

#7
COMMON COUNCIL
CITY OF CUMBERLAND
JULY 5, 2016

The Common Council of the City of Cumberland met for public hearings and regular meeting on Tuesday, July 5, 2016, 7:00 P.M., at the Cumberland City Hall, 950 1st Avenue Ave.

Mayor Skinner called the meeting to order at 7:00 pm. The meeting was properly advertised and all interested parties were notified.

Those in attendance were Bents, Slayton, Bridger, Schullo, Wallin, Goldsmith and Laursen. Strickland was absent and excused. Others present were Chief Rick Rieper, Keith Hardie, Pete Van Sickle, Hope Vicich and other citizenry.

The pledge of allegiance was said.

Motion by Bridger, second by Laursen, to approve the agenda as presented. Motion Carried.

Motion by Wallin, second by Goldsmith, to approve the June expenses with check # 35157 thru check # 35381 in the amount of \$ 220,171.24. Motion Carried.

Motion by Bents, second by Bridger, to approve the payment of pay application #17 for the Waste Water Treatment Plant Project in the amount of \$ 96,079.20. Motion Carried.

Motion by Laursen, second by Wallin, to approve the minutes of the June 7, 2016 Council meeting. Motion Carried.

Jim Coil asked why there isn't more explanation in the meeting minutes and feels it may be covering the law but missing the intent.

Mike Paffel, Chair for the Airport Commission gave a presentation of the operation of the airport.

Motion by Laursen, second by Schullo, to approve the Operator's License application on file in the Clerk-Treasurer's Office for the licensing period of July 1, 2016 thru June 30, 2017. Motion Carried.

Motion by Bridger, second by Schullo, to approve the Transient Merchant License applications on file in the Clerk-Treasurer's Office. Motion Carried.

Mayor Skinner acknowledged that a Class II Notice was published in the Cumberland Advocate on June 22 and 29, 2016 per 17.72 (2) of the Municipal Code (MC) and that all parties of interest, per 17.72 (3) of the MC have been given notice of the subject hearing by mailings.

Mayor Skinner opened the public hearing at 7:33 pm and state that the purpose is to solicit comments on the issue to consider the approval of an application for a Tourist Rooming House for parcel # 212-1177-24-000, located at 1637 3rd Avenue, Cumberland, Wisconsin.

The Mayor opened the floor for public comment from those who signed up and then anyone else. The applicant, Jeanene Solum stated she would be happy to answer any questions.

Upon hearing no further comment, the Mayor declared the public hearing closed at 7:34 pm.

Motion by Schullo, second by Wallin, to approve the application for a Tourist Rooming House for parcel #212-1177-24-000, located at 1637 3rd Avenue, Cumberland, Wisconsin. Motion Carried.

Mayor Skinner acknowledged that a Class II Notice was published in the Cumberland Advocate on June 22 & 29, 2016 per 17.72 (2) of the Municipal Code (MC) and that all parties of interest, per 17.72 (3) of the MC have been given notice of the subject hearing by mailings.

Mayor Skinner opened the public hearing at 7:35 pm and state that the purpose is to solicit comments on the issue to consider the approval of an application for a conditional use permit for grading within the shoreland district MC 17.36(9) on property located at 1251 & 1255 Grove Street, Cumberland, Wisconsin, parcel numbers 212-1200-73-000 and 212-1200-74-000 for the purpose of constructing a storm water treatment pond on behalf of the Beaver Dam Lake Management District with funding from the Wisconsin Department of Natural Resources.

The Mayor opened the floor for public comment from those who signed up and then anyone else.

Jim Coil asked how much dredging was going to be done and what the cost share was on this project. Keith Hardie responded that this is the responsibility of the Beaver Dam Lake Management District and they will be paying part of the cost with the DNR.

Upon hearing no further comment, the Mayor declared the public hearing closed at 7:37 pm.

