

CITY COUNCIL

June 6, 2017

The Common Council of the City of Cumberland on Tuesday, June 6, 2017, 7:00 P.M., at the Cumberland City Hall, 950 1st Avenue Ave. for a public hearing and regular meeting.

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

Those members present were Todd Bents, Butch Slayton, Foster Bridger, Bob Strickland, Jim Schullo, Carol Wallin, Tom Goldsmith and Doris Laursen. Others present were Pete Van Sickle, Rick Rieper, Keith Hardie, Hope Vicich, Tom Beekman, Jeff Emerson and Marc Bowker from the DOT and other citizenry.

The pledge of allegiance was said.

Motion by Bridger, second by Schullo, to approve the agenda with the removal of #6 and #19 because no action is needed. Motion Carried.

Motion by Strickland, second by Bridger, to approve the May expenses from check # 37511 thru check # 37782 in the amount of \$ 349,945.78. Motion Carried.

Motion by Bents, second by Slayton, to approve the minutes of the May 2, 2017 Council Meeting. Motion Carried.

There was no public comment.

Motion by Bridger, second by Schullo, to approve the Class A, B and C, Beer, Liquor and Wine license applications on file in the Clerk-Treasurer's Office for the licensing period of July 1, 2017 thru June 30, 2018. Motion Carried.

Motion by Schullo, second by Wallin, to approve a Temporary Class B Liquor License for the Cumberland GAP on July 3 & 4, 2017. Motion Carried with Strickland voting no.

Motion by Bridger, second by Goldsmith, to approve the Mobile Home Court License application on file in the Clerk-Treasurer's Office for the licensing period of July 1, 2016 through June 30, 2018. Motion Carried.

Motion by Schullo, second by Strickland, to approve the Bowling Alley License application on file in the Clerk-Treasurer's Office for the licensing period of July 1, 2017 through June 30, 2018. Motion Carried.

Motion by Wallin, second by Schullo, to approve the Cigarette & Tobacco Products license applications on file in the Clerk-Treasurer's Office for the period of July 1, 2017 through June 30, 2018. Motion Carried.

Motion by Goldsmith, second by Slayton, to approve the Transient Merchant license applications on file in the Clerk-Treasurer's Office. Motion Carried.

Motion by Schullo, second by Slayton, to approve the Self-Service Laundry License applications on file in the Clerk-Treasurer's Office for the licensing period of July 1, 2017 through June 30, 2018. Motion Carried.

Motion by Strickland, second by Goldsmith, to approve the Operator's license applications on file in the Clerk-Treasurer's Office for the licensing period of July 1, 2017 through June 30, 2018. Motion Carried.

Tom Beekman, Jeff Emerson and Marc Bowker from the Wisconsin Department of Transportation were on hand to talk about some of the traffic issues in Cumberland, primarily the 4-corners and the intersection of 8th Avenue and Elm/USH 63. They explained the reasons why changing these intersections to a stop light or round-about would bring up other issues that may cause more problems than what is already there. There is not enough room at the 4-corners to do traffic signals or a round-about without purchasing real estate and losing a block of parking in all directions. With each potential solution, comes disadvantages and all of these needs to be weighed to determine what would be the best and worst outcomes.

Mayor Skinner acknowledged that a Class II Notice was published in the Cumberland Advocate on May 24 and 31, 2017 for the rezoning issue and a Class III Notice was published in the Cumberland Advocate on May 10, 17 and 24, 2017 for the discontinuance of an abandoned alley, per 17.72 (2) of the Municipal Code (MC) and that all parties of interest, per 17.72 (3) of the MC have been noticed of the subject hearing by mail.

Mayor Skinner opened the public hearing at 8:19 pm and stated that the purpose is to solicit comments and approval of the re-zoning of parcel #212-1531-09-000 from General Commercial District to a Residential Single Family District for residence and home occupation and the discontinuance of an abandoned unpaved alley in the Beaver Dam Lumber Company's Addition to the City of Cumberland, as recorded December 16, 1889, in Vol B of Plats, page 23, as Document No. 22707, in the easterly boundaries of Lots 1 through 6, inclusive, of Block 2, of said Addition, City of Cumberland, Barron County, Wisconsin.

