

CITY OF VERONA
MINUTES
COMMON COUNCIL
January 11, 2021
Verona City Hall

Due to the COVID-19 pandemic, the Verona Common Council held its meeting as a virtual meeting. The Common Council did not meet at City Hall, 111 Lincoln Street. Members of the Common Council and Staff joined the meeting by using Zoom Webinar. Members of the public were able to join the meeting using Zoom Webinar via a computer, tablet, or smartphone, or by calling into the meeting via phone.

1. Mayor Diaz called the meeting to order at 7:03 p.m.
2. Pledge of Allegiance
3. Roll call: Alderpersons Kate Cronin, Charlotte Jerney, Chad Kemp, Katie Kohl, Christine Posey, Heather Reekie, Even Touchett, and Charlie Ryan were present. Also present: City Administrator Adam Sayre, City Engineer Carla Fischer, Public Works Director Theran Jacobson, Parks and Urban Forestry Director Dave Walker, and City Attorney Bryan Kleinmaier.
4. Public Comment:
 - Kyla Smith reiterated her concerns with the sewer protect and looks forward to hearing the discussion.
 - Paul Kunde thanked the Council and Public Works for their efforts in the sewer project. He expressed concerns for the lack of direction and preservation as well as the restoration plans.
 - Joe and Jocelyn Przywara voiced their concern for all the destruction that has happened during the sewer project and asked that the Council pause the project to look into the best ways to move forward without more destruction.
 - Kathy and Jeff Johnson echoed all the previously stated concerns. They would like to see the project taken in steps and after each step it will be reviewed.
 - Jennifer Johncox hopes that the City can restore the area and cultivate it to have the same natural feel.
5. Approval of minutes from the December 9, 2020 and December 14, 2020 Common Council meeting. Motion by Reekie, seconded by Ryan, to approve the minutes of the December 9, 2020 and December 14, 2020 Common Council meetings. Motion carried 8-0.
6. Mayor's Business: None
7. Announcements: None

8. Administrator's Report:

- Neighborhood Meeting for Eastside Interceptor Project will be on January 13th
- Martin Luther King Jr. Day – January 18th – Holiday
- Tourism Commission will meet on January 19th
- Alternate side parking is in effect until April 1st.
- Christmas tree pick-up is underway.
- Tax bills are out and City Hall is open for payments.

9. Engineer's Report:

Eastside Interceptor

- Traffic Control
 - Bruce Street is anticipated to be open to traffic on temporary pavement the week of January 11.
 - Bruce Street will be closed again in the spring to complete permanent roadway construction and restoration.
 - Ice Age Trail is detoured to S. Main Street to Military Ridge State Trail.
- Tunneling
 - Tunneling pits are beginning to be dug for the S. Main Street crossing.
 - Tunnel/pounding operations are anticipated to begin this week.
 - Tunneling/pounding operations will take anywhere from two to six weeks to complete, depending on site conditions encountered. A mailing was sent to adjacent properties on December 18, 2020.
- Rock excavation
 - None anticipated at this time
 - Test drilling and pits from Bruce Street to just north of S. Main Street initially indicate no bedrock within trench.
- Pipe installation
 - Gravity Sewer and MMSD Force Main is currently being installed between Bruce Street and S. Main Street and is anticipated to be installed in this segment by mid to late February.
- Clearing
 - Clearing and grubbing contractor has completed initial operations.
 - Plan to be back on site later this month or next month to complete the remainder of the work north of S. Main Street.
- Dane County work
 - Majority of the work will take place next summer.

Verona Area High School Construction – Traffic Improvements

All project roads are open to traffic with some traffic lane restrictions anticipated to complete remaining punchlist and re-work items. The contractor has been slowly completing this list and it is down to two tasks at this time.

The Woods At Cathedral Point Phase 1

A letter of acceptance and reduction of letter of credit will be prepared once the tally of the work deferred to 2021 has been prepared.