Motion by Bridger, second by Bents, to approve the application for a conditional use permit for grading within the shoreland district MC 17.36(9) on property located at 1251 & 1255 Grove Street, Cumberland, Wisconsin, parcel numbers 212-1200-73-000 and 212-1200-74-000 for the purpose of constructing a storm water treatment pond on behalf of the Beaver Dam Lake Management District with funding from the Wisconsin Department of Natural Resources. Motion Carried.

Mayor Skinner acknowledged that a Class II Notice was published in the Cumberland Advocate on June 22 & 29, 2016 per 17.72 (2) of the Municipal Code (MC) and that all parties of interest, per 17.72 (3) of the MC have been given notice of the subject hearing by mailings.

Mayor Skinner opened the public hearing at 7:39 pm and state that the purpose is to solicit comments on the issue to consider the approval of an application for a conditional use permit for grading within the shoreland district MC 17.36 (9)(b) on property located on Jeffery Blvd, Cumberland, Wisconsin, parcel # 212-8200-06-011 for the purpose of clearing area for a new home.

The Mayor opened the floor for public comment from those who signed up and then anyone else.

Upon hearing no further comment, declared the public hearing closed at 7:40 pm.

Motion by Schullo, second by Goldsmith, to approve the application for a conditional use permit for grading within the shoreland district MC 17.36 (9)(b) on property located on Jeffery Blvd, Cumberland, Wisconsin, parcel # 212-8200-06-011 for the purpose of clearing area for a new home. Motion Carried.

Motion by Bridger, second by Bents, to approve the proposal from EOR for the engineering of the Lake Street Project for \$13,000 plus the cost of staking and as-built plans. Motion Carried.

Motion by Schullo, second by Slayton, to approve bidding out the maintenance building and lift station

#2 for the Waste Water Treatment Plant. Motion Carried.

Motion by Goldsmith, second by Bridger, to approve the Resolution Providing for the Issuance, Sale and Delivery of a \$1,375,000 Sewer Revenue Bond Anticipation Note, Series 2016 of the City of Cumberland, Wisconsin: Establishing the Terms and Conditions Therefor; Directing their Execution and Delivery; Creating a Special Redemption Fund Therefor; and Awarding the Sale Thereof. Motion Carried.

Motion by Schullo, second by Slayton, to approve Change Orders # 12 & 13 for the Waste Water Treatment Plant Project. Motion Carried.

Motion by Bridger, second by Bents, to approve the land rent agreement with Dave DeSantis of \$8,000 annually for sludge spreading from the Waste Water Treatment Plant. Motion Carried.

Motion by Schullo, second by Goldsmith, to approve the General Safety Rules for the City of Cumberland. Motion Carried.

Mayor Skinner stated he has been in contact with people at Madison regarding the Dept. of Forestry Office but we probably won't hear anything back until early August or later.

Mayor Skinner also asked the council members to keep the 1st week of September open to have a special meeting for employee evaluations before we start the budget cycle.

Alderman Bents stated that the Fire District put on a very good breakfast on the 4th of July and should be commended on their record turnout.

Committee reports were given.

Motion by Bents, second by Schullo, to adjourn the meeting. Motion Carried.

Julie A. Kessler, Clerk-Treasurer

#9

Detail for Operator's Licenses

1. Jessica Zaspel at Spot Bar
2. Barb Tschida at Nezy's
3. Tammy Sevals at Nezy's
4. Savannah Miller at Spot Bar
5. Joan Romanowski at Island Wines
6. Natalia Del Monte at Nezy's

Detail for Peddlers, Solicitors and /or Transient Merchants

1. Chamber Farmer's Market- Municipal Parking Lot – now thru October
2. Humane Society of Barron County at Louie's Brats – August 4
3. Cumberland Youth Soccer at Louie's Brats – August 5 & 6
4. Section Ten 4-H Club at Louie's Brats – August 18
5. St Paul's Lutheran Church at Louie's Brats – August 25
6. Bob's Barronett Produce at Waite's Carwash – now thru October

