



**MINUTES
FITCHBURG COMMON COUNCIL
NOVEMBER 24, 2015
7:30 P.M.
CITY HALL**

1. **CALL TO ORDER** - Mayor Arnold called the meeting to order at 7:30 p.m.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Julia Arata-Fratta, Dan Carpenter, Jason Gonzalez, Tony Hartmann, Jake Johnson, Dorothy Krause, Carol Poole, Patrick Stern, and Mayor Arnold. Others Present: Patrick Marsh, City Administrator, Mark Sewell, City Attorney, Misty Dodge, Finance Director, and Patti Anderson, City Clerk.
4. **PUBLIC APPEARANCES NON-AGENDA ITEMS / NEW APPOINTMENTS**
 - A. **Mayoral Appointments** (* Indicates Short Term Due to Vacancy or to Properly Stagger Terms)
 1. **New Appointments**
 - a. Community & Economic Development Authority – Shellie Pierce, Term Expires 4/17/2018*
 - b. Motion by Hartmann, 2nd by Krause to table until Shellie arrives to the meeting.
 - c. **Motion carried.**
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** – November 10, 2015
 - B. **REFERRALS TO COMMISSIONS AND COMMITTEE**
 - Resolution R-127-15** Approval of 2016 Contract with Dane County Human Services (COA, Finance, PSHS)
 - Resolution R-132-15** Authorizing Rejection of the 2015 Combination Sewer Cleaner Bids (BPW, Finance)
 - Resolution R-134-15** Resolution Authorizing Approval of Design/Engineering Services Contract for Public & Private Infrastructure Improvements for Sub-Zero/Wolf Campus Expansion (BPW, Finance)
 - Reapproval of Certified Survey Map Request CS-2060-15** by Randall Guenther of Downtown Fitchburg II LLC, to Divide Property at Syene Road & Clayton Road, Property in Section 11, into 3 Parcels (Plan)
 - Ordinance 2015-O-33** An Ordinance Amending Chapter 27 Streets and Public Ways – Section 27-255 (b) Relative to Street Occupancy Permits (BPW)
 - Certified Survey Map Request, CS-2094-15** by Michael Marty, Agent for Tralee, LLC, to Replat Outlot 2 Techlands into a Lot (Plan)

Rezone Request RZ-2095-15 By Fred DeVillers, Agent for Forward Community Partners LLC, to Rezone from the PDD-GIP (Planned Development District – General Implementation Plan) to the PDD-SIP (Planned Development District – Specific Implementation Plan), on Lot 1 CSM 13827 (Plan)

Preliminary Plat Request PP-2096-15 by James Spahr of Lionshare Group, Agent for William Dunn, for the Seminole Business Park Preliminary Plat (Plan, Park)

Conditional Use Permit Request CU-2098-15 by Chris Armstrong, Agent for Avante Properties, to Exceed Residential Occupancy of 8 Dwelling Units to Allow for 30 Dwelling Units on Outlot 2 Techlands (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” FERMENTED MALT BEVERAGE

SoHo Gourmet Cuisines, LLC, 2990 Cahill Main – DBA SoHo Gourmet Cuisines – Pak Ho So, Agent

“CLASS C” RETAILERS’ LICENSE FOR THE SALE OF WINE

SoHo Gourmet Cuisines, LLC, 2990 Cahill Main – DBA SoHo Gourmet Cuisines – Pak Ho So, Agent

“CLASS A” CIDER LICENSE

Speedway, LLC, 2810 Fish Hatchery Road – DBA Speedway #4170 – Kevin N. Scheckel, Agent

2. **Temporary Operator Licenses: (Issuance Contingent upon Payment of all Fees Owed to City of Fitchburg)** Margaret Groves, Sarah Lange, Steven Leverentz – Get Festive with Agora

3. **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) – For Sale of Fermented Malt Beverages and Wine**

Fitchburg Lions Club, 2523 Targhee Street, Fitchburg, WI for Get Festive with Agora event on Thursday, December 3, 2015 at the Agora, 5500 East Cheryl Parkway, Fitchburg, WI from 4:00 p.m. to 8:00 p.m.

