

Minutes of the Common Council – May 20th 2014

A meeting of the City of Prairie du Chien Common Council was held on Tuesday May 20th 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 was absent.

2. Certification of the open meeting law agenda requirements and approval of the agenda – MOTION: Solomon SECOND: Wagar VOTE: 11-0

3. Pledge of Allegiance – Led by Todd Myers

4. PUBLIC HEARINGS – None

5. CONSENT AGENDA

A. COUNCIL – May 6th 2014; B. FINANCE – May 6th 2014; C. LaRIVEIRE PARK BOARD – April 16th 2014; D. PUBLIC WORKS – April 8th 2014; E. BOARD OF REVIEW – August 8th 2013; F. FIRE CHIEF'S REPORT – April 2014; G. Class B Beer License – PDC Little League, Inc.; H. Class B Beer License – St. Feriole Island Park, LLC.; I. OPERATORS LICENSES (if any); ACTION: To approve the Consent Agenda MOTION: Pintz SECOND: Solomon VOTE: 11-0

6. ITEMS REMOVED FROM CONSENT AGENDA - None

7. CITIZENS' COMMENTS, RESOLUTIONS AND PRESENTATIONS

A. PRESENTATION - \$795,000 Water System Revenue BANs, Series 2014D and \$1,220,000 Taxable Note Anticipation Notes, Series 2014E

Brian Della (PFM) was present to review the proposed borrowings, which will be used to fund a number of public projects. The Council had a number of questions on the borrowings and the related projects.

B. DISCUSSION AND ACTION – Resolution 2014-22 (RESOLUTION PROVIDING FOR THE SALE OF APPROXIMATELY \$795,000 WATER SYSTEM REVENUE BOND ANTICIPATION NOTES, SERIES 2014D)

ACTION: To approve Resolution 2014-22 MOTION: Titlbach SECOND: Solomon VOTE: 11-0

C. DISCUSSION AND ACTION – Resolution 2014-21 (RESOLUTION PROVIDING FOR THE SALE OF APPROXIMATELY \$1,220,000 TAXABLE NOTE ANTICIPATION NOTES, SERIES 2014E)

ACTION: To approve Resolution 2014-21 MOTION: Pintz SECOND: Wagar VOTE: 11-0

D. DISCUSSION AND ACTION – Resolution 2014-23 (TRANSFERRING SURPLUS FUNDS FROM TAX INCREMENT FINANCING DISTRICT NUMBER 6 (TID #6) TO TAX INCREMENT FINANCING DISTRICT NUMBER 4 (TID #4))

This Resolution will transfer the final phase of funds related to the settlement between the City and Tom Gialamas/Marty Rifken. ACTION: To approve Resolution 2014-23 MOTION: Wagar SECOND: Gilberts VOTE: 11-0

8. CITY ADMINISTRATOR'S REPORT

The City Administrator informed the Public Works Committee it will likely meet in early June to discuss the Fort Crawford Motel, and the Personnel Committee will meet on June 17th to review the proposed license renewals and a residency ordinance issues. Discussion was also held on the Speed Board Data provided by Police Sergeant Kyle Teynor.

NOTE: At this time, Alderwoman Wagar announced her intention to resign from the Council, effective June 6th, due to her move out of the community.

9. COMMITTEE REPORTS AND ACTIONS

A. FINANCE – Claims

ACTION: To approve MOTION: Gilberts SECOND: Wagar VOTE: 11-0

B. PROTECTION AND HEALTH - ORDINANCE 2014-15 (RECREATING CHAPTER 10 (PUBLIC NUISANCES) AND REPEALING CHAPTER 9.13 (OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED), CHAPTER 9.14 (ABANDONED OR UNATTENDED ICEBOXES, ETC., PROHIBITED), CHAPTER 9.17 (ACCIDENTAL SPILLS OR HAZARDOUS OR DETRIMENTAL SUBSTANCES) AND CHAPTER 14.08 (UNSAFE BUILDINGS) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

The purpose of this Ordinance is to modify and improve the current Public Nuisances (Chapter 10) Chapter in the Municipal Code, as well as remove redundant and duplicate sections of other Chapters of the Municipal Code. Furthermore, this Ordinance is being created to provide a concise ordinance outlining expectations for public nuisances and property maintenance, establish a more efficient enforcement procedure, create an appeals process for those cited under the Ordinance, and to establish minimum levels of standards for property maintenance. The Committee recommended two readings for the Ordinance. Considerable discussion was held on the proposed Ordinance. ACTION: To change Section 10.03 (PUBLIC NUISANCES) (10) (b) from the following - If such nuisance is not removed within thirty (30) days, he/she shall report such fact to the Mayor, who may direct the City Attorney to commence an action in Municipal Court for the abatement of the nuisance. - to - If such nuisance is not removed within thirty (30) days, he/she shall report such fact to the Mayor, who shall direct the City Attorney to commence an action in Municipal Court for the abatement of the nuisance. MOTION: Leys SECOND: Kozelka VOTE: 10-1 (Titlbach opposed). ACTION: To send the Ordinance to a second reading at the June 3rd Council meeting MOTION: Boylen SECOND: Pintz VOTE: 11-0

