

Middleton Common Council Minutes

Tuesday February 06, 2024 7:30 PM
City Hall Common Council Chambers

Call to Order Regular Council Meeting

Council President Nelson called the meeting to order at 7:30 p.m.

Roll Call

Present Wochos, Nelson, Jackson, Janairo, Lorman, Crow, Schaffer, Cole
Mayor Kuhn attended via Zoom

Public Comments (Limited to 3 minutes per speaker)

Rebecca Alwin, 1422 N Westfield Rd., asked for council support on a resolution supporting a constitutional amendment reclaiming democracy from corporations and limiting political contributions and spending.

Kevin Spitler, 6848 Frank Lloyd Wright Ave., addressed council regarding budget carryovers, the 30% rebate for qualifying climate change mitigation efforts that is available to the city, and the Middleton-Cross Plains Area School District's sustainability efforts.

Proclamations

1.) Proclamation Celebrating February as Black History Month in Middleton

Moved by Jackson, seconded by Schafer, to Approve Proclamation Celebrating February as Black History Month in Middleton. Motion Passed. 8-0.

Approval of Consent Agenda as recommended to council by committee/commission/board (any alderperson may request separate consideration of any item)

Moved by Janairo, seconded by Jackson, to Approve Approval of Consent Agenda as recommended to council by committee/commission/board as follows:

- Common Council Minutes of January 16, 2024
- Audit of the bills to be paid as recommended by the Finance Committee
- City/Developer Agreement, Revised - Belle Farm, Phase 1 (22-125) (CC 8/15/23; PWC 1/22/24; FC 2/6/24) subject to City Attorney review and approval with a deferred effective date upon completion of:
 1. Revising in par. 15 the amounts due for fees in lieu of parkland dedication and for initial improvement of parkland, consistent with the lots now proposed for the four phases of development
 2. Including in par. 19 the amount of fees due to the Madison Metropolitan Sewerage District for the Belle Farm Plat (to be determined by MMSD), and revising the City Pheasant Branch Interceptor charges in par. 19 as needed depending on the date of payment, and revising other figures as needed after these costs are determined
 3. Reducing the deposit for construction observation to 3.5% instead of 5%, consistent with the reduced deposit allowed for Redtail Ridge – which deposit will be audited, and which reduced deposit amount should present no risk to the City
 4. Delivery to the City of the recorded Storm Water Management System Maintenance Agreement for storm water management features required by this phase of development
 5. Receipt of surety and fees required by the agreement to provide for construction of the public improvements
 6. Approval of the Belle Farm Plat for Phase 1; and
 7. Approval of the plan drawings for public improvements needed to support development in Phase 1; and that if the above items are not completed by March 31, 2024, then the approval is void.
- Agreements with CGC, GESTRA and SES for 2024 Testing Service (24-102) (PWC 1/22/24; FC 2/6/24)

Motion Passed. 8-0.

Agreements

1.) Agreement with Middleton-Cross Plains Area School District for the School Resource Officer Program

Moved by Janairo, seconded by Lorman, to Approve Agreement with Middleton-Cross Plains Area School District for the School Resource Officer Program. Motion Passed. 8-0.

CSM/Plat

1.) Preliminary Plat, Revised - Belle Farm (PC-2583)

Moved by Janairo, seconded by Schaffer, to Approve the Preliminary Plat, revised on January 9, 2024, for Belle Farm as recommended by Plan Commission and Public Works Committee contingent upon:

1. Extending by 30' the depth of Lots 44-51
2. Modifying the size of the stormwater pond on OL 4, which will result in shortening Serenbe St. and eliminating six future lots from the west side of Serenbe St. and eliminating one future lot from the east side of Serenbe St.
3. Eliminating an outlot for the shared access driveway connecting to Parmenter St. along the south edge of the development, to preserve the existing tree line.

Motion Passed. 8-0.

