

**REGULAR COUNCIL MEETING
February 13, 2008**

Meeting called to order at 6:30 p.m. by Mayor Gerald Bauer

Roll Call: Present – Council Member Schofield, Council Member Schoonover, Council Member Polzer, Council Member Weissinger and Council Member Gould. A quorum was present. Administrator Gurney was also in attendance. Council Member Lieffring arrived at 7:36 p.m.

Due and proper notice of meeting was confirmed by the administrative staff.

Discussion regarding amending agenda to move items under 9(D) Public Safety up on the agenda after the 9(A). Motion by Council Member Schoonover, seconded by Council Member Weissinger to adopt the amended agenda moving the Public Safety items up on the agenda to after action on the Liquor Licenses. Motion carried by unanimous voice vote.

Pledge of Allegiance

Public Comment – None.

Scheduled Appearances: None.

Appointments:

Motion by Council Member Schofield, seconded by Council Member Gould to confirm the appointment of Linda Elsner as a Chief Election Inspector. Motion carried by unanimous voice vote.

Motion by Council Member Gould, seconded by Council Member Weissinger to confirm the appointment of Poll Workers: Lois Bauer, Norma J. Constantine, Barb Sperger, Rosetta Sinz, Dorothy Prissel, Rose Prissel, Wilhelmina Traun, and Dana Bauer. Motion carried by unanimous voice vote.

Public Hearings:

Mayor Bauer called the public hearings to order at 6:34 p.m. for Ordinance Section 13.2.9 relating to the establishment of a Juvenile Curfew and the applications for Class B Liquor Licenses for the Durand Rolling Greens Golf Course and the Construction Zone. Motion by Council Member Polzer, seconded by Council Member Gould to waive the reading of the public hearing notices. Motion carried by unanimous voice vote.

Discussion regarding the proposed repeal of Ordinance Section 13.2.9 Juvenile Loitering and recreation as a Juvenile Curfew Ordinance. Chief Goethel was in attendance on behalf of the Durand Police Department. The proposed ordinance was brought forth by the Safety Committee as an effort to address certain loitering and vandalism issues which occurred in 2007 and in prior years. Many of the surrounding communities already have curfew ordinances in place and were taken into consideration when drafting the proposed ordinance. The ordinance breaks the curfew into two age brackets, minors that are less than 16 versus minors that are either 16 or 17. The curfew ordinance also contains several exemptions to the restrictions for lawful employment, athletic/educational events, etc. Seeing that no other individual wished to speak with regard to the curfew ordinance, Mayor Bauer closed this portion of the public hearings.

Next the Council considered the applications for Class B Liquor Licenses for the Durand Rolling Greens Golf Course and the Construction Zone. Larry Dock, agent for the Rolling Greens Golf Course, was in attendance. Chief Goethel confirmed that background investigations were conducted and that no issues were identified or raised with regard to either application. Administrator Gurney verified that the applications were complete and that the proper notices were provided. Seeing that no one else wished to speak, the public hearings were then closed at 6:40 p.m.

Administrator's Report:

Administration-

Motion by Council Member Schoonover, seconded by Council Member Schofield to approve the two Class B Liquor Licenses as presented. Roll Call Vote: 5 ayes, 0 nays. Motion carried.

Discussion regarding the applications for Operator's Licenses. Five applications were received. However, two applications were removed due to the fact that one no longer worked for the Chippewa Club and the other was not an employee of the Riverside Grill. Backgrounds were completed on the other three applicants with no issues identified. Motion by Council Member Schoonover, seconded by Council Member Weissinger to approve Operator's Licenses for Robert Anderson, Rebecca Wulff and Heidi Nelson. Roll Call Vote: 5 ayes, 0 nays. Motion carried.

Public Safety-

Police – Ordinance # 488 to repeal Section 13.2.9 Juvenile Loitering and to recreate it as a Juvenile Curfew Ordinance was offered by Council Member Gould. Motion by Council Member Schoonover, seconded by Council Member Polzer to approve Ordinance # 488. Roll Call Vote: 5 ayes, 0 nays. Motion carried.

Discussion regarding the proposed Durand Police Department Taser Use Policy. Chief Goethel reviewed the draft policy and responded to questions. The use of tasers was discussed and the revised Disturbance Resolution was also reviewed. Motion by Council Member Polzer, seconded by Council Member Weissinger to approve the Taser Use Policy. Motion carried by unanimous voice vote.

Discussion regarding authorization to purchase two tasers as budgeted in the 2008 Police Department budget. Motion by Council Member Polzer, seconded by Council Member Schofield. Motion carried by unanimous voice vote.

Fire – Motion by Council Member Schoonover, seconded by Council Member Schofield to confirm the elected officers for the Durand Fire Department Officers as presented. Motion carried by unanimous voice vote.

Ambulance – Motion by Council Member Schofield, seconded by Council Member Weissinger to confirm the elected officers for the Municipal Ambulance Service as presented. Motion carried by unanimous voice vote.

Finance-

Motion by Council Member Weissinger, seconded by Council Member Polzer to approve the January Ambulance write-offs in the amount of \$368.01. Motion carried by unanimous voice vote.

