

June 2, 2009 **Council Minutes**

The regular meeting of the Colby Common Council was called to order at 7:30 P.M. by Mayor James Schmidt. On roll call: Lange, Beisner, Schmidt, Raatz, Schraufnagel, Holtzhausen and Hederer. Kaiser was absent. Also present were Clerk Connie Gurtner, DPW Harland Higley Jr and Engineer Mike Voss.

Agenda was posted by the clerk. The agenda will stand as the order of the meeting.

Minutes of the May 6th council meeting were pre read and reviewed. Motion was made by Schmidt, seconded by Schraufnagel to approve as presented. Motion carried with a voice vote.

Financial Statement and Bills were discussed. Motion was made by Hederer, seconded by Schraufnagel to pay the bills as presented. The amounts approved are as follows: General Fund \$61,972.10; Water Department \$20,790.88; Sewer Department \$51,254.62; TIF Department - \$190.00; Net payroll - \$17,375.72. Motion carried with a voice vote.

Public Comment: none

Colby-Abbotsford Police Commission met on May 11th.

The commission approved minutes. Expenditures were not approved because the incorrect financial information was provided in the packet.

The commission elected Dick Lange as Chairman and Lori Voss as Secretary of the Police Commission.

Under discuss Wisconsin State Statute 62.13 (4) ♦ Police and Fire Department subordinates, the commission authorized the Chief to hire on call Officers, subject to police commission approval.

Vehicle maintenance report- The Police can no longer stop and search someone's car, via search incident to arrest, the Supreme Court ruled that you now can only search a car with a warrant. However, you can use a canine as a solution for finding probable cause to search the vehicles (enclosure-canine report). The use of canines will increase due to the new Supreme Court ruling. Chief stated that we should see increased deployment of drug dog in the monthly report.

Replacing canine vehicle- There are currently 95,000 miles in the current 2004 canine car. It was questioned if the cars used for canines cost more. It was explained that they are some what more expensive and at this time Rennie can't transport prisoners because of the dog. It was asked to consider purchasing an SUV for the next canine vehicle. The commission approved the purchase of a canine vehicle not to exceed the budgeted amount.

Motion was made by Beisner, seconded by Hederer to approve the actions and expenditures of the Police Commission for May. Motion carried with a voice vote.

Motion was made by Schmidt, seconded by Lange to purchase a Ford Expedition to replace the current Crown Victoria at a cost of \$26,450. Motion carried with a voice vote.

Parks/Rec/Recycling Committee met on May 12th.

Completed Projects: North First Street tennis court has been removed, area leveled, seeded and trees planted. Crabapple trees have been planted in Central Park and redbud trees planted at East Street Ballpark.

The city has applied for a DOT permit for the south entrance sign and they have been informed that a permit will be coming for the same sign at the north end of the city. Discussion was held on the location of the north entrance sign location between two locations. The committee voted to proceed with the feasibility of the Pine Ridge site and the drainage ditch area and any easement issues. DOT permits must be received for both sites and the Colby Economic Development donation received by the city before any action on sign purchases will come before the committee. We will also wait to see if the Phase 2 grant is approved. Raatz questioned the sign cost being above our ordinance amount for the bidding process. Since the sign is copyrighted, it would be impossible to get any equivalent quote and Colby Economic Development does not have these constraints. The city saves approximately \$3000 by participating in the joint purchase. The consensus of the committee was to proceed. The opinions of Mayor Schmidt and Clerk Gurtner will be sought relating to this issue. A preliminary ♦Rules of Use♦ has been given to the City Clerk to assess and revamp per the city's needs and intentions.

The Historical Marker project has been started with completion expected by the end of the month.

Three bids were received for the basketball court for resealing and restriping. The committee approved the lowest bid from Seal-it and Striping LLC for \$665.08. Motion was made by Hederer, seconded by Beisner to approve the purchase. Motion carried with a voice vote.

The committee had received a cost estimate for upgrading the electrical at the North First Street shelter of \$4,500. If this does not fix the electrical problem for the heavy use during Cheese Days, a new line brought to the shelter would cost another \$4,500. Discussion of this investment centered around the fact that none of these improvements were in the parks budget and the upgrade is based on the 3 day usage of this shelter for Cheese Days. Alderperson Schmidt indicated that

perhaps the city could partnership with the Chamber participants. The committee approved \$1,800 toward the Phase 1 upgrade of the shelter electrical in North First Street with the remainder to be paid by the Chamber of Commerce. Motion was made by Lange, seconded by Hederer to approve the expenditure of \$1,800 toward Phase 1 electrical upgrades to the shelter in North First Street. Motion carried with a voice vote.

The committee approved the Resolution 7-2009 adopting the City of Colby portion of the Clark County Outdoor Recreation Plan 2009-2013. Motion was made by Holtzhausen, seconded by Schraufnagel to approve resolution 7-2009. Motion carried with a voice vote.

City Planning Committee met on May 18th.

