

**CITY OF OCONTO FALLS
COMMON COUNCIL**

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

**FEBRUARY 9, 2021 - 7:00 PM
MINUTES**

Meeting called to order at 7:00 PM by Council President Marty Coopman

Pledge of Allegiance

Roll Call

Present: Aldermen: Marty Coopman, Devin Wirtz, Jeff McDonald, Mathew McDermid, Kevin Rusch, and Tim Holman

Also present: Administrator Vicki Roberts, City Attorney Larry Jeske, Deputy Clerk Nancy Brye, Street Superintendent Terry Magnin, Fire Chief Tim Magnin, Utility Manager Greg Kuhn, and Park & Rec Director Sheila Manns

Absent: Mayor Brad Rice and Police Chief Brad Olsen

Others: Michelle Tester, Ashley Bahrke, Aaron Breitenfeldt – Robert E. Lee & Associates, Warren Bluhm – Times Herald, Michael Bouche, Kevin Sutrick, Gail Yatso, Stephanie Holman, Leo Kramer, and Kurt Wolf

Approval of Minutes – Public Hearing on January 12, 2021
Common Council Meeting on January 12, 2021

MOTION: Rusch / Wirtz

Motion to approve the minutes as presented for the Public Hearing on January 12, 2021 and the Common Council Meeting on January 12, 2021.

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

Treasurer's Report – December

MOTION: McDermid / Rusch

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

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

Bills Payable – January

MOTION: Holman / McDonald

Motion to approve the Bills Payable as presented for January.

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

Reports: written reports submitted

- ✓ Administrator Report

Wirtz questioned the gravel crushing done by Peter's Concrete. City Administrator and City Attorney commented that the negotiated price for gravel crushing came in under the cost that was originally approved by Council.

Holman asked for clarification on the location in which Dollar General was planning to build. City Administrator informed the new business location site is on the corner of Highland and Chestnut, which is currently the Spaulding property and is zoned commercial.

- ✓ Police Department Report
- ✓ Municipal Court Report
- ✓ Fire Department Report
- ✓ Street Department Report
- ✓ Building Inspector Report
- ✓ Utility Commission Report/Minutes

MOTION: Rusch / Wirtz

Motion to place monthly reports on file.

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

OPPORTUNITY FOR CITIZENS TO ADDRESS THE COUNCIL

Devin Wirtz gave an update on the "Fatty in the Falls" bike race held on January 30, 2021. The event was very successful with over 85 entries and trails were in great shape for the race. The Oconto Falls Area Cycling Coalition hopes to hold future events in the city.

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

Old Business:

- A. Potential Flea Market update.

Kevin Sutrick updated the Council on the progress he is making with the planning of a flea market at Memorial Field in 2021. He has approximately 48 vendors showing interest so far. The plan is to have a flea market every Sunday, starting May 16, 2021 and ending September 26, 2021. He asked a few questions regarding the rental of the pavilion and use of bathrooms for the public.

Informational only - no action taken

New Business:

- A. Bid consideration for Flatley Avenue project.

Robert E. Lee & Associates, engineers in charge of the Flatley Avenue project, opened construction bids on February 5, 2021. Ten bids were received ranging in amounts from \$455,598 to \$608,651. Project lead, Aaron Breitenfeldt, presented an itemized bid tabulation detailing the bid comparisons. The low bidder was Advance Construction with a total base bid of \$455,598. Robert E. Lee & Associates have reviewed bid documents and everything appears to be in order.

Advance Construction is qualified to perform the work; therefore it is the recommendation of Robert E. Lee & Associates to award the project to Advance Construction for the base bid amount of \$455,598. Breitenfeldt informed the contract is laid out for substantial completion to be done in 50 working days, from start to end with a timeframe sometime between May 1, 2021 and September 15, 2021. This meaning they will start between the two dates and the 50 working days will start counting continually from the begin date of the project. Rusch asked the difference between substantial completion and final completion. Breitenfeldt explained substantial completion is the language used in construction meaning when the construction is completed and final completion is when all the paperwork is done.

MOTION: McDermid / McDonald

Motion to accept the recommendation made by project engineers at Robert E. Lee & Associates to award the Flatley Avenue reconstruction project to Advance Construction for the base bid amount of \$455,598.00 as presented.

