

## **Common Council Meeting – September 20th 2011**

A regular meeting of the Common Council of the City of Prairie du Chien was held on Tuesday September 20<sup>th</sup> 2011 at 7:00 PM in the Council Chambers of City Hall. In the absence of Mayor Dave Hemmer, who was attending the Prairie du Chien Area Chamber of Commerce Annual Dinner, Council President Linda Munson called the meeting to order. **Call to order/Roll Call – All present Certification of the open meeting law agenda requirements and approval of the agenda – ACTION: To certify and approve MOTION: Ames SECOND: Solomon VOTE: 12-0 Pledge of Allegiance – Led by Kyle Kozelka**

### **I. PUBLIC HEARINGS AND PRESENTATIONS** - None

### **II. CONSENT AGENDA**

A. COUNCIL MINUTES – September 6th 2011, B. COUNCIL MINUTES (Corrected) – July 19th 2011, C. FINANCE COMMITTEE – September 6th 2011, D. POLICE AND FIRE COMMISSION – April 28th 2011, E. PERSONNEL, LICENSE AND INSURANCE COMMITTEE – August 11th 2011, F. PERSONNEL, LICENSE AND INSURANCE COMMITTEE – September 6th 2011, G. PERSONNEL, LICENSE AND INSURANCE COMMITTEE – September 13th 2011, H. PLAN COMMISSION – July 18th 2011, H. OPERATOR’S LICENSES  
ACTION: To approve the Consent Agenda MOTION: Hein SECOND: Pintz VOTE: 12-0

### **III. ITEMS REMOVED FROM CONSENT AGENDA** - None

### **IV. CITY ADMINISTRATOR’S REPORT**

Questions were asked about the residency ordinance, which has been recently approved by the Personnel Committee. No action taken.

### **V. CITIZENS’ COMMENTS, OBSERVATIONS, PETITIONS, AND PUBLIC INPUT** - None

### **VI. COMMITTEE REPORTS AND ACTIONS**

#### **A. FINANCE – Claims**

ACTION: To approve MOTION: Hein SECOND: Pintz VOTE: 12-0

#### **B. FINANCE – Ordinance 2011-24 (REPEALING AND RECREATING A PORTION OF THE ROOM TAX ORDINANCE)**

This ordinance would change the reporting cycle for the room tax from quarterly to monthly, and would change the current formula for determining what portion of the room tax is provided to the Tourism Council. ACTION: To approve Ordinance 2011-24 and waive the reading MOTION: Pintz SECOND: Hein VOTE: 11-1 (Boylen opposed)

#### **C. PERSONNEL – Policy 2011-04 (GRIEVANCE PROCEDURE)**

This policy would establish a new grievance procedure for city employees, in according with the recently-passed Budget Repair Bill. Considerable discussion was held on the reasons for the policy and its impact on the workforce. Ames pointed out several typographical errors which needed correcting. ACTION: To approve Policy 2011-04 with the changes suggested by Alderwoman Ames MOTION: Riebe SECOND: Ames VOTE: 9-3 (Thein, Fleshner and Jones opposed)

### **VII. OLD BUSINESS**

#### **A. MAYORAL APPOINTMENTS – Committee assignments**

The mayor's appointments were challenged at the last meeting. A ruling from the City Attorney on the challenge, which supported the mayor's position to make the changes, was included in the record. Pintz objected to the changes, saying he felt the mayor's realignment was not in the best interest of the Council working together. Fleshner pointed out that not every ward is represented on each committee, and said a new format should be discussed in the future. The committees are as follows: **Finance Committee** - Kathleen Hein (Chairperson), Jaaren Riebe, Linda Munson, Judeen Ames, Frank Pintz; **Public Works Committee** - Jaaren Riebe (Chairperson), Jean Titlbach, Karen Solomon, Kyle Kozelka, Mike Jones; **Protection and Health Committee** - Jean Titlbach (Chairperson), Frank Pintz, Sharon Boylen, Mark Thein, Ken Fleshner; **Personnel Committee** - Linda Munson (Chairperson), Kathleen Hein, Karen Solomon, Judeen Ames, Kyle Kozelka

