

Common Council Meeting – October 4th 2011

A regular meeting of the Common Council of the City of Prairie du Chien was held on Tuesday October 4th 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** – Mike Jones and Karen Solomon absent **Certification of the open meeting law agenda requirements and approval of the agenda** – ACTION: To certify and approve MOTION: Ames SECOND: Munson VOTE: 10-0 **Pledge of Allegiance** – Led by Kathleen Hein

I. PUBLIC HEARINGS AND PRESENTATIONS - None

II. CONSENT AGENDA

A. COUNCIL MINUTES – September 20th 2011, B. FINANCE COMMITTEE – September 20th 2011, C. PROTECTION AND HEALTH COMMITTEE - May 19th 2011, D. PROTECTION AND HEALTH COMMITTEE – September 27th 2011, E. PERSONNEL COMMITTEE – September 15th 2011, F. PUBLIC WORKS COMMITTEE – July 14th 2011, G. PLAN COMMISSION – September 19th 2011, H. DOWNTOWN REVOLVING LOAN FUND COMMITTEE – September 14th 2010, I. OKOTOBERFEST PARADE – October 15th 2011 from 10-11 AM in downtown Prairie du Chien, J. BILLBOARD LEASE – This lease with Waterside Investment Company, LLC will replace the current lease with Select Realty

ACTION: To approve the Consent agenda MOTION: Hein SECOND: Munson

Boylen requested Item B be pulled, but neither the motion nor the second would amend the motion.

VOTE: 8-2 (Boylen and Titlbach opposed)

III. ITEMS REMOVED FROM CONSENT AGENDA - None

IV. CITY ADMININSTRATOR’S REPORT

The City Administrator presented a petition for Council members to sign, if they wished, opposing the proposed cuts in state transit aid.

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

VI. COMMITTEE REPORTS AND ACTIONS

A. FINANCE – Claims

ACTION: To approve the Committee report MOTION: Hein SECOND: Pintz VOTE: 10-0

B. FINANCE – Amended 2011 Budget

The Finance Committee approved the amended 2011 budget at its September 20th meeting. ACTION: To approve the 2011 amended budget MOTION: Pintz SECOND: Hein VOTE: 10-0

The City Administrator reported to the Council that the first draft of the 2012 budget is nearly completed, with the initial projected deficit being \$183,000.

C. FINANCE - Finances of the Wastewater Treatment Plant (Fund 610)

ACTION: To approve the Committee report which recommended the following: To do the following in 2011 - Transfer roughly \$24,000 from the Redemption Account to the Depreciation Account to bring it to a balance of \$120,000; use \$448,000 from the Redemption Account to pay off the remainder of the 1994 Clean Water Account, resulting in a savings of \$16,000 in interest; transfer all surplus funds to the Replacement Account, and to do the following in 2012 - Transfer roughly \$65,000 to a new cash account to cover compensated absences and retirement payouts for existing employees, and determine if any additional funds in the redemption account can be used to pay off additional long-

term debt obligations or can be transferred to the Replacement Account, and to direct to the Public Works Committee the issue of an anaerobic digester system for the facility being constructed, with a tentative target year of 2015. MOTION: Hein SECOND: Ames VOTE: 10-0

D. FINANCE/ PUBLIC WORKS - Iowa and Wisconsin Street Project Funding

ACTION: To approve the Committee reports which recommended directing \$25,000 from the 2009 Well Rehabilitation Borrowing and \$90,000 from the Water Depreciation Account to finance the Water portion of the project, and approve the project commencing on October 10th MOTION: Riebe SECOND: Hein VOTE: 10-0

E. FINANCE - Site Assessment of the Prairie Street Fire Station Property

Staff was seeking permission to spend \$15,000 from TIF #4 to an environmental assessment of the property for its eventual reuse and redevelopment. This expenditure would have no impact on the general fund. ACTION: To approve the Committee report, which was to approve the expenditure of \$15,000 from TIF #4 to do an environmental assessment of the Prairie Street Fire Station Property MOTION: Hein SECOND: Ames VOTE: 10-0

F. PERSONNEL – Ordinance 2011-26 (AMENDING SECTION 1.06 OF THE MUNICIPAL CODE (RESIDENCY))

This ordinance would change the city's current residency requirement. It require all new full-time employees to reside in the city limits, no part-time employee can accept a full-time position and not move into the city limits, and current employees are "grandfathered" from the new ordinance.

