

**Minutes of the Committee of the Whole meeting held on
Tuesday, August 8, 2017 pursuant to notice duly given.**

1. Meeting called to order at 6:00 p.m. by Mayor Heier.
2. Roll call: Mayor Heier, Kim Bronikowski, Al Schreiber, Dean Reed, Bob Le Breck, Roger Reed, Jean Feldt, Attorney Calvert
Also present: Police Chief Bernie Faith, Park & Recreation Director John Bostedt, Building Inspector Joe Last, Fire Chief John Reed, Superintendent of Public Works Jeremy Wusterbarth, Administrator Sara Perrizo as recording secretary and other interested parties.

3. Approval of Agenda
Moved by Schreiber, seconded by Bronikowski to approve the agenda.
Motion carried upon verbal voice vote.

6 ayes

4. Correspondence/Public Appearances

Perrizo informed that the auditors will be presenting the 2016 audit results at the City Council meeting.

Le Breck stated that he saw a person putting their garbage into the garbage can at Freedom Park and asked that this be monitored. Also, there was an ATV driving down Main Street recently and he asked that this be monitored as well. Finally, Le Breck gave kudos to the Parks, Fire, Police and Building Inspection departments.

J. Reed stated that the fire department would like to put a boat launch in somewhere near the middle of the city, to increase their response time for water rescues. The perfect spot to do this is near the old hospital as there is already a launch there and a gate and dock are all that will be needed. Wusterbarth will work on this with his crew. This launch will be for emergency use only.

Faith informed that September 24-30 is National Railroad Safety Week and the railroad has asked that a proclamation be signed showing support for this.

Victoria Bostedt, 224 Third Street, has some problems with the Police Department. The fountain downtown was recently destroyed "right under the nose" of the department. Bostedt opined that vandalism is out of control in the city and crimes are not getting solved. There has also been recent vandalism in the walking tunnel and at Copper Culture Park. Bostedt feels that new leadership should be brought in to the Police Department and she asked the Council to be involved.

5. Discussion/Recommendation on:

- a. Reappointment of Mike Pecor and Kathy Olson to the Zoning Board of Appeals

Le Breck has concerns about the Zoning Board of Appeals as they have allowed variances for people who have built without a permit. In situations such as those, there should be a heavy

fine for the property owner and we need people on the Board of Appeals who will enforce this. Schreiber agrees and also reminded the Committee that the Board of Appeals has the final decision on these matters. We need people on there with strong personalities.

Moved by Schreiber, seconded by R. Reed to decline the reappointment of Mike Pecor and Kathy Olson to the Zoning Board of Appeals.

Motion carried upon electronically recorded vote.

6 ayes

- i. Appointment of Ronney Daul to the Board of Public Works

Moved by Schreiber, seconded by Bronikowski to approve the appointment of Ronney Daul to the Board of Public Works.

Motion carried upon electronically recorded vote.

6 ayes

- b. Alcohol Beverage License Applications, Applications for Temporary Class B Retailer's License, Applications for License to Serve Fermented Beverages and/or Intoxicating Liquor and Appointment of Agents

Mayor Heier read the list of applications aloud and Chief Faith stated that he has no objections.

Moved by Feldt, seconded by Schreiber to approve the Applications for Temporary Class B Retailer's License and Applications for License to Serve Fermented Beverages and/or Intoxicating Liquor.

Motion carried upon electronically recorded vote.

6 ayes

- c. Building Inspection Report

Last stated that 45 permits were issued in July and 193 permits have been issued year-to-date, with a project value of \$3.7 million. Regarding the issues with the covenants in the industrial park, progress is being made. There is only one business that has not followed their established agreement and that will be corrected soon.

Regarding shoreland setbacks in the City, the recently adopted ordinance requires a setback of 50 feet from the high water mark. This was put into place at the direction of the DNR. However, Last recently discovered that this restriction only applies to land that was annexed by the City after 1982. All other land follows the setbacks of the zoned district. Therefore, residents can build up to 15 feet from the high water mark on the Bay Shore. It is the responsibility of the owners to determine if this setback is feasible for their property.

Schreiber asked about driveways that slope toward the road, thus allowing water to run from them to the road. Last stated that the front yard required setback is now 25 feet, which gives enough room to slope the driveway toward the property and not the road.

