

CITY OF RHINELANDER COMMON COUNCIL
MONDAY, JANUARY 10, 2011 - 6:00 P.M.

City Hall Council Chambers
135 S. Stevens St., Rhinelander, WI

CALL TO ORDER

The regular meeting of the Common Council of the City of Rhinelander was called to order by Mayor Johns at 6:00 p.m. Proper notification was given to the press and the public.

ROLL CALL

The following Alderpersons were present: Belliveau, Freudenberg, Gleason, Kelly, Paszak, Pelletier, Salzer and Young.

Others present: Mayor Dick Johns, City Administrator Bill Bell, Public Works Director Randy Knuth, Finance Director Julie Ostrander, City Attorney Phil Parkinson, Parks, Buildings & Grounds Director Gunder Paulsen, Assistant Water/Wastewater Superintendent Tim Phelan, City Clerk/Treasurer Mary Richardson, Police Chief Mike Steffes, Fire Chief Terry Williams, Water/Wastewater Superintendent John Zatopa, and a number of interested citizens.

APPROVAL OF MINUTES

MOTION BY ALD. PASZAK, SECOND BY ALD. GLEASON, TO APPROVE THE COMMON COUNCIL MEETING MINUTES OF DECEMBER 13, 2010. 8 AYE, 0 NAY; MOTION CARRIED.

APPEARANCES BY CITIZENS - None.

COMMUNICATIONS AND PETITIONS – None.

CONSENT AGENDA – Nothing to report.

UNFINISHED BUSINESS AND PUBLIC HEARINGS

MOTION BY ALD. PASZAK, SECOND BY ALD. GLEASON, TO ADOPT ORD. 44-10, PROHIBITING SYNTHETIC MARIJUANA. 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. FREUDENBERG, SECOND BY ALD. SALZER, TO ADOPT ORD. 45-10, REZONE PROPERTY OFF NAVAJO STREET (RH 9333-1000) FROM R1 SINGLE FAMILY RESIDENTIAL DISTRICT TO R4 MIXED RESIDENTIAL DISTRICT. 8 AYE, 0 NAY; MOTION CARRIED.

COMMITTEE, BOARD AND COMMISSION REPORTS

Planning Commission

MOTION BY ALD. PELLETIER, SECOND BY ALD. GLEASON, TO APPROVE CONDITIONAL USE PERMIT FOR RENNES DEVELOPMENT GROUP FOR THE PURPOSE OF LOCATING A HEALTH AND MEDICAL INSTITUTE ON THE PROPERTY OFF NAVAJO STREET (RH 9333-1000). 8 AYE, 0 NAY; MOTION CARRIED.

NEW BUSINESS

MOTION BY ALD. FREUDENBERG, SECOND BY ALD. GLEASON, TO APPROVE ACCEPTANCE AGREEMENT WITH RENNES DEVELOPMENT COMPANY, LLP. 8 AYE, 0 NAY; MOTION CARRIED.

UNFINISHED BUSINESS AND PUBLIC HEARINGS

MOTION BY ALD. FREUDENBERG, SECOND BY ALD. GLEASON, TO ADOPT ORD. 47-10, KNOX BOX ORDINANCE.

MOTION BY ALD. SALZER, SECOND BY ALD. BELLIVEAU, TO AMEND ORD. 47-10 AS FOLLOWS: (1) *Key Lock Box (i.e. e.g. Knox Box) Required.* 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. SALZER, SECOND BY ALD. BELLIVEAU, TO ADOPT ORD. 47-10 AS AMENDED. 8 AYE, 0 NAY; MOTION CARRIED.

COMMITTEE, BOARD AND COMMISSION REPORTS

Airport Commission – Nothing to report.

Board of Public Works

MOTION BY ALD. PELLETIER, SECOND BY ALD. PASZAK, TO APPROVE PURCHASE OF INTERNATIONAL DUMP TRUCK WITH V-BOX SANDER INSERT AND UNDERBODY SCRAPER FROM QUINLAN'S EQUIPMENT, INC. AT A COST OF \$117,487.86. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

