1. Agenda

   Documents: CC_20150908_AG.PDF

2. Complete Packet

   Documents: CC_20150908_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
SEPTEMBER 8, 2015
7:30 P.M.
CITY HALL

NOTICE IS HEREBY GIVEN that the Fitchburg Common Council will meet at 7:30 p.m. for a Meeting on Tuesday, September 8, 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.fitchburgwi.gov/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**

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 – August 25, 2015

B. **REFERRALS TO COMMISSIONS AND COMMITTEE**
102. **Resolution R-91-15** Permitting the Parks Department to Apply for a DNR Urban Forestry Grant for 2016
a. Park Commission

103. **Resolution R-92-15** Exemption from the County Library Tax
a. Library Board

104. **Resolution R-94-15** A Resolution Granting an Underground Electric Right-of-Way Grant to Madison Gas and Electric Company on Outlots 24, 25, 26 and 28 Third Addition to Nine Springs, City of Fitchburg, Wisconsin
a. Board of Public Works
b. Plan Commission

105. **Resolution R-95-15** A Resolution to Terminate Property Insurance Coverage with the Local Government Property Insurance Fund (LGPIF) and Selecting Coverage with (TBD)
a. Finance Committee

5. Consent Agenda (continued)

106. **Resolution R-96-15** A Resolution to Set the 2016 Solid Waste Collection Rates
   a. Resource Conservation Commission
   b. Board of Public Works
   c. Finance Committee

107. **Resolution R-97-15** A Resolution Granting Private Access Easement on Lot 2 of CSM 445 (McGaw Park) for 5267 Lacy Road, City of Fitchburg, Wisconsin
   a. Plan Commission

108. **Resolution R-98-15** Approving Supplement to Agreement for Subdivision Improvements in the Plat of First Addition to Quarry Vista
   a. Board of Public Works

109. **Resolution R-99-15** Approving Agreement for Subdivision Improvements with Sub-Zero Wolf, Inc. on Lot 2 of CSM 10031
   a. Board of Public Works

110. **Resolution R-100-15** A Resolution Releasing a Platted Public Sanitary Sewer Easement on Lot 21 in First Addition to Fitchburg Technology Campus, City of Fitchburg, Wisconsin
   a. Plan Commission
   b. Board of Public Works

C. **Public Safety & Human Services**

1. **Temporary Operator Licenses: (Issuance Contingent upon Payment of all Fees Owed to City of Fitchburg)** Midwest Gypsy Swing Fest – Emmett Delaney-Potthoff, Margaret Delaney-Potthoff, Sims Delaney-Potthoff

2. **Consideration of the Following Application for Temporary Class "B"/"Class B" Retailers License "Picnic License" (Issuance Contingent upon Payment of all Fees Owed to City of Fitchburg)**
   a. Midwest Gypsy Swing Fest, 4112 Hegg Avenue, Madison, WI to hold a Music Fest on Friday, September 11, 2105 and Saturday, September 12, 2015, from 7:00 pm to 10:00 pm at 5927 Adams Road, Fitchburg, WI (For Sale of Fermented Malt Beverages and Wine)

3. **Consideration of the Following Fermented Malt Beverage and Intoxicating Liquor Licenses: (Issuance Contingent upon Payment of all Fees owed to The City of Fitchburg) All are New applications.**
   CLASS "B" FERMENTED MALT BEVERAGE RETAIL LICENSE AND RESERVE "CLASS B" INTOXICATING LIQUOR RETAIL LICENSE
   Amy Sanborn, 6254 Verona Road – DBA Mad Power Training – William F. Kohl, Agent

6. **ADMINISTRATOR'S REPORT**

7. **COMMISSION/COMMITTEE REPORTS**

A. **Plan Commission**

B. **Board of Public Works**

C. **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 111868 through 111956 dated September 3, 2015 Total $951,094.54
   b. P-Card Charges July 5, 2015 – August 4, 2015 Total $151,246.41

2. **Approval of Bills for $25,000** or more (Council Action Required)
   a. Batch Dated September 3, 2015 - $641,533.59

3. **Resolution R-93-15** Accepting Proposal from Ehlers Inc. for Financial Consulting Services for Proposed Tax Increment District 10 in the North Fish Hatchery Road Corridor for CIP 3103 Intersection Signalization – ***Direct Referral***

B. **Personnel Committee**

C. **Public Safety & Human Services**

1. **Ordinance 2015-O-23** An Ordinance Amending Chapter 70, Section 70-309 Forfeiture Schedule (*tabled from 7/28/15 meeting)*

9. **MAYOR'S REPORT**

A. Alder District Reports

10. **UNFINISHED BUSINESS**

A. Mayor Veto of Benjamin Investments TIF Request

11. **NEW BUSINESS**

A. **Resolution R-86-15** A Resolution Instructing Staff to Commence Work on Possible TID #4 End Users

B. **Closed Session**: Motion to go into 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 *(Issues arising in possible purchase of East Fire Station site).*

C. **Reconvene into Open Session**

D. **Discussion and Possible Action Regarding Issues Discussed in Closed Session**

12. **ANNOUNCEMENTS**

A. Next Common Council Meeting, September 22, 2015
B. Next Committee of the Whole Meeting, September 23, 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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DRAFT MINUTES
FITCHBURG COMMON COUNCIL
AUGUST 25, 2015
7:30 P.M.
CITY HALL

1. **CALL TO ORDER -** Mayor Arnold called the meeting to order at 7:34 p.m.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL** Julia Arata-Fratta, Dan Carpenter, Jason Gonzalez, Tony Hartmann, Jake Johnson, Dorothy Krause, Carol Poole, and Patrick Stern. Others Present: Susan Badtke, Community Planner, Mike Zimmerman, Economic Development Coordinator, Mark Sewell, City Attorney and Patti Anderson, City Clerk.

4. **PUBLIC APPEARANCES NON-AGENDA ITEMS / NEW APPOINTMENTS**
Patrick Stern, 2969 Brynwood Drive, registered and spoke regarding leadership and transparency with the City.

   A. Judge Ezalarab to discuss items related to **Ordinance 2015-O-23** An Ordinance Amending Chapter 70, Section 70-309 Forfeiture Schedule

      Judge Ezalarab and Susie Jones, Community Service Liaison, were both present to discuss the alternative and conviction program for both adults and juveniles as it relates to the Ordinance amendment. There was discussion regarding the program and how changing the forfeiture schedule could impact the program.

   B. Mayor Arnold opened the public hearing at 8:15 p.m. Adopt the 2015 Amendments to the Comprehensive Plan.

      Robert Helm, Bill Dunn, James Spahr, and Bob Sieger registered in support of the comprehensive plan amendments and to answer questions if needed.

      Public Hearing closed at 8:16 p.m.

5. **CONSENT AGENDA**
   A. **APPROVAL OF MINUTES** – August 11, 2015

   B. **REFERRALS TO COMMISSIONS AND COMMITTEE**
   Resolution R-86-15 A Resolution Instructing Staff to Commence Work on Possible TID #4 End Users ***(Council)***
   Resolution R-90-15 Authorizing Purchase of Brush Chipper ***(BPW, Finance)***
   Conditional Use Permit Request CU-2078-15 by Bob Feller, Agent for Benjamin Properties, to Exceed the Allowed Height Limitations of 42 Feet for the New Proposed 3-Story Building at 5400 King James Way, Lot 2 CSM 5649 ***(Plan)***

Rezone Request RZ-2077-15 by Bob Sieger, Agent for Crespt LLC, to Rezone from the A-T (Transitional Agriculture) and R-M (Residential – Medium Density) Districts to the R-H (Residential – High Density) and P-R (Park & Recreation) Districts, Property Along Anderberg Drive, Associated with 3046 & 3048 Anderberg Drive and a Possible Conditional Use Permit to Allow for More than Two Multi-Family Buildings per Lot ***(Plan)***

C. **Public Safety & Human Services**

1. **Consideration of Change of Agent for Speedway, LLC. – DBA Speedway #4170 -** Timothy J. Armstrong, 302 Madison Street, Marshall, WI 53559

2. **Temporary Operator Licenses: (Issuance Contingent upon Payment of all Fees Owed to City of Fitchburg)** Verona Road Business Coalition, Joyce Frey, Steven Leverentz

3. Lucas Glasgow, Store Director for Fitchburg Hy-Vee, located at 2920 Fitchrona Road, Fitchburg, WI, has requested a change in the premise description for Thursday, September 17, 2015 to allow for serving of alcohol in the east side of the parking lot for a Verona Road Business Appreciation Oktoberfest Fundraiser Event during the hours of 4:00 p.m. to 8:00 p.m.

4. **Consideration of the Following Fermented Malt Beverage and Intoxicating Liquor Licenses: (Issuance Contingent upon Payment of all Fees owed to The City of Fitchburg) All are New applications.**

   CLASS "A"/"CLASS A" FERMENTED MALT BEVERAGE & INTOXICATING LIQUOR
   W.D.S. Inc., 5276 Williamsburg Way - DBA Liquor Town – Bill O'Connell, Agent

5. Motion by Poole, 2nd by Stern to **approve** the consent agenda.
   Motion carried.

6. **ADMINISTRATOR'S REPORT**

A. Attorney Sewell presented the general administrator report

B. Report and Discussion on Benjamin Investments TIF Request, and Possible Direction by the Council to the Administrator

Attorney Sewell spoke regarding the TIF and gave background of the TIF request by Benjamin Investments.

Angela Kinderman, Executive Director of the Fitchburg Chamber of Commerce submitted a letter of support for the project.

Motion by Poole, 2nd by Gonzalez to direct the City Administrator and staff to move forward with the original numbers presented by Ehlers and Associates.

Roll Call Vote: Ayes: Gonzalez, Hartmann, Krause, Poole, Stern, Arata-Fratta, Carpenter
Nays: Johnson **Motion carried (7-1).**

7. **COMMISSION/COMMITTEE REPORTS**

A. **Plan Commission**

1. Motion by Poole, 2nd by Johnson to **approve Ordinance 2015-O-16** An Ordinance to Adopt the 2015 Amendments to the Comprehensive Plan for the City of Fitchburg in Dane County, Wisconsin
   a. **Motion carried.**

2. Motion by Poole, 2nd by Krause to **approve <u>Ordinance 2015-O-25</u>** Zoning Ordinance Amendment Amending Specific Implementation Plan Zoning for Lots 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 50, 51, 52, 53, 54, 55 & 56, First Addition to Renaissance on the Park and Lots 76, 77, 78 & 79, Second Addition to Renaissance On The Park to Modify the Development Parameters, Including New House Designs, Garage Setbacks, Impervious Surface Calculations, and Porch Encroachments
   a. **Motion carried.**

Poole requested unanimous consent to take up item #4.

4. Motion by Poole, 2nd by Johnson to **approve <u>Resolution R-87-15</u>** A Resolution Approving a Comprehensive Development Plan, CDP-2072-15, for Stoner Prairie Development ***(Park)***
   a. Chris Ehlers registered in support and to answer questions if needed.
   b. **Motion carried.**

3. Motion by Poole, 2nd by Stern to **approve <u>Ordinance 2015-O-26</u>** Zoning Ordinance Amendment Approving Rezoning Request RZ-2076-15 by Ron Klaas, Agent for Sub-Zero Wolf Inc, to Rezone Lot 2 CSM 10031 from the R-D (Rural Development) to the I-G (General Industrial) District
   a. Ron Klaas, representing Sub-Zero registered in support and to answer questions if needed.
   b. **Motion carried.**

5. Motion by Poole, 2nd by Stern to **approve <u>Resolution R-88-15</u>** A Resolution Approving a Comprehensive Development Plan, CDP-2074-15, for Sub-Zero Wolf, Inc.
   a. Ron Klaas, representing Sub-Zero registered in support and to answer questions if needed.
   b. **Motion carried.**

6. Motion by Poole, 2nd by Carpenter to **approve <u>Resolution R-89-15</u>** A Resolution Approving Certified Survey Map Request CS-2075-15 by Ronald Klaas, Agent for Sub-Zero Wolf Inc., to Divide Property Associated with Lot 1 CSM 9217, Lots 1 & 2, CSM 10031, Lot 2 CSM 11021, Vacated/Discontinued Portion of Marketplace Drive and All of Bud's Drive, Into Three Lots and One Outlot, Along with New Street Dedication
   a. Ron Klaas, representing Sub-Zero registered in support and to answer questions if needed.
   b. **Motion carried.**

B. **Board of Public Works**

1. Motion by Krause, 2nd by Gonzalez to **approve <u>Resolution R-81-15</u>** General Beverage Permit for Parking within City Property ***(TTC, Plan)***
   a. Angela Kinderman, Executive Director of the Fitchburg Chamber of Commerce submitted a letter of support for the project.
   b. Joel Minkoff and William Haus, representing General Beverage registered in support and to answer questions if needed. Joel answered questions from the Council.
   c. Cindy Jaggi, representing the Verona Road Business Coalition spoke in support.
   d. Motion by Poole, 2nd by Krause to **amend** and add the whereas clause as amended by the Plan Commission.
   e**. Motion carried.**
   f. Motion by Poole, 2nd by Stern to **add new condition #1** as added by Plan Commission.
   g. **Motion carried.**

2. Motion by Krause, 2nd by Poole to **approve <u>Resolution R-82-15</u>** A Resolution Granting an Underground Electric Right-of-Way Grant to Madison Gas and Electric Company on Outlot 16, Nine Springs, City of Fitchburg, Wisconsin ***(Plan)***
   a. **Motion carried.**

3. Motion by Krause, 2nd by Carpenter to **approve <u>Resolution R-84-15</u>** A Resolution Accepting the 2014 Compliance Maintenance Annual Report for the Wastewater Collection System
   a. **Motion carried.**

C. **Park Commission**

D. **Library Board**

E. **Commission on Aging**

F. **Resource Conservation Commission**

G. **Transportation & Transit Commission**
1. Motion by Gonzalez, 2nd by Carpenter to **approve <u>Resolution R-78-15</u>** Approving Transit Service Agreement between the City of Madison and the City of Fitchburg ***(Finance)***
   a. **Motion carried.**

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. Stern reported that Finance reviewed a batch of bills **<u>Under $25,000 or Previously Pre-Approved</u>** General Checks 111776 through 111867 dated August 20, 2015 Total $729,917.59

2. Motion by Stern, 2nd by Poole to **approve <u>Bills for $25,000</u>** or more, batch Dated August 20, 2015 - $670,743.16
   a. **Motion carried.**

3. Motion by Stern, 2nd by Arata-Fratta to **approve <u>Resolution R-83-15</u>** Amending 2015 Capital Projects, CEDA, and General Fund Budgets ***(Library)***
   a. Roll Call Vote: Ayes: Gonzalez, Hartmann, Johnson, Krause, Poole, Stern, Arata-Fratta, and Carpenter.
   b. **Motion carried (8-0).**

B. **Personnel Committee**

C. **Public Safety & Human Services**
1. Motion by Poole, 2nd by Gonzalez to **remove from the table** the Operator Licenses needing special attention for Jewitt L. White-N
   a. **Motion carried.**

2. Motion by Poole, 2nd by Gonzalez to **deny** the Operator Licenses needing special attention for Jewitt L. White-N as the applicant has withdrawn his application.
   a. **Motion carried.**

9. **MAYOR'S REPORT**

A. Mayor Arnold presented the Mayor's report

B. Alder District Reports

10. **UNFINISHED BUSINESS** - None

11. **NEW BUSINESS** - None

12. **ANNOUNCEMENTS**
    A. Next Committee of the Whole Meeting, August 26, 2015
    B. Next Common Council Meeting, September 8, 2015

13. Motion by Stern, 2nd by Gonzalez to **adjourn.**
    A. **Motion carried.** Time: 10:37 p.m.

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City of Fitchburg
Committee or Commission Referral

Direct Referral by Mayor to:

Date Referred**: September 8, 2015** Ordinance Number:
Date to Report Back**: September 22, 2014** Resolution Number: **R-91-15**
Sponsored by: Mayor Pfaff Drafted by: Parks Department

TITLE: **Permitting the Parks Department to Apply for a DNR Urban Forestry Grant for 2016**

Background:
This application proposes urban forestry projects with a total cost of approximately $27,500, half of which ($13,750) will be reimbursed in 2017 - once the 2016 projects are completed and reconciled.

See additional information attached.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Parks, Recreation, & Forestry	Endl	August 6, 2015 **Grant due October 1, 2015**	Approved
2				
3				
4				

Amendments:

2016 DNR Urban Forestry Matching Grant Application

Project: EAB Treatment and Canopy Improvement

Component 1. EAB Treatment -- Component Cost $19,200

- Fourth year of EAB treatments of all healthy, well-formed public ash
- Treatment program is on a 3 year cycle
    - 2016 is first year of second round
- 156 trees to assess and a subset of those to treat: ~2300 DBH inches
    - Specimen trees and Save-an-Ash trees
- Injections will be done by city public works and parks employees
- 2015 cost was $6.97 per diameter inch
    - Assessment, insecticide, materials, labor, equipment

The long term outcome will be the preservation of mature trees and canopy. The selective removal of unhealthy or poorly-formed ash trees will slowly reduce the number in the urban forest avoiding an acute negative impact on the forest canopy and provide the opportunity to continue to improve the diversity of our forest.

Component 2. Arbor Day, Migratory Bird Day and Earth Day Celebration – Component Cost $3600

- Annual Event usually at Mckee Farms Park.
- 8 AM – 1 PM Saturday, May 7, 2016
- Agenda
    - Bird Walk
    - Tree Planting
    - Tree City, Growth Award and Bird City Award Presentations
    - 'Tree of the Year' Play
    - Tree and Bird Activities for Kids
    - Tree Walk
    - Pruning Demonstration
    - Refreshments
- Neighborhood Association Presentations
    - Arrange for presentation on EAB and various Urban Forestry topics at annual meetings.

