

CITY OF VERONA
MINUTES
COMMON COUNCIL
November 11, 2019
Verona City Hall

1. Mayor Diaz called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance
3. Roll call: Alderpersons Kate Cronin, Sarah Gaskell, Charlotte Jerney, Chad Kemp, Katie Kohl, Christine Posey, Heather Reekie and Evan Touchett were present. Also present: City Administrator Adam Sayre, City Attorney Bryan Kleinmaier, City Engineer Carla Fischer and City Clerk Ellen Clark.
4. Public Comment:
 - Dan Sisel, representing Berengaria Development and DGR Verona, the prospective owners of the building at 118 South Main Street being renovated for a Goodwill store, addressed concerns regarding payment of property taxes. Goodwill will be leasing the building from a private entity; therefore property taxes will be paid on this property. In addition, the investment that will be put into upgrading the building will likely result in an increase in property taxes.
 - Janet DesChenes, Vice President of Mission and Brand Development for Goodwill of South Central Wisconsin, spoke regarding Goodwill's business practices. Goodwill of South Central Wisconsin operates in 14 counties, with all proceeds remaining in the 14-county area. The company provides workforce development for anyone with any barriers to employment. Employees of Goodwill are paid competitive wages for a broad range of professional positions.
5. Approval of the minutes from the October 28, 2019 Common Council meeting. Motion by Kohl, seconded by Reekie, to approve the minutes of the October 28, 2019 Common Council meeting. Motion carried 8-0.
6. Mayor's Business:
 - A. Veterans Day proclamation

On behalf of him and the Common Council, Mayor Diaz recognized and thanked all veterans for their service to the country.
 - B. Police Officer recognition ceremony

Chief Coughlin introduced Officers Anthony Finger and Samantha Pickering, and offered a brief background on each. The officers were then sworn in as City of Verona Police Officers by City Clerk Clark.
 - C. First Lego League Team presentation

Owen Welty, Will Wallace, Carter Pum, Jack Ross and Patrick Lindsey, members of a robotics team at Van Oaks Middle School, presented a team project involving research and proposals to improve the parking lot and blank wall behind AJ's Pizza. The goal of the project was to create a productive and appealing city space that is also

environmentally friendly. Problems with the site were identified and potential solutions to the problems were proposed. Some solutions included adding a living wall to the back side of the building, which would be fed by compost formed using food waste and rain water; adding trees and plants to the area to create shade and reduce carbon dioxide concentrations; and replacing concrete with sustainable and permeable materials to reduce runoff and flooding on the site.

Comments were made and questions were asked by the Council, including what kind of permeable materials are proposed, what is the budget for the project, and did the team discuss the design with the property owners.

Mayor Diaz and the Common Council thanked the students, and commended them on the quality of their research and their interest in improving the community.

7. Announcements:

Jerney thanked the mayor for his proclamation. She also thanked the Verona Area High School choir for leading the City's Veterans Day ceremony participants in the National Anthem at Hometown Junction Park, and the Senior Center for coordinating the ceremonies.

8. Administrator's Report:

- The Public Hearing for the City's proposed 2020 budget will be held during the November 18th meeting of the Common Council
- The State of the City presentation will take place at 7:30 a.m. on November 19th at the Holiday Inn Express.
- The Tax Incremental Fund (TIF) fix passed the Assembly on November 7th, and is waiting for the Governor's signature. Staff has started discussions with the Finance Committee on how to reimburse taxpayers for the error, and will be ready to act when the Bill is signed by the Governor.

Diaz thanked Senator Erpenbach, Representative Pope, Representative Hesselbein, Governor Evers, the League of Wisconsin Municipalities, and City Staff for working to bring the TIF fix to fruition.

9. Engineer's Report:

- Well 6 pumping station: The plumbing pipe work has been installed for the floor drains and the foundation has been backfilled. Sanitary sewer construction is projected to be complete by mid-November.
- CTH M: Traffic signals are in operation, and lanes are open in each direction.
- CTH PD – Woods Road to CTH M: A traffic adjustment is scheduled for the week of November 11th.
- CTH PD bridge replacement: The bridge replacement project is complete, and the road is open to traffic as of November 8th.

