

CITY OF VERONA
MINUTES
COMMON COUNCIL
August 16, 2018
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 present. Alderperson Gaskell was absent and excused. Also present: City Administrator Jeff Mikorski, Planning and Development Director Adam Sayre, Public Works Director Theran Jacobson, City Attorney Bryan Kleinmaier, City Engineer Jeff Montpas, and City Clerk Ellen Clark.
4. Public Comment:
 - Lori Lubinsky, 1217 Redan Drive, Verona, spoke as an attorney representing the Verona Area School District (VASD). She thanked the City Staff for the ongoing work and cooperation with VASD. They believe they have a proposal that will resolve the issue of the second access point to the new high school. If the concept of the second access point is approved, it will create additional dialogue. The deadline for the scope of the project is September 24, 2018, so a decision is needed quickly.
 - Tom Mathies, 3121 Nor Dell Hill Road, Town of Verona, spoke regarding the proposed annexation in the North Neighborhood. He asked the Council to consider excluding the parcels in the west and north 40s from tonight's proposed annexation, and then annexing those parcels when the developer is ready to proceed with development in those areas.
 - Ron Nagel, 208 Noel Way, spoke regarding his concerns about the condition of the property at 212 Noel Way, and asked the Council to enforce the City's ordinances.
 - Patricia Anderson, trustee of the property at 214 Noel Way, spoke regarding her concerns about the condition of the property at 212 Noel Way, and asked the Council to enforce the City's ordinances.
 - Al Grube, 209 Noel Way, spoke regarding his concerns about the condition of the property at 212 Noel Way, and asked the Council to do something about it.
 - Carl Hubbard, 206 Noel Way, spoke regarding his concerns about the condition of the property at 212 Noel Way, and asked the Council to take care of the people in the neighborhood and community.
5. Approval of Minutes from the July 23, 2018 Common Council meeting:

Alderperson Jerney asked for the minutes to reflect her roll call vote as an 'Aye' on Item 10.A.(2), Discussion and Possible Action Re: Resolution No. R-18-038 approving a general development plan to be located at 102/104 Lincoln Street that would allow for the construction of 90 multi-family units. Motion by Kohl, seconded by Reekie, to approve the minutes of the July 23, 2018 Common Council meeting, adding the amendment requested by Alder Jerney. Motion carried 6-0.

6. Mayor's Business:

A. Election of Common Council President

Mayor Diaz asked for nominations for 2018-2019 Common Council President.

Aldersperson Gaskell was nominated by Aldersperson Kohl. Aldersperson Reekie was nominated by Aldersperson Kemp. There were no other nominations. On roll call: Alder Touchett – Reekie; Alder Cronin – Gaskell; Alder Jerney – Gaskell; Alder Kemp – Reekie; Alder Kohl – Gaskell; Alder Reekie – Reekie. 3 Aye, 3 Nay. Motion failed.

7. Announcements:

- Mr. Kemp reported that the Klassik Tavern, 410 W. Verona Avenue, having been closed due to a fire, will reopen on August 21st.

8. Administrator's Report:

- Regarding the comments referring to 212 Noel Way provided during tonight's Public Comment agenda item, Mr. Mikorski presented evidence of steps the City's building inspection department has taken with this property during 2017 and 2018. We will be forcing this issue faster than we have in the past. The property owner has hired a professional lawn service, and now understands that he must maintain his lawn and garden areas. The Dane County Public Health Department has been contacted regarding the property owner renting a room at 212 Noel Way.

Mr. Kleinmaier suggested that this item be brought to a future meeting, as it is not on tonight's agenda.

- One seat is available for the Madison Metropolitan Sewerage District (MMSD) Board of Commissioners.
- Next week will be the first meeting of the City's Employee Wellness Team.
- Road closure update:
 - This weekend, CTH M will be shut down from McKee Road to Midtown Road from Friday, August 17th at 9 p.m. to Saturday, August 18th at 7 a.m. In addition, CTH M North of Cross Country Road will have blitz closures from time to time through October 2019.
 - S. Main Street, Locust Street to Whalen Road, will be closed for about four weeks beginning approximately September 10th to complete the pedestrian/bike project being installed along CTH M.
 - Closure of CTH M at Liberty Drive and Thousand Oaks Trail is possible in September 2018 to install signals and making improvements to the intersection.
- The City Tourism Commission is meeting Tuesday, August 21st at 2 p.m.

9. Engineer's Report:

- Bike/Ped Projects: Sidewalk was placed along Locust Drive between CTH M and Bruce Street.
- Old CTH PB Bridges: The bridges are now open.
- CTH M Reconstruction: Sewer and water main work is beginning this week.

