

COMMON COUNCIL MEETING
Tuesday, March 11, 2008

A regular and open meeting of the City of New London Common Council was held on Tuesday, March 11, 2008 at 7 p.m. in the Council Chambers of the Municipal Building. After the Pledge of Allegiance, roll was called. Presiding: Mayor Toltzman

Members Present: Barrington, Tate, O'Connell, Morack, Herter, Herminath, Romberg, Henke, Way Excused: Kopitzke

Officers Present: Luaders, Hager, Villiesse, Wilkinson, Thompson, Hoerth, Bodoh, Excused: Radtke

Others Present: Charlie Luedeke, Tom Reidenbach, Lee Rousseau, Tom Hanson

AGENDA: Morack/Barrington to adopted as distributed. Carried 9-0.

MINUTES: Henke/Tate to approve the minutes of February 12th and 25th as written. Carried 9-0.

BILLS: Romberg/Herter to approve the payment of invoices incurred during February 2008 in the amount of \$576,399.71. Carried 9-0.

At 7:10 p.m. a public hearing on Curb and Gutter Special Assessment was held. Tom Hansen of 1203 S. Pearl Street asked for an explanation of the project and costs.

Jeff Bodoh, DPW Engineer, explained that this was for potential curb and gutter replacement in conjunction with street rehabilitation work to be done on sections of Millard and Martin Streets. Typically, only damaged sections of curb and gutter would be replaced. Price is now estimated at \$15/foot.

There being no other speakers hearing closed at 7:15 p.m.

PUBLIC COMMENT: Tom Reidenbach, 703 Wyman Street, stated that he was surprised to return home from vacation and find that 90 trees have been marked for removal on the Wyman Street project. He stated that the explanation he received was that the number of trees lost increased due to the need to install one sanitary sewer and watermain lateral. He asked if since now laterals were being installed could they be placed to avoid taking trees. He and his neighbor would pay the greater expense for longer laterals in order to save trees. He also did not see why new curb and gutter or sidewalk should result in the loss of trees.

Romberg then addressed the Council on this matter, suggesting that perhaps some laterals can be slip lined. He suggested rather that cutting down trees that we think might die as a result of the project it would be better to just monitor the trees for five years after the project and cut down the trees that have died.

Romberg/Henke to direct the Director of Public Works and Waupaca County Highway Commissioner not to cut down any trees associated with the Wyman Street project and to schedule a special Board of Public Works meeting to discuss tree removal. Carried 9-0.

STANDING & SPECIAL COMMITTEES:

BOARD OF PUBLIC WORKS -

1. The minutes of 3/4/08 were read by Henke.
2. Henke/Herter to contract with Staab Construction for the underground piping portion of the WWTP Headworks Project for \$75,000. Carried 9-0.
3. Henke/Herter to contract with HyClean to televise Sanitary Sewer laterals for the Wyman Street Reconstruction Project for \$30,000. Carried 9-0.

4. Henke/Way to adopt upon this second reading Ordinance No. 1186 which amends Holding and Septic Tank fees. Carried 9-0. Ordinance No. 1186 is published separately and printed in the Ordinance Book.
5. Henke/Tate to adopt Resolution No. 1202. Carried 9-0.

FINAL RESOLUTION AUTHORIZING IMPROVEMENTS AND
LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITTED PROPERTY

RESOLUTION NO. 1202

WHEREAS, a public hearing was held for the City of New London, Waupaca-Outagamie Counties, Wisconsin, in the Council Chambers of the Municipal Building at 7:10 P.M. on March 11, 2008 for the purpose of hearing all interested persons concerning the Preliminary Resolution and Report of the Director of Public Works for rehabilitation construction of curb and gutter within the rights-of-way of all property fronting upon the following streets:

CURB & GUTTER REHABILITATION:

All property fronting upon both sides of Millard Street from the intersection of Wyman Street to the intersection of Pearl Street.

