

Minutes of the Common Council – 16 February 2011

A meeting of the Common Council of the City of Prairie du Chien was held on Wednesday February 16th 2011 at 7:00 PM in the Council Chambers of City Hall. Mayor Dave Hemmer called the meeting to order. **Call to order/Roll Call** – Jaaren Riebe absent **Certification of the open meeting law agenda requirements** – ACTION: To certify MOTION: Munson SECOND: Ames VOTE: 11-0 (Riebe absent) **Pledge of Allegiance** – Led by Joe Ruskey

I. PUBLIC HEARINGS, PRESENTATIONS, AND INPUT

A. PUBLIC HEARING – Kennel License Application for Marie Noordhoek, 1530 South 11th Street

This item was a continuation of the hearing that was tabled on February 1st. Marie and Leon Noordhoek were present to address the Council. Mayor Hemmer opened the public hearing at 7:24 PM. Jessica Johnson (Eastman, WI) spoke in support of the Noordhoeks. John Williams, Doris Williams, Annette Myers, Greta Ames and Patti Nimbar spoke in support of denying the license, citing odor and noise complaints. Hemmer closed the public hearing at 8:05 PM

B. ACTION on aforesaid item

ACTION: To move forward with a Special Council meeting to consider a denial MOTION: Ruskey SECOND: Finn VOTE: 9-2 (Pintz and Titlbach opposed, Riebe absent)

C. PUBLIC HEARING – Kennel License Application for Carolyn Larkin, 319 North Wacouta Avenue

It was determined that Larkin did not need a kennel license.

D. ACTION on aforesaid item

None needed

E. ANNUAL PRESENTATION – Tourism Council

Michael Douglas and Bob Moses made the presentation.

F. PRESENTATION – Prairie du Chien Stormwater Utility Project

Chris Mara made the presentation

G. PRESENTATION - Big River Long Rifles

H. ACTION on aforesaid item

ACTION: To approve MOTION: Titlbach SECOND: Ames VOTE: 11-0 (Riebe absent)

I. PRESENTATION – Prairie Dog Blues Society

J. APPROVAL of aforesaid agenda item

ACTION: To approve MOTION: Pintz SECOND: Hein VOTE: 11-0 (Riebe absent)

K. PRESENTATION – Prairie du Chien Jaycees Flea Market

L. APPROVAL of aforesaid agenda item

ACTION: To approve MOTION: Pintz SECOND: Hein VOTE: 11-0 (Riebe absent)

M. PRESENTATION – Villa Louis Carriage Classic

N. APPROVAL of aforesaid agenda item

ACTION: To approve MOTION: Solomon SECOND: Mueller VOTE: 11-0 (Riebe absent)

Without objection, the Council moved the agenda

V. COMMITTEE REPORTS AND ACTIONS

L. APPROVAL OF BIDS - Roof Replacement on the Sampler and Chlorine Building and Alum Building at the WWTF

Doug Reynolds (McGregor Roofing, McGregor, IA) was present to object the awarding of the bid, claiming his bid, which was the runner-up, was a better product. ACTION: To approve awarding the bid to K&L Construction, Bloomington, WI for \$14,450 MOTION: Pintz SECOND: Solomon VOTE: 9-2 (Finn and Boylen opposed, Riebe absent)

II. CONSIDERATION OF CONSENT AGENDA

A. COUNCIL MINUTES – February 1st 2011, B. FINANCE COMMITTEE – February 1st 2011, C. PUBLIC WORKS COMMITTEE – December 20th 2010, D. LARIVIERE PARK BOARD – January 12th 2011, E. PARK BOARD – January 19th 2011, F. ALCOHOL LICENSE APPOINTMENT OF AGENT – Penny Remz (Hometown Grocery, 700 East Blackhawk Avenue)

ACTION: To approve MOTION: Pintz SECOND: Ames VOTE: 11-0 (Riebe absent)

III. ITEMS REMOVED FROM CONSENT AGENDA

None

IV. CITIZENS' COMMENTS, OBSERVATIONS, PETITIONS, AND PUBLIC INPUT

A. PETITION – Regarding possible dog kennel license at 1530 South 11th Street

This item was included in the first agenda item of the evening.

