



**MINUTES  
FITCHBURG COMMON COUNCIL  
JULY 28, 2015  
7:30 P.M.  
CITY HALL**

1. **CALL TO ORDER** - Mayor Arnold called the meeting to order at 7:37 p.m.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Dan Carpenter, Jason Gonzalez, Tony Hartmann, Jake Johnson, Dorothy Krause, Carol Poole, and Patrick Stern. Absent with excuse: Julia Arata-Fratta. Others Present: Mark Sewell, City Attorney, Misty Dodge, Finance Director, Cory Horton, Director of Public Works and Patti Anderson, City Clerk.
4. **PUBLIC APPEARANCES NON-AGENDA ITEMS / NEW APPOINTMENTS**
  - A. Cory Horton, Director of Public Works and Mayor Steve Arnold recognized David Willborn for his 30 Years of Service to the Board of Public Works
  - B. **Public Hearing** – Discontinue a Portion of Marketplace Drive and All of Bud's Drive, Remove from Official Map and Convey Title to Property Owner
    - a. There were no members of the public present for the public hearing. Mayor Arnold opened and closed the public hearing at 7:43 p.m.
5. **CONSENT AGENDA**
  - A. **APPROVAL OF MINUTES** – July 14, 2015
  - B. **REFERRALS TO COMMISSIONS AND COMMITTEE**
    - Resolution R-78-15** Approving Transit Service Agreement between the City of Madison and the City of Fitchburg (*TTC, Finance*)
    - Resolution R-79-15** Approving a Contract for Construction Observation Services for Quarry Vista Plat (*BPW, Finance*)
    - Resolution R-80-15** Hooper Corporation Parking Agreement for Maintenance Facility (*BPW, Finance*)
    - Resolution R-81-15** General Beverage Permit for Parking within City Property (*BPW, TTC, Plan*)
    - Resolution R-82-15** 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 (*BPW, Plan*)
    - Rezoning Request RZ-2071-15** by Habitat for Humanity to Amend the Planned Development Special Implementation Plan (SIP) Zoning, Regarding Housing Development Plans, on Property in the First Addition to Renaissance on the Park (*Plan*)
    - Comprehensive Development Plan Request CDP-2072-15** by Debbie Hatfield, Montgomery Associates, Chris Ehlers, Agent for William Ryan Homes (O'Brien Property) and James Spahr, Agent for Lionshare Group, LLC. (Dunn Property), for a Residential and Industrial Development in the North Stoner Prairie Neighborhood (O'Brien and Dunn Properties) (*Plan, Park*)

**Conditional Use Permit Request CU-2073-15** by Andy Fritz, Agent for AT&T to Allow for an AT&T Telecommunications Facility (Antennas and Equipment) at 2827 Commerce Park Drive (*Plan*)

**Comprehensive Development Plan Request CDP-2074-15** by Ron Klaas, Agent for Sub Zero Wolf, Inc., for Industrial Development in the North Stoner Prairie Neighborhood, West of Seminole Highway and North of Lacy Road (*Plan, TTC*)

**Land Division Request LD-2075-15** by Ron Klass, Agent for Sub Zero Wolf, Inc., for Industrial Development in the North Stoner Prairie Neighborhood (*Plan*)

**Rezoning Request RZ-2076-15** by Ron Klass, Agent for Sub Zero Wolf, Inc., to Rezone Lot 2, CSM 10031 from Rural Development (R-D) to General Industrial (I-G) in the North Stoner Prairie Neighborhood (*Plan*)

C. **Public Safety & Human Services**

1. **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"/"CLASS B" FERMENTED MALT BEVERAGE & INTOXICATING LIQUOR**

American Multi-Cinema, Inc., 6091 McKee Road - DBA AMC Theater – Jeffrey Butler, Agent

2. Hawk Schenkel, Owner of the Atomic Koi, located at 2685 Research Park Drive, Fitchburg, WI, has requested a change in the premise description for Thursday, August 27, 2015 to allow for serving of alcohol in the closed street located directly outside of the Atomic Koi, for the "Back to School" Block Party, being held on Research Park Drive between Lacy Road and McGann Lane during the hours of 5:00 p.m. to 9:30 p.m.

3. Motion by Carpenter, 2<sup>nd</sup> by Krause to **approve** the consent agenda.

4. **Motion carried.**

6. **ADMINISTRATOR'S REPORT**– Attorney Mark Sewell gave the administrator report.

