

CITY OF VERONA
MINUTES
COMMON COUNCIL
May 10, 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 7:01 p.m.
2. Pledge of Allegiance
3. Roll call: Alderpersons Kate Cronin, Charlie Ryan, Katie Kohl, Phil Hoechst, Heather Reekie, Christine Posey, Chad Kemp, and Evan Touchett were present. Also present: City Administrator Adam Sayre and City Engineer Carla Fischer.
4. Public Comment:
 - Jo Tucker, lives on Shady Oak Lane in the Town of Verona where she has lived for 55 years and presented a map to the Council. Tucker shared her thoughts on the proposed project on CTH PD. The map illustrated the general business district (City center), Epic's land, and the remaining area between the Marty property and City center is the quarry and Town of Verona subdivision. The proposed development is not connected physically or social way to the City. This proposal is separated from the City of Verona. This is at odds for the smart growth principles of infill urban development. This property has grown alfalfa, corn, oats, and dairy cows with very productive land. The remaining farms should be preserved.
 - Chris Ehlers, Veridian Homes, and Brian Munson, Vandewalle and Associates, presented their proposed development for the Marty Property on CTH PD. The development contains 292 single family homes, 16 twin homes, 92 havens/senior twin homes, and parks and open spaces. They went over their guiding principles for this development of housing variety that includes various housing prices and active adult housing, vibrancy includes parks, trails, and pickleball courts, and sustainability focusing on stormwater and acknowledged they are a Green Tier member. This area is located in the Northwest Neighborhood Plan with low density residential. This development will be built out over roughly ten (10) years. There is a stormwater corridor through the neighborhood allowing sprinkling of parks in the neighborhood. Twin homes will be the entry-level home buyer with the Haven Home that is targeted to 55+ age brackets, but not restricted. Carriage lane homes are

offered as well as single family homes. They showed a pie chart of the housing types. The development would occur from CTH PD to the north over ten (10) years. The first home closing won't occur until 2023 or 2024. The development densities are similar to the Woods at Cathedral Point.

5. Approval of minutes from the April 20, 2021 Common Council Organizational meeting and the April 26, 2021 Common Council meeting.

Motion by Reekie, seconded by Ryan, to approve the minutes of the April 20, 2021 Common Council Organizational meeting and the April 26, 2021 Common Council meeting. Motion carried 8-0.

6. Mayor's Business: None

7. Announcements: None

8. Administrator's Report:

- Upcoming Meetings/Events

- Senior Services Committee – May 11th
- Joint Review Board Annual Meeting on May 12th is for the review of the TIF district.
- Tourism Commission is tentatively planned for May 18th
- Open Book – June 1st – 3:00 P.M. to 5:00 P.M. by phone or Zoom appointment
- Board of Review – June 16th – 6:00 P.M. which will last at least two hours to 8 P.M. or longer.

- Library Hours

Starting on Monday, May 17th the Library will be expanding their hours which are listed in the Administrator's report.

- Drug Take Back Results

On April 24, 2021, the Verona Police Department collected over 300 pounds of prescription medication during the Spring Drug Take Back event. The event was a success for the community. Thank you to the Police Department for putting on this event.

- Military Ridge State Trail

City Staff continues to have conversations with the Department of Natural Resources (DNR) and Association of Wisconsin Snowmobile Club regarding paving portions of the Military Ridge State Trail that are located in the City limits. These meetings have been ongoing for the last two (2) years. Staff is hopeful to have some resolution on the matter sometime in 2021.

- 2022 Budget

Staff has passed out to the Finance Committee the 2022 budget calendar. Please contact the City Administrator if you would like a copy of the calendar.

9. Engineer's Report:

- Eastside Interceptor

- Traffic Control

- Bruce Street is now open as of late Friday.
- Pipe installation
 - Crews are continuing to install gravity sewer and MMSD force main to the east of the Badger Mill Creek horseshoe area (South Main Street) and past the Lincoln Street bridge. Crews anticipate having pipe past the Lincoln Street bridge by the middle of May and will be continuing to work east towards Arbor Vitae Place.
- Site Restoration
 - Seed restoration is planned for the end of this week.
 - Bruce Street curb and gutter construction was completed on April 29th. There was a figure included that shows the curb and gutter and sidewalk placement on Bruce Street.
- Dane County Work
 - Majority of the work will take place this summer (2021), starting as early as mid-June.
- Neighborhood Progress Meetings
 - The next neighborhood progress meeting will be held on May 19th by project staff.

