

Meeting of: **COMMON COUNCIL OF THE CITY OF STOUGHTON**  
Date/Time: Tuesday, June 9, 2015 @ 7:00 P.M.  
Location: Council Chambers at the Public Safety Building  
Members: Michael Engelberger, Sid Boersma, Ron Christianson, Eric Hohol, Greg Jenson,  
Paul Lawrence, Tom Majewski, Tom Selsor, Regina Hirsch, Tim Swadley,  
Sonny Swangstu, Pat O'Connor

### **CALL TO ORDER**

Mayor Olson called the meeting of the Common Council to order at 7:00pm.

### **Roll Call, Communications, and Presentations:**

Clerk Kropf called the roll and noted that all twelve alderpersons were present.

### **Kettle Park West Update**

Planning Director Scheel noted that he has been working with the DOT on the agreements for the road work on Highway 51.

Minutes and Reports: The following minutes were entered into the record:

Public Safety Committee (4/22/2015), Finance Committee (5/12/2015), Community Affairs/ Council Policy (5/5/2015), Redevelopment Authority (4/8/2015, and Personnel Committee (4/13/2015)

### **Public Comment Period:**

Jim Blouin; 600 W Main St; Spoke in opposition of the Kettle Park West Development.  
Nicole Stewart; 1233 Jackson St # 103; Spoke in favor of the approval of her Operator's License.  
Roger Springman; 812 Kriedeman Dr; Spoke in opposition of the Kettle Park West Development.  
Lisa Reeves; 708 E Main St; Spoke in opposition of the Kettle Park West Development.  
Leslie Davis; 1021 Riverview Dr; Spoke in opposition of the Kettle Park West Development.  
Caroline Werner; 4712 Roosevelt St, Oregon; Spoke in opposition of the Kettle Park West Development.

### **CONSENT AGENDA**

A. Council Minutes: May 26, 2015

Motion by Lawrence, to approve the Consent agenda, second by Boersma. Motion carried unanimously by acclamation 12-0.

## **OLD BUSINESS**

**O-7-2015**- An Ordinance to Amend Section 6-2(a) of the Stoughton Municipal Code relating to the keeping of animals

Motion by Christianson, to approve O-7-2015, second by Hohol. Engelberger questioned the language regarding the keeping of bees in the ordinance and how it seems to contradict itself.

Motion by Hirsch, to refer this item back to the Planning Commission to review the ordinance and to add language regarding the keeping of bees, second by Lawrence. Motion carried unanimously by acclamation 12-0.

No action was taken on the original motion.

**O-9-2015**- An Ordinance to amend section 78-206(4)(j) of the City of Stoughton Municipal Code Relating to Commercial Animal Boarding

Motion by Christianson, to approve O-9-2015, second by Lawrence. Motion carried unanimously by acclamation 12-0.

## **NEW BUSINESS**

**R-84-2015**-Resolution Authorizing the Issuance and Sale of \$2,725,000 General Obligation Promissory Notes, Series 2015A

Joe Murray from Springsted reviewed the bids received on the city's General Obligation Notes and recommended that the bid be awarded to the lowest bidder, BOSCO, INC. He also explained how the current borrowing will affect the tax levy.

Motion by Christianson, to approve R-84-2015, second by Swadley. Motion carried 12-0 by a roll call vote.

**R-87-2015**-Approving an Extra-Territorial Jurisdictional (ETJ) Land Division Request, Certified Survey Map (CSM) by Robert Jensen for property located adjacent to 3376 Quam Drive, Town of Dunn, Wisconsin.

Motion by Christianson, to approve R-87-2015, second by Lawrence. Christianson explained that this would create an additional residential lot on his property. Motion carried unanimously by acclamation 12-0.

**R-88-2015**-Authorizing and directing the proper City official(s) to Reject Bids for the 2015 Jefferson Street Storm Sewer Project

Motion by Christianson, to approve R-88-2015, second by Lawrence. Planning Director Scheel explained that the bids came in higher than anticipated. This project will be postponed until 2016. The budget will need to be increased to accommodate the higher project costs. Motion carried unanimously by acclamation 12-0.

**R-89-2015**-Authorizing and directing the proper city official(s) to approve the Liquor License renewals for the period of July 1, 2015, to June 30, 2016.

Motion by Engelberger, to approve R-89-2015, second by Lawrence. Engelberger explained that these are renewals from last year's license holders. Motion carried unanimously by acclamation 12-0.

**R-90-2015**-Authorizing and directing the proper city official(s) to approve a Temporary Class "B"/Class "B" Retailer's License and a Special Event License to the Stoughton Opera House Friends Association for the Catfish River Music Festival.

Motion by Engelberger, to approve R-90-2015, second by Christianson. Bill Brehm addressed the Council and discussed the festival. He mentioned that the Stoughton Opera House Friends Association will work to follow the best practices guidelines regarding alcohol consumption. Lawrence asked if there were any problems last year. Brehm noted that there were none. Motion carried 11-1, with Boersma voting noe.

**R-91-2015**-Authorizing and directing the proper city official(s) to issue an Operator's License to Nicole Stewart

Motion by Engelberger, to approve R-91-2015, second by Lawrence. Engelberger explained that Public Safety Committee denied this request due to an OWI in Feb of 2015. Hirsch questioned whether all operator license applications are denied for OWIs. Hohol explained that Chief Leck is very conscience of issuing operator's licenses to the applicant with alcohol related offenses. Hohol explained that he had voted to deny the license because of the recent time of the event. Swangstu explained that everyone deserves a second chance.

