



Administrative Offices  
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**MINUTES  
FITCHBURG COMMON COUNCIL  
SEPTEMBER 8, 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: Mark Sewell, City Attorney, Patrick Marsh, City Administrator and Patti Anderson, City Clerk.
4. **PUBLIC APPEARANCES NON-AGENDA ITEMS / NEW APPOINTMENTS** - None
5. **CONSENT AGENDA**
  - A. **APPROVAL OF MINUTES** - August 25, 2015
  - B. **REFERRALS TO COMMISSIONS AND COMMITTEE**
    - Resolution R-91-15** Permitting the Parks Department to Apply for a DNR Urban Forestry Grant for 2016 (*Park*)
    - Resolution R-92-15** Exemption from the County Library Tax (*Library*)
    - 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 (*BPW, Plan*)
    - Resolution R-95-15** A Resolution to Terminate Property Insurance Coverage with the Local Government Property Insurance Fund (LGPIF) and Selecting Coverage with (TBD) (*Finance*)
    - Resolution R-96-15** A Resolution to Set the 2016 Solid Waste Collection Rates (*RCC, BPW, Finance*)
    - 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 (*Plan*)
    - Resolution R-98-15** Approving Supplement to Agreement for Subdivision Improvements in the Plat of First Addition to Quarry Vista (*BPW*)
    - Resolution R-99-15** Approving Agreement for Subdivision Improvements with Sub-Zero Wolf, Inc. on Lot 2 of CSM 10031 (*BPW*)
    - 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, Plan*)
  - 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

5. Consent Agenda (continued)
    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
    4. Motion by Hartmann, 2<sup>nd</sup> by Krause to **approve** the consent agenda.
      - a. **Motion carried.**
  6. **ADMINISTRATOR’S REPORT**
    - A. Marsh presented the administrators 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. Stern reported that Finance reviewed a batch of bills **Under \$25,000 or Previously Pre-Approved** General Checks 111868 through 111956 dated September 3, 2015 Total \$951,094.54 as well as P-Card Charges July 5, 2015 – August 4, 2015 Total \$151,246.41
      2. Motion by Stern, 2<sup>nd</sup> by Carpenter to **approve Bills for \$25,000** or more, batch dated September 3, 2015 - \$641,533.59
        - a. **Motion carried.**
      3. Motion by Stern, 2<sup>nd</sup> by Carpenter to **approve as amended by Finance 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***
        - a. Amended language to include: Be It Further Resolved, the TIF request shall come back to the TIF advisory committee for review.
        - b. **Motion carried.**
- Hartmann requested unanimous consent to amend agenda and move to Item #10. With no objection, the Mayor opened up discussion of Item #10.
10. **UNFINISHED BUSINESS**
    - A. Mayor Veto of Benjamin Investments TIF Request

Registrants in support of the Benjamin Investments TIF Request:

Toni Prestigiacomo, representing the Verona Road Business Coalition & Prestigiacomo Trust; Phil Sveum, representing self and the Fitchburg Chamber; Blake George, representing Dale Benjamin; Dale Benjamin, representing Benjamin Investments LLC

Council had a lengthy discussion regarding the TIF Request.

Call the Question by Stern, 2<sup>nd</sup> by Gonzalez. Roll Call Vote: Ayes: Johnson, Poole, Stern, Arata-Fratta, Carpenter, Gonzalez, Hartmann. Nay: Krause. **Motion carried.**

Motion by Gonzalez, 2<sup>nd</sup> by Carpenter to override the Mayor Veto. Roll Call Vote: Ayes: Poole, Stern, Arata-Fratta, Carpenter, Gonzalez. Nays: Johnson, Krause, Hartmann. **Motion failed (5-3).**

10:17 - 5 minute recess

10:26 - back in session

Stern requested unanimous consent to take up Item #9. With no objections, the Mayor opened up discussion of Item #9.

9. **MAYOR'S REPORT**

A. The Mayor spoke regarding the Benjamin request and the previous vote on the Mayors Veto. The Mayor stated he just spoke to Dale Benjamin during the recess and they have come to an agreement to move forward with the following terms: The offer is \$1,035,000 with TIF for the building and site. Rent guarantee of \$290,000 and 50% rent guarantee for 2 years. The Mayor has instructed the City Attorney to begin working with the Applicant's Attorney on the developer agreement.

8. B. **Personnel Committee**

C. **Public Safety & Human Services**

1. Motion by Stern, 2<sup>nd</sup> by Carpenter to **remove from the table Ordinance 2015-O-23**  
An Ordinance Amending Chapter 70, Section 70-309 Forfeiture Schedule  
a. **Motion carried.**

2. Motion by Poole, 2<sup>nd</sup> by Gonzalez to amend the ordinance to offer a tiered system. Those who are 21 years of age and older - forfeiture of \$1, plus court costs equals \$62.26. Those who are under 21 years of age – forfeiture of \$200, plus court costs equals \$313.

10:55 – Motion by Stern, 2<sup>nd</sup> by Poole to extend meeting to 11:30 p.m. **Motion carried.**

- a. Motion by Stern to amend the amendment to 18 years of age. **Motion failed** for lack of 2<sup>nd</sup>.
- b. Vote on motion to amend. Motion carried.

9. **MAYOR'S REPORT**

A. Mayor Arnold presented the remainder of the Mayor's report

B. Alder District Reports

11. **NEW BUSINESS**

A. Motion by Stern, 2<sup>nd</sup> by Carpenter to **approve Resolution R-86-15** A Resolution Instructing Staff to Commence Work on Possible TID #4 End Users

a. Call the Question by Gonzalez, 2<sup>nd</sup> by Carpenter. Roll Call Vote: Johnson, Krause, Stern, Carpenter, Gonzalez. Nays: Poole, Arata-Fratta, Hartmann. **Motion failed.**

11:30 p.m. – Motion by Gonzalez, 2<sup>nd</sup> by Poole to extend meeting to 12:15 a.m. Motion carried.

b. Vote on main motion. **Motion carried.**

B. Motion by Poole, 2<sup>nd</sup> by Hartmann 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*).

1. Roll Call Vote: Ayes: Johnson, Krause, Poole, Gonzalez, Hartmann. Nays: Stern, Carpenter. Arata-Fratta absent at time of vote.

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

C. Motion by Stern, 2<sup>nd</sup> by Hartmann to Reconvene into Open Session. **Motion carried.**

D. **Discussion and Possible Action Regarding Issues Discussed in Closed Session - None**

12. **ANNOUNCEMENTS**

A. Next Common Council Meeting, September 22, 2015

B. Next Committee of the Whole Meeting, September 23, 2015

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

A. **Motion carried.** Time: 11:59 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*