

**CITY OF RHINELANDER COMMON COUNCIL**  
**MONDAY, SEPTEMBER 12, 2011 - 6:00-7:45 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 (left at 6:35 p.m.), Gleason, Kelly, Paszak, Pelletier, Salzer and Young.

Others present: Mayor Dick Johns, Golf Course Superintendent Joe Andersen, Karen Kerber of Kerber Rose & Associates, Water/Wastewater Superintendent Tim Kingman, Public Works Director Randy Knuth, Ken Krall of WXPB, City Administrator Blaine Oborn, City Attorney Phil Parkinson, Parks Buildings & Grounds Director Gunder Paulsen, Assistant Water Superintendent Tim Phelan, Daniel Resch, Kyle Rogers of the Northwoods River News, Police Chief Mike Steffes and Fire Chief Terry Williams.

APPROVAL OF MINUTES

MOTION BY ALD. GLEASON, SECOND BY ALD. FREUDENBERG, TO APPROVE THE COMMON COUNCIL MEETING MINUTES OF 7/11/11, 7/20/11, 7/25/11 (AS CORRECTED), AND 8/8/11. 8 AYE, 0 NAY; MOTION CARRIED.

APPEARANCES BY CITIZENS – None.

CONSENT AGENDA

MOTION BY ALD. YOUNG, SECOND BY ALD. PELLETIER, TO APPROVE THE BARTENDER LICENSE APPLICATIONS OF BENJAMIN GAUTHIER, 616 THAYER ST AND DANIEL RESCH, PO BOX 1574; AND TO SET FOR PUBLIC HEARING ORD. 10-11, CONCEALED CARRY IN CITY BUILDINGS. 8 AYE, 0 NAY; MOTION CARRIED.

UNFINISHED BUSINESS AND PUBLIC HEARINGS – None.

COMMITTEE, BOARD AND COMMISSION REPORTS

Airport Commission – Nothing to report.

Animal Shelter Advisory Committee – Nothing to report.

Board of Public Works

MOTION BY ALD. PELLETIER, SECOND BY ALD. PASZAK, TO APPROVE PURCHASE OF 25,000 CUBIC YARDS OF GRAVEL FROM MUSSON BROS., INC. AT A COST OF \$167,500.00. 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 \$2,356,224.93. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. PELLETIER, SECOND BY ALD. BELLIVEAU, TO ADOPT RESOLUTION NO. 2011-19, RESOLUTION AUTHORIZING BUDGET TRANSFER OF \$21,440.53 FROM THE FINANCE DEPARTMENT TO THE ANIMAL SHELTER FOR EMPLOYEE WAGES AND BENEFITS. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. PELLETIER, SECOND BY ALD. SALZER, TO DENY LIABILITY CLAIM OF ROBERT HULBERT IN THE AMOUNT OF \$287.06 FOR STORM DAMAGE CAUSED BY TREE IN CITY RIGHT-OF-WAY. 8 AYE, 0 NAY; MOTION CARRIED.

(A) MOTION BY ALD. PELLETIER, SECOND BY ALD. YOUNG, TO AWARD BID FOR ASPIRUS ADDITION AT FIRE DEPARTMENT TO ALTMAN CONSTRUCTION OF WISCONSIN RAPIDS IN AN AMOUNT NOT TO EXCEED \$211,000 FOR BASE BID PLUS ALTERNATE #1. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

#### Golf Course

(B) MOTION BY ALD. PASZAK, SECOND BY ALD. YOUNG, TO APPROVE THE 2012 SEASON PASS FEES AND DAILY RATES. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. PASZAK, SECOND BY ALD. YOUNG, TO APPROVE POND REPAIR/RENOVATION BY MUSSON BROS., INC. AT NO COST TO THE CITY. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

#### Parks, Buildings & Grounds

MOTION BY ALD. BELLIVEAU, SECOND BY ALD. SALZER, TO APPROVE REPAIRS TO PIONEER PARK HISTORICAL COMPLEX BLACKSMITH BUILDING ROOF AT A COST NOT TO EXCEED \$2,150.00. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. BELLIVEAU, SECOND BY ALD. PASZAK, TO APPROVE PURCHASE OF NEW CEMETERY MOWER AT A COST OF \$4,708.90. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

