

REGULAR COUNCIL MEETING MAY 14, 2018 7:00 P.M.

The meeting was opened by announcing this was an open meeting of the Common Council. Notice of this meeting was given to the public at least 24 hours in advance of the meeting by forwarding the complete agenda to the official City newspaper, The New Richmond News, and to all news media who have requested the same as well as posting. Copies of the complete agenda were available for inspection at the City Clerk's office and on the City's website at [www.newrichmondwi.gov](http://www.newrichmondwi.gov). Anyone desiring information as to forthcoming meetings should contact the City Clerk's office.

Roll call was taken.

Members Present: Mayor Fred Horne, Alderman Kittel, Ard, Jackson, Montello, Volkert and Zajkowski

The Pledge of Allegiance was recited.

Alderman Ard moved to adopt the agenda as presented, seconded by Alderman Kittel and carried.

**Public Comment**

**Consent Agenda**

1. Approval of the Minutes from the Previous Regular Council Meetings, April 9, 2018 and April 17, 2018 and Special Council Meeting, April 30, 2018
2. Applications for License to Serve from Jennifer L. Heitkamp, New Richmond; Janelle S. Stephens, New Richmond; Ryan J. Stephens, New Richmond; Eric S. Meyer, New Richmond; Lawrence B. Gumbert, New Richmond; Alan L. Lingen, New Richmond; Dennis G. Hurtis, Glenwood City; and Jerry DuBois, New Richmond
3. Application for Amplification Permit and Exemption from Section 50-87 Loud & Unnecessary Noise for Outdoor Movie Series in Glover Park on June 15 and August 24, 2018 from 8:00 to 10:00 p.m.
4. Application for Temporary Class B Beer License form New Richmond Millers Baseball for May 18, 23, June 2, 9, 22, 29, July 13, 21, 22, and 28, 2018
5. Application for Fireworks Sellers Permit from Big Bam Boom Fireworks, LLC at 1470 South Knowles Avenue
6. Application for Fireworks Sellers Permit form James Gibson at 546 West North Shore Drive
7. Application for Class B Beer and Class C Wine License from Cheyenne Evans, Agent for Vudu Street Food at 121 South Knowles Avenue
8. Application for Class B License to Sell Intoxicating Liquor and Fermented Malt Beverages from Rick Holm, Agent for EF5 at 157 South Knowles Avenue
9. Application for Amplification Devices and Exemption from Sec. 50-87 Loud & Unnecessary Noise from Donald Harer at 1202 Highland Court on July 28/, 2018 from 4:30 p.m. to 9:00 p.m.
10. Payment of VO#61966 through VO#62091 totaling \$356,178.80 plus electronic fund transfers totaling \$1,081,270.58 for a grand total of \$1,437,449.38

|                       |                |
|-----------------------|----------------|
| General Fund          | \$1,267,469.30 |
| Impact Fees Fund      | 81,298.00      |
| Cemetery Fund         | 883.73         |
| Debt Service Fund     | 6,592.94       |
| Capital Projects      | 58,626.69      |
| Landfill Cleanup Fund | 6,570.99       |
| TID District #10      | 150.00         |
| TID District #6       | 150.00         |
| TID District #7       | 150.00         |
| TID District #8       | 300.00         |
| TID District #9       | 150.00         |
| Storm Water Utility   | 13,344.05      |

|                                 |          |
|---------------------------------|----------|
| Park land Trust Fund            | 88.26    |
| Library Trust Fund              | 100.80   |
| NR WI Armed Services            | 1,574.62 |
| 11. Donations for K-9 Program – |          |
| Bernie & Carol Colbeth          | \$100    |
| Ilisa Ailts                     | \$50     |

Alderman Ard moved to approve the consent agenda as presented, seconded by Alderman Kittel and carried.

### **Department Reports**

**Administration** – Mike Darrow welcomed new staff members Weston Arndt, Electric Superintendent; Sarah Reese, Human Resource Manager/Executive Assistant; Kyle Wells, GIS Analyst; and Erica Shubert, Custodial Services. Staff will bring a recommendation to the work session regarding the compensation study for all employee benefits and salaries. This will take approximately four to five months to complete. Noah Wiedenfeld stated the City received a \$37,602 grant from the DNR for the Mary Park boat launch which will pay half the cost of this project.

**Finance** – Rae Ann Ailts stated the annual room tax report was filed on May 1, 2018. We collected \$85,000 in room tax in 2017. Tomorrow the Municipal Financial Report is due to the State of Wisconsin. The Tax Increment Annual Report will be presented to the Joint Review Board in June.