Component 3. Staff Training – Component Cost $4700

- Urban Forester and Parks and Forestry Assistant attend WAA Conference in Green Bay
- Urban Forester and Parks and Forestry Assistant attend UW-Extension Winter Series Workshop

.

Project Total: $27,500
City Share: $13,750
Grant Share: $13,750

Grant Project Ranking

Urban Forestry Grant applications will be ranked according to how well the projects align with the DNR program objectives and priorities for last year.

These include:
A) Long-term effect on urban tree canopy and the benefits it provides;
B) Emerald ash borer plans or insecticide treatment to preserve canopy;
C) Alignment with DNR urban forestry program goals;
D) Developing or enhancing municipal tree management programs; and,
E) Projects that could serve as a model for others to adopt.

While these priorities do not preclude funding any eligible project, applications that address the 2015 objectives and priorities will rank higher compared to those that do not.

Arnold Steve, Mayor
Introduced By

Parks Department
Drafted By

Parks Commission
Committees

September 8, 2015
Date

Resolution R-91-15

PERMITTING THE PARKS DEPARTMENT TO APPLY FOR A DNR URBAN FORESTRY GRANT FOR 2016

WHEREAS, the City of Fitchburg is interested in further development and improvements of its urban forestry program; and

WHEREAS, financial aid is required to carry out the project;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City of Fitchburg has budgeted a sum sufficient to complete the project and hereby authorizes Scott Endl, Director of Parks, Recreation and Forestry to act on behalf of the City of Fitchburg to submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available; sign documents; and take necessary actions to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED, that the City of Fitchburg will comply with state and federal rules for the programs; may perform force account work; will provide or be responsible for 100% of updating plans or ongoing operations and will obtain from the State of Wisconsin Department of Natural Resources approval in writing before any changes are made in the proposed project.

Adopted this _____ day of _____, 2015

Approved By:_____
Stephen L. Arnold, Mayor

Attested By:_____
Patti Anderson, City Clerk

City of Fitchburg
Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred**: September 8, 2015** Ordinance Number:
Date to Report Back**: September 22, 2015** Resolution Number: **R-92-15**

Sponsored by: Mayor Drafted by: Wendy Rawson

TITLE: Exemption from the County Library Tax

Background: This is an annual resolution to exempt the City of Fitchburg from the Dane County Library Tax. Now that we are providing library service to city residents, we no longer need to pay the county to provide these services. This exemption is provisional, due to the fact that we do not yet meet all of the Dane County Library Standards. We plan to meet all of the standards by the end of 2014.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Library Board	Wendy Rawson	September 16, 2015	Approved
2				
3				
4				

Amendments:

Resolution R-92-15
Requesting Exemption from County Library Tax

WHEREAS the Dane County Board has established a county library and levies a county library tax as authorized under Section 43.57 (3) of the Wisconsin Statutes, and

WHEREAS the Dane County Library Board has determined that the library serving the city of Fitchburg meets the minimum standards of operation established by County Board Resolution 185, 2011-2012 and later amended by County Board Resolution 98, 2013-2014 in compliance with Section 43.11 (3) (d) of the Wisconsin Statutes, and

WHEREAS Section 43.64 (2) (b) of the Wisconsin Statutes provides that a village or city which levies a tax for public library service and appropriates and expends for a library fund as defined by s.43.52 (1) during the year for which the county tax levy is made a sum at least equal to the county tax rate in the prior year multiplied by the equalized valuation of property in the city or village for the current year, and

WHEREAS the city of Fitchburg will appropriate in 2015 and expend in 2016 an amount in excess of that calculated above in support of its library,

NOW THEREFORE BE IT RESOLVED that the city of Fitchburg hereby requests of the Dane County Board of Supervisors that the city of Fitchburg be exempted from the payment of any tax for the support of the County Library Service as provided in Section 43.64 (2).

BE IT FURTHER RESOLVED that confirmed copies of this resolution be forwarded by the city clerk to the following party:

Tracy Herold, Director
Dane County Library Service
1819 Aberg Av.
Madison, WI 53704

Date Passed:_____

Vote:_____

_____ _____
Authorized Signature Title of Person signing

City of Fitchburg
Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred**: September 8, 2015** Ordinance Number:
Date to Report Back**: September 22, 2015** Resolution Number: **R-94-15**

Sponsored by: Mayor Drafted by: Public Works

TITLE: **A RESOLUTION GRANTING AN UNDERGROUND ELECTRIC RIGHT-OF-WAY GRANT TO MADISON GAS AND ELECTRIC COMPANY ON OUTLOTS 24, 25, 26 AND 28 THIRD ADDITION TO NINE SPRINGS, CITY OF FITCHBURG, WISCONSIN**

Background:

In the fall of 2013 the infrastructure for the Third Addition to Nine Springs was constructed. Although the plat created utility easements for electric and telephone cables and other facilities, the utility companies need additional paths to make connections for street lights and to connect to adjoining buildings. Staff has valued the easements on Outlots 24 and 28 at $434.13 and the easements Outlots 25 and 26 are for the benefit of the City to get service for street lights. MGE has agreed to the compensation for Outlots 24 and 28.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Board of Public Works	Horton	September 14, 2015	
2	Planning Commission	Hovel	September 15, 2015	
3				
4				

Amendments:

Third Addition to Nine Springs

Summary of charges for easements:
OL 24 Area = 109 x 5 = 545 SF @ $0.29/SF = $158.05

OL 25 Area = 84.73 x 6 + 20 x 6 = 182 SF - No charge since this line is only to serve street light

OL 26 Area = 10 x 117 = 1,170 SF - No charge since this line is only to serve street light

OL 28 Area = 8 x 119.01 = 952 Sf @ $0.29/SF = $276.08 if this is a trunk line. If this is only to serve the street light then charge does not apply

Note: The value of the easement at $0.29/SF calculated by taking 25% the land value since the easement only removes a portion of value from the existing land. The existing land value of $1.16 per SF was obtained from recent purchase land in the area and this number has been used in our annual reporting of land and asset values to meet GASB 34 compliance.

Document No. _____

RIGHT-OF-WAY GRANT
UNDERGROUND ELECTRIC

The undersigned, herein called Grantor, in consideration of One Dollar ($1.00) and other valuable considerations, paid to Grantor by MADISON GAS AND ELECTRIC COMPANY, a Wisconsin corporation, Grantee, receipt of which is hereby acknowledged, does hereby grant, convey, and warrant unto said Grantee, its successors, and assigns, the perpetual right and easement to construct, maintain, and operate, conduits, cables, and other appurtenances necessary for the transmission and distribution of electrical current and Grantee's communication signals, under, across, and through the following described land located in Dane County, Wisconsin:

Four strips of land, one five (5) feet in width, one six (6) feet in width, one eight (8) feet in width, and one ten (10) feet in width, located in Outlots 24, 25, 26 and 28, Third Addition to Nine Springs, lying in part of the NE¼ and SE¼ of Section 11, T6N-R9E, City of Fitchburg, Dane County, Wisconsin, said strips being more particularly described as follows:

The right-of-ways shall be located approximately as set forth in the drawings attached hereto as Exhibit "A," "B," "C," and "D."

This easement also to grant, convey, and warrant the subordinate and junior right of AT&T Wisconsin, a Wisconsin corporation, and Charter Communications, Inc., to install, remove, replace, access and maintain underground communication cables, television cables, and appurtenances, under, across, and through the right-of-way herein conveyed. In the event AT&T or Charter Communications defaults on their obligations hereby accepted, MGE shall not be liable and shall retain all rights herein granted.

THIS SPACE RESERVED FOR RECORDING DATA

Return To:
Rights-of-Way Department
Madison Gas and Electric Co.
P.O. Box 1231
Madison, WI 53701-1231

PIN_____

MGE Easement No._____

Grantee's or assign's facilities installed within the right-of-way herein conveyed, to be constructed underground only.

Grantee and assigns acknowledge the senior rights of the City of Fitchburg within the right-of-way herein conveyed, as established by the "Third Addition to Nine Springs" plat, recorded as Document No. 5011988.

TOGETHER with the right to enter upon said land for the above purposes, including repairing or removing the same, and the right to trim or remove such trees and brush as may now or hereafter interfere with or endanger said facilities. The Grantee shall not have the right to erect any fence or other structures unless otherwise specifically provided for herein. The Grantor shall have the right to use and enjoy the surface of the right-of-way conveyed hereby, but shall not interfere with the use of same by Grantee for purposes hereinabove granted. The Grantor shall not build, create, or construct any buildings or other structures, plant trees, inundate, or change the grade of said right-of-way, nor permit others to do so without the express written consent of the Grantee. It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until sometime in the future and that none of the rights herein granted shall be lost by non-use.

This Agreement is binding upon heirs, administrators, executors, and assigns of Grantor.

The undersigned warrants and represents that the undersigned has the proper power and authority to grant this Right-of-Way Grant.

WITNESS, the hand and seal of the Grantor(s) this _____ day of _____ 20_____.

CITY OF FITCHBURG

_____ (SEAL) _____ (SEAL)

_____ (SEAL) _____ (SEAL)

STATE OF WISCONSIN)ss
COUNTY OF _____)

ACKNOWLEDGMENT

Personally came before me this _____ day of _____ 20_____ the above-named _____

_____

to me known (or satisfactorily proven) to be the person(s) who executed the foregoing instrument and acknowledged the same.

This instrument drafted by
Madison Gas and Electric Company
Drafter: Lawrence D. Foreman

_____
Notary Public
State of Wisconsin
My commission expires _____

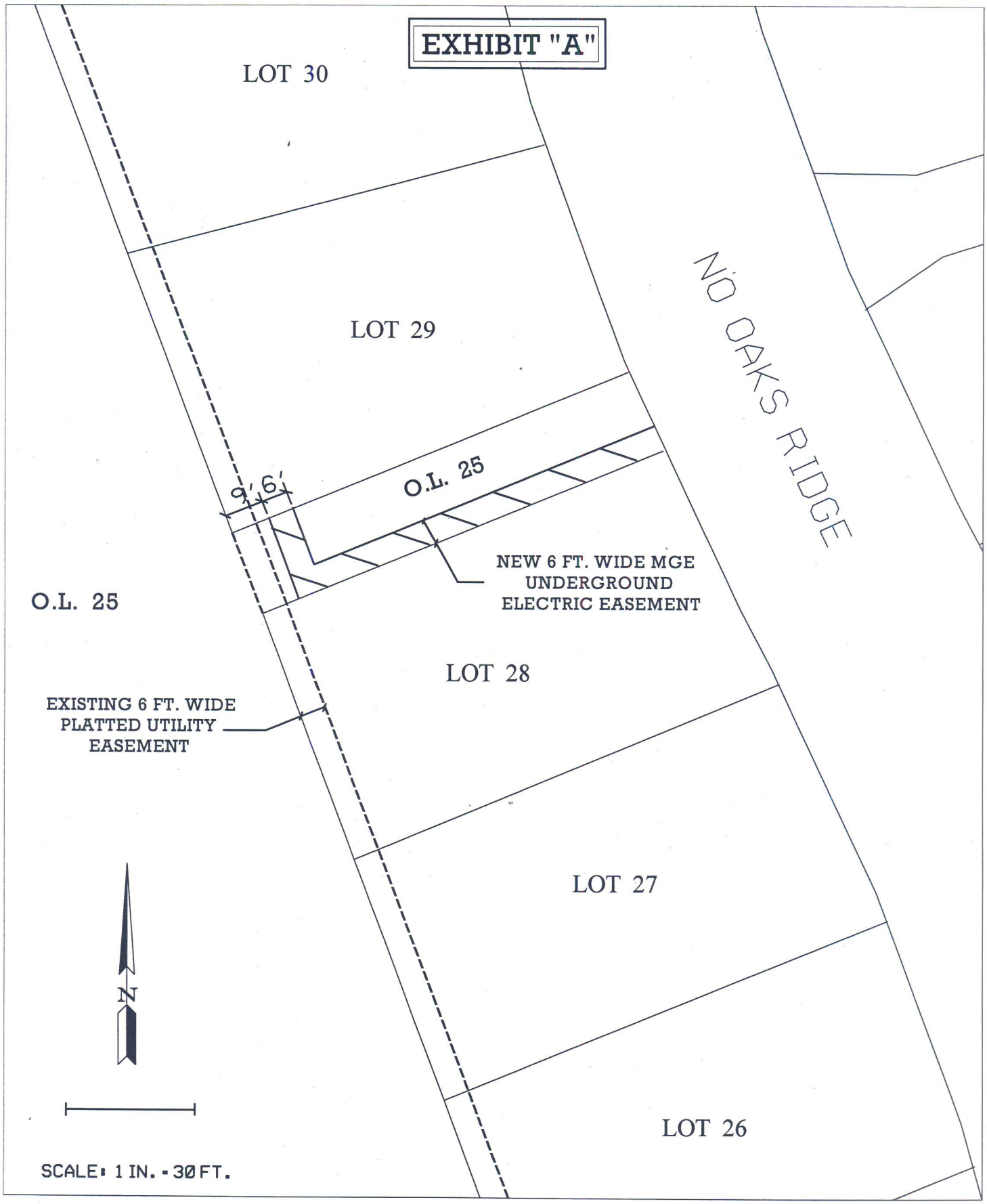


EXHIBIT "A"
LOT 30
LOT 29
NO OAKS RIDGE
O.L. 25
9'
6'
NEW 6 FT. WIDE MGE
UNDERGROUND
ELECTRIC EASEMENT
O.L. 25
LOT 28
EXISTING 6 FT. WIDE
PLATTED UTILITY
EASEMENT
LOT 27
N
LOT 26
SCALE: 1 IN. = 30 FT.

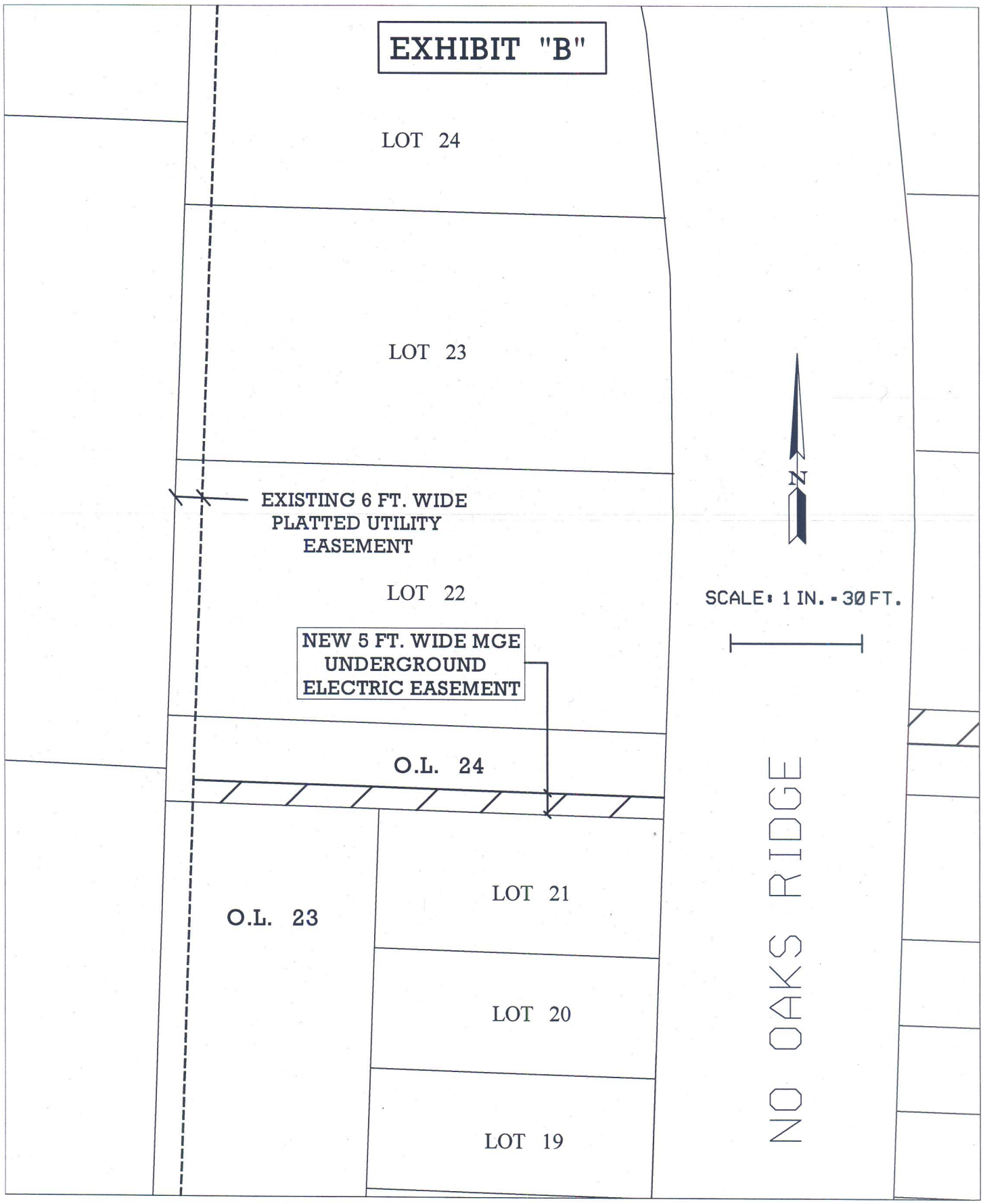
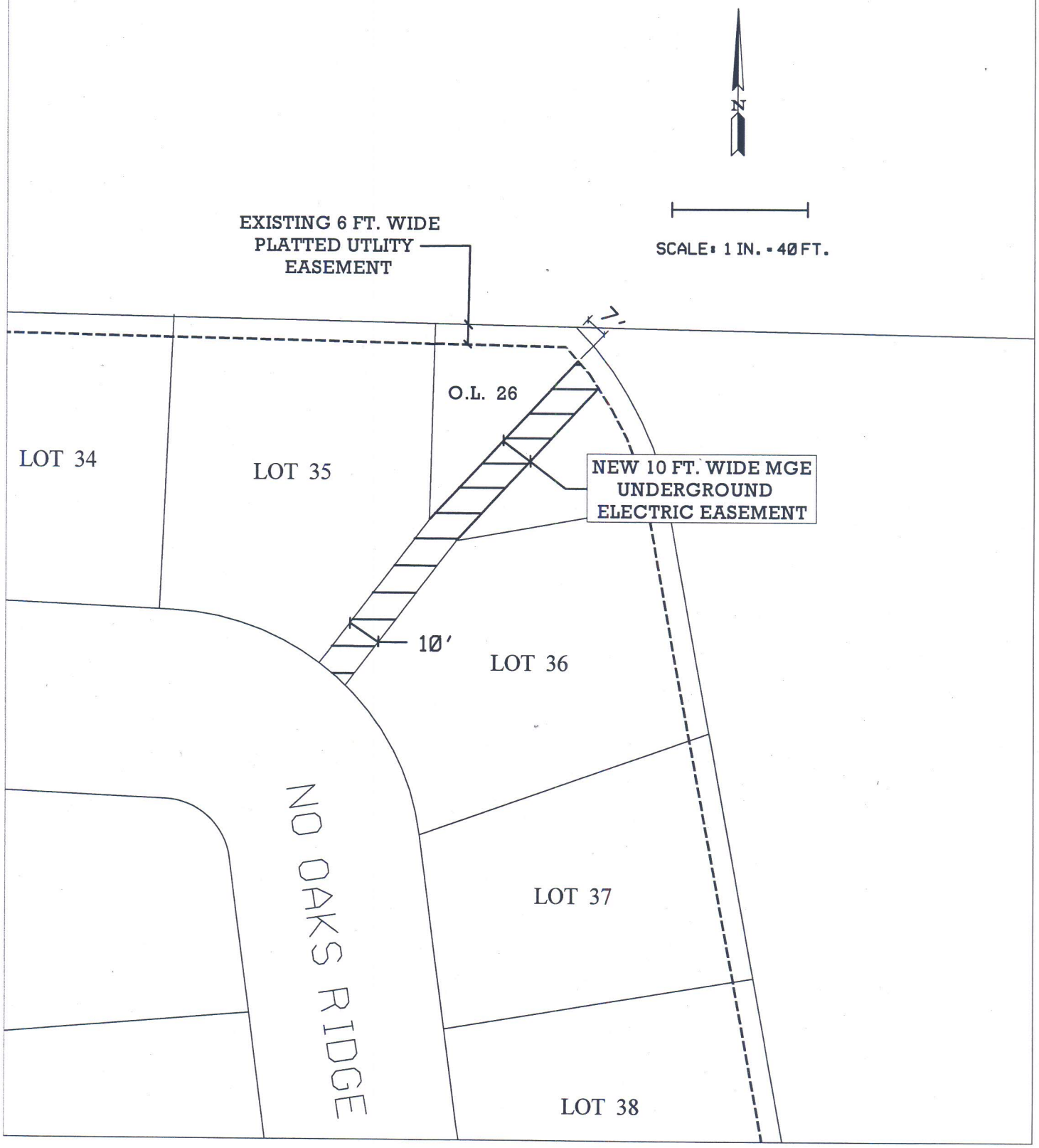


