

## Minutes of the Common Council – August 19th 2014

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A meeting of the City of Prairie du Chien Common Council was held on Tuesday August 19th 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** – ABSENT: Kyle Kozelka and Ron Leys. The Council currently has one vacancy.
- 2. Certification of the open meeting law agenda requirements and approval of the agenda** – MOTION: Solomon SECOND: Gilberts VOTE: 9-0
- 3. Pledge of Allegiance** – Led by Edward Hayes-Hall

### **4. PUBLIC HEARINGS** – None

### **5. CONSENT AGENDA**

A. COUNCIL – August 5th 2014; B. FINANCE – August 5th 2014; C. BOARD OF ZONING APPEALS – June 25th 2014; D. PUBLIC WORKS COMMITTEE – July 8th 2014; E. PUBLIC WORKS COMMITTEE – July 22nd 2014; F. LARIVIERE PARK BOARD – June 11th 2014; G. PLAN COMMISSION – July 21st 2014; H. BOARD OF CANVASSERS – April 7th 2014; I. BOARD OF REVIEW – May 15th 2014; J. SPECIAL EVENT/PARADE PERMIT – Prairie du Chien High School Homecoming Parade (October 1st 2014); K. FIRE CHIEF'S REPORT – July 2014; J. OPERATORS LICENSES (if any). ACTION: To approve the consent agenda MOTION: Titlbach SECOND: Solomon VOTE: 9-0

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

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

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

City Administrator Kramer provided a Public Works Project updates, and reminded the members of a Public Works Committee meeting scheduled for August 28<sup>th</sup>. He also provided the results of recent dust sample collections (done at the Wisconsin Southern Unloading Site, three residences in the vicinity of the site, and the new hospital construction site). He said, after consulting with the Wisconsin Occupational Health Laboratory (WOHL), that there was no clear evidence the dust collected from the homes was directly connected to the unloading site. Forest Jahnke (Crawford Stewardship) questioned how the samples were collected. Kramer said the City followed the guidelines as laid out by WOHL. No further action by the Council was recommended.

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

#### A. FINANCE – Claims

ACTION: To approve MOTION: Gilberts SECOND: Solomon VOTE: 9-0

#### B. FINANCE – Approval of Land Acquisition Fees (Safe Routes to School)

Four parcels of land, totaling \$2,050, are needed to be acquired to complete the Safe Routes to School project. ACTION: To approve the land purchases, with the funds coming from the City's Contingency Fund MOTION: Gilberts SECOND: Titlbach VOTE: 9-0

#### C. PUBLIC WORKS – Request for Alley Improvement

Mo Ardestani is requesting to add recycled asphalt and gravel, thus improving access to city utilities, to the alley south of Mooney Street abutting his property for the purpose of providing access to his new storage buildings. City Administrator Kramer asked that the item be postponed until a stormwater plan was presented to the City. ACTION: To postpone to a future Council meeting MOTION: Solomon SECOND: Gilberts VOTE: 9-0

#### D. PUBLIC WORKS – Road Closures on St. Feriole Island

Last year, the Council approved removing the following streets - 1) Roulette, from Second Street to Villa Louis Road; 2) Fisher from 4th Street to 5th Street, with a bicycle/walking path replacing the street, and; 3) Brisbois from 2nd Street to Villa Louis Road - and that 4th Street from Fisher to Bolvin be closed to through traffic with barriers placed across the entrances to that section of street that could be removed by City staff for special events and other traffic situations. At its July 22nd meeting, the Committee looked at including the following closures: 4th Street (Fisher to Bolvin), Fisher (Water to 2nd) and Roulette (Water to 2nd). A letter from Fire Chief Remz opposing the latter two closings was reviewed. Blair Dillman was present to address the closures on Fisher and Roulette, and said he would propose only a portion of the streets be closed. ACTION: To approve the following closures - - Roulette (Second Street to Villa Louis Road); Fisher (4th Street to 5th Street) with a bicycle/walking path replacing the street; Brisbois (2nd Street to Villa Louis Road); and, 4th Street (Fisher to Bolvin) and postpone any action on closing the following streets - Fisher (Water to 2nd) and Roulette (Water to 2nd) MOTION: Hayes-Hall SECOND: Solomon VOTE: 9-0

## **10. OLD BUSINESS**

### **A. DISCUSSION AND ACTION – Ordinance 2014-21 (RECREATING CHAPTER 8.05 (OBSTRUCTIONS AND ENCROACHMENTS) AND REPEALING CHAPTER 8.055 (INTERSECTION VISIBILITY REQUIREMENTS) AND CHAPTER 8.056 (PENALTIES) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)**

The purpose of this Ordinance is to combine the existing Ordinances in a more applicable and understandable manner, and add regulations for the placement of garage and rummage sales. ACTION: To approve Ordinance 2014-21 MOTION: Solomon SECOND: Hayes-Hall VOTE: 9-0

