

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

**TUESDAY, DECEMBER 10, 2019 – 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: Devin Wirtz, Jeff McDonald, Marty Coopman, Kevin Rusch, Mathew McDermid, and Tim Holman

Also present: Administrator Vicki Roberts, City Attorney Larry Jeske, Deputy Clerk Nancy Brye, Police Chief Brad Olsen, Street Superintendent Terry Magnin, Fire Chief Tim Magnin, Utility Manager Greg Kuhn, and Building Inspector Jane Meissner

Others: Amy Klarkowski, Derek Konop, Samantha Doney, and Craig Schuh & Trace Hubbard – Ayres Associates.

Approval of Minutes – Common Council Meeting on November 12, 2019 and Public Hearing / Special Common Council Meeting on December 3, 2019.

MOTION: McDermid / Wirtz

Motion to approve the Common Council Meeting minutes as presented for the Common Council Meeting on November 12, 2019 and Public Hearing / Special Common Council Meeting on December 3, 2019.

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

Treasurer's Report – October

MOTION: Rusch / Holman

Motion to accept the Treasurer's Report as presented for October and place on file.

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

Bills Payable – November

MOTION: McDermid / Rusch

Motion to approve the Bills Payable as presented for November.

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

Reports: written reports submitted for review

Administrator Report

Police Report

Municipal Court Report

Fire Department Report – no written report

Verbally added – there was an incident at the last fire call where the window was broken out of the truck. It cost \$205 to repair the broken window. The pump and ladder trucks were tested and passed inspection.

Street Department Report

Verbally added – the skating rink was flooded today.

Building Inspector Report

Utility Commission Report/Minutes

MOTION: Rusch / Holman

Motion to place reports on file.

Voice Vote: All present voting aye - MOTION CARRIED

OPPORTUNITY FOR CITIZENS TO ADDRESS THE COUNCIL – no citizen input

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

Old Business: Nothing to address

New Business:

- A. Original Class B Combination Beer and Alcohol License Application for Corner Pocket; listing Amy Klarkowski as agent.

The Corner Pocket LLC, located at 203 Green Bay Avenue, has filed proper application with the City to obtain a Class B Combination Beer and Alcohol License. Police Chief Olsen did a background check on agent, Amy Klarkowski and signed off on the application.

MOTION: Rusch / McDonald

Motion to approve the Original Class B Combination Beer and Alcohol License Application as presented for The Corner Pocket LLC; listing Amy Klarkowski as agent.

Voice Vote: All present voting aye - MOTION CARRIED

- B. Operator's License Applications:
 - 1 year – Kayley VanDenEng
 - 2 year – Lori Junk
 - Lynn Krueger
 - Clayton Rathsack
 - Kelly Lagman

All of the applicants have completed the Responsible Beverage Server Class and filed proper application with the City to obtain an operator's license. Police Chief Olsen completed background checks and has signed off on the applications.

MOTION: Wirtz / Coopman

Motion to approve operator's license applications for Kayley VanDenEng, Lori Junk, Lynn Krueger, Clayton Rathsack, and Kelly Lagman as presented.

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

C. Property located at 212 E. Central Avenue; owned by Derek and Taylor Konop.

Building Inspector Meissner and property owner Derek Konop were both present to explain the layout of the property and the current request being made by the property owner. The building has a business front with a residence in the rear. Konop and his wife reside in a home down the street and do not plan to use the rear as their own residence. Konop would like to use the front of the building as it was intended and have his business office in this portion. The Konops would like to rent the rear portion as a residential rental. There is parking and a small garage in the rear, off the alley for the residential area. Meissner pointed out that this property is zoned C1-General Commercial. City Ordinances do not have conditional uses in the general business section, therefore Meissner is asking for direction from the Council.

There was discussion regarding similar properties in this area as well as on Main Street that have business fronts with residential living in the rear or above. City Attorney mentioned these situations tie in with the issues he wanted to address with zoning and conditional use permits in the City Ordinances.

Council was okay with Konop renting out the back of the building as a residential unit, as long as the front of the building remains as a commercial business portion. Konop agreed to keep the front for his business. City Attorney informed we can tie something to the property to insure the front remains as business.

MOTION: Wirtz / McDonald

Motion to approve conditional use permit application for property located at 212 E. Central Avenue as presented; keeping the front of the building as commercial business and allowing the rear portion as residential rental. City Attorney and City Administrator are to draft official paperwork stating above conditions.

Continued discussion...

There were concerns with making this a condition use permit as the Ordinance Committee plans to meet in the near future to address conditional uses and zoning. Until this is done, Konop asked that he be granted permission to rent the rear portion of the building as a residential unit so that he is not losing income on the property. He is willing to come back and sign another agreement once the Ordinance Committee has addressed conditional uses and zoning. There were also concerns that if Konop's request is granted and he sells the property; what will stop the new owner from turning the front into a residential area. It was agreed that City Attorney will detail this concern in the agreement to make sure the front portion remains as commercial business and tie this to the property in the event of a sale.

