

COLBY COMMON COUNCIL
PUBLIC HEARING
TUESDAY, APRIL 17, 2018 – 6:15 PM

1. Call to Order
2. Comments from the Public Regarding Ordinance 2018-1 An Ordinance Relating to Voting on Down Zonings
3. Adjourn Public Hearing

TUESDAY, APRIL 17, 2018 - 6:30 PM
RE-ORGANIZATIONAL MEETING
AGENDA

1. Call to Order
2. Roll Call
3. Minutes – April 3rd Meeting
4. Buddy Poppy Drive Support
5. Ordinance 2018-1 An Ordinance Relating to Voting on Down Zonings
6. Report from Mayor Schmidt
7. Citizens and/or Delegations
8. Adjournment of the Old Council

1. Call to Order - New Council
2. Roll Call
3. Election
 - A. President
 - B. Vice-President
4. Designation Of
 - A. Public Depositories
 - B. Official Newspaper
5. Appointments of Mayor
 - A. Committees
 - B. Legal Counsel
 - C. Board of Review Members
 - D. Clark County Econ Development Representative
 - E. Board of Appeals Members
 - F. Zoning Administrator
 - G. Central Fire Members
 - H. Members for Electronic Billboard Review Committee
6. Other Matters
 - A. Resolution of Appreciation for Bill Flink
 - B. Resolution of Appreciation for Jason Thieme
 - C. Committee Meetings
7. Adjourn

Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities. Please contact the City Clerk's Office at (715) 223-4435 or e-mail: colbych@charter.net.

The regular meeting of the Colby Common Council was called to order at 6:30 P.M. by Mayor James Schmidt. On roll call: Flink, O'Brien, T Schmidt, Hesgard, Oestreich and Kaiser. Thieme and Hederer were absent. Also present were Mayor James Schmidt, Clerk Connie Gurtner and DPW Harland Higley Jr.

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

Minutes of the March 6th and March 22nd council meetings were pre-read and reviewed. T Schmidt had made some amendments to the minutes and they were presented to the council. Motion was made by T Schmidt, seconded by Flink to approve the minutes as presented and amended. Motion carried with a voice vote.

Financial Statement and Bills were discussed. Motion was made by T Schmidt, seconded by Oestreich to approve the financial statement and bills. The amounts approved are as follows: General Fund \$85,647.27; Water Department \$33,298.57; Sewer Department \$25,429.25; Net payroll \$18,804.11. Motion carried with a voice vote.

Colby-Abbotsford Police Commission met on March 12th.

The commission approved minutes and expenditures.

Under purchase of New Squad, Chief Bauer stated that he requested quotes from Ewald, Colby Chrysler, and Feddick Ford for a new squad. Feddick Ford stated they were not interested in providing a quote. The current vehicle that the Chief drives has about 100,000 miles on it and it is starting to rust; this vehicle would be sold at the online auction and it is estimated that the vehicle will bring about \$7,000. The quote from Ewald came in at \$27,456 for a Dodge Durango and \$27,762 for a Ford Explorer; Colby Chrysler provided a quote of \$27,150 for a Dodge Durango. It was stated the vehicle does not come fully equipped; the current equipment in the Chief's vehicle will be transferred to the new vehicle. It was noted there is over \$40,000 in the vehicle fund. The commission passed a motion to recommend to the City Councils purchasing the Dodge Durango from Colby Chrysler in the amount of \$27,150. Motion was made by T Schmidt, seconded by Flink to approve the recommended squad purchase. Motion carried with a voice vote.

Under 2017 Budget Amendments, the commission approved Resolution 1-2018 Budget Amendment as follows: Revenue Reallocations: Donations, + \$2,000; Grants, +\$1,600; Miscellaneous Revenues, +\$14,000; Drug Dog Carryover From Previous Years, +\$31,000; Total Adjustments to Revenues, \$48,600; Expense Reallocations: Telephone, +\$1,500; Radio Maintenance, +\$1,200; Auto Maintenance, +\$1,000; Clothing Allowance, +\$500; Training, +\$1,500; Equipment, +\$17,000; Investigations, +\$1,000; Drug Dog, +\$31,000; Clothing

(Vests), +\$1,500; Fuel, -\$6,100; Health Insurance, -\$1,500; Total Adjustments to Expenses, \$48,600.