ACTION: To approve Ordinance 2011-26 MOTION: Riebe SECOND: Munson VOTE: 9-1 (Boylen opposed)

G. PROTECTION AND HEALTH - Ordinance 2011-27 (REPEALING SECTION 9.041 (SYNTHETIC MARIJUANA) AND REPEALING AND RECREATING SECTION 9.01 OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN (SYNTHETIC CANNABINOIDS – STATE STATUTE ADOPTED))

This proposed Ordinance would repeal the city ordinance on synthetic marijuana, which was adopted earlier this year, and adopt the state statute on synthetic cannabinoids as a city ordinance. The state statute became law earlier this summer. ACTION: To approve Ordinance 2011-28 MOTION: Munson SECOND: Pintz VOTE: 10-0

H. PROTECTION AND HEALTH - Ordinance 2011-28 (REPEALING AND RECREATING SECTION 9.02 OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN (FIREARMS IN PUBLIC BUILDINGS))

This proposed Ordinance would bring the city's Municipal Code into compliance with the state's Conceal-Carry Law, which takes effect November 1st. ACTION: To approve Ordinance 2011-28 MOTION: Hein SECOND: Ames VOTE: 10-0

I. PROTECTION AND HEALTH - RFP for Garbage and Recycling Services

ACTION: To approve the Committee report, which was to approve the selection of Town and Country for a 5-year contract with the City for garbage and recycling services MOTION: Pintz SECOND: Kozelka VOTE: 10-0

J. PUBLIC WORKS - Pedestrian crosswalk at 17th and Wells

ACTION: To approve the Committee report, which was to amend Section 7.03 (4) of the City Code to create a 15 mile per hour speed limit on Wells Street from the intersection with Fremont Street east to

the city limits at all times, with a Council vote on the Ordinance to be held October 18th MOTION:
Hein SECOND: Fleshner VOTE: 10-0

K. PUBLIC WORKS – Boat Landing Improvements

ACTION: To approve the Committee report, which was to approve a contract with Iverson Construction, not to exceed \$4,150, to place a 2-inch mat of asphalt on both boat ramp approaches this fall, and to direct staff to work first on expanding and improving the Campion boat landings, the second priority being the Marina boat landing, and the third being a long-term plan for improving and expanding the Villa Louis boat landing MOTION: Riebe SECOND: Pintz VOTE: 10-0

L. PARK COMMITTEE – Fund 80 Update

ACTION: To table this item MOTION: Ames SECOND: Titlbach VOTE: 10-0

M. PARK COMMITTEE – Goddens’ Pit

ACTION: To send the Park Board’s recommendations to the Public Works Committee for consideration MOTION: Pintz SECOND: Fleshner VOTE: 10-0

VII. OLD BUSINESS – None

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

A. DISCUSSION AND ACTION – Resolution 2011-30 (HONORING THE HOWE FAMILY FOR 100 YEARS OF SERVICE TO THE CITY OF PRAIRIE DU CHIEN, AND DECLARING THE WEEK OF OCTOBER 17th 2011 “HOWE FAMILY APPRECIATION WEEK” IN PRAIRIE DU CHIEN)

ACTION: To approve Resolution 2011-30 MOTION: Titlbach SECOND: Munson VOTE: 10-0

B. DISCUSSION AND ACTION – Resolution 2011-31 (PROCLAIMING OCTOBER 9TH TO OCTOBER 15TH FIRE PREVENTION WEEK IN THE CITY OF PRAIRIE DU CHIEN)

ACTION: To approve Resolution 2011-31 MOTION: Hein SECOND: Munson VOTE: 10-0

C. DISCUSSION AND ACTION – Land Donation to the Wisconsin Historical Society

On September 26th, Michael Douglas, Site Director for the Villa Louis, sent a letter to the City Administrator requesting a donation of land from the City on St. Feriole Island. ACTION: To send the item to the Public Works Committee for a public hearing MOTION: Riebe SECOND: Pintz VOTE: 10-0