**Community Development** – Beth Thompson explained there will be a Public Hearing for the Comprehensive Plan at the Plan Commission meeting tomorrow night at 5:00 p.m. The draft plan has been given out and is on the website. A ribbon cutting was held for Vudu Street Food and a groundbreaking was held for Bakken Young Funeral and Cremation Services.

**Public Works** – Jeremiah Wendt stated the department is working on new locations for the welcome signs. One will be at the west entrance along Hwy 64 and the other will be at the south entrance on Hwy 65. The Public Works Department will start replacing Ash trees in the downtown. Six Ash trees will be removed this year. St. Croix County has been doing spray patching on Knowles Avenue today and should finish tomorrow. Excess rocks will be removed this week. Mary Park pier was damaged this spring as the ice melted. An insurance claim will be filed for the damage and repairs will be made as soon as possible. The pier is not usable right now. Leaf Pickup started this week along with grass clippings and branches.

**Library** – Noah explained the Library welcomed a new staff member, Bernadine Duerkop, who will work in the circulation department. Summer Reading Program registration is now open and a kick-off event is scheduled for Monday, June 4. The Mayor has issued his reading challenge again, so we will expect large numbers of children to attend the August City Council meeting.

**Police** – Craig Yehlik stated this week is National Police Week. A ceremony will be held on May 16, 2018 at 6:00 p.m. at St. Croix Central High School honoring fallen officers. The K-9 Classic was held on May 12, 2018 with 54 humans and 25 dogs participating. Katie will graduate on May 24, 2018 with our new K-9. Craig has been attending the All Pro Dad events at Starr Elementary. There have been 1,824 calls for service to date in 2018. At this time in 2017, they had 1,906 calls for service. Detectives Noel and Westmoreland attended free training for cyber investigations. New Richmond Police Department held another civilian response to active shooter training and had 120 people attend.

**Fire** – Mayor Horne stated there were 15 incidents in April, with 5 City, 9 rural and 1 mutual aid event. The UTV has been purchased, the fire/rescue skid is being built, and a custom trailer will be arriving soon. The unit should be complete by the end of May.

**Airport** – Mike Demulling explained during the major snow event in April, the airport closed for 16 hours. The temperature was too cold to use deicing chemicals. The part-time summer help will be starting on Thursday and will work through early September. A new 12,000 square foot hanger is under construction. Starting June 6, 2018, the airport will host lunches every Wednesday throughout the summer so everyone should stop out.

**City Clerk** - Tanya Batchelor stated license renewals have been sent out for amusement device licenses, cigarette licenses, all liquor licenses, mobile home license, taxi cab license and refuse collection licenses. Applications are due back by May 18, 2018 and will be on the June 11, 2018, City Council agenda. These licenses run from July 1 to June 30 each year.

## **Plan Commission Recommendations**

### **Ordinance #514 Annexing WI DOT/Meyer Property**

Beth Thompson explained the Plan Commission held a Public Hearing for the annexation petition from Wisconsin DOT and Michael and Deborah Meyer. The property is located in Star Prairie Township along North Fourth Street. The Meyer property is currently developed with a single-family dwelling. They would like to annex to allow for the dwelling to be connected to City sewer and water utilities. The DOT has joined this petition to annex an undeveloped parcel and public right-of-way west of the Meyer property. The comprehensive plan guides property in this area for mixed use development and medium density residential development. The use of these properties is consistent with the current and draft Comprehensive Plan. The Plan Commission recommended approval of this annexation provided the Meyers connect their single-family dwelling to City sewer and water utilities within six months from the date of annexation. Alderman Zajkowski moved to suspend the rules and adopt Ordinance #514 annexing this property, seconded by Alderman Ard and carried.

### **Resolution #051801 – Release of Easements for Federal Foam Lot**

Beth Thompson explained Resolution #051801 authorizing the release of utility easements. Federal Foam wants to purchase two lots and combine them with the lots they currently own, which requires a Certified Survey Map. There is a utility easement in the middle of the proposed new lot. No utilities are located there. Alderman Zajkowski offered the following resolution and moved for its adoption:

RESOLUTION NO. 051801  
CITY OF NEW RICHMOND  
ST. CROIX COUNTY, WISCONSIN  
A RESOLUTION AUTHORIZING THE RELEASE OF  
A CERTAIN UTILITY EASEMENT LOCATED ON  
REAL PROPERTY OWNED BY FEDERAL FOAM TECHNOLOGIES, INC.

