

Meeting of: **COMMON COUNCIL OF THE CITY OF STOUGHTON**
Date/Time: Tuesday, January 24, 2017 @ 7:00 p.m.
Location: Council Chambers
321 South Fourth Street, Stoughton, Wisconsin
Members: Mayor Donna Olson, Tim Swadley, Matt Bartlett, Sid Boersma, Michael Engelberger, Regina Hirsch, Greg Jenson, Kathleen Johnson, Dennis Kittleson, Paul Lawrence, Tom Majewski, Pat O'Connor, and Scott Truehl

CALL TO ORDER

Mayor Olson called the meeting to order at 7:04 p.m.

Roll Call, Communications, and Presentations:

Clerk Kropf called the roll and noted that eleven alderpersons were present with Truehl being absent and excused.

Update from Attorney Dregne regarding Downtown Design Overlay District procedures

Attorney Dregne gave a brief presentation regarding the current downtown design overlay district procedures. He noted that there is a building currently within the downtown design district that has a request to be demolished, but is not a designated landmark. He noted that to move forward with the demolition, there would need to be a project review and that the plan commission has the final authority regarding the demolition. Attorney Dregne did not find anything in the ordinances that would prohibit a building in that district from being demolished and turning that area into an open space.

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

- Landmarks Commission (12/8/2016), Planning Commission (12/12/2016), Public Works Committee (12/20/2016), Tree Commission (12/14/2016), Utilities Committee (1/17/2017), and Community Affairs and Council Policy Committee (11/29/2016)
- Utilities Financial Reports
- October 2016 and November 2016 Treasurer's Reports

Public Comment Period: No persons registered to speak.

CONSENT AGENDA

- A. December 13, 2016 Council Minutes
- B. **R-1-2017-** Authorizing and directing the proper City officials to approve the appointment of Stoughton Utilities Assistant Director Brian Hoops as the Alternate Director to the WPPI Energy Board of Directors.

Motion by Lawrence, to approve the consent agenda, second by Jenson. Motion carried 11-0.

OLD BUSINESS

R-129-2016- Resolution by the Common Council of the City of Stoughton approving configuration for the connection of Oak Opening Drive to Highway 138.

Motion by Swadley, to approve R-129-2016, second by O'Connor. Swadley noted that the Committee of the Whole did approve the connection on January 10, 2017. Engelberger stated that he is going to vote no on this because it is unsure if the WI DOT will approve this plan. Hirsch explained that what the Council is voting on is going to allow the developer to go to the WI DOT for approval. Kittleson noted that other individuals that live in that area, that would be affected by the change, had not been contacted and he felt that they should have been prior to this discussion.

Dennis Steinkraus, from Forward Development Group, noted that if the access is approved, a meeting with the WI DOT will be scheduled based on availability. He also noted that since the approved vote from the Committee of the Whole, he did reach out to the adjacent home owners.

Motion carried on a roll call vote of 7-4, with Engelberger, Johnson, Kittleson, and Majewski voting no.

NEW BUSINESS

O-1-2017- Approving an Amended Specific Implementation Plan ("SIP") for Kwik Trip, 1359 US Highway 51, Kettle Park West, Lot 6 of CSM No. 14058, Stoughton, WI.

Jenson explained that this is a first reading and will be back to Council for a vote on February 14, 2017. Planning Director Scheel gave an overview of the amended SIP for the Kwik Trip location.

R-2-2017- Resolution by the City of Stoughton Common Council approving a Certified Survey Map (CSM) to split the property located at 1600 Williams Drive, City of Stoughton.

Motion by Jenson, to approve R-2-2017, second by O'Connor. Jenson noted that this is the location for the North American Fur Auction site and this parcel would be split to allow for further separation for other potential users. Motion carried 10-1, with Johnson voting no.

R-3-2017- Amending the Fire Department CIP budget and borrowing amount by \$30,000 for the Engine 2 replacement and Authorizing and directing the proper City official(s) to enter into an agreement with Reliant Fire Inc/Pierce Manufacturing for the Construction and delivery of a Pumper Tanker apparatus.

Motion by Lawrence, to approve R-3-2017, second by Swadley. Lawrence explained that the Finance Committee did approve the increased borrowing, to purchase a new fire engine by, \$30,000. He noted that the budgeted CIP amount had not been adjusted to reflect the normal increase of costs for these types of purchases. Motion carried 11-0.

