

REGULAR MEETING OF THE COMMON COUNCIL

September 6, 2011

The Common Council of the City of Richland Center, Wisconsin, met in the Council Room of the municipal building on Tuesday, September 6th, 2011 commencing at 7:30 P.M., Mayor Larry D. Fowler presiding. Alderpersons Marie Rakow, Lester Parker, Jay Buchanan Mueller, Judy Shireman, Bill Kloehn, and Lorna Dilley present. Alderpersons Susan Fruit and Steve Deets were absent. 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 (August 16, 2011) in lieu of printed copies and to approve the same. Motion carried.

TREASURER’S REPORT: Treasurer Jude Elliott presented the General Fund Report for August, 2011. The complete Treasurer’s report follows:

GENERAL FUND:

Treasurer’s balance at start of month	136,890.78
Receipts	1,224,829.97
Disbursements	873,351.53
Treasurer’s balance end of month	488,369.22
Money Market Tax Acct.	13,223.44

INVESTMENTS:

State Pool - Account # 1	318,578.62
State Pool – Account #2 Long Term Care	526,753.24
State Pool - Account # 4 - Project Carryover	532,746.73
State Pool - Account # 6 - TIF - 2-5	1,265,509.87

SPECIAL ACCOUNTS

CDBG - Housing RLF	85,681.45
Cemetery	3,872.84
Revolving Loan Fund- Savings	181,909.97
Revolving Loan Fund – Checking	7,885.91
Park / Community Center	16,397.71
Park and Rec Checking	3,685.91
Recycling	32,219.14
Landfill Care – CD	476,477.93
Landfill Closure	88,633.95
Room Tax	31,086.28
Library Checking	71,650.49
RDA Checking	109,223.40

ELECTRIC UTILITY FUND:

Treasurer's balance at start of month	7,571.26
Receipts	940,639.75
Garbage Receipts	20,318.29
Public Benefit	4,245.52
Telecom Utility	5,064.00
Disbursements	952,738.30
Treasurer's balance at end of month	25,100.52
Investments	1,540,298.92

WATER UTILITY FUND:

Treasurer's balance start of month	45,986.96
Receipts	88,753.87
Disbursements	70,630.03
Treasurer's balance end of month	64,110.80
Investments	2,091,224.06

SEWER UTILITY FUND:

Treasurer's balance start of month	108,407.95
Receipts	435,709.12
Disbursements	389,132.37
Treasurer's balance end of month	154,984.70
Investment	5,897,974.71

LOANS:

Telecom from Elect	67,720.08
Water advance to TIF	334,130.00
WWTP advance to TIF	190,827.00
Total due from TIF	524,957.00
City (loan from WWTP)	400,000.00

PLANNING COMMISSION RECOMMENDATION:

PUBLIC HEARING AND ACTION ON APPLICATION OF JASON MIKLIK TO REZONE A PARCEL OF LAND IN THE CITY FROM COMMERCIAL (C-1) TO RESIDENTIAL (R-1). THE PROPERTY IS LOCATED AT 1289 WEST SEMINARY STREET:

Clerk Elliott said notices were mailed to adjoining neighbors. He said this building is the John Knox Presbytery building or better known as the former Wisniewski Clinic. He said Planning recommended approval of the rezoning from C-1 to R-1 unanimously. Mayor Fowler opened the public hearing by asking 3 times if anyone wanted to speak against the rezoning request. Clerk Elliott read a letter he received from Mr. Wontor who is opposed. He said he thinks that Mr. Wontor thought the property was going to be a multi-family zoning. Mayor

Fowler then asked 3 times if anyone wanted to speak in favor of the rezoning. Mr. Jason Miklik said the building suits their needs, they plan to have a small home occupation to offer individual singing lessons, and they are anxious to become members of the community. Mayor Fowler read the Ordinance. Motion by Parker to suspend the rules, seconded by Shireman. Motion carried 6-0. Motion by Shireman to adopt Ordinance 2011-11 to rezone certain lands owned by John Knox Presbytery and prospective owner Jason Miklik in the City of Richland Center from Commercial (C-1) to Residential (R-1). Alderperson Rakow made the second and the motion carried 6-0.