2.) Final Plat, Revised - Belle Farm, Phase 1 (PC-2583)

Moved by Janairo, seconded by Lorman, to Approve the Final Plat, revised on January 11, 2024, for Belle Farm, Phase 1 as recommended by Plan Commission and Public Works Committee contingent upon:

1. Resolution of staff review comments
2. Receipt by the City of a recorded copy of the easements beyond the plat boundary needed for construction of the public improvements (to be approved by the City per resolution), with the recorded document number written into plat note #10
3. Receipt by the City of a recorded copy of the covenants, conditions and restrictions (current draft 8.10.23) for the cross-access easement for the shared driveway planned on portions of Lots 2 and 3 (Art. IV, Sec. 5) and Association maintenance of specialty pavement that may be disturbed by Utility work (Art. IX, Sec. 1)
4. Receipt by the City of a recorded copy of the covenants (current draft 8.10.23) for the development of the Belle Farm Plat (Phase 1 only), per the requirements stated in paragraph 22 of the draft City/Developer Agreement associated with the plat
5. Approval of the plan drawings for public improvements needed to support development in Phase 1; and
6. Approval of the City/Developer Agreement for the Phase 1 improvements, and receipt of surety and fees to provide for construction of the public improvements
7. If the above items are not completed by March 31, 2024, then the approval is void.

Motion Passed. 8-0.

Ordinances - Second Reading

1.) Ordinance to Repeal and Recreate Chapter 10 (Zoning Ordinance) and Official Zoning Map of the Middleton Municipal Code [Refer to 2/20/24 Common Council Meeting for Public Hearing]

Moved by Janairo, seconded by Schaffer, to refer an Ordinance to Repeal and Recreate Chapter 10 (Zoning Ordinance) and Official Zoning Map of the Middleton Municipal Code to the February 13, 2024, Plan Commission meeting to submit a recommendation to Common Council to support the public hearing scheduled at the February 20, 2024, Common Council meeting. Motion Passed. 8-0.

2.) Ordinance to Repeal and Recreate Chapter 22 (Signs) of the Middleton Municipal Code - Referral to Plan Commission

Moved by Janairo, seconded by Schaffer, to refer an Ordinance to Repeal and Recreate Chapter 22 (Signs) of the Middleton Municipal Code to the February 13, 2024, Plan Commission meeting to submit a recommendation to Common Council to support the public hearing scheduled at the February 20, 2024, Common Council meeting. Motion Passed. 8-0.

3.) Ordinance to Repeal and Recreate Chapter 33 (Outdoor Lighting) of the Middleton Municipal Code - Referral to Plan Commission

Moved by Janairo, seconded by Schaffer, to refer an Ordinance to Repeal and Recreate Chapter 33 (Outdoor Lighting) of the Middleton Municipal Code to the February 13, 2024, Plan Commission meeting to submit a recommendation to Common Council to support the public hearing scheduled at the February 20, 2024, Common Council meeting. Motion Passed. 8-0.

Planning/Zoning

1.) Specific Implementation Plan (SIP) - Middleton Shores Redevelopment, 6140 Century Ave. (PC-2648)

Moved by Janairo, seconded by Cole, to Approve the Specific Implementation Plan, Middleton Shores Redevelopment, 6140 Century Ave. as recommended by the Plan Commission on January 23, 2024, contingent upon the following items:

1. Completion and city engineer acceptance of a traffic impact analysis and the developer addressing to the satisfaction of the city engineer any findings of the TIA prior to issuance of any zoning or building permits.
2. City engineer approval of the stormwater management plan and developer payment of fees in-lieu-of-infiltration, with the fee amount to be determined by staff after the project design is finalized.
3. The on-site provision of 84 in-building bicycle parking spaces (including those in the bicycle storage room) and 12 short-term bicycle parking spaces within 100 feet of the main building entrance, with all racks designed according to the standards in Section 10.06.06(7)(i) of the City's new zoning ordinance.
4. The installation of art (such as a mural) or some other design element(s), to be approved by the Plan Commission for the purpose of softening the southwest building corner.
5. City approval of a Certified Survey Map pertaining to the entire Middleton Shores property prior to issuance of any zoning and building permits (including early-start permits).
6. Future approval of signage details as a minor SIP modification.
7. Submittal prior to Council approval a revised SIP addressing all engineering staff comments and recommendations as indicated in the plan set returned to the developer on January 2, 2024, and on the plan set the developer submitted on January 10, 2024.

Motion Passed. 7-1. (Wochos opposed)

Resolutions

1.) Resolution 2024-03 Release of Water & Sewer Utility Easement Interests in New Right-of-Way at Parcels 3 & 4 for Parmenter St. Reconstruction (09-117)

Moved by Schaffer, seconded by Lorman, to Approve Resolution 2024-03 Release of Water & Sewer Utility Easement Interests in New Right-of-Way at Parcels 3 & 4 for Parmenter St. Reconstruction. Motion Passed. 8-0.