10. Committee Reports

A. Plan Commission

- (1) Discussion and Possible Action Re: Resolution No. R-19-047 approving a Certified Survey Map to create one lot at 1051-1053 Tamarack Way. Motion by Gaskell, seconded by Kemp, to approve Resolution No. R-19-047 approving a Certified Survey Map to create one lot at 1051-1053 Tamarack Way. The proposed certified survey map (CSM) would combine the lots located at 1051/1053 Tamarack Way into one (1) lot. Motion carried 8-0.
- (2) Discussion and Possible Action Re: Resolution No. R-19-048 approving an amendment to a Precise Implementation Plan (PIP) for façade changes at 118 South Main Street. Motion by Gaskell, seconded by Jerney, to approve Resolution No. R-19-048 approving an amendment to a Precise Implementation Plan for façade changes at 118 South Main Street. The proposed PIP amendment would allow façade changes to the former World of Variety building located at 118 South Main Street. Goodwill is the building tenant and would be leasing the property from a private developer. Retail uses are permitted by right in the Central Commercial (CC) zoning district and Goodwill could use the building with or without the façade change approvals.

Reekie asked if the City has any options if Goodwill were to eventually own this property, making it tax exempt, at some point before the closure of Tax Incremental District (TID) 4.

Kleinmaier replied the City could place a condition of approval on the PIP agreement to execute a tax agreement stating that if the property becomes non-taxable, the taxes would continue to be paid at least through the life of the TID.

Kemp asked if anyone has discussed the developer's long term plan regarding this property.

Sayre replied the intent of the developer is to lease this property to Goodwill for the foreseeable future.

Kemp asked what the concerns were by the Plan Commission about traffic and access to the building.

Gaskell replied donations will occur in the front of the building, and traffic may be backed up at certain times of the day. In addition, while the truck comes in to empty the trash compactor, the sidewalk on Park Lane could be blocked. There were also concerns over the number of parking spaces available.

Kemp asked how many locations Goodwill of South Central Wisconsin has now, how many of those have drive-through donation drop-off areas, how many locations are in Dane County, and how many of those have drive-through donation drop-off areas.

Tony Lawson, Vice President of Operations for Goodwill of South Central Wisconsin, replied there are twelve locations in South Central Wisconsin, with five or six of them having drive-through drop-off areas. Of the eight locations in Dane County, he does not have the exact number of locations that have drive-through drop-off areas.

Posey stated her greatest concern is potential traffic congestion and driver and pedestrian safety in this area, as there are already traffic issues in the area where the Goodwill store is proposed.

Kohl asked what time of day trucks would typically be blocking sidewalks.

Sisel replied the compactor truck would be backing in two to three times a week for seven to ten minutes each time. The loading trucks will be limited in timeline, and will back beyond the street.

Cronin asked if the Verona Police Department will be tasked with dealing with people that drop off large items after business hours.

Lawson replied the company has its own internal loss prevention. Local law enforcement is not tasked with that. They typically don't see a lot of after-hours drop-offs.

Gaskell asked Sisel if there would be any opposition by the property owner to a tax agreement.

Sisel replied a tax agreement would be acceptable.

Gaskell asked for information from the company's market study that indicates that the City of Verona would be able to support two stores of this type.

Sisel replied one of the things they look at in the market studies is demographics. Donors are a subset of people that is growing in Verona. The widening acceptance of resale provides a tailwind for which Verona is especially suited. The closest store to Verona is in Fitchburg. That store is actually a bit small, and they have latent demand by shoppers and donors. They have been very successful in Stoughton, where St. Vincent de Paul is already operating.

Kohl asked if the loading trucks will block traffic at any point in the day.

Sisel replied the loading trucks will not be blocking traffic. They have coordinated with Carl Miller at Miller & Son's, as that store is the largest user of that space.

Kohl asked Sayre for clarification that if there were no requested façade changes, the Common Council would not be discussing this at all. If the PIP is disapproved, Goodwill could still move into the building; they simply would not be able to change the façade.