EXHIBIT "B"
LOT 24
LOT 23
EXISTING 6 FT. WIDE
PLATTED UTILITY
EASEMENT
LOT 22
NEW 5 FT. WIDE MGE
UNDERGROUND
ELECTRIC EASEMENT
O.L. 24
O.L. 23
LOT 21
LOT 20
LOT 19
N
SCALE: 1 IN. = 30 FT.
NO OAKS RIDGE

EXHIBIT "C"


N
SCALE: 1 IN. = 40 FT.
EXISTING 6 FT. WIDE
PLATTED UTLITY
EASEMENT
7'
O.L. 26
LOT 34
LOT 35
NEW 10 FT. WIDE MGE
UNDERGROUND
ELECTRIC EASEMENT
10'
LOT 36
NO OAKS RIDGE
LOT 37
LOT 38

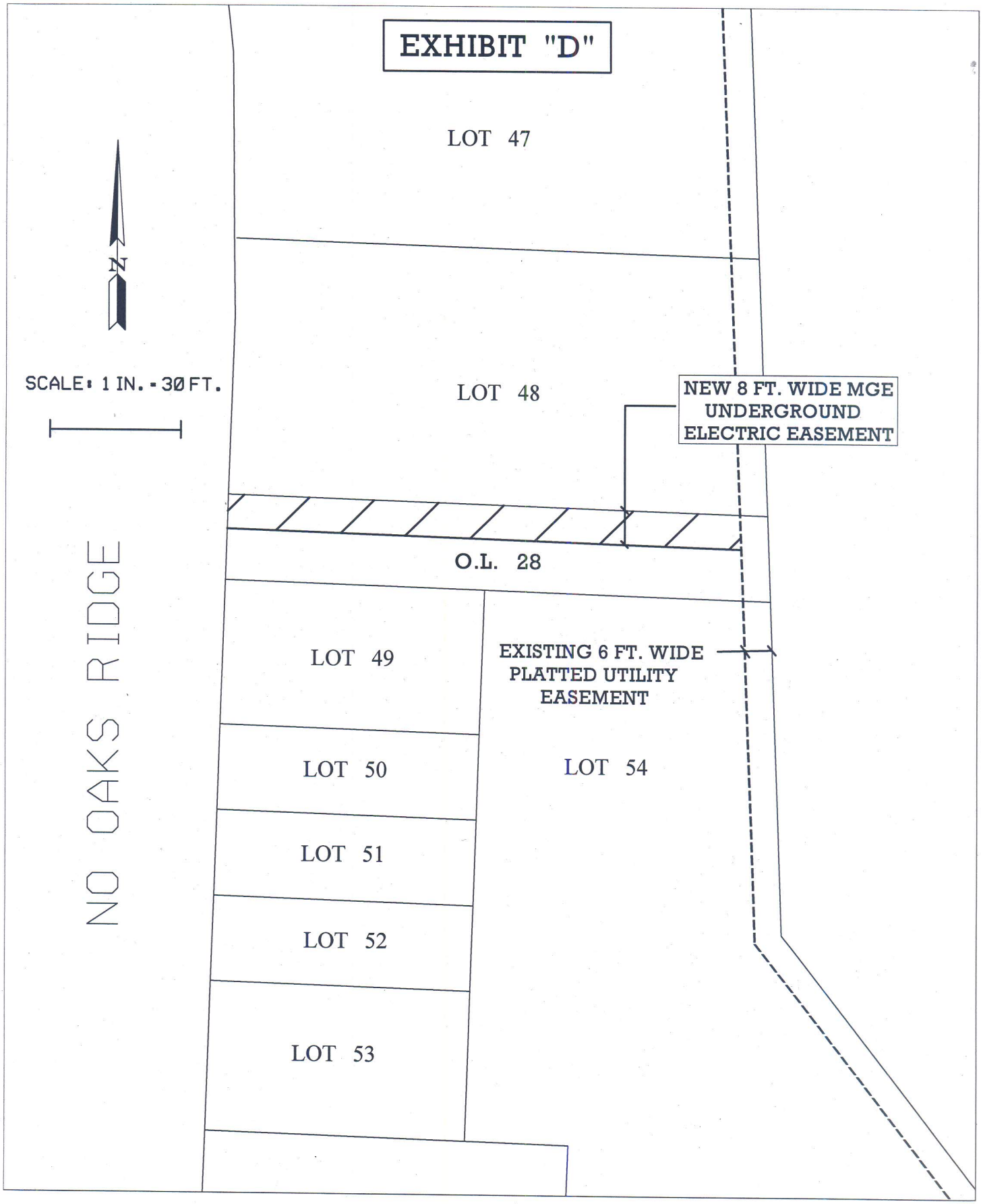


EXHIBIT "D"
LOT 47
LOT 48
SCALE: 1 IN. = 30 FT.
NEW 8 FT. WIDE MGE UNDERGROUND ELECTRIC EASEMENT
O.L. 28
NO OAKS RIDGE
LOT 49
EXISTING 6 FT. WIDE PLATTED UTILITY EASEMENT
LOT 50
LOT 54
LOT 51
LOT 52
LOT 53

Stephen L. Arnold
Introduced by

Public Works
Drafted by

Public Works and Planning
Committee

September 8, 2015
Date

RESOLUTION R-94-15

A RESOLUTION GRANTING AN UNDERGROUND ELECTRIC RIGHT-OF-WAY GRANT TO MADISON GAS AND ELECTRIC COMPANY ON OUTLOTS 24, 25, 26 AND 28 THIRD ADDITION TO NINE SPRINGS, CITY OF FITCHBURG, WISCONSIN

WHEREAS, an underground electric right-of-way grant on Outlots 24, 25, 26 and 28 in the Third Addition to Nine Springs is necessary in order for Madison Gas and Electric Company to extend electric service; and

WHEREAS, MGE agrees to pay $434.13 for compensation for easements on Outlots 24 and 28; and

WHEREAS, Outlots 25 and 26 provide the City the benefit of electric service to street lights.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Common Council of the City of Fitchburg that it approves granting an underground electric right-of-way grant to Madison Gas and Electric Company on Outlots 24, 25, 26 and 28 in the Third Addition to Nine Springs.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign the necessary documents for the recording of the right-of-way grant.

Adopted by the Common Council of the City of Fitchburg this ___day of September, 2015.

Approved By:_____
Stephen L. Arnold, Mayor

Attested By:_____
Patti Anderson, City Clerk

City of Fitchburg
Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred**: September 8, 2015** Ordinance Number:
Date to Report Back**: September 22, 2015** Resolution Number: R-95-15

Sponsored by: Mayor Drafted by: Finance

TITLE: RESOLUTION TO TERMINATE PROPERTY INSURANCE COVERAGE WITH THE LOCAL GOVERNMENT PROPERTY INSURANCE FUND (LGPIF) AND SELECTING COVERAGE WITH _____

Background:

The latest state budget proposed to eliminate the Local Government property Insurance Fund (LGPIF), which may now be effective July of 2019. Due to deficits in funding at the LGPIF, the City of Fitchburg received notice that the LGPIF premiums will increase 85% above current rates. The City has requested 3 additional quotes from property insurance carriers as an alternative to the LGPIF for property insurance coverage. We anticipate that annual premium costs will be significantly less by selecting an alternate property insurance carrier.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Finance Committee	Dodge	September 22, 2015	
2				
3				
4				

Amendments:

Steve Arnold, Mayor
Introduced By

Finance Department
Drafted By

Finance Committee
Committee

September 8, 2015
Date

RESOLUTION R-95-15

RESOLUTION TO TERMINATE PROPERTY INSURANCE COVERAGE WITH THE LOCAL GOVERNMENT PROPERTY INSURANCE FUND (LGPIF) AND SELECTING COVERAGE WITH_____

WHEREAS, the latest state budget proposed to eliminate the Local Government Property Insurance Fund (LGPIF), which may now be effective July of 2019; and

WHEREAS, due to deficits in funding at the LGPIF, the City of Fitchburg received notice that the LGPIF premiums will increase 85% above current rates; and

WHEREAS, the City has requested 3 additional quotes from property insurance carriers as an alternative to the LGPIF for property insurance coverage; and

WHEREAS, it is anticipated that annual premium costs will be significantly less by selecting an alternate property insurance carrier; and

WHEREAS, after due diligence in checking comparable alternatives, it is evident that _____ is the best alternative for the City of Fitchburg to administer the City's property insurance coverage; and

WHEREAS, pursuant to the requirements of section 605.21(3), Wis. Stats., to withdraw from the Local Government Property Insurance Fund, a local municipality must provide certified notice to the LGPIF by majority vote that the municipality has elected to withdraw from the fund;

NOW, THEREFORE BE IT RESOLVED, that pursuant to section 605.21(3) of the Wisconsin Statutes, that the Common Council of the City of Fitchburg hereby elects to withdraw from the Local Government Property Insurance Fund, effective October 1, 2015; and

BE IT FURTHER RESOLVED, that a certified notice of this resolution be sent to the Local Government Property Insurance Fund and the appropriate forms be completed; and

BE IT FURTHER RESOLVED, that the Common Council of the City of Fitchburg hereby directs the Mayor and City Clerk to execute the necessary documents with _____ for property insurance coverage, effective October 1, 2015.

Adopted by the Common Council this _____ day of September, 2015.

Approved by: _____
Stephen L. Arnold, Mayor

Approved by: _____
Patti Anderson, City Clerk

City of Fitchburg
Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred**: September 8, 2015** Ordinance Number:
Date to Report Back**: Sept. 22, 2015** Resolution Number: **R-96-15**

Sponsored by: Mayor Drafted by: Public Works

TITLE: **A RESOLUTION TO SET THE 2016 SOLID WASTE COLLECTION RATES**

Background: This resolution sets the 2016 Residential Unit Solid Waste (Refuse, Recycling, Yardwaste, and Brush) Collection Charge and the 2016 Apartment/Condominium Unit Brush Collection Charge. A spreadsheet analysis on the effect of the proposed rate is attached.

1. Page 1 includes the projected contractor costs for 2015 and 2016,
2. Page 2 includes the projected revenue and expenses for 2016, and
3. Page 3 includes an analysis that various unit charges would have on remaining fund balance projected at the end of 2016.

The level of service is proposed to be the same for 2016 as it has been for the last several years (weekly refuse collections, every other week recycling collections, 4 yardwaste collections and 14 brush collections). The proposed $142/ household fee represents a ~0% increase above the 2015 fee and leaves ~$257k in projected fund balance reserve at the end of 2016 (approximately 29% Reserve of Annual Budget).

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Resource Conservation Commission	Eilertson	September 21, 2015	
2	Board of Public Works	Horton	September 21, 2015	
3	Finance	Marsh	September 22, 2015	

Amendments:

CONTRACTOR COSTS

FOR CURBSIDE SOLID WASTE COLLECTION

(REFUSE, RECYCLING, BRUSH, & YARDWASTE)

2015 Estimated Solid Waste Contract Costs

Item	Unit cost	Units 1/1/15 - 6/30/15	Sub Total 1/1/15 - 6/30/15	Units 7/1/15 - 12/31/15	Sub Total 7/1/15 - 12/31/15
Refuse 52 total	$6.70	5280	$212,256.00	5300	$213,060.00
Recycling 26 total	$1.42	5280	$44,985.60	5300	$45,156.00
Yardwaste 4 total	$2.55	5280	$26,928.00	5300	$27,030.00
Brush 14 total	$1.49	5280	$47,203.20	5300	$63,176.00
Recycling Cart	$15.00	5	$75.00	5	$75.00
		Sub Total	$331,447.80		$348,497.00

12.29% Decrease in Collection Contract Costs (2014 to 2015)

Total Pell. End Year Estimate	$679,944.80	
Brush, Yardwaste, Sharps, MedDrop, Battery	$39,000.00	
Total		$718,944.80

2016 Estimated Solid Waste Contract Costs

Item	Unit cost	Units 1/1/16 - 6/30/16	Sub Total 1/1/16 - 6/30/16	Units 7/1/16 - 12/31/16	Sub Total 7/1/16 - 12/31/16
Refuse 52 total	$6.85	5300	$217,830.00	5320	$218,652.00
Recycling 26 total	$1.52	5300	$48,336.00	5320	$48,518.40
Yardwaste 4 total	$2.60	5300	$27,560.00	5320	$27,664.00
Brush 14 total	$1.54	5300	$48,972.00	5320	$65,542.40
Recycling Cart	$15.00	5	$75.00	5	$75.00
		Sub Total	$342,773.00		$360,451.80

4.39% Increase in Collection Contract Costs (2015 to 2016)

Total Pell. End Year Estimate	$703,224.80	
Brush, Yardwaste, Sharps, MedDrop, Battery	$47,275.00	
Total		$750,499.80

2015 Solid Waste Collection Budget Worksheet

Revenues

Account Number	Description	2015 Budget	2015 YTD	2015 Estimate	2016 Budget
213-4354-213	Recycling Grant	$103,355.00	$103,524.00	$103,524.00	$81,650.45
213-4642-000	Refuse & Recycling Collection	$771,442.00	$770,201.00	$770,201.00	$774,522.00
213-4800-000	Miscellaneous Revenues	$2,000.00	$2,782.00	$3,000.00	$3,000.00
213-4800-001	C&D Reuse/Recycling Deposit Fee	$0.00	$0.00	$0.00	$0.00
213-4810-000	Interest on Temp Investments	$0.00	$0.00	$1,000.00	$1,000.00
213-4830-100	Yardwaste Polybag Sales	$0.00	$7.00	$40.00	$100.00
213-4830-200	Sale of Recycled Materials	$3,000.00	$0.00	$3,000.00	$3,000.00
213-4850-000	Education Fund	$0.00	$0.00	$0.00	$0.00
213-4922-215	Transfer From CDBG Fund	$0.00	$0.00	$0.00	$0.00
213-4930-213	Fund Balance Applied	$4,334.00	$0.00	-$26,210.20	$27,262.35
	Total Revenue	**$884,131.00**	**$876,514.00**	**$854,554.80**	**$890,534.80**

