

Meeting of: **SPECIAL COMMON COUNCIL OF THE CITY OF STOUGHTON**
Date/Time: Monday, February 23, 2015 @ 8:00 P.M.
Location: Council Chambers at the Public Safety Building
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

CALL TO ORDER

Mayor Olson called the Special meeting of the Common Council to order at 8:00pm.

Roll Call, Communications, and Presentations:

Clerk Kropf then called the roll and noted that all twelve alderpersons were present.

Public Comment Period:

Martha Asplund; 1101 E Main St; Spoke in favor of moving forward with the Kettle Park West Development.

Rudy Silbaugh; 924 Skogdalen St; Spoke in favor of moving forward with the Kettle Park West Development.

Kathleen Johnson; 319 S Franklin St; Spoke in opposition of the Kettle Park West Development and in favor of allowing the referendums to be placed on a ballot.

Jim Blouin; 600 W Main St; Spoke in opposition of the Kettle Park West Development and in favor of allowing the referendums to be placed on a ballot.

Gregory Lee; 103 Manilla St; Spoke in opposition of the Kettle Park West Development and in favor of allowing the referendums to be placed on a ballot.

John Hallinan; 109 W Prospect Ln; Spoke in opposition of the Kettle Park West Development and in favor of allowing the referendums to be placed on a ballot.

Roger Springman; 812 Kriedeman; Spoke in opposition of the Kettle Park West Development and in favor of allowing the referendums to be placed on a ballot.

Buzz Davis; 1021 Riverview Dr; Spoke in opposition of the Kettle Park West Development and in favor of allowing the referendums to be placed on a ballot.

Marita Kehl; 1228 Lake Kegonsa Rd; Spoke in opposition of the Kettle Park West Development and in favor of allowing the referendums to be placed on a ballot.

Terry Parisi; 3718 Halverson Rd; Spoke in opposition of the Kettle Park West Development and in favor of allowing the referendums to be placed on a ballot.

Yolibeth Fitz-Gibbon; 669 Cty Rd N; Spoke in opposition of the Kettle Park West Development and in favor of allowing the referendums to be placed on a ballot.

Christa Westerberg; 333 W McKinley St; Spoke in opposition of the Kettle Park West Development and in favor of allowing the referendums to be placed on a ballot.

Gail Ring; 104 Forton St; Spoke in favor of moving forward with the Kettle Park West Development and rejecting the referendum questions from being on the ballot.

Fred Wahlberger; 616 W Main St; Spoke in favor of allowing the referendum questions to be placed a ballot.

Dennis Kittleson; 109 E Taft St; Spoke in favor of moving forward with the Kettle Park West Development and rejecting the referendum questions from being on the ballot.

Ruth Everson; 909 Eisenhower; Spoke in favor of moving forward with the Kettle Park West Development and rejecting the referendum questions from being on the ballot.

Debra Pautz; 1407 Oak Opening Dr; Spoke in favor of allowing the referendum questions to be placed a ballot.

OLD BUSINESS

NONE

NEW BUSINESS

Discussion and possible action regarding the petitions for the Advisory Referenda and the Direct Legislation Referendum filed with the City of Stoughton City Clerk on Tuesday, February 17, 2015.

Motion by Hohol to split the agenda item into two agenda items, one agenda item to discuss the advisory referenda and another agenda item to discuss the direct legislation referendum, second by Jenson. Motion carried unanimously by acclamation 12-0.

The first referendum that was discussed was the advisory referendum. City Attorney Dregne informed the Council that there are no statutory requirements in regards to the Advisory Referenda petitions. He talked about the timeline of when the questions would need to be placed on the April 7, 2015 ballot. He noted that the County Clerk would not accept a referendum question after the 70 day rule deadline.

Motion by Hohol, to request that the Dane County Clerk include the two advisory referenda questions on the April 7, 2015 ballot and to add a third question to read as follows: "Do you support the KPW development project which includes a new commercial district which will be anchored by a Wal-Mart SuperCenter and which will also bring a new residential district to the West of Highway 51?", second by Lawrence.

