

Meeting of: **COMMON COUNCIL OF THE CITY OF STOUGHTON**
Date/Time: Tuesday, July 28, 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, 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 7:00pm.

Roll Call, Communications, and Presentations:

Clerk Kropf called the roll and noted that all 11 alderpersons were present.

Tim Swadley thanked those who sent their condolences on the passing of his father-in-law.

Mayor Olson thanked Kelly Ver Hayden for all of her extra work at the library after the sudden passing of Marilyn Granrud.

Mayor Olson noted that the City of Stoughton's arborist, Randy Nelson, has spent much time in Columbus helping after the storms.

Mayor Olson thanked former Alderperson Eric Hohol for his loyal service on the Council and for his generosity towards the City of Stoughton. She noted that he has served on the Council for six years, the Planning Commission for ten years, and was a member of various other committees. She gave him a plate to commemorate his service. Hohol thanked his former fellow alderpersons for allowing him to serve with them and asked all to keep in touch.

Kettle Park West Update

Planning Director Scheel noted that there are quite a few items on the agenda that pertain to Kettle Park West. He also stated that at the last meeting the Council approved the DOT agreements and are awaiting signatures.

Presentation by Randy Robertson for the Stoughton Area Veterans Memorial Park

Randy Robertson addressed the Council regarding the status of the Stoughton Area Veterans Memorial Park. He noted that they just recently started moving dirt in anticipation of construction. He also stated that they are still fundraising and need to raise approximately \$500,000.

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

Finance Committee (6/23/2015), Personnel Committee (4/6/2015 & 6/1/2015), Public Safety Committee (5/27/2015), Landmarks Commission (6/11/2015), Police and Fire Commission (1/5/2015, 1/7/2015, 1/27/2015, & 3/18/2015), Planning Commission (6/8/2015), Public Works Committee (6/15/2015), and Redevelopment Authority (5/13/2015)

Public Comment Period:

Buzz Davis; 1021 Riverview Dr; spoke in regards to the motion to dismiss the lawsuit against the Kettle Park West Development. He also spoke in favor of the changes made towards the Kettle Park West documentation.

Jean Peterson; 701 E Main St; spoke in opposition of the doggy daycare because of its location. She fears that it is not suitable for dogs.

Julie Peterson; 220 N Lynn St; spoke in opposition of the location of the doggy daycare.

Debbie Tomczyk; 1000 N Water St, Milwaukee; spoke about making changes to the Wal-Mart site plan. The site plan has been changed to accommodate a wetland in the northwest corner of the development.

Jordan Tilleson; 2521 Williams Dr; spoke in favor of the doggy daycare.

Ryan Solum; 900 Woodlands Parkway; Vernon Hills, IL; Registered that he is here to answer questions for the agenda item pertaining to the Wal-Mart Specific Implementation Plan.

CONSENT AGENDA

A. Council Minutes: July 14, 2015

B. **R-107-2015**- Mayor's Appointments to the Stoughton Arts Council

Motion by Boersma, to approve R-107-2015, second by Engelberger. Motion carried unanimously by acclamation 11-0.

Engelberger requested to remove the minutes from the consent agenda to the first item under New Business.

OLD BUSINESS

NONE

NEW BUSINESS

A. Council Minutes: July 14, 2015

Engelberger stated that he “would like to point out a problem we have here at the council and the need to keep discourse factual. Some pro KPW alders have stated several times and referenced in these council minutes- under the new business resolution 102 debate- that they believe they are a representative of the public and they ‘vote in favor of the KPW project based on the facts, not half-truths and activist statements meant to confuse the public.’ These statements are opinions.

The fact is the public is not in favor of funding this KPW project by a 60-40 majority based on a recent referendum. The notion that the proponents of KPW are only dealing in facts while the opponents are dealing in half-truths to confuse the public is disingenuous and hypocritical at best. The fact is people on both sides of this debate have a lot of passion and strong opinions and are basing their views on the information provided. We need to stop the attacks. I would suggest that the sooner we get back to a civil discourse the sooner we will start moving this city forward. Thank you.”

Lawrence stated that he felt the comments made were toward him and he read the minutes back stating, “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 not activist statements meant to confuse the public. He re-affirmed that this development is good for Stoughton.” He felt that the notion that his opinion is based on his belief was clearly stated.

