

Minutes of the Common Council – 23 February 2010

A special meeting of the Common Council of the City of Prairie du Chien, Wisconsin was held on Tuesday February 23rd 2010 at 7:00 PM in the Council Chambers of City Hall. Council President David Hemmer, in the absence of Mayor Karl Steiner, called the meeting to order, with Council Members Jean Titlbach and Mary Wayne absent. Council Member Titlbach joined the meeting at 7:02 PM.

CERTIFICATION OF THE OPEN MEETING LAW AGENDA REQUIREMENTS

MOTION: Ames SECOND: Solomon VOTE: 11-0 (Wayne absent)

PUBLIC HEARINGS, PRESENTATIONS, AND INPUT

None

II. CONSIDERATION OF CONSENT AGENDA

A. COUNCIL MINUTES – February 2, 2010 Meeting

B. COUNCIL MINUTES – February 17, 2010 Meeting

C. FINANCE COMMITTEE MINUTES – February 2, 2010 meeting

D. FINANCE COMMITTEE MINUTES – February 4, 2010 meeting

E. HOFFMAN HALL TASK FORCE MINUTES – February 3, 2010 meeting

F. LARIVIERE PARK COMMITTEE – February 10, 2010 meeting

G. CHANGE OF AGENT – Appointment of Rick Tolly as the agent for Walgreens, 109 North Marquette Avenue, for their alcohol license

H. PERMISSION TO SELL FOOD – Beth Mezera (Betty's Canteen Café) seeking permission to continue selling food in the city of Prairie du Chien

PULL FROM CONSENT AGENDA: Boylen requested item F

ACTION: To approve consent agenda with the exception of item F

MOTION: Hein SECOND: Munson VOTE: 11-0 (Wayne absent)

III. ITEMS REMOVED FROM CONSENT AGENDA

F. LARIVIERE PARK COMMITTEE – February 10, 2010 meeting – Boylen questioned some of the financial material provided, but was advised these items are part of another agenda item (See Agenda Item V-F)

ACTION: To approve Consent Agenda item F

MOTION: Hein SECOND: Riebe VOTE: 11-0 (Wayne absent)

IV. CITIZENS' COMMENTS, OBSERVATIONS, PETITIONS, AND PUBLIC INPUT

None

V. COMMITTEE REPORTS AND ACTIONS

A. PERSONNEL COMMITTEE - Electronic and Computer Policy

The City Administrator has drafted a policy covering employee use of computers, email, on-line forums and software. The committee approved the draft of the policy on February 8th

ACTION: To approve

MOTION: Ames SECOND: Munson VOTE: 11-0 (Wayne absent)

B. FINANCE COMMITTEE – Permission to Purchase Police Canine Vehicle

The Police Department has received bids for a new canine unit vehicle. The funds will come from the 2008 and 2009 borrowings

ACTION: To deny

MOTION: Riebe SECOND: Munson VOTE: Riebe and Munson withdrew motions before vote was taken

ACTION: To table until March 2nd pending Carfax report on vehicle and report on police department vehicle maintenance

MOTION: Ames SECOND: Munson VOTE: 11-0 (Wayne absent)

C. FINANCE COMMITTEE – 2010 Salary Ordinance

The 2010 salary ordinance, passed last year by the Council was incorrect, and needs to be re-approved. The only change, other than a correction of the date of passage, is a raise for the Deputy Fire Chief to reflect committee actions and the 2010 budget.

ACTION: To approve

MOTION: Pintz SECOND: Riebe VOTE: 11-0 (Wayne absent)

D. FINANCE COMMITTEE – Authorization to Bid

The general line-item includes funds for replacing a one block of sanitary sewer main and manhole rehabilitation projects. The Finance Committee approved going ahead with the project.

ACTION: To approve

MOTION: Hein SECOND: Ames VOTE: 11-0 (Wayne absent)

E. PERSONNEL, LICENSE AND INSURANCE COMMITTEE – Fire Department Waiver

The Fire Department has an employee who needs a waiver to work past the mandatory retirement age of 60.

