

JULY 11, 2016 REGULAR CITY COUNCIL MEETING MINUTES

Pursuant to due call and notice thereof, a regular meeting of the Prescott City Council was held on Monday, July 11, 2016 in the Prescott Municipal Building, 800 Borner St., Prescott, WI 54021.

Call to order/Roll Call: Mayor David Hovel called the meeting to order at 6:30 p.m. Members present were Galen Seipel, Joshua Gergen, Jack Hoschette, Rob Daugherty, Bill Dravis and Maureen Otwell. Public Works Director Hank Zwart and City Administrator Jayne Brand represented staff. Also present Greg Adams, City Engineer and Jim Swanson, Surveyor both from Cedar Corporation.

Pledge of Allegiance was said.

Public Comments: None were given.

Gergen/Otwell motion to approve the consent agenda which included approval of June 27, 2016 regular city council meeting minutes, June 27, 2016 public works committee meeting minutes, June 22, 2016 personnel committee meeting minutes, July 5, 2016 plan commission meeting minutes, accounts payable, payroll, budget year to date, cash balances and accounts receivable passed without a negative voice vote.

Daugherty/Gergen motion to open public hearing for preliminary special assessment for development of assessor's plat to determine the City of Prescott right-of-way of Lake Street passed without a negative voice vote.

Greg Adams, City Engineer presented the assessor's plat information. The assessor's plat will define the right-of-way for Lake Street. Usually you have a subdivision plat which will define the lots and public right of ways but with Lake Street there is not one document which defines the public right of way. A number of the lots on Lake Street have been created by certified survey maps.

Brian Crist – Lake Street resident stated he has owned his property since 1980 and it had been previously owned by his parents. Crist stated doing an overlay of the street would not help with the utilities which may need to be replaced or with the stormwater. Crist stated he disagreed with the cost sharing on the assessor plat special assessments. Originally it was thought the cost for the assessor plat would be equally divided among all of the property owners but since it can't be done that way the owners of property on the river side are paying an inordinate amount of the special assessments. Crist stated it appears the reasonable and normal amount paid by a city should be 50% but would like to see the city pick up all of the costs.

Alderman Otwell asked Crist why the city should pick up all of the costs. Crist stated this is a rare procedure for the city and will probably not happen again in the city.

Jim Toner – Lake Street resident stated he would address property issues. Toner stated if there are changes in existing right of way the property owners would need to be paid for the property. Toner asked about maintenance of the entire street. Toner stated they have had no pot filling, not snow plowing or street cleaning. Toner also stated if changes are made to right of way they would have to have new title work done for their mortgages.

Roger Santelman – Lake Street resident stated he has lived on Lake Street since 1990. Santelman stated the two important issues are the street and the utilities and asked what is going to be the product that is going to come out of the surveyor's map. Santelman stated Lake Street as traveled has been accepted

by the property owners. Santelman asked if all four corners will be found as part of the assessor's plat and if there will be revised property lines. Santelman also asked about the reconstruction of Lake Street. Will there be curb & gutter, paving of the street and utility replacement in the street and from the street to the house. He stated he understands there are problems with sanitary service at the wastewater treatment plant during high water. He also questioned stormwater drainage.

Rob Kulla – Lake Street resident stated he has title to parcels and deeds and had had surveyor plats already completed. Kulla stated he feels he should not have to pay anything for parcel number one on the assessor plat as that property lines up with Highway 10. Kulla stated he does not feel the special assessment should be off of land values but should be done on linear feet. Kulla also questioned by the residents on the private drive were not included in the assessor plat as they travel Lake Street to get to their property. Kulla stated Lake Street is used by all residents in Prescott.

Alderperson Gergen stated the city has to follow the state statute as to how assessments need to be handled.

John Shiely Lake Street resident stated his house was just recently built and there is no doubt where the public right of way is by his property. Shiely stated he has paid \$40,000 to have the work completed. Shiely stated he would like reimbursement for the work he has already done and wants his special assessments removed.

Mark Mueske – Lake Street resident asked about curb and gutter and where it is going to drain.

Don Hillman – Lake Street resident stated the residents should not have to pay anything for the assessor plat.

Mike C. Gresser – Owner of property on Lake Street stated he has owned land on Lake Street for the past 21 years. Gresser stated the Council is wildly spending the taxpayer's money. Gresser stated he hadn't heard any complaint except for the blacktop is failing. Doesn't feel curb and gutter is needed. Gresser stated the \$60,000 cost is just an estimate and it is going to cost more than \$60,000. Gresser wanted to remind the Council the \$6,000 the city is paying is coming from taxpayers money since the only way the city earns money is from taxes. Gresser told the Council to stop what they are doing there is no benefit to the people and just do an overlay.

Rob Kulla stated the Lake Street residents pay the highest taxes in Prescott.

Jim Shiely – Lake Street resident stated he would like to see an overlay and questioned why they couldn't use a drawing to determine footage

Denise Farr Lake Street resident questioned why the city isn't paying 100% of the assessment; Lake Street is used by everyone. River flooding is not just a Lake Street problem. Farr also stated properties on Lake Street never sale because of the real estate taxes.

Brian Crist reminded that the assessor plat is capped at \$60,000. If it goes over that cost the city will not have to pay more than \$60,000.

