

## Common Council Meeting (May 7th 2013)

A regular meeting of the Common Council of the City of Prairie du Chien was held on Tuesday May 7th 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: Solomon VOTE: 12-0 **Pledge of Allegiance** – Led by Mark Thein

### I. PUBLIC HEARINGS AND PRESENTATIONS

A. PUBLIC HEARING - Request from Thomas & Barbara Stram, 200 block of South Main Street, to rezone Lot 1 of CSM #1270 as filed in Vol. 11/CSM/37 as Document #305683, being a part of Lots 15, 16, & 17, Block 121 and Lot 5, Block 122; Union Plat (parcel #271-1893-0000 – 200 block of S. Main St.); from R-3 “High Density Residential” to B-1 “Central Business” Zoning District.  
The Plan Commission approved the following motion at its April 15th meeting: To recommend the Council approve the request from Thomas & Barbara Stram, 200 block of South Main Street, to rezone from R-3 “High Density Residential” to B-1 “Central Business” Zoning District, due to the following factors: 1) The proposal conforms with the Downtown Plan, 2) the proposal conforms with the City’s Comprehensive Plan, 3) the land is adjacent to B-1 property, and 4) the proposal puts former public land on the tax rolls. Hemmer opened the public hearing at 7:06 PM. Tom Stram addressed the Council on his plans to locate a tourism-based business at the site. Tom Nelson, Mike Valley and Paul Kroenke (AmericInn) spoke in support of the proposed re-zoning. Hemmer closed the public hearing at 7:25 PM.

### B. ACTION on aforesaid agenda item

ACTION: To approve the request from Thomas & Barbara Stram, 200 block of South Main Street, to rezone Lot 1 of CSM #1270 as filed in Vol. 11/CSM/37 as Document #305683, being a part of Lots 15, 16, & 17, Block 121 and Lot 5, Block 122; Union Plat (parcel #271-1893-0000 – 200 block of S. Main St.); from R-3 “High Density Residential” to B-1 “Central Business” Zoning District MOTION: Kozelka SECOND: Wagar VOTE: 12-0

C. PUBLIC HEARING - Request from Prairie du Chien Memorial Hospital, 37868 US Hwy 18, to rezone Parcel “A” described as Parcel 1 in Document #316280, also lands described in Document #317191, Lots 1 and 2 of CSM #1220 and Lot 1 of CSM #239 being located in Farm Lots 41, 42, and 43 of the Private Land Claims at Prairie du Chien, City of Prairie du Chien, Crawford County, Wisconsin (as outlined in Attachment “A” – 37868 US Highway 18); from AT “Agricultural Transition” to PCD “Planned Community Development” Zoning District  
The Plan Commission recommended approval of the re-zoning at its April 15th meeting. Hemmer opened the public hearing at 7:26 PM. Zoning Administrator Julie Jackson reviewed the PCD zoning with the Council. Skip Gjoberg (Chief Administrative Officer, Prairie du Chien Memorial Hospital) addressed the Council on the proposal. Hemmer closed the public hearing at 7:35 PM.

### D. ACTION on aforesaid agenda item

ACTION: To approve the request from Prairie du Chien Memorial Hospital, 37868 US Hwy 18, to rezone Parcel “A” described as Parcel 1 in Document #316280, also lands described in Document #317191, Lots 1 and 2 of CSM #1220 and Lot 1 of CSM #239 being located in Farm Lots 41, 42, and 43 of the Private Land Claims at Prairie du Chien, City of Prairie du Chien, Crawford County, Wisconsin (as outlined in Attachment “A” – 37868 US Highway 18); from AT “Agricultural Transition” to PCD “Planned Community Development” Zoning District, contingent on the hospital resolving its easement issues with the Bureau of Aeronautics MOTION: Titbach SECOND: Ames VOTE: 12-0

Without objection, the agenda was moved:

### VI. COMMITTEE REPORTS AND ACTIONS

**D. FINANCE – Resolution 2013-19 (RESOLUTION AWARDING THE SALE OF APPROXIMATELY \$3,850,000 GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2013)**

These bonds will finance the 22nd Street project. The City Administrator said staff was expecting an interest rate of between 2 and 2.5 percent. Brian Della (PFM Financial Management) presented the results of the bond sale, which he said went well, with nine bidders. He said the low bid was that of Bankers' Bank and Peoples' State Bank, at an interest rate of 0.792 percent. ACTION: To adopt Resolution 2013-19 MOTION: Ames SECOND: Pintz

