

**CITY OF OCONTO FALLS
COMMON COUNCIL**

Council Chambers – Municipal Building
500 N. Chestnut Avenue - Oconto Falls, WI 54154

**TUESDAY, JULY 12, 2016 – 7:00 PM
MINUTES**

Meeting called to order at 7:00 PM by Mayor Brad Rice.

Pledge of Allegiance

Roll Call

Present: Mayor Brad Rice, Aldermen: Mathew McDermid, Marty Coopman, Kevin Rusch, George Stuckey, and Don Osborne

Also present: Administrator Vicki Roberts, City Attorney Larry Jeske, Deputy Clerk Nancy Brye, Fire Chief Tim Magnin, Officer Joe Ruiz, and Police Cadets Sheila Sleeter & Garrett Baeten

Excused: Alderman Jay Kostreva, Police Chief Brad Olsen, and Street Superintendent Terry Magnin

Others: Joan Koehne-Times Herald, Beth Julius, Steve Witt, Una Weiler, Pam Ellman, Karen Kerber, Eagle Scouts – Aaron Gonnering and Brett Proctor, Dave & Logan Vorpahl, Gonnering Family, Proctor Family, and Kennedy Family

Approval of Minutes – Common Council meeting on June 14, 2016.

MOTION: McDermid/Osborne

Motion to approve the minutes from the Common Council meeting on June 14, 2016.

Voice Vote: All voting aye - **MOTION CARRIED**

Treasurer's Report – May

MOTION: McDermid/Rusch

Motion to accept the Treasurer's Report for May and place on file.

Voice Vote: All voting aye - **MOTION CARRIED**

Bills Payable – June

MOTION: McDermid/Coopman

Motion to approve the Bills Payable for June.

Voice Vote: All voting aye - **MOTION CARRIED**

Reports:

Administrator Report – written report given.

Administrator reminded financial season is right around the corner. Department heads will be receiving their packets shortly and meetings will start mid-September.

Police Report – written report given.

Municipal Court Report – written report given.

Fire Department Report – written report given.

Street Department Report – written report given.

Building Inspector Report – written report given.

Utility Commission Report/Minutes – written report given.

MOTION: Rusch/Coopman

Motion to place reports on file.

Voice Vote: All voting aye - **MOTION CARRIED**

DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING: Correspondence/Information

- Summer Sunset Concert Series Music by the River – Oconto Falls Chamber of Commerce continues to seek sponsorships.

Administrator reported the first concert in June was a success. There was a large turnout who either enjoyed the concert on the beach or from their boats in the water. There were no issues and everything went well. The Park and Rec boat was stolen that evening, but recovered unharmed in the morning. Many are looking forward to the next concert.

- Eagle Scout Recognition: John Birr, Aaron Gonnering, and Brett Proctor.

Mayor Rice introduced Eagle Scouts, Aaron Gonnering and Brett Proctor (John Birr was absent). Both scouts were presented with a framed recognition certificate from the City. They told the Council and audience what they did to achieve their merit in becoming an Eagle Scout. Aaron built and continues to maintain 'Little Libraries' throughout the City of Oconto Falls. Brett built a picket fence, benches, and picnic tables for a preschool in Howard. Both scouts were thanked for their dedication to the community, congratulated on their achievements, and received a round of applause from the audience.

OPPORTUNITY FOR CITIZENS TO ADDRESS THE COUNCIL - All Citizens in-put will be limited to 3 minutes.

DISCUSSION AND POSSIBLE ACTION ON ANY OR ALL OF THE FOLLOWING:

Old Business: Nothing to address

New Business:

A. 2015 Annual Audit Report

Re: Karen Kerber – KerberRose

*** Karen Kerber had not arrived at this point in the meeting. This item will be re-addressed upon her arrival.**

B. Security camera upgrades.
RE: Police Chief

Administrator explained issues the Police Department is having with the current surveillance system. Imaging is not clear and the system is very outdated and virtually obsolete. The surveillance video and audio in the interrogation room is not only hard to transfer onto discs but the District Attorney is unable to retrieve information off these discs because our system is too old. Police Chief Olsen received donations to cover the cost for a new system. A quote in the amount of \$4,948.00 was received from Martin Systems, who maintains our current system. This price was for the interrogation room only. Another quote was received from Precision Technology Services in the amount of \$2,215.61 for the interrogation room only or \$5,104.97 to upgrade our entire system which includes the interrogation room. The entire system upgrade quote from Precision is close to the quote from Martin for the interrogation room only.

Coopman asked if this would be a split cost expense.

Administrator replied; the Police Department would be responsible for the total cost of the interrogation room and monitor. The remaining cost would then be split 1/3 City, 1/3 Utility, and 1/3 Police Department. She again reiterated that a donation was received to cover the entire cost.

