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Middleton's free community newspaper

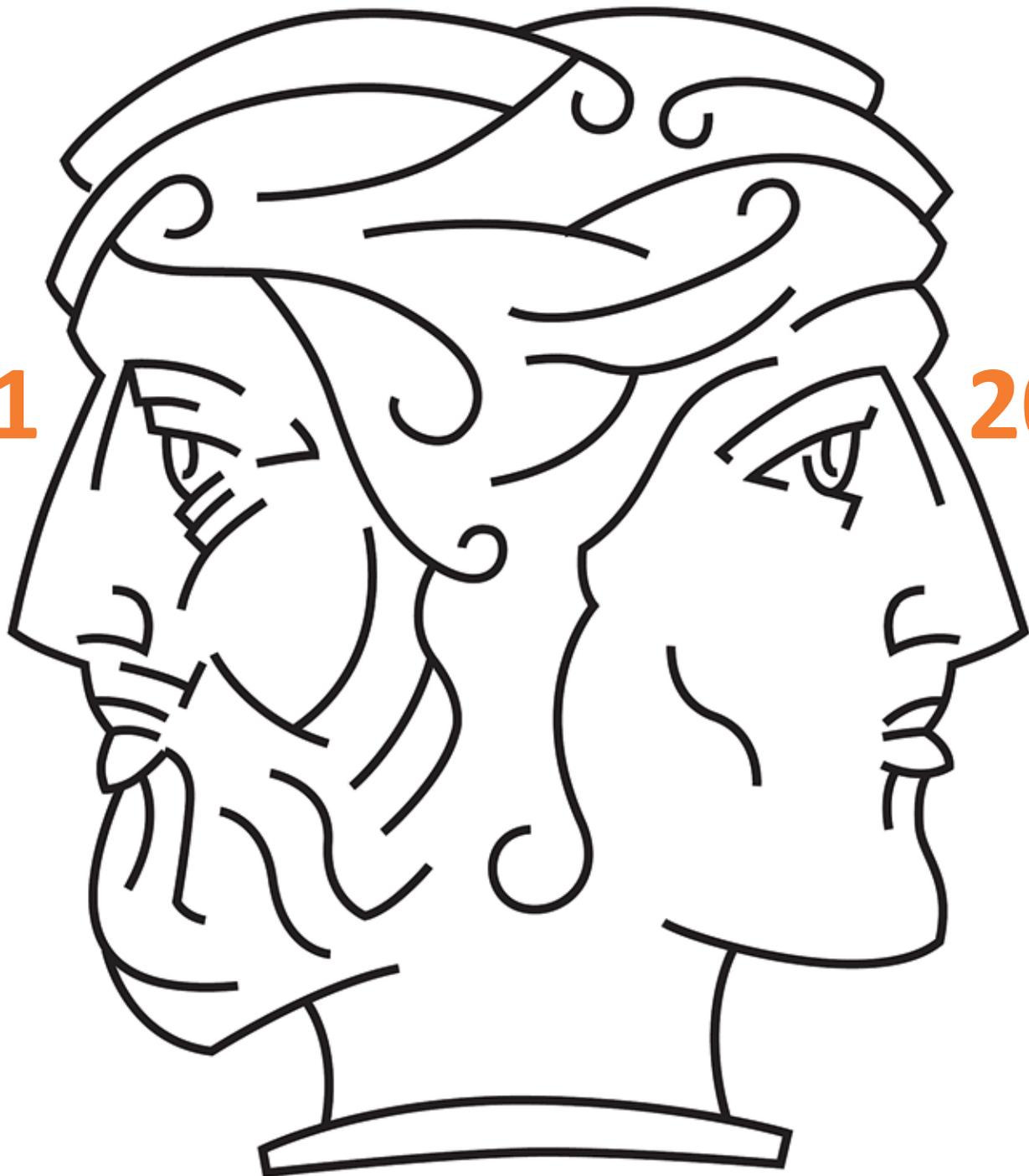
Editorial: A look ahead to 2022

Cover story: A look back to 2021

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Issue 118/December 2021

2021



2022

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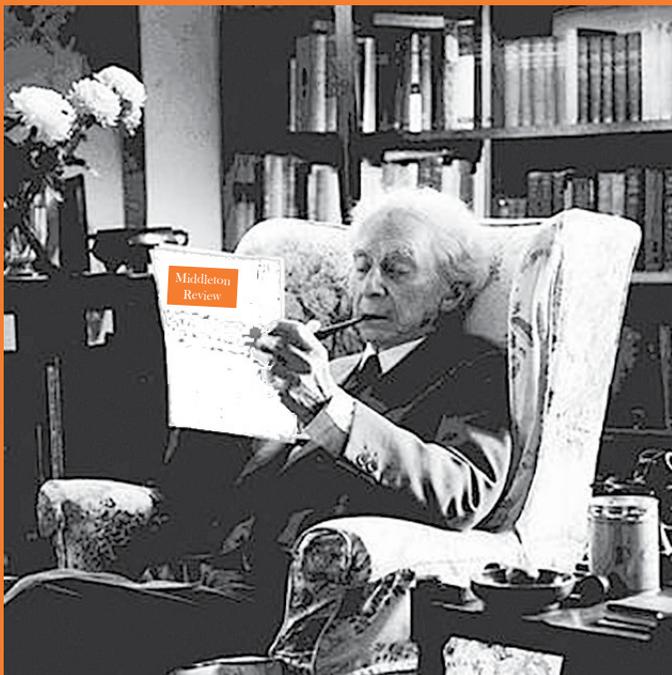


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Magister factotum: George Zens
Mailing address: P.O. Box 620644
Middleton, WI 53562-0644

Contact: George Zens
(608) 516-4464
middletonreview@gmail.com

World Headquarters: 3710 Marigold Circle, Middleton
(by appointment only - preferably not, though)

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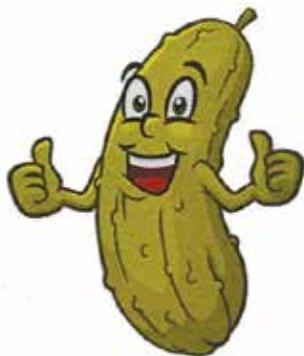
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LETTER FROM THE PUBLISHER

A look ahead

by GEORGE ZENS

No, I am not going to make predictions here. Frankly, I find it hard enough trying to relay what happened in the past - never mind trying to explain it - so I will stay away from forecasting.

But I will say a word or three about forecasting. It is obviously a favorite pastime of many people in the media, in think tanks, in polling firms, in betting shops, in bars. Except for the latter, most of them are wrong most of the time, some of them are wrong some of the time, and a few are professional gamblers. A friend of mine usually announces after the event "I predicted that".

Of all the people who make a living out of forecasting, gamblers are the most honest and honorable lot; not least because they are the only ones who own up to their mistakes, and have to bear the consequences.

In spite of their bad reputation, meteorologists actually get it right more often than not.

Economists never get it right (or when was the last time you heard on the radio that 'new figures released by the labor department confirm economists' forecasts about the unemployment rate'?).

Sports commentators are at least entertaining trying to fill the air on TV during the off-season or between games with endless guessing games ('who will score the first touchdown in their upcoming encounter - the Bucks or the White Sox?'). They are also viewer-friendly, as any barfly whose butt cheeks have been drooping over that stool for hours and whose vacuous gaze has been fixed on that screen for just as long can answer those questions with just as much competence, and just as little consequence, as the people in the studio. Assuming that the sound is on.

Pollsters of course always get it wrong, but they are very good at explaining afterwards why people didn't vote the way they were supposed to. Even if those explanations are wrong, too.

Political pundits and journalists take themselves very seriously during their round-table discussions, even though their predictions are usually wrong, as well as completely irrelevant to people's everyday lives (at least football pools are a thing anchored in real life). 'Media masturbation' my dad calls it.

All that said, there will be changes coming to Middleton, not least to Middleton City Hall.

Perhaps most importantly, in 2022 Middleton will get a new City administrator, as Mike Davis has announced his retirement, effective in May.

He has supervised City staff and guided officials since 1998, and his departure will mark a break with the past. During his administration, Middleton has changed significantly. Some of these changes have been outside the City's sphere of influence, but others were the direct consequence of City policies - not least the aggressive use of TIF subsidies for everything from economic development to the construction of thousands of apartment units.

Crucially, however, City Hall will lose a lot of institutional memory with Mike Davis's departure, and that will not be easy to replace, if at all. Few current City employees have been there as long as he has, and none of the elected officials have. A couple of long-serving committee members who have survived mayor Gurdip Brar's purges will be the only remaining links to Middleton's political past.

The Common Council has two options to replace the City administrator: promote from within or hire from without (a theoretical third option would be to abolish the position and make the mayor also City manager; Madison's erratic City government should be enough of a deterrent not to go down that route - not to mention Middleton's current officeholder). The Council could also rewrite the job description

(well, have it rewritten by someone else), and reposition the administrator's workload by maybe splitting the office between two people. One way or another, if the Council decides to promote from within, the two obvious candidates would be the current finance director and assistant City administrator Bill Burns, and the current director of planning and community development Abby Attoun. Either of them or both (assuming they are candidates) could of course also be hired as the result of an open search, as happened with the current chief of police.

Politically there should be at least one change on the Common Council. In 2022 the even-numbered districts are up for (re)election, and of the four incumbents (Robert Burck for district 2, Emily Kuhn for district 4, Susan West for district 6, and Mark Sullivan for district 8) only Robert Burck has so far declared that he will not run again. In other words, his seat is open, and it is likely that one or more people will try to replace him. That is not necessarily certain, however, as the example of Jim Wexler illustrates: After having represented district 4 since 1988, he decided not to seek reelection in 2014, only to be reappointed to the post by the Common Council when his elected successor decided not to accept the mandate. But as district 2 is politically (a lot) more active than district 4, a repeat of 2014 is highly unlikely there (yes, that is my prediction).

Another district that bears watching is district 6. Incumbent Susan West has represented the greater Middleton Hills area since 2008, and although she has never had to face an opponent, she is said to be vulnerable this year. Part of that might have to do with airport opponents, of which some of the more extreme and vocal ones live in her district, part with the perception - right or wrong - that she is simply tired out. While nothing is official as of this writing, rumor has it that at least one person is gearing up to challenge Susan West this coming spring.

District 4 is less apathetic politically than it used to be, and with the planned construction of an apartment building at the former Captain Bill's site, it has certainly had its share of popular excitement this year, but incumbent Emily Kuhn seems reasonably secure - not least because of her own inimitably disarming style in which she manages to balance her constituents' often conflicting concerns (and if everything else fails she will mention her children, and potholes).

District 8 is, with Shorecrest, Northlake and Bishops Bay, not only geographically the most removed from the hustle and bustle of City Hall, its alderman Mark Sullivan also seems the most aloof of all Council members. His uncontested competence lies in finance, where his role as chairman of the finance committee transcends aldermanic district boundaries. But he is also a fierce defender of his constituents' interests, especially when it comes to planning and development issues, and as such he is increasingly becoming the face of NIMBYISM on the Council. In other words, he has a mandate for life if he so chooses.

2022 will be the last full year of Gurdip Brar's term as mayor. It is at this point anybody's guess whether he will run for a third mandate in the spring of 2023, but he will have to make that decision before the end of this year. Considering the convincing way in which he thumped his two opponents in 2020 (both of which ran stunningly bad campaigns against the undisputed master of campaigning), it is unlikely that he will be challenged, should he decide to run again. On the other hand, should he decide to retire, Middleton would have the opportunity for a new start with a competent mayor. Three current elected officials could play that role to Middleton's benefit: District 1 alderwoman and Council president Kathy Olson, district 7 alderman Dan Ramsey, and district 8 alderman Mark Sullivan.

That's my opinion, not a prediction. Happy new year, and good luck Middleton.



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A LOOK BACK

January 2021

City Council: 'No' to a referendum - for now

At its first meeting of 2021 on January 5, the Middleton Common Council voted against holding a referendum this coming April to increase the size of the Middleton Police Department. A motion by district 6 alderwoman Susan West, seconded by district 4 alderwoman Emily Kuhn, to go to referendum to add 'at least one police officer' to the ranks of the police department was rejected with 6 votes to 2 (Emily Kuhn and Susan West in favor).

Since the State, about ten years ago, removed the right of municipalities to adjust their property tax levies for inflation, the so-called levy cap essentially only allows local governments to increase their property tax levy through net growth in the tax base. In other words, cities like Middleton need to grow, add new construction, if they want to be able to raise enough tax revenue to keep pace with rising costs. Without net growth, these rising costs (contractual increases in the wages and health care benefits for City staff, increases in the prices of services and products bought) will erode the City's operating budget, forcing it to cut services and staff.

Here it needs to be pointed out that property taxes feed the City's general fund, which pays for its operating expenses (staff wages and benefits, trash collection, snow removal, elections, brush and leaf pick-up, filling potholes, police services, vehicle fuel, electricity for traffic lights, paper clips, ...) and its debt service (repaying the money borrowed for capital fund projects, like road resurfacing, new traffic lights and vehicle replacements, among many others). The State-imposed levy cap does not affect capital (fund) borrowing, although the City's borrowing capacity is limited by other State laws (and its bond rating).

If the City wants to exceed the levy cap, it needs to get its residents' approval through a referendum. The State, again, strictly regulates when and how such a referendum can take place, what the City can ask for, how the question has to be phrased, and so on.

The City has slightly more wiggle room when it comes to setting fees for services, although Middleton has exhausted most of its options here already, except for the collection of trash and recycling: The City could shift trash collection from the property tax to a fee-based system without going through a referendum (but not recycling; that would require a referendum).

Fees must be set to reasonably reflect the cost involved in providing a service, and cannot be used for other expenses, although by not reducing the property tax levy by a corresponding amount, a shift from tax to fee (for trash pick-up for instance) would in practice amount to a tax increase. Which is why it would be done.

Another local revenue source is the hotel-room tax (by law, 70% to the tourism department, 30% to the general fund). The City can set its own rate up to a State-imposed ceiling of 8%. Middleton reached that ceiling a couple of years ago, and tax receipts have collapsed anyway due to the pandemic.

Middleton has been fortunate, so to speak, in that it has experienced decades of almost constant growth, which has allowed the City to not only maintain, but

expand the range of services it offers its residents. This is of course a double-edged sword because it keeps raising the bar and residents' expectations of what the City will provide. Any attempt by the City to reduce, let alone eliminate, any service would lead to howls of protests from indignant citizens. (Phones in the public works department ring off the hook when its crews switch from brush pick-up to leaf pick-up, and three twigs remain uncollected at the curb. People here are spoiled.)

According to City Administrator Mike Davis, in the past 25 years, the city's tax base has quadrupled from about \$1 billion to \$4 billion. But while strong growth increases the City's revenues, it also increases its expenses: more streets to be maintained, more trash to be picked up, more emergency calls to be answered. And as successive police chiefs have repeatedly warned, more low-income housing leads to a disproportionate increase in police calls. Thus for example, one of the newer apartment complexes on Lisa Lane has generated almost 500 calls for police service in the last three years, according to current police chief Troy Hellenbrand.

The years of net growth (as well as investment income) have enabled the City to stay slightly ahead of inflation in terms of providing its services, but its resources are stretched to the limit, according to its own assessment at least.

A five-year staffing plan created in 2019 includes a department wish list of almost 36 new full-time equivalent (FTE) positions by 2024. That was whittled down internally to just over 29 FTE (22, if the EMS request for another ambulance with staff is excluded). The plan was supposed to take effect in 2021, but is at least a year behind schedule since it hasn't been discussed yet, and no new positions have been approved for this year. The IT department's requests are apparently also out of date, since some of the work has been outsourced and the extra staff is not needed. The original department requests would have added \$2.68 million in extra staffing costs over four years, and the revised requests (minus EMS, but still including IT) just over \$1.8 million.

The discussion quickly focused on the police department, with Susan West leading the charge for more officers. Besides the car thefts and garage break-ins, Middleton also saw an unusually high number of 'shots fired'. These incidents were not limited to the city of Middleton, and it is misleading to equate a spike with a trend.

Chief Troy Hellenbrand pointed out that Middleton currently has 1.85 officers per 1,000 inhabitants, which is below the recommended 2.00 per 1,000, and also the lowest ratio in recent Middleton history. The national average, according to the FBI, is 2.4 officers per 1,000 residents.

While the incidents that unnerved Susan West represent a spike that has since come down, the overall trend in crime, as Troy Hellenbrand explained, is nevertheless up. And although, by looking at the numbers, it seems like the Middleton police department has a lot of staff, the fact is that on average, only three officers and one supervisor are available to respond to calls at any given time.

A traffic accident with injuries will tie up the whole

department, and a domestic incident will keep two or three officers off the street for a couple of hours. If two serious incidents occur simultaneously, the department can be stretched beyond capacity, and in need of outside help. Even at the best of times, this leaves little opportunity to do preventive work, like monitor intersections, check vehicle speeds or do community outreach. The department has also seen a significant increase in mental health calls during the pandemic, and it doesn't help that Middleton residents are quick to call the police for even the most trifling neighborhood issues.

While all the Council members seemed to recognize the need for not only more police officers, but for more City staff in general, they disagreed on the circumstances of a referendum.

Susan West's and Emily Kuhn's approach was to ask residents in April 2021 for just enough extra money to hire one or two more police officers, an increase in the tax levy of up to \$250,000, and to then keep coming back with annual referendums asking for more 'small' amounts to pay for more staff, in effect increasing the property tax levy gradually over several years until ..., well, they didn't say.

District 8 alderman Mark Sullivan in particular rejected this "piecemeal" approach, not least because it would give voters the impression that the City did not know what the correct staffing level was. It was also hardly worth the effort to organize a referendum for \$100,000 or \$200,000. He also pointed out that if the City raised its property taxes through referendum, it might as well abandon all pretense at affordable housing.

The other alderpersons, notably Kathy Olson (district 1), Robert Burck (district 2) and Dan Ramsey (district 7), questioned the wisdom of holding a referendum this year, especially considering the hardship many people are experiencing due to the pandemic. Not to mention the fact that many residents are seething over the increases they have seen in their recent tax bills due to the school district's referendum, the City's property reassessments, and the County's profligacy.

City administrator announces his retirement

City administrator Mike Davis announces his plan to retire in May 2022 after 24 years with the City. He has led the City administration since 1998 and served under four mayors: Dan Ramsey, Doug Zwank, Kurt Sonnentag and Gurdip Brar. He has been instrumental in guiding Middleton's growth, including the developments of the business park, the airport, the Greenway Station area, the Parmenter Street corridor and downtown. Besides his official achievements, he is also known for his community engagement, and as a member of an award-winning pub-trivia team.