5362 Expenses

Account Number	Description	2015 Budget	2015 YTD	2015 Estimate	2016 Budget
213-5362-110	Salaries and Wages - Recycling	$54,740.00	$29,518.00	$59,036.00	$60,000.00
213-5362-115	Overtime Wages	$38.00	$18.00	$36.00	$38.00
213-5362-120	PT/LTE/Seasonal Wages	$5,190.00	$0.00	$0.00	$0.00
213-5362-130	Direct Fringe Benefits	$8,700.00	$4,510.00	$9,020.00	$8,700.00
213-5362-135	Longevity	$241.00	$242.00	$242.00	$270.00
213-5362-140	Per Diems - RCC	$1,480.00	$515.00	$1,255.00	$1,480.00
213-5362-185	Allocated Benefit - Taxable BO	$0.00	$0.00	$0.00	$0.00
213-5362-195	Other Group Benefits - Emp.	$0.00	$0.00	$0.00	$0.00
213-5362-210	Professional Services	$0.00	$0.00	$0.00	$0.00
213-5362-240	Repairs & Maint. - By Others	$0.00	$0.00	$0.00	$0.00
213-5362-245	Computer Related Rep. & Maint.	$1,000.00	$662.00	$1,000.00	$0.00
213-5362-290	Contracted Collection Service	$724,945.00	$359,431.00	$718,944.80	$750,499.80
213-5362-291	Other Contractual - Legal Etc.	$0.00	$0.00	$0.00	$0.00
213-5362-310	Office Supplies and Postage	$400.00	$1.00	$400.00	$400.00
213-5362-320	Publications, Dues, & Subscr.	$1,000.00	$900.00	$1,000.00	$1,000.00
213-5362-325	Training & Staff Development	$550.00	$459.00	$550.00	$550.00
213-5362-330	Vehicle Use Reimbursement	$0.00	$0.00	$100.00	$100.00
213-5362-340	Operating Materials & Supplies	$250.00	$15.00	$250.00	$250.00
213-5362-345	Public Information & Education	$21,200.00	$2,780.00	$10,500.00	$12,500.00
213-5362-355	Equipment Expense	$0.00	$0.00	$0.00	$0.00
213-5362-363	Communications Expense	$0.00	$0.00	$0.00	$0.00
213-5362-365	Utilities & Telephone	$0.00	$0.00	$0.00	$0.00
213-5362-380	Yard Waste Polybags	$450.00	$378.00	$756.00	$800.00
213-5362-381	Recycling Drop Off Site Maintenance	$25,000.00	$697.00	$15,000.00	$15,000.00
213-5362-382	C&D Reuse/Recycling Deposit Refund	$0.00	$0.00	$0.00	$0.00
213-5362-591	Allocated Benefit - Health Ins.	$15,224.00	$6,348.00	$12,696.00	$15,224.00
213-5362-592	Allocated Benefit - Life Ins.	$62.00	$54.00	$108.00	$62.00
213-5362-593	Allocated Benefit - Disability	$311.00	$0.00	$311.00	$311.00
213-5362-594	Allocated Benefit - Dental Ins.	$837.00	$343.00	$837.00	$837.00
5362 Expenditure	Sub Total	$861,618.00	$406,871.00	$832,041.80	$868,021.80

5920 Expenses

Account Number	Description	2015 Budget	2015 YTD	2015 Estimate	2016 Budget
213-5920-100	Transfer to General Fund	$20,000.00	$0.00	$20,000.00	$20,000.00
213-5920-300	Transfer to Debt Service - Rent	$2,513.00	$0.00	$2,513.00	$2,513.00
213-5921-100	Transfer to General Fund				
5920 Transfers	Sub Total	$22,513.00	$0.00	$22,513.00	$22,513.00
	Total Expenditures	**$884,131.00**	**$406,871.00**	**$854,554.80**	**$890,534.80**

Numbers for Contracted Collection Service based on "Contractor Costs" worksheet

Analysis of Various Charges on Fund Balance Remaining at End of 2016

2008 Unit Charge	2009 Unit Charge	2010 Unit Charge	2011 Unit Charge	2012 Unit Charge	2013 Unit Charge	2014 Unit Charge	2015 Unit Charge	2016 Unit Charge	2016 Apartment Unit Charge
$145.00	$135.00	$133.00	$133.00	$142.00	$142.00	$152.00	$142.00	$142.00	$6.00
	-6.90%	-1.48%	0.00%	6.77%	0.00%	7.04%	-6.58%	0.00%	0.00%

* **Everything below is automatically entered based on the Current Charge (above) and the House Count for Revenue (below table).**

New Charge	% Increase	2016 Fee Revenue	2016 Other Revenue	Subtotal	2016 Budget**	Applied Fund Balance	Remaining Fund Balance	% Reserve of Annual Budget
$125.00	-11.97%	$684,762.00	$88,750.45	$773,512.45	$890,534.80	$117,022.35	$167,570.85	19.0%
$126.00	-11.27%	$690,042.00	$88,750.45	$778,792.45	$890,534.80	$111,742.35	$172,850.85	19.6%
$127.00	-10.56%	$695,322.00	$88,750.45	$784,072.45	$890,534.80	$106,462.35	$178,130.85	20.1%
$128.00	-9.86%	$700,602.00	$88,750.45	$789,352.45	$890,534.80	$101,182.35	$183,410.85	20.7%
$129.00	-9.15%	$705,882.00	$88,750.45	$794,632.45	$890,534.80	$95,902.35	$188,690.85	21.3%
$130.00	-8.45%	$711,162.00	$88,750.45	$799,912.45	$890,534.80	$90,622.35	$193,970.85	21.9%
$131.00	-7.75%	$716,442.00	$88,750.45	$805,192.45	$890,534.80	$85,342.35	$199,250.85	22.5%
$132.00	-7.04%	$721,722.00	$88,750.45	$810,472.45	$890,534.80	$80,062.35	$204,530.85	23.1%
$133.00	-6.34%	$727,002.00	$88,750.45	$815,752.45	$890,534.80	$74,782.35	$209,810.85	23.7%
$134.00	-5.63%	$732,282.00	$88,750.45	$821,032.45	$890,534.80	$69,502.35	$215,090.85	24.3%
$135.00	-4.93%	$737,562.00	$88,750.45	$826,312.45	$890,534.80	$64,222.35	$220,370.85	24.9%
$136.00	-4.23%	$742,842.00	$88,750.45	$831,592.45	$890,534.80	$58,942.35	$225,650.85	25.5%
$137.00	-3.52%	$748,122.00	$88,750.45	$836,872.45	$890,534.80	$53,662.35	$230,930.85	26.1%
$138.00	-2.82%	$753,402.00	$88,750.45	$842,152.45	$890,534.80	$48,382.35	$236,210.85	26.7%
$139.00	-2.11%	$758,682.00	$88,750.45	$847,432.45	$890,534.80	$43,102.35	$241,490.85	27.3%
$140.00	-1.41%	$763,962.00	$88,750.45	$852,712.45	$890,534.80	$37,822.35	$246,770.85	27.9%
$141.00	-0.70%	$769,242.00	$88,750.45	$857,992.45	$890,534.80	$32,542.35	$252,050.85	28.5%
$142.00	0.00%	$774,522.00	$88,750.45	$863,272.45	$890,534.80	$27,262.35	$257,330.85	29.1%
$143.00	0.70%	$779,802.00	$88,750.45	$868,552.45	$890,534.80	$21,982.35	$262,610.85	29.7%
$144.00	1.41%	$785,082.00	$88,750.45	$873,832.45	$890,534.80	$16,702.35	$267,890.85	30.3%
$145.00	2.11%	$790,362.00	$88,750.45	$879,112.45	$890,534.80	$11,422.35	$273,170.85	30.9%
$146.00	2.82%	$795,642.00	$88,750.45	$884,392.45	$890,534.80	$6,142.35	$278,450.85	31.5%
$147.00	3.52%	$800,922.00	$88,750.45	$889,672.45	$890,534.80	$862.35	$283,730.85	32.1%
$148.00	4.23%	$806,202.00	$88,750.45	$894,952.45	$890,534.80	-$4,417.65	$289,010.85	32.7%
$149.00	4.93%	$811,482.00	$88,750.45	$900,232.45	$890,534.80	-$9,697.65	$294,290.85	33.3%
$150.00	5.63%	$816,762.00	$88,750.45	$905,512.45	$890,534.80	-$14,977.65	$299,570.85	33.9%
$151.00	6.34%	$822,042.00	$88,750.45	$910,792.45	$890,534.80	-$20,257.65	$304,850.85	34.5%
$152.00	7.04%	$827,322.00	$88,750.45	$916,072.45	$890,534.80	-$25,537.65	$310,130.85	35.1%
$153.00	7.75%	$832,602.00	$88,750.45	$921,352.45	$890,534.80	-$30,817.65	$315,410.85	35.7%
$154.00	8.45%	$837,882.00	$88,750.45	$926,632.45	$890,534.80	-$36,097.65	$320,690.85	36.3%
$155.00	9.15%	$843,162.00	$88,750.45	$931,912.45	$890,534.80	-$41,377.65	$325,970.85	36.9%
$156.00	9.86%	$848,442.00	$88,750.45	$937,192.45	$890,534.80	-$46,657.65	$331,250.85	37.5%
$157.00	10.56%	$853,722.00	$88,750.45	$942,472.45	$890,534.80	-$51,937.65	$336,530.85	38.1%
$158.00	11.27%	$859,002.00	$88,750.45	$947,752.45	$890,534.80	-$57,217.65	$341,810.85	38.7%
$159.00	11.97%	$864,282.00	$88,750.45	$953,032.45	$890,534.80	-$62,497.65	$347,090.85	39.3%
$160.00	12.68%	$869,562.00	$88,750.45	$958,312.45	$890,534.80	-$67,777.65	$352,370.85	39.9%
$161.00	13.38%	$874,842.00	$88,750.45	$963,592.45	$890,534.80	-$73,057.65	$357,650.85	40.5%
$162.00	14.08%	$880,122.00	$88,750.45	$968,872.45	$890,534.80	-$78,337.65	$362,930.85	41.0%
$163.00	14.79%	$885,402.00	$88,750.45	$974,152.45	$890,534.80	-$83,617.65	$368,210.85	41.6%
$164.00	15.49%	$890,682.00	$88,750.45	$979,432.45	$890,534.80	-$88,897.65	$373,490.85	42.2%

	Fund Balance - End of 2009	$275,190.00
	Fund Balance - End of 2010	$348,916.00
	Fund Balance - End of 2011	$338,143.00
	Fund Balance - End of 2012	$324,079.00
	Fund Balance - End of 2013	$262,643.00
	Fund Balance - End of 2014	$258,383.00
	Fund Balance Applied to 2015	-$26,210.20
	Fund Balance - End of 2015	$284,593.20 <= Approximately 33% Reserve of Annual Budget
Staff Recommended Unit Charge for 2016	Fund Balance Applied to 2016	$27,262.35
	Fund Balance - End of 2016	$257,330.85 <= Approximately 29% Reserve of Annual Budget
	House Count for Revenue	5,280
	Apt Unit Count for Brush Revenue	4,127

Steve Arnold, Mayor
Introduced By

Public Works
Drafted By

RCC, BPW & Finance
Committees

September 8, 2015
Date

RESOLUTION R-96-15

A RESOLUTION TO SET THE 2016 SOLID WASTE COLLECTION RATES

WHEREAS, the City of Fitchburg provides residential collection for solid waste (refuse, recycling, yardwaste, and brush) through a contract with Pellitteri Waste Systems, LLC; and

WHEREAS, the City of Fitchburg also provides holiday tree collection and brush collection for apartment and condominium units not on private streets which are not served by the city's contract; and

WHEREAS, the City will provide these services at a cost of approximately **$890,500** for the year 2016; and

WHEREAS, approximately **5280** homes will be charged for weekly curbside refuse collection, recycling collection every other week, **4** yardwaste collections, and **14** brush collections for 2016; and

WHEREAS, approximately **4127** apartment and condominium units will be charged for brush and holiday tree collection services for 2016; and

NOW BE IT HEREBY RESOLVED, that the Fitchburg City Council does agree to impose a city wide special charge on all residential and apartment units as follows:

1) All units presently served by the City's solid waste collection contract shall be charged the amount of **$142** per unit, to include collection of refuse, recycling, yardwaste, and brush in 2016.

2) All apartment and condominium units not on private streets which are not served by the City's contract shall be charged the amount of **$6** per unit, to pay for the 2016 brush and holiday tree collection costs.

Adopted this _____ day of September, 2015

Approved By: _____
Stephen L. Arnold, Mayor

Attested By: _____
Patti Anderson, City Clerk

City of Fitchburg
Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred**: September 8, 2015** Ordinance Number:
Date to Report Back**: September 22, 2015** Resolution Number: **R-97-15**

Sponsored by: Mayor Drafted by: Public Works

TITLE: **A RESOLUTION GRANTING A PRIVATE ACCESS EASEMENT ON LOT 2 OF CSM 445 (MCGAW PARK) FOR 5267 LACY ROAD, CITY OF FITCHBURG, WISCONSIN**

Background:

In 1975 the City purchased land for McGaw Park. At that time there was access across the land from the adjoining Lot 1, CSM 445 to Lacy Road. The ownership of Lot 1 has changed and the new owner would like an easement to insure that they will have access to their property.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Planning Commission	Hovel	September 15, 2015	
2				
3				
4				

Amendments:

ACCESS EASEMENT FOR INGRESS AND EGRESS

Return to:
City Clerk
City of Fitchburg
5520 Lacy Road
Fitchburg, WI 53711

Parcel Number:
225/0609-142-8591-2

CITY OF FITCHBURG grants to the **owner of Lot 1 CSM 445**, access easement for ingress and egress.

RECITALS:

A. **CITY OF FITCHBURG** is the fee holder of certain real property in the City of Fitchburg, County of Dane, State of Wisconsin, and more particularly described in recital B below and depicted on Exhibit A attached hereto and made a part hereof (the "Property").

B. The owner of Lot 1, CSM 445 has requested that **CITY OF FITCHBURG** grant access over the portion of the Property owned by the City as depicted on Exhibit A and more fully described as follows (the "Access Easement Area"):

Access Easement Area Description:
Part of Lot 2, CSM 445 located the Northwest ¼ of the Northwest ¼ of Section 14, T6N, R9E, City of Fitchburg, Dane County, Wisconsin.
Commencing at the southeast corner of Lot 1, CSM 445;
Thence N00°12'34"E, 30.00' along the east line of said Lot 1 to the point of beginning;
Thence N00°12'34"E, 60.00' along the east line of said Lot 1;
Thence S88°34'50"E, 60.00';
Thence N00°12'34"E, 154.94' to the southerly Right of Way of Lacy Road;
Thence S88°34'50"E, 60.00' along the southerly Right of Way of Lacy Road;
Thence S00°12'34"W, 214.94';
Thence N88°34'50"W, 120.00' to the point of beginning

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City hereby agrees as follows:

1. Grant of Access. Access for ingress and egress, including for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress.

2. Reversion. If this access easement ceases to be used and maintained for the purposes and intent under this easement for a period of 3 years, then the City, its successors or assigns, reserves the right to all title and interest of the grantee in the above-described part of Lot 2, and said easement shall cease and revert immediately to the City, its successors or assigns.

3. Consistent Uses Allowed. The City reserves the right to use the Property for existing and future outdoor recreational purposes that will not interfere with the Grantee's full enjoyment of the easement rights granted in this Agreement.

4. Covenants Run with Land. All of the terms and conditions in this agreement, including the benefits and burdens, shall run with the land and shall be binding upon, inure to the benefit of,

and be enforceable by the City and the Grantee and their respective successors and assigns. The party named as "City" in this Agreement and any successor or assign to the City as fee simple owner of the Property shall cease to have any liability under this Agreement with respect to facts or circumstances arising after the party has transferred its fee simple interest in the Property.

5. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Wisconsin.

6. Entire Agreement. This Agreement sets forth the entire understanding of the parties and may not be changed except by a written document executed and acknowledged by all parties to this Agreement and duly recorded in the office of the Register of Deeds of Dane County, Wisconsin.

7. Invalidity. If any term or condition of this Agreement, or the application of this Agreement to any person or circumstance, shall be deemed invalid or unenforceable, the remainder of this Agreement, or the application of the term or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected and each term and condition shall be valid and enforceable to the fullest extent permitted by law.

Dated this ____ day of _____, 2015.

_____

By:_____

STATE OF WISCONSIN

COUNTY OF DANE

The forgoing instrument was acknowledged before me on this ____ day of _____, 2015, by the above-named _____ to me known to be the person who executed and acknowledged the foregoing instrument, being duly authorized to do so.