Sayre replied that is correct. The Applicant is proposing a retail use for this property. Retail use is allowed by right in the CC zoning district in which this property is located. If Goodwill had done only inside work, with no improvements to the façade, they could have pulled permits, done all of the inside work, and moved in without any input from the Council. It would not have gone to the Plan Commission, either, because a retail use is allowed by right in this district as long as the standards are met. The use fits the zoning for this property, so they must be allowed to be there. The exterior changes for the donor door and trash compactor required a PIP amendment. The painting and lighting would have been approved by Staff. For example, the Matt's House land use is permitted by right; hence, the project did not go before the Plan Commission or the Common Council.

Kohl asked Sayre if others have looked at this site, and what the outcomes of those inquiries have been.

Sayre replied the property has been vacant for approximately two years. Initially, a redevelopment project was discussed which included this property and the Dorn Hardware property. That project did not move forward for several reasons. Between that project and now, three to four developers were looking to redevelop the property. In the meantime, the hardware store was purchased by Dorn Hardware, which took that property out of the equation. The property on its own is difficult to redevelop, due to size and location. This is a sizeable building to fill. The last developer could not get the numbers to work, and walked away from the property. In addition, the development would not have fit well in the downtown, as the design of a new building would look out of place on the property. Another local business looked at the property, but they also had trouble making the numbers work. A variety of people have looked at this property over the years. Dollar Tree was approved with a condition for the loading zone area. They withdrew at the last second after modifying the loading area. Approving this PIP does not necessarily prevent redevelopment of the site in the future.

Jerney stated she is concerned about traffic, and believes there might be a more acceptable location. However, the company is committing \$1 million for improvements, and not asking for taxpayer assistance. Having them there would prevent another blight area in Verona. Their staff has complied with City standards, and is sensitive to citizen concerns regarding the look on Main Street. It creates business potential for neighboring businesses, and a walkable downtown area. In addition, the company will promote education and employment opportunities for Verona residents.

Posey asked what the next steps would be if we see additional congestion at the Main Street/Park Lane intersection due to Goodwill being in this building.

Sayre stated there are two potential lefts out of the property: the left shared with Park Bank, and the left at Park Lane. The City can look at the Park Lane

intersection if it becomes an issue of safety. People are able to go down Park Lane to the west toward the back of the building, and many will go through the Park Bank parking lot. This is not the only challenging traffic area in town. There is no hard and fast solution.

Diaz stated he voted against the PIP at the Plan Commission meeting because of traffic and safety concerns.

Gaskell stated the City should keep parking in this area of the downtown in mind when redeveloping the New Century School/Sugar Creek site. She has had more comments on this item than on any other item in the three years that she has been an Alderperson. She asked the Applicant how they plan to soften their impact.

DesChenes replied when the company locates in a community, they work with other local non-profits, coordinate with schools to provide work opportunities for students, supply shopping vouchers to community service organizations, etc. That groundwork will start as soon as possible. They will also reach out to the community at large to educate the community about what Goodwill is about and dispel some misconceptions about the company. They will be providing an upscale shopping experience. Resale is an up and coming shopping experience.

Cronin stated her opposition is to the traffic and pedestrian concerns this may cause in the downtown area. She was opposed to the Dollar Tree for the same reasons. Traffic is already under a great deal of pressure in downtown Verona. The location of the drop-off for donors is very close to Park Lane. Additional congestion and safety issues for drivers and pedestrians are things she cannot support.

Diaz asked if the Council was interested in adding a condition to the PIP amendment requiring a tax agreement with the property owner.

Motion by Gaskell, seconded by Jerney, to amend the motion on the table to approve the PIP amendment, adding that a tax agreement be executed between the City and the property owner.

Kleinmaier reminded the Council that approving this amendment does not mean you are approving the initial motion. Voting one way on the amendment does not require you to vote the same way on the initial motion.

Diaz called for a vote on the motion to amend the motion on the table, adding that a tax agreement be executed between the City and the property owner. Motion carried 8-0.

