

City of Evansville Common Council
Regular Meeting
City Hall, 31 S Madison St, Evansville WI 53536
Tuesday, August 8, 2023, 6:00 p.m.

MINUTES

1. **Call to order.** Mayor Duggan called the meeting to order at 6:00pm
2. **Roll call**

Members	Present/Absent	Others Present
Aldersperson, Abbey Barnes	P	Leah Hurtley, City Clerk
Aldersperson, Jim Brooks	P	Mark Kopp, City Attorney
Aldersperson, Ben Corridon	P	Colette Spranger, Community Developer Director
Mayor, Dianne Duggan	P	Julie Roberts, City Treasurer
Aldersperson, Ben Ladick	P	Jason Sergeant, City Administrator
Aldersperson, Gene Lewis	P	Megan Kloeckner, Library Director
Aldersperson, Joy Morrison	P	Kelly Gildner, Evansville Review
Aldersperson, Corey Neeley	P	Matthew Pooch, Capital Campaign
Aldersperson, Erika Stuart	P	Hannah O’Brien, Lovegood’s Coffee/Cocktails
		Kevin Crezinski, Johnson Block
		Donald Strawski
		Jennifer Kraug
		Roger Berg

3. **Motion to approve the agenda by Brooks, seconded by Morrison. Motion passed 8-0.**
4. **Motion to waive the reading of the minutes of the July 11, 2023 regular meeting and the July 27, 2023 special meeting and approve as presented by Brooks, seconded by Corridon. Motion passed 8-0.**
5. **Civility reminder:** Duggan noted the City’s commitment to civility and decorum at Council Meetings.
6. **Citizen appearances other than agenda items listed.**

A. **Leading with Purpose – Tom Hanrahan, WPPI presentation.**

To be rescheduled

B. **Presentation of 2022 Audit – Johnson Block**

Crezinski shared that he needed to follow up on a few items before finalizing the audit in the next week. The Fund Financial Statements are what the budget will be approved on. The General Fund is the main operating fund. There are a series of other Governmental funds (Debt Service, Capital Projects, TIF #5, etc.) that are used for current use and Business-Type Funds (utility account’s funds). The Governmental Funds follow a different set of accounting principles than the utilities do. The City had budgeted for a deficit, but the General Fund increased by \$79,000. The unassigned fund balance is the difference between assets and liabilities, ending at \$1.7 million for the year. The water utility had a rate increase several years ago, so it had a positive rate of return. On the other hand, the electric utility had a negative rate of return, with a pending rate case in the works. The sewer had a positive operating income and appeared to be sufficient in cash flow. There was additional discussion on the comparison to our prior year, other municipalities that have their own utilities, and our TIF districts.

7. **Reports of Committees**

- A. **Library Board Report:** Kloechner read from her written report. The report read: This is our final week of SLC with a lot of great events, Escape Room, Evansville Night Out, Teen Scavenger Hunt, and Humane Society Visit, Reading logs for all ages are due by Saturday. The Snake Discovery program was our most popular program this summer with over 140 people attending. A brief program break begins next week through the end of August to allow staff time to refresh before fall programming begins.
- B. **Parks and Recreation Board Report:** Neeley reported that the meeting was a quiet meeting, with some follow up discussion on the trees at Lake Leota. There was some discussion for Ollie Schaeffer to show some movies at the park, as well as some signage for the Adopt-a-Park.
- C. **Plan Commission Report**

- 1) **Motion to Approve a certified survey map to divide parcel 6-27-559.5051 into two lots for a two-family twin residence, located on Lot 51 Westfield Meadows, finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, with the condition the final CSM and joint cross maintenance and access agreement are recorded with Rock County Register of Deeds by Neeley, seconded by Morrison. Motion passed 8-0.**

Spranger reported that this will be to place a zero lot line for a duplex. In order for the current owner to be able to sell both sides, there needs to be a lot line for each side. This can only occur if there is a shared wall already in place. The duplex is currently under construction, so this motion will create the two lots.

