

1. Agenda

Documents: [CC_20150127_AG.PDF](#)

2. Complete Packet

Documents: [CC_20150127_PK.PDF](#)



Administrative Offices
5520 Lacy Road
Fitchburg, WI 53711-5318
Phone: (608) 270-4200 Fax: (608) 270-4212
www.fitchburgwi.gov

**AGENDA
FITCHBURG COMMON COUNCIL
JANUARY 27, 2015
7:30 P.M.
CITY HALL**

NOTICE IS HEREBY GIVEN that the Fitchburg Common Council will meet at 7:30 P.M. on Tuesday, January 27, 2015 in the Council Chambers of the City Hall, 5520 Lacy Road to consider and act on the following:

(Note: Full coverage of this meeting is available through FACTv and Streaming Video, accessible on the city web site at <http://factv.city.fitchburg.wi.us/Cablecast/Public/Main.aspx?ChannelID=3>)

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PUBLIC APPEARANCES NON-AGENDA ITEMS / NEW APPOINTMENTS**
 - A. Non Agenda Items
5. **CONSENT AGENDA**

ALL ITEMS LISTED UNDER THE CONSENT AGENDA are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a motion to amend is passed in which event the item will be removed from the Consent Agenda and considered on the agenda under the appropriate section.

 - A. **APPROVAL OF MINUTES**
 1. Common Council – January 13, 2015
 - B. **REFERRALS TO COMMISSIONS AND COMMITTEE**
 9. **Ordinance 2015-O-05** An Ordinance to Repeal and Recreate Chapter 66 – Secondhand Goods
 - a. Public Safety & Human Services
 - C. **Public Safety & Human Services**
 1. **Operator Licenses: (Issuance Contingent upon Payment of all Fees Owed to City of Fitchburg – Notes: N = New, All Others = Renewal)** Aliessa Kjorlie – N; Isis Leonard – N; Erin Murphy – N
6. **ADMINISTRATOR’S REPORT**
7. **COMMISSION/COMMITTEE REPORTS**
 - A. **Plan Commission**
 1. **Ordinance 2015-O-02** An Ordinance Amending Chapter 22 Relative to Convenient Cash Businesses and Secondhand Businesses

2. **Ordinance 2015-O-03** Zoning Ordinance Amendment Approving Rezoning Request RZ-2049-14 by Michael McMahon, Agent for Fitchburg Development, LLC, to Rezone Lots 14 & 15 Fitchburg Business Park and Also Part of Outlot 2, Property Addressed as 5973 Executive Drive, from B-H (Highway Business) to the B-G (General Business) District
3. **Ordinance 2015-O-04** Zoning Ordinance Amendment Approving Rezoning Request RZ-2046-14 by Michael Barry, to Rezone a Part of Lot 2 CSM 13071 from A-T (Transitional Agriculture) to the A-S (Small Lot Agriculture) District
 - a. Ag & Rural
4. **Resolution R-08-15** A Resolution Approving Certified Survey Map Request CS-2047-14 by Michael Barry, to Divide Lot 2 CSM 13071 into Two Lots
 - a. Ag & Rural
5. **Resolution R-05-15** Resolution to Approve Amendment to Techlands Development Agreement

B. **Board of Public Works**

1. **Resolution R-02-15** Authorizing Acceptance of 2015 Stormwater Pond Projects Bid
 - a. Finance Committee
2. **Resolution R-03-15** Final Resolution Exercising Police Powers and Levying Special Assessments for 2014 Curb and Gutter Replacement in the City of Fitchburg, Wisconsin
 - a. Finance Committee

B. **Park Commission**

D. **Library Board**

E. **Commission on Aging**

F. **Resource Conservation Commission**

G. **Transportation & Transit Commission**

H. **Community & Economic Development Authority**

I. **Agriculture & Rural Affairs Committee**

J. **Reports from other Commissions and Committees**

8. **STANDING COMMITTEE REPORTS**

A. **Finance Committee**

1. **APPROVAL OF BILLS -**
Review of Bills Under \$25,000 or Previously Pre-Approved (Council Action Not Required)
 - a. General Checks 108898 through 109584 dated January 22, 2015 Total \$758,076.83
2. **Pre-Approval Items Over \$50,000** (Council Action Not Required)
 - a. Unitrends – Contingency Planning Solutions, Inc. Unitrends Backup System - \$56,147.00
3. **Approval of Bills for \$25,000 or more** (Council Action Required)
 - a. Batch Dated January 22, 2015 - \$1,582,625.74

- B. **Personnel Committee**
- C. **Public Safety & Human Services**
- 9. **MAYOR'S REPORT**
 - A. Alder District Reports
- 10. **UNFINISHED BUSINESS**
- 11. **NEW BUSINESS**
- 12. **ANNOUNCEMENTS**
 - A. Next Common Council Meeting, February 10, 2015
- 13. **ADJOURNMENT**

Note: It is possible that members of and possibly a quorum of members of other government bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Fitchburg City Hall, 5520 Lacy Road, Fitchburg WI 53711,(608) 270-4200



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D. **Library Board**

E. **Commission on Aging**

F. **Resource Conservation Commission**

G. **Transportation & Transit Commission**

H. **Community & Economic Development Authority**

I. **Agriculture & Rural Affairs Committee**

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 - A. Alder District Reports
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**DRAFT MINUTES
FITCHBURG COMMON COUNCIL
JANUARY 13, 2015
7:30 P.M.
CITY HALL**

1. **CALL TO ORDER** - Mayor Pfaff called the meeting to order at 7:45 p.m.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Steve Arnold, Becky Baumbach, Richard Bloomquist, Jason Gonzalez, Dorothy Krause, Carol Poole, Patrick Stern. Dan Carpenter-Absent with Excuse. Others Present: Tony Roach, City Administrator, Mark Sewell, City Attorney, and Patti Anderson, City Clerk.
4. **PUBLIC APPEARANCES NON-AGENDA ITEMS / NEW APPOINTMENTS**
 - A. Non Agenda Items - None
5. **CONSENT AGENDA**
 - A. **APPROVAL OF MINUTES** - December 9, 2014
 - B. **REFERRALS TO COMMISSIONS AND COMMITTEE**
 - Rezone Request, RZ-2049-14**, by Michael McMahon, Agent for Fitchburg Development, LLC, to Rezone from the B-H (Business Highway) to the B-G (General Business), Property Addressed as 5973 Executive Drive, Lots 14 & 15 of Fitchburg Business Park (*Plan*)
 - Ordinance 2015-O-01** An Ordinance Amending Section 22-6(e)(1) Relative to Wind Turbines in A-X Zoning, Section 22-481(c)(2) Relative to A-X Rezoning Reporting and Section 22-482(4) Relative to Limited Vocational Activities of Chapter 22, Zoning Ordinance (*Plan, Ag & Rural*)
 - Ordinance 2015-O-02** An Ordinance Amending Chapter 22 Relative to Convenient Cash Businesses and Secondhand Businesses (*Plan*)
 - Resolution R-01-15** A Resolution Recognizing International Migratory Bird Day, City of Fitchburg, Wisconsin (*Parks*)
 - Resolution R-02-15** Authorizing Acceptance of 2015 Stormwater Pond Projects Bid (*BPW, Finance*)
 - Resolution R-03-15** Final Resolution Exercising Police Powers and Levying Special Assessments for 2014 Curb and Gutter Replacement in the City of Fitchburg, Wisconsin (*BPW, Finance*)
 - Resolution R-04-15** Expressing City of Fitchburg Commitment Toward Becoming a "Dementia Friendly Community" (*COA*)
 - Resolution R-05-15** Resolution to Approve Amendment to Techlands Development Agreement (*Plan*)
 - C. **Public Safety & Human Services**
 1. **Operator Licenses: (Issuance Contingent upon Payment of all Fees Owed to City of Fitchburg – Notes: N = New, All Others = Renewal)** Dustin Dilks – N; Spencer Galbavy – N; Edward Kenney – N; Sabrina McDonald – N; Meredith Rhodes Carson – N; Sean Roberson – N; Jeremy Tanner – N;

1. Motion by Baumbach, 2nd by Bloomquist to **approve** the consent agenda.
2. **Motion carried.**
3. Patrick Cheney, 5211 Kittycrest, registered in opposition of the reporting details of draft minutes.

6. **ADMINISTRATOR’S REPORT**

Roach presented the Administrators Report.

7. **COMMISSION/COMMITTEE REPORTS**

A. **Plan Commission**

1. Motion by Poole, 2nd by Baumbach to **approve Resolution R-115-14** A Resolution Approving a Comprehensive Development Plan for Fahey Fields Development, Lot 2 CSM 9896
 - a. Mike Fahey, 425 Ash St, Oregon; Tony Heinrichs, 1113 Cohiba Ct, Verona; Ron Klaas, 7530 Westward Way, Madison were present and spoke regarding the development.
 - b. Ron Klaas, detailed the proposed development
 - c. Patrick Cheney, 5211 Kittycrest, spoke in opposition
 - d. Roll call vote: Ayes: Baumbach, Bloomquist, Gonzalez, Poole, and Stern. Nays: Arnold, Krause
 - e. **Motion carried (5-2).**
2. Motion by Poole, 2nd by Baumbach to **approve Resolution R-116-14** A Resolution Approving Certified Survey Map Request CS-2044-14 by Michael Marty of Vierbicher Associates, Inc., Agent for Green-Tech Land Company, LLC to Reconfigure into Two Lots and Two Outlots, Lots 14-17 and Outlot 22 of Second Addition to Nine Springs
 - a. **Motion carried**
3. Motion by Poole, 2nd by Baumbach to **approve Ordinance 2014-O-36** An Ordinance Amending Chapter 23 to Amend Article 3 Table 4a, Amend Article 5.13.5(c), Amendment Article 5.13.6(d), Amendment Article 6 Block Definition, Create Article 5.1.2(a)(xix) and amend Article 3 Table 6
 - a. **Motion carried.**
 - b. Next Plan Commission meeting - January 20th

B. **Board of Public Works**

1. Motion by Bloomquist, 2nd by Stern to **approve Resolution R-108-14** Approving an Agreement with Wisconsin & Southern Railroad Co. for the Construction of Warning Devices at the Lacy Road and E. Cheryl Parkway Railroad Crossings in the City of Fitchburg
 - a. **Motion carried.**
2. Motion by Bloomquist, 2nd by Stern to **approve Resolution R-111-14** A Resolution Accepting Public Easements on Lots 33 and 34, and Outlot 23 in the Plat of Third Addition to Nine Springs, City of Fitchburg, Wisconsin
 - a. **Motion carried**
3. Motion by Bloomquist, 2nd by Poole to **approve Resolution R-112-14** A Resolution Accepting Public Stormwater Easements on Lot 4 in the Plat of Techlands and on Outlot 7 in the Plat of 1st Addition to Fitchburg Technology Campus, City of Fitchburg, Wisconsin
 - a. **Motion carried**

B. **Park Commission** – next meeting February 5th

D. **Library Board** – no report

- E. **Commission on Aging**
 - 1. Motion by Bloomquist, 2nd by Stern to **approve Resolution R-113-14** Approval of 2015 Contract with Dane County Human Services
 - a. **Motion carried**
- F. **Resource Conservation Commission** – next meeting January 21st
- G. **Transportation & Transit Commission** – next meeting January 21st
- H. **Community & Economic Development Authority** – next meeting January 22nd
- I. **Agriculture & Rural Affairs Committee** – Baumbach gave an update from the last meeting. The next meeting is February 17th.
- J. **Reports from other Commissions and Committees**
 - 1. Stern gave an update on the EMS Commission. The next meeting is January 15th.

8. **STANDING COMMITTEE REPORTS**

- A. **Finance Committee**
 - 1. Bloomquist reported that Finance reviewed **Bills Under \$25,000 or Previously Pre-Approved** General Checks 108514 through 108897 dated January 8, 2015 Total \$754,942.45
 - 2. Motion by Bloomquist, 2nd by Stern to **approve Bills for \$25,000 or more,** batch dated January 8, 2015 - \$295,332.28
 - 3. **Motion carried.**
- B. **Personnel Committee**
 - 1. Baumbach spoke regarding the City Pay Plan and implementation.
- C. **Public Safety & Human Services**
 - 1. Poole spoke regarding the meeting tonight and the work being done to update Chapter 66 – Secondhand Goods and Chapter 56 – Animal Control.

9. **MAYOR'S REPORT**

- A. Mayor Pfaff presented the Mayor's report
- B. Alder District Reports
 - 1. Alders Poole, Bloomquist, Arnold, and Baumbach presented district updates.

10. **UNFINISHED BUSINESS** - None

11. **NEW BUSINESS**

- 1. Motion by Poole, 2nd by Gonzalez for Denial of Claim – Trish Schlicher
 - a. **Motion carried.**

Mayor declared a 3 minute recess at 9:30 p.m. Meeting resumed at 9:33 p.m.

- 2. Motion by Poole, 2nd by Arnold to go into **Closed Session. Roll call vote:** Ayes: Arnold, Baumbach, Gonzalez, Krause, Poole, Stern. Nay: Bloomquist **Motion carried (6-1).**
Closed Session: Pursuant to Wisconsin Statutes §19.85(1) (e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (*Jamestown Park and Fire Station Property Acquisitions*)
- 3. **Reconvene into Open Session** – 10:26 p.m.
- 4. **Discussion and Possible Action Regarding Issues Discussed in Closed Session** – None

12. **ANNOUNCEMENTS**

- A. Next Common Council Meeting, January 27, 2015
- B. Next Committee of the Whole Meeting, January 28, 2015

13. Motion by Arnold, 2nd by Baumbach to **adjourn. Motion carried.** Time - 10:27 p.m.

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City of Fitchburg

Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred: **January 27, 2015** Ordinance Number: **2015-O-05**
Date to Report Back: **February 10, 2015** Resolution Number:

Sponsored by: Mayor Drafted by: City Attorney

TITLE: AN ORDINANCE TO REPEAL AND RECREATE
CHAPTER 66 – SECONDHAND GOODS

Background:

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Public Safety & Human Services	Anderson	February 10, 2015	
2				
3				
4				

Amendments:

Article I IN GENERAL

Sec. 66-1. Statutes adopted.

Except as otherwise specifically provided in this chapter, the statutory provisions of Section 134.71, Wisconsin Statutes, describing and defining regulation of pawn brokers and secondhand article and jewelry dealers, including procedures for prosecution, are adopted and by reference made a part of this section as if set forth fully herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the statutory regulations in Section 134.71, Wisconsin Statutes, as incorporated herein, are intended to be made part of this section and are adopted by reference. Any person who shall within the city, violate any provisions of any statute incorporated herein by reference shall be deemed guilty of an offense under this section.

Sec. 66-2. Reporting System Established.

This chapter implements and establishes the required use of a reporting system to help the police department better regulate current and future pawnshops, secondhand article and second hand jewelry dealers and to increase identification of criminal activities associated with these uses through the timely collection and sharing of transaction information. Pawnbrokers, secondhand article and second hand jewelry dealers must submit every reportable transaction to the police department. Persons licensed under this chapter must provide to the police department all required information pursuant to State Statute, through means designated by the Fitchburg Police Department.

Sec. 66-3. Inspection of Items.

At all times during the term of the license, the pawnbroker, secondhand article, or second hand jewelry dealer shall allow the police department to enter the premises where the licensed business is located, including all off-site storage facilities, during normal business hours (or at other times in the case of an emergency), for the purpose of inspecting such premises and inspecting the items, wares, merchandise, and records therein to verify compliance with this chapter or other applicable laws.

Secs. 66-4--66-20. Reserved.

Article II. Licenses

Sec. 66-21. Required.

No person, firm or corporation may operate as a pawnbroker, secondhand article, or second hand jewelry dealer in the city without first obtaining a license under this chapter.

Sec. 66-22. Display of License.

Each license issued under this chapter shall be displayed in a conspicuous place visible to anyone entering a licensed premise.

Sec. 66-23. Application.

