

Common Council Meeting – 19 July 2011

NOTE: These minutes were corrected and re-adopted on September 20th 2011.

A regular meeting of the Common Council of the City of Prairie du Chien was held on Tuesday July 19th 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** – All present with one vacancy **Certification of the open meeting law agenda requirements and approval of the agenda** – ACTION: To certify and approve MOTION: Munson SECOND: Solomon VOTE: 11-0 **Pledge of Allegiance** – Led by Kathleen Hein

I. PUBLIC HEARINGS, PRESENTATIONS, AND INPUT

A. PUBLIC HEARING - Proposed docks, piers and boat slips along river wall on St. Feriote Island
The proposal, from Blair Dillman, has received a “tentative determination” from the DNR that it will issue a permit for the project. The Council, at its last meeting, voted to hold a public hearing on the proposal to gather public input. The Mayor opened the public hearing at 7:11 PM. The City Administrator read into the record letters and emails from the following people: Kevin Teynor – Jackson, WI (opposed), Amber Pulda – PDRI (in support), and Carolyn Sand – 318 South Fillmore (opposed). Dillman made a presentation on the proposal. Jerry Cummings (512 South Wacouta) spoke in opposition to the proposal. Bob McDonald, Prairie du Chien Economic Development Corporation, spoke in favor. Bill Howe (300 South Fillmore) recommended moving the docks to the north or south of the current proposed location. Dennis Kirschbaum (1505 East Parrish) spoke in opposition. Jack Libbey, Mississippi Explorer Cruises, spoke in favor. Louis Lochner (220 South Beaumont) spoke in opposition. Dillman took further questions from the Council. Hemmer closed the hearing at 7:35 PM.

B. DISCUSSION AND ACTION on aforesaid agenda item

ACTION: To approve the proposal from Blair Dillman for a one-year trial period in 2012, contingent on city staff negotiating several items, including maintenance and liability issues, and reporting back to the Council on August 16th MOTION: Hein SECOND: Munson VOTE: 7-4 (Thein, Solomon, Fleshner and Pintz opposed)

Without objection, the agenda was moved

VII. NEW BUSINESS

A. DISCUSSION AND ACTION – Donation of land near the Campion Boat Landing

Blair and Brad Dillman are seeking to donate three parcels of land, adjacent to the boat landing, to the city. Official acceptance of the donation is required. ACTION: To accept the donation MOTION: Hein SECOND: Pintz VOTE: 11-0

V. COMMITTEE REPORTS AND ACTIONS

G. PLAN COMMISSION - Certified Survey Map located in NW¼ of the NW¼, Section 10, T6N, R6W, Town of Bridgeport, which is in the extraterritorial limits of the City of Prairie du Chien, Crawford County, Wisconsin – brought by Connie Hein

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

F. PUBLIC WORKS - Update on Old Rock School improvements

ACTION: To approve the Committee report which recommended the following projects: a) Installation of curb and gutter around the parking area and approach to the Veteran’s Memorial by Augelli Concrete for \$8,500, with \$1,000 being donated by the contractor, b) Installation of an asphalt parking surface by Iverson’s at a cost of \$5,118.75, with a \$1,118.75 donation by the contractor, and c) Burying the overhead utility line to the building by Alliant Energy for \$1,565.05, with the funds for the

first two projects (a and b) coming from the 2011-2013 Capital Fund and the funds for the third project (c) coming from the General Fund Capital Fund (Parks Outlay – 100-57-7623-000), and to direct staff to begin the permitting process with the State Historical Society for replacing the current windows in the building MOTION: Pintz SECOND: Solomon VOTE: 11-0

VII. NEW BUSINESS

G. DISCUSSION AND ACTION – Winter maintenance of the Highway 18 Multi-Use Path

ACTION: To not do winter maintenance on the multi-use path this coming winter, and review the issue in July 2012 MOTION: Pintz SECOND: Solomon VOTE: 10-1 (Titlbach opposed)

V. COMMITTEE REPORTS AND ACTIONS

E. PUBLIC WORKS - Well #1 Rehab Change Order and update on the well abandonment project

ACTION: To approve the Committee report approving the change order for the Well #1 Rehab and commend the staff for their work on the well abandonment MOTION: Pintz SECOND: Hein VOTE: 11-0

I. PUBLIC HEARINGS, PRESENTATIONS, AND INPUT

E. DISCUSSION AND ACTION – Donation of historical writings to the City of Prairie du Chien

Mary Ann Stemper has been doing research into the history of the city, and has compiled 27 separate stories up to this point. She is requesting that the city take ownership of her copyrighted writings and materials upon her death. A formal motion to accept the donation is being requested. ACTION: To formally accept the copyrighted writings and material of Mary Ann Stemper upon her death MOTION: Titlbach SECOND: Munson VOTE: 11-0

NOTE: Hein left the meeting at 8:10 PM.