- 2) **Motion to Approve a certified survey map creating two lots from parent parcel 6-20-117.1 located at 14904 Bullard Road, Town of Union, finding that the application is in the public interest and meets the objectives contained within Sections 110-230 and 110-102(g) of city ordinances, with the following conditions:**
- i) The final certified survey map is recorded with Rock County Register of Deeds, along with the record of decision from the City outlining these conditions.
 - ii) The applicant fulfills any other obligations set forth by the Town of Union and Rock County.
 - iii) No further land division of these parcels occur prior to August 8, 2043 unless superseded by one or both of the following:
 - (i) An update to Article VII of the City's Subdivision ordinance, last amended by Ordinance 2020-12; or
 - (ii) The Town of Union and City of Evansville enter a boundary agreement.

Motion by Neeley, seconded by Lewis. Motion passed 8-0.

Spranger reported that this is for property in our extraterritorial jurisdiction. This property falls under the exception for land divisions, creating no more than five lots with a minimum lot size of 10 acres. The applicant has provided a sketch for how Lot 1 could be further subdivided. Lot 2 has some constraints that are unlikely for any use in the future.

- 3) **Motion to Approve a Certified Survey Map for parcel 6-20-340 in the Town of Union and finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances with the condition the applicant files the final certified survey map with the Rock County Register of Deeds by Brooks, seconded by Neeley. Motion passed 8-0.**

Spranger reported that the land owner is looking to create a conforming lot from an existing outlot from a prior platting for Golf Air Estates. The Town had issued a building permit and the County issued a septic permit prior to discovering that the lot is still classified as an outlot from

the original platting. A certified survey map will bring the lot into conformity with the Town's zoning and land division ordinances.

- 4) **Motion to Deny application 2023-0192 for a preliminary plat on parcel 6-20-218.B, finding that the application is inconsistent with Chapter 110 of the Municipal Code and with the City of Evansville Comprehensive Plan by Brooks, seconded by Morrison. Motion passed by Roll Call 8-0.**

Spranger reported that the application is almost identical from the original application from May. The current application included the covenants that existed on the property. The covenants are agreements between private parties, and the city would be unable to enforce them. There was additional discussion about why the land owners decided to reapply.

- 5) **Discussion of Ordinance 2023-08, an Ordinance Annexing 241.45 acres from the Town of Union to the City of Evansville.**

Spranger shared that this would be the first step for the potential Oil Seed Processing Plant to bring the 4 parcels into the City of Evansville. All of the land owners have agreed to annex into the city. The remaining motions for the Oil Seed Processing Plant hinge on the annexation.

- 6) **Motion to approve the preliminary certified survey map for parcels that include 6-27-958.07, 6-27-959.6, 6-20-219B, 6-20-318, 6-20-317.01, and 6-20-305, finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, with the following conditions:**

- i) **Common Council approves Annexation Ordinance 2023-08.**
- ii) **Final Certified Survey Map adjusted to include corrected road right of way parcels, utility easements, or out lots as directed by the City.**
- iii) **The Final Certified Survey Map is approved by the City and recorded with Rock County Register of Deeds.**

Motion by Brooks, seconded by Morrison. Motion passed 8-0.

Spranger reported that each of the motions will become more intertwined with each other and will have more conditions. The parcel will not be able to be created until the annexation has been finalized. Getting the land division approved and recorded will enable the rezoning, the comprehensive plan amendment, site plan, and the conditional use plan to become valid. The annexation would be the only thing that will not be able to be undone if the applicant were to back out. By intertwining all aspects, helps to prevent the City being left with a large piece of property that is zoned for Industrial Use that the next applicant would have to work to undo. The applicant intends to use the six existing parcels to create two parcels with 311.49 acres on lot 1 and 23.90 acres on Lot 2. There was some discussion on the traffic, roads, and road conditions.

- 7) **Discussion of Ordinance 2023-10, an Ordinance Rezoning Lands to I-2 Heavy Industrial**
Spranger shared that rezoning requires an ordinance. This would only apply to lot 1 for the 311 acre parcel. This is contingent on the approval of Ordinance 2023-08 and Ordinance 2023-09 as well. The approval of this ordinance would validate and enable the uses requested in the site plan and conditional use permit applications. There were some concerns that were discussed at the Public Hearing and Plan Commission on truck traffic, potential noise, vibration, smells, and if anything would be radioactive. These are items that are considered in the zoning code performance standards.
- 8) **Discussion of Ordinance 2023-9 for a Comprehensive Plan Amendment**

Spranger shared that there is an air permit that has the DNR reviewing the site for an air permit use to govern how much air particulate matter is ejected from the venting stack. As part of this, there would be areas beyond where the vents are, where development would not be allowed.

