

CITY OF VERONA
MINUTES
COMMON COUNCIL
July 09, 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, Sarah Gaskell, Charlotte Jerney, Chad Kemp, Katie Kohl, Heather Reekie and Evan Touchett present. Also present: City Administrator Jeff Mikorski, Planning and Development Director Adam Sayre, Public Works Director Theran Jacobson, City Attorney Bryan Kleinmaier, AECOM Representative Jess Billmeyer, City Clerk Ellen Clark and Deputy Clerk Kayla Martin.
4. Public Comment:
Noah Roberts, President of the Verona School Board, updated the Council on the School District's efforts to satisfy the requirement by the City that the new Verona Area High School site contain two access points. The District has been unable to secure the property necessary to create an access point at Nine Mound Road. At this point, only three viable options remain: Option 1 – the City exercises eminent domain to gain access to the necessary property on Nine Mound Road; Option 2 – the high school site maintains a single access point; Option 3 – an access road connecting to Paoli Street is reconsidered. The District would need a joint appeal to the Department of Transportation to create a connector road between W. Verona Avenue and Paoli Street. We are at a point in this process where the next step lies solely in the hands of the Council. The District is asking the Council for direction to City Staff and the District on how to move forward.
5. Approval of Minutes from the June 25, 2018 Common Council meeting:
Motion by Reekie, seconded by Cronin, to approve the minutes of the June 25, 2018 Common Council meeting. Motion carried 7-0.
 6. Mayor's Business:
None
 7. Announcements:
Ms. Gaskell announced that the first of three Concerts in the Park at Harriet Park will take place this Thursday, beginning at 6 p.m.
 8. Administrator's Report:
Mr. Mikorski reported on the following items:
 - The Dane County Cities and Villages Association will meet on Wednesday, July 18, 2018 in the Village of McFarland.
 - Early in-person absentee voting for the August 14, 2018 Partisan Primary Election will be available at City Hall from 8 a.m. to 4:30 p.m.; Saturday, August 4th from 8 a.m. to 2 p.m.; and August 6th to 9th from 8 a.m. to 7 p.m.
 - Due to the August 14th election, the August 13th Common Council meeting will be moved to Thursday, August 16th.

9. Engineer's Report:

Jess Billmeyer, AECOM representative, reported on the following items:

- Downtown Streets Project: All sidewalk has been poured and the retaining wall is complete. Final paving should occur next week.
- City Parking Lot Reconstruction: All paving and concrete work has been completed. The main entrance to the library is now open. Landscaping at the library remains to be completed.
- 2018 Streets Rehabilitation: Curb and gutter has been placed. Paving is planned for the end of the week, depending on number of soft spots.
- Old PB Bridges: The bridge over Badger Mill Creek is complete. The southerly bridge has been removed. Opening day of August 17th should be able to be met.
- Bike and Ped Improvements: The sidewalk is complete from south of Factory Street to the south end of the Carnes property. They will be working on the box culvert extension over the next few weeks. Curb will be poured along CTH M the week of July 23rd.
- CTH M Project: Traffic on CTH PD will be moved to the south of the existing roadway to allow for the remainder of the bridge to be constructed and grading for the City of Verona section of the project may begin as early as this week.
- Well 6: The Wisconsin Public Service Commission has approved construction of Well 6, which should begin in late fall 2018.

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 \$1,028,462.19. Motion carried 7-0.

B. Plan Commission

- (1) Discussion Re: A planned unit development concept plan review for a proposed 28,849 square foot commercial development to be located in the West End south of West Verona Avenue, west of West End Circle, and east of Wall Street.

The applicant is requesting a planned unit development (PUD) concept review to allow for the construction of 28,849 square feet of commercial space in the West End. The Council is encouraged to provide feedback and recommendations to the applicant on the concept. No formal motion is required, as this is the conceptual review of the project.

Mr. Touchett asked if the School District had been contacted regarding this development.