V. COMMITTEE REPORTS AND ACTIONS

FINANCE

A. Claims

ACTION: To approve MOTION: Hein SECOND: Wayne VOTE: 10-0-1 (Ruskey abstained, Riebe absent)

B. ACTION - Resolution 2011-05 (Investment Policy)

ACTION: To approve MOTION: Munson SECOND: Hein VOTE: 11-0 (Riebe absent)

C. ACTION – City Funding for PDRI

ACTION: To approve Resolution 2011-08 (TRANSFERRING SURPLUS FUNDS FROM TAX INCREMENT FINANCING DISTRICT NUMBER 6 TO TAX INCREMENT FINANCING DISTRICT NUMBER 4) MOTION: Munson SECOND: Wayne VOTE: 10-1 (Pintz opposed, Riebe absent) ACTION: To approve Resolution 2011-09 (AUTHORIZING EXPENDITURE OF UP TO \$15,000 OF TAX INCREMENT FINANCING DISTRICT NUMBER 4 (TID #4) FUNDS TOWARD SUPPORT OF PRAIRIE DU CHIEN DOWNTOWN REVITALIZATION), with the funds to be paid to PDRI contingent on an audit of PDRI and the NSP program MOTION: Ruskey SECOND: Hein VOTE: 9-2 (Boylen and Pintz opposed, Riebe absent)

PROTECTION AND HEALTH

D. ACTION – Ordinance 2011-08 (REPEALING AND RECREATING SECTION 9.01 - OFFENSES AGAINST STATE LAW SUBJECT TO FORFEITURE)

ACTION: To approve MOTION: Pintz SECOND: Hein VOTE: 11-0 (Riebe absent)

PUBLIC WORKS

E. ACTION - Ordinance 2011-09 (AMENDING SECTION 13.10 AND 13.11 AND CREATING SECTION 13.13 (WELLHEAD PROTECTION (WHP))

ACTION: To approve MOTION: Titlbach SECOND: Hein VOTE: 11-0 (Riebe absent)

F. ACTION - Illinois Street Traffic Direction

A letter from Keith Coburn asking for the item to be tabled was read into the record ACTION: To approve the proposal which would change the traffic to two-way and dead-end the street at Illinois and Blackhawk. MOTION: Titlbach SECOND: Pintz VOTE: 11-0 (Riebe absent)

G. APPROVAL OF BIDS - Broadway lift station pump replacement process and quotes

No action needed as the item was tabled by the Committee

H. APPROVAL OF BIDS – Water Department Utility Truck

ACTION: To approve the bid of Fillback Ford, Highland, WI for \$23,184.70, with an additional \$1,815.30 for a power inverter and two-way radio. MOTION: Ames SECOND: Pintz VOTE: 11-0 (Riebe absent)

I. AUTHORIZATION TO SELL – Water Department Utility Truck

This 1996 truck is being replaced by the above agendized item. ACTION: To authorize selling the truck MOTION: Solomon SECOND: Titlbach VOTE: 11-0 (Riebe absent)

J. APPROVAL OF BIDS – WWTP Truck

ACTION: To approve the bid of Fillback Ford, Highland, WI for \$18,159.35 MOTION: Pintz SECOND: Solomon VOTE: 11-0 (Riebe absent)

K. AUTHORIZATION TO SELL – WWTP Truck

This 1998 GMC Half-Ton pickup is being replaced by the above agendized item. ACTION: To authorize the sale of the truck MOTION: Solomon SECOND: Pintz VOTE: 11-0 (Riebe absent)

M. APPROVAL OF BIDS – Sanitary Sewer Televising

ACTION: To approve the three-year bid of Bunn Services, Fayette, IA for \$118,570 MOTION: Ames SECOND: Munson VOTE: 11-0 (Riebe absent)

VI. OLD BUSINESS

None

VII. NEW BUSINESS

A. ACTION – Resolution 2011-06 (Authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for Federal transportation assistance authorized by 49 U.S.C. Chapter 53; title 23, United States Code, or other Federal statutes administered by the Federal Transit Administration)

This resolution is required as part of the city's application for the Transit in the Park program.

ACTION: To approve the resolution MOTION: Ruskey SECOND: Munson VOTE: 11-0 (Riebe absent)

B. UPDATE - EPA site assessment grant

City Planner Frable provided the update.

