

**PLATTEVILLE COMMON COUNCIL PROCEEDINGS**  
**JUNE 10, 2014**

The regular meeting of the Common Council of the City of Platteville was called to order by Council President Eileen Nickels at 7:00 PM in the Council Chambers of the Municipal Building.

**ROLL CALL**

Present: Dick Bonin, Mike Denn, Ken Kilian, Council President Eileen Nickels, Amy Seeboth, and Barb Stockhausen. Excused: Barbara Daus.

**PUBLIC HEARING**

*Ordinance 14-06 to Amend Chapter 22 - Limited Occupancy Overlay District and Definitions of Family* – Council President Eileen Nickels called the hearing to order. The proposed zoning code amendment includes the following changes: 1) allow the overlay district to be included in the residential historic district; 2) the definition of “family” has been modified to provide the same benefits to individuals in a domestic partnership that are provided to a married couple (as related to occupancy restrictions); 3) the definition of “family” in the underlying zoning ordinance has been modified to include the same basic definition – the difference between the two definitions will be regarding the number of unrelated individuals and roomers/boarders that are allowed to live in the unit; and 4) several language changes that would eliminate the ability for a petition creating on overlay district to include properties in which the owner of the property doesn’t sign the petition. Arlene Siss of 130 N Hickory Street spoke in favor of allowing the overlay district in residential historic districts. No public statements against or in general. No Council discussion. Motion by Stockhausen, second by Denn to close the public hearing. Motion carried 6-0 on a roll call vote. Motion by Kilian, second by Bonin to adopt Ordinance 14-06 Amending Chapter 22 – Limited Occupancy Overlay District and Definitions of Family as presented. Motion carried 6-0 on a roll call vote.

**SPECIAL PRESENTATION**

*Geographic Information System (GIS) Presentation by Symbiont* – Ryan Eckdale-Dudley from Symbiont provided the Council a live presentation of the GIS software, 3 year project background and status, public applications (Parcel Finder, Platteville Places Lite and Advanced, Platteville Parks, Voting Location Map, Zoning Map), and internal applications which are intended to improve workflow. As the project continues, new layers and content will be added.

**CONSIDERATION OF CONSENT CALENDAR**

Motion by Bonin, second by Denn to approve the special May 20 with two changes (“\$100K grant” to “\$800K grant” and “museum” to “Rountree Gallery”) and May 27 Council Minutes; Payment of Bills in the amount of \$623,695.31; May Financial Report; Appointment of Michael Hadfield (term expires 7/1/15) and David Meinhardt and Rock Riedle (terms expire in 7/1/17) to the Rountree Gallery; 2014 Beer & Liquor Licenses (contingent upon passing all inspections) - “Class A” Combination Beer & Liquor to Aldi Inc. Wisconsin, Oak Creek (Ellen M Kruser, Agent) for premises at 1530 E Business Hwy 151 (Aldi #78), Platteville Gas LLC, Platteville (Ashley J Cullen, Agent) for premises at 1840 Ubersox Dr (Ashley’s Market), Kmart Corporation, Hoffman Estates, IL (Jason Horner, Agent) for premises at 1425 E Business Hwy 151 (Big Kmart #3970), Dolgencorp LLC, Goodlettsville, TN (Troy Becker, Agent) for premises at 550 E Business Hwy 151 (Dollar General Store #10166), Hartig Drug Company Corporation, Dubuque, IA (Ann Mowbray, Agent) for premises at 180 W Pine Street (Hartig Drug #15), Piggly Wiggly Midwest LLC-PW Retail Foods, Sheboygan (Mark S Hoffman, Agent) for premises at 255 McGregor Plaza (Piggly Wiggly Supermarket #401), Holl Fuel Inc., Platteville (Ronald L Holl, Agent) for premises at 105 E Business Hwy 151 (Platteville Shell), Scott A Redfern, Platteville, for premises at 280 W Main Street (Spirits Unlimited), Stop-N-Go of Madison Inc., Madison (Andrew J Bowman, Agent) for premises at 795 N Water Street (Stop-N-Go #229), Walgreen Co., Deerfield, IL (Zachary Schrab, Agent) for premises at 675 S Water Street (Walgreens #12498), and Wal-Mart Stores East LP, Bentonville, AR (Michael D Marchese, Agent) for