**VIII. NEW BUSINESS (Including items for future agenda consideration or Committee assignment)**

**A. DISCUSSION - Items for future agenda consideration or Committee assignment - None**

**B. CLOSED SESSION (7:40 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: Acquisition of property in downtown Prairie du Chien MOTION: Solomon SECOND: Ames VOTE: 12-0

**C. RECONVENE into open session (7:50 PM)**

ACTION: To reconvene into open session MOTION: Solomon SECOND: Fleshner VOTE: 12-0

**D. ACTION from closed session - None**

**IX. ADJOURN (7:51 PM)**

MOTION: Hein SECOND: Solomon VOTE: 12-0

Submitted by City Administrator Aaron Kramer

**ORDINANCE NO. 2011-24**

**AN ORDINANCE REPEALING AND RECREATING A PORTION OF THE ROOM TAX ORDINANCE**

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

**Section 1.** That Section 3.10 B., Tax Imposed, is deleted in its entirety and in its place substituted the following:

Section 3.10 B. Tax Imposed.

(1) Pursuant to Wisconsin Statutes, Section 66.0615, or any amendments thereto, a tax is hereby imposed on the privilege and service of furnishing, at retail, rooms or lodging to transients by hotel keepers, motel operators, and other persons, firms, corporations, or entities furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at a rate of 5% of the gross receipts from such retail

furnishing of rooms or lodging. Such tax shall not be subject to the selective sales tax imposed by Wisconsin Statutes, Section 77.52(2) (a) 1, now in effect or any amendments thereto. The proceeds of such tax collected shall be apportioned 70% to the Prairie du Chien Area Tourism Council for tourism promotion within the vicinity of the City of Prairie du Chien. The remaining 30% of said proceeds shall remain with the City of Prairie du Chien. Further and notwithstanding any of the above and prior to the allocation of any of the above percentages each entity, individual, corporation, or partnership that falls under the preview of this Ordinance shall be entitled to take a 2% administrative fee from the moneys generated by the above referred to tax.

Effective January 1, 2012, and thereafter until changed by action of the Common Council, the tax referenced above shall be at the rate of 6% of the gross receipts from such retail furnishing of rooms or lodging. Such tax shall not be subject to the selective sales tax imposed by Wisconsin Statute, Section 75.52(2) (a) (1), now in effect or any amendments thereto. The proceeds of the first 2 ½% of the 6% room tax shall be apportioned 70% to the Prairie du Chien Area Tourism Council for tourism promotion within the City of Prairie du Chien and the remaining 30% of said proceeds shall remain with the City of Prairie du Chien. The proceeds of the remaining 3 ½% of the 6% room tax collected shall be apportioned 75% to the Prairie du Chien Area Tourism Council for tourism promotion within the vicinity of the City of Prairie du Chien and the remaining 25% of said proceeds shall remain with the City of Prairie du Chien.

(2) City Administrator for City of Prairie du Chien to Administer.

This Ordinance shall be administered by the City Administrator for the City of Prairie du Chien. The tax imposed is due and payable within fifteen (15) days of the end of each month. The return shall be filed with the City Administrator for the City of Prairie du Chien by those furnishing at retail such rooms, lodgings, or sites within the City on or before the same day on which such tax is due and payable upon a form approved by the City. Every person, firm, corporation, or entity required to file such monthly return shall also file an annual calendar return. Such annual return shall be filed within thirty (30) days of the end of the calendar year. The annual return shall summarize the monthly returns, reconcile and adjust for errors in the monthly returns, and shall contain certain additional information as the City Administrator for the City of Prairie du Chien requires. The City Administrator for the City of Prairie du Chien may for good cause extend the time for filing any return but in no event longer than one (1) month from filing date.

**Section 2.** Any Ordinance or parts thereof inconsistent herewith are hereby repealed.

**Section 3.** This Ordinance shall be effective from and after its passage and publication as required by law.

Passed and approved this 20<sup>th</sup> day of September, 2011.

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Dave Hemmer

ATTEST:

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Aaron Kramer, City Administrator