Mr. Sayre stated that the Superintendent of the School District was given the plans and asked for feedback, but did not respond to the request.

Mr. Kemp asked what types of commercial opportunities will be available.

David Seeley, representative of Steve Brown Apartments, stated they are thinking more high-end, boutique style retail establishments, such as a coffee shop, a bike shop, clothing shops, yoga or fitness facilities, etc. The developer wants this to be

more of a lifestyle center where people stop and spend some time, not just pull in and out. Local and regional restaurants will be considered, as well.

The Common Council took no action on this item.

C. Public Works/Sewer & Water Committee

- (1) Discussion and Possible Action Re: An agreement with T-Mobile (Black Dot) regarding lease of water tower space.

Motion by Touchett, seconded by Kemp, to approve a term sheet agreement with T-Mobile (Black Dot) regarding lease of water tower space.

T-Mobile, otherwise known as Black Dot, has submitted a lease extension proposal (term sheet) for cellular equipment on Tower 2 located near Whalen Road and S. Main Street (CTH M). The current contract terminates on December 31, 2019. The current and proposed financial and guaranteed period is similar to the current agreement. The proposed terms are a monthly rental fee of \$2,459.75 for the next four years guaranteeing total income to the City of \$118,069.00. If the term sheet is approved, the next step will be for the City Attorney and Public Works Director to revise the agreement, which will then be presented to the Public Works Committee and Common Council at a future date.

Motion carried 7-0.

- (2) Discussion and Possible Action Re: An offer to purchase for lands necessary on Parcel 2 for Transportation Project Plat 100-00-53100-230-173 under Project ID 2016-123, CTH PD.

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 an open session to discuss and take action on the subject matter discussed in the closed session.

Motion by Touchett, seconded by Kemp, to approve an offer to purchase for lands necessary on Parcel 2 for Transportation Project Plat 100-00-53100-230-173 under Project ID 2016-123, CTH PD.

This agreement allows the City to acquire land and other property interests for the CTH PD Transportation Improvement project. The property is located on the north side of CTH PD, west of the UW-Ridge golf course and east of Woods Road. This is a land sale only.

The CTH PD project requires the following: 0.125 acres of Fee Right of Way and 0.043 acres of Temporary Limited Easement.

The offer presented to the owner is \$4,100.

Mr. Jacobson requested a closed session to discuss the counter-offer from the landowner.

Motion by Touchett, seconded by Cronin, 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. The Common Council may reconvene in an open session to discuss and take action on the subject matter discussed in the closed session. On roll call: Alder Gaskell – Aye; Alder Jerney – Aye; Alder Kemp – Aye; Alder Kohl – Aye; Alder Reekie – Aye; Alder Touchett – Aye; Alder Cronin – Aye. Motion carried 7-0.

The Common Council convened in closed session at 7:33 p.m.

CLOSED SESSION

Motion by Touchett, seconded by Gaskell, to reconvene in open session. Motion carried 7-0.

The Common Council reconvened in open session at 7:38 p.m.

Motion by Touchett, seconded by Kemp, to amend the original motion to approve an offer to purchase for lands necessary on Parcel 2 for Transportation Project Plat 100-00-53100-230-173 under Project ID 2016-123, CTH PD to include a final offer amount of \$7,425 for the land. The amended motion carried 7-0.

Mayor Diaz requested a vote on the original motion to approve an offer to purchase for lands necessary on Parcel 2 for Transportation Project Plat 100-00-53100-230-173 under Project ID 2016-123, CTH PD. The original motion carried 7-0.

Mayor Diaz requested unanimous consent from the Council to take up Item 11.B before Item 11.A. There were no objections.

11. Old Business

- B. Discussion and Possible Action Re: Update on the Verona Area School District new high school project as it relates to the approved VASD Development Agreement
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 an open session to discuss and take action on the subject matter discussed in the closed session.