D. DISCUSSION – Items for future agenda consideration or Committee assignment

None

IX. ADJOURN (7:55 PM)

MOTION: Hein SECOND: Fleshner VOTE: 10-0

Submitted by City Administrator Aaron Kramer

ORDINANCE 2011-26

AN ORDINANCE REPEALING AND RECREATING SECTION 1.06 (3) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN (RESIDENCY)

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

Section 1: That Section 1.06 (3), Residency, of the Municipal Code of the City of Prairie du Chien, Crawford County, Wisconsin, is hereby deleted in its entirety and recreated to read as follows:

(A) All full-time employees of the City of Prairie du Chien shall be required to live within the corporate boundaries of the City of Prairie du Chien within six months of the date of hiring. For the purpose of this ordinance only, a full-time employee shall be defined as any employee who works more than twelve-hundred (1200) hours in a rolling year.

(B) Any part-time employee of the City of Prairie du Chien, who accepts a full-time position with the City, shall be required to reside in the corporate boundaries of the City of Prairie du Chien within six months of the date of hiring.

(C) Personnel to whom this Ordinance applies who reside within the city limits on the effective date of this section shall not establish residency outside such requirement, or the person's employment with the City shall be forthwith automatically vacated.

(D) This ordinance shall not be applied to employees of the City of Prairie du Chien at the time of enactment.

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 4th day of October, 2011.

David Hemmer, Mayor

ATTEST:

Aaron Kramer, City Administrator

ORDINANCE 2011-27
AN ORDINANCE REPEALING SECTION 9.041 (SYNTHETIC MARIJUANA) AND REPEALING AND RECREATING SECTION 9.01 OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN (SYNTHETIC CANNABINOIDS – STATE STATUTE ADOPTED)

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

Section 1: That Section 9.041, Synthetic Marijuana, Use, Sale and Possession Prohibited, is hereby deleted in its entirety;

Section 2: That Section 9.01, Offenses Against State Law Subject to Forfeiture, of the Municipal Code of the City of Prairie du Chien, Crawford County, Wisconsin, is hereby deleted in its entirety and recreated to read as follows:

9.01 OFFENSES AGAINST STATE LAW SUBJECT TO FORFEITURE. (1) The following statutes following the prefix “9” defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the City, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under Sec. 25.04 of this Code:

9.120.12(20)	Prohibition of Tobacco on School Property
9.134.65	Sell/give Tobacco Products Without a License
9.134.66(2)(a)	Retailer Provide Tobacco Product to a Person Under Age 18
9.346.935	Drinking in Motor Vehicles Prohibited
9.939.05	Parties to Crime
9.939.32	Attempt to Commit a Crime
9.940.19	Battery, Aggravated Battery
9.940.20	Battery: Special Circumstances
9.940.225 (3m)	Fourth Degree Sexual Assault
9.940.32	Stalking
9.940.34	Duty to Aid Victim or Report Crime
9.941.01	Negligent Operation of a Vehicle
9.941.10	Negligent Handling of Burning Material
9.941.12	Interfering with Fire Fighting
9.941.13	False Alarms
9.941.20	Negligent Operation or Handling of a Dangerous Weapon
9.941.21	Disarming of Peace Officer Prohibited
9.941.235	Carrying Firearm in Public Building
9.941.237	Carrying Firearm Where Alcohol May Be Served or Consumed
9.941.24	Possession of Switchblade Knife
9.941.26	Machine Guns and Other Weapons: Use in Certain Cases
9.941.299	Restrictions on Use of Laser Pointers
9.941.315(2)	Possession with Intent to Inhale or Inhale Nitrous Oxide
9.941.316	Abuse of Hazardous Substance
9.941.37	Obstruction of Emergency Vehicles or Personnel Prohibited
9.942.01	Defamation
9.942.08	Invasion of Privacy
9.943.01	Intentional Damage to Property
9.943.017	Graffiti
9.943.03	Arson of Property Other than Building
9.943.05	Placing of Combustible Materials an Attempt
9.943.06	Molotov Cocktails
9.943.11	Entry into Locked Vehicle
9.943.12	Possession of Burglarious Tools
9.943.125	Entry into Locked Coin Box
9.943.13	Trespass to Land
9.943.14	Criminal Trespass to Dwellings
9.943.145	Criminal Trespass to a Medical Facility