These streets are made for walking, maybe

The City's plan to add a sidewalk along a short stretch of sidewalk on the west side of Mayflower Drive north between Maywood Avenue and the walkway to Parisi Park is being opposed by many neighborhood residents. This is not surprising, and was also the case when the City proposed adding sidewalks to streets around Wood



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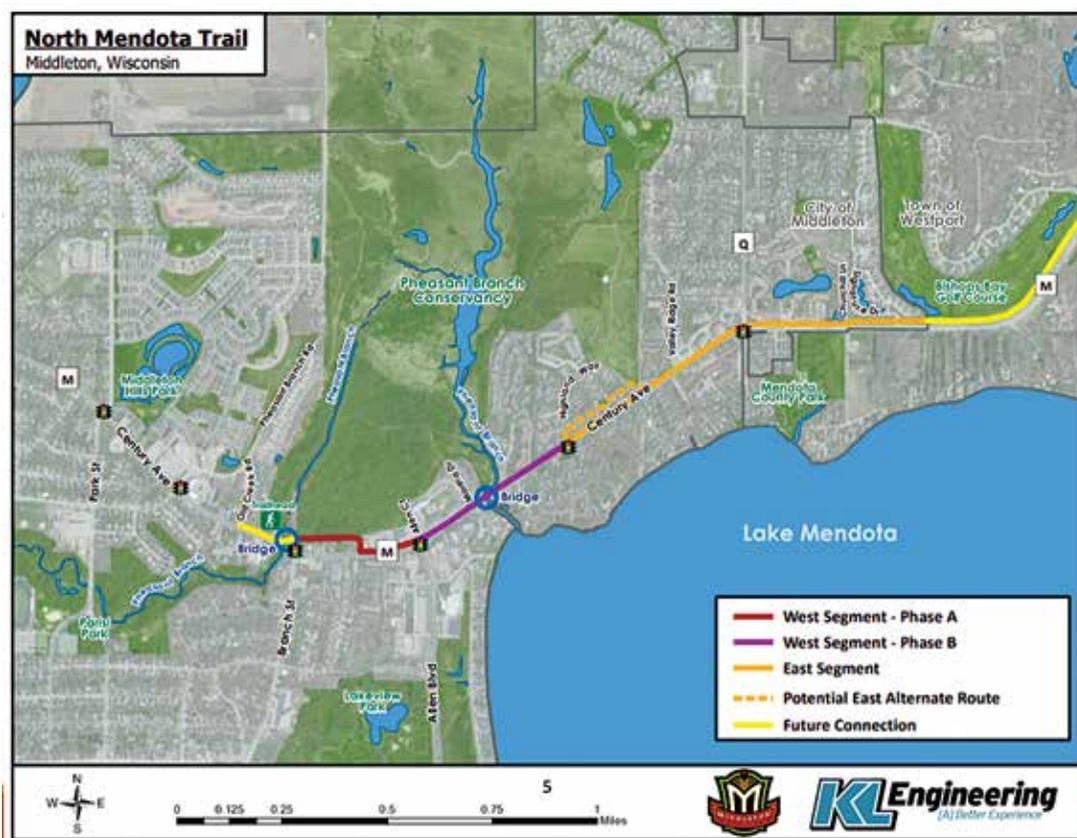
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Road and Brookdale Drive in the last couple of years.

It is City policy to suggest adding sidewalks where there aren't any when a street comes up for reconstruction. It is City practice not to go against the wishes of the neighborhood residents if they don't want the sidewalks. That is what happened around Wood Road and Brookdale Drive.

This time, however, could be different. While a group of neighbors, including the property owners who would be directly impacted, immediately, and predictably, started lobbying against the new sidewalks by speaking out at a Public Works Committee meeting, sending emails to City officials and organizing a petition that by their count has been signed by over 100 people, another group of neighbors, growing in number, has come out in favor of the sidewalks.

The opponents' original argument that the sidewalk construction would require the removal of mature trees has lost its force, because the City intends to take the space for the sidewalk out of the roadway (thus narrowing it). No trees would be lost, and a grass terrace would even help reduce the impervious area.

They have therefore shifted their ground, and are now invoking the 'unique character' of the established Sak's Woods neighborhood: It was originally built without sidewalks, and therefore it should remain without sidewalks. However, that is only true in part, because, while the west side of Mayflower Drive north of Maywood Avenue and a very short segment on its east side, as well as Columbus Drive and its three courts (Pinta, Nina and Santa Maria) don't have sidewalks, Boulder Lane (which runs parallel to Columbus and dead-ends in Mayflower) and the east side of Mayflower between Maywood and Boulder do have sidewalks. Also, the extraordinary width of the roadway of the sidewalk-less streets points to the City's original intent to eventually retrofit them with

sidewalks, although neighbors have successfully thwarted several attempts to do so in the past.

According to the Middleton Area Historical Society, the original Sak's Woods (also called Coolidge's Woods) consisted of 48 acres, later expanded to 58 acres, bordered by Pheasant Branch Creek to the north, (today's) Branch Street to the east, Park Lawn to the west and University Avenue to the south. They belonged to the Sakrison family who moved there in 1937, and began platting the land in the late 1940s. The plat between University Avenue and Maywood Avenue was developed in 1952, and the rest in the following years. In 1953, Sak's Woods was annexed into the village of Middleton as part of the annexation of Pheasant Branch (the rest followed in 1957). To say that Sak's Woods was designed to be without sidewalks for all eternity is a bit of a stretch.

Another reason for opposing the sidewalks is more implied than stated, but it might be the most powerful one, at least for the property owners on Mayflower Drive who would be directly impacted, and those on Columbus Drive and its courts who are afraid that their streets might be next: the cost of construction and the labor/cost of maintenance in the future. (Under the current Five-Year Road Repair Plan, Columbus Drive, and Nina, Pinta and Santa Maria courts are scheduled for reconstruction or resurfacing in 2024, although that schedule could change in either direction.)

Because the City considers sidewalks a luxury that will add to the property value, and not a common good that is part of the city's transportation infrastructure, it makes property owners pay for the installation of new sidewalks and the repairs of existing ones through 'special assessments'. New construction can run into the thousands of dollars, and it is understandable that most property owners are not pleased by that prospect, especially those who have lived on their streets for many decades, and

for whom the extra expense could prove to be a serious hardship.

In view of the City's professed commitment to promoting the use of walking, bicycling and other non-motorcar means of transportation (the draft Comprehensive Plan, which is now being finalized, is full of good intentions and declarations to that effect), a cogent case could be made that it should abolish its antiquated policy of making property owners pay for sidewalks, and elevate them (the sidewalks) to the status of streets, i.e. a common good whose cost is shared by all.

Sidewalk advocates, some of which live on Columbus Drive or side courts, argue that sidewalks are necessary for the safety of pedestrians: Many motorists apparently use Columbus Drive as a convenient way to bypass the all-way stop at Branch Street and Maywood Avenue, and because it is a wide road it invites to speeding. A hill and curve with limited sightlines add to the danger. The social media site Nextdoor has virtually exploded with posts for and against the sidewalk, although it looks as if opponents are being increasingly pushed into the defensive.

Construction of the sidewalk is only a small part of the overall roads project that encompasses rebuilding Mayflower Drive, Hubbard Avenue east of Park Street, Violet Place and Orchid Lane. Because of the City's intent to levy a special assessment a public hearing needs to be held on February 22. While the bidding process for the whole project has already begun, reconstruction of Mayflower Drive north of Maywood Avenue, i.e. the segment that would include the new sidewalk, is a separate bid, which means that it could be postponed (officially for budgetary reasons).

The City's 'annual retreat'

On Saturday, January 30, the Committee of the Whole (Common Council chaired by the Council President) and the Plan Commission met in joint session for the City of Middleton's annual retreat, an informational session mostly with a packed agenda covering a wide range of topics.

According to the Airport Master Plan update, one more meeting is scheduled for the Airport Master Plan Advisory Committee (AMPAC) to review the chapters on the environment and the draft alternatives before a public open house will take place in March (virtual, with the exact format to be determined). It was pointed out that the environmental review at the master plan level is not, and not intended to be, an environmental impact study; that will be undertaken when and if a specific project requires it.

One last AMPAC meeting will take place after the public open house. At some point the City will conduct a survey among city and towns residents, before the Middleton Common Council will review the Master Plan and give further direction.

The North Mendota Trail (pictured), a multi-use trail on the north side of Century Avenue that will eventually connect the Middleton trail network and the Dane county network north of Lake Mendota, should see some serious progress this spring with the construction of the segment between Branch Street and the traffic lights at Highland Way. A significant part of the project will be the construction of a trail bridge across the creek at Marina Court. The County intends to replace the Century Avenue bridge at that location in the near



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future (just like the bridge at Branch Street), although that should not impact the new trail bridge. When (and if) the east segment will be built is uncertain. Apart from negotiations with property owners along the route for easement rights, funding will cause some headaches: Unlike the west segments, the east segment can't be paid for with TIF funds, and so the City will be looking at capital borrowing, grants and County co-financing, or a combination thereof.

The fundraising effort for the downtown plaza is getting kicked into high gear. It will cost an estimated \$1.6 million to realize the luxury design, of which the Council has approved \$1 million from TIF district 3. The balance needs to be privately raised, and the project promoters have developed a two-pronged strategy to get there: rich corporate donors (and wealthy individuals) can buy naming rights for various components of the plaza, while civic-minded individuals and businesses with more modest bank accounts can donate by purchasing historical photos to be displayed on a donor wall. So far about \$50,000 have been raised through donations. The naming rights for the fire kettle, by the way, have been bought by local businesswoman and philanthropist Pleasant Rowland.

According to the current schedule, fundraising should be completed by the end of this year, while construction could start in February of 2022 and be done by June. Lo-

cal businesses would like the plaza site to be available for use during the warm season, so it would actually make more sense to start construction in late fall of 2022 and have it finished before the end of winter 2023. And then there is still the question of when the downtown streets (Parmenter, Elmwood and Aurora) will be rebuilt.

The so-called Civic Campus, a grand idea to redevelop the downtown public properties, including buildings and parking lots, between Elmwood Avenue and Terrace Avenue, is still more vague concept than plan, and the pandemic has put it on the backburner for now, but TIF funding is already being eyed for it. Current thinking is that it could begin to take shape in three or four years.

In anticipation of the Civic Campus, or other projects of similar distinction, the City's Finance Department has already earmarked \$11 million in TIF district 3 funds for 2024, and another \$9.5 million for 2025. Meanwhile, City staff have already been looking at the time after TIF-district 3 and 5.

The two districts are scheduled to close in 2030 and 2036 respectively, and while that seems like a long way off, the financial implications, especially of TID #3 closing, are already being felt.

After 2025 the cost recovery payments from TID #3 to the City's general fund will come to an end (these are annual payments from the TIF fund to the general fund to compensate the City for the costs involved with

providing City services to the district while the tax increment is being used elsewhere), which will lead to an even tighter budget, at least until the district closes and all the properties are added to the regular property tax roll.

State law limits the creation of TIF districts to 12% of total property value. In other words, Middleton cannot create a new TID as long as the total value of property in existing TIF districts is over 12% of the total value of property in the city.

Right now, 17.6% of Middleton's value is in the two TIF districts. This will substantially change in 2030, and it is theoretically possible that the City could create a new district, for instance to promote development along University Avenue.

TIF district 5 meanwhile, which until now has been sputtering somewhat and depended on largesse from TID #3 to fund its projects, seems ready to take off under its own power.

Or at least, that's what the City's projections show. Even though construction of the long-awaited Meriter medico-industrial complex, which was supposed to be the cash cow for the district, keeps getting pushed back (it is now hoped for for 2024/25), enough other development seems to be taking place to pick up the slack and reduce TID #5's sole reliance on Meriter by enough to make it viable.

A LOOK BACK

February 2021

Winter roads: Middleton's sense of sand

With temperatures well below freezing, too low even for road salt to be effective, the question has been raised why the city of Middleton doesn't spread sand to create some grip on the icy pavements, as it has done in the past. (It sent out a warning to drivers via the police department to use extra caution, instead.) Middleton's public works director Shawn Stauske provided an explanation:

'It's been quite a while since we used sand widely on streets. The prevailing thought used to be that a sand/salt mix would provide the best of both materials. Research showed that a sand/salt mix was worse for traction than either material alone. Sand inhibits the melting properties of salt, has no practical melting properties of its own, and is easily displaced from the surface of ice by traffic. In addition to being easily displaced by vehicle tires, sand can also be pushed down or melted down slightly below the surface of the ice, where it has no traction benefit. Sand also introduces negative environmental consequences such as air pollution (generally not noticed until spring) and siltation of storm sewers and waterways. We can manually apply some sand to icy spots at approaches to intersections, but it needs to be re-applied frequently to help with traction. Since it has limited effectiveness, and doesn't stay on ice very well, we wanted to give drivers a reminder warning to drive extra carefully during cold periods when ice may be on roads.'

The city of Madison's streets division sees it differently. Its policy of 'Snow and Ice Procedures' states:

'When temperatures dip below 20 degrees, salt becomes far less effective at melting snow. During these cold temperatures, the chemical process that allows salt to melt snow begins to slow down significantly. Rather

than just adding more and more salt to the roads, and therefore more and more salt to our waterways, the streets division will instead spread sand on these major thoroughfares. (...) All other streets in Madison will receive a sand treatment that can provide traction on snowy surfaces. The sand does contain a small amount of salt in order to keep the sand from freezing solid where it is stored. Following smaller snow events that do not trigger city-wide plowing, sand is spread on top of the snow to provide traction on hills, curves, and intersections, as well on spots addressing any slippery spots around Madison. Following city-wide plowing, sand is spread to provide traction over the hard pack of snow that's left behind after plowing. Sand is also made available for residents at numerous sand barrels positioned around the city, mostly at heavily used crosswalks. Sand is also available at multiple sand sites. Sand from the barrels and sites are free for residents to use. When temperatures are below 20 degrees, sand is spread on the salt route streets as noted above.'

Assuming that the physical and chemical properties of sand don't change when it crosses the city limits between Madison and Middleton, one wonders why what works in Madison doesn't seem to work in Middleton. Middleton's 'Code of Ordinances' is silent on the matter, and the public works department also doesn't seem to have a stated policy on snow removal (although the 'Code of Ordinances' has all kinds of threatening provisions for property owners who don't do their bit to keep sidewalks clean and snow out of the street). So presumably it is up to the judgement of one official, the above-quoted director of public works, to decide what goes. Maybe the public works committee could make itself useful for once, and draw up a salt-and-sand-use policy. They shouldn't

have to look far for inspiration; Madison has done most of the work already.

Zoning in

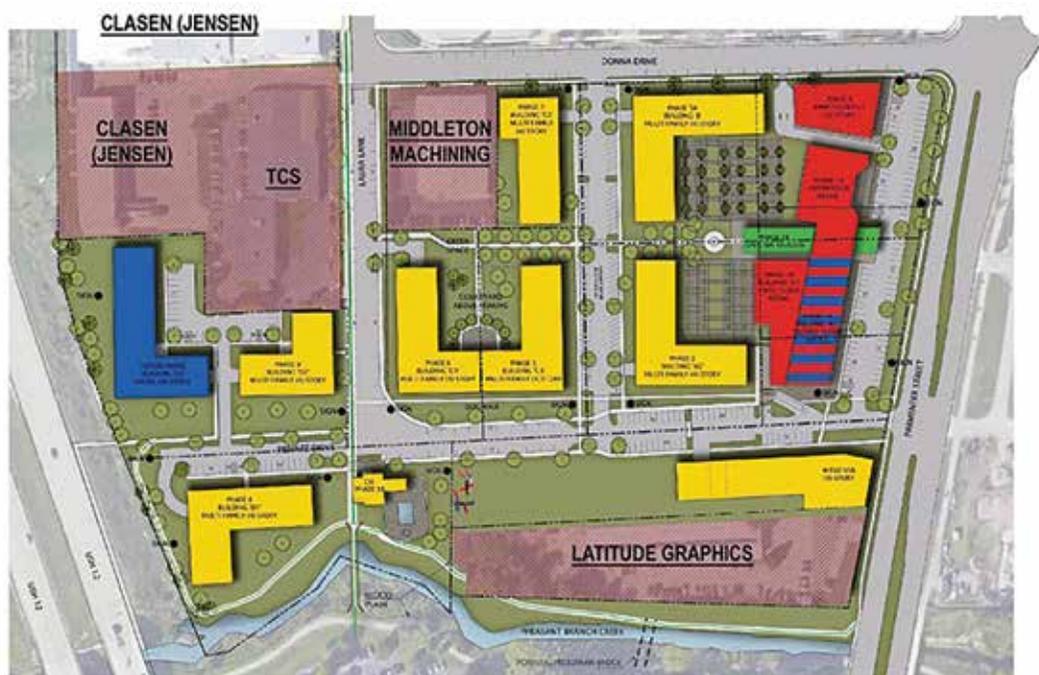
The common council has given green light to city staff to start the process to overhaul the city's zoning code. Like many chapters in the city's code of ordinances, the zoning code is a tangled web of outdated and inconsistent provisions, the result of a decades-old piecemeal approach to updating it. The overhaul, for which \$100,000 have been budgeted this year, is also supposed to get rid of nonsense rules, like the ones that state that paved driveways do not count as impervious surfaces, but wood decks do.

We have a plan (I)

The common council approved an ordinance in the first reading to adopt the city's new comprehensive plan. It will come back before the council, after some more changes, for the second vote, probably on March 2, thus putting the final point on a multi-year effort by city staff. Next up, comprehensive plan 2030.

We have a plan (II)

The plan commission will get a look at the updated version of the 2021 five-year street improvement plan. Compared to the first version that the public works committee approved on February 8, this one assumes that the whole Mayflower Drive/Hubbard Avenue reconstruction project will be split into two separate projects, with the Mayflower Drive part north of Maywood Avenue (which includes a controversial sidewalk add-on) being put off until 2024, when it would be done in conjunction with Boulder Lane and Columbus Drive. Other new



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changes concern Diane Drive/Mathews Road (pulled forward, from 2024 to 2025), Kenyon Drive and adjacent courts (pushed back, again, now from 2024 to 2025), and Laura Lane (most recently scheduled for 2025; removed completely 'due to unknown development').

Development: The good, the bad, and the ugly

The city of Middleton's plan commission got a first look at a new proposed mixed-use development on about 14 acres (or 16 acres, depending on the source) of Bruce Company land located between Parmenter Street, Donna Drive, the creek corridor and the Beltline. The project is a collaborative effort between The Bruce Company and T. Wall Enterprises (early version pictured).

The Bruce Company has been a Middleton landmark so to speak since 1952 (parts of its original building are still visible, having been integrated into the current building). Its land stretched from Parmenter Street to Morey Airport, and included the farm where it raised plants for sale. With the relocation of U.S. highway 12 twenty or so years ago, that land was not only split in half, but Parmenter Street traffic dropped by 95%, forcing the company to relocate some of its operations (to Verona) and to rethink its business model. The garden center became a 'destination retail center' that today attracts about 50,000 shoppers a year, while The Bruce Company as a whole employs about 300 people in its retail center, design/build landscape division, and landscape maintenance and snow removal services. Meanwhile, the need has emerged to reorganize operations, and the proposed development is the result of five-months long deliberations with city staff.

The project consists of redeveloping and updating the corporate offices and the retail garden center, combining them into a single two-story building on the same site (one theoretical option had been to relocate all Bruce Company operations to outside of Middleton, most likely Verona; under the current proposal, only the field operations will be moved), and of using the remaining land

for multi-family housing (about 600 market-rate units), mixed-use buildings, a community facility, maybe a hotel and an office building, as well as a park. Development would take place in phases stretching out over ten to twelve years, with the new Bruce Company facility being constructed first (without causing any interruptions to the retail center's operations, an important consideration in the timing).

The current plan consists of seven angled four-story buildings for the multi-family housing units and one four-story mixed-use building (some plan commission and city staff members find issue with the uniform height), a lot of underground parking, green space, an open-air pavilion, a greenhouse, one or two trail bridges crossing Pheasant Branch creek to the trail on the other side, and other amenities (see illustration). Laura Lane, currently a dead-end street, would be put through and connect to Parmenter Street at the location of the current Bruce Company south-end driveway. The possibility exists that the Latitude Graphics property, at the southern edge of the site, could eventually become part of the development. That would make notably the establishment of a public park easier (from what I understand, the city is considering buying that property, precisely in order to create a park, although all discussions related to the acquisition of parkland in that area have taken place in closed sessions, so I may have misunderstood).

