

Minutes of the Common Council – September 2nd 2014

A meeting of the City of Prairie du Chien Common Council was held on Tuesday September 2nd 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 Nate Gilberts. The Council currently has one vacancy.
- 2. Certification of the open meeting law agenda requirements and approval of the agenda** – MOTION: Solomon SECOND: Thein VOTE: 9-0
- 3. Pledge of Allegiance** – Led by Mike Jones

5. CONSENT AGENDA

A. COUNCIL – August 19th 2014; B. FINANCE – August 19th 2014; C. BOARD OF ZONING APPEALS – August 13th 2014; D. PARK BOARD – May 21st 2014; E. POLICE AND FIRE COMMISSION – April 29th 2014; F. PUBLIC WORKS COMMITTEE – August 19th 2014; G. REDEVELOPMENT AUTHORITY – May 29th 2014; H. OPERATORS LICENSES (if any); ACTION: To approve the consent agenda MOTION: Solomon SECOND: Hayes-Hall VOTE: 9-0

6. ITEMS REMOVED FROM CONSENT AGENDA - None

7. CITIZENS' COMMENTS, RESOLUTIONS AND PRESENTATIONS

A. DISCUSSION AND ACTION – Resolution 2014-37 (DECLARING SEPTEMBER AS "OVARIAN CANCER AWARENESS MONTH" IN THE CITY OF PRAIRIE DU CHIEN)

ACTION: To approve Resolution 2014-37 MOTION: Titlbach SECOND: Solomon VOTE: 9-0. Mayor Hemmer read the resolution. Co-Public Works Manager Terry Meyer, whose wife is battling ovarian cancer, addressed the Council and thanked them and those who have been supporting him and his family during these difficult times.

8. CITY ADMINISTRATOR'S REPORT

A. PRESENTATION – Nelson True Value Promotion/Donation to Hoffman Hall – Dan Kanis, Nelson True Value, addressed the Council and said his business will be donating \$1 for each \$1 of sales on September 29th, with a goal of raising \$10,000, for Hoffman Hall.

B. Update on Wisconsin Southern Unloading Site Expansion Plans – City Administrator Kramer said the City has been notified that construction on the expansion of the Wisconsin Southern (WSOR) unloading site along the Highway 18 bypass will commence immediately. He said the City had taken part in a conference call earlier today with FEMA and the Wisconsin DNR, and a letter was drafted, and signed by Kramer and Mayor Hemmer, today. The letter said, in part, "the City believes it is not prudent for the construction of the building to begin. As a consequence, construction of the building at this time will be deemed a violation of the floodplain regulations." Kramer said the City will now review all possible punitive actions that can be undertaken if the project moves forward. In addition, he said that Kyle Pattison (Pattison Sand) has requested to relocate the unloading operation to a site south of Blackhawk Avenue on St. Feriolo Island, west of the ballpark complex. Kramer said, while the land is owned by the City of Prairie du Chien, the deeds on the property do allow the railroad to use the land for their purposes. He said that City staff has not found anything to prevent the operations from being relocated during the time the expansion project is being done, but is continuing to review its options.

C. Joint Meeting – Common Council and Prairie du Chien School Board (October 7th – 6 PM) – Kramer said the Common Council and School Board will meet on October 7th to discuss items of common interest.

Without objection the agenda was moved:

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

B. DISCUSSION AND ACTION – Request for Handicap Parking Designation

Brianna Rieck is requesting a Handicap Parking designation at 109 West Wisconsin. ACTION: To approve the request MOTION: Leys SECOND: Titlbach VOTE: 9-0

9. COMMITTEE REPORTS AND ACTIONS

A. FINANCE – Claims

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

B. FINANCE – Agreement with American Deposit Management (TID #6 funds)

The City has several ongoing projects which are funded with TIF #6 proceeds. Since the expenditure period for the TIF district ends on September 12th, the unspent funds need to be escrowed with a third party per state statutes. ACTION: To direct the City Administrator and City Clerk to enter into a fiduciary agreement with American Deposit Management for the third-party administration of and disbursement of proceeds from Tax Increment District #6 following the expenditure termination date of September 12th 2014 MOTION: Solomon SECOND: Fleshner VOTE: 9-0

C. FINANCE – Resolution 2014-35 (TRANSFERRING SURPLUS FUNDS FROM TAX INCREMENT FINANCING DISTRICT NUMBER 6 (TID #6) TO TAX INCREMENT FINANCING DISTRICT NUMBER 4 (TID #4))

This Resolution, and the following agenda item, will allow for the purchase of the final piece of property, from BNSF Railroad, needed for the Block 43 redevelopment project. ACTION: To approve Resolution 2014-35 MOTION: Fleshner SECOND: Solomon VOTE: 9-0

