

**REGULAR COUNCIL MEETING**  
**September 11, 2008**

Meeting called to order at 6:30 p.m. by Mayor Gerald Bauer  
Roll Call: Present – Council Members Lieftring, Polzer, Weissinger, and Schoonover. A quorum was present. Administrator Gurney was also in attendance.

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

Motion by Council Member Schoonover, seconded by Lieftring to adopt the agenda as presented. Motion carried by unanimous voice vote.

**Pledge of Allegiance.** Mayor Bauer thanked all of the men and women who have served and are currently serving our Country and asked that all individuals in attendance remember the events of September 11, 2001 as a memorial during the pledge of allegiance.

**Public Comment** – None.

**Public Hearings:**

Mayor Bauer called the public hearings to order for proposed Ordinance #492 to amend **Section 12.1.1 Departmental Organization**, Ordinance #493 to amend **Section 5.4.2 Exit Interviews**, and Ordinance #494 to amend **Sections 10.6 Cross Connection** and **10.7 Well Abandonment**. Administrator Gurney reviewed the ordinance changes as they relate to oversight committee approval of departmental schedules, the conducting of exit interviews by the appropriate oversight committee upon an employee's termination from employment with the City, and correcting administrative code references respectively. The Council discussed the ordinances. Seeing that no one was present to discuss the proposed ordinances, Mayor Bauer closed the public hearings. **Ordinance #492** to amend **Section 12.1.1 Departmental Organization** was then offered by Council Member Polzer. Motion by Council Member Schoonover, seconded by Council Member Lieftring to approve said ordinance. Roll Call Vote: 4 ayes, 0 nays. Motion carried. **Ordinance #493** to amend **Section 5.4.2 Exit Interviews** was then offered by Council Member Schoonover. Motion by Council Member Polzer, seconded by Council Member Lieftring to approve said ordinance. Roll Call Vote: 4 ayes, 0 nays. Motion carried. **Ordinance #494** to amend **Section 10.6 Cross Connection** and **10.7 Well Abandonment** was then offered by Council Member Schoonover. Motion by Council Member Weissinger, seconded by Council Member Lieftring to approve said ordinance. Roll Call Vote: 4 ayes, 0 nays. Motion carried. First reading of the ordinances were approved. Final action to be taken on Ordinances at the October Common Council meeting.

**Administrator's Report:**

Administration-

Consideration of approval of operator's licenses. Administrator Gurney reviewed the applications and indicated all applicants had met the background investigation requirements. Motion by Council Member Lieftring, seconded by Council Member Polzer to approve the operator licenses as submitted. Motion carried by unanimous voice vote.

Consideration of unanimous annexation petition by Curt Radle and Sharlene Dock to directly annex lands from the Town of Durand, second reading. Administrator Gurney reviewed one comment received from the Department of Administration. A small portion of land between the land owned by the natural gas company and the centerline of the road equaling 33 feet must be excluded from the annexation petition so as to prevent the creation of a Town island parcel. As a result, the legal description of the annexation has been amended to take the exclusion of land into consideration. Motion by Council Member Schoonover, seconded by Council Member Polzer to approve Annexation Ordinance #491 annexing lands from the Town of Durand by direct annexation petition by Curt Radle and Sharlene Dock, with the legal description amendment as presented. Roll Call Vote: 4 ayes, 0 nays. Motion carried.

Community Development-

Consideration of RLF Economic Development Loan request #32 for Reflections Spa and Salon by Bonnie Gibson. Administrator Gurney provided the background of the loan request and the terms of the loan. The Community Development Committee had reviewed the loan request and recommended approval conditioned on a building inspection by the City's building inspector. Ben Campbell completed the

inspection and had no issues or violations to report. Motion by Council Member Weissinger, seconded by Council Member Polzer to approve the loan request in the amount of \$20,000 as presented. Roll Call Vote: 4 ayes, 0 nays. Motion carried.

#### Finance-

Motion by Council Member Weissinger, seconded by Council Member Liefkring to approve the August Ambulance write-offs in the amount of \$1,333.04. Motion carried by unanimous voice vote.

#### Public Safety-

Motion by Council Member Schoonover, seconded by Council Member Weissinger to go into closed session at 6:53 pm pursuant to Wis. Stat. 19.85(1)(c) for the purpose of “considering employment, promotion, compensation or performance evaluation data of any public employee over which the City Council has jurisdiction or exercises responsibility” relative to filling existing or expected vacancies and determining compensation for the Durand Police Department. Administrator Gurney and Sergeant Silberhorn-Anderson were asked to remain. Roll Call Vote: 4 ayes, 0 nays. Motion carried.

Motion to go into open session at 7:20 pm by Council Member Polzer, seconded by Council Member Liefkring. Motion carried by unanimous voice vote.

Motion by Council Member Schoonover, seconded by Council Member Polzer to accept the retirement of Police Chief Karl Goethel effective Friday, September 19, 2008. Motion carried by unanimous voice vote.

Motion by Council Member Schoonover, seconded by Council Member Polzer to appoint Sergeant Silberhorn-Anderson as the Officer in Charge of the Durand Police Department effective immediately following the conclusion of Chief Goethel’s shift on September 19, 2008. Motion carried by unanimous voice vote.

Motion by Council Member Polzer, seconded by Council Member Liefkring to increase the hourly compensation of Sergeant Silberhorn-Anderson by \$1/hr to be effective when she assumes the role of Officer in Charge on September 19, 2008. Roll Call Vote: 4 ayes, 0 nays. Motion carried.