Temporary Class "B"/"Class B" Retailer's License

1. Cumberland Youth Hockey Association – August 26 & 27 for the Truck and Tractor Pulls

8.08 - SNOW AND ICE REMOVAL. (Rep. & recr. #519; Am. #668)

- (a) OWNER'S RESPONSIBILITY. The owner or occupant of any lot or parcel shall promptly each day remove all snow and ice which may have fallen or accumulated upon the sidewalk in front of such lot or parcel; provided, when ice has so formed that it cannot be removed, the owner or occupant shall keep the same sprinkled with a material which will prevent the sidewalk from being dangerous to pedestrians.
- (b) CITY'S OPTION TO CLEAR SIDEWALKS. In any case where the owner, occupant or person in charge of any building or structure or unoccupied lot shall fail to clear their respective sidewalk of snow and ice as set forth above, then and in that event, the City may elect to clear said sidewalks as follows:
- (1) Written notice shall be delivered to and left in a conspicuous place on the premises informing said person of his or her failure to clear said sidewalk, the City's intention to clear the same and the potential costs thereof, no less than 24 hours prior to the City's clearing said sidewalk.
 - (2) The City shall clear or cause to be cleared all snow and ice from said sidewalk, and shall charge the expenses of so doing pursuant to a fee schedule established by the Public Works Committee and approved by the City Council. The charges shall be set forth in a statement to the Clerk-Treasurer who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within 30 days thereafter, the statement shall be reported to the Clerk-Treasurer, who shall enter the charges on the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Wis. Stats, § 66.615(3)(f).

Charges established in 2014, the property owner shall be charged a fee of \$200.00 for each incidence of failure to clear sidewalks after a 24-hour notification.
- (c) DEPOSIT OF SNOW ON STREETS OR SIDEWALKS.
- (1) No person shall deposit or cause to be deposited any snow or ice taken and removed from his premises or elsewhere upon any sidewalk, alley, parkway, public place or street in the City, except snow removed from sidewalk areas where there are no boulevards/terraces. Snow shall not be piled at or near intersections so as to obstruct the view of pedestrians or operators of motor vehicles.
 - (2) No person shall remove or deposit any snow from building rooftops into a public alley, except by specific permission of the Director of Public Works, and if such permission is granted, the deposited snow must be moved from the alley within a reasonable length of time to be designated by the Director of Public Works at the time permission is granted.
- (d) PENALTY. As an alternative to the remedy provided in subsection (b) above, or in addition thereto the City may impose a penalty for violation of any provision of this Section, providing that the person who violates any of the provisions of this Section shall forfeit and pay to the City a forfeiture of not less than \$25.00 nor more than \$500.00, together with the costs of prosecution for each offense. A separate offense shall be deemed committed during each day (24 hours) or part thereof during which a violation occurs or continues.

Editor's note— Ord. No. 519, adopted December 3, 1996, did not specifically amend this Code; however, its provisions seemed to have superseded similar provisions of former § 8.08, prompting a recreation of such section at the editor's discretion.

Add - \$200 per occurrence for mowing
- one notification per season by certified mail or any notification shall be by certified mail
- will be charged if after 5 days since receipt of letter, issue is not resolved

X 10

PERSONAL APPEARANCE

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the City of Cumberland presents to visitors.

During business hours or when representing the City of Cumberland, you are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself according to the requirements of your position and accepted social standards. This is particularly true if your job involves dealing with customers or visitors in person. *Employees shall refrain from wearing sandals, tennis shoes, ~~shorts~~, skirts shorter than knee length, low cut shirts in either the neckline or arm holes and any clothing that is ripped or torn. These items can present the City and its employees in an unprofessional manner.*

Crews working on or around equipment should be wearing the appropriate safety apparel. This includes safety boots, safety vests or t-shirts and safety glasses if necessary. Clothing should not be so loose fitting that it could get caught in moving parts of tools or machinery.

#110

EMPLOYEE MEDICAL EXAMINATIONS

To help ensure that employees are able to perform their duties safely, medical examinations may be required.