R-4-2017- Authorizing carryover of Budgeted 2016 Funds to the 2017 Budget.

Motion by Lawrence, to approve R-4-2017, second by Hirsch. Lawrence explained that this is a carryover of \$5,000 of 2016 funds to continue a contract for tree removal and stump removal. Motion carried 11-0.

R-5-2017- Authorizing and directing the proper city official(s) to approve the Letter of Engagement and to enter into a contract with Baker Tilly for interim consulting services.

Motion by Lawrence, to approve R-5-2017, second by Hirsch. Lawrence explained that this consulting would not exceed \$20,000 for interim services to aid the City's Finance Department. Mayor Olson noted that Baker Tilly does offer consulting services and the contract dollar amount would allow that consultant to be at City Hall for two half days a week for approximately twelve weeks. She also noted that other firms will be helping the City with event specific issues, such as borrowing and TIF. Olson explained that Baker Tilly is the City's audit firm and that the consultant will not be able to approve any items for the City, but would serve as liaison for the Finance Department to help answer questions. Motion carried on a roll call vote of 11-0.

Discussion regarding regulating the demolition of structures in the City, including whether existing ordinances are appropriate.

Engelberger explained that he requested this item to be discussed at Council. He is concerned that the Planning Commission is the final authority on determining what properties can be demolished and that the Planning Commission isn't comprised of elected officials that represent the City. Planning Director Scheel explained that the process can start with the applicant requesting a building permit for the demolition with the City building inspector. He noted that this specific property is located in a district, but has not been dedicated as a local or state landmark. If a property is designated as a state or local landmark, they can still be demolished but there are other steps to complete before the Planning Commission can grant authority for the demolition. Engelberger explained that he would like to take this ordinance to the Landmarks Commission for a recommendation to Council. Attorney Dregne noted that the current City ordinances relating to the issue were not drafted in a cohesive way. He explained that the two relating zoning ordinances do outline that the Planning Commission does have the final authority regarding any demolition in the City.

Motion by Majewski, to request that the Landmarks Commission develop an ordinance for consideration by the council that would amend existing City ordinances such that no building in a historic district listed on the National Register of Historic Places may be demolished without review and recommendation by Landmarks Commission and a decision by the Common Council based on appropriate and lawful standards, second by Engelberger.

Majewski did note that he would request a moratorium on any further demolition at this time. Attorney Dregne noted that he couldn't answer the question if a moratorium was allowable or appropriate at this time.

Peggy Veregin explained that she felt that the City Council should be the governing body to approve demolition, not the Planning Commission. She explained that the City Council is an elected body, while the Planning Commission is not.

Attorney Dregne explained that he is leery to have the Council have the final decision of a demolition, if a new ordinance does not have standards built into it. He noted that the Council may vote in a discretionary way versus using implemented standards within an ordinance. Attorney Dregne noted that this change could be very complicated and would be a lengthy process.

Motion by Lawrence, to call the question, second by Jenson. Motion carried 9-2, with Kittleson and O'Connor voting no.

Original motion carried 8-3, with Kittleson, Boersma, and Hirsch voting no.

Discussion and possible action regarding City of Stoughton Department Head Hiring Policy.

Swadley requested that this item be placed on the agenda due to the recent openings as the Utilities Finance Director and the department head position of the Finance Director.

Motion by Jenson, to refer the City of Stoughton Department Head Hiring Policy to the Personnel Committee for review and recommendation to Council, second by Boersma.

Swadley is seeking clarification on the policy and how it is enforced. He noted that the committee and the Council should have taken a vote to fill the vacancy prior to advertisement of the opening of the Finance Director. Hirsch noted that she would like to see the position split to have a separate Finance Director and Economic Director. Majewski noted that there are many job descriptions within the City and they're constantly changing; the Council should not be handling the day to day operations of City staff. He also explained that the City is paying for interim consulting services during the time that the City is lacking a Finance Director and bringing a possible change to the job could delay the hiring of a new director.

Motion carried 11-0.

The Council may convene in closed session pursuant to Wis State Statute 19.85(1)(e) to consider the acquisition of property located at 300 Sixth St, Stoughton, WI

Motion by Lawrence to go into closed session, second by Boersma. Motion carried on a roll call vote 11-0. Council convened in closed session at 9:16 p.m.