The committee reviewed the Street Use Permits Ordinance with specific discussion regarding item (d)(1) which states that the city must deny a street use permit if there is any economic gain from the street use. Motion was made by Hederer, seconded by Beisner to strike Ordinance Section 7-7-1 Street Use Permits (d) (1). Motion carried with a voice vote.

The ordinance prohibiting loud and unnecessary noise was reviewed by the committee. Motion was made by Schmidt, seconded by Hederer to amend Section 11-2-7 (c)(3) to read until 1:00 A.M. on weekend evenings rather than 10:00 P.M. This would include Friday, Saturday and Sunday evenings. Motion carried with a voice vote.

The committee reviewed the Outdoor Solid Fuel Fired Heating Devices to discuss if we should allow these in a certain zoning areas. The committee agreed to leave the ordinance as is and to ban them in the entire city.

The committee reviewed the Bid Solicitation Procedures regarding the limits for the bid processes. Our ordinance currently requires a formal bid process for any purchases for goods and services in an amount over Ten Thousand Dollars (\$10,000). The committee will review to act at a later date.

The committee reviewed the process to proceed with the adoption of the City of Colby 2025 Comprehensive Plan. The committee voted to move forward with the adoption of the city's comprehensive plan.

Water/Sewer Committee met on May 28th.

Water/Sewer Construction on West Spence Street/Cty Rd N:

According to Randy Anderson, if improvements to West Spence Street are not completed in 2010, it is unsure when it could be done. The estimate for the city's portion of the Spence Street project is \$708,371.20 including engineering, administration and contingencies. This amount is the city's cost and does not include the County's portion being (24 feet of the center of the road). The worst section of utilities is from 1st Street to 4th Street. Due to a possible 5% state shared revenue cut, the ability to pay for this project may be limited. The committee realizes the need to replace the infrastructure on W Spence before being able to fix any other infrastructure along W Spence Street. Motion was made by Hederer, seconded by Schmidt to bring this estimate to the budgeting process. Motion carried with a voice vote.

Solar Power at Sewer Treatment Plant:

Focus on Energy offers a 25% incentive for going solar. Without the Focus On Energy incentives the project of incorporating solar energy would be \$1,040,000.00 dollars. Due to our demographics, the return on investment for solar energy tends to be a long time. Issues of maintenance and operations during cold months were a concern. After discussion the feasibility seems out of reach for the current time.

PSC Water Rate Study- Contract with MSA to Provide Additional Information to PSC:

The PSC does not want to include the Well #13 project in our ongoing Rate Case Study. In order to be included they are requiring all projected costs to Well #13 be reported at this time. The additional information will require money to MSA of more than the original contract amount. Engineer Voss is estimating around \$500.00. The contract from MSA for Well #13 included PSC costs but that money is used in the reports already provided to them. The additional time and labor in the extra information is what would bring the extra expense. Without the extra time and labor the Rate Case Study will not go through. Motion was made by Holtzhausen, seconded by Beisner to allow an additional cost to MSA Well #13 contract to include an additional \$500 to account for extra PSC reports. Motion carried with a voice vote.

Mayor Schmidt: Mayor Schmidt reported on the United Communities of Clark County Meeting.

Mayor Schmidt appointed Theresa Goodwin and Mary Dorn to serve a three year term (2009 - 2012) on the Library Board. Motion was made by Hederer, seconded by Holtzhausen to approve his appointment. Motion carried with a voice vote.

Clerk Gurtner: Clerk Gurtner reported on her training in Chicago.

Harland Higley Jr: The following building permits were issued: Travis Sobeck, 307 W Broadway, new covered porch; Eric Schoelzel, 203 N 6th Street, concrete drive; John Cooper, 205 W Clark, siding/shingles/windows/interior remodel; David Barrett, 107 S Main Street, reroof; Wisconsin DOT, 700 S Division Street, raze building; Dale Janisch, 101 W Clark, raze Sweet Repeat building; Ross Rannow, 411 S 6th Street, repair hail damaged shingles & siding; Lloyd Kuehling, 210 S Main Street, interior remodel of bedroom and replace kitchen beam; Norman Miller, 410 N 4th Street, erect garage.

The city tested Well #12 last week and it tested good. We are at about 800 gallons per minute entering the Sewer

Treatment Plant during rain. DPW Higley passed his last Water Operator tests.

Engineer Mike Voss: Mike Voss reported on the Highway 13 Project.

Operator's License: Applications were received for operator's licenses as listed. Motion was made by Hederer, seconded by Holtzhausen to approve the list dated June 2, 2009 as follows. Motion carried with a voice vote.