_____
Printed name of Notary Public, State of Wisconsin

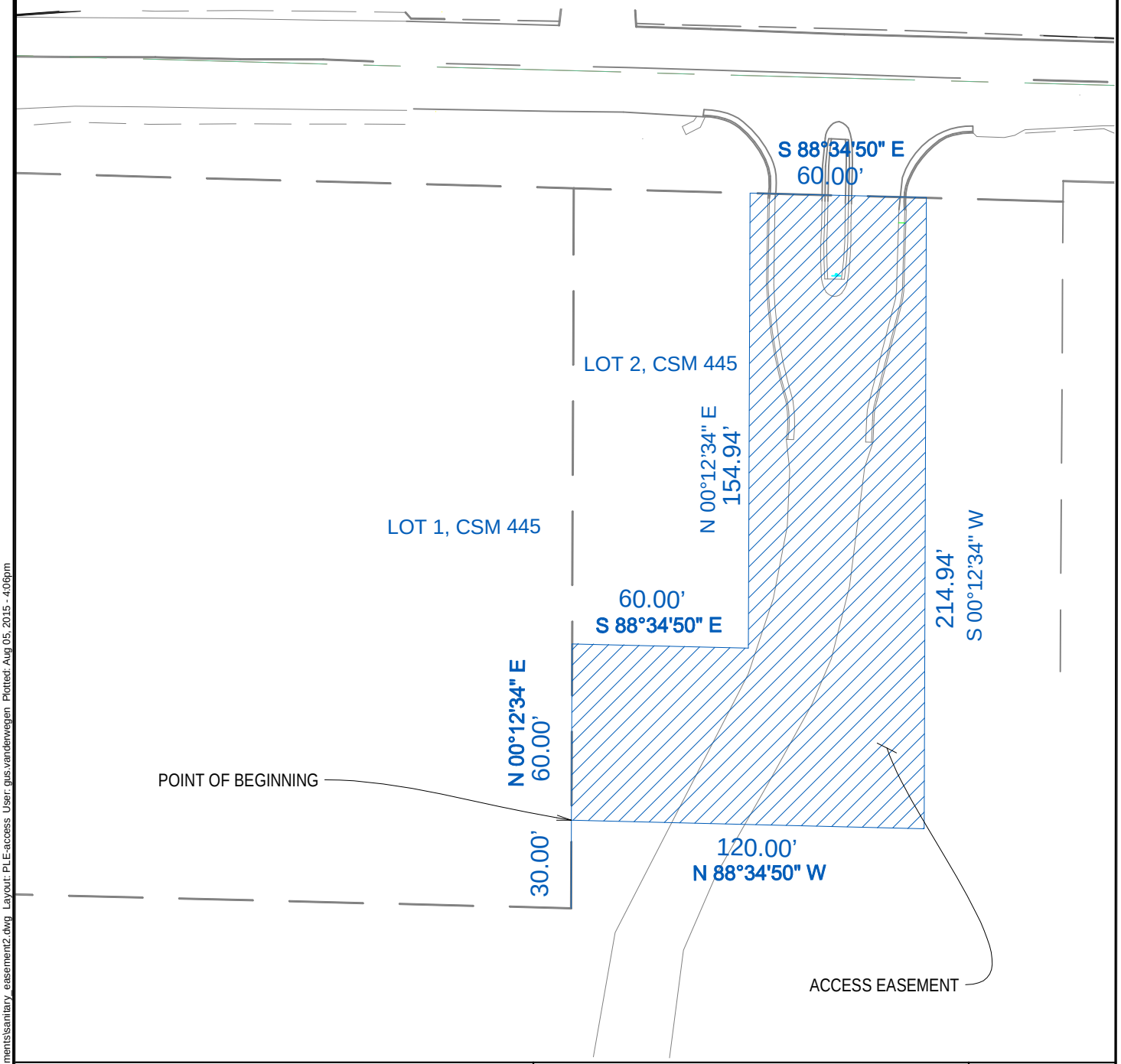
`

_____
Signature of Notary Public, State of Wisconsin
My Commission Expires:_____ .

This document is authorized by Resolution R-97-15 adopted on _____, 2015.
This document was drafted by Department of Public Works, City of Fitchburg.

EXHIBIT A
ACCESS EASEMENT

PART OF LOT 2,CSM 445 IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 9 EAST, CITY OF FITCHBURG, DANE COUNTY, WISCONSIN



THE CITY OF Fitchburg PUBLIC WORKS

DRAWN BY: G VanderWegen REVIEWED BY: T. FOSS

GRAPHIC SCALE
0 25 50
1" = 50 FEET

File: M:\GIS\DATA\Plats_CSMs\eEasements\sanitary_easement2.dwg Layout: PLE-access User: gus.vanderwegen Plotted: Aug 05, 2015 - 4:06pm

Stephen L. Arnold
Introduced by

Public Works
Drafted by

Planning
Committee

September 8, 2015
Date

RESOLUTION R-97-15

A RESOLUTION GRANTING A PRIVATE ACCESS EASEMENT ON LOT 2 OF CSM 445 (MCGAW PARK) FOR 5267 LACY ROAD, CITY OF FITCHBURG, WISCONSIN

WHEREAS, the owner of Lot 1 of CSM 445 has had access through Lot 2 since before the City purchased the property in 1975; and

WHEREAS, the DNR has indicated that they are in support of granting such easement as written; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Common Council of the City of Fitchburg that it approves granting a private access easement on Lot 2 of CSM 445 (McGaw Park) for 5267 Lacy Road.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign the necessary documents for the recording of the easement.

Adopted by the Common Council of the City of Fitchburg this ___day of September, 2015.

Approved By:_____
Stephen L. Arnold Mayor

Attested By:_____
Patti Anderson, City Clerk

City of Fitchburg
Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred**: September 8, 2015** Ordinance Number:
Date to Report Back**: September 22, 2015** Resolution Number: **R-98-15**

Sponsored by: Mayor Drafted by:

TITLE: **APPROVING SUPPLEMENT TO AGREEMENT FOR SUBDIVISION IMPROVEMENTS IN THE PLAT OF FIRST ADDITION TO QUARRY VISTA**

Background: The land division ordinance requires the subdivider to enter into a contract with the City for the installation of public improvements in a plat. The City uses a standard agreement for this contract that has been reviewed by the City Attorney. This agreement is modified for specific circumstances in each plat. The City Attorney and City Engineer are still working with the subdivider's attorney on the changes necessary for the First Addition to Quarry Vista plat. This resolution approves this agreement subject to final review by the City Attorney and City Engineer.

A copy of this agreement will be included in Board of Public Works' and Council's packet for final approval, however is not included in Council's referral packet.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Board of Public Works	Horton	September 14, 2015	
2				
3				
4				

Amendments:

Stephen L. Arnold, Mayor
Introduced by

Public Works
Prepared by

Board of Public Works
Referred to

September 8, 2015
Date

RESOLUTION R-98-15
APPROVING SUPPLEMENT TO
AGREEMENT FOR SUBDIVISION IMPROVEMENTS IN THE PLAT OF
FIRST ADDITION TO QUARRY VISTA

WHEREAS, the City of Fitchburg Common Council on April 28, 2015, by Resolution R-50-15, approved the Quarry Vista Plat; and

WHEREAS, the City of Fitchburg Common Council on July 28, 2015, by Resolution R-77-15, approved the First Addition to Quarry Vista plat; and

WHEREAS, the Land Division Ordinance requires the execution of a contract for improvements prior to signature of the land division document by the City Clerk; and

WHEREAS, the Board of Public Works has reviewed and approved the Supplement to Agreement for Subdivision Improvements in the First Addition to Quarry Vista plat.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Common Council of the City of Fitchburg, Dane County, Wisconsin, hereby approves the Supplement to Agreement for Subdivision Improvements in the plat of First Addition to Quarry Vista subject to final review by the City Attorney and the City Engineer; and

BE IT FURTHER RESOLVED that the Mayor and Deputy City Clerk are hereby authorized to properly execute such document.

Adopted this _____ day of September, 2015.

Approved By:_____
Stephen L. Arnold, Mayor

Attested By:_____
Patti Anderson, City Clerk

City of Fitchburg
Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred**: September 8, 2015** Ordinance Number:
Date to Report Back**: September 22, 2015** Resolution Number: **R-99-15**

Sponsored by: Mayor Drafted by: Public Works

TITLE: **APPROVING AGREEMENT FOR SUBDIVISION IMPROVEMENTS WITH SUB-ZERO WOLF, INC. ON LOT 2 OF CSM 10031**

Background:

Sub-Zero Wolf, Inc. has submitted a proposed CSM for expansion of their plant and future development that includes, but is not limited to, Lot 1 of CSM 09217, Lot 1 and 2 of CSM 10031, and Lot 2 of CSM 11021. The land division ordinance requires the subdivider to enter into a contract with the City for the installation of public improvements in a CSM. A subdivider's agreement for public improvements within the CSM cannot be fully drafted until construction plans for all public improvements are submitted to the City. To date, the City has not received these plans.

A public water main is needed for looping and fire protection purposes on Lot 2 of CSM 10031 in order for Sub-Zero to obtain a building permit. An agreement for subdivision improvements is required prior to installation of public improvements. In efforts to expedite installation of this main, a separate agreement for this water main has been drafted. An agreement for subdivision improvements for the remaining public improvements within the proposed CSM will be submitted for approval once construction plans have been submitted to the City for review.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Board of Public Works	Horton	September 14, 2015	

AGREEMENT FOR
SUBDIVISION IMPROVEMENTS
ON LOT 2 OF CSM 10031

City of Fitchburg, Dane County
Wisconsin

This Agreement, executed in two (2) or more originals, is entered into as of this ____ day of _____, 2015, by and between Sub-Zero Wolf, Inc. and each partnership and partner jointly and severally, hereinafter referred to as "Subdivider", and the City of Fitchburg, a Wisconsin municipal corporation, hereinafter referred to as the "City":

Legal Description: Lot 2 of CSM 10031, City of Fitchburg, Dane County, Wisconsin.

Recording Area

Return to:
City Clerk
City of Fitchburg
5520 Lacy Road
Fitchburg, WI 53711

Parcel Number:
225/0609-083-8560-2

WITNESSETH

WHEREAS, the Subdivider desires to build on Lot 2 of CSM 10031 hereinafter referred to as "Plat"; and

WHEREAS, Chapter 24 of the General Code of Ordinances of the City of Fitchburg, hereinafter referred to as the "Ordinance", requires, among other things, that Subdivider agree to make and install all necessary public improvements, including, but not limited to, water mains, and that said improvements be constructed by the Subdivider to City standards and dedicated to the City without cost to the City; and

WHEREAS, the Ordinance requires that adequate public sites, open spaces, park and recreation areas with suitable street frontage be improved and dedicated to the City or that certain fees be paid to the City in lieu of such improvements and dedication.

NOW, THEREFORE, in consideration of the above recitals, which are incorporated by reference, the mutual covenants hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby mutually agree:

Section 1

Required Improvements

1.01 Water Improvements

(1) **Water Mains, Laterals and Appurtenances**

(A) Subdivider shall submit to the City Engineer and, if required, to Wisconsin DNR and Department of Commerce for approval, plans and specifications for water mains, complete with laterals and appurtenances, thereto in

accordance with the Ordinance and Section 40-275 and 40-276 of the City's General Code of Ordinances.

(B) After all required approvals have been obtained; Subdivider shall, without cost to the City and in accordance with the schedule set forth in Section 2.01 of this Agreement, construct water mains throughout and to serve the Plat, complete with laterals and appurtenances thereto, in accordance with the approved plans and specifications.

(C) Water mains shall 10-inch and be looped or connected to existing mains as required to service Plat.

(D) Easements for water mains within the Plat shall be dedicated to the City by the Subdivider. Easements for water mains, not located in rights-of-way, shall have a minimum width of 20 feet and be centered on the water mains.

(2) **Abandonment of Wells.** All existing private wells within the Plat shall be properly abandoned in accordance with DNR standards. Existing wells may remain in service if well operation permit is obtained from Fitchburg Utility District No. 1.

1.02 Storm Sewers and Drainage Facilities

(1) **Report Submitted to City Engineer**. The Subdivider shall submit to the City Engineer for review and approval, an Erosion Control and Stormwater Management (ECSWM) report, including plans and specifications, for all proposed stormwater best management practices (BMPs – e.g. detention ponds, bioretention or infiltration facilities, pervious pavement systems, drainageways and/or greenways) in the Plat. The ECSWM report shall indicate, at a minimum, storm sewer locations, inlets, phased construction, appropriate stabilization into and out of stormwater BMPs, outlet design and type, and stormwater computations demonstrating compliance with the ECSM performance standards listed in Section 30, Article II of the General Code of Ordinances. No building permits will be issued for any lot in the Plat until the necessary ECSWM permit has been issued. The stormwater BMPs shall be constructed and maintained in Lot 2 in accord with plans approved by the City Engineer.

(1) **Stormwater Improvements.** Subdivider shall be responsible for ensuring proper grading and drainage of stormwater within the Plat, including the reservation and improvement of the necessary stormwater BMPs and related easements to handle stormwater from the watershed that the Plat resides in.

1.03 Grading

(1) Subdivider shall submit to the City Engineer for review and approval, grading plans and specifications to provide positive drainage of the Plat.

(2) After approval of the plans and specifications by the City Engineer, Subdivider shall, without cost to the City and in accordance with the schedule set forth in Section 2.01 of this Agreement, grade the Plat in accordance with the approved plans and specifications.

1.04 Erosion Control

(1) Subdivider shall submit an ECSWM permit application for the proposed erosion control and storm water facilities to be constructed within the Plat to the City Engineer pursuant to Chapter 30 of the City's General Code of Ordinances for review and approval. No work shall commence until such permit is issued.

(2) After the City Engineer has issued a permit and before any land surface disturbances are made in the Plat, Subdivider shall, without cost to the City, provide all erosion control measures in accordance with the approved plans and specifications.

(3) Temporary and permanent ECSWM BMPs shall be installed and maintained by Subdivider during construction as directed by the City Engineer.

1.05 Electric, Communications and Gas Facilities

(1) Prior to commencing construction of any required electric, gas or communication utilities, the Subdivider shall submit the construction schedule to the City Engineer for review and approval and shall furnish proof that such arrangements as may be required under applicable rates and rules filed with the Wisconsin Public Service Commission have been made with the owner or owners of the utility lines or services for placing their respective facilities underground.

(2) All new electric distribution lines (excluding lines of 14,400 volts or more), all new telephone lines from which lots are individually served, all new communication lines, television cables and service installed within the Plat shall be underground unless a waiver is obtained from the City Plan Commission in accordance with Section 24-10 (e) of the Ordinance.

(3) Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes, may be located above ground.

(4) Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of final grade by the Subdivider, prior to the installation of such facilities, and earth fill, piles or mounds of dirt shall not be stored on such easement areas. Utility facilities when installed on utility easements whether overhead or underground shall not disturb any monumentation in the Plat. Subdivider shall record a Plat restriction prohibiting disturbance of finished grade of utility easements by more than six (6) inches without consent of City Engineer and Utilities.

(5) All underground utilities in street right-of-way shall be installed prior to construction of street improvements. Provision must be made for mechanical compaction of all underground utility ditches or trenches situated within a street right-of-way or within a dedicated outlot.

Section 2

Construction Schedule

2.01 Public Improvements

(1) **Installation Deadline.** Subdivider shall commence and complete installation of required public improvements in the Plat within twenty four (24) months of the recording of this Agreement. Subdivider and City agree that improvements within the Plat will be built in no more than one phase.

(2) **Land Conveyance.** No lot may be conveyed until an occupancy permit has been issued for the lot.

(3) **Building and Occupancy Permits.** No building permits may be issued for any lot in the Plat until the public improvements outlined in this agreement have been accepted. No occupancy permit may be issued for any lot within the Plat until an agreement for subdivision agreements has been executed for all public improvements within the proposed CSM and all public improvements with in the proposed CSM have been accepted by the City. Proposed CSM includes, but is not limited to, Lot 1 of CSM 09217, Lot 1 and 2 of CSM 10031, and Lot 2 of CSM 11021.

2.02 Commencement of Construction

Subdivider shall not commence construction of the required improvements for the Plat prior to the time that:

(1) Copies of all contracts for the construction and installation of the required improvements have been filed with the City Engineer.

(2) A proposed construction schedule for the required improvements has been submitted to, reviewed, and approved by the City Engineer.

(3) A copy of this Agreement, duly executed by the Subdivider and the City, has been filed in the office of the City Planner/Zoning Administrator and recorded with the Dane County Register of Deeds.

(4) The required security described in Section 4 has been approved by the Mayor as to sureties and City Attorney as to form and filed with the City Clerk.

(5) The required fees identified in 1.04(3) have been paid to the Fitchburg Utility.

(6) The construction plans have been submitted to, reviewed, and approved by the City Engineer. City plan approval is only valid for 12 months.

(7) All required approvals have been obtained with copies sent to the City Engineer.

(8) All required fees imposed under Sec. 24-15 of the Ordinance have been deposited with the City Zoning Department or City Clerk.

(9) A preconstruction meeting has been held with the City, Subdivider, contractor, consultant and utilities present.

2.03 Construction Submittals and Requirements

Subdivider shall submit to the City the following:

(1) **Record Drawings.** One set of 24" x 36" Mylar drawings and a digital file of the record drawings shall be submitted to the City within three (3) months of acceptance of the work in accordance with the latest edition of the City of Fitchburg Standard Specifications for Public Works Construction. If record drawings are not submitted within the specified time frame, the City reserves the right to restrict commencement of subsequent project phases and/or assess the Subdivider for actual expenses incurred for creation of such drawings.

(2) **Plant Value Submissions.** A copy of final construction costs, broken down per item, shall be submitted to the City by December 15 of the year the construction is completed.

(3) **Construction Survey Benchmarks.** A location map with benchmark descriptions and elevations shall be delivered to the City within three (3) months of acceptance of the work. Elevations shall be in English units (feet) utilizing USGS elevations.

(4) **Property Iron Markers.** Subdivider shall confirm that all property irons required for the Plat are installed. Subdivider shall replace all missing property irons required within the Plat and remove all property irons that are no longer necessary.

Section 3

Recreation, Parkland and Open Space

There are no dwelling units within the Plat. Therefore, no parkland dedications, park improvements fees, nor fees in-lieu of parkland street frontage are due for this Plat.

Section 4

Maintenance of Land within Plat

4.01 Mowing of Lots

Subdivider shall cause all Subdivider owned lots to be mowed to height of 6 inches or less at least 3 times a year. Mowing shall occur at the following approximate times: mid-to-late May, July, late August to early September. The City Engineer or Fire Chief may require more frequent mowing if the Engineer or Fire Chief determines a health, safety or sanitary hazard exists which requires more frequent mowing.

Section 5

Security for Performance

5.01 Security to be Furnished Prior to Start of Construction

At the time of entering into this Agreement, the Subdivider shall file an acceptable irrevocable letter of credit, a bond, or other certified funds with the City in an amount equal to or exceeding 115% of the approved contract amount for the public water system improvements and any work associated with the public water system improvements. Upon completion of construction of the required improvements, submittal to the City Engineer of proof of payment to contractors and

acceptance of the improvements by the Common Council, the City Engineer may release up to 50% of the security furnished hereunder during the one-year guarantee period as provided in Section 5.03. If the amount of security is not known at the time of entering into this agreement, then the amount shall be determined in accord with section 24-2(c) (2) of the ordinance. Security for the Plat shall be agreed to and posted prior to commencement of any construction in the Plat.

