

CITY OF STOUGHTON  
OFFICIAL MINUTES OF THE  
COMMON COUNCIL

Date/Time: Tuesday, October 28, 2014 @ 7:00 P.M.

Location: Council Chambers at the Public Safety Building (2nd floor)

Members: Michael Engelberger, Sid Boersma, Ron Christianson, Eric Hohol, Greg Jenson, Paul Lawrence, Tom Majewski, Tom Selsor, Tricia Suess, Tim Swadley, Sonny Swangstu, Pat O'Connor

Mayor Olson presided at the Regular Meeting of the Common Council of the City of Stoughton, Dane County, Wisconsin, held in the Council Chambers, Public Safety Building, on October 28, 2014.

CALL TO ORDER: Mayor Olson called the meeting to order at 7:00PM.

Roll Call, Communications, and Presentations: Clerk Lana Kropf called the roll and noted that all 12 alders were present.

The clerk gave an update on the status and numbers of absentee voting thus far.

Mayor Olson mentioned that the WIS DOT will be available in the Council Chambers on Monday, November 3, 2014 at 5pm to talk about the resurfacing HWY 51.

Kettle Park West Update

Plan Director Scheel noted that the GDP amendment request and SIP items were discussed at the October 27, 2014 Plan Commission meeting. He also note that all of those items except the SIP on Kwik Trip has been tabled to the Monday November 3, 2014 Plan Commission meeting, time and location had not yet been determined.

Minutes and Reports: The following minutes and reports were entered into the record: Arts Council Minutes 7/21/2014, Arts Council Minutes 9/15/2014, Housing Authority Minutes 7/30/2014, Landmarks Committee Minutes 9/11/2014, Special Landmarks Committee 9/17/2014, Finance Committee Minutes 9/23/2014, Police & Fire Commission 10/6/2014, Public Works Minutes 9/29/2014, Utilities Committee Minutes 10/20/2014, Utilities Committee Minutes 9/15/2014, Utilities Report, and Treasurer's Report

Public Comment Period:

Robert Jensen; 1960 Quam Pt Rd; Spoke in opposition of the Kettle Park West (KPW) Development.

Laura Trotter; 2156 Fallen Oak Trl; Spoke in favor of the Kettle Park West Development.

Roger Springman; 812 Kriedeman Rd; Spoke in opposition of the Kettle Park West. Development and the Economic Impact Study (EIS).

Dennis Kittleson; 109 E Taft St; Spoke in opposition the EIS.

Mary Fons; 500 S Page St; Spoke in opposition of the EIS.

Erica Dial; 3791 Grouse Haven Rd; Spoke on behalf of Chamber of Commerce; Spoke in favor of the KPW Development.

Christa Westerberg; 333 E McKinley St; Spoke in opposition of the EIS.

John Hallinan; 109 W Prospect Ln; Spoke in opposition of the EIS.  
Franco Parisi; 3718 Halverson Rd; Spoke in opposition of the EIS.  
Terry Parisi; 3718 Halverson Rd; Spoke in opposition of the EIS.  
Cheryl Elkinton; 109 Ashberry Ln; Spoke in opposition of the EIS.

Alder Hohol called point of order. Hohol questioned the practice of reading emails in Public Comment. Lawrence stated that stating the name and the address of the emailer should not be simply stated but it should be read into the record as well.

Roger Thompson; 1216 E Academy St;  
Heather Hasenstein; 217 W Broadway St;  
Charles Busch; Spoke in favor KPW.  
Marlene Windra; Spoke in opposition of KPW and the EIS.

## **CONSENT AGENDA**

### **Approval of the October 14, 2014 Council minutes**

Selsor requested that the Minutes of October 14, 2014 be removed from the consent agenda. Selsor then addressed the minutes regarding R-120-2014. Motion by Selsor to amend the minutes for the motion for R-120-2014 to read “ Lawrence then made a motion to convene a Committee of the Whole session for October 21, 2014 to specifically discuss what we’re looking for in addition to what’s provided for information for the company doing the Economic Impact Study.” Motion to amend the minutes carried 11-0 on a roll call vote, with Alder Hohol abstaining. Motion by Lawrence to approve the amended minutes, second by Boersma. Motion carried 11-0 on a roll call vote, with Hohol abstaining.

## **OLD BUSINESS**

**R-120-2014-** Discussion and action with regards to council acceptance of the Maxfield economic impact study as currently submitted.