Motion to amend by Hohol, to approve the renewal the of the operator license for a one year period, second by Engelberger.

The amendment to the motion passed on a roll call vote 11-1, with Boersma voting noe.

The main motion carried voice vote 11-1, with Boersma voting noe.

**\*\*R-85-2015**-Resolution approving the Second Amended and Restated Agreement to Undertake Development relating to the Kettle Park West Development

Attorney Dregne summarized the events from the Committee of the Whole meeting held on June 2, 2015. He also went over the changes in the Amended and Restated Agreement to Undertake Development for the Kettle Park West development. He noted that the deadline is being changed from June 30, 2015 to August 30, 2015. Dregne noted that the date should actually be August 31, 2015 instead of August 30, 2015, as the thirtieth is a Sunday.

Dan O'Callaghan addressed the Council. He explained that the project is more than just the Wal-Mart store. He explained that the new store would be assessed at approximately \$12 million as a taxable amount to help the city's tax base. He also explained that the intersection of 138 and Hwy 51 will be upgraded and made safer without the use of taxpayer money. He explained that beyond the commercial end of the development there will also be a residential development that will provide an approximate \$85 million in tax base. He requested that the Council extend the agreement until August 31, 2015 so that the developer can meet their agreement obligations. The agreement that Wal-Mart wants from FDG is an extra assurance to the City that there will be a \$12 million building put on the development for property tax purposes.

Motion by Lawrence, to approve R-85-2015, second by Hohol. Selsor explained that he is against this agreement and that the Council should listen to the voters. Swadley explained that there was no direction from the Committee of the Whole and the City Attorney drafted a new agreement anyway. He also commented that the agenda for the Committee of the Whole meeting didn't allow an action to be made.

Motion to amend by Swadley, that the city will not consider the use of any contingency funds outlined in the current developer's agreement until the project has been substantially completed, second by Selsor.

Lawrence and Hohol stated that they will not be voting in favor of the amendment but will be in favor of the main motion. Lawrence explained that there has been so much misinformation spread regarding the use of TIF and the project that has led to mass confusion about what is really occurring.

Attorney Dregne stated that if the amendment passes and the city cannot use the contingency funds the developer's letter of credit would need to increase to cover those costs. If the amendment would pass the project will not move forward without those funds.

Swadley questioned that if the contingency funds were all used and the developer was not able to cover the remaining costs, who would have to cover the additional costs.

Attorney O'Callaghan stated clarified that the development agreement was based on estimates, with the contingency funds to be used if the actual numbers were over the estimated costs. The contingency fund is not an emergency fund.

Motion on the amendment passed by a roll call vote 7-5, with Christianson, Hohol, Lawrence, O'Connor, and Swangstu voting no.

Motion to amend by Swadley to modify the resolution to change the language of the Developer's Agreement exhibit A from August 30, 2015 to June 30, 2015. Motion withdrawn by Swadley.

Motion to amend by Majewski, to change the date in the amended agreement in Section E from August 30, 2015 to June 30, 2015, second by Hirsch.

Hohol explained that Stoughton is the slowest growing municipality within Dane County. And that if Stoughton wants reasonable growth they have to allow for that growth.

Amendment to the motion regarding the date change failed with a roll call vote 2-9, with Hohol, Christianson, Engelberger, Swadley, Lawrence, Jenson, Boersma, Swangstu, and O'Connor voting no and with Selsor abstaining.

Motion to amend by Lawrence to repeal the first amendment regarding the use of contingency funds.

Mayor Olson called for a break at 9:35pm.

The meeting of the Common Council reconvened at 9:53pm.

Attorney Dregne stated that a repeal of the first amendment of the main motion could not be done at this meeting, but it can be done at the next meeting.

Motion withdrawn by Lawrence.

Motion by Swadley, to adjourn second by Selsor, motion failed 4-8, with O'Connor, Swangstu, Boersma, Christianson, Lawrence, Engelberger, Jenson, Hohol voting no.

Hohol stated that the agreement to be voted on is a win- win for everyone involved.

Majewski stated that he wants this development to just die and he feels that it is not appropriate for Stoughton.

The main motion was re-read to include that language stating that the city will not consider the use of any contingency funds outlined in the current developer's agreement until the project has been substantially completed.

Motion tied 6-6 with a roll call vote with Majewski, Engelberger, Swadley, Selsor, Boersma, and Hirsch voting no. Mayor Olson voted yes to break the tie. Motion carried 7-6.

**\*\*R-86-2015-Resolution approving a Memorandum of Understanding and other matters relating to the Implementation of the Kettle Park West development agreement**

Attorney Dregne explained that the resolution regarding the memorandum of understanding addressed the use of contingency funds and the letters of credit. He noted that resolution

language would be changed due to the amendment to the motion regarding the use of the contingency funds.

Motion by Lawrence, to approve the resolution but only paragraph one, not two, three or four, second by O'Connor. Motion tied with a roll call vote 6-6. Mayor Olson voted yes to break the tie. Motion carried 7-6.

***\*\*The Meeting May Close Per State Statute 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, and then reopen to take action on any items discussed in closed session and continue the regular course of business.***

### **ADJOURNMENT**

Motion by Lawrence, to adjourn the meeting of the Common Council, second by Selsor. Motion carried unanimously by acclamation 12-0. The meeting of the Common Council adjourned at 10:28pm.