C. PUBLIC WORKS – Ordinance 2014-17 (RECREATING CHAPTER 7 (TRAFFIC CODE) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

The purpose of this Ordinance is to update and correct the current Traffic Code. Considerable discussion was held on the proposal. ACTION: To approve Ordinance 2014-17 MOTION: Kozelka SECOND: Pintz. Leys questioned the section dealing with bicycle registration, and said he would like to have it removed if it was not going to be enforced. ACTION: To strike Chapter 7.07 (1) (a-d) MOTION: Leys SECOND: Kozelka. Pintz challenged the motion as there was a primary motion on the floor. Leys and Kozelka withdrew their motions. Kozelka amended his original motion to include striking Chapter 7.07 (1) (a-d), but Pintz declined to change his second. After further discussion, Kozelka withdrew his motion, and Pintz withdrew his second. ACTION: To strike Chapter 7.07 (1) (a-d) from the proposed Ordinance MOTION: Leys SECOND: Boylen VOTE: 10-1 (Pintz opposed). Discussion was held on the speed limits. ACTION: To change the speed limit on Marquette Road from Frederick to Parrish to 30 miles per hour MOTION: Wagar SECOND: Kozelka VOTE: 6-5 (Myers, Fleshner, Boylen, Pintz and Titlbach opposed). ACTION: To send the Ordinance to a second reading at the June 3rd Council meeting MOTION: Titlbach SECOND: Wagar VOTE: 10-1 (Pintz opposed)

D. PUBLIC WORKS – Authorize to bid out new Mott Mower

The new Mower will replace the 1982 Massey. Funding (\$100,000) is coming from the 2014-16 Capital Borrowing (\$50,000) and TID #6 cash reserve (\$50,000). ACTION: To authorize bidding out the new Mott Mower MOTION: Kozelka SECOND: Gilberts VOTE: 11-0

E. PUBLIC WORKS – Authorize to bid out North Main Street mill and overlay

Funding (\$250,000) is from the 2014-16 Capital borrowing. Staff requested bidding out the project this year, with the work to be done in 2015. The road condition will likely worsen this year due to its use as a detour route for the Marquette Road project. ACTION: To authorize bidding out the North Main Street mill and overlay MOTION: Kozelka SECOND: Wagar VOTE: 11-0

F. PUBLIC WORKS – Proposed Water Rate Increase

The last increase (3 percent) occurred in 2009. Discussion was held on the process for applying to the Public Service Commission (PSC). ACTION: To direct staff with moving forward with the application to the PSC for a water rate increase MOTION: Pintz SECOND: Kozelka VOTE: 11-0

G. PUBLIC WORKS – Notice for Request for Proposals (RFP) for sale and development of real estate

This RFP involves the Stratton Property at the southwest corner of the intersection of Blackhawk Avenue and Main Street. The City is seeking a qualified developer to purchase and improve the property. The City will consider all development proposals that contemplate a future use of the property compatible with the surrounding neighborhood. ACTION: To authorize issuing the Request for Proposals for the sale and development of the Stratton Property MOTION: Kozelka SECOND: Leys VOTE: 11-0

H. PUBLIC WORKS - Approval of Boundary and Annexation Survey (BAS) consolidation agreement with Crawford County

Staff recommended approving the agreement with Crawford County, which would eliminate some of the duplication currently going on in filing boundary and annexation reports with the U.S. Census Bureau. ACTION: To approve the Boundary and Annexation Survey (BAS) consolidation agreement with Crawford County MOTION: Kozelka SECOND: Solomon VOTE: 11-0

I. PUBLIC WORKS - Rejection of Bids and Authorization to Re-Bid Brunson Court Project

Bids were opened on Wednesday May 7th. One bid was received (\$488,975), which exceeds the budget for the project (\$458,000). The Committee recommended the Council reject the bid and authorize a new bidding, with more alternate components, and delay the project to later this summer or fall. ACTION: To reject the bids and direct staff to re-bid the project MOTION: Kozelka SECOND: Gilberts VOTE: 11-0

