

Meeting of: **COMMON COUNCIL OF THE CITY OF STOUGHTON**  
Date/Time: Tuesday, August 8, 2017 @ 7:00 p.m.  
Location: Council Chambers (2<sup>nd</sup> 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, Tom Majewski, Pat O'Connor, Lisa Reeves, and Scott Truehl

### **CALL TO ORDER**

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

#### **Roll Call, Communications, and Presentations:**

Clerk Kropf called the roll and noted that ten alderpersons were present, with Boersma and Engelberger being absent and excused.

Majewski explained that the Council had made a motion that the HR Director to start the process of creating a job description for an Economic Development Director. He noted that this would be coming before the Personnel Committee for their consideration/input as well.

Reeves explained that Community Affairs and Council Policy Committee will be seeking input from Council members regarding what kind of goals/tasks they would like to see an Economic Development Director address as well.

Mayor Olson announced that the City's new IT Director, John Montgomery, had started today. John introduced himself to the Council and thanked them for the opportunity.

Mayor Olson noted that the Opera House had their first day of ticket sales and they had reached 40% of projected revenue for the whole season.

#### **Update from City Attorney regarding his work with the Landmarks Commission on Chapter 38 - Historic Preservation Ordinance**

Dregne noted that the Landmarks Commission is still working on the ordinance. He plans on meeting with the commission in September.

#### **Minutes and Reports:**

- Public Safety Committee (6/28/2017), Finance Committee (6/27/2017, & 7/11/2017), Community Affairs and Council Policy Committee (7/6/2017), and CIP Committee (6/26/2017)

#### **Public Comment Period:**

No persons registered to speak.

## CONSENT AGENDA

- A. July 25, 2017 Council Minutes
- B. July 20, 2017 Joint Meeting of the Committee of the Whole and Stoughton Area School District Board

Motion by Jenson, to approve the consent agenda, second by Hirsch. Motion carried 10-0.

## OLD BUSINESS

NONE

## NEW BUSINESS

**O-8-2017-** Amending Chapter 70-176 (47) of the City of Stoughton Municipal Code; relating to parking restrictions in Business Park North.

Truehl offered O-8-2017 as a first reading. The Council will be able to consider this ordinance at the August 22, 2017 Council meeting.

Majewski stated that he had requested that all ordinances of this nature be sent to the Public Works Committee to consider possible impacts on the public works crews.

Motion by Majewski, to refer to Public Works Committee for consideration, no second was offered. No action was taken on the motion for a lack of a second.

**O-9-2017-** Creating Chapter 70-176 (73) of the City of Stoughton Municipal Code; relating to parking restrictions on the north side of the 300 block of West Taft Street.

Truehl offered O-9-2017 as a first reading. The Council will be able to consider this ordinance at the August 22, 2017 Council meeting.

**R-115-2017-** Authorizing and directing the proper city official(s) to issue a Class "A" Fermented Malt Beverage License and "Class A" Liquor License (Cider Only) to Kwik Trip, INC d/b/a Kwik Trip #893 located at 1359 US Highway 51.

Motion by Truehl, to approve R-115-2017, second by Jenson. Truehl noted this is the new Kwik Trip store in Kettle Park West. He explained that they had applied to also have intoxicating liquor license, but that the Public Safety Committee approved the licenses that are consistent with the other convenient stores in the City. Motion carried 10-0.

**R-116-2017-** Authorizing and directing the proper city official(s) to issue an Operator License to Sheila Trentini.

Motion by Truehl, to approve R-116-2017, second by Jenson. Truehl explained this license was denied by the Public Safety Committee for the applicant's previous convictions. Trentini explained that the Brickhouse is being changed to a banquet facility and she would like to help run that facility. She noted her last violation was ten years ago and has bartended for thirty years prior. Truehl noted that the Police

Chief's recommendation was to deny and he feels that the Council should follow that recommendation. Motion to approve the license carried 6-4, with Truehl, Jenson, Kittleson, and Swadley voting noe.

**R-117-2017-** Authorizing and directing the proper city official(s) to approve a Temporary Class "B"/Class "B" Retailer's License and Special Event License to the St. Ann Catholic Church.

Motion by Truehl, to approve R-117-2017, second by Jenson. Truehl explained this was an annual license request and there were no problems in the past. Motion carried 10-0.

**R-118-2017-** Authorizing Council approval of a policy (attached as exhibit A) implementing Section 14-38(a) of the Stoughton Municipal Code; relating to the fining of late arriving annual liquor license renewal applications.

Motion by Truehl, to approve R-118-2017, second by Jenson. Truehl explained that this policy would implement the ordinance that fines any late arriving liquor license renewals and sets standards for how the Clerk should handle those fines. Motion carried 10-0.