CONSIDER AND ACTION ON APPLICATION OF SCHREIBER FOODS TO REZONE A PARCEL OF LAND IN THE EXTRATERRITORIAL ZONE. THE PROPERTY, 2.22 ACRES IS LOCATED JUST SOUTH OF THE PRESENT SCHREIBER FOODS PLANT ON BOHMANN DRIVE AND ON THE OTHER SIDE OF THE PINE RIVER.

Attorney Jodi Arndt from Schreiber Foods said the whole property would be zoned Industrial and to satisfy the rezoning ordinance it needs to be an extension of a Schreiber Foods parcel and contiguous to other industrial zoning, which it is. She said the proposed Richland Center Renewable Energy Project's force main route to the Schmitz property would be bored under the Pine River with a pit on each side of the river for the force main. The only activity planned on the 2.22 acres of land is the force main and there will be no change to the character of the land. Motion by Rakow to rezone a parcel of land that is 2.22 acres in the extraterritorial zone that is located just south of the present Schreiber Foods plant on Bohmann Drive and on the other side of the Pine River. Alderperson Mueller made the second. Alderpersons Parker and Kloehn felt the property should be annexed into the City. Motion carried 4-2 with Alderpersons Parker and Kloehn voting against. Attorney Robb said since this is an ordinance it has to be read or suspend the rules and waive the reading. Motion by Dilley, second by Shireman to suspend the rules. Motion carried 6-0. Motion by Rakow, second by Mueller to suspend the rules, waive the reading and approve Ordinance 2011-12 to rezone the 2.22 acres of land that is located just south of the present Schreiber Foods plant on Bohmann Drive and on the other side of the Pine River. Motion carried 4-2 with Alderpersons Parker and Kloehn voting against.

CONSIDER AND ACTION ON APPLICATION OF RAY & SYLVIA SCHMITZ TO SPLIT A PARCEL OF LAND IN THE EXTRATERRITORIAL ZONE. THE PROPERTY, 9.383 ACRES IS LOCATED SOUTH OF THE PRESENT SCHREIBER FOODS PLANT ON BOHMANN DRIVE AND ON THE OTHER SIDE OF THE PINE RIVER:

Attorney Jodi Arndt said there would be an access road from Hwy OO to the property. She said the triangular section is where the force main connection would be between Schreiber Foods and the new treatment facility with the rectangular section being the location of the proposed building. Alderperson Parker asked if it would be taxable and the answer was that waste water treatment facilities are not taxable. Ms. Arndt said the electrical generation would have an approximate value of 1.2 million dollars. She also said there would be economic benefits to the City even though some tax base is added in the township. She also said truck traffic to and from the plant would be reduced from the current number. She said a well and septic are planned at the

site and no other city utilities are needed. Mayor Fowler said there was a lot of discussion at the joint Planning and ETZ meeting, with a vote of 8-0 to approve the land split. Motion by Shireman to approve the land split of Ray & Sylvia Schmitz. Alderperson Dilley made the second and the motion carried 6-0.

CONSIDER AND ACTION ON APPLICATION OF RAY & SYLVIA SCHMITZ TO REZONE A PARCEL OF LAND IN THE EXTRATERRITORIAL ZONE. THE PROPERTY, 9.383 ACRES IS LOCATED SOUTH OF THE PRESENT SCHREIBER FOODS PLANT ON BOHMANN DRIVE AND ON THE OTHER SIDE OF THE PINE RIVER.