Swadley called point of order, stating that if something goes to the Committee of the Whole, it should be recommended by the Committee of the Whole and it was not. Hohol stated that he had requested this motion to be on the agenda per Common Council rules. Mayor Olson then concluded that Hohol had made this request and the agenda placement was allowed by the Council rules.

Motion by Hohol, second by Lawrence to take the motion to approve the resolution R-120-2014, which was tabled at the October 14, 2014 Common Council meeting, from the table for discussion, action and approval. Motion carried 8-3 on a roll call vote with Selsor abstaining. Hohol stated that the motion was back on the table from the October 14, 2014 agenda that read “R-120-2014: Deeming that the Common Council has received an appropriate Economic Impact Study for the proposed Kettle Park West Development.” Attorney Dregne then stated that the motion was now pending before the Council.

Motion by Boersma to amend the original motion by including: “that we the Council require the Maxfield Research Group provide the Council the following additional information and research as adjunct to the report of the current Economic Impact Study. 1) A thorough analysis of the anticipated costs of the infrastructure with full build-out in Phase I, in areas of Police, Fire, and EMS services for Stoughton. 2) Study and analysis about arrangements that other Cities in Wisconsin similar in size of the City to Stoughton have their Wal-Mart Super Centers and the fees these cities are paid not related to TIF funding, especially in the City of Monona. 3) Names of the four properties now with contracts in the KPW project. In the absence of names, the types of businesses 4) Results of a survey of approximately one half of the stores in Stoughton to be directly affected by Wal-Mart Super Center. Survey to be conducted in person or by mail or email or telephone with the questions of ‘how will the Wal-Mart affect you and your business and the percentage of lost revenue you anticipate with the new Super Center’. Further my motion is that this information is to be provided to this Council within two weeks of today.”

Second by Selsor. Hohol stated that he will not support the amendment because the additional work wouldn’t change the outcome, per Mary Bujold. Christianson agreed stating that the amendment of the motion is asking what has already been answered and more than what is needed. Engelberger supported the amendment, and felt that few people thought the current study was comprehensive. Hohol that noted that the Economic Impact Study is to determine the impact on the whole community, not just one business. Lawrence stated that he is also against the amendment. He stated that he disagrees with the four points of the amendment that Boersma brought forward.

Motion by Swangstu to call the question, second by Lawrence. Motion carried 9-2 by roll call vote, with Selsor abstaining. Motion to amend the original motion fails on a tie roll call vote with the Mayor breaking the tie by voting no.

Motion by Swadley to amend the original motion to include: “Provide a complete list of comprehensive facilities in the primary and secondary trade areas; Identify the amount of revenue that may be lost to existing competitive facilities; Complete the list of available commercial property and evaluate impact of current business if relocating, analyze current and future property values, absorption rates; Inventory any other pending retail developments in PMA (Primary Market Area) and assess impacts to KPW (Kettle Park West); Update job figures including net gains and net losses of other identified tenant or future business types included in Phase I Development Plan; Complete impact and mitigation section for any identified tenant or future business types included in Phase I Development Plan; and Include mitigation measures if Pick N Save, Co-op, liquor stores, car wash, banks, C-stores, restaurant and any other identified tenant or future business types included in Phase I Development Plan relocate or go out of business”, second by Majewski. Swadley then explained that the amendment brought forward is to include these items in the study that were in the proposal, but were not completed. Selsor agreed that the council needs to get more information. Hohol stated that this additional information is only going delay the development further and wouldn’t change the study. Christensen noted that some of the Council members do feel that they have enough information to make this decision. Engelberger stated that the Council needs more information to be credible and transparent. Motion to amend the main motion fails on a roll call vote of 6-6. Mayor Olson broke the tie by voting no.

Motion by Swadley, second by Selsor to table this item and refer it to the Committee of the Whole to complete a list to bring back to the Council so we can complete the study. Motion to

table fails on a 6-6 roll call vote with Mayor Olson voting no.

The original motion was re-read stating "R-120-2014: Deeming that the Common Council has received an appropriate Economic Impact Study for the proposed Kettle Park West Development." Motion carried by a roll call vote of 6-6. Mayor Olson broke the tie by voting aye.

Selsor then called a point of order

Mayor Olson then called for a ten minute break at 9:00pm and called the meeting back to order at 9:10PM.

## **NEW BUSINESS**

**R-122-2014-** Authorizing and directing the proper city official(s) to recommend and approve the vacating of the alley in the 700 block behind Clyde St (between Johnson St & Harrison St.) Motion by Majewski to table this item until reviewed by the Public Works committee before it is brought back to Council to discuss, second by Lawrence. Motion carried unanimously by acclamation 12-0.

