

CITY COUNCIL MEETING MINUTES  
February 4, 2014

The February 4, 2014 meeting of the Lake Mills City Council was called to order at 7:00 p.m. at the Municipal Building Council Chambers by Council Vice-President Rudy Schaar. Ed Grunden was unable to attend due to personal family issue. Roll Call was answered by Diann Fritsch, Michael Foster, Steve Kurkiewicz and Rudy Schaar. Also present were City Manager Steve Wilke, City Attorney Vickie Schmidt, Finance Director James Heilman and City Clerk Elizabeth Milbrath.

City Council Minutes. Mr. Kurkiewicz corrected a grammatical error in the correspondence section of the minutes and Mr. Foster corrected his statement to clarify by changing the word 'he' to 'City Manager'. Motion Mr. Foster, second Mr. Kurkiewicz to approve the amended minutes of January 21, 2014. Motion to approve passed 4-0.

Correspondence. Mr. Kurkiewicz attended a pro mayor meeting and a pro city manager meeting and spoke to several people at both meetings. He received several calls of which 70 percent were in favor of keeping the City Manager form of government. One person he spoke to suggested that all City Council seats become At-Large which could satisfy the concerns of the pro-mayor group. One caller was opposed to changing the City Managers contract with three callers in favor of changing it because it is the right thing to do. Mr. Foster also attended the same meetings and received calls opposed to amending the city manager contract and more calls in support of amending the contract. The citizens understood the costs and stated the City Manager is a loyal taxpaying citizen working for them and don't want him pushed out without a safety net for him and his family. Mrs. Fritsch spoke to someone asking her to support the amendment to the constitution being placed on the ballot. She also received calls from both sides of the change to form of government issue. 50% in favor and 50% opposed to the amendment to the City Manager contract with some stating it is the right thing to do. She also received an e-mail requesting that the change to the form of government issue be sent to the voters in April. Mr. Schaar also received several calls; 3 to 2 in favor of amending the City Manager contract and keeping the City Manager form of government.

Questions and Public Comment. Hope Oostdik, Committee for the Main Street Program thanked the City and especially the Parks Department for their support for the Knickerbocker event held last weekend. Wayne Magnussen, 923 S. Ferry Dr., encouraged the City Council to vote no to Ordinance 1127. He has a list of policy and projects brought about by the City Manager and gave him credit for bringing them forward to completion. 60 years ago the City changed to the current form of government and it has served us well and asked the City Council to support the change to the City Managers contract. Neal Shade, 600 Pinnacle Dr., opposed changing the City Managers contract since citizens aren't receiving a benefit from it. It is benevolent but doesn't agree with it. Lee Engsburg, 737 Elm St. opposed to changing the City Managers contract. Norm Goeschko, 140 W. Oak St., thanked City Council for their support of the Knickerbocker festival. Wants citizens to have 100% say in who runs the city. Current structure is not right for Lake Mills. City Manager contract appears to attempt to influence the outcome of the referendum. Dan Drescher, resident, doesn't see the necessity to change the City Manager contract. Troy Kloss, 322 Mulberry St. disappointed in the timing of changing the City Manager contract. Charles Roy, 321 S. Main St., asked about the minutes of November 12<sup>th</sup>, based on what he has seen recently the citizens should be upset with the City Council since they are in control. He doesn't understand why change to City Manager contract is needed. Collin

Perry, 309 N. Ferry Dr., in favor of changing to mayor form of government and against changing the City Managers contract.

City Manager Report. Information in the packet included an e-mail from Rob Davis of the DNR regarding upcoming grant opportunity.

Acceptance of Committee Minutes. Minutes of the Public Works Board, December 10, 2013; and L.D. Fargo Public Library, November 19, 2013 were placed on file as presented.

