

## **Common Council Meeting – August 21st 2012**

A regular meeting of the Common Council of the City of Prairie du Chien was held on Tuesday August 21<sup>st</sup> 2012 at 7:00 PM in the Council Chambers of City Hall. Mayor Dave Hemmer called the meeting to order. **Call to order/Roll Call** – Kathleen Hein, Frank Pintz and Ken Fleshner absent  
**Certification of the open meeting law agenda requirements and approval of the agenda** – ACTION: To certify and approve MOTION: Ames SECOND: Munson VOTE: 9-0  
**Pledge of Allegiance** – Led by Judeen Ames

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

### **II. CONSENT AGENDA**

A. COUNCIL MINUTES – August 7th 2012, B. FINANCE COMMITTEE – August 7th 2012, C. REDEVELOPMENT AUTHORITY – July 16th 2012, D. NORTHERN ENGRAVING REDEVELOPMENT COMMITTEE – July 19th 2012, E. BOARD OF ZONING APPEALS – July 11th 2012, F. PUBLIC WORKS COMMITTEE – July 24th 2012, G. PARK BOARD – June 20th 2012 H. PLAN COMMISSION – July 16th 2012, I. FIRE CHIEF’S REPORT – July 2012, J. POLICE CHIEF’S REPORT – Second Quarter 2012, K. PARK BOARD - Use of Cedar Building for Haunted House (NOTE: Nick Gilberts, representing Scream Extreme, is requesting to utilize the Cedar Building on St. Feriole Island for a co-sponsored haunted house in October. The Park Board approved this item on August 15th.), L. PARK BOARD – Oktoberfest (NOTE: Tom Nelson, representing Oktoberfest, is requesting the usage of St. Feriole Island for a co-sponsored event on October 19th to 21st, with the actual event on October 20th, including a parade starting at 10 AM. The Park Board approved this item on August 15th.), M. OPERATORS LICENSES. The City Administrator asked that items B and L be pulled, and that no action on B be taken since the Finance Committee did not meet earlier this evening. ACTION: To approve the Consent Agenda minus items B and L MOTION: Ames SECOND: Solomon VOTE: 9-0

### **III. ITEMS REMOVED FROM CONSENT AGENDA**

L. PARK BOARD – Oktoberfest (NOTE: Tom Nelson, representing Oktoberfest, is requesting the usage of St. Feriole Island for a co-sponsored event on October 19th to 21st, with the actual event on October 20th, including a parade starting at 10 AM. The Park Board approved this item on August 15th.). Tony Rangel and Tom Nelson spoke on behalf of Oktoberfest. ACTION: To approve item L of the Consent Agenda MOTION: Solomon SECOND: Leys VOTE: 9-0

Without objection, the agenda was moved:

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

#### **H. PARK BOARD – Skateboard Park**

Lorie Floyd, representing the Childrens’ Advisory Board, appeared before the Board on August 15th to seek approval to move forward with plans to build the Skateboard Park near the Outdoor Aquatic Pool on Wells Street. This is a renewal of the previous 3-year option to install the facility. ACTION: To renew the option until December 31<sup>st</sup> 2015 for the installation of a skateboard park in the parking lot of the Outdoor Aquatic Park MOTION: Munson SECOND: Solomon VOTE: 9-0

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

The City Administrator updated the Council on the upcoming sendoff for the Wisconsin Army National Guard's 229th Engineering Company from Prairie du Chien on Saturday. The City of Prairie du Chien has offered to be a co-sponsor of the event, and because of the anticipated large crowd, the location has been moved to the north end of St. Feriole Island at the former Rodeo grounds. He said one of the organizers, Lori Deal, had meet with City staff this morning (Tuesday) and a follow-up meeting will be held on Thursday morning.