AMENDED MOTION: Wirtz / McDonald

Motion to approve the request made by Derek Konop for property located at 212 E. Central Avenue; allowing him to rent the rear portion of the building as a residential unit, keeping the front portion of the building as a commercial business office. City Attorney and City Administrator will draft official paperwork stating above conditions.

Roll Call Vote: Wirtz-yes, McDonald-yes, McDermid-yes, Coopman-yes, Holman-yes, Rusch-yes - **MOTION CARRIED**

D. Signs requiring Zoning Compliance Permit.

Building Inspector Meissner informed of a conflict with sign permits in the ordinances and on the fee schedule. City Ordinances state; “No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning compliance permit... with a few exceptions listed.” The city does have a sign permit on the fee schedule but does not have a zoning compliance permit. The previous building inspector was not aware of this verbiage and had not been charging for a zoning compliance permit. Meissner was just made aware of this ordinance verbiage and wanted to move forward with proper fee charges. Fees for signs are listed on the fee schedule but nothing is stated for a zoning compliance permit. Council asked how much research time and preparation is done for a permit and came up with what they thought to be a fair fee.

MOTION: McDermid / Wirtz

Motion to approve the addition of a zoning compliance permit to the current Fee Schedule in the amount of \$50.

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

E. Oakland Avenue engineering proposals.

Utility Manager Kuhn informed three (3) engineer firms were solicited for proposals to complete the reconstruction of Oakland Avenue in 2020. The city has worked well and has a good history with all three (3) engineer firms. Proposals presented were:

- **Robert E. Lee** – Design, bidding, staking total: \$86,200
Weekly administration-observation: \$3,915
- **Ayres Associates** – Design, bidding, staking total: \$81,670
Weekly administration-observation: \$4,450
- **Rukert Mielke** – Design, bidding, staking total: \$94,215
Weekly administration-observation: \$4,675

Kuhn and Ayres Associates explained the work needing to be done and an estimate on how long it would take to complete the project. Wirtz ran the figures, using an estimated 22 weekly administration rate and found the Robert E. Lee package to be the least expensive.

MOTION: McDermid / Wirtz

Motion to approve Robert E. Lee to engineer the Oakland Avenue reconstruction project in 2020 as presented.

Roll Call Vote: McDermid-yes, Wirtz-yes, McDonald-yes, Coopman-yes, Holman-yes, Rusch-yes - **MOTION CARRIED**

F. Extension of Wild River Forestry Contract.

Wild River Forestry finished logging by the ski tow area but did not finish the area off of Maple Avenue. The Picazo easement for this area has expired; however Wild River Forestry plans to utilize the SnoJokers Club driveway to gain access. Nothing has changed with the contract other than a one year extension, which the City Attorney can draft and City Administrator can sign off on.

MOTION: Wirtz / Holman

Motion to approve a one (1) year extension to the current Wild River Forestry Contract.

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

G. Resolution 19-010; a resolution authorizing salary increases for employees.

This is a standard 2% salary increase for employees which was included and approved in the 2020 budget.

MOTION: Rusch / Coopman

Motion to approve Resolution 19-010; a resolution authorizing salary increases for employee, as presented.

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

H. Confirmation of the Mayor's election inspector appointments for a two (2) year term:
Debbie Jones, Donna Bubolz, Carol Ingram, Donna Kane, Larry Kindel, Tracy Merges, David Merges, Gisela Peterson, Mary Beth Rice, Michelle Ferfecki, and Judy Kostreva.

To comply with Wisconsin State Statutes; the city must confirm election inspector appointments every two years. The city did not receive a list of nominees for election inspectors from any political parties; therefore we may appoint election inspectors of our choice.

MOTION: Rusch / Coopman

Motion to approve Confirmation of the Mayor's election inspector appointments for a two (2) year term: Debbie Jones, Donna Bubolz, Carol Ingram, Donna Kane, Larry Kindel, Tracy Merges, David Merges, Gisela Peterson, Mary Beth Rice, Michelle Ferfecki, and Judy Kostreva.

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

I. Ordinance No. 19-003; an ordinance amending parking restrictions on North Farm Road near Veterans Memorial.

The Ordinance Committee met earlier, with the entire Council present, and unanimously recommends the approval of Ordinance No. 19-003 as presented.

MOTION: Rusch / Coopman

Motion to accept the recommendation of the Ordinance Committee to approve Ordinance No. 19-003; an ordinance amending parking restrictions on North Farm Road near Veterans Memorial, as presented.

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

- J. Ordinance No. 19-004; an ordinance regarding any person under the age of nineteen (19) years possessing tobacco or nicotine products.

The Ordinance Committee also unanimously recommends the approval of Ordinance No. 19-004 as presented.

MOTION: McDermid / McDonald

Motion to accept the recommendation of the Ordinance Committee to approve Ordinance No. 19-004; an ordinance regarding any person under the age of nineteen (19) years possessing tobacco or nicotine product, as presented.

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

- K. 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 7:53pm.

City Administrator Vicki A. Roberts