C. ACTION – Approval of DNR Forestry Grant

The city received the grant in late December, and a formal Council approval of the grant is being requested. ACTION: To approve the grant MOTION: Ruskey SECOND: Pintz VOTE: 11-0 (Riebe absent)

D. REVIEW AND ACTION - Ready for Reuse Loan for True Value Project (Block 43)

ACTION: To approve the loan MOTION: Titlbach SECOND: Ruskey VOTE: 11-0 (Riebe absent)

E. ADJOURN to CLOSED SESSION (9:45 PM)

ACTION: To go into closed session under Wisconsin State Statute 19.85 (1) (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...RE: Developers Agreement with Northern Engraving, RE: Developers Agreement/Possible Litigation with Crawford Development LLC. MOTION: Ruskey SECOND: Solomon VOTE: 11-0 (Riebe absent)

F. CONVENE into open session (10:30 PM)

G. ACTION from closed session

ACTION: To approve the Offer to Purchase for the former Northern Engraving property on St. Feriole Island MOTION: Ruskey SECOND: Ames VOTE: 11-0 (Riebe absent)

ACTION: To approve the Resolution 2011-07 (AUTHORIZING SUBMITTAL OF GRANT APPLICATION UNDER THE WISCONSIN READY FOR REUSE LOAN AND GRANT PROGRAM) MOTION: Munson SECOND: Titlbach VOTE: 10-1 (Boylen opposed, Riebe absent)

ACTION: To approve an amended developer's agreement, with new terms on a payment schedule to the city, with Crawford Development LLC MOTION: Ames SECOND: Munson VOTE: 10-1 (Pintz opposed, Riebe absent)

VIII. ADJOURN (10:35 PM)

MOTION: Ames SECOND: Solomon VOTE: 11-0 (Riebe absent)

Submitted by City Administrator Aaron Kramer

RESOLUTION 2011-6

RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53; TITLE 23, UNITED STATES CODE, OR OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, the Federal Transit Administrator has been delegated authority to award Federal financial assistance for a transportation project;

WHEREAS, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the Applicant, and may require the Applicant to provide the local share of the project cost;

WHEREAS, the Applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF PRAIRIE DU CHIEN, WISCONSIN

1. That the City Administrator is authorized to execute and file an application for Federal assistance on behalf of the City of Prairie du Chien, Wisconsin with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. Chapter 53, title 23, United

States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration. (If the Applicant is requesting Urbanized Area Formula Program assistance authorized by 49 U.S.C. 5307, either alone or in addition to other Federal assistance administered by the Federal Transit Administration), the resolution should state whether the Applicant is the Designated Recipient as defined by 49 U.S.C. 5307(a)(2), or whether the Applicant has received authority from the Designated Recipient to apply for Urbanized Area Formula Program assistance).

2. That the City Administrator is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding a Federal assistance grant or cooperative agreement.

3. That the City Administrator is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the City of Prairie du Chien, Wisconsin.

CERTIFICATION

The undersigned duly qualified City Administrator, acting on behalf of the City of Prairie du Chien, Wisconsin, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Common Council of the City of Prairie du Chien, Wisconsin held on February 16, 2011.

Aaron Kramer, City Administrator

Dave Hemmer, Mayor

RESOLUTION 2011-7 **AUTHORIZING SUBMITTAL OF GRANT APPLICATION UNDER THE WISCONSIN READY FOR REUSE LOAN AND GRANT PROGRAM**

A RESOLUTION authorizing the submittal of a grant application for the Northern Engraving property by the City Administrator and the subsequent appropriation of City of Prairie du Chien funds for a Wisconsin Ready for Reuse Grant.

WHEREAS, the City of Prairie du Chien recognizes that the remediation and redevelopment of brownfields is an important part of protecting Wisconsin's resources; and

WHEREAS, in this action the City of Prairie du Chien has declared its intent to complete the Ready for Reuse Grant activities described in the application if awarded funds; and

WHEREAS, the City of Prairie du Chien will maintain records documenting all expenditures made during the Ready for Reuse Grant period; and

WHEREAS, the City of Prairie du Chien will allow employees from the Department of Natural Resources access to inspect the grant site or facility and grant records; and

WHEREAS, the City of Prairie du Chien will submit a final report to the Department which will accompany the final payment request.

