

## MINUTES OF THE REGULAR MEETING OF THE COMMON COUNCIL

The regular meeting of the Common Council of the City of Chippewa Falls was held on Tuesday, May 6, 2014, in the City Hall Council Chambers. Mayor Greg Hoffman called the meeting to order at 6:30 pm. The Pledge of Allegiance was recited.

### CLERK CALLS THE ROLL

Council Members present: Mike Hanke, Rob Kiefer, Amy Mason, Chuck Hull, Bill Hicks, and George Adrian.

Also Present: City Attorney Robert Ferg, Finance Manager/Treasurer Lynne Bauer, City Planner/Transit Manager Jayson Smith, Director of Public Works/City Engineer/Utilities Manager Rick Rubenzer, Police Chief Wendy Stelter, Assistant City Engineer Matt Decur, Utility Office Manager Connie Freagon, Director of Chippewa Falls Main Street Teri Ouimette, Jeffrey Goossens, Wesley Partlo, Dennis Doughty, Tom Larson, and City Clerk Bridget Givens. See also the attached attendance listing.

### APPROVAL OF MINUTES OF PREVIOUS MEETING

**(a) Motion by Mason/Hanke** to approve the minutes of the Regular Council Meeting of April 15, 2014. Councilor Kiefer indicated he abstained from voting on the Street Use Permit Application from The Snout and requested the minutes be corrected to reflect his abstention. **Motion by Kiefer/Hicks** to amend the motion to allow for correction of the minutes to include Councilor Kiefer's abstention. **All present voting aye, motion carried.**

**(b) Motion by Hicks/Kiefer** to approve the minutes of the Organizational Meeting of the Common Council of April 15, 2014. **All present voting aye, motion carried.**

**(c) Motion by Hanke/Hicks** to approve the minutes of the Special Council Meeting of May 6, 2014. **All present voting aye, motion carried.**

### PERSONAL APPEARANCES BY CITIZENS

**(a)** Mayor Hoffman presented former Fire Chief Tom Larson with a plaque acknowledging his years of committed service to the City.

### PUBLIC HEARINGS

**(a)** Jeffery Goossens of The Fill-Inn Station appeared to provide an overview of their proposed plans for a beer garden. Mayor Hoffman opened the Public Hearing regarding the Outdoor Beer Garden Application filed by Linda Roycraft of The Fill-Inn Station, 104 W Columbia Street at 6:42 pm.

Wesley Partlo, 120 W. Columbia Street, appeared stating he lives near The Fill-Inn Station and has no concerns with their proposed beer garden.

Teri Ouimette, Director of Chippewa Falls Main Street, shared her support of this business development project and feels it will be a good addition.

There being no further requests to speak, the public hearing was closed at 6:43 pm.

**(b)** City Engineer Rubenzer provided a brief overview of the area of vacation. Frank Morley, 224 E Central Street, came forward and indicated he has been maintaining this piece of property. Attorney Ferg advised the land would be divided with each abutting landowner getting half. Mayor Hoffman then opened the Public Hearing regarding the vacation and discontinuance of a portion of Grove Street (the Southerly 99 feet of Grove Street between the South right-of-way line of Grand Avenue and the North right-of-way line of Central Street) at 6:45 pm.

There being no requests to speak, the public hearing was closed at 6:45 pm.

### COMMUNICATIONS - None

### REPORTS

**(a) Motion by Mason/Adrian** to approve the Board of Public Works minutes of April 21, 2014. **All present voting aye, motion carried.**

## **APPLICATIONS**

**(a) Motion by Hanke/Hicks** to approve the Operator (Bartender) Licenses as approved by the Police Department. **All present voting aye, motion carried.** **Motion by Hanke/Adrian** to approve the denial of an Operator (Bartender) License for Sara Steinmetz as recommended by the Police Department. **All present voting aye, motion carried.**

**Motion by Hull/Hicks** to consider items (b) – (m) in one motion. **All present voting aye, motion carried.** **Motion by Hull/Hicks** to approve the following:

**(b)** Application for Temporary Class “B” Beer Retailer’s License from the Fraternal Order of Eagles for The Oz Run to be held on May 24, 2014 at the Northern Wisconsin State Fairgrounds, 225 Edward Street.

**(c)** Application for Temporary Class “B” Beer Retailer’s License from the Chippewa Falls Area Chamber of Commerce for the June Dairy Day Dinner to be held on June 18, 2014 at the Northern Wisconsin State Fairgrounds, 225 Edward Street.

**(d)** Application for Dance and Live Music License from the Chippewa Falls Area Chamber of Commerce for the Northern Wisconsin State Fairgrounds on June 18, 2014.

