

**Niagara City Council Meeting  
Monday, February 19, 2007**

The meeting was called to order at 7:00 p.m. by Mayor Stern. Present: Mayor Stern, Aldermen Kuchinski, Betters, Brown, Steeno, and Towns. Absent: Alderman Moreau. Also present: Administrator Novak, Director of Public Works Payette, Police Chief Wodenka, David Rock, Mark Girard and Ron Lawrence of Coleman Engineering, Ron and Debbie Hanes and Hank Murphy of the Borderland Journal.

**PUBLIC APPEARANCES**

There were no public appearances.

**APPROVAL OF MINUTES**

A motion was made by Alderman Towns and seconded by Alderman Steeno to approve the Minutes of the 01-15-07 Regular Council Meeting, the 02-07-07 Finance and Administration Committee Meeting and the 02-07-07 Public Works Committee Meeting. Motion carried unanimously.

**APPROVAL OF BILLS**

After brief review and discussion, a motion was made by Alderman Steeno and seconded by Alderman Brown to approve the bills in the amount of \$51,477.42 as presented. Motion carried unanimously.

**APPROVAL OF STAFF REPORTS**

A motion was made by Alderman Betters and seconded by Alderman Kuchinski to approve the staff reports as presented. Motion carried unanimously.

**MAYOR'S REPORT**

1. Mayor Stern informed the council that he had discovered a grant opportunity from the General Mills Corporation, which was referred to as the Hamburger Helper Grant. Accordingly, Administrator Novak has completed the application and submitted a grant request for the installation of playground equipment at Riverside Park. The grant request is in the amount of \$10,000 and if the grant were awarded, additional funds could be raised from local organizations to install the equipment. This grant cycle runs through May 2007.

**COMMITTEE RECOMMENDATIONS**

**Public Works Committee**

1. The Public Works Committee discussed the proposed 2007 Street Paving Program. After discussion, a motion was made by Alderman Betters and seconded by Alderman Kuchinski to prepare a bid package for the 2007 Street Paving Program, which will include the resurfacing of Dewey Street, Lincoln Avenue, Buchanan Street, Filmore Avenue, Johnson Street and Madison Avenue. The cost estimate is approximately \$75,000. Motion carried unanimously.  
Mayor Stern indicated that it would be appropriate in this case to utilize Coleman Engineering to assist in preparing the project estimates and the bid

package for this project as opposed to utilizing Foth & Associates of Green Bay, which has been the City's engineering consultant in the past. Administrator Novak indicated that the bid package was prepared by him and city staff last year as that was a relatively simple project. He indicated, however, that he would normally prefer to have the assistance from a consulting engineer in the event there are questions regarding the manor of construction and scope of work that is needed. In this case, Administrator Novak and Director of Public Works Payette have discussed this project at length and are comfortable with the scope of work needed. Administrator Novak then indicated that he has not requested a quote from Foth & VanDyke for preparing the bid package. Mayor Stern asked what Foth & Associates fee has been in the past. Administrator Novak responded that larger projects had cost between \$1,000-\$2,000 for preparing scope of work and a bid package. Mayor Stern asked representatives of Coleman Engineering who were present what their charge would be for this project. Their charge would be approximately \$600 for this project. Administrator Novak indicated that at this point, most of the work has been completed and the bid package could be developed internally. A motion was then made by Alderman Kuchinski and seconded by Alderman Betters to authorize the city staff to prepare the bid package in-house. Motion carried unanimously. Mr. Mark Girard of Coleman Engineering indicated that in the event the city has any questions regarding this project, city staff can contact him and he would be more than happy to assist with no charge.

2. Discussion was held regarding the Public Works Committee recommendation to not vacate that portion of Scott Street lying between Jefferson Avenue and Madison Avenue. Administrator Novak explained that the city had received a letter on behalf of all the property owners abutting the undeveloped portion of Scott Street requesting that this be vacated. The property owners on Garfield Street own all the property to the west of the undeveloped street and there is currently no access to the lots that are adjacent to the west. However, Administrator Novak and Director of Public Works Payette informed the council that there is a storm sewer main that extends along the center of this right-of-way and at minimum, an easement would have to be retained for access to and maintenance of the storm sewer.

