

Common Council Meeting – December 18th 2012

A regular meeting of the Common Council of the City of Prairie du Chien was held on Tuesday December 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** – Ken Fleshner, Ron Leys, Kyle Kozelka 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: 8-0 **Pledge of Allegiance** – Led by Linda Munson
After the pledge of allegiance, the Council had a moment of silence for the victims of last week’s shooting in Newtown, Connecticut.

I. PUBLIC HEARINGS AND PRESENTATIONS - None

II. CONSENT AGENDA

A. COUNCIL MINUTES – December 4th 2012; B. FINANCE COMMITTEE – December 4th 2012; C. PERSONNEL COMMITTEE – November 20th 2012; D. PUBLIC WORKS COMMITTEE – November 13th 2012; E. PLAN COMMISSION – November 19th 2012; F. DOWNTOWN REVOLVING LOAN FUND COMMITTEE – December 11th 2011; G. OPERATORS LICENSES (if any)

Ames requested item F be removed. ACTION: To approve the Consent Agenda minus item F
MOTION: Pintz SECOND: Munson VOTE: 8-0

III. ITEMS REMOVED FROM CONSENT AGENDA

F. DOWNTOWN REVOLVING LOAN FUND COMMITTEE – December 11th 2011 – Ames noted that that there was one correction – the first action item under Item 4 should read “Wall abstaining” instead of “Key abstaining” ACTION: To approve the amended minutes MOTION: Ames SECOND: Solomon VOTE: 8-0

IV. CITY ADMININSTRATOR’S REPORT – No action taken

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

John Lochner (216 Rice Street) addressed the Council in opposition to the proposal from Pattison Sand to install permanent lighting at their unloading site along the Highway 18 bypass. He also presented the Council with a petition, also opposing the proposal. Mayor Hemmer read two emails into the record in opposition to the proposal from Katie and Maura Garrity.

VI. COMMITTEE REPORTS AND ACTIONS

A. FINANCE – Claims

ACTION: To approve the claims MOTION: Pintz SECOND: Ames VOTE: 8-0

B. FINANCE – Ordinance 2012-28 (ESTABLISHING SALARIES AND COMPENSATION FOR CERTAIN CITY OFFICERS AND EMPLOYEES OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

ACTION: To approve Ordinance 2012-28 (ESTABLISHING SALARIES AND COMPENSATION FOR CERTAIN CITY OFFICERS AND EMPLOYEES OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN) MOTION: Munson SECOND: Ames VOTE: 8-0

C. FINANCE – Ordinance 2012-29 (APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE GOVERNMENT AND ADMINISTRATION OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

ACTION: To approve Ordinance 2012-29 (APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE GOVERNMENT AND ADMINISTRATION OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN) MOTION: Pintz SECOND: Solomon VOTE: 8-0

NOTE: Hein joined the meeting at 7:15 PM

D. FINANCE - Contract with Vierbicher

Before January 1st 2013, the City Clerk must certify to the Secretary of State and record with the County Register of Deeds a legal description of the total boundaries of the City as of December 1 in the year the annexation occurs. In the City's case, the annexation in question is the one north of Cabela's. In doing the City's previous update of the boundaries in 2004, the City just had Vierbicher complete the boundary description. City Planner Frable is recommending the City have Vierbicher revise the boundary description to include the north annexation so that it can be certified and recorded. ACTION: To approve the contract with Vierbicher MOTION: Ames SECOND: Munson VOTE: 9-0

E. FINANCE - Proposed agreement between City and St. Feriole Island Ballpark

Under the terms of the agreement, the City would pay off the \$10,500 letter of credit the Ballpark has with Peoples' State Bank with a 10-year loan to the Ballpark from the City. ACTION: To direct the City Attorney to draft a loan agreement between the City and St. Feriole Island Ballpark MOTION: Pintz SECOND: Hein VOTE: 9-0

F. PLAN COMMISSION/PUBLIC WORKS – Request of Pattison Sand to install permanent lighting at their loading site adjacent to the Highway 18 bypass

Kyle Pattison (Pattison Sand) addressed the Council on the proposal, and said the permanent lighting would, in his opinion, reduce the impact of the lighting at the site on the adjacent neighborhood. Councilmembers asked Pattison several questions about the proposal. John Lochner (217 Rice Street) addressed the Council in opposition to the proposal. Several questions about the pre-emption issue and the proposal were asked. ACTION: To approve the request of Pattison Sand to install permanent lighting at their loading site adjacent to the Highway 18 bypass MOTION: Pintz SECOND: Ames VOTE: 2-7 (Thein, Solomon, Boylen, Titlbach, Munson, Hein and Jones opposed) – Motion failed

G. PUBLIC WORKS – Request to issue bid for ½-ton 2-wheel drive pick-up truck

Funds for this project have been included in the 2013 budget. ACTION: To approve the request to issue bid for ½-ton 2-wheel drive pick-up truck MOTION: Ames SECOND: Munson VOTE: 9-0