Kleinmaier clarified that denying the PIP amendment does not prevent Goodwill from moving into this building. It simply means that the proposed changes cannot be made to the exterior of the building.

Diaz requested a roll call vote on the original motion, as amended.

On roll call: Alder Gaskell – Aye; Alder Jerney – Aye; Alder Kemp – Nay; Alder Kohl – Nay; Alder Posey – Nay; Alder Reekie – Aye; Alder Touchett – Nay; Alder Cronin – Nay. Motion failed 5-3.

Kleinmaier suggested that it is appropriate to provide the Applicant with a formal reason on the record for denying the motion, and advised that a motion to deny the PIP amendment listing the reasons for the denial be made.

Kemp stated his concerns lie with public safety in regard to traffic congestion in this area.

Posey stated her reasons are that the property was not looked at holistically in relation to the parking lot. This is a very tight parking lot. She would like to know what will be done to create more off-street parking in the lot.

Kohl echoed the traffic and pedestrian safety concerns. Her concern is with the drop-off door being so close to Park Lane and Main Street. With drop-offs, loading, and in-store shopping all happening at one location, there is a lot going on there for an already very congested, small area in our downtown.

Gaskell clarified that what the Council has done by not approving the PIP is lose the opportunity to allow the exterior of this building to be updated to improve its look. It does not stop Goodwill from moving into the building.

No motion was made to deny the PIP amendment and listing the reasons for denial.

- (3) Discussion and Possible Action Re: Resolution No. R-19-049 approving a final plat for Whispering Coves plat creating 243 lots. Motion by Gaskell, seconded by Jerney, to approve Resolution No. R-19-049 approving a final plat for Whispering Coves plat creating 243 lots, with the following conditions:

1. The final plat shall become effective upon annexation of the 2.325 acres of land for Morningside Boulevard.
2. The final plat shall become effective upon the execution of a development agreement.
3. The final plat shall become effective upon execution of the Morningside Boulevard road agreement.

The proposed final plat would create 214 lots and 29 outlots for the Whispering Coves plat located west of County Highway M and south of County Highway PD. 209 lots would be developed as single-family homes while the remaining lots would be for a potential school, future condominium development, multi-family and commercial. Motion carried 7-1, with Alder Touchett voting no.

- (4) Discussion and Possible Action Re: Resolution No. R-19-050 approving a General Development Plan located west of County Highway M and south of County Highway PD that would allow for the construction of 209 single-family units. Motion by Gaskell, seconded by Kemp, to approve Resolution

No. R-19-050 approving a General Development Plan located west of County Highway M and south of County Highway PD that would allow for the construction of 209 single-family units, with the following conditions:

1. The General Development Plan shall become effective upon annexation of the 2.325-acres of land for Morningside Boulevard.
2. The General Development Plan shall become effective upon the execution of a development agreement.
3. The General Development Plan shall become effective upon execution of the Morningside Boulevard road agreement.

The proposed General Development Plan (GDP) would allow for the construction of 209 single-family units in the Whispering Coves Subdivision. A zoning exemption would be granted as part of the GDP to reduce side yard setback to an 8-foot setback instead of 10-feet.

Motion by Reekie, seconded by Kohl, to add a condition to the General Development Plan that the Applicant finalize details for stormwater management and modeling with the City Engineer.

Sayre stated that condition was not added to the Resolution, as the Applicant is very close to compliance for stormwater management.

Diaz called for a vote on the motion to amend the motion on the table, adding a condition to the General Development Plan that the Applicant finalize details for stormwater management and modeling with the City Engineer. Motion carried 7-1, with Alder Touchett voting no.

Kohl asked if going forward the 8-foot setback will be the norm for new residential construction throughout the City, and if there are any public roads within the development.

Sayre replied the 8-foot setback will not be the norm going forward. Setbacks will be considered in the rewrite of the Zoning Code. There are no private roads in the development.

Diaz called for a vote on the original motion on the table, as amended. Motion carried 7-1, with Alder Touchett voting no.