It was explained the city is paying \$6,000 or 10% of the assessments as the value of the public property was determined to be assessed at \$60,000

Kris Sampson – Lake Street resident stated she would contest the value of the public property as not being assessed high enough. Sampson stated she already has a survey done for her property.

Joe Schafer – Lake Street resident since 2004 asked about a fully improved street. How wide does it have to be and has concerns if it is not wide enough how will emergency vehicles get down the street.

Jim Johnson Lake Street resident since 1997 stated a number of residents have already put in curb and gutter on their own and this would be removed as part of a street project. Johnson stated he is worried about the adjusted situation what people are going to have to do to their properties. Johnson stated he is worried about costs and by doing the assessor plat it is going to create so many problems. Johnson also stated taxes are going up here in Prescott and now they will have this additional cost.

Greg Adams, City Engineer reiterated the reason for the assessor's plat is to have the property clearly defined as the public right of way. As the street plan is designed that is the time when things will be looked at for adjustment of the street. It is not known if curb and gutter will be part of the street project.

Jim Toner stated it is going to cost the city money to do eminent domain.

Brian Crist stated Lake Street has already had overlay and would have to be dug out and replaced in order to do it right.

Gergen/Daugherty motion to close the public hearing passed without a negative voice vote.

Mayor Hovel stated the right of way would need to be maintained.

Jim Swanson, Surveyor stated all corners will be found and will be recorded at the Courthouse.

Aldersperson Otwell asked Swanson if they would work with resident who know where their survey stakes are at. Swanson stated they would work with residents. Otwell asked how issues will be resolved. Swanson stated everyone would have to agree. There would be a 30 day waiting period for review of the plat and after that time if there are now issues the plat would be recorded. Aldersperson Seipel asked about what will happen to the property stakes which are found. Swanson stated they will be left in place. Aldersperson Otwell asked why do an assessor plat rather than just a mill and overlay. Greg Adams stated the utilities in the street are old. City Administrator Jayne Brand also reminded the Council we have certain items we have to address for our permit for the wastewater treatment plant and the amount of effluent going into the plant is one of the issues we need to address. Aldersperson Hoschette asked if there are sewer clogs and sewage would back up into someone's home would the city be responsible. Public Works Director Hank Zwart stated they have run the camera through the sewer line and there are cracks in the lines and not sealed at the manholes. Greg Adams stated eminent domain is not part of an assessor plat nor can there be any lot splits. The purpose of the assessor plat is to define the public right of way. Aldersperson Hoschette asked about retaining walls and if the city would take over the retaining walls in the public right of ways. Greg Adams stated this is something which would be discussed as part of the street design. Aldersperson Seipel asked why all the boundaries need to be identified. Greg Adams stated it would be in the best interest of the city and property owners to define all of the boundaries. **Gergen/Daugherty motion to table the issue for 60 days failed by a roll call vote with Otwell, Daugherty, Seipel voting nay. Mayor Hovel broke the tie by voting nay.**

Aldersperson Otwell asked her fellow Alderspersons how long the city is going to put off the project. She would consider doing a great share of the costs. Aldersperson Dravis stated he lives on Elm Street and everyone in the city uses that street also. Dravis stated there are always streets that are going to have issues but agreed something needs to be done to move Lake Street forward.

Otwell/Hoschette motion to approve the assessor plat for Lake Street with the city paying 70% of the special assessment costs Otwell motion to make an amendment to the motion to change the city paying 50% of the special assessment cost. Amendment died for a lack of a second. Motion failed with Dravis, Gergen, Hoschette and Seipel voting nay via roll call vote.

Seipel/Otwell motion to approve the assessor plat for Lake Street with the city paying 50% of the special assessment cost passed by a majority vote with Gergen voting nay.

Public Works meeting set for July 25th at 5:30 p.m.

Matt Hoefler of HAF Group presented the site and building plan for Riverboat properties for the old Steamboat Inn properties. The building is three levels with underground parking and meets the height restrictions. The main level will be a bar, banquet room and main level parking the upper two levels will each have six condos. The parking stalls have increased to 83 parking stalls. Water and sewer lines will need to be upsized. Stormwater will be diverted to holding tanks. There are still questions which need to be worked out with the Department of Transportation on entrance and exits. Aldersperson Daugherty commented on the area which is owned by the DOT. Bruce Lenzen, owner of Riverboat Properties stated they want to work with the DOT to develop the green space. Aldersperson Seipel asked about rock on the site and Matt stated the rock is between 4 to 8 feet below grade but appears to be able to be removed with a rock chipper. **Gergen/Otwell motion to approve the site and building plan contingent on approvals for Department of Natural Resources, Department of Transportation and staff on grading, erosion control and stormwater passed without a negative voice vote.**

Gergen/Daugherty motion to approve cigarette license for Dolgen Corp DBA Dollar General passed without a negative voice vote.

Gergen/Daugherty motion to approve operator license for Paul Kurtenbach passed without a negative voice vote.

Public Comments:

Denise Farr asked about crossing Highway 10 at the bridge and wonders if there can be a better pedestrian crossing there. She also commented she had her husband whip the weeds on Ellen Street on Highway 10 because she couldn't see around them.

Gergen/Dravis motion to adjourn passed without a negative voice vote.

Respectfully Submitted,

Jayne M. Brand
City Administrator

