

June 2, 2015 **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: O'Brien, T Schmidt, Thieme, Lynn, Oestreich, Hederer and Kaiser. Also present were Mayor James Schmidt, Clerk Connie Gurtner, DPW Higley and Engineer Mike Voss.

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

Minutes of the May 5, 2015 council meeting were pre-read and reviewed. Motion was made by T Schmidt, seconded by O'Brien 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 in the amounts as follows: General Fund \$61,341.76; Water Department \$70,336.01; Sewer Department \$40,578.47; TIF Fund \$9,743.75; Net payroll \$20,644.68. Motion carried with a voice vote.

Public Comment: Jane Holman asked about the assessment of curb and gutter and how it will be charged.

Personnel/Labor Relations Committee met on May 7th.

Closed Session Per State Stat. 19.85 (1)(b): Considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, or considering the grant or denial of tenure for a university faculty member, and the taking of formal action on any such matter; provided that the faculty member or other public employee or person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session. This paragraph and par. (f) do not apply to any such evidentiary hearing or meeting where the employee or person licensed request that an open session be held. Purpose: Disciplinary Action regarding performance of Wastewater Treatment Plant Operator

The committee met in re-convened in open session and moved to terminate the employment of Roger Ried effective today. Termination is based upon the non-compliance of his Final Disciplinary Notice Letter regarding conduct and failure to perform duties.

Colby-Abbotsford Police Commission met on May 11th.

The commission approved minutes and expenditures.

Under 2015 Election of Officers Anders nominated Schmidt to the position of President. Schmidt called for further nominations from the floor three times. Motion Hederer/Lynn to close the nominations and cast a unanimous ballot for Schmidt for the President position. Motion carried without negative vote.

Hederer nominated Anders to the position of Vice President. Schmidt called for further nominations from the floor three times. Motion Hederer/Faber to close the nominations and cast a unanimous ballot for Anders as Vice President. Motion carried without negative vote.

Under 12 hour shifts for the officers, Chief Bauer explained that the Union President, Officer Don Schmidt has requested the Commission to review contract language to change the police department schedule to a 12 hour shift schedule; typically this would be a 2 days on, three days off, three days on, 2 days off schedule. At this time the Union has not met to review the language changes. After the union approval it will be presented to the Commission. Chief Bauer stated that this is a common scheduling technique used by many surrounding communities. The benefits of this schedule are that it allows the officers more weekends off than the current schedule. The undesirable side of this schedule is the potential overtime if officers are in the middle of a call at their 12 hour mark. With this schedule it will be necessary to have more standard part-time help built into the schedule.

The next meeting will be scheduled for closed session to discuss the language. It was suggested to place this new schedule on a trial run period to assure the department is happy with the change.

Under Purchase Department policies from Lexipol, it was stated that the price is \$495 per full time officer annually. Chief Bauer explained that the funds would come from the vehicle lockout fund. This service will keep the manual current with State law and has the ability to provide online training for the officers. Currently the Plate Fund has about \$10,000 and earns about \$3,000 - \$5,000 per year. Anders requested another 30 days to review the information before making a final decision. Chief Bauer will schedule demo and will notify the Commission of the date and time.

Under Chief's Report it was stated that the drug take back program sponsored by the Department of Justice will be held in May. The department is also involved in the Click It or Ticket program in May. Chief Bauer reported that it has been a smooth transition working Officer Wagner into the rotation. At this time Chief Bauer is researching potential grants for the purchase of body cameras. The activity report was reviewed. Chief Bauer noted that an upcoming agenda item will be replacing the Expedition.

Parks/Rec/Recycling Committee met on May 18th.

Painting of Shelter in North 1st Street Park: The committee approved painting the shelter at a cost not to exceed \$1,400. DPW Higley did negotiate a cost of \$800. Motion was made by Kaiser, seconded by Oestreich to approve the painting at a cost of \$800. Motion carried with a voice vote.