D. FINANCE – Resolution 2014-36 (AUTHORIZING EXPENDITURE OF UP TO \$20,000 OF TAX INCREMENT FINANCING DISTRICT NUMBER 4 (TID #4) FUNDS TOWARD SUPPORT OF THE REDEVELOPMENT AUTHORITY'S EFFORTS TO REDEVELOP BLOCK 43)

ACTION: To approve Resolution 2014-36 MOTION: Fleshner SECOND: Thein VOTE: 9-0

E. PUBLIC WORKS – Flood Mitigation Projects

The Committee met on August 28th to discuss the status of the current flood mitigation projects. The Committee directed staff and Vierbicher to continue working on the DNR Municipal Flood Grant Program, and investigate further the feasibility of the Talbot Street overflow ditch. No formal action taken.

10. OLD BUSINESS - None

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

A. DISCUSSION AND ACTION – Reconsideration of re-scheduling of September 16th Council meeting

On August 19th, the Council approved, by a 6-4 vote, to move the September 16th Council meeting to September 23rd to allow members and city staff to attend the Prairie du Chien Area Chamber of Commerce's annual meeting. The motion failed, though, because a two-thirds vote of the members is required, under Chapter 2.02 (2) (a) of the Municipal Code. Alderman Myers has requested the Council reconsider the motion, and a letter from Chamber President/CEO Bob Moses is included in the packet. ACTION: To reconsider the Council action of August 19th on rescheduling the September 16th Council meeting MOTION: Myers SECOND: Hayes-Hall VOTE: 6-3 (Thein, Fleshner and Jones opposed). The item was placed back on the table. Mayor Hemmer read the letter from Bob Moses, explaining the reason for the request and stating the members of the Public Works Department will receive awards at the Chamber Dinner. Kramer read into the record an email from Alderman Gilberts, who was absent, in which he stated he now supported the change in the meeting date whereas he had voted against previously. ACTION: To re-schedule the September 16th Common Council meeting to September 23rd MOTION: Titlbach SECOND: Hayes-Hall VOTE: 6-3 (Thein, Fleshner, and Jones opposed). Motion failed for not meeting the two-thirds of the members in the affirmative requirement.

C. DISCUSSION AND ACTION – Resolution 2014-34 (ACCEPTING PETITION OF ANNEXATION)

Tom Quick is requesting that a 3-acre parcel at 470 Cliff Haven Road be annexed into the City of Prairie du Chien. ACTION: To approve Resolution 2014-34 MOTION: Solomon SECOND: Titlbach VOTE: 9-0

D. DISCUSSION AND ACTION - Request to Develop and Make Application to the Wisconsin Bureau of Aeronautics and the Federal Aviation Administration

This request to the Common Council is to develop and make application to Wisconsin Bureau of Aeronautics and the Federal Aviation Administration to allow a direct access from Marquette Road/USH 18 to the new hospital site. The necessary documents will be prepared by Vierbicher Associates in consultation with the City, and all preparation and submission costs will be paid directly by the hospital. Consequently, there is no fiscal impact to the City's budget. ACTION: To approve the request MOTION: Fleshner SECOND: Jones VOTE: 9-0

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

Leys requested a discussion on the Blackhawk Junction demolition project. Kramer said the City is moving forward with an abatement order demanding the site be cleaned up.

F. ADJOURN to CLOSED SESSION (8:05 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: Request for TIF assistance RE: Land Sale MOTION: Solomon SECOND: Tilbach VOTE: 9-0

G. CONVENE into open session (8:45 PM)

MOTION: Solomon SECOND: Thein VOTE: 9-0

H. ACTION from closed session

ACTION: To approve the transfer of \$4,830 from TIF District #6 to the Water Department to pay for the extension of two water services on the city's right-of-way on Cliff Haven Road MOTION: Leys SECOND: Solomon VOTE: 9-0

ACTION: To reject the offer of Jeff Kaiser to sell his parcel adjacent to the North Gateway Business Park to the city for \$150,000 MOTION: Titlbach SECOND: Solomon VOTE: 9-0

12. ADJOURN (8:47 PM)

MOTION: Solomon SECOND: Hayes-Hall VOTE: 9-0

Submitted by City Administrator Aaron Kramer

RESOLUTIONS APPROVED

*** Resolution 2014-34 (ACCEPTING PETITION OF ANNEXATION)**

*** Resolution 2014-35 (TRANSFERRING SURPLUS FUNDS FROM TAX INCREMENT FINANCING DISTRICT NUMBER 6 (TID #6) TO TAX INCREMENT FINANCING DISTRICT NUMBER 4 (TID #4))**

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*** Resolution 2014-37 (DECLARING SEPTEMBER AS "OVARIAN CANCER AWARENESS MONTH" IN THE CITY OF PRAIRIE DU CHIEN)**