Written applications for licenses under this section for specific premises, together with the applicable license fees, shall be filed with the city clerk for presentation to the public safety and human services committee who shall make the final decision on any new or renewal application. The clerk shall file a copy of such application with the police department and the planning department within five business days after receipt. Licenses issued under this section shall not be transferable. The application shall state the following:

- (1) The applicant's name, place and date of birth, residence address, and residence addresses for the ten-year period prior to the date of the application.
- (2) The name and address of the business and of the owner of the business premises.
- (3) Whether the applicant is a natural person, corporation, limited liability company, or partnership, and:
 - (a) If the applicant is a corporation, the state where incorporated and the names and addresses of all officers and directors.
 - (b) If the applicant is a partnership, the names and addresses of all partners.
 - (c) If the applicant is a limited liability company, the names and addresses of all members.
 - (d) The name of the manager or proprietor of the business.
 - (e) Any other information that the clerk may reasonably require.
- (4) A statement as to whether the applicant, including an individual, agent, officer, director, member, partner, manager, or proprietor, has been convicted of any crime, statutory violation punishable by forfeiture, or county or municipal ordinance violation. If so, the applicant must furnish information as to the time, place, and offense of all such convictions.
- (5) Whether the applicant or any other person listed in subsection (4) above has ever used or been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places used.
- (6) Whether the applicant or any other person listed in subsection (4) above has previously been denied or had revoked or suspended a pawnbroker, secondhand dealer or secondhand jeweler license from any other governmental unit. If so, the applicant must furnish information as to the date, location, and reason for the action.

Sec. 66-24. Investigation of License Applicant.

The police department shall investigate each applicant and any other person listed in section 66-23(3) above for a pawnbroker, secondhand article, or secondhand jewelry dealer license. The department shall furnish the information derived from that investigation in writing to the city clerk. The investigation shall include each agent, officer, member, partner, manager, or proprietor.

Sec. 66-25. Issuance.

- (1) The city council shall grant the license if all of the following apply:
 - (a) The applicant, including an individual, a partner, a member of a limited liability company, a manager, a proprietor, or an officer, director, or agent of any corporate applicant, does not have an arrest or conviction record, subject to Sections 111.321, 111.322 and 111.335, Wisconsin Statutes.
 - (b) With respect to an applicant for a pawnbroker's license, the applicant provides to the governing body a bond of one thousand dollars (\$1,000.00), with not less than two sureties, for the observation of all municipal ordinances or state or federal laws relating to pawnbrokers.
 - (c) All zoning approvals have been obtained for the property upon which the pawnbroker, secondhand article, or secondhand jewelry dealer operation will be conducted, and, general conformance with the city's development standards on the subject site is established or maintained.
- (2) No license issued under this subsection may be transferred to another party, or another site owned or operated by the applicant or another party.
- (3) Each license is valid from January 1 until the following December 31.
- (4) Notwithstanding anything above, public safety and human services committee may place conditions on the conduct of the operation as may be appropriate to protect the health, safety and general welfare of the City.

Sec. 66-26. Fees.

The license fee under this chapter shall be as contained in the City of Fitchburg Fees and Licenses Schedule.

Sec. 66-27. Appeal to Common Council.

If the applicant for a license wishes to appeal the decision made by the public safety and human services committee, the applicant shall have the right to have the committee's decision heard by the common council, as long as the applicant requests said appeal within five business days from the committee's decision.

(Comp. Ords 2009, ss 12.01(5))

Secs. 66-35-66-50. Reserved

ARTICLE III. REGULATIONS

Sec. 66-51. Identification Requirements.

No pawnbroker, secondhand article, or secondhand jewelry dealer may engage in a transaction of purchase, receipt, or exchange of any secondhand article from a customer without first securing adequate identification from the customer. At the time of the transaction, the pawnbroker, secondhand article, or secondhand jewelry dealer shall require the customer to present one of the following types of identification:

- (a) Current, valid Wisconsin driver's license;
- (b) Current, valid Wisconsin identification card;
- (c) Current, valid photo identification card or photo driver's license issued by another state or province of Canada.

Sec. 66-52. Transactions with Minors.

- (a) Except as provided in subsection (b), no pawnbroker, secondhand article, or secondhand jewelry dealer may engage in a transaction of purchase, receipt, or exchange of any secondhand article from any minor, defined as a person under the age of eighteen (18) years.
- (b) A pawnbroker, secondhand article, or secondhand jewelry dealer may engage in a transaction described under subsection (a) if the minor is accompanied by his or her parent or guardian at the time of the transaction and the parent or guardian signs the transaction form and provides identification as required by this section.

Sec. 66-53. Records Required.

At the time of any reportable transaction other than renewals, extensions, or redemptions, every pawnbroker, secondhand article, or secondhand jewelry dealer must immediately record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by the police department:

- (a) A complete and accurate description of each item, including, but not limited to any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
- (b) The purchase price, amount of money loaned upon or pledged therefore.
- (c) The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges.
- (d) Date, time, and place the item of property was received by the pawnbroker, secondhand dealer or secondhand jeweler, and a unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the pawnbroker or secondhand dealer's records.

- (e) Full name, current residence address, current residence telephone number, date of birth, and accurate description of the person from whom the item of property was received, including sex, height, weight, race, color of eyes, and color of hair.
- (f) The identification number and state of issue from any of the following forms of identification of the seller:
 - i. Current, valid Wisconsin driver's license;
 - ii. Current, valid Wisconsin identification card;
 - iii. Current, valid photo identification card or photo driver's license issued by another state or province of Canada.
- (g) The signature of the person identified in the transaction.
- (h) Renewals, extensions, and redemptions. The pawnbroker, secondhand article, or secondhand jewelry dealer shall provide the original transaction identifier, the date of the current transaction, and the type of transaction for renewals, extensions, and redemptions.
- (i) Record retention. Data entries shall be retained for at least one year from the date of transaction.
- (j) For every secondhand article purchased, received, or exchanged by a pawnbroker, secondhand article, or secondhand jewelry dealer from a customer of the pawnbroker, secondhand article, or secondhand jewelry dealer's premises, or consigned to the pawnbroker, secondhand article, or secondhand jewelry dealer for sale on their premises, the pawnbroker, secondhand article, or secondhand jewelry dealer shall keep a written inventory. In this inventory the pawnbroker, secondhand article, or secondhand jewelry dealer shall record the name and address of each customer, the date, time, and place of the transaction, and a detailed description of the article that is the subject of the transaction. The customer shall sign his or her name on a declaration of ownership of the secondhand article identified in the inventory and shall state that he or she owns the secondhand article. The pawnbroker, secondhand article, or secondhand jewelry dealer shall retain an original and a duplicate of each entry and declaration of ownership relating to the purchase, receipt, or exchange of any secondhand article for not less than one year after the date of the transaction, except as provided in subsection 66-56, and shall make duplicates of the inventory and declarations of ownership available to any law enforcement officer for inspection at any reasonable time.

Sec. 66-54 Premise Requirements

- (1) **At all times the licensee shall have fully functional surveillance equipment of sufficient quantity and quality as determined by the Police Department.**

- (2) Prior to initial occupancy of the premises described in the license, the Police Department shall perform a walk-through verifying that all terms and conditions contained in the license have been complied with.

Sec. 66-55. Holding Period.

- (a) Except as provided in subsection (c) below, any secondhand article other than gold and silver coins, or bullion purchased or received by a pawnbroker, secondhand article, or secondhand jewelry dealer shall be kept on the premises or other place for safekeeping for not less than thirty (30) days after the date of purchase or receipt, unless the person known by the pawnbroker, secondhand article, or secondhand jewelry dealer to be the lawful owner of the secondhand article redeems it. The holding period for secondhand jewelry, gold or silver coins or bullion shall be twenty-one (21) days.
- (b) During the period set forth in subsection (a) above, the secondhand article shall be held separate from saleable inventory and may not be altered in any manner. The pawnbroker, secondhand article, or secondhand jewelry dealer shall permit any law enforcement officer to inspect the secondhand article during this period. Within twenty-four (24) hours after a request of a law enforcement officer during this period, a pawnbroker, secondhand article, or secondhand jewelry dealer shall make available for inspection any secondhand article which is kept off the premises for safekeeping.
- (c) Subsections (a) and (b) do not apply to a secondhand article consigned to a pawnbroker, secondhand article, or secondhand jewelry dealer.

Sec. 66-56. Redemption Period.

Any person pledging, pawning or depositing any item for security must have a minimum of sixty (60) days from the date of that transaction to redeem the item before it may be forfeited and sold. During the 60-day holding period, items may not be removed from the licensed location. Pawnbrokers, secondhand article, or secondhand jewelry dealers are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with the approval of the police department. Written authorization for release of property to persons other than the original pledger must be maintained along with the original transaction record in accordance with subsection 66-53(i).

Sec. 66-57. Police Order to Hold Property.

- (a) Investigative hold. Whenever a law enforcement officer from any agency notifies a pawnbroker, secondhand article, or secondhand jewelry dealer not to sell an item, the item must not be sold or removed from the premises. The investigative hold shall be confirmed in writing by the originating agency within seventy-two (72) hours and will remain in effect for fifteen (15) days from the date of initial notification, or until the investigative order is canceled, or until an order to confiscate is issued, pursuant to subsection b., whichever comes first

- (b) Order to confiscate.
- (1) If an item is identified as stolen or evidence in a criminal case, the police department may physically confiscate and remove it from the shop, pursuant to a written order from the police department.
 - (2) When an item is confiscated, the person doing so shall provide identification upon request of the pawnbroker, secondhand article, or secondhand jewelry dealer, and shall provide the pawnbroker, secondhand article, or secondhand jewelry dealer with the name and phone number of the confiscating officer and the case number related to the confiscation.
 - (3) When an order to confiscate is no longer necessary, the police department shall so notify the pawnbroker, secondhand article, or secondhand jewelry dealer.

Sec. 66-58. Reports to Police.

- (a) Pawnbrokers must submit every reportable transaction to the Fitchburg Police Department daily in the following manner. Pawnbrokers must provide to the police department all information required in section 66-53 and other required information, by transferring it from their computer to the electronic reporting system. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the police department using procedures that address security concerns of the pawnbroker and the police department.
- (1) Billable transaction fees. Pawnbrokers will be charged for each billable transaction reported to the police department. These fees are intended to pay for the cost of participation in the electronic reporting system.
 - (2) If a pawnbroker is unable to successfully transfer the required reports by computer, the pawnbroker must provide the police department with printed copies of all reportable transactions by twelve noon the next business day.
 - (3) For each transaction of purchase, secondhand article and secondhand jewelry dealers must submit a completed copy of a report containing all information required in section 66.53 to the Fitchburg Police Department daily. The report shall be submitted in the electronic reporting system.
 - (a) The pawnbroker, secondhand article, or secondhand jewelry dealer must display a sign of sufficient size in a conspicuous place on the premises which informs all patrons that all transactions are reported to the department.

Sec. 66-59. Exception for Customer Return or Exchange.

Nothing in this section applies to the return or exchange from a customer to a pawnbroker, secondhand article, or secondhand jewelry dealer of any secondhand article purchased from the pawnbroker, secondhand article, or secondhand jewelry dealer.

- (a) Every pawnbroker, secondhand article, or second hand jewelry dealer must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for three years. The receipt must include at least the following information:
- (1) The name, address, and telephone number of the licensed business.
 - (2) The date and time the item was received by the pawnbroker, secondhand article, or secondhand jewelry dealer.
 - (3) Whether the item was pawned or sold, or the nature of the transaction.
 - (4) An accurate description of each item received, including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
 - (5) The signature or unique identifier of the pawnbroker, secondhand article, or secondhand jewelry dealer or employee that conducted the transaction.
 - (6) The amount advanced or paid.
 - (7) The monthly and annual interest rates, including all pawn fees and charges.
 - (8) The last regular day of business by which the item must be redeemed by the pledger without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date.
 - (9) The full name, residence address, residence telephone number, and date of birth of the pledger or seller.
 - (10) The identification number and state of issue from any of the following forms of identification of the seller:
 - a. Current, valid Wisconsin driver's license.
 - b. Current, valid Wisconsin identification card.
 - c. Current, valid photo driver's license or identification card issued by another state or province of Canada.
 - (11) Description of the pledger or seller, including approximate sex, height, weight, race, color of eyes, and color of hair.
 - (12) The signature of the pledger or seller.

Sec. 66-60. Label Required.

Pawnbrokers, secondhand article, or secondhand jewelry dealers must attach a label to every item at the time it is pawned, purchased, or received in inventory from any reportable transaction. Permanently recorded on this label must be the number or name that identifies the transaction in the shop's records, the transaction date, the name of the item and the description or the model and serial number of the

items as reported to the police department, whichever is applicable, and the date the item is out of pawn or can be sold, if applicable. Labels shall not be reused.

Sec. 66-61. Prohibited Acts.

- (1) No person under the age of eighteen (18) years may pawn or sell or attempt to pawn or sell goods with any pawnbroker, secondhand article, or secondhand jewelry dealer, nor may any pawnbroker, secondhand article, or secondhand jewelry dealer receive any goods from a person under the age of eighteen (18) years, except as permitted by subsection [66-52\(b\)](#).
- (2) No pawnbroker, secondhand article, or secondhand jewelry dealer may receive any goods from a person of unsound mind or an intoxicated person.
- (3) No pawnbroker, secondhand article, or secondhand jewelry dealer may receive any goods unless the seller presents identification in the form of a valid driver's license, a valid state of Wisconsin identification card, or current, valid photo driver's license or identification card issued by the state of residency of the person from whom the item was received.
- (4) No pawnbroker, secondhand article, or secondhand jewelry dealer may receive any item of property that possesses an altered or obliterated serial number or other identification number, or any item of property that has had its serial number removed.
- (5) No person may pawn, pledge, sell, consign, leave, or deposit any article of property not their own, nor shall any person pawn, pledge, sell, consign, leave, or deposit the property of another, whether with permission or without, nor shall any person pawn, pledge, sell, consign, leave, or deposit any article of property in which another has a security interest with any pawnbroker.
- (6) No person seeking to pawn, pledge, sell, consign, leave, or deposit any article of property with any pawnbroker, secondhand article, or secondhand jewelry dealer shall give a false or fictitious name, nor give a false date of birth, nor give a false or out-of-date address of residence or telephone number, nor present a false or altered identification or the identification of another to any pawnbroker, secondhand article, or secondhand jewelry dealer.

Sec. 66-62. Revocation

- (1) A license issued hereunder may be denied, revoked, or suspended by the city clerk upon administrative determination that the licensee has committed fraud, misrepresentation, or provided a false statement in the application for a license, or violated this chapter or Sections 134.71, 943.34, 948.62 or 948.63, Wisconsin Statutes, or violated any local, state, or federal law substantially related to the businesses licensed under this chapter.
- (2) The city clerk may deny, suspend, or revoke any license issued under this section upon administrative determination that the applicant is not a citizen of the United States or a

resident alien, or upon whom it is impractical or impossible to conduct a background or financial investigation due to the unavailability of information.

Sec. 66-63. Additional Regulation of Flea Markets.

In addition to the requirements adopted under section (66-51?) A of this section, the following shall also apply to flea markets:

- (1) Definitions. As used in the ordinance codified in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

"Flea market" means a market, indoors or out of doors, where new or used items are sold from individual locations, with each location being operated independently from the other locations. Items sold include but are not limited to household items, antiques, rare items, decorations, used books and used magazines. A flea market does not include the sale of produce or other perishable products at retail or wholesale by a resident of this state.

"Flea market seller" means a person, firm or corporation selling items or offering items for sale at a flea market.

"Market" means a place where goods are sold to the public.

- (2) License Required. No person, firm or corporation shall operate the business of renting space or allocating space to flea market sellers without first obtaining a license therefore from the city. Applications for license shall be made to the city clerk, on forms provided by the city clerk, and in accordance with the provisions adopted in section 66-51 of this section. The common council may restrict the license for use on certain dates and times. The site for the flea market shall comply with city zoning requirements.