Despite exhortations from developer Terrence Wall not to get hung up on design details (of which there aren't any yet anyway at the concept-review level; they will come later during discussions about rezoning, the general implementation plan, and the - eventually numerous - specific implementation plans), plan commission members couldn't resist the temptation to propose 'improvements' already. In response to suggestions from commission and staff members, he made it clear that, for financial reasons, he was neither interested in replacing some apartments with townhomes or condominiums, nor in adding subsidized low-income housing to the mix.

It seems that the city's workforce housing committee will take a look at the project anyway, and that some forces in city hall might try to coerce him into changing his mind about low-income housing when he applies for tax increment financing assistance. To that effect plan commission member Kurt Paulsen pointed out in a not very subtle threat that low-income housing is one of the stated reasons for the city to provide t.i.f. assistance. He was chairman of workforce housing, before he was removed from that committee by Gurdip Brar in one of the mayor's political purges; but he still acts as its éminence grise, and is a strong lobbyist for taxpayer-subsidized low-income housing.

The plan commission sent the project back to the developers for changes based on their feedback, while also referring it to the conservancy lands committee, the park, recreation and forestry commission, and the water resources management commission for input. It did not, however, grant concept approval as recommended by city staff.

If these early discussions are anything to go by, the risk is not that remote that this good project could eventually fail because of plan commissioners' unrealistic insistence on (in their eyes anyway) the best project.

Road plan: Not just for motorists anymore

On February 23, the plan commission not only recommended approval of the five-year street improvement plan to the finance committee and the common council, but decided that it should first also be reviewed by the pedestrian, bicycle and transit committee (ped-bike). This is the already-updated version of the 2021 street improvement plan, which the committee actually in charge of evaluating it, the public works committee, was not interested in discussing: They approved the old version, and decided that they didn't need to see any updates. That pretty much sums up the role they have played in the recent past. Last year it fell to the finance committee and the council to set road-repair priorities during the annual budget discussions, and a look at the most recent version of the plan indicates that this year and next might be similar. Half a dozen years ago, the common council set a \$2 million target budget for road reconstruction and repavement (not including costs paid for by the water and sewer utilities, or through t.i.f. district funds), and last year it decided that this amount is in fact a ceiling. The current five-year plan projections show 2022 exceeding that ceiling by just over \$21,000, and 2023 by more than \$36,000. While these amounts might seem trivial compared to the overall budget, the finance committee and the council have been known to quibble over much smaller sums. It is of course also true that these cost estimates are very preliminary, and, since they are only estimates, almost certainly subject to change, up or down. Oddly, though, in 2025 and 2026 the costs for 'surface maintenance' (chip sealing and crack filling) increase significantly above the city's target of \$250,000 annually: to \$300,000 in 2025 and \$600,000 in 2026.

Meanwhile, the fact that ped-bike is going to have a look at the five-year road plan means that it very well might get a level of scrutiny different from the past. As its name implies, bike-ped is not a car lobbyist, and it is likely to provide added focus on bike lanes and sidewalks, with all the potential for controversy that contains (although bicyclists want smooth street pavements at least as much as motorists do).

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A LOOK BACK

March 2021

Pandemic ordinances: Hold the sunset

The license and ordinance committee (L&O) approved extending the sunset provisions of two pandemic-related ordinances until December 31 of this year. The two ordinances, one creating a temporary pick-up and drop-off zone in front of the public library, and the other allowing the green space next to city hall to be used for picnics, including alcohol consumption (similar to the downtown plaza), were due to expire at the end of this month. The common council will most likely give final approval to the extension on Tuesday, March 16.

The council has already waived the annual sidewalk café permit fees for this year (\$150). It is probable that the city will also again allow bars and restaurants to extend their outdoor seating areas beyond their immediate frontage, and maybe even to extend them into the street. As assistant city attorney Matt Fleming confirmed at L&O, this can be done administratively as sidewalk café permits apply to all public right-of-way, which includes the street. The city of Madison has already decided to resume its 'streeteries' program.

Maybe this year the city of Middleton will finally experiment with creating a pedestrian zone downtown, if only on a limited basis. Despite repeated calls to do so last year, city officials were afraid to try it. Since restaurants and bars will continue to rely on outdoor dining for a good chunk of their business this year, it would be a cheap and effective way for the city to help the downtown business community, including retailers. It would also enhance the shopping and dining experience of the public. But at a time when Madison is talking about turning all of State Street into a pedestrian mall, Middleton's approach is still one of creative inertia.

Development: United neighbors split the council

A controversial development proposal on Twin Sunset Road cleared a first hurdle at the common council on March 16. The proposal concerns a single lot at the corner of Twin Sunset Road and Evergreen Road at the western edge of the city.

This lot is in the city of Middleton while the rest of Twin Sunset, a small dead-end street with seven single-family homes, is in the town of Middleton. To the south across the street (Evergreen) is the higher-density Hidden Oaks subdivision, also in the city. Hidden Oaks was developed as a planned development district (PDD), a zoning designation that allows for greater flexibility both for the developer and for the city regulators than a straight-forward single-family residential (R-1) zoning for instance.

And this is where the trouble starts. The lot in question is currently zoned R-1, which means that the owner could immediately ask for a building permit, which the city would have to grant, and build a single-family residence up to 35 feet tall (essentially three floors) that could cover up to 35% of the lot, not counting the driveway (impervious-surface wise). In fact, according to city staff, because of the size of the lot, the owner could even split it and build two single-family homes, also without any special strings attached, city-imposed contingencies allowed, or neighborhood input required. Instead, the

owner has opted for rezoning to pdd, which, in theory at least, would allow him to build something different, i.e. more living units, than the R-1. Earlier versions of the plan had asked for six units, which last year was reduced by the plan commission to four units in two duplexes.

The residents of Twin Sunset Road have been unanimous in their opposition to this higher-density construction, citing concerns about disrupting the character of the neighborhood, increased traffic and storm-water runoff. A petition opposing the development was reportedly signed by 80 Hidden Oaks households as well. Thinly veiled suggestions made by some proponents of the project (none of whom live anywhere near there) that the opposition might in part be racially motivated (the owner/developer, Koteswar Katukam, is Asian Indian, and reasonably priced duplexes for rent or ownership often attract a higher proportion of people of non-Caucasian ethnic backgrounds) were met with indignation, including by district 5 alderman Luke Fuszard who represents the area on the council, and who also lives in Hidden Oaks. Some neighbors repeatedly stated that they had no objections to a house or even two built within the existing R-1 zoning.

The city's planning staff and other supporters of the project point to the city's desire to promote infill and higher-density development (although, even with only one single-family home, this would be infill no matter what), and create so-called 'missing middle' housing, including more duplexes, townhomes and accessory dwelling units for instance. The goal is to provide more housing for people of all income levels.

The city is also trying to move away from its rigid R-1, R-2, etc. zoning, and until the zoning code has been overhauled, a process that is beginning this year, aggressive use of rezoning to pdd is its weapon of choice in achieving more flexibility.

Every rezoning to pdd is to a certain extent a political decision, but whether doing so with this lot was politically a wise decision remains to be seen.

Luke Fuszard made a motion seconded by district 8 alderman Mark Sullivan to reject the rezoning request and general implementation plan on the grounds that in view of the unanimous neighborhood opposition, granting the request would destroy a lot of trust between residents and city government. He also criticized the developer for not having reached out to the neighbors, lamenting the fact that despite his efforts a compromise was out of reach, leading him to vote for rejection.

District 6 alderwoman Susan West led the charge in favor of the rezoning and made a substitute motion, seconded by district 7 alderman Dan Ramsey, to that effect. She largely succeeded in reducing the discussion to only one aspect of the whole issue, namely storm-water management, arguing that the city could impose more stringent requirements under a pdd than an R-1 zoning.

Substitute motions take precedence over main motions, and the ensuing roll call vote ended in a 4 - 4 tie, with Susan West, Dan Ramsey, Emily Kuhn and Katy Nelson (district 3) voting in favor of the rezoning, and Luke Fuszard, Mark Sullivan, Kathy Olson (district 1) and Robert Burck (district 2) voting against it. Mayor Gurdip Brar broke the tie in favor.

The vote approving the rezoning, albeit by the thinnest of margins, was unusual not only in view of the unanimous neighborhood opposition, but also because it blatantly went against the wishes of the area's council representative, thus violating a courtesy that council members have traditionally afforded each other. Mark Sullivan pointed out this latter point, warning his colleagues against upending decades of council practice.

But since rezoning requires an ordinance, and ordinances are voted on twice before they take effect, this particular rezoning ordinance will be back for its second reading and vote, probably at the council's regular April 6 meeting (unless a special meeting is scheduled for March 30).

Sidewalks: Who should pay?

The public works committee was widely divided about who should pay for sidewalk repairs and new-sidewalk installation when it discussed city policy to that effect on March 22. It is not a new discussion. Middleton is one of a handful of cities and villages in Dane county that makes property owners pay 100% for new sidewalk installation.

In new developments, the developer pays for the sidewalks (and the new streets) and rolls the cost over to the individual property owners. In other words, the cost of sidewalks and other infrastructure is included in the price of the lots or houses when they are sold to their first owners. Subsequent owners may or may not realize that the sidewalk was part of the purchase price, and with good reason: The presence or absence of a sidewalk does not influence the resale price of a property down the years.

The controversy arises in established neighborhoods that were originally built without sidewalks when the city tries to retrofit them. Adjacent property owners are then charged thousands of dollars for something they didn't ask for, that won't increase the value of their property, that they don't own, but that they have to maintain, and that they will be charged for again if the city decides that it needs to be repaired (also 100%, unless the city determines that the damage was caused by the roots of a terrace tree, in which case the city picks up half the cost - this 50% city contribution is an exception that was enacted only four years ago).

While it has been city policy to automatically consider retrofitting sidewalks when streets come up for reconstruction, it has been city practice not to impose them against neighborhood opposition. In recent years, this has led the city to abandon plans to build sidewalks on Wood Road and Brookdale Drive, among others. The most recent controversy (to add a sidewalk on Mayflower Drive north of Maywood Avenue) was temporarily defused when the city postponed the reconstruction of that part of the street until 2024 due to budgetary constraints. But it will flare up again vigorously because the city will then recommend to also install sidewalks on Columbus Drive (the continuation of Mayflower Drive) and adjacent courts.

The city's sidewalk-assessment policy is firmly anchored in tradition and an outdated mindset that gives



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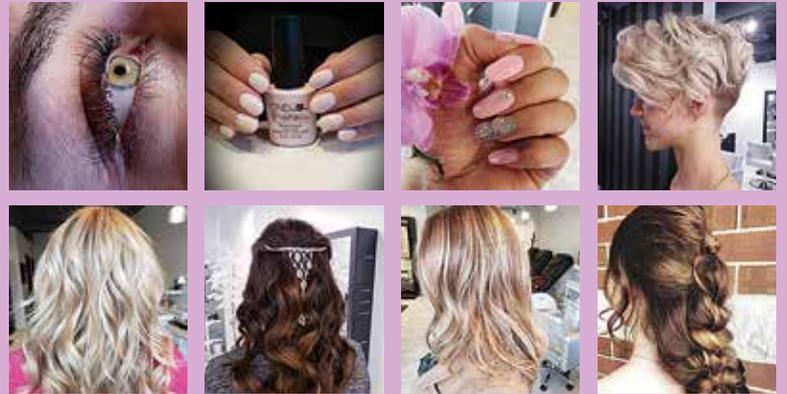
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preeminence to motorized traffic, while considering sidewalks at best a luxury and pedestrians a suspicious nuisance. Budgetary considerations are secondary: Within the context of a complete street reconstruction, the financial impact of sidewalks is comparatively small for the city, although it can be huge for an individual property owner.

Trying to change city policy is difficult. Attempts in that direction have gone nowhere in the past, not least because the old mindset is still alive and well, and it is compounded by a rather selfish logic: 'I had to pay for my sidewalk, so why should I pay for yours (through my taxes)?' This attitude not only exists, somewhat expectedly, among long-time Middleton residents who still live in their original homes, but, somewhat unexpectedly (and dishearteningly), also among recently added residents who bought homes in new subdivisions.

But attitudes are beginning to change. The city's stated policy is to encourage walking as a mode of transportation through the creation of 'complete streets', i.e. streets that do not just consider the needs of the motorists, but also those of pedestrians, bicyclists and other more vulnerable traffic participants. And since neighborhood opposition is the major obstacle to retrofitting streets with sidewalks, easing the financial burden on property owners could be one way to pave the way for more sidewalks. A more fundamental argument in favor of the city paying for sidewalks is that they are part of the transportation infrastructure, i.e. a common good whose costs and benefits are shared by all.

To pay for sidewalks, the city would for the most part use capital borrowing as part of its annual streets-im-

provement budget. The common council has set a \$2 million annual budget for roads within its \$3.5 million capital-borrowing budget. But those figures are self-imposed, and the council could easily adjust them if it so desired, not least because debt service does not fall under the state-mandated levy caps, and the city is nowhere near its also state-imposed borrowing limit.

Both the old and the new thinking are well represented on the public works committee. So well in fact that the discussion remained at the exchange-of-views level with no consensus in sight, with, at the extremes, Daniel Cody representing the old thinking, and district 2 alderman Robert Burck and Kerrie Schueffner representing the new. The members did agree however, that not all streets that currently lack sidewalks should be or need to be retrofitted. They also decided to ask the city's public works department to provide information about the cost of retrofitting sidewalks.

A controversial project for Captain Bill's

On Tuesday, March 23, the Middleton plan commission got its first official look at a new seven-story apartment building proposed for the old Captain Bill's site at the corner of Lake Street and Century Harbor Road (a private street). The project is the brainchild of Tim Carey of T5 Real Estate Solutions, a local development company that, among others, was also behind Market West Apartments on Market Street near Greenway Station, Parmenter Circle Apartments near the Parmenter Street roundabout, and a multi-tenant office building on Deming Way, all in Middleton.

A LOOK BACK

April 2021

City finances: Looking forward to a windfall

The city of Middleton is going to receive \$1.98 million from the federal government as its share of the American Rescue Plan Act, a \$1.9 trillion economic support plan devised by the Biden administration, passed by Congress, and signed into law by president Joe Biden on March 11 to help people, businesses and governments deal with the fall-out from the covid-19 pandemic. As opposed to previous large-scale relief packages, the American Rescue Plan provides financial assistance to all local governments, no matter the size of the community: All 19,000 cities, towns and villages in the country will receive a share of \$65.1 billion, essentially based on population.

As city finance director Bill Burns explained to the finance committee and the common council on Tuesday, April 6, it is currently unclear what exactly the relief funds can be used for once they are available. The US Treasury is expected to issue precise guidance within the month, although some general guidelines are known already, according to the National League of Cities. Thus, local governments can use the funds to give assistance to households, small businesses and non-profits, to help economic sectors that have been adversely impacted by the pandemic, such as tourism or hospitality, to provide extra pay to essential workers, to cover government-revenue shortfalls, or to 'make necessary investments in water, sewer or broadband infrastructure' (the 'or' between 'sewer' and 'broadband' seems to be a topic of interpretation: is it an inclusive or an exclusive 'or?'). What is

clearly known is that local governments cannot use the money to shore up their pension funds.

School district: Police protection

On Monday, April 12, the Middleton-Cross Plains Area School District (MCPASD) board of education discussed, without taking action, the findings of a months-long inquiry into the school resource officers (SRO) program in the district's middle and high schools. The long-established program was called into question last year in the wake of the protests against the killing of black civilians by white police officers. While the school district administration and the board of education initially wanted to proceed with the sro-program as usual, the Middleton city council forced them to reconsider when it refused to approve the annual agreement between the district and the city allowing Middleton police officers to participate in the program.

The 67-page report of the inquiry, which was conducted by a wide variety of district staff members, students, former students, outside consultants and other stakeholders, is heavy on survey and focus-group results (47 of the 67 pages), and comes to the general conclusion that the sro-program should not be abolished, but rather reformed, so as to make it less repressive. More importance shall be given to trust-building, dialogue and prevention of disciplinary problems, with a greater involvement of other school professionals in behavioral issues. A new job description and appropriate training

The sheer size of the 107-unit building (with 141 partially underground parking spaces) has not only led to predictable opposition from many neighborhood residents, but also to concerns - not least about the height - by the members of the plan commission. While Tim Carey strongly defended his proposal by pointing to the city's comprehensive plan and its encouragement for higher density, the consensus of the plan commission seemed to be that there might be such a thing as too high a density in certain locations.

The concept review was the first in many steps in the approval process, and resulted, as intended, in the plan commission providing 'feedback to the applicant', as they say in city hall. The developer will next work with city staff to translate the comments he received into a more or less modified proposal, before appearing before the plan commission again. The site needs to be rezoned from its old planned development district (PDD) status to a new pdd, which is done by ordinance, requiring advance notice to the neighborhood, neighborhood meetings and an official public hearing before common council approval. The general and the specific implementation plans will also have to be approved by the plan commission and the council, and, among other engineering requirements, the developer will have to pay for a traffic impact study (left turns from Lake Street onto Allen Boulevard for instance will need to be addressed, for instance).

Considering the complexity of the issues, including neighborhood opposition, the whole approval process will most likely take several months, with the outcome not guaranteed.

of the school resource officers is also part of the recommendations.

One interesting survey finding was that, overall, students, including students of color, were the most supportive of the sro-programs, while school staff members were the least supportive: 30% of students wanted to preserve the sro-program 'as is', compared to 8% of staff members, while only 10% of students wanted to eliminate the sro-program, compared to 25% of staff members. As a whole, though, the vast majority of respondents - students, staff and parents - were in favor of preserving the sro-program (85%: 25% 'as is', and 60% with changes putting more emphasis on dialogue, prevention, fairness and 'holistic safety measures').

School district, student and police department representatives will meet regularly in the coming weeks and months to work out details of how to implement the evaluation report's recommendations.

City sidewalks: A step in a new direction

The city of Middleton's public works committee, for the first time in living memory, has gone on record in favor of a major policy change: On Monday, April 12, it approved a motion recommending to the finance committee and the common council that the city pay 100% of all new sidewalk construction in established neighborhoods. Current policy is that the owner of the adjacent property pay for the whole thing. The motion, made by Robert Burck and seconded by Kerrie Schueffner, was

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adopted with 4 votes to 2 (Robert Burck, Kerrie Schuefner, Don Knorr and Susan West in favor; Bob Lyons and Carl Stumpf opposed). It must be noted that this would apply only to sidewalks that are being retrofitted in existing neighborhoods, not to replacements or repairs of existing sidewalks.

The main argument in favor of the policy change is simple and twofold. One, it is in accordance with the city's new comprehensive plan and its focus on 'complete streets', whereby sidewalks are an integral part of the transportation infrastructure, just like streets and bike trails, and as such should be funded by the community as providing a public benefit. (Part of that argument is also that sidewalks make walking safer.) This is a shift away from the automobile-centric view that still dominates a large, albeit decreasing, share of the thinking inside and outside city hall about roads and transportation. Two, it would remove most, if not all, residents' opposition to new sidewalk installation in existing neighborhoods.

Opponents of the policy change have two main objections. The first one is the argument from selfishness (or, to put it more charitably, from fairness): 'I had to pay for my sidewalk, why don't they have to pay for theirs?!' (and, by extension, 'why do I now have to help pay for theirs?!'). This argument is based on the eternal-precedents fallacy. Society evolves, policies and laws change with the times, and somebody is always at the cut-off. Not to put too fine a point on it, if precedents were unassailable in perpetuity, we'd still have slavery.