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

B. 2021 Summer Park & Rec.

City Administrator explained that Park & Rec Director Sheila Manns typically prepares and sends out summer registration forms in February. Since the 2020 Summer Park & Rec activities were canceled because of the COVID pandemic; Council is being asked if they want to open activities for 2021. Manns was looking for direction on whether or not she should prepare to open registration.

MOTION: Rusch / Wirtz

Motion to open Summer Park & Rec activities up as normal for 2021.

Continued discussion:

Director Manns asked if this included the beach and swimming lessons. Council responded, yes this included all summer park & rec activities.

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

C. Conditional Use Permit for Oconto Falls School District to erect a 4' x 8' message board on the east corner of Farm Road and private school roadway.

Planning Commission met earlier this evening and unanimously recommends the approval of a Conditional Use Permit for Oconto Falls School District to erect a 4' x 8' message board. There were no conditions set on the permit but can be addressed at any given time if issues arise.

MOTION: Wirtz / Rusch

Motion to approve the recommendation of the Planning Commission to approve a Conditional Use Permit for Oconto Falls School District to erect a 4' x 8' message board on the east corner of Farm Road and private school roadway.

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

- D. Chamber of Commerce requesting permission to use Eastside Beach facilities for Sunset Concerts on the following Fridays:
- June 25, 2021
 - July 23, 2021
 - August 27, 2021

Gail Yatso addressed the Council on behalf of the Chamber of Commerce. They would like permission to use the Eastside Beach facilities again this year for the Sunset Concerts on the above listed dates. They have another line up of great bands planned to include; Cat 5, Third Wheel, and Subject to Change.

MOTION: Rusch / McDonald

Motion to allow the Chamber of Commerce to use the Eastside Beach facilities for 2021 Sunset Concerts on June 25, July 23, and August 27, 2021.

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

- E. Memorial Weekend Celebration.

Kurt Wolf addressed the Council on behalf of the Sno Jokers Club. Since the stepping down of event organizer, Chad Trudell; the Sno Jokers Club would like to take over planning and organizing Memorial Weekend Celebration festivities at the Memorial Field Park. They would like to proceed with events as in the past, pre-COVID. They are asking for the City's approval because the carnival crew would need to be booked soon. The plan is to have events pretty much the same as in the past. Kevin Sutrick asked if his flea market could be a part of the weekend events or if he would have to skip that Sunday. Wolf felt the flea market would be a nice addition to the Memorial Weekend Celebration.

MOTION: Rusch / Wirtz

Motion to allow the Sno Jokers Club to proceed with plans for Memorial Weekend Celebrations at the Memorial Park Field.

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

- F. Raze order for property located at 210 S. Maple Avenue; owned by Randy Kain.

Building Inspector Jane Meissner drafted a memo regarding the Kain property. Past tenants left the property in horrible condition with doors off, windows broken, and debris strewn in the yard. Animals have taken over the inside of the house with access in and out through the broken windows and doors. Property owner, Randy Kain, is out of the country and is not responding to notifications sent from the City. Meissner reached out to the County and was told they are not planning on doing anything with regards to the situation and are leaving it to the City to deal with.

City Attorney Jeske recommended the City start the process of a raze order. The cost to the City to start the raze order would be \$500 and could take anywhere from 8 to 14 months in Circuit Court. City Attorney informed of the 3 options he is working on: 1) working on a private sale of the property; 2) pressing the County to take a tax deed; 3) proceeding with a raze order. City Attorney explained the raze order process: the total bill on a Circuit Court raze order would be approximately \$8,000 in which the City would front the money and all costs would then be put on the tax bill for reimbursement. City Attorney would like permission to spend \$500 to start a raze

order process. He would still proceed with the other two options. If someone purchases the property, then the raze order stops. The City would then only be out \$500.

McDonald questioned whether or not the City would receive reimbursement because it would be put on the tax bill as a special assessment. McDonald did some checking prior to the meeting and indicated there is approximately \$12,000 owed on back taxes already on the property. He had heard that the property will go back to the County next year and felt we should wait and not proceed with a raze order. City Attorney indicated the County is behind in proceeding with taking tax deeds and could have started 2 years ago on this property.