- (3) Information to be Filed. The information to be filed with the city clerk, pursuant to the ordinance codified in this chapter and in addition to any information required under section 66-51 of this section, shall be as follows:

- (a) Name of person, firm, group, corporation, association, or organization conducting the sale;
- (b) Name of owner of the property on which the sale is to be conducted, and consent of owner if applicant is other than the owner;
- (c) Location at which sale is to be conducted;
- (d) Number of days of sale;
- (e) Date, nature of any past sale;
- (f) Relationship or connection applicant may have had with any other person, firm, group, organization, association, or corporation conducting the sale and the date or dates of such sale;
- (g) Whether or not applicant has been issued any other vendor's license by any local, state or federal agency;
- (h) Sworn statement or affirmation by the person signing that the information therein

given is full and true and known to him or her to be so.

- (4) **Records to be Kept by Licensee.** Each person required by the ordinance codified in this chapter to obtain a license shall keep accurate records of the names and addresses of each flea market seller, together with a brief description of the type or types of merchandise offered for sale by that seller.
- (5) **More Than One Market.** Any person, firm or corporation renting or allocating space to flea market sellers in more than one place of business shall be required to obtain a license for each place of business, provided that one license shall be adequate for locations that are on the same lot, adjacent lots or lots separated only by an alley.
- (6) **Unlawful Transactions.** No person shall sell or offer for sale at any flea market any goods known to such person to be stolen.
- (7) **Hours.** Flea market may remain open for business between the hours of nine a.m. and eight p.m., unless otherwise specified on the license at time of issuance.

DRAFT

Mayor
Introduced by

City Attorney
Drafted by

Public Safety and Human Services
Referred to

January 27, 2015
Date

ORDINANCE 2015-O-05

AN ORDINANCE TO REPEAL AND RECREAT CHAPTER 66 – SECONDHAND GOODS

The Common Council of the City of Fitchburg, Dane County, Wisconsin ordains as follows:

Section 1 – Pursuant to Wis. Stat. 66.0103, that the proposed new Chapter 66 of the Fitchburg Code of Ordinances, which has been available for public inspection not less than 2 weeks prior to it being enacted, is hereby adopted by reference as is fully set forth herein.

Section 2 - The City Clerk is directed to publish a copy of this enabling ordinance and to keep a copy on file in his/her office permanently and open for public inspection during regular office hours, Chapter 66 of the Fitchburg Code of Ordinances being repealed and recreated, as adopted hereby.

Section 3 – Except as otherwise set forth herein, after approval by the Common Council, this Ordinance and Chapter 66 of the Fitchburg General Code of Ordinances as repealed and recreated, hereby take effect on the day after publication.

Adopted this _____ day of February, 2015.

Approved by: _____
Shawn Pfaff, Mayor

Attested by: _____
Patti Anderson, City Clerk

Published: _____

City of Fitchburg

Committee or Commission Referral

Direct Referral Initiated by:
 Direct Referral Approved by:

Date Referred: **January 13, 2015** Ordinance Number: 2015-O-02
 Date to Report Back: **January 27, 2015** Resolution Number:

Sponsored by: Mayor Pfaff Drafted by: Planning/Zoning

TITLE: An Ordinance Amending Chapter 22 Relative to
 Convenience Cash Businesses and Secondhand Businesses

Background: Alder Stern had previously submitted an ordinance to amend the Zoning to have payday lenders, auto title loan, tax preparation and check-cashing businesses to be a conditional use in all business districts and also be a minimum of 5,000 feet from any other such business. This ordinance was discussed at the Plan Commission and some deficiencies were identified. Planning Staff has worked with the City Attorney to draft a new ordinance that should meet the concerns and regulate the location of these types of businesses.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Plan Commission	Hovel/Badtke	January 20, 2015	Approval
2				
3				
4				

Amendments:

Mayor Pfaff
Introduced By

Planning Dept.
Drafted By

Plan Commission
Referred to

Dec. 17, 2014
Date

ORDINANCE NO. 2015-O-02
An Ordinance Amending Chapter 22 Relative to
Convenience Cash Businesses and Secondhand Businesses

The Common Council of the City of Fitchburg, Dane County, Wisconsin hereby ordains as follows:

SECTION 1: Amend Section 22-247(1)(b) to read:

- (b) Finance, real estate, insurance. (60-67, **except for Convenience Cash Business**)

SECTION 2: Amend Section 22-278(1)(b) to read:

- (b) Finance, real estate, insurance. (60-67, **except for Convenience Cash Business**)

SECTION 3: Amend Section 22-278(2)(i) to read:

- (i) Miscellaneous retail stores. (59, except 598 **and Secondhand Business**)

SECTION 4: Create Section 22-279(12) to read:

(12) Convenience Cash Business or Secondhand Business. In addition to the standards of section 22-640(c) the following standards shall also be applied by the Plan Commission:

- (a) Distance to any other Convenience Cash Business or Secondhand Business**
(b) Distance to an existing residential zoning district or residential use
(c) Distance to a school

In its review of the application the Plan Commission shall avoid concentrations of these uses within in any one locale, or to be detrimental to a neighborhood. Any distance of less than 1000 feet shall be presumed to be detrimental.

SECTION 5: Amend Section 22-427(3) to read:

- (3) Offices, business and professional, including banks and financial institutions.**
(Except for Convenience Cash Business)

SECTION 6: Amend Section 22-651 Definitions to add:

***Convenience cash business* is a business licensed pursuant to Wis. Stats. 138.09, or 218.05 which provide nontraditional, short-term consumer loans in which the consumer receives cash in exchange for giving the lender a post-dated check, title to a motor vehicle, or electronic access to the consumer's bank account for the amount of the loan for a period of time before negotiating the check or for payment to the lender an agreed-upon finance fee or refinancing or consolidating such transaction. Such businesses are also known as, but not limited to, payday loan, cash advance, or check-cashing, or title**

loan. This does not include financial institutions authorized to do business under state or federal laws including, without limitation, banks and trust companies, savings banks, building and loan associations, savings and loan associations and credit unions.

Secondhand Business is any person or business requiring a license under Chapter 66 of the Fitchburg Municipal code.

SECTION 7: This ordinance shall take effect the day after its publication.

SECTION 8: If any section, subsection, sentence, clause or phrase of this Ordinance or revision to Chapter 22, is for any reason held to be invalid or unconstitutional by reason of a decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase thereof.

Adopted this _____ day of _____, 2015.

Shawn Pfaff, Mayor

Attested: _____

Patti Anderson, City Clerk

Published: _____

City of Fitchburg

Committee or Commission Referral

Direct Referral Initiated by:
 Direct Referral Approved by:

Date Referred: January 13, 2015 Ordinance Number: 2015-O-03
 Date to Report Back: **January 27, 2015** Resolution Number:

Sponsored by: Mayor Drafted by: Planning / Zoning

**TITLE: ZONING ORDINANCE AMENDMENT APPROVING
 REZONING REQUEST RZ-2049-14 BY MICHAEL
 MCMAHON, AGENT FOR FITCHBURG DEVELOPMENT,
 LLC, TO REZONE LOTS 14 & 15 FITCHBURG BUSINESS
 PARK AND ALSO PART OF OUTLOT 2, PROPERTY
 ADDRESSED AS 5973 EXECUTIVE DRIVE, FROM B-H
 (HIGHWAY BUSINESS) TO THE B-G (GENERAL BUSINESS)
 DISTRICT**

Background: Rezone request, RZ-2049-14, by Michael McMahon, agent for Fitchburg Development, LLC, to rezone from the B-H (Business Highway) to the B-G (General Business), property addressed as 5973 Executive Drive, Lots 14 & 15 of Fitchburg Business Park.

Applicant is requesting approval to rezone lots 14 & 15 of the Fitchburg Business Park from the B-H district to the B-G district to allow for a medical office to locate on the property, which is not allowed under B-H. The existing users on the property, the fitness facility and hair salon, are allowed in the B-G district.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Plan Commission	Hovel/Badtke	January 20, 2015	Approved
2				

Amendments:



City of Fitchburg
 Planning/Zoning Department
 5520 Lacy Road
 Fitchburg, WI 53711
 (608-270-4200)

REZONING APPLICATION

The undersigned owner, or owner's authorized agent, of property herein described hereby petitions to amend the zoning district map of the Fitchburg zoning ordinance by reclassifying from the BH district to the B-4 district the following described property:

1. Location of Property/Street Address: 5973 EXECUTIVE DR

Legal Description - (Metes & Bounds, or Lot No. And Plat):

FITCHBURG BUSINESS PARK LOT 14 AND 15 AND ALSO INCL PART OF OUT LOT 2
 DESCR AS BEG AT SE CORNER OF LOT 14 TH N03DEG09'29" E ALG LN
 BTW SD LOT 14 & OUT LOT 2 240.00 FT TH S03DEG00'43D FT TH S10DEG20'
 05" W 111.62 FT TO SE COR OF SD LOT 14 & POB

***Also submit in electronic format (MS WORD or plain text) by email to: planning@fitchburgwi.gov

2. Proposed Use of Property - Explanation of Request:

USE 800 SQ FOOT SUITE FOR CHIROPRACTIC OFFICE
 2200 SQ FOOT SUITE FOR BEAUTY SALON
 35,000 SQ FOOT FITNESS CENTER

3. Proposed Development Schedule: _____

***Pursuant to Section 22-3(b) of the Fitchburg Zoning Ordinance, all Rezoning shall be consistent with the currently adopted City of Fitchburg Comprehensive Plan.

***Attach three (3) copies of a site plan which shows any proposed land divisions, plus vehicular access points and the location and size of all existing and proposed structures and parking areas. Two (2) of the three (3) copies shall be no larger than 11" x 17". Submit one (1) electronic pdf document of the entire submittal to planning@fitchburgwi.gov. Additional information may be requested.

Type of Residential Development (If Applicable): _____

Total Dwelling Units Proposed: _____ No. Of Parking Stalls: _____

Type of Non-residential Development (If Applicable): _____

Proposed Hours of Operation: _____ No. Of Employees: _____

Floor Area: _____ No. Of Parking Stalls: _____

Sewer: Municipal Private Water: Municipal Private

Current Owner of Property: FITCHBURG DEVELOPMENT LLC

Address: 1414 N VAN BUREN ST. MILWAUKEE WI 53202 Phone No: 608. 712 5973

Contact Person: MICHAEL McMAHON

Email: MIKE@PHFITNESS.COM

Address: 5949 SCHUMANN DR FITCHBURG WI Phone No: 608. 712. 5973

Respectfully Submitted By: [Signature] MICHAEL McMAHON
 Owner's or Authorized Agent's Signature Print Owner's or Authorized Agent's Name

PLEASE NOTE - Applicants shall be responsible for legal or outside consultant costs incurred by the City. Submissions shall be made at least four (4) weeks prior to desired plan commission meeting.

For City Use Only: Date Received: 12/9/2014 Publish: _____ and _____

Ordinance Section No. _____ Fee Paid: \$565

Permit Request No. RZ-2049-14



GARY BRINK & ASSOCIATES
ARCHITECTS

8401 EXCELSIOR DRIVE
MADISON, WI 53717
608-829-1750
608-829-3056 (FAX)

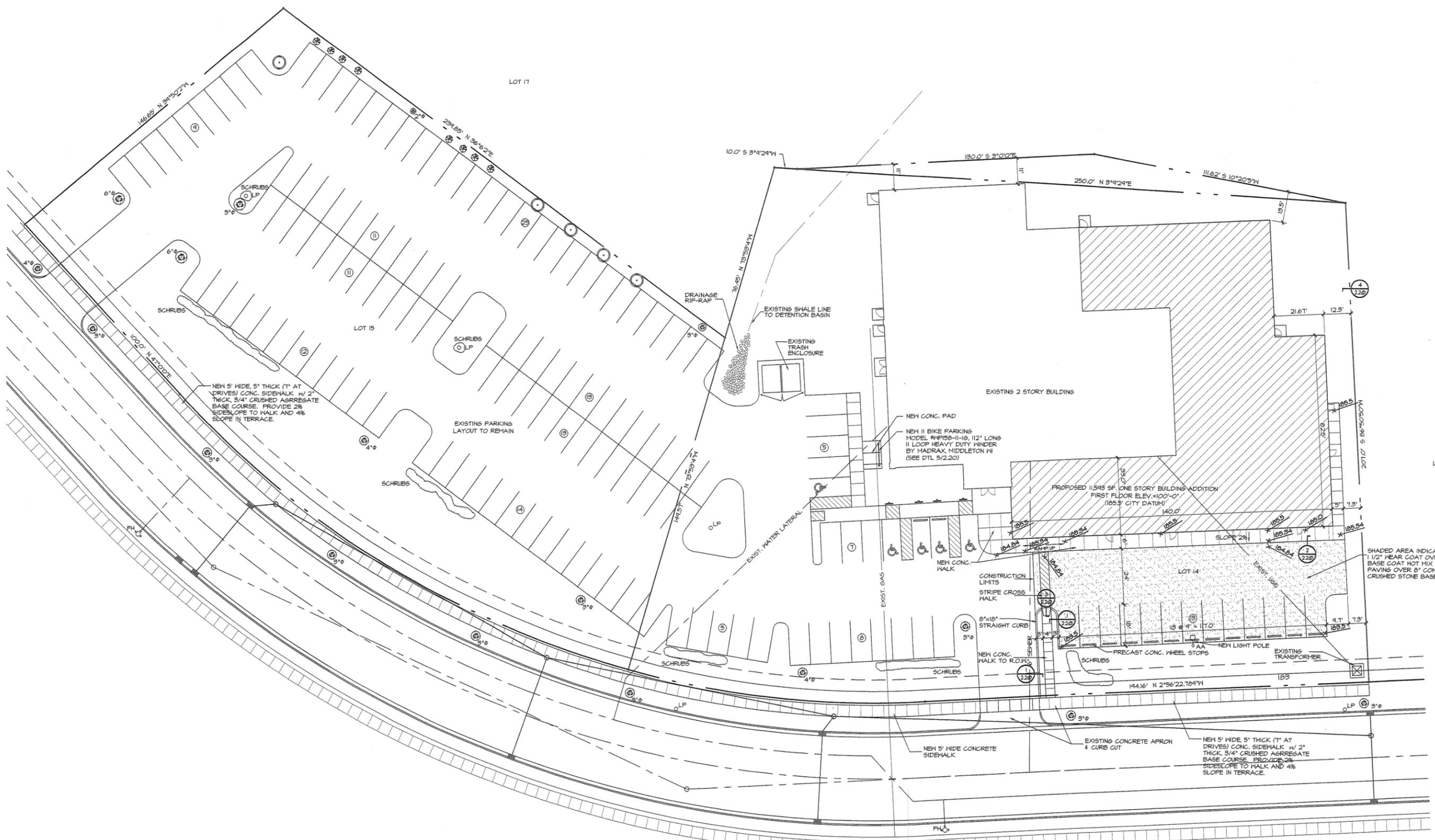
PROJECT:
EXPANSION FOR PINNACLE HEALTH CLUB
5973 EXECUTIVE DRIVE FITCHBURG, WISCONSIN 53719

CLIENT:
FITCHBURG DEVELOPMENT, LLC.
1414 NORTH VAN BUREN MILWAUKEE, WISCONSIN 53202

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GARY BRINK & ASSOC.

PROJECT: 200402
CAD FILE: 201-200233
DRAWN BY: TB/rjm
DATE: 09/07/04



IMPERVIOUS SURFACE RATIO (ISR) = 64%

LUMINAIRE SCHEDULE		
LABEL	LUMENS, LLF	DESCRIPTION
AA	34,200, 650	SINGLE HEAD ON 25' POLE, VFT2444-M (400W MH)

NOTE:
ALL WORK WITHIN RIGHT-OF-WAY OR PUBLIC
EASEMENTS SHALL BE ACCORDING TO CITY OF
FITCBURG STANDARD SPECIFICATIONS FOR
PUBLIC WORKS CONSTRUCTION (APRIL 2004).

SITE, GRADING & EROSION CONTROL PLAN

1" = 20'



\\kashner\lra\2004\200402\201-200402.dwg Mod Sep 22 07:56:41 2004

Plan Commission
Initiated by

Planning/Zoning
Drafted by

January 20, 2015
Date

ORDINANCE NO. 2015-O-03
ZONING ORDINANCE AMENDMENT
APPROVING REZONING REQUEST RZ-2049-14 BY MICHAEL MCMAHON,
AGENT FOR FITCHBURG DEVELOPMENT, LLC, TO REZONE LOTS 14 & 15
FITCHBURG BUSINESS PARK AND ALSO PART OF OUTLOT 2, PROPERTY
ADDRESSED AS 5973 EXECUTIVE DRIVE, FROM B-H (HIGHWAY
BUSINESS) TO THE B-G (GENERAL BUSINESS) DISTRICT.

