

## Minutes of the Common Council – February 17<sup>th</sup> 2015

A regular meeting of the City of Prairie du Chien Common Council was held on Tuesday February 17th 2015 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 Todd Myers

### **4. PUBLIC HEARINGS** – None

### **5. CONSENT AGENDA**

A. COUNCIL – February 3rd 2015; B. FINANCE – February 3rd 2015; C. DESIGN AND PRESERVATION COMMISSION – November 13th 2013; D. PUBLIC WORKS COMMITTEE – January 27th 2015; E. PLAN COMMISSION – January 19th 2015; F. FIRE CHIEF'S REPORT – January 2015; G. OPERATORS LICENSES (if any); Kramer asked that item #C be pulled. ACTION: To approve the consent agenda minus item C MOTION: Gilberts SECOND: Solomon VOTE: 11-0

**6. ITEMS REMOVED FROM CONSENT AGENDA** – Kramer said the Design and Preservation Commission, at its last meeting, had asked the staff to review and revise the current ordinance governing the commission as they review their role. ACTION: To approve consent agenda item C MOTION: Hayes-Hall SECOND: Myers VOTE: 11-0

**7. CITIZENS' COMMENTS, RESOLUTIONS AND PRESENTATIONS** – Marta Brewer (521 East Iowa) asked the Council that they return the 300 acres wrongfully taken from her grandmother by the City many years ago, as well as the \$300 million she claimed was wrongfully taken as well. Roger Kordus (307 South Jackson) addressed the Council on the proposed flood mitigation project and urged that the current stormwater system be maintained and the public be involved in the process moving forward. Stan Toberman (1311 East Webster) addressed the Council, as well, on the flood mitigation project and said he felt the project was a waste of tax dollars and a better maintenance plan would address many of the current problems.

**8. CITY ADMINISTRATOR'S REPORT** – Kramer reported on the Prairie du Chien Main Street Annual Meeting he and the Mayor attended the night before. He also thanked City employees Dirk Steiner and Rich Stovey for their excellent work on the VFW display at City Hall.

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

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

**B. FINANCE – Police Equipment Upgrade** - The City is currently taking part in a fully funded Alcohol Enforcement Grant with the Crawford County Sheriff's Department. As part of that Grant we are allowed \$4,999.00 in equipment with a 25% match. Sergeant Teynor went through a list of the equipment and funding options are included in the packet. ACTION: To approve the grant application with the additional funding coming from the 2015 Police budget and, if necessary, the contingency fund MOTION: Solomon SECOND: Gilberts VOTE: 11-0

**C. FINANCE - RESOLUTION 2015-02 (WRITING OFF UNCOLLECTIBLE ACCOUNTS RECEIVABLE)** – ACTION: To approve Resolution 2015-02 MOTION: Gilberts SECOND: Kozelka VOTE: 11-0

**D. PUBLIC WORKS – Review final plans and bid authorization for North Ohio Street reconstruction –** Matt Muchow (Vierbicher) was present to review the project, which is scheduled to begin later this spring. ACTION: To approve letting the bids for the project MOTION: Kozelka SECOND: Hayes-Hall VOTE: 11-0

## **10. OLD BUSINESS**

**A. PLAN COMMISSION – Ordinance 2014-28 (REPEALING AND RECREATING CHAPTER 17, SECTION 2.6 (2) (F) (1) (MODIFICATIONS – YARD MODIFICATIONS) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)** - The purpose of this Ordinance is to establish a maximum height of 20 feet and maximum size of 1,000 square feet for accessory structures in Residential Districts or uses governed by the residential district requirements. If the Council chooses to change the maximum height or size, the Ordinance will need to go back to the Plan Commission for a new public hearing. Kramer informed the Council that any changes to the proposed ordinance would require it then be sent to another public hearing. ACTION: To approve Ordinance 2014-28 MOTION: Leys SECOND: Kozelka VOTE: 3-8 (Thein, Myers, Boylen, Solomon, Kozelka, Gilberts, Jones and Fleshner opposed) Motion failed.

**B. DISCUSSION AND ACTION – DNR Municipal Flood Control Grant Award/Flood Mitigation Project – Jackson Street Ditch/Detention Basins** - The Wisconsin DNR has awarded the City a Municipal Flood Control Grant (\$436,050), which will require a match of \$255,000 from the City. Memos outlining the proposed plans and the funding are included in the packet. Kurt Muchow (Vierbicher) was present to address the Council on the project and answer questions. ACTION: To approve the DNR Municipal Flood Control Grant Award/Flood Mitigation Project – Jackson Street Ditch/Detention Basins MOTION: Gilberts SECOND: Leys VOTE: 8-3 (Thein, Fleshner and Jones opposed)

**C. DISCUSSION AND ACTION - Request for proposals (RFP) to secure a firm to perform all real estate acquisition activities for the next phase of the Marquette Road project –** ACTION: To approve issuing the request for proposals MOTION: Kozelka SECOND: Fleshner VOTE: 11-0

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

**A. MAYORAL APPOINTMENT** – Hemmer notified the Council he was appointing Nate Gilberts (Council representative) to the Prairie du Chien Economic Development Corporation.

**B. DISCUSSION - Items for future agenda consideration or Committee assignment** - Hayes-Hall asked that the City's emergency response plan be on the next Council agenda. Leys read an article from the Boscobel Dial regarding WSOR and their operations, and stated that he felt the railroad had not been completely truthful in how frac sand is moved out of Prairie du Chien when addressing the Council on the proposed unloading site along the Highway 18 bypass.

**C. ADJOURN to CLOSED SESSION (8:04 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: Excalibur Laundries, Inc. vs. City of Prairie du Chien MOTION: Solomon SECOND: Gilberts VOTE: 11-0

**D. CONVENE into open session (8:31 PM)** – MOTION: Kozelka SECOND: Solomon VOTE: 11-0

**E. ACTION from closed session** - ACTION: To oppose the Writ of Mandamus filed against the City by Excalibur Laundry, to direct the City Administrator to send the Notice of Writ to the City's insurance provider to see if the City's defense costs will be covered by insurance, and, failing coverage being provided by the insurance provide, direct City Attorney Peterson to defend the City and the City Administrator to report to the Council at its March 3rd meeting on the budget impact of opposing the Writ of Mandamus MOTION: Kozelka SECOND: Solomon VOTE: 11-0

**12. ADJOURN (8:34 PM)** - MOTION: Gilberts SECOND: Hayes-Hall VOTE: 11-0

Submitted by City Administrator Aaron Kramer

**RESOLUTIONS APPROVED**

\* Resolution 2015-02 (WRITING OFF UNCOLLECTIBLE ACCOUNTS RECEIVABLE)

**ORDINANCES REJECTED**

\* Ordinance 2014-28 (REPEALING AND RECREATING CHAPTER 17, SECTION 2.6 (2) (F) (1) (MODIFICATIONS – YARD MODIFICATIONS) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN)