

Common Council Meeting (October 1st 2013)

A regular meeting of the Common Council of the City of Prairie du Chien was held on Tuesday October 1st 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 members present, with one vacant seat **Certification of the open meeting law agenda requirements and approval of the agenda** – MOTION: Solomon SECOND: Thein VOTE: 11-0 **Pledge of Allegiance** – Led by Kyle Kozelka

I. PUBLIC HEARINGS AND PRESENTATIONS

A. PUBLIC HEARING – Amended 2013 Budget

Hemmer opened the public hearing at 7:03 PM. City Administrator Kramer reviewed the proposed amended budget. No one from the public addressed the Council. Hemmer closed the hearing at 7:10 PM

B. ACTION of aforesaid agenda item – Approval of amended 2013 Budget

ACTION: To approve the amended 2013 budget MOTION: Solomon SECOND: Wagar VOTE: 11-0

Without objection, the agenda was moved:

VI. COMMITTEE REPORTS AND ACTIONS

D. PUBLIC WORKS – Request by James & Mary Jo Noel for approval/easement to use unopened alley for access to their property at 409 S. State Street, Union Plat, Block 134

The Noels (409 South State Street) are requesting an easement in the public right-of-way from the City to allow him to make repairs to an alley and maintain private access to a garage. ACTION: To approve the request by James & Mary Jo Noel for approval/easement to use unopened alley for access to their property at 409 S. State Street, Union Plat, Block 134 MOTION: Kozelka SECOND: Pintz VOTE: 11-0

I. PUBLIC HEARINGS AND PRESENTATIONS

C. PRESENTATION – Trail of Presidents on St. Feriolo Island

Tom Nelson provided an update to the Council on the project, which is scheduled for 2014. A map of the proposed sites for the trees and a description of the project were included in the packet.

D. ACTION on aforesaid agenda item

ACTION: To approve the proposed location of the Trail of Presidents on St. Feriolo Island MOTION: Gilberts SECOND: Leys VOTE: 11-0

E. DISCUSSION AND ACTION – Resolution 2013-34 (COMMENDING THE SERVICE OF JUDEEN AMES ON THE COMMON COUNCIL OF THE CITY OF PRAIRIE DU CHIEN)

This resolution honors Alderwoman Ames, whose resignation was official on September 30th, for her service on the Common Council. Ames addressed the Council and thanks the Council and City staff for their support and work while she was on the Council. ACTION: To approve Resolution 2013-34 MOTION: Kozelka SECOND: Wagar VOTE: 11-0

F. DISCUSSION AND ACTION – Resolution 2013-36 (DESIGNATING THE WEEK OF OCTOBER 6TH TO OCTOBER 12TH 2013 AS FIRE PREVENTION WEEK IN THE CITY OF PRAIRIE DU CHIEN)

ACTION: To approve Resolution 2013-36 MOTION: Pintz SECOND: Solomon VOTE: 11-0

G. DISCUSSION AND ACTION – City Contribution to Vineyard Coulee Road Project

The Town of Bridgeport is asking the City to contribute \$179,333 toward the reconstruction of Vineyard Coulee Road in 2014. County Highway Commissioner Dennis Pellock and Bridgeport

Town Chairman John Karnopp addressed the Council on the request. Information on the project costs and a breakdown of how the costs are being proposed to be divided was included with the packet. Considerable discussion was held on the hospital's \$100,000 contribution to the project, which the Town intends to use to offset their costs and not share with the City. Karnopp said the Town did not intend to do the project when it initially ACTION: To table any decision on the City's contribution to the project, and direct staff to negotiate a possible cost-sharing arrangement for the project MOTION: Fleshner SECOND: Leys VOTE: 11-0

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

C. DISCUSSION AND ACTION – Request for extension of utilities in Woodridge Acres

Brian Edwards is requesting that the water and sewer utilities in Woodridge Acres be extended in two of the three cul-de-sacs to service his adjacent properties. The Public Works Committee rejected this proposal in May (minutes included in packet). Edwards addressed the Council on the request. ACTION: To approve the request from Brian Edwards for the extension of utilities in Woodridge Acres, contingent on Edwards paying the City \$14,878 by Friday October 4th, and then a final settlement to be adjusted accordingly once the final bill is received MOTION: Wagar SECOND: Jones VOTE: 11-0

