

**CITY OF VERONA**  
**MINUTES**  
**COMMON COUNCIL**  
**January 14, 2019**  
**Verona City Hall**

1. Mayor Diaz called the meeting to order at 7:01 p.m.
2. Pledge of Allegiance
3. Roll call: Alderpersons Kate Cronin, Sarah Gaskell, Charlotte Jerney, Chad Kemp, Katie Kohl, Christine Posey, and Evan Touchett were present. Alderperson Heather Reekie was absent and excused. Also present: City Administrator Jeff Mikorski, City Planner Adam Sayre, Finance Director Brian Lamers, Public Works Director Theran Jacobson, Parks Director Dave Walker, Human Resources Coordinator Mitch Weckerly, City Attorney Bryan Kleinmaier, AECOM Engineer Carla Fischer, and City Clerk Ellen Clark.
4. Public Comment:
  - Gene Cropp, 708 Cabrillo Drive, Verona spoke regarding standing water on his property and flooding of the basement of his home near Cross Point Estates during a storm event on August 20 and 21, 2018.
  - Steve Vollenweider, 308 Valley View Street, Verona spoke regarding a sewer backup in his home during a storm event on August 20 and 21, 2018.
5. Approval of minutes from the December 10, 2018 Common Council meeting. Motion by Gaskell, seconded by Kemp, to approve the minutes of the December 10, 2018 Common Council meeting. Motion carried 7-0.
6. Mayor's Business:
  - A. Mayor Diaz read the proclamation for Adult School Crossing Guard Recognition Week, and expressed his appreciation for the tough job that crossing guards have in keeping the school children of Verona safe.
7. Announcements:
  - Ms. Jerney commented that a citizen had recommended to her that the City install LED street lights as a cost saving measure. Through her research into this topic, Ms. Jerney learned that as maintenance is done on the lights in the City, they are being changed to LEDs.
  - Ms. Cronin announced that the Friends of the Verona Senior Center Board is looking for new board members to sit on the board. The group is an advisory board that raises funds to support the programs and services of the Verona Senior Center. Please go to [veronaactiveadults.org](http://veronaactiveadults.org) for more information on the Friends of the Verona Senior Center.

8. Administrator's Report:

- Mr. Mikorski reported that the Dane County Cities and Villages Association will meet on January 16, 2019 at Noon in the Madison Municipal Building at 215 Martin Luther King Jr. Boulevard, Room 206.

9. Engineer's Report:

- Well 6 Pumping Station Construction: The contractor has installed the watermain from Whalen Road north and into the Well 6 site. Sanitary sewer installation will begin once the permit is issued by the DNR.
- Fireman's Park Splash Pad: The contractor has begun construction of the building shell and roof. All other activities have been placed on hold until spring.
- CTH M Reconstruction: The watermain and sanitary sewer installation that can be done this year for the City of Verona utilities is complete. Testing of the watermain and sanitary sewer has yet to be completed.

10. Committee Reports

**A. Finance Committee**

- (1) Discussion and Possible Action Re: Payment of Bills. Motion by Cronin, seconded by Kemp, to pay the bills in the amount of \$15,681,491.33. Motion carried 7-0.
- (2) Discussion and Possible Action Re: Notice of Claim from Progressive Insurance – October 11, 2018 vehicle accident. Motion by Cronin, seconded by Posey, to approve the Notice of Claim from Progressive Insurance for the October 11, 2018 vehicle accident in the amount of \$3,950.63. Motion carried 7-0.

**B. Personnel Committee**

- (1) Discussion and Possible Action Re: Amendment to City of Verona Family and Medical Leave Policy. Motion by Gaskell, seconded by Jerney, to approve the amendment to the City of Verona Family and Medical Leave policy.

HR Coordinator Mitch Weckerly explained that the current Family and Medical Leave policy requires employees to use all of their accrued leave during the federal FMLA period. This change to the Family and Medical Leave policy requires employees to substitute at least four weeks of accrued leave, if available, for unpaid time covered under the federal Family and Medical Leave Act (FMLA). If the employee remains covered under federal FMLA after the four-week threshold, the City may require the employee or the employee may choose to continue to substitute accrued leave to mitigate wage loss, or the employee may choose to use other benefits to supplement their income while on federal FMLA leave. In this way, we are requiring the substitution of leave for at least four weeks, but not requiring the employees to use all of their accumulated leave. This gives some flexibility back to the employee. Having a specific timeline also helps employees elect which avenue to follow. Motion carried 7-0.

