

## **Minutes of the Common Council – May 6<sup>th</sup> 2014**

A meeting of the City of Prairie du Chien Common Council was held on Tuesday May 6<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** – Mike Jones and Kyle Kozelka were absent.

**2. Certification of the open meeting law agenda requirements and approval of the agenda** – MOTION: Thein SECOND: Solomon VOTE: 10-0

**3. Pledge of Allegiance** – Led by Todd Myers

**4. PUBLIC HEARINGS** - None

### **5. CONSENT AGENDA**

A. COUNCIL (Organizational meeting) – April 22nd 2014; B. COUNCIL (Regular meeting) – April 22nd 2014; C. FINANCE – March 18th 2014; D. PROTECTION AND HEALTH – March 27th 2014; E. REDEVELOPMENT AUTHORITY – March 17th 2014; F. POLICE AND FIRE COMMISSION – April 3rd 2014; G. POLICE CHIEF'S REPORT – First Quarter 2014; H. Class "A" Fermented Malt Beverage License – Driftless Edibles, LLC; I. OPERATORS LICENSES (if any); ACTION: To approve the consent agenda MOTION: Pintz SECOND: Wagar VOTE: 10-0

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

### **7. CITIZENS' COMMENTS, RESOLUTIONS AND PRESENTATIONS**

**A. DISCUSSION AND ACTION – Resolution 2014-17 (DECLARING MAY "COMMUNITY FIT MONTH" IN THE CITY OF PRAIRIE DU CHIEN)**

ACTION: To approve Resolution 2014-17 MOTION: Solomon SECOND: Wagar VOTE: 10-0

**B. PRESENTATION – 2014 Summer Activity Guide (Park and Rec Department)**

Park and Rec Director Mike Ulrich reviewed the guide, which is sponsored by Peoples' State Bank.

**C. DISCUSSION AND ACTION – Resolution 2014-18 (ADOPTING THE 2013 WASTEWATER TREATMENT FACILITY COMPLIANCE MAINTENANCE REPORT)**

Wastewater Plant Manager Terry Meyer reviewed the report, which showed no deficiencies in the plant operations. ACTION: To approve Resolution 2014-18 MOTION: Pintz SECOND: Gilberts VOTE: 10-0

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

City Administrator Kramer provided an update on the disagreement between the City and the Town of Bridgeport as to the water service being provided to the new Prairie du Chien Memorial Hospital site. The Public Service Commission requested that City comment on its willingness to accept the modifications to the original City proposal by the Bridgeport Sanitary District that the City will no longer charge Bridgeport for unaccounted for water in any amount, and in the event that unaccounted for water exceeded 5 percent of the total water sold to Bridgeport, the City, at its own cost and expense, would perform a water leak survey on Bridgeport's system. Kramer said City Planner Frable drafted a response that the proposal was unacceptable and that Frable will represent the City at the PSC hearing scheduled for Wednesday May 7<sup>th</sup> in Madison. Kramer also stated the meeting to discuss the possible merger of the water and sewer utilities, scheduled for April 24<sup>th</sup> in Madison between representatives of the City, Township and PSC, was cancelled by the PSC due to the Town not complying with the Council's specific invitation and the plans of the entire Town Board to attend the meeting. He said no further action is scheduled at this regarding the proposed merger discussions. No formal action was taken by the Council in relation to the Administrator's report.

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

**A. FINANCE – Claims**

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

#### B. FINANCE – City Computer Upgrade

A memo from the City Administrator was included in the packet. He said the City has recently purchased five computers that are currently being installed. No formal action was taken.

#### C. FINANCE – 2014-2016 Capital Budget

City Administrator Kramer presented the 2014-2016 Capital Budget report. No formal action was taken.

#### D. FINANCE - 2014 Services Agreement with Vierbicher

For the staff who work for the City, the new contract calls for a 3.9% increase. Vierbicher has not increased their rates to the city since 2008. Kurt Muchow (Vierbicher) reviewed the proposed rate increase and the recent work Vierbicher has done with the City. Kramer noted that the Council will likely be asked to do a Request for Engineering proposals for the North Ohio Street project in 2015. He said this was not an indication of any dissatisfaction with Vierbicher, but would serve as an opportunity for other firms to bid. ACTION: To approve the 2014 Services Agreement with Vierbicher MOTION: Pintz SECOND: Titlbach VOTE: 10-0

### **10. OLD BUSINESS**

#### A. DISCUSSION AND ACTION – Ordinance 2014-10 (CREATING SECTION 9.35 (THROWING OF CANDY AND OTHER ITEMS AT PARADES))

This is the second reading for the proposed Ordinance which would prohibit the throwing of candy, gifts, favors or other objects from parade participants to spectators, from a motor vehicle, parade vehicle or parade animal, but still allow for the dispensing of candy, gifts, favors or other objects by hand from parade participants to spectators shall be permitted except in those circumstances where the parade participant's action would encourage spectators to enter the public roadway. ACTION: To approve Ordinance 2014-10 MOTION: Titlbach SECOND: Pintz VOTE: 10-0