A motion was then made by Alderman Brown and seconded by Alderman Betters to not vacate that portion of Scott Street as requested by the property owners. Motion carried unanimously.

3. Administrator Novak and Director of Public Works Payette informed the Council of the status of the treatment options for Well #2. Administrator Novak indicated that staff has received additional information on the Vyradox process and whether it would be effective in regard to arsenic. In addition, the other treatment processes, which include reverse osmosis and the use of an absorption media, are being researched. City staff has talked to several engineering firms and the DNR to gather additional information regarding the other options available to remedy the arsenic problem at Well #2. Administrator Novak did restate that every consultant that they talked to has indicated that it would be wise for the city to conduct an additional test well west of the city in order that this option may be considered along with the

options for treatment at Well #2. As stated previously, it is the DNR's opinion that there is a sand sub-structure at the proposed test well site similar to the geologic structure where Well #3 is currently located. No action is needed at this time. When all information is made available, a Public Works Committee Meeting will be held to consider the next step.

### **Finance and Administration Committee**

1. The committee recommended that the City's purchasing policy be amended to require competitive quotes for all goods and services exceeding \$2,000. Administrator Novak indicated that the city will need clarification from the council as to what is meant by services. The city currently uses several outside vendors to provide ongoing services, which in any given year, may or may not exceed \$2,000. Individual billings may not exceed \$2,000 but annual expenditures may be well above this amount. The existing purchasing policy is specified under city ordinance. Administrator Novak agreed that this is cumbersome. Administrator Novak suggested that a comprehensive purchasing policy be drafted. A Council motion and approval could then amend this policy from time to time as needed. A motion was made by Alderman Kuchinski and seconded by Alderman Betters to table this matter and send it back to committee. Motion carried unanimously.
2. Discussion was held regarding delinquent personal property bills. Administrator Novak indicated that there are currently several local businesses that have not paid personal property taxes. It is acknowledged that the city has the ability to file small claims actions for the collection of these taxes although it has not done so in the past. Administrator Novak asked that the city specify how long such taxes should be delinquent before civil actions should be taken. The recommendation of the committee is to commence small claims action for collection of personal property taxes within 60 days of the due date. Accordingly, such action would commence on or about April 1 of the given year for those taxes that are delinquent.  
A motion was made by Alderman Kuchinski and seconded by Alderman Brown to authorize proceedings within 60 days of the due date. Motion carried unanimously.
3. Discussion was held regarding the City's sewer rates. As noted previously and discussed at the Public Works Committee Meeting, it was the recommendation of the City Administrator and the City Auditor that the sewer rates be increased by 15% in order to cover the cost of operation. This increase would take effect March 1, 2007 and would coincide with the proposed water rate increase. A motion was made by Alderman Betters and seconded by Alderman Steeno to authorize the sewer rate increase of 15% to be effective March 2, 2007. Motion carried unanimously.

### **NEW BUSINESS**

1. Discussion was held regarding the request from property owners Ron and Debbie Hanes to purchase a portion of the "Out-Lot" adjacent to their property. This Out-Lot is a narrow corridor commonly referred to as 5<sup>th</sup> Street Alley. This alley provides access to the Hanes property as well as access to the City-owned property which lies to the north. The city owned property includes water main and drain tile connected to the storm sewer.

The Out-Lot was created as part of a survey in order to provide for the access to other lands. Being an Out-Lot, it is not dedicated as a public right of way. It is owned by the city and by its' very nature, an Out-Lot cannot be developed. Mr. & Mrs. Hanes indicated that they have maintained this City property and they desire to have ownership of it to ensure continued maintenance of it. They stated that if the City would sell a portion of the Out-Lot to them, they would provide an easement to allow the city to have access to Lots 1 & 2 which are adjacent to the north. A motion was made by Alderman Betters and seconded by Alderman Steeno to table this matter and refer it to the appropriate committee. Motion carried unanimously.

Discussion was held regarding the renewal of an Operator's License for Laura Lucas. A motion was made by Alderman Towns and seconded by Alderman Brown to approve the Operator's License renewal for Laura Lucas. Motion carried with Alderman Steeno abstaining.

There being no other business, a motion was made by Alderman Towns and seconded by Alderman Steeno to adjourn. Motion carried. Meeting adjourned at 7:35p.m.