There was a lengthy discussion and conflicting information as to when the County would take the tax deed. Many felt the City had an obligation to its constituents to proceed with a raze order. Some commented that they would not like to live near a property in this disarray and felt it was the City's duty to its citizens to start proceedings to clean up the property with a raze order. City Attorney reiterated that to start the process would cost \$500 and can be dismissed at any time if there is a sale or if the County takes over.

MOTION: Rusch / McDermid

Motion to approve the City Attorney to proceed with a raze order for property located at 210 S. Maple Avenue; owned by Randy Kain

Voice Vote: All present voting aye; except McDonald voting no - **MOTION CARRIED**

- G. Resolution 21-002; Resolution to authorize submission of a USDA-Rural Business Development grant application.

Since the Main Street project did not qualify under the CDBG-RLF-CLOSE Grant Program, the City will try to receive grants through a USDA-Rural Business Development grant. This resolution gives authorization to submit the grant application.

MOTION: McDermid / Holman

Motion to approve Resolution 21-002; Resolution to authorize submission of a USDA-Rural Business Development grant application as presented.

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

- H. Revised 2021 Fee Schedule.

Two additions were made to the 2021 Fee Schedule in the Fire Department section.

- Line 134 – Structure Fires (insured): \$500
- Line 156 – Lift Assist (facilities only): \$250

MOTION: McDermid / Rusch

Motion to approve the revised 2021 Fee Schedule as presented; adding structure fires (insured) for \$500 and lift assist (facilities only) for \$250.

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

I. Adoption of Oconto County Hazard Mitigation Plan.

The Hazard Mitigation Plan Steering Committee met to evaluate the planning area's potential exposure to natural hazards and to identify appropriate mitigation strategies. Completion of this plan will assist emergency management personnel in identifying areas of risk, assess the magnitude of the risk, and develop strategies for reducing risk throughout Oconto County. Through the process of developing this plan, the county identified mitigation strategies related to the protection of lives and property from hazards, the protection of critical facilities, and the reduction of community and taxpayer costs associated with disaster relief and rescue efforts. Completion and approval of this plan will maintain Oconto County's eligibility to apply for future FEMA disaster relief and mitigation project funds, enabling the county to implement mitigation strategies. The steering committee discussed and defined a few hazard profiles in the plan to include: tornado and strong winds; flooding; winter storms; coastal hazards, forest fires, extreme cold, thunderstorm and lightning, hail, extreme heat, dense fog, drought, and pest outbreaks. The plan includes a great deal of current data and the steering committee plans to update the plan every 5 years.

MOTION: Rusch / Wirtz

Motion to approve the adoption of the Oconto County Hazard Mitigation Plan as presented.

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

J. Contract with KerberRose – Certified Public Accountants.

A three (3) year contract extension with KerberRose was presented with a \$500 increase on the first year and \$600 increase on year two (2) and year three (3).

MOTION: Rusch / McDonald

Motion to approve the three (3) year contract extension with KerberRose as presented.

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

K. Temporary Class B License Application for the Oconto Falls Sno Jokers Snowmobile Club to sell malt beverages during the Wisconsin State Championship Snowmobile Ice Drags event on Saturday & Sunday, February 20 & 21, 2021 at the West Side Beach.

The Oconto Falls Sno Jokers Snowmobile Club has paid for and filed proper application with the City to obtain a Temporary Class B License to sell malt beverages at their ice drags event.

MOTION: Holman / Wirtz

Motion to approve the Temporary Class B License Application for the Oconto Falls Sno Jokers Snowmobile Club to sell malt beverages during the Wisconsin State Championship Snowmobile Ice Drags event on Saturday & Sunday, February 20 & 21, 2021 at the West Side Beach.

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

L. Operator's License Application: Two year – Noah F. Peterson.

The applicant has completed a Beverage Server Class and filed proper application with the City to obtain an operator's license. Chief Olsen completed a background check and has signed off on the application.

MOTION: Wirtz / McDonald

Motion to approve the 2 year operator's license application for Noah F. Peterson as presented.

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

M. Adjournment.

Council President Coopman asked if there was any further business before the meeting is adjourned.

City Administrator introduced the City's newest police officer, Nicole Blaskowski.

Having no further business, Coopman declared the meeting adjourned at 7:48 pm.

City Administrator Vicki A. Roberts