

Meeting of: **COMMON COUNCIL OF THE CITY OF STOUGHTON**
Date/Time: Tuesday, July 14, 2015 @ 7:00 P.M.
Location: Council Chambers at the Public Safety Building (2nd floor)
321 South Fourth Street, Stoughton, Wisconsin
Members: Paul Lawrence, Sid Boersma, Ron Christianson, Eric Hohol, Greg Jenson,
Michael Engelberger, Tom Majewski, Tom Selsor, Regina Hirsch, Tim
Swadley, Sonny Swangstu, Pat O'Connor

CALL TO ORDER

Mayor Olson called the meeting of the Common Council to order at 7:00 p.m.

Roll Call, Communications, and Presentations

Finance Director Sullivan called the roll. She noted that there were eleven alderpersons present, with Swadley absent and excused.

Mayor Olson recognized Sara Monette for yet another award for her recently published novel.

Mayor Olson also recognized Utilities Lineman McClain and Hartman, who were in Columbus helping restore power after the recent storm.

Kettle Park West Update

Planning Director Scheel reported that the DOT MOU's are in draft form for council review tonight.

WPPI Presentation: "WPPI Energy: The Power of Many"

Utilities Director Kardasz introduced Mike Peters, President/CEO WPPI Energy, who gave a presentation to update the Council on WPPI power supply and contract extension.

Minutes and Reports: The following minutes and reports were entered into the record:

- **Minutes:** Finance Committee (6/9/2015), Arts Council Committee (1/21/2015), Utilities Committee (6/15/2015) and Tree Commission (6/10/2015)
- **Reports:** Utilities Financial Statement

Public Comment Period

Marita Kehl, 1228 Lake Kegonsa Road: Spoke against the Kettle Park West Development.

Lisa Nelson, Wal-Mart Public Relations: Thanked the Council and Staff for their hard work. She is excited to expand and invest in the Community.

Deborah Tomczyk, Wal-Mart Attorney: Spoke in favor of the three-party agreement.

Terry Parisi, 3718 Halverson Road: Spoke in opposition of the Kettle Park West Project.

Dan O'Callaghan, Forward Development Group Attorney: Spoke in favor of moving forward with the project and approving the items on tonight's agenda.

CONSENT AGENDA

- A. Council Minutes: June 23, 2015
- B. **R-104-2015**- Mayor's Appointments to the Landmarks Commission

Motion by Lawrence, to approve the Consent Agenda, second by Hohol. Motion carried unanimously by acclamation 11-0

OLD BUSINESS

R-99-2015- Approving the use of contingency amounts in the Kettle Park West Development Agreement

Motion by Hohol, to approve use of contingency as stated in R-99-2015, second by Lawrence. Hohol explained that the resolution was tabled at the last meeting because the bids were not yet in and need for the funds was not shown.

Motion to amend the main motion by Selsor, to state that contingency funds will only be used for those projects specified and will not be paid until that part of the project is completed and not paid up front, second by Majewski. Selsor withdrew the amendment to the motion and Majewski withdrew his second.

Engelberger asked Finance Director Sullivan what are the amounts of the contingency. Sullivan stated that the amounts of the contingency funds are in the development agreement. There are \$311,707 for offsite improvements, and \$210,355 for storm water improvements.

Alder Hohol explained that the numbers in the development agreement are engineering estimates that were done three years ago and that the City has the bid numbers that reflect the actual costs.

Attorney O'Callaghan addressed the Council to assure that the budget for the project has room for additional contingencies.

Engelberger requested that the dollar amounts of the staff and attorney costs accumulated be reported to the council, when they become available.

Motion carried by a roll call vote 6-5, with Hirsch, Selsor, Majewski, Engelberger, and Boersma voting no.

O-2-2015- Amending Multiple Sections of the Historic Preservation Ordinance – Chapter 38 of the Stoughton Municipal Code

Motion by Engelberger, to approve O-2-2015 relating to the Historic Preservation Ordinance, second by Lawrence.

Lawrence questioned what the authority limitation was to the commission outlined in paragraph 38 of the ordinance. Landmarks Commission Chair Peggy Vereden stated that the commission's authority would be limited to the outside appearance of any landmark.

