

Common Council Meeting (March 5th 2013)

A regular meeting of the Common Council of the City of Prairie du Chien was held on Tuesday March 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** – All present **Certification of the open meeting law agenda requirements and approval of the agenda** – MOTION: Ames SECOND: Munson VOTE: 12-0
Pledge of Allegiance: Led by Judeen Ames

I. PUBLIC HEARINGS AND PRESENTATIONS - None

II. CONSENT AGENDA

A. COUNCIL MINUTES – February 26th 2013; B. FINANCE COMMITTEE – February 26th 2013; C. REDEVELOPMENT AUTHORITY – August 20th 2012; D. OPERATORS LICENSES (if any)
ACTION: To approve the Consent Agenda MOTION: Pintz SECOND: Munson VOTE: 12-0

III. ITEMS REMOVED FROM CONSENT AGENDA - None

IV. CITY ADMINISTRATOR'S REPORT

The Administrator informed the Council the City has received a \$1,000 grant toward the Washington Street project from the American Canoe Association and L.L. Bean, and thanked City Planner Frable for acquiring the grant. He also reminded everyone a snow emergency was in effect until 6 PM Wednesday.

ACTION: To recess the meeting for five (5) minutes MOTION: Fleshner SECOND: Pintz VOTE: 12-0
The Council recessed from 7:06 to 7:11 PM.

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

Without objection, the agenda was moved:

VI. COMMITTEE REPORTS AND ACTIONS

E. PARK BOARD - Request by Prairie du Chien Rotary Club to utilize St. Feriole Island for an 18-hole Disc Golf Course at no cost to the city.

The Park Board, at its February 20th meeting, recommended accepting the request. Board members did request that the cement slab tee boxes be built to withstand any type of vehicles that might drive on them. Dave Wesener (Rotary Club) and Terry Miller (Lifetime Disc Sports, LLC Consultant) presented the proposed to the Council. Considerable discussion was held on the various aspects of the course, which will cost roughly \$10,600 to install this spring. Park and Rec Director Ulrich said he has talked to the other events that are held on the Island and said he had heard no opposition to the plan. ACTION: To approve the request by Prairie du Chien Rotary Club to utilize St. Feriole Island for an 18-hole Disc Golf Course at no cost to the city, and allow a sign acknowledging the donation by the Rotary, with the understanding that the Rotary Club will be responsible for taking down and removing the baskets and poles when other events in the area require that to be done MOTION: Pintz SECOND: Hein VOTE: 12-0

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

C. DISCUSSION AND ACTION – Request from Rivers and Bluffs Animal Shelter for land discussions

A letter from the Shelter to the Council and the City Administrator requesting a discussion on possible land options for the construction of a new shelter was included in the packet. Randy Paske spoke on behalf of the shelter. ACTION: To accept the letter from the Rivers and Bluffs Animal Shelter into the official record and direct staff to report to the Public Works Committee, at a later date, on possible land options MOTION: Hein SECOND: Munson VOTE: 12-0

VI. COMMITTEE REPORTS AND ACTIONS

A. FINANCE – Claims

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

C. PROTECTION AND HEALTH – Ordinance 2013-03 (CREATING CHAPTER 12.41 (NON-METALLIC MINING REGULATIONS) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

This Ordinance would regulate any future proposed non-metallic mining operations within the City Limits. It is based on a model ordinance sent to the townships in Crawford County and the City by the Crawford County Land Conservation Department. If approved, staff will develop a permit form for the Protection and Health Committee and Council to approve at a future date. Dave Troester (Crawford County Land Conservation Department) was present and answered questions about the Ordinance, as well as presented a proposed agreement between the City and his Department if the Ordinance was passed. That agreement would allow the City to utilize the Land Conservation Department during the permitting process. Considerable discussion was held on the proposal, which would impact future mining operations and not current ones unless they substantially expanded their operations. Leys requested two changes to the Ordinance, which were included in the motion. ACTION: To approve Ordinance 2013-03, with two changes: That Section 7 (d) (2) - The use and regulation of compression release engine brakes, commonly known as jake-brakes is prohibited except for emergencies – be changed to delete “and regulation”, and that Section 7 (g) (1) (c) be amended to add mercury to the list of items to be tested for. MOTION: Hein SECOND: Munson VOTE: 11-0-1 (Kozelka abstained)

B. FINANCE – Proposed Resort Area Sales Tax

At its February 26th meeting, the Committee recommend the Council move forward with the possible sales tax, and take the first step of directing staff to contact Senator Shilling’s and Representative Nerison’s offices to begin the legislative process for implementing a proposed sales tax. The City Administrator reviewed the proposal and answered questions from the Council. He reminded them that the revenue could only be used for infrastructure (roads, sidewalks, etc.), and that the staff is recommending that the tax have a reauthorization vote five years after approval and that no borrowing be supported by the tax. Hein asked, if the motion was to move forward tonight, would this action mean the Council is approving the sales tax, and the City Administrator stated it would not, and that it would only officially begin the legislative process. ACTION: To direct staff to contact Senator Shilling’s and Representative Nerison’s offices to begin the legislative process for implementing a proposed sales tax MOTION: Pintz SECOND: Ames VOTE: 11-1 (Boylen opposed)

D. PROTECTION AND HEALTH – Ordinance 2013-04 (CREATING CHAPTER 9.34 (CYBERBULLYING PROHIBITED) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

This proposed anti-cyberbullying ordinance would define cyberbullying and establish a penalty for anyone convicted of violating the Ordinance. Leys said he was opposed to the proposed Ordinance due to concerns over proposed First Amendment (Free Speech) violations. Considerable discussion was held on the enforcement and applicability of the Ordinance, and whether it could be potentially challenged in court. ACTION: To approve Ordinance 2013-04 MOTION: Pintz SECOND: Solomon VOTE: 8-4 (Leys, Boylen, Titlbach and Hein opposed)

VII. OLD BUSINESS - None

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

A. DISCUSSION AND ACTION – Municipal Flood Control Grant

The DNR grant would provide \$195,333 toward the relocation of the WPRE-WQPC studios from St. Feriole Island to downtown Prairie du Chien. ACTION: To authorize the City Administrator to sign and accept the DNR grant MOTION: Solomon SECOND: Munson VOTE: 12-0

B. DISCUSSION AND ACTION – Resolution 2013-05 (RESOLUTION REQUIRING THE REPAIR OF AN AT-GRADE CROSSING (WASHINGTON STREET))

This resolution will begin the process of requiring that BNSF Railroad repair the Washington Street crossings. Photos of the crossing were provided to the Council. ACTION: To approve Resolution 2013-05 MOTION: Hein SECOND: Munson VOTE: 12-0

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

Solomon asked the staff to investigate who would pay for replacing any baskets or poles damaged or stolen at the Disc Golf Course approved earlier in the evening. The City Administrator said he would assume the City would be liable and it would be covered under the City's insurance, but he would look into it further and report back.

IX. ADJOURN (8:49 PM)

MOTION: Ames SECOND: Solomon VOTE: 12-0

Submitted by City Administrator Aaron Kramer

ORDINANCES APPROVED

* Ordinance 2013-03 (CREATING CHAPTER 12.41 (NON-METALLIC MINING REGULATIONS) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

* Ordinance 2013-04 (CREATING CHAPTER 9.34 (CYBERBULLYING PROHIBITED) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

RESOLUTIONS APPROVED

* Resolution 2013-05 (RESOLUTION REQUIRING THE REPAIR OF AN AT-GRADE CROSSING (WASHINGTON STREET))