WHEREAS, pursuant to Fitchburg Ordinance No. 87-0-06, Section 3, Zoning District Maps were adopted within the corporate limits of the City of Fitchburg until expressly altered by the City Council, and

WHEREAS, the Plan Commission of the City has recommended approval of the rezoning request RZ-2049-14, submitted by Michael McMahon, agent for Fitchburg Development, LLC, with conditions, following a public hearing held on January 20, 2015,

NOW THEREFORE the Common Council of the City of Fitchburg, Dane County, Wisconsin does ordain that:

- (1) The Zoning district maps of the City of Fitchburg shall be amended to include in the B-G (General Business) District, property at 5973 Executive Drive, more fully described as:

FITCHBURG BUSINESS PARK LOT 15, LOT 14 & ALSO INCL PRT OF OUTLOT 2
DESCR AS BEG AT SE COR OF LOT 14 TH N03DEG09'29"E ALG LN BETW SD
LOT 14 & OUTLOT 2 240.00 FT TH S03DEG00'E 130.00 FT TH S10DEG20'05"W
111.62 FT TO SE COR OF SD LOT 14 & POB

- (2) No other permit or approval is waived or deemed satisfied except for the approval provided herein.

The above and foregoing ordinance was duly adopted by the Common Council of the City of Fitchburg, at a regular meeting held on the _____ day of _____, 2015.

Patti Anderson, City Clerk

Approved: _____

Shawn Pfaff, Mayor

City of Fitchburg

Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred: November 25, 2014 Ordinance Number: 2015-O-04
Date to Report Back: **January 27, 2015** Resolution Number:

Sponsored by: Mayor Drafted by: Planning / Zoning

**TITLE: ZONING ORDINANCE AMENDMENT APPROVING
REZONING REQUEST RZ-2046-14 BY MICHAEL BARRY, TO
REZONE A PART OF LOT 2 CSM 13071 FROM A-T
(TRANSITIONAL AGRICULTURE) TO THE A-S (SMALL LOT
AGRICULTURE) DISTRICT**

Background: Rezone request, RZ-2046-14, by Michael Barry, to rezone from the A-T (Transitional Agriculture) to the A-S (Small Lot Agriculture) district a part of Lot 2 CSM 13071.

Applicant is requesting approval to rezone a part of Lot 2 CSM 13071 from the A-T to the A-S district. A CSM to divide said property is submitted concurrent with this request.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Plan Commission	Hovel/Badtke	January 20, 2015	Approved
2	Ag & Rural Affairs	Thompson	January 6, 2015	Approved

Amendments:



City of Fitchburg
 Planning/Zoning Department
 5520 Lacy Road
 Fitchburg, WI 53711
 (608-270-4200)

REZONING APPLICATION

The undersigned owner, or owner's authorized agent, of property herein described hereby petitions to amend the zoning district map of the Fitchburg zoning ordinance by reclassifying from the A-T district to the A-S district the following described property:

1. **Location of Property/Street Address:** 5556 Highway M, Oregon, WI

Legal Description - (Metes & Bounds, or Lot No. And Plat):

SEE ATTACHED MAP AND DESCRIPTIONS

***Also submit in electronic format (MS WORD or plain text) by email to: planning@fitchburgwi.gov

2. **Proposed Use of Property - Explanation of Request:**

See Exhibit "A"

3. **Proposed Development Schedule:** 12/31/14; subject to approval of CSM

***Pursuant to Section 22-3(b) of the Fitchburg Zoning Ordinance, all Rezoning shall be consistent with the currently adopted City of Fitchburg Comprehensive Plan.

***Attach three (3) copies of a site plan which shows any proposed land divisions, plus vehicular access points and the location and size of all existing and proposed structures and parking areas. Two (2) of the three (3) copies shall be no larger than 11" x 17". Submit one (1) electronic pdf document of the entire submittal to planning@fitchburgwi.gov. Additional information may be requested.

Type of Residential Development (If Applicable): _____

Total Dwelling Units Proposed: _____ **No. Of Parking Stalls:** _____

Type of Non-residential Development (If Applicable): _____

Proposed Hours of Operation: _____ **No. Of Employees:** _____

Floor Area: _____ **No. Of Parking Stalls:** _____

Sewer: Municipal Private **Water:** Municipal Private

Current Owner of Property: Michael M. Barry

Address: 5556 Highway M, Oregon, WI **Phone No:** (608) 835-3840

Contact Person: Atty. Gregory J. Paradise

Email: greg@mmwp-law.com

Address: 20 N. Carroll Street, Madison, WI 53703 **Phone No:** (608) 256-1978

Respectfully Submitted By: *Michael M. Barry* **Michael M. Barry**
 Owner's or Authorized Agent's Signature Print Owner's or Authorized Agent's Name

PLEASE NOTE - Applicants shall be responsible for legal or outside consultant costs incurred by the City. Submissions shall be made at least four (4) weeks prior to desired plan commission meeting.

For City Use Only: **Date Received:** _____ **Publish:** _____ and _____

Ordinance Section No. _____ **Fee Paid:** _____

Permit Request No. _____

EXHIBIT "A"

REZONING APPLICATION

2. Proposed Use of Property – Explanation of Request:

No change in use; purpose of rezoning is to permit sale of approximate 23 acre parcel to neighbor. Property use will continue to be agricultural. Use of parcel to be retained by Owner will remain unchanged.

DESCRIPTION - Barry Lands to be Re-Zoned A-S

Being a part of Lot 2, Certified Survey Map No. 13071, located in the SE1/4 of the NE1/4 of Section 33 and the SW1/4 of the NW1/4 of Section 34, T6N, R9E, City of Fitchburg, Dane County, Wisconsin described as follows; commencing at the west quarter corner of said Section 34, T6N, R9E; thence N01°16'44"E, 45.00 feet along the west line of said NW1/4; thence N01°46'11"E, 14.90 feet to the point of beginning; thence N01°20'36"W, 505.50 feet along the west line of said Lot 2; thence N01°19'21"W, 172.46 feet to the southeast corner of Lot 3, Certified Survey Map No. 13071; thence N01°05'03"W, 200.20 feet along the east line of said Lot 3 to the northeast corner of said Lot 3; thence N01°23'39"W, 391.78 feet along the east line of First Addition to Briarwood; thence N89°03'07"E, 535.96 feet; thence S01°04'51"E, 786.93 feet; thence S61°27'56"E, 51.14 feet to a point of curve; thence southeasterly on a curve to the right which has a radius of 200.00 feet and a chord which bears S38°20'36"E, 157.08 feet; thence S89°25'16"W, 10.50 feet; thence S00°38'16"E, 40.37 feet; thence S83°28'04"W, 213.53 feet; thence S84°41'15"W, 137.61 feet; thence S01°03'14"E, 261.79 feet; thence S89°06'38"W, 309.58 feet along said north right-of-way line of CTH "M" to the point of beginning. Said parcel contains 637,326 square feet (14.631 acres).

DESCRIPTION - Barry Lands Zoned R-D

Being a part of Lot 2, Certified Survey Map No. 13071, located in the SE1/4 of the NE1/4 of Section 33 and the SW1/4 of the NW1/4 of Section 34, T6N, R9E, City of Fitchburg, Dane County, Wisconsin described as follows; commencing at the west quarter corner of said Section 34, T6N, R9E; thence N01°16'44"E, 45.00 feet along the west line of said NW1/4; thence N01°46'11"E, 14.90 feet; thence N01°20'36"W, 505.50 feet along the west line of said Lot 2 to the point of beginning; thence N89°58'13"W, 499.95 feet along the north line of Lot 3, said Certified Survey Map No. 13071; thence S01°14'45"E, 505.44 feet along the west line of said Lot 3; thence N89°59'44"W, 567.24 feet along the north right-of-way line of CTH "M" to a point of curve; thence northwesterly on a curve to the right which has a radius of 25.00 feet and a chord which bears N45°19'01"W, 34.98 feet; thence N01°08'35"W, 723.99 feet along the west right-of-way line of Barry Drive to a point of curve; thence northeasterly along said westerly right-of-way on a curve to the right which has a radius of 330.00 feet and a chord which bears N20°05'44"E, 239.09 feet to a point of curve; thence northeasterly along said westerly right-of-way on a curve to the right which has a radius of 15.00 feet and a chord which bears N84°51'36"E, 20.66 feet to a point of curve; thence southeasterly along the south right-of-way line of Stable View Lane on a curve to the left which has a radius of 460.00 feet and a chord which bears S69°34'17"E, 284.32 feet; thence S02°21'20"W, 6.00 feet along said south right-of-way line to a point of curve; thence southeasterly along said south right-of-way line on a curve to the left which has a radius of 466.00 feet and a chord which bears S89°27'41"E, 29.57 feet; thence N88°45'05"E, 468.51 feet along said south right-of-way line; thence S01°18'16"E, 207.00 feet along the east line of Lot 1, said Certified Survey Map No. 13071; thence N88°44'12"E, 220.00 feet along the south line of said Lot 3; thence S01°19'21"E, 172.46 feet to the point of beginning. Said parcel contains 670,685 square feet (15.397 acres).

DESCRIPTION - Raymond Lands to be Re-Zoned A-S

Being a part of Lot 2, Certified Survey Map No. 13071, located in the SW1/4 of the NW1/4 of Section 34, T6N, R9E, City of Fitchburg, Dane County, Wisconsin described as follows; commencing at the west quarter corner of said Section 34, T6N, R9E; thence N01°16'44"E, 45.00 feet along the west line of said NW1/4; thence N01°46'11"E, 14.90 feet; thence N89°06'38"E, 309.58 feet along the north right-of-way line of CTH "M"; thence N01°03'14"W, 261.79 feet along the east line of said Lot 2; thence N84°41'15"E, 137.61 feet along the south line of said Lot 2 to the point of beginning; thence N83°28'04"E, 213.53 feet; thence N00°38'16"W, 40.37 feet thence N89°25'16"E, 10.50 feet to a point of curve; thence northwesterly on a curve to the left which has a radius of 200.00 feet and a chord which bears N38°20'36"W, 157.08 feet; thence N61°27'56"W, 51.14 feet; thence N01°04'51"W, 786.93 feet; thence N89°03'07"E, 791.48 feet along the north line of Lot 2, Certified Survey Map No. 13071; thence S01°05'51"E, 1271.03 feet along the east line of said Lot 2; thence S89°08'33"W, 873.28 feet along said north right-of-way line of CTH "M"; thence N01°35'10"W, 271.70 feet along the west line of said Lot 2 to the point of beginning. Said parcel contains 1,008,789 square feet (23.159 acres).

Plan Commission
Initiated by

Planning/Zoning
Drafted by

January 20, 2015
Date

ORDINANCE NO. 2015-O-04
ZONING ORDINANCE AMENDMENT
APPROVING REZONING REQUEST RZ-2046-14 BY MICHAEL BARRY, TO
REZONE A PART OF LOT 2 CSM 13071 FROM A-T (TRANSITIONAL
AGRICULTURE) TO THE A-S (SMALL LOT AGRICULTURE) DISTRICT.

WHEREAS, pursuant to Fitchburg Ordinance No. 87-0-06, Section 3, Zoning District Maps were adopted within the corporate limits of the City of Fitchburg until expressly altered by the City Council, and

WHEREAS, the Plan Commission of the City has recommended approval of the rezoning request RZ-2046-14, submitted by Michael Barry, with conditions, following a public hearing held on January 20, 2015,

NOW THEREFORE the Common Council of the City of Fitchburg, Dane County, Wisconsin does ordain that:

- (1) The Zoning district maps of the City of Fitchburg shall be amended to include in the A-S (Small Lot Agriculture) District, a part of Lot 2 CSM 13071, more fully described as:

Being a part of Lot 2, Certified Survey Map No. 13071, located in the SE1/4 of the NE1/4 of Section 33 and the SW1/4 of the NW1/4 of Section 34, T6N, R9E, City of Fitchburg, Dane County, Wisconsin described as follows; commencing at the west quarter corner of said Section 34, T6N, R9E; thence N01°16'44"E, 45.00 feet along the west line of said NW1/4; thence N01°46'11"E, 14.90 feet to the point of beginning; thence N01°20'36"W, 505.50 feet along the west line of said Lot 2; thence N01°19'21"W, 172.46 feet to the southeast corner of Lot 3, Certified Survey Map No. 13071; thence N01°05'03"W, 200.20 feet along the east line of said Lot 3 to the northeast corner of said Lot 3; thence N01°23'39"W, 391.78 feet along the east line of First Addition to Briarwood; thence N89°03'07"E, 1327.44 feet along the north line of Lot 2, Certified Survey Map No. 13071; thence S01°05'51"E, 1271.03 feet along the east line of said Lot 2; thence S89°08'33"W, 873.28 feet along said north right-of-way line of CTH "M"; thence N01°35'10"W, 271.70 feet along the west line of said Lot 2 thence S84°41'15"W, 137.61 feet; thence S01°03'14"E, 261.79 feet; thence S89°06'38"W, 309.58 feet along said north right-of-way line of CTH "M" to the point of beginning. Said parcel contains 1,646,115 square feet (37.790 acres).

- (2) No other permit or approval is waived or deemed satisfied except for the approval provided herein.

The above and foregoing ordinance was duly adopted by the Common Council of the City of Fitchburg, at a regular meeting held on the _____ day of _____, 2015.

Patti Anderson, City Clerk

Approved: _____

Shawn Pfaff, Mayor

City of Fitchburg

Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred: November 25, 2014 Ordinance Number:
Date to Report Back: **January 27, 2015** Resolution Number: R-08-15

Sponsored by: Mayor Drafted by: Planning / Zoning

**TITLE: A RESOLUTION APPROVING CERTIFIED SURVEY MAP
REQUEST CS-2047-14 BY MICHAEL BARRY, TO DIVIDE
LOT 2 CSM 13071 INTO TWO LOTS**

Background: Certified Survey Map request, CS-2047-14, by Michael Barry, to divide Lot 2 CSM 13071 into two lots.

Applicant is requesting approval of a CSM to divide Lot 2 CSM 13071 into two lots. A rezone request, RZ-2046-14, is submitted concurrent with this request.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Plan Commission	Hovel/Badtke	January 20, 2015	Approved
2	Ag & Rural Affairs	Thompson	January 6, 2015	Approved

Amendments:



City of Fitchburg
 Planning/Zoning Department
 5520 Lacy Road
 Fitchburg, WI 53711
 (608-270-4200)

LAND DIVISION APPLICATION

The undersigned owner, or owner's authorized agent, of property herein described hereby submits ten (10) copies of the attached maps, one (1) copy no larger than 11" x 17", and one (1) pdf document of the complete submittal (planning@fitchburgwi.gov) for approval under the rules and requirements of the Fitchburg Land Division Ordinance.

1. **Type of Action Requested:**
- Certified Survey Map Approval
 - Preliminary Plat Approval
 - Final Plat Approval
 - Replat
 - Comprehensive Development Plan Approval

2. **Proposed Land Use** (Check all that Apply):

- Single Family Residential
- Two-Family Residential
- Multi-Family Residential
- Commercial/Industrial

3. **No. of Parcels Proposed:** Two

4. **No. Of Buildable Lots Proposed:** _____

5. **Zoning District:** A-S

6. **Current Owner of Property:** Michael M. Barry

Address: 5556 Highway M, Oregon, WI **Phone No:** (608) 835-3840

7. **Contact Person:** Atty. Gregory J. Paradise

Email: greg@mmwp-law.com

Address: 20 N. Carroll Street, Madison, WI 53703 **Phone No:** (608) 256-1978

8. **Submission of legal description** in electronic format (MS Word or plain text) by email to: planning@fitchburgwi.gov

Pursuant to Section 24-2 (4) of the Fitchburg Land Division Ordinance, all Land Divisions shall be consistent with the currently adopted City of Fitchburg Comprehensive Plan.

