

REGULAR COUNCIL MEETING
MARCH 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 Lieftring. Absent -- Council Member Weissinger.
Also in attendance: City Attorney, John Behling.
Pledge of Allegiance
Due and proper notice of meeting given by the administrative staff
Public Comment Period

The meeting opened with approval of the prior minutes. A motion was made by Council Member Schoonover and second by Council Member Polzer to approve prior minutes from the February 14th Regular Council Meeting and February 26th Special Council Meeting as received, photocopied, by members of Council. Roll Call Vote: Council Member Gould, Council Member Polzer, Council Member Schoonover, Council Member Wahl and Council Member Lieftring all voting aye. Motion carried.

The question arose concerning the sale of City STH 25 property near the Waste Water Treatment Plant. Mayor Bauer informed those present that the topic would be discussed later in closed session. However, anyone who wished to speak regarding this matter could do so now in a Public Comment Period.

Dr. David Reiland summarized by stating that he and his wife, Terri, had bid on the property and believed that it was the intent of the City to sell the property. They took a risk and bid on what they thought it was. The intent of the Council seemed clear to them. They saw the sketch in the paper, not surveyed but surveyed later. He stated that everyone bid on the same piece of property and their bid was accepted subject to some contingencies.

James Bauer stated that he had previously approached the committee concerning the land in question and the City put out for bids in all fairness so no one in the City objected. He felt that this was the proper action by the Council. He felt that the original 1.5 +/- acre parcel could not be construed for the now 4.29 acres. The only property decision is to put out for bids for entire acreage or on parcel B itself.

Mrs. Reiland stated that she and her husband and the Bauer's were both bidding on the same property from the City line to Jim's land. Mr. Bauer stated that he and several other people believed the land to be 1.5 acres +/-.

City Attorney John Behling stated that we will be convening into closed session later. He additionally stated that Council will reconvene afterward and may take up the matter.

Mayor Bauer explained that all interested parties were welcome to stay until the end of the meeting should they choose to do so.

The next item on the agenda was the public hearing on rezoning of Lot 1106 Durand Street from R1 to B1. Charlie Jones from Cedar Corporation was present and stated that there is currently a residential home R1 on Durand Street with a request to be rezoned B2 Commercial. The property now adjoins the commercial district. At a March 7th meeting of the Durand City Planning Commission, their recommendation was to rezone with all present voting aye.

A resident asked if taxes would increase if the property was rezoned. The Mayor told her they should not based on rezoning.

After a short discussion by Council, a motion was made by Council Member Schoonover and a second by Council Member Gould to close the public hearing. A Voice Vote was taken with all voting ayes. Motion carried.

In order for a decision to be made for or against zoning the item must be put on the agenda as such. The topic will be discussed at a Special Council meeting on Monday, March 19. A consensus of Council was taken to rezone Russell and Bonnie Carter's property from R1 to B2.

Water Superintendent Gary Sweeney gave the public utilities report. Gary informed the Council that the new Vector truck will be arriving on March 22nd. The check is with the vouchers for the

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meeting and is to be held until delivery. Utility Department employee will be trained for the use of the truck. Now that the truck has been purchased, Gary stated that the City now has older sewer equipment which he would like to put up for bids. The Council advised him to put an ad in the Courier Wedge to receive bids.

Don Poeschel gave the Public Work's Report. A discussion was held concerning hauling of blacktop for the Durand bike trail paving project. Terry Mesch would like to have something in writing that the City gives its approval for one man and a truck to help on the project. Don will get something in writing.

Don stated that the summer help from last year would be called to come and work again for the City this summer.

Karl Goethel gave the Public Safety report. Karl stated that he spoke to Greg Helgeson of the DOT and a head count will be taken on cars on Highways 10 and 25/85. If traffic has increased on 25/85, the lights will be adjusted. A discussion was held on different modes of transportation on the highway and the triggering of lights. (Ex. Amish buggy, tractors, bikers, cars)

Karl indicated that he had done several background checks for bartender's licenses.

No discussion on hiring of a police officer.

Denise Polzer gave the ambulance report. She stated that Pit Plummer purchased 6 helmets and 8 adjustable vests to be used by Council Members in the event of an emergency situation. She explained that a defibrillator will be kept at City Hall.

