map (CSM) will create two (2) lots at 6555 County Highway M. Lot 1 of the CSM will contain the existing house, and Lot 2 will contain a future single-family house. The Town Board, Town Planning Commission and Dane County have approved the CSM.

Motion by Gaskell, seconded by Reekie, to approve Resolution No. R-18-014 approving an extraterritorial certified survey map creating two (2) lots at 6555 County Highway M in the Town of Verona. Motion carried 7-0.

C. Parks, Recreation and Forestry Commission

(1) Discussion and Possible Action Re: Resolution No. R-18-015 authorizing outdoor recreation grant application to Wisconsin Department of Natural Resources. Motion by Reekie, seconded by Doyle, to approve Resolution No. R-18-015 authorizing outdoor recreation grant application to Wisconsin Department of Natural Resources Stewardship Grant. This resolution allows for an application to be submitted for a

Wisconsin Department of Natural Resources Stewardship Grant to possibly provide assistance for Fireman's Park Master Plan implementation. Motion carried 7-0.

D. Public Safety and Welfare Committee

(1) Discussion and Possible Action Re: A premises description amendment for the Combination Class "B" Fermented Malt Beverages and "Class B" Intoxicating Liquor License for 4 Sisters Tapas Restaurant, 958 Liberty Drive, Suite 106, to add an outdoor patio. Motion by Gaskell, seconded by Reekie, to approve a premises description amendment for the Combination Class "B" Fermented Malt Beverages and "Class B" Intoxicating Liquor Licenses for 4 Sisters Tapas Restaurant, 958 Liberty Drive, Suite 106, to add an outdoor patio, with the following contingencies:

1. The use of the 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

The applicant is requesting a premises description amendment to allow them to serve alcohol in a 20'X60' fenced outdoor patio area. The proper amendment paperwork has been filed. On February 13, 2017, the Common Council approved a conditional use permit for this property, with contingencies relating to the patio area.

Ms. Cronin asked if the parking will be sufficient for the addition of an outdoor patio.

Mr. Sayre replied that overall, the parking is sufficient.

Motion carried 7-0.

(2) Discussion and Possible Action Re: A Special Event Permit application from Le Jordan, Verona Area Chamber of Commerce, for the Dane Buy Local/Cinco de Mayo event on Saturday, May 5, 2018 at Festival Park, 111 Lincoln Street, from 11 a.m. – 4 p.m. Motion by Gaskell, seconded by Kohl, to approve a Special Event Permit application from Le Jordan, Verona Area Chamber of Commerce, for the Dane Buy Local/Cinco de Mayo event on Saturday, May 5, 2018 at Festival Park, 111 Lincoln Street, from 11 a.m. – 4 p.m. This is the first year for the Cinco de Mayo event. The event includes children's activities, food trucks, vendors, live music and dancing, a car show, and a beer tent where beer and margarita-flavored malt beverages will be served. The entire event area will be fenced. One officer will be on site for the event. Motion carried 7-0.

(3) Discussion and Possible Action Re: An application for a Temporary Class "B" Retailer's License from the Verona Area Chamber of Commerce for the Cinco de Mayo event on Saturday, May 5, 2018 at Festival Park, 111 Lincoln Street, from

11 a.m. – 4 p.m., Le Jordan, Agent. Motion by Gaskell, seconded by Kemp, to approve a Temporary Class “B” Retailer’s License from the Verona Area Chamber of Commerce for the Cinco de Mayo event on Saturday, May 5, 2018 at Festival Park, 111 Lincoln Street, from 11 a.m. – 4 p.m. The Temporary Class “B” license will allow the Chamber of Commerce to sell beer and margarita-flavored malt beverages at the Cinco de Mayo event. A licensed bartender will be in the tent at all times that alcohol is being sold and served. Motion carried 7-0.

E. Public Works/Sewer and Water Committee

- (1) Discussion and Possible Action Re: A developer agreement for Cathedral Point Phase 8. Motion by Touchett, seconded by Gaskell, to approve a developer agreement for Cathedral Point Phase 8. Phase 8 includes 32 lots. Construction of the public improvements is expected to begin in early May 2018, and be substantially completed in September 2018, pending permit approvals. Motion carried 7-0.
- (2) Discussion and Possible Action Re: Awarding construction contract for Project 2017-115, Well 6. Motion by Touchett, seconded by Kemp, to award the construction contract for Project 2017-115, Well 6 to Maddrell Excavating of Breadhead, Wisconsin. The low bid was received from Maddrell Excavating of Breadhead, Wisconsin in the amount of \$2,604,102.50. Motion carried 7-0.
- (3) Discussion and Possible Action Re: A professional services agreement for construction administration under Project 2017-115, Well 6. Motion by Touchett, seconded by Cronin, to approve a professional services agreement for construction administration under Project 2017-115, Well 6, not to exceed \$130,150. This agreement with AECOM is for construction staking, contract administration, product review and shop drawing review of their design services during construction. The contract also includes the well head protection plan. The construction inspection will be completed by City staff. Motion carried 7-0.
- (4) Discussion and Possible Action Re: Awarding construction contract for Project 2018-107, CTH M/Thousand Oaks/Liberty Drive traffic signals. Motion by Touchett, seconded by Gaskell, to award the construction contract for Project 2018-107, CTH M/Thousand Oaks/Liberty Drive traffic signals to Integrity Grading and Excavating of Schofield, Wisconsin not to exceed \$576,111.96. This project is funded by Tax Increment District 6 increment, and will not impact the General Fund.