5.02 Security to Guarantee Payment and Performance

The security furnished pursuant to Section 5.01 of this Agreement shall guarantee that construction will be completed in accordance with the schedule established in Section 2.01 of this Agreement, that the work will comply with the approved plans and specifications, and that all obligations of the Subdivider to the City under this Agreement and to the contractors, subcontractors, laborers and materialmen will be fully paid and timely met.

5.03 Guarantee of Finished Work

The security furnished pursuant to Section 5.01 shall be held for a period of one (1) year after the required improvements for the applicable phase have been completed and accepted by the City Common Council, unless partially released in accordance with the Ordinance. The security shall be held to guarantee all required improvements against defects in workmanship and materials. If any defects appear during the period of the guarantee, the Subdivider shall, at its expense, install replacements or perform acceptable repairs. In the event that the Subdivider fails to install the required replacements or perform the repairs, the City may do so and deduct the cost thereof from the security. Unless defects have appeared and have not been repaired, the City will release the security to the Subdivider upon expiration of the one (1) year guarantee period. If any defect is discovered during such one year period, the security furnished plus 15% shall not be released until all required replacements and repairs have been performed and acknowledged by the City Engineer to be in accordance with this Agreement and the Ordinance.

(1) Guarantee Periods. The guarantee period shall be one (1) year from the date of acceptance for all public improvements.

Section 6

Miscellaneous Provisions

6.01 Qualifications of Contractors

Only contractors who submit proposals which meet the plans and specifications previously approved by the City Engineer shall be engaged for the installation and construction of the required improvements.

6.02 Acceptance of Improvements

All public improvements required under Section 1 shall be completed, inspected and approved by the City Engineer, and accepted by the City Council.

6.03 Awarding Of Contracts for Construction

The Subdivider shall not award any contract for the construction of the required improvements until all bids have been submitted to, reviewed and approved by the City Engineer as meeting the requirements of Section 6.01.

6.04 City Engineering, Inspection, Testing, Consulting and Legal Fees and Expenses

Subdivider shall pay all engineering, inspection, testing, consulting and legal fees and expenses incurred by the City arising out of or in any way related to the Plat. Payments shall be made within 30 days of the City's billing date.

6.05 Infrastructure Inventory Updates

Subdivider shall pay for all costs relating to the GIS system and water model for infrastructure data added as a result of this Plat.

6.06 Agreement Not Construed as Waiver of Land Division & Other City Ordinances

Except as herein specifically provided, nothing set forth in this Agreement shall be construed as intended to be a waiver or release of any obligations imposed upon the Subdivider by the Ordinance or the City's Code of Ordinances.

6.07 Amendments

The parties may amend this Agreement by express mutual written agreement for any phase of the Plat.

6.08 Breach

In the event of breach of this Agreement, or any part thereof, by either party or their contractors, sureties or agents, the defaulting party agrees to pay all reasonable engineering, inspection, consulting and legal fees or expenses incurred by the non-defaulting party as a result of such default.

6.09 Agreement Binding on Heirs and Assigns of Parties

This Agreement shall be binding upon the Subdivider jointly and severally, upon their personal representatives and heirs, and upon the successors and assigns of all parties hereto.

6.10 Assignment Only with Express Written Approval

This Agreement shall not be assigned by any party without express written approval of the other party which shall not be unreasonably withheld.

6.11 Entire Agreement

This Agreement, consisting of nine (9) pages and executed in two counterparts, each one of which shall constitute an original for all purposes, contains the entire agreement of the parties and shall not be modified, amended or extended except by express written agreement duly executed by all parties hereto.

6.12 Recording

A fully executed original of this Agreement shall be recorded by the Subdivider and proof of such recording filed with the City Clerk. Upon acceptance by the Common Council of the City of all the improvements described in this Agreement, and upon all conditions precedent to such acceptance being met, and upon the 1 year guarantee period referred to in Section 5.03 having

expired, the City agrees to execute, acknowledge and deliver to the Subdivider, in recordable form, a certificate of termination providing that all of the Subdivider's obligations under this contract have been met and that this Contract is hereby terminated.

6.13 General Provisions

(1) If any part, term, or provision of this Contract is held by the courts to be illegal or other wise unenforceable, such illegality or unenforceability shall not affect the validity of any other part, term, or provision and the rights of the parties will be construed as if the part, term or provision was never part of the Agreement.

(2) Nothing contained in this Agreement constitutes a waiver of the City's sovereign immunity under applicable law.

(3) The Subdivider hereby warrants to being now lawfully seized and possessed of the real estate to be improved pursuant to this Agreement.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this ____ day of _____, 2015.

By: _____
Stephen L. Arnold, Mayor

By: _____
Patti Anderson, City Clerk

Approved As To Form:

By: _____
Mark Sewell, City Attorney

STATE OF WISCONSIN)ss.
COUNTY OF DANE)

Personally came before me this ____ day of _____, 20___, the above named Stephen Arnold and Patti Anderson, to me known to be the Mayor and City Clerk of the City of Fitchburg and the persons who executed the foregoing instrument and acknowledged the same.

_____

Notary Public, State of Wisconsin
Printed Name of Notary: _____
My Commission Expires: _____

SUBDIVIDER(S): Sub-Zero Wolf, Inc.

By: _____ _____

xxxx, Sub-Zero Wolf, Inc. Address

STATE OF WISCONSIN)ss.
COUNTY OF DANE

Personally came before me this ____ day of _____, 20____, the above named _____ to me known to be the _____ of _____and the persons who executed the foregoing instrument and acknowledged the same.

_____

Notary Public, State of Wisconsin
Printed Name of Notary: _____
My Commission Expires: _____

Drafted by: Tracy Foss, Utility Project Engineer, City of Fitchburg

Stephen L. Arnold, Mayor
Introduced by

Public Works
Prepared by

Board of Public Works
Referred to

September 8, 2015
Date

RESOLUTION R-99-15

APPROVING AGREEMENT FOR SUBDIVISION IMPROVEMENTS WITH SUB-ZERO WOLF, INC. ON LOT 2 OF CSM 10031

WHEREAS, Sub-Zero Wolf, Inc., herein referred to as "Sub-Zero", has submitted a proposed CSM that includes, but is not limited to, Lot 1 of CSM 09217, Lot 1 and 2 of CSM 10031, and Lot 2 of CSM 11021; and

WHEREAS, the Land Division Ordinance requires the execution of a contract for public improvements prior to signature of the land division document by the City Clerk; and

WHEREAS, construction plans for all public improvements within the proposed CSM have not been prepared and therefore a contract for these public improvements within the proposed CSM cannot be drafted at this time; and

WHEREAS, Sub-Zero has obtained an erosion control permit and applied for an early start permit to begin a plant expansion on Lot 2 of CSM 10031; and

WHEREAS, Sub-Zero desires to obtain a building permit on Lot 2 of CSM 10031; and

WHEREAS, Section 44-459 of the Fitchburg Code of Ordinances requires hydrants to be installed and made operable prior to permitting construction to progress beyond the footing and foundation stages; and

WHEREAS, in order to expedite the installation of public water main on Lot 2 of CSM 10031, necessary for Sub-Zero to obtain a building permit, a separate contract for subdivision improvements for the water main is necessary; and

WHEREAS, the Board of Public Works has reviewed and approved the Contract for Subdivision Improvements with Sub-Zero on Lot 2 of CSM 10031.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Common Council of the City of Fitchburg, Dane County, Wisconsin, hereby approves the Contract for Subdivision Improvements with Sub-Zero Wolf, Inc. on Lot 2 of CSM 10031 subject to final review by the City Attorney and the City Engineer; and

BE IT FURTHER RESOLVED, that it authorizes the Mayor and City Clerk to properly execute such document.

Adopted this _____ day of _____, 2015.

Approved By: _____
Stephen L. Arnold, Mayor

Attested By: _____
Patti Anderson, City Clerk

City of Fitchburg
Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred**: September 8, 2015** Ordinance Number:
Date to Report Back**: September 22, 2015** Resolution Number: **R-100-15**

Sponsored by: Mayor Drafted by: Public Works

TITLE: **A RESOLUTION RELEASING A PLATTED PUBLIC SANITARY SEWER EASEMENT ON LOT 21 IN FIRST ADDITION TO FITCHBURG TECHNOLOGY CAMPUS CITY OF FITCHBURG, WISCONSIN**

Background:

As part of the TechLands plat improvements sanitary sewer servicing properties along Nobel Drive within the First Addition to Fitchburg Technology Campus plat, east of Research Park, was rerouted from Lot 21 in the First Addition to Fitchburg Technology Campus plat to Nobel Drive within the TechLands plat. The platted public easement on Lot 21 in First Addition to Fitchburg Technology Campus is no longer necessary.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Planning Commission	Hovel	9/15/15	
2	Board of Public Works	Horton	9/21/15	
3				
4				

Amendments:

RELEASE OF PLATTED PUBLIC SANITARY SEWER EASEMENT

Recording Area

Return to:
City Clerk
City of Fitchburg
5520 Lacy Road
Fitchburg, WI 53711

Parcel Number:
225/0609-152-4302-2

1. The undersigned, hereby releases all right, title and interest which it may have in a certain public utility easement, depicted on the Easement Exhibit and more particularly described as follows:

   A 20 foot wide sanitary sewer easement located in Lot 21, First Addition to Fitchburg Technology Campus, Recorded in Volume 58-025A, Plats, Pages 135-139, Document Number 3708613 in the Dane County Register of Deeds Office. Located in Section 15, Township 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin, bound by the following described line:

   Commencing at the Southeast Corner of Lot 21, First Addition to Fitchburg Technology Campus, said point being the Point of Beginning of this release of a 20 foot wide sanitary sewer easement description; thence S57°31'51"W, 23.73 feet along the south line of said Lot 21; Thence N0°06'12"E, 313.52 feet, parallel to the east line of said Lot 21; Thence N58°35'56"W, 125.55 feet; Thence N31°24'04"E, 20.00 feet; Thence S58°35'56"E, 129.59 feet, to the easterly line of said Lot 21; Thence S33°11'35"E, 11.21 feet, along the easterly line of said Lot 21; Thence S0°06'12"W, 306.36 feet, along the easterly line of said Lot 21 to the Point of Beginning;

   Said release of a 20 foot wide sanitary sewer easement containing 0.20 acres, more or less.

2. Attached hereto as Easement Exhibit is a map showing the portion of the public utility easement to which the undersigned is relinquishing its rights.

   Dated this ____ day of _____, 2015

_____
Stephen L. Arnold, Mayor

_____
Patti Anderson, City Clerk

STATE OF WISCONSIN

COUNTY OF DANE

The forgoing instrument was acknowledged before me on this ____ day of _____, 2015, by the above-named _____ to me known to be the person who executed and acknowledged the foregoing instrument, being duly authorized to do so.

_____
Notary Public, State of Wisconsin

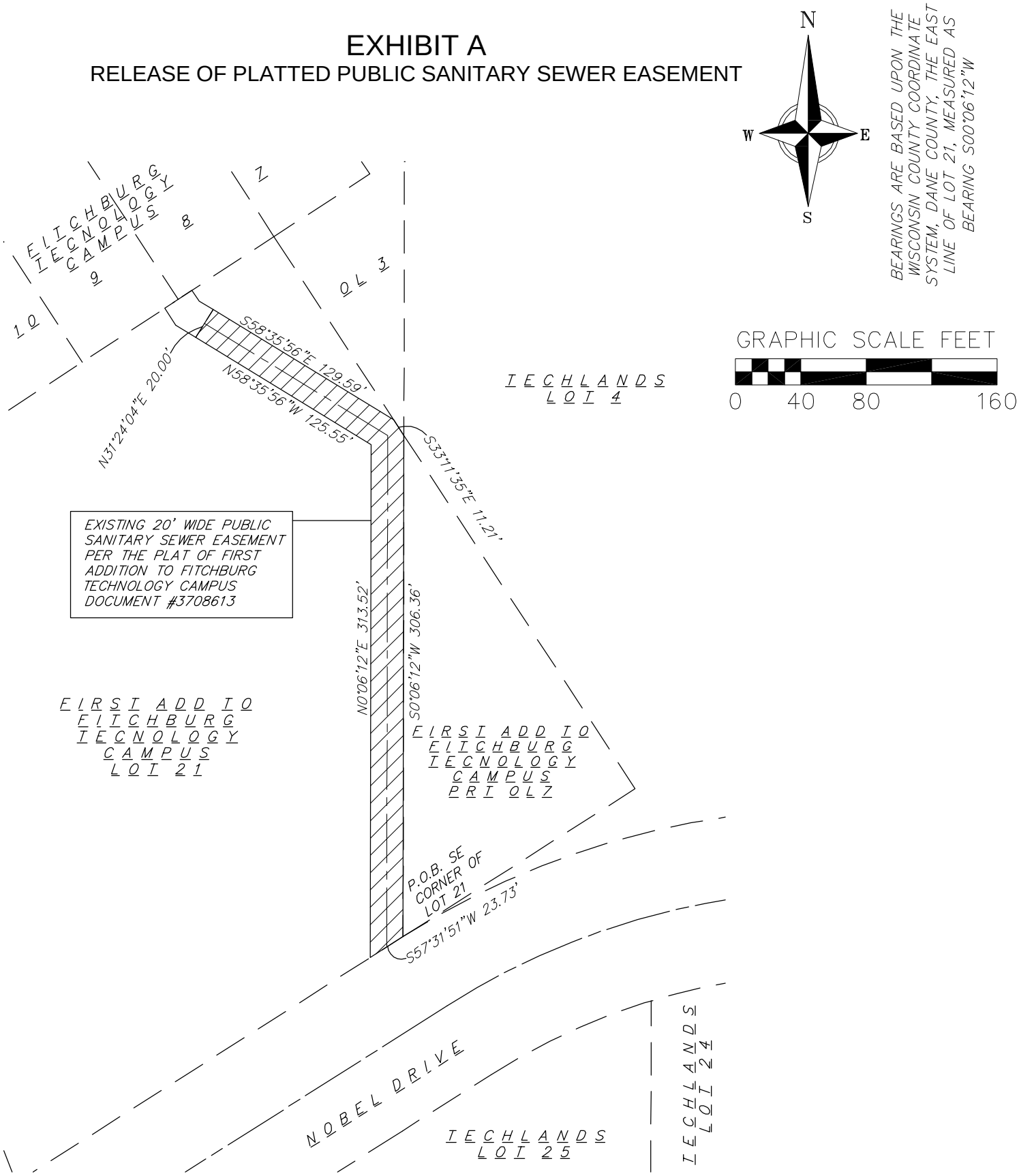
_____
Printed Name of Notary Public

My commission expires:_____.

This documents is authorized by Resolution R-__-15 adopted on _____,2015.
This document was drafted by Department of Public Works, City of Fitchburg.

EXHIBIT A

RELEASE OF PLATTED PUBLIC SANITARY SEWER EASEMENT



22 Dec 2014 - 10:03a M:\Ruedebusch\33107490_FTC Phase II\AutoCAD\Sanitary Release Exhibit_7490.dwg by: mmar

vierbicher
planners | engineers | advisors
REEDSBURG - MADISON - PRAIRIE DU CHIEN
999 Fourier Drive, Suite 201 Madison, Wisconsin 53717
Phone: (608) 826-0532 Fax: (608) 826-0530

EXHIBIT A

SCALE	1"=80'
CHECKED	MMAR
DRAFTER	WBUL
DATE	2014-12-22
JOB NO.	33107490

SHEET 3 OF 3

Stephen L. Arnold
Introduced by

Public Works
Drafted by

Board of Public Works & Planning
Committee

September 8, 2015
Date

RESOLUTION R-100-15

A RESOLUTION RELEASING A PLATTED PUBLIC SANITARY SEWER EASEMENT ON LOT 21 IN FIRST ADDITION TO FITCHBURG TECHNOLOGY CAMPUS CITY OF FITCHBURG, WISCONSIN

WHEREAS, the developer of the TechLands plat has put together a comprehensive development for this plat; and

WHEREAS, as part of the TechLands plat improvements sanitary sewer servicing properties along Nobel Drive within the First Addition to Fitchburg Technology Campus plat, east of Research Park, was rerouted from Lot 21 in the First Addition to Fitchburg Technology Campus plat to Nobel Drive within the TechLands plat; and

WHEREAS, the public sanitary sewer easement on Lot 21 in the First Addition to Fitchburg Technology Campus is no longer necessary; and

WHEREAS, the developer of TechLands has agreed to convey the sanitary sewer through their plat and the owner of Lot 21 in First Addition to Fitchburg Technology Campus has agreed to the abandonment of the sanitary sewer on their lot.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Common Council of the City of Fitchburg that it approves the release of platted public sanitary sewer easement on Lot 21 in the First Addition to Fitchburg Technology Campus plat.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign the necessary documents for the recording of the easement release.

Adopted by the Common Council of the City of Fitchburg this ___day of September, 2015.

Approved By:_____
Stephen L. Arnold, Mayor

Attested By:_____
Patti Anderson, City Clerk

CITY OF FITCHBURG
LIQUOR LICENSE APPLICATIONS
September 8, 2015
6:30 P.M.

NOTICE IS HEREBY GIVEN that the following applications have been filed in the Office of the City Clerk of Fitchburg for the sale of beer and/or liquor in said City for such premises as indicated. The applications will be considered by the Public Safety and Human Services Committee at 6:30 p.m. on Tuesday, September 8, 2015 at the Fitchburg City Hall, 5520 Lacy Road, Fitchburg, WI The Common Council will take action on these applications the same night at 7:30 p.m.

