

Common Council Meeting (November 19th 2013)

A regular meeting of the Common Council of the City of Prairie du Chien was held on Tuesday November 19th 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** – Jean Titlbach and Kyle Kozelka absent **Certification of the open meeting law agenda requirements and approval of the agenda** – MOTION: Thein SECOND: Solomon VOTE: 10-0 **Pledge of Allegiance** – Led by Ron Leys

I. PUBLIC HEARINGS AND PRESENTATIONS

A. PUBLIC HEARING - City of Prairie du Chien's application to the Wisconsin Department of Transportation for a grant in the amount of \$311,310 under the Supplemental Transportation Rural Assistance Program (STRAP)

The funds would be used to continue the fixed-route commuter bus service, with three routes - each route running multiple times per day operating five days per week. The program serves commuters, elderly/disabled residents, and the general population with service to the Cities of Prairie du Chien, Viroqua, and La Crosse and all municipalities along the major highway routes. Hemmer opened the public hearing at 7:06 PM. City Planner Frable reviewed the proposal. Hemmer closed the public hearing at 7:08 PM.

B. ACTION on aforesaid agenda item

ACTION: To approve the City of Prairie du Chien's application to the Wisconsin Department of Transportation for a grant in the amount of \$311,310 under the Supplemental Transportation Rural Assistance Program (STRAP) MOTION: Thein SECOND: Wagar VOTE: 10-0

II. CONSENT AGENDA

A. COUNCIL MINUTES – November 5th 2013; B. FINANCE COMMITTEE – November 5th 2013; C. BOARD OF ZONING APPEALS – July 31st 2013; D. PUBLIC WORKS COMMITTEE – October 15th 2013; E. PERSONNEL COMMITTEE – August 13th 2013; F. DESIGN AND PRESERVATION COMMISSION – October 30th 2013; G. PLAN COMMISSION – October 21st 2013; H. FIRE CHIEF'S REPORT – October 2013; I. OPERATORS LICENSES (if any) ACTION: To approve the Consent Agenda MOTION: Pintz SECOND: Solomon VOTE: 10-0

III. ITEMS REMOVED FROM CONSENT AGENDA - None

IV. CITY ADMINISTRATOR'S REPORT

The City Administrator informed the Council that the City's Safe Water Loan application (\$519,305) for the Marquette Road project has been approved.

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

VI. COMMITTEE REPORTS AND ACTIONS

A. FINANCE – Claims

ACTION: To approve MOTION: Thein SECOND: Gilberts VOTE: 10-0

B. FINANCE – Proposed 2014 Budget

The City Administrator asked for the following items to be added to the budget: 1) Increase the contribution to the Chamber of Commerce by \$2,500 to provide additional funds for the 2014 fireworks presentation. This would bring our contribution level to the amount requested by the Chamber (\$4,000), 2) Four (4) Protective Plate Carriers (Police Department) - \$784, 3) Four (4) Level Four Rifle Graded Plates (Police Department) - \$1,392, 4) Increase contribution level to the Ft. Crawford Museum to \$3,500 - \$500, 5) Increase contribution to Prairie du Chien Economic Development Corporation to \$7,500 to fund re-use study for the current Prairie du Chien

Memorial Hospital site - \$3,750, and; 6) Purchase (1) set of turnout gear for the Fire Department - \$2,000. The tax levy increase would remain at 1.5 percent. ACTION: To approve the proposed 2014 budget with the changes proposed and set the date for the public hearing for December 3rd at 7:00 PM MOTION: Their SECOND: Wagar VOTE: 10-0

C. FINANCE – Request to bid out auditing services

ACTION: To authorize bidding out the auditing services for a 5-year period (2014-2018)
MOTION: Gilberts SECOND: Fleshner VOTE: 10-0

D. FINANCE/PUBLIC WORKS – Awarding of Bid for ¾-ton, 2-wheel drive utility truck (WWTP)

ACTION: To approve awarding the bid to Sleepy Hollow (Viroqua, WI) for \$26,772 MOTION: Wagar SECOND: Solomon VOTE: 10-0

E. FINANCE/PUBLIC WORKS – Awarding of Bid for ¾-ton, 2-wheel drive utility truck (Water Department)

ACTION: To recommend the Council approve awarding the bid to Sleepy Hollow (Viroqua, WI) for \$25,427 MOTION: Pintz SECOND: Their VOTE: 10-0

