

Common Council Meeting – 17 May 2011

A regular meeting of the Common Council of the City of Prairie du Chien was held on Tuesday May 17th 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** – Hein absent **Certification of the open meeting law agenda requirements** – ACTION: To certify MOTION: Munson SECOND: Ames VOTE: 11-0 **Pledge of Allegiance** – Led by Sharon Boylen

I. PUBLIC HEARINGS, PRESENTATIONS, AND INPUT

None

II. CONSIDERATION OF CONSENT AGENDA

A. COUNCIL MINUTES – May 3rd 2011, B. SPECIAL COUNCIL MINUTES – May 12th 2011, C. COMMITTEE OF THE WHOLE – May 12th 2011, D. PLAN COMMISSION – April 18th 2011, E. LARIVIERE PARK BOARD – April 13th 2011, F. BOARD OF ZONING APPEALS – April 27th 2011, G. FINANCE COMMITTEE – May 3rd 2011

Boylen asked for Item D to be pulled. ACTION: To approve the consent agenda minus Item D (Plan Commission) MOTION: Pintz SECOND: Munson VOTE: 11-0

III. ITEMS REMOVED FROM CONSENT AGENDA

D. PLAN COMMISSION – April 18th 2011. Boylen asked about the agenda item regarding the NSP-PDRI request to extend/enlarge an existing nonconforming structure. The City Administrator stated that the minutes are a record of the meeting; the agenda item was not a debatable issue. He added that, if the Council wants to debate PRDI and the NSP program, it would need to be a separate agenda item. ACTION: To approve the Plan Commission minutes of April 18th 2011 MOTION: Titlbach SECOND: Ames VOTE: 11-0

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

David Brunner, 901 North Wacouta Avenue, address the Council about his concerns about vehicles parked on sidewalks, owners letting their dogs defecate on the sidewalks, and residents not shoveling snow from their sidewalks.

V. COMMITTEE REPORTS AND ACTIONS

A. FINANCE – Claims

ACTION: To approve the Committee report MOTION: Solomon SECOND: Pintz VOTE: 11-0

B. FINANCE - Ordinance 2011-15

This ordinance will increase the limits involving city purchasing and bidding, and includes a local preference component. ACTION: To approve Ordinance 2011-15 MOTION: Pintz SECOND: Solomon VOTE: 11-0

VI. OLD BUSINESS

A. DISCUSSION AND ACTION – Ordinance 2011-14 - Proposed Slow-No Wake Ordinance

This item was referred to the Council, following a Committee of the Whole meeting on May 12th. Discussion was held on the proposal, with several changes being debated. Dennis Kirchbaum also addressed the Council with some recommended changes to the proposed ordinance language ACTION: To approve Ordinance 2011-14, with the addition of a time limit of May 15th to September 15th, and the addition of the shoreline as the eastern border of the slow-no wake zone MOTION: Titlbach SECOND: Munson VOTE: 6-5 (Thein, Fleshner, Boylen, Pintz, Jones opposed)

B. MOTION TO RESCIND – Capping of the Stratton Property

On April 6th, the Council awarded the project to Prairie Sand and Gravel, for a price not to exceed \$5,000, to do the work on the downtown property, and for the work to be done by May 31st, and waive the requirement for three quotes. The developers are asking for the work to be delayed. This item was tabled from the May 12th Special Council meeting. The City Administrator explained the staff's position that they are not opposed to the request, but they want a clear timetable of when the work would be done and who is paying for the work. ACTION: To rescind the April 6th vote MOTION: Riebe SECOND: Ames VOTE: 9-2 (Pintz and Jones opposed)

C. DISCUSSION AND ACTION – Capping of the Stratton Property

Discussion was held on the concerns of the developer about the fill being used, and the possibility of contaminated soil on the site. ACTION: To direct staff to get a timetable, with costs determined, from the developer and their contractor within 30 days MOTION: Wayne SECOND: Solomon VOTE: 10-1 (Pintz opposed)