J. PUBLIC WORKS - Brunson Street Project

The reconstruction of Brunson Street (17th Street east to 22nd Street) was the contingency portion of the Woodridge Acres-22nd Street project with a budget of \$247,290.75. The Committee recommended moving forward with the Brunson Street project, and having staff present the Council with a financing plan. The City Administrator said he would recommend the money budgeted for landscaping the detention pond in Woodridge Acres be reduced, or additional funds be applied from TID #6. ACTION: To approve moving forward with the Brunson Street Project MOTION: Kozelka SECOND: Pintz VOTE: 11-0

K. LARIVIERE PARK BOARD – Ordinance 2014-16 (RECREATING CHAPTER 9.25 (RULES AND REGULATIONS FOR LARIVIERE PARK) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

The purpose of this Ordinance is to update the current rules and regulations governing LaRiviere Park and its use, which were last updated in 1991. Police Lieutenant Sprosty reviewed the discussions on the sections of the Ordinance dealing with dogs and dog training. ACTION: To approve Ordinance 2014-16 MOTION: Titlbach SECOND: Pintz VOTE: 11-0

10. OLD BUSINESS - None

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

A. DISCUSSION AND ACTION – Joint Meeting with the School Board

The School Board has expressed an interest in a joint meeting with the Common Council to discuss topics of common interest, including the possibility of a pedestrian overpass over Marquette Road. Staff would recommend the meeting be held on Tuesday July 1st or Monday July 15th at 6:00 PM, prior to the regular Council meeting. Discussion was held on the proposed meeting. ACTION: To invite the School Board to a meeting on Tuesday July 1st or July 15th at 6:00 PM to discuss issues of common interest MOTION: Myers SECOND: Titlbach

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

Leys asked for an update on the Emergency Plan, specifically in dealing with an oil train derailment. Kozelka asked that the Public Works Committee meet next week Tuesday (May 27th) to discuss the traffic control signs in the Marquette Road project. Myers said he would also like the Committee to discuss the business directional signage.

C. MAYORAL APPOINTMENTS

ACTION: To appoint Monica Horner (1305 South 13th Street) to the Park Board, to serve a 5-year term ending May 1st 2019 MOTION: Pintz SECOND: Solomon VOTE: 11-0

D. ADJOURN to CLOSED SESSION (8:50 PM)

ACTION: To go into closed session 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: Request for TIF assistance; under Wisconsin State 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: Employee Separation Agreement, and ; 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: Employee Retirement Payment MOTION: Solomon SECOND: Titlbach VOTE: 11-0

E. CONVENE into open session (9:31 PM)

MOTION: Titlbach SECOND: Pintz VOTE: 11-0

F. ACTION from closed session

ACTION: To reject the claim of former Police Officer Heather Gokey for reimbursement of \$1,426.98 in medical deductibles and co-pays incurred after her employment with the City ended, but she remained on the City's health insurance plan at her expense MOTION: Kozelka SECOND: Wagar VOTE: 11-0

ACTION: To hold a Special Council meeting, in closed session, on Tuesday May 27th at 7:00 PM for the purpose of addressing the proposed development agreement between the City and Nelson True Value/Marquette Haydn Properties LLC MOTION: Titlbach SECOND: Solomon VOTE: 11-0

ACTION: To approve the payment of \$17,622.12 to City Planner Garth Frable, with said funds to be paid to the Wisconsin Department of Employee Trust Funds, for the purpose of fulfilling the obligations of the 2010 employment agreement with Frable, and Frable providing proof to the City that said transaction to the Wisconsin Department of Employee Trust Funds has been completed within thirty (30) days of him receiving the payment, with the City assuming no income tax liability in the transaction MOTION: Solomon SECOND: Wagar VOTE: 11-0

12. ADJOURN (9:34 PM)

MOTION: Gilberts SECOND: Wagar VOTE: 11-0

Submitted by City Administrator Aaron Kramer

ORDINANCES APPROVED

*** Ordinance 2014-16 (RECREATING CHAPTER 9.25 (RULES AND REGULATIONS FOR LARIVIERE PARK) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)**

RESOLUTIONS APPROVED

*** Resolution 2014-21 (RESOLUTION PROVIDING FOR THE SALE OF APPROXIMATELY \$1,220,000 TAXABLE NOTE ANTICIPATION NOTES, SERIES 2014E)**

*** Resolution 2014-22 (RESOLUTION PROVIDING FOR THE SALE OF APPROXIMATELY \$795,000 WATER SYSTEM REVENUE BOND ANTICIPATION NOTES, SERIES 2014D)**

*** Resolution 2014-23 (TRANSFERRING SURPLUS FUNDS FROM TAX INCREMENT FINANCING DISTRICT NUMBER 6 (TID #6) TO TAX INCREMENT FINANCING DISTRICT NUMBER 4 (TID #4))**