premises at 1800 Progressive Pkwy (Walmart #958); "Class B" Combination Beer & Liquor to Parking Space LLC, Platteville (Julie Klein, Agent) for premises at 1621 Progressive Pkwy (Benvenuto's Italian Grill), Dale Jacobs, Platteville, for premises at 90 N Second Street (Brothers on 2<sup>nd</sup>), Dale Jacobs, Platteville, for premises at 55 & 65 N Second Street (Cameraderie/School Girlz), Dennis D Banfield, Platteville, for premises at 60 N Second Street (Char-Bar), Chicago's Best LLC, Platteville (Randall Grimes, Agent) for premises at 95 N Second Street (Chicago's Best), Becker & Zmina Holdings LLC, Troy, ID (Vanessa V Berg, Agent) for premises at 92 E Main Street (Cold Fusion), Platteville CK LLC, Platteville (Chad E Holstein, Agent) for premises at 65 E Business Hwy 151(Country Kitchen), Down at the Boondock LLC, Platteville (Angel Henry, Agent) for premises at 70 N Second Street (Down at the Boondock Saloon LLC), Fiesta Cancun Authentic Mexican Restaurant Inc., Platteville (Ervin Estudillo, Agent) for premises at 105 W Business Hwy 151 (Fiesta Cancun), Gina's Restaurant & Bar LLC, Platteville (Regina Pauly, Agent) for premises at 45 N Second Street (Gina's Restaurant & Bar), Las Palmas Mexican Restaurant LLC, Platteville (Vicente Cazares, Agent) for premises at 300 W Business Hwy 151 (Las Palmas), Schmid & Townsend, LLC, Platteville (Nick Pease, Agent) for premises at 74 N Second Street (Nick's), Half-Brothers LLC, Platteville (Thomas C Schmid, Agent) for premises at 30 N Second Street (Orville T's), Pioneer Lanes LLC, Platteville (Frank A Borowitz, Agent) for premises at 1185 E Business Hwy 151 (Pioneer Lanes), Gary II LTD, Platteville (John R Utley, Agent) for premises at 155 W Business Hwy 151 (Pizzeria Uno), Gary II LTD, Platteville (John R Utley, Agent) for premises at 175 W Business Hwy 151 (Pizzeria Uno Annex), Platteville Elks Lodge 1460 LTD, Platteville (Jerry Kopp, Agent) for premises at 50 S Oak Street (Platteville Elks Lodge #1460), Dale Jacobs, Platteville, for premises at 50 E Mineral Street (Players), Chandler's Bar & Grill LLC, Platteville (Willard J Chandler, Agent) for premises at 60 E Mineral Street (Red N Deb's Bar & Grill), Steve's Pizza Palace Inc., Platteville (John Patakos, Agent) for premises at 175 W Main Street (Steve's Pizza Palace), Richard Enterprises LLC, Platteville (Allison Richard, Agent) for premises at 60 S Court Street (The Ticket Bar & Grill), Tina Marie Lynch, Platteville, for premises at 110 E Mineral Street (VFW Club Bar Grill), and Donna D Clark, Platteville, for premises at 35 N Second Street (Wedige's Badger Bar); RESERVE "Class B" Combination Beer & Liquor to German Vasquez Hernandez, Platteville, for premises at 133-135 E Main Street (Los Amigos); Class "A" Beer to Stephen D Noonan, Platteville, for premises at 1350 Business Hwy 151 (Cinco de Mayo Mexican Store & Gallery), Jeff's Mini-Mart Inc., Platteville (Jeff Pluemer, Agent) for premises at 820 Mason Street (Jeff's Mini Mart), and Kwik Trip Inc., La Crosse (Kara Loeffelholz, Agent) for premises at 430 S Water Street (Kwik Trip #795); Class "B" Beer to Can Zhang, Platteville, for premises at 455 E Business Hwy 151 (China Buffet), The Pool Hall LLC, Platteville, (Dustin Thompson, Agent) for premises at 155 S Water Street (The Pool Hall), and Erb Enterprises LLC, Woodman (Leslie Ann Erb, Agent) for premises at 45 North Third Street (Third Street Brewpub); Class "B" Beer & "Class C" Wine to L&M Asian Café Inc., Platteville (Hui Lin, Agent) Platteville, for premises at 300 McGregor Plaza (Asian Café), and Pizza Hut of Platteville Inc., Madison (Charles Price, Agent) for premises at 230 Dubuque Road (Pizza Hut); Temporary Class "B" License to serve fermented malt beverages and Street Closing Permit (S Hickory St between Pine and Greenwood) to St Augustine University Parish on October 3 for Oktoberfest; One-Year Operator License to Carol L Campbell, Deborah A Chandler, Nicole L Charles, Heather K Ekstrom, Benjamin L Kisling, Karla M Pluemer, Konrad F Probst, and Ann M Udelhofen; Two Year Operator License to Jessica M Dill, Briana M Hinzman, Allan R Martinez, Carolina D Martinez, Matthew J Pehl, and Meagan L Risch; Junk Dealer License to Pauline Chandler & Sons; Fireworks and Walk/Run Permit for 4<sup>th</sup> of July. Motion carried 6-0 on a roll call vote.