9.943.15	Entry onto a Construction Site or into a Locked Building, Dwelling or Room
9.943.20	Theft
9.943.201	Unauthorized Use of Personal Identifying Information or Documents
9.943.23	Operating Vehicle without Owner's Consent and Intentional Removal of Major Parts
9.943.24	Issue of Worthless Checks
9.943.38	Forgery
9.943.455	Theft of Commercial Mobile Services
9.943.50	Retail Theft
9.943.70	Computer Crimes
9.944.15	Public Fornication
9.944.17	Sexual Gratification (In Public)
9.944.20	Lewd and Lascivious Behavior
9.944.21	Obscene Materials or Performance
9.944.23	Making Lewd, Obscene or Indecent Drawings
9.944.25	Sending Obscene or Sexually Explicit Electronic Messages
9.944.30	Prostitution
9.944.31	Patronizing Prostitutes
9.944.33	Pandering
9.944.34	Keeping Place of Prostitution
9.945.02	Gambling
9.946.40	Refusing to Aid Officer
9.946.41	Resisting or Obstructing Officer
9.946.42	Escape
9.946.44	Assisting or Permitting Escape
9.946.49	Bail Jumping
9.946.65	Obstructing Justice
9.946.70	Impersonating a Peace Officer
9.946.72	Tampering With Public Records and Notices
9.947.01	Disorderly Conduct
9.947.012	Unlawful Use of Telephone
9.947.0125	Unauthorized Use of Computerized Communication Systems
9.947.013	Harassment
9.947.015	Bomb Scares
9.947.02	Vagrancy
9.947.04	Drinking in Common Carriers
9.94706	Unlawful Assemblies and Their Suppression
9.948.09	Sexual Intercourse with a Child Age 16 or Older
9.948.10	Exposing Genitals or Pubic Areas (of Child or to Child)
9.948.11	Exposing a Child to Harmful Material or Harmful Descriptions or Narrations
9.948.40	Contributing to the Delinquency of a Child
9.948.51	Hazing
9.948.60	Possession of a Dangerous Weapon by a Person Under 18
9.948.605	Gun-free School Zones
9.948.61	Dangerous Weapon Other than Firearms on School Premises
9.948.62	Receiving Stolen Property from a Child
9.949.17	Offenses - Crime Victim Compensation Program

9.951 through	
9.951.15	Crimes Against Animals
9.961.41(3g)(em)	Counterfeit Substances (Synthetic cannabinoids)
9.961.571	Drug Paraphernalia - Definitions
9.961.573	Possession of Drug Paraphernalia

(2) STATE STATUTE ADOPTED. The definitions of words in § 939.22, Wis. Stats., shall be adopted as part of the Municipal Code the City of Prairie du Chien, unless the context of a specific section manifestly requires a different construction or the word or phrase.

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 4th day of October, 2011.

David Hemmer, Mayor

ATTEST:

Aaron Kramer, City Administrator

ORDINANCE 2011-28
AN ORDINANCE REPEALING AND RECREATING SECTION 9.02 OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN (FIREARMS IN PUBLIC BUILDINGS)

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

Section 1: That Section 9.02, Possession and Use of Firearms and Other Dangerous Weapons, of the Municipal Code of the City of Prairie du Chien, Crawford County, Wisconsin, is hereby deleted in its entirety and recreated to read as follows:

9.02 (FIREARMS IN PUBLIC BUILDINGS)

(1) Pursuant to Wis. Stats. § 943.13(1m)(c)4., no person shall enter or remain in any part of a building owned, occupied or controlled by the State or local governmental unit if the State or local governmental unit has notified the person not to enter or remain in the building while carrying a firearm or a specific type of firearm.

