

Meeting of: **COMMON COUNCIL OF THE CITY OF STOUGHTON**
Date/Time: Tuesday, March 14, 2017 @ 7:00 p.m.
Location: Council Chambers (2nd Floor of Public Safety Building)
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

Council President Swadley called the meeting to order at 7:00 p.m.

Roll Call, Communications, and Presentations:

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

Boersma thanked City staff for involvement with the Comprehensive Plan Open House.

Majewski thanked City staff for workforce that we have. Majewski talked to the Council about their conduct towards City staff. He added that alderpersons should be fair and should treat the City staff with respect.

Majewski talked about that the City has purchased property through the Redevelopment Authority and the RDA has made decisions without consulting the Council prior. He felt that the Council should be more involved with the RDA decisions.

Johnson thanked the citizens who serve on the Planning commission and thanked Engelberger for his involvement with the Planning Commission is well.

Hirsch discussed the highway trailer demolition decision made by the RDA. Feels that the RDA should present the proposal to the Council and that Landmarks present the significance of the building. Urged citizens to voice their concerns regarding the building's future.

Engelberger agreed with Majewski and wants the RDA to report to the Council about meeting proceedings.

Lawrence explained to Council that they met with the Mayor regarding economic development. He indicated that he would like to see a Committee of the Whole or a special council meeting on the issue of economic development.

Clerk Kropf explained that the next election will be held on April 4, 2017 and that voters will be able to vote absentee in the clerk's office starting Monday, March 20, 2017 through Friday, March 31, 2017. Kropf announced to the Council that a photographer will be at the March 28, 2017 Council meeting to photograph the Council. She asked the Council to be present for the picture at 6:30 p.m. that day.

Swadley explained that he is working with the Stoughton School Board to have a joint meeting with the Committee of the Whole. He is hopeful to have the meeting on April 20 at 7:30 p.m. Details of the meeting location and agenda are still to be determined.

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

- Public Safety Committee (1/25/2017), Finance Committee (2/14/2017), Community Affairs and Council Policy Committee (2/2/2017), Library Board (1/18/2017), Personnel Committee (2/6/2017), Utilities Committee (1/17/2017), Redevelopment Authority (10/18/2016 & 11/09/2016), Tree Commission (2/11/2017), and Commission on Aging (2/7/2017)
- Utilities Financial Reports
- December 2016 Treasurer's Report

Public Comment Period:

Ryan Swanson; 15241 Zenith Parkway; Spoke on behalf of Casey's General Store and the store will not be a 24-hour operation.

Laura Trotter; 2156 Fallen Oak Trl; Spoke in favor of the Casey's General Store location.

Brian Johnson; 700 Park St; Spoke in favor of the Casey's General Store location.

Dave Natter; 9320 N Pine Rd; Spoke in favor of the Casey's General Store location.

CONSENT AGENDA

A. February 28, 2017 Council Minutes

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

OLD BUSINESS

O-2-2017- An ordinance amending the zoning classification of certain lands located at 1640 E. Main Street in the City of Stoughton from RH – Rural Holding to PB – Planned Business (Casey's General Store, Convenience Store/ Gas Station)

Motion by Truehl, to approve O-2-2017, second by Engelberger. Truehl requested that this item be tabled until the time that the second access point into the property be addressed.

Motion by Truehl, to table this item until the second access point within the property be addressed, second by Lawrence. Motion carried 10-1, with Boersma voting noe.

O-3-2017- Amending Portions of the Erosion Control and Stormwater Management Code Sections within Sec. 10-122, 10-127, 10-129, 10-130 and 10-131 of the Stoughton Municipal Code.

Motion by Majewski, to approve O-3-2017, second by Engelberger. Scheel explained that the amendments to this ordinance ensure that the City is in compliance with the standards of the storm sewer discharge statutes and that this has been reviewed by the City Attorney. Motion carried 11-0.

Discussion regarding recommended changes by Landmarks Commission relating to Chapters 78-517 and 78-913 of the City of Stoughton Municipal Code.

Motion by Majewski, that no further applications or requests for demolition of any structure within any existing historic district or to a currently designated historical landmark within the City be processed, and that no demolition of any City owned property proceed, until the City Council has considered possible changes to demolition related ordinances, and lifted this temporary moratorium, second by Johnson.

Council discussed the need to have the landmarks involved with the conversation regarding the changes within the ordinance. Concerns included having the Planning Commission as the final authority over demolition decisions.

Substitute Motion by Jenson, that no further applications or requests for demolition of any structure within any existing city designated historic district, within any historic district listed on the National Register of Historic Places, or within the Downtown Design Overlay District, or a currently city designated landmark or structure listed on the National Register of Historic Places, be processed, and that the demolition of the Stoughton Highway Trailer Building not proceed, until the City Council has considered possible changes to demolition related ordinances, and lifted this temporary moratorium, second by Lawrence.

Call the question by Majewski, second by O'Connor. Motion carried 10-1, with Kittleson voting noe.

Substitute motion passed on a roll call vote 6-5, with Kittleson, Boersma, Lawrence, Truehl, and O'Connor voting noe.

Kittleson explained that he would like to review the recommendations made by the Landmarks commission. He feels that there are some proposed changes that would inhibit Council's authorities over the process.

Motion by Lawrence, to table, second by Truehl. Motion carried 9-2, with Kittleson and Swadley voting noe.

NEW BUSINESS

R-19-2017- Authorizing and directing the proper city official(s) to issue a Six Month Class "B" Fermented Malt Beverage License to the Stoughton Merchants Baseball.

