

Common Council Meeting (February 5th 2013)

A regular meeting of the Common Council of the City of Prairie du Chien was held on Tuesday February 5th 2013 at 7:00 PM in the Council Chambers of City Hall. Mayor Dave Hemmer called the meeting to order. **Call to order/Roll Call** – Jean Tittbach absent. **Certification of the open meeting law agenda requirements and approval of the agenda** – MOTION: Munson SECOND: Ames VOTE: 11-0 **Pledge of Allegiance:** Led by Ron Leys

I. PUBLIC HEARINGS AND PRESENTATIONS

A. PRESENTATION – Code Red System

Julie Cipra and Roger Martin discussed and answered questions about the new CodeRED Weather Warning system. This is a unique service that automatically notifies citizens in the path of severe weather just moments after a warning has been issued by the National Weather Service, as well as other community-related notifications and emergencies. No formal action was taken.

B. DISCUSSION AND ACTION – Resolution 2013-1 (ENCOURAGING THE UNITED STATES FISH AND WILDLIFE SERVICE TO RE-LOCATE THEIR ADMINISTRATIVE OFFICES TO THE CITY OF PRAIRIE DU CHIEN)

City staff has been meeting with the U.S. Fish and Wildlife Service for the past several months, as they explore a number of options for the possible re-location of their offices currently located between Marquette and McGregor, Iowa. This resolution would officially put the Council on record as supporting the possible re-location to Prairie du Chien. ACTION: To approve Resolution 2013-1 MOTION: Hein SECOND: Munson VOTE: 11-0

II. CONSENT AGENDA

A. COUNCIL MINUTES – January 22nd 2013; B. FINANCE COMMITTEE – January 22nd 2013; C. BOARD OF ZONING APPEALS – November 1st 2012; D. POLICE AND FIRE COMMISSION – December 19th 2012; E. PROTECTION AND HEALTH COMMITTEE – September 6th 2012; F. PLAN COMMISSION/PUBLIC WORKS COMMITTEE – December 17th 2012; G. PUBLIC WORKS COMMITTEE – December 17th 2012; H. LARIVIERE PARK BOARD – November 15th 2012; I. LARIVIERE PARK BOARD – April 11th 2012; J. PARK BOARD – December 19th 2012; K. POLICE DEPARTMENT – Chief's Annual Report and Fourth Quarter 2012 Report; L. FIRE DEPARTMENT – Chief's Annual Report; M. OPERATORS LICENSES (if any). The City Administrator asked that item L be pulled since it was not included in the meeting packet. Pintz requested items F, H and I be pulled. ACTION: To approve the Consent Agenda minus items F, H, I and L MOTION: Hein SECOND: Munson VOTE: 11-0

III. ITEMS REMOVED FROM CONSENT AGENDA

F. PLAN COMMISSION/PUBLIC WORKS COMMITTEE – December 17th 2012 – Pintz said he would like to see more information on items passed by the Plan Commission, but not required to go before the Council, to be shared with the Council.
H. LARIVIERE PARK BOARD – November 15th 2012; I. LARIVIERE PARK BOARD – April 11th 2012 – Pintz questioned the makeup of the Board, and said he felt the oversight of the Park may be better served if the Park Board were given that authority.
ACTION: To approve Consent Agenda items F, H and I MOTION: Pintz SECOND: Ames VOTE: 11-0

IV. CITY ADMININSTRATOR'S REPORT

The City Administrator informed the Council that he had been notified earlier in the day by the DNR that they had served Pattison Sand Company with a letter of non-compliance for violations of its Fugitive Dust Control Plan, its written Standard Operation Procedures and sections of the Wisconsin Administrative Code. He said he had been in contact with the DNR and the City will continue to monitor the situation.

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

Without objection the agenda was moved

VI. COMMITTEE REPORTS AND ACTIONS

D. PUBLIC WORKS – Marquette Road Railroad Spur

This item was tabled at the January 22nd Council meeting. ACTION: To place the item back on the table MOTION: Kozelka SECOND: Hein VOTE: 11-0

The packet contained the following emails: 1) Dan Kleinertz (DOT), which explains the DOT's position on why they are hesitant to spend money on the spur, 2) Katreen Abendroth (Vice President, Bennett Hardwoods) and Jim Eggers (Distribution Manager, Bennett Hardwoods), and 3) Randy Weeks (President, Design Homes). An additional email from Eggers was shared with the Council. The Committee voted to make no formal recommendation to the Council, but to invite representatives from Bennett Hardwoods and Design Homes to the Council meeting and to request staff collect track usage data, schedule an inspection by the BNSF track master to determine the condition of the entire spur, collect potential and future spur usage information, and determine if the expenditure can be TIF-funded. The City Administrator said the repairs were TIF-eligible, but track data usage had not been provided yet to the City. The inspection from the track master was scheduled for earlier in the day, but cancelled. Sean Bennett (Bennett Hardwoods) addressed the Council and said his company had last used the track in 2009, but did not want to see it removed and requested the repairs be done. Considerable discussion was held on the usage, the cost of repairs and future liabilities to the City. ACTION: To table the item so staff can continue to research the issue MOTION: Hein SECOND: Ames VOTE: 11-0

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

A. DISCUSSION AND ACTION – Consolidating Polling Places to One Location

Staff was seeking Council input and direction on the option of consolidating all of the city's polling places in one location, with the two most likely options being City Hall or Hoffman Hall. A memo from City Clerk-Treasurer Elvert, outlining the pros and cons of a move to Hoffman Hall, was included in the packet. She was also present to answer questions from the Council. Concerns were raised over whether consolidating the polling places would inconvenience voters. The Council did ask staff to have a state election inspector view Hoffman Hall to see if it would be compatible as a polling place. ACTION: To keep the polling locations at the sites they are currently in MOTION: Hein SECOND: Munson VOTE: 11-0