Number	Name	Address	Location
1	Connie Gurtner	101 S Main Street,	Colby Chamber
2	James Hager	PO Box 443,	Colby Harmony
3	Barbara Maxam	B316 Cty Rd P,	Unity Harmony
4	Debbie Schoelzel	108 N 2nd Street,	Colby Harmony
5	Jenny Dommer	412 E 1st Ave,	Dorchester Harmony
6	Elaine Hiebl	W615 Sandy Lane Rd,	Colby Harmony
7	Sheila Dammann	6683 Lincoln Rd,	Vesper Harmony
8	Vicki Fredine	406 W Spence St,	Colby Harmony
9	Donna Bruesewitz	W610 Sandy Lane Rd,	Colby Harmony
10	Janessa Schmitt	201 N 6th Street,	Colby Harmony
11	Susan Stuttgart	W365 Cty Rd N,	Colby Harmony
12	Jenny Helfert	B4892 S Pine Rd,	Unity Harmony
13	Nancy Uhlig	F4653 Townline Rd,	Colby Shell
14	Susan Hilber	F2394 Elderberry Rd,	Colby Shell
15	Mary Plank	103 N 2nd St,	Colby Shell
16	Melissa Cooper	205 E Spence St,	Colby Shell
17	Joan Jensen	302 S Main Street,	Unity
18	Tom Firnstahl	704 E Monroe St,	Colby VFW
19	Emanuel Firnstahl	702 E Monroe Street,	Colby VFW
20	Opal Gehrke	404 W Spence Street,	Colby VFW
21	Cheryl Hoffman	PO Box 262,	Athens VFW
22	Kevin Steinmetz	209 N 2nd Street,	Colby VFW
23	Jane Holtzhausen	304 S 3rd Street,	Colby VFW
24	Tracy Harbaugh	104 W Linden St, Apt 131,	Abby Shell
25	Crystal Zoellick	W1162 Willow Rd,	Abby Shell
26	Maricia Schmitt	111 W Spruce St, Apt,	Abby Shell
27	Jennifer Schmidt	206 N 7th Street,	Colby Tesmer's T & C
29	Melissa Strathmann	300 Lieders Street,	Colby
30	Kent Schilling	300 W Pine Street,	Abby VFW
31	Duane Webb	515 N 3rd Street,	Colby Lions
32	David Strathmann	300 Lieders Street,	Colby VFW
33	Kimberly Strathmann	1516 19 3/8 St,	Cameron
34	Michelle Strathmann	300 Lieders Street,	Colby
35	Kurt Robida	H3090 Huckleberry Rd,	Colby
36	Kim Robida	H3090 Huckleberry Rd,	Colby
37	Amy English	206 S 2nd Street,	Abby Spare Time
38	James English	206 S 2nd Street,	Abby Spare Time

Liquor Licenses: Applications were received for liquor licenses as listed. Motion was made by Holtzhausen, seconded by Hederer to approve the list. Motion carried with a voice vote.

Name: Harmony Country Coop, Agent: James P Hager
Address: 702 S Division Street, Type of License: Class A Beer

Name: Super 39 Shell, LLC, Agent: William Edwards
Address: 1210 N Division Street, Type of License: Class A Combination

Name: Robbie Smazal, Trade Name: Smazal's Hunter's Choice
Address: 109 S 1st Street, Type of License: Class B Combination

Name: Huber-Schmitt-Bruesewitz-Decker VFW Post 2227 Inc, Agent: E. Firnstahl
Address: 104 S Division Street, Type of License: Class B Combination

Name: Timothy Shannon, Trade Name: Tim's Northside Bar & Grill
Address: 102 E Adams Street, Type of License: Class B Combination

Name: Randel J Tesmer, Trade Name: Tesmer's Town & Country Bar
Address: 121 S 1st Street, Type of License: Class B Combination

Name: Colby Bowling Center LLC, Agent: Carter Smith
Address: 506 N Division Street, Type of License: Class B Combination

Resolution 6-2009 Sewer Treatment Plant Compliance Maintenance: Motion was made by Schmidt, seconded by Schraufnagel to approve Resolution 6-2009 as follows. Motion carried with a voice vote.

CMAR Report Year 2008

COMPLIANCE MAINTENANCE RESOLUTION 6-2009

RESOLVED that the City of Colby informs the Wisconsin Department of Natural Resources that the following actions were taken by the Colby Common Council.

1. Reviewed the Compliance Maintenance Annual Report which is attached to this resolution.
2. Set forth the following actions necessary to maintain effluent requirements contained in the WPDES Permit:
 - (a) none

Passed by a unanimous vote of the Colby Common Council on June 2, 2009.

Signed: Mayor James Schmidt
Attest: Connie Gurtner, Clerk

Crack Filling Proposals: The city received two bids for crack filling ♦ Fahrner Asphalt Sealers for \$4,993 and American Pavement Solutions for \$5,214.24. These bids include sealing for Clark, 3rd, 6th, Jefferson, Spence, Community, Hornet, Dehne, Hodd, and the sewer plant. Motion was made by Schraufnagel, seconded by Hederer to approve the crack filling bid from Fahrner Asphalt Sealers for \$4,993. Motion carried with a voice vote.

Committee meetings for June: Colby-Abbotsford Police Commission will meet on June 8, 2009 at 6:00 P.M. at the Colby-Abbotsford Police Department. Parks/Rec/Recycling Committee will meet on June 23, 2009 at 6:00 P.M.

Adjourn: Motion was made by Schraufnagel, seconded by Beisner to adjourn at 8:40 P.M. Motion carried with a voice vote.

Approved _____ Mayor _____
James W Schmidt
Attest _____
Connie Gurtner, Clerk