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

5. **Motion carried.**

6. **ADMINISTRATOR’S REPORT**

Marsh presented the Administrators Report.

7. **COMMISSION/COMMITTEE REPORTS**

A. **Plan Commission**

1. Motion by Poole, 2nd by Carpenter to **approve** **Resolution R-117-15** Designating Proposed Boundaries and Approving a Project Plan for Tax Incremental District No. 10, City of Fitchburg, Wisconsin (*Finance*)

a. Mike Harrigan, Ehlers & Associates spoke regarding TID Boundaries and the project plan.

b. Chuck Chvala registered in support of the resolution.

c. **Motion carried.**

2. Motion by Poole, 2nd by Johnson to **approve** **Resolution R-122-15** Accepting Temporary Access Easement from Sub-Zero Group

a. **Motion carried.**

3. Motion by Poole, 2nd by Hartmann to **approve** **Resolution R-129-15** A Resolution Approving a Comprehensive Development Plan Amendment for Stoner Prairie, CDP(A) – 2085-15

a. **Motion carried.**

4. Motion by Poole, 2nd by Carpenter to **approve Resolution R-130-15** A Resolution Approving Final Plat Request (FP-2090-15) for the Final Plat of First Addition to North Park
a. **Motion carried.**

Poole requested unanimous consent to take up items 6, 7, and then 5.

6. Motion by Poole, 2nd by Arata-Fratta to **approve Ordinance 2015-O-34** Zoning Ordinance Amendment Specific Implementation Plan Zoning for Lot 1 CSM 12952 Relative to Parking and Building Modifications
a. **Motion carried.**

7. Motion by Poole, 2nd by Krause to **approve Ordinance 2015-O-35** Zoning Ordinance Amendment Issuing Specific Implementation Plan Zoning for Lot 1 CSM 12135 for a Commercial Development Consisting of Two 2 – Story Buildings
a. **Motion carried.**

5. Motion Poole, 2nd by Arata-Fratta to **approve Resolution R-131-15** A Resolution Approving Certified Survey Map Request CS-2083-15 by Thomas Sanford, Agent for Homeville Fitchburg/Bill Clemens, to Divide Lot 1 CSM 12135 into Two Lots
a. **Motion carried.**

B. Board of Public Works

1. Motion by Krause, 2nd by Poole to **approve Resolution R-121-15** Approving Grant of Highway Easement to Wisconsin Department of Transportation (WisDOT) over the Military Ridge Path Corridor at County PD/McKee Road (*Plan, Finance*)
a. **Motion carried.**
2. Motion by Krause, 2nd by Poole to **approve Resolution R-124-15** Approving the Future Vacation of Excess Right-of-Way on Anton Drive (*Plan*)
a. **Motion carried.**
3. Motion by Krause, 2nd by Arata-Fratta to **approve Resolution R-125-15** Approving First Amendment to License with New Singular Wireless PCS, LLC, for Modifications to Wireless Digital Communications Equipment on Tower E (*Finance*)
a. **Motion carried.**

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 **All Checks Issued and P-Card Transactions** General Checks 112285 through 112357 dated November 19, 2015 Total \$849,357.51
2. Motion by Stern, 2nd by Carpenter to **approve Purchases for \$25,000** or more, batch Dated November 19, 2015 - \$201,805.16
a. **Motion carried.**
3. Motion by Stern, 2nd by Arata-Fratta to **approve Resolution R-126-15** Amending 2015 General Fund Budget
a. **Motion carried.**

Motion by Stern, 2nd by Johnson to remove Resolution R-113-15 from the table. **Motion carried.**

