

**Niagara City Council Meeting
September 16, 2009**

The meeting was called to order at 7:00 p.m. by Mayor Bousley. Present: Mayor Bousley, Aldermen Lantagne, Moreau, Steeno, Phillips, Towns and Kuchinski. Also present: Administrator Novak, Director of Public Works Payette, Police Chief Lamoreaux, Steve Zigman, Thad Majkowski of Foth Environmental and Infrastructure, Rose Bousley and Marvin Chamberlain, Keary Ecklund and Gregg Johnson of American Tire Recycling, Hank Murphy of the Borderland Journal.

The first order of business was to approve the agenda as submitted. A motion was made by Alderman Steeno and seconded by Alderman Towns to approve the agenda as submitted. Motion carried unanimously.

There were no public appearances.

APPROVAL OF MINUTES

A motion was made by Alderman Kuchinski and seconded by Alderman Steeno to approve the minutes of the City Council meeting of 8-19-09 and the minutes of the Special Council Meeting of 8-12-09. Motion carried unanimously.

APPROVAL OF BILLS

After a brief discussion a motion was made by Alderman Kuchinski and seconded by Alderman Towns to approve the bills as presented. During discussion, Administrator Novak notified the Council that there is an addendum to the bill list regarding the billing from the DOT for the city's share of design cost and from the Public Works Mechanics Department for equipment purchases. The final bill list including the addendums amounts to \$442,074.74. There being no other business, the motion to approve the bill list including the addendums carried unanimously.

STAFF REPORTS

A brief discussion was held between the Council and the Police Chief regarding the impact of the state limiting state patrol miles. Police Chief Lamoreaux indicated that both Marinette county and the city will likely see additional expenses with the limitations placed on the state patrol vehicle. There being no other business, a motion was made by Alderman Steeno and seconded by Alderman Moreau to approve the Staff Reports as submitted. There was no discussion. Motion carried unanimously.

There were no other reports at this time.

The Council then considered Resolution 9-1-09, Authorizing the issuance and sale of \$892,000 Water System Mortgage Revenue Bonds of the City of Niagara, Marinette County, Wisconsin, and Providing for the payment of the bonds and other details with respect to the bonds. During discussion, Administrator Novak explained that this is the permanent financing for the current water project. The USDA Department of Rural Development is providing a loan in the amount of \$892,000 and an additional grant in the amount of \$256,000 toward this project. In accordance with the Rural Development Regulations, the city had obtained temporary borrowing from the First National Bank of Niagara toward these projects and upon completion, Rural Development will provide permanent long term financing and the temporary borrowing will be paid off. The closing is scheduled for September 28, 2009. There being no other discussion, a motion was made by Alderman Steeno and seconded by Alderman Lantagne to approve

Resolution 9-1-09 authorizing the issuance and sale of \$892,000 water system mortgage revenue bonds. Motion carried unanimously.

The Council addressed Ordinance 9-1-09, which addresses Child Protection Restrictions within the City of Niagara. It was noted that this ordinance was reviewed at the previous council meeting in August. A motion was made by Alderman Towns and seconded by Alderman Lantagne to approve ordinance 9-1-09 as proposed. During discussion, Alderman Kuchinski questioned whether Section 3(c)2, which references the responsibility to maintain maps showing locations of sex offenders being the responsibility of the city clerk, is appropriate. It was explained that the City Clerk has the responsibility to keep the map on file and keep it available along with other public records. The actual maintenance of the map should be done by the Police Department or the state. A motion was made by Alderman Kuchinski and seconded by Alderman Steeno to amend 3(c)2 to provide that the map will be maintained by the Police Department and kept on file by the City Clerk. A motion on the amendment carried unanimously. A motion was then made to approve the ordinance as amended by Alderman Towns and seconded by Alderman Lantagne. Motion carried.

The council considered an operator's license for Amanda Schiefelbein. A motion was made by Alderman Towns and seconded by Alderman Kuchinski to approve an operator's license to Amanda Schiefelbein as submitted. Motion carried.

The Council addressed Pay Request #4 from Kautza Construction in regard to the building of the pump house. This is not a final pay request. The amount of this pay request is \$37,759. Thad Majkowski of Foth Engineering indicated that everything is in order and it is recommended for approval at this time. A motion was then made by Alderman Steeno and seconded by Alderman Lantagne to approve Pay Request #4 in the amount of \$37,759 to Kautza Construction. Motion carried.

The Council addressed a request for a change order from DeGroot Inc. who is currently the contractor for the construction of the water main along Highway 141/Roosevelt Road. Mr. Majkowski explained that this change order is for a time extension only. The original contractor provided that the project would be substantially completed by September 4 and ready for final payment on September 11. The change order provides that substantial completion will be September 18. During discussion, it was noted that the contractor has done a very fine job and that there are no problems or requests for change orders regarding any financial adjustments to change orders. A motion was made by Alderman Lantagne and seconded by Alderman Kuchinski to approve the time extension as requested. Motion carried.

The Council addressed Pay Request #2 in the amount of \$136,788.74. Mr. Majkowski informed the council that this is not a final pay request and there are additional amounts for materials that are being paid directly by the city which have been previously approved. A motion was made by Alderman Moreau and seconded by Alderman Phillips to approve pay request #2 to DeGroot Inc. in the amount of \$136,788.74. Motion carried.