Sidewalk and Shelter location in S 1st Street Park: The committee asked Higley to get prices for concrete for shelter and sidewalk to the historic market and sidewalk to the tennis court. The total cost for this sidewalk and a sidewalk around the concession stand at the ballpark is \$10,600. Motion was made by Hederer, seconded by Lynn to approve the construction of these sidewalks at a cost of \$10,600. Motion carried with a voice vote.

Banners: The committee review some designs from Temple and also from Thieme. The committee agreed to some changes that they would like Temple to incorporate into some new designs. The changes include: stretching the State of Wisconsin, making the "Welcome To" bigger, making the cheese darker and outlining it to make it more visible, trying a couple different colors for the word "Colby" and including the word entirely in the image, changing "abbycolby Crossings" to "abbycolby Crossings Community", creating a third banner without "abbycolby Crossings Community" and angling "Welcome to" on that banner. The committee would also like to see an actual picture of Colby's downtown for the downtown banners.

Other 2015 Projects: The committee approved the sealing of the basketball court at a cost of \$662.42.

The committee discussed if the South 6th Street park digger should have concrete around it. They also are considering rain gutters on the shelter. The recognition plaques were discussed and it was determined that Kaiser will work to find a vendor to do them since our local vendor no longer does them. Thieme asked DPW Higley to look into changing the sign on the shelter cooler. DPW Higley will look into getting a new piece of plexiglass for the cooler.

Public Works Committee met on May 27th.

Diane Feiten Reimburse for Sewer Bill: Diane Feiten's sewer lateral was not hooked up properly after the Spence Street project was completed in 2010. The sewer from her home was running down into an old abandoned sewer main. She is asking to be reimbursed for the sewer portion of her water bill during the time period in which her lateral wasn't hooked up.

Motion was made by Hederer, seconded by T Schmidt to deny the reimbursement request of Diane Feiten's sewer portion of her bill. Motion carried with a voice vote.

Options for Crushed Concrete Supply: At a prior meeting we discussed whether we keep the crushed concrete pile or if we should decide to sell it. DPW Higley recommends figuring out future street projects and other needs of the City and after they are completed then looking at the option of selling the remainder of the pile.

Drain Tile on Adams Street: Adams Street needs drain tile on the South side of the street. DPW Higley does have the drain tile ordered but he is checking into Kurt Kalepp doing the digging part of the installation due to the city crew being down a person.

Motion was made by Hederer, seconded by Kaiser to hire Kurt Kalepp to come in to dig the drain tile on Adams Street. Motion carried with a voice vote.

Intellysis Contract: The City pays Intellysis \$1,200 every year for an annual software support contract for the SCADA System down at the Sewer Plant. Currently the Sewer Plant is receiving a new computer (the old computer is 10 years old) and new up to date software. The price for Intellysis to install the new software on the computer and for the annual support contract is \$5,182.50.

Motion was made by T Schmidt, seconded by Kaiser to approve the contract with Intellysis for new software installed and a yearly maintenance fee in the amount of \$5,182.50. Motion carried with a voice vote.

Well Building on Jecevicus Property: Land owner Suzie Jecevicus contacted the City wondering what will happen to the well house that is located on her property after the well is abandoned. Jecevicus would like to keep the well house where it is at and use it as a storage shed. The committee discussed the setbacks required for a storage shed but said it could be grandfathered in but any future modifications to the structure would need to then comply with the current setbacks and ordinances.

Motion was made by Hederer, seconded by Kaiser to turn over ownership of the well house for well #8 to the existing property owner after the well is abandoned by the City. Any changes or modifications to the building will need to meet current setbacks and ordinances. Motion carried with a voice vote.

5 Year Street Plan: The committee worked on creating a list of future street projects it would like to see completed in the City in the next five years. It was questioned whether any of the streets on the list could still be done this year to utilize the TIF funds still available (any projects done under the TIF need to be completed by September 15th of this year). The committee decided on the following 5 year street plan:

1. Washington Street (3rd to 6th)
2. South Fifth Street (Washington to Broadway)
3. South Fourth Street (Broadway to Spence)

4. North 2nd St (two blocks at a time)
5. South 2nd St (two blocks)

DPW Higley is going to contact Ayers Associates to get a price on what it would cost to complete Washington Street and South Fifth Street yet this year and will get back to the committee at the June Council meeting. He will also have the engineers come up with prices for the other street projects.

