

August 3, 2010 Council Minutes

The regular meeting of the Colby Common Council was called to order at 6:30 P.M. by Mayor James Schmidt. On roll call: Lange, Beisner, T Schmidt, Raatz, Schraufnagel, Holtzhausen, Hederer and Kaiser. Also present were Clerk Connie Gurtner, DPW Harland Higley Jr, Engineer Mike Voss and citizens at large.

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

Minutes of the July 6, 2010 council meeting were pre-read and reviewed. Motion was made by T Schmidt, seconded by Schraufnagel to approve the minutes as presented. Motion carried with a voice vote.

Financial Statement and Bills were discussed. Motion was made by Hederer, seconded by T Schmidt to approve the bills. The amounts approved are as follows: General Fund \$190,273.52; Water Department \$19,120.62; Sewer Department \$33,252.95; Net payroll \$18,516.51. Motion carried with a voice vote.

Comments From The Public: Tracey Hogden introduced herself to the council as the Office Administrator for the Abbotsford Colby Area Chamber of Commerce. She commented on some of the current events of the chamber.

Ed Berry of 207 N 2nd Street voiced his concerns about the water problem with his neighbor.

Colby-Abbotsford Police Commission met on June 14th.

The commission approved the minutes and expenditures.

Under Chief's report, Officers will need to have a meeting on the new non-smoking ordinance. It was mentioned that since the smoking ban took affect, people are drinking outside the bar. The Officers will talk with Chief Gosse when he returns from vacation to discuss this matter

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

City Planning Committee met on July 20th.

City of Colby Emergency Response Plan: Clark County asked us to update our emergency response plan; it has been four or five years since it was updated last. Mayor Schmidt read aloud our current response plan and stated some changes that needed to be made. He stated that the plan had been updated and reviewed by Fire Chief Rannow. An updated plan was reviewed by the committee. Motion was made by T Schmidt, seconded by Schraufnagel to approve the emergency response plan. Motion passed with a voice vote.

Revolving Loan Fund Application: The city received an application applying for fund from the city's Revolving Loan Fund. The committee reviewed the application for the loan. The committee approved the application for the revolving loan fund in the amount of \$26,140.27.

Smoking Ban Ordinance suggestions from Community Code Service:

The committee received an updated ordinance regarding the statewide smoking ban. Community Code Service provided an updated and more restrictive ordinance for our review. It was asked why we should adopt this ordinance and if there was a need to make more restrictions. The committee reviewed and discussed the ordinance. It was suggested to see if the police chief should review this ordinance and get his opinion. The committee thought it was okay to change the fine amounts section 11-3-8 to the state minimum amounts but they didn't feel the need to change anything else. Motion was made by Beisner, seconded by Schraufnagel to approve the repeal and recreation of section 11-3-8 of the code of ordinances for the City of Colby pertaining to the regulation of smoking, the minimum fines and forfeitures as published in the August 11th issue of the TP. Motion passed with a voice vote.

Operator's License Application Guidelines: Community Code Service sent us a resolution approving policy for review of alcohol beverage operator license applications. The committee discussed our current ordinance regarding operator's licenses. The committee reviewed the proposed resolution. No action was taken regarding this item.

Mutual Aid Agreement with Dorchester and Abbotsford: On May 25, 2005 we entered into an agreement with Dorchester and Abbotsford that if a situation arises and additional personnel and equipment are needed, aid will be provided under certain conditions by the municipalities. The current agreement was read and discussed by the committee. The committee felt the agreement needs to be re-written and should be written by someone who has a background in liability issues. It should also include the term of the agreement. Insurance issues should be checked into. The committee wants the previous issues looked into and will discuss this issue again.

Water/Sewer/Streets Committee met on July 26th and August 3rd.

DOT Letter regarding improvements during the Highway 13 Construction Project: We received a letter in June from the DOT about the proposed improvements on Highway 13; they want to know if the city would like to make the trail a multi use trail or have a 5ft concrete sidewalk along the highway. The DOT will pay for the cost of the 5 ft concrete sidewalk and the city would be responsible for any cost for a multi use trail above the cost of the 5 ft concrete sidewalk. Motion was made by Beisner, seconded by Hederer to notify the DOT that the city will go with the State of WI Department of Transportation's 5ft concrete sidewalk and leave the bike lanes in the traffic area. Motion carried with a voice vote.

Dehne Drive Curb/Gutter Assessments: When we decided to do the curb and gutter for Dehne drive, the city did not hold a public hearing in order to assess for the curb and gutter on this road; you need to hold a hearing before you can assess the property owners for this. There is a waiver form that can be signed by all of the property owners in order to waive the public hearing and special assess. We will talk to Bill Gamoke about our legal standing regarding this issue. The committee decided to get additional information and meet again on Tuesday before the August council meeting. Motion was made by Raatz, seconded by T Schmidt approve assessment of 50% of curb & gutter on Dehne Drive and approval of Preliminary Resolution Declaring Intent to Levy Special Assessment under Municipal Police Power Pursuant to 66.0703 Stats as follows. Motion carried with a voice vote.

