



**MINUTES
FITCHBURG COMMON COUNCIL
SEPTEMBER 22, 2015
7:30 P.M.
CITY HALL**

1. **CALL TO ORDER** - Mayor Arnold called the meeting to order at 7:35 p.m.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Julia Arata-Fratta, Dan Carpenter, Tony Hartmann, Jake Johnson, Dorothy Krause, Carol Poole, and Patrick Stern, Mayor Arnold. Jason Gonzalez, absent with excuse. Others Present: Patrick Marsh, City Administrator and Patti Anderson, City Clerk.
4. **PUBLIC APPEARANCES NON-AGENDA ITEMS / NEW APPOINTMENTS**
 - A. **Mayoral Proclamation**
 1. Carpenter and Arata-Fratta read the Proclamation Recognizing September 15, 2015 through October 15, 2015 as Hispanic Heritage Month. Mayor Arnold presented the proclamation to Arata-Fratta.
 2. Mayor Arnold read the proclamation Recognizing Swan Creek Sewing Circle as they Celebrate their Upcoming 100th Anniversary
 3. Jake Johnson registered to read information regarding the upcoming Ashlee's Playdate fundraiser event to benefit the Steele children.
5. **CONSENT AGENDA**
 - A. **APPROVAL OF MINUTES** – September 8, 2015
 - B. **REFERRALS TO COMMISSIONS AND COMMITTEE**
 - Ordinance 2015-O-27** An Ordinance Amending Chapter 22, Section 22-345(5) to Allow Landscape Sales in the R-D (Rural Development) District (*Plan*)
 - Ordinance 2015-O-28** An Ordinance Amending Chapter 27 Street and Public Ways – Section 27-402(b) Relative to Curb Opening Width For Commercial or Industrial Driveways (*BPW, Plan*)
 - Ordinance 2015-O-29** An Ordinance to Amend SEC. 35-3(a)1 – Permit Fees (*Finance, BPW*)
 - Resolution R-102-15** A Resolution Adopting the Huegel-Jamestown Park Master Plan Update (*Parks*)
 - Resolution R-103-15** A Resolution Approving Agreement Between Sub-Zero Wolf, Inc. and the City of Fitchburg Regarding Provision of Utility Easements and Road Connectivity (*BPW*)
 - Resolution R-104-15** A Resolution Adopting the 2016 Annual City Operating Budget (*Finance*)
 - Resolution R-105-15** A Resolution Approving Third Party Financing and Ownership of Solar Photovoltaic Panels on the Fitchburg Public Library Roof (*BPW, Finance, Library*)
 - Resolution R-108-15** Authorizing Purchase of Plow Truck Equipment (*Finance, BPW*)
 - C. **Public Safety & Human Services**
 1. **Consideration of Change of Agent for Speedway, LLC. – DBA Speedway #4170** - Kevin N. Scheckel, 409 E. Madison Street #4, Cambridge, WI 53523

Dan Carpenter requested Item #5B.114 be separated out from consent agenda.
Jake Johnson requested Item #5B.119 be separated out from consent agenda.

Motion by Carpenter, 2nd by Stern to postpone Item #5B.114. indefinitely.

5.B. 114. **Resolution R-101-15** Approving a Typical Section for the Lacy Road Reconstruction Project from the Community Center East to S. Syene Road (**TTC, BPW**)

Patrick Cheney representing the East Fitchburg Neighborhood Association spoke and requested that the resolution for Lacy Road be delayed.

Sam Cooke registered and spoke in support of the Lacy Road project and answered questions of the Council.

Mary Jo Willis, representing the Crossing Condo Association registered in opposition to the Lacy Road project.

Cory Horton, Director of Public Works spoke regarding the timeline for the Lacy Road project and answered questions of the Council.

Motion by Johnson, 2nd by Hartman to add the word “potentially” to the Now, Therefore, Be it Hereby Resolved section of the resolution.

Motion failed.

Roll Call Vote on motion to postpone indefinitely: Ayes: Poole, Stern, Arata-Fratta, Carpenter. Nays: Krause, Hartmann, Johnson. Gonzalez absent.

Motion carried (4-3).

Motion by Johnson, 2nd by Stern to refer Item 5.B.119 as presented on consent agenda.

5.B. 119. **Resolution R-107-15** A Resolution Establishing a Police and Municipal Building Oversight Committee to be Appointed by the Council President (**PSHS**)

Motion carried.

2. Motion by Stern, 2nd by Carpenter to **approve** the consent agenda.

a. **Motion carried.**

6. **ADMINISTRATOR’S REPORT**

A. Marsh presented the Administrators Report.

Unanimous Consent to take up Item #10A

10. **UNFINISHED BUSINESS**

A. Motion by Stern, 2nd by Poole to **approve Resolution R-106-15** A Resolution Approving Development Agreement between Benjamin Investments, LLC and the City of Fitchburg – *Direct Referral*

1. Dale Benjamin registered and answered questions regarding the development agreement.

2. Motion to amend by Arata-Fratta, 2nd by Poole to include an IRR cap of 15% with only 25% of the excess over 15% going to the City and 75% to developer.