(2) The City Administrator shall cause signs to be erected at all entrances to all buildings owned, occupied or under the control of the City of Prairie du Chien providing notice that no person is to enter or remain in any such building while carrying a firearm. Such signs shall be five inches by seven inches or larger.

(3) Nothing in this subsection shall be construed to apply to prohibit a peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a firearm in any public building. Notwithstanding Wis. Stats. § 939.22(22), for purposes of this paragraph, peace officer does not include a commission warden who is not a State certified commission warden.

(4) Nothing in this subsection shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to Wis. Stats. §§ 941.23 or 941.235.

(5) This ordinance shall be in effect after November 1st 2011.

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 4th day of October, 2011.

David Hemmer, Mayor

ATTEST:

Aaron Kramer, City Administrator

RESOLUTION 2011-30

HONORING THE HOWE FAMILY FOR 100 YEARS OF SERVICE TO THE CITY OF PRAIRIE DU CHIEN, AND DECLARING THE WEEK OF OCTOBER 17th 2011 “HOWE FAMILY APPRECIATION WEEK” IN PRAIRIE DU CHIEN

Whereas, the Howe family has completed one-hundred (100) years of business in the City of Prairie du Chien; and

Whereas, starting with Henry E. “Hank” Howe, the family took over the Courier on October 17th 1911, which had been in publication for fifty-nine (59) years prior, and have been publishing the Courier and doing commercial printing since then; and

Whereas, Gary and John Howe are the fourth generation of Howes, Bill and Jack Howe were the third, Lyman and Eliese were second and Hank and Susan were the first; and

Whereas, the Courier, which became the Courier-Press in 1955, published once a week, with the purchase of the Crawford County Press, and began publishing twice a week in 1966 with the purchase of the Prairie Spy, has covered the important issues involving the City of Prairie du Chien and the surrounding area, and has consistently given publication space to chronicling the history of Prairie du Chien; and

Whereas, all of the Howe generations share a love of Prairie du Chien and have been supporters of the community

BE IT RESOLVED that the Common Council of the City of Prairie du Chien does hereby commend and honor the centennial anniversary of Howe Printing, publishers of the Courier-Press; and

BE IT FURTHER RESOLVED the Common Council of the City of Prairie du Chien does hereby declare the week of October 17th 2011 to be “Howe Family Appreciation Week” in the City of Prairie du Chien, and extends a heartfelt wish of another one-hundred years and more of service to the City and region.

Adopted this 4th day of October 2011

David Hemmer, Mayor

Aaron Kramer, City Administrator

RESOLUTION 2011-31
**PROCLAIMING OCTOBER 9TH TO OCTOBER 15TH FIRE PREVENTION WEEK IN THE
CITY OF PRAIRIE DU CHIEN**

Whereas, the City of Prairie du Chien is committed to ensuring the safety and security of all those living in and visiting our state; and

Whereas, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at the greatest risk from fire; and

Whereas, roughly 3,000 people die as a result of home fires and burns and more than 200,000 individuals are seen in the nation's emergency rooms for burn injuries; and

Whereas, cooking is the leading cause of home fires and home fire injuries, while heating equipment and smoking are the leading causes of home fire deaths; and

Whereas, the City of Prairie du Chien Fire Department is dedicated to reducing the occurrences of home fires and home fire injuries through prevention and protection education; and

Whereas, the City of Prairie du Chien residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

Whereas, residents who have planned and practices a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

Whereas, the 2011 Fire Prevention Week theme – Protect Your Family From Fire – effectively serves to remind us all of the simple actions we can take to stay safe from fire during Fire Prevention Week and year-round

BE IT RESOLVED that I, Dave Hemmer, Mayor of the City of Prairie du Chien, do hereby proclaim October 9th to the 15th 2011 as Fire Prevention Week in the City of Prairie du Chien, and urge all citizens of Prairie du Chien to protect their homes and families by heeding the important safety messages of Fire Prevention Week 2011, and to support the many public safety activities and efforts of the City of Prairie du Chien Fire Department.

Adopted this 4th day of October 2011

David Hemmer, Mayor

Aaron Kramer, City Administrator