#### Planning Commission

MOTION BY ALD. FREUDENBERG, SECOND BY ALD. GLEASON, TO APPROVE CONDITIONAL USE PERMIT FOR NORTH COUNTRY VINEYARD CHURCH, 130 S. STEVENS STREET, FOR THE PURPOSE OF LOCATING A CHURCH OR OTHER RELIGIOUS INSTITUTION ON THE PROPERTY. 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. BELLIVEAU, SECOND BY ALD. FREUDENBERG, TO ADOPT RESOLUTION NO. 2011-20, RESOLUTION DESIGNATING A SECTION OF RIVER ROAD AS WEST DAVENPORT STREET. 8 AYE, 0 NAY; MOTION CARRIED.

#### Protection Persons & Property

MOTION BY ALD. YOUNG, SECOND BY ALD. KELLY, TO APPROVE THE LATE BARTENDER APPLICATION OF RANSEY OSNESS, 111 N. ONEIDA AVE. 8 AYE, 0 NAY; MOTION CARRIED.

(C) MOTION BY ALD. YOUNG, SECOND BY ALD. GLEASON, TO APPROVE CLASS B BEER AND CLASS B LIQUOR LICENSE FOR ZIPPY'S PIZZA & BAKERY, 151 N. BROWN STREET (VICKI RICHTER, AGENT) BUT DIRECT THE CITY CLERK TO NOT ISSUE THE LICENSE UNTIL NOTIFIED BY THE FIRE CHIEF. 8 AYE, 0 NAY; MOTION CARRIED.

(D) MOTION BY ALD. PELLETIER, SECOND BY ALD. YOUNG, TO APPROVE ORDER TO RAZE 327 N. BROWN ST. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

MOTION BY ALD. YOUNG, SECOND BY ALD. GLEASON, TO APPROVE ORDER TO RAZE 218 SUTLIFF AVE. ROLL CALL: 8 AYE, 0 NAY; MOTION CARRIED.

(E) MOTION BY ALD. YOUNG, SECOND BY ALD. GLEASON, TO POSTPONE ORDER TO RAZE 410 EVERGREEN CT. 8 AYE, 0 NAY; MOTION CARRIED.

(F) MOTION BY ALD. YOUNG, SECOND BY ALD. GLEASON, TO APPROVE 2011 CITY DEER HUNT.

(Ald. Freudenberg left the meeting at 6:35 p.m.)

ROLL CALL VOTE ON MOTION: 7 AYE, 0 NAY, 1 ABSENT (FREUDENBERG); MOTION CARRIED.

### COMMUNICATIONS & PETITIONS

Karen Kerber of Kerber Rose & Associates made a presentation to the Council regarding the City of Rhinelander's 2010 financial audit.

#### Water/Wastewater Utilities

MOTION BY ALD. PELLETIER, SECOND BY ALD. PASZAK, TO AWARD BID FOR WATER UTILITY BUILDING ROOFING PROJECT TO NASI ROOFING, LLC OF MINOCQUA, WITH ALTERNATE #2, AT A COST OF \$31,483.00. ROLL CALL: 7 AYE, 0 NAY, 1 ABSENT (FREUDENBERG); MOTION CARRIED.

MOTION BY ALD. PELLETIER, SECOND BY ALD. GLEASON, TO APPROVE RATIFICATION OF PAY REQUESTS IN THE TOTAL AMOUNT OF \$769,759.68 FOR THE WASTEWATER TREATMENT PLANT PROJECT. ROLL CALL: 7 AYE, 0 NAY, 1 ABSENT (FREUDENBERG); MOTION CARRIED.

MOTION BY ALD. PELLETIER, SECOND BY ALD. SALZER, TO APPROVE CHANGE ORDER #10 IN THE AMOUNT OF \$11,291.00 FOR THE WASTEWATER TREATMENT PLANT PROJECT. ROLL CALL: 7 AYE, 0 NAY, 1 ABSENT (FREUDENBERG); MOTION CARRIED.