CLASS "B" FERMENTED MALT BEVERAGE RETAIL LICENSE AND RESERVE "CLASS B" INTOXICATING LIQUOR RETAIL LICENSE

Amy Sanborn, 6254 Verona Road – DBA Mad Power Training – William F. Kohl, Agent

Patti Anderson
City Clerk

Publish: September 1, 2, 3

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning September 1 20 15;
ending June 30, 20 16

TO THE GOVERNING BODY of the: ☐ Town of ☐ Village of ☑ City of } Fitchburg

County of Dane Aldermanic Dist. No. _____ (if required by ordinance)

Applicant's Wisconsin Seller's Permit Number: 456-1020499029-03	
Federal Employer Identification Number (FEIN):	
LICENSE REQUESTED ▶	
TYPE	**FEE**
☐ Class A beer	$
☑ Class B beer	$ 100
☐ Class C wine	$
☐ Class A liquor	$
☐ Class B liquor	$
☑ Reserve Class B liquor	$ 500.00
Publication fee	$ 100 → Rec 1-10
TOTAL FEE	$ 700.00

1. The named ☑ INDIVIDUAL ☐ PARTNERSHIP ☐ LIMITED LIABILITY COMPANY ☐ CORPORATION/NONPROFIT ORGANIZATION
   hereby makes application for the alcohol beverage license(s) checked above.
2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): ▶ Amy Sanborn, MAD POWER TRAINING

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

	Title	Name	Home Address	Post Office & Zip Code
President/Member		Amy Sanborn	724 Forest View Drive	Verona 53593
Vice President/Member				
Secretary/Member				
Treasurer/Member				
Agent ▶		William F. Kohl		
Directors/Managers				

3. Trade Name ▶ Mad Power Training Business Phone Number 608-212-0654
4. Address of Premises ▶ 6254 Verona Rd Fitchburg WI Post Office & Zip Code ▶ 53719
5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☑ Yes ☐ No (has completed)
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☑ No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☐ Yes ☑ No
8. (a) **Corporate/limited liability company applicants only:** Insert state _____ and date _____ of registration.
   (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☐ Yes ☑ No
   (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☐ Yes ☑ No
   (NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)
9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) only served and stored at the front desk area
10. Legal description (omit if street address is given above): _____
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☐ Yes ☑ No
    (b) If yes, under what name was license issued? _____
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] ☑ Yes ☐ No
13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776] ☑ Yes ☐ No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☑ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME
this 10th day of July 20 15
Dana Pulver
(Clerk/Notary Public)
My commission expires 9/25/2016

DANA PULVER NOTARY PUBLIC STATE OF WISCONSIN

A Sanborn
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
7-10-15	9-8-15		
Date license granted	**Date license issued**	**License number issued**	

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of: ☐ Town ☐ Village ☑ City of Fitchburg County of Dane

The undersigned duly authorized officer(s)/members/managers of MAD POWER TRAINING
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as MAD POWER Training
(trade name)

located at 6254 Verona RD Fitchburg, WI 53719

appoints William F. Kohl
(name of appointed agent)

(home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

☐ Yes ☑ No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? ☐ Yes ☑ No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 30 YEARS

Place of residence last year 724 Forest View Drive Verona WI

For: MAD POWER Training
(name of corporation/organization/limited liability company)

By: J Sanborn
(signature of Officer/Member/Manager)

And:
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, William F Kohl (print/type agent's name), hereby accept this appointment as agent for the corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

X (signature of agent) 7/10/2015 (date) Agent's age

724 Forest View Drive Verona WI (home address of agent) Date of birth 54

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
(Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on 8-3-15 (date) by (signature of proper local official) Title Police chief (town chair, village president, police chief)

AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name *(please print)* *(last name)*	*(first name)*	*(middle name)*		
SANBORN	Amy	J		
Home Address *(street/route)*	Post Office	City	State	Zip Code
724 Forest View DR		Verona	WI	53593
Home Phone Number	Age	Date of Birth	Place of Birth	
608-212-0654	51		MADISON, WI	

The *above named individual* provides the following information as a person who is *(check one)*:

☒ Applying for an alcohol beverage license as an **individual**.

☐ A member of a **partnership** which is making application for an alcohol beverage license.

☐ Owner *(Officer/Director/Member/Manager/Agent)* of Mad Power Training *(Name of Corporation, Limited Liability Company or Nonprofit Organization)*

which is making application for an alcohol beverage license.

The *above named individual* provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 23 years
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ..... ☐ Yes ☒ No
   If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. *(If more room is needed, continue on reverse side of this form.)*
   n/A
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ..... ☐ Yes ☒ No
   If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ..... ☐ Yes ☒ No
   If yes, identify. *(Name, Location and Type of License/Permit)*
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ..... ☐ Yes ☒ No
   If yes, identify. *(Name of Wholesale Licensee or Permittee)* *(Address By City and County)*
6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Dragonfly Hot Yoga	6227 McKee Road Fitchburg	~ MAY 2012	Oct. 2014
Employer's Name	Employer's Address	Employed From	To
Supreme Health & Fitness	5555 Odana Road Madison	~ 1999	2013

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 10th day of July, 2015

Dana Pulver *(Clerk/Notary Public)*

DANA PULVER NOTARY PUBLIC STATE OF WISCONSIN

A Sanborn *(Signature of Named Individual)*

My commission expires 9/25/2016

Printed on Recycled Paper

AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name *(please print)* *(last name)*	*(first name)*	*(middle name)*
~~William~~ Kohl	William	Fredrick

Home Address *(street/route)*	Post Office	City	State	Zip Code
724 Forest View Dr		Verona	Wi	53593

Home Phone Number	Age	Date of Birth	Place of Birth
262 - 617 - 5645	55		Marshall Wi

The *above named individual* provides the following information as a person who is *(check one)*:

- [x] Applying for an alcohol beverage license as an **individual**.
- [ ] A member of a **partnership** which is making application for an alcohol beverage license.
- [ ] _____ of _____
  (Officer/Director/Member/Manager/Agent) *(Name of Corporation, Limited Liability Company or Nonprofit Organization)*

  which is making application for an alcohol beverage license.

The *above named individual* provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? OVER 30 years
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ..... [ ] Yes [x] No
   If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. *(If more room is needed, continue on reverse side of this form.)*
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? ..... [ ] Yes [x] No
   If yes, describe status of charges pending. _____
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ..... [ ] Yes [x] No
   If yes, identify. _____
   (Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ..... [ ] Yes [x] No
   If yes, identify.
   _____ *(Name of Wholesale Licensee or Permittee)* _____ *(Address By City and County)*
6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Water Street Solutions	6408 Parnell Ave Edina MN 55435	Jan 2008	FEB 2012
Advanced Water Recovery	301 Wamoha St Rapid City SD 57701	MAR 2012	Present

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 15th day of July, 20 15

_____ *(Clerk/Notary Public)*

My commission expires permanent

_____ *(Signature of Named Individual)*

Printed on Recycled Paper

AGENT AUTHORIZATION LETTER

Date: 7/10/2015

I, Amy J Sanborn, officer for

MAD POWER TRAINING,

(Corporation or LLC Name) (D/B/A)

authorize and appoint William Kohl as liquor/beer agent for

(Agent Name)

the premise located at 6254 Verona Rd Fitchburg Wi.

(Address of Licensed Premise)

A Sanborn

Officer of Corporation or LLC

Subscribed and sworn to before me this 10th day of July, 2015.

Dana Pulver

Notary Public

State of Wisconsin, County of Dane

My Commission Expires: 9/25/2016

DANA PULVER NOTARY PUBLIC STATE OF WISCONSIN

F:\DEPTMNTS\GENGOVT\CLERK\ALCOHOL\New Alcohol Application Packet\2015-2016\Individual Documents\agent auth letter.DOC

THE CITY OF
Fitchburg
ALCOHOL LICENSES

APPOINTMENT OF LIQUOR/BEER AGENT

Date: 7/10/2015

State of Wisconsin

County of Dane

I, William F. Kohl, appointed liquor/beer agent, for MAD POWER TRAINING, being first duly sworn say that I have vested in me, by properly authorized and executed written delegation, full authority and control of the premise described in the license of such corporation, and I am involved in the actual conduct of the business (employee) or have a direct financial interest in the business of the licensee therein relating to the intoxicating liquor/fermented malt beverage. The interest I have in the business is: building owner.

Signature of Agent

Identify the registered agent for purposes of service of process pursuant to §180.0504, Wis. Stats. for Corporations and 101.0105(8) Wis. Stats. as it pertains to Limited Liability Companies.

William F. Kohl
Name

724 Forest View Drive
Mailing Address

Verona, WI 53593
City State Zip

Subscribed and sworn to before me this

10 day of July, 2015.

Notary Public, Dane County, Wisconsin
My commission expires: permanent

PUBLIC SAFETY & HUMANS SERVICES COMMITTEE AND COUNCIL APPROVAL REQUIRED FOR ALL AGENT CHANGES.

Pocket ✓

Memorandum

To: Public Safety & Human Services Committee

From: Thomas Blatter, Chief of Police TB

Date: 7/31/2015

Re: Alcohol Beverage License Applications

I have reviewed the Alcohol Beverage License Applications submitted by the following and find no reason why these licenses should not be granted.

Business	Location	Agent
Mad Power Training	6254 Verona Road	William Kohl

Packet

Tracy Oldenburg

From: Mark Sewell
Sent: Monday, August 24, 2015 3:38 PM
To: Tracy Oldenburg; Patti Anderson
Subject: RE: Licensed premises ~Mad Power Training

Public Safety and Council will have to determine if this is a recreation premises. The applicant should have a description of the "recreation" that is being contemplated

---

From: Tracy Oldenburg
Sent: Monday, August 24, 2015 1:59 PM
To: Patti Anderson
Cc: Mark Sewell
Subject: FW: Licensed premises ~Mad Power Training

FYI ~ sound like it is up to Fitchburg. I know that the Police (Todd Stetzer) went through the place and is okay with it and Tom Blatter signed off on the application as well.

Please let me know what you decide or if you want to talk it over with Mark.

Thank you Patti,

Tracy Oldenburg
Deputy City Clerk
City of Fitchburg
5520 Lacy Road
Fitchburg, WI 53711
Phone: 608-270-4202 Fax: 608-270-4212

THE CITY OF Fitchburg CITY CLERK

From: Lee, Jason A - DOR [mailto:Jason.Lee@revenue.wi.gov]
Sent: Monday, August 24, 2015 1:52 PM
To: 'williamkohl@me.com'
Cc: Tracy Oldenburg
Subject: Licensed premises

Good Afternoon William,

Sorry I wasn't able to respond last week but I was out of town for training and I also had a day off. Anyway, I had a chance to look at your blueprint and state statutes regarding your fitness facility getting an alcohol license.

Please look at state statute 125.32(3m) below:

(3m) LIMITATIONS ON OTHER BUSINESS; CLASS "B" PREMISES. No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises.

No other business may be conducted on premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:

125.32(3m)(a) **(a)** A hotel.

125.32(3m)(b) **(b)** A restaurant, whether or not it is a part of or located in any mercantile establishment.

125.32(3m)(c) **(c)** A combination grocery store and tavern.

125.32(3m)(d) **(d)** A combination sporting goods store and tavern in towns, villages and 4th class cities.

125.32(3m)(e) **(e)** A combination novelty store and tavern.

125.32(3m)(f) **(f)** A bowling center or recreation premises.

125.32(3m)(g) **(g)** A club, society or lodge that has been in existence for 6 months or more prior to the date of filing application for the Class "B" license or permit.

125.32(3m)(h) **(h)** A movie theater.

125.32(3m)(i) **(i)** A painting studio.

After looking at the statutes, the City of Fitchburg will have to determine if your business meets the definition of a recreation premises (125.32(3m)(f)). If so, then you would be able to get a Class B fermented malt beverage/intoxicating liquor license for your business. I know that your business is a little more unique since it is only open to members and not open to the general public. I have checked with some co-workers and they have told me that there are some municipalities in Wisconsin that have issued licenses to fitness centers and that there are some that have denied fitness centers an alcohol license. Since it is the municipality that issues alcohol licenses, it will be the municipalities determination in how they interpret the statute. The main thing is that the municipality must be fair and consistent with all licensees in the same or similar circumstances.

I did not find any other statutes that would relate to your business and you being issued an alcohol license.

Please let me know if you have any further questions regarding this matter.

Thank you,

Jason A. Lee, Special Agent
Alcohol & Tobacco Enforcement
2135 Rimrock Road
P.O. Box 8933
Madison, WI 53708
608.267.5190 (Office)
608.261.6240 (Fax)

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Packet.

Tracy Oldenburg

From: Patti Anderson
Sent: Tuesday, August 25, 2015 3:04 PM
To: Tracy Oldenburg
Subject: FW: Mad Power 5264 Verona Road

Can you please add this information to the license request materials we have on file.

From: Todd Stetzer
Sent: Tuesday, August 25, 2015 3:01 PM
To: Mark Sewell; Patti Anderson
Subject: FW: Mad Power 5264 Verona Road

FYI during the discussion the owners indicated they were told by John Crook the capacity had been reduced to 160 due to limited parking.

From: Todd Stetzer
Sent: Tuesday, August 25, 2015 2:58 PM
To: Mark Sewell; Patti Anderson
Subject: FW: Mad Power 5264 Verona Road

From: Todd Stetzer
Sent: Tuesday, August 25, 2015 11:07 AM
To: Thomas Blatter
Subject: Mad Power 5264 Verona Road

On August 08. 2015 I met with the owners of Mad Power located at 5264 Verona Road. The owners indicated their intent is to offer alcohol on a very limited basis. The alcohol would be limited to the nail spa area and a small seating area located where the "old bar of the Dry Bean Saloon" is located in the building design.

The nail spa area would allow customers could have a glass of wine as their nails are done. A max of three people at a time are able to be seating in the nail spa area.

The seating area (old bar area) would allow beer or wine after a workout and will seat approximately 12 people. The seating area was described as being designed to be an elevated seating are above the main gym floor located adjacent to the "back bar" from the former Dry Bean Saloon. Amy one of the owners and the yoga instructor indicated her intent is to retain the memories of families to previously brought their families to dinner at the Dry Bean.

The owners indicated the capacity was for the business has been reduced to 160, however they intend to have no more than 85 people on the premises at any time.

Public hearing and consideration of Conditional Use Permit request, CU-2066-15, by William Kohl, agent for MadPower Training Center, LLC, to allow for sale of beer and wine in the private fitness studio at 5264 Verona Road, Lot 2 Willow Run.

Site Details:
Acres: ~1.2
Existing Use: Mad Power Training (yoga, nails, etc)
Current Zoning: B-G (General Business)

Background & Application Description:
MadPower Training Center, located at 5264 Verona Road (former Dry Bean building) is requesting approval to serve beer and wine at the private fitness and yoga club.

Staff Evaluation:
MadPower Training is located in the former Dry Bean building at 5264 Verona Road. The business is a hot fitness studio that offers its members fitness, yoga and barre classes. As part of the remodeling for the new business, the owners have decided to preserve the bar as a front desk; they would also like this to be an area where members can sit and enjoy a glass of wine or beer. The facility is not open to the public and is by membership only.

Section 22-640(c) of the Zoning Ordinance identifies the standards by which the Plan Commission shall review conditional use permits. No conditional use shall be approved by the plan commission
unless the commission shall find:
(1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
(2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
(3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
(4) That adequate utilities, access road, drainage and/or necessary facilities have been or are being provided.
(5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
(6) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
Staff has not identified any concerns with this request.

Consistency with Comprehensive Plan:
Future Land Use Plan: BUS (Business)

Staff has not identified any inconsistencies with the proposed CUP and the Comprehensive Plan.

Staff Recommendation:
Staff recommends approval of CU-2066-15 with the following conditions:
1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
2.) Applicant shall obtain appropriate liquor license approvals prior to serving any wine or beer on the property.
3.) Serving of any beer or wine is limited to members of the private fitness club.

Approved Unanimously 7/21/2015

THE CITY OF
Fitchburg

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

August 28, 2015

Mad Power Training
Attn: Amy Sanborn
724 Forest View Drive
Verona, WI 53593

Dear Amy,

This is a reminder to attend the Public Safety & Human Services Committee Meeting for Tuesday, September 8, 2015 at 6:30 P.M. in the Conference Room at City Hall, 5520 Lacy Road, Fitchburg, WI.

It will be necessary for you, or someone representing your organization to attend this meeting as you will need to be available to answer any questions the committee may have in regards to your application. Please arrive no later than 6:30 p.m.

If you have any questions, please give us a call at 270-4200. Thank you.

Sincerely,

Tracy Oldenburg
Deputy City Clerk
City of Fitchburg

F:\DEPTMNTS\Clerk\TRACY

DATE: 9/3/2015

TO: FINANCE COMMITTEE

FROM: FINANCE DEPARTMENT

RE: CASH DISBURSEMENTS

Checks Dated	Description		Batch Check Nos.	Amount
8/26/2015	Weekly Batch	A	111868-111914	$116,999.04
8/27/2015	Finance approved 8/25/2015	B	111915-111917	$670,743.16
9/2/2015	Weekly Batch	C	111918-111956	$163,352.34
			Check Total	$951,094.54

P-Card Transactions

	Billing Cycle		Date Pd	Total
	7/5/2015 - 8/4/2015		8/18/2015	$151,246.41
			Grand Total:	**$1,102,340.95**

DATE: 9/3/2015

TO: FINANCE COMMITTEE

FROM: FINANCE DEPT.

