

REGULAR COUNCIL MEETING
FEBRUARY 14, 2007

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

Roll Call: Present – Council Member Gould, Council Member Schoonover, Council Member Wahl, Council Member Polzer, Council Member Lieffring and Council Member Weissinger.

Pledge of Allegiance

Due and proper notice of meeting given by the administrative staff

Public Input – none

Water Superintendent Gary Sweeney gave the public utilities report. Gary requested authorization to attend the Wisconsin Rural Water Technical Conference in Green Bay on March 27, 28 & 29. A motion was made by Council Member Polzer and seconded by Council Member Gould to approve attendance by Gary Sweeney at the Wisconsin Rural Water Technical Conference in Green Bay. Roll Call Vote: Council Member Gould, Council Member Schoonover, Council Member Polzer, Council Member Wahl, Council Member Lieffring and Council Member Weissinger, all voting aye. Motion carried.

Gary requested that the City Council approve the purchase of a new locating device. Currently the City only has a metal detector. The State of Wisconsin has passed a law requiring utilities must provide location of all utilities in the right of way. Gary has found equipment, which would work. \$4030.00 was budgeted and the quote came out to \$4038.00. Motion was made by Council Member Weissinger and seconded by Council Member Schoonover to approve an Envirotech, SR20 Rigid Locator for \$4038.00 with a 1 1/2 year warranty. Roll Call Vote: Council Member Gould, Council Member Schoonover, Council Member Polzer, Council Member Wahl, Council Member Lieffring and Council Member Weissinger, all voting aye. Motion carried.

Gary briefed the Council on the latest Utilities meeting. A note was sent out in the mailing with the sewer coupon books for the year explaining that any customer questions or complaints concerning new sewer rates or bills should be addressed at the February 12th Utilities meeting. Fifteen customers were at the meeting with concerns about billing increase due to plumbing issues. Thirteen of them provided plumber documentation on how repairs were corrected.

Meters were reread and a new consumption was calculated. All but one billing, which had no reason for adjustment, was corrected. 4639 had an error in meter reading. 4318 will still need to be met on with the Committee. A motion was made by Council Member Gould and seconded by Council Member Lieffring to approve all utility customer billing adjustments presented by Superintendent Sweeney with the exception of 4318. Roll Call Vote: Council Member Gould, Council Member Schoonover, Council Member Polzer, Council Member Wahl, Council Member Lieffring and Council Member Weissinger, all voting aye. Motion carried.

A new committee meeting was set up for next Monday, February 19, 2007 at 5:30 p.m. to cover any additional customer adjustment requests.

Changes on consideration and possible action on the water tower equipment lease with Midwest Wireless, LCC will not be addressed this evening as the City Attorney will be forwarding the agreement sometime in the next week. If received before Monday's Utilities committee meeting will be presented at that time.

Decision on the sale of real estate on the west end of the City. Both David and Teri Reiland and James and Linda Bauer were present. Gary discussed that what was at first believed to be a 1.5 +/- acre parcel is now 4.29 acres. Gary explained that access for a right of way easement across a 66-foot stretch of Xcel Energy property is needed still. It is still uncertain whether the parcel can be built upon.

The original drawing of the property in the Courier-Wedge was done by Cedar Corporation. Kevin Meyers and Tim Stockman from Cedar Corporation were present and displayed a map of the land in question. A map dividing two parcels was shown. The parcels were A, the assumed 1 1/2 acres +/- and B the additional 2.69 +/- acres.

Dr. Reiland stated that he feels as though he has lost ground.

Reg. Mtg. (Cont.)
2/14/07

Mayor Bauer stated for the record that he had told the Reilands, and another party that he believed the property in question was "south of the creek to city limits 1 1/2 acres to the City limits." Dr. Reiland stated that he needed an appraisal to buy the land that he bid on from the Sewer Plant to the city limit line to Bauer's land, which he believed to be the land, in question. Council President Schoonover explained that his impression was the land originally bid on was from the Sewer Plant to Jim Bauer's land.