The second objection is the argument from money: The money is not in the city budget. Or at least not to pay for sidewalks. This argument is based on the fallacy that budgetary priorities never change. That fallacy is best illustrated by the street-improvement budget itself. It was only half a dozen years ago that the city council decided, in a major policy change, to consistently spend \$2 million per year in capital borrowing on road repair and reconstruction. Before that change, the annual amounts varied wildly and arbitrarily, leading to a significant degradation of the city's streets. It would be consistent with the new 'complete streets' policy adopted earlier by the city, if the council now adapted its budgetary priorities to implement that policy effectively. Whether the money for sidewalks would come from the street-improvement budget, or an increase in capital borrowing, or some other financial instrument, is for city officials to research, and the finance committee and, ultimately, the council to discuss and decide. Budget policy is much less of an obstacle than political obstinacy.

Downtown plaza: A fundraising breakthrough?

At the April 15 CDA meeting, Abby Attoun let it slip that the fundraiser for the downtown plaza is now going well. When pressed for details by mayor Gurdip Brar, and although she was visibly uncomfortable talking about it, she confirmed that MG&E had agreed to sponsor the solar array, "with no strings attached" for \$15,000, and that a probable sponsor for the stage ('outdoor theater') had also emerged, which would bring in another \$250,000. Talks were underway with other possible sponsors for \$10,000 and \$100,000 respectively. Earlier in the process, local businesswoman and philanthropist Pleasant Rowland agreed to donate \$25,000 as sponsorship for the 'fire kettle'. More than two dozen local residents, many of them current and former city officials, have so far donated almost \$77,000 by purchasing his-

torical photos that will be displayed on a donor wall.

While the common council has approved \$1 million in tif funds towards building the plaza, the city's goal is to raise another \$600,000 through private donations to pay for the stage and public restrooms (tif funds can't legally be used for that). After a very slow start, not least due to the pandemic, the fundraising pace seems to be accelerating now, and as of April 15, \$117,000 of the \$600,000 had been pledged.

City finances: A profit in the pandemic

The city of Middleton has closed its 2020 accounts and come out \$492,225 in the black in the general fund. While total city revenue was down by just over \$422,000, mostly because of a pandemic-induced drop in hotel-room tax revenues, it more than made up for that through savings and revenue increases in other areas. According to a report by the city's finance director Bill Burns, the city benefited from more than \$335,000 in federal and state covid-19 assistance, a \$400,000 payment by Pleasant View Golf Course on an advance by the general fund, higher than expected interest income (by almost \$148,000) on judicious investments, and police department expenditures \$217,000 lower than budgeted.

On April 20, the finance committee and the common council approved dividing the surplus up between the 'compensated absences' fund (accrued sick leave for former city employees, administered by North Shore Bank), the fire district's safety reserve (for equipment replacement), the ems safety reserve (also for equipment replacement), the revaluation fund (for future city property revaluation) and the unassigned fund balance ('rainy day fund', which at the end of 2020 stands at just over \$6.33 million, or about 28.2% of operating expenses, well within the city's target range of two to four months' worth of coverage).

Public library: A timid reopening

For the first time in over a year, the Middleton public library will open its doors to the public on Thursday, April 29, albeit with reduced hours and many restrictions. The lower level remains closed, masks and physical distancing are required, and capacity on the upper level is limited to 30% (staff excluded). People can use the self-check holds pick-up, browse the collections on the upper level, and use the computers, printers and other equipment, as well as the restrooms. Seating is not available, in-person events cannot take place, rooms can't be reserved, eating and drinking are not allowed, and neither are cash payments. The Friends book shop also remains closed. These two latter restrictions are a bit of a mystery, though. With the proper safeguards in place, there doesn't seem to be a public-health reason why the book shop shouldn't be open and cash should not be accepted.

School district: Let's try again

On Monday, April 26, the Middleton-Cross Plains Area School District's board of education unanimously approved a new school resource officer (sro) agreement between the district and the city of Middleton. This comes at the end of lengthy evaluation of the sro-program that the school district was forced into after the Middleton city council refused to approve the old agreement in the wake of last summer's racial protests. The evaluation, among other things, promises more training

for the police officers and more reevaluation. The new agreement now has to be approved by the city council.

Park fees: An unsustainable funding model

The city of Middleton's way of financing its parks is not sustainable. Park development and park improvements are currently funded through two types of fees paid by developers: fees 'in lieu' of dedicating park land, and park development fees. Although these fees amount to hundreds of thousands of dollars for large developments, they are insufficient to cover the cost of maintaining, improving and expanding Middleton's park system. And as they apply only to new development (and in-fill), they are also a finite resource - once every buildable square inch of Middleton has been covered in concrete, the funds will dry up.

According to the city's 2020 comprehensive outdoor recreation plan (CORP), the park fees are too low to keep up with the city's self-imposed target of creating, maintaining and improving 15 acres of park land per 1,000 residents. In fact, with its current 309 acres of park land, Middleton has already fallen behind this target (it is currently 4 acres short), and will need to find (and fund) another 24.5 acres by 2025. One option to solve this problem would be for Middleton to adopt the median standard for park land for cities its size, which is 9.6 acres per 1,000 residents. If that were the official ratio, then Middleton would have a projected surplus of 95.6 acres by 2025 (and wouldn't need to add more park land for another half a century).

Considering the city's greater reliance on (and promotion of) apartment buildings to create housing, the 15-acre rule is probably becoming untenable. Apart from the rising cost of land, it also leads to some absurd situations: As the city's director of planning and community development, Abby Attoun, explained at Tuesday's plan commission (PC), the recently proposed redevelopment of the Bruce Company site on Parmenter Street could eventually result in adding about 1,000 residents to the area, which, according to the standard, means that the developer would have to dedicate 15 acres of land for a park. The whole development site is only 14 acres. (That's one reason why developer pay fees in lieu.)

Park shelters and recreational facilities are ludicrously expensive (the pickleball courts at Taylor Park cost \$175,000, and the shelter at Lakeview Park over \$1.4 million), and in order to pay for it all, the recommendation included in the corp is to raise fees in lieu by 54% and park development fees by a whopping 267%. If those levels of fees were in place today, it would mean that Aviary/Middleton Market on Lisa Lane, instead of paying an already impressive \$801,345 in combined fees, would have to pay almost \$1.75 million. Stagecoach Trail's fees would have been \$310,700 instead of \$142,600, and Middleton Center II tenants would be paying \$629,900 instead of \$289,000.

The way the system currently works essentially resembles a Ponzi scheme, where park fees from new developments pay for improvements in old parks, especially considering that fees in lieu do not guarantee that the residents of the new developments who pay these fees will get a park in their vicinity. In fact, that is almost never the case, which is why neither downtown nor the Greenway area have city-owned public parks, even though recent developments in those areas have generated over a million dollars in park fees. That, by the way, violates

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another city rule: That every resident should live within half a mile of a park.

Like many other onerous city rules and regulations (minimum on-site parking requirements, for instance), park fees add to the cost of construction, which means they add to the cost of housing as developers pass them on to their buyers and tenants. For a variety of reasons, mostly due to the aggregate effect of various city policies developed piecemeal over the years without regard for the consequences they would have for each other, Middleton struggles with creating housing that is affordable for everybody. Park fees is one of those policies. Another

one is the promotion of subsidized housing at the expense of affordable mid-market housing. Subsidized housing has a strong lobby in city hall, including at the pc, and during the pc discussion on how to deal with the looming collapse of the park-financing system, some members seriously suggested waiving the park fees for subsidized housing projects. Which would of course only increase the fee-pressure on all other types of housing, thus making housing even more unaffordable, except for the rich and the subsidized poor. Although some plan commission members seem to have a better understanding of economics than the subsidized-housing lobby

(and pointed out the negative consequences of waiving the fees), the commission decided nonetheless to refer the issue to the workforce housing committee (as well as to the city's finance department to crunch the numbers).

Rather than tinkering with the fees, a more radical option would be to eliminate them altogether, and make park improvements part of the capital budget. That might not only have a positive impact on housing, but could also rein in the galloping spending habits of the park, recreation and forestry commission.

A LOOK BACK

May 2021

Investing wisely

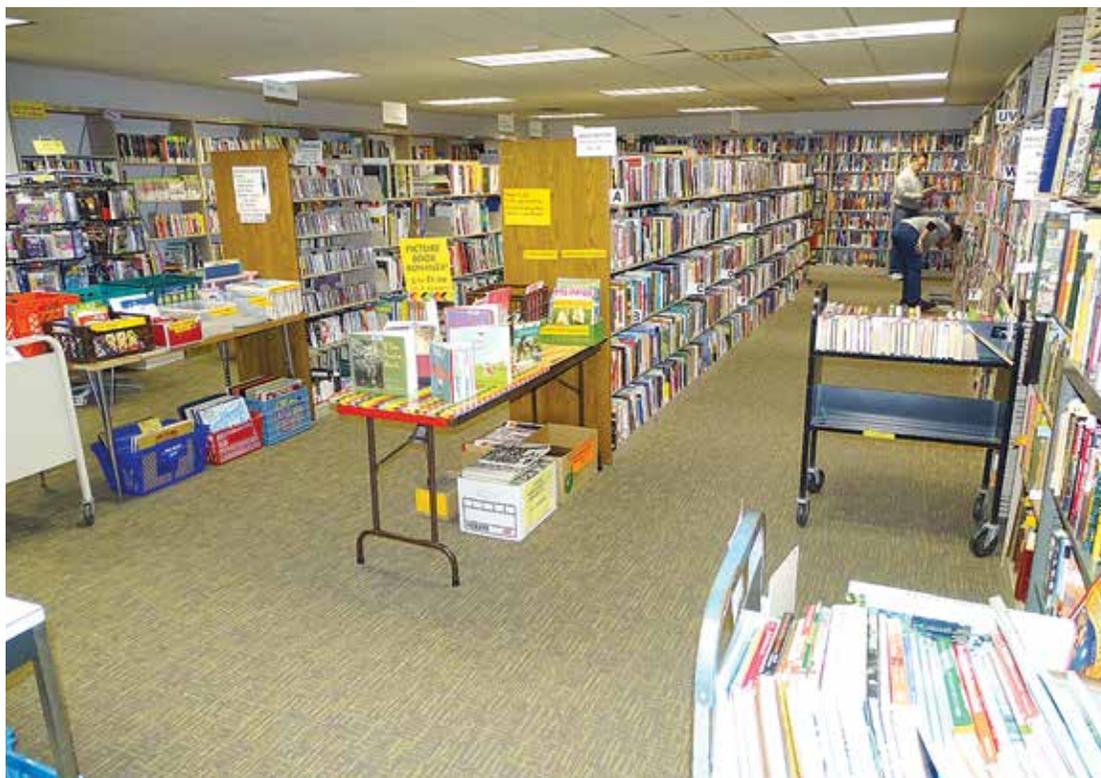
On Tuesday, May 4, the city of Middleton's finance committee approved new guidelines to the city's investment policy. As stated by Bill Burns, the city's finance director, the main goals of the city's investment policy are safety and liquidity. In order to shield the city as much as possible from the vagaries of the money market, and to make sure that it has the liquidity it needs to conduct its affairs, a significant part of the city's portfolio (\$15.13 million out of a total of \$55.65 million) is held in cash and other immediately available funds, and no funds can be invested for terms longer than five years without approval by the finance committee. Currently the vast majority of the city's funds (89%) are either immediately available (27%), or invested in one-year (30%; \$16.65 million) or two-year (32%; \$17.93 million) terms. No investment terms exceed five years. The new guidelines confirm the finance department's approach.

Renewed support for sro-program

The common council approved the new school resource officer (sro) agreement with the Middleton-Cross Plains Area School District, allowing Middleton police officers to return to the middle school and high school. This followed a months-long evaluation of the sro-program with recommendations to make it work in everybody's best interest by balancing the requirements of safety and discipline while avoiding heavy-handedness and even the appearance of racism or any other form of discrimination. The sro-program had come under criticism in the wake of last summer's racial unrest, although surveys among students, staff and parents later showed strong support it. This support was particularly strong among students and parents of color, and (relatively) weakest among staff.

Middleton library board wants to evict Friends' bookshop from the library building

The Middleton public library board has decided to permanently close the little bookshop the Friends of the Middleton Public Library had been operating recently on the ground floor (and for many years previously in the basement) until it was shut down due to the pandemic. The decision, which was apparently made in closed session at the board's May 11 meeting, has come as a surprise since it was not noticed on the agenda for that meeting. What was noticed was a discussion about a 'memorandum of understanding' between the public library and the Friends of the Public Library: 'The library



board will convene into closed session in accordance with section 19.85(1)e which states: (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. Friends of the Middleton Public Library MOU agreement. (action)'

This could be interpreted as meaning that the board has violated Wisconsin's open meetings law twice: One, any item to be discussed in a public meeting, in open or in closed session, has to be indicated on the agenda, and, two, closed sessions, by state law, are to be exceptional, and are only recommended for issues that require confidentiality, such as determining negotiating positions for (contentious or competitive) bargaining situations, such as property acquisition or labor contracts, litigation the organization may become involved in or is involved in, or personnel matters. Closing the book sale area was not mentioned on the agenda, and although it could be argued that it is part of the memorandum of understanding, it is of greater public interest than probably any other aspect of the Friends' activities, especially since

of most the memorandum concerns behind-the-scenes administrative matters, and the bookshop is only mentioned obliquely.

Furthermore, as former Friends board member Mike Lutz points out, is it odd that an agreement between the library and the Friends would have to be discussed in closed session at all, as if the Friends was a foreign entity that tried to gain some kind of advantage over the library. "There is no bargaining; the Friends has nothing to bargain with, it does as the library says, always has if at all possible. The Friends was founded to support the library, not to compete with it."

The Friends of the Middleton Public Library was created in 1973 with the purpose to raise funds for the programs and/or other projects undertaken by the Middleton public library above and beyond the library's annual budget. The amount of money raised and donated is significant. According to information supplied by the Friends, it has provided the library with more than \$600,000 since 1991, and since 2011 used-book sales have brought in almost \$302,000 in revenue. In recent years, the book sales have accounted for over half of total

revenue brought in by the Friends. Book sales for 2019 (the last full year of sales before the pandemic shutdown) were \$36,242, with individual and corporate donations, as well as memberships of \$21,012 making up the rest of the Friends' revenue. In 2019 it provided the library with \$44,651, as well as with a gift of \$30,000 to help fund the 'New Chapter' project. According to the Friends, this was the largest donation the library received from a single donor.

For many years, the bookshop was located in the library basement, occupying a generously sized sale room and a slightly smaller sorting room. Sorting the donated books (up to 100,000 a year) and restocking was done by Friends volunteers. The bookshop was open to the public every Thursday and Friday, as well as once a month on Saturday; volunteers also handled the sales (between 50,000 and 60,000 books, mostly priced at 50 cents or \$1, a year).

A statement put out by the public library confirms that the decision to close the bookshop was made - in apparent violation of the open meetings law - in closed session: 'The closure of the bookstore during the pandemic has allowed the library board to consider whether the bookstore should remain housed in the library's building. The board is expected to formally vote on June 8 to discontinue the bookstore within the library space. (...) This decision was made with significant consideration and debate over the course of several months.'

The fact that the board will 'formally vote' on June 8 to close the bookshop indicates that the decision has already been made, that the vote will only be a formality, and that the outcome is a foregone conclusion. Whatever 'significant consideration and debate' might have taken place 'over the course of several months' must have been in the privacy of the library director's office, since the Friends' bookshop did not figure on any agenda of any library board meeting between January 2020 and March 2021. Only the agenda for the April 2021 board

meeting lists it under 'new business' (in effect confirming that it hadn't been officially discussed before) as 'Friends MOU, book shop (discussion)'. According to the minutes for that meeting, '[Library director] Jocelyne Sansing reviewed the draft memorandum of understanding (MOU) between the Friends and the board. Two major topics in the MOU are regarding space use within the library and how finances are handled between the Friends and the library. (...) No action was taken at this meeting, but this topic will be reviewed again in the future.' Any 'significant consideration and debate' has also had to be quite one-sided, since the Friends was neither informed about it, nor invited to participate. In a statement to Middleton e-View, the Friends board confirms that they 'had planned on resuming used-book collection and sales at the library sometime in the summer or fall of 2021 until we were informed by the Middleton library board of trustees after their May 2021 monthly meeting that the library would no longer provide space for collecting, sorting or sales'.

The library gives two main reasons for closing the bookshop:

'1. The bookstore takes up space that is needed for library services, both the space used for the bookstore itself, and space needed to accommodate donation bins and to store donated materials. The space vacated by the bookstore will be used for additional programming space and space for materials as the library reopens to the public. 2. While volunteers do much of the work needed for the bookstore, significant library staff time is also needed to collect and handle donated materials, and to monitor and transact sales from the bookstore. The cost of library staff time to support the bookstore in 2019 nearly equaled the amount that the bookstore raised during this period.'

The second argument especially is disingenuous and implausible. It is disingenuous because it was the library's own decision to move the bookshop upstairs and

keep it open during regular library hours, thus virtually guaranteeing that its own staff would have to handle the sales when no volunteers were present. In other words, the library itself provoked the very situation it is now using as a reason to close the shop. The argument is also implausible because according to the last sentence it would mean that at least one library staff member was occupied full-time dealing only with the bookshop. That seems highly unlikely, to say the least.

Since she took over in 2016, library director Jocelyne Sansing has never made a secret of the fact that she considered the physical presence of the bookshop an obstacle to her vision for the library, which involves a lot more entertainment- and event-programming, and a lot less emphasis on actual books. Her first move, in late 2019, disliked by many Friends volunteers and book lovers, was to move the bookshop upstairs and reduce its size. The pandemic-induced prolonged closure of the bookshop seems to now have given her and the library board a convenient excuse to close the space for good.

It is at this point unclear what the Friends' next move will be. Without a site to accept donations, sort books, and display and sell them, not to mention without a complete leadership board, it is unlikely that used-books sales will continue to be a major fundraising source for the library. It is also unclear how the library intends to make up the shortfall in donations for its programming - maybe by asking the city council for more taxpayer money.

The loss of the bookshop in the library, however, is more than just a financial matter. As Mike Lutz points out, the bookshop was more than a mere fundraising mechanism; it brought people into the library, people who loved books, people of all ages and backgrounds, including many families, who could buy quality books at very affordable price, and then find out what else the library has to offer.

A LOOK BACK

June 2021

Good Neighbor Fest: Too dangerous for VFW?

In a statement released on June 4, Middleton's VFW announced that it was pulling out of this year's Good Neighbor Fest (GNF). William 'Sonny' Simon VFW Post 8216 is one of the founding members of Good Neighbor Fest, and has participated in every edition since 1964.

The reason for the withdrawal is indicated as concerns over 'risk, liability and safety' due to 'changes being implemented by the executive board of the Good Neighbor Festival'. The VFW does not specify what exactly it fears is going to make this year's event so much more dangerous than previous ones, but its commander, Calvin Riggsby, seems to be hinting that it could be more dangerous than some military missions: "As veterans of the US military that deployed in defense of our nation, members of the VFW are used to operating in inherently risky situations. The military, as part of its planning process, identifies risks and takes all necessary steps to mitigate those risks to operate as safely as possible. In response to changes mandated by the executive board of the GNF, the VFW conducted a risk assessment and identified safety concerns associated with operating at

this year's GNF. Our concerns, when brought to the executive board, have not been adequately addressed. The VFW has never had a serious incident while operating its family-friendly beer and entertainment tent and will not compromise our safety standards. Out of concern for the citizens of Middleton and the surrounding communities, and increased liability due to GNF executive board decisions, we made the difficult decision to withdraw from further participation in the fest we founded."