H. PUBLIC WORKS – Disposing of the old aerial fire truck

Fire Chief Remz was present to review the options. The truck needs to be disposed of due to the impending move from the Prairie Street Fire Station. The Public Works Committee recommended the old aerial truck be donated to Southwest Technical College, with the stipulation that we can use the truck in future if our current aerial unit is ever out service. The City Administrator said the Council had voted, when it approved the purchase of the new aerial truck that the funds from selling the existing aerial truck would be used to pay down the debt on the new truck, and that motion superseded the Committee recommendation. The Chief was asked to get an estimate on what the City would receive for scrapping the truck. ACTION: To table any action on disposing of the old aerial fire truck MOTION: Ames SECOND: Titlbach VOTE: 8-1 (Pintz opposed)

I. FINANCE/PUBLIC WORKS - Awarding of bid for Water Department Building

Construction is scheduled for the spring of 2013. ACTION: To approve the bid of Top Notch Construction (Prairie du Chien) for \$249,235, with the building to be constructed with structurally-insulated panels MOTION: Ames SECOND: Titlbach VOTE: 9-0

J. PERSONNEL – Ordinance 2012-31 (REPEALING AND RE-CREATING SECTION 22.06 (2) (COMPENSATORY TIME AND OVERTIME – ADMINISTRATIVE POSITIONS))

This Ordinance makes some minor changes to the compensatory time rules and was approved at the December 12th meeting. ACTION: To approve Ordinance 2012-31 (REPEALING AND RE-CREATING SECTION 22.06 (2) (COMPENSATORY TIME AND OVERTIME – ADMINISTRATIVE POSITIONS)) MOTION: Hein SECOND: Munson VOTE: 19-0

VII. OLD BUSINESS - None

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

A. DISCUSSION AND ACTION – Ordinance 2012-30 (REPEALING AND RE-CREATING SECTION 2.02 (2) (COUNCIL MEETINGS – REGULAR MEETINGS))

This Ordinance reflects the discussion held at the December 4th Council meeting. ACTION: To approve Ordinance 2012-30 (REPEALING AND RE-CREATING SECTION 2.02 (2) (COUNCIL MEETINGS – REGULAR MEETINGS)) MOTION: Hein SECOND: Munson VOTE: 9-0
NOTE: As a result of this motion, the next Council meeting will be held on January 8th 2013.

B. DISCUSSION AND ACTION – RFP for Assessor’s Services

After awarding the assessor’s services to Accurate Appraisals earlier this month, the City Administrator was notified that they had misread the Request for Proposals in an email he received, which read, in part – “I (Jim Danielson, Accurate Appraisals) have to be honest in advance to hopefully resolve this issue prior to signing the contract. We had noticed while bidding the job that your current assessor is holding office hours 8 hours per month which is also the way we bid. I just noticed that the RFP actually had it down for 8 hours per week.” The Council may elect to rescind its previous motion and re-bid the RFP, accept the RFP from the other applicant (Tyler Technologies), or accept a compromise from Accurate, which would be 16 hours in office per month for the first year and 8 hours thereafter. Discussion was held on the RFP and the proposed compromise. ACTION: To accept the agreement between the City and Accurate Appraisals, with Accurate providing 16 hours per month of office time in 2013, and 8 hours per month of office time in the following years MOTION: Pintz SECOND: Titlbach VOTE: 9-0

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

Hein said she would like a representative from Accurate Appraisals to appear at Council meeting in the near future. Pintz said he would like the staff to investigate the feasibility of a Frederick Street overpass.

NOTE: Fleshner joined the meeting at 8:10 PM.

D. ADJOURN to CLOSED SESSION (8:10 PM)

ACTION: To go into closed session under the following: 1. 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: Block 43 development; 2. Under Wisconsin State Statute 19.85(1) (c). Considering employment, promotion, compensation or performance data of any public employee over whom the governmental body has jurisdiction or exercises responsibility. RE: Performance Review of

the City Administrator and Employee Evaluation Reviews; 3. 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; 4. 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: Proposed closing of the Haydn Street Crossing MOTION: Solomon SECOND: Titlbach VOTE: 10-0

E. CONVENE into open session (9:50 PM)

ACTION: To convene into open session MOTION: Munson SECOND: Pintz VOTE: 10-0

F. ACTION from the closed session

ACTION: To direct staff to notify the Office of Commissioner of Railroads that discussions with BNSF are ongoing, and we would request the hearing on the Haydn Street crossing remain postponed at this time MOTION: Thein SECOND: Solomon VOTE: 10-0

ACTION: To extend the contract with the City Administrator to December 31st 2016, with one (1) percent salary increases in 2014, 2015 and 2016, and any additional salary adjustments to be considered on an annual basis MOTION: Munson SECOND: Thein VOTE: 10-0

ACTION: To approve a series of one-time performance-based salary adjustments for non-represented employees MOTION: Pintz SECOND: Solomon VOTE: 10-0

IX. ADJOURN (9:55 PM)

MOTION: Thein SECOND: Solomon VOTE: 10-0

Submitted by City Administrator Aaron Kramer

ORDINANCES APPROVED

* **Ordinance 2012-28 (ESTABLISHING SALARIES AND COMPENSATION FOR CERTAIN CITY OFFICERS AND EMPLOYEES OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)**

* **Ordinance 2012-29 (APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE GOVERNMENT AND ADMINISTRATION OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)**

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