

**ADJOURNED MEETING OF THE COMMON COUNCIL
May 17, 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, May 17, 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 Parker, second by Kloehn to waive the reading of the minutes of the last meeting (May 3) correcting the date in the heading, in lieu of printed copies and to approve the same. Motion carried.

**GENERAL DISCUSSION ON PROPOSED ROUNDABOUTS ON HIGHWAY 14 EAST –
INFORMATIONAL ONLY:**

Mr. Larry Ferguson thanked the Mayor and Council for the agenda item. He said they are aware this is a WI DOT driven project and not a City project. He said the area business owners are aware of safety issues and no one discounts them but they do not want to jeopardize the businesses with three roundabouts and a raised median in between them. He said people take the path of least resistance and if they can't make a left turn, businesses will be losing customers. He suggested only the Burnstad's intersection be addressed and asked for Council support.

Mr. Mike Bradford passed out crash statistics he obtained from Mr. Bob Wittmore at the DOT and reviewed them. He said the risk of an accident on Hwy 14 East is low at 257 in 100,000,000 miles and the risk of death is 1.1 in 100,000,000 miles. He said a death would be a tragedy but it is because someone made a mistake behind the wheel. He suggested lowering the speed limit to 30 mph, a stop light at the Burnstad's intersection, or the roundabouts without the median but the lift station would still have to be moved which would be very costly to the community. Mr. Bradford requested the Council write a resolution opposing or at least delaying the project until it is acceptable to the local citizens and business owners.

Katrina King from Rockwell Automation said they have concerns over the access to their loading docks both during the project and long term that would disrupt their shipping. She said Rockwell may have no alternative other than to move their facility and they do not want to do it at a cost of at least \$1 million dollars and would only receive reimbursement of approximately \$30,000.00. Ms. King said she looks forward to working with the City, DOT and local businesses to find a solution.

Mr. David Foth said that as a business owner, we all need to make a living off of Hwy. 14 and none of the business owners can afford to lose 1% or more of their business as they all have trimmed their budgets to the bare necessities. He said they employ people and collect many dollars in local sales taxes for the County and provide a tax base for the City. Mr. Foth mentioned that as a former Fire Chief there were more serious accidents on Hwy. 80 than on

Hwy. 14 but those safety issues are not being addressed yet. He asked how it can be justified to spend \$4-5 million that will hurt or destroy business.

Mr. Don Wanless mentioned that his concern is for driving semi trailers through the roundabouts. He said when going through them on the curve there is an area on the left that will crowd someone driving next to him. He mentioned that in 1963-1965 he was stationed in Germany on a base that had roundabouts. He said if you could see what a VW beetle looks like crushed you would appreciate what he was saying. He said this Council works hard at bringing in new business to the community and he asked for their help in keeping business here as well.

Mr. Paul Kroetz said at the last meeting with the DOT they mentioned they were at a 30% completion rate of being done with the project and at 60% they will not turn back from completing it. He also announced that he has not heard one positive comment from people about the roundabouts.

Mr. Carl Oman said the roundabouts would add costs to his business, by hauling heavy equipment through them it takes rubber off the tires and is hard on the undercarriage. He said adding cost in difficult economic times is not good economic development. He said he has had many people turn down gravel purchases because they just can't afford the increased cost. He asked the council to take notes of what all the businesses are saying and research to see where they are coming from.

Mayor Fowler asked Mr. Bradford if he presented the handout he provided the Council to the DOT at their last meeting. Mr. Bradford said he was late for the meeting because he was on a call but did hand it out and felt it was really not looked at. Alderperson Rakow said the safety issues bother her but keeping the local business is important to the City. She felt the City needs to try to stop the project. Alderperson Fruit thanked the business owners for coming and said the City Council needs to remain solid with the business owners. Alderperson Parker said he felt the roundabouts would cause more accidents until they learn how to maneuver them. He also mentioned the roundabouts would slow down the fire departments response time to accidents or fires. Mr. Ferguson commented that the industrial park north is being worked on to have something to offer new businesses to relocate there but when they look at going through 3 roundabouts with a semi trailers several times a day, it could hamper their decision. He also said once the work is done we are keeping it for many years. Alderperson Shireman said she felt there is a safety issue and she responded as an EMT to the two fatality accidents in the area. She said she only wants a stop light at the Burnstad's entrance and told this to the DOT but it does not seem to matter what we want, they are determined to do what they want. Alderperson Deets said he feels the section of Hwy. 14 East is dangerous and he has had several close calls in the shopping center area but he would only agree with the roundabouts as a last resort. Mr. Foth said speed is an issue and the County told him that the law states the speed limit cannot be lowered but he felt it should be. Mayor Fowler said the City is working on options with the DOT and trying to make it a good project. He said it is disheartening if the DOT misrepresented information to us. Meegan Thompson said she received an email from Joe Olson at the DOT who said "The USH 14 project in Richland Center is in preliminary stages of design. Although the roundabout option has been presented as an approved alternative from a Highway Safety

Improvement Program (HSIP) funding perspective, WisDOT is committed to exploring any alternatives that balance safety and mobility with local access needs. To that end, WisDOT will not pursue any alternative that leads to the relocation of Rockwell Automation. We will continue to work with all affected businesses in evaluation of all reasonable alternatives.” She said it appears our voices are being heard. Ms. King thanked Meegan Thompson for all the hard work she has done on this issue for the business community. Mr. Ferguson said the 60% plan submittal date is August 15th. Mayor Fowler thanked everyone for coming and said their comments were heartfelt.

