

Community Group Plans to Sue Stoughton on Kettle Park West Development

Written by Buzz Davis, Army Veteran & Activist
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Stoughton Forward (SF) Announces Hiring Lawyer to Develop Law Suit Against the City of Stoughton for Alleged Violations in Kettle Park West/SuperCenter Development Approvals. Project would have 154,000 square foot WalMart SuperCenter, a third Kwik Trip for Stoughton and other retail stores.

STOUGHTON, WI - Stoughton Forward (SF) announced that it and other plaintiffs will file a law suit in Dane County Court to ask the Court to require the City of Stoughton to follow WI laws and city ordinances in its handling of the Kettle Park West (KPW) commercial development on the city's west side. The proposed project would have a 154,000 square foot WalMart SuperCenter, a third Kwik Trip for Stoughton and other retail stores.

Buzz Davis, treasurer of the group, said, "We hope to have the law suit drafted and submitted to the court by mid-February. Stoughton Forward tried to work cooperatively with the city, bringing citizen surveys, petitions, tax incremental financing (TIF) research, community impact data, etc. to the attention of the mayor and council, but it was ALL ignored. The table was always tipped in favor of KPW from the start, and we regret that we have to take this action to bring fairness and justice back to Stoughton."

Milwaukee attorney Dennis Grzezinski has been retained by SF to prepare and file court documents. He explained, "The legal grounds for the lawsuit will be failure to comply with substantive and procedural state statutory requirements and city ordinance requirements that applied to the city's approval of the proposed Kettle Park West development and to the city's approval of the Tax Incremental Financing (TIF) District to subsidize that development."

The city plans on borrowing \$5.1 million in TIF bonds for this 35-acre development. With an interest rate of 3.5%, TIF bonds will cost taxpayers \$7.4 million. "What makes many residents angry about this arrangement is that city ordinances require developers to pay 100% of all infrastructure (roads, water, sewer, electricity, etc.), yet the city taxpayers are covering infrastructure costs for KPW. Why? All the other retail developments have covered their own infrastructure costs. We believe this developer, WalMart and Kwik Trip should pay all of their projects' infrastructure costs," said Davis.

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Terry Parisi, of nearby Dunn township, says, "Stoughton is my community, our kids attended school there and we shop there. For two years I have emailed, sign petitions, spoke at public hearings and at council meetings on issue after issue. I feel half the council members don't seem to listen to or care about what citizens say. Now people say, "What's the use of going to meetings and hearings to testify, when many alders and the mayor don't seem to listen?" Trying to be part of government decision making now seems to be a waste of time. I think we have an example of a government that is not working for the little people but sure is working for the big people!"

Davis explained, "For the last 15 months or so, half the alders on the council have been questioning the need for a \$5.1 million TIF subsidy and whether the current developer has played fast and loose with the tenant situation and his financial strength. Alders ask valid questions and get pushed aside. We have seen city hall manipulate the decision- making process to favor KPW over and over again, such as when city hall deliberately avoided applying any aspect of the city's 2005 TIF policy to KPW during 2013."

Another example Davis noted was this: The city is required to have an economic impact analysis conducted to estimate the impact of the proposed SuperCenter and the rest of the commercial development would have on present retail businesses. "When a consultant submitted the analysis to the city, half the alders felt the analysis needed to be sent back to the consultants for more work. The six pro-KPW alders and the mayor disregarded alders' and citizens' strong concerns and voted to accept the impact analysis without further work. The council and mayor should not be doing city business this way. Alders should listen to citizens and each other, think about people's concerns, take action on the concerns and make the final decisions when all the facts are on the table," Davis said.

Roger Springman, a community advocate who conducted extensive research and testified many times before the council, saw the process errors and manipulation close up for month after month, said, "Seldom in all my years of government work and community involvement have I seen such process manipulation. It was clear to most of us that city hall and too many council members had already made up their minds in 2013 to say "yes" to KPW. No facts, no impact studies, no lack of tenant knowledge, no lack of knowledge about taxpayer risks, were ever going to prevent this project from receiving a "green light" in late November. The end always justified the means, and that was a slap in the face to democracy and those hundreds of citizens who expressed their concerns about Stoughton's future."