**II. CONSENT AGENDA**

A. COUNCIL MINUTES – April 23rd 2013; B. COUNCIL MINUTES (Re-Organizational) – April 23rd 2013; C. FINANCE COMMITTEE – April 9th 2013; D. BOARD OF ZONING APPEALS – March 27th 2013; E. POLICE CHIEF'S REPORT – First Quarter 2013; F. OPERATORS LICENSES; G. CLASS "B" FERMENTED MALT BEVERAGE LICENSE – St. Feriole Island Ballpark (Anthony Rangel) ACTION: To approve the Consent Agenda MOTION: Solomon SECOND: Ames VOTE: 12-0

**III. ITEMS REMOVED FROM CONSENT AGENDA** - None

**IV. CITY ADMININSTRATOR'S REPORT**

The City Administrator reported that last year's airport runway project came in under budget, and the City will receive \$4,000 back from the Bureau of Aeronautics. Park and Rec Director Mike Ulrich presented the 2013 Summer Activity Guide.

**A. DISCUSSION AND ACTION – 2013 Summer Activity Guide**

ACTION: To thank Peoples' State Bank for sponsoring the 2013 Summer Activity Guide MOTION: Gilberts SECOND: Wagar VOTE: 12-0

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

**VI. COMMITTEE REPORTS AND ACTIONS**

**A. FINANCE – Claims**

ACTION: To approve MOTION: Thein SECOND: Ames VOTE: 12-0

**B. FINANCE – Disbursement of funds from inactive account**

Staff has recently discovered an inactive fund containing \$15,387.50, which were funds paid to the City in 1989 by a developer to compensate for not providing the required green space and park space in a subdivision. A proposed procedure to expend the funds was reviewed. ACTION: To direct Park and Rec Director Mike Ulrich to develop a number of possible expenditures for the funds, and present them to the City Administrator, then take the list to the Park Board for that body to make a recommendation to the Common Council MOTION: Ames SECOND: Fleshner VOTE: 11-0-1 (Gilberts abstained)

**C. FINANCE - Purchase of All Traffic Solutions Speed Board (Police)**

No action was taken as the Committee has not reported this item to the Council.

**E. FINANCE – Relocation of a Portion of the Carquest Building on Marquette Road to the Street Department and Waiving of Bid Process**

Staff is proposing to save the metal portion of the Carquest building and move it to the Street Department for Public Works use with the long-term plan to tear down the Moore Building on St. Feriole Island. Due to the short time frame to move the building and the uncertainty that there are enough local options to request bids from, staff recommends waiving the bid requirements and awarding the contract to move the building to Heritage Movers (Mt. Hope, WI) for \$9,800. A

memo outlining the costs was included in the packet. ACTION: To approve the contract with Heritage Movers, for \$9,800, to move the building to the Street Department, and waive the bid requirements MOTION: Ames SECOND: Kozelka VOTE: 12-0

F. PLAN COMMISSION – Preliminary Plat for 22nd Street Subdivision

The Plan Commission recommended approval at its April 15th meeting. Two options were presented to the Council, with the differences being how the land was subdivided adjacent to Joliet Lane. ACTION: To approve Option #1, with the City retaining possession of the land adjacent to Joliet Lane for any future extension of the road MOTION: Pintz SECOND: Solomon VOTE: 12-0

VII. OLD BUSINESS - None

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

A. DISCUSSION AND ACTION – Notification of Deficiency in the Water Department and Corrective Action Taken

Late last month, the Water Department was notified of that it had failed to meet the DNR's requirements to complete all high hazard commercial and industrial cross connection inspections with the 2-year time frame. The deficiency has been resolved, and steps have been taken to prevent this from happening in the future. Co-Public Works Manager Larry Gates addressed the Council on the matter and the solution. No formal action taken.