Respectfully Submitted By: *Michael M. Barry* / Michael M. Barry
 Owner's or Authorized Agent's Signature Print Owner's or Authorized Agent's Name

PLEASE NOTE - Applicants shall be responsible for legal or outside consultant costs incurred by the City. Submissions shall be made at least four (4) weeks prior to desired plan commission meeting.

For City Use Only: **Date Received:** _____

Ordinance Section No. _____ **Fee Paid:** _____

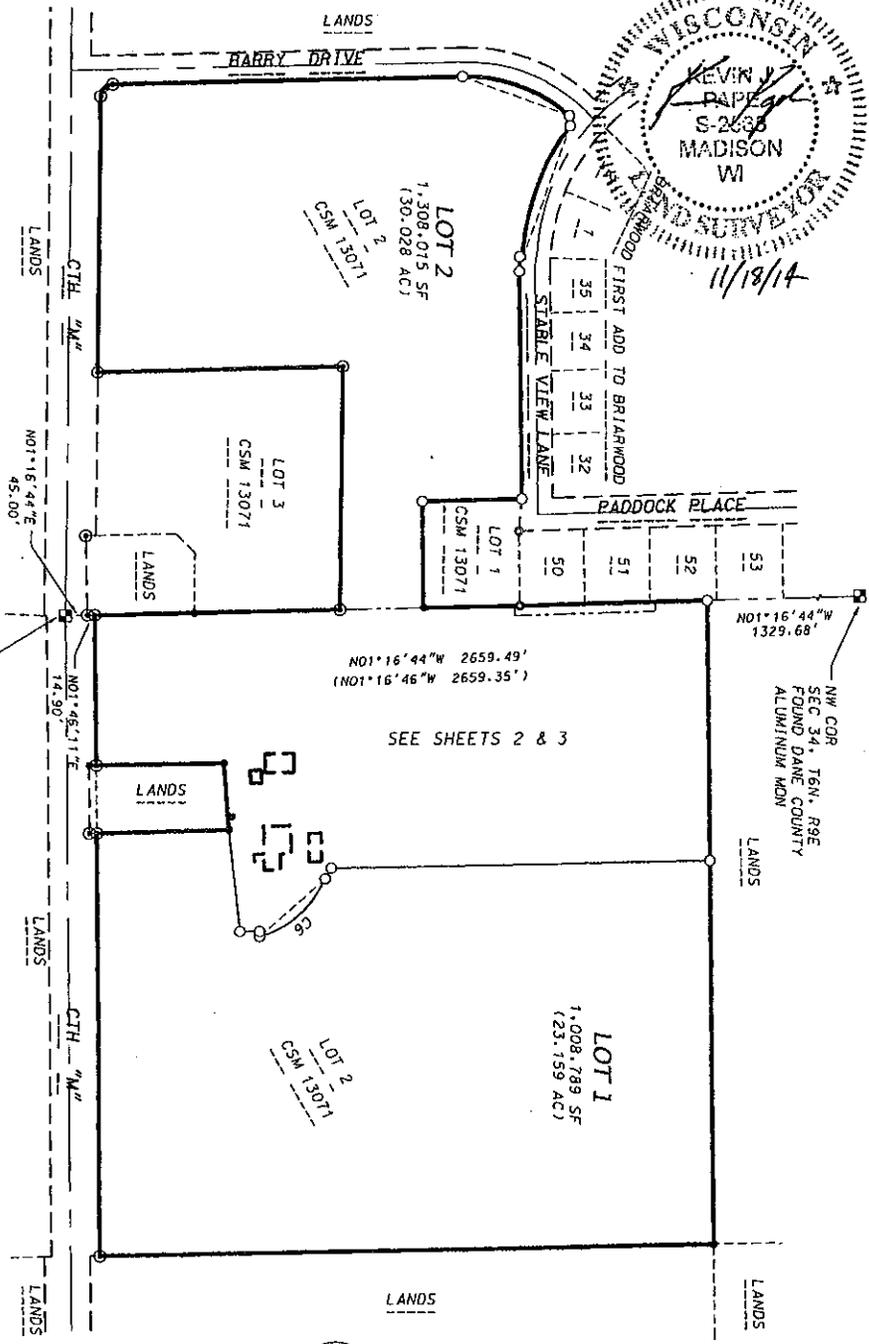
Permit Request No. _____

CERTIFIED SURVEY MAP

LOT 2, CERTIFIED SURVEY MAP NO. 13071
 LOCATED IN THE SE1/4-NE1/4 AND SW1/4-NW1/4 OF SECTION 34, T6N, R9E,
 CITY OF FITCHBURG, DANE COUNTY, WISCONSIN



- LEGEND
- PLACED 3/4" X 18" IRON REBAR (WT = 1.5LB/FT)
 - FOUND 1-1/4" IRON PIPE
 - FOUND 3/4" IRON REBAR (UNLESS OTHERWISE NOTED)
 - FOUND 1-1/4" IRON REBAR

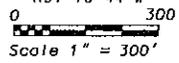


WT/4 COR
 SEC 34, T6N, R9E
 FOUND HWY SPIKE

NW COR
 SEC 34, T6N, R9E
 FOUND DANE COUNTY
 ALUMINUM MON



THE WEST LINE OF THE
 NW1/4 OF SECTION 34
 IS ASSUMED TO BEAR
 N01°16'44"W



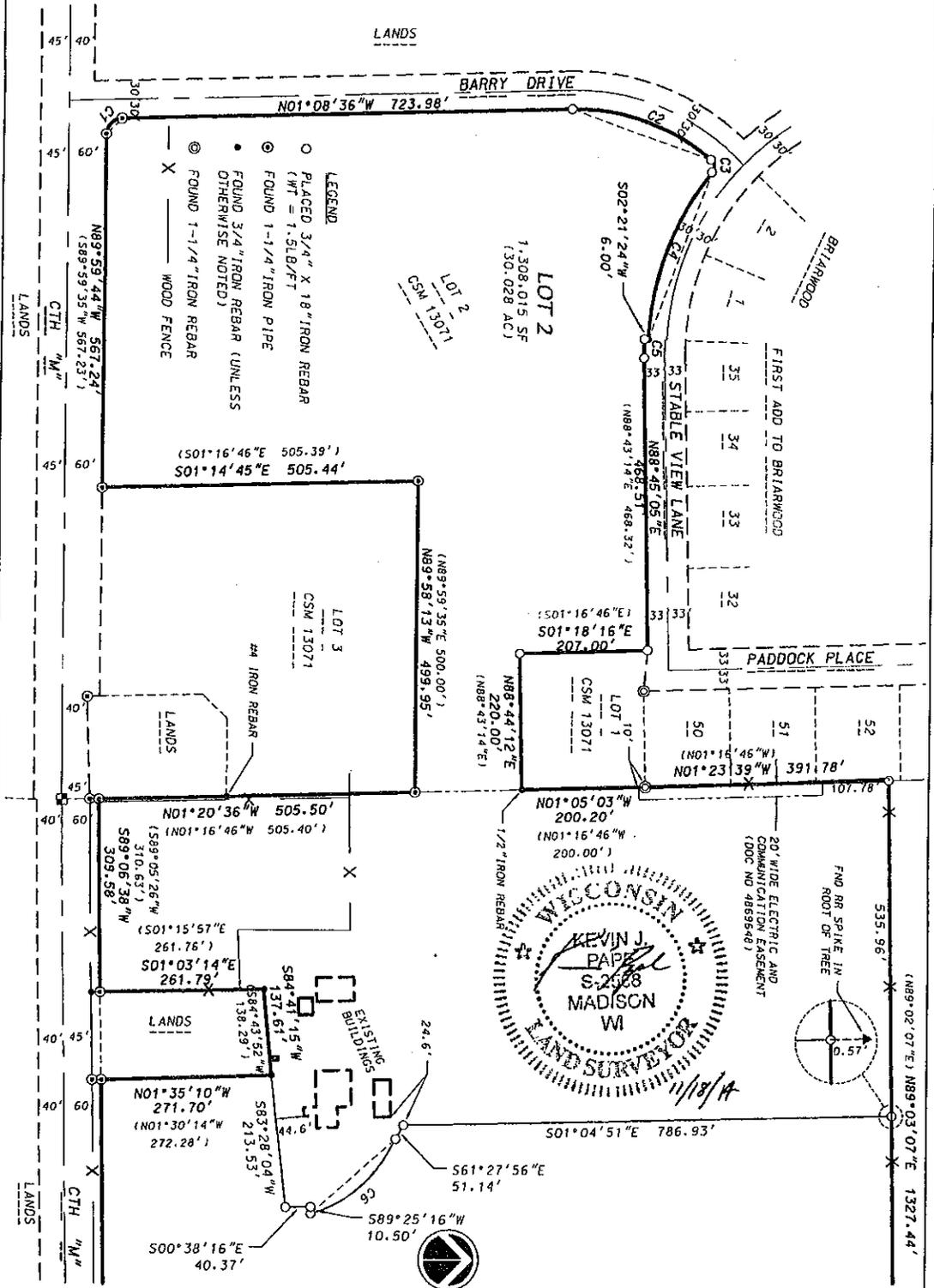
SHEET 1 OF 5

DATE: November 17, 2014
 F.N.: 14-07-118
 C.S.M. NO. _____
 DOC. NO. _____
 VOL. _____ SHEET _____

D'ONOFRIO KOTTKE AND ASSOCIATES, INC.

7530 Westwood Way, Madison, WI 53717
 Phone: 608.833.7550 • Fax: 608.833.1089
YOUR NATURAL RESOURCE FOR LAND DEVELOPMENT

CERTIFIED SURVEY MAP



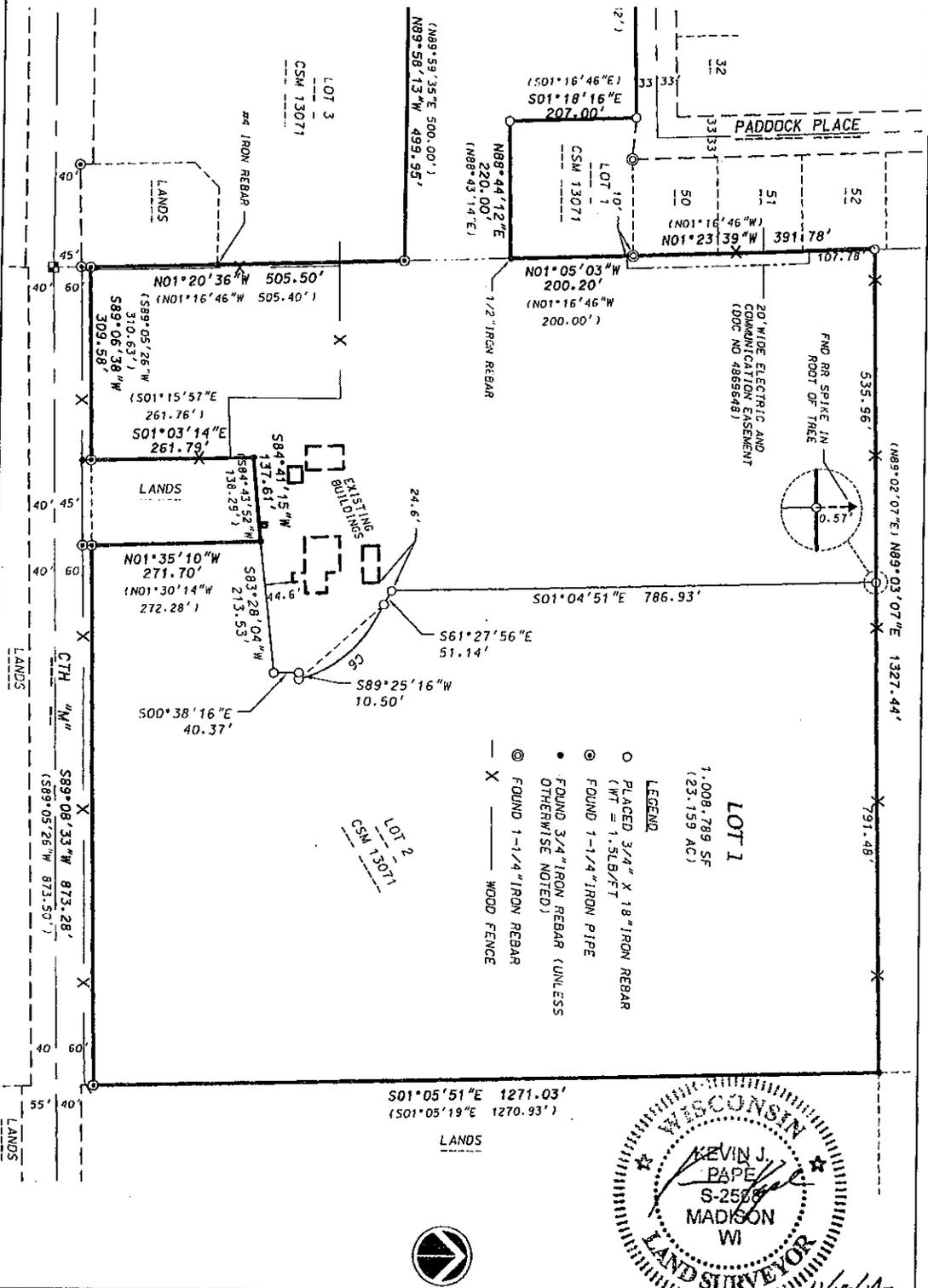
D'ONOFRIO KOTTKE AND ASSOCIATES, INC.
 5340 Westwood Way, Madison, WI 53717
 Phone: 608.833.2346 • Fax: 608.833.1089
YOUR NATURAL RESOURCE FOR LAND DEVELOPMENT

THE WEST LINE OF THE
 NW1/4 OF SECTION 34
 IS ASSUMED TO BEAR
 N01°16'44"W

0 200
 Scale 1" = 200'

DATE: November 17, 2014
 F.N.: 14-07-118
 C.S.M. NO. _____
 DOC. NO. _____
 VOL. _____ SHEET _____

CERTIFIED SURVEY MAP



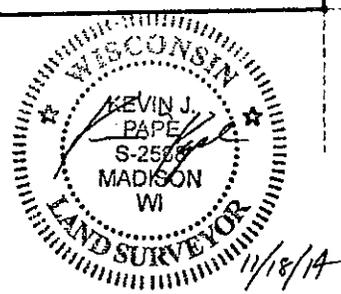
D'ONOFRIO KOTTKE AND ASSOCIATES, INC.
 7530 Westward Way, Madison, WI 53717
 Phone: 608.833.7530 • Fax: 608.833.1089
 YOUR NATURAL RESOURCE FOR LAND DEVELOPMENT

THE WEST LINE OF THE NW1/4 OF SECTION 34 IS ASSUMED TO BEAR N01°16'44"W

0 200
 Scale 1" = 200'

SHEET 3 OF 5

DATE: November 17, 2014
 F. N. : 14-07-118
 C. S. M. NO. _____
 DOC. NO. _____
 VOL. _____ SHEET _____



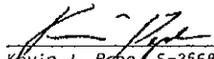
CERTIFIED SURVEY MAP

SURVEYOR'S CERTIFICATE

I, Kevin J. Pape, Professional Land Surveyor, S-2568, do hereby certify that this survey is in full compliance with Chapter 236.34 of the Wisconsin Statutes and the Subdivision Regulations of the City of Fitchburg, Dane County, Wisconsin and under the direction of the Owners listed below, I have surveyed, divided and mapped the land described herein and that said map is a correct representation of the exterior boundaries of the land surveyed and the division thereof. Said land is described as follows:

Being Lot 2, Certified Survey Map No. 13071 recorded in Volume 83 of Certified Survey Maps on Pages 318-320, Dane County Registry, located in the SE1/4 of the NE1/4 of Section 33 and the SW1/4 of the NW1/4 of Section 34, T6N, R9E, City of Fitchburg, Dane County, Wisconsin. Containing 2,316,795 square feet (53.186 AC)

Dated this 18TH day of NOVEMBER, 2014.


Kevin J. Pape S-2568



OWNER'S CERTIFICATE

As owner(s), I (we) hereby certify that I (we) caused the land described on this map to be surveyed, divided and mapped as represented on the map.

