

## Common Council Meeting – October 16<sup>th</sup> 2012

A regular meeting of the Common Council of the City of Prairie du Chien was held on Tuesday October 16<sup>th</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 – All present Certification of the open meeting law agenda requirements and approval of the agenda –** The City Administrator asked that Item K under Section 1 be amended to no action to be taken. ACTION: To certify and approve MOTION: Munson SECOND: Solomon VOTE: 12-0 **Pledge of Allegiance –** Led by Kyle Kozelka

### I. PUBLIC HEARINGS AND PRESENTATIONS

A. PUBLIC HEARING – Resolution 2012-42 (RESOLUTION VACATING ALL THAT PART OF A CUL- DE-SAC LOCATED IN VENA COURT IN PART OF FARM LOT 18 OF PRIVATE LAND CLAIMS, ALSO BEING PART OF LOT 1, CERTIFIED SURVEY MAP NO. 1254 AND PART OF LOTS 1 AND 4, CERTIFIED SURVEY MAP NO. 1331, IN THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

Hemmer opened the public hearing at 7:02 PM. No public comments were received. Hemmer closed the public hearing at 7:03 PM.

B. ACTION on aforesaid agenda item

ACTION: To approve Resolution 2012-42 MOTION: Pintz SECOND: Ames VOTE: 12-0

C. PUBLIC HEARING - Ordinance 2012-20 (REPEALING AND RE-CREATING CHAPTER 17, SECTION 6.17 (b) (SIGNS PERMITTED BY ZONING DISTRICTS - Commercial and Industrial Zoning Districts, B-1 Central Business, B-2 Highway Commercial, I-1 Industrial non-manufacturing I-2 Industrial Manufacturing)

This Ordinance would correct an error in the Zoning Code which currently allows overhanging signs to extend six feet past a property line. The Plan Commission approved the Ordinance on September 17th. Hemmer opened the public hearing at 7:04 PM. No public comments were received. Hein asked if the Ordinance would create any hardships in the downtown, but staff said the downtown is regulated by a different section of the Code and would not be impacted. Hemmer closed the public hearing at 7:05 PM.

D. ACTION on aforesaid agenda item

ACTION: To approve Ordinance 2012-20 MOTION: Titlbach SECOND: Munson VOTE: 12-0

E. PUBLIC HEARING - Ordinance 2012-21 (REPEALING AND RE-CREATING CHAPTER 17, SECTION 6.10 (GENERAL DESIGN REQUIREMENTS)

This Ordinance would correct an error in the Zoning Code which creates a conflict in the regulation of signs in the right-of-way. The Plan Commission approved the Ordinance on September 17th. Hemmer opened the public hearing at 7:07 PM. No public comments were received. Hemmer closed the public hearing at 7:08 PM.

F. ACTION on aforesaid agenda item

ACTION: To approve Ordinance 2012-21 MOTION: Leys SECOND: Solomon VOTE: 12-0

G. PUBLIC HEARING - Ordinance 2012-24 (REPEALING AND RE-CREATING CHAPTER 17, SECTION 6.17 (a) (SIGNS PERMITTED BY ZONING DISTRICTS - Residential Districts R-1 - Low Density Residential, R-2 Medium Density Residential, R-3 High Density Residential and R-4 Mobile Home Districts)

This Ordinance change would regulate the placement of Electronic Variable Message Signs in the various residential districts. The Plan Commission approved the Ordinance on September 17th.

Hemmer opened the public hearing at 7:10 PM. No public comments were received. Considerable discussion was held on the desirability of having these types of signs in residential areas. Hemmer closed the public hearing at 7:19 PM.