ACTION: To approve

MOTION: Riebe SECOND: Solomon VOTE: 11-0 (Wayne absent)

F. LARIVIERE PARK COMMITTEE – Ordinance

This new ordinance would provide the governance for the committee, which has not been officially in place until this time. Copies of the LaRiviere Riders financial statement, the amended 1977 resolution which accepted the land and the will were provided.

ACTION: To approve

MOTION: Hein SECOND: Ames VOTE: 11-0 (Wayne absent)

G. PROPERTY COMMITTEE – Stuckey Lease

The committee met with Mr. Stuckey on Thursday February 18th and came to an agreement on an outline for a lease involving his farming city land. Terry Meyer requested Tom Peterson to include language in the Stuckey lease that would formalize the "gentleman's agreement" they've had for years that the sludge can also be spread on a parcel of land owned by the Stuckey's. They questioned whether that parcel was owned by Harvey & Mary or by Harlan & Janice (Harvey's parents), but Tom was to find out and formally include that in the lease agreement.

ACTION: To direct City Attorney to draft the lease incorporating a clause permitting the city to spread sludge from the WWTP on the land

MOTION: Riebe SECOND: Solomon VOTE: 11-0 (Wayne absent)

H. PROPERTY COMMITTEE – Sale of City Property

The committee on February 18th gave permission to sell the city's old 1-ton truck. A new one has been purchased with a USDA grant.

ACTION: To approve

MOTION: Titlbach SECOND: Hein VOTE: 11-0 (Wayne absent)

VI. OLD BUSINESS

None

VII. NEW BUSINESS

A. REQUEST TO HOLD PARADE – St. Patrick's Parade – March 13th 2010

The Prairie du Chien Area Chamber of Commerce is seeking permission to hold its annual St. Patrick's Parade on March 13th 2010 at 10 AM. The route has been reviewed by the Chief of Police, and a letter from Bob Moses, Executive Director, has been included in the packet

ACTION: To approve

MOTION: Riebe SECOND: Hein VOTE: 11-0 (Wayne absent)

B. REQUEST TO HOLD 5K WALK-RUN – March 20th 2010

Jennifer Coleman is requesting permission to hold a 5K Walk-Run, in which part of the route includes Marquette Road. A memo from the Police Chief covers some of the concerns of staff.

ACTION: To approve

MOTION: Riebe SECOND: Hein VOTE: 11-0 (Wayne absent)

NOTE: At this time, the Council, without objection, moved to Item J

J. TIF #1 FUNDING – Review and action on resolution authorizing expenditure of up to \$100,000 of tax increment financing district #1 funds for development of a business incubator ("Kitchen Incubator Project") to be located at the Opportunity Center.

This resolution allocates \$100,000 to support the development of a business incubator at the Opportunity Center located in TID #1. The Industrial Development Corporation reviewed and made recommendation to support this project through TIF. Although allocated, the funding will only be used if the project can secure the other needed sources of financing. City staff has submitted grants to both the Wisconsin Department of Commerce (believed to be \$350,000) and USDA Rural Development (\$99,999) for this project.

ACTION: To approve with a developers' agreement stipulating that the businesses remain in the city of Prairie du Chien when and if they leave the incubator

MOTION: Riebe SECOND: Hein VOTE: 11-0 (Wayne absent)

C. INITIAL RESOLUTION - Vacating all that part of South Jackson Street abutting Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 184, and abutting Lots 9, 10, 11, 12, 13, 14, 15 and 16 of Block 189, Union Plat (south of the Webster Street right-of-way and north of the right-of-way of vacated Dunn Street); all in the City of Prairie du Chien, Crawford County, Wisconsin. This re-starts the process of the Jackson Street vacation, which was necessitated by the cancellation of the Council meeting on February 16th.

ACTION: To approve

MOTION: Pintz SECOND: Titlbach VOTE: 11-0 (Wayne absent)

D. RESOLUTION - Setting Time and Place for Public Hearing on Resolution vacating all that part of South Jackson Street abutting Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 184, and abutting Lots 9, 10, 11, 12, 13, 14, 15 and 16 of Block 189, Union Plat (south of the Webster Street right-of-way and north of the right-of-way of vacated Dunn Street); all in the City of Prairie du Chien, Crawford County, Wisconsin.

