

## **Common Council Meeting (July 2nd 2013)**

A regular meeting of the Common Council of the City of Prairie du Chien was held on Tuesday July 2nd 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: Thein VOTE: 12-0 **Pledge of Allegiance** – Led by Frank Pintz

### **I. PUBLIC HEARINGS AND PRESENTATIONS**

**A. PUBLIC HEARING** - For the purpose of determining whether or not there is a public need for the City of Prairie du Chien to retain ownership of property located at 941 S. 1st Street, legally described as follows: that part of Farm Lot 35 as desc. in WD #274838 exc. that part used for Hwy purposes as desc. in WD #307814 (Pcl #28 Plat .132A); Private Land Claims, City of Prairie Du Chien, Crawford County, Wisconsin

Hemmer opened the public hearing at 7:02 PM. City Administrator Kramer provided an overview of the proposed sale of the parcel to the adjacent property owner to allow for their residential lot to be raised above the flood fringe limit. No public comments were received. Hemmer closed the hearing at 7:04 PM.

#### **B. ACTION on aforesaid agenda item**

**ACTION:** To declare there is no public need for the City of Prairie du Chien to retain ownership of property located at 941 S. 1st Street, legally described as follows: that part of Farm Lot 35 as desc. in WD #274838 exc. that part used for Hwy purposes as desc. in WD #307814 (Pcl #28 Plat .132A); Private Land Claims, City of Prairie Du Chien, Crawford County, Wisconsin **MOTION:** Solomon **SECOND:** Wagar **VOTE:** 12-0

#### **C. PRESENTATION – Request for Additional Time to Install Fencing (Prairie Dog Blues Festival)**

Todd Yeomans and Jason Hagar (Prairie Dog Blues Festival) are seeking permission to install fencing for the event on Monday July 15th, earlier than his initial request of Friday July 19th. The event runs July 26th-27th. Yeoman was present and presented his request.

#### **D. ACTION on aforesaid agenda item**

**ACTION:** To allow the Prairie Dog Blues Festival to install their fencing on or after Monday July 15<sup>th</sup>, with this in effect for 2013 only **MOTION:** Titlbach **SECOND:** Kozelka **VOTE:** 12-0

### **II. CONSENT AGENDA**

A. COUNCIL MINUTES – June 18th 2013; B. SPECIAL COUNCIL MINUTES – June 26th 2013; C. FINANCE COMMITTEE – June 18th 2013; D. PUBLIC WORKS COMMITTEE – June 5th 2013; E. PUBLIC WORKS COMMITTEE – June 26th 2013; F. REQUEST – Use of beach area on St. Feriole Island for the Prairie du Chien Area Chamber of Commerce’s Annual Fireworks Display (July 13th); G. OPERATORS LICENSES (if any) **ACTION:** To approve the consent agenda **MOTION:** Pintz **SECOND:** Gilberts **VOTE:** 12-0

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

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

Kramer informed the Council a decision on the possible closing of the Haydn Street railroad crossing is expected sometime the week of July 8<sup>th</sup>.

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

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

#### A. FINANCE – Claims

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

#### B. FINANCE - Proposal for use of 2012 Surplus Funds

The City had a surplus of \$244,686 in the 2012 budget. Under the recent adopted resolution that addressed this and future surpluses, \$35,345 will be placed in the Compensated Absences Reserve Account. An additional \$106,037 is available for equipment and infrastructure projects. Staff is proposing the funds be used to grind and overlay 15th Street from Wells to Campion (or as far as the funds allow). Any remaining funds will be used for equipment purchases later this summer or fall. ACTION: To approve the allocation of the 2012 surplus funds as follows: 1) \$35,345 to the Compensated Absences Reserve Account, 2) \$106,037 to the South 15<sup>th</sup> Street project, and 3) the use of any funds remaining after the South 15<sup>th</sup> Street project for equipment purchases to be recommended by the City Administrator and acted on at a later date MOTION: Wagar SECOND: Gilberts VOTE: 12-0

#### C. PUBLIC WORKS - Authorization to bid project on South 15th Street

This project would consist of a milling/pulverizing and asphalt paving of South 15th Street from Wells Street to Campion Boulevard. Funds would come from the city's 2012 budget surplus (see above agenda item). Work would be done later this summer or fall. ACTION: To approve bidding out the South 15<sup>th</sup> Street project MOTION: Kozelka SECOND: Their VOTE: 12-0