The Council addressed a related matter of an amendment to the service agreement between the City and Foth Engineering. It was noted that Foth provides the on-site engineering service and inspection services for the water main contract. In light of the time extension for the contractor, it is necessary to amend the agreement to provide for the additional on-site inspection. Mr. Majkowski explained that the additional amount of time being approximately 2 ½ weeks. It is estimated that the cost will be around \$18,000. A motion was made by Alderman Steeno and seconded by Alderman Phillips to approve the amendment to the engineering services agreement. Motion carried unanimously. The estimate is not necessarily the amount that will be incurred. It is based on the amount of hours actually utilized to provide for these services.

The next item addressed was a recommendation from the Committee of the Whole regarding on-street parking along Highway 141. Mayor Bousley indicated that this matter had been acted on previously by the City Council and that the Committee of the Whole confirms the previous recommendations.

Accordingly there is no need for action at this time. A motion was made by Alderman Moreau and seconded by Alderman Lantagne to take no action regarding this matter as it has already been addressed. Motion carried.

The Council addressed the proposal for Consultant Services to acquire the necessary right of way and temporary easements along the highway 141 reconstruction project. Administrator Novak explained that the right-of-way involved would be small strips of land along sidewalks and the property frontages along the highway primarily between the areas of County N and the southern city limits. In addition, temporary easements during construction, which allows the contractor to enter on private property for the construction of retaining walls and necessary adjustments to lots, will also be provided. It was noted that the low quote for acquisition services including title services and recording of documents was received from Moss and Associates of Green Bay in the amount of 95,750.00. It was noted that this expense would be reimbursed by the State of Wisconsin 100% during the project. A motion was made by Alderman Moreau and seconded by Alderman Towns to approve the proposal from Moss and Associates for the right of way acquisition services. Motion carried unanimously.

Thad Majkowski then provided an update on Well #4. It was explained that Municipal Well & Pump has submitted a proposal to address the filtration of the sand into the well screen. They propose to install an additional screen inside the existing casing which will be gravel packed to minimize the infiltration. It was noted that there would be no additional cost to the city for this procedure. Mr. Majkowski indicated that the project should be completed and ready for activation of the well within 3 – 4 weeks. During discussion, Steve Zigman asked whether the additional screens would affect the capacity of the well. Mr. Majkowski indicated that he would relay these comments and confirm the design specifications prior to completing the additional work. A motion was made by Alderman Moreau and seconded by Alderman Phillips to authorize Municipal Well & Pump to proceed provided they give consideration for the pumping capacity and design implications given these changes. Motion carried unanimously.

The next order of business was to address a memorandum between the City of Niagara and NewPage which will grant rights to the City to sublease approximately 45 acres of land on the NewPage site to accommodate the American Tire Recycling Project. Mayor Bousley indicated that the memorandum is in the process of being finalized between the city attorney and new page council and he is asked that he be authorized to proceed with the memo subject to the City Attorney's approval. Motion was made by Alderman Steeno and seconded by Alderman Towns authorize the Mayor to execute the memorandum agreement subject to the City Attorney's approval. Motion carried unanimously.

Discussion was held regarding the upcoming League of Wisconsin Municipalities Annual Conference. It was noted that funds are budgeted for Council Members to attend this conference. During discussion, Mayor Bousley indicated that he feels these conferences are valuable and educational, however, in light of the need to address financial concerns it was his feeling that the council should defer attending this year's conference. A motion was made by Alderman Steeno and seconded by Alderman Phillips to forgo attendance by the City Officials at this time. Motion carried unanimously.

The Council then considered a request from the Clerk of Court to attend a seminar in October. During discussion, it was noted that although these are valuable seminars that had been attended in the past, it is not a requirement of the municipal court to attend these seminars. In light of the recent actions regarding other seminars, it was suggested that attendance by the Clerk of Court not be authorized at this time. A motion was then made by Alderman Phillips and seconded by Alderman Kuchinski to deny the attendance by the Clerk of Court to this seminar. Motion carried unanimously.

Mayor Bousley then informed the Council that the City had received a payment in the amount of \$100,000 from NewPage Corporation toward creation of an economic fund for the City. Mayor Bousley explained that this is one of five annual payments that was expected from NewPage pursuant to the City's involvement in the Adaptive Reuse Plan for the mill property. He also suggested that these funds should be designated specifically for promotion of Economic Development. He also suggested that a thank-you

letter be submitted to NewPage on behalf of the City. A motion was then made by Alderman Kuchinski and seconded by Alderman Lantagne to accept the contribution and create an economic fund which will restrict the use of these funds. Motion carried unanimously.

The next order of business was to address the notice of retirement received from the City Administrator as of October 3, 2009. A motion was made by Alderman Steeno and seconded by Alderman Towns to accept the resignation and authorize the payment for unused leave in accordance with the city policy and offer thanks to the administrator for his 13 years of service to the city. Motion carried unanimously.

Mayor Bousley noted that the next meeting is scheduled for October 21 at 7:00 p.m.

There being no other business, a motion was made by Alderman Steeno and seconded by Alderman Towns to adjourn. Motion carried. Meeting adjourned at 8:00 p.m.