Steven Berger said that it appeared that the property in question was from the City limit to Jim Bauer's property line.

Mrs. Bauer explained that the driveway is located in Parcel B and that the picture was in the paper. Mr. Bauer stated that because the picture in the paper is wrong the City should go with what is written -- 1 1/2 acres +/- . He also explained that more people could have bid had they known that the property was 4.29 acres and felt that the sale should be rebid.

Council President Schoonover said, "Once surveyed, the intent was to make sure you (Bauer's) and everyone else knew where the property line was -- Reilands, DNR, Xcel. Everyone would know."

Jim Bauer stated, "A survey should have been done before bids put out."

Cedar Corporation assumed that the railroad land belonged to the DNR and thought the right of way belonged to Xcel. They later found that the property went to Jim's land.

Jim Bauer stated that he didn't want a battle. He explained that in 2006 he started looking at this property with several investigations in 2006 made an offer, presented it and it was rejected. He explained that the notice in the paper was misrepresentation. He stated that he would not be okay with the additional parcel (B) going to the Reilands when the offer was on parcel A.

The Reilands stated that they took a risk and would like the City to honor its commitment.

The Mayor stated that the intent was to sell the property period. Council Member Schoonover said that the matter will be referred to the City Attorney.

A motion was made by Council Member Schoonover and seconded by Council Member Lieftring to refer all documents on this matter on the property in question on the west end of the City to the City Attorney and to get back to Jim and Linda Bauer and Dave and Teri Reiland on this matter in writing and have more meetings in the future. Roll Call Vote: Council Member Gould, Council Member Schoonover, Council Member Polzer, Council Member Wahl, Council Member Lieftring and Council Member Weissinger, all voting aye. Motion carried.

A presentation was given by Dave Linderud, Brian Bauer and Steve Berger of the Sportsman's Club pertaining to Grant writing for recreational purposes. At the last Sportsman's Club meeting, the group decided to set \$10,000.00 aside to upgrade Tarrant Park playground equipment. They explained that stewardship money is available for development grants. They would like to know what other activities are being looked at by the city. The program that they are looking at must be submitted by 5/1 to get money. Because the park is on City land, the City must be the applicant. Council Member Gould stated that city matching funds are hard to come by. The Mayor said that Menomonie has gotten private grants and that there are other alternatives to DNR. Discussion was held on looking into grants available, possible improvements to Tarrant Park. It was mentioned that there is an Xcel energy natural resource fund for projects, which are environmentally friendly. The council recommendation was for a Brian Bauer of the Sportsman's Club to work with the Public Welfare Committee and Cedar Corporation to make a decision.

Don Poeschel gave the Public Work's Report. The report started with Cedar Corporation's presentation and discussion on parking angles. Comparisons of 50, 45 and 39-degree angles. There are currently 159 stalls on Main Street. After discussion with Public Works, a decision was made for 45 degree angles. Don explained that he and his staff will lay out lines for the change in the Spring to see how liked. Kevin stated that Cedar Corporation likes the 45-degree decision and Charlie Jones suggested a public hearing including downtown merchants to discuss changes. A hearing could be held in April.

Reg. Mtg. (Cont.)
2/14/07

Don discussed bids on the garage roof, which needs replacement.

A motion was made by Council Member Schoonover and a second by Council Member Weissinger to accept the \$24,480.00 bid from Fisher Company with a 25-year warranty for the City garage roof. Roll Call Vote: Council Member Gould, Council Member Schoonover, Council Member Polzer, Council Member Wahl, Council Member Lieffring and Council Member Weissinger, all voting aye. Motion carried.

Don requested permission for Roger to attend training on March 13 for road maintenance and for him and Denny to attend on February 27. A motion was made by Council Member Lieffring and a second by Council Member Wahl to approve Roger Schuh's attendance at the Road Maintenance Workshop at the Transportation Information Center at the University of Wisconsin in Eau Claire on March 13, 2007 for the amount of \$45.00 and Don Poeschel and Denny Boigenzahn's attendance at the Using PASER and WISLR to Manage Your Roads Workshop at the Transportation Information Center at the University of Wisconsin in Eau Claire on February 27, 2007 for \$45.00 per person. Roll Call Vote: Council Member Gould, Council Member Schoonover, Council Member Polzer, Council Member Wahl, Council Member Lieffring and Council Member Weissinger, all voting aye. Motion carried.