No amendments were made to the Council minutes of July 14, 2015.

Motion by Swadley, to approve the minutes of the July 14, 2015, second by Lawrence. Motion carried unanimously by acclamation 11-0.

R-111-2015-Authorizing Council approval of the revised Municipal Building Use Policy.

Motion by Majewski, to approve R-111-2015, second by Selsor. Majewski explained that this policy would alleviate any problems between citizens and staff for the use of conference rooms.

Selsor noted that there are some differences from the old policy in regard to how the building could be used. He felt that the policy might need change and recommended a one year review.

Hirsch questioned how many meetings are held at City Hall and how are they disruptive to the City functions.

Mayor Olson noted that the Fire Department training room is being frequently used by non city groups. The City has never intended to compete with local businesses for meeting room space.

The fact that City Hall is open from the basement to the second floor balcony of the Opera House, is not a good safety practice. We are entrusted to take good care of this historic building.

Human Resources Director Gillingham addressed the Council regarding the liability aspect of allowing people to continue to stay in City Hall after hours. She noted concern if there would be an injury with no City Hall staff persons available to assist in case of an accident.

Swadley stated that he was certainly in favor of the policy changes and asked the City staff to reach out to groups currently utilizing the space to notify them of the policy change.

Motion carried unanimously by acclamation 11-0.

O-14-2015- Amending the General Development Plan at 517 Kensington Square for a proposed deck addition

Christianson read the ordinance and noted that it will be back before the Council on August 11, 2015 for a vote.

O-15-2015- Approving an amended Specific Implementation Plan (" Amended SIP") for certain property on the north side of State Highway 138, west of US Highway 51 (Wal-Mart)

Christianson read the ordinance and noted that it will be back before the Council on August 11, 2015 for a vote.

Engelberger stated that when the last one was approved, 21 different changes were made to accommodate the Wal-Mart SIP and he was against it then, and he'll be against it now.

Debbie Tomczyk addressed the Council regarding the changes to the Specific Implementation Plan. The changes were being made to the building to adhere to the CARPC requirements regarding the wetland area. This change would also add over 17,000 square feet of green space. There would be a seventy-five foot buffer between the lot and the wetland.

Swadley asked, with the proposed changes, that the building would be 152,000 square feet and not 154,000 square feet as proposed, and if that would pose a problem. Attorney Dregne stated that the provision on the size was removed from the developer's agreement in November. Tomczyk noted that in the three party agreement, in recital two, it identified that the building should be approximately 154,000 square feet.

R-108-2015- Authorizing and directing the proper City official(s) to enter into a Change Order with Joe Daniels Construction to replace the Ramp and Railings at the Library Building as part of the Library Remodeling Project

Motion by Christianson, to approve R-108-2015, second by Lawrence. Planning Director Scheel noted that this is a \$25,000 change to the remodel. Landmarks Commission endorsed the change for the ramps. Scheel stated that this is a change order for the project. Engelberger felt that with a number that high it should be bid out separately and not treated as a change order.

Majewski stated that he had complaints from citizens regarding the ramp's current condition.

Lawrence asked that if it needed to bid out, how long would it add to the project timeline, and how much money would it cost on top of the actual costs.

Scheel noted that it would add an extra \$3,000 and two months to the project.

Motion carried by a roll call vote 10-1, with Engelberger voting noe.

R-112-2015- Approving a Conditional Use Permit for Nicole Hines and Jordan Tilleson to operate a Commercial Animal Boarding facility (Dog Daycare) at 556 E. Main Street, Stoughton, Wisconsin

Motion by Christianson, to approve R-112-2015, second by O'Connor. Hirsch asked Mr. Tilleson to walk the Council through what the facility will have for the dogs and how they plan to address the various complaints brought forth earlier in the public comment period. Mr. Tilleson noted that many of the problems questioned have been addressed at the Planning Commission meeting. They did sound measurements and how it would effect that area.

Swadley asked how many dogs they could have and would they be there full time.

Tilleson stated that there would be no more than thirty dogs at one time and they would be broken down into different groups.

Boersma questioned about tracking diseases for the dogs and the ratio of staff to dogs.

Tilleson stated that they would be working with one of the veterinary clinics in town to alleviate the threat of communicable disease transmission. There would be one person for every ten dogs.