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

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

#### **A. FINANCE – Claims**

ACTION: To approve the Claims MOTION: Ames SECOND: Munson VOTE: 9-0

#### **B. FINANCE - Policy 2012-06 (POST-ISSUANCE COMPLIANCE POLICY FOR TAX-EXEMPT AND TAX ADVANTAGED OBLIGATIONS)**

The IRS has been strongly encouraging issuers to adopt general policies for tax compliance on an overall basis. The IRS has gone so far as to suggest that, in the event of an audit, an issuer will receive more favorable treatment if it has a policy in place. ACTION: To approve Policy 20-1206 MOTION: Ames SECOND: Titlbach VOTE: 9-0

#### **C. FINANCE – Awarding of Bid for LaPointe Street Extension**

Bids for this project, which is being funded by TID District #5, were opened on Wednesday August 15th. The low bidder was Gerke Excavating, Inc, of Tomah for \$269,966. This is approximately \$80,000 below the estimates. ACTION: To award the bid for the LaPoint Street Extension to Gerke Excavating, Inc. of Tomah for \$269,966 MOTION: Ames SECOND: Kozelka VOTE: 9-0

D. FINANCE/PUBLIC WORKS - Update on Campion Street Boat Landing and Washington Street Park Improvement projects

A memo in the packet outlines the various funding sources for the Campion Street Boat Landing (\$238,694 projected cost) and the Washington Street Park Improvements (\$175,197). The City will be committing \$195,141 to the projects (\$156,141 in boat launch fee revenues, \$16,000 in TIF funds and \$23,000 in Capital Budget funds. The remainder (\$218,750) will come from grants and private donations. No formal action by the Council is requested at this time. No formal action taken.

E. FINANCE/PUBLIC WORKS - Ordinance 2012-14 (AMENDING THE SEWER USE ORDINANCE (RECREATIONAL HOLDING TANK, SEPTIC TANK HAULERS AND PORTA-POTTY HAULERS))

This ordinance has been drafted to address the issue of excessive amounts of sewage being sent through our Wastewater Treatment Facility, and establishes new criteria and a new fee schedule. ACTION: To approve Ordinance 2012-14 MOTION: Solomon SECOND: Kozelka VOTE: 9-0

F. PUBLIC WORKS - St. Feriole Island Marina

On August 14th, the Committee found that the operators of the Marina were in breach of contract due to their failure to notify the Mayor of their intent to renew their lease through November 1st 2017 before the 90-day notice of renewal deadline. Furthermore, the Committee will tour the site on Thursday August 23rd to determine if a further contractual breach has occurred due to a failure to comply with Section 5 (a) of the original 1963 lease which calls for the current operators to “operate a high grade marina and maintain the operation of the areas rented in a continuous peaceful and efficient manner...maintain its docks and approaches thereto and the banks to which the its docks attach in a safe, clean and orderly condition and maintain its buildings and the lands it uses in a clean and orderly condition consistent with a high grade marina operation.” ACTION: To approve the Committee finding of a breach of contract by the operators of the Prairie du Chien Marina on St. Feriole Island MOTION: Kozelka SECOND: Solomon VOTE: 9-0

G. PLAN COMMISSION - Review and recommendation on proposed certified survey map located in Government Lots 4 and 5 of Section 24, and Government Lot 1, Section 25, T7N, R7W, and parts of Lots 1 and 2 of the Original Main Village to the City of Prairie du Chien, City of Prairie du Chien, Crawford County, Wisconsin. Also being lands described in Volume 621, Pages 297 and 298, Document # 256669

ACTION: To approve the proposed CSM MOTION: Titlbach SECOND: Solomon VOTE: 9-0

**VII. OLD BUSINESS**

A. FINANCE/REDEVELOPMENT AUTHORITY - Authorization to sell the Prairie Street Fire Station property to the Redevelopment Authority conditioned on its current uses continuing until said time that some or all uses are adequately and appropriately relocated

Under this proposal, the City would sell the station to the Redevelopment Authority (RDA), and the RDA would then creatively redevelop the site without the need and pressure to market and sell the property to a future user immediately. The City generates capital from the sale to the RDA that in turn could be utilized for the new Water Department building the need for which is the result of the Fire Department’s aerial truck and desire to consolidate sites. The City Administrator entered into the record a letter from Stark’s Sports Shop requesting they be kept informed of any future actions that would impact the parking in the area.