WHEREAS, Federal Foam Technologies, Inc. owns certain real property lying and being situated in the City of New Richmond (“Federal Foam Parcel”) upon which the City has a utility easement interest arising under that certain Certified Survey Map filed with the St. Croix County Register of Deeds on January 9, 1995, in Vol. 10 of C.S.M., pg. 2868, as Doc. No. 524983 (“Easement”).

WHEREAS, Federal Foam Technologies, Inc. has requested the City release the Federal Foam Parcel from the Easement; and

WHEREAS, the Plan Commission has reviewed the request for the release of the Federal Foam Parcel from the Easement and approves and recommends release of the Easement pursuant to the Release of Recorded Easement attached as Exhibit A; and

WHEREAS, the Common Council desires to authorize the release of the Easement and the City Administrator to execute Release of Recorded Easement attached as Exhibit A and such other documents as are necessary to release the easement.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL FOR THE CITY OF NEW RICHMOND, AS FOLLOWS:

The Common Council hereby authorizes the release of the Easement and execution by the City Administrator of the Release of Recorded Easement attached as Exhibit A.

This Resolution shall be in full force and effect from and after its passage and approved as provided by law.

Motion was seconded by Alderman Kittel and carried.

### **Certified Survey Map for City of New Richmond**

The Certified Survey Map includes two lots to be sold to Federal Foam and combined into one lot. It also includes changing the lot line with 45<sup>th</sup> Parallel shifting it to the east. The Plan Commission recommended approval with the following conditions:

- 1) Vacation of existing drainage and utility easements shall be subject to a written agreement drafted by the City Attorney and executed by the involved property owners, subject to approval of the City Council.
- 2) All grading, drainage, and erosion control shall be subject to review and approval of the Public Works Director.

3) All utility plans shall be subject to review and approval of the Public Works Director. Alderman Kittel moved to approve the Certified Survey Map as recommended, seconded by Alderman Ard and carried.

**Ordinance #515 – Economic Development Commission**

Mike Darrow explained that over the last couple months the Council has discussed creating a new EDC organization called Forward New Richmond. The proposed ordinance repeals the original ordinance and replaces it with the new ordinance. The new committee will be made up of eight citizens and one alderman appointed by the Mayor and will serve as an advisory board to the City Council. Alderman Zajkowski moved to suspend the rules and adopt Ordinance #515, seconded by Alderman Jackson and carried.

**Ordinance Sections 1-2 Amendments**

Noah Wiedenfeld explained that he and Tanya Batchelor have been reviewing ordinance chapters one and two and have made the revisions that are redlined in the Council packet. Redlined items include removing unnecessary language and consolidating some committees. Discussion followed. Alderman Ard moved to suspend the rules and adopt the ordinance updates, seconded by Alderman Jackson and carried.

**Mayor’s Appointments**

Mayor Horne made the following appointments:

|                                  |  |
|----------------------------------|--|
| Finance                          | Committee of the whole   |
| Public Works                     | Jim Zajkowski, Mike Montello, Craig Kittel   |
| Public Safety                    | Scottie Ard, Jim Jackson, Ron Volkert  |
| Plan Commission                  | Jim Zajkowski  |
| Park Board                       | Craig Kittel   |
| Ethics Board                     | Ron Volkert, Scottie Ard   |
| Airport Commission               | Jim Zajkowski, Craig Kittel  |
| Emergency Government             | Jim Jackson  |
| Board of Review                  | Mike Montello, Ron Volkert, Jim Zajkowski  |
| Historic Preservation Commission | Mike Montello  |
| Forward New Richmond             | Mike Montello  |
| Community Development Authority  | Jim Jackson and Ron Volkert  |
| Ambulance Board                  | Ron Volkert, Craig Kittel, Jim Jackson   |
| Fire Board                       | Jim Jackson, Ron Volkert, Jim Zajkowski  |
| Housing Authority                | Ron Volkert  |
| Utility Commission               | Mike Kastens   |
| Forward New Richmond             | Tom Mews, Summer Seidenkranz, Heather McAbee, Paul Mayer<br>Karl Skoglund, Cathy Longtin, Rob Kriebich, Susan Lockwood |

Alderman Ard moved to confirm these appointments, seconded by Alderman Jackson and carried.

**Ordinance #516 CBD Oils**

Craig Yehlik explained the ordinance and answered questions. Craig worked with City Attorney, Nick Vivian, to create this ordinance to keep some control on the sales and use in the City of New Richmond. This ordinance was modeled after the City of Hudson’s ordinance. Alderman Ard moved to suspend the rules and adopt Ordinance #516, seconded by Alderman Jackson and carried.