Dated this _____ day of _____, 20__.

Michael M. Barry

Darlene K. Barry

STATE OF WISCONSIN)
COUNTY OF DANE IS.S.

Personally came before me this _____ day of _____, 20__, the above named person(s) to me known to be the same person(s) who executed the foregoing instrument and acknowledged the same.

Notary Public, Dane County, Wisconsin
My commission expires _____


D'ONOFRIO KOTTKE AND ASSOCIATES, INC.

7530 Westward Way, Madison, WI 53717
Phone: 608.833.7530 • Fax: 608.833.1089
YOUR NATURAL RESOURCE FOR LAND DEVELOPMENT

DATE: November 20, 2013
F.N.: 13-07-116
C.S.M. NO. _____
DOC. NO. _____
VOL. _____ SHEET _____

CERTIFIED SURVEY MAP

CITY OF Fitchburg APPROVAL

This Certified Survey Map, including any dedications shown thereon, has been duly filed with and approved by the Common Council of the City of Fitchburg, Dane County, Wisconsin.

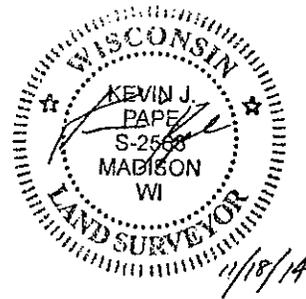
Dated this _____ day of _____, 20____.

Linda Cory
Clerk, City of Fitchburg

REGISTER OF DEEDS CERTIFICATE

Received for recording this _____ day of _____, 20____ at _____ o'clock _____ M. and recorded in Volume _____ of Certified Survey Maps on Pages _____ as Document Number _____.

Kristi Chlebowski, Dane County Register of Deeds



CURVE TABLE

CURVE NUMBER	RADIUS (FEET)	CHORD (FEET)	ARC (FEET)	CHORD BEARING	CENTRAL ANGLE	TANGENT BEARING
C1	25.00	34.98 (35.00)	38.75 (38.77)	N45°19'01"W (N45°34'31"W)	88°48'18" (88°51'49")	IN-N89°43'10"W; OUT-N00°54'55"W
C2	330.00	239.09	244.65	N20°05'44"E	42°28'40"	OUT-N41°20'04"E
C3	15.00	20.66	22.79	N84°51'36"E	87°03'04"	OUT-S51°36'52"E
C4	460.00	284.32 (284.52)	289.05 (289.26)	S69°34'17"E (S69°37'44"E)	36°00'10" (36°01'45")	IN-S51°34'12"E; OUT-S87°34'22"E
C5	466.00	29.57	29.57	S89°27'41"E	03°38'10"	IN-S897°38'36"E; OUT-N88°43'14"E
C6	200.00	157.08	161.42	S38°20'36"E	46°14'40"	OUT-S15°13'17"E

D'ONOFRIO KOTTKE AND ASSOCIATES, INC.

7350 Westward Way, Madison, WI 53717
Phone: 608.533.7530 • Fax: 608.833.1089

YOUR NATURAL RESOURCE FOR LAND DEVELOPMENT

DATE: November 20, 2013
F.N.: 13-07-116
C.S.M. NO. _____
DOC. NO. _____
VOL. _____ SHEET _____

Plan Commission
Initiated by

Planning / Zoning
Drafted by

January 20, 2015
Date

RESOLUTION NO. R- 08-15
A RESOLUTION APPROVING CERTIFIED SURVEY MAP REQUEST CS-2047-14 BY
MICHAEL BARRY, TO DIVIDE LOT 2 CSM 13071 INTO TWO LOTS.

WHEREAS, Michael Barry, has submitted a Certified Survey Map request (CS-2047-14) to divide Lot 2 CSM 13071 into two lots, and

WHEREAS, the Plan Commission has reviewed and recommends approval, with conditions, of the certified survey map request,

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Fitchburg, Dane County, Wisconsin herewith approves CS-2047-14 with the following condition:

1. No other permit or approval is waived or deemed satisfied except for the approval provided herein.
2. Signature line for the Fitchburg City Clerk shall be updated to reflect the current Clerk prior to the City signing of the CSM.

Adopted by the City Council of the City of Fitchburg this ____ day of _____, 2015.

Patti Anderson, City Clerk

Approved: _____

Shawn Pfaff, Mayor

City of Fitchburg

Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred: **January 13, 2015**

Date to Report Back: **January 27, 2015** Resolution Number: **R-05-15**

Sponsored by: Mayor

Drafted by: City Attorney

TITLE: RESOLUTION TO APPROVE AMENDMENT TO
TECHLANDS DEVELOPMENT AGREEMENT

Background: Developer requests that single family lots be removed from the Development Agreement for Tax Incremental Financing to construct Nobel Drive and Mica Road so as to allow the sale of those lots to a third party.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Plan Commission	Hovel	January 20, 2015	Approved
2				
3				
4				

Amendments:

Document Number

**AMENDMENT TO
DEVELOPMENT AGREEMENT**

This Amendment to Development Agreement (the “**Amendment**”) is made as of the _____ of _____, 2015, by and between Tech Lands, LLC (“**Tech Lands**”) and the City of Fitchburg, Wisconsin (the “**City**”).

WITNESSETH

WHEREAS, Tech Lands and the City, along with Green-Tech Land Company, LLC and FTC Holdings, Inc., entered into that certain Development Agreement recorded in the office of the Dane County, Wisconsin Register of Deeds on June 2, 2011, as Document No. 4767948 (the “**Development Agreement**”); and

WHEREAS, the real property affected by the Development Agreement included certain lands owned by Tech Lands, now platted, the legal description of which is currently as follows:

Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, Techlands, located in the City of Fitchburg, Dane County, Wisconsin. (the foregoing lots shall be herein collectively referred to as the “**Single Family Residential Lots**”); and

WHEREAS, the Single Family Residential Lots are to be used and developed for single family residential purposes, and is desirable that the Development Agreement be terminated as to the Single Family Residential Lots; and

WHEREAS, the City is willing to agree to terminate the Development Agreement as to the Single Family Residential Lots.

NOW, THEREFORE, for a good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is agreed by and between the parties hereto as follows:

- 1.) The Development Agreement shall not be applicable to, and is released with respect to, the Single Family Residential Lots. All terms, covenants, and conditions of the Development Agreement are hereby terminated as to the Single Family Residential Lots. Nothing herein shall be construed as an amendment to the boundaries of City of Fitchburg Tax Incremental District No. 4 and it is acknowledged by City and Tech Lands that the Single Family Residential Lots remain within said District and any actual Aggregate Value Increment (as that term is defined in the Development Agreement) generated thereby shall be counted for all purposes under the Development Agreement, including but not limited to Article III thereof.

Record this document with the Register of Deeds

Name and Return Address:

See Exhibit A
(Parcel Identification Number)

- 2.) All other terms, covenants, and conditions of the Development Agreement, as previously amended, shall remain unchanged with respect to the remainder of the real property described in the Development Agreement.

[See Attached Signature Pages]

Signature Page for City of Fitchburg

CITY OF FITCHBURG, WISCONSIN

Dated: _____

By: _____
Shawn Pfaff, Mayor

Dated: _____

Attest: _____
Patti Anderson, City Clerk

APPROVED AS TO FORM

Dated: _____

Mark R. Sewell
City Attorney

STATE OF WISCONSIN)
)ss>
COUNTY OF DANE)

Personally came before me, a notary public for the above State and County, this _____ day of _____, 2015, the above-named Shawn Pfaff, to me known to be the person who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended.

Print Name: _____
Notary Public, State of Wisconsin
My Commission expires:

STATE OF WISCONSIN)
)ss>
COUNTY OF DANE)

Personally came before me, a notary public for the above State and County, this _____ day of _____, 2015, the above-named Patti Anderson, to me known to be the person who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended.

Print Name: _____
Notary Public, State of Wisconsin
My Commission expires:

Signature Page for Tech Lands

TECH LANDS, LLC

Dated: _____

By: _____
Carl E. Ruedebusch, Manager

STATE OF WISCONSIN)
)ss>
COUNTY OF DANE)

Personally came before me, a notary public for the above State and County, this _____ day of _____, 2015, the above-named Carl E. Ruedebusch, to me known to be the person who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended.

Print Name: _____
Notary Public, State of Wisconsin
My Commission expires:

CONSENT OF GREEN-TECH

The undersigned Green-Tech Land Company, LLC, by its authorized representative, does hereby consent to the foregoing Amendment to Development Agreement this ____ day of _____, 2015.

GREEN-TECH LAND COMPANY, LLC

By: _____

Print Name: _____

Print Title: _____

STATE OF WISCONSIN)
) SS.
COUNTY OF DANE)

Personally came before me this ____ day of _____, 2015, the above-named _____, to me known to be the person who executed the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

Notary Public, Dane County, WI
My Commission Expires: _____

CONSENT OF FTC HOLDINGS, INC.

The undersigned FTC Holdings, Inc., by its authorized representative, does hereby consent to the foregoing Amendment to Development Agreement this ____ day of _____, 2015.

FTC HOLDINGS, INC.

By: _____

Print Name: _____

Print Title: _____

STATE OF WISCONSIN)
) SS.
COUNTY OF DANE)

Personally came before me this ____ day of _____, 2015, the above-named _____, to me known to be the person who executed the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

Notary Public, Dane County, WI
My Commission Expires: _____

THIS DOCUMENT DRAFTED BY:

William R. Kutsunis, Esq.
Kutsunis Law Office, LLC
350 Junction Road
Madison, WI 53717

Exhibit A

Tax Parcel Numbers

Tax Parcel Numbers: 225/0609-152-6545-2, 225/0609-152-6556-2, 225/0609-152-6567-2, 225/0609-152-6578-2, 225/0609-152-6589-2, 225/0609-152-6600-2, 225/0609-152-6611-2, 225/0609-152-6622-2, 225/0609-152-6633-2, 225/0609-152-6644-2, 225/0609-152-6655-2, 225/0609-152-6666-2, 225/0609-152-6677-2, 225/0609-152-6688-2, 225/0609-152-6699-2, 225/0609-152-6710-2, 225/0609-152-6721-2

Mayor
Introduced by

City Attorney
Prepared by

Plan Commission
Referred to

January 13, 2015
Date

RESOLUTION R-05-15

RESOLUTION TO APPROVE AMENDMENT TO TECHLANDS DEVELOPMENT
AGREEMENT

WHEREAS, The City and Techlands, LLC along with others entered into an agreement to provide Tax Incremental Financing to assist in the construction of Nobel Drive and Mica Road; and

WHEREAS, The property subject to the agreement has been platted and now contains a number of single family lots; and

WHEREAS, The agreement creates a cloud on title limiting the salability of the single family lots; and

WHEREAS, Techlands desires to sell the single family lots to allow construction on those lots.

NOW BE IT HEREBY RESOLVED, BY THE Fitchburg Common Council that it approves the attached Amendment to the Development Agreement, removing the single family lots from the agreement.

BE IT FURTHER RESOLVED, by the Fitchburg Common Council that it authorizes the Clerk and Mayor to sign the attached agreement.

Adopted this _____ day of _____, 20____.

Patti Anderson, Clerk

Shawn Pfaff, Mayor

City of Fitchburg

Committee or Commission Referral

Direct Referral Initiated by:

Direct Referral Approved by:

Date Referred: **January 13, 2015**

Ordinance Number:

Date to Report Back: **January 27, 2015**

Resolution Number: **R-02-15**

Sponsored by: Mayor

Drafted by: Public Works

TITLE: Authorizing Acceptance of 2015 Stormwater Pond Projects Bid

Background: Attached is the bid tabulation and resolution for the 2015 Stormwater Pond Projects. The Public Works stormwater budget has funds available for this project. The Public Works Department followed a number of procedures to ensure that all area contractors completing this type of work were informed of the City's project. The project was advertised by legal notice in the Wisconsin State Journal and posted on www.demandstar.com. Demand Star notifies suppliers statewide who are registered on their system. The City adds "Supplemental" suppliers, which are local suppliers who perform this type of work in the area.

On January 7, 2015, at 11:00 a.m., the bid opening was held and 4 bids were received for the 2015 Stormwater Pond Projects. A copy of the Bid Tab is attached to this referral sheet.

The project consists of dredging and deepening two stormwater ponds. The dredging will remove sediment and debris that have accumulated over the last 15-20 years. The Harlan Hills East Pond and Ashbourne Pond have been in service for 16 and 21 years, respectively, and both have significant sediment build up, necessitating the dredging work in order to continue meeting DNR stormwater performance standards.

Staff is currently checking references for Contractor qualifications and will provide a staff recommendation memo prior to the BPW and Finance Committee meetings.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Board of Public Works	Horton	January 21, 2015	Approved
2	Finance	Roach	January 27, 2015	
3				
4				

Amendments:

Shawn Pfaff, Mayor
Introduced By

Public Works
Drafted By

Board of Public Works & Finance
Committee

January 13, 2015
Date

RESOLUTION R-02-15

**AUTHORIZING ACCEPTANCE OF THE
2015 STORMWATER POND PROJECTS BID**

WHEREAS, through the City's Stormwater facility inspection program, it has been determined that the dredging and deepening of the Harlan Hills East and the Ashbourne stormwater ponds is necessary; and

WHEREAS, the Stormwater Utility Capital budget includes funding for the dredging and improvement of stormwater facilities; and

WHEREAS, the Director of Public Works has prepared construction plans/specifications and obtained competitive bids for this work; and

WHEREAS, the project was advertised by legal notice in the Wisconsin State Journal on December 9, 2014 and December 16, 2014 and posted on www.demandstar.com; and

WHEREAS, on January 7, 2015 at 11:00 a.m. 4 sealed bids received were publicly opened; and

WHEREAS, Badgerland Excavating, Corp, had the low bid of \$245,756.00 and was found to be in compliance with the bid specifications;

NOW THEREFORE BE IT HEREBY RESOLVED, by the Fitchburg Common Council that it approves the award of the 2015 Stormwater Pond Projects to Badgerland Excavating, Corp, in the amount of \$245,756.00; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to sign the contracts with Badgerland Excavating, Corp., for the 2015 Stormwater Pond Projects.

Adopted by the Common council of the City of Fitchburg this ____ day of January, 2015

Approved By: _____
Shawn Pfaff, Mayor

Approved By: _____
Patti Anderson, City Clerk

City of Fitchburg

Committee or Commission Referral

Direct Referral Initiated by:

Direct Referral Approved by:

Date Referred: **January 13, 2015**

Ordinance Number:

Date to Report Back: **January 27, 2015**

Resolution Number: **R-03-15**

Sponsored by: Mayor

Drafted by: Public Works

TITLE: Final Resolution Exercising Police Powers and Levying Special Assessments for 2014 Curb and Gutter Replacement in the City of Fitchburg, Wisconsin

Background: The curb and gutter and sidewalk replacement work was completed in conjunction with the street resurfacing project. In order to levy the assessments, the Council has to adopt a final assessment resolution. The assessment report will be modified if Resolution R-03-15 is approved at the January 27, 2015 council meeting.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Board of Public Works	Horton	January, 21, 2015	Approved
2	Finance	Roach	January 27, 2015	
3				
4				

Amendments:

Shawn Pfaff, Mayor
Introduced By

Public Works
Prepared by

Board of Public Works, Finance
Referred to

January 13, 2015
Date

RESOLUTION R-03-15
FINAL RESOLUTION EXERCISING POLICE POWERS AND LEVYING SPECIAL ASSESSMENTS FOR 2014 CURB AND GUTTER REPLACEMENT IN THE CITY OF FITCHBURG, WISCONSIN

WHEREAS, on January 28, 2014, the Common Council of the City of Fitchburg adopted resolution No R-06-14 declaring its intent to exercise its police power under Wis. Stat. §66.0703 (7), and section 10.213-10.216 of the Fitchburg General Ordinances to levy special assessments for special benefits conferred upon properties within the following Assessment District for the cost of replacing defective curb and gutter on streets in the 2014 Street Resurfacing contract in the City of Fitchburg.