3. Roll call vote on amendment. Ayes: Poole, Stern, Arata-Fratta, Carpenter, Hartmann. Nays: Krause, Johnson. Gonzalez absent.

4. **Motion carried (5-2).**

5. Hartmann call the question, lacked a 2nd.

6. Roll call vote on main motion. Ayes: Krause, Poole, Stern, Arata-Fratta, Carpenter, Hartmann, Johnson. Gonzalez absent.

7. **Motion carried (7-0).**

7. **COMMISSION/COMMITTEE REPORTS**

A. **Plan Commission**

1. Motion by Poole, 2nd by Johnson to **approve Ordinance 2015-O-30** Zoning Ordinance Amendment Approving Rezone Request RZ- 2077-15 by Bob Sieger, with Authorization from Joanne Jensen and Ernest Schupenbach, to Rezone a Portion of

Property from the A-T (Transitional Agriculture) and R-M (Residential – Medium Density) Districts to the R-H (Residential – High Density) and Portion of Property to the P-R (Park & Recreation) District on Property associated with 3046 and 3048 Anderberg Drive

a. Bob Sieger registered and spoke regarding the Anderberg Drive project.

b. **Motion carried.**

2. Motion by Poole, 2nd by Hartmann to **approve 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. Sam Cooke registered and was available to answer questions.

b. **Motion carried.**

3. Motion by Poole, 2nd by Carpenter to **approve 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 (*BPW*)

a. **Motion carried.**

B. Board of Public Works

1. Motion by Krause, 2nd by Arata-Fratta to **approve Resolution R-90-15** Authorizing Purchase of Brush Chipper (*Finance*)

a. **Motion carried.**

2. Motion by Krause, 2nd by Hartmann to **approve 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 (*Plan*)

a. **Motion carried.**

3. Motion by Krause, 2nd by Poole to **approve Resolution R-98-15** Approving Supplement to Agreement for Subdivision Improvements in the Plat of First Addition to Quarry Vista

a. **Motion carried.**

4. Motion by Krause, 2nd by Poole to **approve Resolution R-99-15** Approving Agreement for Subdivision Improvements with Sub-Zero Wolf, Inc. on Lot 2 of CSM 10031

a. **Motion carried.**

C. Park Commission

1. Motion by Johnson, 2nd by Poole to **approve Resolution R-91-15** Permitting the Parks Department to Apply for a DNR Urban Forestry Grant for 2016

a. **Motion carried.**

D. Library Board

1. Motion by Carpenter, 2nd by Stern to **approve Resolution R-92-15** Exemption from the County Library Tax

a. **Motion carried.**

E. Commission on Aging

F. Resource Conservation Commission

1. Motion by Hartmann, 2nd by Carpenter to **approve Resolution R-96-15** A Resolution to Set the 2016 Solid Waste Collection Rates (*BPW, Finance*)

a. **Motion carried.**

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 111957 through 112032 dated September 17, 2015 Total \$873,769.12
2. Motion by Stern, 2nd by Hartmann to **approve Bills for \$25,000** or more, batch Dated September 17, 2015 - \$128,932.55
 - a. **Motion carried.**
3. Motion by Stern, 2nd by Hartmann to **approve Resolution R-95-15** A Resolution to Terminate Property Insurance Coverage with the Local Government Property Insurance Fund (LGPIF) and Selecting Coverage with EMC/MPIC
 - a. **Motion carried.**

B. **Personnel Committee**

C. **Public Safety & Human Services**

1. Motion by Poole, 2nd by Stern to **approve** Operator Licenses needing special attention for Bailey Corcoran - N
 - a. **Motion carried.**

9. **MAYOR'S REPORT**

- A. Mayor Arnold presented the remainder of the Mayor's report
- B. Alder District Reports

10:45 p.m. Motion by Stern, 2nd by Poole to extend the meeting until 11:15 p.m. Motion carried.

11. **NEW BUSINESS**

- A. Motion by Stern, 2nd by Arata-Fratta to go into Closed Session pursuant to Wisconsin Statutes 19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (*McKee Park takings claim*).
 1. Roll Call Vote: Ayes: Krause, Poole, Stern, Arata-Fratta, Carpenter, Hartmann, Johnson. Gonzalez absent.
 2. **Motion carried (7-0).**
- B. Motion by Stern, 2nd by Johnson to Reconvene into Open Session. **Motion carried.**
- C. **Discussion and Possible Action Regarding Claim for Ownership of Land by Adverse Possession**
 1. Motion by Stern, 2nd by Poole to deny the Fieber's claim regarding ownership of adverse possession.
 2. **Motion carried.**

12. **ANNOUNCEMENTS**

- A. Next Committee of the Whole Meeting, September 23, 2015
- B. Next Common Council Meeting, October 13, 2015

13. Motion by Stern, 2nd by Carpenter to adjourn. **Motion carried.** Time:10:59 p.m.

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