Cedar Corporation Report – Charlie Jones explained that after discussion with Marron Foods, their company had decided not to release any financial information for the TEA Grant.

Charlie stated that there has been much interest in the Housing Grant Program.

Concerning the Riverwalk Enhancement Grant, Charlie explained that a contract would need to be negotiated between Cedar Corporation and the City of Durand once they receive a copy of the paperwork the State has sent out to the City upon approval of the Grant. Charlie suggested that a committee be formed to look at other riverfront projects in other communities.

Developer Dan Acker and McDonald's representative Ross Yeschek were present. Dan and his wife Phyllis are working on developing the old Durand Motel site on Highway 10 and build a new McDonalds, convenience store and car wash. Dan explained that there are a few hurdles with the Department of Transportation but they hope to begin construction in April and open in July. Mayor Bauer explained that he is happy to be working with them in Durand. The basic design and layout was discussed. The McDonalds will employ 30-40 full and part-time people and the convenience store will employ 10-20 full and part-time people.

The Finance Report was next on the agenda. The second 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. A motion was made by Council Member Gould and second by Council Member Wahl to approve the ordinance to amend Section 7.2.12 of the Durand Municipal Code. Voice Vote with all voting ayes. Motion carried.

Second reading of a Building Permit Ordinance 16.1 which has the purpose 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. A motion was made by Council Member Polzer and second by Council Member Lieftring to approve the ordinance to amend Chapter 16.1 and to have Cedar Corporation do building inspections rather than going through the State. Voice Vote with all voting ayes. Motion carried.

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Upon publication, both approved amendments will go into effect.

Discussion was held concerning an issuance of a bartender's license. A motion was made by Council Member Lieftring and a second by Council Member Wahl to approve the Applications for License to Serve Fermented Malt Beverages and Intoxicating Liquors for Ashley Leek, Stephanie Darr and Elizabeth Thurman. Voice Vote: 5 ayes, 0 nays. Motion carried. Council Member Schoonover stated that he believed last months bartender license denial was the right thing to do. Given the new information at this meeting he felt that it was fine to reconsider.

Mayor's Report -

Discussion was held on other riverwalk developments. Mayor Bauer believes that the City of Durand can get other ideas from what other municipalities have done. The Mayor was pleased to see a TV commercial which featured the Durand Fire Department.

A motion was made by Council Member Polzer and second by Council Member Gould to convene into closed session pursuant to 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds or conducting other specified public business whenever competitive or bargaining reasons require a closed session.

- A. Potential sale of City STH 25 property near Waste Water Treatment Plant.
- B. Land sale with 3D Strategies
- C. Water Tower Equipment Location Lease with Midwest Wireless Wisconsin, LLC.

And pursuant to 19.85(1)(c) and (g) for 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 and, conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body of perspective litigation which is likely to become involved,

And pursuant to 19.85(1)(c) for considering employment, promotion, compensation or performance evaluation for any public employee for with the governmental body has jurisdiction and exercises responsibility.

- A. City Administrator employment agreement.

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

A motion was made by Council Member Schoonover and second by Council Member Lieftring to reconvene in open session. Voice vote with all voting ayes. Motion carried.

The following motions were made in closed session:

A motion was made by Council Member Schoonover and second by Council Member Gould to direct Brian Nordolf to continue negotiations with Midwest Wireless. Voice vote with all voting ayes. Motion carried.

A motion was made by Council Member Gould and second by Council Member Wahl to accept the bid from the highest bidder on the property near the Waste Water Treatment Plant from the Creek to the Bauer property line. Voice vote with all voting ayes. Motion carried.

A motion was made by Council Member Schoonover and second by Council Member Polzer directing City Attorney's office to offer an employment contract with amendments as per John Behling to Lance Gurney. Voice vote with all voting ayes. Motion carried.

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

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There was no old and unfinished business to present.
No other items were presented to Council.

A Motion was made by Council Member Polzer and Second by Council Member Schoonover to adjourn. All present voting aye. Council adjourned at 9:50 p.m.

Gerald M. Bauer
Mayor