

**CITY OF HARTFORD
COMMON COUNCIL
May 23, 2023**

The Common Council of the City of Hartford, Washington and Dodge Counties, Wisconsin, met for its regularly scheduled meeting on Tuesday, May 23, 2023 7:00 p.m., in the Common Council Chambers of Hartford City Hall, 109 North Main Street, Mayor Timothy Michalak presiding.

PLEDGE OF ALLEGIANCE

Mayor Michalak led the Common Council in the Pledge of Allegiance.

ROLL CALL

The Mayor and all Alderpersons were present, except Alderperson Webb who was absent and excused.

UNANIMOUS CONSENT AGENDA

MOTION by Alderperson Turchi, seconded by Alderperson Garza, approving the following item:

1. The Common Council minutes of May 9, 2023.
2. Recommendation to approve Schnorenberg's Floor Covering quote for an amount not to exceed \$22,414.76 for replacement of cork flooring at the Jack Russell Memorial Library.
3. Recommendation to purchase a new 2023 Ford F-250 Pick-up truck from Ewald Automotive Group for the Parks-Buildings Department operations as specified with options for \$42,996 and accepting the Ewald Automotive Group trade-in offer for the 2009 Ford F-250 pick-up in the amount of \$4,000. The total cost and payment after trade-in not to exceed \$38,996.

MOTION CARRIED UNANIMOUSLY.

MAYOR'S REPORT

1. Mayor Michalak thanked everyone who was involved with the car show last weekend.
2. Mayor Michalak read a proclamation in honor of Lori Hetzel's 45 years of service to the city.

ALDERMANIC REQUESTS

Alderperson Rusniak reported that citizens have requested to have the fountains installed in both sections of the mill pond.

PUBLIC HEARINGS

A petition for Direct Annexation by Unanimous Consent submitted by Ridgeway Investments, LLC for approximately 11.69 acres located northeast of the intersection of State Trunk Highway 60 and Independence Avenue

Mayor Michalak declared the public hearing open at 7:16 p.m. The notice was read by City Clerk Shanna Kreilkamp. The notice was published in the Daily News on May 5 and May 12, 2023 and 6 notices were mailed.

City Administrator Steve Volkert explained that this property is going to be the future home of a Tractor Supply Company, the Plan Commission was unanimous in their approval, and staff recommends in favor of the annexation.

Rick Manthe, a representative of the developers, appeared in favor of the annexation. He explained that the zoning and land use is consistent with the city's long-range plans.

There were no appearances against.

There being no further remarks or discussion, Mayor Michalak declared the public hearing closed at 7:21 p.m.

MOTION by Alderperson Garza, seconded by Alderperson Fulop for suspension of the rules for immediate consideration of proposed Ordinance No. 1469 – an ordinance annexing territory to the City of Hartford, Wisconsin.

MOTION CARRIED UNANIMOUSLY.

MOTION by Alderperson Garza, seconded by Alderperson Fulop for the adoption of proposed Ordinance No. 1469.

MOTION CARRIED UNANIMOUSLY.

STANDING COMMITTEE REPORTS

Public Works

1. Discussion and consideration of authorization of expenditure of undesignated funds to complete the removal and replacement of contaminated soil at Centennial Park and to authorize appropriate staff to execute the Environmental Services Agreement between the City of Hartford and Stantec for investigation and remedial planning for Centennial Park Soil Management and a contract change order to Wondra Construction for removal and replacement of the contaminated soil.
 - a. City Engineer John Griffin confirmed the total estimated amount of undesignated funds needed is \$272,665, and this is to take care of the contaminated soil at Centennial Park.
 - b. Alderperson Fulop advised the Public Works Committee voted in favor.
 - c. Alderperson Carroll asked where the contaminated soil will be moved to. Mr. Griffin stated that the soil will be transported to the GFL landfill between Iron Ridge and Mayville.

MOTION by Alderperson Rusniak, seconded by Alderperson Carroll authorizing the expenditure of undesignated funds to complete the removal and replacement of contaminated soil at Centennial Park and to authorize appropriate staff to execute the Environmental Services Agreement between the City of Hartford and Stantec for investigation and remedial planning for Centennial Park Soil Management and a contract change order to Wondra Construction for removal and replacement of the contaminated soil.

MOTION CARRIED UNANIMOUSLY.