All property fronting upon both sides of Martin Street from the intersection of Smith Street to the intersection of Division Street.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of New London, Waupaca-Outagamie Counties, Wisconsin, as follows:

1. That the Report of the Director of Public Works pertaining to the construction of the above described improvements, including final plans and specifications therefore, is hereby adopted and approved.
2. That the Board of Public Works is authorized and/or directed to carry out the work of such improvement in accordance with the Report of the Director of Public Works.
3. That payment for said improvements be made by assessing the cost to the property benefited as indicated in said Report.
4. That the assessments shown on said Report are correct estimates and have been determined on a reasonable basis and are hereby confirmed.
5. That the assessments for all projects included in said Report are hereby combined as single assessment, but any interested property owner shall be entitled to object to any assessment separately or all assessments jointly for any purpose or purposes.
6. That the assessments may be paid in cash in three (3) annual installments to the City Treasurer, deferred payments to bear interest at the rate of 8% per annum on the unpaid balance. Installments or assessments not paid when due, shall bear additional interest on the amount due at the rate of 8% per annum.
7. The City Clerk is directed to publish this Resolution as a Class I Notice in the official newspaper.
8. The City Clerk is further directed to mail a copy of this Resolution and a statement of final assessment against his property to every property owner whose name appears on the assessment roll who post office address is known or can with reasonable diligence be ascertained.

Adopted this 11th day of March, 2008

BY _____
Wayne Toltzman, Mayor

Attest: _____
James R. Villiesse, City Clerk

6. Henke/Tate to schedule Beacon Avenue portion of Wyman-Beacon project for the 2009 season. Carried 9-0.

FINANCE & PERSONNEL -

1. The minutes of 3/5/08 were read by Romberg.
2. Romberg/Morack to adopt Resolution No. 1203. Carried 9-0.

RESOLUTION DECLARING OFFICIAL INTENT TO
REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING

RESOLUTION No. 1203

WHEREAS, the City of New London, Outagamie and Waupaca Counties, Wisconsin (the "Municipality") plans to rebuild portions of Wyman St. and West Beacon Avenue along with their associated infrastructures (the "Project"); and

WHEREAS, the Municipality expects to finance the Project on a long-term basis by issuing tax-exempt bonds (the "Bonds"); and

WHEREAS, because the Bonds might not be issued prior to August of 2008, the Municipality must provide interim financing to cover costs of the Project incurred prior to receipt of the proceeds of the Bonds; and

WHEREAS, it is necessary, desirable, and in the best interests of the Municipality to advance moneys from its funds on hand on an interim basis to pay the costs of the Project until the Bonds are issued.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of New London, Outagamie and Waupaca Counties, Wisconsin, that:

Section 1. Expenditure of Funds. The Municipality shall make expenditures as needed from its funds on hand to pay the costs of the Project until Bond proceeds become available.

Section 2. Declaration of Official Intent. The Municipality hereby officially declares its intent under Treasury Regulation Section 1.150-2 to reimburse said expenditures with proceeds of the Bonds, the principal amount of which is not expected to exceed \$75,000.

Section 3. Unavailability of Long-Term Funds. No funds for payment of the Project from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set-aside by the Municipality pursuant to its budget or financial policies.

Section 4. Public Availability of Official Intent Resolution. This Resolution shall be made available for public inspection at the Municipal Clerk's office within 30 days after its approval in compliance with applicable State law governing the availability of records of official acts including subchapter II of Chapter 19, and shall remain available for public inspection until the Bonds are issued.

Section 5. Effective Date. This Resolution shall be effective upon its adoption and approval.

Adopted this 11th day of March, 2008.

By: _____
Wayne Toltzman, Mayor

Attest: _____
James R. Villiesse, Clerk

3. Romberg/Herter to adopt upon this second reading Ordinance No. 1187 which makes St. John's Place a one-way street from West North Water to Park Street. Carried 9-0. Ordinance No. 1187 is published separately and printed in the Ordinance Book.
4. Romberg/Way to adopt the second reading of Ordinance No. 1188 which regulates ATV's on City streets similarly to snowmobiles. Carried 8-1 (O'Connell against). Ordinance No. 1188 is published separately and printed in the Ordinance Book.
5. Romberg/Barrington to grant licenses listed below. Carried 9-0.

MARCH LICENSE LIST

BEVERAGE OPERATOR LICENSES

Holly A. Eckhart NL BP
620 W. N. Water Street
New London, WI 54961

Crystal M. Fermanich NL BP
212 E. Wolf River Avenue
New London, WI 54961

Mark Thayer VFW
215 Austin Court #23
New London, WI 54961

SPECIAL CLASS "B"

New London Jaycees St. Patrick's Festival
PO Box 8
New London, WI 54961

ELECTRICIAN LICENSE

David Mackowiak
Master Electric
1913 Mill Street
New London, WI 54961

PARKS AND RECREATION COMMITTEE –

1. Minutes of 3/4/08 were read by Way.
2. Way/Romberg to adopt Resolution No. 1204. Carried 6-3. (Way, Tate, Henke against).

