

## **Minutes of the Common Council - March 18th 2014**

A meeting of the City of Prairie du Chien Common Council was held on Tuesday March 18<sup>th</sup> 2014 at 7:00 PM in City Hall. Mayor Dave Hemmer called the meeting to order.

### **ITEMS TO BE ACTED UPON:**

**1. Call to order/Roll Call** – All members present

**2. Certification of the open meeting law agenda requirements and approval of the agenda** – MOTION: Thein SECOND: Solomon VOTE: 12-0

**3. Pledge of Allegiance** – Led by Ken Fleshner

**4. PUBLIC HEARINGS** - None

### **5. CONSENT AGENDA**

A. COUNCIL MINUTES – March 4th 2014; B. FINANCE COMMITTEE – March 4th 2014; C. BOARD OF ZONING APPEALS – February 19th 2014; D. PLAN COMMISSION – February 17th 2014; E. PUBLIC WORKS – March 4th 2014; F. JOINT MEETING OF THE AIRPORT BOARD AND PUBLIC WORKS – March 4th 2014; G. REDEVELOPMENT AUTHORITY – February 4th 2013; H. FIRE CHIEF'S REPORT – February 2014; I. OPERATORS LICENSES (if any) ACTION: To approve the consent agenda MOTION: Pintz SECOND: Wagar VOTE: 12-0

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

**7. CITIZENS' COMMENTS, RESOLUTIONS AND PRESENTATIONS** - None

### **8. CITY ADMINISTRATOR'S REPORT**

Kramer informed the Council that they have been invited to the dedication of the "Trail of President" trees on Arbor Day (Friday April 25<sup>th</sup> at 10 AM) on St. Feriole Island. He also reminded the Council about the Prairie Maison informational meeting on Thursday March 20<sup>th</sup> from 6:30 to 7:30 PM.

### **9. COMMITTEE REPORTS AND ACTIONS**

**A. FINANCE – Claims**

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

**B. PROTECTION AND HEALTH - Amending Chapter 9.02 (FIREARMS IN PUBLIC BUILDINGS)**

Councilmember Kozelka is requesting the Council consider a proposal which would permit conceal carry in City Hall. The Committee recommended the Council amend Chapter 9.02 (Firearms in Public Buildings) to remove the following language - or any person duly authorized by the Chief of Police, which conceal carry would not be permitted in any city building. Considerable discussion was held on the proposal. ACTION: To approve the Committee recommendation and approve Ordinance 2014-07 MOTION: Pintz SECOND: Leys VOTE: 7-5 (Thein, Kozelka, Myers, Wagar and Jones opposed)

**C. PUBLIC WORKS/AIRPORT BOARD - Airport Six-Year Improvement Plan**

A list of the proposed improvements (2014-2019) was reviewed. Leys said he was opposed to the plan as he felt the City was paying too much for an airport. ACTION: To approve the following items for the 2014-2019 Airport Improvement Plan (Projected cost – city share): 2014 – None; 2015 – Design terminal building (\$100,000 - \$5,000); 2016 – Rehabilitate and expand terminal building (\$550,000 - \$27,500); 2017 – Construct snow removal building (\$200,000 - \$17,500), Purchase snow removal equipment (\$166,667 - \$8,334), purchase mowing equipment or mowing attachment (\$20,000 - \$4,000); 2018 – Conduct wildlife site visit (\$6,000 - \$300); 2019 – Construct partial parallel taxiway to Runway 14/32 (\$1.15 million - \$57,500), Construct perimeter fence (\$500,000 - \$25,000) MOTION: Kozelka SECOND: Boylen VOTE: 11-1 (Leys opposed)

**D. PUBLIC WORKS/AIRPORT BOARD - RESOLUTION 2014-09 (APPROVING THE PROPOSED SIX-YEAR IMPROVEMENT PLAN AND STATEMENT OF INTENTIONS FOR THE PRAIRIE DU CHIEN AIRPORT)**

ACTION: To approve Resolution 2014-09 MOTION: Gilberts SECOND: Wagar VOTE: 12-0

Without objection, the agenda was moved:

I. PUBLIC WORKS – Lease with Regal Marine

Staff was recommending a 1-year extension, with an increase in the lease payment to \$2,877.06, with Regal Marine to operate the marina on St. Feriole Island. Denny Regal (Regal Marine) addressed the Council. ACTION: To approve a 1-year extension of the marina lease with Regal Marine with a lease payment for 2014 of \$2,877.06 MOTION: Kozelka SECOND: Pintz VOTE: 12-0

E. PUBLIC WORKS – Awarding of Bid for Sanitary Sewer Cured in Place Lining

Bids were opened on Thursday March 6th. The work would include the following sewers: South Wacouta between Wells and Parrish, Broadway between 15<sup>th</sup> and 14<sup>th</sup>, along with several wells. Meyer said that a complete reconstruction would cost \$400,000, and the lining has a 50-year warranty. The 2014 budget included \$50,000 for this project. ACTION: To award the bid to Michels Pipe (Brownsville, WI) for \$46,704 MOTION: Kozelka SECOND: Leys VOTE: 12-0