VII. NEW BUSINESS

A. DISCUSSION AND ACTION – Resolution 2011-21 (RENAMING WATERWORKS PARK TO BLACKHAWK JUNCTION PARK)

ACTION: To approve Resolution 2011-21 MOTION: Riebe SECOND: Munson VOTE: 11-0

B. DISCUSSION AND ACTION – Resolution 2011-22 (DESIGNATING MAY 15TH TO 21ST AS EMERGENCY MEDICAL SERVICES WEEK)

ACTION: To approve Resolution 2011-22 MOTION: Munson SECOND: Ames VOTE: 11-0

C. DISCUSSION AND ACTION - Amendment to the contract with MSA Professional Services to perform additional appraisals and relocation cost estimates for the Marquette Road project

These costs will be reimbursed by Wisconsin Department of Transportation and allow the City and WDOT to determine what if any additional costs will be necessary if any further relocations are needed. Ron Valley addressed the Council and asked about the status of the appraisals, claiming MSA had told him they were on hold. The City Administrator said the appraisals are moving forward, but the city had asked the DOT and MSA to put any land acquisitions on hold while concerns about potential costs involving the city and future land purchases are addressed. ACTION: To approve the amendments to the contract with MSA Professional Services MOTION: Titlbach SECOND: Pintz VOTE: 10-1 (Boylen opposed)

D. DISCUSSION AND ACTION – Aerial truck for the Fire Department

City Planner Garth Frable and Fire Chief Harry Remz explained the results of the recent Request for Proposals for a new aerial truck. While the Council had earlier voted to cap the purchase price at \$600,000, Frable and Remz expressed support for a proposal from Reliant Fire Apparatus (Waukesha, WI) for a new truck from Pierce for \$799,582. The only proposal under \$600,000 came from Brindlee Mountain Fire Apparatus (Union Grove, AL) for a 2002 truck, at \$594,500. Remz said the Reliant truck did not have an articulating ladder, which could possibly cost an additional \$70,000.

ACTION: To direct staff to discuss with Reliant Fire Apparatus the costs of the articulating platform and other possible cost reductions MOTION: Riebe SECOND: Wayne VOTE: 11-0

The City Administrator outlined the funding plan for the purchase of a new truck (\$820,000), explaining that the budgetary impact could be reduced by refinancing a 2002 bond as part of the borrowing. He did say the city was facing an additional \$60,000 in debt payments in 2012 over the 2011 budgeted amount, and the plan brought forth would add roughly \$10,000 to that amount. The majority of the initial borrowing costs would initially be paid back (2012-2016) with TIF funds. He

asked that the Council take no formal action on the truck purchase until June 7th. No further action was taken at this time.

E. MAYORAL APPOINTMENTS

1. BOARD OF REVIEW – Roger Pellock (Re-appointed to a five-year term, expiring May 1st 2016),
2. BOARD OF REVIEW – Roger Grunow (Re-appointed to a five-year term, expiring May 1st 2016),
3. BOARD OF REVIEW – Gary Koch (Alternate) (Re-appointed to a five-year term, expiring May 1st 2016),
4. PLAN COMMISSION – Ross Ritchie (Re-appointed to a three-year term, expiring May 1st 2014),
5. BOARD OF ZONING APPEALS – Curt Kramer (Re-appointed to a three-year term, expiring May 1st 2014),
6. BOARD OF ZONING APPEALS – Judeen Ames (Re-appointed to a three-year term, expiring May 1st 2014),
7. BOARD OF ZONING APPEALS – Char Bender (Re-appointed to a three-year term, expiring May 1st 2014),
8. POLICE AND FIRE COMMISSION – Bob Meyer (Re-appointed to a five-year term, expiring May 1st 2016),
9. PARK AND RECREATION COMMISSION – Jaaren Riebe (Re-appointed to a five-year term, expiring May 1st 2016),
10. LIBRARY BOARD – Linda Munson (Re-appointed to a three-year term, expiring May 1st 2014)
11. HOUSING AUTHORITY – Dale Huston (Re-appointed to a five-year term, expiring May 1st 2016)
ACTION: To approve the appointments MOTION: Solomon SECOND: Pintz VOTE: 11-0

