

October 28, 2014 **City Council Minutes**

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The City of Owen Common Council met in regular session on Tuesday, October 28, 2014 at 5:30 p.m. at City Hall. Mayor Stephen Heggemeier presided and City Clerk/Treasurer Terri Ernst served as secretary. Present Alderpersons: Hanson, Tolzmann, Lorence, Pfeffer, and Kiviko. Absent was Lulloff. A quorum being present, the meeting was called to order. Also present were: Tim Swiggum-CDA Director, Gary Smith-DPW, Carol Devin-Deputy Clerk and Andy Schade-Police Chief.

Minutes

A Tolzmann/Lorence motion and subsequent vote approved the minutes for the 10/14/14 meeting with changes noted.

Public Present

Penny Funk-HOF, Mike Voss-MSA Professional Services, Gail Muehlbauer, Bonnie Matkovich, Jack Reinke, Karen Swiggum, Sandy Deacon, Don Wyeth, Linda Wyeth-Sentinel & Rural News, Nathan LePage and Cindy Cardinal, O-W Enterprise. There was no public opinion.

HOF Program

Penny Funk, newly elected President of the House of Friends After School Program reported that the program has been going strong for 12 years now. Their newly elected Director is Don Wyeth. The program runs on Monday and Thursday. A Tolzmann/Pfeffer motion and subsequent vote approved \$3,000 contribution to the program for 2014-2015 school year.

Lift Station #1

Mike Voss-MSA Professional Services reported that the tentative costs to upgrade Lift Station #1 are \$540,000. Possible funding for the project could come from CDBG for \$190,000 and Clean Water Fund Loan of \$240,000. East 4th Street also needs new water and sewer mains. There could be a lot of I & I coming from E. 4th Street that causes overflowing at Lift Station #1. The Sewer Commission will meet again on November 5th to decide which project takes priority.

WWTF Single Audit

Mike Voss-MSA Professional Services reported that when the WWTF upgrade was going on, the City received an extra CDBG funding of \$50,000 on a payout where they included materials on hand, which were already included in the pay request. The WDOA is allowing the City to keep the \$50,000. The final amount from CDBG is \$744,000.

Budget

Departments have recently turned in their proposals for the 2015 Budget. Clerk Ernst presented a preliminary budget report #1. More items need to be added and a finance meeting will be held soon. The Health Insurance Broker spoke with Clerk Ernst and reported that the City's renewal may be available the 1st week of November rather than mid-November.

Appraiser

A Lorence/Kiviko motion and subsequent vote approved the proposal from Bowmar Appraisal Inc. of \$6,700 for 2015 and \$6,850 for 2016.

2014 Legal Costs

Mayor Heggemeier reported prior to discussion beginning, that this discussion will be used as a learning tool for all involved and is in no way deemed to put fault or cause embarrassment to any person. Information provided in packet A included a spreadsheet of a breakdown of legal costs regarding Check #22413 and included copies of the invoices, totaling \$6,696. Packet B contained a spreadsheet for all legal costs for the year 2014 for information purposes. Alderman Hanson asked who has access to the City Attorney. The Mayor explained that when it comes to the Freedom of Information Act, anyone has a right to contact the City Attorney. Ms. Wyeth was concerned the video of Phil was going to be erased and that is why she contacted the City Attorney. A Written Order was created and submitted from the Mayor to Chief Schade not to destroy the video. Alderman Hanson and Pfeffer feel the Attorney should not charge the City when Ms. Wyeth calls them. Ms. Wyeth also spoke

and explained her scenario of events with Chief Schade regarding open records requests. Mayor Heggemeier reported the City Attorney's works for the best interest of the City. Discussion took place about officer safety. Alderman Tolzmann responded to put this behind us all and work forward in working together. Free legal advice can be obtained from the League of Wisconsin Municipalities. A request was made that our Attorney be directed to not accept calls from news media and citizens. Chief Schade read from the Attorney a statement that the video does not reflect any misconduct by our City Officers. A Lorence/Tolzmann motion and subsequent vote approved to advise the City Attorney to no longer take phone calls from news media and citizens; the Attorney should contact us of any of those calls; and those who may contact the Attorney are the Mayor, Council Members, City Clerk and Police Chief; and all legal costs to date be paid in full to the Attorney.

USDA-RD

The sale of property to Dollar General brought up an issue that the USDA-Rural Development regarding a lien on the General Dollar Property. The USDA-RD requires that the City pay \$20,000 on the loan to the City, in order to release the lien. Closing of the sale should happen soon. Ground breaking may occur this fall. A Lorence/Pfeffer motion and subsequent vote approved the City to make the payment of \$20,000 to the USDA Loan.

CDA Report

Tim Swiggum reported the Dollar General is working on the title and 1099 form. Norb Pabich's offer and Taylor's are awaiting the City to hold a Planning meeting regarding their offers. Harms are waiting to close but there is an issue regarding a 25' easement. Tim is working on the Ads for OWEDC. Tim has the lists. Christmas decorations will be going up soon and volunteers will be needed. The Owen Junior Fair may be changing the weekend the fair is normally held.

Disbursements

Questions on Checks #22456 and #22460 were answered. A Tolzmann/Lorence motion and subsequent vote approved disbursements: City Pooled Check#22418-22465. City \$48,496.03, Water \$23,459.11 and Sewer \$2,543.44.

Adjourn

A Kiviko/Lorence motion and subsequent vote approved to adjourn the 10/28/14 open session meeting at 6:55 p.m.

Stephen M. Heggemeier, Mayor
Terri Ernst, City Clerk/Treasurer

(To be considered for Approval at the 11/11/2014 Council Meeting. Published 11/5/2014.)