F. PUBLIC WORKS – Awarding of Bid for Roof Replacement at Storage Garage/Grit Building

Bids were opened on Thursday March 6th. The 2014-2016 Capital Budget included \$30,000 for this project. ACTION: To award the bid to K&L Construction (Bloomington, WI) for \$17,500 MOTION: Kozelka SECOND: Wagar VOTE: 12-0

G. PUBLIC WORKS - AMPI milk spill on February 15th 2014

The wastewater superintendent met with AMPI staff and a discussion on the affects to the wastewater treatment process, invoice based on the sewer use ordinance for excessive discharges and AMPI response. Planned modifications and changes to procedures were reviewed. Discussion was held on the bill, which totaled \$16,375.18. ACTION: To reduce the bill to \$8,187.18, and forgive ½ of the remaining balance if the planned modification are approved by July 1<sup>st</sup>, and forgive the remaining ½ of the remaining balance if no further spills occur before December 31<sup>st</sup> 2014 MOTION: Pintz SECOND: Titlbach VOTE: 11-1 (Leys opposed)

H. PUBLIC WORKS – Electrical Improvements at LaRiviere Park Horse Park

Proposed improvements to the electrical system at the horse park were reviewed. There is no budget impact. ACTION: To approve the proposed electrical improvements to the LaRiviere Park Horse Park MOTION: Kozelka SECOND: Gilberts VOTE: 12-0

J. PLAN COMMISSION – Certified Survey Map located in Farm Lots 39 & 40 of the Private Land Claims at Prairie du Chien, Town of Bridgeport, Crawford County, Wisconsin, also being Lot 2 of Crawford County Certified Survey Map Number 786, which is in the extraterritorial limits of the City of Prairie du Chien, Crawford County, Wisconsin – brought by Terrence & Vivian Thomas

ACTION: To approve the Certified Survey Map located in Farm Lots 39 & 40 of the Private Land Claims at Prairie du Chien, Town of Bridgeport, Crawford County, Wisconsin, also being Lot 2 of Crawford County Certified Survey Map Number 786, which is in the extraterritorial limits of the City of Prairie du Chien, Crawford County, Wisconsin – brought by Terrence & Vivian Thomas MOTION: Kozelka SECOND: Wagar VOTE: 12-0

K. PLAN COMMISSION- Certified Survey Map located in Lots 1-9, part of Lot 10, part of Lots 20-26, Lot 27, and part of Lot 28, Block 43, of the Union Plat of the City of Prairie du Chien, in Farm Lot 31 of the Private Land Claims at Prairie du Chien, City of Prairie du Chien, Crawford County, Wisconsin, – brought by the Redevelopment Authority (RDA) of the City of Prairie du Chien

ACTION: To approve the Certified Survey Map located in Lots 1-9, part of Lot 10, part of Lots 20-26, Lot 27, and part of Lot 28, Block 43, of the Union Plat of the City of Prairie du Chien, in Farm Lot 31 of the Private Land Claims at Prairie du Chien, City of Prairie du Chien, Crawford County, Wisconsin, – brought by the Redevelopment Authority (RDA) of the City of Prairie du Chien MOTION: Wagar SECOND: Kozelka VOTE: 12-0

L. PLAN COMMISSION – Certified Survey Map located in Farm Lots 15, 16, and 17 of the Private Land Claims at Prairie du Chien, City of Prairie du Chien, Crawford County, Wisconsin, also including Lot 3, Crawford County Certified Survey Map Number 1331– brought by the City of Prairie du Chien

ACTION: To approve the Certified Survey Map located in Farm Lots 15, 16, and 17 of the Private Land Claims at Prairie du Chien, City of Prairie du Chien, Crawford County, Wisconsin, also including Lot 3, Crawford County Certified Survey Map Number 1331– brought by the City of Prairie du Chien MOTION: Wagar SECOND: Pintz VOTE: 12-0

M. PUBLIC WORKS – TID 6 – Business Park Archaeological Investigations (Phase 1)

The remaining area within the business park not covered under this investigation will be inspected for archaeological features during the business park construction this summer. ACTION: To recommend the Council approve bidding out the archaeological excavation work and approve a contract from Mississippi Valley Archaeological Center (MVAC) to monitor the work, obtain appropriate permits, and submit documentation to the Wisconsin Historical Society for archaeological clearance, at a cost of \$10,632 MOTION: Wagar SECOND: Kozelka VOTE: 12-0

## **10. OLD BUSINESS** – None

Without objection, the agenda was moved:

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

C. DISCUSSION AND ACTION – Ordinance 2014-06 (RECREATING SECTION 18.12 (4) (ARCHITECTURAL CONTROL – WOODRIDGE ACRES) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