F. FINANCE/PUBLIC WORKS – Approval of three-year contract for root removal service in sanitary sewer system

Funds would come from the 2014-2016 Capital Budget. ACTION: To approve a 3-year contract with Dukes Root Control (2014-2016), at \$10,000 per year, to remove roots from the sanitary sewer collection system MOTION: Pintz SECOND: Gilberts VOTE: 10-0

G. FINANCE – 2012 Budget Surplus

The Council earlier this year approved spending \$106,986, from the 2012 budget surplus to mill and pave a portion of South 15th Street. The project came in \$19,521 under budget. Staff is requesting the remaining funds be used to complete the construction of a storage building at the Street Department, and approximately \$2,700 in equipment purchases and minor building repairs. ACTION: To approve the following expenditures: 1) \$12,000.00 of the remaining funds be used to place the “Car Quest” building on a foundation and footings at the Street Department for an additional storage garage; 2) approximately \$1,500.00 for purchase of 1 new chainsaw, 1 new pole saw and 2 new weed trimmers to be used in the streets and parks departments to replace this aging equipment; 3) approximately \$1,200 to repair and/or replace an entrance door, front shop overhead door and 2 door openers at the Street Dept. garage; and 4) direct the City Administrator and Co-Public Works Managers to spend the remaining \$2,404.14 on equipment replacement for the Street Department and report back to the Committee and/or Council on the expenditures MOTION: Solomon SECOND: Leys VOTE: 10-0

H. FINANCE – Closeout of 2011-2013 Capital Budget

Staff presented an update on the last remaining projects and requested approval to move ahead with purchasing. ACTION: To approve the final closeout items for the 2011-2013 Capital Budget MOTION: Their SECOND: Gilberts VOTE: 10-0

I. PUBLIC WORKS – Appointment of temporary Operator-In-Charge at the wastewater treatment plant

With the impending absence of Terry Meyer due to medical reasons, he is requesting that Glen Goodrich be appointed temporary “Operator in Charge” at the wastewater plant. ACTION: To appoint Glen Goodrich as the temporary Operator-in-Charge during the absence of Terry Meyer, and increase Goodrich’s salary by \$1.50 per hour during the appointment MOTION: Wagar SECOND: Solomon VOTE: 10-0

J. PUBLIC WORKS/PERSONNEL – Lead Operator Position at the Wastewater Treatment Facility

A job description was included in the packet. Terry Meyer explained the need for the position
ACTION: To approve the lead operator position at the Wastewater Treatment Plant, effective January 1st 2014, with an increase of \$1.50 per hour to the individual selected MOTION: Pintz
SECOND: Solomon VOTE: 10-0

K. PUBLIC WORKS - Ordinance 2013-24 (CREATING CHAPTER 9.35 (DEPOSIT OF REFUSE) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

This Ordinance would prohibit the depositing of any refuse in or upon any public property, public beach, public alley, street, or highway, sidewalk, park or other public place in the City, as well as specifically address the illegal disposal of fish waste. The Ordinance also includes the first “reward” clause for individuals who report violators of the ordinance. The Committee recommended a first reading (tonight) and second reading (December 3rd) on this ordinance.
ACTION: To hold a second reading on the ordinance on December 3rd MOTION: Pintz SECOND: Wagar VOTE: 10-0

L. PUBLIC WORKS – Update on the Vineyard Coulee Project with Town of Bridgeport

The Bridgeport Town Board met with the Public Works Committee last week to discuss the Vineyard Coulee project. The Town of Bridgeport is asking the City to contribute \$179,333 toward the reconstruction of Vineyard Coulee Road in 2014. Kramer informed the Council that Crawford County Highway Commissioner Denny Pellock told the Committee that the Town intended to keep the \$100,000 contribution from the hospital, and was still requesting the City pay \$179,333 toward the project. Committee members had questioned why the Town would not share the hospital funds, and Pellock stated that the Town might consider the City Administrator’s request to share 32 percent of the funds, but then the Town planned to reduce the amount of the state grant it shared with the City. This would reduce the City’s share to \$176,476. Committee members and Mayor Hemmer asked Pellock and the Town why they did not approach any other adjacent businesses or consider assessments for everyone. Pellock stated that the Town did not choose to do that. Kramer said the City is disputing the actual amount of road surface the City should be assessed for, and stated the City’s share should be \$88,855 (without any additional funds from the Hospital). Kramer stated that the City was not disputing the actual linear footage of the project, only the amount that was actually assessable to the City. City Planner Frable said he had contacted the Wisconsin Department of Transportation today and confirmed that a portion of the road the Town was assessing to the City was, in fact, in the town of Bridgeport. ACTION: To table the decision MOTION: Pintz SECOND: Fleshner VOTE: 9-1 (Myers opposed)