H. ACTION on aforesaid agenda item

ACTION: To approve Ordinance 2012-24 MOTION: Solomon VOTE: Ames VOTE: 0-12 (All members opposed)

ACTION: To direct staff to draft an Ordinance banning electronic variable message signs in the aforementioned zoning districts MOTION: Leys SECOND: Hein VOTE: 12-0

I. PUBLIC HEARING - Ordinance 2012-26 (REPEALING AND RE-CREATING CHAPTER 1, SECTION 1.20 (BOARD OF ZONING APPEALS) AND CHAPTER 17, SECTION 10.01 (BOARD OF ZONING APPEALS - MEMBERSHIP))

During a recent review of the Municipal Code, it was determined that there are two Ordinances regarding the Board of Zoning Appeals that conflict with each other. The first is found in Chapter 1 (General Government), the other in Chapter 10 (Zoning Code). This proposed Ordinance would clear up the conflicting language. The Plan Commission approved the Ordinance on September 17th. Hemmer opened the public hearing at 7:21 PM. No public comments were received. Hemmer closed the public hearing at 7:23 PM.

J. ACTION on aforesaid agenda item

ACTION: To approve Ordinance 2012-26 MOTION: Titlbach SECOND: Munson VOTE: 12-0

K. Public Reprimand of Alderman Frank Pintz, Jr.

A copy of the reprimand was read by the City Administrator

L. DISCUSSION AND ACTION – Election of Council President

Hemmer opened the floor to nominations.

ACTION: To nominate Ken Fleshner for Council President MOTION: Pintz SECOND: Thein

ACTION: To nominate Kyle Kozelka for Council President MOTION: Munson SECOND: Solomon

ACTION: To nominate Linda Munson for Council President MOTION: Boylen – Munson asked that her name not be placed in nomination, so no second was recorded.

VOTE: Ken Fleshner 6, Kyle Kozela 6 – Tie Vote

The names of the two candidates were placed in a hat, and the City Attorney pulled out the card with Fleshner's name, therefore Ken Fleshner will fill out the remainder of the current term as Council President.

M. DISCUSSION AND ACTION – Resolution 2012-41 (ADOPTING A COMPREHENSIVE OUTDOOR RECREATION PLAN)

Adoption of this resolution is necessary for the City to apply for grants and other funding sources to implement the Outdoor Recreation Plan, which the Council approved October 2nd. ACTION: To approve Resolution 2012-41 MOTION: Pintz SECOND: Hein VOTE: 12-0

II. CONSENT AGENDA

A. COUNCIL MINUTES – October 2nd 2012; B. FINANCE COMMITTEE – October 2nd 2012; C. BOARD OF ZONING APPEALS (Amended) – August 15th 2012; D. BOARD OF ZONING APPEALS – September 26th 2012; E. OPERATORS LICENSES ACTION: To approve the Consent Agenda MOTION: Hein SECOND: Munson VOTE: 12-0

III. ITEMS REMOVED FROM CONSENT AGENDA - None

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

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

**VI. COMMITTEE REPORTS AND ACTIONS**

**A. FINANCE – Claims**

ACTION: To approve the claims MOTION: Hein SECOND: Munson VOTE: 12-0

**B. FINANCE – Amended 2012 Budget**

The Committee approved the amended 2012 budget at its October 2nd meeting. ACTION: To approve the amended 2012 budget MOTION: Hein SECOND: Pintz VOTE: 12-0

**C. FINANCE - Approval of Professional Services Agreements (PSA) with Vierbicher - Overview and Glen Street PSA**

This PSA covers the reconstruction of Overview Court from Glenn Street to Rice Street, including sanitary sewer, water, street, curb and gutter, and sidewalk, and West Glen Street from First Street to Beaumont Road including sanitary sewer, water main, street and curb and gutter. Work will be done in 2013. ACTION: To approve the PSA with Vierbicher MOTION: Hein SECOND: Ames VOTE: 12-0

**VII. OLD BUSINESS**

**A. DISCUSSION AND ACTION – Status of contract with the Prairie du Chien Marina**

At the last Council meeting, staff requested that the Council delay action on a proposed inspection of the Marina by a third party, at a cost of \$1,200. The City Administrator and Public Works Committee Chairman (Kyle Kozelka) reported to the Council on their October 9th meeting with the operators of the Marina. Denny Regal Sr. and Jr. were also present to address the Council. The consensus of the meeting was to move forward with an interim 1-year lease to replace the existing lease, while the City will work with the Regals to explore a number of projects – additional boat slips, dredging the slough and a general cleanup of the Marina. ACTION: To not proceed with the hiring of a third-party to do an inspection and analysis of the Marina, at a cost of \$1,200 MOTION: Hein SECOND: Pintz VOTE: 11-1 (Leys opposed)