While not knowing details, it is probable that the VFW's retreat was prompted by a planned change to the layout of the GNF fair ground at Firemen's Park. Instead of, as in the past, having two separate enclosures for the two beer tents (because of our paranoia about alcohol, the area where people are allowed to have a beer needs to be fenced in), the organizers this year plan to put the fence around the whole site, in effect extending the area where people can drink their beer. This will not only make life easier for visitors, it will also allow for greater distancing. Another novelty is that the 'battles of the bands' between the beer tents will be replaced by a single music stage. Together with the new fencing, this will allow beer drinkers who don't enjoy the loud noise

coming from the stage, let alone two stages simultaneously, to escape to a quieter part of the enclosure and have a normal conversation.

This new layout has been discussed extensively at the city's license and ordinance committee for many months, and both the committee members and the Middleton police department have expressed their approval. The city's license and ordinance committee approved the special event permit for this year's Good Neighbor Festival, including the open campus plan, yesterday, May 8.

Downtown pedestrian zone: Baby steps

Sometime in July Middleton might get its first pedestrian street - small, temporary and with limited hours, but still, a step in the right direction towards making downtown more people-friendly, and creating a better shopping and outdoor dining experience. After wasting the opportunity to do so last year by humming and hawing and kowtowing to the automobile lobby in the business community and within its own ranks, the community development authority (cda) decided in principle on June 3 to close the western end of Hubbard Avenue (and a bit of Aurora Street) between Parmenter Street and El-



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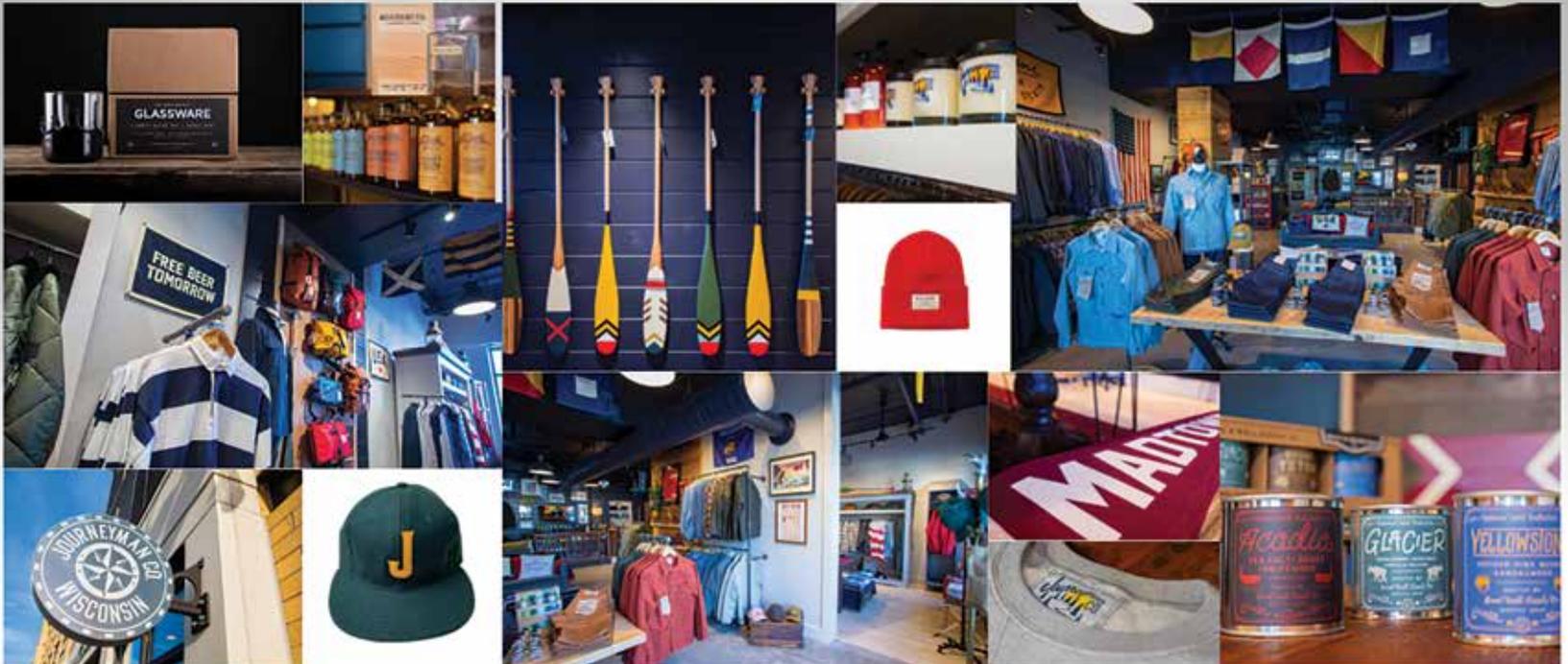
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wood Avenue to all motorized traffic as an experiment at certain times on certain days (probably Fridays and Saturdays) for a certain period (maybe a month). Details (times, days, duration, when to place and remove the barriers and who will place and remove them) still need to be worked out, and a formal vote is scheduled for the cda's next meeting on June 17. Final approval will have to be given by the common council, which could happen on July 6. At the end of the trial, the effects of the street closure will be evaluated and conclusions drawn.

The danger is, however, that the duration of the experiment will be too short to yield useful data, and that the discussion will revert back to the old dialogue of the deaf between advocates of a business- and people-friendly downtown on one side, and an automobile-centric and choked-with-traffic downtown on the other. In that kind of debate, the people usually lose.

How the Middleton public library undermines equity and inclusion

On Tuesday, June 8, the library board voted with 5 votes to 1, and 1 abstention to remove the Friends of the Middleton Public Library's permanent bookstore from the library building, and to end staff support for the Friends' book sale operations, thus confirming in open session what had already been decided in closed session on May 11.

The Middleton public library was exceptional among Dane county libraries in that it had a fairly high-volume permanent bookshop within its walls. For many years it was located on the lower level, occupying two large rooms, one for storing and sorting donations, and one for selling (sales took place on two, sometimes three, days per week). Almost all of the work was done by volunteers. As a result of the library director's (and library board's) efforts to reorganize the library and focus more on programming, the lower-level space was closed in 2019, and book sales were moved to a much smaller, albeit permanently open, space on the main level. According to public library director Jocelyne Sansing, this shift in operations led to an increase in library-staff time dedicated to the book sales from twelve hours per week to 126 hours per week, at a cost of almost \$22,700 per year. Weighed against book shop revenues of \$36,200 (and total donations of more than \$44,600 from the Friends to the library in 2019) the director and a majority of board members felt that keeping a permanent book sale area on premise was not worth the effort.

On analysis, it is increasingly apparent that the staff-time cost argument was little more than a conjuring trick by the library director to lend some substance to an otherwise rather weak case to evict the Friends from the building. This view is supported by the fact that it was the library's own reorganization that had provoked the increase in staff-time support for the Friends in the first place: The library director created the very situation that she then used as an argument against the bookshop. Also, the bookshop eviction will only result in saving \$22,700 if the library reduces its personnel costs by that amount.

Another indication that the library director was playing a long game to get rid of the book shop completely (and not just relocate it to the main floor for increased visibility, quality and sales, as she stated in an interview with Middleton Review at the time) is her acknowledgment that she cut the Friends off from a major supply:



Books that were withdrawn from library circulation. While a lot of privately donated books cannot be resold because they are torn, moldy and otherwise damaged, or just plain junk, library withdrawals are usually eminently saleable: They are often in reasonably good shape because they have protective covers, and because they are withdrawn before they are damaged; they are also often good-quality books, content-wise; and, in case of novels, they are often first editions. The withdrawn materials used to be given to the Friends for sale in the book shop until the library director stopped the practice a while back. They now go to Better World Books, a for-profit semi-charity based in Indiana that sells books online, and for each book sold donates one book to Books for Africa and similar organizations. What can't be sold or donated is recycled.

Ironically, it is the success over the years of the Friends' bookshop that has provided the funding for the increased programming (from 201 events in 1999 to 1,065 in 2019, with attendance rising from 3,770 people in 1999 to 47,770 in 2019) that has now led to their eviction.

A real discussion about helping the Friends find another way to raise funds through book sales did not take place, and the attention will now shift to identifying new outside funding sources to replace the \$36,000 or more in lost Friends' contributions to the library's programming. The library director mentioned grants, endowments, sponsorships, and similar outside money sources, and that will mean that library staff time will now be taken up writing grant applications and such like. Another option is to ask the common council for more money at budget time, although the library director wisely did not mention that publicly at the board meeting. It will be interesting to see if the library will nonetheless ask for more funding to pay for more staff. Before approving any increases in taxpayer dollars to pay for the library operations, the finance committee and the council should ask the library director how the \$22,700

in 'savings' from the book store eviction are being spent.

On the other hand, in the past couple of years, the council has approved library-personnel funding that was higher than what the library itself requested (for 2021, the library's request was for \$1.254 million, which the council raised to \$1.290 million in the approved budget). This would suggest that even if the director's bookshop-related staff time figures were correct, lack of staff funding would not seem to be an issue.

There is, however, another way of looking at this, a way that the library director and the majority of board members have missed or purposefully ignored. The eviction of the bookshop is, as it was put during the meeting, the result of a cost-benefit analysis. But, like the library itself, the Friends' bookshop is, was, a public service. The library director's fuzzy math notwithstanding, it not only provided significant funds to the library, but it was also the only bookshop in the city. And, more important, it allowed people with limited means to buy good-quality books to very low prices. In that sense, the decision by the library director and the board to close and evict the store hurts our poorest citizens the most. It also undermines the credibility of the city's efforts at more inclusion and equity. It is grimly ironic that it is the library of all institutions that now prevents the most vulnerable of our citizens from being able to buy books at affordable prices.

The end of an era

A Middleton institution will soon be but a memory: The Hody Bar & Grill (pictured) has been sold, and will close its doors for good in early August. According to Cindy Symons, who has owned and operated the Hody with her husband Mike for the past 22 years (although he retired from the day-to-day operations more than a dozen years ago), the last official day will be Saturday August 7, with a customer- and staff-appreciation party being planned for August 8, after which it will be lights

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out. Before building the Hody, Cindy and Mike Symons owned the Middleton Hotel bar at the corner of Parmenter Street and Elmwood Avenue for sixteen years, until the city bought it in late 1998 and razed it to make room for M&I Bank's parking lot. According to Cindy Symons, the name 'Hody' was derived from the nickname regulars had given the Middleton Hotel: 'Too long to say on a regular basis, it was shortened to 'Hotel' and

'Hotee', which, especially after a few drinks, was easier to pronounce as 'Hodee', and there you have it. While she's not sure yet what she will do in her new retirement, she does wonder where all her customers will go. The Hody did indeed fill a unique niche in Middleton, with live music every weekend, 'no cover charge ever!', and open 365 days a year - an important refuge for people on New Year's Day, Christmas and similar holidays

when all other bars are closed.

The purchaser of the Hody is Lokre, a Plover-based developer, owner and operator of privately held real estate that also owns the Cayuga Court parcels and buildings. The space will become a restaurant, with Compadres Mexican Restaurant moving there from its current location (also owned by Lokre), which it has outgrown.

A LOOK BACK

July 2021

Summer in the city: Good event, lessons to be learned

Judging from the attendance and general comments, the first 'downtown Middleton summer fun' event that took place this Thursday, July 1, at the downtown plaza was an encouraging success. With old-time and Irish music by the acoustic band Moldy Jam, as well as arts and crafts activities for kids, including street painting, it was organized by the city's community development authority (cda) in cooperation with the arts committee. For the event, which lasted from 6:00 PM to 8:00 PM, Hubbard Avenue and Aurora Street were closed between Parmenter Street and Elmwood Avenue from 5:00 PM to 9:00 PM.

The temporary street closure was a timid first step towards making downtown Middleton more pedestrian-friendly, and while it was widely appreciated by visitors, diners and other attendees, not all motorists understood the 'no parking between 5:00 PM and 9:00 PM' signs, and about a dozen cars were still in the street after it had been closed, creating disturbances as they trickled out at their leisure.

As the entertainment program and street-closures are to continue every Thursday through the end of August at least, it would be advisable to prohibit parking and close the street earlier in the afternoon (maybe at 2:00 PM, after the restaurant lunch crowd has left), and to have Middleton police help with making sure the no-parking rule is enforced and the street is empty and safe before the event starts. It would also be nice if at some point downtown businesses stayed open longer on those evenings.

The line-up for the following weeks consists of Madison Shakespeare (July 8; classic theater), Slipjig (July 15; Celtic music), The Toolies (July 22; Irish pub music), Too Sick Charlie (July 29; one-man blues band), Middleton Jazz (August 5; 'Dixieland' jazz, mostly), Ken Lonnquist (August 12; singer/songwriter/storyteller), Blue Spruce (August 19; acoustic classic rock), and Mackenzie Moore (August 26; folk/folk rock/alternative rock).

Council chambers: Pandemic? What pandemic?

After more than a year of being hyper-cautious in dealing with the covid-19 pandemic, from keeping all city facilities closed to the public longer than other Dane county municipalities, to limiting personal contacts even between staff members and holding all meetings virtually, the Middleton city administration pendulum has now swung to the other side. At the July 6 common council meeting, the first one held in-person at city hall since April of last year, the mayor and the city administrator packed council chambers to the rafters with Middleton

high school students, their parents, and assorted school district brass. The official purpose of the large gathering were two proclamations, one honoring the high school's National Merit Scholarship winners, the other honoring the high school's girls cross country, golf, and tennis teams, as well as two individual state champions (girls cross country and track, and boys golf).

This was more than unusual. While the academic and athletic achievements of high school students certainly deserve recognition, that is usually done by the school district's board of education. And while high school athletes have been recognized in the past through proclamations by the common council, this was a first for National Merit Scholarship winners. It is of course never too late to start a worthwhile new tradition, and the fact that something has never been done in the past is no reason to never do it in the future.

Cynical rumor, however, has it that the ceremony was less about the kids than about a photo opportunity for mayor Gurdip Brar as an unofficial kick-off for his third-term election campaign. And it is well known that he rarely misses an opportunity to bask in the glory of other people's achievements.

Special assessments: Pay to pay

The city of Middleton, like many other municipalities, and also unlike many other municipalities, not only makes its property owners pay for sidewalk repair and installation, curb and gutter and driveway aprons (all city property) through what is euphemistically called a 'special assessment' (an add-on to the property tax bill), but it also charges them for engineering administration costs, i.e. for determining how much they each should pay in special assessments. In other words, the city makes property owners pay for the privilege of having to pay the city. In an outburst of (largely symbolic) generosity, the common council voted on Tuesday, July 6, to limit this administrative levy per property to 15% of the total cost of a street or sidewalk project, or to \$200, whichever is the lower amount. By the public works director's own admission, however, the \$200 figure is "arbitrary", and not many properties will be affected by the new limit anyway. In other words, the limit is set too high.

Committee appointments: The mayor has his wings clipped (I)

With a 7 to 1 vote (district 2 alderman Robert Burck opposed), the Middleton common council gave final approval to an ordinance replacing the mayor (or his representative) on three city committees (airport, golf, and public safety) with three citizens, thus clawing back some citizen membership on those committees from the

mayor's greedy grasp. Mayor Gurdip Brar had recently appointed himself to the airport commission and the public safety committee, kicking two citizens off these committees in the process. The new ordinance will take effect with the 2022 appointment cycle.

Airport master plan: The mayor has his wings clipped (II)

On July 6, the city council voted unanimously to table (postpone until further notice) a proposal by mayor Gurdip Brar for a joint meeting between the city council and the town boards of Middleton and Springfield in order to discuss the airport master plan. Council president Cathy Olson (district 1) and district 8 alderman Mark Sullivan questioned the usefulness of such a meeting, considering that the towns had their own representatives on the airport master plan committee, and that the city council has not yet discussed the master plan. The mayor's attitude towards the airport has been ambivalent throughout the whole master-planning process, and his defense of the city's interests in this matter has been lukewarm at best.

Moody's confirms Middleton's Aa1 bond rating

As part of the city's general obligation note sale planned for July 20, Moody's Investors Service has reviewed and affirmed the city of Middleton's Aa1 bond rating. This is the second highest possible rating after Aaa, and reflects high quality with very low credit risk. This rating will help the city continue to obtain low interest rates on its debt. Moody's notes that the Aa1 rating 'reflects the city's strong wealth and income levels, growing tax base in close proximity to Madison (Aaa stable), and a solid financial position. The rating also considers the city's moderate combined debt and pension burden and rapid debt amortization.'

The credit reports notes strengths of a large tax base benefiting from close proximity to Madison; a solid fund balance; and rapid debt amortization. Credit challenges include high fixed costs, and low income levels compared to higher rated peers.

Middleton is one of only a few municipalities in Wisconsin with this level of credit rating. In Dane county, the city of Madison has a Aaa credit rating. The city of Fitchburg and Dane county have Aa1 ratings, while many other municipalities, including Deforest, Sun Prairie, Stoughton, Verona, and Waunakee, have a rating of Aa2.

The highest Moody's ratings are: Aaa; Aa1; Aa2; Aa3; A1; A2; and A3.

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The city of Middleton's elected officials were stunned to learn during a finance committee meeting on Tuesday, July 20, that the reconstruction of the Pheasant Branch Creek corridor, which was originally supposed to have started this month, will most likely be delayed by at least another year. As public works director Shawn Stauske explained, the Federal Emergency Management Agency (FEMA) has unexpectedly decided that a full environmental assessment of the whole design work is now required, which could take anywhere from eight (FEMA's most optimistic prediction) to fifteen (Shawn Stauske's probably more realistic prediction) months.

FEMA's foot-dragging and unpredictability have been the major obstacle to repairing the damage done to the corridor (and part of the conservancy) by the August 2018 floods. A big part of the repair work is to consist of upgrades to the banks and floodplains in order to prevent similar damage as much as possible, but FEMA has a lot of complicated rules about what is and is not eligible for federal funding, not to mention labyrinthine and multi-layered evaluation and approval processes. Upgrades and improvements to infrastructure, for instance, are generally not eligible, except when they are, and this is where the waters get very murky. To city officials it seems increasingly as if FEMA is making things up as it goes, inventing new requirements each time the approval process's end is in sight.

On June 15 of this year, the finance committee and the common council approved two bids by Nelson Excavating for the repair work (\$849,000 for the part from the Confluence Pond on Deming Way to Century Avenue, and \$315,000 for about a quarter mile north of Century Avenue) pending reception of all necessary permits, assuming that could take a few weeks. On July 6, they confirmed the bids, having meanwhile been informed that FEMA delays would push the work back, probably until the spring of 2022. While the contractor was

willing to wait that long under the old terms (which is risky because labor, fuel and materials costs could rise until then), this new and much longer delay not only jeopardizes the bid (although the city is willing to still honor it if the contractor is willing to wait), but also three state dnr grants (total amount just over \$565,000) that the city was awarded to help pay for the work. These grants had been extended once to the end of this year, and would probably also have been extended again to the spring of 2022, but they might not be extended to the end of next year.

FEMA's approval, by the way, is not necessary for the city to go ahead and do the work (it has all the necessary permits for that, including from the U.S. army corps of engineers, which has already accepted the design work that FEMA now wants reassessed), but it is necessary for FEMA to pay for it. Or rather, for FEMA to reimburse the city for an unknown part of it. The city could of course go ahead and get the work done, but it would then lose any chance at FEMA repayment, because one of the agency's innumerable rules is that it will not pay for work that has already been undertaken.