- d. Accounts Payable for the Month of July 2017 in the Amount of \$369,930.67, Payroll for the Month of July 2017 in the Amount of \$147,486.79 and Other Financial Reports as Presented

Le Breck asked about the per diem for the Board of Review members. Perrizo explained that this per diem was not eliminated because the Board meets only once per year and is required to remain in session for a minimum of two hours.

Moved by Schreiber, seconded by Feldt to approve the accounts payable for the month of July 2017 in the amount of \$369,930.67, payroll for the month of July 2017 in the amount of \$147,486.79 and other financial reports as presented.

Motion carried upon electronically recorded vote. 6 ayes

- e. Resolution Honoring the Life and Sacrifice of U.S. Army PFC Valentine T. Warrichaiet

Perrizo explained that she and Mayor Heier were approached by Clyde Bridger, who was a close friend of PFC Warrichaiet. Warrichaiet served in the Korean conflict and was killed in the line of duty. Bridger is asking the State to rename the bridge on Highway 41 that crosses the Oconto River in honor of Warrichaiet and is asking the Council for support of this request.

Moved by Feldt, seconded by Bronikowski to approve the Resolution Honoring the Life and Sacrifice of U. S. Army PFC Valentine T. Warrichaiet.

Motion carried upon electronically recorded vote. 6 ayes

- f. Resolution for the Submission of a Harbor Assistance Grant Application

Perrizo explained that this is for the resubmission of the grant application for the bed load interceptor. There is no cost for the writing of this application as Foth wrote the application last year and has a guarantee of success or they will resubmit at no cost.

Moved by Schreiber, seconded by Feldt to approve the Resolution for the Submission of a Harbor Assistance Grant Application.

Motion carried upon electronically recorded vote. 6 ayes

- g. Preliminary Resolution Declaring Intent to Exercise Special Assessment Police Powers Under Wisconsin Statutes 66.0703 for Charles Street

Perrizo explained that this is the initial resolution for sidewalk assessments on Charles Street. The public hearing will be held in September.

Moved by D. Reed, seconded by Feldt to approve the Preliminary Resolution Declaring Intent to Exercise Special Assessment Police Powers under Wisconsin Statutes 66.0703 for Charles Street.

Motion carried upon electronically recorded vote.

6 ayes

- h. Update on Library Step Repairs

Wusterbarth informed that the work on the steps will begin next week and will take approximately one week to complete. Bronikowski asked if the marble will be kept on the steps. Wusterbarth explained that the steps will have to be made to comply with State code, but the intention is to paint and stamp the concrete to look as though nothing was changed.

- i. Approval of Engineering Agreement with Robert E. Lee for McDonald Street

Wusterbarth stated that the work on McDonald Street will be done in 2018. The planning for the project will be done by the end of 2017, with bids ready for January 1, 2018.

Moved by Schreiber, seconded by D. Reed to approve the engineering agreement with Robert E. Lee for McDonald Street.

Motion carried upon electronically recorded vote.

6 ayes

- j. Approval of Engineering Agreement with Robert E. Lee for Lindsay Avenue, Washburn Avenue and Van Hecke Avenue

Wusterbarth explained that this project is scheduled for 2019.

Moved by D. Reed, seconded by Le Breck to approve the engineering agreement with Robert E. Lee for Lindsay Avenue, Washburn Avenue and Van Hecke Avenue.

Motion carried upon electronically recorded vote.

6 ayes

- k. Approval of Engineering Agreement with Robert E. Lee for Doran Avenue

Wusterbarth explained that due to the safety issues with the school on Doran, grant money may be available for this project. Currently a LRIP grant is being written with the County. This work will be done in 2019 or 2020 and will be a shared cost with the Town of Oconto. If received, the grant would cover 50% of the project.

Moved by D. Reed, seconded by Schreiber to approve the engineering agreement with Robert E. Lee for Doran Avenue.

Motion carried upon electronically recorded vote.

6 ayes

- l. Approval of Quote from Struck & Irwin for Spray Patching & Micro-Surfacing City Streets in the Amount of \$23,488.95

Wusterbarth explained that this is a maintenance treatment for the asphalt. It came out approximately eight years ago and Wusterbarth has checked with many other places that have used it with success. This will allow roads to last an additional 10-14 years. The roads that are

scheduled to receive the treatment are Acorn Trail, Timber Trail, Kord Court, Stephen Place, Washington Street and Superior Avenue. The money for this will be taken from budgeted funds.