The City of Verona received a request to open negotiations regarding the Verona Area School District's transportation plan and improvements. Based on the letter received from the Verona Area School District, alternatives to the School purchasing the Nine Mound property will need to be discussed. With each alternative, there is a cost and potential change to the Development Plan. Staff is not able to provide details and cost estimates at this time for each alternative, but the discussion needs to take place for Council direction.

Mr. Kleinmaier explained that the School District was not able to reach a purchase agreement with a property owner through whose property a road connecting to Nine

Mound Road was to be built as part of the transportation plans associated with the new high school project.

The agreement that the City made with the School District regarding the transportation plans associated with the new high school project includes several public improvement projects that the School District would need to complete in order to receive the payments that the City agreed to make as part of the development agreement. The City needs to determine if there are alternatives to the road that would have gone through this property. City staff will have to conduct an internal review, have discussions with School District staff, and come back to the Council with their findings and a recommendation. There will be traffic issues and financial issues related to any alternative. The original agreement was that all of the projects listed in the agreement would be completed. One of them now will not be able to be completed, which potentially allows the City to re-evaluate the funding that it will provide to the School District through the agreement.

The traffic study that was done at the onset of the project was used to determine costs and benefits to adjacent properties, and the amount of funding offered by the City was allocated based on those costs and benefits. Changing the transportation plans now will impact the costs, the benefits and the allocation. The City will have to update the allocation analysis as part of the determination of alternative transportation routes. We are not in a position to discuss alternatives at this point, as we do not have the necessary details.

Ms. Gaskell remarked that she wants to make sure that the City makes this decision with careful consideration, and that staff should have the time needed to do this properly, yet without delay.

Ms. Cronin asked if the City can approach the Department of Transportation (DOT) on this again. (The School District had originally requested that the DOT allow a road beginning 500 feet from the Hwy. 18/151 exit.)

Mr. Jacobson replied that in order to do that, a detailed alternatives analysis and updated Traffic Impact Analysis (TIA) would have to be completed.

Mr. Billmeyer estimated the timeline for updating the TIA and the two-stage approval from the DOT at four to six months. Any new road within the DOT's 1,270-foot access control area off Hwy. 18/151 must be approved by the DOT. The access area ends at the current Coating Place driveway.

Mr. Touchett stated we have a safety concern with a road 500 feet off the highway. The likelihood of traffic being backed up from the school entrance is very good, which would pose a problem for vehicles trying to exit the highway.

Mayor Diaz remarked that cars leaving the highway at 70 miles an hour coming up on a line of stopped cars is not a satisfactory situation. We do not want to risk lives.

Mr. Mikorski stated all three options proposed by the School District have consequences and costs involved with them. Staff will try to pull together information regarding these three and other possible options for the next Council meeting, so that the Council will have a chance to revisit some options and look at new ones.

Mr. Kleinmaier stated option 3 proposed by the School District – to reconsider an access road connecting to Paoli Street – is largely outside of our control because of the DOT process. Option 1 – asking the City to exercise eminent domain to gain access to the necessary property on Nine Mound Road – was unanimously rejected in earlier discussions. Option 2 – asking the City to allow a single access point to the new high school site – would require an analysis of cost, and reallocation of those costs to benefitted properties.

Mr. Jacobson stated any of the options, other than the ones identified in the current development agreement, should have the TIA updated. Once you change the improvement, you change the traffic patterns, which impacts intersections, etc. How are parent drop-off, bus circulation going to be changed if there is only one access point to the site? To update a TIA of this magnitude is not feasible in just a few weeks.

Mr. Kleinmaier has received a copy of the offer that was given to the property owner by the school district. He believes that the following language found in this offer applies not only to the School District, but also to the City: “The School District is a public entity, and as such is legally constrained to exercise discretion on behalf of its taxpayers in ways that do not exceed the bounds of reasonability”.

Ms. Jerney asked with which property owners the School District was negotiating.

Mr. Kleinmaier replied the property is owned by Russell and Vicki Swiggum. S&E Excavating is an established business on the property.