### **C. Park, Recreation and Forestry Commission**

- (1) Discussion and Possible Action Re: Amendments to Stampfl Field Use Agreement between the City of Verona and Edgewood Inc.

Mr. Walker explained that the Field Use Agreement with Edgewood College that was approved in October needs some language changes. The biggest change is in the years that were used throughout the document. Other changes include allowing Edgewood College practices to begin before 6 p.m.; removing the need for a scrolling message on the scoreboard that Edgewood will be installing at the field; and clarifying that through 2022, Edgewood will not pay a field use fee, but the value of Edgewood's contributions versus the City's cost to operate the field will be evaluated in 2023, at which time a fee may be imposed. The in-kind service arrangement that the City has had with Edgewood College has been a good arrangement in the past.

Motion by Jerney, seconded by Kemp, to approve amendments to the Stampfl Field Use Agreement between the City of Verona and Edgewood Inc. Motion carried 7-0.

### **D. Public Safety & Welfare Committee**

- (1) Discussion and Possible Action Re: Class "B" Beer and "Class C" Wine license applications for Mr. Brew's Taphouse Verona, LLC, 611 Hometown Circle, Verona, WI, Danial L. Johnson, Agent. Motion by Kohl, seconded by Jerney, to approve Class "B" Beer and "Class C" Wine license applications for Mr. Brew's Taphouse Verona, LLC, 611 Hometown Circle, Verona, WI, Danial L. Johnson, Agent. Danial Johnson is purchasing Mr. Brew's Taphouse from the current owner, and has applied for a new license for the property. The property is scheduled to change hands on January 15<sup>th</sup>. The business will be closed while interior remodeling takes place, with a tentative re-opening date of February 1<sup>st</sup>. Motion carried 7-0.
- (2) Discussion and Possible Action Re: Ordinance No. 19-935 amending Section 10-1-26 of the Code of Ordinances of the City of Verona relating to parking on Lincoln Street. Motion by Kohl, seconded by Cronin, to approve Ordinance No. 19-935 amending Section 10-1-26 of the Code of Ordinances of the City of Verona relating to parking on Lincoln Street. In 2017, the City passed an ordinance restricting parking on the west side of Lincoln Street across the street from the Verona Area Community Theater (VACT) and in front of the former Cecor property. Cecor has moved out, and the City has approved plans for apartments to be constructed on the former Cecor property. Therefore, restricting parking in this location is no longer necessary. Motion carried 7-0.
- (3) Discussion and Possible Action Re: Resolution No. R-19-001 establishing a fee for City of Verona chicken license. Motion by Kohl, seconded by Jerney, to approve Resolution No. R-19-001 establishing a fee for the City of Verona chicken license. In October of 2018, the City passed an ordinance allowing for the keeping of chickens in the City. The Ordinance states, "the license fees shall be established by resolution by the Common Council". The proposed resolution would establish an annual fee of \$20.00 per household for a license allowing up to four (4) chickens, and includes a

late fee of \$5.00 if the license is not obtained by March 31<sup>st</sup> of any year. The \$20.00 annual household fee is similar to the fees charged by nearby municipalities. Motion carried 7-0.

#### **E. Plan Commission**

- (1) Discussion and Possible Action Re: Resolution No. R-19-002 approving a Certified Survey Map to create three (3) lots for the Sugar Creek Commons development project located at the southwest corner of West Verona Avenue and Legion Street. Motion by Gaskell, seconded by Kohl, to approve Resolution No. R-19-002 approving a Certified Survey Map to create three (3) lots for the Sugar Creek Commons development project located at the southwest corner of West Verona Avenue and Legion Street. This CSM is necessary in order to resolve a lot line issue dividing the underground parking structure. Motion carried 7-0.
- (2) Discussion and Possible Action Re: Resolution No. R-19-003 approving a conditional use permit amendment for a greenhouse building to be located at 1979 Milky Way. Motion by Gaskell, seconded by Cronin, to approve Resolution No. R-19-003 approving a conditional use permit amendment for a greenhouse building to be located at 1979 Milky Way. This conditional use permit would allow for the construction of a 3,120 square foot greenhouse building for Epic's horticulture team along Country View Road. Motion carried 7-0.
- (3) Discussion and Possible Action Re: Resolution No. R-19-004 to approve a subdivision replat for lands located within the Kettle Creek North Subdivision and requesting the vacation of areas dedicated to the public on a recorded plat. Motion by Gaskell, seconded by Jerney, to approve Resolution No. R-19-004 approving a subdivision replat for lands located within the Kettle Creek North Subdivision and requesting the vacation of areas dedicated to the public on a recorded plat, with the following condition:

1. Subject to Dane County Circuit Court vacating the portion of the plat included in the replat including the vacation of areas dedicated to the public.

