

## 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, September 4, 2012, in the City Hall Council Chambers. Mayor Greg Hoffman called the meeting to order at 6:30 p.m. The Pledge of Allegiance was recited.

### CLERK CALLS THE ROLL

Council Members present: Mike Hanke, Brian Flynn, CW King, Jane Lardahl, Bill Hicks and George Adrian. Absent was Chuck Hull.

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, James Rooney, and City Clerk Bridget Givens.

### APPROVAL OF MINUTES OF PREVIOUS MEETING

**(a) Motion by Flynn/King** to approve the minutes of the Regular Council Meeting of August 21, 2012. **All present voting aye, motion carried.**

### PERSONAL APPEARANCES BY CITIZENS

**(a)** Judy Keith, 533 Goldsmith Street, appeared in opposition of the Development Agreement for Phase II of the Willow Creek Subdivision, and further stated that she believes the Plan Commission superseded their authority.

**(b)** Chris Kranich, 1718 Brickyard Lane, appeared stating that he believes the Plan Commission rezoned without having the authority to do so. He also asked Council to explore the Development Agreement further as they have the authority and discretion to act on the agreement.

**PUBLIC HEARINGS** - None

**COMMUNICATIONS** - None

### REPORTS

**(a)** Jim Rooney, 10795 34<sup>th</sup> Avenue, addressed Council regarding the development process for the Willow Creek Subdivision. Rooney advised that the process began in 2005 with the planned unit development of 491 units, 258 being multi-family. This was approved in 2007. Rooney further stated that with the number of single-family home sales being down, he is attempting to respond to the market by moving the multi-family portion of his project to an earlier phase. Rooney also declared that no public money has been invested in the project, and he still plans to build 194 single-family homes in the development.

Councilor Hicks questioned why Council would have to approve something that they have no control over. Attorney Ferg advised that according to statute, if a plat is submitted in accordance with state statute and local regulations, it is the ministerial responsibility of the Council to approve.

**Motion by King/Adrian** to approve tabled Item No. 3 of the Board of Public Works minutes of August 13, 2012. **Roll Call Vote: Aye – King, Adrian, Hanke; No – Flynn, Lardahl, Hicks.** As the Roll Call Vote was tied, Mayor Hoffman cast a vote of aye. **Motion carried.**

**(b) Motion by King/Adrian** to approve the tabled Plan Commission minutes of August 13, 2012. **Roll Call Vote: Aye – King, Adrian, Hanke; No – Flynn, Lardahl, Hicks.** As the Roll Call Vote was tied, Mayor Hoffman cast a vote of aye. **Motion carried.**

**(c) Motion by Flynn/King** to approve the Plan Commission minutes of August 20, 2012. **All present voting aye, motion carried.**

### APPLICATIONS

**(a) Motion by Flynn/Adrian** to approve the Operator (Bartender) Licenses as recommended by the Police Department. **All present voting aye, motion carried.**

### **APPLICATIONS (continued)**

**(b) Motion by Adrian/Hicks** to approve the Application for Temporary Class “B”/“Class B” Beer and Wine Retailer’s License from the McDonell Booster Club for the “Spirit of the Macks” event to be held on October 6, 2012 at McDonell Central High School, 1316 Bel Air Blvd. **All present voting aye, motion carried.**

**(c) Motion by King/Adrian** to approve the Application for Temporary Class “B”/“Class B” Beer Retailer’s License from Perpetual Benefit for the Freak 5K to be held at 836 Bridgewater Avenue on September 22, 2012. **All present voting aye, motion carried.**

**(d) Motion by Flynn/King** to approve the Application for Class “E” Dance and Live Music License from David Hildebrandt for 836 Bridgewater Avenue on September 22, 2012. **All present voting aye, motion carried.**

**(e) Motion by Hanke/Adrian** to approve the Original Alcohol Beverage Retail License Application from Tilden Shire, LLC, Kevin Bowe – Agent, for a Class “B” Beer / “Class B” Liquor License for the Tomahawk Room located at 306 N. Bridge Street. **All present voting aye, motion carried.**