IT IS, THEREFORE RESOLVED THAT: The Common Council of the City of Prairie du Chien requests funds and assistance available from the Wisconsin Department of Natural Resources under the Ready for Reuse Program and will comply with state rules for the program; and

HEREBY AUTHORIZES the City Administrator to act on the behalf of the City of Prairie du Chien to submit an application to the State of Wisconsin for financial aid for Ready for Reuse Grant purposes, sign documents, and take necessary action to undertake, direct, and complete approved grant activities.

Adopted this _____ day of _____, 2011

By a vote of: ____ in favor, ____ opposed, and ____ abstain

BY: _____
Aaron Kramer, City Administrator

BY: _____
Dave Hemmer, Mayor

RESOLUTION 2011-8

TRANSFERRING SURPLUS FUNDS FROM TAX INCREMENT FINANCING DISTRICT NUMBER 6 (TID #6) TO TAX INCREMENT FINANCING DISTRICT NUMBER 4 (TID #4)

WHEREAS, the City of Prairie du Chien Common Council passed a resolution on August 5, 2008 amending the TID #6 Project Plan to allow the transfer of surplus funds to TID #4; and

WHEREAS, TID #4 is the recipient district of funds to be transferred from TID #6; and

WHEREAS, an allocation of tax increments from TID #6 may be used by the recipient district if the project costs in the recipient district are used to remediate environmental contamination or develop low-cost housing; and

WHEREAS, TID #4 Project Plan includes remediation of environmental contamination and development of low-cost housing as eligible project costs; and

WHEREAS, the Prairie du Chien Downtown Revitalization, Incorporated has and continues to work to revitalize the historic downtown including working with the City to identify and develop contaminated sites including Block 43 and the Stratton sites among others; and

WHEREAS, the Prairie du Chien Downtown Revitalization, Incorporated (PDRI) has and continues to work to revitalize the historic downtown including through the provision of affordable housing; and

WHEREAS, a strong, attractive downtown district is necessary for continued industrial development and job creation; and

WHEREAS, TID #6 has created adequate tax increment to generate sufficient revenues to pay for all project costs that have been incurred under the Project Plan for TID #6 and sufficient surplus revenue to pay for some of the eligible costs of TID #4; and

NOW BE IT HEREBY RESOLVED, that the Common Council of the City of Prairie du Chien does approve the transfer of \$7,500 from TID #6 to TID #4 for the further redevelopment of the historic downtown through support of PDRI; and

BE IT FURTHER RESOLVED, that the City Administrator shall take the necessary actions to transfer the funds.

Adopted this 16th day of February 2011.

Aaron Kramer, City Administrator

David Hemmer, Mayor

RESOLUTION 2011-9

AUTHORIZING EXPENDITURE OF UP TO \$15,000 OF TAX INCREMENT FINANCING DISTRICT NUMBER 4 (TID #4) FUNDS TOWARD SUPPORT OF PRAIRIE DU CHIEN DOWNTOWN REVITALIZATION, INCORPORATED EFFORTS TO REDEVELOP AND REVITALIZE THE DOWNTOWN BUSINESS DISTRICT

WHEREAS, the City of Prairie du Chien Common Council passed a resolution on August 5, 2008 amending the TID #6 Project Plan to allow the transfer of surplus funds to TID #4; and

WHEREAS, on February 16, 2011, the Common Council authorized transferring \$7,500 from TID #6 to TID #4 for the redevelopment of the Block 43 of the Union Plat; and

WHEREAS, TID #4 Project Plan includes remediation of environmental contamination, economic development, blight elimination, and development of low-cost housing as eligible project costs; and

WHEREAS, the Prairie du Chien Downtown Revitalization, Incorporated has and continues to work to revitalize the historic downtown including working with the City to identify and develop contaminated sites including Block 43 and the Stratton sites among others; and

WHEREAS, the Prairie du Chien Downtown Revitalization, Incorporated (PDRI) has and continues to work to revitalize the historic downtown including through the provision of affordable housing; and

WHEREAS, a strong, attractive downtown district is necessary for continued industrial development and job creation; and

WHEREAS, the downtown district is within a half-mile of TID #4; and

NOW BE IT HEREBY RESOLVED, that the Common Council of the City of Prairie du Chien does approve the expenditure of \$15,000 from TID #4 for the further redevelopment of the downtown district through support of PDRI.

Adopted this 16th day of February 2011.

Aaron Kramer, City Administrator

David Hemmer, Mayor