Moved by R. Reed, seconded by Feldt to approve the quote from Struck & Irwin for spray patching & micro-surfacing city streets in the amount of \$23,488.95.

Motion carried upon electronically recorded vote.

6 ayes

- m. Approval of Street Closure Request from Oconto Area Chamber of Commerce for September 30, 2017

Perrizo stated that this is for Harvestfest. Mayor Heier stated that all businesses have been contacted and are in favor of this.

Moved by Le Breck, seconded by D. Reed to approve the street closure request from Oconto Area Chamber of Commerce for September 30, 2017.

Motion carried upon electronically recorded vote.

6 ayes

- n. Approval of Quote from Water Well Solutions for Recommended Repairs to Well #7

Wusterbarth has also received a second quote for this work and would like the motion to allow expenditure not to exceed the quote from Water Well Solutions. The money for the repairs will be taken from the equipment replacement fund.

Moved by D. Reed, seconded by Schreiber to approve the repairs to well #7 in an amount not to exceed \$72,920.

Motion carried upon electronically recorded vote.

6 ayes

- o. Approval of Changes to Chapter 2 of the City of Oconto Code of Ordinances Section 9-2-11

Wusterbarth explained that the DNR is currently reissuing all treatment plant permits. In order to have the Utility's permit renewed, this language must be added to the ordinance.

Moved by D. Reed, seconded by Feldt to approve changes to Chapter 2 of the City of Oconto Code of Ordinances Section 9-2-11.

Motion carried upon electronically recorded vote.

6 ayes

- p. Approval to Allow Tables to be Placed on Main Street Sidewalks for Restaurant Use

Mayor Heier explained that this was brought to him by several businesses who would like to place one or two tables in front of their business for use by their customers. The tables will be small and there will still be room to walk by them. Le Breck asked why just Main Street would be approved and not other streets. Wusterbarth explained that businesses on other streets do this, but the tables are not placed in the city right-of-way. Schreiber noted that no liquor will be

allowed to be consumed at these tables. Perrizo reiterated that liquor can only be consumed on private property and not in the city right-of-way.

Moved by Schreiber, seconded by Feldt to approve allowing tables not to exceed 36" in size to be placed on Main Street sidewalks for restaurant use, with the condition that the tables be removed during non-business hours.

Motion carried upon electronically recorded vote. 6 ayes

- q. Approval of Amendment to Ordinance Section 13-1-200 – Accessory Uses or Structures

Perrizo explained that the current ordinance allows accessory buildings only to be as tall as the primary structure. This does not provide consistency throughout the city. The proposed ordinance allows accessory buildings to be as tall as 21 feet, regardless of the height of the primary structure. Last noted that this will make everything fair and consistent throughout the city.

Moved by Feldt, seconded by Bronikowski to approve amendment to Ordinance Section 13-1-200 – Accessory Uses or Structures.

Motion carried upon electronically recorded vote. 6 ayes

- r. Approval of Ordinance Regarding Vacant Buildings Located in the City of Oconto

Last explained that this will hold responsible all banks, mortgage companies, financial institutions, etc for the maintenance of any home and property that they own. The ordinance would require them to register with the Building Inspector all homes that are vacant. Calvert stated that this is so that City knows when homes are taken on foreclosure.

Moved by D. Reed, seconded by Bronikowski to approve ordinance regarding vacant buildings located in the City of Oconto.

Motion carried upon electronically recorded vote. 6 ayes

- s. Mayor Heier stated that the Committee may vote at approximately 6:50 p.m. to convene into Closed Session pursuant to notice duly given and as allowed by Wis. Stats. 19.85(1) (e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session

- i. Rental Properties in the City

Moved by Schreiber, seconded by Bronikowski to enter into closed session at 6:50 p.m.

Motion carried upon electronically recorded roll call vote. 6 ayes

Also present in closed session: Joe Last, Sara Perrizo

- t. **Moved by Schreiber, seconded by Bronikowski to return to open session at 7:08 p.m.
Motion carried upon verbal voice vote.** **6 ayes**

 - u. Action/Discussion on Matters from Closed Session
None.
6. **Moved by Le Breck, seconded by Schreiber to adjourn at 7:09 p.m.
Motion carried upon verbal voice vote.** **M/C**

Respectfully Submitted,
Sara J. Perrizo
Administrator