The proposed replat would create 33 single-family lots in the Kettle Creek North Subdivision and is necessary to accommodate an onsite stormwater pond for the development. Lands within the subdivision that were previously dedicated to the public for park purposes and public right-of-way will be replatted for a stormwater pond, realignment of public right-of-way, and other land for park purposes. State Statute requires the vacation to be filed with Dane County Circuit Court for review and approval before it is able to be officially approved and recorded. Motion carried 7-0.

7:35 p.m. – Alderperson Reekie now in attendance.

- (4) Discussion and Possible Action Re: Ordinance No. 19-936 rezoning lots in Kettle Creek North Subdivision to Neighborhood Residential (NR) and Public Institutional (PI). Motion by Gaskell, seconded by Jerney, to approve Ordinance No. 19-936 rezoning lots in Kettle Creek North Subdivision to Neighborhood Residential (NR)

and Public Institutional (PI). This zoning map amendment would rezone the single-family parcels of the Kettle Creek North replat to Neighborhood Residential, and the stormwater pond and park to Public Institutional. Motion carried 8-0.

- (5) Discussion Re: Verona Area School District community information sign on City owned property located east of West End Circle, south of West Verona Avenue, north of Half Mile Road, and west of Nine Mound Road.

Ms. Gaskell explained that the community information sign proposed by the Verona Area School District (VASD) would be approximately 16-feet tall, include a 31- square foot electronic message center, and be approximately 80 feet from West Verona Avenue. If the project moves forward, it will require a conditional use permit and an agreement with the City. No formal motion is required by the Common Council, as this is the conceptual review of the project.

Ms. Reekie stated she is opposed to placing the sign on City property.

Mr. Sayre stated the placement is because the district is looking for visibility for the sign on West Verona Avenue.

Jessica Vaughn, JSD Professional Services, stated they are limited to how many times the message on the sign can change. As for content, they are looking at community and school events. The school district will continue to work with City staff through the conditional use process. The school district believes that this location makes more sense in terms of community impact than if the sign were placed where it would be read from US HWY 151. The sign will likely be left on 24 hours a day, seven days a week.

Discussion followed regarding what information will be displayed on the sign; the importance of placing the sign where it can be seen from West Verona Avenue versus US HWY 151; the proposed sign placement being on top of the City sanitary sewer line; holding the City harmless should the sign be damaged in the process of repairing the sewer line; the size and color of the sign; and the number and type of signs that will be included along West Verona Avenue as part of the Sugar Creek Commons development.

Mr. Sayre stated City staff is generally okay with the sign, but we need to work out the details of the agreement with VASD.

#### **F. Public Works/Sewer & Water Committee**

Mr. Touchett requested unanimous consent from the Council to convene in closed session for items 10.F.(1), 10.F.(2), and 10.F.(3) at the same time, with the Council approving a motion to convene in closed session for each item. There were no objections.

- (1) Discussion and Possible Action Re: Insurance claim at 708 Cabrillo Drive  
*The Common Council may convene in a closed session as authorized by Wisconsin Statute 19.85(1)(g), for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be*

*adopted by the body with respect to litigation in which it is or is likely to become involved. The Common Council may reconvene in an open session to discuss and take action on the subject matter discussed in the closed session.*

Motion by Touchett, seconded by Kemp, to convene in a closed session as authorized by Wisconsin Statute 19.85(1)(g), for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Common Council may reconvene in an open session to discuss and take action on the subject matter discussed in the closed session. On roll call: Alder Cronin – Aye; Alder Gaskell – Aye; Alder Jerney – Aye; Alder Kemp – Aye; Alder Kohl – Aye; Alder Posey – Aye; Alder Reekie – Aye; Alder Touchett – Aye. Motion carried 8-0. Mr. Jacobson and Mr. Kleinmaier remained for the closed session.

The Common Council convened in closed session at 7:58 p.m.