This leaves the city in a bit of a pickle: It has to decide whether a bird in the hand (the state grants that are now still available) is better than two in the bush (state grants that might get canceled if the wait is too long, and FEMA reimbursement of an unknown amount that may or may not happen; not to mention maybe higher costs if the contractor pulls out and the whole bidding process has to be started over).

On July 22, the finance committee (followed by the council) approved a two-track approach: It decided to ask the contractor to wait until FEMA approval comes through, and to ask members of Wisconsin's congressional delegation (senator Tammy Baldwin and representative Mark Pocan, specifically) to get FEMA to move faster, or, as finance committee chairman Mark Sullivan put it, "light a fire under these guys". At this point mayor

Gurdip Brar also chimed in, offering his help to move FEMA along, but he was immediately shut down by Mark Sullivan: "No, I think this would be better done by Mister Davis [the city administrator] and our elected representatives; you don't need to get involved in this."

Covid-19: 24 businesses benefit from loan program

According to a statement by Kevin Mahaney, president of the Middleton Area Development Corporation (MADC), the Middleton Economic Relief Loan (MERL) program that MADC and the city of Middleton started in October 2020 to provide financial help for businesses struggling with the fallout from the covid-19 pandemic, has been an overall success. The program was funded in the amount of \$600,000 with equal contributions of \$300,000 from the city of Middleton and MADC. Loans of \$5,000 to \$25,000 were designed to be at 0.00% interest through the end of this year, and then go to 1.00% during the 36-month repayment period. Each borrower was assessed a \$100 closing fee to cover a portion of the closing and documentation costs.

To date (July) 24 MERL loans totaling \$570,000 have been funded. Two applicants opted not to pursue MERL. MADC will continue to hold the remaining \$30,000 for any future requests. According to Kevin Mahaney, it is worth noting that the portfolio of 24 MERL loans represents annual revenue of over \$37,000,000 that was generated within the city of Middleton, and that all borrowers are still open and in business. One of the borrowers was able to repay their MERL debt through PPP funding. By the end of this year, all MERL recipients will be contacted to set up automatic payments beginning in January 2021. Repayment of the loans will run through the end of 2024. Kevin Mahaney is optimistic that more of these loans will be repaid than anticipated last fall, given the additional PPP funding, vaccination programs, and the steadily improving local economy.

A LOOK BACK

August 2021

Anti-airport hysterics

According to the manager of Middleton Municipal Airport - Morey Field, Rich Morey, the city received 71 complaints about aircraft noise and overflights between June 23 and July 30, up from 16 in June's report. Of these complaints, 43 came from one individual, 17 from another. As per usual, upon investigation it turned out that the vast majority of complaints were about aircraft following the voluntary noise abatement pattern, i.e. the pilots doing what they were supposed to do. Noise on take-off complaints continue. Not overflights or on climb-out, but on the take-off roll. The aircraft involved all flew the voluntary noise abatement procedure. Eleven of the complaints were for a crop duster operating out of Sauk Prairie airport. As Rich Morey also explained, there continues to be misunderstanding as to what the voluntary noise abatement procedure is for. Specifically, one complainer seems to think that any deviation from the voluntary procedure is 'dangerous'. This is not the case; the standard FAA pattern is proven safe. The noise abatement procedure is simply there to minimize noise to the surrounding residents.

How pedestrians are fair game on conservancy trails

Some members of the city of Middleton's pedestrian, bicycle and transit committee (PBTC) are concerned about conflicts between pedestrians and bicyclists on conservancy trails, as well as on sidewalks. At the request of Ken Markart, the commission on aging's representative on pbtc, the committee (very briefly) discussed the issue before referring it to the conservancy lands committee. Dangerous situations arise especially when bicyclists ride at high speeds and try to pass pedestrians without signaling their presence and intent first. It doesn't help that in some stretches the conservancy trails are narrow and windy.

Not all conflicts are the bicyclist's fault: Dog-walkers who walk on one side of the trail and let their pets run on the other, with extendable leashes (which, by the way, are not allowed in the conservancy) stretching across the whole width of the trail are a particular hazard, as are groups of walkers who take up the whole trail and don't get out of the way even when warned of an on- or upcoming bicycle. Many runners, their ears plugged and

heads filled with noise from whatever mobile devices they can't run without, occupy the middle of the trail and are oblivious to any other trail users, not least bicyclists.

On the other hand, not all conflicts are the pedestrians' fault: Many bicyclists use the conservancy trails as off-road exercise tracks, and ride at speeds that are dangerous and irresponsible considering the topography and the fact that these are multi-use trails and definitely not off-road bike tracks. Frankly, these bicyclists shouldn't even be on those trails (use the tracks at Pleasant View instead). Most bicyclists also don't bother to announce their arrival to pedestrians.

Another, newer, hazard comes from the increased use of e-bikes. Their ease-of use certainly has its advantages, but it also has drawbacks: One is the high speeds (20 or 25 miles per hour) that some can reach with minimal effort (pedal-assist) or no effort (with throttle); combined with their greater weight (up to seventy pounds), and the fact that their riders are often older people who can barely control a bike under normal circumstances, let alone in an emergency, an accident between a pedestrian and an e-bike will almost inevitably have far more serious

consequences than with a conventional bike. One of the 'advantages' of e-bikes, namely that they allow people to ride bikes who physically wouldn't be able to ride a bike without electrical assistance, is thus also a disadvantage.

Other motorized vehicles are also appearing more often on conservancy trails, including electric scooters and one-wheels (electric skateboards with a single large wheel in the center). As per city ordinance, besides electric wheelchairs, e-scooters and e-bicycles, as well as motor bicycles(!) are officially allowed on the (designated) trails, with speeds of up to 30 miles per hour allowed for the latter, 28 mph for class-3 e-bikes, and 20 mph for e-scooters (as per state statute, to which Middleton's code of ordinances defers in matters of definition of the different types of vehicles). One-wheels being a comparatively recent phenomenon, they are not even mentioned in the ordinance.

Pedestrian-biker conflicts predate the arrival of electric vehicles of all sorts, but with generous user ordinances allowing access to trails, and no practical enforcement mechanisms in place, it is difficult to see how the city can prevent these conflicts from escalating. Short of banning all motorized vehicles (except for electric wheelchairs and similar 'personal mobility devices') from the trails, any action by the city will probably be limited to putting up warning signs, including signs reminding users of trail etiquette (travel on the right, pass on the left; give audible signal when passing; bicyclists and motorized-vehicle users yield to all others, and runners yield to pedestrians), and to generally hoping that the majority of trail users will use common sense.

The city might also decide to update its relevant ordinance, but, as with many such attempts undertaken by the license and ordinance committee, it is more likely than not to result in a cure that is worse than the disease, if it is not altogether outdated before it is finished.

Middleton's Stockholm syndrome

The city of Middleton will be asked to pay more for bus service again. According to city staff, Madison Metro is planning to increase the share that its 'partners' have to pay by 3% each year between now and 2025 included. The word 'partner' is a euphemism that implies that the neighboring communities might actually have some say in Madison Metros' decisions. In reality they are more like reverse hostages who have to pay increasing ransoms in order not to be released from declining bus service. The city of Middleton is a very willing hostage, suffering from a chronic case of municipal Stockholm syndrome as it is trying to cultivate Madison Metro's goodwill in order to convince the powers that be to include Middleton in the bus rapid transit system via University Avenue.

Bus rapid transit (BRT - larger buses running in dedicated bus lanes with dedicated traffic signals, fewer, but bigger, bus stops, in high-traffic corridors) is hailed by some as the future of effective and efficient public transportation, and criticized by others as an outdated concept that has been tried and scrapped as neither effective nor efficient by most western advanced economies. It is still popular (and successful) in some emerging economies, though, and a convincing case could be made that as far as public transportation is concerned, the Madison area is still under-developed and barely emerging. What worked well in 1970s Curitiba (Brazil) might therefore also work well in 2020s Madison. Hence brt.

The bill that Middleton is going to be presented with



by Madison Metro for regular bus service in 2022 is \$510,359, up by \$15,777 from \$494,582 for 2021. If past practice is anything to go by, that increase in cost will be accompanied by a decrease in service. The city seems happy to play along, and the pedestrian, bicycle and transit committee has recommended approval of the amount to the finance committee and the council.

According to a memo by Middleton finance director Bill Burns to city administrator Mike Davis, Madison Metro's state funding has been cut by \$8.6 million, forcing it to use existing federal funds more quickly than planned. These federal funds will most likely be depleted by mid-2024 at the latest. The 3% annual increase imposed on Metro's 'partners' reflects these changes in state and federal funding through 2025. Madison Metro is also working on a new agreement with its 'partners'. It seems that everybody will have the opportunity to provide some input, and Middleton has already indicated that it would like this future agreement to be the same for all municipalities. Those hopes seem to have been dashed already, however, as Sun Prairie is said to be working on a separate agreement with Madison Metro, an agreement that would extend brt to Sun Prairie. In order to lubricate the machinery, Sun Prairie is willing to participate in the cost.

For now Middleton has nothing to offer but a plan for a plan for the future revitalization of the University Avenue corridor, a long track record of putting automobiles first, and the charm and negotiating skills of mayor Gurdip Brar. He might have an opportunity soon to dazzle Madison mayor Satya Rhodes-Conway, who has apparently expressed an interest in discussing BRT in more detail with the city of Middleton.

Middleton Book Fair a success

The first Middleton Book Fair, which took place last Saturday, August 14, at the Terrace Avenue Pavilion at Capital Brewery, was an encouraging success (pictured).

The event was organized and sponsored by the *Middleton Review*. About 300 people visited the eighteen stands where local authors promoted their works, and private individuals as well as a Madison book store (the Book Deal) and a publishing house (Usborne) sold books and other reading material. Several sellers used the opportunity to raise funds for the causes of their choice.

Based on feedback from vendors and visitors, it is pretty much certain that this first book fair wasn't the last one, and that the second edition will take place same time same place next year.

TID district 5: Great expectations

On Tuesday, August 25, the Middleton plan commission approved the first amendment (changes) to tax incremental financing district 5 (TID #5), adding some properties, subtracting others, and returning about \$7.4 million in value to the tax base of all participating taxing jurisdictions in 2022 (besides the city of Middleton, they are the Middleton-Cross Plains Area School District, Dane county and Madison College).

TID #5 was created in 2009 as a 'blighted' district (the state's definitions of what can be considered 'blighted' is rather generous, and goes far beyond 'deteriorated' to include areas that are simply in need of redevelopment, even if the buildings so designated are in perfectly good shape and well maintained). In order to be considered 'blighted' under state law, a tid's area has to consist of at least 50% blighted acres. After the amendment, TID #5 will have 404 acres, 246.1 (60.9%) of which are considered blight.

Unless prolonged (which would take an act of the state legislature), TID #5 will close in 2036. When it was established, the base value (i.e. the value of all properties in the district) was \$89.2 million, and the value expected to be created by the end of its useful life was \$914.6 million. According to the original TID plan, just over \$104 million were estimated to be spent on various infrastruc-

ture projects and other expenses to help with the development of the district.

The major goals to be achieved through TID #5 listed in the original project plan include 'continuing storm water quality management improvements started in TID #3; assisting with economically blighted properties through redevelopment efforts and funding; promoting the creation of high-density, multiple land uses consisting of commercial, high tech, industrial, and high-density residential to provide for redevelopment and infill opportunities, and providing affordable workforce housing within Middleton's employment centers; redeveloping and rehabilitating existing uses that will complement the surrounding neighborhoods and provide necessary services within the community; continuing with creation of living wage and high paying jobs within the existing employment areas; addressing vehicular and pedestrian access and improvements for current and anticipated increases in traffic due to new development and redevelopment; and promoting sustainable infill development'. Like most expressions of lofty goals in development documents and other comprehensive plans, they are just pompous enough to make everybody feel good, and vague enough to allow almost any interpretation.

The original TID #5 was more or less L-shaped along Parmenter Street and the Pheasant Branch Creek corridor, with a hook in its southeast corner to include properties around Century Avenue, Amherst Road and Allen Boulevard. The amended version removes the Amherst Road properties, some of which were redeveloped with tif assistance, and adds new parcels at the periphery. If the new map looks like a Republican-gerrymandered electoral district, especially in the southeast, then that's because the city tried hard to include parts of University Avenue in TID #5 (it is working on a grandiose vision for the so-called University Avenue corridor). But because of value-limitations imposed by the state, and the requirement, also imposed by the state, that tif districts have to be contiguous, it could only achieve that goal by including some filler-properties (city-owned and of no assessable value, like the conservancy lands parcels between Allen Boulevard and Middleton Beach Road, and part of Lakeview Park along Mendota Avenue) to make the connections.

As outlined in the amendment document, 'the combined value increment in the city of Middleton's two open tax increment districts (TID #3 and TID #5) is greater than 12% of the total valuation of the community. Under the state's tax increment law, when the combined value increment exceeds 12%, parcels can be added to a TIF district only if other parcels are simultaneously subtracted that have a base value that is equal to or

greater than the current value of those being added. The primary goal of this amendment, then, is to add parcels that have significant redevelopment needs, particularly along University Avenue and east of the Beltline, and to subtract fully developed parcels as necessary to meet this requirement.'

Because of that requirement, the city proposes to subtract parcels with a combined current value of \$29.6 million and a base value \$22.3 million, and simultaneously add parcels with a combined current value of \$19.1 million.

TIF district 5 has been slower to develop than originally anticipated. The amendment document blames that on 'the initial slow recovery from the Great Recession', although part of the reason is also the fact that the dynamo that was supposed to initially power TID #5, namely a big development by Meriter on Laura Lane, has so far not materialized. Still, as is its cheerleading custom, the city is optimistic that all will turn out for the best in the best of all Middletons, and 'although the extent of development is less than projected as this stage of the district's life, it is still significant (more than \$100 million in value increment as of 2021) (...) the pace of redevelopment has rapidly increased in the last few years, and is expected to accelerate further in the near term, including within the areas proposed to be added. As a result, the city believes the total value increment will still far exceed the projected costs, and that the district, as amended, remains financially feasible. (...) The city fully expects that the district will continue to yield significant returns to all overlying taxing jurisdictions and the people they serve.' How much of that is honest assessment and clear-headed analysis, and how much motivational self-delusion and wishful thinking remains to be seen.

The fact that some properties have now been removed and, more significantly, others added to TID #5 does not mean that the subtracted ones will never be redeveloped, or, conversely, that the added ones automatically will be. As was pointed out in response to concerns voiced by Century Harbor area residents during the public hearing about the TID amendment, TIF is not a planning document, but a (re)development tool. On the other hand, the only reason to include properties in a TIF district (apart from the fillers) is because the city expects or wishes them to be developed, and to have a mechanism at hand to pay for infrastructure projects necessary for that development.

As indicated earlier, the city has big plans (hopes, really) for University Avenue, and while an ad hoc subcommittee is currently helping a consultant create a vision, planning staff has been ogling some recent projects on the Madison side of University Avenue as objects of de-

sire for Middleton. Including some University Avenue properties in TID #5 certainly 'improves' their chances of redevelopment. On the other hand, it might also diminish the redevelopment chances of University Avenue properties that are not included. For a development project to receive TIF assistance (which is the point of a tif district after all), by state law it needs to pass the so-called 'but for' test: 'But for' tif assistance, the project would or could not happen. The city's generous, some would say overly generous, use of TIF assistance in the past (and present) has however created the expectation among developers that they will always be showered with TIF money as long as they are in a TIF district. This has made the 'but for' test an almost self-defeating proposition in that almost no development takes place outside of a TIF district as long as there is a possibility to develop within one. Up until now, there was half a chance that University Avenue might see some organic redevelopment, redevelopment not coaxed along by tif subsidies. By extending TID #5 to now include part of University Avenue (and other areas), not only will every developer within TID #5 on University Avenue request (and get) TIF assistance, developers will also hold off on projects along University Avenue that are currently not within the district, in the expectation that sooner or later TID #5 will be extended along the corridor.

Paradoxically, this could actually slow down development of University Avenue. Which may or may not be a bad thing.

Plaza reaches fundraising goal

According to city of Middleton director of planning and community development Abby Attoun, the city has met its \$600,000 fundraising goal for the downtown plaza, but it will continue in its efforts to raise more money, not least out of concern over rising construction costs. Together with \$1 million in tif funds authorized previously by the common council, this brings the total budget for the plaza to at least \$1.6 million. The extravagant design chosen by a knowledgeable but unaccountable ad hoc committee (and approved by an unknowledgeable but - at least theoretically - accountable common council) means that the plaza will cost about \$160 per square foot to build. This is a higher construction cost per square foot than the average home, according to National Association of Home Builders data. The city hopes to get requests for proposals out in November of this year, and start construction in early 2022. It will be interesting to see how the bids turn out, since the construction-cost estimate is about three years old. [The deadline for the bids is December 16, after this issue of the *Middleton Review* has gone to press.]

A LOOK BACK

September 2021

Bicycling infrastructure: At a trail's pace

Construction of the North Mendota Trail along Century Avenue has resumed, and is now expected to be completed by the end of October [that was a bit optimistic - as this issue of the *Middleton Review* was going to press, they were in the process of preparing for the new trail bridge], according to a change order with Tomah-based T2 Contracting approved by the common council

September 7, a change order that extends the allotted construction time by 76 days. The extension has become necessary due to delays in the fabrication of the trail bridge across Pheasant Branch Creek, and to protracted negotiations between MG&E and the Harbor Village owners association for an easement allowing the utility to move a high-pressure gas line away from the footing for the planned trail bridge. One wonders how and

why the consulting engineers in charge of this project, Fitchburg-based KL Engineering, Inc., did not identify these obstacles, notably the need to move the gas line, earlier in the process. That's what they are getting paid for, after all.

Bruce Co. development: At a snail's pace

The council finally gave final approval (skipping the



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first reading) of an ordinance rezoning the Bruce Company property along Parmenter Street to planned development district - general implementation plan, paving the way for the redevelopment of the fourteen acres to enter its next phase. The council's months-long dithering almost derailed the project, and its approval is still contingent on the resolution of a dozen conditions imposed by various city departments and committees.

In that context, the council, after the umpteenth closed session on the topic, gave green light to city staff to prepare an offer for the purchase, with tif money, of the so-called Latitude Graphics property located on Parmenter Street between the Bruce Company and the creek. The city wants to use the land for a public park that it doesn't have the resources to maintain.

Dear Santa: A first round of budget requests

On Thursday, September 9, the city of Middleton's finance committee heard presentations from the first batch of department heads for the 2022 general fund (essentially the operating expenses) and capital budget (infrastructure and other durable-items spending) requests: tourism, Pleasant View Golf, senior center, building inspection (and community services), fire district, police, and public works (including water and sewer, as well as streets and other directly public-works-related items).

As finance director Bill Burns explained in his introduction to the meeting, the adjusted general fund revenue projection for 2022 (\$22.614 million) includes \$422,000 in so-called decision items, i.e. changes compared to the previous year's budget that the finance and personnel committees and ultimately the common council will have to act upon (approve or not). The total expenses requested by the different departments in the general fund total \$23.726 million, including \$1.307 million in decision items. Our elected officials will have to do some judicious pruning to bring the projected shortfall down to \$0 from \$1.112 million currently.

While property taxes are the city's main source of revenues, they are not the only one. Some departments have their own full or partial funding sources, including tourism (mostly the room tax, which also contributes to the general fund), Pleasant View Golf Course (golfing fees, drinks and food sales, etc), the water, sewer and storm water utilities (user fees), and the airport (land-lease rent, fuel fees, hangar fees, ...), to name but these.

Revenue and expenditure streams flow into and out of many different funds (operational and capital), depending on their origin and destination, and affect the operations of many, if not most, departments in part or completely. Besides those mentioned above, they include the community development authority, the public library, police, emergency medical service, fire district, public lands, youth center, tif districts, senior center, and others.