Mayor Skinner opened the floor for anyone who wished to speak on either of these matters.

Mayor Skinner asked a second and third time for any additional comments on either of these issues.

Mayor Skinner declared the public hearing closed at 8:20 pm.

Motion by Slayton, second by Laursen, to approve the rezoning of parcel #212-1531-09-000 from a General Commercial District to a Residential Single Family District for residence and home occupation. Motion Carried.

Motion by Schullo, second by Strickland, to approve the resolution to Discontinue the unpaved ally in the Beaver Dam Lumber Company's Addition to the City of Cumberland, as recorded December 16, 1889, in Vol B of Plats, page 23, as Document No. 22707, in the office of the Register of Deeds for Barron County, Wisconsin, which alley lies easterly of and adjacent to the easterly boundaries of Lots 1 through 6, inclusive, of Block 2, of said Addition, City of Cumberland, Barron County, Wisconsin. Motion Carried.

Motion by Slayton, second by Goldsmith, to approve Ordinance 702 amending MC 7.02 as it pertains to Parking Limits in the City of Cumberland. Motion Carried.

Motion by Wallin, second by Bents, to approve Ordinance 703 creating subsection 12.02(25) of the Municipal Code for Tattoo Establishments. Motion Carried.

Motion by Strickland, second by Bridger, to approve the Fireworks Permit for the Cumberland GAP for July 4, 2017 with a rain date of July 7, 2017. Motion Carried.

Motion by Bents, second by Strickland, to approve Resolution 17-6B for the CMAR Report for 2016. Motion Carried.

Motion by Schullo, second by Bridger, to approve the bid from Fahrner Asphalt to Chip Seal/Fog Seal the parking lanes on 2nd Avenue and Elm Street at a cost of \$25,099. Motion Carried.

Motion by Schullo, second by Laursen, to approve the bid from DeSantis Excavating for replacing the manhole at 2nd Avenue and Donatelle Street in the amount of \$16,000 plus the cost of the bypass. Motion Carried.

Motion by Bridger, second by Strickland, to approve the purchase of an electric chain hoist for the Waste Water Treatment Plant at the cost of \$7,516.61. Motion Carried.

Mayor Skinner commented on things that need to be cleaned up in the Municipal Code.

Committee reports were given.

Adjourn: Motion by Strickland, second by Goldsmith, to adjourn the meeting. Motion Carried.

Julie A. Kessler, Clerk-Treasurer

**RESOLUTION PETITIONING
THE SECRETARY OF TRANSPORTATION
FOR AIRPORT IMPROVEMENT AID**

BY

**Common Council of the City of Cumberland
Barron County, Wisconsin**

WHEREAS, the City of Cumberland, Barron County, Wisconsin hereinafter referred to as the sponsor, being a municipal body corporate of the State of Wisconsin, is authorized by Wis. Stat. §114.11, to acquire, establish, construct, own, control, lease, equip, improve, maintain, and operate an airport, and

WHEREAS, the sponsor desires to develop or improve the Cumberland Municipal Airport, Barron County, Wisconsin,

"PETITION FOR AIRPORT PROJECT"

WHEREAS, the foregoing proposal for airport improvements has been referred to the city plan commission for its consideration and report prior to council action as required by Wis. Stat. §62.23(5), and

WHEREAS, airport users have been consulted in formulation of the improvements included in this resolution, and

WHEREAS, a public hearing was held prior to the adoption of this petition in accordance with Wis. Stat. §114.33(2) as amended, and a transcript of the hearing is transmitted with this petition, and

THEREFORE, BE IT RESOLVED, by the sponsor that a petition for federal and (or) state aid in the following form is hereby approved:

The petitioner, desiring to sponsor an airport development project with federal and state aid or state aid only, in accordance with the applicable state and federal laws, respectfully represents and states:

1. That the airport, which it is desired to develop, should generally conform to the requirements for a general aviation type airport as defined by the Federal Aviation Administration.
2. The character, extent, and kind of improvements desired under the project are as follows: Upgrade and enlarge existing fuel system; rehabilitate and expand parking lot, and any necessary related work.
3. That the airport project, which your petitioner desires to sponsor, is necessary for the following reasons: to meet the existing and future needs of the airport.

