

## Minutes of the Common Council December 2nd 2014

A regular meeting of the City of Prairie du Chien Common Council was held on Tuesday December 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** – All members present. The Council has one vacancy.
- 2. Certification of the open meeting law agenda requirements and approval of the agenda** – MOTION: Titlbach SECOND: Solomon VOTE: 11-0
- 3. Pledge of Allegiance** – Led by Edward Hayes-Hall

### **4. PUBLIC HEARINGS**

**A. PUBLIC HEARING – 2015 Budget** – Hemmer opened the public hearing at 7:04 PM. City Administrator Kramer presented an overview of the budget, which calls for a 1.5 percent increase in overall spending and a 0.75 percent increase in the tax levy. He said the taxes on a \$100,000 home are projected to down slightly less than six (6) dollars. No one from the public addressed the Council. Hemmer closed the public hearing at 7:09 PM.

**B. ACTION on aforesaid agenda item** – ACTION: To approve the 2015 budget MOTION: Gilberts SECOND: Hayes-Hall VOTE: 11-0

**C. PUBLIC HEARING - Request from Wisconsin & Southern Railroad, LLC, 700-900 block of S. Main Street, to rezone from R-2 “Medium Density Residential” to I-2 “Industrial/Manufacturing” Zoning District** - At its November 10th meeting, the Plan Commission voted 3-4 to recommend the request be approved, thus it comes before the Council with a recommendation to deny. Hemmer opened the public hearing at 7:13 PM. Tim Karp (Wisconsin and Southern) made a presentation on the rezoning request. Speaking during the public hearing were the following: Chris Kane (Universal Forest Products), Kyle Pattison (Prairie du Chien – Pattison Sand), Leo Gerlach (Prairie du Chien), Maura Garrity (Prairie du Chien), Angela Moody (Prairie du Chien), Edie Ehlert (Ferryville), Sherry Oswald (Prairie du Chien), Gil Gutknecht (Rochester, MN – Consultant, Pattison Sand), Louis Lochner (Prairie du Chien), Forest Jahnke (Rolling Ground - Crawford Stewardship), Jim Walz (Prairie du Chien), Frank Pintz (Prairie du Chien), Jack Knight (Luana, IA), Tom Nelson (Prairie du Chien), Peggy Gallagher (Prairie du Chien), Jim Gallagher (Prairie du Chien), Ted Finn (Prairie du Chien), Janet Finn (Prairie du Chien), Brian Krachey (Prairie du Chien), Virginia Lochner (Prairie du Chien), Brian Novinska (Prairie du Chien) and Nikki Osterkamp (Prairie du Chien). Considerable discussion was held on the proposal. Kramer said he had also received numerous petitions and correspondences, which were provided to the Council in advance, and entered the following into the record: Norma Lochner (Prairie du Chien), Wisconsin Manufacturers and Commerce, Glory Adams (Eau Claire, WI), Tom Harris (Prairie du Chien), Roy George (Prairie du Chien). Hemmer closed the public hearing at 9:22 PM.

**D. ACTION on aforesaid agenda item – Ordinance 2014-30 (AMENDING THE ZONING ORDINANCE OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)** – ACTION: To deny Ordinance 2014-30 MOTION: Titlbach SECOND: Fleshner VOTE: 6-5 (Myers, Boylen, Kozelka, Gilberts and Jones voted against). Following the vote, Kramer asked the Council what direction they would like the staff to take if the project commences under federal pre-emption. The consensus was to wait and see what the railroad decides to do. City Planner Fable and City Attorney Peterson addressed the issue of pre-emption, with the position that they both felt the City would not be successful in challenging any pre-emption claims in the future relative to this proposed project.

Without objection, the Mayor called for a ten-minute recess.

### **5. CONSENT AGENDA**

A. COUNCIL – November 18th 2014; B. FINANCE – November 18th 2014; C. BOARD OF ZONING APPEALS – October 23rd 2014; D. LARIVIERE PARK BOARD - October 22nd 2014; E. PUBLIC WORKS – October 15th 2014; F. OPERATORS LICENSES (if any); ACTION: To approve the consent agenda MOTION: Leys SECOND: Jones VOTE: 11-0

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

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

**8. CITY ADMINISTRATOR'S REPORT** – Kramer said there would be a Personnel Committee meeting, in closed session, next Tuesday December 9<sup>th</sup> to conduct the annual review of the City Administrator and the employment status of the City Attorney.

**9. COMMITTEE REPORTS AND ACTIONS**

**A. FINANCE – Claims** – ACTION: To approve the claims MOTION: Gilberts SECOND: Kozelka VOTE: 11-0

**B. FINANCE – Ordinance 2014-31 (ESTABLISHING SALARIES AND COMPENSATION FOR CERTAIN CITY OFFICERS AND EMPLOYEES OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)** - The purpose of this Ordinance is to establish the salaries for certain part-time and full-time employees, including the members of the Common Council. ACTION: To approve Ordinance 2014-31 MOTION: Gilberts SECOND: Solomon VOTE: 11-0

**C. FINANCE – Ordinance 2014-32 (APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE GOVERNMENT AND ADMINISTRATION OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)** - The purpose of this Ordinance is to establish the overall 2015 tax levy needed to support the City and other taxing jurisdictions. ACTION: To approve Ordinance 2014-32 MOTION: Kozelka SECOND: Myers VOTE: 11-0

**10. OLD BUSINESS** - None

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

**A. DISCUSSION - Items for future agenda consideration or Committee assignment** – Leys asked for an update on the status of the library, which has been closed since last week due to a furnace issue. Kramer said the part needed is expected to be delivered and installed later in the week. Myers asked for, and received, an update on the Godden Pit dredging project. Fleshner suggested that exit interviews with departing employee be done with the Personnel Committee in the future.

**B. ADJOURN to 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: Hailey Seitz (by her guardian ad litem – William Skemp), Roger Seitz, Sara Seitz and ABC Insurance Companies vs City of Prairie du Chien, Denise Barrett, State Farm Mutual Automobile Insurance Company and XYZ Insurance Companies and RE: Possible Condemnation Action. Kramer stated that there was no need to go into closed session, unless a Council member so desired. No action taken.

**C. CONVENE into open session** - None

**D. ACTION from closed session** - None

**12. ADJOURN (10:00 PM)** – MOTION: Thein SECOND: Hayes-Hall VOTE: 11-0

Submitted by City Administrator Aaron Kramer

**ORDINANCES APPROVED**

\* Ordinance 2014-31 (ESTABLISHING SALARIES AND COMPENSATION FOR CERTAIN CITY OFFICERS AND EMPLOYEES OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

\* Ordinance 2014-32 (APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE GOVERNMENT AND ADMINISTRATION OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)

**ORDINANCES REJECTED**

\* Ordinance 2014-30 (AMENDING THE ZONING ORDINANCE OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)