The estimate from Ayres Associates to construct Washington Street (6th-3rd) and S 5th Street (Washington St – N End) totaled \$490,000.

Motion was made by Hederer, seconded by T Schmidt to hire approve the contract with Ayres Associates to do the preliminary design, final design & bidding phase, construction administration, staking & post-construction phase at a cost of \$31,000 and to ask that this project be completed by September 29, 2015. Motion carried with a voice vote.

City Planning Committee met on May 27th.

Allowing ATVs/Lawn Mowers on City Streets:

Dan Hederer had stated that he had residents ask him why they can't take their lawn mowers on city streets. The committee questioned if they could allow lawn mowers, but not ATVs. Chief Bauer is going to check into the legality of allowing just lawn mowers/tractors.

Capital Improvement Plan:

The Mayor said that the city's capital improvement plan needs to be updated. One of the items that have been discussed as a major project is an addition or new construction to our library. The 5 year street plan would also be incorporated into this plan. The committee will ask the other departments to get together capital projects and costs for review by the committee. The city will contact a contractor to get estimates on some of the library/city hall options.

Boy Scout Request to Re-Build Building:

The Boy Scouts are asking the city if they would be allowed to re-build their building larger to allow for storage and a meeting place. The committee would like to have more information from them – who is paying for the construction, how large will the building be, who will pay for the future utilities, location, etc.

Ordinance 2015-2-1 and 2015-2-2 Regarding Conditional Use Permits for Certain Mobile Telecommunications Facilities Uses and Mobile Telecommunications Tower Siting:

Alan Harvey has recommended an ordinance regulating zoning and the permit process for mobile telecommunications tower siting.

Motion was made by T Schmidt, seconded by O'Brien, to approve Ordinance 2015-2-1 and Ordinance 2015-2-2 as prepared by Alan Harvey of Community Code Services. Motion carried with a voice vote.

Ordinance 2015-3 Background Investigations:

Alan Harvey of Community Code Service has suggested the city adopt an ordinance regarding criminal history record information searches. The ordinance allows the City of Colby and law enforcement agencies the authority to request criminal history record information from agencies when required by ordinance.

Motion was made by T Schmidt, seconded by Hederer to approve Ordinance 2015-3 Background Investigations ordinance as presented. Chief Bauer reviewed this ordinance and doesn't have concerns. Motion carried with a voice vote.

Ordinance 2015-4 Bow and Crossbow Hunting in the City:

This ordinance repeals an existing ordinance and incorporates the new regulations from 2013 Wisconsin Act 71 regarding bow and crossbow hunting in the city. The committee will have Chief Bauer review and get his opinion before we adopt this ordinance.

Ordinance 2015-5 Changes to Subdivision Code Regarding Infrastructure Security and Performance Guarantees:

This ordinance is recommended by Alan Harvey to comply with Wisconsin law changes in Act 280. The major changes are amount of security capped, type of security to be determined by the developer, security for present phase only, security requirements to guarantee adequacy of completed infrastructure improvements and administrative suggestions including warranty versus security, role of municipal/town engineer and escrow account requirements increase in importance and other strategies to guarantee improvements. This ordinance requires a public notice.

Ordinance 2015-6 Outdoor Consumption Ordinance:

The committee agreed that the last sentence of Sec. 11-4-1 (a)(1) should be removed and also take out the entire Section (2). We are also going to look at what other municipalities have for ordinances in this same situation and look at this ordinance at a future meeting.

Mayor Schmidt: Mayor Schmidt appoints Mary Dorn, Theresa Goodwin and Nancy O'Brien to serve a three year term on the Library Board. Motion was made by Hederer, seconded by Kaiser to approve the appointments.

Mayor Schmidt appoints Jeremy Hamm to fill the remainder of the term for Alderman in Ward IV. Motion was made by Hederer, seconded by Thieme to approve the appointment. Motion carried with a voice vote.