- (5) Discussion and Possible Action Re: Ordinance No. 19-950 rezoning 46.621 acres from Rural Agricultural (RA) to Public Institutional (PI) and 76.429 acres from Rural Agricultural (RA) to Neighborhood Residential (NR) for the Whispering Coves Subdivision located in the North Neighborhood south of County Highway PD, west of County Highway M, and north of Kettle Creek North Subdivision. Motion by Gaskell, seconded by Kemp, to approve Ordinance No. 19-950 rezoning 46.621 acres from Rural Agricultural (RA) to Public Institutional (PI) and 76.429 acres from Rural Agricultural (RA) to Neighborhood Residential (NR) for the Whispering Coves Subdivision located in the North Neighborhood south of County Highway PD, west of County Highway M, and north of Kettle Creek North Subdivision with the following conditions:

1. The zoning map amendment shall become effective upon annexation of the 2.325-acres of land for Morningside Boulevard.
2. The zoning map amendment shall become effective upon the execution of a development agreement.
3. The zoning map amendment shall become effective upon execution of the Morningside Boulevard road agreement.

Motion carried 8-0.

(6) Discussion and Possible Action Re: Ordinance No. 19-951 rezoning 14.2 acres of Block 1, Lot 1 of the Whispering Coves Subdivision abutting County Highway M from Rural Agricultural (RA) to Suburban Commercial (SC), and 7.5 acres of Block 2, Lot 2 of the Whispering Coves Subdivision from Rural Agricultural (RA) to Urban Residential (UR). Motion by Gaskell, seconded by Jerney, to approve Ordinance No. 19-951 rezoning 14.2 acres of Block 1, Lot 1 of the Whispering Coves Subdivision abutting County Highway M from Rural Agricultural (RA) to Suburban Commercial (SC), and 7.5 acres of Block 2, Lot 2 of the Whispering Coves Subdivision from Rural Agricultural (RA) to Urban Residential (UR), with the following conditions:

1. The zoning map amendment shall become effective upon annexation of the 2.325-acres of land for Morningside Boulevard.
2. The zoning map amendment shall become effective upon the execution of a development agreement.
3. The zoning map amendment shall become effective upon execution of the Morningside Boulevard road agreement.
4. For the property zoned UR, the property owner shall install and maintain a multi-family notification sign as outlined in the City's Residential Development Policy.

Motion carried 7-1, with Alder Touchett voting no.

(7) Discussion and Possible Action Re: Ordinance No. 19-952 approving the annexation of 2.325 acres of land to be used for right-of-way for Morningside Boulevard in the Whispering Coves Subdivision. Motion by Gaskell, seconded by Jerney, to approve Ordinance No. 19-952 approving the annexation of 2.325 acres of land to be used for right-of-way for Morningside Boulevard in the Whispering Coves Subdivision, with the following conditions:

1. All fees associated with the annexation and the Morningside Boulevard road agreement including legal, engineering, etc. shall be paid.
2. The annexation shall become effective upon the City acquiring the property.

This proposed annexation would annex 2.325 acres of land from the Town of Verona to be used for Morningside Boulevard. This Boulevard is the east/west road serving the Whispering Coves development. Motion carried 7-1, with Alder Touchett voting no.

B. Finance Committee

- (1) Discussion and Possible Action Re: Payment of bills. Motion by Kemp, seconded by Cronin, to pay the bills in the amount of \$441,395.09. Motion carried 8-0.
- (2) Discussion and Possible Action Re: Notice of liability claim. Motion by Kemp, seconded by Gaskell, to deny the claim by Christina Carroll, 113 Paoli Street, #206. Christina Carroll, 113 Paoli Street, #206, has filed a notice of claim with the City for a slip and fall incident that occurred at Fireman's Park on August 5, 2019. The fall resulted in injuries on Ms. Carroll's right side, as well as her face. She is asking the City to pay \$1,500 to cover her costs, as well as pain and suffering. Wis. Stat. 895.52 provides immunity to municipalities for injuries that occur on City property as a result of a recreational activity. In addition, Wis. Stat. 895.52(2) states there is no duty to keep the property safe for recreational activity, no duty to inspect and no duty to give warning of an unsafe condition. Based on the statutes listed above, the City's liability insurance carrier recommends that this claim be formally denied. Motion carried 8-0.