Ms. Doyle asked what factors came into play for the higher cost.

Jacobson explained that higher prices for the asphalt and crushed aggregate base course, as well as a complex work zone, contributed to the higher than expected cost. Market also drives costs.

Ms. Cronin asked if any priority is given in the bid applications to Verona or Dane County businesses.

Jacobson stated he does not believe that priority is given to Verona or Dane County businesses. For traffic signal work, however, everything is maintained by the City of Madison, so we use the products that they use. Motion carried 7-0.

- (5) Discussion and Possible Action Re: A professional services agreement for construction administration under Project 2018-107, CTH M/Thousand Oaks/Liberty Drive traffic signals not to exceed \$34,860. Motion by Touchett, seconded by Gaskell, to approve a professional services agreement for construction administration under Project 2018-107, CTH M/Thousand Oaks/Liberty Drive traffic signals. This agreement with AECOM is for construction staking, contract administration, product review and shop drawing review of their design services during construction. The construction inspection will be completed by City staff. Motion carried 7-0.
- (6) Discussion and Possible Action Re: Awarding construction contract for Project 2017-113, CTH M and Locust Drive pedestrian improvements. Motion by Touchett, seconded by Kemp, to award the construction contract for Project 2017-113 to Parisi Construction of Verona, Wisconsin not to exceed \$1,295,570.25. The Ironman Triathlon will be impacted by this project. Motion carried 7-0.
- (7) Discussion and Possible Action Re: A professional services agreement for construction administration under Project 2017-113, CTH M and Locust Drive pedestrian improvements. Motion by Touchett, seconded by Cronin, to approve a professional services agreement for construction administration under Project 2017-113, CTH M and Locust Drive pedestrian improvements, not to exceed \$55,000. This agreement with AECOM is for construction staking, contract administration, product review and shop drawing review of their design services during construction. The construction inspection will be completed by City staff. Motion carried 7-0.
- (8) Discussion and Possible Action Re: Awarding construction contract for Project 2018-103, Concrete Rehabilitation. Motion by Touchett, seconded by Kemp, to award the construction contract for Project 2018-103, Concrete Rehabilitation, to Parisi Construction of Verona, Wisconsin, not to exceed \$774,145.40. This project will remove the concrete on the east end of Verona Avenue to the intersection, and involves changing the timing of the traffic signals. Only one lane will be shut down at any one time. Because of the construction happening on Old PB, traffic will be lighter than normal through this intersection, so it is a good time to complete this construction. It is important to make improvements to this intersection, as the police department has noted 39 crashes here since 2012.

Ms. Gaskell stated we'll also be gaining non-motorized transportation at that intersection.

Motion carried 7-0.

Mayor Diaz asked for unanimous consent from the Council to take up Items 12.A., 12.B. and 12.C before Item 11.A. There were no objections.

12. New Business

A. Discussion and Possible Action Re: Development agreement for the Verona Area School District's new high school and related facilities construction project. The Verona Common Council and the Verona Area School District approved a term sheet outlining the conditions for a contribution by the City toward the transportation costs for the new high school. A development agreement has been drafted. The School District will review the draft agreement at its May 7, 2018 meeting. The Council may approve the development agreement in form this evening, allowing City staff to complete exhibits and get feedback from the School District. Any changes requested by the School District can be reviewed and amended at the May 14, 2018 Common Council meeting.

Mr. Kleinmaier stated the agreement was drafted using the term sheet that was provided to the city and school board and merged with the standard subdivision development agreement language. As drafted, there would be 6 exhibits to the agreement. Exhibit A is the legal description of the property. Exhibit B is a map of the Sugar Creek Property. Exhibit C is an agreement with the Erbach Trust regarding payback for improvements. Exhibits D is a description of the necessary road improvements. Exhibit E is a summary of fees to be paid to the City by the school district, and Exhibit F is a summary of uses of school district property by the City, and of City property by the school district. There will likely not be any substantive changes to the use agreement. Mr. Kleinmaier does not anticipate any major issues with this agreement.

Gaskell stated only Exhibit E would be very much different that the information on the term sheet.

Kleinmaier stated the description of the improvements will also be more detailed.