**Ordinance #517 Underage Vaping**

Craig Yehlik discussed the problems he has had with underage students vaping in school. This ordinance makes it illegal for anyone under age 18 to possess vaping products unless they are in their own home with parental consent. Discussion followed. Alderman Ard moved to suspend the rules and adopt Ordinance #517, seconded by Alderman Jackson and carried.

**Ordinance Amendment – Vaping on School Property**

Craig Yehlik explained the problems they have had with vaping on school property. Without this ordinance, an 18 year old student would be allowed to have vaping products on school property. Alderman Kittel

moved to suspend the rules and adopt this ordinance, seconded by Alderman Ard. Discussion followed regarding any adult who may have vaping materials on school property. Alderman Volkert moved to table this item, seconded by Alderman Kittel and carried. Alderman Ard and Jackson voted no.

### **Vaping on City Property**

Craig Yehlik asked the City Council if they would like him to create an ordinance regarding vaping materials on City property within 50 feet from any door. It was the consensus to have Craig Yehlik research this.

### **Operator's License Form**

Craig Yehlik explained that he looked at the operator's license form and found some old statutes were listed on the form. Nick Vivian also looked at the form. The new form includes additional wording about background investigations. The other issue is the fee charged for the license. Other municipalities charge \$40 for this license and it is good for two years. Our fee is \$30 and it is good for two years. The applicant also pays the \$7 Police Investigation Fee. Alderman Montello moved to approve the new form and the fee change to \$40 plus \$7 investigation fee, seconded by Alderman Jackson and carried.

### **2017 Fourth Quarter Financial Report and 2018 Reporting Schedule**

Rae Ann Ailts presented the 2017 fourth quarter financial report. Discussion followed.

### **2018 Street & Utility Projects Bid**

Jeremiah Wendt explained the bids received. The North Shore Drive repair bid will be removed from the list of projects, as well as the Paperjack Creek Nature Trail because of the high cost of the bid amount. The Public Works Committee recommended awarding the contract to Haas Sons, Inc., in the amount of \$1,420,482.69, removing the alternate bid for the Paperjack Creek Nature Trail; authorize the Director of Public Works to remove the North Shore Drive repair from the contract by change order; authorize the Director of Public Works to expend funds up to 5% of the revised contract price via field change orders throughout the course of the project. Alderman Kittel moved to approve the bid from Haas Sons as recommended by the Public Works Committee, seconded by Alderman Jackson.

### **Engineering Contract with SEH**

Jeremiah explained the Public Works Committee recommended to approve the construction services contract for 2018 Street and Utility Improvements agreement with Short Elliott Hendrickson for \$64,144. Alderman Ard moved to accept this recommendation, seconded by Alderman Jackson and carried.

### **125<sup>th</sup> Street MOU**

Jeremiah explained this document outlines the relationship with Richmond Township for this project. Haas Sons and SEH will invoice Richmond Township directly. Alderman Ard moved to approve the Memorandum of Understanding with Richmond Township for 125<sup>th</sup> Street construction, seconded by Alderman Kittel and carried.

### **2018 Crack Filling Bids**

Jeremiah stated the Public Works Committee recommended accepting the low bid from Fahrner Asphalt Sealers for \$26,083.71. Alderman Zajkowski moved to accept this recommendation, seconded by Alderman Kittel and carried.

### **Fog Sealing Bids**

Jeremiah explained the Public Works Committee received a bid from Fahrner Asphalt Sealers for \$49,841.46 for this project. This bid was higher than the budget amount for this project, so staff will work with Fahrner Asphalt Sealers to review possible scope adjustments that would bring the project cost in line with the budgeted amount. Alderman Kittel moved to table this item until the June meeting, seconded by Alderman Jackson and carried.

### **North Pierson/High Street Renaming**

Joel Enders explained at the February meetings, the Public Works Committee and City Council approved renaming portions of North Pierson Avenue, High Street and North Washington Avenue to Lakeside Drive. A property owner in that area expressed concern about the name change, as he was not informed prior to approval. The Public Works Committee discussed this item again and recommended renaming the section of road adjacent to Lakeside Foods from North Pierson Avenue to High Street. Alderman Zajkowski moved to accept this recommendation, seconded by Alderman Ard and carried.

