

Common Council Meeting – September 18th 2012

A regular meeting of the Common Council of the City of Prairie du Chien was held on Tuesday September 18th 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** – Kyle Kozelka, Sharon Boylen and Kathleen Hein absent **Certification of the open meeting law agenda requirements and approval of the agenda** – ACTION: To certify and approve MOTION: Munson SECOND: Ames VOTE: 9-0 **Pledge of Allegiance** – Led by Karen Solomon

I. PUBLIC HEARINGS AND PRESENTATIONS

A. PUBLIC HEARING – Resolution 2012-36 (RESOLUTION VACATING A PORTION OF THAT CERTAIN ALLEY LOCATED IN BLOCK 188, UNION PLAT, IN THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

Hemmer opened the public hearing at 7:01 PM. No one addressed the Council on the issue. Hemmer closed the hearing at 7:02 PM.

B. DISCUSSION AND ACTION - Resolution 2012-36 (RESOLUTION VACATING A PORTION OF THAT CERTAIN ALLEY LOCATED IN BLOCK 188, UNION PLAT, IN THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

ACTION: To approve Resolution 2012-36 MOTION: Ames SECOND: Munson VOTE: 9-0

C. PUBLIC HEARING - 2012-2016 City of Prairie du Chien Outdoor Recreation Plan

This Plan was reviewed and forwarded by the Park Board at their August meeting and the Public Works Committee at its September 4th meeting. Hemmer opened the public hearing at 7:03 PM. City Park and Rec Director Mike Ulrich provided an overview of the plan. No one addressed the Council on the issue. Hemmer closed the hearing at 7:05 PM.

D. DISCUSSION AND ACTION – 2012-2106 City of Prairie du Chien Outdoor Recreation Plan

ACTION: To table the item until the October 2nd Council meeting MOTION: Pintz SECOND: Solomon VOTE: 9-0

E. PUBLIC HEARING – Proposed agreement between the City and BNSF Railroad regarding closing of the Haydn Street crossing

Hemmer opened the public hearing at 7:07 PM. The City Administrator read letters from the following people, all in opposition to the closing, into the official record: Alderwoman Sharon Boylen, Tim and Cheryl Stevens and Sharon Frazier. The City Administrator also noted that the Council had been given the following documents: two prepared documents from Keith Coburn (Frazier's Inn), State Representative Lee Nerison and a copy of the 2010 Quiet Zone report. The following people addressed the Council, all in opposition to the closing:

* Mary Don Olson, Prairie du Chien NOTE: Olson provided a written statement of her testimony for the record

* Bill Howe, Prairie du Chien

* Gifford Collins, La Crosse (Representing Frazier's Inn) NOTE: Collins also provided a letter and supporting documents for the record

* Keith Coburn, Prairie du Chien NOTE: Coburn provided an email from Mark Speltz (Author of *Bottoms Up: A Toast to Wisconsin's Historic Bars and Breweries*) for the record. He also provided a copy of the 2008 report from the Office of the Commissioner of Railroads regarding the crossing for the record

* Renee Hampton, Prairie du Chien

* Bill Hampton, Prairie du Chien

* Jason Bannister, Prairie du Chien

- * Greg Russell, Prairie du Chien
- * Arnold Gillitzer, Prairie du Chien
- * Erwin Mueller, Prairie du Chien
- * Luanne Neuman, Prairie du Chien
- * Bob Vance, Prairie du Chien
- * Mike Cowie, Prairie du Chien
- * Virginia Lochner, Prairie du Chien
- * Michael Douglass, Prairie du Chien
- * Len Pluemer, Lancaster NOTE: Pluemer provided a petition opposing the closing to the Council at this time
- * Jim Gallagher, Prairie du Chien
- * Jerry Wacouta, Prairie du Chien

Titlbach said she had received a letter from Dorothy Konichek, which was entered into the record. Hemmer closed the public hearing at 7:52 PM.

F. DISCUSSION AND ACTION – Proposed agreement between the City and BNSF Railroad regarding the closing of the Haydn Street crossing

Considerable discussion was held on the proposed closing. The Council requested that Sheriff Dale McCullick, Fire Chief Harry Remz, Police Lieutenant Terry Sprosty and City Attorney Tom Peterson address their concerns about the closing and its impact.

ACTION: To accept into the record the petition opposing the Hayden Street crossing being closed, submitted by Len Pluemer, Lancaster MOTION: Leys SECOND: Munson VOTE: 9-0

ACTION: To reject the proposed agreement between the City and BNSF Railroad, which would have allowed the Haydn Street crossing to be closed without a hearing before the Officer of the Commissioner of Railroads MOTION: Solomon SECOND: Pintz VOTE: 9-0

ACTION: To officially oppose the proposed closing of the Haydn Street crossing, and direct staff to present the City’s position before the Office of the Commissioner of Railroads when the hearing on the proposed closing is held MOTION: Solomon SECOND: Leys VOTE: 9-0

At this time, the Council took a 10-minute recess to allow the chambers to empty.