4. Motion by Stern, 2nd by Hartmann to **approve Resolution R-113-15** Approving Contract Amendment with SEH for Architectural/Engineering Services a Geo-Thermal System for the West Fire Station Building (*Tabled from 10/27/2015 Meeting*)
 - a. Poole requested that the Mayor appoint a member of the Finance Committee to the Fire Station Oversight Committee.
 - b. **Motion carried.**

B. Personnel Committee

C. Public Safety & Human Services

1. Motion by Poole, 2nd by Gonzalez to **approve** Operator Licenses needing special attention for Joshua Loret – N;
 - a. **Motion carried.**
2. Motion by Poole, 2nd by Johnson to table the Operator License for Alan Puskarich until the December 8th meeting
 - a. **Motion carried.**

9. MAYOR'S REPORT

- A. Mayor Arnold presented the Mayor's report
- B. Bicycle & Pedestrian Advisory Committee – Members appointed by the Mayor are as follows: Mike Basarich, Roger Bass, Edwin Benet, Darren Blankenship, Dawn Crim, Dean Gorrell, Bill Hauda, Amanda Husk, Joe Imilkowski, Jake Johnson, Angela Kinderman, Laura Langer, Joe Maldonado, Andy Potts, Julia Stanley, and Jasara Woulf.

10. UNFINISHED BUSINESS

Citizens registering to speak regarding the proposed budget: In support - Edward Healey, Jason Ladwig, Bob Kasieta, Michael Johnson, and Douglas Maxwell.

Citizens registering only regarding the proposed budget: In support - Pauli Nikolay, Mike Willett, Anne Hecht, Swami Swaminathan, Diane Olsen, Marcia Kasieta, Karen Julesberg, Teri Cobb, B. Jean Hill, Mary Power, Jeanie Sieling, Martha Maxwell, Leigh Schmidt, Thad Schumacher. In opposition – John Hook.

1. Motion by Poole, 2nd by Gonzalez to approve the proposed procedure for the evening with the exception of Item #6. **Motion carried.**

Misty presented an overview of other taxing jurisdictions.

2. Motion by Hartmann, 2nd by Johnson to reconsider **Resolution R-104-15** A Resolution Adopting the 2016 Annual City Operating Budget as amended at 11/10/15 meeting.
 - a. Roll call vote: Ayes: Hartmann, Johnson, Krause. Nay: Gonzalez, Poole, Stern, Arata-Fratta, Carpenter.
 - b. **Motion failed (5-3).**

Previous Amendments Being Reconsidered

Amendments #15,16,17,18

3. Motion by Gonzalez, 2nd by Stern to take the sustainability position down to 50%.
 - a. Roll call vote: Ayes: Gonzalez, Poole, Stern, Arata-Fratta, Carpenter. Nay: Hartmann, Johnson, Krause.
 - b. **Motion carried (5-3).**

9:34 p.m. – called for a 5 minute recess.

9:42 p.m. – reconvened.

Amendment #38

4. Motion by Gonzalez, 2nd by Carpenter to move the Fire Fighter start date to July 1st
 - a. Roll call vote: Ayes: Gonzalez, Poole, Stern, Carpenter. Nay: Hartmann, Johnson, Krause, Arata-Fratta.
 - b. **Vote (4-4), Mayor's vote: Nay**
 - c. **Motion failed.**

Amendment #35

5. Motion by Johnson, 2nd by Poole to adjust the gas prices to \$2.45 p/gal for gas and \$2.95 p/gal for diesel.
 - a. **Voice vote – motion carried.**

Amendment #36

6. Motion by Arata-Fratta, 2nd by Hartmann to remove the Fire Fighter positions.
 - a. Motion by Poole, 2nd by Gonzalez to amend to a July 1st start date.
 - b. Motion by Johnson, 2nd by Gonzalez to extend debate – **Motion carried.**
 - c. Roll call vote on July 1st start. Ayes: Gonzalez, Poole, Stern, Arata-Fratta, Carpenter. Nay: Hartmann, Johnson, Krause.
 - d. **Motion carried (5-3).**
 - e. Motion by Hartmann, 2nd by Krause to change the start date to April 1st.
 - f. Roll call vote: Ayes: Hartmann, Krause. Nay: Gonzalez, Johnson, Poole, Stern, Arata-Fratta, Carpenter.
 - g. **Motion failed (6-2).**
 - h. Roll call vote on the amended amendment for a July 1st start date. Ayes: Gonzalez, Poole, Stern, Arata-Fratta, Carpenter. Nay: Hartmann, Johnson, Krause.
 - i. **Motion carried (5-3).**

