

PLATTEVILLE COMMON COUNCIL PROCEEDINGS
April 11, 2023

The regular meeting of the Common Council of the City of Platteville was called to order by Council President Barbara Daus at 6:00 PM in the Council Chambers of the Municipal Building.

ROLL CALL

Present: Barbara Daus, Lynne Parrott, Todd Kasper, Eileen Nickels, Kathy Kopp, Jason Artz, and Ken Kilian.

Excused: None.

PRESENTATIONS

- A. Proclamation Recognizing Alderperson Eileen Nickels – Proclamation presented by Council President Barbara Daus.
- B. Proclamation Recognizing national Library Week 2023 – Proclamation presented by Council President Barbara Daus.
- C. 2022 Platteville Incubator Annual Report – Presentation given by Executive Director Kate Koziol.

CONSIDERATION OF CONSENT AGENDA

Motion by Nickels, second by Kopp to approve the consent agenda as follows: Council Minutes – 3/28/23 Regular; Payment of Bills in the amount of \$689,319.86; Financial Report – March; Appointments to Boards and Commissions, Robert Vosberg to the Plan Commission, Paul Malischke to Community Safe Routes Commission, Marcia Cordts to Fruedenreich Animal Trust Fund Committee, Kelly Sponsler to the Library Board, and Beth Freiders to the Historical Preservation Commission.; One-Year Operator License – Hazel I Klosterman; Two-Year Operator License – Kelly A Kettler, Myale E Nevitt, and Kearstin K Schwetzer; Street Closing Permit, N Court Street between the St. Mary's Church and School and between W Adams Street and W Cedar Street for Parish Family Event on Thursday, June 29 from 3:00 PM to 10:00 PM by the St. Mary's Parish.; Council Organizational Meeting – Tuesday, April 18 at 5:00 PM. Motion carried 7-0 on a roll call vote.

CITIZENS' COMMENTS, OBSERVATIONS AND PETITIONS, if any. Council President Daus thanked all involved who helped with the Spring Election.

REPORTS

- A. Board/Commission/Committee Minutes – Housing Authority Board.
- B. Other Reports – Water and Sewer Financial Report – March, Airport Financial Report – March, and Department Progress Reports.

ACTION

- A. *Emmi Roth Right of First Refusal* – Motion by Kasper, second by Parrott to approve the Right of First Refusal for a 30-day period. Motion carried 7-0 on a roll call vote.
- B. *Freudenreich Animal Trust Fund Principal Request* – Dr. Cari Schaffer spoke in favor. Paul Halberg registered in favor. Motion by Kopp, second by Kasper to authorize use of the Freudenreich Animal Care Trust Fund to support the purchase of the building at 500 E. Business Highway 151 in the City of Platteville to house the Grant County Humane Society through

closure of the Freudenreich Animal Care Trust Fund and disbursement of the principal and earnings to the Grant County Humane Society at which time we are notified the full funding is available. Motion carried 7-0 on a roll call vote.

- C. *Contract 4-23 Business 151 (Fastenal) Storm Sewer Construction* – Motion by Kasper second by Kilian to reject all bids. Motion carried 7-0 on a roll call vote.
- D. *Contract 15-23 Weed and Grass Mowing* – Motion by Nickels second by Artz to award Contract 15-23 Weed and Grass mowing to Holman Lawncare at the bid price of \$80.00 per hour and \$80.00 minimum per location. Motion carried 7-0 on a roll call vote.
- E. *2022 Budget Carryovers to 2023 (Budget Amendment #1)* – Motion by Nickels, second by Kopp to approve the carryover of \$646,855 in the CIP Fund and \$34,866 in the General Fund per the attached schedule. Motion carried 7-0 on a roll call vote.
- F. *Swimming Pool Water Tightness Integrity Proposal (Budget Amendment #2)* – Motion by Kilian, second by Parrott to approve Staff to hire an engineer and necessary contractors to complete a pool water tightness evaluation and repair plan not to exceed \$62,000. Motion carried 7-0 on a roll call vote.
- G. *Procedure for Filling Alderperson District 3 Position* – Motion by Kopp, second by Nickels to approve the selection process and timeline proposed by Staff to fill the vacancy of the position of Alderperson District 3. Motion carried 7-0 on a roll call vote.

