

June 4, 2013 **June Council**

The regular meeting of the Colby Common Council was called to order at 6:30 P.M. by Mayor James Schmidt. On roll call: Henaman, T Schmidt, Thieme, Schraufnagel, Oestreich, Hederer and Kaiser. O'Brien was absent. Also present were Mayor James Schmidt, Clerk 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 7th & May 16th council meetings were pre-read and reviewed. Todd Schmidt's name needs to be added to the roll call. Motion was made by Hederer, seconded by Oestreich to approve the minutes as corrected. Motion carried with a voice vote.

Financial Statement and Bills were discussed. Motion was made by Schmidt, seconded by Schraufnagel to approve the bills. The amounts approved are as follows: General Fund \$85,485.93; Water Department \$25,947.32; Sewer Department \$39,008.71; TIF Fund \$11,662.47; Net payroll \$17,055.37. Motion carried with a voice vote.

Public Comment:

Colby-Abbotsford Police Commission met on May 13th.

The commission approved the minutes and expenditures.

Police Commission Ordinance 5-1-1: There was a lengthy discussion about the police commission ordinance and it was decided to review the ordinance and decide on changes at the next meeting.

Chief's Report: The check engine light was on the old squad card when we sold it, so Chief Gosse told the buyer to get it fixed at his dealership for a cost of \$139.82.

Motion was made by Schraufnagel, seconded by Henaman to approve the actions and expenditures of the Colby-Abbotsford Police Commission from May. Motion carried with a voice vote. Hederer voted no.

Board of Review Committee met on May 29th.

The Board of Review Committee elected James Schmidt as chairperson of this year's Board of Review. Clerk Gurtner swore in Assessor Schmidt. The board approved the 2012 minutes. The board began reviewing the 2013 Marathon County Assessment Roll at 4:10 P.M. for errors/omissions. The Marathon County roll was completed at 4:42 P.M. The board began review of the 2013 Clark County Assessment roll at 4:43 P.M. for errors/omissions. The Clark County roll was completed at 5:43 P.M. During the review of both Assessment Rolls improvements and sales were discussed. No citizens filed objections to the Board of Review this day.

Mayor Schmidt: Mayor Schmidt reviewed the minutes of the meeting of the United Communities of Clark County.

Mayor Schmidt appointed Cathy Johnson and Lee Kaschinska to service on the Colby Public Library Board of Trustees for a three year term. Motion as made by Schraufnagel, seconded by Kaiser to approve. Motion carried with a voice vote.

Clerk Gurtner: Motion was made by Schmidt, seconded by Kaiser to allow the clerk's office to be closed on July 5, 2013 so both the Clerk and Deputy Clerk can use vacation time. Motion carried with a voice vote.

Harland Higley: The following building permits were issued: Paul Bach, 307 E Spence St, re-roof/repair shed; Tyler Hardrath, 206 N 7th St, roof; Donna Klemke, 407 N 3rd St, roof; Lorna Landis, 508 N 2nd St, roof; Doug's Buy Rite Auto, 401 S Division St, new sign; Peter Mercier, 109 E Washington St, windows & siding; Leane Hodd, 408 N 4th St, roof; Cellcom One Choice Wireless, 504 Division St, wall sign; Ralph Bloome, 602 W Dolf St, deck modification; PCA, 705 S Division St, raze water tower; Dave Hennes, 501 E Terrace St, replace windows; Brian Raasch, 304 S 2nd St, raze garage; Randy & Joleen Schade, 307 N 6th St, deck; Lloyd Kuehling, 210 S Main St, roofing; Clifford Downey, 506 W Adams St, siding; Barbara Gaulke, 506 S Main St, roof.

Operators' Licenses: Motion was made by Schraufnagel, seconded by Hederer to approve the June 3, 2013 list of Operator's Licenses as follows. Motion carried with a voice vote.

Number Name Address Location

- 1 Connie Gurtner H3593 Elderberry Rd, Colby Chamber
- 2 Deborah Schoelzel 108 N 2nd Street, Colby Harmony
- 3 Janessa Schmitt 308 W Wausau St, Colby Harmony
- 4 Barbara Maxam B316 Cty Hwy P, Unity Harmony
- 5 Donna Bruesewitz W610 Sandy Lane, Colby Harmony
- 6 James Hager 16990 Sandhill Ave, Colby Harmony
- 7 Elaine Hiebl W615 Sandy Lane, Colby Harmony
- 8 Deborah Kleinschmidt 216 Park St, Colby Harmony
- 9 Angela LaSee N4404 N Frey Ave, Spencer, WI Hunters
- 10 Duane Webb 515 N 3rd St, Colby WI Lion's