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 \$1,522,446.20. Motion carried 6-0.

B. Public Safety and Welfare Committee

- (1) Discussion and Possible Action Re: Ordinance No. 18-918 amending Titles 8, 7 and 11 of the Code of Ordinances, City of Verona, Wisconsin relating to public safety and public health issues. Motion by Reekie, seconded by Touchett, to recommend to the Common Council to approve Ordinance No. 18-918 amending Titles 8, 7 and 11 of the Code of Ordinances, City of Verona, Wisconsin relating to public safety and public health issues. The purpose of this ordinance is to modify existing municipal code provisions to treat vaping the same as we treat other tobacco products. The ordinance also establishes a “sexting” ordinance to allow for lesser penalty options compared to existing state law, which requires criminal felony charges for “sexting”. Motion carried 6-0.
- (2) Discussion and Possible Action Re: Ordinance No. 18-919 amending Sections 10-1-26 and 10-1-27 of the Code of Ordinances, City of Verona, Wisconsin relating to parking on Commerce Parkway. The Public Safety & Welfare Committee took no action on this item, therefore no recommendation was made to the Common Council.

C. Plan Commission

- (1) Discussion and Possible Action Re: Resolution No. R-18-039 approving a Conditional Use Permit for a proposed UW Credit Union with drive-thru service to be located at 651 Hometown Circle. A concern raised by one Plan Commission member was to make sure that the credit union sign will be the same size as the Dairy Queen sign that is currently there. Motion by Kemp, seconded by Reekie, to approve Resolution R-18-039 approving a Conditional Use Permit for a proposed UW Credit Union with drive-thru service to be located at 651 Hometown Circle. Motion carried 6-0.
- (2) Discussion and Possible Action Re: Resolution No. R-18-040 approving a Conditional Use Permit for a proposed Summit Credit Union with drive-thru service to be located at 407-409 West Verona Avenue. Motion by Kohl, seconded by Kemp, to approve Resolution No. R-18-040 approving a Conditional Use Permit for a proposed Summit Credit Union with drive-thru service to be located at 407-409 West Verona Avenue. Motion carried 6-0.
- (3) Discussion and Possible Action Re: Resolution No. R-18-041 approving a Certified Survey Map to create one (1) lot at 407-409 West Verona Avenue. Motion by Kohl, seconded by Cronin, to approve Resolution No. R-18-041 approving a Certified Survey Map to create one (1) lot at 407-409 West Verona Avenue. This Certified Survey Map (CSM) will combine two existing lots into one, (former Treads property and the one next door) and will help facilitate the construction of a future Summit Credit Union on the property. Motion carried 6-0.
- (4) Discussion and Possible Action Re: Resolution No. R-18-042 approving a General Development Plan for a planned unit development in the West End that would allow

for the construction of 28,849 square feet of commercial space. Motion by Kohl, seconded by Kemp, to approve Resolution No. R-18-042 approving a General Development Plan for a planned unit development in the West End that would allow for the construction of 28,849 square feet of commercial space, with the following exemptions:

1. Front yard setback for ten (10) feet
2. A drive-thru can be located between the building and West End Circle; and
3. Artistic mural sign on a wall, two (2) fourteen (14) foot tall pylon signs, and a Market 5 monument sign

Motion carried 6-0.

- (5) Discussion and Possible Action Re: Ordinance No. 18-920 approving the annexation of 199 acres of land located west of CTH M and south of PD, and discussion and action on the proposed Annexation Agreement among the City of Verona, North Neighborhood, LLC, Integra Investments, LLC, and Integra Investments II, LLC. *The Common Council may convene in a closed session, as authorized by Wisconsin Statute 19.85(1)(e), for the purpose of 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. Sayre explained that the proposed annexation is consistent with the City's Comprehensive Plan, and the Department of Administration has approved the annexation petition. The Boundary Agreement with the Town of Verona allows for the creation of town islands, and their creation is consistent with the Annexation Agreement. Initially, the property would be zoned an Ag Holding Zone.

Mr. Kleinmaier stated that Staff supports the annexation ordinance and agreement. One substantive change to the annexation agreement as presented to the Council is the timing of payments related to utility improvements on the CTH M project. With the change, half of the payment for utility improvements will be made by the developer upon annexation, and the rest will be paid when the first development agreement is executed for each of the properties. Staff thinks this is fair. These utility improvements are benefitting only these properties. There are three property owners that will be annexing their land. Two are LLCs owned by Dennis Midthun, and one is an LLC that is part of Forward Development Group.