**(f) Motion by King/Hanke** to approve the Application for Class “B” Annual Dance and Live Music License from Kevin Bowe for the Tomahawk Room, 306 N. Bridge Street. **All present voting aye, motion carried.**

**(g) Motion by Hanke/Adrian** to approve the Sidewalk Use Permit Application from E-Clips Studio for placement of a ceramic pot of flowers for full-time use. **All present voting aye, motion carried.**

**PETITIONS** - None

### **MAYOR ANNOUNCES APPOINTMENTS**

**(a)** Mayor Hoffman recommended the appointment of Gregory Dachel to the Police and Fire Commission (due to the resignation of John Nebelsiek) with a term to expire April 2013. This will be considered at the September 18, 2012 Council Meeting.

**MAYOR’S REPORT** - None

### **COUNCIL COMMITTEE REPORTS**

**(a) Motion by Flynn/Hanke** to approve the Joint Committee #1 Revenues, Disbursements, Water and Wastewater and Committee #3, Transportation, Construction, Public Safety & Traffic minutes of September 4, 2012. **All present voting aye, motion carried.**

**(b) Motion by Hanke/Lardahl** to approve the Committee #3, Transportation, Construction, Public Safety & Traffic minutes of August 22, 2012. **All present voting aye, motion carried.**

**REPORT OF OFFICERS** - None

### **ORDINANCES**

**(a)** The First Reading of **Ordinance #2012-18 Entitled:** An Ordinance Amending the Appointive Officers Code Section, § 1.05(1) of the Chippewa Falls Municipal Code was held.

**(b)** The First Reading of **Ordinance #2012-19 Entitled:** An Ordinance Adding to the Fee Schedule Code Section, § 25.15 of the Chippewa Falls Municipal Code was held.

### **RESOLUTIONS**

**(a) Motion by Flynn/King** to approve **Resolution #2012-30 Entitled:** Resolution Appointing Special Registration Deputies. **Roll Call Vote: Aye – Flynn, King, Lardahl, Hicks, Adrian, Hanke. Motion carried.**

**(b) Motion by King/Adrian** to approve **Resolution #2012-31 Entitled:** A Resolution of the City Council of Chippewa Falls, Wisconsin, Adopting Policy Protecting Individuals Engaged in Nonviolent Civil Rights Demonstration. **Roll Call Vote: Aye – King, Adrian, Hanke, Flynn, Lardahl, Hicks. Motion carried.**

**OTHER NEW OR UNFINISHED BUSINESS AS AUTHORIZED BY LAW** - None

**CLAIMS**

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

City General Claims:	\$44,928.99
Authorized/Handwritten Claims:	\$27,580.32
Department of Public Utilities:	\$55,982.99
Total of Claims Presented	<u>\$128,492.30</u>

**Roll Call Vote: Aye – King, Adrian, Hanke, Flynn, Lardahl, Hicks. Motion carried.**

**CLOSED SESSION**

**(a) Motion by Flynn/Hanke** to go into Closed Session as authorized by Wisconsin Statute 19.85(1)(e) for “deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specific public business, whenever competitive bargaining reasons require a Closed Session” to discuss and consider financial incentives for the following:

- (1)** Short Elliott Hendrickson to develop the property at Parcel #55 – Three Flags Parking Lot; and to allow Ferg, Smith, Bauer, and Givens to attend the Closed Session; may return to Open Session.

**Roll Call Vote: Aye – Flynn, Hanke, King, Lardahl, Hicks, Adrian. Motion carried.**

The Council discussed Item (1) above.

**Motion by Hanke/Flynn** to return to Open Session. **All present voting aye, motion carried.**

Mayor Hoffman reported that a motion was made during Closed Session to accept the counteroffer as submitted by SEH.

**ADJOURNMENT**

**Motion by King/Adrian** to adjourn at 7:52 p.m. **All present voting aye, motion carried.**

Submitted by:

Bridget Givens  
City Clerk