ACTION: To approve and set date of hearing on April 13th 2010 at 7:00 PM

MOTION: Titlbach SECOND: Ames VOTE: 11-0 (Wayne absent)

E. CLAIM – J.Everett Mitchell

Mitchell was a candidate for City Administrator, and has submitted a claim for \$318.20 to cover his mileage, meals and tips. The Council is being asked to reject his claim for reimbursement.

ACTION: To reject claim

MOTION: Ruskey SECOND: Riebe VOTE: 11-0 (Wayne absent)

F. WASHINGTON STREET PARK IMPROVEMENTS – Permission to sign agreement

Staff is seeking permission to enter into a Professional Service agreement with Vierbicher Associates to provide for the Improvements of Washington Street Park as part of the implementation of the 2009 Waterfront Plan.

ACTION: To approve

MOTION: Hein SECOND: Solomon VOTE: 10-1 (Boylen opposed)

G. HOFFMAN HALL – Update and discussion on Hoffman Hall

Informational packets are being provided to the Council on recent discussions by the Hoffman Hall Committee.

ACTION: None needed

H. INFORMATIONAL - Progress report on US EPA Brownfield Site Assessment Grant

This report is a routine update of progress made through the \$200,000 EPA Site Assessment Grant.

ACTION: None needed

I. PRAIRIE MAISON - Review and action on notice of award of a Wisconsin Site Assessment Grant (SAG) for former Prairie Maison site and directing City Administrator to act as authorized representative for purposes of implementing the grant.

The Council formerly approved resolutions to apply for three grants to assist in the demolition/deconstruction of the former Prairie Maison Nursing Home site. Two of the applications were for SAGs. City staff prepared the applications and the City has received notification that it received one of the SAGs in the amount of \$30,000. The third application is still being reviewed by state staff for possible funding.

ACTION: To approve the appointment of the City Administrator as the authorized representative

MOTION: Munson SECOND: Hein VOTE: 11-0 (Wayne absent)

K. Review and action on waiver of development agreement employment penalties for 2009

In 2009 because of the state of the economy the Common Council waived the development agreement job creation penalties in the existing development agreement for calendar year 2008. Although 2009 saw some additional hiring and some improvements in sectors of the local economy, the City's unemployment rate is still 12 percent higher than the state's as a whole. Staff recommends again waiving these job creation/maintenance penalties for 2009.

ACTION: To table until March 2nd to receive information on the financial impact of the decision

MOTION: Riebe SECOND: Munson VOTE: 11-0 (Wayne absent)

L. ELECTION CANVASS – Approve results of February 17th canvass

The Council is required to approve the Certification of the Board of Canvassers, which was held on February 17th in City Hall.

ACTION: To approve

MOTION: Pintz SECOND: Solomon VOTE: 11-0 (Wayne absent)

M. COMMITTEE ALIGNMENT – Possible re-organization

The City Administrator would like to discuss a possible realignment of the current committee structure with the Council and Mayor, with no action expected at this time.

ACTION: To send to the Property Committee

MOTION: Hein SECOND: Solomon VOTE: No vote as motion was changed

ACTION: To send to the Property Committee as a part of a Committee of the Whole meeting by the Council on March 2nd

MOTION: Hein SECOND: Solomon VOTE: 11-0 (Wayne absent)

N. CLOSED SESSION as per Wisconsin State Statutes, Chapter 19.85 (1) (e) Deliberating or Negotiating the Purchase of Public Properties, or Conducting other Specified Business, whenever Competitive or Bargaining Reasons require a Closed Session, for possible development.

ACTION: To enter closed session at 8:51 PM

MOTION: Solomon SECOND: Ames VOTE: 11-0 (Wayne absent)

O. Reconvene into Open Session

ACTION: To reconvene at 9:21 PM

MOTION: Solomon SECOND: Munson VOTE: 11-0 (Wayne absent)

P. Action on aforesaid Closed Session.

ACTION: To have the City Attorney re-draft the Prairie Maison purchase agreement to have the contingencies correspond with the timetable to close on the property

MOTION: Pintz SECOND: Solomon VOTE: 11-0 (Wayne absent)

Q. Adjourn (9:24 PM)

MOTION: Solomon SECOND: Ames VOTE: 11-0 (Wayne absent)

Submitted by City Administrator Aaron Kramer