2.) Resolution 2024-04 Authorizing the Re-Appropriation of 2023 Capital Project Fund Carryovers to 2024 and Related Budget Adjustments

Moved by Janairo, seconded by Lorman, to Approve Resolution 2024-04 Authorizing the Re-Appropriation of 2023 Capital Project Fund Carryovers to 2024 and Related Budget Adjustments as recommended by Finance Committee allocating the \$365,407 excess funds as follows:

- Allocation of \$165,407 to the Capital Vehicle Replacement Fund
- Allocation of \$100,000 to the Sustainability Fund
- Leaving \$100,000 as Unallocated Funds

Motion Passed. 8-0.

3.) Resolution 2024-05 Approving the Issuance of a Tax Increment Revenue Bond with T5 Properties, LLC for the project at 6100 Lake Street in TID #5

Moved by Janairo, seconded by Jackson, to Approve Resolution 2024-05 Approving the Issuance of a Tax Increment Revenue Bond with T5 Properties, LLC for the project at 6100 Lake Street in TID #5. Motion Passed. 8-0.

4.) Resolution 2024-06 Approving the Carryover and Re-Appropriation of 2023 American Rescue Plan Act (ARPA) Funds

Moved by Janairo, seconded by Lorman, to Approve Resolution 2024-06 Approving the Carryover and Re-Appropriation of 2023 American Rescue Plan Act Funds. Motion Passed. 8-0.

Committee Appointments

1.) Appointment of Ed Hanson to the Board of Review

Moved by Schaffer, seconded by Janairo, to Approve Appointment of Ed Hanson to the Board of Review. Motion Passed. 8-0.

2.) Appointment of Elizabeth Brunning to the Arts Committee

Moved by Schaffer, seconded by Janairo, to Approve Appointment of Elizabeth Brunning to the Arts Committee. Motion Passed. 8-0.

3.) Appointment of Ralph Earl and Dan Cody to the Public Safety Committee

Moved by Schaffer, seconded by Janairo, to Approve Appointment of Ralph Earl and Dan Cody to the Public Safety Committee. Motion Passed. 8-0.

4.) Appointment of Jon Nugent to Workforce Housing

Moved by Schaffer, seconded by Janairo, to Approve Appointment of Jon Nugent to Workforce Housing. Motion Passed. 8-0.

Discussion

1.) Updates on Committees, Commissions, and Board by Councilmembers and Mayor [If Necessary]

Alder Crow noted a work session that took place with the Library Board and the Friends of the Middleton Public Library and the discussion they had about the Bookmobile.

Convene into Closed Session

1.) Convene into Closed Session Pursuant to Section 19.85(1)(g), Wisconsin Statutes [If Necessary]:

Moved by Schaffer, seconded by Wochos, to Convene into Closed Session at 8:02 p.m. Pursuant to Section 19.85(1)(g) of the Wisconsin Statutes for 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. The Commission will discuss litigation and potential settlement of matters concerning: Adams Outdoor Signs v. City of Middleton et al.

Roll call vote: Wochos, Nelson, Jackson, Janairo, Lorman, Crow, Schaffer, Cole in favor of. Motion Passed. 8-0.

Convene into Open Session

1.) Convene into Open Session

Moved by Jackson, seconded by Cole, to Approve Convene into Open Session at 8:30 p.m. Motion Passed. 8-0.

2.) Potential Action on Item(s) arising from Closed Session(s)

Moved by Janairo, seconded by Schaffer, to Approve the Settlement Agreement and General Release with Adams Outdoor Advertising Limited Partnership (AOA) with the following changes:

1. In the fourth Whereas clause on page 1, take out the words “on or about May 11 2022”
2. Section 2.f. on page 2, change AOA in the last sentence to “the City” and strike everything after another ten years.

Motion Passed. 8-0.

Adjournment

Council President Nelson declared the meeting adjourned at 8:32 p.m.

Respectfully submitted,

Lorie J. Burns, City Clerk

Note: These minutes were prepared by Lorie J. Burns, City Clerk, are based on the notes of the recorder, and are subject to change at a subsequent meeting.

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<https://www.youtube.com/user/MiddletonWeb>