INFORMATION AND DISCUSSION

- A. *Ordinance – Zoning Amendment – Remove R-LO Overlay District at 1135 Perry Drive* – Community Development Director Joe Carroll explained that the property at 1135 Perry Drive contains a single-family house that was recently purchased by the applicant. The applicant is a student at UW-Platteville and lives there with three other students. This is a temporary living situation for them, and the applicant plans on selling the property after he graduates. The property is currently zoned R-1 Single Family Residential, and also has an R-LO Limited Occupancy Residential overlay district designation. With this designation, the property can be used as an owner-occupied residence, and as a rental property, but is limited to the number of unrelated individuals that can live on the property. The house can be occupied by any number of individuals that compose a family (as defined by the code), but it would be limited to a maximum of 2 individuals that are unrelated. This means that only 2 of the current occupants are allowed to live there. The applicant was not aware of this restriction when purchasing the property and is requesting to have the R-LO overlay district designation removed, which would allow the property to be occupied by a maximum of 4 unrelated individuals, which would be the same as other R-1 properties. This would allow all four of the residents to remain living on the property. When the R-LO district designation was adopted in 2012, it was based on a petition submitted by residents in the neighborhood. The designation only included the properties where the owner signed the petition and did not include any nearby or adjoining properties where the owner did not sign the petition. For this reason, there are gaps in the designation in various areas, including the adjacent property to the north of the applicant's property. At the time the overlay district was created, the prevailing sentiment among the members of the Plan Commission and some of the Council was that the City shouldn't be forcing this designation on any property owner that didn't want it. There was also a similar sentiment among some that any owner that didn't want the

overlay designation should be able to have it removed. The neighborhood would prefer that the overlay district designation remains in place. The neighbors have submitted a protest petition related to the rezoning request. The petition has been signed by the owners of more than 20% of the land within 100 feet of the property. This petition requires that the zoning amendment shall not become effective except by the favorable vote of three-fourths of the members of the Common Council voting on the proposed change. The Plan Commission considered this request at the April 3rd meeting and recommended that the R-LO overlay district designation remain, but that the applicant be allowed up to 2 years to achieve compliance. Staff has no concerns with the request to remove the R-LO designation. Staff also believes that the Plan Commission proposal is a good compromise and would agree with that recommendation. Applicant Devyn Behlke spoke in favor. Paul Haberg registered in favor. Gene Weber presented a petition to the Council as well as spoke against along with Tom Osting, Mary Jo Hennesy, Kathy Connett, Siri Jenkins, and Bev Johansen. Josephine Kischer, Terry Vaassen, Tom Nickels, Tom Young, Sylvia Kurowski, Kay Young, Donita Cartmill, Bonnie Vaassen, Diane Nelson, Dwight Nelson, Jan Weber, Debra Meis, Melody Koppen, Mathew Ellman, Deb Osting, Richard Rundell, Tonia Wagner, Brian Wagner, and Mary Karen Rundell all registered against.

- B. *Resolution – Conditional Use Permit – Animal Shelter/Kennel at 500E. Business Highway 151* – Community Development Director Joe Carroll explained that the Grant County Humane Society is interested in purchasing the property at 500 E. Business Highway 151 for use as an animal shelter and kennels, which requires the approval of a Conditional Use Permit. The building has approximately 11,664 square feet. The building will be remodeled to accommodate up to 40 dogs and 62 cats and will include a drop-off area, surgical suite, offices, and a retail area. Outdoor kennels and a fenced play area will also be provided to the side and rear of the building. Visitor and employee parking will be provided in front of the building. In the future, depending on capacity, the operations may also include boarding animals and animal daycare services. The Plan Commission considered this item at the April 3rd meeting and recommended approval. There is adequate space on the property to accommodate the proposed shelter and kennel, and the proposed use is compatible with the surrounding businesses. Overall, the proposed use appears to be in compliance with the zoning requirements for a Conditional Use Permit. Staff agrees with the Plan Commission recommendation for approval. Dr. Cari Schaffer spoke in favor and to some of the concerns from Council members.
- C. *Resolution to Authorize Release of Citations – Donisi Properties* – Community Development Director Joe Carroll explained that the City has issued approximately 765 citations to Mr. Dave Donisi between March of 2020 and January of 2023 – primarily regarding property maintenance issues for several of his properties. He has been found guilty on all of them. His properties are now in the hands of Reliable Guardianship Services, Inc., a court-appointed guardian who is trying to sell the properties. Some of the properties are vacant and some are occupied, but as they become vacant and cleaned out they are being listed for sale. The 11 properties in the City and 1 property in the Township will be sold to pay off Mr. Donisi's debts. It appears that the value of the properties is not adequate to cover all the debt and liens that are in place on the properties. The attorney working with the guardian is asking if the City would be willing to sign a release for these citations to help expedite the sale of the properties. It appears that a similar request is being made to other debtors and lienholders that are involved in the properties.

ADJOURNMENT

Motion by Nickels, second by Kopp to adjourn. Motion carried 7-0 on a roll call vote. The meeting was adjourned at 7:42 PM.

Respectfully submitted,

Candace Klaas, City Clerk