

CITY OF OCONTO FALLS
COMMON COUNCIL
Council Chambers – Municipal Building
500 N. Chestnut Avenue - Oconto Falls, WI 54154

TUESDAY, OCTOBER 11, 2016 – 7:00 PM
MINUTES

Meeting called to order at 7:00 PM by Council President Mathew McDermid.

Pledge of Allegiance

Roll Call

Present: Aldermen: Mathew McDermid, Marty Coopman, George Stuckey, Don Osborne, and Keith Schneider

Also present: City Attorney Larry Jeske, Police Chief Brad Olsen, Deputy Clerk Nancy Brye, Fire Chief Tim Magnin, and Street Superintendent Terry Magnin

Excused: Alderman Jay Kostreva, Mayor Brad Rice and Administrator Vicki Roberts

Others: Beth Julius, Eden Witt-Times Herald, Dean Hess, and Jennifer & John Meng

Approval of Minutes – Common Council meeting on September 13, 2016.

MOTION: Osborne/Coopman

Motion to approve the minutes from the Common Council meeting on September 13, 2016.

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

Treasurer's Report – August

MOTION: Osborne/Stuckey

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

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

Bills Payable – September

MOTION: Coopman/Stuckey

Motion to approve the Bills Payable for September.

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

Reports:

Administrator Report – no written report given.

Deputy Clerk reminded the November Council meeting will be pushed back a week to November 15, 2016, as the Presidential Election will be held on the second Tuesday in November. She also informed the owners from Caldwell House Café & Saloon received their insurance settlement. They have paid

all debts owed to the City; which included the previous owner's revolving loan and outstanding utilities bills. Owner, Pam Ellman still plans to reopen a Caldwell House Café & Saloon but does not intend to rebuild living space for hotel occupants. They are getting quotes for cleanup and we should see some progress by the end of the month.

Police Report – written report given.

Municipal Court Report – written report given.

Fire Department Report – no written report given.

Fire Chief explained with the passing of the Assistant Fire Chief and 2 additional openings in the Fire Department, they plan to restructure and fill the openings in the beginning of next year.

Street Department Report – written report given.

Building Inspector Report – written report given.

Coopman asked how the raze order was coming along on the Olshesky property.

City Attorney explained Ms. Olshesky is trying to get financing together to complete remediation. If possible, I will try to work with them. With mold and odor problems, there is a way of remediating it by encapsulating it. This may cost approximately \$30,000.

Coopman asked if there has been a hearing with the Circuit Court.

City Attorney commented this was taken care of with a stipulation and the matter is being closely monitored.

Utility Commission Report/Minutes – written report given.

MOTION: Coopman/Osborne

Motion to place reports on file.

Voice Vote: All voting aye - MOTION CARRIED

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. Destination Education.

Re: School Superintendent Dean Hess

Dean Hess invited city officials to participate in Destination Education on October 19, 21, and 22, 2016 at the Oconto Falls Elementary School. Destination Education is an event conducted by Patina Solutions, an experienced future search facilitator who has worked with other districts in the state of Wisconsin. The outcomes of this event are to identify relevant issues and trends that shape our communities and schools; identify the skills and knowledge students need in order to be successful; identify key interests of the communities and schools; and identify and strengthen partnerships between communities and schools. Even though the registration date has passed, Mr. Hess is extending the deadline and encouraging anyone wishing to attend to please call the District Office as soon as possible to register for the event.

- B. Original Class B Beer & Alcohol Beverage License Application for J's Smokeshack LLC – Agent Jennifer Meng; located at 157 N. Main Street.

Re: Deputy Clerk

Deputy Clerk informed proper application has been filed with the city to obtain a combination Class B License and Chief Olsen has signed off on the background check for the agent. Deputy Clerk pointed out that the applicants are requesting a designated 20' x 63' fenced in area for outside drinking at the back of the building near the alley. A diagram was presented showing the outside drinking area being requested.

John Meng explained their plans for the back area. They would like to put tables in the back for outside dining and would like to be able to offer this area as a drinking area for diners as well as for smokers. The plan is to install a rod iron fence next spring. For fire reasons, the gate would not be completely closed off but would be an open end gate.

McDermid asked if there would be entrance access to that area from the back.

John Meng explained they prefer entrance through the front door. They do not have parking in the back area and felt patrons would come through the front door and access the back area when dining or smoking. He continued to explain they are more looking at it as a restaurant rather than a beer garden/party area.

Police Chief did not see a problem or issues with outside drinking near the back alley. He did not feel they would be bothering anyone, as ST Paper is the only building behind them. He also commented that if they had any outside band, a permit would have to be obtained from the Police Department prior to the event.

Deputy Clerk asked City Attorney if we could put an outside fenced in drinking area on the license even though they did not plan to fence the area in until next spring.

City Attorney said it could be voted on and if approved put on the license prior to fence installation.

Deputy Clerk reiterated to the Mengs that if an outside fenced in drinking area was approved; they could not utilize the area until a fence was installed. Mengs understood and agreed.

MOTION: Stuckey/Coopman

Motion to approve the Original Class B Beer & Alcohol Beverage License Application for J's Smokeshack LLC located at 157 N. Main Street to include a fenced in outside drinking area as presented; with Jennifer Meng being listed as the designated agent.

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

- C. Operator License Applications for Brandy A. Fleming – Krist Oil, Donald E. Nygren – Riverview Quick Mart, and John J. Meng, Eja L. Sweig, & Brenda S. Radaj – J's Smokeshack BBQ.

Re: Deputy Clerk

Deputy Clerk informed 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 signed off on the applications.

