

**ADJOURNED MEETING OF THE COMMON COUNCIL
October 18, 2011**

The Common Council of the City of Richland Center, Wisconsin, met in the Council Room of the municipal building at 450 S. Main Street on Tuesday, October 18, 2011 at 7:30 P.M., Mayor Larry D. Fowler presiding. Alderpersons Marie Rakow, Susan Fruit, Lester Parker, Jay Buchanan Mueller, Steve Deets, Judy Shireman, Bill Kloehn and Lorna Dilley present. Mayor Fowler ascertained from the Clerk that the meeting was properly noticed.

Motion by Kloehn, second by Parker to waive the reading of the minutes of the last meeting (October 4) in lieu of printed copies and to approve the same. Motion carried.

2010 AUDIT REPORT – VIG AND ASSOCIATES:

Mr. Bill Moilien said he has been working with the City's audit for the past 5-6 years. He presented the 2010 Audit. He said it is consistent with the 2009 audit and the City still remains in good financial condition.

PUBLIC SAFETY COMMITTEE RECOMMENDATIONS:

CONSIDER ORDINANCE AMENDING STOP SIGNS IN THE CITY.

Attorney Robb reviewed the ordinance.

Aldersperson Fruit arrived at 7:52 p.m.

Aldersperson Deets stated that the ordinance was introduced and has been recommended by Public Safety to be approved. Aldersperson Muller said Public Works has money in the budget for the signs. Attorney Robb read the proposed ordinance. Motion by Kloehn, second by Dilley to approve Ordinance 2011-16 amending Chapter 101 of the Code of Ordinances of the City of Richland Center, adding stop signs and yield signs at various intersections and deleting certain stop and yield signs at intersections having other traffic controls. Motion carried 7-0.

CONSIDER CLASS B BEER LICENSE FOR ZHOU ZHANG D/B/A DRAGON BUFFET AT 723 US HWY 14 EAST:

Aldersperson Deets said that Public Safety recommended approval of the Class B Beer license and he made the motion to approve it for Zhou Zhang d/b/a Dragon Buffet. Aldersperson Parker made the second and the motion carried 5-2 with Alderspersons Dilley and Rakow voting against.

Aldersperson Judy Shireman arrived at 8:01 p.m.

PLANNING COMMISSION RECOMMENDATION:

HEARING ON APPLICATION OF RICHLAND CENTER RENEWABLE ENERGY, LLC FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A WASTEWATER TREATMENT FACILITY TO BE LOCATED IN THE EXTRATERRITORIAL ZONE. THE PROPERTY IS LOCATED JUST SOUTH OF THE PRESENT SCHREIBER FOODS PLANT ON BOHMANN DRIVE. IT IS LOCATED ON THE OTHER SIDE OF THE RIVER.

Aldersperson Deets left the meeting due to a personal conflict of interest. Attorney Jodi Arndt said she received a copy of the 15 conditions placed on the permit by the Planning Commission. She said RCRE agrees to all but would like additional wording to be placed on three. She said under condition #4 that there is an agreement with Mr. Schmitz that RCRE does a feasibility study of his farm operations and DNR is in full support. She said the study is in the process of being worked on, they are not planning on immediately treating the manure but would like the opportunity to come back to the City when the study is completed. She requested the words until such time that a completed study is presented to the ETZ and Planning Commission for consideration and approval be added to number 4. Mayor Fowler asked Mr. Jelinek what the ETZ Board wanted on the issue and he replied that RCRE could do the study and bring it to the Board for consideration but there was no guarantee that processing manure would be approved.

Ms. Arndt said that under condition #6, they agree to the 7 a.m. to 7 p.m. schedule for truck traffic. She said they request that “under normal operating conditions or except in the event of an emergency” be added. She asked the same words be added to condition #13. Ms. Arndt went on to explain that an emergency cannot be planned and therefore if there is an emergency it might be outside of the 7 a.m. to 7 p.m. schedule. She said under #9 the word “not” should be placed between shall and exceed. She reported the remaining conditions are acceptable.

