

# CITY OF PRAIRIE DU CHIEN

214 East Blackhawk Avenue - PO Box 324 - Prairie du Chien, WI 53821

Phone: (608) 326-6406 Fax: (608) 326-8182

Notice is hereby given according to State Statutes that the **COMMON COUNCIL** of the City of Prairie du Chien will meet on **Tuesday February 26<sup>th</sup> 2013 at 7:00 P.M.** in the Council Chambers of City Hall

\* \* \*

**PROOF OF POSTING AFFIDAVIT:** This agenda was posted more than 24 hours prior to the start of this meeting as follows: City Hall, 214 E. Blackhawk Avenue (kiosk) - Library, 125 S. Wacouta Avenue - U.S. Post Office, 120 S. Beaumont Rd. - Mailed & emailed to Members - News media as requested

## MEETING NOTICE – COMMON COUNCIL

Tuesday February 26<sup>th</sup> 2013 – 7:00 P.M. – Council Chambers – City Hall

### ITEMS TO BE DISCUSSED AND ACTED UPON:

- \* Call to order/Roll Call.
- \* Certification of the open meeting law agenda requirements and approval of the agenda
- \* Pledge of Allegiance

### I. PUBLIC HEARINGS AND PRESENTATIONS

#### **A. DISCUSSION AND ACTION – Resolution 2013-02 (HONORING NORB ASCHOM FOR HIS YEARS OF BROADCASTING, DECLARING MARCH 1ST 2013 AS NORB ASCHOM DAY IN THE CITY OF PRAIRIE DU CHIEN, AND RECOMMENDING THE INDUCTION OF NORB ASCHOM INTO THE WISCONSIN BROADCASTERS ASSOCIATION HALL OF FAME)**

This Resolution honors Norb Aschom, who has announced he is retiring on March 1<sup>st</sup>, for nearly 52 years of broadcasting service to the Prairie du Chien area.

#### **B. DISCUSSION AND ACTION – Resolution 2013-03 (DECLARING THE CITY’S INTENT TO REQUEST AN EXTENSION OF THE CURRENT PARTIAL QUIET ZONE DESIGNATION)**

The Resolution declares the City’s intent to move forward with the Quiet Zone work that has been ongoing since 2005. This will request an extension of the current Partial Quiet Zone designation, while staff prepares a new application with an amended project plan to the Federal Railroad Administration

### II. CONSENT AGENDA

(The following items may be approved on a single motion and vote due to their routine nature or previous discussion. Please indicate to the Mayor/Council President if you would prefer separate discussion and action.)

- A. COUNCIL MINUTES – February 5<sup>th</sup> 2013
- B. FINANCE COMMITTEE – February 5<sup>th</sup> 2013
- C. BOARD OF ZONING APPEALS – January 23<sup>rd</sup> 2013
- D. PLAN COMMISSION – January 21<sup>st</sup> 2013
- E. PROTECTION AND HEALTH COMMITTEE – January 29<sup>th</sup> 2013
- F. BOARD OF AIRPORT COMMISSIONERS – March 13<sup>th</sup> 2012
- G. LARIVIERE PARK BOARD – January 16<sup>th</sup> 2013
- H. PARK BOARD – December 19<sup>th</sup> 2012
- I. DESIGN AND PRESERVATION COMMISSION – July 19<sup>th</sup> 2012
- J. POLICE AND FIRE COMMISSION – January 30<sup>th</sup> 2013
- K. FIRE DEPARTMENT – Chief’s Annual Report, Fourth Quarter 2012 Report and Monthly Report (January 2013)
- L. PRAIRIE DU CHIEN ST. PATRICK’S DAY PARADE – To be held Saturday March 16<sup>th</sup> at 10 AM, starting on St. Feriole Island, sponsored by the Prairie du Chien Area Chamber of Commerce
- M. AIRPORT HANGAR LEASE – Transfer from A.G.T. Enterprises to Adamany Enterprises, Inc.
- N. AIRPORT HANGAR LEASE – Transfer from Falyer Corporation to Michael Ripp
- O. OPERATORS LICENSES (if any)

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

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

### **V. CITIZENS' COMMENTS, OBSERVATIONS, PETITIONS, AND PUBLIC INPUT**

(Please limit comments to no more than three minutes)

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

#### **A. FINANCE – Claims**

#### **B. FINANCE - Proposed purchase and sale of the Block 43 parcel**

Under this proposal, the City would purchase the Block 43 parcel from Marty Rifken, and then sell the land to the Redevelopment Authority (RDA). The RDA would then sell the land to Marquette Hayden Properties LLC. The City generates capital from the sale to the RDA that in turn would be used to fund the Downtown Revolving Loan Fund and the General Fund.

1. Authorization for RDA to proceed with blight determination
2. Refer sale of property to Plan Commission

#### **C. PARK BOARD - Request from Rendezvous to utilize St. Feriole Island for a 3-year commitment (2013-2015)**

The Park Board, at its February 20<sup>th</sup> meeting, recommended accepting the proposed application, which does not include the shelter rental fees (\$100). The request from Rendezvous includes the freezing of fees for the three-year period for their organization.

#### **D. PARK BOARD - Request by Prairie du Chien Jaycees to utilize St Feriole Island for a 3-year commitment (2013-2015)**

The Park Board, at its February 20<sup>th</sup> meeting, recommended accepting the proposed application.

#### **E. PARK BOARD - Request by Bluesfest to utilize St. Feriole Island for a 3-year commitment (2013-2015)**

The Park Board, at its February 20<sup>th</sup> meeting, recommended accepting the proposed application.

#### **F. PLAN COMMISSION - Certified Survey Map (CSM) located in Government Lot 2 of Section 5, T6N, R6W, Town of Bridgeport, which is in the extraterritorial limits of the City of Prairie du Chien, Crawford County, Wisconsin – brought by Bob Selch**

The Commission, at its February 18<sup>th</sup> meeting, unanimously recommended that the Council approve the CSM.

### **VII. OLD BUSINESS**

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

#### **A. DISCUSSION AND ACTION - Request for declaratory order by the Surface Transportation Board in relation to the Pattison Sand operations along the Highway 18 bypass**

At the request of several constituents, Mayor Hemmer is asking the Council to consider the possibility of filing a petition with the Surface Transportation Board (STB) for declaratory order, requesting that the STB declare that specific operations conducted in the City of Prairie du Chien at a transloading facility, claimed to be performed by the Wisconsin Southern Railroad, do not constitute "transportation by a rail carrier," and that the City's zoning and other regulations are therefore not preempted under 49 U.S.C. § 10501(b). While there is considerable documentation regarding this issue, the City Administrator has included several in his memo for the Council to review. A memo from the City Administrator is included in the packet, as well as an email from Kyle Pattison regarding his company's position on the preemption issue and their operations.

#### **B. DISCUSSION AND ACTION – Request to Change Previously-Made Vote (Boylen)**

On February 5<sup>th</sup>, the Council approved the following motion:

**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)

Following the meeting, Boylen contacted the City Administrator and asked that her vote be changed from a “no” to a “yes”. Per Robert’s Rules of Order (Section 46 – Voting), a member can make the change only by permission of the assembly, which may be given by general consent; that is, by no member's objecting when the chair inquires if any one objects. If objection is made, a motion may be made to grant the permission, which motion is non-debatable.

**C. MAYORAL APPOINTMENT**

\* Mike Leard to the Board of Review, replacing Roger Pellock, for a term that expires May 1st 2016.

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

**IX. ADJOURN**

---

Aaron Kramer, City Administrator