MOTION BY ALD. PELLETIER, SECOND BY ALD. PASZAK, TO ADOPT RESOLUTION NO. 2011-21, RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$987,631 SEWERAGE SYSTEM REVENUE BONDS, SERIES 2011, AND PROVIDING FOR OTHER DETAILS AND COVENANTS WITH RESPECT THERETO. ROLL CALL: 7 AYE, 0 NAY, 1 ABSENT (FREUDENBERG); MOTION CARRIED.

MOTION BY ALD. PELLETIER, SECOND BY ALD. SALZER, TO APPROVE SCOPE OF ENGAGEMENT WITH QUARLES & BRADY, LLP REGARDING THE ISSUANCE OF \$987,631 SEWERAGE SYSTEM REVENUE BONDS. ROLL CALL: 7 AYE, 0 NAY, 1 ABSENT (FREUDENBERG); MOTION CARRIED.

(G) MOTION BY ALD. PELLETIER, SECOND BY ALD. GLEASON, TO APPROVE CONTRACT WITH JAMES PETERSON & SONS IN THE AMOUNT OF \$546,144.40, ALONG WITH NO-COST CHANGE ORDERS FOR FEDERAL REGULATIONS ADDITION AND LOAN CLOSING, FOR THE KEMP STREET LIFT STATION PROJECT.

MOTION AND SECOND RESCINDED.

MOTION BY ALD. PELLETIER, SECOND BY ALD. GLEASON, TO POSTPONE APPROVAL OF CHANGE ORDERS ON KEMP STREET LIFT STATION PROJECT FOR FEDERAL REGULATIONS ADDITION AND LOAN CLOSING. 7 AYE, 0 NAY, 1 ABSENT (FREUDENBERG); MOTION CARRIED.

MOTION BY ALD. PELLETIER, SECOND BY ALD. GLEASON, TO DENY LIABILITY CLAIM OF LIBBY MOREAU IN THE AMOUNT OF \$167.76 FOR COSTS ASSOCIATED WITH SEWER BACKUP. 7 AYE, 0 NAY, 1 ABSENT (FREUDENBERG); MOTION CARRIED.

NEW BUSINESS

MOTION BY ALD. SALZER, SECOND BY ALD. YOUNG, TO APPROVE MAYORAL APPOINTMENT OF TERRY WILLIAMS TO THE GOLF COURSE COMMISSION, TO FILL THE UNEXPIRED TERM OF DON TORBENSON. 7 AYE, 0 NAY, 1 ABSENT (FREUDENBERG); MOTION CARRIED.

MOTION BY ALD. PELLETIER, SECOND BY ALD. PASZAK, TO APPROVE MAYORAL APPOINTMENT OF SHERRIE BELLIVEAU TO THE WATER & WASTEWATER UTILITIES COMMITTEE (REPLACING ALEX YOUNG). 6 AYE, 0 NAY, 1 ABSENT (FREUDENBERG), 1 ABSTENTION (BELLIVEAU); MOTION CARRIED.

(H) MOTION BY ALD. YOUNG, SECOND BY ALD. PASZAK, TO WAIVE PUBLIC HEARING AND ADOPT ORD. 11-11, MOVING OF BUILDINGS, AS AMENDED. 7 AYE, 0 NAY, 1 ABSENT (FREUDENBERG); MOTION CARRIED.

MOTION BY ALD. PELLETIER, SECOND BY ALD. BELLIVEAU, TO APPROVE PURCHASE OF EAGLE IIIIP BALLOT TABULATOR FROM THE CITY OF SHEBOYGAN AT A COST OF \$200.00. ROLL CALL: 7 AYE, 0 NAY, 1 ABSENT (FREUDENBERG); MOTION CARRIED.