Don explained that he likes to purchase six picnic frames for replacement each year. The cost this year would be six @ \$104.00 each. A motion was made by Council Member Weissinger and a second by Council Member Polzer to replace six picnic table frames in the amount of \$104.00 each. Roll Call Vote: Council Member Gould, Council Member Schoonover, Council Member Polzer, Council Member Wahl, Council Member Lieffring and Council Member Weissinger, all voting aye. Motion carried.

Mrs. Bonnie Carter was present and asked to speak concerning the rezoning of her property. The Mayor explained that Developers must meet with the City Zoning Commission and act upon a couple of things. Her property must be sold by the 1st of March. The Mayor stated that he will be in touch with her the first of next week when he gets a notice out for a Zoning Committee meeting.

Karl Goethel gave the Public Safety report. Karl discussed an update of his computer software at the police station by Sleet Software.

Karl discussed Officer Brian Kehrein's resignation and presented the letter received to Council. A motion was made by Council Member Polzer and a second by Council Member Wahl to accept Police Officer Brian Kehrein's resignation. Roll Call Vote: Council Member Gould, Council Member Schoonover, Council Member Polzer, Council Member Wahl, Council Member Lieffring and Council Member Weissinger, all voting aye. Motion carried.

Karl stated that they will be interviewing on Wednesday, February 21. The Safety Committee will interview 5 candidates pulled from an eligibility list. The top 2 or 3 will then be brought before the full Council. February 27th will be Brian last day working and March 1 will be his last official day. The Police reserves will fill in with full-timers.

Ambulance Director and Fire Chief Lawrence Plummer stated that there were 56 fire calls for the year of 2006 with 14 being City and 42 Rural. At the January 22 Fire Department meeting, Officer recommendations were given. A motion was made by Council Member Polzer and a second by Council Member Lieffring to accept new Fire Officers as presented: Lawrence Plummer, Fire Chief; Roger Osegard, 1st Assistant Chief; Steve Huppert, 2nd Assistant Chief; Ed Sabelko, 1st Captain; Trevor Weissinger, 2nd Captain, Matt Fink, 1st Lieutenant; Denny Boigenzahn, 2nd Lieutenant; Wayne Hoyt, Treasurer; Dan Pfaffe, Secretary; Don Hayden, Janitor; Dan Pfaffe, Chaplain. Roll Call Vote: Council Member Gould, Council Member Schoonover, Council Member Polzer, Council Member Wahl, Council Member Lieffring and Council Member Weissinger, all voting aye. Motion carried.

A motion was made by Council Member Schoonover and a second by Council Member Gould to allow Fire Chief Plummer permission to use fund for the State Firefighter Convention. Roll Call

Reg. Mtg. (Cont.)
2/14/07

Vote: Council Member Gould, Council Member Schoonover, Council Member Polzer, and Council Member Wahl, Council Member Lieftring and Council Member Weissinger, all voting aye. Motion carried.

Ambulance Director and Fire Chief Lawrence Plummer stated that there were 347 ambulance runs for the year of 2006. This is up from the previous year's 330. He also informed the Council of recommendations made for Ambulance Officers. A motion was made by Council Member Schoonover and a second by Council Member Weissinger to accept the Ambulance Officers as follows: Lawrence Plummer, Ambulance Director; Don Hayden, 1st Assistant Director; Jacob Wolstad, 2nd Assistant Director and Becky Jaspersen, Secretary/Treasurer. Roll Call Vote: Council Member Gould, Council Member Schoonover, Council Member Polzer, Council Member Wahl, Council Member Lieftring and Council Member Weissinger, all voting aye. Motion carried. \$1,400.00 on donations was received from Dr. Castleburg's Memorial. Mr. Plummer took the funds and purchased Manikin, which cannot go out of the Fire Hall. There are currently two certified CPR instructors.