Tourism has had a rocky eighteen months since the pandemic-induced shutdown in March of 2020, with the whole industry grinding to a halt for several months. Although hotel occupancy rates have been creeping up again, and reached a new (pandemic) high of 60% in Middleton in July, the more aggressive delta variant of the coronavirus, combined with the stupidity of anti-vaxxers who are ruining the recovery for the rest of us, makes the outlook uncertain and predictions very difficult. Business travel for instance is now not expected to reach pre-pandemic levels until 2024. For next year, the tourism department predicts an increase over 2021

in room tax revenues of just under \$169,000 for a total of \$1.112 million (as a comparison, in 2020 room tax revenues had plummeted to \$406,000, from a pre-pandemic 2019 level of about \$1.5 million). The room tax, by the way, is split between the tourism department (70%) and the general fund (30%), and for 2022 the general fund part is budgeted at \$475,000. The department has a solid fund balance because in good years it takes in a lot of room tax, and doesn't have much to spend it on (mostly its own administrative cost, marketing - although that is a big item - and the trolley are its main expenses).

Pleasant View Golf Course operates in the black, which is unusual for a municipal golf course, and 2020 and 2021 were strong years in spite of, or maybe because of, the pandemic. Its operating revenues in 2020 were \$3.190 million, and in 2021 they are projected to reach \$3.604 million, with net operating incomes of \$1.019 million and \$1.517 million respectively. For 2022 revenues are expected to reach \$3.643 million with a net operating income of \$1.416 million. The outlook for 2023 and beyond is less rosy, however, as the reconstruction of Pleasant View Road is expected to have serious (negative) repercussions on the golf course's operations.

Among the various city departments that have submitted requests for more staff, the police department's has become almost an annual tradition. Following the recommendations of a 2018 staffing study, it is asking for two additional police officers and an additional dispatcher at a grand total cost of almost \$273,000 (the net total increase in the police department's operating budget would be less than that because some of the expenses would be offset by savings elsewhere). It has made similar requests in the past, with limited success. Whether the public works department will get a storm water manager at a total cost of almost \$94,000 also remains to be seen. These total costs include not only the salaries, but also the costs of health, retirement and related benefits.

The biggest chunk of the city's aimed-for \$3.5 million capital-borrowing budget is spent by the public works department (total spending on capital projects is much higher as other sources come into play, such as TIF, grants, and special funds of all sorts). If all of the public works department's wishes for 2022 were granted, it would suck up \$3.215 million of the \$3.5 million, including \$2.765 million on road reconstruction, resurfacing and repair. Since the council has capped the streets budget at a firm \$2 million annually, some projects are going to be postponed to 2022, with a cascading effect down the line. The reconstruction of Middleton Beach Road (and Mendota Avenue east of Allen Boulevard), and the resurfacing of all the streets in the Shorecrest neighborhood remain in the budget for next year, but Middleton Springs Drive, Clark Street and Lee Street will be moved to 2023 or beyond.

Besides spending on roads, public works also wants to buy two new trucks (\$150,000), replace the roof on the salt shed at the municipal operations center (\$30,000), and start a multi-year program to replace the traffic-signal controllers at intersections (the 'brains' that ensure that traffic lights are as annoying as possible), with \$50,000 requested for 2022; \$125,000 are requested to repair the city-owned rail spur in the industrial park, although that amount is mostly a placeholder as the actual estimated cost fluctuates quickly and widely. Another multi-year project is repairing railroad crossings throughout the city in cooperation with Wisconsin & Southern Railroad: The crossings at Stonefield Road

and at South Avenue are tentatively scheduled for 2022 (\$30,000), and the one at Parmenter Street for 2023, N. High Point Road for 2024, and Deming Way for 2025.

Community of Bishops Bay: Uprising of the walking living

Not-in-my-back-yard-ism (NIMBY) usually refers to residents in established neighborhoods protesting new construction and the addition of new residents because the new arrivals will cause an increase in noise, traffic, pollution, and crime, and a decrease in quality of life, peace and quiet, safety, and property values. This anti-social behavior by people who otherwise appear to be decent folk is as predictable as it seems inevitable.

A new variant of this has now emerged in the Community of Bishops Bay. While not an established neighborhood by any measure, some of its residents are already protesting the possible arrival of a different type of new neighbors: the future clients of a proposed 'natural burial cemetery'.

As described by developer Terrence Wall in his rezoning application for the twenty-acre site on Oncken Road, these grounds 'use burial practices that have no long-term degradation of the soil health, plant diversity, water quality, and ecological habitat. (...) Natural cemeteries also require restricting the burial density to no more than 500 burials per acre. This would include conducting an Ecological Impact Assessment as well as using only natural and biodegradable burial containers/shrouds (i.e. wicker, wood, cloth), and absolutely no plastic, metal, or synthetic materials. It would also limit the size and type of memorial markers to prevent impairment of the ecological conditions of the natural landscape, and embalming is strictly prohibited.'

The rezoning is necessary because the existing master plan for Bishops Bay foresees a public school at the site. According to the rezoning application, however, the Waunakee school district is not interested in building a school there in the foreseeable future, and most of the site, an old quarry, can't be used for housing. Besides the burial ground, a funeral home and mausoleum are also planned for sometime in the future. A public hearing was supposed to be held at a city of Middleton plan commission meeting on September 14, but due to a Zoom access code error the meeting, and the public hearing, had to be canceled. (They took place on September 28 instead). But before the hearing was canceled, nine residents from the 'Back Nine' neighborhood (across from Northlake, off County Highway Q) submitted written comments via email in opposition to the project. In their clearly coordinated and similar-sounding statements, they worry about the environmental impact (mostly on groundwater, but also on birds - ?!), declining property values (of course), and the danger that "it will deter some cultures from purchasing a home here, thereby reducing the total buyer pool" (traditional NIMBY protests take the opposite stand: that a planned development will attract 'some cultures'). They also indicate that they would not have chosen to live in Bishops Bay had they known about this proposed change in the master plan, and complain that the burial ground would be visible from some of the houses. They have a point: If one buys a million-dollar mansion, one should at least be able to expect a view on a luxury cemetery with granite headstones, marble statues of angels and saints, and comfortable coffins in vaults that will keep the well embalmed corpses from decom-

posing before judgment day. That, after all, is the NIMBY way.

Airport master plan: The battle for public opinion

Airport opponents are not wasting any time in trying to sway public opinion ahead of a community survey the city of Middleton plans to conduct via the national (and Middleton-based) polling firm Polco within the next few months, and have begun setting up yard signs urging residents to say 'no' to a hypothetical expansion of Middleton's municipal airport. The survey is part of the airport master plan process, and will (hopefully accurately) gauge the attitude of residents in the city of Middleton as well as in the towns of Middleton and Springfield towards the airport, and possible options for its development. Over the past two and a half years, a small but vocal group of airport and airplane opponents has been using a creative arsenal of weapons in order to obstruct the creation of the airport master plan, as well as, to a certain extent, the airport itself. Part of their tactics has

been to spread false and misleading information about the city's intentions for the airport, and the slogan on the yard signs is another manifestation of that: It gives the impression to people not familiar with the airport master plan that the city has already decided to expand the airport. That is of course not the case, but if one doesn't have the facts and the truth on one's side, then one's options are limited.

ARPA funds: More and less risky spending plans

Baker Tilly, a CPA firm and the city's external auditor, has submitted the findings of its analysis of city staff's proposals for spending some \$2 million in federal ARPA funds. ARPA stands for American Rescue Plan Act, and the federal grant money is supposed to help local governments to recover from the pandemic. Local spending plans for the funds have to follow guidelines established by the U.S. treasury, and Baker Tilly was put in charge by the Middleton common council to evaluate the city's various projects against these guidelines.

Most of the proposals are considered 'low risk', meaning the city can use ARPA funds to pay for them without running the risk of violating treasury guidelines. These low risk proposals include housing assistance for older people and people of color, the youth summer camp program, and all water-related projects (storm water infrastructure, solar arrays on wells, aquatic center), among others. Four proposals are considered 'medium risk', including the mobile library expansion and the 'diversity, equity and inclusion training'. Two are considered 'high risk': energy-efficient lighting and solar for the golf course, and resurfacing Middleton Springs Drive.

While those assessments establish the amount of ARPA money the city can safely spend at just under \$2.475 million (the original requests added up to almost \$2.889 million), that still exceeds the city's allocation, which is not quite \$2.1 million. The finance committee will have to do some trimming.

A LOOK BACK

October 2021

2022 budget: Winners and losers

Besides eliminating the \$1.6 million request for the east segment of the North Mendota Connector Trail, the city's finance committee also made other changes to the proposed 2022 budget. As opposed to last year, when its members were almost anal in insisting on staying under the self-imposed \$2 million annual spending limit on road repair, the finance committee not only cheerfully exceeded it this year by restoring the resurfacing of Middleton Springs Drive to the 2022 schedule (it had been eliminated by the public works committee to stay under the limit), but they also raised the overall capital-borrowing limit to \$4 million from its previously self-imposed \$3.5 million ceiling. The new limit would be more in line with the actual capital-borrowing spending the city has been doing in recent years (\$3.9 million on average).

In spite of this apparent new-found generosity, several perennial losers again did not survive the budget process, including the South Fork and North Fork bike trail resurfacing proposals at a total cost of \$400,000 (resurfacing a trail is, by the way, comparatively more expensive than resurfacing a road). The public works department will not get to spend \$150,000 on two new trucks, and improvements to Esser Pond and the Confluence Pond (\$100,000) have also been eliminated. In other wise decisions, the finance committee's recommendation further cuts \$160,000 for BCycle (funding would have come fifty-fifty from the tourism department and TIF district 3), and \$70,000 for 'inclusion' and 'diversity' training (from proposed ARPA funds).

In the general fund, the city had to deal with the bad news that, against expectations, intergovernmental revenue (mostly various forms of state aid) is almost \$189,000 lower than expected. One of the results is that the police department, again, does not get the requested additional two officers. Through several accounting tricks, however, the overall general fund revenues will be about \$103,000 higher than originally requested. The property tax levy will increase by more than \$675,000, due to the regular 'adjustment' through the net-new-growth calculation

(about 1.8%), but also a TIF district 3 subtraction adjustment, and a debt-service change. Because of these different components, the total levy will go up by about 4.8%, but the mill rate for city property owners 'only' by about 2.8%, to \$6.27 per \$1,000.

Council approval for 'Broadbranch'

On Tuesday, October 5, with 7 to 1 votes, the common council approved the specific implementation plan for the Broadbranch, an oddly named four-story apartment building to be constructed on the site of the former Common Ground coffee shop at the corner of Branch Street and Century Avenue. District 8 alderman Mark Sullivan was the lone no-vote for reasons that he did not make clear during the meeting.

Urban chickens: On the chopping block?

An attempt by district 1 alderwoman Kathy Olson to strictly regulate chickens in Middleton is ruffling some feathers. A first draft of an ordinance that would set stringent new rules and conditions, and impose hefty fines for anybody not complying, was discussed at a license and ordinance committee meeting on Tuesday, October 12. More than four pages long, it goes into some surprising details, hinting at an enthusiastic zeal for over-regulation. Provisions like 'Chickens will have access to a source of fresh water at all times that will remain unfrozen during winter months' do not credit chicken owners with much common sense, and one wonders how the stipulation that 'Coops and runs shall be cleaned regularly - no less frequently than once per week' shall be enforced without the creation of a special chicken-poop police.

The city has gone overboard like this before, creating bad solutions to largely hypothetical problems while significantly restricting individual freedom in the process (the food-truck ordinance is a prime example). When creating new regulations, the license and ordinance committee rarely consults outside experts to come up with a realistic ordinance, but rather cobbles together various

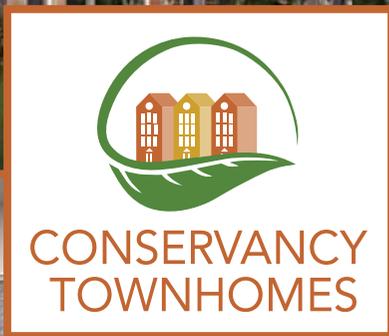
aspects of similar ordinances from other municipalities, thus running the risk of copying rules that might have turned out to be ineffective or counter-productive. Assistant city attorney Matt Fleming, who, with the help of Kathy Olson, did much of the copy-pasting, admitted that some of the provisions were hit-and-miss, and may be not necessary (like a requirement that the temperature inside chicken coops can't drop below 40 degrees Fahrenheit - a potentially dangerous requirement that could lead chickens of some breeds to overheat in winter, and others to not develop enough of a fat layer, according to one chicken owner).

Besides the details mentioned above, the proposed ordinance micro-manages many other aspects of chicken husbandry, including how and where feed may be stored, minimum setbacks for chicken coops from the lot line (fifteen feet) and neighbor's house (25 feet), maximum spacing of the mesh in the fencing (one inch), maximum height of the chicken coop (twelve feet), minimum elevation of the coop off the ground (eighteen inches), minimum area of the chicken coop and chicken run per chicken, maximum number of chickens allowed (four for any lot under half an acre in size, with an extra chicken for every quarter acre after that, up to a maximum of ten chickens), to name but these. Chicken coops would also have to go through an elaborate and expensive permitting process, including submittal of detailed line drawings to the city's department of building inspection.

As a comparison, dogs, of which there are many more in Middleton than chickens, are regulated much more loosely. Apart from allowing up to five dogs and/or cats per dwelling, city ordinance only specifies that the 'dogs and cats must be kept in a safe and sanitary environment in conformity with all existing ordinances and statutes and not constitute a public or private nuisance', without mandating room temperature, square footage, setbacks from the neighbor's yard, or any other onerous nonsense. Considering how dog-obsessed Middleton residents are, this is not all that surprising: It would be political suicide for any elected official to try to regulate dogs to the



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extent of the proposed chicken ordinance, even though dogs generate many more complaints than chickens do.

And it was indeed complaints from two constituents about their neighbors' chicken coops that prompted Kathy Olson to spring into action. To consider the proposed ordinance a knee-jerk reaction is probably not much of an overstatement. According to Jim Sjolander, the city's building inspector, complaints about chickens are a rare and recent phenomenon, starting only about three months ago. His department is currently investigating three active complaints. This low number is all the more remarkable as people have been keeping backyard chickens in the city for at least fifteen years.

The total number of chicken owners in Middleton, or chickens for that matter, is not known, but according to city officials they are all in compliance with current city regulations. Which brings up another point: The proposed ordinance would require every existing chicken owner to get into new compliance within ninety days of the ordinance taking effect. That requirement would force most, if not all of them, to move their coops, a difficult undertaking at the best of times, but the timing would also make it the middle of winter, which could do serious harm to the chickens. And many, if not most, chicken owners would also have to destroy some of their flock because almost all of them have more than four.

The space requirements in the proposed ordinance, by the way, virtually guarantee that a large number of Middleton residents won't be able to keep any chickens, and almost look designed to favor large-lot home owners. Some current chicken owners will most likely have to remove their coops and hens altogether.

District 3 alderwoman Katy Nelson, a member of the license and ordinance committee, was clearly not impressed with the proposed ordinance, and she was adamant that current chicken owners should be grandfathered in when and if the new ordinance takes effect. The severity of Kathy Olson's initiative also provoked a most unusual public rebuke from the city's director of planning and community development, Abby Attoun. Rather than make keeping urban chickens more difficult, she urged, the city should try to be more permissive, and encourage what is essentially a sustainable practice. The proposed ordinance also goes against the city's efforts to promote smaller lot sizes.

One wonders how the chicken owners in the Middleton have managed for the past fifteen years to keep their chickens, and themselves, alive, and how the rest of the city has avoided major pestilence without strict regulation.

The complaints that form the basis for the proposed ordinance seem to be somewhat justified, at least from the building inspector's point of view, and he and his staff are trying to resolve the situation through the city's nuisance ordinance. The nuisance ordinance, however, is hard to enforce, and the process is cumbersome and time-consuming. Hence the apparent need for the new regulation. The fact that dozens, maybe hundreds even, of responsible chicken owners will be penalized because of the inconsiderate behavior of a few irresponsible ones is unfortunate but unavoidable, according to Matt Fleming and district 7 alderman Dan Ramsey, the third member of the license and ordinance committee.

They are right in their assessment, but wrong in their conclusion. It is indeed the instinctive reaction of every politician to create one-size-fits-all blanket solutions for very specific problems, and the results are usually fraught



with unintended consequences that - politicians following their instincts - lead to more unnecessary rules and regulations. In this case the problem clearly lies with the nuisance ordinance, and the logical solution would be to improve that ordinance, making it easier to enforce. Otherwise, if our elected officials create a new complex ordinance for every neighbor complaint, then life in our fair city will soon be unbearable, our daily lives micro-managed by city hall down to the last fart.

The chicken ordinance, meanwhile, was deferred until some policy issues can be worked out, including the possibility of grandfathering, as well as setbacks.

150 years Middleton Freemasons

On Saturday, October 16, the Middleton Freemasons Ionic Lodge 180 held an open house to celebrate their 150th anniversary at the Middleton Masonic Center on Franklin Avenue. Wisconsin grand master Gary Stang and Grand Lodge officers rededicated the lodge and reinstalled its officers during a special ceremony. The photo shows state and local officers after the ceremony (the masks were only off for this picture; they were worn at all other times).

Housing grant: Easy come, easy go

Illustrating the complexities of the financing mechanisms of subsidized housing, the developer of the 38Ten housing project on north Parmenter Street (Tribeca), JT Klein, has lost a \$3 million grant awarded to him by the city of Middleton earlier this year. The grant money came from the federal government via the state of Wisconsin's department of administration, and was originally intended to replace housing lost in the 2018 flood. Middleton didn't lose any housing in that flood, but managed to secure the grant anyway by focusing its application on the construction of subsidized housing. Two developers had applied for the money in Middleton (the other one was for a housing project on University

Avenue), and after some back and forth among city staff, various committees and the common council, as well as the withdrawal of the University Avenue project, JT Klein emerged the winner.

The grant money is apparently incompatible with other parts of the subsidized-housing financing mechanism for 38Ten, which includes tax credits by the Wisconsin Housing and Economic Development Authority (WHEDA). The development consists of two buildings, one with 76 units, and one with 54 units. As a recent memo by city staff puts it, 'the project has evolved over the past couple of years', and on Tuesday, October 19, the finance committee and the city council approved the third revised TIF-assistance request for the development (fourth overall), albeit for the 54-unit building only (no new request was made for the 76 units), and with some modifications: instead of approving \$1.372 million with 90% of the increment going to loan reimbursement (and 10% to the TID #5 fund), they approved \$1.220 million with 80% being applied to the project and 20% going to into the TID #5 fund.

The \$3 million grant money, meanwhile, is not just lost for JT Klein, but, as the city of Middleton's director of planning and community development Abby Attoun admitted at Tuesday's council meeting, also for the city as a whole. But, as she also announced, the city can apply again.

The plan commission approves Captain Bill's development

More than a dozen people, most of them Century Harbor Condominium residents, spoke in opposition to a planned apartment building at the former Captain Bill's site during a public hearing at the October 26 Middleton plan commission meeting. The mandatory hearing was held as part of the rezoning process from one PDD (planned development district) to another PDD including approval of the general implementation plan

(GIP).