ASSESSMENT DISTRICT

All properties with defective curb and gutter as identified by the City Engineer fronting Bryneland Street from S. Fish Hatchery Road to Richardson Street, Cheryl Drive from S. Fish Hatchery Road to Florann Drive, Osmundsen Road from Lacy Road to Devoro Road, and Richardson Street from Lacy Road to Nutone Street. The curb and gutter fronting Marledge Street from Raritan Road to 200' south of Barbara Drive was not constructed in 2014 as originally shown in the preliminary assessment report.

WHEREAS, pursuant to said resolution a report was filed by the City Engineer in the office of the City Clerk, notice thereof was duly given to the public and to owners of affected properties, and the Board of Public Works on March 3, 2014, held a public hearing at the Fitchburg City Hall for purposes of hearing all persons interested concerning the preliminary resolution and report on the proposed assessments; and

WHEREAS, all work described in Resolution No. R-06-14 has been completed and a final report of the direct and indirect costs of the improvements and proposed final assessments has been filed in the office of the City Clerk by the City Engineer; and

WHEREAS, the report of the engineer shows that the final assessments do not exceed by ten percent (10%) or more the preliminary assessments in the preliminary report heard by the Board of Public Works on March 3, 2014, as above described;

NOW, THEREFORE BE IT HEREBY RESOLVED, the Common Council of the City of Fitchburg, Wisconsin, pursuant to the authority vested in it by Wis. Stat. 62.11(5) and 66.0703(7) hereby resolve as follows:

1. The final report of the City Engineer pertaining to the construction of 2014 Curb and Gutter Replacement in the above-described Assessment District is hereby adopted and approved.
2. Payment for the improvements described in paragraph 1 shall be made by assessing the costs to the properties and in the amounts indicated in the report as shown on Exhibit A attached hereto which is incorporated herein as if fully set forth.

3. The assessments shown on the attached Exhibit A represent an exercise of the police power and have been determined on a reasonable basis and are hereby confirmed.

4. The assessments may be paid to the City Clerk in cash within sixty (60) days from the adopted date of this resolution or in equal annual installments of principal as follows:

- a. If the assessment is less than \$500.00, the assessment shall be paid in one (1) annual installment.
- b. If the assessment is at least \$500.00 but less than \$999.00, the assessment shall be paid in three (3) installments.
- c. If the assessment is at least \$1000.00 but less than \$4,999.00, the assessment shall be paid in five (5) annual installments.
- d. If the assessment is greater than \$5000.00, the assessment shall be paid in seven (7) annual installments.

Upon sale or transfer of the property any outstanding balances are due. Deferred principal payments shall bear interest on the unpaid balance at the rate of 2.5% per annum from January 1, 2015. Installments not paid when due shall bear additional interest on the amount due at the rate of 18% per annum. Partial payments received on or before ninety days from the adopted date of this resolution shall be applied to the principal amount due and installments reduced pro-rata.

5. The unpaid balance of principal of any assessment levied hereby and interest thereon shall be a lien upon the assessed property from the date of adoption of this resolution.

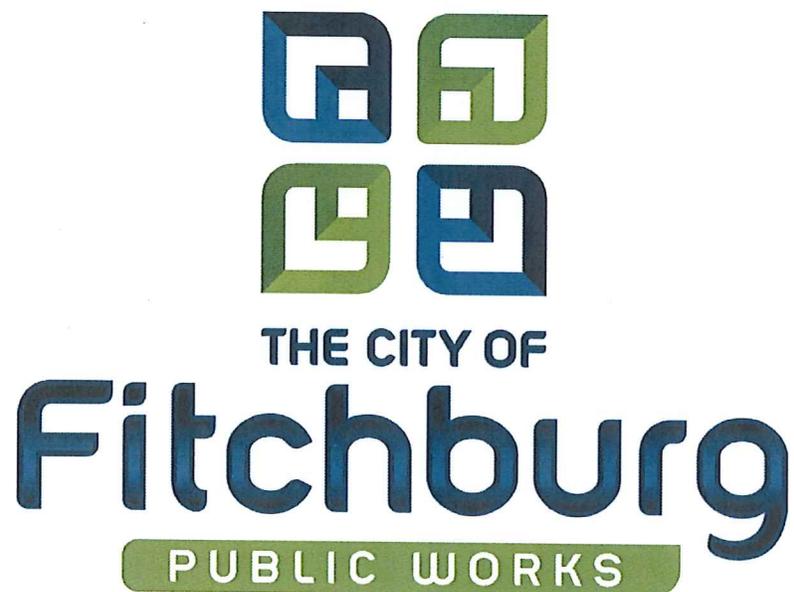
6. The City Clerk shall publish this resolution and an installment assessment notice as Class 1 Notices in the City's official newspaper and mail a copy of this resolution and a statement of the final assessment against each property, together with an installment assessment notice, to the owner of every property whose name appears on the assessment roll and whose post office address is known or can with reasonable diligence be ascertained.

Adopted this 27th day of January, 2015.

Approved By: _____
Shawn Pfaff, Mayor

Attested By: _____
Patti Anderson, City Clerk

**2014 STREET RESURFACING
CURB & GUTTER REPLACEMENT
PRELIMINARY ASSESSMENT REPORT
PROJECT NO. 14-SR-101-0**



**City of Fitchburg
Department of Public Works
5520 Lacy Road
Fitchburg, WI 53711
Dane County
Wisconsin**

Introduction

This report is required by the Common Council of the City of Fitchburg as per Resolution Number R-06-14, declaring Intent to Exercise Special Assessment Powers. It is submitted to the Common Council as a Preliminary Assessment Report for the replacement of deficient curb and gutter fronting Byrneland Street from S. Fish Hatchery Road to Richardson Street, Cheryl Drive from S. Fish Hatchery Road to Florann Drive, Marledge Street from Raritan Road to 200' south of Barbara Drive, and Richardson Street from Lacy Road to Nutone Street.

This report contains the following:

- 1) Statement of Benefits
- 2) Opinion of Project Costs (Table 1)
- 3) The Preliminary Assessments for the subject properties with list of Property Owners (Exhibit A)
- 4) Preliminary Assessment Resolution R-06-14 (Appendix A)
- 5) Assessment District boundary map (Appendix B)

Statement of Benefits

The improvements will abut the properties within the proposed assessment districts as shown in Appendices A and B.

By correcting deficiencies in the existing curb and gutter, this will benefit the properties where the improvements are to be installed.

In this project, properties will generally benefit in proportion to their linear footage of curb and gutter. Therefore, in our opinion, the linear footage method of assessment best assures that each property owner pays a proportionate share of the costs. Per the assessment policy, a property owner may not be charged more than 40 linear feet.

The linear footage charge is determined by dividing the total curb and gutter replacement cost, as shown in Table 1, by the total linear footage as shown in Exhibit A. For this project, the preliminary assessment rate is calculated to be \$35.75 per linear foot for curb and gutter.

Opinion of Project Costs

The opinion of Project Costs shown in Table 1 contains the estimated construction cost, engineering, and administrative costs.

**TABLE 1
OPINION OF PROJECT COSTS
2013 STREET RESURFACING
CURB & GUTTER AND SIDEWALK REPLACEMENT**

Construction Costs		
Estimated Construction Costs	\$11,326.25	
Less City Costs*	<u>\$ 5,663.13</u>	
Total Assessable Construction Costs		\$5,663.13
Technical Services		
Engineering 8%	\$453.05	
Administrative 2%	\$113.26	
Subtotal:		\$566.31
Total Assessable Project Cost		\$6,229.44

**The City is responsible for 50% of the curb and gutter costs per the assessment policy.*

PRELIMINARY ASSESSMENT RATE

Assessable Curb and Gutter Cost \$35.75 / Linear Foot

The preliminary assessments for each parcel are shown on Exhibit A. The total assessable curb and gutter replacement is 348.5 LF.



**EXHIBIT A
PRELIMINARY ASSESSMENT SCHEDULE
2014 STREET RESURFACING, CURB AND GUTTER REPLACEMENT
PROJECT No. 14-SR-101-0**

PARCEL No. 225/0609	PARCEL ADDRESS	OWNER NAME	MAILING ADDRESS		Preliminary Assessment						
			Address	CITY, STATE, ZIP	Assessable Linear FT	Cost per LF \$35.75	Resident Assessment \$17.88	City Portion \$17.88			
09364898	5739 Barbara Dr	Joseph J Lourigan & Tanya L Lourigan	5739 Barbara Dr	Fitchburg, WI 53711	20.0	\$715.00	R	50%	\$357.50	50%	\$357.50
16404385	5588 Byrneland St	William A Conn Jr & Kathleen J Conn	5588 Byrneland St	Fitchburg, WI 53711	20.5	\$732.88	R	50%	\$366.44	50%	\$366.44
16404607	5593 Byrneland St	Henry S Martin III & Jennifer R Heberling	5593 Byrneland St	Fitchburg, WI 53711	14.0	\$500.50	R	50%	\$250.25	50%	\$250.25
16423220	5651 Byrneland St	James D Scully & Becky J Scully	5651 Byrneland St	Madison, WI 53711	10.5	\$375.38	R	50%	\$187.69	50%	\$187.69
16425719	5654 Byrneland St	Theodore R McCarthy & Mary J McCarthy	5654 Byrneland St	Fitchburg, WI 53711	7.0	\$250.25	R	50%	\$125.13	50%	\$125.13
16425602	5658 Byrneland St	Jane A Gilbertson	5658 Byrneland St	Fitchburg, WI 53711	5.0	\$178.75	R	50%	\$89.38	50%	\$89.38
16423551	5663 Byrneland St	Louis C Chiang & So S Chiang	5663 Byrneland St	Fitchburg, WI 53711	5.0	\$178.75	R	50%	\$89.38	50%	\$89.38
09411229	5571 Cheryl Dr	Gerald L Doepke	5571 Cheryl Dr	Fitchburg, WI 53711	11.0	\$393.25	R	50%	\$196.63	50%	\$196.63
09365119	2701 Marledge St	David R Carlson & Verna J Carlson	2701 Marledge St	Fitchburg, WI 53711	15.5	\$554.13	R	50%	\$277.06	50%	\$277.06
09365333	2706 Marledge St	Daniel D Giesler & Jacqueline A Ramin	2706 Marledge St	Fitchburg, WI 53711	19.5	\$697.13	R	50%	\$348.56	50%	\$348.56
09365440	2712 Marledge St	Ryne D Natzke & Phoebe E Natzke**	2712 Marledge St	Fitchburg, WI 53711	40.0	\$1,430.00	R	50%	\$715.00	50%	\$715.00
09364781	2721 Marledge St	Rodney B Bina & Coletta Mulvihill Bina	2721 Marledge St	Fitchburg, WI 53711	5.0	\$178.75	R	50%	\$89.38	50%	\$89.38
09364567	2729 Marledge St	Gary Tsarovsky & Lesley A Coert	2729 Marledge St	Fitchburg, WI 53711	16.0	\$572.00	R	50%	\$286.00	50%	\$286.00
0936654	2744 Marledge St	Frank H Novak & Kathleen T Lange-Novak	2744 Marledge St	Fitchburg, WI 53711	22.0	\$786.50	R	50%	\$393.25	50%	\$393.25
09364236	2745 Marledge St	Thomas J Farley & Patricia Farley	2745 Marledge St	Fitchburg, WI 53711	8.5	\$303.88	R	50%	\$151.94	50%	\$151.94
09364012	2753 Marledge St	Cheryl A Hamilton	2753 Marledge St	Fitchburg, WI 53711	8.0	\$286.00	R	50%	\$143.00	50%	\$143.00
16262038	2582 Richardson St	David Mullins & Mary Mullins	2582 Richardson St	Fitchburg, WI 53711	13.0	\$464.75	R	50%	\$232.38	50%	\$232.38
16263573	2583 Richardson St	Gregory N Curless & Judy L Curless	2583 Richardson St	Fitchburg, WI 53711	15.0	\$536.25	R	50%	\$268.13	50%	\$268.13
16261922	2586 Richardson St	Leslie L Boettcher & David Y Toy	2586 Richardson St	Fitchburg, WI 53711	13.0	\$464.75	R	50%	\$232.38	50%	\$232.38
16261815	2590 Richardson St	Brian Nolan & Maria A G Nolan	2590 Richardson St	Fitchburg, WI 53711	14.5	\$518.38	R	50%	\$259.19	50%	\$259.19
16261593	2598 Richardson St	Mark J Mueller & Sandra L Mueller	2598 Richardson St	Fitchburg, WI 53711	20.0	\$715.00	R	50%	\$357.50	50%	\$357.50
16220565	2638 Richardson St	Ronald Peter Makin & Andrina Margaret Makin	2638 Richardson St	Fitchburg, WI 53711	25.0	\$893.75	R	50%	\$446.88	50%	\$446.88
16200569	2679 Richardson St	Mary V Upshaw	2679 Richardson St	Fitchburg, WI 53711	15.5	\$554.13	R	50%	\$277.06	50%	\$277.06
16406801	2534 Targhee St	Justin D Hartman	2534 Targhee St	Fitchburg, WI 53711	5.0	\$178.75	R	50%	\$89.38	50%	\$89.38
TOTAL C&G:					348.5	\$12,458.88			\$6,229.44		\$6,229.44

**Curb and gutter assessments may not be exceed 40 linear feet, actual is 46 linear feet.

Shawn Pfaff, Mayor
Introduced By

Public Works
Prepared by

Board of Public Works, Finance
Referred to

January 14, 2014
Date

**RESOLUTION R-06-14
PRELIMINARY ASSESSMENT RESOLUTION FOR
2014 RESURFACING CURB AND GUTTER REPLACEMENT**

Preliminary Resolution Declaring Intent to Exercise Special Assessment Police Powers Under Municipal Police Powers pursuant to §66.0701 Wisconsin Statutes, and Fitchburg Code of Ordinances Section 10-215 for the cost of replacing defective curb and gutter on streets in the 2014 Street Resurfacing contract in the City of Fitchburg.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Common Council of the City of Fitchburg, Dane County, Wisconsin that

1. The Common Council hereby declares its intention to exercise its police power under Sec. 66.0703 Wis. Stats. as incorporated in Section 10-215 of the Fitchburg Ordinances, to levy special assessments upon property in the assessment district hereafter described for benefits conferred upon such property by replacement of defective curb and gutter.
2. The property to be assessed lies within the following described assessment district:

ASSESSMENT DISTRICT

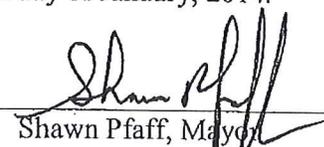
All properties with defective curb and gutter as identified by the City Engineer fronting Bryneland Street from S. Fish Hatchery Road to Richardson Street, Cheryl Drive from S. Fish Hatchery Road to Florann Drive, Marledge Street from Raritan Road to 200' south of Barbara Drive, Osmundsen Road from Lacy Road to Devoro Road, and Richardson Street from Lacy Road to Nutone Street.

3. The City Council hereby determines that the improvements constitute an exercise of the police power for the health, safety and welfare of the public.
4. The total amount assessed against the properties in the defined assessment district shall not exceed 100% of the City's direct and indirect costs of the improvements including, but not limited to, actual construction costs and related costs of engineering and legal services, administrative expense and borrowing costs related to the project.
5. The assessment against any parcel may be paid in cash or equal annual installments in accordance with schedule below, with interest on the unpaid balance at one percent (1%) over the City's borrowing rate. If the installment method is selected the remaining balance is due at time of transfer or sale of ownership of parcel.
Assessment Schedule:
 - a. If the assessment is less than \$500.00, the assessment shall be paid in one (1) annual installment.
 - b. If the assessment is at least \$500.00 but less than \$999.00, the assessment shall be paid in three (3) annual installments.