II. CONSENT AGENDA

A. COUNCIL MINUTES – September 17th 2013;; B. FINANCE COMMITTEE – September 17th 2013; C. NORTHERN ENGRAVING COMMITTEE – November 8th 2012; D. NORTHERN ENGRAVING COMMITTEE – September 11th 2013; E. PARK BOARD – July 24th 2013; F. REDEVELOPMENT AUTHORITY – August 28th 2013; G. PUBLIC WORKS COMMITTEE – September 17th 2013; H. OPERATORS LICENSES (if any); I. CHANGE OF AGENT – Craig Atkinson (Dancindy Enterprises, LLC.); J. CLASS B BEER/LIQUOR LICENSE – Leisure Time Sportsbar & Bowl LLC; K. OKTOBERFEST 2013 – October 19th 2013 on St. Feriole Island (This would be for a 3-year commitment between the City and Oktoberfest). The City Administrator requested item K be pulled. ACTION: To approve the Consent Agenda minus Item K MOTION: Pintz SECOND: Gilberts VOTE: 11-0

III. ITEMS REMOVED FROM CONSENT AGENDA

K. OKTOBERFEST 2013 – October 19th 2013 on St. Feriole Island (This would be for a 3-year commitment between the City and Oktoberfest). Tony Rangel and Tom Nelson reviewed the schedule of events with the Council. ACTION: To approve Consent Agenda Item K MOTION: Pintz SECOND: Wagar VOTE: 11-0

IV. CITY ADMININSTRATOR'S REPORT – No formal action taken

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

VI. COMMITTEE REPORTS AND ACTIONS

A. FINANCE – Claims

ACTION: To approve MOTION: Thein SECOND: Solomon VOTE: 11-0

B. FINANCE – Resolution 2013-33 (DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING)

The City's Financial Advisor (PFM) has recommended that the City adopt a reimbursement resolution which would preserve the City's right, but not require the City, to borrow funds to finance the acquisition of properties involved in the Marquette Road project, which the Council approved at its September 17th meeting. This would allow the acquisitions to be possibly financed on a tax exempt basis, preserving the TID District's funds for either new projects not

eligible for tax exempt financing or for paying down the existing taxable CDA debt. ACTION: TO approve Resolution 2013-33 MOTION: Pintz SECOND: Thein VOTE: 11-0

C. PUBLIC WORKS – Lead Operator Position in Street Department

A proposed job description for the position was discussed. Staff outlined the process and timetable for filling the position at the meeting. ACTION: To approve the creation of a lead operator position in the Street Department, to begin on January 1st 2014 MOTION: Kozelka SECOND: Pintz VOTE: 11-0

E. PUBLIC WORKS – Stop Signs on Overview and Rice and Overview and Glenn

Staff was requesting that stop signs be approved for installation on Overview and Rice and Overview and Glenn Streets now that the reconstruction of those streets is complete. Discussion was held on whether there had been enough time for public input on the proposal. The City Administrator suggested that the Council could vote tonight as a first reading, then bring the item back on October 15th for a second and final reading. ACTION: To approve the installation of stop signs on Overview Court and Rice Street, and Overview Court and Glenn Street MOTION: Kozelka SECOND: Solomon VOTE: 8-3 (Thein, Fleshner and Titlbach opposed)

F. PUBLIC WORKS - Application for the Hazard Mitigation program

In conjunction with the August 8th Presidential Disaster Declaration, Wisconsin received +/- \$1.8 million for this program. The pre-application is due on October 11th. The project to be included in the pre-application are the two detention basins that we included in the presentation made to the Council at its September 17th meeting. FEMA funds 75%, the State funds 12.5% and 12.5% comes from local funds. The CDBG program can fund the 12.5% local share. ACTION: To approve applying for the grant MOTION: Solomon SECOND: Gilberts VOTE: 11-0