V. COMMITTEE REPORTS AND ACTIONS

D. PUBLIC WORKS - Ordinance 2011-23 (AN ORDINANCE REPEALING AND RECREATING SECTION 8.05 OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN))

Considerable debate was held on the proposed ordinance. Sue Tiller spoke in opposition to the proposed ordinance. ACTION: To approve Ordinance 2011-23 MOTION: Solomon SECOND: Riebe VOTE: 5-5 (Ames, Fleshner, Boylen, Munson and Jones opposed) Mayor Hemmer broke the tie by voting in favor. Motion passed.

Immediately after the Mayor announced the next agenda item, Riebe requested a reconsideration of the previous motion. ACTION: TO reconsider the previous motion MOTION: Riebe SECOND: Ames VOTE: 6-4 (Solomon, Pintz, Munson and Jones opposed)

ACTION: To send Ordinance 2011-23 back to the staff to investigate the option of not requiring individuals to have to obtain a dumpster permit with other building-related permits MOTION: Riebe SECOND: Ames VOTE: 10-0

I. PUBLIC HEARINGS, PRESENTATIONS, AND INPUT

C. DISCUSSION AND ACTION – Resolution 2011-27 (COMMENDING THE SERVICE OF MARY WAYNE ON THE COMMON COUNCIL OF THE CITY OF PRAIRIE DU CHIEN)

ACTION: To approve Resolution 2011-27 MOTION: Munson SECOND: Ames VOTE: 10-0

D. DISCUSSION AND ACTION – Resolution 2011-28 (COMMENDING THE SERVICE OF MARY ANTOINE TO THE CITY OF PRAIRIE DU CHIEN)

ACTION: To approve Resolution 2011-28 MOTION: Pintz SECOND: Solomon VOTE: 10-0

II. CONSIDERATION OF CONSENT AGENDA

A. COUNCIL MINUTES – July 5th 2011, B. FINANCE COMMITTEE – July 5th 2011, C. PLAN COMMISSION – June 20th 2011, D. PLAN COMMISSION – July 7th 2011, E. PUBLIC WORKS COMMITTEE – June 23rd 2011, F. LARIVIERE PARK COMMITTEE – May 11th 2011, G. FLW OUTDOORS BASS FISHING LEAGUE BASS TOURNAMENT – To be held July 29-30, 2011 in Prairie du Chien, H. THE BASS FEDERATION HIGH SCHOOL FISHING TOURNAMENT – To be held Saturday August 27th 2011 in Prairie du Chien, I. OPERATOR'S LICENSES, J. PRAIRIE DU CHIEN HOMECOMING PARADE – To be held Wednesday September 14th 2011. The City Administrator requested item J be pulled. Pintz requested items A and E be pulled. ACTION: To approve the consent agenda minus items A, E and J MOTION: Munson SECOND: Solomon VOTE: 10-0

III. ITEMS REMOVED FROM CONSENT AGENDA

Pintz discussed some of the items in the minutes. ACTION: To approve items A. COUNCIL MINUTES – July 5th 2011 and E. PUBLIC WORKS COMMITTEE – June 23rd 2011 MOTION: Pintz SECOND: Solomon VOTE: 10-0

The City Administrator said no action on item J was necessary as the proper permit had not yet been submitted.