- (I) MOTION BY ALD. YOUNG, SECOND BY ALD. BELLIVEAU, TO APPROVE PROCEDURE FOR ELECTED OFFICIALS TRAVEL & TRAINING TO PROVIDE THAT ALL SUCH TRAVEL & TRAINING MUST RECEIVE PRIOR APPROVAL BY THE FINANCE, WAGE & SALARY COMMITTEE, OR IF APPROVAL IS NECESSARY BEFORE THE COMMITTEE MEETS, THEN PRIOR APPROVAL BY THE COMMITTEE CHAIR IS REQUIRED. 7 AYE, 0 NAY, 1 ABSENT (FREUDENBERG); MOTION CARRIED.
- (J) MOTION BY ALD. YOUNG, SECOND BY ALD. GLEASON, TO APPROVE PROCEDURE FOR LIABILITY CLAIMS TO PROVIDE THAT ALL CLAIMS SHALL BE REVIEWED BY THE DEPARTMENT HEAD WITH THE CITY ADMINISTRATOR, WITH THE ADMINISTRATOR TO MAKE RECOMMENDATION OF APPROVAL OR DENIAL TO THE FINANCE, WAGE & SALARY COMMITTEE. 7 AYE, 0 NAY, 1 ABSENT (FREUDENBERG); MOTION CARRIED.

MISCELLANEOUS BUSINESS AND FUTURE AGENDA REQUESTS – Nothing to report.

ADJOURNMENT

MOTION BY ALD. GLEASON, SECOND BY ALD. YOUNG, TO ADJOURN THE COMMON COUNCIL MEETING OF SEPTEMBER 12, 2011 AT 7:45 PM. 7 AYE, 0 NAY, 1 ABSENT (FREUDENBERG); MOTION CARRIED.

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Approved by

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Received by

(A) AWARD BID FOR ASPIRUS ADDITION AT FIRE DEPARTMENT

Terry Williams advised that \$211,000 is the base bid plus the alternate bid for bathroom repairs. He noted that after the Finance meeting, he spoke with Al Szymanski of MSA regarding items we can omit in order to reduce the cost. Terry stated that he and Al are both confident we should not have to touch the \$8,000 contingency allowance. In addition, they believe the keyless entry and paging system will come in well under the budgeted amount. Terry stated that he is anticipating at this time that the project will cost \$10,000-\$15,000 less than the \$211,000 bid amount. He noted that the cost of this project will be covered through our contract with Aspirus, which now provides for \$2,000.00 per month in rent.

(B) 2012 SEASON PASS FEES AND DAILY RATES

The rates are as follows:

Single Unlimited	695.00
Single Weekday	525.00
Single Twilight	425.00
Single Unlimited w/ Cart	1,060.00
Single Cart	450.00
Couple Unlimited	995.00
Couple Weekday	825.00
Couple Twilight	625.00
Couple Unlimited w/ Cart	1,695.00
Couple Cart	750.00
Junior	140.00

(C) CLASS BLB LICENSE FOR ZIPPY'S (VICKI RICHTER, AGENT)

Terry Williams noted that this establishment, previously owned by Judd Sturm, still has one issue outstanding from the inspection; there is a vent that needs work, and it still has not been fixed. Terry did not know if the new owners were aware of this issue.

(D) ORDER TO RAZE 327 N. BROWN STREET

Terry Williams noted that we attempted to work with the property owner through the CDBG Program; however, the owner didn't follow through. Since that time, the owner has filed bankruptcy, and there have been no tenants in the building for more than a year. The structure has openings in the basement and animals are going in and out of the building. Terry noted that following the PPP meeting, he received a call from the Realtor who has the property listed; she was hoping to have another month to try to sell the property to someone who would be able to repair it. Terry did advise her of the Council meeting tonight, but she is not present. Terry stated that the rule of thumb is to raze buildings where the cost of repair is greater than 50% of the value; in this case, it would take three or four times the value to make the repairs that are necessary. He stated that unless there was a buyer today with a written plan for repairs, he would recommend approving the raze order.

(E) ORDER TO RAZE 410 EVEGREEN COURT

Terry stated that he went back to the property last week, and the majority of the garbage has been cleaned up. He noted that new tenants have moved into the downstairs unit. Terry advised that he has still heard nothing

from the property owner, who indicated at PPP that he would contact Terry to work with him on a plan for repairs. Terry would like to postpone action at this time, and bring it back to the next PPP meeting.