Mr. Kemp is concerned with the limited options that we have at this late date, but wants to make sure we are doing things right, while considering the School District timeline. How will we get this done if it may take 4-6 months to get this adjusted?

Mr. Jacobson stated the City can help by reviewing the plans in a timely manner. The City will review all transportation plans before approving them. It is important to remember that once these roads are in place, they will be the City’s problem. The phone calls will come to the City if there are traffic issues in this area.

Mr. Kemp asked if only one access point to the school property should even be considered.

Mr. Jacobson replied a single access point for a destination is not advised. The School District’s TIA identified a single access point, but we did not approve their TIA because we did not agree with the single access point indicated.

Mayor Diaz asked if there are any other potential solutions that we may be missing.

Mr. Jacobson stated we will open up the dartboard. It will have to be an open dialogue to come up with a solution.

Ms. Gaskell asked Mr. Roberts if the School District has asked its consultants to go back to the drawing board, or if it has only considered the three options presented.

Mr. Roberts stated the District has explored all possibilities, and the three options are what they came to. As of now, the development agreement requires two access points. If the result of tonight is to explore other options, including a single access point, that is a step in the right direction. He feels the Paoli Street option has not been explored fully.

Mr. Kleinmaier stated the development agreement will have to be amended because the project as anticipated in the development agreement is not going to happen that way.

Mr. Roberts asked for open dialogue going forward. We are looking for a viable option that is mutually beneficial and supported by the City. We are happy to work with you along the way.

The Common Council did not convene in closed session, and no action was taken on this item.

A. Discussion Re: Development Agreement for Sugar Creek Commons Project in Tax Incremental District #9.

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 an open session to discuss and take action on the subject matter discussed in the closed session.

Mr. Sayre explained that the Sugar Creek Commons project is along W. Verona Avenue, is approximately 6-7 acres in size, and extends from Legion Street to just east of St. Vincent de Paul. It includes the old truck stop and the car wash, and goes south to include most of the apartment buildings along Topp Avenue, as well. A precise implementation plan consisting of 243 apartment units and approximately 25,200 square feet of commercial space was approved by the Common Council in September, 2017. A hotel and convention space are also being considered.

The applicant has submitted potential revisions to the general development plan. They are now proposing up to 297 apartment units and 26,000 square feet of commercial space along Verona Ave. The height of the mixed use and multi-family portions of the project would increase from 3 stories to 4 stories. The requested amendments would go to the Plan Commission, and potentially to the Council, in August.

Mr. Kleinmaier stated we've had some significant discussions with the developer regarding a TIF agreement related to project. The developer has submitted some comments and changes to the development agreement proposed by the City. The reasons for going into closed session are to discuss terms and conditions within the development agreement, and monetary aspects related to the requests from the developer over and above what we initially anticipated providing to them. Both contain a bargaining component, the discussion of which City Staff is requesting a closed session.

Motion by Gaskell, seconded by Touchett, 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. The Common Council may reconvene in an open session to discuss and take action on the subject matter discussed in the closed session. On roll call: Alder

Jerney – Aye; Alder Kemp – Aye; Alder Kohl – Aye; Alder Reekie – Aye; Alder Touchett – Aye; Alder Cronin – Aye; Alder Gaskell – Aye. Motion carried 7-0.

The Common Council convened in closed session at 8:12 p.m.

CLOSED SESSION

Motion by Kemp, seconded by Cronin, to reconvene in open session. Motion carried 7-0.

The Common Council reconvened in open session at 8:58 p.m.

12. New Business

A. Discussion and Possible Action Re: Approval of operator licenses. Motion by Touchett seconded by Kemp to approve operator license applications as presented by the City Clerk. Motion carried 7-0.

13. Adjournment:

Motion by Touchett, seconded by Reekie, to adjourn at 9:00 p.m. Motion carried 7-0.

Ellen Clark
City Clerk