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

**A. DISCUSSION AND ACTION – Direct annexation of land**

The Prairie du Chien Memorial Hospital Association has petitioned the City Council to annex approximately 110 acres of land, currently located in the Town of Bridgeport, into the City. Staff recommends acceptance of the petition. ACTION: To approve Resolution 2012-43 (ACCEPTING PETITION OF ANNEXATION) MOTION: Munson SECOND: Jones VOTE: 11-1 (Boylen opposed)

**B. DISCUSSION AND ACTION – Acceptance of DNR Municipal Flood Control Grant**

The grant, totaling \$168,315, will be used to floodproof seven (7) individual residences in the City. ACTION: To direct the Mayor to sign the acceptance MOTION: Ames SECOND: Solomon VOTE: 12-0

**C. DISCUSSION AND ACTION – Acceptance of DNR Recreational Boating Facilities Grant**

The grant will provide \$60,026 toward the improvements planned for the Champion Boat Landing in 2013. ACTION: To direct the Mayor to sign the acceptance MOTION: Pintz SECOND: Ames VOTE: 12-0

D. DISCUSSION AND ACTION - Contract between the City of Prairie du Chien and Running Inc to operate the commuter bus system

ACTION: To approve the contract MOTION: Titlbach SECOND: Munson VOTE: 12-0

E. DISCUSSION AND ACTION - Adopting an agency fare as a part of the fare schedule for the commuter bus system

This action applies an agency fare to the commuter bus as the Council previously adopted an agency fare that applies to the shared ride taxi. ACTION: To approve the agency fare as part of the fare schedule for the commuter bus service MOTION: Pintz SECOND: Ames VOTE: 11-1 (Leys opposed)

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

Leys asked for a resolution for the Council to consider supporting changes to the current funding system for road and highway repairs and construction in Wisconsin. Pintz apologized to the Council for his ethics violation.

**IX. ADJOURN (8:20 PM)**

MOTION: Thein SECOND: Solomon VOTE: 12-0

Submitted by City Administrator Aaron Kramer

**ORDINANCES APPROVED**

\* **Ordinance 2012-20 (REPEALING AND RE-CREATING CHAPTER 17, SECTION 6.17 (b) (SIGNS PERMITTED BY ZONING DISTRICTS - Commercial and Industrial Zoning Districts, B-1 Central Business, B-2 Highway Commercial, I-1 Industrial non-manufacturing I-2 Industrial Manufacturing)**

\* **Ordinance 2012-21 (REPEALING AND RE-CREATING CHAPTER 17, SECTION 6.10 (GENERAL DESIGN REQUIREMENTS)**

\* **Ordinance 2012-24 (REPEALING AND RE-CREATING CHAPTER 17, SECTION 6.17 (a) (SIGNS PERMITTED BY ZONING DISTRICTS - Residential Districts R-1 - Low Density Residential, R-2 Medium Density Residential, R-3 High Density Residential and R-4 Mobile Home Districts)**

\* **Ordinance 2012-26 (REPEALING AND RE-CREATING CHAPTER 1, SECTION 1.20 (BOARD OF ZONING APPEALS) AND CHAPTER 17, SECTION 10.01 (BOARD OF ZONING APPEALS - MEMBERSHIP)**

**RESOLUTIONS APPROVED**

\* **Resolution 2012-41 (ADOPTING A COMPREHENSIVE OUTDOOR RECREATION PLAN)**

\* **Resolution 2012-42 (RESOLUTION VACATING ALL THAT PART OF A CUL- DE-SAC LOCATED IN VENA COURT IN PART OF FARM LOT 18 OF PRIVATE LAND CLAIMS, ALSO BEING PART OF LOT 1, CERTIFIED SURVEY MAP NO. 1254 AND PART OF LOTS 1 AND 4, CERTIFIED SURVEY MAP NO. 1331, IN THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)**

\* **Resolution 2012-43 (ACCEPTING PETITION OF ANNEXATION)**