

CITY OF BRODHEAD COMMON COUNCIL MINUTES
TUESDAY, DECEMBER 17TH, 2013 7:00 P.M.

Present: Mayor Pinnow, Alderman Nyman, Coplien, Peterson, Bernstein, Vickers, and Schimian. Also present are Clerk Meixelsperger, and City Attorney Jamie Olson.

Mayor Pinnow called meeting to order at 7:00 PM

Roll call shows everyone present. Mayor requested moving three agenda items up to accommodate visitors for those agenda items. There were no objections by Council.

Previous Minutes: Motion by Schimian, seconded by Vickers to approve minutes from December 9th, 2013. All ayes. Motion carried.

Attorney's Report: b) Raze order at 1104 – 13th Street debris removal discussion and possible action. Ken and Lori Malcook were present in the audience. Attorney Olson stated the Malcook's would like to delay the removal of the debris due to the cold weather. The property burn by the Fire District was performed on December 7th. Motion by Bernstein to extend the completion of the raze or repair order for the building at 1104 – 13th Street to amend the date to weather permitting. Second by Peterson. All ayes. Motion carries.

Audit Committee: Presentation of 2012 audit by Natalie Rew of Wegner CPAs. Rew gave each Council member the 2012 Audit report and required letters. Rew stated that these documents had been reviewed by the Finance and Audit Committee in detail. Wegner has issued a clean, unqualified opinion. Regarding internal controls – Rew stated there is an overall positive control environment. There were three (3) material weaknesses communicated to management for review. Rew next reviewed the unassigned General Fund balance. Wegner recommends an unrestricted fund balance equivalent of at least 16.66% of general operating fund expenditures. General Obligation Debt was reviewed. The City has general obligation debt outstanding at December 31, 2012 of \$4,014,809.

Public Safety: Discussion of truck parking Chief Tom Moczynski stated that truck parking permits were discontinued in 2013. The permit system had allowed trucks to deviate from the truck routes to go home. Part of the rationale for discontinuing the permits is that there is a private truck parking lot in the City. This private lot doesn't have electricity. Request was made by the truckers that this issue be brought to Council to ask for the truckers to park in their driveways for the winter months of November thru April when truckers are required to plug in. Alderman Coplien stated he is looking for a winter variance since there isn't any electricity at the private lot. Coplien stated that he and the Clerk will approach the owner of the private lot to consider the use of TIF funds to get the electricity in place to eliminate the problem. Attorney Olson stated that several of the truck drivers have been applying for zoning variances with the Board of

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Appeals in order to park in their driveways and plug in during the winter months only. Chief Moczynski stated police biggest challenge is when the variance is applied for; police have to deny it because the truck driver would be breaking the law to drive on non-truck routes to get to the property granted the variance. If the City Board of Appeals continues to grant the variances, what mechanism does the police department have to prevent enforcing the ordinances. Attorney Olson stated that if the truck drivers are driving off the truck route to get there, they could get a ticket. Recommends continue with the zoning variance request. Several truck drivers in the audience commented. Attorney Olson stated the Council could pass an ordinance similar to the former Section 10-1-11(h) street parking or driveway parking with a permit. Suggestion is that Public Safety researches that option and makes a recommendation to Council. Attorney Olson stated that the laws require truck drivers to stay on truck routes. Practical concern is it creates confusion. If the Building Inspector receives complaints, he will refer it to the Police Department, and they will be ticketed. Attorney Olson stated the zoning variance doesn't cover the enforcement issue.

Alderman Coplien made a motion to direct the City Attorney to work with Public Safety and the Police Chief for an ordinance to allow street or driveway parking during the winter months. Second by Schimian. Roll call: All ayes. Motion carries

Finance Committee: November vouchers were presented as follows: BID Fund Checks 1241 thru 1242 in the amount of \$776.88; Sewer Fund Checks 6973 to 6995 in the amount of \$58,222.07; General Fund Checks 71431, 71444 to 71533 in the amount of \$264,435.49 and Park Fund Check 194784 in the amount of \$4,275.68. Motion by Nyman to approve vouchers as presented. Second by Peterson. Roll call: All ayes. Treasurer's Report for November was presented. Motion to approve report as presented by Bernstein. Second by Schimian. Roll call: All ayes. Motion carries.

Discussion on providing Budget to Actual monthly reports to Council: Clerk stated that Audit Committee had discussed providing Budget to Actual reports monthly or as requested to Council. Council agreed monthly distribution would be acceptable.

Buildings & Grounds: Discussion and possible action of "Old Library" Building located at 902 W 2nd Avenue contract listed with First Center Realty by Barb Krattiger, Realtor. Clerk stated she has been communicating with a party who is placing an offer to purchase with a contingency that it will depend on a Board of Appeals zoning variance to change the building from R3 to Commercial. Clerk stated she has received the Board of Appeals application. Krattiger stated she also has an interested undisclosed party. The listing contract will expire soon. Motion by Schimian to extend the listing for another six months. Second by Vickers. Roll call: All ayes. Motion carries.

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Public Works: 17th Street project nominal payment parcel report by Peter Miesbauer.

Mayor stated having posted a need for a Closed Session per WI State Statutes Sec. 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds to consider 17th Street project nominal payment parcel report.

Motion by Schimian to enter closed session. Second by Bernstein. Roll Call: All ayes. Motion carries.

Motion by Bernstein to return to open session. Second by Nyman. Roll Call: All ayes. Motion carries.

Motion by Schimian to approve the nominal payment parcel report for the 17th Street project. Second by Peterson. Roll call: All ayes. Motion carries.

Personnel: Mayor stated having posted a need for a Closed Session per WI State Statutes Sec. 19.85(1)(c) to consider Police Union collective bargaining agreement.

Motion by Vickers to enter closed session. Second by Peterson. Roll call: All ayes. Motion carries.

Motion by Schimian to return to open session. Second by Coplien. All ayes. Motion carries.

Mayor stated there was no action taken in closed session.

Mayor Report: a) Future Agendas – no additions
b) Committee updates. Mayor stated they are still seeking candidates for Plan Commission.
c) Review of Alderman attendance at meetings per Resolution No. 11 26 2012. No discussion.

Attorney Report: a) Review and possible action on closure of TID #3. Attorney Olson directed Council attention to Resolution Dissolving Tax Increment District No. 3 and Authorizing City Treasurer to Distribute Excess Increment to Overlying Taxing Districts. Attorney Olson stated the resolution will dissolve TID #3. Kuhn North America is in the process of doing some construction, and are seeking to do a lot line readjustment. The adjustment would put a portion of the parcel in TID #3, and a portion outside of it. Plan Commission discussed dissolving TID #3. The dissolution would put property back into the general tax roll, and allow the continued construction and the lot line adjustment. In the future, Kuhn North America is acquiring some property to the west, and looking in the future to

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eliminating and changing lot lines as part of that development. Mayor stated Kuhn has used TID #3 financing in the past. The dissolution of the TID is the simplest solution to their development. Motion by Schimian to approve Resolution dissolving Tax Increment District No. 3 and authorizing City Treasurer to distribute excess increment to overlying taxing districts. Second by Peterson. Roll call: All ayes. Motion carries.

Adjournment: Motion to adjourn by Peterson. Second by Coplien. All ayes. Motion carries. Adjourned at 9:20 p.m.

Minutes by Clerk Meixelsperger.

Douglas A. Pinnow, Mayor approved this 13th day of January, 2014.