F. DISCUSSION AND ACTION – Future of Harbor Commission

Mayor Hemmer requested this item be sent to the Public Works Committee, which meets May 26th, to discuss the future of the Harbor Commission. He questioned whether the Commission was still needed as the current city ordinance limits the body's power to regulating the City Harbor, which no longer exists. ACTION: To send the item to the Public Works Committee for their May 26th meeting
MOTION: Pintz SECOND: Solomon VOTE: 11-0

G. ADJOURN to CLOSED SESSION (8:40 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: Possible TIF assistance to a local industry for expansion study MOTION: Ames SECOND: Solomon VOTE: 11-0

NOTE: Blair Dillman (Prairie Sand and Gravel) and Beth Regan (Pattison Sand Company) were present in the closed session.

H. CONVENE into OPEN SESSION (9:09 PM)

ACTION: To convene into open session MOTION: Riebe SECOND: Munson VOTE: 11-0

I. ACTION from CLOSED SESSION

ACTION: To approve the funding of up to \$50,000, with the funds to come from TIF #6, for Prairie Sand and Gravel and Pattison Sand Company to conduct a study on the feasibility and possible siting of a rail loop and/or siding options in TIF #6 and TIF #7 MOTION: Riebe SECOND: Jones VOTE: 10-1 (Thein opposed)

VIII. ADJOURN (9:17 PM)

MOTION: Solomon SECOND: Munson VOTE: 11-0

Submitted by City Administrator Aaron Kramer

ORDINANCE NO. 2011-14
AN ORDINANCE ESTABLISHING SLOW-NO-WAKE ORDINANCE

The Common Council of the City of Prairie du Chien, Crawford County, Wisconsin, do ordain as follows:

Section 1: That Section 15.04 of the Municipal Code of the City of Prairie du Chien, Crawford County, Wisconsin, is hereby created to read as follows:

15.04 SLOW-NO-WAKE. From May 15th to September 15th, no person may operate a motorboat as defined by sec. 30.50(6), Wis. Stats., nor operate a personal water craft as defined by sec. 30.50(9d), Wis. Stats., within the following described area at a speed greater than slow-no-wake as that term is defined by sec. 30.50(14), Wis. Stats., to-wit: Beginning at a point 200 yards north of the northern edge of the Villa Louis boat landing, thence in a northwesterly direction 280 degrees to a point on Walker Island, thence due south to a point that is 100 yards west of the southern and western most edge of the Mississippi River Interpretative Center located at the western edge of Blackhawk Avenue thence east to the southern and western most edge of the Mississippi River Interpretative Center thence in a northerly direction along the meandering line of the Mississippi River to the point of the beginning.

Section 2: That appropriate signage or markers shall be installed to delineate the slow-no-wake area above described.

Section 3: Any person violating this Ordinance shall be subject to a fine as set forth in Section 25.04 of the Municipal Code.

Section 4: Any Ordinance or parts thereof, inconsistent herewith are hereby repealed.

Section 5: This Ordinance shall be published as required by law after passage by the Common Council. In addition, this Ordinance shall be posted as required by sec. 30.77(4), Wis. Stats., and NR 5.15 of the Wisconsin Administrative Code, and shall take effect upon completion of all of the above.

Passed and approved this 17th day of May, 2011.

