

**CITY OF WAUPACA
COUNCIL PROCEEDINGS**

**REGULAR MEETING
COUNCIL CHAMBERS, CITY HALL**

**TUESDAY AUGUST 6, 2019
6:02 P.M.**

1. CALL TO ORDER

Pursuant to regulations, the Common Council of the city of Waupaca met on the above date and time.

2. PLEDGE OF ALLEGIANCE

3. CLERK TO READ OPEN MEETING STATEMENT

Sandy Stiebs, City Clerk stated this meeting and all other meetings of the Common Council are open to the public. Proper notice has been posted and given to the Press, in accordance with Wisconsin State Statutes so that the citizens may be aware of the time, place, and agenda of this meeting.

4. ROLL CALL

Present: Mayor Brian Smith, Alderpersons Steve Hackett, Lori Chesnut, Paul Hagen, Alan Kjelland, Scott Purchatzke, Dave Peterson, Dmitri Martin, Mary Phair and Eric Olson

Absent: Ald. Paul Mayou, excused

A quorum was declared.

Also Present: Sandy Stiebs, City Clerk, Kathy Kasza, Finance Director/Treasurer, Peg Burington, Library Director, City Attorney Tom Hart, Justin Berrens, Public Works Director, Andrew Whitman, Parks and Recreation Director, Captain John Helgeson and Josh Werner, IT Community Media Director

5. APPROVAL OF CONSENT AGENDA

All items listed below are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member or City staff so requests it, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda. The items selected for the Consent Agenda are as follows: Regular and Special Meeting Minutes, Monthly Income Report for the Parks and Recreation Department, Airport Hangar Reports, Monthly Department Head Reports, Payrolls and Bills, Quarterly Weights and Measures Reports, Quarterly Room Tax Reports, Second Reading of Ordinances, if received a unanimous recommendation at the previous meeting, project invoices for projects previously approved by City Council, any low bid budgeted operating or capital expenditure under \$25,000 approved by the appropriate Board or Committee and any expenditure of non-city funds that received a unanimous recommendation.

**A) PAY REQUESTS AND CHANGE ORDERS, INVOICES FOR
PROJECTS/CONTRACTS HAVING PRIOR COUNCIL APPROVAL AND
ANY OTHER INVOICES THAT MAY COME BEFORE THE COUNCIL:** none

B) MONTHLY/QUARTERLY/ANNUAL REPORTS:

1. Waupaca County Economic Development Corp. Monthly Report for July 2019

C) APPROVAL OF BILLS – CITY GENERAL, WATER, SEWER, AND SPECIAL FUNDS

D) MEETING MINUTES:

1. WAUPACA HISTORICAL SOCIETY
 - Minutes of a Regular Meeting on June 6, 2019
2. SENIOR CENTER ADVISORY BOARD
 - Minutes of a Regular Meeting on July 16, 2019
3. WAUPACA AREA PUBLIC LIBRARY BOARD
 - Minutes of a Regular Meeting on July 17, 2019
4. COUNCIL PROCEEDINGS
 - Minutes of a Regular Meeting on July 16, 2019

Under No. 6 Consent Agenda, Letter C, the List of Bills were uploaded to the city website.

MOVED by Ald. Kjelland, **SECONDED** by Ald. Martin, Council **APPROVES** of the Consent Agenda as amended. 9 ayes, 0 nays, 1 absent. **MOTION CARRIED ON A VOICE VOTE.**

6. REGULAR AGENDA

MOVED by Ald. Hagen, **SECONDED** by Ald. Olson, Council **APPROVES** of the Regular Agenda as presented. 9 ayes, 0 nays, 1 absent. **MOTION CARRIED ON A VOICE VOTE.**

7. NON-AGENDA ITEMS AND ANNOUNCEMENTS

A. ANNOUNCEMENTS AND CORRESPONDENCE:

1. **Certificate of Appreciation to Michael Walkush for 10 years of service to the city** – Michael Walkush was not present Public Works Director Justin Berrens will give him his certificate.
2. **Proclamation 2019 – Arts Appreciation Month** – Mayor Smith read Proclamation 2019 – Arts Appreciation Month into the record. Anita Olson, Arts Board Member said this is the 13th year the Waupaca Community Arts Board has been celebrating “Arts on the Square” and then described the weeklong programs that are scheduled for “ARTicipation Week”. Marci Reynolds thanked the city for the Street Department’s assistance with the “Crosswalk Paintings” and for their assistance with street closings, adding that they have received a lot of great feedback and comments. Steve Laedtke thanked the city and Parks and Recreation Director Andrew Whitman for their support of the “Summer Night Concert Series”, which is currently in its fourth year at South Park.