Motion by Council Member Schoonover, seconded by Council Member Liefkring to conditionally offer a full time police officer position to Dustin Levasseur subject to the satisfactory completion of a psychological evaluation and background check. Motion carried by unanimous voice vote.

#### Code Administration-

Consideration of Ordinance #489 to amend Ordinance Section 13.1.40 Dog Defecation of the Municipal Code for the City of Durand. Motion by Council Member Polzer, seconded by Council Member Liefkring to approve Ordinance #489 as presented. Roll Call Vote: 4 ayes, 0 nays. Motion carried.

Consideration of Ordinance #490 to repeal Ordinance Section 13.5.9 Present Where Food or Drink Sold and to recreate as Locations Where Animals Prohibited of the Municipal Code for the City of Durand. Discussion followed over comments received requesting that Forest Hill Cemetery be removed from the list of public places where animals are prohibited. Motion by Council Member Weissinger, seconded by Council Member Polzer to approve Ordinance #490 with the change to remove Forest Hill Cemetery from the list of prohibited public places. Roll Call Vote: 4 ayes, 0 nays. Motion carried. Discussion followed to clarify that the boulevard in between the sidewalk and the street is considered street right of way and not park, much like anywhere in the City. The Council also discussed adding more pet waste receptacles in the downtown area much like the two that were installed in Tarrant Park this year.

#### Engineer’s Report:

Charlie Jones from Cedar Corporation was present to provide updates on the Chippewa River Enhancement Project, 2<sup>nd</sup> Avenue reconstruction project, the utility mapping project and several development projects. He indicated that Cedar is close to completing preliminary plans for the River Enhancement Project for alignment to submit to the DOT and DNR for comment. Once the two agencies have reviewed the preliminary plans and determined what will be permitted, additional discussions will be held in terms of the types of amenities the project will include. The 2<sup>nd</sup> Avenue East reconstruction project

is on schedule to be bid the beginning of next year, contingent upon inclusion within the 2009 budget. Finally, updates on the Family Dollar project and the upcoming Motel project were also discussed. The Council also asked questions about adding fill to the park area behind the City Garage to elevate the property to the point it is out of the floodplain.

**Mayor's Report:**

Mayor Bauer indicated that Norma Jean Constatine has decided to no longer assist the City with elections. She had been involved with the election polls for 40 years. Mayor Bauer will work on a form of recognition for her years of service. He then briefed the Council on his recent conference attendance and asked for approval to attend the Downtown Wisconsin conference in Wausau near the end of October. The Council then discussed attendance at the League of Wisconsin Municipalities Annual Conference to be held in Stevens Point this year. Next, Mayor Bauer noted that the Village of Pepin had recently been named the "Best Wisconsin Town for a Boating Getaway" and that the City should send a letter congratulating them on the award. He also indicated that a "thank you" will be sent to Bill's Distributing and the Giertz family for their involvement in bringing the Budweiser horses to Durand. Recognizing DIG President Donna West in the audience, he also thanked DIG and all the other individuals who were involved in the Music in the Park events. They were a tremendous success. He indicated that 5 members of DIG were involved in working all of the events this year including: Donna West, Cheryl Brantner, Donna Miles, Shari Werlein and Sandy Anderson.

Donna West was at the meeting and indicated that DIG was very satisfied with the events as well. She indicated that she had received a lot of positive feedback about the events. However, she did recently receive criticism related to the last event from the previous night. The complaint was related to the consumption of alcohol in Memorial Park. The person felt that the Music in the Park was supposed to be family oriented and some people in attendance were abusing alcohol during the event. Donna replied to the caller that alcohol is permitted in City's parks and that it was organized to be a picnic-type event. The caller also didn't feel that food should be allowed either. The Council briefly discussed the events and felt that alcohol had not been abused during the events and that the wish was to continue them as organized this year into the future. Sergeant Silberhorn-Anderson was also at the Park several times and indicated that she did not feel that anyone was out of hand or that alcohol was being abused. Bob and Roxie Weishapple were thanked for their organizational efforts in putting together the "Great Taste of Durand" and organizing vendors. Overall, the event was a tremendous success and people were very pleased with the different selections of food and the wonderful entertainment provided by the Lima Polka Choir and the band Patchouli.

**Previous Minutes:**

Motion by Council Member Weissinger, seconded by Council Member Lieffring to approve the Council minutes from August 14, 2008. Motion carried by unanimous voice vote.

**Vouchers:**

Motion by Council Member Schoonover, seconded by Council Member Weissinger to approve the vouchers as presented in the amount of \$204,682.06. Roll call vote: 4 ayes, 0 nays. Motion carried.

**Any other business.**

Administrator Gurney read the thank you received from the Durand Area Youth Fishing Contest Committee thanking the City for its involvement and donations to the event this year. He also indicated that the Wisconsin Wetlands Association was hosting train rides into the Tiffany Bottoms this year from Durand on Saturday, September 20<sup>th</sup>. A Finance Committee meeting was then scheduled for Wednesday, October 1, 2008 to discuss preliminary budget information. Next, Council Member Schoonover raised a concern brought to his attention from several business owners who did not like the type of seal coating used this year on Madison Street as it resulted in more tracking than in previous years. The Council then discussed sealcoating and felt that it is a necessary inconvenience for a short period of time in order to protect the City's infrastructure investments in the long run.

Motion to adjourn by Council Member Schoonover, seconded by Council Member Weissinger at 8:32 pm. Motion carried by unanimous voice vote.

Lance Gurney  
Administrator/Clerk