CITY ADMINISTRATOR'S REPORT

1. Discussion and consideration of authorization of appropriate staff to execute the Environmental Services Agreement between the City of Hartford and Stantec for investigation and remedial planning for the 24-28 S. Main St. properties.
 - a. City Administrator Steve Volkert explained this topic has been discussed at previous meetings, and this property was previously a dry cleaner. It is currently a parking lot, and contamination has been discovered. The contamination needs to be remediated.
 - b. Mr. Griffin explained that at the last meeting, a request was made for the mayor to execute the grant paperwork for the funding of this project, but now needs approval of the contract to actually begin the work.
 - c. Alderperson Rusniak commented that the grant will cover all but \$10,000 for this project, which Mr. Griffin confirmed and advised that the county is assisting through their SRC program.

MOTION by Alderperson Kohler, seconded by Alderperson Turchi authorizing appropriate staff to execute the Environmental Services Agreement between the City of Hartford and Stantec for investigation and remedial planning for the 24-28 S. Main St. properties.

MOTION CARRIED UNANIMOUSLY.

2. Discussion and consideration of Aldermanic reconsideration request for MOA with Washington County for Next Generation Housing.
 - a. Mr. Volkert explained that after a vote, any aldermanic representative that voted no, upon receiving new information or clarification of information, can request reconsideration of that vote. That reconsideration has to occur at the meeting immediately after the original vote. Alderperson Savage submitted a request for reconsideration regarding the vote at the last meeting on the MOA with Washington County for the Next Generation Housing. There was no change to the MOA, it is exactly the same as last meeting.
 - b. Alderperson Savage explained that as she was not privy to previous discussions regarding the project, she requested additional information about the plan moving forward, specifically regarding multi-family housing. She has since been provided that information and is now requesting reconsideration of the vote.

MOTION by Alderperson Savage, seconded by Alderperson Regan approving the request for reconsideration of the MOA with Washington County for Next Generation Housing.

- c. Alderperson Kohler commented that he understands Alderperson Savage's request, but that he also understands that Alderperson Savage was called, by a non-voting member within the council, prior to submitting the request for reconsideration. He then clarified that he originally voted no to the MOA, because he believes the city can decide what is best without involving

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- Washington County. He feels the city can pay for the engineering study and then decide what to do with no obligation to Washington County.
- d. Alderperson Rusniak asked Tom Hostad if the project could proceed and succeed without including multi-family rental units. Mr. Hostad confirmed that the project could certainly move forward without the multi-family units. He stated that there is a great need for apartments in Hartford as well as across Washington County, but those units could be developed somewhere else in Hartford.
 - e. Alderperson Kohler asked Mr. Hostad if he feels the city can complete this project without the county's involvement. Mr. Hostad said that he thinks the project can continue without the county, but he doesn't want to lose sight of the urgency of the project. He explained that there is a housing gridlock in Hartford. There are very few existing homes for sale, no apartments available, and all of the new homes being built are way above the financial reach of people who live and work in the city. Alderperson Kohler reiterated that he believes the city should fund the necessary engineering study and then make a decision that is best for the city.
 - f. Mr. Volkert then clarified that just the approval of the reconsideration should be discussed at this time. If the reconsideration is approved, then more discussion about the Memorandum of Agreement can occur. It is important that discussion is about the means to ask for the reconsideration.
 - g. Alderperson Fulop asked if the original voting party needs to be present in order to reconsider the original vote. Mr. Volkert answered that the entire original voting party need not be present in order to reconsider.
 - h. Alderperson Turchi asked for clarification on this item and wanted to make sure that the council was voting on whether or not the reconsideration should be approved. He believes that Alderperson Savage does not have standing for reconsideration. Mr. Turchi believes that Ms. Savage is requesting the reconsideration based on wanting to change the design of the project, which was never set in stone to begin with. Mr. Volkert clarified that Ms. Savage voted against the MOA with the belief that it included plans for apartments. The agreement did not say anything specifically about apartments, but that was her belief.
 - i. Alderperson Garza had a point of order questions. He believed that the person seconding the motion for the reconsideration request had to have voted with the prevailing side, and that it couldn't be just anyone on the council. Mr. Volkert clarified that the person making the motion had to have voted with the prevailing side, but anyone on the council could second the motion.
 - j. Alderperson Fulop recalled having conversation about the MOA allowing for flexibility in the design of the project. He asked if that information was pertinent to Alderperson Savage's request for reconsideration. Mr. Volkert said he could not recall, nor would there be documentation of, what was said back and forth in all of the meetings concerning this project, to which Alderperson Kohler pointed out that the majority of the discussions were recorded in the meeting minutes, except for the closed session discussion. Alderperson Turchi was adamant that he remembered City Engineer John Griffin say that the engineering study would be about 30% done and the council could review it. Mr. Turchi stated it was very clear what was involved, and repeated that he believes Alderperson Savage does not have standing for reconsideration. Mr. Volkert then explained that the council members who also feel the same as Mr. Turchi can vote against the request for reconsideration.
 - k. Alderperson Savage clarified that even if she requests the reconsideration, she can still vote for or against the MOA in the next agenda item. She is simply looking for more information, as she was not privy to the conversations prior.
 - l. Mayor Michalak commented on the idea of having standing in order to request reconsideration. He said that having standing is an extremely broad concept, in this case. He said that it is subjective, based upon the person requesting the reconsideration, and the person submitting the request does not have to provide an explanation as to why they would like to reconsider. It would then be up to the voting body whether or not the request is approved. Mayor Michalak also admitted to saying that the city has a large amount in the undesignated fund balance, and while the city may be able to pay for the engineering study from that balance, it does not make sense to him to turn away money offered from the county with no requirement to pay it back.