RE: FINANCE APPROVAL FOR INVOICES OVER $25,000

	ACCT NO	AMOUNT
Payne & Dolan		
Street Resurfacing	400-5733-319	$534,359.46
Street Resurfacing - Resident Requests (Billable)	400-5733-319	$3,707.36
Novation Campus	400-5733-370	$70,333.98
Pedestrian & Bike System Improvements	400-5733-427	$15,760.76
Park System Improvements	400-5766-259	$2,617.78
Water Valve Repair & Breaks	600-5673-100	$7,628.78
Sanitary MH Adj.-for City of Madison (Billable)	600-5831-200	$350.00
Storm Inlet Repairs	601-5601-306	$21,534.24
Retainage Held	400-21123	($14,758.77)
		$641,533.59

$641,533.59

City of Fitchburg
Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred**: September 8, 2015** Ordinance Number:
Date to Report Back**: September 22, 2015** Resolution Number: **R-93-15**

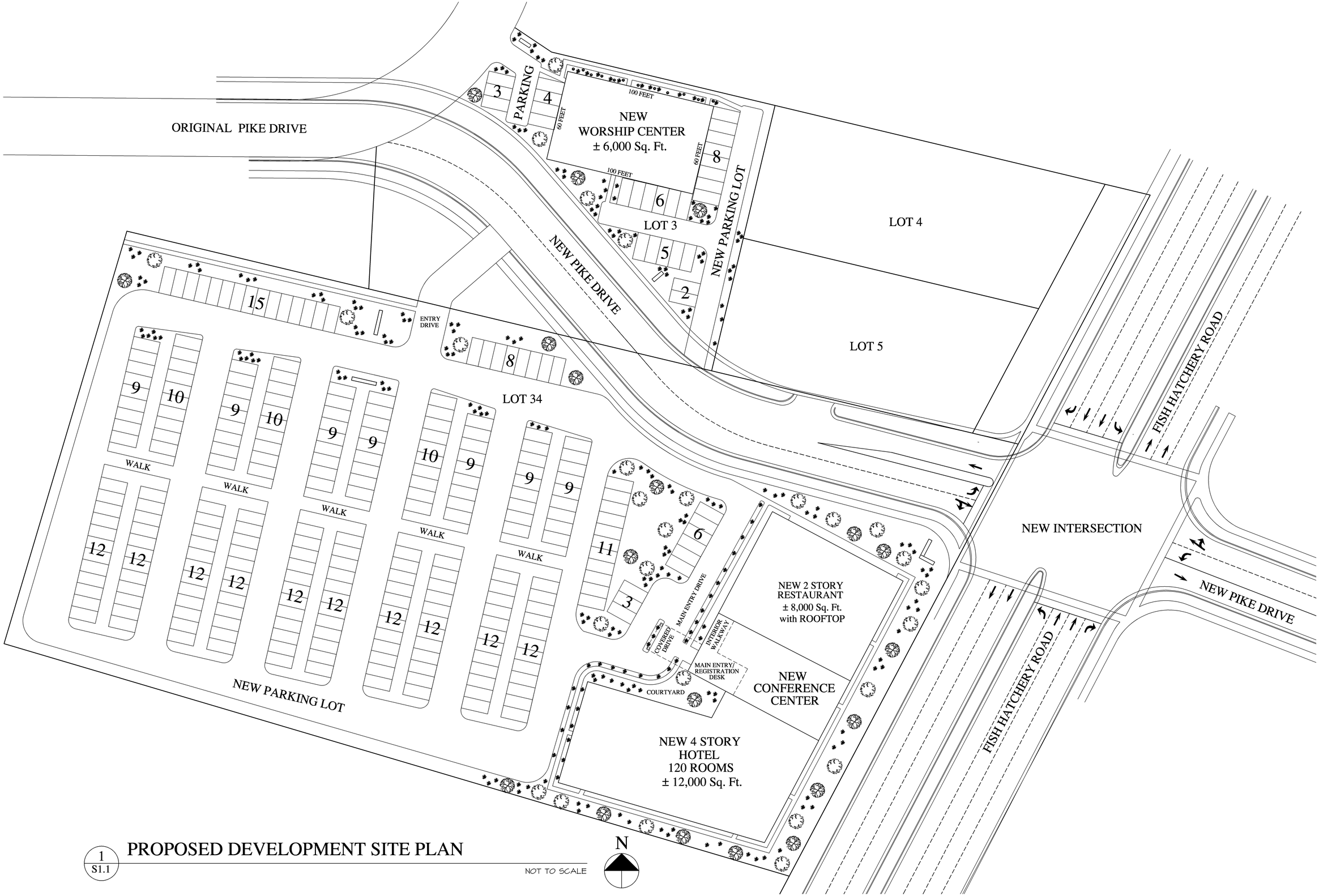
Sponsored by: Mayor Drafted by: Patrick Marsh

TITLE: **Accepting Proposal from Ehlers Inc. for Financial Consulting Services for Proposed Tax Increment District 10 in the North Fish Hatchery Road Corridor for CIP 3103 Intersection Signalization**

Background: This contract for services with Ehlers Inc includes the standard proposal used to evaluate creation of Tax Increment District 10. Services related to TID include evaluating financial feasibility, developing a project plan, coordinating local approval process, and filing necessary documents to Department of Revenue for final TID creation. This analysis will allow the City to identify assistance for development projects located in the North Fish Hatchery Road Corridor.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Finance	Marsh	September 22, 2015	September 22, 2015
2				
3				
4				

Amendments:



1
S1.1

PROPOSED DEVELOPMENT SITE PLAN

NOT TO SCALE

CONCEPT
ISSUED:
09/03/2015

NEW DEVELOPMENT
PLAN

CONCEPT SITE PLAN
PIKE DRIVE
FITCHBURG, WISCONSIN 53713

Crowne Pointe Development, Inc.
649 Old Hwy. 8 NW, #148
New Brighton, MN 55112
Contact: John Colby
Phone: (612) 961-7972

CONCEPT ISSUED	09/03/2015

PROPOSED
DEVELOPMENT PLAN

PROJECT #	15-238
DRAWN BY:	NH

SITE PLAN
CONCEPT DEVELOPMENT

S1.1

1 OF X TOTAL SHEETS

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STEAKS & CHOPS
BURGERS
BEER & WINE
BURGERS

Steve Arnold, Mayor
Introduced By

Patrick Marsh
Drafted By

Direct/Finance Committee
Referred

Sept. 8, 2 015
Date

Resolution R-93-15

Accepting Proposal From Ehlers Inc for Financial Consulting Services for Proposed Tax Increment District 10 North Fish Hatchery Road Corridor for CIP 3103 Intersection Signalization

WHEREAS, The City of Fitchburg has determined the need to evaluate the possibility of creating Tax Increment District 10 located in the North Fish Hatchery Road Corridor, as the City works to redevelop and revitatialize this entry into the City and

WHEREAS, Ehlers, Inc. is the City's Financial Advisor, and

WHEREAS, Ehlers has submitted a proposal for services relating to creating this Tax Increment District; and

WHEREAS, the attached proposal provides details on the scope of this work.

NOW BE IT HEREBY RESOLVED, by the Fitchburg Common Council that it approves the attached proposal and authorizes the Mayor and City Clerk to execute the document.

Adopted this 22 day of September, 2015.

Approved By: _____
Stephen L. Arnold, Mayor

Attested By:_____
Patti Anderson, City Clerk

City of Fitchburg
Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred**: July 14, 2015** Ordinance Number: **2015-O-23**
Date to Report Back**: July 28, 2015** Resolution Number:

Sponsored by: Alders Stern, Gonzalez & Carpenter Drafted by: Patrick Stern

TITLE: **An Ordinance Amending Chapter 70, Section 70-309 Forfeiture Schedule**

Background:

When initially enacted the fine schedule for remediation and rehabilitation made sense. As it is clear that we are edging closer to an end to national prohibition, it's time to revisit the fine for possession of marijuana to more closely reflect our values and enforcement priority. Study after study show that those affected by the fines are disproportionately minority, but also Dane County's advisory referendum showed very clearly that this is no longer an area of concern for most people. This update adheres to state and federal law, but places the proper emphasis on the enforcement of the current prohibitive policies. The current forfeiture for possession of marijuana with costs is $1321.00. This ordinance reduces the total forfeiture to $62.26.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Public Safety & Human Services	Anderson	July 28, 2015	Tabled, No Action Taken
2	Finance Committee	Dodge	July 28, 2015	Approved
3				
4				

Amendments:

THE CITY OF
Fitchburg
MUNICIPAL COURT

City of Fitchburg Municipal Court
Hamdy Ezalarab, Municipal Judge
James Gray, Clerk of Court
Suzie Jones, Liaison Officer
5520 Lacy Rd Fitchburg, WI 53711-5318
Phone: (608)-270-4224 Fax: (608)270-4212

2015 – Possession of Marijuana

JUVENILE Tickets Issued: 1

1 Juvenile Appeared ordered to pay citation and drug testing

ADULT Tickets Issued: 29

Male: 21

Female: 8

African –American: 10

White: 9

Hispanic: 4

Asian: 2

Sent to Collection: 3

Default/ Failed to Appear: 9

Drug Testing: 10

Currently on Drug Testing Program: 8

Did not complete Drug Testing: 2

Tickets Paid in Full: 1

Partial Payments: 2

THE CITY OF
Fitchburg
MUNICIPAL COURT

City of Fitchburg Municipal Court
Hamdy Ezalarab, Municipal Judge
James Gray, Clerk of Court
Suzie Jones, Liaison Officer
5520 Lacy Rd Fitchburg, WI 53711-5318
Phone: (608)-270-4224 Fax: (608)270-4212

2014 – Possession of Marijuana

JUVENILE Tickets Issued: 2

1 Juvenile completed Drug Testing and ticket dismissed

1 Juvenile Appeared ordered to pay citation

ADULT Tickets Issued: 50

Male: 38

Female: 12

African –American: 27

White: 17

Hispanic: 6

Sent to Collection: 27

Default/ Failed to Appear: 24

Drug Testing: 8

Completed Drug Testing/ticket dismissed: 6

Did not complete Drug Testing: 2

Tickets Paid in Full: 5

Partial Payments: 8

THE CITY OF
Fitchburg
MUNICIPAL COURT

City of Fitchburg Municipal Court
Hamdy Ezalarab, Municipal Judge
James Gray, Clerk of Court
Suzie Jones, Liaison Officer
5520 Lacy Rd Fitchburg, WI 53711-5318
Phone: (608)-270-4224 Fax: (608)270-4212

2013 – Possession of Marijuana

JUVENILE Tickets Issued: 3

2 Juvenile completed Drug Testing and ticket dismissed

1 Juvenile Appeared ordered to pay citation

ADULT Tickets Issued: 88

Male: 69

Female: 19

African –American: 37

White: 41

Hispanic: 10

Sent to Collection: 44

Default/ Failed to Appear at Court: 31

Drug Testing: 11

Completed Drug Testing/ticket dismissed: 8

Did not complete Drug Testing: 3

Tickets Paid in Full: 11

Partial Payments: 18

THE CITY OF
Fitchburg
MUNICIPAL COURT

City of Fitchburg Municipal Court
Hamdy Ezalarab, Municipal Judge
James Gray, Clerk of Court
Suzie Jones, Liaison Officer
5520 Lacy Rd Fitchburg, WI 53711-5318
Phone: (608)-270-4224 Fax: (608)270-4212

Cost of drug test

The defendant has the option to go through his/her own insurance and/or primary family doctor.

The cost of drug test is $41/ drug test at select Dean Clinics in Madison if you do not have insurance.

The Defendant is responsible for the cost. The City pays each test up front and bills the defendant.

Steve Arnold, Mayor
Introduced by

Alders Stern, Gonzalez & Carpenter
Prepared by

Public Safety & Finance
Referred to

July 14, 2015
Date

ORDINANCE 2015-O-23

An Ordinance Amending Chapter 70, Section 70-309 Forfeiture Schedule

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

Section 1. Section 70-309 is amended to read:

70-309 Below is the base range for forfeitures, excluding court costs and other miscellaneous fees, for penalties for any person violating any provision of this Code where a penalty has not already been provided:

Forfeiture		
70-122	Possession of marijuana	~~$500.00 – 1,000.00~~ $1

Section 2. This ordinance shall take effect the day after its publication.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance 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 _____, 20___.

_____
Patti Anderson, City Clerk

_____
Steve L. Arnold, Mayor

Published:

THE CITY OF Fitchburg
OFFICE OF THE MAYOR

Office of the Mayor

5520 Lacy Road
Fitchburg, WI 53711-5318
Phone: (608) 270-4200
Fax: (608) 270-4212
www.city.fitchburg.wi.us

August 26, 2015

Patti Anderson
City Clerk
City of Fitchburg
5520 Lacy Rd
Fitchburg, WI 53711

Dear Clerk Anderson:

This letter is your notice that I am today vetoing the Common Council motion directing the City Administrator and staff to work on a developer agreement for tax incremental financing based on Benjamin Investments' TIF request, which was passed at the Common Council meeting of August 25, 2015.

I support Benjamin's project, but object to the allocation of risk and expense. I have informed Dale Benjamin of my decision and a provided counter-proposal for his consideration. The proposal has these basic terms:

i. TIF support for a gap based on analysis of a project with approximately 120 surface and under-building parking places, but no underground parking outside the building's footprint. I do not object to Benjamin building excess underground parking, but I believe that any excess underground parking should be funded privately, not by the taxpayers. (Fitchburg's parking requirement based on the building's floor area is 181 spaces. Benjamin's original proposal was for 198 spaces, including 78 spaces outside the building footprint. The Plan Commission has the authority to waive parking requirements. Such a waiver is appropriate for this site with all-day, every-day transit service.)

ii. TIF support for a rental guarantee of 50% of the third floor until the space can be leased to a tenant, for up to two years. (Benjamin's original proposal was for a 100% guarantee for one year.)

I believe that my proposal better shares cost and risk between the private developer and the taxpayers. I will work diligently with the developer to reach an agreement that allows ground-breaking on a schedule that meets the requirements of Benjamin's potential tenants.

I ask that pursuant to the requirements of Wisconsin Statutes 62.08(c), you present this veto to the Council at its next meeting by placing it on the agenda for discussion and possible action.

Sincerely,

Steve Arnold
Mayor

City of Fitchburg
Committee or Commission Referral

Direct Referral Initiated by:
Direct Referral Approved by:

Date Referred**: August 25, 2015** Ordinance Number:
Date to Report Back**: September 8, 2015** Resolution Number: **R-86-15**

Sponsored by: Patrick Stern, Jason Gonzalez, Dan Carpenter Drafted by: Patrick Stern

TITLE: **A Resolution Directing Staff to Work on Uptown Implementation**

Background: Exact Sciences, planning a major project in the Madison area is due to make a decision on project location in the near term. As they have been progressing with their negotiations with the City of Madison, there is some public uncertainty whether the Judge Doyle Square negotiations will reach an agreement. In the case that they don't, The City of Fitchburg should have its work complete to be sure that should Exact Sciences wish to pursue a location in Uptown, we are ready to respond in as short a timeframe as possible. This resolution directs staff to complete deliverables in order to ensure that Fitchburg can be ready to respond to any potential proposals or requests. It envisions using the data found for the next potential end user as well should exact sciences choose to go elsewhere, so as not to have a limited shelf life.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Common Council	Pat Marsh	September 8, 2015	
2				
3				
4				

Amendments:

Patrick Stern, Dan Carpenter, Jason Gonzalez
Introduced by

Patrick Stern
Prepared by

Common Council
Referred to

8/12/15
Date

RESOLUTION R-86-15

A RESOLUTION INSTRUCTING STAFF TO COMMENCE WORK ON POSSIBLE TID #4 END USERS

WHEREAS, The City of Fitchburg has been aware of Exact Sciences, an end user who will be developing more than 250,000sq ft of Class A Office Space that has a need to break ground on a project expediently and has been interested in potentially siting their facility in Fitchburg; and

WHEREAS, Exact Sciences has been negotiating in good faith with the City of Madison on locating downtown, but without resolution or final agreement. Fitchburg has been mentioned as a possible location to expand and employ as many as 800 individuals, but will have a compressed timeframe to work with and make a decision with staff and elected officials in whichever municipality they choose to expand in; and

WHEREAS, The ability to respond quickly and accurately to Exact Sciences or a development partner of their choosing is of paramount importance to allow for business, job, and economic value in the City of Fitchburg; and

WHEREAS, The City of Fitchburg stands ready to discuss investment in and catalyzing development with any end user in the Uptown Development area; and

NOW BE IT HEREBY RESOLVED, BY THE Fitchburg Common Council that it directs the staff and Mayor of the City of Fitchburg to put together the following deliverables to expedite the possibility of Exact Sciences or another catalytic project for the Uptown Area choosing Fitchburg as its project destination:

1. Staff is to engage TID Advisors to understand options for funding a project this size should a TIF request be made, both under existing TID #4 structure, or additional TID options;
2. Staff is to put together a critical path timeline for design and construction under SmartCode Development as opposed to standard Euclidian Zoning;
3. Staff shall put together a general guideline of SmartCode in the Uptown Development for use by any end user;
4. Staff shall engage with planning and development partners to further master plan the Uptown area should this catalytic project move forward. This should include obtaining proposals for services from reputable firms with experience in master planning high tech or Research Park developments, and should envision using general funds, TID expenditures, or a combination of both;
5. Staff shall have the bulk of this work completed by September 15th;
6. No Public Official shall direct staff in a manner that would not allow this project's timeline to be completed in the timeframe mentioned above;
7. These deliverables shall be sufficiently prepared to be reusable should this particular end

user not choose Fitchburg;

Additional clauses stating action would begin as follows:

BE IT FURTHER RESOLVED, by the Fitchburg Common Council that it shall make public all of the documentation prepared in this Resolution, and shall work with all diligence to bring any possible project and/or development requests before the Common Council should this exercise produce any interest in projects choosing Fitchburg as their destination.

Adopted this _____ day of _____, 20___.

_____
Patti Anderson, City Clerk

_____
Stephen L. Arnold, Mayor

	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-22 Chapter 54 - Parks, Recreation and Forestry, Article III Division 3. Tree and Shrub Management
•	R-26-15 Authorizing Acceptance of 2015 Contract Bid
•	R-90-15 Authorizing Purchase of Brush Chipper
•	RZ-2077-15 by Bob Sieger, Agent for Crespt LLC, to Rezone from the A-T (Transitional Agriculture) and R-M (Residential – Medium Density) Districts to the R-H (Residential – High Density) and P-R (Park & Recreation) Districts, Property Along Anderberg Drive, Associated with 3046 & 3048 Anderberg Drive and a Possible Conditional Use Permit to Allow for More than Two Multi-Family Buildings per Lot