M. PERSONNEL – Policy 2011-05 (RELATING TO THE USE OF CITY FACILITIES)

Staff is requesting a minor change to the current policy governing employee usage of city facilities. The new language would prohibit the storage of any personal property or possessions in city facilities without department head approval. Pintz said he felt there should no exceptions to the policy. ACTION: To adopt the change to Policy 2011-05 to prohibit the storage of any personal property or possessions in city facilities without department head approval MOTION: Solomon SECOND: Wagar VOTE: 8-2 (Boylen and Pintz opposed)

N. PLAN COMMISSION – Certified Survey Map being a part of Blocks 80 and 81 and the adjacent vacated streets of the Plat of Lower Prairie du Chien, located in Farm Lots 37, 38 and 39 of the Private Land Claims at Prairie du Chien, City of Prairie du Chien, Crawford County, Wisconsin. – brought by the City of Prairie du Chien

ACTION: To approve the Certified Survey Map being a part of Blocks 80 and 81 and the adjacent vacated streets of the Plat of Lower Prairie du Chien, located in Farm Lots 37, 38 and 39 of the Private Land Claims at Prairie du Chien, City of Prairie du Chien, Crawford County, Wisconsin, – brought by the City of Prairie du Chien MOTION: Wagar SECOND: Solomon VOTE: 10-0

O. PLAN COMMISSION – Certified Survey Map located in Farm Lots 17 and 18 of the Private Land Claims at Prairie du Chien, City of Prairie du Chien, Crawford County, Wisconsin, – brought by Brian Dillman

ACTION: To approve the Certified Survey Map located in Farm Lots 17 and 18 of the Private Land Claims at Prairie du Chien, City of Prairie du Chien, Crawford County, Wisconsin, – brought by Brian Dillman MOTION: Gilberts SECOND: Wagar VOTE: 10-0

VII. OLD BUSINESS - None

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

A. DISCUSSION AND ACTION – Ordinance 2013-25 (RECREATING CHAPTER 2.03 (ORDER OF BUSINESS) AND CHAPTER 2.05 (COUNCIL RULES OF PROCEDURE) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

ACTION: To approve Ordinance 2013-25, and direct the City Administrator to make the ordinance gender-neutral MOTION: Pintz SECOND: Solomon VOTE: 10-0

B. DISCUSSION AND ACTION – Ordinance 2013-26 (RECREATING CHAPTER 22.19 (5) (HEALTH REIMBURSEMENT ACCOUNT) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

The City Administrator requested no action be taken, and said the Ordinance would be brought back to the Council on December 3rd.

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

D. ADJOURN into closed session (8:14 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: Notice of Circumstances Given Rise to Claim against the City of Prairie du Chien, RE: Block 43 litigation, RE: Utility Ownership Issue before the Public Service Commission involving the City of Prairie du Chien and the Town of Bridgeport MOTION: Solomon SECOND: Their VOTE: 10-0

E. CONVENE into open session (8:34 PM)

MOTION: Solomon SECOND: Wagar VOTE: 10-0

F. ACTION from closed session

ACTION: To reject the claim of Sara Seitz, Roger Seitz and an unnamed minor against the City of Prairie du Chien MOTION: Solomon SECOND: Wagar VOTE: 10-0

ACTION: To reject the proposal from the Public Service Commission regarding the utility ownership issue (hospital water main) before the Public Service Commission involving the City of Prairie du Chien and the Town of Bridgeport, and direct staff to continue discussions MOTION: Solomon SECOND: Wagar VOTE: 10-0

IX. ADJOURN (8:35 PM)

MOTION: Thein SECOND: Jones VOTE: 10-0

Dave Hemmer, Mayor

Submitted by City Administrator Aaron Kramer

ORDINANCES APPROVED

*** Ordinance 2013-25 (RECREATING CHAPTER 2.03 (ORDER OF BUSINESS) AND CHAPTER 2.05 (COUNCIL RULES OF PROCEDURE) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)**