Under 2018 Audit update, President Schmidt explained this will be on the next agenda with additional information. Quotes for a full audit, an intermediate audit and a basic audit are being sought. The work could be performed in conjunction with the City of Colby audit in January 2019.

Under Changes in Marathon County Regarding Records Management System, Chief Bauer informed the commission that the current laptops are issued through Marathon County and Marathon County will be updating their system. Chief Bauer stated it would be convenient to continue with Marathon County, but the estimated cost is \$23,000 (which can be paid over 3 years) plus an additional maintenance expenditure. At this time negotiations are happening to work on reducing the cost. It would be possible to maintain the current system at a lower cost. Chief Bauer stated he wanted to make the Commission aware of the upcoming changes and that this will be an important decision that will have to be made in conjunction with the 2019 budget. It was stated that Clark County is in contract with their current system provider for an additional 5 years.

Under Chief's Report, Chief Bauer stated that Officer Wagner and Dodge had 14 contacts last month which resulted in six arrests. Officer Brander has been at training. Chief Bauer said because the weather has not been inclement the accident rate is down compared to last year but the traffic activity is up due to grant funding. The commission passed a motion to accept and file the Chief's Report as presented.

The commission convened in closed session to negotiate wages with Chief Bauer. When the commission re-convened in open session, they approved a \$0.75 per hour wage increase for Chief Jason Bauer. Motion was made by T Schmidt, seconded by Oestreich to approve this wage increase. Motion carried with a voice vote.

Public Works Committee met on March 22nd.

Wells #9, #12, #14 Funding/Treatment/Design: Mike Voss from MSA presented the committee with a spreadsheet showing multiple options for funding the treatment of the wells. Voss asked the committee whether they wanted to go ahead with the design of the project and start the application process for the CDBG grant and SDW loan. The committee discussed being proactive and starting the process to get the design in place and apply for funding to treat the issues with the wells now rather than waiting until the City absolutely has to. The application deadline for the CDBG grant is May 22 and the deadline for the SDW loan is June 30. The committee voted to recommend to the council that the City apply for the SDW loan with principal forgiveness and the CDBG grant and proceed with the design of the projects. Motion was made by T Schmidt,

seconded by Hesgard to approve the committee's recommendation to apply for the SDW loan with principal forgiveness and the CDBG grant and proceed with the design of the projects. Motion carried with a voice vote.

Approval to bid for chip sealing: DPW Higley would like to seek bids to chip seal the following streets: E. Spence Street, Thomas Street and Dehne Drive. The committee voted to allow DPW Higley to seek bids for chip sealing.

Ordinance 2018-8 Amending Section 9-1-2 (E) (2) Pertaining to Well Abandonment; Well Operations Permit: A DNR representative noticed that the City's ordinance, Section 9-1-2 (E) (2) pertaining to well abandonment; well operations permit was missing the following wording, "The well and pump system shall be evaluated by a licensed well driller or pump installer and certified on the Wisconsin Well and Pressure System Inspection Form 3300-221 to comply with ch. NR 812, subch. IV, prior to issuing the initial permit and no less than every 10 years afterwards." The City is required to have the wording in the ordinance. The committee approved the ordinance. Motion was made by Hesgard, seconded by Flink to approve ordinance 2018-8 Amending Section 9-1-2 (E) (2) pertaining to well abandonment; well operations permit as presented. Motion carried with a voice vote.

Cover for Oxidation Ditch @ STP: The nitrogen ammonia levels have been in an issue in the oxidation ditches down at the sewer treatment plant with the cold weather. The nitrogen ammonia levels have been violating DNR regulations. The yearly fee of operation does increase with the violation and eventually the DNR will not allow it and a solution to fix the issue will need to be in place. DPW Higley presented an option of installing a coverall building over the oxidation ditches which will keep the heat in and the nitrogen ammonia levels down. DPW Higley would like to seek bids to get the project done by next winter. The committee voted to seek bids to install a coverall building over the oxidation ditch at the STP.

