

Common Council Meeting (October 15th 2013)

A regular meeting of the Common Council of the City of Prairie du Chien was held on Tuesday October 15th 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** – Kyle Kozelka absent, with one vacant seat **Certification of the open meeting law agenda requirements and approval of the agenda** – MOTION: Solomon SECOND: Thein VOTE: 10-0 **Pledge of Allegiance** – Led by Nate Gilberts

I. PUBLIC HEARINGS AND PRESENTATIONS

A. PUBLIC HEARING – Revocation of Class “B” Intoxicating Liquor and Class “B” Fermented Malt Beverage Licenses

On June 26th, the Council approved the issuing of the alcohol licenses for the new owners of the former Kabers’ Restaurant. Under City Ordinance 12.02 (10) (e), “(w)ithin 90 days after the issuance of a "Class A" retail liquor license or a "Class B" intoxicating liquor license or a Class "B" fermented malt beverage license, the licensee shall be open for business with adequate stock and equipment. Upon his failure to do business within such time, his license shall be subject to revocation by the Council after a public hearing. The Council may, for a good cause shown, extend such 90 day period.” Hemmer opened the public hearing at 7:04 PM. The City Administrator spoke on behalf of the owners, Angie and Steve Jones, and said they had run into some unexpected delays in opening the new business. He recommended the Council not revoke the licenses and provide an extension to December 31st. No one else addressed the Council. Hemmer closed the public hearing at 7:08 PM

B. ACTION of aforesaid agenda item

ACTION: To extend the deadline for the Blackhawk LLC to utilize their Class “B” Intoxicating Liquor and Class “B” Fermented Malt Beverage Licenses to December 31st 2013 MOTION: Pintz SECOND: Solomon VOTE: 9-0-1 (Jones abstained)

C. DISCUSSION AND ACTION – Filling Vacancy in the Sixth Aldermanic District

Alderwoman Ames’ resignation took effect on September 30th. The Council approved filling the vacancy after receiving applications for eligible residents. Four candidates filed for the position – Lowell Forde, Gene Carlson, Todd Myers and Christa Morrison. The term will run through April 2014. Hemmer informed the Council that Morrison had withdrawn from consideration earlier in the day. The three remaining candidates addressed the Council. A paper ballot vote was taken – Todd Myers (6 votes), Gene Carlson (4 votes), Lowell Forde (0 votes). Following the vote, the oath of office was administered to Myers by the City Administrator.

II. CONSENT AGENDA

A. COUNCIL MINUTES – October 1st 2013; B. FINANCE COMMITTEE – October 1st 2013; C. REDEVELOPMENT AUTHORITY – September 25th 2013; D. PUBLIC WORKS COMMITTEE – October 1st 2013; E. DESIGN AND PRESERVATION COMMISSION – May 22nd 2013; F. FIRE CHIEF’S REPORT – Third Quarter 2013 and September 2013; G. POLICE CHIEF’S REPORT – Third Quarter 2013; H. LEASE – With Scream Xtreme for the use of the Cedar Building; I. OPERATORS LICENSES (if any). Titlbach asked for item H to be pulled. ACTION: To approve the Consent Agenda minus item H MOTION: Pintz SECOND: Thein VOTE: 11-0

III. ITEMS REMOVED FROM CONSENT AGENDA

H. LEASE – With Scream Xtreme for the use of the Cedar Building. Titlbach had some questions about the lease and what exactly was being leased by Scream Xtreme. ACTION: To approve Consent Agenda Item H MOTION: Titlbach SECOND: Wagar VOTE: 10-0-1 (Gilberts abstained)

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 the claims MOTION: Thein SECOND: Gilberts VOTE: 11-0

B. FINANCE – Resolution 2013-35 (WRITING OFF UNCOLLECTIBLE ACCOUNTS RECEIVABLE)

ACTION: To approve Resolution 2013-35 MOTION: Thein SECOND: Solomon VOTE: 11-0

C. FINANCE – 2011-2013 Capital Budget

Discussion was held on finishing out the 2011-2013 Capital Budget. ACTION: To direct staff to proceed with closing out the 2011-2013 Capital Budget MOTION: Solomon SECOND: Gilberts VOTE: 11-0