David Hemmer, Mayor

ATTEST:

Aaron Kramer, City Administrator

ORDINANCE NO. 2011-15
**AN ORDINANCE REPEALING AND RECREATING SECTIONS 1.04 AND 3.08
OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN,**

CRAWFORD COUNTY, WISCONSIN (PURCHASING AND BIDDING PROCEDURES)

The Common Council of the City of Prairie du Chien, Crawford County, Wisconsin, do ordain as follows:

Section 1: That Section 3.08 of the Municipal Code of the City of Prairie du Chien, Crawford County, Wisconsin, is hereby repealed and recreated to read as follows:

3.08 CITY PURCHASES.

- (1) The City Administrator shall be the official Purchasing Agent for the City of Prairie du Chien.
- (2) With the prior approval of the City Administrator, City department heads shall have the authority to purchase items for use by their departments not to exceed the sum of \$2,000 if the expenditure is for an item or items already approved and contained within the City budget for that department.
- (3) The purchase of all items and all public contracts to be entered into, the cost of which exceeds \$2,000 but is less than \$5,000, shall be undertaken only after written approval of the City Administrator, the Mayor, the department head, and the Chairperson of the Standing Council Committee that oversees the department requesting the purchase. In addition, said item(s) and/or contract(s) must be contained within the City budget for that department.
- (4) The purchase of any and all items and all public contracts to be entered into, the cost of which exceeds \$5,000 but is less than \$10,000, shall be undertaken only after written approval of the City Administrator, department head, the Chairperson of the Standing Council Committee that oversees the department requesting the purchase, and the Mayor. Further, and prior to said expenditure, the department head must obtain three (3) written quotes for said item(s) and/or contract(s).
- (5) All public contracts to be entered into and all items to be purchased, the cost of which exceeds \$10,000, shall be submitted to public bidding and shall not be approved until such bids have been received and considered by the Common Council. However, said bid requirement, if not in violation of Section 62.15, Wis. Stats., or any amendments thereto, may be waived by a 3/4 vote of the Common Council.
- (6) In the event of an emergency, purchase of any and all items and all public contracts to be entered into, the cost of which does not exceed \$2,500, shall be undertaken only after written approval of the City Administrator, department head of the department requesting the purchase or public contract, and the Mayor.
- (7) In the event of an emergency, the purchase of any and all items and all public contracts to be entered into, the cost of which exceeds \$2,500 but less than \$5,000, shall be undertaken only after meeting and written approval of the Standing Council Committee that oversees the department requesting the purchase or public contract.
- (8) Prairie du Chien-based businesses may be awarded a contract as the lowest responsive and responsible bidder under the circumstances specified herein.

(a) Definitions.

- (1) City resident(s) means an individual whose primary place of residence is within the corporate limits of the City of Prairie du Chien as evidenced by voter registration address, driver's license address or State identification address or affidavit form developed by the City Attorney.

(2) Good faith effort means those demonstrable activities supported by documentation and results that verify the bidders attempts to reach the established goal.

(3) Implementing Department means the City Department or Agency that has responsibility for oversight of a contract.

(4) Joint venture means a co-operation between two or more corporate bodies for a particular project in which they share the responsibilities and profits associated with the project.

(5) Prairie du Chien-based business means a business that has a physical and economic relationship to the City of Prairie du Chien as evidenced by a building or office physically located in the City and the payment of City property taxes on a plant or office and equipment such as is ordinarily required for the performance of the contract bid. Any business physically located in Prairie du Chien which operates under a City-authorized tax abatement or forgiveness program, or any other City-authorized tax credit program, is still considered a Prairie du Chien-based business for purposes of this Section.

(6) Subcontractor means a person or company that assumes, by secondary contract, some or all of the obligations of an original contractor.

(b) When sealed bids are received under this section for purchases, supplies and construction contracts, the following may be applied by the Common Council when awarding the bid:

(1) The person or business submitting the lowest bid shall be deemed the lowest bidder. If, however, the lowest bidder is not a Prairie du Chien-based business, any Prairie du Chien-based business with a bid within two (2) percent of the lowest bid that has been deemed responsive and responsible under the purchasing ordinance shall be deemed the lowest bidder if it agrees to reduce its bid to match the bid of the lowest bidder. The above percentage may be revised from time to time as Council deems appropriate.