11 Tracy Harbaugh 2986 Boss Rd, Abbotsford, WI Shell
12 Maricia Schmitt 2307 Cty Rd A, Athens Shell
13 Jamie Fleming 815 Dania St, Withee Shell
14 Susan Hilber F2394 Elderberry Rd, Colby Shell
15 Shannon Smith 400 1/2 S Division St, Colby, WI Shell
16 Angela McCoy 811 Summit St, Withee Spare Time
17 Tammy Strasser 1410 S Washington, Marshfield, WI Spare Time
18 Kim Robida H3090 Huckleberry Rd, Colby, WI Spare Time
19 Kurt Robida H3090 Huckleberry Rd, Colby, WI Spare Time
20 Matthew Taves 804 S Cedar, Marshfield, WI Spare Time
21 Thomas Cheney 511 E Terrace St, Colby, WI Spare Time
22 Gwenda Sperl 211 W Pine St, Abbotsford, WI Spare Time
23 Brenda Newman W1646 Kington Rd, Unity, WI Spare Time
24 Dallas Wiese 501 N 1st St, Abbotsford Tesmer's
25 Nichole Beyer 204 E Spence St, Colby Tesmer's
26 Jennifer Schmidt 512 N 2nd Street, Colby Tesmer's
27 Tom Fimstahl 704 E Monroe St, Colby VFW
28 Jane Holtzhausen 304 S 3rd Street, Colby VFW
29 Rita Heindl 765 S Gibson St, Apt 15, Medford VFW
30 Kim Strathmann 215 S 2nd St, Colby VFW
31 Cheryl Hoffman 408 Washington St, Athens, WI VFW
32 Michelle Strathmann 300 Lieders St, Colby, WI VFW
33 David Strathmann 300 Lieders St, Colby, WI VFW
34 Melissa Holtzhausen 108 S Main St, Colby, WI VFW

Liquor Licenses: Motion was made by Hederer, seconded by Oestreich to approve the following list of liquor licenses as published. 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
Date Filed: April 11, 2013

Name: Super 39 Shell, LLC
Agent: William Edwards
Address: 1210 N Division Street
Type of License: Class A Combination
Date Filed: April 26, 2013

Name: Robbie Smazal
Trade Name: Smazal's Hunter's Choice
Address: 109 S 1st Street
Type of License: Class B Combination
Date Filed: May 8, 2013

Name: Huber-Schmitt-Bruesewitz-Decker VFW Post 2227 Inc
Agent: Emanuel Fimstahl
Address: 104 S Division Street
Type of License: Class B Combination
Date Filed: April 29, 2013

Name: Timothy Shannon
Trade Name: Tim's Northside Bar & Grill
Address: 102 E Adams Street
Type of License: Class B Combination
Date Filed: April 24, 2013

Name: Randel J Tesmer
Trade Name: Tesmer's Town & Country Bar
Address: 121 S 1st Street
Type of License: Class B Combination
Date Filed: April 29, 2013

Name: Colby Bowling LLC
Agent: Dale A Elliott
Address: 506 N Division Street
Type of License: Class B Combination
Date Filed: May 9, 2013

CMAR Resolution 2-2013: Motion was made by T Schmidt, seconded by Henaman to adopt CMAR Resolution 2-2013 as follows. Motion carried with a voice vote.

COMPLIANCE MAINTENANCE RESOLUTION 2-2013

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

Reviewed the Compliance Maintenance Annual Report which is attached to this resolution.

Set forth the following actions necessary to maintain effluent requirements contained in the WPDES Permit:

(a) NO ACTION NECESSARY

Signed: James W Schmidt, Mayor
Attest: Connie L Gurtner, Clerk

Committee meetings for June: Colby-Abbotsford Police Commission will meet on June 10, 2013 at 6:30 P.M. at the Police Department. Parks/Rec/Recycling will meeting on June 25, 2013 at 6:30 P.M. July council meeting will be July 2, 2013 at 6:30 PM.

Closed Session: Motion was made by T Schmidt, seconded by Henaman to adjourn into closed session at 7:05 P.M. Roll Call Vote: Ayes –Henaman, T Schmidt, Thieme, Schraufnagel, Oestreich, Kaiser. Noes – none. O'Brien absent and Hederer left the meeting. Motion carried.

CLOSED SESSION Per State Statutes 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. Purpose: Confer with legal counsel regarding strategy and options for City in litigation (City of Colby vs. Francis Melvin, Inc., et al., Clark County Case Number 12CV139)

RECONVENE IN OPEN SESSION: Motion was made by Schraufnagel, seconded by Kaiser to re-convene into open session. Roll Call Vote: Ayes – T Schmidt, Thieme, Schraufnagel, Oestreich, Kaiser, Henaman. Noes – none. O'Brien absent and Hederer left the meeting. Motion carried.

Motion was made by Kaiser, seconded by Oestreich to complete repair work of defective asphalt and concrete areas on and along Spence Street, caused by defective work of Francis Melvin, Inc. in 2010. Roll Call Vote: Ayes – Thieme, Schraufnagel, Oestreich, Kaiser, Henaman, T Schmidt. Noes – none. O'Brien absent and Hederer left the meeting. Motion carried.

Motion was made by Schraufnagel, seconded by Kaiser to enter into amended agreement with Ayres Associates, Inc. to coordinate and oversee Spence Street asphalt and concrete repairs. Roll Call Vote: Ayes –Schraufnagel, Oestreich, Kaiser, T Schmidt, Thieme. Noes – Henaman. O'Brien absent and Hederer left the meeting. Motion carried.

Adjourn: Motion was made by T Schmidt, seconded by Schraufnagel to adjourn at 8:00 PM. Motion carried with a voice vote.

Approved _____
James W Schmidt, Mayor

Attest _____
Connie L Gurtner, Clerk