#### D. PUBLIC WORKS - Awarding of Bids for the 22nd Street/Woodridge Acres Project

Kurt Muchow (Vierbicher) reviewed the bids for the project, which were opened last week. He stated the total project cost of \$3,861,051.20 (with the proposed alternates) was \$11,051.20 over the amount borrowed for the project. City Administrator Kramer said the amount over the borrowed amount could be funded with existing funds from TID #6. ACTION: To approve the awarding of Contract A (Lessard, 22<sup>nd</sup> Street and Campion Boulevard) and Contract B (Woodridge Acres) to H. James and Sons (Fennimore, WI), with the following alternates: 1) the use of C-900 material for the water mains, 2) the construction of a pedestrian asphalt trail on Campion Boulevard, and 3) the reconstruction of Brunson Street as the final portion of the project if adequate funds remain MOTION: Kozelka SECOND: Pintz VOTE: 12-0

#### E. PUBLIC WORKS – Professional Service Agreement Amendment with Vierbicher for the 22nd Street/Woodridge Acres Project

The amendment adds the following to the original PSA: 1) Campion Street Reconstruction – Design, 2) Brunson Street reconstruction – Design, and 3) Construction phase services. The Campion and Brunson design fees equal 4.5% of the estimated construction budget. This is lower than the overall design fee percentage of 5.1%. The fee for the construction phase services is equal to 4.2%. Overall, the total fees represent 9.3% of the construction budget and are roughly \$25,000 less than budgeted. ACTION: To approve the amendment MOTION: Kozelka SECOND: Wagar VOTE: 12-0

### **VII. OLD BUSINESS**

#### A. PUBLIC WORKS/PLAN COMMISSION – Ordinance 2013-18 (CREATING SECTION 18.12 (WOODRIDGE ACRES REGULATIONS) OF THE MUNICIPAL CODE)

The Council had a first reading of the Ordinance on June 18th. ACTION: To amend Section 22 (b) (Antennas) to read as follow: All other TV antennas shall be permitted as long as they are located on a tower located in the backyard of the home, adjacent to the home, and have a height that does not exceed three (3) feet above the highest point of the roof MOTION: Pintz SECOND: Kozelka VOTE: 12-0 ACTION: To amend Section 3 (d) (Land Use) to read as follows: All dwellings shall have a roof pitch of not more than 6/12 on the main roofline and shall be constructed of either shake-like or tile-like shingles or a metal roof with hidden fasteners or

standing seams, or better quality. MOTION: Leys SECOND: Thein VOTE: 12-0 ACTION: To approve Ordinance 2013-18 as amended MOTION: Pintz SECOND: Wagar VOTE: 11-1 (Fleshner opposed)

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

**A. DISCUSSION AND ACTION – Acceptance of Wisconsin Smart Fleet Grant**

The Public Works Department has received a \$500 grant from the State Energy Office (SEO), in partnership with Wisconsin Clean Cities (WCC). These funds will be used to do a fleet maintenance and energy conservation analysis, with the goal being to improve the energy efficiency of our overall fleet. ACTION: To accept the grant MOTION: Titlbach SECOND: Solomon VOTE: 12-0

**B. DISCUSSION AND ACTION – Storage of railroad cars on St. Feriole Island**

Alderman Leys has requested a discussion on the storage of the cars and what the City's options are. The City Administrator and Mayor reviewed their discussions with Wisconsin Southern and how they have expressed their concerns about the storage on the Island. They also informed the Council that they is little the City can do as far as forcing the railroad to stop storing cars on the Island, and felt it was better to try and reason with the railroad. They stated they will continue to monitor the situation and continue to relay the City's concerns to the railroad. No formal action was taken.

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

On June 18th, the Council approved the following motion: ACTION: To hold a public hearing on a finding of no public need for municipal property located in the 900 block of South 1st Street MOTION: Pintz SECOND: Solomon VOTE: 9-1 (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. Pintz objected to the request to change the vote. ACTION: To permit Boylen to change her vote from "no" to "yes" on June 18<sup>th</sup> motion MOTION: Titlbach SECOND: Ames VOTE: 11-1 (Pintz opposed)

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

**IX. ADJOURN (8:02 PM)**

MOTION: Thein SECOND: Solomon VOTE: 12-0

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Dave Hemmer, Mayor

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Submitted by City Administrator Aaron Kramer

**ORDINANCES PASSED**

**\* Ordinance 2013-18 (CREATING SECTION 18.12 (WOODRIDGE ACRES REGULATIONS) OF THE MUNICIPAL CODE)**

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