City Planning Committee met on March 22nd.

Change the Zoning Map Key to Match the New Zoning Ordinance Zoning Sections: The council had adopted new zoning codes for the city. Our current CG Zoning is now called CG1 in our ordinance book and there is a new CG2 zoning district. Since the creation of these new commercial districts there has been conversation and meeting to consider some of our areas in the city to be re-zoned the CG2 district, which restrict residence on the first level. There has been no action to make this change at this time, but we do need to re-name our current CG District to CG1 District on our map to coincide with the new ordinances. The committee voted to recommend to the council to change the key on the zoning map to reflect the new CG1 District in place of the existing CG District. Motion was made by T Schmidt, seconded by Oestreich to change the

key on the zoning map to reflect the new zoning changes in the ordinance, CG1 District in place of the existing CG District. Motion carried with a voice vote.

Electronic Billboard "Rules of Use" Policy: The committee reviewed the existing policy electronic billboard "rules of use" that we follow for the two existing welcome signs. There has been much conversation on what is allowed on the sign. The Mayor and Clerk contacted the DOT and asked what would be allowed. The city's signs are categorized as "official" and need to follow the Trans 201.05 regulations for the sign. The committee decided to have an official review committee appointed by the Mayor to decide/approve appropriate messages and users for the sign.

Meeting Attendance by Telephone Conference: The clerk read through the opinion of the League regarding meeting attendance by telephone. She also read an example policy from the City of Medford. There is concern about this option being abused by members. The council like the wording of the example provided, but also would like to add wording that would not allow for the telephone attendance during a Closed Session meeting. Clerk Gurtner will write up the policy for the council to review. Motion was made by T Schmidt, seconded by Flink to adopt ordinance 2018-9 regarding meeting attendance at by telephone as presented. Motion carried with a voice vote.

2018-1 An Ordinance Relating to Voting on Down Zoning: This ordinance is to amend our ordinance to adopt new state statutes regulating the vote required from majority to 2/3 vote in order to make changes to zoning that will decrease the development density. The committee voted to recommend this ordinance to council following the required notice and public hearing.

2018-2 An Ordinance Regarding Minimum Housing and Property Maintenance Standards: This ordinance now regulates how the municipality can inspect and regulate repairs and improvements to rental properties prior to property sale/transfer or occupancy. The new state statute wipes out all existing city ordinances and requires the city to get permission from the owner/tenant or to obtain a warrant in order to do these inspections. The committee opted to exclude the section requiring owners of rental housing to register with the municipality. We are a small enough entity and have a good record of ownership on our rental properties in the city. The committee voted to recommend to the full council to adopt ordinance 2018-2 An Ordinance Regarding Minimum Housing and Property Maintenance Standards as presented from Community Code Service except eliminating Section 15-4-11 optional section requiring rental housing registration. Motion was made by T Schmidt, seconded by Oestreich to approve the adoption of ordinance 2018-2 as recommended. Motion carried with a voice vote.

2018-3 An Ordinance Regarding Substandard Lots: This statutory change (Act 67) is restricting the ability of local governments to impose requirements or

limitation on the use and development of substandard lots. Previously, the city could require a variance before a substandard lot can be built upon, prohibiting constructing buildings on substandard lots, or requiring the owner of two substandard lots to consolidate the lots into one as a condition of building on the lot. This new ordinance reflects the new regulation by regulating the city's authority to limit development or sale of substandard lots. The committee voted to recommend to the full council to adopt Ordinance 2018-3 An Ordinance Regarding Substandard Lots. Motion was made by T Schmidt, seconded by Flink to approve Ordinance 2018-3 as recommended. Motion carried with a voice vote.