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ROLL CALL VOTE: AYE (4): Savage, Regan, Rusniak, Carroll; NAY (4): Fulop, Turchi, Kohler, Garza
Mayor Michalak broke the tie with an AYE vote.
MOTION CARRIED 5-4.

3. Discussion and consideration of Washington County Next Generation Housing Fund Memorandum of Agreement between the following parties: Washington County and City of Hartford and Hartford Area Development Corporation.
 - a. Alderperson Savage first wanted to confirm again that even though she requested the reconsideration, she was free to vote either way on the MOA. Mr. Volkert again confirmed that she was able to vote whichever way she chooses. She then stated that she wanted to learn about the housing, the wetlands, the taxes, and if the citizens would be taxed if something goes wrong. Mr. Volkert defined her question by answering that if a TID is created and it does not satisfy the debt, and everything that can be done to satisfy the debt has been done, that debt will come back onto the general fund. Mayor Michalak asked how long this TID would be. Mr. Volkert answered that this TID would be a 20-year TID, and it could be extended if the TID becomes distressed.
 - b. Alderperson Savage then asked what would happen if an owner leaves before the 5-year occupancy requirement. County Executive Josh Schoemann explained that the 5-year deed restriction is a way to encourage owners to stay in the community. If the homeowner decides to leave before those five years, they would have to pay a penalty for violating the deed restriction. Mr. Schoemann further explained that in the initial Next Generation Housing framework, it was explicitly stated that no apartments would be funded and there would be no leasing. The goal of the program was home ownership.
 - c. Alderperson Garza asked for clarification on the volunteer participation. Mr. Schoemann clarified that Next Generation Housing and the Down Payment Incentive Program are two separate programs. The two programs may work together, but it is not required. It is possible that the Down Payment Incentive Program would be utilized by homeowners without anyone on the council even knowing about it. Next Generation Housing was developed in order to allow a small builder, who may not have the means to build an entire development, to build a small starter home for a private buyer. Those types of small starter homes are not currently available, and that is what the demand is for.
 - d. Alderperson Kohler commented that Next Generation Housing means different things in different communities. It is not a universal term. He also reiterated that the city needs to think about what it wants out of the property and what is deemed affordable housing. He feels this is why Mr. Hostad and the HADC proposed adding multi-family units; in order to provide more options for people who want to live and work in Hartford. Mr. Kohler also proposed options that don't include apartments. Mr. Schoemann then pointed out that Hartford was the community that requested the study to point to the price point, and that study pointed to the price of \$320,000. He also pointed out that no community in Washington County wants low-income, high-density, government subsidized housing, which is why Washington County came up with the Next Generation program. This program is designed so that there are homeowners who are able to earn that ownership and build generational wealth for their families in the future. Washington County is looking to work collaboratively with the City of Hartford to achieve this goal.

MOTION by Alderperson Regan, seconded by Alderperson Carroll approving the Washington County Next Generation Housing Fund Memorandum of Agreement between the following parties: Washington County and City of Hartford and Hartford Area Development Corporation.

ROLL CALL VOTE: AYE (3): Regan, Carroll, Rusniak; NAY (5): Kohler, Savage, Turchi, Garza, Fulop
MOTION FAILED 3-5.

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ADJOURNMENT

MOTION by Alderperson Turchi, seconded by Alderperson Carroll for adjournment at 8:06 p.m.
MOTION CARRIED.

Respectfully submitted,
Lori Hetzel, City Clerk

CCMAY23.23