VI. COMMITTEE REPORTS AND ACTIONS

A. FINANCE – Claims

The Finance Committee did not take any action on the claims earlier in the evening. ACTION: To approve the claims MOTION: Pintz SECOND: Hein VOTE: 11-0

B. PROTECTION AND HEALTH - Recycling Education programming

At the Committee meeting, staff discussed and reviewed the proposed educational material that will be purchased to promote the City Recycling program, as well as the idea of an Environmental Awareness Day at Hoffman Hall later this spring. A memo from Terry Meyer was included in the packet. The Committee recommended the expenditure of \$250 for educational materials. ACTION: To approve the Committee recommendation to purchase \$250 of recycling-related educational materials MOTION: Pintz SECOND: Hein VOTE: 11-0

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

The Fire Chief reviewed the options with the Committee last week. The Committee motion was to recommend the Council approve selling the old aerial fire truck to the high bidder from WisconsinSurplus.com, and have the Council reconsider its earlier motion earmarking the fund for the payment of the bonds for the new aerial truck and, instead, using the funds for purchasing of equipment for the fire department. The Fire Chief was present to discuss the sale of the truck. Considerable discussion was held on the use of the funds. ACTION: To approve the sale of the old aerial truck to the winning bidder of the Wisconsin Surplus Auction (\$5,400) MOTION: Pintz SECOND: Kozelka VOTE: 11-0 ACTION: To rescind the Council motion of June 7th 2011 - To direct staff to sign a Purchase Agreement with Brindlee Mountain (Union Grove, AL) for the purchase of a

2002 E-One 100-foot Bronto (Apparatus) for \$548,700, and earmark the funds from selling the existing aerial truck to paying the debt on the new aerial truck – and use the funds from the sale of the old aerial truck to purchase fire department equipment MOTION: Pintz SECOND: Kozelka VOTE: 11-0

E. PUBLIC WORKS - Awarding of bid for new Public Works Department truck

The 2013 budget includes \$18,000 for the purchase of a truck for the Public Works Department. The lowest bid received earlier this month was \$20,335. The Committee motion was to reject the bids and approve the purchase of a used truck from Fastenal to not exceed the budgeted amount of \$18,000. Pintz said he felt the City should purchase a new truck versus the used truck. ACTION: To reject the bids and approve the purchase of a used truck from Fastenal to not exceed the budgeted amount of \$18,000 MOTION: Kozelka SECOND: Ames VOTE: 11-0

F. PUBLIC WORKS – Bids for Washington Park and Campion Boat Landing

The Campion project came in considerably under budget, while the Washington Street project came in over budget. Combining the two projects resulted in a shortfall of roughly \$9,000. Staff was recommending the shortfall can be covered by the use of additional boat launch funds, unless the projects come in under budget and then re-allocating the funds. Another option was to scale back on some of the work. A memo from City Planner Frable explaining how both projects can still be funded and completed this year was included in the packet. ACTION: To award the bid for the Campion Boat Landing (\$185,195) and the Washington Street Park project (\$264,400.70) to Rule Construction MOTION: Leys SECOND: Munson VOTE: 10-1 (Boylen opposed)

G. PUBLIC WORKS – Approval of Clean Sweep event for April 13th

ACTION: To approve the Clean Sweep event for April 13th MOTION: Kozelka SECOND: Pintz VOTE: 11-0

H. PUBLIC WORKS – 2013 Public Works projects and goals

ACTION: To approve letting the bids out for 2013 asphalt, concrete, sealcoating work and for the Overview and Glenn Street reconstruction project (Work will begin in the spring) MOTION: Fleshner SECOND: Pintz VOTE: 11-0

I. PUBLIC WORKS - Approve letting out bids for 2013 water leak survey

The City had a 19 percent water loss rate in 2012, and is on pace to be around 21 percent this year, based on initial projections. ACTION: To approve letting out bids for 2013 water leak survey MOTION: Kozelka SECOND: Munson VOTE: 11-0

VII. OLD BUSINESS - None

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

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

C. ADJOURN into closed session (9:00 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: Discussions related to negotiations with the Prairie du Chien Police Union; 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: Block 43 development; 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; 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 MOTION: Munson SECOND: Solomon VOTE: 11-0

NOTE: Jones left the closed session at 9:10 PM. Boylen left the closed session at 9:40 PM.

D. CONVENE into open session (10:00 PM)

MOTION: Ames SECOND: Solomon VOTE: 9-0

NOTE: Boylen rejoined the meeting at 9:55 PM.

E. ACTION from closed session

ACTION: To declare that an impasse has been reached with the Prairie du Chien Police Union and to request that a mediation-arbitration hearing be scheduled MOTION: Munson SECOND: Pintz VOTE: 10-0

ACTION: To move forward with the hearing before the Office of Commissioner of Railroads (OCR) to determine whether or not the Haydn Street crossing be closed MOTION: Hein SECOND: Solomon VOTE: 10-0

IX. ADJOURN (10:00 PM)

MOTION: Boylen SECOND: Fleshner VOTE: 10-0

Submitted by City Administrator Aaron Kramer

RESOLUTIONS APPROVED

*** Resolution 2013-1 (ENCOURAGING THE UNITED STATES FISH AND WILDLIFE SERVICE TO RE-LOCATE THEIR ADMINISTRATIVE OFFICES TO THE CITY OF PRAIRIE DU CHIEN)**