[NOTE: Way explained that although a majority of attendees at a public meeting supported mix trail use, there was grave concern that ATV use, historically has deprived trails of other uses as horses, bicyclists, runners and walkers find they cannot safely use trails if ATV also use them. Similarly, the dust generated by ATV use makes tourist use and ancillary business use of the trails impossible and ATV occupied trails have a negative economic impact.]

RESOLUTION IN SUPPORT OF MULTI-USE TRAIL FROM NEW LONDON TO SEYMOUR

RESOLUTION NO. 1204

WHEREAS trails are an important part of the economy of Wisconsin as well as to the health and well being of its citizens and visitors, and

WHEREAS trails provide commuters and visitors with alternative modes of transportation that enhance the entire transportation network, and

WHEREAS snowmobiles and all-terrain vehicles have become a popular and growing form of recreation for many citizens and tourists,

NOW, THEREFORE, LET IT BE RESOLVED that the City of New London is in support of the creation of a multi-use trail from New London to Seymour to include activities such as walking, running, biking, horseback riding, snowmobiling and all-terrain vehicle (ATV) use.

Adopted this 11th day of March, 2008

By: _____
Wayne Toltzman, Mayor

Attest: _____
James R. Villiesse, City Clerk

3. Way/Morack to contract with Neumann Pools for construction of the Splash Pad for \$39,408. Carried 8-1 (O'Connell against).

CABLE COMMISSION -

1. No report, Cable 3 is still down save for the message board. The old analog switching and taping system is proving difficult to repair.

PLAN COMMISSION -

1. Minutes of 2/28/08 were read by Henke.

REPORTS & MINUTES DISTRIBUTED:

1. Utility – 2/7/08 & 2/19/08
2. Police & Fire Commission – 2/11/08
3. Library & Museum – 2/27/08
4. Cemetery Superintendent – February Report
5. Building Inspector – February Report

REPORT OF OFFICERS on recent events and announcements to the Public - Mayor -

1. Appointed Diane Dorow to Library and Museum Board.

City Administrator –

1. Listed future Forward New London meetings.

Clerk Treasurer -

1. The results of the February 19, 2008 Mayoral Primary are as follows:

| | I | II | III | IV | V | TOTAL |
|-----------------|-----|-----|-----|-----|----|-------|
| Charlie Luedeke | 101 | 87 | 102 | 119 | 97 | 506 |
| Wayne Toltzman | 66 | 99 | 71 | 83 | 57 | 376 |
| Gary Henke | 127 | 165 | 137 | 227 | 96 | 752 |

The Spring Election is Tuesday, April 1st, with the Election for Mayor between Luedeke and Henke, 5 Alderperson positions unopposed, and unopposed election for City Attorney and Municipal Judge.

City Attorney –

Luaders explained how enforcement provisions differ between Municipal Code violations and State law violations; the State is working with the Building Inspector on a number of problem sites in the City.

Director of Public Works Engineer -

1. Bodoh said he has been working on Wyman Street issues and announced DPW anniversaries for Scott Sockett – 29 years and Rick Hottenstein – 13 years.

Parks & Recreation Department -

1. Hoerth announced swim lessons sign up.

Utility Manager –

1. Thompson noted that the Mayor was honored in Washington DC at the recent American Public Power Association 2008 Legislative Rally for his 43 years of support of public power. He also said he and Carol Radtke have been meeting with all the Wyman Street property owners affected by the scheduled project.

Parks & Recreation –

1. Hoerth cited his Department's Spring Newsletter, various program sign-up opportunities and an Easter Egg Hunt at the Pool.

Chief of Police –

1. Wilkinson described the work done so far on the statute of Chief Mork of Iola for the Waupaca County Law Enforcement Memorial. A construction fund has been established and Krause Publications is currently matching donations.

There being no further business, O'Connell/Morack to adjourn. Council adjourned at 8:12 p.m.

James R. Villiesse
March 11, 2008