The project proposal by local developer T5 Real Estate Solutions has been, unsurprisingly, controversial from the start. People rarely welcome new housing in their neighborhood, but in this case the condominium residents, and not only they, were taken particularly aback by the sheer size of the project's first version: seven floors with 107 units. When they discussed it in March of this year, plan commission members were also skeptical, and they sent the developer back to the drawing board with many concerns. In May, they were presented the second version, five floors and 74 units, and although they welcomed the reduction in size, they took no action pending the outcome of a traffic impact analysis (TIA). The current version, and the one that was before the plan commission on October 26, is smaller still at four floors and 65 units.

The developer's concessions have not lessened the condo residents' opposition, however. They have, as is often the case in situations like this, merely shifted their focus a bit, from the size of the building to more technical aspects, such as the geology of the site, impact on water, flooding potential, and the environmental fallout in general. According to one opponent, more than 700 people have signed a petition asking the city for an independent study to assess the project's environmental impact, although city staff had not received such a petition at the time of the meeting.

Before the public hearing, the city's director of planning and community development, Abby Attoun, stated that four instances of environmental contamination near the site, some of which had been cited by opponents as

reasons to deny the development, were closed according to Wisconsin department of natural resources records. That included an old gas station that was cleaned up in the 1980s and 1990s.

The impact on traffic is a perennial hit with development opponents everywhere, and in this case it is supplemented with professed concerns about pedestrian safety.

In an initial finding, the TIA does not expect traffic to be impacted substantially by the development, which, considering the amount of traffic generated by Harbor Athletic and Starbucks alone at a cluster of already overwrought intersections (not to mention commuter traffic), is probably true enough. Still, when it comes to a traffic situation that is delicately balanced between just barely functioning and collapse, the completion of the TIA might still reveal the necessity for a more fundamental overhaul of the whole traffic control system in the area.

Walkability and pedestrian safety have never been a priority for the city in that neighborhood, and that is hardly going to change with the addition of more residents. The public works department and the public works committee, which for all intents and purposes dictate city policy in all traffic matters, are firmly in the hands of the automobile lobby, and it would take unusually decisive action, not to mention political courage, by the city council to reverse course. That, however, is all the more unlikely as Middleton residents by and large prefer the city's road network and intersections to be car-friendly rather than pedestrian-friendly.

After a long debate, the plan commission approved the PDD/GIP with a long list of conditions; the specific implementation plan was deferred pending the outcome

of the TIA.

The mayor is pleased with himself

The plan commission finally did its due diligence, and made a decision about a natural cemetery proposed for a parcel in the Community of Bishops Bay on Oncken Road. It has previously tried to punt by sending the issue to the city council without a recommendation for or against, but the council would have none of it, and returned it to the plan commission.

The parcel in question requires rezoning and amending the Bishops Bay GIP. The project itself, one of the more benign uses for that piece of land short of leaving it untouched, provoked surprisingly vehement opposition from a handful of Bishops Bay residents. They were supported, just as surprisingly, by the newest member of the plan commission, Gretchen Erdmann-Hermans, who in her aggressiveness not only managed to confound city staff and render the other plan commission members catatonic, but also to land herself with the announcement of an ethics complaint by Terrence Wall, the developer behind the natural cemetery.

During the debate about the cemetery, Gurdip Brar, who as mayor is by law also the chair of the plan commission, made a long, rambling speech about how he had visited the site, spoken to neighbors, and read all the background documents, concluding that he was "pleased with what I did". He was in fact so pleased with himself that he abandoned his initial opposition to the project, and joined the other plan commissioners in approving the rezoning and GIP amendment, albeit with an exceptionally long list of conditions attached.

A LOOK BACK

November 2021

Redistricting: Kathy Olson chooses her constituents

The Middleton city council yesterday, November 2, unanimously approved a revised revised aldermanic district map that will have its first practical effects at next year's spring election. The original revision needed to be revised because district 1 alderwoman Kathy Olson was not happy with her new boundaries.

Voting district and ward limits are adjusted every ten years after the new census figures have been published. Contrary to what one might think in view of the gerrymandering that is going on on the state level, certain rules do exist about how boundaries are redrawn. One of these rules is that districts (and wards) have to be contiguous. Another one is that populations can only be moved around in whole census blocks as established by the federal government (the number of residents within each census block is indicated on the maps). Wards, by the way, are the fundamental building blocks for voting, as they are also used for county, state and federal elections. In Middleton, each aldermanic district is made up of two or more wards. Polling places are assigned by ward, so theoretically residents from the same district but different wards could be voting in different locations. That is rare, however, and the city tries to avoid splitting districts like that as much as possible.

According to the 2020 census, Middleton has an imprecisely 21,827 residents.

Besides contiguity and census blocks, another re-

districting challenge is that all districts should have about the same number of residents (2,728 currently, to be precise), and that in redrawing boundaries, future growth should also be taken into account. Over the past ten years, Middleton has mostly grown to the west and north (district 5), northeast (district 8), and southwest and downtown (district 1).

Like a puzzle with many moving parts, every change in one ward or district leads to changes in other wards and districts. Among the major realignments are district 4 (wards 6 and 7) crossing Century Avenue to the north, district 7 (wards 14 and 15) moving west and southwest, district 6 (wards 12, 13 and 19) moving northwest and gaining ward 19, district 5 (wards 9, 10 and 11) losing ward 19, and district 1 (wards 1 and 2) losing the area south of Greenway Boulevard, which is added to district 2 (wards 2 and 3). This latter adjustment happened at the insistence of Kathy Olson. Originally, her district was to keep the Greenway Boulevard area, and lose the part of the Foxridge neighborhood between Terrace Avenue, North High Point and Parmenter Street that was not already in district 2 (and which used to be) to district 2. District 2 alderman Robert Burck was not at the meeting to have his say, so Kathy Olson got her way.

Airport master plan: Vox populi, vox ...

Within the next few weeks, or maybe days, 3,600 residents from the city of Middleton (2,000) and the towns of Middleton and Springfield (800 each), carefully se-

lected to be a random sample, will receive an invitation, so to speak, to participate in a survey about the airport master plan. In a unanimous vote, the Middleton common council released the survey contingent on a few minor changes. [The survey has gone out meanwhile, and, as of December 8, also been opened to the general public.]

TIF: Long live TID #5!

Following a recommendation by the finance committee, the council approved requesting an act by the state legislature to extend the life of TIF district 5 by up to ten years (the 'up to' is important).

City budget: Inching towards a referendum?

During a presentation immediately preceding the budget discussion at a special common council meeting on Wednesday, November 3, city finance director Bill Burns provided some good news and some not so good news about the city's finances. The good news is that Middleton has a healthy unassigned fund balance (27.8% of annual general fund expenditures), has only used 18.4% of its general obligation debt limit (the limit is imposed by the state), and in 2020 returned \$130 million to the tax base through a subtraction in TIF district 3 (taking properties out of the TIF district). The not-so-good news is that net new construction (which sets the property tax levy limit) was below average at 1.8%, that state aid will decrease by 8.2% (\$141,200) in 2022, that

payments from TIF district 3 to the city's general fund have to be phased out by more than one million dollars by 2026 (in other words, the general fund will have to make up that amount from some other source), and that room-tax revenues to the general fund are still down by \$125,000 over pre-pandemic levels.

After consultation, the city has removed 'housing grants for people of color' from its proposed use of federal ARPA funds (American Rescue Plan Act). Middleton was allocated just under \$2.1 million, and in 2022 intends to spend a little over \$808,000 of it on various projects, including several storm water related projects, and improvements to the aquatic center.

City property taxes are expected to increase by about 2% for an effective mill rate of \$6.29 per \$1,000, or about \$50 more for a \$400,000 home (which is now the average price in Middleton). Every year, city officials try to downplay the tax increases by pointing out that at \$5.48 per \$1,000, Middleton's equalized tax rate is the tenth-lowest among thirteen cities and villages in Dane county (the equalized rate is an adjusted rate levelling out differences like variations in assessments between municipalities, thus making comparisons possible; it is lower than what Middleton property owners actually pay). The village of Windsor has the lowest equalized tax rate in Dane county at about \$4 per \$1,000; the city of Madison has the highest at about twice that. The village of Oregon and the city of Verona also have lower rates than Middleton.

City officials bemoaning the restrictions on the levy limit imposed by the state legislature ten years ago (net new growth only; no adjusting for inflation) is an annual ritual at budget time, and this year was no exception. The city has other ways of raising revenues, but Middleton has exhausted many of them, and certainly picked all the low-hanging fruit: It has requalified for the state's 'expenditure restraint aid' program (which rewards municipalities for keeping their spending increases within certain limits); it has maxed out its hotel room tax rate (8%); it has increased its building plan review fees, as well as many inspection fees; it has shifted fire hydrant maintenance to the water bills, and introduced a special levy for flood-related costs; it is using the fund balance, has made a substantial subtraction to TIF district 3, changed health care providers, and increased the abated debt levy adjustment (debt service is not covered by the levy limit).

As Bill Burns explained, the city has four major options left: a referendum to exceed the levy limit; the creation of a transportation utility and introduction of a wheel tax (\$20 per vehicle would generate about \$400,000 annually) and/or trip-based charges to pay for street maintenance; a separate charge for curbside recycling pick-up (recycling pick-up costs the city about \$262,000 annually). The city could also charge for trash pick-up, but that would have to be approved through a referendum first. A referendum to exceed the overall levy limit would be the 'best option to address long-term staffing needs', according to Bill Burns. In even-numbered years, i.e. 2022, a referendum can be held at either the spring election or the fall election.

City fleet: Transitioning to electric, maybe, eventually

A small but persistent number of Middleton residents has been calling on the city council to stop spending



money on gasoline-powered vehicles for the city's fleet, but to switch to electric vehicles. The city spends half a million dollars every year on vehicle replacement (not counting the money spent on additional vehicles). The replacement schedule is established by the city's chief mechanic and the public works operations manager, and the half million is a standing item in the annual capital budget. They are currently working on a five-year transition plan to electric and hybrid vehicles, and expect to have the plan in place by the end of this year. One of the challenges will be for the city to be equipped and staffed to maintain and repair the new vehicles, and it is not known what the on-going financial impact of an electric and hybrid fleet will be on the city's budget besides the acquisition price.

The council gave final approval to the 2022 budget (all funds), which, as opposed to the 2012(!) budget, does not include any money for electric vehicles. In spite of talking a lot about sustainability and the need to fight climate change, the council has not made any progress in the last ten years when it comes to the city's biggest producer of greenhouse gases - its vehicle fleet. But it did make a last-minute allocation of \$30,000 (from the airport fund) towards design services for an unleaded aviation-fuel tank at Morey Airport. The council also approved the tax levy.

According to finance director Bill Burns, the city portion of the mill rate will increase by 1.4% to \$6.25/1,000, or by about \$34 on a \$400,000 home (which is apparently the average price for a single-family house in the city now). The 'equalized mill rate', which is the formula used for comparisons with other municipalities, and which city officials like to parade because it makes the city of Middleton look comparatively good even though it has nothing to do with what we actually pay, will decrease by 1.9% to \$5.37/1,000. Susan West requested that the council meet as committee of the whole in January to discuss ways for the city to 'deal with inflation'. She

would like the city to go to referendum sooner rather than later to exceed the state-imposed property tax levy cap.

Housing: Another day, another grant application

After much discussion, the council decided with 7 votes to 1 (district 7 alderman Dan Ramsey opposed) to apply for a second 'community development block grant' that's available through a federal disaster recovery program (administered by the state). The program was officially created to replace housing units lost in the floods of 2018, but the city wants to use the money to support subsidized housing. It had been awarded a first \$3 million grant earlier this year, but then squandered it on a project (38Ten Parmenter) that ultimately turned out to be ineligible in view of other financing mechanisms used by the developer (that was apparently not known at the time the grant was awarded). The grant application process requires that the city open it up to all developers through a 'request for proposals' (RFP), but, as with the first grant, the city already has a beneficiary in mind, namely a fifty-unit apartment building proposed by the Madison Development Corporation (MDC) for a site on Century Avenue west of the Pick & Save grocery store parking lot. Still, it needs to go through the RFP motions, and, again with 7 votes to 1 (Dan Ramsey opposed), it also approved issuing an RFP for the grant. Like for the first-grant application, the RFP is little more than a charade, and especially district 6 alderwoman Susan West left no doubt that she wants the grant for the MDC project. Middleton's chances of getting the grant this time around, however, are fairly slim, not least because the deadline for issuing the RFP has already passed. Still, nothing ventured, ...

Infrastructure: Bridge-building

According to the American Road and Transportation Builders Association (ARTBA), the Century Avenue

bridge over Pheasant Branch Creek in Middleton (pictured) is among the top-ten 'most traveled structurally deficient bridges in Wisconsin'. Built in 1956, it has about 36,200 daily crossings, and is in seventh place overall, although among bridges that are not part of the interstate system, it ranks first in the state for being much-traveled and structurally deficient. The top-six overall are part of interstate highways 41, 43 and 94 in Milwaukee and St. Croix counties. The ARTBA's 2021 analysis is based on data from the Federal Highway Administration's National Bridge Inventory.

While ARTBA and its members certainly have a professional and commercial interest in seeing as much money as possible invested in roads and bridges, there is little doubt that the Century Avenue bridge, like so many others, is in bad shape. In recent years and months Dane county (as part of County Highway M it is a county bridge, not a city bridge) has done patchwork emergency repairs, and last year and this the county and the city of Middleton discussed plans to replace the bridge with a new structure.

The city would use the opportunity to rebuild the creek corridor trail under the new bridge with a trail bridge connection to the Pheasant Branch Conservancy trails north of Century Avenue. In connection with rerouting the trail, the city also wants to build a luxury parking lot for conservancy visitors east of Stagecoach Trail apartments.

For a while it had looked as if the bridge replacement (which would also include rebuilding the intersection of Century Avenue and Branch Street) was imminent, but then the county pulled back, for financial reasons mostly. But now it seems as if the whole project could be moved to the front burner again, thanks to the new federal infrastructure bill just approved by Congress and signed into law by president Joe Biden. If early information is

correct, some of that one trillion dollars could find its way to the Century Avenue bridge.

Traffic study: Bad is bad

The Middleton public works committee approved the result of a traffic impact analysis (TIA) in relation with a planned four-story, 65-unit apartment building at the former Captain Bill's site. While the study did not find that any traffic generated by the new residences would make the traffic situation in the area substantially worse, it did find plenty that is bad already.

The engineers from SRF Consulting Group looked at five intersections: Allen Boulevard and Century Avenue, Century Avenue and Middleton Springs Drive, Allen Boulevard and Lake Street and Middleton Springs Drive, Allen Boulevard and Maywood Avenue, and Century Avenue and Century Harbor Road. Of these intersections, the last two are of no concern from a traffic flow or traffic safety point of view. The other three, however, are problematic from all points of view, with or without the new apartment building. In fact, according to the study, the apartments would generate about 230 fewer car trips a day than Captain Bill's did when it was still a functioning restaurant (although morning traffic would increase by just over 20 trips). As for the rest, any improvements to safety (including pedestrian safety) and traffic flows in the immediate area would require a more wide-ranging study and measures.

Covid-19: Masks and underwear

Public Health Madison-Dane County (PHMDC) has extended the mask mandate through the end of the year. The current mandate, which is set to expire at the end of this week was supposed to be the last one, but concern over rising coronavirus infection rates has

prompted public-health officials to change course. Dane county is the only county in Wisconsin with a mask mandate. The vast majority of people hospitalized with covid-19 or dying from it are unvaccinated. As the [now former] German minister of health Jens Spahn (CDU) recently said: After this winter the covid-19 pandemic will be over because everybody will be either vaccinated, recovered or dead.

The new mask mandate does make one small concession to the vaccinated: Masks are not required in indoor settings where everybody is vaccinated.

Anecdotal evidence indicates that popular support for the mask mandate is waning in Dane county, except among the forever-afraid-of-their-own-shadow do-gooders. Increasing numbers of Dane county residents seem to visit bars, restaurants and shops in neighboring counties, and even in many Dane county establishments of all sorts, observance of the mask mandate is often more symbolic than anything else (men who wear their mask with their nose uncovered always make me wonder: Is that how they wear their underwear, too?).

MG&E: Rate hike

Madison Gas & Electric (MG&E) customers, which includes the city of Middleton users, will see their utility bills increase next year. The Wisconsin Public Service Commission (PSC) has approved rate hikes for electricity (5.2%) and gas (2.2%). At the same time, the monthly residential-customer flat fee for electricity (the base amount you pay even if you use no electricity at all) will go down by \$2 from \$19 to \$17 in 2022, and by another \$2 to \$15 in 2023. The flat fee for gas will remain unchanged at \$21.88. Overall, the average residential customer's MG&E bill will increase by about \$7.50, according to the utility and the PSC.

A LOOK BACK

December 2021 (still on-going as of this writing)

Spring elections: Candidates wanted

On April 5, 2022, the city of Middleton residents will elect Common Council representatives for the even-numbered aldermanic districts: district 2, roughly the area south and southwest of downtown around Stricker and Tiedeman ponds, currently held by Robert Burck; district 4, roughly the area east of Branch Street, currently held by Emily Kuhn; district 6, roughly Middleton Hills, currently held by Susan West; and district 8, roughly the northeast part of the city with Northlake and Bishops Bay, currently held by Mark Sullivan. District 2 will be an open seat, as incumbent Robert Burck has officially declared that he is not running again.

Would-be candidates for office have been able to circulate nomination papers since December 1; these papers need to be filed with the city clerk by 5:00 pm on Tuesday, January 4, at the latest. Notifications of non-candidacy by incumbents need to be filed with the city clerk's office by 5:00 pm on Friday, December 24. If a primary election is necessary, it will take place on Tuesday, February 15.

District boundaries have changed since the last election, as mandated by the 2020 census results (see map for the new wards). Also, due to renovation work, Saint Bernard's church won't be available as a polling place for

the spring elections (February and April). Voters from districts 3 (wards 5 and 8) and 4 (wards 6 and 7), who normally cast their ballots at Saint Bernard's, will be moved temporarily to Saint Luke's church on Hubbard Avenue (assuming the Common Council approves the corresponding resolution at its December 7 meeting). Residents from districts 1 (wards 1 and 2) and 2 (wards 3 and 4), who normally vote at Saint Luke's, will remain there. Districts 5 (wards 9 through 11) and 6 (wards 12, 13 and 19) will vote at the Middleton courthouse (police station) on Donna Drive, and districts 7 (wards 14 and 15) and 8 (wards 16 through 18) will vote at the Lakeview Park shelter.

Public transportation: New bus routes?

Bus service in Middleton could go from bad to worse, according to Middleton mayor Gurdip Brar.

During the city's Common Council meeting on Tuesday, December 7, he let it slip that Madison Metro's plans for new routes could "quite adversely" affect residents from aldermanic districts 7 and 8 (the northeast part of the city, including Shorecrest, Orchid Heights, Highland Way, and the area around the intersection of county highways Q and M, which includes a lot of low-income-housing).

He made his remark during a discussion, well, non-discussion really, about a new agreement between Middleton and Madison Metro. While the Common Council approved the agreement unanimously, in a memo, City staff also hinted that there were changes afoot concerning the routes:

'This is a five-year agreement that includes the establishment of an operating reserve funded in part by federal funds. The City's costs would be limited to an increase of 3% per year based on the current vehicle hours. Madison Metro is in the process of redesigning their routes. This is anticipated to be implemented in 2023. Metro will work with the City to design routes in Middleton with similar vehicle hours to those listed in the agreement. That will likely require trade-offs between frequency of service on key routes versus expanded coverage with less frequent services. Madison Metro is working on options for consideration and will be seeking feedback from Middleton. That process will continue into 2022.'

Madison Metro officials are expected to provide more information at a December 16 meeting of the Middleton Pedestrian, Bicycle and Transit Committee.



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