All TB testing is done for this year. The ambulance service paid for it this year but can not in the future. Only one person did not take a TB test and signed a waiver.

He stated that the Auto Launch is working out well. Eight helicopters can be contacted in an emergency.

Lawrence Plummer asked permission for \$3,000.00 from the emergency fund in budget for 6 or 8 vests hard hats to be bought for the Mayor and Council in the event of disaster. This was okay with Council.

Mayor Bauer thanked Firefighters and Ambulance employees for work done in 2006. He stated that for the amount of runs completed, the complaints were minimal.

A report from Cedar Corporation was next on the agenda.

Discussion TEA Grant for 10th Street Reconstruction

Concerning land bids, to protect the integrity of idea a contingency could be put in to have the purchaser not subdivide.

First reading of a Building Permit Ordinance 16.1. The purpose of the ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code. If adopted, it will replace the old 16.1 ordinance. There will be a month between the ordinance being enacted and the person being hired. First reading of the Building Permit Ordinance presented. Cedar Corporation is checking on a new Fence Building Ordinance.

Mayor's Report -

Update on position of Administrator/Clerk/Treasurer was given. An ad was placed for applicants. Subsequently, 18 applicants were received with eight finalists. The top five applicants had background checks with applications reviewed by the Council. Those five applicants will interview before the Mayor, Deb Welch from Clifton-Gunderson, John Behling from Weld, Riley, Prenn and Ricci and Council Member Al Gould. The top two or three will go before the full Council in Closed Session. The Ordinance for Administrator/Clerk/Treasurer was published twice in the Courier-Wedge. Interviews will take place on Thursday, February 22. The Mayor discussed the fact that Mary Ann Bautch is working at City Hall to help in the transition until a new Administrator/Clerk/Treasurer is hired.

First reading of Ordinance concerning Issuance of Operator's Licenses. The purpose of this ordinance is to amend Section 7.2.12 of the Durand Municipal Code; Operator's License.

Reg. Mtg. (Cont.)
2/14/07

Discussion was held concerning an issuance of a bartender's license. A motion was made by Council Member Wahl and a second by Council Member Schoonover to deny the Application for License to Serve Fermented Malt Beverages and Intoxicating Liquors for Elizabeth Thurman.

Roll Call Vote: Council Member Gould, Council Member Schoonover, Council Member Wahl, and Council Member Weissinger, all voting aye. Council Member Polzer and Council Member Lieftring voting no. Motion carried.

Discussion was held concerning an issuance of two Class A Retail Licenses for the Sale of Fermented Malt Liquor, Operator's Licenses for the Handy Mart Mobil and Handy Mart Conoco. A motion was made by Council Member Schoonover and a second by Council Member Weissinger to approve issuance of a Class A Operator's license to Jodi Meinen, agent for Roger Jevne Enterprises subject to Bauer Built giving up their liquor license for the businesses. Roll Call Vote: Council Member Gould, Council Member Schoonover, Council Member Wahl, Council Member Weissinger, Council Member Polzer and Council Member Lieftring, all voting aye. Motion carried.

There was no old and unfinished business to present.

A motion was made by Council Member Weissinger and second by Council Member Polzer to approve prior minutes as received, photocopied, by members of Council. Roll Call Vote: Council Member Gould, Council Member Polzer, Council Member Schoonover, Council Member Wahl, Council Member Lieftring and Council Member Weissinger all voting aye. Motion carried.

A motion was made by Council Member Schoonover and Second by Council Member Polzer to approve the vouchers payable as presented. Roll Call Vote: Council Member Gould, Council Member Polzer, Council Member Schoonover, Council Member Wahl, Council Member Lieftring and Council Member Weissinger, all voting aye. Motion carried.

No other items were presented to Council.

A Motion was made by Council Member Polzer and Second by Council Member Weissinger to adjourn. All present voting aye. Council adjourned at 9:55p.m.

Gerald M. Bauer
Mayor