II. CONSENT AGENDA

A. COUNCIL MINUTES – September 4th 2012; B. FINANCE COMMITTEE – September 4th 2012; C. PROTECTION AND HEALTH COMMITTEE – July 12th 2012; D. PLAN COMMISSION – August 20th 2012; E. BOARD OF ZONING APPEALS – August 15th 2012; F. PARK BOARD – August 15th 2012; G. POLICE AND FIRE COMMISSION – June 6th 2012; H. OPERATORS LICENSES ACTION: To approve the Consent Agenda MOTION: Pintz SECOND: Munson VOTE: 9-0

III. ITEMS REMOVED FROM CONSENT AGENDA - None

IV. CITY ADMININSTRATOR’S REPORT – No formal action taken

V. CITIZENS’ COMMENTS, OBSERVATIONS, PETITIONS, AND PUBLIC INPUT

A. DISCUSSION AND ACTION – Petition Regarding the Prairie du Chien Marina on St. Feriole Island

A petition was submitted to the City Administrator on September 7th. ACTION: To accept the petition MOTION: Leys SECOND: Munson VOTE: 9-0

The following people spoke in regards to the Prairie du Chien Marina:

- * Blair Dillman, Prairie du Chien

- * Ann Weymiller on behalf of Mississippi Explorer Cruises (Dixie Libbey) NOTE: Weymiller presented a letter from Libbey for the record
- * Stan Randall, New Hampton, IA
- * Warren Means, Fredericksburg, IA
- * John Bell, McGregor, IA
- * Lyle Opheim, Postville, IA
- * Tim Mason, McGregor, IA

VI. COMMITTEE REPORTS AND ACTIONS

FINANCE - A. DISCUSSION AND ACTION - Claims

ACTION: To approve the claims MOTION: Pintz SECOND: Ames VOTE: 9-0

FINANCE - B. DISCUSSION AND ACTION - Awarding of bid for Asbestos Abatement and Demolition, and Backfill, Grading and Clean Up

This bid involved the demolition of eight private homes and one public structure along Marquette Road. Work will be completed sometime in October or November. The City will be reimbursed for all but roughly \$8,000 of the total bid. ACTION: To award the bid to Holtz Lime, Gravel and Excavating (Loganville, WI) for \$115,940 MOTION: Pintz SECOND: Solomon VOTE: 9-0

PUBLIC WORKS - C. DISCUSSION AND ACTION - Ordinance 2012-19 - REPEALING AND RE-CREATING SECTION 13.12 (THAWING PIPES)

This Ordinance would raise the fee for city staff to unthaw a frozen water line for a second time in a winter from \$20 to \$75 per hour to allow us to recover our costs. The first time the City unthaws the line is done at no expense to the property owner. This was approved at the September 4th Public Works meeting. ACTION: To approve Ordinance 2012-19 MOTION: Solomon SECOND: Ames VOTE: 9-0

PUBLIC WORKS - D. DISCUSSION AND ACTION - Ordinance 2012-25 - REPEALING AND RE-CREATING SECTION 8.14 (TREE PLANTING AND CARE)

This ordinance creates a new and improved Tree Ordinance. The Park Board reviewed and forwarded the proposal at their August meeting. This was approved at the September 4th Public Works meeting. ACTION: To approve Ordinance 2012-25 MOTION: Ames SECOND: Pintz VOTE: 9-0

PROTECTION AND HEALTH - E. DISCUSSION AND ACTION - Ordinance 2012-16 - REPEALING AND RE-CREATING SECTION 9.01 (OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE)

This Ordinance would add Section 9.943.21 (1m) Fraud on Hotel or Restaurant Keeper, Recreational Attraction, Taxicab Operator, or Gas Station, allowing a local citation to be issued for such an offense. This was approved at the September 6th Committee meeting. ACTION: To approve Ordinance 2012-16 MOTION: Titlbach SECOND: Ames VOTE: 9-0

PROTECTION AND HEALTH - F. DISCUSSION AND ACTION - Ordinance 2012-22 - REPEALING AND RE-CREATING SECTION 5.12 (ADMINISTRATIVE CODES ADOPTED)

This would add the National Fire Protection Association (NFPA) 1: Fire Code (2009 Edition) to the list of codes we have adopted, and update the current list of codes we already enforce to reflect changes at the state level. This was approved at the September 6th Committee meeting. ACTION: To approve Ordinance 2012-22 MOTION: Titlbach SECOND: Pintz VOTE: 9-0

PROTECTION AND HEALTH - G. DISCUSSION AND ACTION - Ordinance 2012-23 - CREATING SECTION 5.20 (BURNING BAN)

This Ordinance would establish a procedure for the Fire Chief to declare a burning ban when weather conditions warrant. This was approved at the September 6th Committee meeting. ACTION: To approve Ordinance 2012-23 MOTION: Munson SECOND: Jones VOTE: 9-0

PERSONNEL, LICENSE AND INSURANCE - H. DISCUSSION AND ACTION - Ordinance 2012-17 - REPEALING AND RE-CREATING SECTION 12.02 (5) (INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES (LICENSE FEES))