Amendment #60

7. Motion by Carpenter, 2nd by Stern to move the Outreach Librarian start date to July 1st.
 - a. Roll call vote: Ayes: Gonzalez, Poole, Stern, Arata-Fratta, Carpenter. Nay: Hartmann, Johnson, Krause.
 - b. **Motion carried (5-3).**

Amendment #62

8. Motion by Arata-Fratta, 2nd by Poole to reduce CIP#6302 City Campus Building Systems by \$43,000.
 - a. Roll call vote: Ayes: Hartmann, Poole, Stern, Arata-Fratta, Carpenter. Nay: Gonzalez, Johnson, Krause.
 - b. **Motion carried (5-3).**

Amendment #52

9. Motion by Johnson, 2nd by Gonzalez to increase Nine Springs Golf Course Contract by half \$5,000.
 - a. Roll call vote: Ayes: Johnson, Krause. Nay: Gonzalez, Hartmann, Poole, Stern, Arata-Fratta, Carpenter.
 - b. **Motion failed (6-2).**

Amendment #68

10. Motion by Gonzalez, 2nd by Stern to remove Maple Lawn Consultant.
 - a. Roll call vote: Ayes: Gonzalez, Poole, Stern, Arata-Fratta, Carpenter. Nay: Hartmann, Johnson, Krause.
 - b. **Motion carried (5-3).**

Amendment #63

11. Motion by Arata-Fratta, 2nd by Gonzalez to defer CIP #2136 Fleet Vehicle Replacement #64.
 - a. Motion by Gonzalez, 2nd by Krause to extend debate - **motion failed**.
 - b. Roll call vote: Ayes: Gonzalez, Poole, Stern, Arata-Fratta, Carpenter. Nay: Hartmann, Johnson, Krause.
 - c. **Motion carried (5-3).**

Amendments #42 & 43

12. Motion by Arata-Fratta, 2nd by Stern to remove the East-West Bus Route.
 - a. Roll call vote: Ayes: Gonzalez, Poole, Stern, Arata-Fratta, Carpenter. Nay: Hartmann, Johnson, Krause.
 - b. **Motion carried (5-3).**
13. Motion by Johnson, 2nd by Hartmann to approve the budget as amended.
 - a. Roll call vote: Aye: Hartmann. Nay: Gonzalez, Johnson, Krause, Poole, Stern, Arata-Fratta, Carpenter.
 - b. **Motion failed (7-1).**

New Amendment #75 (item #17)

14. Motion by Gonzalez, 2nd by Stern to remove the Crime Analyst Position.
 - a. Roll call vote: All Nay
 - b. **Motion failed (8-0).**

New Amendment #75 (item #10)

15. Motion by Gonzalez, 2nd by Stern to remove funding from Alders and Mayor.
 - a. Voice vote – **motion failed**.

11:00 p.m. – Motion by Gonzalez, 2nd by Carpenter to extend meeting one hour. **Motion carried.**