This change will remove the requirement that homes built in Woodridge Acres be Energy Star Rated, due to a lack of contractors with this designation in southwestern Wisconsin. ACTION: To approve Ordinance 2014-06 MOTION: Kozelka SECOND: Fleshner VOTE: 12-0

D. DISCUSSION AND ACTION – Prorated refunds on garbage charge

Staff was requesting the Council provide direction on whether the annual garbage fees can be refunded, which the current Ordinance does not clearly permit. The City has been seeing an increasing number of requests for prorated refunds. Discussion was held on the issue. ACTION: To direct staff to draft an Ordinance amending the current city law so that no prorated refunds will be issued on garbage charges MOTION: Fleshner SECOND: Wagar VOTE: 12-0

E. DISCUSSION AND ACTION – Mayoral Appointment

ACTION: To approve the appointment of Robert D. McDonald to the Crawford County Economic Development Corporation (CCEDC) for a three-year term, expiring on April 17th 2017 MOTION: Gilberts SECOND: Thein

F. DISCUSSION – Items for future agenda consideration or Committee assignment

Leys asked for staff to discuss and recommend proposed changes to parade regulations after observing several instances of children running out into the route at the St. Patrick's Day parade for candy.

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

On March 4th, the Council approved the following motion during a discussion on downsizing the Common Council: ACTION: To table the item until a future, undetermined date MOTION: Pintz SECOND: Thein VOTE: 6-5 (Kozelka, Solomon, Titlbach, Gilberts and Wagar opposed) Following the meeting, Boylen contacted the City Administrator and asked that her vote be changed from a "yes" to either "no" or "abstain". 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, which motion is non-debatable. Mayor Hemmer asked if there was any objection to Boylen changing her vote. Pintz stated he was opposed. Hemmer asked for a motion. ACTION: To permit Alderman Boylen to change her vote MOTION: Kozelka SECOND: Solomon. Thein challenged Boylen's right to vote on the motion. Staff

requested a recess to research the challenge. ACTION: To recess (8:10 PM) MOTION: Thein SECOND: Pintz VOTE: 12-0

Hemmer called the Council back into session at 8:24 PM. City Attorney Peterson stated that it was his opinion that Boylen could not be denied the right to vote on the motion on the table VOTE: 7-5 (Thein, Myers, Fleshner, Pintz and Jones opposed). Boylen then changed her vote to "abstain". With the motion passing, the March 4<sup>th</sup> motion shall be changed in the official minutes to: ACTION: To table the item until a future, undetermined date MOTION: Pintz SECOND: Thein VOTE: 5-5-1 (Kozelka, Solomon, Titlbach, Gilberts and Wagar opposed, Boylen abstained). The motion failed on a tie vote.

#### B. DISCUSSION AND ACTION – Reducing the Size of the Council

Since the previous request to change a previously-made vote was approved, the issue was placed back on the table for Council consideration. Discussion was held on the possible reduction of the Common Council. ACTION: To postpone the issue to a Committee of the Whole meeting at the end of April after the Spring Election MOTION: Pintz SECOND: Thein. More discussion was held. Pintz withdrew his motion; Thein withdrew his second. ACTION: To reduce the size of the Common Council to eight members (one from each aldermanic district and two at-large members), to be effective with the April 2015 election MOTION: Kozelka SECOND: Wagar. Pintz challenged Kozelka's right to make the motion, but the City Attorney ruled that the motion was not in order. VOTE: 7-5 (Thein, Fleshner, Boylen, Pintz and Jones opposed)

#### G. ADJOURN to CLOSED SESSION (8:45 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: Condemnation of property for public need MOTION: Kozelka SECOND: Solomon VOTE: 12-0

#### H. CONVENE into OPEN SESSION (8:55 PM)

MOTION: Pintz SECOND: Solomon VOTE: 12-0

#### I. ACTION from CLOSED SESSION

ACTION: To proceed with condemnation of a section of property located at 33687 Great River Road (Highway 35), Prairie du Chien, WI for the public need of constructing a public road to serve the North Gateway Business Park MOTION: Wagar SECOND: Solomon VOTE: 12-0

#### 12. ADJOURN (8:58 PM)

MOTION: Gilberts SECOND: Solomon VOTE: 12-0

Submitted by City Administrator Aaron Kramer

#### ORDINANCES APPROVED

\* **Ordinance 2014-06 (RECREATING SECTION 18.12 (4) (ARCHITECTURAL CONTROL – WOODRIDGE ACRES) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)**

\* **Ordinance 2014-07 (RECREATING SECTION 9.02 (3) (FIREARMS IN PUBLIC BUILDINGS) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)**

#### RESOLUTIONS APPROVED

\* **RESOLUTION 2014-09 (APPROVING THE PROPOSED SIX-YEAR IMPROVEMENT PLAN AND STATEMENT OF INTENTIONS FOR THE PRAIRIE DU CHIEN AIRPORT)**