Major Design Projects

- Lincoln Street Stormwater Facility Design
Final design is progressing on the pond design and modeling, pond embankment (dam) design and permitting, and corresponding hydraulic and water quality modeling. The team is finalizing the 90% design documents with an anticipated project bidding in February. Notices have gone out to immediately adjacent property owners as part of the permitting process (this property is owned by the City and Dane County). In January, the City will be mailing notices to a larger group of adjacent property owners notifying them of a Public Information Meeting for the project.
- N. Main Street Water Main Replacement Design
90% plans are being finalized with an anticipated project bidding in February.

10. Discussion and Possible Action Re: Status and updates on the Eastside Interceptor Gravity Sewer Project

On January 6th, City Staff received information from the Friends of the Badger Mill Creek regarding the eastside interceptor gravity sewer project. Staff shared this information with the Council by email and in the Council packet. A neighborhood meeting for this project will be held on January 13th at 5:30 p.m. on Zoom. The meeting will include presentations and discussions by the City of Verona, Ice Age Trail Alliance, Madison Metropolitan Sewerage District (MMSD), and Dane County. The public will have the opportunity to ask questions after the presentations.

Information on this project is located on the City's website, which is updated as the project progresses. A significant amount of vegetation was removed as part of the project. The majority of trees removed were volunteer species such as cottonwood, box elder, willow, silver maple, elm, and mulberry. Further, this area also contained honeysuckle, buckthorn, and other invasive species. Regrettably there were a handful of oak trees that were within the project limits that were removed. Staff continues to work on restoration plans for the area and will present more information at the neighborhood meeting and at future meetings.

Staff has not had time to fully review and address the information from the Friends of the Badger Mill Creek, but will be able to address the items at a future meeting. The Council may want to consider referring this item to the Public Works Sewer and Water Committee for review and consideration. Further as the restoration plans are created, the Council may want to direct those plans to the Park Board for review.

Jacobson stated that the restoration plan was included in the packet. There are a variety of seed mixes that will be used. Currently, Staff is working on the types of trees and placement of these. He anticipated needing to do some blasting, but found out that bedrock did not exist here.

Ryan thanked the Friends of Ice Age Trail for all of their research.

Jacobson stated that the plan is to pave the path.

Walker stated that he is working with the Ice Age Trail committee to make sure things are maintained and how the area will be restored. The goal is for there to be two paths, one paved and the other is a natural Ice Age Trail. Regarding maintenance of the area, the City has the opportunity to burn every few years which will help to keep invasive species out. They could also mow once a year.

Diaz asked if Walker could put together a preliminary budget for what this restoration entail.

Ryan stated that the Sustainability Task Force has recently been talking about having volunteers from the community do some clean up and maintenance work around the trails.

Walker replied that was a possibility.

Motion by Cronin, seconded by Jerney, to refer the restoration and maintenance to the City's Parks, Recreation and Forestry Commission. Motion carried 8-0.

Motion by Cronin, seconded by Jerney, to refer the project to the Public Works Committee for further consideration and possible recommendation on the project. Motion 8-0.

11. 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 \$17,684,117.25. Motion carried 8-0.

B. Plan Commission

- (1) Discussion and Possible Action Re: Resolution No. R-21-001 approving a conditional use permit for an event center located at 1105 Laser Street, Suite 101

The Plan Commission held the required public hearing on January 4, 2021 and discussed the project. Comments from the Plan Commission included who is the tenant for the other portion of the building, will there be outdoor music, and an agreement that this is a good location for an event center even if there is music. The Plan Commission voted 7-0 to recommend approval of the CUP.

Motion by Kohl, seconded by Reekie, to approve Resolution No. R-21-001 approving a conditional use permit for an event center located at 1105 Laser Street, Suite 101. Motion carried 8-0.

- (2) Discussion and Possible Action Re: Resolution No. R-21-002 approving a certified survey map to create two (2) lots located at 200 Keenan Court

The proposed certified survey map will create two (2) lots from the existing one (1) lot at 200 Keenan Court. The Plan Commission voted 7-0 that a certified survey map be approved to subdivide one (1) lot into two (2) lots located at 200 Keenan Court with the following conditions:

1. A shared access easement agreement is recorded for the two (2) lots to allow access for the new Lot 2.

2. A shared parking agreement to allow Lot 1 and Lot 2 to utilize the same parking.

Motion by Kohl, seconded by Jerney, to approve Resolution No. R-21-002 approving a certified survey map to create two (2) lots located at 200 Keenan Court with the condition specified. Motion carried 8-0.