**R-119-2017-** A resolution approving the Summary Report of the Redevelopment Authority of the City of Stoughton ("RDA") regarding the sale of the property located at 314 West Main Street, Stoughton, Wisconsin (commonly known as the Marathon site) (the "Property").

Motion by Truehl, to approve R-119-2017, second by O'Connor. Truehl explained that this property is the "Marathon Site" and is looked to be developed. The purchaser is guaranteeing that the development on this site is to be valued at \$800,000 by the end of 2018. Johnson expressed concern with the Council not having any input with the size, height and overall look of the new buildings. Peter Sveum addressed the Council and explained that the RDA had agreed to sell the property for a much lower price but that the value at the end of 2018 would be upwards of \$800,000. Kittleson explained concerns with the proposed development and it's placement at this site. He would like to see something to benefit the City, such as public restrooms. Sveum and Finance Director LaBorde expressed that the TID will soon be closing. In order for the TID to recover any of the costs associated with this property, the Council will need to move quickly. Motion carried on a roll call vote 9-1 with Kittleson voting noe.

**Discussion and possible action regarding the creation and appointment of members to an Ad Hoc Committee for the Stoughton Common Council and Stoughton Area School District.**

Attorney Dregne explained that this committee would need to follow the open meeting laws and would serve as an advisory board to the Council and School Board.

Motion by Swadley, to approve the creation of the joint Ad Hoc Committee for the Stoughton Common Council and Stoughton Area School District with Kathleen Johnson, Greg Jenson, and Michael Engelberger being appointed as City Council representatives, second by Hirsch.

Swadley explained that this committee is being created in the interest of marketing the City to promote growth for the City and the schools.

Motion carried 10-0.

\*\*\* *The Council may meet in closed session per State Statute 19.85 (1)(c) to consider the acquisition of property for the proposed Public Works Facility. The Council may reconvene in open session to take action on matters discussed in closed session and to consider the remaining items on the agenda.*

\*\*\* **R-120-2017-** A resolution approving purchase of 55 acre parcel subject to an existing easement.

Attorney Dregne discussed that the City has been working towards purchasing fifty-five acres from the Listol property and noted there was a concern with an easement for a septic drainage ditch to an adjoining property. Public Works Director Hebert explained to the Council that the drainage ditch on the property will not affect the proposed project plan for the new Public Works Facility.

Motion by O'Connor, to approve R-120-2017, second by Swadley. Motion carried on a roll call vote 10-0.

**Discussion regarding Attorney's conclusions and Clerk's findings relating to the Planning Commission process and procedures relating to the Demolition of Historic Buildings.**

Attorney Dregne explained to the Council his findings relating to the process and procedures regarding the demolition of historic buildings. His outline encompassed the process and current status of the demolition for 315 E Main St.

His outline noted that his previous memorandum to Council does note that the property located at 315 E Main St cannot be used as a private park, unless the Zoning Administrator determines that as an allowable use under the zoning ordinance. He explained that the zoning ordinance does allow passive and active outdoor public recreation in the central business district. Dregne explained that the private park idea wouldn't be allowable under a conditional use procedure either.

Dregne recommended that the Planning Department do the following: notify the applicant that the proposed use is not permissible, inquire if the applicant wants a determination from the Zoning Administrator whether a private park is allowable, and relaying that the Planning Commission will not be able to move forward with the approval of the plan without knowing how the property will be used.

Attorney Dregne stated that he will continue to work with staff to communicate current recommendations to the applicant, to address the land use issue, to notify that the Planning Commission cannot act on the landscaping issue, and determine if the question of demolition is something that needs to be reconsidered along with the determination of the moratorium. Truehl recommended that the City attorney investigate the demolition moratorium and the vested rights of the applicants of the demolition permit.

Majewski wants to receive a second opinion about the work that was completed when the zoning code was first drafted. Attorney Dregne noted that Vandewall was hired in 2009 to draft the code and that Mike Slavney could possibly offer some clarification to the intent.

Motion by Majewski, to seek a second legal opinion regarding the questions that Attorney

Dregne has addressed in his August 8, 2017 memo to Council, second by Swadley.

Amendment to the motion by Truehl that the City Attorney issue an opinion on the moratorium and the applicant's vested rights issue, second by Reeves. Motion carried 9-0, with Kittleson abstaining.

Original motion with amendment motion failed 4-5 on a roll call vote with Swadley, Johnson, Reeves, Jenson and O'Connor voting no.

Majewski left at 10:05 p.m.

Motion by Truehl, to have the attorney issue an opinion on the moratorium and the applicants vested rights, second by O'Connor. Motion carried 8-0 with Kittleson abstaining.

### **ADJOURNMENT**

Motion by Jenson, to adjourn the meeting of the Common Council, second by Reeves. Motion carried 9-0. The meeting of the Common Council adjourned at 10:06pm