Members of Schreiber Foods and Foremost Farms plants informed the Council that the proposed facility would make a positive impact in Richland Center as it would protect about 550 jobs, create about 50 new jobs, reduce truck traffic and reduce odor. It would also allow Schreiber and Foremost to remain marketable. They said they heard the concerns and questions of the public and are working to minimize the issues. Mr. Tobish from Schreiber Foods stated that both of the businesses picked Richland Center and Schreiber Foods did it twice with the acquisition of Dean Foods.

Attorney Jodi Arndt said a waste water treatment facility is not permitted in an exclusive agricultural zoning district but is a conditional use in industrial zoning. She handed out exhibit #2 and #3 that replaces what was in the initial application due to updates that address neighbors concerns. Ms. Arndt said the property is an extension of existing industrial zoning. She said compelling reasons are laid out in the council packets. She said their proposal is the course of least disruption to the agricultural community and a use that supports the agricultural community as it depends on both Schreiber Foods and Foremost Farms. Ms. Arndt stated the plan fits into the comprehensive plan of the City and Township. She said it is economically important to the City, supports 2 agriculture businesses in the community and employs 550 individuals. She said there is adequate land for a public facility and the proposed facility would create additional capacity at the City wastewater plant as well as making it more efficient and in compliance with the DNR. She stated the additional capacity could allow for new jobs to be added in the City. She said there would be new tax value added in the Township and encourages biotechnology by generating electricity that can be sold back to power 1000 homes. Ms. Arndt said there is currently 21 trucks per day hauling high strength waste to fields to be land spread and that would be reduced to 1 or 1 ½ trucks leaving the new site with sludge to land spread. She said the odor would be reduced at the current City plant and the proposed RCRE plant would be designed for this type of high strength waste and would have no odor. She also mentioned the current greenhouse gasses are approximately 100,000 metric ton and it would be reduced to 0. She said the facility would have its own well and no public utilities are needed. Ms. Arndt said the plan is suitable for development and not harmful to the environment. She has been working with the Department of Energy and they completed a 180 page environmental assessment that concludes there will be no adverse environmental impacts at the site. She said there are DNR permits, discharge and air permits, grading, construction and other criteria to meet. There are also noise, odor and other performance standards to meet. She stated that the generator was planned to be at the southwest corner of the property line and would meet the 60 dba but due to neighbor concerns, it was placed inside of the building in silencer material so it would be at a volume of less than 37 dba and there

would be no noise from equipment outside of the building. A normal conversation is 65 dba. She said the smoke or particular matter planned is within regulations. As for the floodplain, only a small portion of the digester and storm water retention pond will be in the floodplain. She said they will meet regulations and no FEMA approval is necessary. She stated there will be no adverse odors at this project as there will be an enclosed collection of methane gas, all wastewater would go through a force main, and there would be no open containers hauling. Ms. Arndt reviewed the truck traffic issues again and said there could possibly be as many as 3 trucks from another dairy hauling waste into the plant and it is possible there could be chemical delivery trucks but at most there would be 6 trucks per day versus the current 21 trucks per day. Alderperson Parker said he was not in favor and could not see how giving 1.2 million dollars of tax base to the Township is in the best interest of the City taxpayers. Alderperson Kloehn said he felt the same and suggested annexation into the City. Jodi Arndt said the proposed facility would keep 550 jobs in Richland Center in 3 different plants and that with the current waste restrictions the Dean Foods building is half empty so there is the possibility for adding more jobs. She encouraged everyone to look at the big picture for the whole community rather than just the tax base. Mayor Fowler said that the vote by the ETZ Board was 5-0 in favor. Motion by Shireman, second by Mueller to suspend the rules. Motion carried 6-0. Motion by Shireman, second by Dilley to waive the reading and adopt Ordinance 2011-13 to rezone a parcel of land owned by Raymond and Sylvia Schmitz and prospective owner Richland Center Renewable Energy, LLC from exclusive agriculture (E-A) to general industry (I-2) located in the extraterritorial zone. Motion carried 4-2 with Alderpersons Parker and Kloehn voting against.