**(e)** Application for Temporary Class “B” Beer Retailer’s License from the Eau Claire Children’s Theatre, Inc. for the UV Splash 5K by Color Dash to be held on June 20, 2014 at the Northern Wisconsin State Fairgrounds, 225 Edward Street.

**(f)** Application for Dance and Live Music License from the Eau Claire Children’s Theatre for the Northern Wisconsin State Fairgrounds on June 20, 2014.

**(g)** Application for Temporary Class “B” Beer Retailer’s License from the Chippewa Valley Century Ride, LLC for the Leinenkugel’s Chippewa Valley Century Ride to be held at Irvine Park on May 25, 2014.

**(h)** Street Use Permit Application from Jeanne Gustafson for the Leinenkugel’s Chippewa Valley Century Ride to be held on May 25, 2014 beginning and ending in Irvine Park.

**(i)** Street Use Permit Application from Paul Krumenauer for the Chippewa County Relay for Life to be held on July 25 – 26, 2014 from 3:30 pm – 1:00 am on Tropicana Blvd between Bel Air Blvd and Mansfield Street.

**(j)** Street Use Permit Application from Renee Wurzer of The Salvation Army for a Stamp out Hunger event to be held on May 10, 2014 from 10:00 am – 5:00 pm to utilize on-street parking adjoining The Salvation Army building.

**(k)** Street Use Permit Application from Chippewa Falls Main Street for the Pure Water Days Duck Splash Festival to be held on August 9, 2014 at the northeast corner parking lot at the intersection of River & Bridge Streets (see attached map). *(see BPW Minutes)*

**(l)** Street Use Permit Application from Chippewa Falls Main Street for the Pure Water Days Parade to be held on August 9, 2014 at 1:00 pm on Bridge Street at Elm Street to E Spring Street including the Market Lot.

**(m)** Street Use Permit Application from The Tomahawk Room for a Brats and Beers event to be held on May 10, 2014 from 12:00 – 6:00 pm in one parking spot in front of The Tomahawk Room, 306 N. Bridge Street.

Councilor Hanke indicated the fencing is down around the beer gardens at the fairgrounds, and questioned if the beer gardens would be reinstated for future events held there. It was explained that the entire fairgrounds is fenced in and event sponsors are responsible for ensuring they have ways to identify those of legal drinking age, e.g. wristbands.

Councilor Adrian questioned how far the premises would extend at Every Buddy’s. Mr. Partlo stated the alley will not be closed off. Snow fence will be used to surround the premises, and six security guards will be on staff. Councilor Hicks informed Mr. Partlo that no nuisance laws would be suspended for the event.

**All present voting aye, except Kiefer who abstained, motion carried.**

**(n) Motion by Hicks/Adrian** to approve the change of agent request from Kwik Trip #381, 1010 Woodward Avenue, from Jim Paczkowski to Tyler Horel (relative to their alcohol beverage license). **All present voting aye, motion carried.**

**(o) Motion by Hanke/Kiefer** to approve the Annual Outdoor Beer Garden Application from Linda Roycraft of The Fill-Inn Station, 104 W Columbia Street. **All present voting aye, motion carried.**

**(p) Motion by Kiefer/Hanke** to approve the request of Wesley Partlo (Every Buddy’s Bar and Grill) for a temporary extension of premises in relation to their current Alcohol Beverage License Application for an event to be held on May 23 – 25, 2014. **All present voting aye, motion carried.**

## **PETITIONS** - None

## **MAYOR ANNOUNCES APPOINTMENTS**

(a) Mayor Hoffman announced recommended appointments to various Boards and Commissions. Action on these appointments is scheduled for May 20, 2014.

## **MAYOR'S REPORT**

(a) Mayor Hoffman indicated that Allyson Gommer from the Chippewa Falls Area Chamber of Commerce will provide an update at the May 20<sup>th</sup> Council Meeting.

## **COUNCIL COMMITTEE REPORTS**

(a) **Motion by Kiefer/Hanke** to approve the Committee on Committees minutes of May 6, 2014. **Roll Call Vote: Aye – Kiefer, Hanke, Mason, Hull, Hicks, Adrian. Motion carried.**

## **REPORT OF OFFICERS** - None

## **ORDINANCES**

(a) The First Reading of **Ordinance #2014-11 Entitled:** An Ordinance Creating the Solid Fuel-Burning Outdoor Heating Appliances Code Section - Section 23.08(5) of the Chippewa Falls Municipal Code was held.

(b) The First Reading of **Ordinance #2014-12 Entitled:** An Ordinance Which Adds to the Indoor Solid Material Heating Systems Code Section by Prohibiting the Burning of Rubbish and the Like, Section 23.08(4) of the Chippewa Falls Municipal Code was held.