7. **COMMISSION/COMMITTEE REPORTS**

A. **Plan Commission**

1. Motion by Poole, 2<sup>nd</sup> by Krause to **approve Resolution R-74-15** A Resolution Granting a Private Sanitary Sewer and Water Service Easement on Lot 2 of CSM 445 (McGaw Park) to 5267 Lacy Road, City of Fitchburg, Wisconsin (*Park*)

a. Sam Cooke, 5267 Lacy Road, was present and spoke regarding the easement.

b. Cory Horton, Director of Public Works spoke regarding correspondence received from the WI DNR requesting a reversionary clause be added to the easements. Should the easements not be necessary, the land would revert back to the City of Fitchburg and the easements would go away.

c. **Motion carried.**

2. Motion by Poole, 2<sup>nd</sup> by Gonzalez to **approve Resolution R-75-15** A Resolution Approving an Amendment to the Comprehensive Development Plan for Fahey Fields Development, Lot 2 CSM 9896 (*Park*)

a. Janet Adams, representing The Crossing Condo Association spoke regarding this project.

b. Sharon Olson, 5305 Lacy Road, was present and spoke regarding the project.

c. Patrick Cheney, 5211 Kittycrest Drive, was present and spoke regarding the project.

d. David Fahey, 5376 Irish Lane was present and spoke regarding the project.

e. Tony Heinrichs registered in support of the project. Tony was available to answer questions if needed.

f. Ron Klaas, representing D'Onofrio Kottke spoke regarding the project.

g. Motion by Johnson, 2<sup>nd</sup> by Hartmann to amend the plan documents with removal of Lots 95 and 96.

h. Roll call vote: Ayes: Hartmann, Johnson, Krause. Nays: Carpenter, Gonzalez, Poole, Stern. Absent: Arata-Fratta.

i. **Motion failed.**

- j. Roll call vote on Main Motion. Ayes: Carpenter, Gonzales, Hartmann, Johnson, Krause, Poole, Stern. Absent: Arata-Fratta.
  - k. **Motion carried unanimously.**
3. Motion by Hartmann, 2<sup>nd</sup> by Poole to **approve Resolution R-76-15** A Resolution Approving Amended Preliminary Plat for Fahey Fields (*Park*)
    - a. Roll call vote: Ayes: Carpenter, Gonzalez, Hartmann, Johnson, Krause , Poole, Stern. Absent: Arata-Fratta
    - b. **Motion carried.**
  4. Motion by Poole, 2<sup>nd</sup> by Johnson to **approve Resolution R-77-15** A Resolution Approving Final Plat Request (FP-2069-15) for the Final Plat of First Addition to Quarry Vista
    - a. **Motion carried.**
  5. Motion by Poole, 2<sup>nd</sup> by Stern to **approve Ordinance 2015-O-22** An Ordinance Amending Chapter 26 Sign Ordinance to Amend Section 26-121(2) of Chapter 26 Sign Ordinance Relative to Size of Sign Identifying Apartment/Townhouse Complex
    - a. Mary Beth Growney Selene, was present to answer questions if needed.
    - b. **Motion carried.**

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. Stern reported that Finance reviewed a batch of bills **Under \$25,000 or Previously Pre-Approved** General Checks 111596 through 111687 dated July 22, 2015 Total \$410,478.49 as well as the P-Card Charges June 5, 2015 – July 4, 2015 Total \$1,279.12
2. Motion by Stern, 2<sup>nd</sup> by Carpenter to approve **Bills for \$25,000 or more** batch Dated July 22, 2015 - \$120,336.41
  - a. **Motion carried.**

Gonzalez requested an update on non-payment of fees from the Fitchburg Days event. Stern answered questions and spoke regarding the discussion of the Finance Committee.

Recessed at 9:12 p.m. for 5 minutes.

Reconvened at 9:17 p.m.

3. Motion by Stern, 2<sup>nd</sup> by Hartmann to **approve Resolution R-62-15** Adopting Capital Improvement Program – 2016 through 2020 (Reviewed by the Plan Commission and the Board of Public Works & Finance Committee at their joint meeting).  
<http://www.fitchburgwi.gov/DocumentCenter/Home/View/10986>

## Citizen Registrations

Registrants for amendment #3468 Lacy Road: Sam Cooke, Steve Racchini, Daniel Bahr, William Camperlino, JoAnn Russell, Mike Holmes, Paula Brown, Patrick Cheney, David Willborn.

Registrants for New Dog Park proposal: Judy Christie, Gretchen Crook, Austin Portz, Sue Seehafer, Laura Curtiss, Laura Portz, Amy Good, Lori Blahnik, Kogira Arida, and Erika Ryerson.