FINANCE COMMITTEE RECOMMENDATION:

CONSIDER DISALLOWANCE OF CLAIM FROM RHYME BUSINESS PRODUCTS:

Clerk Elliott said the City's insurance company, EMC, is requesting the city disallow the claim of \$5629.00 that is related to flooding in the alley behind Bailey's Paint & Decorating and Rhyme. Motion by Kloehn, second by Mueller to disallow the claim from Rhyme Business Products. Motion carried.

CONSIDER EXPENSE FOR ELECTRICAL WORK AT LIBRARY:

Clerk Elliott said that Dale Bender found out that the electricity could not be turned off at the main breaker when he was doing some electrical work for the parking lot. He explained the Miller Electric quote which states the cost could be as low as \$300.00 to clean the terminals, reuse the existing breaker and that they will work with the City Electric Utility to connect the feeder conductor. He said the cost could be as much as \$4,759.00 for a new main breaker. Alderperson Kloehn said Finance recommended approval with the money coming from the library outlay and contingency if needed. Motion by Shireman, second by Mueller to approve the contract with Miller Electric for repairs at the Library, try option #1 first and not to exceed \$4,759.00 with the funds coming from library outlay and contingency if needed. Motion carried 6-0.

CONSIDER EXPENSE FOR REPAIRS TO FOOTBRIDGE:

Mayor Fowler said the main cables are rusted at the west side of the footbridge and no contractor has been willing to bid because of the liability issues. He said there are finally 2 bids to consider. He said there needs to be temporary bracing, replacement cable, hangers and bolts. The low bid is from Ruzic Construction Co. Inc. in the amount of \$14,800.50 and the other is from Midwest Builders, Inc. in the amount of \$16,500.00 and the City has \$25,000.00 in the budget for repairs. Mayor Fowler said he suggested Midwest Builders because they promptly turned in a bid while it took many months to obtain one from Ruzic Construction. He stated that boards needing replaced could be done by the Park Department employees. Alderperson Kloehn said Finance recommended to approve the bid from Midwest Builders Inc. for repairs to the footbridge, not to exceed \$16,500.00 and he made that his motion with the contractor showing proof of insurance. Alderperson Dilley made the second and the motion carried 6-0.

CONSIDER USE OF CAPITAL FUNDS FOR REPLACING WATER HEATERS AT NATATORIUM:

Mayor Fowler said there were two old water heaters that were replaced with energy efficient ones and since capital funds were used to replace lighting with more efficient lights, the committee felt capital funds could be used for the water heaters. He said it has already been approved at the County. Motion by Rakow, second by Kloehn to approve the use of capital funds for water heaters not to exceed \$3113.00 for the City's half. Motion carried 6-0.

CONSIDER PURCHASE OF SOFTWARE FOR ASSESSOR:

Deputy Clerk / Treasurer Melinda Jones said that the Assessor's computer was having problems and she needed a new one. Now that the new one is up and running only part of her assessor software is working. After contacting the technical support, they informed her she needed to upgrade the software. She said this is something that has to be done as soon as possible. She reviewed the quote from Assessment Technologies of WI, LLC for \$5995.00 and one from Apex Software for \$545.00. Motion by Shireman, second by Dilley to approve the software upgrades for the Assessor at a total cost of \$6540.00 and pay for it from contingency. Motion carried 6-0.

PUBLIC SAFETY COMMITTEE RECOMMENDATIONS:

CONSIDER PURCHASE OF 2 SQUAD CARS:

Chief Annear said he would answer the questions that were presented at the last meeting. He said the warranty for new vehicles is 3 years or 36,000 miles bumper to bumper and a 5 year or 100,000 miles on the power train. He said to add warranty of 4 years or 72,000 miles, bumper to bumper, would be an additional \$3400.00 and for 4 years or 100,000 miles it would be \$3600.00. Chief Annear stated that most police departments run 75,000 miles on their squad cars. He said he does wait until the mileage builds up a little more before putting the new vehicle into service. He said as the miles build the front end gets weaker, the seats wear, maintenance costs are higher and there are breakdowns. He said it becomes a safety issue if there is a breakdown. He said Chevrolet will not build any more 2011 models so it has to be a 2012 and will take 8-10 weeks for delivery and the squads that will be traded will have 76,000 and 86,000 miles on them by then.