G. NORTHERN ENGRAVING COMMITTEE – Proposal for Northern Engraving Site

The report of the Committee was presented to the Council, which includes short-term and long-term proposals for the redevelopment of the property. ACTION: To accept the Committee report MOTION: Titlbach SECOND: Solomon VOTE: 11-0 ACTION: To direct staff to remove the fencing at the Northern Engraving site on the southern and eastern borders of the site, and to direct the Public Works Committee and Park Board to investigate the recycling of the fencing as part of a possible pet park on the former radio station site northeast of the Northern Engraving site, and to direct staff to install a temporary parking lot, made with crushed rock or paving material, at the southwest edge of the site MOTION: Titlbach SECOND: Leys VOTE: 11-0

VII. OLD BUSINESS - None

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

A. DISCUSSION AND ACTION – Development of the multi-family portion of the Woodridge Acres subdivision

The intent of the developing the parcel located west of 22nd Street in the Woodridge Acres subdivision (9.18 acres) was to create a multi-family (duplexes and/or apartments) project. Staff was recommending the Council sell that parcel to the Redevelopment Authority (RDA) in order for the RDA to begin the development process. ACTION: To direct the City Attorney and staff to draft the paperwork necessary to sell the parcel to the RDA MOTION: Solomon SECOND: Gilberts VOTE: 11-0

B. DISCUSSION AND ACTION – City Administrator’s Report on Public Information Meetings regarding the proposed resort area sales tax

A report from the City Administrator on the two meetings held September 19th, as well as recommendations, was included in the packet. The City Administrator recommend the Council table the proposal for now, based on opposition in the local business community and the lack of support to move the legislation forward in the Wisconsin Senate and Assembly ACTION: To table the proposed resort area sales tax MOTION: Leys SECOND: Their VOTE: 10-1 (Pintz opposed)

D. DISCUSSION AND ACTION – Quiet Zone on the Wisconsin Southern Railroad (WSOR) Corridor

The Mayor and staff were seeking feedback from the Common Council on whether or not to proceed with the application process for a Quiet Zone Designation on the WSOR tracks within the City limits. The City is currently in the process of applying for a permanent Quiet Zone designation for the BNSF tracks in the City. An attachment from WSOR regarding the blowing of train horns was included in the packet. Discussion was held on the proposal. ACTION: To direct City staff to investigate the feasibility of applying for a Quiet Zone designation for the WSOR line in the City of Prairie du Chien MOTION: Fleshner SECOND: Gilberts VOTE: 11-0

E. DISCUSSION AND ACTION – Writ of Mandamus regarding Haydn Street crossing

The City Administrator was requesting that the Council approve the filing of a Writ of Mandamus to compel the Office of Commissioner of Railroads to release the findings of the Haydn Street crossing hearing held earlier this year. ACTION: To direct the City Attorney to draft the Writ of Mandamus regarding the Haydn Street crossing decision MOTION: Wagar SECOND: Solomon VOTE: 11-0

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

G. ADJOURN into closed session (9:15 PM)

ACTION: To go into closed session 1) Under Wisconsin 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. RE: Block 43 litigation; 2) Under Wisconsin 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: Business Expansion Assistance, and 3) Under Wisconsin 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. RE: Utility Ownership Issue before the Public Service Commission involving the City of Prairie du Chien and the Town of Bridgeport MOTION: Pintz SECOND: Solomon VOTE: 11-0

H. CONVENE into open session (9:50 PM)

MOTION: Solomon SECOND: Wagar VOTE: 11-0

I. ACTION from closed session

ACTION: To direct the City Attorney and staff to draft a Developers' Agreement between Sut Hill and the City of Prairie du Chien MOTION: Solomon SECOND: Their VOTE: 11-0

IX. ADJOURN (9:51 PM)

MOTION: Their SECOND: Solomon VOTE: 11-0

Dave Hemmer, Mayor

Submitted by City Administrator Aaron Kramer

RESOLUTIONS APPROVED

*** Resolution 2013-33 (DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING)**

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