**R-129-2014-** Authorizing and directing the proper city official(s) to recommend and approve the Brush Collection Policy. Motion by Majewski, second by Swadley to approve the resolution R-129-2014. Motion carried unanimously by acclamation 12-0.

**R-132-2014-** Authorizing and directing the proper city official(s) to recommend and approve the City of Stoughton Fund Balance Policy. Motion by Christianson, second by Jenson to approve resolution R-132-2014. Motion carried unanimously by acclamation 12-0.

**R-126-2014-** Authorizing and directing the proper city official(s) to write off the 2008-2013 Delinquent Personal Property Tax bills that have proven to be uncollectable and 2012 bills charged back for a total amount of \$1,812.05. Motion by Christianson, second by Jenson to approve resolution R-126-2014. Christianson stated that these are uncollectable due to the businesses being closed. Motion carried unanimously by acclamation 12-0.

**R-128-2014-** Approve the drug and alcohol testing policy for F.D.S. Enterprises, INC. Motion by Christianson, second by Swadley to approve resolution R-128-2014. It was noted that the resolution is criteria set forth by the state to implement to the taxi service. Motion carried unanimously by acclamation 12-0.

**R-131-2014-** Confirming the Mayor's Committee Appointment of Tricia Suess to the Stoughton Arts Council. Motion by Lawrence, second by Engelberger to approve resolution R-131-2014. Motion carried unanimously by acclamation 12-0.

**R-127-2014-** Confirming the Mayor's Committee Appointment of Greg Pigarerlli to the Landmarks Commission.

Motion by Engelberger, second by Lawrence to approve resolution R-127-2014. Motion carried unanimously by acclamation 12-0.

**O-26-14-** Proposed ordinance amendments to the City of Stoughton Municipal Code of Ordinances, Chapter 78, Section 78-105(5)(a)3b and to Appendix C. This ordinance is related to allowing outdoor storage as a conditional accessory use within the Planned Industrial district.

**FIRST READING**

**O-29-2014-** Proposed ordinance amending and restating the General Development Plan (GDP) Zoning Ordinance for the property at the Northwest corner of US Highway 51 and State Highway 138. (Kettle Park West Commercial Center.) **FIRST READING**

Attorney Dregne noted that this item was on the agenda for informational purposes only as a first reading. President Engelberger felt that this should not be on the agenda because it was tabled at the Planning Commission meeting. Hohol noted that this item was tabled at the meeting due to the Council having not yet agreed upon the Economic Impact Study. He also asked Attorney Dregne that if the plan commission recommended the same proposed ordinance should it be presented as a second reading and if there are changes to the ordinance it should be brought to the Council as a first reading. Majewski then moved to remove this ordinance as a first reading from the Council agenda until which point in time is it actually acted upon by planning commission, then it can come to the Council as a first reading, second by Suss. Boersma moved to amend this motion in include agenda items 14 and 16, second by Selsor. Boersma withdrew his motion, Motion carried unanimously by acclamation 12-0.

**O-28-2014-** Proposed ordinance approving a Specific Implementation Plan (SIP) on the North Side of STH 138 and West of USH 51 (Kwik Trip) **FIRST READING**

President Engelberger moved to have the same motion as the last ordinance stating that even though it was approved, it should not be before us, second by Selsor. Hohol stated that he would vote against that motion because there was a lot of discussion on this. Plan Commission recommended approval contingent on the approval of the Economic Impact Study. He felt it should stay on the agenda as a first reading. Selsor stated he is concerned because he feels that he needs more time to read about it. Lawrence agreed that ordinance O-29-2014 should have been taken off but not this one because it has been approved by the Plan commission. Suss reviewed the motion and then stated that O-29-2014 is listed as together with O-28-2014. The two ordinances are interlinked and they will be brought forth for readings at the same time because of their similar content. Motion carried by unanimously acclamation 11-1.

**O-30-2014-** Proposed ordinance approving a Specific Implementation Plan (SIP) on the North Side of STH 138 and West of USH 51 (Wal-Mart) **FIRST READING**

Hohol moved to bring this ordinance back as a first reading after Plan Commission recommends to Council, second Boersma. Motion carried unanimously by acclamation 12-0.

**ADJOURNMENT**

Motion to adjourn made by Lawrence, second by Boersma. Motion carried unanimously by acclamation 12-0. The Meeting of the Common Council was adjourned at 9:40pm.

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