(c) The First Reading of **Ordinance #2014-13 Entitled:** An Ordinance Amending the Zoning Code of the City of Chippewa Falls (regarding 10-12 Sunshine Circle rezoning from C-4 Highway Commercial District to R-3A Multi-Family Residential District) was held.

## **RESOLUTIONS**

(a) **Motion by Hanke/Hicks** to approve **Resolution #2014-16 Entitled:** Resolution Regarding the Discontinuance of the Southerly 99 Feet of Grove Street between the South Right-Of-Way Line of Grand Avenue and the North Right-Of-Way Line of Central Street. **Roll Call Vote: Aye – Hanke, Hicks, Adrian, Kiefer, Mason, Hull. Motion carried.**

(b) **Motion by Hicks/Adrian** to approve **Resolution #2014-17 Entitled:** Resolution Second Re-Plat of Wissota Green. **Roll Call Vote: Aye – Hicks, Adrian, Hanke, Kiefer, Mason, Hull. Motion carried.**

## **OTHER NEW OR UNFINISHED BUSINESS AS AUTHORIZED BY LAW**

(a) Attorney Ferg explained as CMC Heartland has filed bankruptcy, certain regulations for liquidation must be followed including having the sales agreements reviewed by the EPA and the DNR. Once approved by these entities, the purchase can be finalized. **Motion by Hicks/Adrian** to approve the Agreement of Sale in order to close on the purchase of CMC Heartland Partners Liquidating Trust's interest in 28 South Bridge Street and authorize the Mayor to execute the agreement. **Roll Call Vote: Aye – Hicks, Adrian, Hanke, Kiefer, Mason, Hull. Motion carried.**

(b) **Motion by Mason/Hanke** to approve awarding the contract for the demolition of the Empire and Haughian Buildings to Haas Sons, Inc. in the amount of \$122,035.00 and authorize the Mayor to execute the contract. **Roll Call Vote: Aye – Mason, Hanke, Kiefer, Hull, Hicks, Adrian. Motion carried.** The project is scheduled to begin May 19<sup>th</sup> starting with asbestos abatement followed by demolition. City Planner Smith also advised there will be a temporary construction easement from the Chamber which will allow our contractors to work on demolition. In turn, the City will allow for an easement at the Haughian lot during the Chamber construction.

(c) **Motion by Hicks/Kiefer** to approve the proposal from Short Elliott Hendrickson to prepare the asbestos and hazardous materials abatement assessment and demolition specifications for the Plaza building. **Roll Call Vote: Aye – Hicks, Kiefer, Mason, Hull, Adrian, Hanke. Motion carried.** In the future, it was recommended that more than one proposal be requested for comparison purposes. City Planner Smith advised there may be an opportunity to salvage items from the building including the marble, woodwork, metals, etc.

(d) **Motion by Hicks/Mason** to approve the Amendment to Agreement between the City of Chippewa Falls and Ayres Associates, Inc. for groundwater sampling, analyzing, and reporting at the Nelson Road Landfill. **Roll Call Vote: Aye – Hicks, Mason, Hull, Adrian, Hanke, Kiefer. Motion carried.**

**(e) Motion by Hicks/Hanke** to approve the First Amendment of the Access Agreement between the City of Chippewa Falls and Lunda Construction Company subject to Lunda Construction continuing to comply with all the other terms and conditions of the August 9, 2013 Access Agreement. **Roll Call Vote: Aye – Hicks, Hanke, Kiefer, Mason, Hull, Adrian. Motion carried.**

**(f)** City Planner Smith advised that 90 days prior to closing, the Phase I Environmental Assessment would need to be updated to put us in compliance with CERCLA defense. The City would then not be held responsible if a contamination source is found by the EPA and also will allow the City to be eligible for grants. **Motion by Mason/Adrian** to approve the proposal from Short Elliott Hendrickson to prepare an updated Phase I Environmental Assessment for the property located at 28 S. Bridge Street/CMC Heartland Partners Liquidating Trust to qualify the City for a CERCLA defense with EPA. **Roll Call Vote: Aye – Mason, Adrian, Hanke, Kiefer, Hull, Hicks. Motion carried.**

**CLAIMS**

**(a) Motion by Hull/Hicks** to approve the claims of the various boards and departments of the City as recommended by the Claims Committee as follows:

City General Claims:	\$96,050.10
Authorized/Handwritten Claims:	\$23,071.10
Department of Public Utilities:	<u>\$86,097.59</u>
Total of Claims Presented	<u>\$205,218.79</u>

**Roll Call Vote: Aye – Hull, Hicks, Adrian, Hanke, Kiefer, Mason. Motion carried.**

**CLOSED SESSION** - None

**ADJOURNMENT**

**Motion by Hull/Kiefer** to adjourn at 7:30 pm. **All present voting aye, motion carried.**

Submitted by:  
Bridget Givens, City Clerk