Majewski asked about the rail corridor for this location and if the business is allowable. Planning Director Scheel stated that the corridor only refers to redevelopment area and that the business wouldn't conflict with that plan.

Motion passed on a roll call vote of 6-3, with Christianson, Boersma, and Engelberger voting noe, and with Lawrence and Majewski abstaining.

R-113-2015- Approving a Conditional Use Permit for Tim & Brenda Klein to operate an indoor commercial entertainment establishment (Restaurant) at 2125 McComb Road, Suite 110, Stoughton, Wisconsin

Motion by Christianson, to approve R-113-2015, second by Lawrence. Christianson noted that this location needed a new conditional use permit because the previous tenant had been gone for over a year. Motion carried 10-0, with Swadley abstaining.

R-114-2015- Approving an amended Certified Survey Map for Norse View Holdings LLC to reconfigure lots 145-148 located on the east side of Carl Avenue, Seventh Addition to Norse View Heights, Stoughton

Motion by Christianson, to approve R-114-2015, second by O'Connor. Christianson noted that the certified survey map was acted on before but is being changed due to the minimum lot size requirement.

Engelberger questioned who the development is owned by. Planning Director Scheel noted that this was owned by AJ Arnett.

Engelberger noted that, for personal reasons, he would vote against anything that AJ Arnett brought forth to the Council.

Swadley stated that he lives on that block and that Mr. Arnett is selling the houses as fast as he can build them. He stated that he would support this as it is bringing in new families to Stoughton.

Motion passed on a voice vote of 9-2, with Engelberger and Majewski voting noe.

R-115-2015- Approving an amended Certified Survey Map for Norse View Holdings LLC to reconfigure lots 148-150 located on the east side of Carl Avenue, Seventh Addition to Norse View Heights, Stoughton

Motion by Christianson, to approve R-115-2015, second by O'Connor. Motion carried 9-2, with Engelberger and Majewski voting noe.

R-116-2015- Authorizing and directing the proper City officials to approve the Stoughton Utilities Wastewater Treatment Facility and Sanitary Sewer Collection System 2014 Compliance Maintenance Annual Report (CMAR)

Motion by Swangstu, to approve R-116-2015, second by Lawrence. Motion carried unanimously by acclamation 11-0.

R-109-2015- Authorizing and directing the proper City official(s) to approve the General Maintenance Plan for Stormwater Ponds and Greenways.

Motion by Majewski, to approve R-109-2015, second by Engelberger. Majewski stated that this came about as requests from citizens regarding the stormwater ponds.

Motion carried unanimously by acclamation 11-0.

R-110-2015- Authorizing and directing the proper City official(s) to approve the City of Stoughton Residential Traffic Management Program (RTMP)

Motion by Majewski, to approve R-110-2015, second by Engelberger. Christianson noted that he is glad to see a plan in place after working on it for almost three years.

Motion carried unanimously by acclamation 11-0.

The council may meet in closed session pursuant to Wis. Stat. sec. 19.85(1)(g) to confer with legal counsel who will render advice concerning strategy to be adopted with respect to the lawsuit entitled Stoughton Forward, et.al. vs. City of Stoughton, et. al., Dane County Circuit Court Case No. 15 CV 1847.

Motion by Lawrence, to go into closed session, second by Engelberger. Motion carried by a roll call vote unanimously by acclamation 11-0. The Common Council went into closed session at 8:47pm.

The Council may reconvene into open session to consider and approve a Settlement Agreement in respect to the lawsuit entitled Stoughton Forward, et.al. Vs City of Stoughton, et.al. Dane County Circuit Court Case No. 15 CV 1847.

Motion by Lawrence, to go into open session, second by Christianson. The City of Stoughton Common Council reconvened into open session at 9:08pm.

Motion by Lawrence, to approve the settlement agreement titled Stoughton Forward, et.al. Vs City of Stoughton, et.al. Dane County Circuit Court Case No. 15 CV 1847 and to authorize the appropriate staff and city attorney to sign settlement agreement, second by Swangstu.

Motion carried by a roll call unanimously by acclamation 11-0.

ADJOURNMENT

Motion by Lawrence, to adjourn the meeting of the Common Council, second by Swangstu. Motion carried unanimously 11-0. Mayor Olson adjourned the meeting of the Common Council at 9:14p.m.