2018-4 An Ordinance Regarding Zoning Variance Conditions: New Sec. 62.23(7)(e)(7.e., Wis. Stats authorize the use of an expiration date for a variance but only if that date relates to a specific date by which action authorized by the variance must be either commenced or completed. An ordinance is required in order to allow the Board of Appeals to impose a condition or restriction for when the variance would expire. The committee voted to recommend to the full council to adopt Ordinance 2018-4 regarding zoning variance conditions. Motion was made by T Schmidt, seconded by O'Brien to adopt Ordinance 2018-4 An Ordinance Regarding Zoning Variance Conditions. Motion carried with a voice vote.

2018-5 An Ordinance Amending Zoning Conditional Use Provisions: There are changes in the Statute requiring that decision on conditional use application be based on "substantial evident" (not just opinions expressed which are personal preferences or speculation) and clarifying language on public hearings and determinations for conditional use applications. The new requirements now require a Class II notice rather than a Class I notice. Also added is an option given only to the applicant to appeal the matter either to the Zoning Board of Appeals or directly to circuit court. The committee voted to recommend to the full council to adopt Ordinance 2018-5 An Ordinance Amending Zoning Conditional Use Provisions. Motion was made by T Schmidt, seconded by Oestreich to approve Ordinance 2018-5 as recommended. Motion carried with a voice vote.

2018-6 An Ordinance Regarding Zoning Board of Appeals Authority: The major changes to this ordinance are that it now takes a vote of four members rather than 3 members to reverse or affirm wholly or in part an order, requirement, decision or determination. The other change is that the Zoning Board of Appeals can impose a condition that the item be started or complete by a certain date or the variance would expire. The committee voted to recommend to the full council to adopt Ordinance 2018-6 An Ordinance Regarding Zoning Board of Appeals Authority. Motion was made by T Schmidt, seconded by O'Brien to approve 2018-6 as recommended. Motion carried with a voice vote.

2018-7 An Ordinance Relating to Restitution and Traffic Forfeitures: Clerk Gurtner asked Chief Bauer to review this ordinance and we will discuss at a future meeting.

Mayor Schmidt: Mayor Schmidt reported on the United Communities of Clark County meeting. Library Director, Vicky Calmes reviewed the Annual Report of the Colby Community Library. Mayor Schmidt reported on Colby Cemetery Annual Meeting.

Clerk Gurtner: Clerk Gurtner reported that the 2017 audit is complete and available. She also asked the council if they would be interested in a presentation from the auditing firm. The council will review the paper copy and said they didn't need a full presentation.

Harland Higley: The following building permits were issued: Roy Zimmermann, 602 W Washington St, new roof; Diane Feiten, 101 N 7th St, remodel shower; Brian Haines, 304 N Division St, replace siding & windows.

DPW Higley gave the water pumpage report and the sewer precipitation and infiltration reports.

NH3 at the sewer treatment plant is still elevated because of the colder weather. There have also been numerous pump failures that require repair or replacement.

Operator's License: The city received the following applications for an operators' licenses: Duane Webb, 515 N 3rd Street, Colby - motion was made by Kaiser, seconded by O'Brien to approve. Motion carried with a voice vote. Lynn Fischer, N16545 Sandhill Ave, Dorchester - motion was made by Oestreich, seconded by Hesgard to approve. Motion carried with a voice vote.

Picnic License: Colby Lions Club has requested a picnic license for April 25, 2018 at the Colby Lion's Shelter. Motion was made by Hesgard, seconded by T Schmidt to approve. Motion carried with a voice vote.

Committee meetings for April: Colby-Abbotsford Police Commission will meet on Monday, April 9, 2018 at 6:30 P.M. at the Police Department. Re-Org Meeting is on Tuesday, April 17, 2018 at 6:30 P.M. Fire & EMS will meet on April 18, 2018 at 7:00 PM at the Colby Station 1. Personnel/Labor Relations Committee will meet on April 25, 2018 at 6:30 PM.

Adjourn: Motion was made by T Schmidt, seconded by Flink to adjourn at 7:20 PM. Motion carried with a voice vote.

Approved _____
James W Schmidt, Mayor

Attest _____
Connie Gurtner, Clerk