Major Design Projects

- Lincoln Street Stormwater Facility Construction: The primary activity will continue to be excavation. About 17% of the excavation has been completed as shown in Figure 2. The contractor is projecting excavation to continue through May and into the first week of June, depending on weather. The site fared well after the 1.4 inches of rain on May 3rd.

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 \$4,705,041.51. Motion carried 8-0.

B. Plan Commission

- (1) Discussion & Possible Action Re: Resolution R-21-023 approving a conditional use permit amendment to allow for the expansion of outdoor seating located at 1010 Enterprise Drive

The Plan Commission held the required public hearing on May 3, 2021 and voted 7-0 to recommend the Common Council approve the conditional use permit.

Motion by Kohl, seconded by Posey, to approve Resolution R-21-023 approving a conditional use permit amendment to allow for the expansion of outdoor seating located at 1010 Enterprise Drive. Motion carried 8-0.

- (2) Discussion & Possible Action Re: Resolution R-21-024 approving a precise implementation plan for a planned unit development for two (2), three (3)-story buildings containing 100 apartment units located at 1000 Wild Willow Way

The Plan Commission held the required public hearing on May 3, 2021 and discussed

the project. Comments from the Plan Commission included verification that the apartments are market rate, why is there a condition of approval for the parking, verification that the parking numbers match what is typical for the City, how do people cross CTH M to access the Ice Age Trail, and the location of a park in proximity to the apartments. The Plan Commission voted 7-0 to recommend the Common Council approve the PIP for 1000 Wild Willow Way for two (2) apartment buildings with the following conditions:

1. Lighting shall not exceed 0.4 footcandles at the property line and additional lighting should be provided for the walkways into the buildings.
2. Parking will be reduced to a minimum of 171 parking stalls.

Motion by Kohl, seconded by Posey, to approve Resolution R-21-024 approving a precise implementation plan for a planned unit development for two (2), three (3)-story buildings containing 100 apartment units located at 1000 Wild Willow Way with the conditions specified. Motion carried 8-0.

- (3) Discussion & Possible Action Re: Ordinance No. 21-979 approving the annexation of approximately 19.708-acres to the City of Verona located at 7291 CTH PD, Good Shepherd Lutheran Church

The Plan Commission reviewed the annexation on May 3, 2021. Comments from the Plan Commission discussion included verification that the property is being served by well and septic and that it could continue to be served if annexed, and why the property owner wants to annex. The Plan Commission voted 7-0 to recommend the Common Council approve the annexation.

Reekie asked what the answers were to the above questions.

Sayre answered that the property is currently served by well and septic and it can continue to be served until replacements are made in the future. They wanted to be annexed into the City to have a greater say in the City in the future and we also have the ability to move faster than the State can for building inspections as they are doing some remodeling.

Touchett asked who was covering the annexation fees.

Sayre stated that Good Shepard paid the fees to the state to petition, the application fee with the City, and the attorney cost. They don't pay any taxes as they aren't taxed. Typically a property that is being annexed is required to pay five (5) years' worth of taxes for an annexation.

Motion by Kohl, seconded by Touchett, to approve Ordinance No. 21-979 approving the annexation of approximately 19.708-acres to the City of Verona located at 7291 CTH PD, Good Shepherd Lutheran Church. Motion carried 8-0.

- (4) Discussion & Possible Action Re: Initial review to develop approximately 142-acres of land with 74 carriage lane accessed homes, 218 street accessed homes, 16 twin homes, and 92 Haven twin homes located north of CTH PD and west of Shady Oak

Lane called the Marty property

The applicant has submitted a request for an initial concept review of the approximately 142-acres that would contain approximately 292 single-family homes and 108 twin homes. This project would contain Haven twin homes, which is a home that caters towards seniors. This project requires various approvals including annexation, developer agreements, and plan approvals. Comments from the public were received by email prior to the Plan Commission meeting were included in the Council packet. Comments from the Plan Commission included how do carriage lanes affect setbacks, are there discussions with the school system to ensure that the school can handle additional growth, agreement that the land is not a natural landscape due to plowing, how are the alleys maintained, what is the timeline for amenities such as restaurants and commercial to develop in this area, one person stated they do not like private alleys, openness to this kind of development as there is a demand for single-family homes, recommend installing electric vehicle 240 volt outlets in all garages, how can the age restricted senior housing option be enforced, this is the correct amount of density, this area is a good area for development as trees do not have to be cut down, prefer to have more experience with the alleys in Verona before approving additional alleys, mixed views regarding the age restricted housing due to enforcement and lack of amenities in the area much less walkable amenities, and the parks amenities proposed are good for the proposed age restricted housing.