PLANNING COMMISSION RECOMMENDATIONS:

CONSIDER APPLICATION OF NEIL POLENSKY TO SPLIT A PARCEL OF LAND IN THE EXTRATERRITORIAL ZONE. THE PROPERTY IS LOCATED AT 24526 PINTO LANE NEXT TO THE CEMETERY:

Mayor Fowler introduced the item and stepped down because his firm is involved in the project. Alderperson Shireman said the Pine River Gun Club requested to construct a new building at this location and there were issues with the street that have been cleared up. She said a land split is required to sell the property to the club for an indoor rifle range. Clerk Elliott stated once the land split is approved there would be an application for annexation to connect to city water and sewer. He said when the property is annexed it would be zoned commercial and a rifle range is a permitted use in a commercial zone with a conditional use permit. He said we are only dealing with the land split at this time. He said Planning unanimously approved the land split. Motion by Mueller to grant the land split to Neil Polensky at 24526 Pinto Lane. Alderperson Rakow made the second. Alderperson Kloehn asked about the road and Attorney Robb said that nothing is in the records indicating Pinto Lane is a formalized road and the Council would have to determine what to do. He suggested it be platted as a street until it meets the curve and beyond the curve it be used only for cemetery access. Motion carried on the land split unanimously. Mayor Fowler returned to the meeting.

PUBLIC SAFETY COMMITTEE RECOMMENDATIONS:

CONSIDER PICNIC LICENSE FOR STAR SPANGLED CELEBRATION – JUNE 23 THROUGH JUNE 25:

Alderperson Shireman said it was unanimously recommended by Public Safety to approve the license which would be the same as it was the past couple years. Motion by Mueller, second by Parker to grant the picnic license to Star Spangled Celebration for June 23-25 in Krouskop Park. Motion carried 8-0.

FINANCE COMMITTEE RECOMMENDATIONS:

CONSIDER FILING NOTICE OF DISALLOWANCE OF CLAIM – ACUITY – CAMPUS VIEW APARTMENTS:

Clerk Elliott said Campus View Apartments filed a claim 2 years ago and the insurance companies have come to an agreement. He said our insurance company suggested disallowance of the claim. Alderperson Deets said Finance recommended disallowance of the claim. Motion

by Deets, second by Mueller to disallow the claim for the Campus View Apartments. Motion carried 8-0.

ACKNOWLEDGE NOTICE OF TERMINATION OF VACANT LAND OFFER TO PURCHASE BY SILVERSTONE HOUSING PARTNERS:

Mayor Fowler said the senior housing planned for the former M & A site on Orange Street did not get funding assistance and the contract was contingent on tax credits, so the contract is automatically terminated. Motion by Mueller to accept the termination of the offer to purchase by Silverstone Housing Partners. Alderperson Fruit made the second and the motion carried unanimously.

**PUBLIC WORKS COMMITTEE RECOMMENDATION:
CONSIDER PURCHASE OF TRUCK AND HOIST FOR STREET DEPARTMENT:**

Alderperson Mueller said the truck was previously used by the utility and has been taken care of. He said the City is getting a good deal on the purchase of the truck and would like to purchase a hoist for it as well. He reviewed the cost for a total of \$17,511.00 and how it would be paid for in the budget. He said Public Works recommended approval unanimously. Motion by Mueller to approve the purchase of the truck from Jones Chevrolet for \$17,511.00 with \$12,500 applied to the street machinery outlay account, \$2000.00 in State Pool #4 and the remaining \$3011.00 coming from the truck repair line item in the budget. Alderperson Rakow seconded the motion. Motion carried 8-0.

APPOINTMENTS TO COMMITTEES, COMMISSIONS AND BOARDS:

Mayor Fowler made the following appointments and asked for ratification.

ZONING BOARD OF APPEALS (5 year term)
Alan KochApril 2016

LIBRARY BOARD (3 year term)
Greg Myszkowski Citizen/Non-Resident June 30, 2014
Francis Braithwaite . . Citizen/Non-Resident June 30, 2014

PLAN COMMISSION (3 year term)
Ray KochCitizen April 2014

Motion by Parker, second by Dilley to approve the appointments as presented. Motion carried unanimously.

PAYMENT OF MONTHLY BILLS:

Alderperson Parker asked why the airport was using propane instead of natural gas and Alderperson Kloehn said there was no gas line but it could be looked into. Motion by Mueller to pay the bills as presented. Alderperson Dilley made the second and the motion carried 8-0.