#### CLOSED SESSION

Motion by Reekie, seconded by Kohl, to reconvene in open session. Motion carried 8-0. The Common Council reconvened in open session at 8:55 p.m.

- (2) Discussion and Possible Action Re: Insurance claim at 308 Valley View Street  
*The Common Council may convene in a closed session as authorized by Wisconsin Statute 19.85(1)(g), for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Common Council may reconvene in an open session to discuss and take action on the subject matter discussed in the closed session.*

Motion by Touchett, seconded by Kemp, to convene in a closed session as authorized by Wisconsin Statute 19.85(1)(g), for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Common Council may reconvene in an open session to discuss and take action on the subject matter discussed in the closed session. On roll call: Alder Gaskell – Aye; Alder Jerney – Aye; Alder Kemp – Aye; Alder Kohl – Aye; Alder Posey – Aye; Alder Reekie – Aye; Alder Touchett – Aye; Alder Cronin – Aye. Motion carried 8-0. Mr. Jacobson and Mr. Kleinmaier remained for the closed session.

The Common Council convened in closed session at 7:58 p.m.

#### CLOSED SESSION

Motion by Reekie, seconded by Kohl, to reconvene in open session. Motion carried 8-0. The Common Council reconvened in open session at 8:55 p.m.

(3) Discussion and Possible Action Re: Insurance claim at 415 Acadia Way

*The Common Council may convene in a closed session as authorized by Wisconsin Statute 19.85(1)(g), for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Common Council may reconvene in an open session to discuss and take action on the subject matter discussed in the closed session.*

Motion by Touchett, seconded by Kemp, to convene in a closed session as authorized by Wisconsin Statute 19.85(1)(g), for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Common Council may reconvene in an open session to discuss and take action on the subject matter discussed in the closed session. On roll call: Alder Jerney – Aye; Alder Kemp – Aye; Alder Kohl – Aye; Alder Posey – Aye; Alder Reekie – Aye; Alder Touchett – Aye; Alder Cronin – Aye; Alder Gaskell – Aye. Motion carried 8-0. Mr. Jacobson and Mr. Kleinmaier remained for the closed session.

The Common Council convened in closed session at 7:59 p.m.

CLOSED SESSION

Motion by Reekie, seconded by Kohl, to reconvene in open session. Motion carried 8-0. The Common Council reconvened in open session at 8:55 p.m.

Item 10.F.(1): Touchett announced that at this time, the Council is taking no action on Item 10.F(1) regarding the insurance claim at 708 Cabrillo Drive. City staff will look into this claim further.

Item 10.F.(2): Motion by Touchett, seconded by Jerney, to deny the insurance claim at 308 Valley View Street. This was a very large storm event for the City, and the Council believes that this was an “Act of Nature” event. Motion carried 8-0.

Item 10.F.(3): Motion by Touchett, seconded by Reekie, to deny the insurance claim at 415 Acadia Way. This was a very large storm event for the City, and the Council believes that this was an “Act of Nature” event. Motion carried 8-0.

(4) Discussion and Possible Action Re: Project closeout and change order No. 1 for Project ID 2017-113, CTH M & Locust Drive Pedestrian Improvements. Motion by Touchett, seconded by Gaskell, to approve the project closeout and change order No. 1 for Project ID 2017-113, CTH M & Locust Drive Pedestrian Improvements. Parisi Construction has successfully completed the project. This will close the contract with Parisi and final payment will be issued. Change order No. 1 is to increase Class I Type B urban erosion control matting and Class II Type B erosion control matting. Change order No. 1 adds \$1,960.84 to the contract, for a total contract value of \$1,297,531.09. Motion carried 8-0.

Mayor Diaz asked for unanimous consent to take up Item 12.A. ahead of Item 11.A. There were no objections.

12. A. Discussion and Possible Action Re: Resolution No. R-19-005 approving an agreement between the Greater Madison Convention and Visitors Bureau, Inc. dba Destination Madison and the City of Verona. Because of the restructuring of the Greater Madison Convention & Visitors Bureau (GMCVB) and Greater Madison Sports Commission, the agreement for room tax collection with the City needs to be replaced. This agreement provides GMCVB with 6% of the City's 70% of room tax collections for supporting GMCVB activities, and an additional 70% of the 1% increased room tax rate that took place in 2010, for the specific purpose of sports promotions and sports event solicitation.