After an offer has been made to an applicant entering a designated job category, a medical examination may be performed at the City of Cumberland's expense by a health professional of the City of Cumberland's choice. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam and a determination by the City of Cumberland and its examining physicians that the applicant is capable of performing the essential functions of the position that has been offered, with or without reasonable accommodation.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know.

EMPLOYEE VACCINATIONS

Any workers who have reasonably anticipated contact with blood or OPIM (other potentially infectious materials) during the performance of their jobs are considered to have occupational exposure and be at risk of being infected with Hepatitis B. All full-time, part-time and limited term employees of the waste water, street and police departments shall be offered hepatitis B vaccinations upon employment with the City as part of the pre-employment process. If the employee declines the vaccination, they must sign a declination form that will be kept in their personnel file. If they decide at a later date to get the vaccination, the City will still pay the full cost.

#17

**AGREEMENT BETWEEN
CITY OF CUMBERLAND
AND THE
WEST CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION**

**For Update of the
CITY OF CUMBERLAND COMPREHENSIVE PLAN**

I. Introduction

This agreement is entered into by and between the West Central Wisconsin Regional Planning Commission (hereinafter referred to as the Commission) and the City of Cumberland (hereinafter referred to as the City).

Witnesseth That:

WHEREAS, the Commission is a regional planning agency duly constituted pursuant to the provisions of Section 66.0309 Wisconsin Statutes, that is authorized to enter into contracts to provide technical planning assistance to local governments and/or private entities, and has assisted counties and local municipalities in the region with the creation and update of comprehensive plans; and,

WHEREAS, the City desires to develop update the *City of Cumberland Comprehensive Plan* in a manner that meets the requirements of Wis. Stats. §66.1001 ; and,

WHEREAS, the City has determined that, in order to update the *City of Cumberland Comprehensive Plan* in an efficient, economical, and effective manner, it is necessary to procure the services of professional planners,

NOW, THEREFORE, in consideration of the mutual covenants and agreements as hereinafter set forth, the parties to this agreement do hereby agree to the following:

II. Scope of Services to be Performed by the Commission

- The Commission, in cooperation with the City, will update the *City of Cumberland Comprehensive Plan* to include all standard content and meets the minimum, essential requirements of Wis. Stats. §66.1001.
- The Commission will prepare the plan and perform those responsibilities as described within the *Basic Comprehensive Plan Update Process* dated 6/1/16 in Attachment A.
- The Commission will provide CD-ROM digital PDF version of the final plan to City of Cumberland,
- The Commission's role is limited to the development of the City of Cumberland Comprehensive Plan update as described in Attachment A. The Commission will assist the City in preparation of the comprehensive public hearing notice, Plan Commission resolution, and City Council adopting ordinance as part of the required plan approval process. The Commission is not responsible for other ordinance development or developing detailed studies outside the planning scope.

III. Scope of Services to be Performed by the City

The City agrees to perform those responsibilities outlined in the in Attachment A, including completion of a comprehensive plan update questionnaire, required public noticing, and distribution of the final draft and final adopted comprehensive plans.

IV. Time Schedule

- A. The aforementioned services and items of work shall be performed during the period beginning August 1, 2016, and ending April 30, 2017, generally following the anticipated timeline identified in Attachment A, unless such period is amended by mutual written agreement between the parties to this agreement.
- B. The Commission and the City shall reserve the right to cancel this agreement upon thirty (30) days notice to either party if either party determines that the other party has not performed properly in any substantial respect or if either party determines that the other party has failed, neglected or refused to carry out the terms of this agreement.

V. Financial Payments

- A. It is expressly agreed by and between the parties to this agreement that the aforementioned services will be provided at a cost not to exceed \$10,000. Payment for the cost will be made in a single billing submitted by the Commission following adoption and delivery of the final plan document.
- B. The services to be completed by the Commission under this agreement shall be performed in a reasonable and professional manner, acceptable to the City and its staff.