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

#### A. DISCUSSION AND ACTION – Council Position on median located north of the intersection of LaPointe Street and Marquette Road

Culver's Family Custard, LLC (dba Culver's Restaurant) is requesting the Common Council take an official position supporting that rumble strips and not a raised media be erected during the 2017 Marquette Road project north of the intersection of LaPointe Street and Marquette Road. If the Council affirms this position, the City Administrator will send a copy of the minutes to the Wisconsin Department of Transportation. Considerable discussion was held on the request. ACTION: To support the position of Culver's Family Custard, LLC (dba Culver's Restaurant) that rumble strips and not a raised media be erected during the 2017 Marquette Road project north of the intersection of LaPointe Street and Marquette Road MOTION: Fleshner SECOND: Gilberts VOTE: 10-0

#### B. DISCUSSION AND ACTION – Request to Authorize Bidding

Phase 1 of the North Gateway Business Park will be funded with surplus TID No. 6 funds. All expenditures will need to be completed by September 16th 2014. The projects proposed to be constructed as part of Phase 1 are included in the packet. ACTION: To authorize bidding out the projects MOTION: Pintz SECOND: Solomon VOTE: 10-0

#### C. DISCUSSION AND ACTION – Relocation Order Pursuant to 32.05 (1) Wis. Stats. (North Gateway Industrial Park) and Commencement of Condemnation Proceedings Relative to Driveway Access (Kaiser)

The Council is being asked to approve the order to expedite the construction of an access road to the North Gateway Business Park, as well as hire John Rolling and Company for the purpose of condemnation appraisal and pay the law firm of Peterson, Antoine & Peterson, S.C. for the legal work which is outside the current job responsibilities of the City Attorney. Kramer said the City has attempted to negotiate with Jeff Kaiser, the primary owner of the driveway easement needed to construct the access road, but has failed to reach an agreement.

ACTION: To approve the Relocation Order to extinguish the interests of the parties with the Permit for Connection to State Trunk Highway Permit # 12-00003-08, dated September 2<sup>nd</sup> 2008, by either outright purchase or condemnation proceedings MOTION: Leys SECOND: Pintz VOTE: 10-0

ACTION: To hire the firm of John Rolling and Company for the purpose of condemnation appraisal MOTION: Solomon SECOND: Titlbach VOTE: 10-0

ACTION: To pay the firm of Peterson, Antoine & Peterson, S.C. at a rate of \$195 per hour for work related to the real estate matter of Jeffrey A. and Kelli K. Kaiser MOTION: Titlbach SECOND: Wagar VOTE: 10-0

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

Boylen asked about the status of home scheduled to be razed at 341 North Beaumont Road. Kramer said the matter is between the property owner and the firm hired to raze the home, but the City is continuing to monitor the situation.

E. ADJOURN to CLOSED SESSION (7:51 PM)

ACTION: To go into closed session: 1) 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: Block 43 Development (Agreement between City of Prairie du Chien and Nelson True Value), and RE: Sale of Land in the North Gateway Business Park, and; 2) Under Wisconsin State Statute 19.85 (1) (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. RE: Hiring of City Hall Receptionist, and RE: Employee Retirement Settlement MOTION: Solomon SECOND: Pintz VOTE: 10-0

F. CONVENE into open session (8:32 PM)

MOTION: Thein SECOND: Fleshner VOTE: 10-0

G. ACTION from closed session

ACTION: To offer the position of City Hall Receptionist to Brandi Ostert MOTION: Wagar SECOND: Titlbach VOTE: 9-1 (Pintz opposed)

ACTION: To agree to the Employee Retirement Settlement between the City and Police Officer Mark Fulcher, where Fulcher shall be paid \$14,804.88 for his accumulated retirement payout, and where Fulcher agrees to a release of all full and partial liabilities, known and unknown, related to his employment with the City of Prairie du Chien MOTION: Thein SECOND: Wagar VOTE: 9-1 (Pintz opposed)

**12. ADJOURN (8:31 PM)**

MOTION: Gilberts SECOND: Solomon VOTE: 10-0

Submitted by City Administrator Aaron Kramer

**ORDINANCES APPROVED**

**\* Ordinance 2014-10 (CREATING SECTION 9.35 (THROWING OF CANDY AND OTHER ITEMS AT PARADES))**

**RESOLUTIONS APPROVED**

**\* Resolution 2014-17 (DECLARING MAY "COMMUNITY FIT MONTH" IN THE CITY OF PRAIRIE DU CHIEN)**

**\* Resolution 2014-18 (ADOPTING THE 2013 WASTEWATER TREATMENT FACILITY COMPLIANCE MAINTENANCE REPORT)**