Rusch informed he was familiar with Precision Technology Services work and felt it was top quality service. He agreed the Police Department should be responsible for the interrogation room and monitor and then the rest to be split 1/3, 1/3, 1/3. However, he felt the donation money should only be used on the Police Department's portion and the 1/3 City and 1/3 Utility portion should be paid by respective departments. He felt any remaining donation money should be used for the Police Department.

Administrator added the donating entity did not designate the funds for this purpose only and the Police Department could use the extra funds as they see fit.

MOTION: Rusch/Coopman

Motion to approve the quote from Precision Technology Services in the amount of \$5,104.97 to upgrade the entire surveillance security system; with the Police Department being responsible for the total cost of the interrogation room and monitor and the remaining cost then to be split 1/3 City, 1/3 Utility, and 1/3 Police Department. The donation monies will be used to fund the Police Department portions only; with the City and Utility each being responsible for their 1/3 portion.

Voice Vote: All voting aye - **MOTION CARRIED**

C. Certified Survey Map Request from Witt's Inc. for property located on Main Street.
Re: Mayor

Mayor informed Building Inspector Krozell reviewed the request and indicated reasons for moving the lot lines are to fix building encroachments. One of the buildings is on the property line of another lot.

Steve Witt commented they thought this was done in the past, but didn't think it was recorded. It is basically being done to clean up the encroachments with the property lines.

MOTION: Coopman/McDermid

Motion to approve the Certified Survey Map Request from Witt's Inc. for property located on Main Street as presented.

Voice Vote: All voting aye - **MOTION CARRIED**

- D. Original Alcohol Beverage License / Agent Application for Grace LLC d/b/a Caldwell Café & Saloon, located at 172 N. Main Street; Agent-Todd Ellman.

Re: Deputy Clerk

Deputy Clerk informed the Caldwell Café & Saloon has been open a couple months already serving food. They have filed proper application with the city for an alcohol beverage license and agent. Police Chief Olsen has signed off on the agent. The only changes being made from the previous owner is the premises description to include outside drinking. In the past, there was outside drinking approved on the South side of the building. This area was fenced in at the time, but new owners removed the broken fence and did not replace it with a new one. They are requesting outside drinking in this area and to expand it to the front of the building as well. They would like to remove the stone work landscaping and shrubs and put up a concrete patio and then put a rod iron fence to enclose the new concrete patio & pre-existing patio on the South side of the building. Additionally, they would like the front porch area to be included in the outside drinking description. This area would not be fenced in, but they intend to rope it off with a marquee rope which would be removed nightly. Original plans submitted for outside drinking included placing tables on the sidewalk area using the marquee ropes and allowing patrons to drink on the sidewalk. I informed them that this would be against two city ordinances; no drinking allowed on city sidewalks and no obstructing a city sidewalk. Therefore, it was decided not to submit this request. Keep in mind, once a premise description is approved, you would have to allow the same premise description at renewal time. The only way to take it away would be to go through the hearing process.

Pam Ellman explained all outside areas would be monitored with cameras as well as with servers. They wanted to offer a pleasant and inviting area outside for people to dine and also be able to have a drink with their meals. She went on to explain their intentions were to be a café / dining facility and not a bar. Plans are to be open during dining hours and then close earlier in the evening. Patrons would go through the South side café door and go through café to exit the building when utilizing the fenced in portion on the side of the building and wrap around.

City Administrator asked how those on the front porch would exit. It appears they are able to exit and not go through the building. This is something to think about.

Rusch added in the past, those approved with outside drinking areas had to exit by going through the building. He had concerns with the covered porch area but was ok with fenced in area on the South side of the building.

Deputy Clerk informed the only two current Class B establishments with approved outside drinking are S&S Hometown Bar & Restaurant and The Penguin. Both approved establishments have fenced outside areas in which patrons would have to go back in through the building to exit the outside drinking area. The proposed covered porch area would only be roped off with a marquee type rope; accessible and open right next to the sidewalk.

McDermid asked Ms. Ellman how they proposed to prevent people from just walking off the porch steps with their beer.

Pam Ellman stated that if it took having someone stand out there or having a bouncer, they would do it. They will hire whoever they have to or do whatever it takes to monitor this. She asked for a chance to prove that they can handle these concerns.

Mayor would just as soon see the fenced in patio area be approved for now and if it progresses then come back for approval on the covered front porch area.

Rusch reiterated that if it was approved and didn't work out, there would have to be a hearing to undo it. He like the Mayor suggestion of phase 1 and then phase 2.

McDermid commented that if we wanted we could put restrictions on the porch area.

Osborne pointed out in tourist communities it is common to see outside drinking and eating areas. He then asked what the process would be in the event it was granted and then didn't work out.

City Attorney explained the hearing process involved whereas the license holder would be notified in writing what the restrictions were and what would be taken away. They would then have the right to have a hearing before the Council.

Rusch asked if this could be allowed on a probationary basis.

McDermid did not see why we would, as he felt if there were issues we can bring it to a hearing. He did not foresee any issues with allowing both outside areas.