D. PUBLIC WORKS – Request to Bid Out ¾-ton, 2-wheel drive utility truck (WWTP)

ACTION: To approve the request to bid out ¾-ton, 2-wheel drive utility truck (WWTP) MOTION: Pintz SECOND: Solomon VOTE: 11-0

E. PUBLIC WORKS – Request to Bid Out ¾-ton, 2-wheel drive utility truck (Water Department)

ACTION: To recommend the Council approve the request to bid out ¾-ton, 2-wheel drive utility truck (Water Department) MOTION: Solomon SECOND: Pintz VOTE: 11-0

F. PUBLIC WORKS - Phosphorous Testing Proposal for Wastewater Facility

The State of Wisconsin DNR new surface water quality standards for phosphorus will affect the City's WPDES permit renewal when the current permit expires on June 30, 2015. The wastewater staff and DNR representatives met with a firm on September 26th that has developed a product that has shown to be very effective in removal of phosphorus from the waste stream (both influent and effluent) and may be an option for meeting the future needs and requirements of the facility and DNR. Meyer discussed the proposed pilot program. ACTION: To approve the request to approve implementation of a pilot program to test a new phosphorous-removal product in real time applications at the wastewater facility and possibly point source locations in the collection system MOTION: Solomon SECOND: Wagar VOTE: 11-0

G. PUBLIC WORKS – Signage in North Gateway Business Park (TID #6)

Staff was seeking permission to spend up to \$5,000 (TID #6 funds) to construct two signs in the park to advertise that land is for sale. Bob McDonald (Prairie du Chien Economic Development Corporation) presented the Public Works Committee a conceptual sign design that would cost \$3,600 for two large signs. ACTION: To allocate \$3,600 from TID #6 for the installation of two signs, designed and installed by Fred Ketter, in TID #6 MOTION: Pintz SECOND: Solomon VOTE: 11-0

VII. OLD BUSINESS

A. PUBLIC WORKS – 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. The item was tabled at the last Council meeting. City staff told the Council that the project does not need to be done in 2014, and could be done as late as 2016. The City Administrator stated that Town Board had met last week, and, based on a letter from Crawford County Highway Commissioner Dennis Pellock, was not willing to share the \$100,000 contribution to the project from the Prairie du Chien Memorial Hospital. City Planner Frable also provided evidence that some of the roadway that the town claims is in the City is in fact in

the township, therefore the calculations of what percentage the City should be asked to contribute may be incorrect. ACTION: To direct staff to continue discussions with the Town of Bridgeport on the proposed project, but not commit to any work being done prior to 2016 MOTION: Solomon SECOND: Pintz VOTE: 11-0

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

A. DISCUSSION AND ACTION – Haydn Street Crossing Ruling

On October 8th, the Office of Commissioner of Railroads issued a proposed decision to close the Haydn Street crossing no later than January 15th 2014. There is a 15-day period for written comments in support or in opposition to the decision, before a final ruling is issued. The City Administrator and City Attorney reviewed what options remain for the Council, which has opposed the proposed closing, to consider. ACTION: To direct City staff to draft a letter of opposition to the proposed decision, specifically requesting a delay of the closing until after the Marquette Road project is completed MOTION: Titlbach SECOND: Leys VOTE: 11-0

B. DISCUSSION AND ACTION – Resolution 2013-37 (SUPPORT OF THE FOX-WISCONSIN HERITAGE PARKWAY)

ACTION: To approve Resolution 2013-37 MOTION: Fleshner SECOND: Gilberts VOTE: 11-0

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

The City Administrator stated he was working on a proposal for the Council to consider in the next few months to streamline the agenda for Council meetings.

D. ADJOURN into closed session (7:56 PM)

ACTION: To go into closed session 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, and 2) 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: Solomon SECOND: Wagar VOTE: 11-0

E. CONVENE into open session (8:20 PM)

MOTION: Pintz SECOND: Solomon VOTE: 11-0

F. ACTION from closed session - None

IX. ADJOURN (8:22 PM)

MOTION: Solomon SECOND: Wagar VOTE: 11-0

Dave Hemmer, Mayor

Submitted by City Administrator Aaron Kramer

RESOLUTIONS APPROVED

* Resolution 2013-35 (WRITING OFF UNCOLLECTIBLE ACCOUNTS RECEIVABLE)

* Resolution 2013-37 (SUPPORT OF THE FOX-WISCONSIN HERITAGE PARKWAY)