### **B. DISCUSSION AND ACTION – Pedestrian walkway/sidewalk on west side of Marquette Road (2017)**

Due to comments from city officials and the public regarding the existing multi-use trail on the west side of the roadway from Parrish Street to Mooney Street at the Public Involvement meeting held on July 8, 2014, the engineers have requested the Common Council provide a motion supporting reducing the existing multi-use trail on the west side of the roadway from Parrish Street to Mooney Street down to a 5-foot sidewalk, or maintaining the 10-foot width when reconstruction occurs. Kramer reviewed a memo he had drafted for the Council which outlined the pros and cons of both options. He also said he had received support from the Wisconsin DOT for including a pedestrian island south of the intersection of Marquette Road and Wells Street when the road is rebuilt in 2017. ACTION: To support a 10-foot pedestrian pathway on the west side of Marquette Road MOTION: Myers SECOND: Gilberts VOTE: 8-1 (Boylen opposed)

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

### **A. DISCUSSION AND ACTION – Request for Exemption from Ordinance 9.06 (LOUD AND UNNECESSARY NOISE PROHIBITED)**

Anne Lerch (829 North Wacouta) is seeking an exemption from the prohibition on Public Address Systems and Amplifiers, which reads "(n)o person shall use or operate any P.A. system, amplifier or device which increases the volume of voice, music or other sounds so loud as to disturb the public peace." For the purpose of having a live band at her residence the evening of Saturday August 30th. The Council may waive the restrictions under the Ordinance for good cause. Lerch addressed the Council on her request. ACTION: To grant the exemption MOTION: Titlbach SECOND: Gilberts VOTE: 9-0

### **B. DISCUSSION AND ACTION – Possible re-scheduling of September 16th Council meeting**

The Prairie du Chien Area Chamber of Commerce will hold its annual meeting on Tuesday September 16th, the same night as the second regularly-scheduled Council meeting of the month. Chamber officials would like to have city officials present for their event, and have asked the Council to consider re-scheduling the Council meeting. Under Chapter 2.02 (2) (a), the Council can re-schedule the meeting: The Common Council, by an affirmative vote of two-thirds of the members, may re-schedule a future regularly-scheduled meeting. Staff would recommend, if the Council elects to move the meeting, to schedule it for Tuesday September 23rd, one week later. Discussion was held. Fleshner said he was opposed to the move since a recent request by a Councilmember to move the Council meetings to correspond with that person's work schedule had not been taken under consideration. ACTION: To approve moving the September 16<sup>th</sup> Council

meeting to Tuesday September 23<sup>rd</sup> MOTION: Titlbach SECOND: Myers VOTE: 5-4 (Fleshner, Thein, Jones and Gilberts opposed). The motion failed due to failing to meet the two-thirds requirement.

C. DISCUSSION AND ACTION – Replacement of Water Operator’s Position

Dan Odeen has submitted his resignation from the Water Department, effective August 27th, to take a position elsewhere. Water Department Director Gates is requesting the position be posted internally for two weeks, and, if no one indicates an interest, the position will be posed externally with a target date of filling the position by October 1st. ACTION: To approve the schedule for posting the position MOTION: Myers SECOND: Solomon VOTE: 9-0

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

E. ADJOURN to CLOSED SESSION (7:54 PM)

ACTION: To go into closed session 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: Prohibited Practice Complaint before the Wisconsin Employment Relations Commission (Wisconsin Professional Police Association/Law Enforcement Employee Relations Division o/b/o Prairie du Chien Professional Police Association Local 258 vs. City of Prairie du Chien), Case 77 No. 73223 MP-4797 MOTION: Solomon SECOND: Hayes-Hall VOTE: 9-0

F. CONVENE into open session (7:58 PM)

MOTION: Thein SECOND: Solomon VOTE: 9-0

G. ACTION from closed session

ACTION: To approve the payment of \$850 to settle the claim of Heather Gokey under the case: Wisconsin Professional Police Association/Law Enforcement Employee Relations Division o/b/o Prairie du Chien Professional Police Association Local 258 vs. City of Prairie du Chien), Case 77 No. 73223 MP-4797 MOTION: Gilberts SECOND: Fleshner VOTE: 9-0

**12. ADJOURN**

MOTION: Gilberts SECOND: Solomon VOTE: 9-0

Submitted by City Administrator Aaron Kramer

**ORDINANCES APPROVED**

**\* Ordinance 2014-21 (RECREATING CHAPTER 8.05 (OBSTRUCTIONS AND ENCROACHMENTS) AND REPEALING CHAPTER 8.055 (INTERSECTION VISIBILITY REQUIREMENTS) AND CHAPTER 8.056 (PENALTIES) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)**