B. PUBLIC INPUT-NON AGENDA ITEMS:

1. Ald. Dave Peterson thanked the Public Works Department and the Parks and Recreation Department for their hard work cleaning up the city after the recent storm.

8. UNFINISHED BUSINESS: none

9. NEW BUSINESS:

a. Granite Street Design LSL Engineering Contract Approval – Justin Berrens, Public Works Director

Justin Berrens, Public Works Director explained that the reconstruction of Granite Street from Harrison Street to Main Street is scheduled for 2020. There are lead goosenecks present on the water service lines being served by the Granite Street water main. The WDNR Lead Service Line (LSL) Program will fund the replacement of the service lines on private property. In 2017, the city secured a \$200,000 Safe Drinking Water Loan Program (WDWLP) with \$80,000 being used on the Lake Street Project and the remaining funds are planned to be used to replace private lead service lines on Granite Street. Mr. Berrens said that since Cedar Corporation provided the consulting and design for the Lake Street LSL Project, they have prepared the required federal and state forms and they are familiar with the appropriate WDNR procedures he has only requested one proposal from Cedar Corporation to work on the Granite Street LSL Project.

MOVED by Ald. Kjelland, **SECONDED** by Ald. Purchatzke, Council **AWARDS** Cedar Corporation of Green Bay the City's Granite Street Lead Service Line Replacement Design Services in an amount not to exceed \$12,500, which will be reimbursed by the Department of Natural Resources (DNR). **ON A CALL OF THE ROLL** Ald. Hackett, Ald. Purchatzke, Ald. Phair, Ald. Peterson, Ald. Olson, Ald. Kjelland, Ald. Hagen, Ald. Chesnut and Ald. Martin voted aye, 0 nays, 1 absent. **MOTION CARRIED ON A ROLL CALL VOTE.**

b. Granite Street Design Engineering Contract Roadway Approval – Justin Berrens, Public Works Director

Public Works Director Justin Berrens explained that the reconstruction of Granite Street from Harrison Street to Main Street is scheduled for 2020. The capital plan has budgeted \$50,000 for design services in 2019 and \$595,000 is budgeted for construction in 2020, included in these budgetary numbers is the reconstruction of the parking lot on the corner of Washington Street and Granite Street. The alleyway reconstruction was added as an alternate proposal and the city has budgeted \$340,000 for alley reconstruction in 2020, but no funds for design. Mr. Berrens said that a design request for proposal (RFP) was sent to qualified firms with four firms submitting proposals. The city has secured a Local Road Improvement Program (LRIP) grant of \$50,000 through Waupaca County, a \$200,000 Safe Drinking Water Loan Program (SDWLP) was secured in 2017 which approximately \$80,000 was used on the Lake Street Project and the remaining funds are planned to be used to replace private lead service lines on Granite Street. He asked Council to award the Granite Street Design Engineering contract to Cedar Corporation of Green Bay. Ald. Martin commended Mr. Berrens for obtaining four bids for this project.