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

None

V. COMMITTEE REPORTS AND ACTIONS

A. FINANCE – Claims

ACTION: To approve MOTION: Pintz SECOND: Munson VOTE: 10-0

VI. OLD BUSINESS

A. DISCUSSION AND ACTION – Request by Country on the River to close a portion of St. Feriole Island

ACTION: To approve the proposal which closed the island from 2:30 AM to 6:30 AM and during the event and restrict traffic in other areas of the event MOTION: Pintz SECOND: Titlbach VOTE: 10-0

V. COMMITTEE REPORTS AND ACTIONS

B. FINANCE - Request for Contingency Funds to Purchase Police Bulletproof Vests

ACTION: To approve the purchase using up to \$2,680 from the Contingency Fund, with a minimum of \$340 being required from the Contingency Fund if a grant for the purchase is obtained MOTION: Riebe SECOND: Ames VOTE: 10-0

C. FINANCE – 2010 Audit

ACTION: To approve the 2010 audit MOTION: Solomon SECOND: Pintz VOTE: 10-0

NOTE: Ames left the meeting at 9:00 PM.

VII. NEW BUSINESS

B. DISCUSSION AND ACTION – Ordinance 2011-22 (AN ORDINANCE REPEALING AND RECREATING 2.03 (ORDER OF BUSINESS) AND 2.04 (CONSENT AGENDA) OF THE

MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

ACTION: To approve MOTION: Pintz SECOND: Solomon VOTE: 9-0

C. DISCUSSION AND ACTION – Vacancy in the 3rd District

Alderman Wayne announced her resignation from the Council, effective July 5th. The term remaining runs through April 2012. ACTION: To accept applications from interested residents of the 3rd District to fill out the remainder of the term and vote on a replacement at the August 16th Council meeting MOTION: Pintz SECOND: Solomon VOTE: 9-0

D. MAYORAL APPOINTMENTS

Mayor Hemmer appointed Frank Pintz as acting chairperson of the Public Works Committee. ACTION: To approve the Mayoral appointment of Ken Fleshner as the Council appointment to the Airport Commission MOTION: Solomon SECOND: Boylen VOTE: 9-0

NOTE: Jones left the meeting at 9:10 PM

E. DISCUSSION AND ACTION – Motion to rescind the action relating to the holding of negotiations with the Police Union in open session

Alderman Thein has requested this item be placed on the agenda for a Council vote. ACTION: To rescind the previous motion which requested that negotiations with the Police Union be held in open session MOTION: Thein SECOND: Fleshner VOTE: 3-5 (Pintz, Boylen, Solomon, Munson and Riebe opposed) Motion failed.

F. DISCUSSION AND ACTION – Resolution 2011-29 (AUTHORIZING THE CITY TO APPLY FOR GRANTS FOR THE DEVELOPMENT OF WASHINGTON STREET PARK)

ACTION: To approve Resolution 2011-29 MOTION: Solomon SECOND: Pintz VOTE: 8-0

H. CLOSED SESSION (9:14 PM)

ACTION: To go into closed session under Wisconsin State Statute 19.85 (1) (c) considering employment....of any public employee over which the governmental body has jurisdiction or exercises responsibility, namely contract with one employee. RE: Employment Contract with City Planner ACTION: Munson SECOND: Pintz VOTE: 8-0

I. RECONVENE into open session (9:55 PM)

ACTION: To reconvene into open session MOTION: Titlbach SECOND: Pintz VOTE: 8-0

J. ACTION from closed session

ACTION: TO direct the City Administrator and Mayor to discuss possible terms with the City Planner for his inclusion on the city's health insurance plan MOTION: Titlbach SECOND: Solomon VOTE: 8-0

VIII. ADJOURN (9: 59 PM)

MOTION: Solomon SECOND: Boylen VOTE: 8-0

David Hemmer, Mayor

ORDINANCE NO. 2011-22
AN ORDINANCE REPEALING AND RECREATING 2.03 (ORDER OF BUSINESS) AND 2.04 (CONSENT AGENDA) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN

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

Section 1: That Section 2.03 of the Municipal Code of the City of Prairie du Chien, Crawford County, Wisconsin, is hereby repealed and recreated to read as follows:

2.03 (ORDER OF BUSINESS)

At all regular meetings of the Common Council, the order of business shall be conducted as follows, unless the same shall be temporarily suspended by the Council:

- (1) Call to order and roll call
- (2) Certification of the open meeting law requirements and approval of the agenda
- (3) Pledge of Allegiance
- (4) Public hearings and presentations
- (5) Consent agenda
- (6) Items removed from Consent Agenda
- (7) City Administrator's Report
- (8) Citizens' comments, petitions and public input
- (9) Committee Reports and Actions
- (10) Old business
- (11) New business, including items for future agenda consideration or Committee assignment
- (12) Adjournment