RESOLUTION 3-2010
PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY SPECIAL ASSESSMENTS
UNDER MUNICIPAL POLICE POWER PURSUANT TO 66.0703.STATS.

RESOLVED, by governing body of Colby, Wisconsin:

1. The governing body hereby declares its intention to exercise its police power under 66.0703, Stats., to levy special assessments upon property in the assessment district hereafter described for benefits conferred upon such property by reason of the following public work and improvements:

Dehne Drive Improvements
Concrete curb and gutter construction.

2. The property to be assessed lies within the following described assessment district:

All property fronting upon both sides of Dehne Drive from Community Drive to the platted termini of the roadway.

3. The total amount assessed against the properties in the described assessment district shall not exceed 50% of the cost of the improvements.

4. The governing body determines that the improvements constitute an exercise of the police power for the health, safety and general welfare of the municipality and its inhabitants.

5. The municipal engineer shall prepare a report which shall consist of:

- a. Preliminary plans for the improvements.
- b. An estimate of the entire cost of the proposed improvements.
- c. Schedule of proposed assessments.

6. When the report is completed, the municipal engineer shall file a copy of the report with the municipal clerk for public inspection and, if state property is to be assessed, shall mail a copy of the report to the responsible state agency and, for assessments of \$50,000 or more, to the Wisconsin state building commission.106

7. Upon receiving the report of the responsible officer or body, the clerk shall cause notice to be given stating the nature of the proposed improvements, the general boundary lines of the proposed Assessment District, (including a small map thereof,) the time and place at which the report may be inspected, and the time and place of the public hearing on the matters contained in the preliminary resolution and the report. This notice shall be published as a class 1 notice under ch. 985, Stats, and a copy shall be mailed, at least 10 days before the hearing, to every interested party whose address is known or can be ascertained with reasonable diligence.

8. The hearing shall be held in the City Hall at the following address:
211 West Spence Street at a time set by the clerk in accordance with 66.0703, Stats.

9. The assessment against any parcel may be paid in cash or in annual installments the number of which shall be determined at the public hearing on the proposed assessments.

Signed: James W Schmidt
Attest: Connie L Gurtner

Requisition from DOT of 700 S Division Street Property: The state still has not received an appraisal on the 700 S Division street property, but in discussion with the DOT they stated that they don't need to do an appraisal if the city would want the property for a public parking lot, the city could acquire this property for \$1. PCA and Harmony stated if the city would acquire this lot they would put the parking lot in, hard surface it and also maintain it. The DOT is getting back to Mayor Schmidt to let us know if we can lease the property out. If you make it a city public parking lot you cannot control who parks there and the city could encounter problems. The committee discussed the pros and cons of acquiring the property. The committee wants to get more information regarding the issue and then will bring it back to committee again.

Engineering Costs of Spence Street Project: Since the project is taking longer than anticipated the amount budgeted for overseeing (observing) the project by Ayers Associates has been met. Ayers is requesting \$22,600 extra to cover the engineering costs. The committee discussed the issue. Motion was made by Schmidt, seconded by Hederer to approve

\$22,600 in extra engineering costs over and above the original costs on the Spence street project because of delays. Roll Call Vote: Ayes ♦ Beisner, Schmidt, Hederer, Kaiser; Noes ♦ Lange, Raatz, Schraufnagel, Holtzhausen. Vote is tied and Mayor Schmidt voted yes and motion carried.

Driveway entrance on Park Place for Tractor Pulls: Scott Oestreich is requesting a driveway entrance (curb cut) in the east corner of the pulling track site so the spectators/pullers can get into the field for the tractor pulls. Curb and gutter price is \$12 a foot, and the driveway entrance would require a 36 foot wide entrance for industrial. It was suggested that they could put a temporary entrance with gravel there without cutting the curb for right now. Motion was made by Hederer, seconded by Beisner to allow the tractor pulls a temporary entrance off of Park Place by building with granite. Motion carried with a voice vote

Storm Sewer Drainage in the alley between 2nd and 3rd streets (north of Spence Street): Brian Rinehart was wondering if the city would be willing to run something up the alley to help drain the water back there because the water is damming up. You would have to extend 100 feet of pipe up the alley. Motion was made by Holtzhausen, seconded by T Schmidt to extend the drain tile 100 feet to the alley from the west on Spence Street. Motion carried with a voice vote.

Request from the Town of Colby for extra grading and dust control:

Larry Oehmichen approached Mayor Schmidt stating there was extra grading and dust in the town of Colby because of the Spence Street project and the traffic using the Townships roads. He is requesting money from the city to help cover these costs. Committee took no action.

Mayor Schmidt: Mayor Schmidt reported on the meeting of the United Communities of Clark County. Motion was made by Beisner, seconded by Raatz to approve the contract with Veolia through United Communities of Clark County at a cost of \$8.24/month for refuse and recycling. The contract is for 3 years with an optional extension of 3 years. Motion carried with a voice vote.