The Council is encouraged to provide feedback and recommendations to the applicant in addition to answers for the following items:

1. Does the City support development in this area?
2. Is the overall design and amount of density for the property supported?
3. If the answer is yes to the above questions, will private alleys be supported?

Kemp stated that he really likes the mix of the housing that is in this plan. This property is good for housing stock and the City will need it. He is a little concerned about the alleys with snow removal. Overall, he is in favor because of the different housing stock.

Touchett echoed what Kemp said. He is happy to see houses and not apartments. Alleys are interesting. He suggests installing the 240 volt circuit available for the infrastructure in the garage for electric vehicles. He is in favor.

Cronin stated that she does not like private alleys as her District has this problem for snow removal. She is not in favor of this development in this area and wants infill development as this is very disjointed from the City. She feels the land is too far out there to develop at this moment. If there was a vote, she would not be in favor.

Kohl is not a fan of private alleys. We, as a City, cannot tell the land owners who to sell their land to or how to use it. If they want to sell it or preserve it as farmland, they are allowed to do it, but the City doesn't have a say in that.

Reekie asked if there was a way that the City could plow the alley instead of it being

privately done. She also likes the meandering streets because it slows traffic.

Ryan is not a fan of alleys. Agree with the infill comment.

Hoehst asked if the roads (Shady Oak Lane) that are there will be able to withstand the rise in traffic that this subdivision could bring. Where would these children go to elementary school?

Sayre answered that ultimately there are things, like the roads, that we would have to look at if this project goes forward. CTH PD may need turn lanes and Shady Oak Lane will have to be reviewed as it is a Town of Verona road. He doesn't know what school elementary school children would attend.

Posey likes the variety of housing. She is on the fence regarding the private alleys. She also stated that she loves the parkland especially the long parkland.

Diaz stated that he does not like private alleys and we should avoid public safety problems. Alleys should be public and the City would have to have a plow to address the snow. He does like the variety of housing. The parkland has a lot of potential. He strongly favors the 240 volt outlets for future charging stations for electric vehicles. The City has been doing a lot of infill development especially on Verona Avenue.

- (5) Discussion & Possible Action Re: Ordinance No. 21-980 repealing and recreating Title 13, Chapter 1 of the Zoning Code of Ordinances approving a comprehensive rewrite of the Verona Zoning Code and map amendments to the Official Zoning Map for properties in the City of Verona

For the last 18-months Staff and the Plan Commission have been working with Houseal Lavigne to rewrite the City's Zoning and Sign Ordinance which was adopted in 1996. The proposed Ordinance is user friendly and is intended to be easy to read. Throughout the rewrite process the City has held a workshop, public hearings, and public comments on the draft Ordinance. Many of the comments received have been incorporated into the new Ordinance. The Plan Commission held the public hearing on April 7, 2021 and voted 7-0 on May 3, 2021 to recommend for the approval of repealing and recreating the City's Zoning and Sign Ordinance.

Diaz asked if someone's property is zoned to a conforming use, does the property owner have to do anything under these rules.

Sayre replied they would be legal nonconforming land use. They are allowed to continue the use until they make substantial changes causing them to come into conformity. If is a land use issue, they have to stop using for a one (1) year time period for the grandfathering to cease. If is a structure, it follows the 50% rule. If they had 50% to the structure or value, it would then trip the requirement.

Motion by Kohl, seconded by Touchett, to approve Ordinance No. 21-980 repealing and recreating Title 13, Chapter 1 of the Zoning Code of Ordinances approving a comprehensive rewrite of the Verona Zoning Code and map amendments to the Official Zoning Map for properties in the City of Verona. Motion carried 8-0.

C. Personnel Committee

- (1) Discussion and Possible Action Re: Resolution R-21-025 approving an amendment to the 2021 City of Verona Utility Budgets to fund a Utility Superintendent position.

This is a request from the Director of Public Works. This is a position that we do need to have at this time. The Committee met and discussed it deciding to move the recommendation to the Council.

Motion by Touchett, seconded by Reekie, to approve Resolution R-21-025 approving an amendment to the 2021 City of Verona Utility Budgets to fund a Utility Superintendent position. Motion carried 8-0.

D. Public Works/Sewer and Water Committee

- (1) Discussion & Possible Action Re: Ordinance No. 21-981 relating to Water Utility Rates

The City Attorney and City Staff have prepared the Ordinance to update the language based upon the last tariff that was approved by the Public Service Commission. Ultimately, the water tariff provides the governing language for the water rates and rules. The past Ordinances copied the tariff so the same language was in two places. This Ordinance references the water tariff instead of copying it. This ensures there are no inconsistencies in the language. This is common practice as other communities have modified their Ordinances in the same manner. This just cleans up the language in the Ordinance. There are no changes to water rates due to this Ordinance.