ACTION: To approve the sale of the Prairie Street Fire Station to the RDA for \$173,800 MOTION: Munson SECOND: Ames VOTE: 9-0

ACTION: To adopt Resolution 2012-29 (RESOLUTION DESIGNATING BOUNDARIES OF A REDEVELOPMENT AREA, DESIGNATING SUCH REDEVELOPMENT AREA AS A BLIGHTED AREA, AND APPROVING A REDEVELOPMENT PLAN) MOTION: Leys SECOND: Solomon VOTE: 9-0

ACTION: To adopt Resolution 2012-30 (TRANSFERRING SURPLUS FUNDS FROM TAX INCREMENT FINANCING DISTRICT NUMBER 5 (TID #5) TO TAX INCREMENT FINANCING DISTRICT NUMBER 4 (TID #4)) MOTION: Solomon SECOND: Munson VOTE: 9-0

ACTION: To adopt Resolution 2012-31 (AUTHORIZING EXPENDITURE OF UP TO \$173,800 OF TAX INCREMENT FINANCING DISTRICT NUMBER 4 (TID #4) FUNDS TOWARD THE PRAIRIE STREET FIRE STATION REDEVELOPMENT PLAN) MOTION: Ames SECOND: Solomon VOTE: 9-0

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

**A. DISCUSSION AND ACTION – Request for Proposal for Assessment Services for the City of Prairie du Chien**

This RFP would cover the years 2013 to 2017, and includes a component involving a possible re-evaluation of the City during that time period. If approved, the Personnel Committee would review the RFPs, with the Council making the final decision in October. To authorize the RFP for assessment services MOTION: Ames SECOND: Munson VOTE: 9-0

**B. DISCUSSION AND ACTION – Mayoral Veto of Ordinance 2012-13**

On August 13th, Mayor Hemmer vetoed the Council action on Ordinance 2012-13, which created an anti-scavenging ordinance. A 2/3 vote is required to override the veto. No motion to override was made, therefore the veto stands.

**C. DISCUSSION AND ACTION – Ordinance 2012-15 (AN ORDINANCE ANNEXING TERRITORY TO CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)**

This Ordinance will officially annex the 31 acres the City purchased north of TIF District #6 – the North Gateway Business Park. ACTION: To approve Ordinance 2012-15 MOTION: Munson SECOND: Ames VOTE: 9-0

**D. DISCUSSION - Items for future agenda consideration or Committee assignment**

Ames requested that staff look into the parking situation downtown and determine if changes need to be made to improve the parking downtown.

**E. ADJOURN to CLOSED SESSION (7:46 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; and under Wisconsin Statute 19.85 (1) (g) (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. RE: Possible litigation; and under Wisconsin Statute 19.85 (1) (g) (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved and (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: Proposed closing of the Haydn Street Crossing MOTION: Solomon SECOND: Munson VOTE: 9-0

**F. CONVENE into open session (8:35 PM)**

MOTION: Leys SECOND: Titlbach VOTE: 9-0

**G. ACTION from the closed session**

ACTION: To accept the donation from John Dippong of lot 271-0441-000 for an agreed-upon value of \$1.75 per square foot MOTION: Leys SECOND: Jones VOTE: 9-0

ACTION: To authorize the City Attorney to offer to Wolf Machine, Inc. the conveyance of the property, known as Exhibit A in the Developer's Agreement of March 8<sup>th</sup> 2007, and if that conveyance fails, to begin legal proceedings to compel said conveyance to occur MOTION: Solomon SECOND: Jones VOTE: 9-0

**IX. ADJOURN (8:37 PM)**

MOTION: Ames SECOND: Solomon VOTE: 9-0

Submitted by City Administrator Aaron Kramer

**ORDINANCES APPROVED**

\* Ordinance 2012-14 (AMENDING THE SEWER USE ORDINANCE (RECREATIONAL HOLDING TANK, SEPTIC TANK HAULERS AND PORTA-POTTY HAULERS)

\* Ordinance 2012-15 (AN ORDINANCE ANNEXING TERRITORY TO CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

**MAYORAL VETO UPHELD**

\* Ordinance 2012-13 (CREATING SECTION 9.33 (ANTI-SCAVENGING) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

**RESOLUTIONS APPROVED**

**\* Resolution 2012-29 (RESOLUTION DESIGNATING BOUNDARIES OF A REDEVELOPMENT AREA, DESIGNATING SUCH REDEVELOPMENT AREA AS A BLIGHTED AREA, AND APPROVING A REDEVELOPMENT PLAN)**

**\* Resolution 2012-30 (TRANSFERRING SURPLUS FUNDS FROM TAX INCREMENT FINANCING DISTRICT NUMBER 5 (TID #5) TO TAX INCREMENT FINANCING DISTRICT NUMBER 4 (TID #4))**

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**POLICIES ADOPTED**

**\* Policy 2012-06 (POST-ISSUANCE COMPLIANCE POLICY FOR TAX-EXEMPT AND TAX ADVANTAGED OBLIGATIONS)**