MOVED by Ald. Chesnut, **SECONDED** by Ald. Martin, Council **AWARDS** Cedar Corporation of Green Bay, the Granite Street Design Services Contract from H. Harrison Street to N. Main Street, Parking Lot Design at N. Washington Street and Granite Street, and alleyway design from W. Badger Street to Granite Street in an amount not to exceed \$48,329. **ON A CALL OF THE ROLL** Ald. Peterson, Ald. Martin, Ald. Hackett, Ald. Olson, Ald. Chesnut, Ald. Kjelland, Ald. Phair, Ald. Hagen and Ald. Purchatzke voted aye, 0 nays, 1 absent. **MOTION CARRIED ON A ROLL CALL VOTE.**

c. Salt Shed Design and Materials Contract Approval – Justin Berrens, Public Works Director

Justin Berrens, Public Works Director said that the city relies on the Waupaca County Highway Department for purchasing salt for snow removal operations, with the relocation of the County facility the Street Department is in need of a new salt storage shed. Mr. Berrens said that his department is looking to install a new 1,000-ton salt shed on the old Haberkorn Field site and is recommending Wheeler Lumber, LLC to design, permit, and for

the materials of the salt shed. Wheeler Lumber, LLC has designed three new salt sheds for Waupaca County, also for various Wisconsin County Highway Departments and for the State of Wisconsin Department of Transportation. The DOT recommended Wheeler Lumber, LLC to Waupaca County and likewise Waupaca County recommended them to Mr. Berrens.

Ald. Martin questioned why Mr. Berrens only sought one bid when the City's Municipal Code 3.05(b) requires three written quotes or proposals utilizing a sealed bid process when the amount is over \$25,000, adding that unless the city receives three bids they are violating their own ordinance if they approve this item. Mr. Berrens spoke about the City's Procurement Policy, which was put in place in 2005 and said that the bidding process could be forebode if Council felt there were efficiencies or savings to go with one bid, which is the basis of his request for the salt shed design, permitting and materials with Wheeler Lumber, LLC. Mr. Berrens read the City's Procurement Policy into the record. City Attorney Tom Hart said that a strict reading of Municipal Code 3.05(b) does require the city to obtain three written quotes for purchases over \$25,000 and he is not going to recommend action that is contrary to city Ordinances however, there is a provision in section 3.05(2), which deals with "emergency purchases". There was discussion on what constitutes an emergency, a timeline to construct the salt shed before the snow season arrives and how long it would take to seek three bids. Attorney Tom Hart said Council should balance whether or not a competitive bidding process, which is designed to prevent favoritism, is balanced against the services that the taxpayers are looking to receive. Mr. Berrens reiterated that the State of Wisconsin DOT recommended Wheeler Lumber, LLC to Waupaca County, they have already done their due diligence in obtaining quotes for this particular salt shed and he felt that the city could benefit from their experience and decision. Kathy Kasza, Finance Director/Treasurer added that the State of Wisconsin allows Counties and Municipalities to "piggy-back" on their bidding processes and contracts and she felt that was missing from the city's Ordinance. Ald. Martin replied that *Municipal Code 8.03(1a) Construction or Maintenance of Streets without Competitive Bidding* does allow the city to enter into a contract without the bidding process but specifically with Waupaca County only. Ald. Martin said that if council passes this salt shed request without three bids it speaks loudly to our constituents that council does not have to follow city ordinances but the residents are required to. He ended by saying it sets a wrong precedent. For future, Mayor Smith asked Ald. Martin to contact the appropriate Department Head with any questions he may have prior to the Council meeting.

MOVED by Ald. Olson, **SECONDED** by Ald. Kjelland, Council **AWARDS** the Design Contract to Wheeler Lumber, LLC for the Design, Permitting and Materials of a new Salt Shed for an amount not to exceed \$104,480. **ON A CALL OF THE ROLL** Ald. Phair, Ald. Peterson, Ald. Olson, Ald. Chesnut, Ald. Hackett, Ald. Hagen, Ald. Kjelland and Ald. Purchatzke voted aye, 1 nay (Ald. Martin), 1 absent. **MOTION CARRIED ON A ROLL CALL VOTE.**

d. WWTF Aeration Blower Design Contract Approval – Justin Berrens, Public Works Director

Public Works Director Justin Berrens said that previously the Wastewater Treatment Facility (WWTF) replaced one of its 150 HP aeration basin blowers with a 50 HP blower, saying that wastewater treatment is purposely redundant to ensure treatment at any time. His department would like to duplicate this project to eliminate the need for the 150 HP blower, increase their energy savings and improve redundancy and they would still use a 150 HP blower for back up and during periods of high loadings and high temperatures. In November 2018, Robert E. Lee & Associates completed an energy assessment and report which was 90% funded by Focus on Energy. The report identified replacing another blower as having the greatest energy savings and a payback under 10 years. Mr. Berrens is recommending Robert E. Lee & Associates to complete the aeration design, specifications, and WDNR permitting since they are familiar with the WWTF and project. Ald. Martin reminded Council they are violating their own Ordinances if they do not get three bids for this project.