C. Personnel Committee

- (1) Discussion and Possible Action Re: Resolution No. R-19-051 approving a collective bargaining agreement between the City of Verona and the Wisconsin Professional Police Association LEER Division for 2020, 2021, and 2022. Motion by Gaskell, seconded by Kohl, to approve Resolution No. R-19-051 approving a collective bargaining agreement between the City of Verona and the Wisconsin Professional Police Association LEER Division for 2020, 2021, and 2022. The current bargaining agreement between the City and Wisconsin Professional Police Association (WPPA/LEER) is scheduled to expire on December 31, 2019. City Staff has negotiated an agreement with the WPPA/LEER and has reached a tentative agreement. Significant changes/terms of the Agreement include:
 - Three (3) year agreement
 - Changes related to dues deductions
 - Allows the payout of compensatory time paid at the next regular payroll with appropriate notice.
 - Court appearances: With approval from the Chief of Police, officer may testify remotely by phone.
 - Police Canine Handler: Handler will receive 30-minutes straight time pay at the Officer's current rate for care and maintenance.
 - Base wage increases for represented Police Officers:
 - o 2% increase on January 1, 2020
 - o 2% increase on January 1, 2021
 - o 3% increase on January 1, 2022

Motion carried 8-0.

D. Joint Planning Committee

- (1) Discussion and Possible Action Re: Resolution No. R-19-052 approving an Extraterritorial Certified Survey Map to create two lots located at 6437 Grandview Road in the Town of Verona. Kemp asked why the lots are being split. Motion by

Gaskell, seconded by Kemp, to approve Resolution No. R-19-052 approving an Extraterritorial Certified Survey Map to create two lots located at 6437 Grandview Road in the Town of Verona. Motion carried 8-0.

- (2) Discussion and Possible Action Re: Resolution No. R-19-053 approving an Extraterritorial Certified Survey Map to create two lots located at 6458 Whalen Road in the Town of Verona. Motion by Gaskell, seconded by Kohl, to approve Resolution No. R-19-053 approving an Extraterritorial Certified Survey Map to create two lots located at 6458 Whalen Road in the Town of Verona. Motion carried 8-0.

11. New Business

- A. Discussion and Possible Action Re: Ordinance No. 19-953 amending Title 15 of the Code of Ordinances, City of Verona, Wisconsin, relating to the City's electrical code. Staff was directed by the State of Wisconsin Department of Safety and Professional Services to amend the City's electrical code by the end of 2019 to be consistent with the State electrical code. Staff amended sections 15-1-2, 15-1-3, 15-1-4, 15-1-5, 15-1-17, 15-4-4, and 15-4-5. The City Attorney reviewed the changes and has no concerns. Motion by Kohl, seconded by Cronin, to approve Ordinance No. 19-953 amending Title 15 of the Code of Ordinances, City of Verona, Wisconsin, relating to the City's electrical code. Motion carried 8-0.

- B. Discussion and Possible Action Re: Potential litigation regarding claims made by owner of 210 Noel 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 advice concerning strategy to be adopted by the body with respect to litigation in which it is likely to become involved. The Common Council may reconvene in open session to discuss and take action on the subject matter discussed in the closed session.

Sayre explained this litigation relates to a dispute between neighboring property owners. One of the property owners believes the City has not acted to address property maintenance issues between the owners. Staff is requesting a closed session with the Common Council to update the Council on this potential litigation.

Motion by Kohl, seconded by Gaskell, 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 advice concerning strategy to be adopted by the body with respect to litigation in which it is likely to become involved. 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 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.

The Common Council convened in closed session at 8:37 p.m. Kleinmaier remained for the closed session.

CLOSED SESSION

Motion by Reekie, seconded by Kemp, to reconvene in open session.

The Common Council reconvened in open session at 8:45 p.m.

The Common Council took no action in closed session.

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

12. Adjournment:

Motion by Gaskell, seconded by Kemp, to adjourn at 8:46 p.m. Motion carried 8-0.

Ellen Clark
City Clerk