Boersma wondered what would happen to these Advisory Referenda questions if they weren't able to be placed on the April 7, 2015 ballot. The Clerk noted that should the Council vote to have a special election to have these referenda questions available to vote in that they could, but the election would cost approximately \$30,000 and it wouldn't be held until June 2, 2015, tentatively.

Motion to amend the motion to change the wording of referendum question number one to read: "Do you agree with the City of Stoughton's decision to borrow an approximate amount of \$5.1 million of tax incremental financing funding to be used in the development of the Kettle Park West Project", second Jenson. Motion passed by a roll call vote 10-2, with Engelberger and Swadley voting no.

The original motion was then re read by the Clerk.

Motion by Selsor, to amend the original motion, by removing the third referendum question, second by Majewski. Motion failed 11-1, with Engelberger, O'Connor, Majewski, Swangstu, Jenson, Lawrence, Suess, Christianson, Hohol, Swadley, and Boersma voting no.

Original motion was then reread to include the two advisory referendums questions brought forward by Stoughton Forward and to also include a third referendum question brought forth by the Council. The motion passed by a roll call vote 11-0, with Christianson abstaining.

The Mayor called for a fifteen minute break and called the meeting back to order at 9:33pm.

Attorney Dregne gave an overview of the Direct Legislation process. He noted that the City Clerk received a petition for Direct Legislation on Tuesday, February 17, 2015. He noted that it would be in Council's best interest to seek legal counsel for a clear impact on City actions before adopting the Direct Legislation. The Clerk read her findings while certifying the Direct Legislation petition and read the certification of the petition.

Motion by Engelberger to place a concise statement along with the referendum question on the ballot to read: "The City has been presented with an ordinance under the Direct Legislation statute that requires referendum approval to borrow more than \$1,000,000 to fund projects in any tax incremental district, among other things. Shall the City of Stoughton adopt an ordinance requiring that the City conduct a referendum when the City proposes borrowing more than \$1 million for a proposed or approved Tax Incremental Financing (TIF) district", second by Selsor.

Attorney Dregne noted that if this question is approved by the electors of the City of Stoughton, the ordinance would have to be adopted, without alteration. The Council would have three options, either to adopt the Ordinance as is, send the ordinance to referendum to be voted on as is, or the Council can determine that the ordinance language is not proper for direct legislation. Attorney Dregne noted that the proposed zoning ordinance would affect the zoning process, and

the borrowing process. Hohol stated that the City attorney would need to review the ordinance before the Council should vote on it. Swadley inquired as to how long the City would have to adhere to the ordinance if it were adopted. Attorney Dregne stated that the City would be bound to that ordinance for two years without repeal. Suess noted that she felt that the proposed \$1 million was too conservative of a number and suggested \$5 million instead. Attorney Dregne noted that if the Council votes no on the current motion, the referendum would not be sent to the County and then the Council would have to determine if the proposed ordinance is appropriate for Direct Legislation. Motion failed by a roll call vote 1-11, with Boersma, Swadley, Selsor, Hohol, Christianson, Suess, Jenson, Lawrence, Swangstu, Majewski, and O'Connor voting no.

Motion by Lawrence, to direct the City attorney to prepare a legal analysis of the direct legislation petition that was presented, second by Hohol.

Motion by Boersma to amend to the motion to direct the city attorney to look into the issues of the direct legislation because the Council is not clear that all of the provisions of the direct legislation and if it is proper subject for Direct Legislation, second by Suess.

Attorney Dregne noted that he would hope to have the analysis for Council action by the next Council meeting. Amendment to the motion passed 9-3 by a roll call vote with O'Connor, Swangstu, and Christianson voting no.

Motion to amend the original motion by Lawrence to table until the city attorney's opinion has been received by Council within the 30 day time frame allowable by State Statute, second by Hohol. Motion passed unanimously 12-0. Original motion was then reread and motion passed 11-1 with Engelberger voting no.

ADJOURNMENT

Motion by Lawrence to adjourn the meeting of Common Council, second by Jenson. Mayor Olson adjourned the meeting of the Common Council at 10:42pm.