WHEREAS, it is recognized that the improvements petitioned for as listed will be funded individually or collectively as funds are available, with specific project costs to be approved as work is authorized, the proportionate cost of the airport development projects described above which are to be paid by the sponsor to the Secretary of the Wisconsin Department of Transportation (hereinafter referred to as the Secretary) to be held in trust for the purposes of the project; any unneeded and unspent balance after the project is completed is to be returned to the sponsor by the Secretary; the sponsor will make available any additional monies that may be found necessary, upon request of the Secretary, to complete the project as described above; the Secretary shall have the right to suspend or discontinue the project at any time additional monies are found to be necessary by the Secretary, and the sponsor does not provide the same; in the event the sponsor unilaterally terminates the project, all reasonable federal and state expenditures related to the project shall be paid by the sponsor; and

WHEREAS, the sponsor is required by Wis. Stat. §114.32(5) to designate the Secretary as its agent to accept, receive, receipt for and disburse any funds granted by the United States under the Federal Airport and Airway Improvement Act, and is authorized by law to designate the Secretary as its agent for other purposes.

"DESIGNATION OF SECRETARY OF TRANSPORTATION AS SPONSOR'S AGENT"

THEREFORE, BE IT RESOLVED, by the sponsor that the Secretary is hereby designated as its agent and is requested to agree to act as such, in matters relating to the airport development project described above, and is hereby authorized as its agent to make all arrangements for the development and final acceptance of the completed project whether by contract, agreement, force account or otherwise; and particularly, to accept, receive, receipt for and disburse federal monies or other monies, either public or private, for the acquisition, construction, improvement, maintenance and operation of the airport; and, to acquire property or interests in property by purchase, gift, lease, or eminent domain under Wis. Stat. §32 .02; and, to supervise the work of any engineer, appraiser, negotiator, contractor or other person employed by the Secretary; and, to execute any assurances or other documents required or requested by any agency of the federal government and to comply with all federal and state laws, rules, and regulations relating to airport development projects.

FURTHER, the sponsor requests that the Secretary provide, per Wis. Stat. §114.33(8)(a), that the sponsor may acquire certain parts of the required land or interests in land that the Secretary shall find necessary to complete the aforesaid project.

"AIRPORT OWNER ASSURANCES"

AND BE IT FURTHER RESOLVED that the sponsor agrees to maintain and operate the airport in accordance with certain conditions established in Wis. Admin. Code Trans §55, or in accordance with sponsor assurances enumerated in a federal grant agreement.

AND BE IT FURTHER RESOLVED THAT THE _____ and _____ be authorized to sign and execute the agency agreement and federal block grant owner assurances authorized by this resolution.

RESOLUTION INTRODUCED BY:

_____ (TITLE)

_____ (TITLE)

_____ (TITLE)

CERTIFICATION

I, _____, Clerk of Cumberland, Wisconsin, do hereby certify that the foregoing is a correct copy of a resolution introduced at a _____ meeting of the _____ on _____, 20____, adopted by a majority vote, and recorded in the minutes of said meeting.

Clerk

**AGENCY AGREEMENT AND
FEDERAL BLOCK GRANT OWNER ASSURANCES**

**Department of Transportation
Bureau of Aeronautics
Madison, Wisconsin**

WHEREAS, the City of Cumberland, Barron County, Wisconsin, hereinafter referred to as the sponsor, desires to sponsor an airport development project to be constructed with federal aid and/or state aid, specifically, the Cumberland Municipal Airport project to:

Upgrade and enlarge existing fuel system; rehabilitate and expand parking lot, and any necessary related work.

WHEREAS, the sponsor adopted a resolution on _____, 20____, a copy of which is attached and the prescribed terms and conditions of which are fully incorporated into this agreement, designating the Secretary as its agent and requesting the Secretary to act as such as set forth in the resolution, and agreeing to maintain and operate the airport in accordance with certain conditions; and

AGENCY AGREEMENT

WHEREAS, upon such request, the Secretary is authorized by law to act as agent for the sponsor until financial closing of this project;

NOW THEREFORE, the sponsor and the Secretary do mutually agree that the Secretary shall act as the sponsor's agent in the matter of the airport development as provided by law and as set forth in the referenced resolution; provided, however, that the Secretary is not required to provide legal services to the sponsor.