He said the bid specs were for 2 squad cars and Jones was the low bid. Motion by Kloehn to approve the bid from Jones Chevrolet for 2 squad cars at a cost not to exceed \$46,239.56. Alderperson Dilley made the second and the motion carried.

**PUBLIC WORKS COMMITTEE RECOMMENDATIONS:
CONSIDER AWARDING CONTRACT FOR CHURCH STREET PROJECT:**

Mayor Fowler said the Utility Commission and MSA are recommending the low bid from J & J Construction for \$406,076.25 that is split between the City, Water and Waste Water with the City's cost at \$111,847.58. He said it is also recommended to add geogrid at \$6,250.00, sod at \$5,805.00, a contingency of \$6,500.00 and engineering at \$9,514.00 for a total City cost of \$139,916.58. He said the trees can be eliminated and Terry Sime could purchase them next year at a lower cost. Motion by Kloehn to approve the Finance recommendation which was to approve the contract with J & J Underground, not to exceed \$139,916.58 with \$20,000.00 coming from contingency if there is no money available in the public works budget. Alderperson Dilley made the second and the motion carried 6-0.

CONSIDER AWARDING CONTRACT TO MSA FOR CONSTRUCTION SERVICES RELATED TO CHURCH STREET PROJECT:

Mayor Fowler said the City's portion of engineering at a cost of \$9,514.00 is what was approved in the last motion. He said the total MSA contract would be \$40,000.00 with the Utility Commission approving contingent on Council approval and Finance recommending approval. Motion by Kloehn to approve the contract with MSA for \$9,514.00. Alderperson Rakow made the second and the motion carried 6-0.

CONSIDER A-1 RETAINAGE FOR SEMINARY STREET PROJECT:

Mayor Fowler said A-1 Excavating has not finished the punch list provided them. MSA is going to write a letter to A-1 stating that MSA will contract with some other business to complete the punch list and it will be deducted from their \$10,000.00 retainage. Motion by Mueller, second by Kloehn to authorize MSA to obtain quotes and proceed with the work and deduct the cost from the A-1 retainage. Motion carried 6-0.

CONSIDER VINER CONSTRUCTION RETAINAGE FOR CENTRAL AVENUE PROJECT:

Mayor Fowler said Viner Construction has not finished the punch list provided them. MSA is going to write a letter to Viner stating that MSA will contract with some other business to complete the punch list and it will be deducted from their retainage. Motion by Dilley, second by Rakow to authorize MSA to obtain quotes and proceed with the work and deduct the cost from the Viner Construction retainage. Motion carried 6-0.

CONSIDER EXPENDITURE FOR SIDEWALK IN 700 BLOCK OF WEST SEMINARY STREET NEXT TO CRONK CHIROPRACTIC:

Mayor Fowler said that the former Bauer house was moved off the property and now there is a vacant lot next to Cronk Chiropractic. He said sidewalk should be added there and the house relocation project came in \$4900.00 under budget. He said it would be 4' wide and public works would be doing the work for approximately \$1500.00 across the City lot and in front of Cronk Chiropractic. He said Mr. Cronk has agreed to maintain the sidewalk in front of his property. Motion by Mueller, second by Parker to approve the sidewalk project with the Public Works Department doing the work and funds coming from State pool #4. Motion carried 6-0.