#### CITIZENS' COMMENTS, OBSERVATIONS, AND PETITIONS

Len Wilkens of 350 N 2<sup>nd</sup> Street expressed concern about the City's ordinance regarding pitbulls and wants them banned.

Arlene Dorsey Siss of 310 N Hickory Street, as a part of Grant County Historical Society announced an upcoming event *Summerfest 2014* at the Stone Cottage on June 22 – looking for vendors, especially vendors aged 19 and under, and Encore of the Historic Bars of Southwest Wisconsin at the Badger Bar on June 24.

Lynn Verger of 945 St James Circle expressed concern with the intersection of Hwy 80/81 & Bus 151 for safety of pedestrians and bicyclists assessing the trails, restaurants, etc., – need for crosswalks and lights – shouldn't wait for the State to upgrade the Bus Hwy 151 corridor.

Communication Specialist Jodie Richards announced the receipt of a grant for visual presentation equipment for the Council Chambers (drop down screen, projector with remote, wireless microphones) from the Clarence Gribble Trust of the Platteville Community Fund. City Manager Larry Bierke thanked Richards for writing the grant.

## REPORTS

- A. Committee Reports – Meeting reports were submitted by the Board of Zoning Appeals, Historic Preservation Commission, Housing Authority, Museum Board, Plan Commission, and Tourism Committee.
- B. Other Reports
  - 1. Airport Financial Report for May
  - 2. City Attorney Itemized Statement
  - 3. Water & Sewer Revenue and Expenditures for May
  - 4. Department Progress Reports – Written progress reports of department operations and activities were submitted by the Director of Administration, City Attorney, City Manager, Community Planning & Development, EMS, Museum, Police, Public Works, Recreation, Rountree Gallery, and Senior Center.