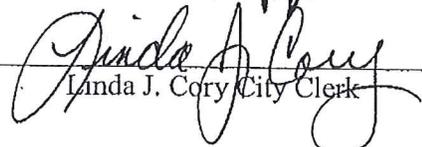
- c. If the assessment is at least \$1000.00 but less than \$4,999.00, the assessment shall be paid in five (5) annual installments.
 - d. If the assessment is greater than \$5000.00, the assessment shall be paid in seven (7) or more annual installments.
6. The City Engineer shall prepare a Preliminary Assessment Report which shall consist of:
 - a. Plans and specifications for the improvements.
 - b. An estimate of the entire direct and indirect cost of the improvements.
 - c. A schedule of the proposed assessments as to each parcel of property within the defined assessment district.
 - d. A statement that the respective properties against which the assessments are proposed are benefitted.
7. When the Preliminary Assessment Report is completed, the City Engineer shall file a copy of the Report with the City Clerk for public inspection.
8. Upon receiving the report of the City Engineer, the Clerk shall cause notice to be given pursuant to § 66.0703(7) Wisconsin Statutes, stating the nature of the proposed improvement, the general boundary lines of the proposed assessment district, the time and place at which the report may be inspected, and the time and place of the public hearing on the matter contained in the Preliminary Resolution and the Report. The notice shall be published as a Class 1 notice under Wis. Stat. Ch. 985 and a copy shall be mailed at least ten (10) days before the hearing, to every interested person whose post office address is known or can be ascertained with reasonable diligence.
9. The hearing shall be held before the Board of Public Works at a time set by the City Clerk in accordance with § 66.0703(7) Wis. Stats.

Adopted this 28th day of January, 2014.

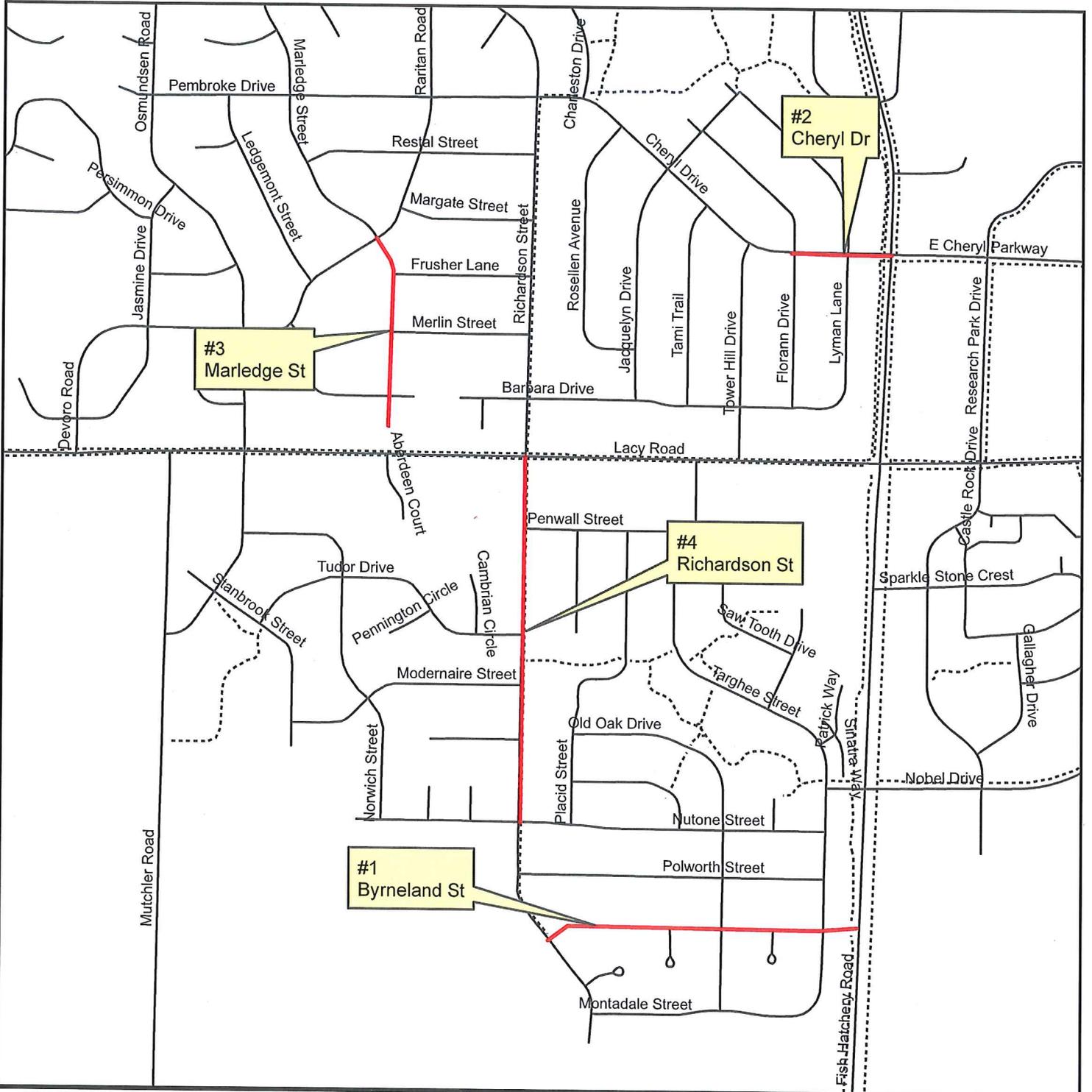
Approved By: _____


Shawn Pfaff, Mayor

Attested By: _____


Linda J. Cory City Clerk

2014 Street Improvements Assessment District Boundary Map



1 inch = 912 feet

Created: 1/14/2014
By Public Works



City of Fitchburg
Public Works
5520 Lacy Road
Fitchburg, WI 53711-5318
(608) 270-4260

**EXHIBIT A
FINAL ASSESSMENT SCHEDULE
2014 STREET RESURFACING, CURB AND GUTTER REPLACEMENT
PROJECT No. 14-SR-101-0**

PARCEL		OWNER	MAILING ADDRESS		Measured Linear Feet	Final Cost					
PARCEL No.	ADDRESS	NAME	Address	CITY, STATE, ZIP		Cost per LF	Resident Assessment		City Portion		
225/0609						\$35.75	\$17.88	\$17.88			
09364898	5739 Barbara Dr	Joseph J Lourigan & Tanya L Lourigan	5739 Barbara Dr	Fitchburg, WI 53711	0	\$0.00	R	50%	\$0.00	50%	\$0.00
16404385	5588 Byrneland St	William A Conn Jr & Kathleen J Conn	5588 Byrneland St	Fitchburg, WI 53711	21.5	\$768.63	R	50%	\$384.31	50%	\$384.31
16404607	5593 Byrneland St	Jennifer R Heberling	5593 Byrneland St	Fitchburg, WI 53711	19.0	\$679.25	R	50%	\$339.63	50%	\$339.63
16423220	5651 Byrneland St	James D Scully & Becky J Scully	5651 Byrneland St	Madison, WI 53711	11.5	\$411.13	R	50%	\$205.56	50%	\$205.56
16425719	5654 Byrneland St	Theodore R McCarthy & Mary J McCarthy	5654 Byrneland St	Fitchburg, WI 53711	7.0	\$250.25	R	50%	\$125.13	50%	\$125.13
16425602	5658 Byrneland St	Sean D Amundson & Joy L Amundson	5658 Byrneland St	Fitchburg, WI 53711	5.5	\$196.63	R	50%	\$98.31	50%	\$98.31
16423551	5663 Byrneland St	Louis C Chiang & So S Chiang	5663 Byrneland St	Fitchburg, WI 53711	7.0	\$250.25	R	50%	\$125.13	50%	\$125.13
09411229	5571 Cheryl Dr	Gerald L Doepke	5571 Cheryl Dr	Fitchburg, WI 53711	12.0	\$429.00	R	50%	\$214.50	50%	\$214.50
09365119	2701 Marledge St	David R Carlson & Verna J Carlson	2701 Marledge St	Fitchburg, WI 53711	0	\$0.00	R	50%	\$0.00	50%	\$0.00
09365333	2706 Marledge St	Daniel D Giesler & Jacqueline A Ramin	2706 Marledge St	Fitchburg, WI 53711	0	\$0.00	R	50%	\$0.00	50%	\$0.00
09365440	2712 Marledge St	Ryne D Natzke & Phoebe E Natzke	2712 Marledge St	Fitchburg, WI 53711	0	\$0.00	R	50%	\$0.00	50%	\$0.00
09364781	2721 Marledge St	Rodney B Bina & Coletta Mulvihill Bina	2721 Marledge St	Fitchburg, WI 53711	0	\$0.00	R	50%	\$0.00	50%	\$0.00
09364567	2729 Marledge St	Gary Tsarovsky & Lesley A Coert	2729 Marledge St	Fitchburg, WI 53711	0	\$0.00	R	50%	\$0.00	50%	\$0.00
0936654	2744 Marledge St	Frank H Novak & Kathleen T Lange-Novak	2744 Marledge St	Fitchburg, WI 53711	0	\$0.00	R	50%	\$0.00	50%	\$0.00
09364236	2745 Marledge St	Thomas J Farley & Patricia Farley	2745 Marledge St	Fitchburg, WI 53711	0	\$0.00	R	50%	\$0.00	50%	\$0.00
09364012	2753 Marledge St	Cheryl A Hamilton	2753 Marledge St	Fitchburg, WI 53711	0	\$0.00	R	50%	\$0.00	50%	\$0.00
16262038	2582 Richardson St	David Mullins & Mary Mullins	2582 Richardson St	Fitchburg, WI 53711	13.0	\$464.75	R	50%	\$232.38	50%	\$232.38
16263573	2583 Richardson St	Gregory N Curless & Judy L Curless	2583 Richardson St	Fitchburg, WI 53711	15.0	\$536.25	R	50%	\$268.13	50%	\$268.13
16261922	2586 Richardson St	Leslie L Boettcher & David Y Toy	2586 Richardson St	Fitchburg, WI 53711	20.0	\$715.00	R	50%	\$357.50	50%	\$357.50
16261815	2590 Richardson St	Brian Nolan & Maria A G Nolan	2590 Richardson St	Fitchburg, WI 53711	14.0	\$500.50	R	50%	\$250.25	50%	\$250.25
16261593	2598 Richardson St	Mark J Mueller & Sandra L Mueller	2598 Richardson St	Fitchburg, WI 53711	20.0	\$715.00	R	50%	\$357.50	50%	\$357.50
16220565	2638 Richardson St	Ronald Peter Makin & Andrina Margaret Makin	2638 Richardson St	Fitchburg, WI 53711	25.0	\$893.75	R	50%	\$446.88	50%	\$446.88
16200569	2679 Richardson St	Mary V Upshaw	2679 Richardson St	Fitchburg, WI 53711	15.0	\$536.25	R	50%	\$268.13	50%	\$268.13
16406801	2534 Targhee St	Justin D Hartman	2534 Targhee St	Fitchburg, WI 53711	5.5	\$196.63	R	50%	\$98.31	50%	\$98.31
TOTAL C&G:					211	\$7,543.25			\$3,771.63		\$3,771.62

**Work did not take place on Barbara Drive or Marledge Street therefore assessment linear feet display zero. Construction is anticipated in 2015 with a new preliminary and final assessment to be issued.

**2014 STREET RESURFACING
CURB & GUTTER REPLACEMENT
FINAL ASSESSMENT REPORT
PROJECT NO. 14-SR-101-0**



**City of Fitchburg
Department of Public Works
5520 Lacy Road
Fitchburg, WI 53711
Dane County
Wisconsin**

PRE-APPROVAL

CITY OF FITCHBURG
 5520 Lacy Road
 Fitchburg, WI 53711
 608-270-4200
 Fax: 608-270-4212

REQUIRED FOR ITEMS OVER \$25,000

Department: IT _____ **Prepared by: Nicolas Joseph** _____ **Date: 1/22/2015**

RECOMMENDED VENDOR #: _____ <u>Contingency Planning Solutions, Inc</u> _____ _____	CAPITAL PURCHASE OR PROJECT DESCRIPTION/ NAME: _____ Backup Solution _____ PROJECT # _____
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Item Description	Fund	Dept	Acct	Job	Amount
City Hall - Backup Solution	400	5710	12		\$15,721.16
Fire	400	5710	12		\$19,089.98
Library	250	5511	245		\$280.74
Fact	207	5570	245		\$1,684.41
Police	400	5722	105		\$16,844.10
Recycling	213	5362	245		\$561.47
Storm UD	601	5930	301		\$561.47
Utility Water	600	5921	101		\$1,122.94
Utility Sewer	600	5851	201		\$280.73
BID OPENING DATE:				TOTAL	\$56,147.00

Above items are within budget (IF NOT, BUDGET AMENDMENT ATTACHED)

RESOLUTION REQUIRED FOR ITEMS OVER \$50,000

NO BID EXCEPTION REASON:

Intergovernmental OR Surplus Stores Purchase through _____ State Contract Pricing

Sole Source Supplier - Explain reason: _____

Cost will be split over two years: \$31,197.50 this year and \$24,949.50 in 2016.

LOW BID EXCEPTION REASON:

FINANCE COMMITTEE ACTION		
PRESENTED FOR APPROVAL	APPROVED BY FINANCE	DENIED BY FINANCE
MEETING DATE:	ATTEST:	REASON:

01.22.2016

Memo

To
Tony Roach

From
Nicolas Joseph

CC
Finance Committee

Re
Unitrends Backup System

Comments:

We are in need of purchasing a new backup solution. The current system is a number of years old and was purchased while we were using the former Novell infrastructure. Instead of renewing our licensing with our older solution, we recommend moving to a newer solution to take advantage of advances in the industry and to efficiently address the backup needs to our growing virtual environment. Licensing and annual support for the current solution is approximately \$14,600. A support plan (licensing included) on the new solution is approximately \$12,000/year.

We are proposing the Unitrends backup solution sold by Contingency Planning Solutions, Inc. (CPSI). Contingency Planning Solutions, Inc is on the Wisconsin state contract. Through our relationship with GIPAW we obtained positive references for the product and reseller. Some of the references for the Unitrends solution include: City of Janesville, Rock County, Jefferson County and City of Fond du Lac.

Contingency Planning Solutions, Inc has quoted pricing that is lower the state contract pricing.

Break down:

Recovery-824 Backup Appliance, Local Disk Archiving Package, & 3 Years Support (RC824-A-3):

This is a 2U form factor appliance with ten disk drives (two 1TB internal plus eight 4TB externally accessible) in a staged RAID-1/RAID-6 configuration that supports on-premise, off-premise, or cross-replication data protection. Includes Local Disk Archiving Package (Software, Recovery-Archive, 2-2-Port eSATA adapters, 4 2m eSATA cables), and Three Year Support (24/7 US based technical assistance, Software Upgrades, and next business day shipment warranty replacement, and next gen same model appliance upgrade with first renewal).

Cost will be split over two years: \$31,197.50 this year and \$24,949.50 in 2016.

Total cost: \$ 56,147

City of Fitchburg

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<http://www.fitchburgwi.gov>



PENDING REFERRAL ITEMS	
•	Rezone Request RZ-1853-09 by Randy Bruce of Knothe & Bruce Architect, LLC, Agent for McKee Family, LLC, to Rezone from Residential Medium Density (R-M) to Planned Development District General Implementation Plan (PDD-GIP) Property Associated with Lots 53 & 54 of Chapel Valley Plat
•	R-70-14 Resolution Designating Path Location for a Connection to McKee Road from the Military Ridge Path - tabled June 24, 2014
•	2014-O-25 Chapter 22 - Zoning, Article IIO. Business Districts, Division 6. Conditional Uses Applicable to all Business Districts. Sec 22-357. Design Review
•	2014-O-22 Chapter 54 - Parks, Recreation and Forestry, Article III Division 3. Tree and Shrub Management
•	R-107-14 A Resolution Authorizing Purchase and Installation of the Three Shade Structures and other Improvements at McKee Farms Park Splashpad
•	R-07-15 Authorizing Acceptance of the McKee and McGaw Park Shelter Renovation Bids
•	2015-O-01 An Ordinance Amending Section 22-6(e)(1) Relative to Wind Turbines in A-X Zoning, Section 22-481(c)(2) Relative to A-X Rezoning Reporting and Section 22-482(4) Relative to Limited Vocational Activities of Chapter 22, Zoning Ordinance
•	R-01-15 A Resolution Recognizing International Migratory Bird Day, City Of Fitchburg, Wisconsin
•	R-04-15 Expressing City of Fitchburg Commitment toward Becoming a "Dementia Friendly Community"