CONSIDER ADDITIONAL FUNDING FOR REPAIRS ON HIGHWAY 14 EAST BYPASS:

Mayor Fowler said there are 2 expansion cracks, one in the westbound and one in the eastbound lanes of Hwy 14, between Hwy 80 and Community First Bank that need repairs. He said the inlet boxes are eroded away leaving nothing to properly hold the grates up. He said the estimated cost is \$2000.00 and it may be done later this year or next year. No action was taken.

PLANNING COMMISSION RECOMMENDATIONS:

CONSIDER AND ACTION ON ALLOWING FILL ON CITY PROPERTY FOR FLOOD PROOFING PROJECTS ON GROVE STREET:

Mayor Fowler reported that several houses were elevated as part of the dike construction but a few were not. He said as a result of the recent floods, two property owners have decided to elevate with funding from CDBG Emergency Assistance funds. He said for the property at 291 S. Grove Street fill needs to be placed on the City right-of-way to the curb. He said on the south side is a platted but not developed street in the flood plain and fill is needed on that street right-of-way. He said Planning unanimously recommended approval. Motion by Kloehn, second by Mueller to approve the fill at 291 S. Grove Street. Motion carried.

Mayor Fowler said the other property being elevated is across the street at 270 S. Grove Street and needs fill in the front of the house to the curb and gutter which is in the right-of-way and Planning unanimously recommended approval. Motion by Dilley, second by Rakow to approve the fill at 270 S. Grove Street. Motion carried.

BUILDING / DEMO PERMITS: Clerk Elliott said the Zoning Board of Appeals approved applications for variances for tanks and a small building for the diversion system to be located at each of the Schrieber Foods locations and at Foremost so building permits will be coming soon as well as State approved plans. He said the former Speedway station at 6th & Main has had the underground tank removed and their canopy taken down.

APPOINTMENTS TO COMMITTEES, COMMISSIONS AND BOARDS: Mayor Fowler said he is appointing Cathy Cianci to the Richland County Housing Authority and asked for confirmation. Motion by Shireman, second by Kloehn to ratify the appointment. Motion carried.

PAYMENT OF MONTHLY BILLS:

Mayor Fowler read the approval of the bills from the Finance Committee adding a bill from WRCO in the amount of \$480.00 and one from ADCI in the amount of \$3014.11 for the total of all bills amounting to \$75,414.27. Motion by Kloehn, second by Dilley to approve the bills as presented with the addition of the WRCO bill and the ADCI bill. Motion carried 6-0.

MAYOR LARRY D. FOWLER: He said he was at the Oakwood Fruit Farm ribbon cutting and it is a wonderful facility that is important to our community. He congratulated them.

ALDERPERSON MARIE RAKOW: She said she also attended the ribbon cutting at Oakwood Fruit Farm and noted they have wonderful apple cider donuts.

ALDERPERSON JUDY SHIREMAN: She said there was a letter from Richland Chamber & Development Alliance handed out and asked everyone to read it.

PARKS, RECREATION & GROUNDS DIRECTOR SHANE STIBBE: He said there was a ribbon cutting last week at the Library for the parking lot. The pool has closed due to the colder than normal Labor Day weekend. The fall recreation program flier is out and programs are starting. He said the asbestos is removed from the old bathrooms in Krouskop Park and it is ready for demolition. Lastly he said there is a meeting on Friday the 9th to sign contracts for the new community center/senior center. Alderperson Shireman asked Mr. Stibbe to talk with parents of the Rotary soccer so they do not park on Hwy 80 as it is very dangerous.

CITY CLERK/TREASURER JUDE ELLIOTT: He said the City Auditor Jack Vig passed away last Saturday. He mentioned the DOT has cancelled the remaining meetings and are planning to come back with other options at a later date.

AUDIENCE COMMENTS: Lisa Miller asked why the stop signs and yield signs are being held up and Alderperson Shireman said there are no funds available at this time.

ADJOURN:

Motion by Kloehn, second by Shireman to adjourn. Motion carried at 10:30 p.m.

Mayor, Larry. D. Fowler

Attest:

City Clerk / Treasurer Jude Elliott