

## **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, February 15, 2011 at 6:30 p.m. in the City Hall Council Chambers. Council President CW King presided over the meeting. The Pledge of Allegiance was recited.

### **CLERK CALLS THE ROLL**

Council Members present: Michael Dahlby, Brian Flynn, C.W. King, Chuck Hull, Jane Lardahl, Bill Hicks, and George Adrian

Also Present: City Engineer Rick Rubenzer, City Planner Jayson Smith, Police Chief Wendy Stelter, City Building Inspector Paul Lasiewicz, City Attorney Robert Ferg and City Clerk Rae Buckwheat

### **APPROVAL OF MINUTES OF PREVIOUS MEETING**

**Motion by Flynn/Adrian to approve** the minutes of the regular Council meeting of February 1, 2011. **Motion carried unanimously.**

### **PERSONAL APPEARANCES BY CITIZENS**

Dale McGraw, Village of Lake Hallie, spoke in opposition to the sand plant in view of decisions recently made by Committee #3 regarding restrictions, monitoring, etc. He said that he has no faith that the DNR will impose monitoring and restrictions on fugitive dust from the sand plant. He feels that the City must step in and make sure that it is done.

Dwayne Geissler, resident of the City of Chippewa Falls, stated that the City should try to pass legislation that at least meets NIOSH Standards (*National Institute for Occupational Safety and Health*) on silica dust. He hopes the City Council will take action to adopt standards.

Dr. Peter Holm, 707 West Columbia Street, reported that he attended a public health safety meeting and was encouraged by their decision to ask the City Council to have the DNR establish standards. He referred to a letter submitted to the City which was signed by himself and other physicians, asking the City to establish levels and begin to monitor air pollutants from the facility. He stated that as a community, we have the responsibility to establish standards as quickly as possible.

**PUBLIC HEARINGS** - None

**COMMUNICATIONS** - None

### **REPORTS**

**(a) Motion by Flynn/Lardahl to approve** the minutes of the Board of Public Works meeting of February 7, 2011. **On a roll call vote, the motion carried unanimously.**

**(b) Motion by Lardahl/Adrian to approve** the minutes of the Planning Commission of February 7, 2011. **Motion carried unanimously.**

### **APPLICATIONS**

**(a) Motion by Flynn/Hicks to approve** the Operator (Bartender) licenses that were recommended for approval by the Police Department. **Motion carried unanimously.**

**(b) Motion by Dahlby/Hicks to approve** a Temporary Class “B” /”Class B” Retailer’s License for Chippewa Valley Outdoor Resource Alliance, Inc. on March 5, 2011 at Knights of Columbus Hall, 236 Pump house Road. **Motion carried unanimously.**

**(c) Motion by Flynn/Hicks to approve** a Temporary Class “B” /”Class B” Retailer’s License for Chi Hi Athletic Booster Club from 4/16/11 to 4/17/11 at Northern Wisconsin State Fairgrounds. **Motion carried unanimously.**

**(d) Motion by Hicks/Flynn to suspend the rules** and discuss an application for an original Alcohol Beverage License from Dwayne B. Lambert for Dewey’s Road House, 1 E. Canal Street. **Motion carried unanimously.** The Council discussed the application in detail and considered City Attorney Ferg’s opinion on the application, which had been submitted in a letter to the Council. The applicant, Dwayne Lambert, also made comments and answered questions about his application. **Motion by Hicks/Flynn to return to regular session. Motion carried unanimously. Motion by Hicks/Dahlby to deny the application.** Discussion continued. The Council determined that they did not have enough information from Mr. Lambert’s relationship to the Limited Liability Corporation and past legal history to make a decision at this time. **Motion by Flynn/Hicks to table the item. On the following roll call vote, the motion to table the item passed: Aye: Flynn, Hicks, Adrian, Hull, Lardahl. Nay: Dahlby.**

**Motion by Lardahl/Flynn to table** the Annual Outdoor Beer Garden application for Dewey’s Roadhouse. **The motion carried unanimously.**

King suggested that the licensing issue for Dewey’s Roadhouse be discussed and considered by either Committee 2 or Committee 3 before bringing it back to the City Council for further consideration.