Referring to the concerns expressed by Mr. Mathies during Public Comment, Mr. Kleinmaier explained that annexation of all of the land owned by a property owner, even though it would be phased development, is common. Property owners want all of their land in at one time, so they only have to deal with one annexation process.

Mr. Sayre stated because of the size and multiple challenges that go along with this property, development needs to occur within the City to avoid dealing with multiple jurisdictions for approvals and permitting. Regarding the houses along CTH PD that were mentioned during Public Comment, the City has expansion plans for the CTH PD roadway, and those houses will be demolished as part of the project, so no city services will be needed.

Motion by Kemp, seconded by Reekie, to approve Ordinance No. 18-920 approving the annexation of 199 acres of land located west of CTH M and south of PD, conditioned upon the City and developers executing an Annexation Agreement within seven (7) calendar days of today (August 16, 2018). Motion carried 6-0.

Motion by Kemp, seconded by Kohl, to approve the Annexation Agreement among the City of Verona, North Neighborhood, LLC, Integra Investments, LLC, and Integra Investments II, LLC, subject to approval by the City Administrator and City Attorney. Motion carried 6-0.

- (6) Discussion and Possible Action Re: Resolution No. R-18-043 finding that the expansion of the Verona Urban Service Area to include 1.3 acres of land on the southeast side of the City is consistent with the Verona Comprehensive Plan and directing Staff to submit a request to expand the Verona Urban Service Area to include said lands. Motion by Reekie, seconded by Cronin, to approve Resolution No. R-18-043 finding that the expansion of the Verona Urban Service Area to include 1.3 acres of land on the southeast side of the City is consistent with the Verona Comprehensive Plan and directing Staff to submit a request to expand the Verona Urban Service Area to include said lands. This property is located in the Town of Verona, and will be purchased by the City in the future for use as a municipal well site. Motion carried 6-0.

D. Public Works/Sewer & Water Committee

- (1) Discussion and Possible Action Re: A developer agreement for Cathedral Point Phase 9. This phase of the development will take place on lands located at 2159 Range Trail Road.

Mr. Jacobson stated this is related to the Purple Cow property that the city wants for the new public works facility.

Mr. Kleinmaier stated this is unique because we are working in partnership with the developer. Part of the land in the annexation ordinance that will be coming forward in October will be land that the City of Verona plans to use as a site for a new public works facility, and the rest of the land will be incorporated into the existing Cathedral Point subdivision. The developer is looking for conditional approval now to be able to move forward with the project.

Motion by Touchett, seconded by Kemp, to approve a developer agreement for Cathedral Point Phase 9, conditioned upon the City and developer acquiring the property identified in the agreement, and subject to final approval by the City Administrator and City Attorney. Motion carried 6-0.

11. Old Business

- A. 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.

Mr. Mikorski explained that City staff met with the Verona Area School District (VASD) regarding the access road leading to the new high school, and would like to go into closed session to discuss the proposals provided to the City by VASD, and to gain direction from the Council as to how to proceed.

Mr. Kleinmaier stated the reason for going into closed session is that third party offers are now involved. This is different than when only the City and VASD were negotiating.

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 Cronin – Aye; Alder Jerney – Aye; Alder Kemp – Aye; Alder Kohl – Aye; Alder Reekie – Aye; Alder Touchett – Aye. Motion carried 6-0. The Common Council convened in closed session at 8:15 p.m.

CLOSED SESSION

Motion by Reekie, seconded by Touchett, to reconvene in open session. Motion carried 6-0. The Common Council reconvened in open session at 9:03 p.m.

Mayor Diaz stated we will be continuing negotiations, and thanked the third parties for acting in good faith throughout the negotiation process.

12. New Business

A. Discussion and Possible Action Re: An intergovernmental agreement with the City of Middleton for building inspection services. Until the city employs a building inspector, this agreement will allow the City to request Middleton building inspectors to provide inspection services on specific projects if the demand for inspection services is more than the current City inspectors can accommodate. The cost will be \$65 per inspection, plus mileage.

Motion by Touchett, seconded by Kohl, to approve an intergovernmental agreement with the City of Middleton for building inspection services. Motion carried 6-0.

B. Discussion and Possible Action Re: Approval of operator licenses. Motion by Kohl, seconded by Kemp, to approve operator license applications as presented by the City Clerk. Motion carried 6-0.

13. Adjournment:

Motion by Touchett, seconded by Kohl, to adjourn at 9:10 p.m. Motion carried 6-0.

Ellen Clark
City Clerk