Motion to Adjust the Agenda to Move to immediately consider 7E1, followed by 11A and 11B by Brooks, seconded by Neeley. Motion passed 8-0.

D. Finance and Labor Relations Committee Report

- 1) **Motion to accept the July 2023 City bills as presented in the amount of \$2,583,721.07 by Brooks, seconded by Neeley. Motion passed by Roll Call 8-0.**
- 2) **Motion to Approve the Recreation Coordinator Position Description by Brooks, seconded by Neeley. Motion passed 8-0.**
- 3) **Motion to Approve the Compensation Philosophy by Brooks, seconded by Morrison. Motion passed 8-0.**

Neeley brought up concerns over the wage of the Municipal Services director. Neeley reported that the cost of the position could be built into our rates. He feels that it should be something that the city at least look at. Neeley feels that the market calls for a certain wage that wouldn't necessarily fall into the philosophy.

- 4) **Motion to approve the Letter of Intent for a Certified Local Government Grant from the State of Wisconsin Historic Preservation Office by Brooks, seconded by Neeley. Motion passed 8-0.**

Spranger reported that we are a Certified Local Government and there are federal funds available for things such as surveys of historical features of the city. The goal would be to find out how many carriage house exist and the condition of them. In addition, we would ask if we could get some guidelines on designs.

- 5) **Motion to Approve Resolution number 2023-20 Authorizing the Direct Charge of Public Fire Protection by Brooks, seconded by Neeley. Motion passed by Roll Call 8-0.**

Sergeant shared that this would move the Public Fire Protection Fee to the Utility bill instead of the City levying for it. This would help close the City's levy gap.

E. Public Safety Committee Report

- 1) **Motion to approve the Original Alcohol Beverage License applications for a Class B Beer/Class B Liquor License for:** (background check recommendations provided by Chief Reese, unless otherwise noted)
 - i) **Lovegood's Coffee & Cocktails, LLC, Hannah O'Brien, Agent, 524 Stonewood Ct., Evansville, WI 53536, 16 W. Main Street, Evansville, WI 53536.**
Motion by Stuart, seconded by Corridon. Motion passed 8-0.

Sergeant offered O'Brien an opportunity to share what her plans were for the new business.

F. Municipal Services Report

- 1) **Motion to Approve Madison Street Agreement with DOT by Brooks, seconded by Neeley. Motion passed by Roll Call 8-0.**

Sergeant explained that this will be for Madison Street from city limits on the south end to Union Street. This would redo the street including curb work, road surface, corner ADA ramps, etc. The design work would start now, and construction would not take place until 2029 or 2030. It is anticipated that the cost would be \$20,000 per year until construction. In the end, it

would cost the city \$185,250. The city would be unable to complete the work themselves for that cost, for the distance involved.

Brooks reported that a large portion of the meeting, was spent discussing job descriptions and compensation.

- G. **Economic Development Committee** Ladick reported that the committee had continued to work on the Business Summit. A keynote speak, Deb Carey, has been secured. Spranger added that TDS will be sponsoring as well, to offset some of the costs.
- H. **Youth Center Advisory Board Report:** Corridon reported that they didn't meet, but wanted to report that the Ducky Derby generated about \$2,500 for the Youth Center.
- I. **Historic Preservation Commission:** Lewis reported that the committee had met on-site at 339 W Liberty Street for a demolition of the garage. The owner had no plans to show for a new garage. It was determined that the current garage could be expanded out for a larger vehicle, if needed. The project was tabled until the next meeting. There was an approval for someone interested in repairing and restoring the fireplace at Lake Leota by the Pool Store.
- J. **Fire District Report:** Brooks reported that it was a pretty straight forward meeting.
- K. **Police Commission Report:** Did Not Meet
- L. **Energy Independence Team Report:** Meeting was moved to September
- M. **Board of Appeals Report:** Did Not Meet

8. **Unfinished Business** None

9. **Communications and Recommendations of the Administrator**

Sergeant reported that the City is collecting quotes to get fiber internet into the building to hopefully fix the internet and phones issues that have been occurring. It has been determined that the quality of the internet has been the problem. The email change is still occurring in the background. The Municipal Services Director ad was published again. Budget discussions are occurring with the Department Heads.