## **Amendments**

16. #3468 Lacy Road – Carpenter, Postpone project to 2017 & 2018. Motion by Carpenter, 2nd by Stern to **approve** the amendment.
  - a. Motion by Carpenter, 2nd by Gonzalez to amend to include \$200,000 in 2017 and \$4,000,000 in 2018. Roll call vote: Aye: Carpenter, Gonzalez, Hartmann, Johnson, Poole, Stern. Nays: Krause. Absent: Arata-Fratta. **Motion carried.**
  - b. Motion by Hartmann, 2<sup>nd</sup> by Krause to amend to include \$400,000 in 2016, and \$5.65 million in 2017. Roll call vote: Ayes: Hartmann, Johnson, Krause. Nays: Carpenter, Gonzalez, Poole, Stern. Absent: Arata-Fratta. **Motion failed.**
  - c. Roll call vote on main motion with approved amendment. Ayes: Carpenter, Gonzalez, Poole, Stern. Nays: Hartmann, Johnson, Krause. Absent: Arata-Fratta. **Motion carried.**

11:00 p.m. – Motion by Stern, 2<sup>nd</sup> by Poole to extend meeting for 1 hour. **Motion carried.**

17. #3468 Lacy Road – Poole, Restore to funding level of previously approved CIP - **Withdrawn**

18. #3468 Lacy Road – Stern, Discussion encouraged - **Withdrawn**

1. #1029 Library Solar-Stern-Change placement from roof to grounds; postpone to 2017. Motion by Stern, 2<sup>nd</sup> by Gonzalez to **approve** amendment.
  - a. Motion Hartmann, 2<sup>nd</sup> by Poole to amend to keep \$150,000 in 2016, and staff should explore the option of the array being installed on the ground. **Motion carried.**
  - b. Vote on main motion as amended – **Motion carried.**
2. #1030 Logo Implementation-Johnson-Reduce funding by \$90,000. Motion by Johnson. **Motion failed for lack of a 2<sup>nd</sup>.**
3. #1034 Anton Drive-Stern-Add back participation from outside entity. Motion by Stern, 2<sup>nd</sup> by Poole to **approve** amendment. **Motion carried**
4. #1710 FACtv Facility-Johnson-Remove purchase of Fitchburg Room. Motion by Johnson, 2<sup>nd</sup> by Hartmann to **approve** amendment. Roll call vote: Ayes: Hartmann, Johnson. Nays: Carpenter, Gonzalez, Krause, Poole, Stern. Absent: Arata-Fratta. **Motion failed.**
5. #2109 PD Mobile Video Cameras-Carpenter-Postpone 2016 portion of project to 2017. Motion by Carpenter, 2<sup>nd</sup> by Stern to **approve** amendment.
  - a. Motion by Hartmann, 2<sup>nd</sup> by Johnson to amend to include \$15,000 in 2016, and \$21,000 in 2017. **Motion carried.**
  - b. Vote on main motion as amended – **Motion carried.**
6. #2141 New Police Facility-Johnson-Accelerate land acquisition funding to 2017; reduce building cost. Motion by Johnson, 2<sup>nd</sup> by Stern to **approve** amendment.

12:00 a.m. – Motion by Stern, 2<sup>nd</sup> by Carpenter to extend the meeting 1 hour. **Motion carried.**

- a. Motion by Stern, 2<sup>nd</sup> by Gonzalez to remove amendment from the CIP. Roll call vote: Ayes: Carpenter, Gonzalez, Poole, Stern. Nays: Hartmann, Johnson, Krause. Absent: Arata-Fratta. **Motion carried.**
- b. Roll call vote on main motion as amended: Ayes: Carpenter, Gonzalez, Poole, Stern. Nays: Hartmann, Johnson, Krause. Absent: Arata-Fratta. **Motion carried.**