MOVED by Ald. Peterson, **SECONDED** by Ald. Hackett, Council **AWARDS** the Design Contract for the Aeration Blower Upgrade Project to Robert E. Lee & Associates for an amount not to exceed \$14,985 to be funded through the Sewer Utility Department Budget. **ON A CALL OF THE ROLL** Ald. Purchatzke, Ald. Phair, Ald. Hackett, Ald. Olson, Ald. Peterson, Ald. Hagen, Ald. Chesnut and Ald. Kjelland voted aye, 1 nay (Ald. Martin), 1 absent. **MOTION CARRIED ON A ROLL CALL VOTE.**

e. Authorizing Resolution No. 1435 (2019), Cost-Share Grant from Wisconsin Department of Natural Resources – Justin Berrens, Public Works Director

Justin Berrens, Public Works Director reported there is a new Cost-Share Grant available from the Wisconsin Department of Natural Resources for urban forestry, which has to do with disaster recovery. Mr. Berrens asked Council to approve Resolution No. 1435 so the city can receive reimbursement for downed trees during the July 20, 2019 storm.

MOVED by Ald. Martin, **SECONDED** by Ald. Chesnut, Council **APPROVES** of Resolution No. 1435 (2019), Cost-Share Grant from Wisconsin Department of Natural Resources. **ON A CALL OF THE ROLL** Ald. Hackett, Ald. Chesnut, Ald. Hagen, Ald. Kjelland, Ald. Purchatzke, Ald. Peterson, Ald. Martin, Ald. Phair and Ald. Olson voted aye, 0 nays, 1 absent. **MOTION CARRIED ON A ROLL CALL VOTE.**

f. Disaster Declaration – Mayor Brian Smith

Kathy Kasza, Finance Director/Treasurer said the city qualified to apply for disaster funding through the State of Wisconsin emergency funding and also through FEMA. She added that the city would be reimbursed for employees regular and overtime costs in the amount of \$40,000. She has also filed claims with the city's insurance carrier for damage done to city properties.

MOVED by Ald. Kjelland, **SECONDED** by Ald. Phair Council **APPROVES** of the Disaster Declaration. **ON A CALL OF THE ROLL** Ald. Olson, Ald. Phair, Ald. Martin, Ald. Peterson, Ald. Purchatzke, Ald. Kjelland, Ald. Hagen, Ald. Chesnut and Ald. Hackett voted aye, 0 nays, 1 absent. **MOTION CARRIED ON A ROLL CALL VOTE.**

g. Request to Extend the Airport Operation Agreement between the City of Waupaca and Plane Guys Aviation for an additional Three (3) Year Period as per No. 6, Term of Agreement of Current Airport Operation Agreement – Ald. Paul Hagen

Ald. Paul Hagen said that Beth Christiansen, Plane Guys Aviation is exercising her option to extend the current Airport Operation Agreement for an additional three (3) year period as stated in the existing agreement. He added that Ms. Christiansen is doing an exceptional job at Waupaca Municipal Airport, Brunner Field and said that the Airport Board has also approved her contract extension request.

MOVED by Ald. Hagen, **SECONDED** by Ald. Martin, Council **APPROVES** of the request by Plane Guys Aviation to exercise their option to extend their Contract with the City for an additional Three (3) Year Period as per No. 6, Term of Agreement of the Current Airport Operation Agreement commencing January 1, 2020 and extending through December 31, 2022. **ON A CALL OF THE ROLL** Ald. Kjelland, Ald. Purchatzke, Ald. Olson, Ald. Hagen, Ald. Martin, Ald. Chesnut, Ald. Peterson, Ald. Phair and Ald. Hackett voted aye, 0 nays, 1 absent. **MOTION CARRIED ON A ROLL CALL VOTE.**

h. Start Design Project for Reconstruction of Runway 13/31 – Ald. Paul Hagen

Kathy Kasza, Finance Director/Treasurer said that the Bureau of Aeronautics (BOA) has moved the design for reconstruction of Runway 13/31 up on the calendar, adding this is an \$80,000 cost with the city's share being \$4,000. This design project is in place for the purchase of snow removal equipment that was slated for 2019, which has been moved back another year to 2020. Fixed Base Operator Beth Christiansen explained that when BOA inspected the runways they declared 13/31 "failed" and they pointed out encroaching trees that will need to be removed as part of the reconstruction as well.