10. **Communications and Recommendations of the Mayor**

Duggan reported that there will be some changes that will occur once Brooks moves and leaves his position vacant.

11. **New Business**

A. **Updates on Capital Campaign: Recreation for Generations:**

Poock shared an update on the fundraising efforts through the last few months. The committed amount that has officially been fundraised is \$1,112,000. The amount in the bank is \$729,000. Sergeant shared an update on the progress occurring on the construction site. The east side of the park is nearly complete and has been working on some punch list items. The existing Aquatic Center has been sent to the Historical Preservation at the state level to get the approval to be torn down. The demolition is estimated to start in the next 20-30 days.

B. **Motion to Approve the Naming Rights Agreement by Neeley, seconded by Ladick. Motion passed by Roll Call 7-1, with Corridon opposing.**

Poock shared that several months ago, he had met with Larson Acres to share the vision and the project. Later, they had approached Poock with the anticipation of donating at least \$100,000, but would be interested in the naming rights of the park. If accepted, they would donate \$500,000 over the next 10 years. Kopp pointed out the change from the original 20 years, to permanent naming rights. There was also a change to rescind the naming rights would require unanimous vote, which

is more that is required by the current majority voting standards. Barnes confirmed that the naming rights are for the park only, the pool would still be available for naming rights.

12. Closed Session: **Motion to convene in closed session pursuant to section 19.85 (1) (e) of the Wisconsin statutes where discussion in open session would negatively impact the city's competitive or bargaining position and pursuant to Sec. 19.85(1)(g) of the Wis. Stats. 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. Upon completion, the Common Council will reconvene in open session.** **Motion by Brooks, seconded by Neeley. Motion passed by Roll Call 8-0 at 7:45pm.**

13. **Discussion and Possible Motion to Approve 2nd Amendment to Settler's Grove**

Motion to Approve the 2nd Amendment to Settler's Grove by Brooks, seconded by Neeley.

Berg is seeking a partnership with the City to gain help in covering the cost of the installation for Stormwater and Sewer. He feels that they would be unable to continue without a partnership. There was some additional discussion on what the partnership could offer the city. There was some discussion on the cost of homes and the lack of affordability for locals and families not coming from Madison area.

Brooks asked Berg if he would be open to additional discussions about how to work things out without a transference of money. Berg shared that this situation has been going on for three years and feels that there are no other options. Berg shared that if he doesn't have City help, he will not build. Sergeant asked Council if it would help to have some precise numbers on cost of coverts and potential assessment costs. Duggan also asked if it would be possible to get something more specific in the paths to move forward for options.

Motion to postpone the current motion until September 12th Common Council meeting by Brooks, seconded by Ladick. Motion passed by Roll Call 8-0.

14. **Introduction of New Ordinances**

- A. **First Reading of Ordinance 2023-08, an Ordinance Annexing 241.45 acres from the Town of Union to the City of Evansville.** *Read by Brooks.*
- B. **First Reading of Ordinance 2023-10, an Ordinance Rezoning Lands to I-2 Heavy Industrial.** *Read by Brooks.*
- C. **First Reading of Ordinance 2023-9 for a Comprehensive Plan Amendment.** *Read by Brooks.*

15. **Upcoming Meeting Reminder:**

- A. Regular Common Council Meeting, Tuesday September 12, 2023, at 6:00 p.m.
- B. Budget presentations: Thursday, September 21, 2023 6:00pm at City Hall

Budget Meeting changed to Tuesday, September 26, 2023 6:00pm at City Hall.

16. **Motion to Adjourn by Brooks, seconded by Neeley. Motion passed at 9:17pm**

*Respectfully Submitted,
Elle Natrop*