MOTION: McDermid/ Coopman

Motion to approve the Original Alcohol Beverage License / Agent Application for Grace LLC d/b/a Caldwell Saloon, located at 172 N. Main Street; Agent-Todd Ellman to include proposed outside drinking premises as presented with fenced in area on South side of building & wrapping around to front Café door along with dining area on front covered porch to be roped off with marquee type ropes for the time period of July 14, 2016 through June 30, 2017.

Discussion continued...

Deputy Clerk questioned if this should be put on the license right away, even though the concrete wrap around area was not complete and the fence has not been installed yet.

McDermid informed we expect them to follow through with their plans as presented and that the license could reflect outside areas as presented.

Fire Chief performed a fire inspection last month and commented that the premise was very clean, neat, and organized. He had fire safety concerns with the front porch being roped off and would like to monitor it when done.

Motion called...

Roll Call Vote: McDermid-yes, Coopman-yes, Osborne-yes, Stuckey-yes, Rusch- yes, Kostreva-absent - **MOTION CARRIED**

- E. Cigarette and Tobacco License Application for Grace LLC d/b/a Caldwell Saloon, located at 172 N. Main Street; Agent-Todd Ellman.
Re: Deputy Clerk

Deputy Clerk informed proper application was filed with the City to obtain a Cigarette and Tobacco License.

MOTION: Rusch/Coopman

Motion to approve the Cigarette and Tobacco License Application for Grace LLC d/b/a Caldwell Saloon, located at 172 N. Main Street; Agent-Todd Ellman for the time period of July 14, 2016 through June 30, 2017.

Voice Vote: All voting aye - **MOTION CARRIED**

*** At this point in the meeting, Karen Kerber arrived and Item A was addressed.**

- A. 2015 Annual Audit Report

Re: Karen Kerber – KerberRose

Karen Kerber stated the audit for the city and utilities went well. Everything that was requested was provided and everything balanced accordingly. Kerber reviewed the 2015 Financial Audit Report; going over the Statement of Net Position, Statement of Activities, Balance Sheet, Income Statement, Cash Investments, Debt Obligations, Legal Debt Margins, Cash Flow Statements, Restricted Assets, General Fund, and Fund Balance. She also explained the deferred outflows relating to pensions. She stressed it was very important to have a fund balance and stated that the City's fund balance is in a good position.

City Administrator felt the Finance Committee and department heads did exceptionally well with budget planning and handling of the fund balance since there was less state funding and they had to work with a tighter budget.

McDermid questioned a figure on page 32 of the Annual Financial Report under the Long-Term Debt, Clean Water Fund Loan issued on 2-22-12. He noticed the end of year balance was higher than the original debt and asked if payments were not being made to this loan. If payments were being made, the end of year balance should be lower and not higher than the original debt.

Karen Kerber figured this must be a typographical error. She will check into it and make the correction. Kerber ended by reviewing the management letter. She suggested the Library, Municipal Court, and Police Department obtain their own Federal ID number, as they are currently using the City's.

MOTION: Rusch/Stuckey

Motion to place the 2015 Audit Report on file once the amendment is made changing the typographical error on page 32 as mentioned earlier.

Voice Vote: All voting aye - **MOTION CARRIED**

- F. Add election inspectors appointments to current term ending December 31, 2017:
Shelly Whiting, David Merges, and Tracy Merges.
Re: Deputy Clerk

Deputy Clerk explained current election inspectors are requesting to work half shifts as 15 hours is a long day for them. It is also getting more difficult training and keeping workers with election laws continually changing. Shelly, David, and Tracy have shown interest in becoming poll workers and have gone through preliminary 2 hour training with Deputy Clerk Brye. Brye would like to have them shadow and work the August Election with seasoned election inspectors in preparation for the Presidential Election in November.

MOTION: Rusch/McDermid

Motion to approve the addition of election inspectors' appointments to current term ending December 31, 2017 to include Shelly Whiting, David Merges, and Tracy Merges.

Voice Vote: All voting aye - **MOTION CARRIED**

- G. Operators License Applications for:
Abigail R. Konitzer & Simone M. Safian – Penguin Again
Clancy A. Andrus & Constance J. Blazek - River Island Golf
Jennifer M. Ott – Riverview Quick Mart
Re: Deputy Clerk

Deputy Clerk informed the applicants have completed the Beverage Server Class and filed proper application with the City to obtain a license. Chief Olsen completed a background check and has signed off on all applications.

MOTION: McDermid/Coopman

Motion to approve the Operator's License Applications for Abigail R. Konitzer, Simone M. Safian, Clancy A. Andrus, Constance J. Blazek, and Jennifer M. Ott.

Voice Vote: All voting aye - **MOTION CARRIED**

- H. Adjournment.

Mayor Rice asked if there was any further business before the meeting is adjourned. Having no further business, he declared the meeting adjourned at 8:06 pm.

City Administrator Vicki A. Roberts