Finance, Wage & Salary

MOTION BY ALD. PELLETIER, SECOND BY ALD. GLEASON, TO APPROVE PAYMENT OF CLAIMS IN THE AMOUNT OF \$4,360,255.85. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. PELLETIER, SECOND BY ALD. SALZER, TO APPROVE REVISED POSITION DESCRIPTION FOR WATER/WASTEWATER UTILITY SUPERINTENDENT. 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. PELLETIER, SECOND BY ALD. PASZAK, TO POSTPONE ACTION ON RESOLUTION NO. 2011-01, AUTHORIZING THE DISSOLUTION OF TAX INCREMENTAL DISTRICT NO. 5. 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. PELLETIER, SECOND BY ALD. SALZER, TO APPROVE AMENDMENT TO 2010 FEDERAL SECTION 5311 CONTRACT. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. PELLETIER, SECOND BY ALD. KELLY, TO APPROVE 2009 PROPERTY TAX REFUND TO TROY COATES IN THE AMOUNT OF \$655.90 DUE TO ASSESSOR ERROR. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. PELLETIER, SECOND BY ALD. KELLY, TO APPROVE CONTRACT WITH THE RAPID CAB CO. FOR SHARED-RIDE TAXI SERVICE FOR 1/1/11-12/31/15. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. PELLETIER, SECOND BY ALD. FREUDENBERG, TO ADOPT RESOLUTION NO. 2011-02, REVISING CITY FEE SCHEDULE. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. PELLETIER, SECOND BY ALD. FREUDENBERG, TO REVISE CITY FEE SCHEDULE TO PROVIDE FOR CHANGE TO ENCLOSED SHELTER, \$150 DEPOSIT. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. PELLETIER, SECOND BY ALD. PASZAK, TO APPROVE PURCHASE OF HARDWARE AND SOFTWARE UPGRADES FOR NORTHWOOD GOLF COURSE FROM ABC COMPUTERS AT A COST OF \$14,550.00, WITH A BUDGET TRANSFER FROM THE GENERAL FUND NOT TO EXCEED \$3,476.00. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

Golf Course - Nothing to report.

Parks, Buildings & Grounds

MOTION BY ALD. BELLIVEAU, SECOND BY ALD. GLEASON, TO APPROVE CONTRACT WITH FIVE STAR FIREWORKS COMPANY, AT A COST OF \$8,000.00, FOR FIREWORKS DISPLAY ON JULY 4, 2011, WITH A RAIN DATE OF JULY 9, 2011. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

(A) MOTION BY ALD. BELLIVEAU, SECOND BY ALD. FREUDENBERG, TO APPROVE JOINT KIWANIS/CITY PIONEER PARK BASKETBALL COURT PROJECT.

MOTION BY ALD. BELLIVEAU, SECOND BY ALD. PASZAK, TO RESCIND PREVIOUS MOTION AND REFER THIS ISSUE TO THE NEXT MEETING OF THE PARKS, BUILDINGS & GROUNDS COMMITTEE ON JANUARY 31, 2011 AT 4:00 P.M. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

Planning Commission

MOTION BY ALD. BELLIVEAU, SECOND BY ALD. KELLY, TO APPROVE CERTIFIED SURVEY MAP FOR WHITE PINE COMMUNITY BROADCASTING, INC. AT 303 W. PROSPECT ST. 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. FREUDENBERG, SECOND BY ALD. BELLIVEAU, TO APPROVE SITE PLAN FOR WHITE PINE COMMUNITY BROADCASTING, INC. AT 303 W. PROSPECT ST. 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. FREUDENBERG, SECOND BY ALD. GLEASON, TO APPROVE SITE PLAN FOR O'REILLY AUTO PARTS ON LINCOLN STREET (RH 9105-1605). 8 AYE, 0 NAY; MOTION CARRIED.

Protection of Persons and Property

MOTION BY ALD. YOUNG, SECOND BY ALD. GLEASON, TO APPROVE THE LATE BARTENDER APPLICATIONS OF SAMANTHA BROWN, 3805 PINE GROVE DR; KELLY HEISE, 4431 HARMONY HILL LN; AND JENNIFER SEIDEL, 180 WESTHILL RD, APT. 3. 8 AYE, 0 NAY; MOTION CARRIED.

Water & Wastewater Utilities

MOTION BY ALD. PELLETIER, SECOND BY ALD. PASZAK, TO APPROVE RATIFICATION OF PAY REQUEST #13 IN THE AMOUNT OF \$1,737,273.83 FOR THE WASTEWATER TREATMENT PLANT PROJECT. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. PELLETIER, SECOND BY ALD. PASZAK, TO APPROVE BOYCE DRIVE WATER SUPPLY FOR THE NEW WASTEWATER TREATMENT PLANT. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. PELLETIER, SECOND BY ALD. SALZER, TO APPROVE PAYMENT IN THE AMOUNT OF \$5,870.00 TO MCCANN'S UNDERGROUND, INC., TO BE CONSIDERED FINAL PAYMENT ON ALL OUTSTANDING INVOICES UNTIL SUCH TIME AS MCCANN'S PROVIDES AN ITEMIZED TIME AND MATERIALS INVOICE. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

APPROVAL OF MINUTES

MOTION BY ALD. YOUNG, SECOND BY ALD. KELLY, TO APPROVE COMMON COUNCIL MEETING MINUTES OF JULY 6, 2010. 8 AYE, 0 NAY; MOTION CARRIED.

NEW BUSINESS

MOTION BY ALD. FREUDENBERG, SECOND BY ALD. SALZER, TO ADJOURN INTO EXECUTIVE SESSION PURSUANT TO §19.85(1)(e), WIS. STATS., TO APPROVE EXECUTIVE SESSION COUNCIL MEETING MINUTES OF JULY 6, 2010. 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. YOUNG, SECOND BY ALD. KELLY, TO AMEND THE EXECUTIVE SESSION MINUTES OF JULY 6, 2010 TO CORRECT THE SPELLING OF MARK PELLETIER'S NAME ON PAGE 2, AND TO APPROVE THE MINUTES AS CORRECTED. 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. KELLY, SECOND BY ALD. YOUNG, TO ADJOURN FROM EXECUTIVE SESSION AND RECONVENE IN OPEN SESSION. 8 AYE, 0 NAY; MOTION CARRIED.