By: SECRETARY OF TRANSPORTATION

David M. Greene, Director (Date)
Bureau of Aeronautics

FEDERAL BLOCK GRANT OWNER ASSURANCES

WHEREAS, the sponsor does agree to the conditions established in Wis. Admin. Code Trans §55, and for projects receiving federal aid, to the attached federal sponsor assurances, which are a condition of a federal grant of funds.

The federal block grant owner assurances shall remain in full force and effect throughout the useful life of the facilities developed under this project, but in any event not to exceed twenty (20) years from the date of the finding (except for land projects, which shall run in perpetuity);

Acceptance: The sponsor does hereby accept the agency agreement and the federal block grant owner assurances.

Sponsor: The City of Cumberland, Barron County, Wisconsin

Name

Name

Title

Title

Date

Date

CONTRACT AGREEMENT
BETWEEN CITY OF CUMBERLAND AND JOSHUA MELSTROM
FOR BUILDING INSPECTIONS
August 1, 2017 – July 31, 2019

This agreement is made effective August 1, 2017, by and between the City of Cumberland, a municipal corporation of Barron County, Wisconsin, and Joshua Melstrom.

The City of Cumberland wishes to obtain the services of Joshua Melstrom to perform the functions of Building Inspector as that term is defined in state law and in the Cumberland Municipal Code. Joshua Melstrom is willing to provide one or more employees with the requisite qualifications to perform such inspections. According to the parties agree as follows:

Joshua Melstrom agrees to perform the duties of City Building Inspector as set forth in this Agreement to the best of its abilities and in accordance with State Statutes 101.65 and 101.76, the State Uniform Dwelling Code, the State Commercial Building Code and the City Municipal Code. It shall also perform other legally permissible and related duties the City may assign from time to time.

SECTION 1 – DUTIES AND RESPONSIBILITIES

1. Maintain certification by Wisconsin Department of Commerce/Safety and Buildings Division as specifies in Wisconsin Statutes, 101.66(2)
2. Issue permits and certifies compliance with all required codes and specifications including, but not limited to:
 - a. Building permits for all Commercial building, residential dwellings and structures
 - b. Perform building inspections that are generated by concerns of public health and life-safety issues
 - c. Lateral Inspections.
 - d. Erosion control permits
 - e. After inspection, issue certificates of occupancy certifying that buildings conform to ordinance provisions.
 - f. Fence permits
 - g. Sign permits
 - h. Any other permits deemed necessary to provide for the enforcement of City ordinances.
3. Perform all required inspections including but not limited to:
 - a. Footings
 - b. Foundations
 - c. Basement and drain tiles
 - d. Construction
 - e. Plumbing
 - f. Heating, ventilation, air conditioning
 - g. Electrical
 - h. Insulation
 - i. Erosion control

- j. Utility lateral installation
 - k. Occupancy
4. Fee Schedule and Administration Fee
 - a. The fee schedule is Contract Table Number 1. Current fee schedule shall be in effect from August 1, 2017 thru December 31, 2017 and can then be modified by agreement of both parties.
 - b. The City of Cumberland agrees to pay Joshua Melstrom a \$400 per month administration fee with annual review.
 - c. All building permits are subject to pay only one inspection fee, City of Cumberland inspection fee or State of Wisconsin inspection fee.
 5. Maintain a log of all inspections requested or performed for each project, including type of inspection, date of request, date of inspection, name of property owner, address of property, contact person, contact person phone number, and inspection results. Issue this log shall be turned into the City of Cumberland monthly with invoice for services.
 6. Issue noncompliance orders and follow-up to insure corrective actions are taken to meet the conditions of approval.
 7. Provide expert testimony as required for legal proceedings involving code related construction problems.
 8. Maintain contact with permit applicant to ensure inspections are completed.
 9. Provide appropriate documentation including, but not limited to:
 - a. Copies of building permit applications and other appropriate documents to City Clerk's office on a weekly basis.
 - b. Provide City Assessor copies of permit applications monthly or as necessary.
 - c. Provide Department of Commerce with appropriate documentations
 - d. Provide the City of Cumberland with monthly reports of permits issued, inspection logs, compliant log, and any other monthly reports they find to be appropriate.
 10. Joshua Melstrom's duties outside the scope of the UDC shall include:
 - a. Pre 1980 dwelling projects
 - b. Existing buildings and complaints
 - c. Investigate structural failures to determine the cause of the failure
 11. Provide appropriate documentation to Planning Commission and Board of Appeals and attend such meetings as necessary.
 12. Joshua Melstrom shall be recognized as an agent of the City. Joshua Melstrom shall maintain Professional Liability Coverage and General Liability Coverage and Errors and Omissions Insurance.
 13. The City shall have access to all records pertaining to this contract.
 14. Either party must give a 30 day notice prior to contract termination.
 15. The City may terminate the contract for any reason. Such termination shall be approved by the City Council
 16. The permit fee schedule may be amended periodically with the approval of the Common Council.
 17. This contract may not be sublet. Backup coverage will be required for vacations, sick leave, etc.
 18. No Workers Compensation, Unemployment Compensation or Social Security coverage is included in this Contract.