New Amendment #77

16. Motion by Poole, 2nd by Stern to remove \$500,000 from CIP #3319 Road Resurfacing.
 - a. Motion by Krause, 2nd by Stern to extend debate. **Motion carried.**
 - b. Motion by Stern, 2nd by Johnson to reduce the amount to \$100,000.
 - c. Roll call vote to reduce to \$100,000: Ayes: Hartmann, Johnson, Krause. Nay: Gonzalez, Poole, Stern, Arata-Fratta, Carpenter.
 - d. **Motion failed (5-3).**
 - e. Motion by Carpenter, 2nd by Stern to amend the amount to \$225,000.
 - f. Roll call vote: Aye: Stern. Nay: Gonzalez, Hartmann, Johnson, Krause, Poole, Arata-Fratta, Carpenter.
 - g. **Motion failed (7-1).**
 - h. Motion by Arata-Fratta, 2nd by Stern to amend the amount to \$150,000.
 - i. Roll call vote: Ayes: Johnson, Stern, Arata-Fratta. Nay: Gonzalez, Hartmann, Krause, Poole, Carpenter.
 - j. **Motion failed (5-3).**
 - k. Motion by Poole, 2nd by Stern to amend reduction total to \$400,000
 - l. Roll call vote: Aye: Stern. Nay: Gonzalez, Hartmann, Johnson, Krause, Poole, Arata-Fratta, Carpenter.
 - m. **Motion failed (7-1).**
 - n. Roll call vote on main motion: Ayes: Gonzalez, Poole, Carpenter. Nay: Johnson, Krause, Arata-Fratta. Stern abstained. Hartmann absent for vote.
 - o. **Vote (3-3), Mayor's vote: Nay**
 - p. **Motion failed (4-3).**

New Amendment #77

17. Motion by Gonzalez, 2nd by Carpenter to amend the CIP #3319 Road Resurfacing to reduce by \$350,000.
 - a. Roll call vote: Ayes: Gonzalez, Poole, Stern, Arata-Fratta, Carpenter. Nay: Hartmann, Johnson, Krause.
 - b. **Motion carried (5-3).**

Gonzalez withdrew all remaining new amendments
Hartmann withdrew his new amendment

New Amendment #74

18. Motion by Johnson, 2nd by Hartmann to reduce fees for chamber memberships
 - a. Johnson & Hartmann withdrew amendment after some discussion.
19. Motion by Stern, 2nd by Poole to vote on the budget as amended.
 - a. Roll call vote: Ayes: Stern, Arata-Fratta. Nay: Gonzalez, Hartmann, Johnson, Krause, Poole, Carpenter.
 - b. **Motion failed (6-2).**

11:38 p.m. – recess for 5 minutes
11:45 p.m. – reconvened

Amendments #42 & 43, along with Amendments #15,16,17,18

20. Motion by Hartmann, 2nd by Johnson to add back in the East-West bus route and increase the sustainability hours from .5 to .75.

11:55 p.m. – Motion by Poole, 2nd by Gonzalez to **extend meeting** for 30 minutes. Roll call vote: Ayes: Gonzalez, Hartmann, Johnson, Krause, Poole, Arata-Fratta, Carpenter. Nay: Stern. **Motion carried (7-1).**

- a. Roll call vote: Ayes: Hartmann, Johnson, Krause. Nay: Gonzalez, Poole, Stern, Arata-Fratta, Carpenter.
- b. **Motion failed (5-3).**

21. Motion by Stern, 2nd by Gonzalez to vote on the budget as amended.
 - a. Roll call vote: Ayes: Gonzalez, Poole, Stern, Arata-Fratta, Carpenter. Nay: Hartmann, Johnson, Krause.
 - b. **Motion carried (5-3).**

9. **MAYOR'S REPORT**

C. Alder District Reports

10. **UNFINISHED BUSINESS**

- A. Motion by Stern, 2nd by Gonzalez to **approve** the omnibus. **Motion carried.**
- B. Motion by Stern, 2nd by Gonzalez to approve the Tax Levy Amount \$19,769,243
 - a. **Motion carried.** (Johnson & Hartmann abstain)

11. **NEW BUSINESS** - None

12. **ANNOUNCEMENTS**

- A. Next Common Council Meeting, December 8, 2015
- B. Next Committee of the Whole Meeting, January 27, 2016

13. Motion by Stern, 2nd by Poole to **adjourn.**

- A. **Motion carried.** Time: 12:09 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

Council Agenda