7. #2141 New Police Facility-Arata-Fratta-Referendum; Postpone to next CIP - **Withdrawn**
  8. #2141 New Police Facility-Carpenter-Postpone to future CIP - **Withdrawn**
  9. #2141 New Police Facility-Poole-Referendum; reduce total cost to \$19M; split cost evenly on 2020 & 2021 - **Withdrawn**
  10. #2141 New Police Facility-Stern-Referendum; reduce cost to \$12M - **Withdrawn**
  11. #3319 Street Resurfacing-Arata-Fratta - Motion by Stern, 2<sup>nd</sup> by Hartmann to **approve** amendment.
    - a. Motion by Gonzalez, 2<sup>nd</sup> by Carpenter to amend to include \$785,000 in 2016, \$900,000 in 2017, \$790,000 in 2018, \$980,000 in 2019, and \$790,000 in 2020. Roll call vote: Ayes: Carpenter, Gonzalez, Johnson, Poole. Nays: Hartmann, Krause, Stern. Absent: Arata-Fratta. **Motion carried.**
    - b. Roll call vote on main motion as amended. Ayes: Carpenter, Gonzalez, Poole, Stern. Nays: Hartmann, Johnson, Krause. Absent: Arata-Fratta. **Motion carried.**
  12. #3319 Street Resurfacing – Poole, Restore to funding level of previously approved CIP – **Withdrawn**
  13. #3319 Street Resurfacing – Stern, Reduce funding to \$1.3M 2016; \$850K each year following **Withdrawn**
  14. #3367 Syene Road – Stern, Remove navigability of waterway. Motion by Stern, 2<sup>nd</sup> by Gonzalez to **approve** amendment. Roll call vote: Ayes: Carpenter, Gonzalez, Poole, Stern. Nays: Hartmann, Johnson, Krause. Absent: Arata-Fratta. **Motion carried.**
- 1:00 a.m. – Motion by Poole, 2<sup>nd</sup> by Johnson to extend meeting ½ hour. Roll call vote: Ayes: Hartmann, Johnson, Krause, Poole, Stern. Nays: Carpenter, Gonzalez. **Motion carried.**
15. #3450 Traffic Calming – Carpenter, Remove 2016 portion of project. Motion by Carpenter, 2<sup>nd</sup> by Stern to **approve** amendment. Roll call vote: Ayes: Carpenter, Gonzalez, Hartmann, Johnson. Nays: Krause, Poole, Stern. Absent: Arata-Fratta. **Motion carried.**
  19. #3486 Sidewalk & Path Maintenance – Poole, Remove project. Motion by Poole, 2<sup>nd</sup> by Gonzalez to **approve** amendment. After some discussion, Poole **withdrew** the amendment.
  20. #4631 Water main Loop to NEN – Johnson, Postpone to future CIP. Motion by Johnson, 2<sup>nd</sup> by Poole to **approve** amendment. **Motion failed.**
  21. #4631 Water main Loop to NEN – Stern, Accelerate to 2018 & 2019. Motion by Stern, 2<sup>nd</sup> by Poole to **approve** amendment. **Motion carried**
  22. #6212 McKee Lights – Johnson, Reduce funding of skating rink lights to \$11,500. Motion by Johnson, 2<sup>nd</sup> by Hartmann to **approve** amendment. **Motion carried**
  23. #6261 Nine Springs Golf Course – Johnson, Reduce funding to \$60K; add language to justification **Withdrawn**
  24. #6351 Senior Center Furnishings – Carpenter, Postpone 2016 project to 2020. Motion by Carpenter, 2<sup>nd</sup> by Gonzalez to **approve** amendment.
    - a. Motion by Krause, 2<sup>nd</sup> by Poole to amend to include \$14,000 in 2016 and \$5,000 in 2018. **Motion carried.**
    - b. Vote on main motion as amended – **Motion carried.**

25. NEW – Dog Park – Stern, Add new dog park project. Motion by Stern, 2<sup>nd</sup> by Gonzalez to **approve** amendment.
  - a. Motion by Carpenter, 2<sup>nd</sup> by Gonzalez to call the question. Motion carried.
  - b. Voice vote on main motion. **Motion carried.**

Motion by Gonzalez, 2<sup>nd</sup> by Carpenter to extend the meeting 15 minutes. Motion carried.

Motion by Stern, 2<sup>nd</sup> by Carpenter to **approve as amended Resolution R-62-15** Adopting Capital Improvement Program – 2016 through 2020. Roll call vote: All Ayes. (Absent: Arata-Fratta)

## 8. **STANDING COMMITTEE REPORTS**

### A. **Finance Committee**

4. Motion by Stern, 2<sup>nd</sup> by Carpenter to **approve Resolution R-72-15** Authorizing Approval of the Microsoft Enterprise License Agreement Renewal
  - a. **Motion carried.**

### B. **Personnel Committee**

### C. **Public Safety & Human Services**

1. Motion by Poole, 2<sup>nd</sup> by Gonzalez to **Table to September 8<sup>th</sup> Ordinance 2015-O-23** An Ordinance Amending Chapter 70, Section 70-309 Forfeiture Schedule (*Finance*)
  - a. Poole presented an update of the Public Safety Committee. It has been requested that the judge appear before the Council at the August 25<sup>th</sup> meeting to discuss items related to this ordinance.
  - b. **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 Common Council Meeting, August 11, 2015
- B. Next Committee of the Whole Meeting, August 26, 2015

## 13. Motion by Carpenter, 2<sup>nd</sup> by Poole to **adjourn.**

- A. **Motion carried.** Time: 1:36 a.m.

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*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*