## ACTION ITEMS

- A. *Kallembach Properties – Request for Proposals* – Community Planning & Development Director Joe Carroll presented a revised Request for Proposal (RFP) for the sale of nine properties based on suggested changes from the last council meeting. Carroll asked for clarification from the Council regarding the submittal date and whether to add 3 additional properties that the City has received since the last meeting. City Attorney Brian McGraw asked to have language added to the RFP that states that the Offer to Purchase is required to be signed if the Council accepts an offer. Council discussion included whether the Council should tour the additional properties, adding another property viewing date, extending the submittal date, and developer performance evaluations. Motion by Seeboth, second by Bonin to approve to sell properties using a Request for Proposals (RFP) process with the following changes: 1) Section III add three properties (430 S Chestnut Street, 235 Third Street, and 1536 County B); 2) Section IV add another property viewing date; 3) Section VI change submittal date to July 31, 2014; and 4) Section VIII add language at the end of the first paragraph - *The selected bidder will be required to complete, execute, and submit the attached form Residential Offer to Purchase and Addendum to Residential Offer to Purchase within five (5) days of receiving notification of acceptance of the proposal to the City for approval by the City Council.* Motion carried 6-0 on a roll call vote.
- B. *Financial Software Package* – Finance Director Valerie Martin provided an overview of the recommendation from Staff and the City's IT provider to move forward with Springbrook Software, citing that they were the most advanced of the three vendors when it comes to IT architecture (3 tier architecture), provided a full cloud-based software option, efficiencies, and electronic storage. The total cost of the software, implementation (12 weeks), training, and maintenance is \$56,360. \$51,800 was budgeted with the additional \$4,560 expense being split between the City and Water & Sewer Depts. Staff recommends the transfer of \$3,000 from the PCAN account to cover the City portion of the expense, with the remaining \$1615.81 to be used for scanners, etc. for the new system. Motion by Stockhausen, second by Denn to approve the purchase of Springbrook Software with the transfer of \$3,000 from the PCAN account as presented. Motion carried 6-0 on roll call vote. Martin announced that Kathy Martin resigned as

the Water & Sewer Dept Utility Billing Clerk and Jane Leighty, who was the part-time City Manager Administrative Assistant, has been hired by the Water & Sewer Commission to take her place.

- C. *Resolution 14-20 Municipal Airport 6 Year Project Plan* – Airport Commission Chairman Bill Kloster provided a background on the requirement for resolution for the Airport 6 year plan and highlighted the proposed improvements at the Airport. This plan, along with a supporting resolution from the Council is required by Wisconsin Statutes from municipal airports intending to receive federal and/or state aid. Kloster announced that on June 11, A&A Aviation will host a Chamber of Commerce After Hours Event at the Airport with free food and door prizes (two ½-hour flights) and later in the summer there will be a Fly-In that supports the Scouts and a ribbon cutting ceremony. Motion by Stockhausen, second by Bonin to approve Resolution 14-20 Municipal Airport 6 Year Project Plan as presented. Motion carried 6-0 on roll call vote.
- D. *Knollwood Park Single Track Trail* – The Parks, Forestry, and Recreation Committee’s recommendation is to allow the Platteville Human Powered Trails (PHPT) Committee, a volunteer-driven, non-profit organization, to construct a single track trail in Knollwood Park with a 10’ minimum setback from existing lot lines. Staff recommends that the Council listen to citizen comments against and in favor of the proposed trail and if agreeable to the trail, add a memorandum of understanding detailing additional stipulations, including that maintenance of the single track trails at Mound View Park and Knollwood Park would be the responsibility of PHPT. Registered in favor of the trail included Jason Nolan of 30 N Elm St, Margaret Ruf of 390 W Adams St & 150 Market St, Denee Hirsch and Cassandra Hirsch of 2076 Airport Rd, Mike Hefty and Cheryl Hefty of 6892 Woodland Rd, Kyle Ebbe of 60 Ann St, Bob Weier of 1095 Oakhaven Ct, Joshua Savoy of 425 Sowden St, Mary Wunderlin and Al Flesch of 6576 Red Dog Road-Potosi, Nancy Collins of 1120 Eastman St, Lynn Verger of 945 St James Circle, Ron Weier of 1065 Walnut Dell Rd, and Amy Barraclough of 285 W Knollwood Way. Speaking in favor of the trail included Evan Larson of 1010 7<sup>th</sup> Ave, Tim Ingram of 130 Market St, Rob Serres of 145 Moonlight Dr, Jason Tyson of 1024 Walnut Dell Rd, Mark Hirsch of 2076 Airport Rd, Carley Borcharding of 160 W Knollwood Way, and Jared Pick of 300 W Mineral St. Registered against the trail included Tom Sigwarth and Renee Sigwarth of 910 Hillcrest Circle, Becky Peters of 960 Hillcrest Circle, Peggy Rice, Deborah Rice, Wendell Rice, and William Kloster of 975 Highbury Circle, Dennis Cooley of 115 E Knollwood Way, Shirley Faherty and Deb McWilliams of 955 Highbury Circle, Marilyn Tufte and Rich Tufte of 980 Hillcrest Circle, Craig Hale and Lisa Hale of 975 Hillcrest Circle, Laurie Hamer and Mark Hamer of 110 E Knollwood Way, Jim Kirkpatrick and Carol Kirkpatrick of 990 Hillcrest Circle, Dawn Gile of 940 Hillcrest Circle, Christy Moris and Troy Moris of 915 Hillcrest Circle, Ryan Kowalski and Britney Kowalski of 935 Hillcrest Circle, Jason Williams and Betsy Williams of 945 Hillcrest Circle, Casey Weigel of 965 Hillcrest Circle, Jane Harrison of 955 Hillcrest Circle, Jon Wilson of 215 K Knollwood Way, Norman Wills and JoAnn Wills of 125 Knollwood Way, Brian Everhart and Jennifer Everhart of 930 Hillcrest Circle, John Streich and Michelle Streich of 140 E Knollwood Way, David Kieckhafer of 95 W Knollwood Way, and Loretta Duggan of 940 Highbury Circle. Speaking against the trail included John Gile of 940 Hillcrest Circle. Discussion included the 10’ minimum setback from existing lot lines, width of the trail, survey that will set the parameters of the actual trail, Wisconsin law regarding liability, etc. Motion by Bonin, second by Denn to table action until July 8, 2014 to give the PHPT a chance to complete their survey. Motion carried 5-1 on a roll call vote with Seeboth voting against.
- E. *Ordinance 14-07 Amending the Rountree Gallery Board Appointment* – David Meinhardt of 340 S Hickory Street, on behalf of the Rountree Gallery Board, explained the proposed changes to the membership of the Rountree Gallery Board which include allowing two consecutive terms,