VI. Miscellaneous Provisions

- A. It is hereby understood and agreed upon by both parties hereto that this agreement is for the provision of certain, defined services, as set forth in Section II. In this respect and in its capacity under this agreement, the Commission and its employees, agents and officers are performing on an independent contractor basis and in no event shall the Commission, its agents, employees or officers be considered to constitute agents, employees, or officers of the City.
- B. The Commission shall not assign, transfer or subcontract this agreement without the approval of the City.
- C. This agreement may be modified or amended in writing by mutual agreement of the Commission and the City.
- D. The Commission shall furnish full worker's compensation coverage for all Commission employees.
- E. In the event a dispute arises regarding the performance of a party under this agreement, the parties shall meet and attempt to resolve the dispute. If the parties are unable to resolve the dispute, either party may immediately terminate this agreement. The City shall pay the Commission for any work performed up to the time of termination deemed satisfactory by the City.
- F. The City and the Commission certify that no payment of money or any form of consideration has been offered to or given to a City employee for the purpose of procuring this agreement.
- G. All communications to the Commission concerning the terms and/or performance under this agreement shall be made to Chris Straight and/or Lynn Nelson, and all communication pertaining hereto to the City shall be made to Julie Kessler, City of Cumberland Clerk-Treasurer.
- H. Each person signing this agreement personally warrants and represents that he or she is duly authorized and empowered to enter into this agreement.

VII. Title VI Non-Discrimination

During the performance of this contract, the contractor assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation, be denied the benefits of, or be otherwise subjected to discrimination in the execution of this contract.

IN WITNESS WHEREOF, the City of Cumberland and the West Central Wisconsin Regional Planning Commission execute this agreement.

City of Cumberland

**West Central Wisconsin
Regional Planning Commission**

Bert Skinner, Mayor

Jess Miller, Chair

Date

Date

Julie Kessler, Clerk-Treasurer

Richard Creaser, Secretary/Treasurer

Date

Date

Minutes Public Works Committee July 25, 2016 at 8:00am

Present: Chairman Goldsmith, Bridger, Bents, Schullo

Absent: None

Also present: Lindfors, Goin, Kessler, Skinner, Hardie, Lundgren MSA

Meeting was called to order by Chairman Goldsmith at 8:00 am:

Motion was made by Bridger and seconded by Bents to approve the minutes from the June 21, 2016 Public Works meetings. Motion passed.

Public Comment: None

Department Updates

Linfors: The Crew has been cleaning storm sewer outfalls, completed the Ranallo bank work, trimming trees, weed-whipping and spraying sidewalks, doing park work and working on plans for several fall projects.

Goin: Most of the past month has been spent doing training and with the startup of the new MBR plant.

#10
The Committee considered the bids for the new maintenance garage at the waste water plant. Hardie stated that there were proposals sent to NW Builders, V&S construction, Market & Johnson, Cleary Buildings, Morton Builder, & Cumberland Ace. At the time of the meeting there was only a bid from NW Builders. V&S requested time because they were not happy with the bid from one of their subcontractors. The Committee will table the bid opening until Tuesday, August 2 @ 6:00pm with bids accepted until 4pm on Monday, August 1. This is contingent on NW Builders honoring their bid.

The Committee considered a request to improve the north frontage road from the motel access to the car dealer access; this is a plated frontage road but has not been improved. The City crew stated they could do the work for approximately \$2,000 plus their labor. The motion was made by Bents and seconded by Bridger to do the work, but as it was not budgeted for to place the work on next year's budget. The motion passed.

The Committee considered the safety apparel policy, there is some questions regarding some of the requirements, the Committee suggested having a meeting with the two supervisors and public works director and presenting the results of their apparel suggestions to the City's workers comp. provider.