(2) If a Prairie du Chien-based business refuses to reduce its bid to match the lowest bid, then the next lowest responsible Prairie du Chien-based business with a bid within the established percentage of the lowest bid shall be given the opportunity to reduce its bid to match the bid of the lowest bidder. If the next lowest responsible Prairie du Chien-based bidder agrees to reduce its bid to match the bid of the lowest non-Prairie du Chien bidder, it will be deemed the lowest bidder and awarded the contract.

(3) If no responsive and responsible Prairie du Chien-based business within the established percentage of the lowest bid agrees to reduce its bid to that of the lowest bidder, then the contract shall be awarded to the person or business with the lowest, most responsive and responsible bid.

(4) Except for construction contracts, no contract awarded pursuant to this Section shall be sublet in any manner that permits 50 percent or more of the dollar value of the contract to be performed by a subcontractor or subcontractors who do not meet the definition of Prairie du Chien-based.

(5) Any Prairie du Chien-based business awarded a contract pursuant to this Section shall agree to make available to the City all records necessary to establish its eligibility and compliance with all City, State and local laws.

Section 2: That Section 1.04(1) of the Municipal Code of the City of Prairie du Chien, Crawford County, Wisconsin, is hereby repealed and recreated to read as follows:

1.04(1) City Clerk/Treasurer. The City Clerk/Treasurer shall perform the duties prescribed by law for city clerks, treasurers, and comptrollers and such other duties as required by the Common Council.

Section 3: Any ordinance or parts thereof inconsistent herewith are hereby repealed.

Section 4: This Ordinance shall be effective from and after its passage and publication as required by law.

Passed and approved this 17th day of May, 2011.

Dave Hemmer

ATTEST:

Aaron Kramer, City Administrator

RESOLUTION 2011-21
RENAMING WATERWORKS PARK TO BLACKHAWK JUNCTION PARK

WHEREAS, the City of Prairie Du Chien Common City Council established a Policy for the Naming of City Parks, by creating Resolution 2011-11, and;

WHEREAS, the Common Council, following a request by the owners of Blackhawk Junction Mall to rename Waterworks Park, did direct staff to draft a resolution approving the renaming of said park;

NOW THEREFORE, BE IT RESOLVED, that the City of Prairie du Chien does hereby authorize the renaming of Waterworks Park to Blackhawk Junction Park, effective immediately, with the following conditions agreed to by the owners of Blackhawk Junction for consideration of the naming rights:

1. Sponsorship of the Movies in the Park program in 2011-2013, and
2. Enhancing the park with lilac bushes, shrubs, edging, wood chips and upkeep on the corner of Wisconsin Street closest to the back entrance to the mall in 2011 and maintaining the new shrub area with fresh wood chips in 2012 and 2013, and
3. Improving the current playground equipment with new paint, edging around the existing fire truck play equipment in 2011, and
4. Donating up to \$2,000 to purchase new playground equipment in 2012 and 2013, with the equipment in 2013 being handicapped-accessible, and
5. Donating \$1,000 for picnic tables and grills in 2011, and the ongoing upkeep and maintenance of the picnic tables and grills in the park, and
6. Financing any needed tree replacement in the park, and
7. Financing a new park sign to read "Blackhawk Junction Park", including the setting of poles and labor.

Adopted this 17th day of May, 2011

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

BY: _____
Aaron Kramer, City Administrator

David Hemmer, Mayor

RESOLUTION 2011-22
DESIGNATING MAY 15TH TO 21ST AS EMERGENCY MEDICAL SERVICES WEEK

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; now

THEREFORE, I, Dave Hemmer, Mayor of the City of Prairie du Chien, in recognition of this event do hereby proclaim the week of May 15-21, 2011, as EMERGENCY MEDICAL SERVICES WEEK

With the theme, EMS: Everyday Heroes, I encourage the community to observe this week.

Adopted this 17th day of May, 2011

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

BY: _____
Aaron Kramer, City Administrator

David Hemmer, Mayor