Park Board-

Administrator Gurney provided an update to several Tarrant Park Pool projects scheduled for 2008. The diving board was determined to be irreparable due to several stress fractures that were found near the mounting area. The best costs found to replace the board will be approximately \$3,300.00. By making a few modifications to the rubber flooring that is to be installed in the bathhouse, the City could save approximately \$2,000 and put the savings towards a new diving board. The remaining costs could be covered through the pools normal maintenance budget. The item will be placed on the Council agenda in March for approval.

Mayor Bauer indicated that he had received a letter of resignation from the Park Board from Gary Sweeney. Motion by Council Member Schofield, seconded by Council Member Weissinger to accept the resignation. Administrator Gurney was asked to send a letter to Mr. Sweeney thanking him for all of his efforts over the years with regard to the City's Parks and Recreation efforts.

Public Utilities-

Administrator Gurney reported to the Council several Utility issues that have occurred in the last few weeks including a sewer backup and a water break. Utility Department Staff were acknowledged for their hard work and timeliness in addressing the issues as they have occurred.

Public Works-

Administrator Gurney reported that most of the City's salt and sand stock pile has already been exhausted this year. The City will need to purchase from the County's pile on an as needed basis now.

Library Board-

No report.

Engineer's Report:

Kevin Myer from Cedar Corporation was present to discuss the Chippewa Riverwalk Project. At the last Council Meeting on January 24, 2008, the Council provided some direction in terms of not addressing the full 100-year flood mitigation due to excessive costs and the fact that the resulting wall would block the view of the river. As a result of the meeting, Cedar Corporation reviewed the project scope, associated costs and topography. At this point, they are recommending that the City concentrate on the riverwalk enhancements and not address the flooding issues. The reasons for this recommendation include: costs; the resulting 7 foot wall down by the old bridge crossing; and the storm water drainage issues that would be created as a result of a full flood prevention wall to name a few. Several individuals in the audience asked questions relating to the project including the length of the project, the burying of the electrical transmission lines, and the costs of some of the enhancements like garbage cans and benches. Mayor Bauer indicated asked that those questions be raised at the upcoming Public Input Session scheduled for February 27, 2008. The Council thanked Cedar Corporation for the information and visuals and indicated that they liked the recommendation and direction of the project.

Community Development-

Motion by Council Member Schofield, seconded by Council Member Lieffring to convene into closed session at 8:10 p.m. pursuant to Section 19.85(1)(e) Wis. Stats. for the purpose of discussing development negotiation updates for TID #3 and related economic activity within the City of Durand. Administrator Gurney and Maureen Carlson from 3-D Strategies were invited to stay. Roll Call Vote: 6 ayes, 0 nays. Motion carried unanimously.

A motion was made by Council Member Weissinger, seconded by Council Member Gould to reconvene into open session at 8:36 p.m. Motion carried by unanimous voice vote.

Motion by Council Member Schoonover, seconded by Council Member Schofield to approve a Developer's Agreement with ID Durand, LLC, Paul Abdo, Anxon Inc. as agent, contingent on a letter for Exhibit D being provided. Mayor Bauer noted that the proposed project will redevelop a piece of land along Prospect Street lying east of 11th Avenue East into a new Family Dollar Store with a value of at least \$600,000. Roll Call Vote: 6 ayes, 0 nays. Motion carried unanimously.

The Council then considered Resolution #08-03 to Vacate and Discontinue a portion of 11th Avenue East lying between Prospect Street and Hardy Street. The proposed vacation would vacate the southeasterly 16 feet of right-of-way of 11th Avenue East approximately 198 feet in length beginning at the intersection with Prospect Street. The land would then be sold to the adjacent landowner as part of the Family Dollar project.

Mayor's Report:

Mayor Bauer acknowledged the Thank You cards received from Gary Sweeney and John Bauer for the retirement recognition dinner and watches. In addition, the City received a Thank You Card from Xcel Energy on behalf of Bill Burich, who was recently involved in an automobile accident en route to the Capital in Madison to promote the Chippewa Valley Region. The City had sent Mr. Burich flowers and a card while he was in the hospital. Mayor Bauer acknowledged the service of Bob Halverson to the City of Durand over the years. Mayor Bauer provided a recap of the Momentum Chippewa Valley Rally in the Capital that he and Administrator Gurney had recently attended. Finally, Mayor Bauer indicated that he had recently attended an informational meeting regarding the School District's upcoming referendum. He asked that community members look into the issues and become informed about the issues the School District is facing.

Old Business:

Administrator Gurney indicated that the Tower Lease with Alltel had been finalized and was signed by the City. It is anticipated that the repeater tower will be in place by this spring.

Previous Minutes:

Motion by Council Member Gould, seconded by Council Member Weissinger to approve the Council minutes from January 9th and January 24th with a correction to the January 9th minutes. Motion carried by unanimous voice vote.

Vouchers:

Motion by Council Member Schoonover, seconded by Council Member Lieffring to approve the vouchers as presented. Roll call vote: 6 ayes, 0 nays. Motion carried unanimously.

Other Business:

Administrator Gurney was authorized to attend the Wisconsin Chapter of the American Planning Association Spring Conference in Madison on March 27th.

Motion to adjourn by Council Member Weissinger, seconded by Council Member Schofield at 9:08 p.m. Motion carried by unanimous voice vote.

Lance Gurney
Administrator/Clerk