Attorney Robb stated his reasons why the additional wording wasn't necessary. He said at any time in the future a permit holder can make a request for modification of a condition. Mr. Schmitz asked what the recourse would be if any of the conditions are breached. Attorney Robb said there could be a fine or an injunction to shut down the plant. He said the City almost never does anything that serious but it is ultimately what could happen because it is a violation of the conditional use and zoning ordinance. Motion by Mueller to approve the conditional use permit to Richland Center Renewable Energy, LLC to allow for a wastewater treatment facility to be located in the extraterritorial zone with the same 15 conditions as approved by the Planning Commission and ETZ Board with the word “not” added under #9 between the words shall and exceed. The property is located just south of the present Schreiber Foods plant on Bohmann Drive on the other side of the Pine River. Aldersperson Rakow made the second and the motion carried 7-0 noting Aldersperson Deets was absent for the vote. Aldersperson Parker mentioned it would be easy to hold a grudge knowing what has happened when he was on the Utility Commission working with the wet industries but he supports this project.

UTILITY COMMISSION RECOMMENDATION:

CONSIDER RESERVE CAPACITY AGREEMENT WITH RCRE.

Attorney Arndt explained that in the event they have a problem, they could contact the City Utilities and it would be up to the Utilities to determine if they could accept the wastewater. She said the agreement is already signed by RCRE, Schreiber Foods and Foremost Farms and they would pay the Utility \$170,000.00 per year for this option over a 3 year period and at that time an extension could be negotiated. She said in the event the waste water is accepted, the industrial user rate would apply for the discharge. Motion by Rakow, second by Fruit to approve the Standby Capacity Reservation Agreement and authorize signatures. Motion Carried 7-0 with Alderperson Deets absent for the vote.

Mayor Fowler said congratulations to RCRE and he felt everyone did a good job of working together on the project. He said while he is disappointed it did not go the way it was initially intended, everyone worked together to make it positive for the community. He said the goal all along was to make sure Schreiber Foods and Foremost Farms stayed in the City. He said the City will start our facility plan and it should be completed in 5 months to provide us with options.

Alderperson Deets returned to the meeting and Alderperson Shireman left at 9:18 p.m.

PUBLIC SAFETY COMMITTEE RECOMMENDATIONS:

CONSIDER MUNICIPAL TREE CUTTING LICENSE.

Alderperson Deets said this comes with a recommendation from Public Safety to approve the license contingent on proof of insurance. He asked that a line be added on the form for proof of insurance and the amount. Clerk Elliott said he has the proper insurance. Motion by Deets to approve the tree cutting license for Steve Mathias d/b/a Ashton's Affordable Tree Service LLC. Alderperson Parker seconded and the motion carried.

PUBLIC WORKS COMMITTEE RECOMMENDATION:

CONSIDER MSA PROPOSAL FOR DIKE INSPECTION SERVICES.

Mayor Fowler said this is for the annual dike inspection and MSA is charging the same amount as last year. Alderperson Mueller said Public Works recommended approval. Motion by Mueller to approve the dike inspection contract with MSA not to exceed \$2200.00. Alderperson Rakow made the second and the motion carried 7-0.

CONSIDER PURCHASE OF FOUNDRY LAND.

Mayor Fowler said the survey of the land is done and the Richland Center Foundry is giving the City the land and easements for one dollar for the Foundry Drive project. Motion by Parker, second by Fruit to approve the purchase of land from the Richland Center Foundry for \$1.00. Motion carried 7-0.

CONSIDER APPROVING EXPENSES FOR IRA STREET REPAIRS.

Mayor Fowler said Church Street reconstruction has been moving along and there is a better base than what was expected so the cost will be lower. He said the cost for Ira Street is much lower if it is done as a change order with the Church Street project and the cost could be covered with the saving and contingency from the Church Street project. He said Public Works and Finance both recommended approval for the 2.5" base at \$24,330.00. Motion by Parker to approve the change order with J & J Underground for the Ira Street project, not to exceed \$24,330.00 with the money coming from the Church Street project, the public works budget or contingency. Alderperson Mueller made the second and the motion carried 7-0.

CONSIDER EXPENSE FOR PURCHASE OF SALT.

Mayor Fowler said Finance and Public Works recommended approval of a transfer of \$4000.00 from the roadways gravel account to snow removal for salt purchase. Motion by Mueller, second by Kloehn to approve the transfer of \$4000.00 for the purchase of salt. Motion carried 7-0.

FINANCE COMMITTEE RECOMMENDATION:

CONSIDER AUTHORIZING EXPENSE TO WRITE GRANT FOR DOWNTOWN REVITALIZATION.