staggering current terms, and allowing one voting member to be a non-resident. Motion by Stockhausen, second by Seeboth to adopt Ordinance 14-07 Amending the Rountree Gallery Board Appointment as presented. Motion carried 6-0 on a roll call vote.

- F. *Resolution 14-21 Employee Handbook Amendment - Residency* – City Manager Larry Bierke explained the differences between the two resolutions proposed – Version A does not include the emergency services personnel identified in the City’s Emergency Operations Plan (EOP), and Version B does. The proposed employee residency changes result from a change in state statute 66.0502 prohibiting employee residency requirements excepting law enforcement, fire, or emergency personnel for government employees. City Attorney Brian McGraw stated that Version A is recommended by Staff since it clearly complies with state law and believes Version B which includes the EOP personnel may not comply with state law. Bierke noted that the list of emergency services personnel identified in the EOP are not considered first responders. They are called in to the scene after the incident has been stabilized to try to manage the situation and get additional resources to help the community heal from the incident. The language in the last sentence under the Exception should be changed to “...live within 15 miles of Platteville”. Motion by Denn, second by Kilian to approve Resolution 14-21 Amending the City Employee Handbook – Residency (Version B) with amended language “...to live within 15 miles of Platteville” in the last sentence of Exception. Motion failed 4-2 on a roll call vote with Nickels, Seeboth, Stockhausen, and Bonin voting against. Motion by Stockhausen, second by Bonin to approve Resolution 14-21 Amending the City Employee Handbook – Residency (Version A) with amended language “...to live within 15 miles of Platteville” in the last sentence of Exception. Motion carried 4-2 on a roll call vote with Kilian and Denn voting against.
- G. *Resolution 14-22 2013 Compliance Maintenance Annual Report (CMAR) for the Wastewater Treatment Plant (WWTP)* – Public Works Director Howard Crofoot explained this report is an annual requirement by the DNR and stated that the treatment plant is in excellent condition based upon the expertise and professionalism of the operators. The system graded an “A” in all areas for 2013, the financial condition is stable, and management procedures are in place. The Water & Sewer Commission reviewed the CMAR and recommends approval. Motion by Bonin, second by Denn to approve Resolution 14-22 2013 CMAR for the Wastewater Treatment Plant as presented. Motion carried 6-0 on a roll call vote. President Nickels commended Crofoot and the WWTP operators.