B. DISCUSSION AND ACTION – 2012 Consumer Confidence Report (Water Department)

ACTION: To approve the 2012 Consumer Confidence Report (Water Department) MOTION: Pintz SECOND: Ames VOTE: 12-0

C. DISCUSSION AND ACTION – Approval of Shared Resource and Information Agreement between the City and the Crawford County Land Conservation, Planning and Zoning Department

This agreement would allow the City to utilize the County's resources if a non-metallic mining permit is requested in the future (Ordinance 2013-03). ACTION: To approve the Shared Resource and Information Agreement between the City and the Crawford County Land Conservation, Planning and Zoning Department MOTION: Solomon SECOND: Wagar VOTE: 12-0

D. DISCUSSION AND ACTION – Mayoral Appointments

A memo with the appointments was included in the packet. ACTION: To approve the Mayoral appointments MOTION: Titlbach SECOND: Wagar VOTE: 12-0

E. DISCUSSION AND ACTION – Future Council action involving Pattison Sand's unloading site adjacent to the Highway 18 bypass

The packet included a letter sent to the Surface Transportation Board (STB) from City Attorney Peterson requesting an information opinion on the issue of pre-emption and the unloading site, and a letter from the STB stating they will not issue an informal opinion at this time. The City Administrator outlined several options going forward, and said his recommendation was to stop the process at this time due to the uncertainty that a declaratory ruling would have any desired effect and the potential costs to the City to pursue the issue. He said city staff is continuing to meet with Pattison Sand on possible sites to re-located the sand unloading operation, as well as continuing to monitor other related matters involving the operation. Kyle Pattison (Pattison Sand) addressed the Council. ACTION: To table the issue at this time and take no further action MOTION: Titlbach SECOND: Solomon VOTE: 12-0

**F. DISCUSSION AND ACTION – Ordinance 2013-14 (AMENDING CHAPTER 9.01 (OFFENSES AGAINST STATE LAW SUBJECT TO FORFEITURE) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)**

In reviewing our Municipal Code in anticipation of the new Municipal Court, staff found several corrections that need to be made to Chapter 9.01. These are state statutes that can be issued as city ordinance violation upon adoption, a common practice among municipalities. Eight are being removed due to being felonies, one is a crime found elsewhere in the code book, and three have been added to the ordinance. ACTION: To approve Ordinance 2013-14 MOTION: Ames  
SECOND: Thein VOTE: 12-0

**G. DISCUSSION AND ACTION – Motion to Rescind Previous Council Action**

On April 23rd, the Council approved the following motion regarding the request of Carriage Classic to hold their event on St. Feriole Island in September –To send the item back to the Park Board for more consideration. On April 30th, Alderman Titlbach notified the City Administrator of her intent to request the motion be rescinded. A majority vote is required to approve the motion to rescind. ACTION: To rescind the previous Council motion MOTION: Titlbach  
SECOND: Wagar VOTE: 11-1 (Pintz opposed). Michael Rider (Carriage Classic) addressed the Council on the issues of cleanup and island usage. ACTION: To approve the request from Carriage Classic to hold the event on St. Feriole Island for the next three years MOTION: Titlbach  
SECOND: Ames VOTE: 12-0

**H. DISCUSSION AND ACTION – Approval of Bond Schedules for Municipal Court**

According to the Wisconsin Court System, the municipal judge shall establish and submit to the Common Council for approval, in accordance with Wisconsin State Statute 800.03(3), a schedule of deposits for violations of city ordinances, resolutions and bylaws. The proposed schedule was included in the packet. ACTION: To approve the bond schedule for the Municipal Court  
MOTION: Pintz  
SECOND: Solomon VOTE: 12-0

**I. DISCUSSION – Items for future agenda consideration or Committee assignment**

Pintz said he would like an update on the Hoffman Hall fundraising campaign, as well as a report on the expenditures for the renovation at an upcoming Council meeting.

**J. ADJOURN to CLOSED SESSION (8:45 PM)**

ACTION: To go into closed session under Wisconsin State Statute 19.85 (1) (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 (Possible litigation against the City) MOTION: Ames  
SECOND: Solomon VOTE: 12-0

**K. CONVENE into open session (8:54 PM)**

MOTION: Pintz  
SECOND: Ames VOTE: 12-0

**L. ACTION from the closed session**

ACTION: To reject the claim of Krier's Construction against the City of Prairie du Chien  
MOTION: Pintz  
SECOND: Solomon VOTE: 12-0

**IX. ADJOURN (9:00 PM)**

MOTION: Solomon  
SECOND: Kozelka VOTE: 12-0

Submitted by City Administrator Aaron Kramer

**ORDINANCES PASSED**

**\* Ordinance 2013-14 (AMENDING CHAPTER 9.01 (OFFENSES AGAINST STATE LAW SUBJECT TO FORFEITURE) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)**

**RESOLUTIONS PASSED**

**\* Resolution 2013-19 (RESOLUTION AWARDED THE SALE OF APPROXIMATELY \$3,850,000 GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2013)**