- (3) Discussion and Possible Action Re: Planned unit development (PUD) concept plan review for a two (2)-story, forty-eight (48) apartment units in two (2) buildings located on the northern side of Prairie Oaks Drive east of the Goddard School.

The applicant is proposing a Planned Unit Development (PUD) concept plan that would allow for the construction of forty-eight (48) apartment units in two (2) buildings. The Plan Commission discussed the project on January 4, 2021. Comments from the Plan Commission included questions if an electric vehicle charging station would be installed, support for installing conduit for an electric vehicle charging station if charging stations aren't installed at the onset, support for the playground, support for the reduction in the setbacks, verification regarding multi-family proposals in the area, support for the overall appearance of the building, encouragement that this is a good land use for this site, emphasized the importance to involve the northern existing residential neighbors throughout the process, and encourage trees and landscaping between the existing neighboring properties. The Council is encouraged to provide feedback and recommendations to the applicant on the concept especially as to whether multi-family will be supported for this property. No formal motion is required as this is the conceptual review of the project.

Jerney likes this project and asked about the density of the project.

Sayre responded that it has 48 units on 2 acres, which is 24 dwelling units per acre. This is comparable to the Prairie Oaks neighborhood.

Posey and Kemp stated that it is a good use for the site.

Reekie asked if the developer had thought about having bigger units for families and wondered if only one access point could be an issue.

Sayer stated that it comes down to a cost issue. Staff has no issues regarding the single access point to the site.

C. Public Works/Sewer and Water Committee

- (1) Discussion & Possible Action Re: Easements and agreement at 1401 Northern Lights Road

The two easements will be located on City of Verona property north of the City quarry on Northern Lights Road (near the intersection of Northern Lights and County Highway PD).

- One easement is between the City and Epic, and allows Epic to construct a substation and related facilities within the easement area. The City agreed to

allow Epic to construct and locate the substation in this area per an agreement previously executed by the parties.

- The second easement is between the City and American Transmission Company (ATC). This easement allows ATC to construct a substation and transmission facilities within the easement area. ATC is paying the City \$362,500 for the easement.

Also included is a supplemental agreement to the two easements. The easement areas for the ATC easement and the Epic easement will be immediately adjacent to one another, and there will also be an overlap for access purposes. In effort to keep the City from getting in the middle of any possible disputes regarding the easements, the supplemental agreement provides certain protections for the City.

Motion by Touchett, seconded by Ryan, to approve the easements and agreement at 1401 Northern Lights Road contingent upon City Administrator and City Attorney approval. Motion carried 8-0.

(2) Discussion & Possible Action Re: Professional services agreement with Bakery Tilly for rate analysis for stormwater utility

This agreement with Baker Tilly is to perform a financial forecast for the stormwater utility to determine rate changes due to operational budgets and capital improvement projects. The last rate change study for the stormwater utility was presented on July 23, 2018. The rate changed from \$53 (created in 2011) to \$66 (R-18-046 on Sept. 10, 2018). This agreement is not to exceed \$6,000.

Motion by Touchett, seconded by Kemp, to approve the professional services agreement with Bakery Tilly for rate analysis for stormwater utility not to exceed \$6,000. Motion carried 8-0.

(3) Discussion & Possible Action Re: Professional services agreement with Bakery Tilly for rate analysis for sanitary sewer utility

This agreement with Baker Tilly is to perform a financial forecast for the sewer utility to determine rate changes due to operational budgets and capital improvement projects. The last rate change study for the sewer utility was presented in June of 2016. Rates were modified under Ordinance R-19-876. This agreement is not to exceed \$6,000.

Motion by Touchett, seconded by Kemp, to approve the professional services agreement with Bakery Tilly for rate analysis for sanitary sewer utility not to exceed \$6,000. Motion carried 8-0.