Motion by Jerney, seconded by Kemp, to approve an agreement between the Greater Madison Convention and Visitors Bureau, Inc. dba Destination Madison, and the City of Verona, with the condition that in the agreement, the percent of the City's 70% room tax collections to be provided to GMCVB is corrected from 10% to 6%. Motion carried 8-0.

Mr. Mikorski stated one of the benefits of the agreement is that the Mayor may appoint people to serve the GMCVB in three areas: the Greater Madison Sports Commission, the Community Relations Committee, and the Sports Product Development Committee.

#### 11. Old Business

- A. Discussion and Possible Action Re: Requests for Proposals for assessment services *The Common Council may convene in a closed session as authorized by Wisconsin Statute 19.85(1)(e) for the purpose of deliberating or negotiating the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. The Common Council may reconvene in open session to discuss and take action on the subject matter discussed in the closed session.*

Mr. Mikorski explained that the City received two bids for assessor services: Associated Appraisal Consultants and Accurate Appraisals LLC. Costs for property record maintenance, reassessment services, and full market maintenance services were provided. Staff is requesting a closed session to discuss the bids, the costs to the City, and potential levels of service that will impact the amount of public funds that will be spent on assessor services. There were three options for each of the bids. The cost depends on the service level that we want. Accurate Appraisal's bid was lower, but there were other things to consider, as well.

Motion by Gaskell, seconded by Touchett, to convene in closed session as authorized by Wisconsin Statute 19.85(1)(e) for the purpose of deliberating or negotiating the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. The Common Council may reconvene in open session to discuss and take action on the subject matter discussed in the closed session. On roll call: Alder Kemp – Aye; Alder Kohl – Aye; Alder Posey – Aye; Alder Reekie – Aye; Alder Touchett – Aye; Alder Cronin – Aye; Alder Gaskell –



Aye; Alder Jerney – Aye. Motion carried 8-0. Mr. Lamers remained for the closed session.

The Common Council convened in closed session at 9:06 p.m.

CLOSED SESSION

Motion by Kohl, seconded by Cronin, to reconvene in open session at 9:33 p.m.

Motion carried 8-0.

The Common Council took no action in closed session. Mayor Diaz stated that when an assessment service is chosen, we will make a public announcement.

12. New Business

B. Discussion and Possible Action Re: Discussion and any permissible action regarding City Administrator performance and evaluation and City Administrator contract.

*The Common Council may convene in a closed session for discussion and permissible action regarding City Administrator performance and evaluation and City Administrator contract as authorized by Section 19.85(1)(c) of the Wisconsin Statutes to consider employment, promotion, compensation or performance evaluation data of any public employee subject to the jurisdiction or authority of the City of Verona; and Section 19.85(1)(e) for the deliberation of or negotiation for purchase of public properties, investment of public funds, or conduct of other specific public business whenever competitive or bargaining reasons require a closed session. The Common Council may reconvene in open session to discuss and take action on the subject matter discussed in the closed session.*

Motion by Gaskell, seconded by Cronin, to convene in a closed session for discussion and permissible action regarding City Administrator performance and evaluation and City Administrator contract as authorized by Section 19.85(1)(c) of the Wisconsin Statutes to consider employment, promotion, compensation or performance evaluation data of any public employee subject to the jurisdiction or authority of the City of Verona; and Section 19.85(1)(e) for the deliberation of or negotiation for purchase of public properties, investment of public funds, or conduct of other specific business whenever competitive or bargaining reasons require a closed session. The Common Council may reconvene in open session to discuss and take action on the subject matter discussed in the closed session. On roll call: Alder Kohl – Aye; Alder Posey – Aye; Alder Reekie – Aye; Alder Touchett – Aye; Alder Cronin – Aye; Alder Gaskell – Aye; Alder Jerney – Aye; Alder Kemp – Aye. Motion carried 8-0.

The Common Council convened in closed session at 9:35 p.m.

CLOSED SESSION

Motion by Reekie, seconded by Touchett, to reconvene in open session. Motion carried 8-0. The Common Council reconvened in open session at 10:20 p.m.

The Common Council took no action in closed session.

C. Discussion and Possible Action Re: Approval of operator licenses. Motion by Kohl, seconded by Kemp, to approve operator license applications as presented by the City Clerk. Motion carried 8-0.

13. Adjournment:

Motion by Gaskell, seconded by Reekie, to adjourn at 10:22 p.m. Motion carried 8-0.

Ellen Clark  
City Clerk