Mayor Schmidt reported on the last meeting of United Communities of Clark County.

Clerk Gurtner: Clerk Gurtner informed the council of her presentation to the Colby High School Civics class.

DPW Harland Higley: The following building permits were issued: David Weix, 311 N 3rd Street, re-shingle roof; Arthur Klabon, 308 N 6th Street, siding, windows, doors; Merlin Schaefer, 503 S Main Street, roof; Dennis Seidel, 605 W Dolf Street, storage shed; Casey & Jake Smith, 223 S 3rd Street, windows.

DPW Higley reported on the pumpage of water and well levels for May 2015. Merlin Schaefer has been working at the Sewer Treatment Plant and the city is working with the DNR to get all the reporting done correctly. A culvert needs to be replaced in the industrial park. The crew will start putting drain tile on Adams Street. DPW Higley passed his advanced lab

sewer exam. He talked to Ellenbecker last week to get concrete replaced on the South 1st Street project and the work has been completed.

Engineer Mike Voss: Kasner Excavating & Trucking has moved into the site for the construction of Wells #14 & #15.

Operator's License: Motion was made by Hederer, seconded by Kaiser to approve the operator's license list dated June 2, 2015. Motion carried with a voice vote.

Liquor Licenses: Motion was made by Hederer, seconded by Thieme to approve the liquor licenses list dated June 2, 2015. Motion carried with a voice vote.

Resolution 7-2015 Preliminary Resolution Declaring Intent to Levy Special Assessments under Municipal Police Power: Motion was made by T Schmidt, seconded by Hederer to approve the Resolution 7-2015 with an amendment deleting the assessment for driveway aprons. Motion carried with a voice vote.

PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY SPECIAL ASSESSMENTS
UNDER MUNICIPAL POLICE POWER PURSUANT TO §66.0703, STATS.

RESOLVED, by the City Council of Colby, Wisconsin:

1. The City Council 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:

2015 Street Improvements
Installation of curb and gutter

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

All property abutting S 3rd Street from the intersection of Washington Street northerly 300 feet, all property abutting Washington Street from the intersection of S 6th Street easterly to the intersection of S 3rd Street, and all property abutting S 5th Street from the intersection of Washington Street northerly to the theoretical intersection of W Broadway Street and all property abutting S 4th Street from the intersection of Washington Street southerly 100 feet.

3. The total amount assessed against the properties in the described assessment district shall not exceed 100% of the cost of the new curb and gutter and driveway aprons.

4. The City Council 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. Location plan 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.

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 211 West Spence Street 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: Jim Schmidt, Mayor
Attest: Connie Gurtner, Clerk

Resolution 8-2015 Authorizing the Issuance and Sale of up to \$635,678 Water System Revenue Bonds, Series 2015, and Providing for Other Details and Covenants with Respect Thereto, and Approval of Related \$1,135,678 Financial Assistance Agreement: Motion was made by T Schmidt, seconded by Kaiser to approve Resolution 8-2015 as presented by Quarles & Brady. Motion carried with a voice vote.

Committee meetings for June: Colby-Abbotsford Police Commission will meet on June 8, 2014 at 6:30 P.M. at the Police Department. Personnel/Labor Relations Committee will meet on June 10, 2015 at 6:00 P.M., June 15, 2015 at 6:00 P.M. and June 22, 2015 at 6:00 P.M. Parks/Rec/Recycling Committee will meet on June 10, 2015 at 7:00 P.M. City Planning Committee will meet on July 6, 2015 at 6:00 P.M. Public Works Committee will meet on July 6, 2015 at 7:00 P.M. Closed Session: Motion was made by T Schmidt, seconded by O'Brien to into closed session per State Statute 19.85(1)(g) for the purpose of conferring with legal counsel regarding potential litigation that the City may become involved in, including discussion regarding potential litigation over City participation in dispute over Cemetery Association membership. Adjourn in closed session: Motion was made by O'Brien, seconded by Hederer to adjourn at 9:00 P.M. Motion carried with a voice vote.

Approved _____
James W Schmidt, Mayor

Attest _____
Connie Gurtner, Clerk