MOVED by Ald. Hagen, **SECONDED** by Ald. Olson, Council **APPROVES** Starting the Design Project for Reconstruction of Runway 13/31 at a city cost of not to exceed \$4,000. **ON A CALL OF THE ROLL** Ald. Phair, Ald. Kjelland, Ald. Olson, Ald. Purchatzke, Ald. Hackett, Ald. Hagen, Ald. Martin, Ald. Peterson and Ald. Chesnut voted aye, 0 nays, 1 absent. **MOTION CARRIED ON A ROLL CALL VOTE.**

i. License Report No. 1456, Operator's Licenses – Sandy Stiebs, City Clerk

MOVED by Ald. Hackett, **SECONDED** by Ald. Chesnut, Council **APPROVES** of License Report No. 1456, Operator's Licenses pending payment of any monies owed to the city and background checks. 9 ayes, 0 nays, 1 absent. **MOTION CARRIED ON A VOICE VOTE.**

j. Presentation and Possible Action on ATV's and UTV's in the City – Gene Goode, President Northeastern Central Wisconsin ATV Association / Mayor Brian Smith

Mayor Smith introduced Gene Goode, President, Northeastern Central Wisconsin ATV Association to the Council members. Mr. Goode said that Northeastern Wisconsin ATV Association represents the counties of Waupaca, Winnebago, Waushara, Portage, Shawano and the Greater Fox Valley Area with a goal to bring recreational and commerce opportunity to Wisconsin. Mr. Goode said that he has helped over 50 municipalities create ATV and UTV Ordinances adding that currently there are nearly 400,000 ATV and UTV registrations in the state. His organization's goal is to create a linked trail system within the city of Waupaca and surrounding townships and provided existing methods that are currently legal within the state. Mr. Goode recommended adopting state law since our state legislature debated this over 20 years ago and provided good rules and regulations to follow adding that if the city adopts state law, any law enforcement agency within the state can enforce the law. To operate a UTV a person must be 16 years of age with a certificate, and to operate an ATV you can be 12-15, wear a helmet, and must be accompanied by an adult if you are on a route, and a safety certificate is required. Mr. Goode described the difference between an ATV and a UTV saying that an ATV is a three-wheeled vehicle or a four-wheeled vehicle designed for a single person to operate it and a UTV is comparable to a small jeep with seat belts and a roll bar. Signage is required to be in place designating routes within the city, with safety as the primary concern. The surrounding townships of Lind, Farmington and Dayton have already passed ATV and UTV Ordinances with the town of Waupaca currently studying the concept. Mr. Goode will provide a sample ordinance for City Attorney Tom Hart to work with and bring back to council with a public hearing.

10. ISSUES/PROJECT DISCUSSION (30 MINUTE MAXIMUM) – NO ACTION REQUIRED: none

11. COMMUNICATIONS AND RECOMMENDATIONS OF THE MAYOR

Mayor Smith reminded Council that there is a Special Council meeting scheduled for Tuesday August 13, 2019 at 6:00 p.m.

Council Proceedings
August 6, 2019

12. ADJOURNMENT

MOVED by Ald. Hagen, **SECONDED** by Ald. Kjelland, Council **ADJOURNS** until the next Special Council Meeting on Tuesday August 13, 2019 and the Regular Council Meeting on Tuesday August 20, 2019, subject to call. 9 ayes, 0 nays, 1 absent. **MOTION CARRIED ON A VOICE VOTE.**

MEETING ADJOURNED AT 7:48 P.M.

Mayor Brian Smith

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