### **Public Works Surplus Property**

Public Works staff has been reviewing the existing equipment inventory and identified opportunities for enhanced efficiencies, lower costs and higher quality of service. Staff identified several pieces of equipment that could be consolidated into one which would result in cost savings and also free up shop space and increase efficiency. These items include the following:

| <u>Item</u>                          | <u>Approximate Value</u> |
|--------------------------------------|--------------------------|
| 1979 John Deere 401-C                | \$ 6,000                 |
| 2010 John Deere 3320                 | \$24,000                 |
| 2009 John Deere 1445 w/broom & mower | \$12,000                 |
| John Deere Angle Broom               | \$ 4,000                 |
| John Deere Wing Mower                | \$ 2,000                 |
| Erskine Snow Blower                  | \$ 1,000                 |
| 3-point back blade                   | <u>\$ 1,000</u>          |
| Total                                | \$50,000                 |

Several other items were identified as equipment no longer needed that will be listed on the auction as well. The Public Works Committee recommended to sell the equipment listed in the memo dated 5-8-18 from Jeremiah Wendt to offset the purchase of the new Bobcat Toolcat 5610 with a snow blower and angle broom attachment for \$55,693. The Stormwater Utility will cover 15% of the cost leaving a balance of \$47,339.05 to be covered by the sale of the surplus equipment. Alderman Kittel moved to accept this recommendation, seconded by Alderman Zajkowski and carried.

### **Work Session on May 30, 2018, at 5:30 p.m.**

#### **Communications and Miscellaneous**

There will be an open house at Cherokee Park on May 23, 2018, to discuss whether the neighbors would like any improvements to this park.

#### **Closed Session**

Alderman Ard moved to go into Closed Session per State Statute 19.85 (1)(e) to discuss TIF #6, seconded by Alderman Jackson and carried.

#### **Open Session**

Alderman Zajkowski offered the following resolution and moved for its adoption:

RESOLUTION NO. 051802

CITY OF NEW RICHMOND

ST. CROIX COUNTY, WISCONSIN

A RESOLUTION AUTHORIZING SALE OF

REAL PROPERTY TO 45<sup>TH</sup> PARALLEL SPIRITS, LLC

WHEREAS, the City of New Richmond (the "City") is the owner of certain real property located in the City of New Richmond, St. Croix County, Wisconsin described as Lot 5 of C.S.M., Vol. 23, pg. 5574, recorded as Document No. 883051 ("Lot 5"); and

WHEREAS, 45th Parallel Spirits, Inc. has offered to purchase, and the City has offered to sell, a portion of Lot 5 pursuant to the terms and conditions set forth in the Purchase Agreement by and between 45<sup>th</sup> Parallel Spirits, Inc. and the City attached as Exhibit A ("Purchase Agreement"); and

WHEREAS, the Common Council has reviewed the Purchase Agreement and has determined the same is complete and acceptable and considers it is in the best interest of the City to sell that portion of Lot 5 pursuant to the terms of the Purchase Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL FOR THE CITY OF NEW RICHMOND, AS FOLLOWS:

The Common Council hereby:

1. Ratifies, approves and confirms the Purchase Agreement and sale of that portion of Lot 5 to 45<sup>th</sup> Parallel Spirits, Inc. as set forth therein.

2. Authorizes Mike Darrow, the City Administrator to (i) execute all documents necessary and proper to contemplate the transaction thereby required by the Purchase Agreement and (ii) perform each and every act and execute any and all documents and instruments in the name of the City as may be necessary or desirable to enable the City to perform under the terms of the Purchase Agreement.

This Resolution shall be in full force and effect from and after its passage and approved as provided by law.

Motion was seconded by Alderman Ard and carried.

Alderman Kittel offered the following resolution and moved for its adoption:

RESOLUTION #051803

RESOLUTION AUTHORIZING SALE OF REAL ESTATE

WHEREAS, the City of New Richmond is the owner of real estate described as:

Lot 2 of CSM Vol 20 Page 5082 Doc#808217; and

Lot 5 of CSM Vol 23 Page 5574 Doc#883051 totaling 7.11 Acres

WHEREAS, the City has entered into an Offer to Purchase and Sale Agreement with Federal Foam Technologies, Inc, Whereby the City would sell this parcel to Federal Foam Technologies, Inc. and

WHEREAS, all necessary contingencies have been met and the transaction is ready to be closed.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of New Richmond as follows:

1. That the City shall proceed with the sale of the real estate to Federal Foam Technologies, Inc.
2. That Mayor, Frederick Horne, and City Clerk, Tanya Batchelor, are authorized to execute all documents necessary to complete the sale of the property.

Motion was seconded by Alderman Jackson and carried.

Alderman Kittel moved adjourn the meeting, seconded by Alderman Jackson, and carried.

Meeting adjourned at 9:08 p.m.

Tanya Batchelor  
City Clerk