#### INFORMATION AND DISCUSSION

- A. *IT Budget Amendment* – City Manager Larry Bierke explained that in January, the City contracted with CompuNet to do technology improvements knowing at that time the contract was going to be more than what was budgeted. At the last meeting CompuNet gave a presentation as to what they have accomplished so far and the obstacles they have run into working with an aged network. They are making progress, things are improving, and they recently transferred over to the cloud based Microsoft Office 365, no longer hosting mail on a server in-house. The request is to transfer \$20,000 from the Communications budget to the IT budget with the majority of the money used to purchase a significant number of outdated desktop computers, with the remaining funds to pay towards the IT contract. A breakdown of the \$20,000 was requested for the next meeting. Action at next meeting.
- B. *250 E Main Street* – Public Works Director Howard Crofoot explained that Yurs, LLC is concerned that the waterway that flows under the building at 250 E Main Street is creating damage to the building foundation and is requesting that the City either purchase the property for a net zero gain for all those involved or remedy the situation to the specifications that satisfy insurance underwriter requirements. The building was built over top of the waterway and there is no known easement for drainage on this property. Crofoot noted that in the late 90’s, there was a request from the owner of 310 E Main Street – on the opposite side of the waterway – to have the

City look into doing something with the waterway because erosion was threatening an out building and parking lot, but the cost was deemed prohibitive by the Council at that time. Last fall Mr. Yurs contacted Crofoot with the concern that water may have caused some erosion damage to the sides of the channel under the building and asked for assistance. Staff noted that the building was built over top of the existing water way, but the City could contribute toward the cost of concrete if Mr. Yurs decided to improve the channel under his building. The City Attorney's initial review did not disclose a basis upon which the City is liable for the conditions which exist on the property and recommends to deny the claim. Russ Yurs of 6790 8<sup>th</sup> Avenue was present to answer questions of the Council – explained that he has owned the property for less than a year, and didn't realize that there was an open creek going through the basement until they went to fix the floors of the building and the columns were all tipped to the east. He thinks there should have been an easement on the property and is concerned that finances and accountability on the part of the municipality are being chosen over safety and the responsibility to fix this. Because there was no easement or formal structure set up to protect the integrity of the building, the City is accountable since it is the City's stormwater and the City should have acted on this when they first knew about it. He suggested having a study done by a neutral third party. He believes that if the City tries to fix the problem, that the City will reach such a substantial number to fix it correctly, that it will meet or exceed the value of what his building is, therefore the acquisition of his building by the City and removal of it would alleviate all future liability. Kilian believes the City has the responsibility for safety and not allow erosion to take place. After much discussion, President Nickels stated that she wasn't sure that the City was liable and noted that the City Attorney and Staff clearly state the Council should deny the claim. At the same time, there has been studies done in the past and she asked Crofoot to provide the Council information on those drainage studies and the related costs at that time so that the entire Council is aware of them. She is not sure if they will reach a resolution or if it will even go on for action at this point, since the Attorney says they are not liable. She respects Kilian's view and doesn't disagree with the fact that it would be nice to find a solution, but they would need more information going forward. She pointed out that if it did go forward, it would need to be part of the budget process and they would have to agree as a Council to address the issue. Attorney McGraw asked Mr. Yurs what the net zero gain number was that he was referring to, to which Mr. Yurs responded \$352,000 (\$227,000 assessed value plus 55%) or \$346,000. Mr. Yurs stated that if the City declines, he has an insurance policy on it and will approach his insurance company for resolution.

#### ADJOURNMENT

Motion by Denn, second by Seeboth to adjourn. Motion carried on a roll call vote. The meeting was adjourned at 9:43 PM.

Respectfully submitted,

Jan Martin, City Clerk