(F) CITY DEER HUNT

Alex Young stated that we did this for several years, then took a break last year; we've had some calls from residents experiencing renewed problems with deer in their yards, so we're working with the DNR to get the program going again. Mike Steffes stated that because of DNR staff changes, with the retirement of Ron Eckstein, we're still trying to determine who we need to work with on this. Mike noted that the kill was 55 in 2007, 37 in 2008, and 17 in 2009.

Sherrie Belliveau asked if anyone recalls what the administrative cost for this program was. Tom Gleason noted that Lisa Kuczmariski reported at the last Finance Committee meeting that there would be about \$7,000 in overtime costs for her to run the program. Tom asked if there is any way to charge for the permits to help defray some of the cost. Mike Steffes stated that we were previously told by the DNR that we cannot charge anything.

Mayor Johns stated that we need to take a look at this, because there was never any overtime cost for this program until Bill Bell took over. Alex Young stated that he believes there was some grant money to help fund the program for the first year. Mike Steffes asked Phil Parkinson if he knows of any methods that would allow us to generate some revenue for the program, such as charging for background checks; Phil stated that he would have to research it.

Sherrie Belliveau stated that she understands we will have some administrative costs, but she would like to see this done without incurring overtime.

(G) KEMP STREET LIFT STATION PROJECT

Ald. Pelletier made a motion, which was seconded by Ald. Gleason, to approve a contract with James Peterson & Sons for the project, along with no-cost change orders for Federal regulations addition and loan closing. It was noted that while the change orders were listed on the agenda, the contract award was not; therefore, no action could be taken at this meeting. Ald. Pelletier then rescinded his motion, and Ald. Gleason rescinded his second. The Council agreed to hold a special meeting Thursday, September 15<sup>th</sup> at 5:00 p.m. to address this issue. Ald. Pelletier then made a motion, which was seconded by Ald. Gleason, to postpone approval of the change orders until that time.

(H) ORD. 11-11, MOVING OF BUILDINGS

Terry Williams requested that the ordinance be amended to change "Fire Chief" to "Inspection Department Administrator."

(I) PROCEDURE FOR ELECTED OFFICIALS TRAVEL & TRAINING

Mark Pelletier stated that an elected official was recently reimbursed for attending a luncheon when the travel & training budget was already over by \$120.00. When discussed by the Finance Committee, it was determined that a formal procedure is needed. The Finance Committee agreed that all requests must come to the Committee for approval. If there is insufficient time for full Committee approval, the request must be approved by the Committee Chair.

(K) PROCEDURE FOR LIABILITY CLAIMS

Mark Pelletier stated that the Finance Committee recently learned we did not have a procedure for handling liability claims. Mayor Johns stated that there always was a procedure. Sherrie Belliveau agreed, noting that the procedure was arbitrarily changed by the previous City Administrator, without the knowledge or consent of the Council.

Mary Richardson explained that the procedure was for all Department Heads to meet once each month to review liability claims. The Department Heads then made a recommendation on each claim to the Finance, Wage & Salary Committee, which then took action regarding recommendation to the Council. Joe Andersen stated that he was never comfortable with that procedure, because as Golf Course Superintendent, he didn't feel qualified to make recommendations regarding claims for other departmental issues, such as sewer backups.

Blaine Oborn asked if our liability insurance carrier acts as our adjuster in these matters. Phil Parkinson noted that we have a \$17,500 self-insured retention, so the majority of claims we receive wouldn't be paid by CVMIC anyway. Although CVMIC will provide informal assistance, they won't act as an adjuster in these matters. Phil noted that CVMIC actually recommended that the claims be reviewed by all Department Heads, so that everyone would be more aware of what activities could result in claims against the City, to assist with loss prevention.

Sherrie Belliveau stated that the Finance Committee's concern is that there were claims being paid that should not have been paid, and the Committee wants to make sure that they are aware of all liability claims brought against the City.