Mayor Schmidt reported on the McDEVCO meeting.

DPW Harland Higley: The following building permits were issued: Randy Schwanke, 322 Dehne Drive, sign; Duane Altergott, 502 N Division Street, siding on house; Orville Lieders, 601 Terrace Street, roof.

DPW Higley reported on static levels and pumping levels of our wells. He also reported on the influent amounts in the sewer plant with the increased rain this year.

Engineer Voss: Engineer Voss provided a project update to the council for the ongoing projects.

Resolution 2-2010 Declaring Official Intent to Reimburse Expenditures ♦ SDWLP: Motion was made by Hederer, seconded by Beisner to approve this resolution as follows. Motion carried with a voice vote.

RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES

WHEREAS, the City of Colby, Clark & Marathon Counties, Wisconsin (♦the City♦) plans to construct several projects including but not limited to source development (well & well house) and treatment (modification of existing and/or construction of new treatment facilities as needed), disinfection equipment (UV and chlorine contact facilities), water main and other related facilities as described in their Environmental Improvement Fund Loan Program Notice of Intent to Apply Form for the well pump/wellhouse/treatment/connection project and Request of Waiver to the Environmental Improvement Fund Loan Program Notice of Intent to Apply for the disinfection/water main project and to be assigned Safe Drinking Water Fund Loan Program numbers by the Department of Natural Resources (♦the Projects♦); and

WHEREAS, the City expects to borrow funds and incur debt from one or more possible sources including the State of Wisconsin Environmental Improvement Fund Loan Programs to finance the Projects; and

WHEREAS, because proceeds of the debt which will provide project financing will not become available prior to commencement of the Projects, the City may need to provide interim financing to cover costs of the Projects incurred prior to receipt of the Loan(s); or other debt proceeds; and

WHEREAS, it is necessary, desirable, and in the best interests of the City to use moneys from its General Fund on an interim basis until the Loan(s) becomes available.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Colby, Clark & Marathon Counties, Wisconsin, that:

Section 1. Expenditure of Funds The City shall make expenditures as needed from its General Fund to pay the costs of the Projects until loan proceeds become available.

Section 2. Declaration of Official Intent. The City hereby officially declares its intent under 26 CFR Section 1.150-2 to reimburse said expenditures with proceeds of the debt, the principal amount of which is not expected to exceed \$600,000.

Section 3. Effective Date. This Resolution shall become effective upon its adoption and approval.

CITY OF COLBY
CLARK & MARATHON COUNTIES, WISCONSIN

James W. Schmidt, Mayor
Attest: Connie Gurtner, Clerk/Treasurer

Change Order #1 ♦ Frances Melvin Inc, Installation of Geotextile Stabilization Fabric: The change order # 1 amount is \$20,424 for the installation of geotextile stabilization fabric. This is required because the contractor found poor soils in the project area. Motion was made by Hederer, seconded by Beisner to approve the change order at a price of \$20,424. Motion carried with a voice vote.

Change Order #2 ♦ Frances Melvin Inc, Installation of Sanitary Sewer: The change order #2 amount is \$3,666.27 for the installation of sanitary sewer. The sanitary sewer pipe found was 18♦ and the plans and maps show 15♦ so the new connection is required. Motion was made by Hederer, seconded by Beisner to approve Change Order #2 not to exceed \$3,666.27. Motion carried with a voice vote.

Operators♦ Licenses: The following application for an operator♦s license was received: Todd Schmidt, 203 S 2nd Street, Colby. Motion was made by Hederer, seconded by Holtzhausen to approve the Operators♦ Licenses as presented. Motion carried with a voice vote.

Picnic Licenses: The following applications for Temporary Class B License were received: Abbotsford Colby Area Chamber of Commerce, PO Box 444, Colby, August 13-15, 2010, area surrounding dirt pulling track ♦ between Spence Street and Park Street. Motion was made by Holtzhausen, seconded by Schraufnagel to approve as presented. Motion carried with a voice vote. Knights of Columbus (St. Mary♦s), 205 S 2nd Street, September 12, 2010, parking lot at 205 S 2nd Street. Motion was made by Beisner, seconded by Schraufnagel to approve as presented. Motion carried with a voice vote.

Committee meetings for August: Colby-Abbotsford Police Commission will meet on August 9, 2010 at 6:00 P.M. at the Colby-Abbotsford Police Department. Full Council will meet on August 23rd at 6:00 P.M. Water/Sewer/Streets Committee will meet on August 23rd following the full council. Parks/Rec/Recycle will meet on August 16th at 6:30 P.M.

Adjourn: Motion was made by Hederer, seconded by Beisner to adjourn at 7:50 P.M. Motion carried with a voice vote.

Approved _____
James W Schmidt, Mayor

Attest _____
Connie Gurtner, Clerk