This Ordinance clears up a discrepancy on provisional license fees. This was approved at the September 4th Committee meeting. ACTION: To approve Ordinance 2012-17 MOTION: Solomon SECOND: Ames VOTE: 9-0

PROTECTION AND HEALTH - I. DISCUSSION AND ACTION - Ordinance 2012-18 - REPEALING AND RE-CREATING SECTION 12.40 (ANNUAL FEES FOR USE OF ALL LAUNCHING AREA)

This Ordinance, which will take effect in 2013, will put our boat launch fees in line with state regulations. The new fees would be as follows – Daily Pass (\$7, a decrease of \$3), Resident Annual (\$20, an increase of \$5), Non-Resident Annual (\$40, an increase of \$10). This was approved at the September 4th Committee meeting. Jim Gallagher addressed the Council in opposition to the proposal. ACTION: To approve Ordinance 2012-18 MOTION: Pintz SECOND: Solomon VOTE: 7-2 (Fleshner and Jones opposed)

PROTECTION AND HEALTH - J. DISCUSSION AND ACTION – Ordinance 2012-27 (REPEALING AND RE-CREATING SECTION 12.05 (AMUSEMENT DEVICE LICENSE) AND REPEALING SECTION 12.06 (AMUSEMENT ARCADE LICENSE)

This Ordinance would combine the two previous sections into one and is expected to eliminate some of the confusion over the existing Ordinances. This was approved at the September 4th Committee meeting. ACTION: To approve Ordinance 2012-27 MOTION: Munson SECOND: Ames VOTE: 9-0

VII. OLD BUSINESS

A. PUBLIC WORKS - Permission to bid out infrastructure work related to the proposed Bluffhaven Senior Village project

This work would be bid out along with the Overview Court and Glenn Street projects, with the work to be done yet in the spring of 2013. Staff has met with officials from Bluffhaven to discuss a possible “green” solution to stormwater management – an on-site water garden, and would like to bid that out as an option. Staff would recommend including the new component to the bid package, and direct staff to negotiate a payment agreement with Bluffhaven for the improvements. ACTION: To approve adding the on-site water management component to the Bluffhaven portion of the bid, and to direct staff to negotiate a payment agreement with Bluffhaven MOTION: Solomon SECOND: Ames VOTE: 9-0

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

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

NOTE: Jones left the meeting at 9:10 PM

B. ADJOURN to CLOSED SESSION (9: 10 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 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: Block 43 Development. MOTION: Solomon SECOND: Munson VOTE: 8-0
NOTE: The City Administrator said the first item did not need to be addressed in closed session.

C. CONVENE into open session (9:23 PM)

MOTION: Solomon SECOND: Titlbach VOTE: 8-0

D. ACTION from the closed session – None taken

IX. ADJOURN (9:23 PM)

MOTION: Solomon SECOND: Leys VOTE: 8-0

Submitted by City Administrator Aaron Kramer

RESOLUTIONS APPROVED

*** Resolution 2012-36 (RESOLUTION VACATING A PORTION OF THAT CERTAIN ALLEY LOCATED IN BLOCK 188, UNION PLAT, IN THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)**

ORDINANCES APPROVED

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*** Ordinance 2012-17 - REPEALING AND RE-CREATING SECTION 12.02 (5) (INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES (LICENSE FEES))**

*** Ordinance 2012-18 - REPEALING AND RE-CREATING SECTION 12.40 (ANNUAL FEES FOR USE OF ALL LAUNCHING AREA)**

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*** Ordinance 2012-22 - REPEALING AND RE-CREATING SECTION 5.12 (ADMINISTRATIVE CODES ADOPTED)**

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ACTION: To approve Resolution 2012-36 MOTION: Ames SECOND: Munson VOTE: 9-0

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This Plan was reviewed and forwarded by the Park Board at their August meeting and the Public Works Committee at its September 4th meeting. Hemmer opened the public hearing at 7:03 PM. City Park and Rec Director Mike Ulrich provided an overview of the plan. No one addressed the Council on the issue. Hemmer closed the hearing at 7:05 PM.

D. DISCUSSION AND ACTION – 2012-2106 City of Prairie du Chien Outdoor Recreation Plan

ACTION: To table the item until the October 2nd Council meeting MOTION: Pintz SECOND: Solomon VOTE: 9-0

E. PUBLIC HEARING – Proposed agreement between the City and BNSF Railroad regarding closing of the Haydn Street crossing

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

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

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Acquisition of property, and 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: Block 43 Development. MOTION: Solomon SECOND: Munson VOTE: 8-0
NOTE: The City Administrator said the first item did not need to be addressed in closed session.

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MOTION: Solomon SECOND: Titlbach VOTE: 8-0

D. ACTION from the closed session – None taken

IX. ADJOURN (9:23 PM)

MOTION: Solomon SECOND: Leys VOTE: 8-0

Submitted by City Administrator Aaron Kramer

RESOLUTIONS APPROVED

*** Resolution 2012-36 (RESOLUTION VACATING A PORTION OF THAT CERTAIN ALLEY LOCATED IN BLOCK 188, UNION PLAT, IN THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)**

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