Mayor Fowler said he has been considering this for a couple years. He said a lot of street and utility work has been done in the area surrounding the downtown but not directly downtown. He said he has been discussing a grant application with Mr. Sulik from MSA and there is a planning grant available that would cover 50% of the cost of \$35,000 to do the downtown study. Mayor Fowler said the study would provide us with recommendations for the downtown area to promote growth and it would be a joint venture with the downtown businesses. He mentioned that only Phase 1 for \$2500.00 is being considered tonight. Motion by Kloehn, second by Dilley to approve the contract with MSA to complete Phase 1 of the downtown revitalization grant application at a cost not to exceed \$2500.00 with the money coming from contingency. Motion carried 7-0.

DISCUSSION ON CONCEALED WEAPON LAW.

Chief Annear said the law is effective November 1st but the permits to carry a concealed weapon will not be available for Wisconsin residents yet. He said anyone who lives out of State that we have reciprocity with can carry concealed though. He said City buildings could be optionally posted but you can't prohibit people from carrying their concealed weapon in parking lots or in open areas such as the parks. It was asked if a person had to have their permit on them at all times they are carrying a weapon and Chief Annear said there is a \$25.00 fine if they do not have the permit with them. Alderperson Rakow asked if she has a permit and gets pulled over for not wearing a seatbelt is it her duty to inform the officer she has a weapon? Chief Annear said a permit holder is not obligated to inform an officer. He said a weapon would be a fire arm such as a hand gun, a knife, billy-club or tazer. He said permit holders cannot consume intoxicants in a tavern with a concealed weapon. There was discussion on how City employees

felt about having the buildings posted and Mayor Fowler asked Department Heads to find out how their subordinates felt. Chief Annear said Illinois is the only state left that does not allow concealed carry.

PAYMENT OF MONTHLY BILLS:

Motion by Mueller, second by Parker to pay the bills as presented. Motion carried 7-0.

MAYOR CORRESPONDENCE AND COMMENTS: He said everyone should go to Krouskop Park to see the walls going up for the new Community / Senior Center.

ALDERPERSON MARIE RAKOW: She said the approvals for RCRE tonight were major decisions and she hopes everything works out well. She mentioned that it is awesome to see the new building going up in the park.

ALDERPERSON SUSAN FRUIT: She said the new building is awesome and she wished RCRE the best of luck.

ALDERPERSON LESTER PARKER: He said he felt the letter on October 6th in the newspaper blaming the City for stalling on the RCRE permit is not fair and misleading. He said we all want to see growth happen in the City.

ALDERPERSON JAY BUCHANAN MUELLER: He encouraged everyone to look at the new Community / Senior Center and the Eagle in North Park. He said J & J Underground is doing an excellent job on Church Street and he is pleased they are going to do Ira Street. He said he would like to have a written breakdown as to what the charges are for on the utility bill to answer constituent's questions.

Mayor Fowler mentioned that on October 25th at 10:00 a.m. there will be a ribbon cutting at the new Fillback Ford site. He said the next Community Business Outreach get together will be at VARC. He said there has been a lot of work on the budget and he thanked everyone for their hard work. He said Personnel & Insurance is also doing a lot of work, there are meetings scheduled for negotiations with the Police Union, Chapter 75 should be ready tomorrow and there will be discussion tomorrow at 5:30 on the vacancies in the City.

ALDERPERSON BILL KLOEHN: He said last weekend there were 9 planes that landed at our airport and people visiting went to the area orchards. He commented on the sign at the end of Court and Orange Streets and felt people should follow City Ordinances regarding signs.

DEPUTY CLERK / TREASURER MELINDA D. JONES: She said the new computer software conversion is complete in the Clerk's office and it is going well.

Motion by Kloehn, second by Parker to go into closed session per WI Statute 19.81 (1) (e) to consider investment of public funds and the sale of land. Motion carried 7-0.

Closed session.

Motion by Fruit, second by Mueller to reconvene into open session to vote on matters pertaining to WI Statute 19.85 (1) (e). Motion carried.

Motion by Rakow not to offer the lot for sale to the interested party at this time. Alderperson Mueller made the second and the motion carried 7-0.

ADJOURN: Motion by Mueller, second by Parker to adjourn. Motion carried at 10:25 p.m.

Minutes by Melinda D. Jones, Deputy Clerk /Treasurer

Mayor, Larry D. Fowler

Attest:

City Clerk / Treasurer Jude Elliott