#12
The Committee considered the sidewalk snow removal and grass mowing ordinance. The concern is that it appears the City's ordinance for snow removal and grass mowing requirements are being violated by the same property owners. The motion was made by Bridger and seconded by Bents to recommend to the City Council to set the charge for mowing at \$200 per mowing, which is the current charge for snow removal. Also that the property owner will receive only one written violation notice per season which will be sent by certified mail, subsequent violations will be dealt with by the City w/o further notice. The proposed changes are to be reviewed and approved by Attorney VanSickle. The motion passed

The Committee considered the Schramski property encroachment, since being informed of the encroachment two months ago, the personal property and fence remain on City property. The motion was made by Bents and seconded by Bridger to call Mr. Schramski and follow-up with a certified letter that he will have 10 days to remove his property & fence and that the curb for the second drive to his property will be replaced. The motion passed.

#13
The Committee considered the removal of the garbage disposal at the Senior Citizens Center. Since the Center is not required to install a grease trap, they will not be allowed to dispose of their food waste down the drain and will be required to remove their garbage disposal. The Waste Water Dept. is to put such wording into the ordinance along with wording that such businesses have periodic follow-up visits. The motion was made by Bents & Seconded by Bridger to recommend to Council that the Senior Center remove the garbage disposal and to add appropriate language to the sanitary ordinance. The motion passed.

The Committee considered the request from the waste water dept. that all billing statements for the plant be mail to the plant for their review before being paid; the plant is requesting Katie's name be on the service accounts (Cable, phone ,internet, alarms)so if service is needed they can order it w/o going through City Hall. The plant would also like to have a credit card with a \$1000 credit limit. The bills will be copied or second copies will be sent for plant review. Account access is an agenda item for the next Finance Committee. The Credit card will be placed on a future finance meeting.

#14
The Committee considered the ordering of two pumps needed for Lift Station #2 which is part of the second project. The reason for placing the order is that there is a 12 week lead-time for the pumps and if not ordered the work would be delayed until next season. The motion was made by Schullo and seconded by Bridger to order the two Flygt pumps from Xylem for the amount of \$24,550.40. The motion passed.

#11
The Committee considered Change Order #14 which consist of Sludge tank decant tree (\$8,533), Brick repair on headworks bldg.(\$1,282), domestic water valve replacement (\$3,094), exterior hatch addition (\$12,571), Interior hatch removal (\$2,567) for a total change order \$28,047. The motion was made by Bridger and seconded by Bents to recommend to the Council the acceptance of Change Order #14. The motion passed

The next meeting date will be August 2, 2016 at 6:00 pm. Future agenda items will be bid opening and acceptance Motion was made by Schullo and seconded by Bents to adjourn at 9:37 am, motion passed.

Submitted by
Keith Hardie, PW Director

MINUTES PARK AND RECREATION COMMITTEE MEETING

July 20, 2016

The Meeting was held at Islander Park

Present: Chairman Laursen, Schullo, Strickland

Absent: Bents

Also present: Hardie,

Chairman Laursen called the meeting to order at 6:30 pm.

Motion was made by Schullo, seconded by Strickland, to approve the minutes from the June 15, 2016 Parks & Rec Committee Meeting. Motion passed

Public Comment: None

The Committee was to hear a proposal from the Baseball Association but because of scheduling conflict Mr. Johnson was unable to attend.

The Committee discussed various options for Islander Park and requested a letter be sent to all stakeholders requesting their proposal to Buy or lease the facility from the City, along with their long term maintenance plan and funding. A field use policy should also be included. Hardie will draft and send out an RFP.

Parks update: The new swings and crawl tunnel donated by the GAP have been installed. The new slide for the playground set at Tourist Park has arrived and will be installed soon. The swim lessons are complete and there was a good turnout for the first year. There is a horseshoes pit and basketball Backboard at Eagle Point and there has been more midweek camper this year so revenue should be up. The goose roundup happened and 163 birds were removed (there are still 28 birds that escaped the roundup)

Next Parks & Rec meeting will be September 20, 2016 at 8:00 am at City Hall. Agenda will be Islander Park agreement

The motion was made by Strickland, seconded by Schullo, to adjourn at 7:35 pm., the motion passed.

Respectfully submitted

Keith Hardie DPW