MOTION: Coopman/Schneider

Motion to approve the Operator's License Applications for Brandy A. Fleming, Donald E. Nygren, John J. Meng, Eja L. Sweig, and Brenda S. Radaj as presented.

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

- D. Recycling Agreement – Oconto County proposal to maintain a County Recycling Program with committed municipalities.

Re: Mayor Rice

McDermid explained the County is looking for a 3 year commitment from municipalities who choose to remain in the County's recycling program. Some communities have pulled out of the program and went on their own. The County is asking for a signed agreement by October 21, 2016 so they can plan accordingly. At this time we do not know the exact cost, but the County has provided estimates using our past 3 year usage. We also are not sure which municipalities are remaining with the program and which are going out on their own. Dave Alsteen, Chairman for the Town of Oconto Falls is proposing a 60%/40% cost split us, with the town paying 40%.

Street Superintendent commented that the split with the town has always been 50%/50%.

Osborne did not feel we should make a commitment without knowing the cost.

McDermid reiterated there is no way to determine an exact cost, but the County has provided estimates using our past 3 year usage. It is hard to determine how much recyclables we will have for sure and what the tipping costs will be. The best they can give us is an average.

Osborne commented the cost will be higher if more municipalities drop out of the program and suggested we look into costs to go out on our own like Oconto and Gillett did.

Street Superintendent informed we would have had to apply for a grant 6 weeks ago, but ran out of time to do so.

Osborne asked if curbside pickup is required. Citizens from the Town of Oconto Falls do not have recyclable curbside pickup. They haul their recyclables to the center.

McDermid commented it is not required, but is a service that we have always offered to our citizens and did not feel it should be taken away.

Attorney confirmed the agreement is saying that we will be a participant of the program; cost unknown. If a decision is not made tonight; it could be tabled and brought up at a special meeting.

McDermid commented we have been talking about this issue for months and knew some decisions had to be made. Now is not the time to start checking into other options. We are behind and don't have much of a choice at this point other than to continue with the County's program.

Osborne did not know how we could budget for something without a more definite cost.

Attorney believed there was an option in which we could opt out if the agreement was in place.

McDermid read the option which stated a 30 day notice was required if a municipality opted out early from the 3 year agreement and there would also be a penalty.

Osborne was not against the agreement, just against the open cost amount.

Attorney stated we would not receive any more definite figures than what was already given because we do not know the amount of recyclables that will be generated. Without a Plan B, we don't have much of a choice.

MOTION: Stuckey/Schneider

Motion to approve the proposal with Oconto County for a 3 year commitment to maintain a County Recycling Program, as presented.

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

Coopman also did not like the open ended contract but felt this was the only choice at this point.

- E. The Council may go into closed session to discuss matters of employment, promotion, compensation, or performance evaluation data of public employees pursuant to 19.85 (1c) Wis. Stats.

Council did not feel the need to go into closed session. All members of Council (except Alderman Kostreva and Mayor Rice who were absent at both meetings) were present during the closed session of the Personnel Committee Meeting.

McDermid reiterated unanimous recommendations made by the Personnel Committee. The first recommendation being to recommend that Council promote Dallas Hoerres to the open full time Street Department position at the pay rate of \$18.50 per hour effective October 10, 2016 through the year 2017; to include health insurance options at the same percentage being paid by the rest of the city employees which is 12%.

MOTION: Copman/Stuckey

Motion to approve the recommendation of the Personnel Committee to promote Dallas Hoerres to the open full time Street Department position at the pay rate of \$18.50 per hour effective October 10, 2016 through the year 2017; to include health insurance options at the same percentage being paid by the rest of the city employees which is 12%.

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

McDermid then reiterated the second recommendation being to recommend that Council promote Bryce Roberts to a part-time Street Department position at the pay rate of \$12.00 per hour effective October 10, 2016 through the year 2017; with the stipulation that upon completion of obtaining a CDL license his pay would then be increased an additional \$2.00 per hour.

Coopman recalled a deadline being added for a previous employee when obtaining his CDL and wondered if we should add a deadline for Bryce to obtain his CDL.

McDermid also recalled the previous employee received a raise prior to the completion of his CDL, this being the reason a deadline was imposed for him. Since Bryce would not receive a pay increase

until after he obtains his CDL, McDermid felt there was no need to add a deadline. He would rather see Gerry and Terry take their time to train Bryce and make sure he feels comfortable with the equipment.

Stuckey asked how necessary it is that Bryce gets a CDL license.

Street Superintendent said it is needed for snow plowing and McDermid commented it was a huge necessity.

Stuckey felt if it was this important for him to have a CDL, then we should have some sort of a timeline stipulation put in the motion.

McDermid thought one year would be a fair amount of time for him to obtain a CDL and still allow appropriate training time. If not done within one year, we can look at his employment.

MOTION: Copman/Stuckey

Motion to approve the recommendation of the Personnel Committee to promote Bryce Roberts to a part-time Street Department position at the pay rate of \$12.00 per hour effective October 10, 2016 through the year 2017; with the stipulation that upon completion of obtaining a CDL license his pay would then be increased an additional \$2.00 per hour; furthermore, adding a deadline of October 1, 2017 for Roberts to obtain a CDL license or his employment will be re-evaluated.

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

- F. The Council will return to open session and may take action on matters discussed in closed session.

Council did not go into closed session.

- G. Adjournment.

Council President Mathew McDermid asked if there was any further business before the meeting is adjourned. Having no further business, he declared the meeting adjourned at 7:51 pm.

Council President Mathew McDermid