(4) Discussion & Possible Action Re: Professional services agreement with AECOM for Project ID 2020-116.2 CTH M / CTH PB Intersection Expansion design

This agreement with AECOM is for the phase 2 elements for the CTH PB / CTH M intersection expansion due to the increased traffic volumes in the region and more specifically within the TID 8 boundary. This agreement includes design, plan

development, permitting, project manual and bidding services. The agreements are split into phases: Field survey (approved on October 26, 2020) to expedite the work prior to winter months and design.

This agreement is not to exceed \$158,595.

Motion by Touchett, seconded by Ryan, to approve the professional services agreement with AECOM for Project ID 2020-116.2 CTH M / CTH PB Intersection Expansion design not to exceed \$158,595. Motion carried 8-0.

12. Old Business

- A. Discussion and Possible Action Re: Public Improvements Agreement for TID 8 between the City of Verona and ANOREV LLC and associated Escrow Agreement between the City of Verona and ANOREV LLC

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

The proposed public improvement and escrow agreements will provide for public improvements for Tax Increment Financing District #8 (District) located in the Verona Technology Park. Road improvements associated with these agreements include updates to CTH PB/CTH M including the signalization of the off-ramps on 18/151, and turning lane improvements at CTH PB and CTH M. The agreement also provides a water loop that will help fortify the water supply for existing and future business within the District.

Staff and the City Attorney have negotiated terms for this agreement. Per the public improvements and escrow agreements, ANOREV LLC will deposit \$2,035,000 with the City in order to pay the public improvement costs. After all the public improvements are completed, the City and ANOREV LLC will true-up the final actual costs of the project. Then, using tax increment from the District, the City will reimburse ANOREV up to the final actual costs of the project (estimated at \$2,035,000) by paying, on an annual basis, 90% of the available tax increment generated within the District to ANOREV. All public improvements will be complete by the end of 2022.

Staff recommends approval of the public improvements agreement for TID 8 between the City of Verona and ANOREV LLC and approval of the associated escrow agreement between the City of Verona and ANOREV LLC.

Motion by Touchett, seconded by Posey, to approve the Public Improvements Agreement for TID 8 between the City of Verona and ANOREV LLC and associated Escrow Agreement between the City of Verona and ANOREV LLC. Motion carried 8-0.

B. Discussion and Possible Action Re: City Clerk retirement agreement

The Common Council may convene in a closed session for discussion and possible action regarding the City Clerk retirement agreement as authorized by Section 19.85(1)(c) of the Wisconsin Statutes to consider employment, promotion, compensation or performance evaluation data of any public employee subject to the jurisdiction or authority of the City of Verona; and Section 19.85(1)(e) for the deliberation of or negotiation for purchase of public properties, investment of public funds, or conduct of other specific public business, whenever competitive or bargaining reasons require a closed session. The Common Council may reconvene in open session to discuss and take action on the subject matter discussed in the closed session.

Motion by Touchett, seconded by Ryan, to convene in a closed session for discussion and possible action regarding a retirement agreement for the City Clerk as authorized by Section 19.85(1)(c) of the Wisconsin Statutes to consider employment, promotion, compensation or performance evaluation data of any public employee subject to the jurisdiction or authority of the City of Verona; and Section 19.85(1)(e) for the deliberation of or negotiation for purchase of public properties, investment of public funds, or conduct of other specific public business, whenever competitive or bargaining reasons require a closed session. 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 Touchett – Aye; Alder Jerney – Aye; Alder Ryan – Aye; Alder Reekie – Aye; Alder Kohl – Aye; Alder Posey – Aye; Alder Kemp – Aye. Motion carried 8-0. The Common Council convened in closed session at 8:35 p.m.

CLOSED SESSION

The Common Council reconvened in open session at 8:42 p.m.

Kemp thanked Clerk Ellen Clark for her service to Verona for the past five years.

Diaz also thanked Clark for her work and dedication.

Motion by Touchett, seconded by Cronin, to approve the City Clerk retirement agreement. Motion carried 8-0.

13. Adjournment:

Motion by Kohl, seconded by Touchett, to adjourn at 8:45 p.m. Motion carried 8-0.

Kayla Martin
Deputy City Clerk