Motion carried unanimously by acclamation 11-0.

O-3-2015- Amending the City of Stoughton Municipal Zoning Ordinance Section's 78-206(4)(r); 78-105(4)(b)2; 78-105(4)(c) and Appendix C- Relating to artisan studios and artisan production shops.

Motion by Christianson to approve O-3-2015 relating to artisan studios and shops, seconded by Hohol. Christianson noted that this ordinance would allow artisan studios and shops within the community.

Motion carried unanimously by acclamation 11-0.

NEW BUSINESS

R-102-2015- Resolution to approve the three party agreement relating to the Kettle Park West Development

Motion by Lawrence, to approve R-102-2015, second by Jenson. Lawrence noted that this resolution was discussed at the last Committee of the Whole meeting at length.

Selsor spoke against the Kettle Park West project and the process that was used to get to where the project is currently. He also spoke to the other council members that have voted for this development and encouraged them to explain why they have voted in favor.

Boersma feels that the three party agreement should contain additional consideration from Wal-Mart to help support the community, such as money given to the City to aid in the coordination of transportation for elderly citizens to travel to Wal-Mart.

Christianson stated that he has consistently voted in favor of the Kettle Park west project. He has voted for this project because he feels that the development is good for the city and that the city needs to be more open to developers. Wal-Mart has come to the City for the second time asking to be an expanded part of our community and he fears that this will be the last time they offer any development to the City of Stoughton.

Hirsch asked how the bid bonds work, and who holds them for the Kettle Park West development. City Attorney Dregne explained that the bid bonds are issued by the contractor to both the developer and the City. If the developer does not hold up their obligation the City will be able to make a claim against the assurance company.

Wal-Mart's attorney Debbie Tomczyk spoke to the Council regarding other Wal-Mart agreements with cities in the State. She stated that she is not aware of any instances where Wal-Mart has not completed its obligations under the agreement.

Alder Lawrence relayed his belief that the Council is representative of the public. He looks at his vote for this project as a vote on the facts, not on the half-truths and activist statements meant to confuse the public. He re-affirmed that this development is good for Stoughton.

Motion carried by a roll call vote 6-5, with Boersma, Engelberger, Hirsch, Majewski, and Selsor voting noe.

R-103-2015- Resolution to approve the Collateral Assignment of Development Agreement relating to the Kettle Park West Development.

Motion by Lawrence, to approve R-103-2015, second by Christianson. Attorney Dregne told the council that the language requested by the Committee of the Whole is included in the agreement before the council tonight.

Motion carried on a roll call vote of 9-1, with Engelberger voting noe and Majewski abstaining.

R-101-2015- Authorizing and directing the proper City officials to approve the Agreement For Disposition Of Available Borrow Material at the City of Stoughton (Stoughton Utilities) property at 3201 McComb Road

Motion by Lawrence, to approve R-101-2015, second by Swangstu. Utilities Director Kardasz discussed the agreement and outlined how the agreement helps Utilities achieve their goals for the property. Kardasz feels that this is a win-win situation for both Utilities and the Kettle Park West development.

Motion carried by roll call vote 8-3, with Hirsch, Boersma and Majewski voting noe.

R-105-2015- Consideration of a Resolution authorizing a Maintenance Agreement with the Wisconsin Department of Transportation.

Motion by Lawrence, to approve R-105-2015, second by Christianson. Planning Director Scheel used a map exhibit to describe the maintenance areas contained in the agreement, relating to the City shared use path. He noted that the City will be required to mow adjacent to it and maintain the crosswalks.

Motion carried on a roll call vote of 8-1 Engelberger voting no and Selsor and Hirsch abstaining.

R-106-2015- Consideration of a Resolution authorizing an Access Agreement with the Wisconsin Department of Transportation.

Motion by Lawrence, to approve R-106-2015, second by Hohol. to approve R-106-2015. Planning Director Scheel shared a map exhibit to describe the access on State Highway 138.

Motion carried on a roll call vote of 7-3, with Engelberger, Hirsch and Majewski voting no with Hirsch abstaining.

ADJOURNMENT

Motion by Hohol, to adjourn the meeting of the Common Council, second by Swangstu. Mayor Olson adjourned the meeting of the Common Council at 9:35 p.m.