MAYOR LARRY D. FOWLER: He said everyone has a copy of a letter from Ruth Flarity and asked the Council to please read it. He said he received a letter from Wiscors that stated construction is ready to begin. He said he went to a public hearing tonight at the County on redistricting. He said the City districts will have to change slightly because Alderperson Parker's house was put in a different district. He said Lynn Newkirk and Melinda Jones have been working hard on the plans. He said the City will have to provide an ordinance within 60 days. Mayor Fowler thanked everyone who attended the league dinner and said there were many opinions on the happenings at the State level but no answers. He stated a Personnel meeting and Community Center/Senior Center meeting needs to be scheduled for next week.

ALDERPERSON LESTER PARKER: He said he felt the City should draft a resolution against the roundabout project.

ALDERPERSON JAY BUCHANAN MUELLER: He said the industrial park is being constructed so we can offer options for industries and businesses to relocate here.

ALDERPERSON STEVE DEETS: He said there is a concealed weapons bill being discussed at the State level in two different forms. He said one requires a permit to be issued and the other has no permit and the weapons could be brought into public places including City Hall. He said the only way to prohibit bringing weapons into public buildings is by having lockers available for storage of the fire arms and a metal detector. He asked Terry Sime to obtain pricing on lockers and a metal detector. He then asked if some weed killer could be put on the grass at City Hall. Mr. Sime said the City is under contract with Consumers Cooperative for weeds.

ALDERPERSON JUDY SHIREMAN: She said it is scary to be in a convenience store when someone walks in with a gun strapped on both hips which is legal, but it is not legal to then get into a car and drive away without properly securing the guns.

ALDERPERSON BILL KLOEHN: He said he could see the pros and cons with roundabouts but a resolution to stop the roundabouts would be in order. He said Jeff Sanders has been to three Township meetings regarding the height limitation ordinance for the airport.

PARKS & GROUNDS SUPERVISOR K. TERRY SIME: He said this is our busy season getting the parks cleaned up and cemetery ready for Memorial Day. He said on the 26th at 6:00 p.m. volunteers will meet at the cemetery garage to put flags on Veteran's graves in the City and St. Mary's cemeteries. He said it takes about an hour and all volunteers are appreciated.

CITY CLERK / TREASURER JUDE ELLIOTT: He said an airport meeting needs to be scheduled for next week.

Motion by Parker, second by Mueller to go into closed session per WI Statute 19.85 (1) (e) to consider investment of public funds, RLF application of Fillback Ford. Motion carried 8-0.

Closed session.

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

Motion by Dilley, second by Fruit to approve a loan to Fillback Ford, Inc and Fillyland 2 LLC to purchase the current Richland County Chrysler business on the following terms: The loan amount would be \$300,000.00 with a 4% interest rate, amortized over 20 years, with payments being made monthly in the amount of \$1817.94 and with a balloon payment due on the 7th anniversary of the loan.

Fillback Ford, Inc. agrees to retain 18 full-time equivalent jobs at its Richland Center location at all times until the loan is repaid in full.

Security for the loan shall be as follows:

- The loan is contingent on a personal guarantee of repayment of the \$300,000.00 indebtedness to the City executed by Mark O. Fillback and Tracy Fillback,
- A 2nd mortgage on the Richland County Chrysler property identified as tax parcel #52276-2632-3000 behind a 1st mortgage not exceeding the amount of \$750,000.00 securing a bank loan,
- A second mortgage on property owned by Mark Fillback identified as tax parcel #52276-2811-5000 behind only a land contract vendor's interest with an unpaid balance of approximately \$110,000.00 owned by Wilson Motors, Inc.,
- A second priority general business security interest in the business assets of Fillback Ford, Inc. second only to a security interest securing the same \$750,000.00 loan secured by the first mortgage as described above.

The loan would not close until the following are received and approved by the City:

- A copy of a recent appraisal of Richland County Chrysler real estate (tax parcel #52276-2632-3000) showing an appraised value not less than \$1,000,000.00,
- A copy of Chrysler Corporation's written approval of Fillback Ford as a Chrysler dealership to be operated on the former Richland County Chrysler property,
- A copy of the phase 1 environmental study on parcel #52276-2632-3000 indicating that no conditions exist on the real estate which require remediation,
- A copy of Fillyland2 LLC articles of organization and operating agreement
- Evidence satisfactory to the City that Mark Fillback is empowered by Fillback Ford, Inc. and Fillyland2 LLC to purchase the property (tax parcel #52276-2632-3000) from Richland County Chrysler and/or Paul J. Romlow and Jeanne Fix Romlow and to execute documents establishing the secured assets to the City as described above.

Motion carried 8-0.

ADJOURN:

Motion by Mueller, second by Parker to adjourn. Motion carried at 9:45 p.m.
Minutes by Melinda D. Jones, Deputy Clerk /Treasurer

Mayor, Larry D. Fowler

Attest:

City Clerk / Treasurer Jude Elliott