Motion by Touchett, seconded by Ryan, to approve Ordinance No. 21-981 relating to Water Utility Rates. Motion carried 8-0.

- (2) Discussion & Possible Action Re: Change order no. 3 for Project ID 2018-108 Eastside Interceptor Replacement

Change order no. 3 for the eastside interceptor project is for additional work required as part of Project B which is Dane County facilitated and financed project components. This change order has no financial impact to the City or MMSD.

The change order is to include temporary seeding and mulching. The amount of this change order is \$3,808.00 bring a total of \$7,771,917.60.

Motion by Touchett, seconded by Ryan, to approve change order no. 3 for Project ID 2018-108 Eastside Interceptor Replacement. Motion carried 8-0.

- (3) Discussion & Possible Action Re: Professional services agreement with JT Engineering for construction engineering / inspection services at the Woods at Cathedral Point Phase 2 project

JT Engineering is also performing the construction engineering / inspection services for this phase. This is a pass-through cost to the developer. They are continuing to help us do work.

Motion by Touchett, seconded by Kemp, to approve a professional services agreement with JT Engineering for construction engineering / inspection services at the Woods at Cathedral Point Phase 2 project, not to exceed \$64,852.50 and contingent upon legal counsel review of the contract language and approval of the Developer Agreement for Phase 2. Motion carried 8-0.

11. New Business

- A. Discussion and Possible Action Re: Annexation agreement between Good Shepherd Evangelical Lutheran Church and the City of Verona.

This is the annexation agreement for the recently approved annexation from tonight. The agreement includes language addressing future access and utilities to the property. Both City Staff and the Church are comfortable with the terms of the agreement. Staff recommends approval of the annexation agreement by the Common Council.

Reekie asked if the septic system fails who will pay for the clean-up.

Sayre stated that they would pay for the hook up for the City's sewer at that point. But there wouldn't be really any clean-up needed.

Motion by Touchett, seconded by Kohl, to approve an Annexation agreement between Good Shepherd Evangelical Lutheran Church and the City of Verona. Motion carried 8-0.

- B. Discussion and Possible Action Re: Developer's agreement for the Woods at Cathedral Point Phase 2 public improvements.

This is a development agreement with Veridian for phase 2 for the Woods at Cathedral Point. Initial phase 2 will commence on May 17th of 2021 and will be substantially completed on or about September 3, 2021, pending permit approvals. Phase 2 will include 32 lots.

Staff recommends the Common Council approve the Developer's agreement for Phase 2.

Motion by Touchett, seconded by Kemp, to approve the developer's agreement for the Woods at Cathedral Point Phase 2 public improvements. Motion carried 8-0.

- C. Discussion and Possible Action Re: Resolution No. R-21-026 approving renewing and funding of the Knowles-Nelson Stewardship Program

The proposed resolution will support the renewal and funding of the Knowles-Nelson Stewardship Program for another ten (10) years as part of the State budget. The Stewardship Program is a major funding source for the Ice Age National Scenic Trail. The City has benefitted from these funds in the past for purchasing additional land for Fireman's Park.

Staff recommends the Common Council approve Resolution No. 21-026 to support renewal and funding of the Knowles-Nelson Stewardship Program.

Motion by Touchett, seconded by Reekie, to approve Resolution No. R-21-026 approving renewing and funding of the Knowles-Nelson Stewardship Program. Motion carried 8-0.

- D. Discussion and Possible Action Re: Resolution No. R-21-027 requesting a Dane County PARC and Ride Grant and requesting Dane County to exercise its municipal park powers within the City.

This is a resolution that is required as part of the Dane County PARC and Ride grant program. Staff is working on a grant that the County administers for the Eastside Inceptor. We need to have authorization from the Common Council in order to submit that grant. This resolution is one of those requirements before we submit the application before the June 1, 2021 deadline. If awarded, the program can provide up to fifty (50) percent matching funds to the path project.

Touchett thinks this is a fantastic idea to get our tax dollars back into Verona.

Motion by Touchett, seconded by Kemp, to approve Resolution No. R-21-027 requesting a Dane County PARC and Ride Grant and requesting Dane County to exercise its municipal park powers within the City. Motion carried 8-0.

12. Adjournment:

Motion by Touchett, seconded by Kemp, to adjourn at 8:13 p.m. Motion carried 8-0.

Kayla Martin
Deputy City Clerk