Motion by Engelberger, to approve R-19-2017, second by Truehl. Engelberger explained that this is an annual license that will be used at Norse Park. Boersma spoke against the approval of the license. Motion carried 9-2, with Boersma and Johnson voting noe.

The Council recessed at 8:30 p.m.

The Council reconvened at 8:38 p.m.

R-20-2017- Authorizing and directing the proper City official(s) to approve the write-off of Stoughton Utilities delinquent account balances and invoices deemed uncollectible as of December 31, 2016.

Motion by Engelberger, to approve R-20-2017, second by Lawrence. Brian Hoops explained that this is an annual action. All of the balances have been submitted to the Department of Revenue for collections and all avenues of collection have been exhausted to collect on this accounts.

Motion carried 11-0.

R-21-2017- Approving a Conditional Use Permit request by Casey's Marketing Company for Casey's General Store at 1640 E. Main Street, Stoughton, Wisconsin. (Casey's General Store, Convenience Store/ Gas Station).

Motion by Truehl, to table R-21-2017, second by Lawrence. Motion carried 11-0.

R-22-2017- Authorizing and directing the proper City officials to enter into an agreement with the Town of Dunkirk to provide EMS services.

Motion by Lawrence, to approve R-22-2017, second by Jenson. EMS Director Schimelfenig explained that the Public Safety committee had tasked her to draft a contract to change the way the townships would be charged for the EMS services. She explained that the charges for the townships would be based on the town's population. Motion carried 11-0.

R-23-2017- Authorizing and directing the proper City officials to enter into an agreement with the Town of Dunn to provide EMS services.

Motion by Lawrence, to approve R-23-2017, second by Jenson. Motion carried 11-0.

R-24-2017- Authorizing and directing the proper City officials to enter into an agreement with the Town of Pleasant Springs to provide EMS services.

Motion by Lawrence, to approve R-24-2017, second by Jenson. Motion carried 11-0.

R-25-2017- Authorizing and directing the proper City officials to enter into an agreement with the Town of Rutland to provide EMS services.

Motion by Lawrence, to approve R-25-2017, second by Jenson. Motion carried 11-0.

R-27-2017- Resolution by the Common Council of the City of Stoughton

Approving an Agreement to Delay the Payment of Impact Fees associated with Skaalen Nursing and Rehabilitation Center, Inc. Residential Care Apartment Complex.

Motion by Lawrence, to approve R-27-2017, second by Swadley. Planning Director Scheel explained that the current City ordinances would not allow the Skaalen home to proceed with any application of building permits, until the park impact fees have been paid. This agreement would allow Skaalen to move forward with the application of permits without paying the impacts fees first. Motion carried 11-0.

R-26-2017- Authorizing and directing the proper City official(s) to enter into an agreement with Jim's Tree Service for the 2017 Emerald Ash Borer Tree Removal and Restoration Project.

Motion by Majewski, to approve R-26-2017, second by Lawrence. Majewski explained that this is a time sensitive issue and the City needs to move forward with the contract as not to impede on the planting season. Public Works Director Hebert indicated that the contract was favorable and that the contract could be extended one more year. He also noted that the contract came in lower than the budgeted amount, but the excess funds would be used for tree plantings. Motion carried 11-0.

Consideration and possible action on agreement approving assignment of Development and Purchase Agreement from North American Fur Auctions (US) Inc., to NAFA Newco LLC. [Both entities are wholly owned by the same Canadian parent corporation].

Motion by Lawrence, to deny the agreement approving assignment of a Development and Purchase Agreement from North American Fur Auctions (US) Inc, to NAFA Newco, LLC, second by Jenson.

The Council discussion noted that the Council was not comfortable with authorizing the name change until they knew more about the new company subsidiary of NAFA.

Motion by Engelberger, to table the motion, second by Kittleson. Motion carried 11-0.

Consideration and possible action regarding North American Fur Auction request for Indemnification Agreement for Ag Conversion Fee.

Motion by Lawrence, that the City Attorney draft an indemnification agreement between North American Fur Auction and the City of Stoughton for Ag conversion fee, second by O'Connor. Attorney Dregne indicated that the land where NAFA would be built was originally farm land and since its use was being converted to commercial, there might be a possibility of the City having to pay an Ag Conversion fee. He did indicate that the City Assessor and Dane County Treasurer did not feel that an Ag Conversion fee would be initiated on this land, but that NAFA had requested the exception regardless. Motion carried on a roll call vote of 8-3, with Boersma,

Johnson, and Engelberger voting noe.

Consideration and possible action regarding North American Fur Auction request to fund Alta Survey.

Motion by Lawrence, to deny the North American Fur Auction request to fund an Alta Survey, second by Majewski. The Finance Committee determined that the survey would not be necessary based on the location of the land. This decision conformed to the opinion of the Planning Director and the City Attorney. Motion carried 10-1, with O'Connor voting noe.

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 and 425 East South Street Stoughton, WI; the Council may reconvene into open session to take action on closed session items.

Motion by Lawrence, to convene the Council into closed session, second by Truehl. Motion carried on a roll call vote of 11-0. The Council convened into closed session at 9:22p.m.

The Council reconvened at 9:53 p.m.

Motion by Truehl, to approve purchase agreement for property located at 425 East South St, second by Jenson. Motion carried 11-0.

ADJOURNMENT

Motion by Boersma, to adjourn the March 14, 2017 meeting of the Common Council, second by Jenson. Motion carried 11-0. The meeting of the Common Council adjourned at 9:56 p.m.