Jacobson stated that the only fees to be charged to the school district from the public works department, other than those that have already been paid, will be inspection fees.

Motion by Touchett, seconded by Kemp, to approve the development agreement between the Verona Area School District and the City of Verona, subject to review and approval by the City Administrator and City Attorney.

If there are any non-substantive changes to the agreement after receiving feedback from the school district, City Staff will not bring those changes back to the Common Council. If more significant changes are requested, Staff will bring those back to the Common Council for discussion and approval.

Ms. Doyle stated she is not comfortable approving a non-finalized agreement, but will go with the group.

Mayor Diaz stated he is comfortable with approving the agreement now.

Motion carried 6-1, with Doyle voting no.

B. Discussion and Possible Action Re: Process for filling the City Council vacancy. There are two possible timelines for announcing the acceptance of applications and interviewing candidates for a council appointment to the vacant District 3 seat by May 29, 2018. The difference is whether the Council wants to set up a special committee to interview candidates, or wants the full Council to interview candidates at the May 14th meeting.

Mayor Diaz stated he does not want a committee. It becomes difficult to get people together. If the entire Council will be working with these people, then the entire Council should interview them.

Ms. Gaskell commented that having a committee would make it easier for people to interview, than going before the entire Council.

Ms. Doyle requested that the set of questions we've used in the past be distributed tomorrow, and have candidates give written responses to those questions, then elaborate before the entire council, if requested.

Mr. Touchett stated he may not be prepared to vote right away. He'd like to be able to think about the candidates' responses before voting. He does not feel a need to rush this process.

The consensus of the Council was to direct Staff to advertise the vacancy, and make a questionnaire available to potential candidates for the District 3 Alderperson position. Candidate responses should be returned by Noon on Thursday, May 24th. The responses will then be put in the packet May 29th Council packet. Interviews will be done at the May 29th meeting, and the final decision will be made at the first meeting in June.

C. Discussion and Possible Action Re: Approval of Operator Licenses. Motion by Touchett , seconded by Gaskell, to approve operator license applications for: Courtney McCaw, Fisher King Winery; Teresa Kaegi, temporary licenses for Cinco de Mayo and Hometown Days; and Dana Auman for The Draft House. Motion carried 7-0.

11. Old Business

A. Discussion and Possible Action Re: Litigation involving Parcel 16 of Transportation Project Plan No. 5992-09-81.

The Common Council may convene in a closed session, as authorized by Wisconsin Statute 19.85(1)(g), for the purpose of conferring with legal counsel who is rendering oral advice concerning strategy to be adopted by the body with respect to litigation in which it is involved. 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 as part of the CTH M transportation project, property acquisition was necessary. The City Attorney requests a closed session to provide an update on litigation based on the acquisition process for Parcel 16.

Mr. Kleinmaier stated as a result of the CTH M and CTH PD road construction project, we had to approach several property owners for acquisition of land. We were able to reach a negotiated purchase price with most of the property owners. There is a property owner with which we did not reach a negotiated settlement, so

we followed through with the statutory condemnation process. That owner filed a lawsuit against the City of Verona alleging that the city did not have the right to acquire the property for the construction project. Kleinmaier disagrees with the allegations in the lawsuit. The City has filed a response to the lawsuit with the Dane County Circuit Court. He needs to come before the Council to discuss strategy regarding an issue that has occurred with the lawsuit.

Jacobson stated this project is being led by DOT \$17.5 million in federal funds. We needed to have all the land acquired by a certain date at the end of June, 2017. All land must be acquired prior to the project being advertised in the paper. This one they stretched to the date of the bid opening in early July. Otherwise federal funds were at risk to be pulled.

Kleinmaier stated we did have to take the condemnation step with other property owners. The time for property owners to challenge the right to condemn the property has passed, however they could still challenge the amount of compensation.

Mr. Jacobson stated that we condemned only two properties.

Motion by Touchett, seconded by Kemp, to convene in a closed session to discuss litigation involving Parcel 16 of Transportation Project Plan No. 5992-09-81, as authorized by Wisconsin Statute 19.85(1)(g), for the purpose of conferring with legal counsel who is rendering oral advice concerning strategy to be adopted by the body with respect to litigation in which it is involved. 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 Cronin – Aye; Alder Doyle – Aye; Alder Gaskell – Aye; Alder Kemp – Aye; Alder Kohl – Aye; Alder Reekie – Aye; Alder Touchett – Aye. Motion carried 7-0.

The Common Council convened in closed session at 8:30 p.m.

CLOSED SESSION

Motion by Doyle, seconded by Touchett, to reconvene in open session at 9:28 p.m. Motion carried 7-0.

13. Adjournment:

Motion by Reekie, seconded by Cronin, to adjourn at 9:30 p.m. Motion carried 7-0.

Ellen Clark
City Clerk