MISCELLANEOUS BUSINESS AND FUTURE AGENDA REQUESTS – None.

ADJOURNMENT

MOTION BY ALD. KELLY, SECOND BY ALD. YOUNG, TO ADJOURN THE JANUARY 10, 2011 COMMON COUNCIL MEETING AT 7:35 PM. 8 AYE, 0 NAY; MOTION CARRIED.

Approved by

Received by

(A) JOINT KIWANIS/CITY PIONEER PARK BASETBALL COURT PROJECT

Brandon Karaba stated that the original plan was to take over the asphalt court closest to the cul de sac for a basketball court. There would be two glass backboards, which would be adjustable; they'd be left at 10' at this time. The basketball court would be 118' long, 51' wide. The budget is about \$20,000, with the Kiwanis covering most of it, and they would do fundraising for the rest. Brandon stated that he talked to Maureen O'Melia, and they looked at other locations. However, the Pioneer Park location is visible and family-friendly, due to the adjacent playground and ball fields. Brandon also mentioned the number of tennis courts versus basketball courts in the City. The High School has eight very nice tennis courts; they do use them during the school year for practices and tournaments, but they are available at other times for use by the public. There is also a court at Hodag Park, and there would be one court remaining at Pioneer after the basketball court was constructed. Brandon stated that there are currently no basketball courts in the City.

Maureen O'Melia stated that she is very much in support of what Kiwanis wants to do; however, the Pioneer Park tennis courts are heavily used. She stated that this plan won't work for the remaining tennis court at Pioneer, as the fence has to be 12' from the outside doubles line, and you need at least 45' fence-to-fence. Maureen noted that the tennis court closest to the cul de sac is the best tennis court. She thinks a basketball court is a great idea, but the tennis courts have been there forever. She has some petitions circulating; people are very concerned that this would be a takeaway. She stated that a basketball court is great, but why take a tennis court away to build one.

Sherrie Belliveau asked Brandon why they are set on this particular court. Brandon stated that it's closer to the power, resulting in a lower development cost. Sherrie noted that we will be investing \$25,000.00 in electrical upgrades at Pioneer Park. Bill Bell noted that we're also adding lights to the tennis courts, which would make it more accessible for tennis players at night. He noted that we originally discussed putting the poles outside the fence, to arch in over the fence; that was the original plan, and if that's now changing, we need to go back and look at it again.

It was noted that there are basketball courts at the Junior High School. Brandon stated that those courts are in a very poor location; they are located right next to houses, so lights there are not a good idea. Maureen asked about basketball court lights in Pioneer Park, affecting people who live on Oneida Ave. Brandon stated that the lights would be directed towards Barnes Street.

Joe Salzer noted the number of tennis courts we have in City parks: 2 at Pioneer, 1 at Hodag, 1 at Sarocka; there are no basketball courts in our parks. Joe noted that the School District makes their facilities available to the public, but asked if they are under any obligation to do so. He agreed that it's relevant to consider how many tennis and basketball courts the school provides, but that shouldn't be the basis of this decision if the School District is doing it now out of the goodness of their hearts, but could change their mind at any time. Joe stated that he would like to see a basketball court located in a City park.

Tim Phelan stated that he's an ex-basketball player, and asked why we haven't looked at the hockey rink area in Pioneer Park for a court location. Gunder Paulsen stated that he was approached just today by girls softball; they would like to put another field where the hockey rink is.

The Mayor asked if there's any way we could make it multi-purpose; he suggested that the net could be installed so that it's removable when needed for basketball, and reinstalled when needed for tennis. Brandon stated he has two concerns with that: 1) if some kids come in to play basketball when the net is up, would we leave it up to them to take the net down, and 2) if the nets are removable, they could be stolen.

Maureen also noted that next to a basketball court is not a good location for a tennis court, as tennis is a relatively quiet game, and it would be difficult to play with a basketball game going on right next door. Maureen asked Brandon where they play basketball now. He stated that some players use Central School, but that court is being torn out. He feels this

is a real need, as it's a constructive activity for kids. In response to comments about using Hodag Park, Brandon noted that lack of power, meaning higher development cost, and wind off the lake are issues.

Sonny Paszak stated that he's been involved with both tennis and basketball, and there's just no way you can put a basketball court next to a tennis court.

Sherrie Belliveau stated that she would be in favor of postponing any decision tonight, due to changes to the plan, which is very important. She also stated that everyone needs to remember that the City has no money available to do anything.

Mark Pelletier stated that he sees both sides, and gaining a basketball court would be great, but he doesn't want to see losing a tennis court either.