Section 2: That Section 2.04 of the Municipal Code of the City of Prairie du Chien, Crawford County, Wisconsin, is hereby repealed and recreated to read as follows:

2.04 (AGENDA CREATION AND CONSENT AGENDA)

- (1) The City Administrator shall have the authority to create the Agenda, with approval from the Mayor or Council President.
- (2) The City Administrator is hereby authorized to create a subsection on any Common Council agenda entitled "Consent Agenda" in which the City Administrator shall place matters which, in his/her judgment, are routine and noncontroversial and which do not require a special vote or action to be taken by the Common Council. No separate discussion or debate shall be permitted on any matters which have been included in the Consent Agenda. A single motion, seconded and adopted by a majority vote of the Common Council shall be sufficient to approve, adopt, enact or otherwise favorably resolve any matter listed on the Consent Agenda without the requirement of a separate reading or discussion thereof. At such time during a Common Council meeting when the Consent Agenda is reached, any Alderman may request removal of any item or part thereof previously included in the Consent Agenda and such item or part thereof shall be removed without debate or vote. Any item or part thereof removed from the Consent Agenda by action of the Common Council shall be separately considered at an appropriate time during the Common Council's regular order of business.

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 19th day of July, 2011.

Dave Hemmer

ATTEST:

Aaron Kramer, City Administrator

RESOLUTION 2011-27

**COMMENDING THE SERVICE OF MARY WAYNE ON THE COMMON COUNCIL OF
THE CITY OF PRAIRIE DU CHIEN**

WHEREAS, Mary Wayne has served as a member of the Common Council of the City of Prairie du Chien since December 2008, and

WHEREAS, Mary has served as a member of various committees and commissions, including her role as chairperson of the Public Works Committee; and

WHEREAS, Mary provided her time and resources as a member of the Council to fill a vacancy;

NOW BE IT HEREBY RESOLVED, that I, Mayor Dave Hemmer, along with the members of the Common Council of the City of Prairie du Chien, and on behalf of the residents of the City do hereby commend and thank Mary Wayne for her service on the Common Council of the City of Prairie du Chien.

Adopted this 19th day of July 2011.

Aaron Kramer, City Administrator

David Hemmer, Mayor

RESOLUTION 2011-28

**COMMENDING THE SERVICE OF MARY ANTOINE TO THE CITY OF PRAIRIE DU
CHIEN**

WHEREAS, Mary Antoine has been employed at the Prairie du Chien Public Library for past five-and-half years as a Library Assistant II, and

WHEREAS, Mary has announced her retirement from her current position, effective July 22nd 2011; and

WHEREAS, Mary has been a strong advocate of the public library, including, but not limited to, providing an invaluable service to patrons in the area of genealogical and historical research; and

WHEREAS, Mary has performed her job with the highest degree of professionalism and dedication

NOW BE IT HEREBY RESOLVED, that I, Mayor Dave Hemmer, along with the members of the Common Council of the City of Prairie du Chien, and on behalf of the residents of the City, do hereby commend and thank Mary Antoine for her service at the Prairie du Chien Public Library.

Adopted this 19th day of July 2011.

Aaron Kramer, City Administrator

David Hemmer, Mayor

RESOLUTION 2011-29
**AUTHORIZING THE CITY TO APPLY FOR GRANTS FOR THE DEVELOPMENT OF
WASHINGTON STREET PARK**

Whereas, the City of Prairie du Chien is further developing Washington Street Park for outdoor recreation purposes; and

Whereas, financial aid is required to carry out the project; and

Whereas, the City of Prairie du Chien has budgeted a sufficient sum to carry out the project;

BE IT RESOLVED that the Common Council of the City of Prairie du Chien does hereby authorize Mike Ulrich, Parks and Recreation Department, to act on behalf of the City of Prairie du Chien to:

Submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available; submit reimbursement claims along with necessary supporting documentation within 6 months of project completion date; submit signed documents; and take necessary action to undertake, direct, and complete the approved project.

BE IT FURTHER RESOLVED the City of Prairie du Chien will comply with state and federal rules for the programs to the general public during reasonable hours consistent with the type of facility; and will obtain from the State of Wisconsin Department of Natural Resources or the National Park Service approval in writing before any changes are made in use of the project site.

Adopted this 19th day of July 2011.

Aaron Kramer, City Administrator

David Hemmer, Mayor