**PETITIONS** - None

**MAYOR ANNOUNCES APPOINTMENTS** - None

**MAYOR’S REPORT** - None

### **COUNCIL COMMITTEE REPORTS**

**(a) Motion by Flynn/Hicks to approve** the minutes of Committee #1 Revenues, Disbursements, Water & Wastewater meeting of February 10, 2011. **On a roll call vote, the motion carried unanimously.**

**(b) Motion by Lardahl/Hull to approve** the minutes of Committee #2, Labor Negotiations, Personnel Policy and Administration meeting of February 3, 2011. **On a roll call vote, the motion carried unanimously.**

**(c) Motion by Flynn/Lardahl to approve** the minutes of Committee #3, Transportation, Construction, Public Safety and Traffic meeting of February 10, 2011. **Motion by Hicks/Hull to amend** the last paragraph of page one of the Committee #3 minutes to reflect that the City Attorney be directed to respond to the study with a letter to the Governor and the DNR asking that the DNR be directed to list crystalline silica as a know carcinogenic hazard air pollutant as defined in Wisconsin’s Air Toxic Rule, Ch. NR 445 Wis. Admin. Code; and to develop an interim standard (safe level) by July 1, 2011 that will remain in place until a permanent standard is developed. **The motion carried unanimously.**

**Dahlby proposed a motion** that in the interim the level be set at the level that was recommended by the physicians who submitted their letter for the record regarding the Draft Silica Study Report. **The motion died for lack of a second. The original motion to approve the minutes of Committee #3 with the amendments passed on the following roll call vote: Aye: Flynn, Hull, Lardahl, Hicks, Adrian. Nay: Dahlby.**

**(d) Motion by Flynn/Adrian** to approve the minutes of Committee #4, Recycling, Computerization, Buildings and Intergovernmental Services meeting of February 8, 2011. **Motion carried unanimously.**

**(e)** Minutes of the Park Board Meeting of February 8, 2011 were presented.

**REPORT OF OFFICERS** - None

**ORDINANCES** - None

**RESOLUTIONS** - None

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

**(a) Motion by Flynn/Hull to approve an Agreement** Between City of Chippewa Falls and SEH to complete a Phase I Environmental Site Assessment of the Wisconsin Central Ltd property located south of River Street and southwest of Bridge Street at a cost of \$2,900 and to authorize the Mayor and City Planner to execute said Agreement. A discussion was held. **Motion by Dahlby/Adrian to amend the agreement** and require the work done before a payment is made. **The motion to amend the agreement passed on the following roll call vote: Aye: Dahlby, Hull, Lardahl, Adrian. Nay: Flynn, Hicks. The original motion to approve the agreement, with amendments, passed on the following roll call vote: Aye: Dahlby, Hull, Lardahl, Adrian. Nay: Flynn, Hicks.**

**(b)** A discussion was held on the Development Agreement between the City of Chippewa Falls and CSP related to TIF 11. City Attorney Ferg updated the Council on the status of the project, the related bond issues, and how the City will benefit from the TIF District after the project is completed. Ferg reported that there was nothing for the Council to act on at this time.

**CLAIMS**

**(a) Motion by Adrian/Flynn to Deny** an Insurance Claim from Louis and Julie Rogers for an incident that occurred on 12/9/2010, as recommended by the City's Insurance Company.

**On a roll call vote, the motion carried unanimously.**

**(b)**The Claims Committee met at 6:00 PM to review the claims of various boards and departments of the City. **Motion by Hull/Hicks to approve** the total claims presented in the amount of \$464,493.58, as recommended by the Claims Committee. **On a roll call vote, the motion carried unanimously.**

**ADJOURNMENT**

**Motion by Lardahl/Adrian** to adjourn at 8:04 p.m. **Motion carried unanimously.**

Submitted by:

Rae M. Buckwheat  
City Clerk