Council Business:

- a. Board/Committee Appointments. None.
- b. Miscellaneous Licenses. Motion Mr. Kurkiewicz, second Mrs. Fritsch to approve the tavern operator's license application from Andrea Curtis. Discussion on ability to issue temporary or revoke. Motion passed 4-0.
- c. Discussion on Odor Complaints. Mr. Wilke explained that e-mails are received from the DNR on citizens' complaints. The companies involved are working with the DNR. DNR contact information is available on the City website labeled Air Quality Complaints.
- d. Discussion/Decision on Planning and Goal Setting Sessions. Mrs. Fritsch attended a meeting on Strong Towns and wants to have someone speak to them to educate them before setting dates for goal setting. Possibly meet with City Council, Plan Commission, Economic Development Commission, Public Works Board, and City Staff to discuss the information from this meeting. Motion Mrs. Fritsch, second Mr. Foster to table a decision on goal setting dates. Motion passed 4-0.
- e. Bid Award, Demolition of 1117 S. Main St. Motion Mr. Kurkiewicz, second Mrs. Fritsch to award the bid to Guelig Waste Removal and Demolition. This company had demolished the Middle School Gym for the Lake Mills School District. Motion passed 4-0.
- f. Bid Award, Catlin Drive Reconstruction. Motion Mrs. Fritsch, second Mr. Kurkiewicz to award the bid to R&K & Sons Construction, LLC. Project will begin after school is out, and summer school traffic concerns have been addressed with the school. Motion passed 4-0.
- g. Resolution 14-01, Fund Transfer, Streets Department. Motion Mrs. Fritsch, second Mr. Kurkiewicz to approve the Fund Transfer in Resolution 14-01. City Treasurer Heilman explained that the bids for the truck came in higher than anticipated while the cost of the pre-wetting equipment was lower. Motion passed 4-0.
- h. Resolution 14-02, Restatement and Amendment of City Manager Contract. Motion Mrs. Fritsch, second Mr. Kurkiewicz to approve Resolution 14-02. Attorney Schmidt explained that in a closed session the City Council discussed what it deemed a fair payout to the City Manager in the event he was removed as a result of a referendum. The intent is to protect the reputation of the City Manager. Mr. Kurkiewicz stated that some feel it is a penalty if mayor is elected other feel it is the right thing to do. Mr. Foster stated that it seems like the right thing to do. Mrs. Fritsch expressed that the piece that many are missing is that often the form of government is changed because someone hasn't performed as they should. Not the case here, the City Council has increased contact with the City Manager to be sure he is on track with the Councils expectations. The movement doesn't come from the City Council being unhappy. Because of the

movement it will be assumed negative reasons. It will have a negative effect on his ability to find other employment. If the City needed to hire a City Administrator they will look at how the City Manager was treated by the City. What reputation do you want for the City? Motion Mr. Foster to table Resolution 14-02, second Mrs. Fritsch. Motion passed 3-1 with Mr. Kurkiewicz voting no.

- i. Resolution 14-03, Referendum on Question of Amending the US Constitution. Motion Mr. Foster to approve Resolution 14-03, second Mrs. Fritsch. Discussion on wording. Motion passed 4-0.
- j. Ordinance 1126, Amending Stop Signs Located at Lilac Lane, 3<sup>rd</sup> Reading. Motion Mrs. Fritsch, second Mr. Kurkiewicz to adopt Ordinance 1126. Motion passed 4-0.
- k. Ordinance 1127, Charter Ordinance to Change to Mayor/Council Form of Government, 2<sup>nd</sup> Reading. No action taken.
- l. Resolution 14-04, Referendum on Question to Change to Mayor/Council Form of Government. Motion Mrs. Fritsch, second Mr. Foster to approve Resolution 14-04. Discussion on wording and explanation. Motion passed 4-0.

Recommendations for Future Agendas. Mr. Foster asked for information on the Dam Failure report and the possibility to have someone from the DNR come in.

Attorney Schmidt asked to revisit Resolution 14-04 and requested amendment to wording. Motion Mrs. Fritsch, second Mr. Kurkiewicz to amend Resolution 14-04 by adding 'form of government' as the City Attorney recommended. Motion passed 4-0.

Adjourn at 8:20 p.m.

Elizabeth J. Milbrath  
City Clerk