19. The term of this contact shall begin August 1, 2017 and terminate on July 31, 2019.

CITY OF CUMBERLAND

JOSHUA MELSTROM

Albert B. Skinner, Jr.

Joshua Melstrom

DATE _____

DATE _____

Attest: _____

Dated _____

City Clerk
City of Cumberland
950 1st Avenue
Cumberland, Wisconsin 54829

Addendum 1

City of Cumberland commercial building code administration fee:

1. Include all buildings of the commercial building code authority from the Wisconsin Division of Safety & Buildings.
2. Commercial building plan review fee shall be determined by total gross area as defined in table 2.31-2 SBD-118 (R1/21/11) .
3. Commercial building inspection shall be at rate of \$48.50 per hour, payable by the permit Applicant.
4. A municipal permit fee may be established by the City of Cumberland.
5. Fee schedules update with Wisconsin's Commercial Building Code changes.
6. City of Cumberland shall pay a rate of \$48.50 per hour for requested services. Plan review and inspections of municipal buildings shall be at the rate stated in lines 2&3.

UNIFORM DWELLING CODE FEE SCHEDULE

RESIDENTIAL: **MINIMUM FEE**

SITE BUILT

PREBUILT

\$600

\$300

1. New Dwelling - \$.20 per square foot of dwelling area (includes finished living area, unfinished basement area, and attached garage area). Plus \$35 for Wisconsin Permit Seal. \$50 per Utility Electrical connection inspection

2. Additions -

0 - 500 square feet .	\$200
501 -1,000 square feet	\$350
1,001 or more square feet	\$500

3. Remodeling or Alterations:

\$0-\$5000	\$150
\$5001-\$20,000	\$200
\$20,001-\$40,000	\$250
\$40,001-\$60,000	\$300
\$60,001-+	\$350

4. Accessory Structures:
 - a.) Unattached garages - Gazeboes

\$.20 per square foot

 - b.) Storage sheds up to 128 square foot \$25

\$.20 per square foot over 128 square feet

5. Decks: \$25 up to 200 square feet

\$50 over 200 square feet

6. In Ground Swimming Pools: \$150

7. Moving House onto new foundation: \$150

8. New Foundation under existing dwelling: \$150

9. Installation of Manufactured Homes \$50

- City Administration Fees

- New one & two family dwellings \$50

- Values of \$2000 or less \$25

- For each \$1000 or portion of \$1000 over \$2000 \$3 per \$1000 with maximum of \$50

Minutes Public Works Committee June 19, 2017

Present: Goldsmith, Bents, Schullo

Absent: Bridger

Also present: Kessler, Skinner, Hardie Lundgren, Goin, Lindfors, Strand, Perzichilli's

Meeting was called to order by Chairman Bridger at 9 am

The motion was made by Bents and seconded by Schullo to approve the minutes from the May 31, 2017 meeting. The motion passed

There was no public comment

Department Update

Street: crew have been repairing storm water catches, cleaning up after storms, started painting and the new striper works great and uses less paint, will be replacing the culvert on St Anthony Street. and one on Nedvidek , part-timers have been busy keeping up with the mowing .

WWTP: They just completed a membrane cleaning and the TMP are good may need to do a cleaning once a month, The cleaning causes the waste for that day to be sent up to the EQ basing which takes about a month to drain back through the system, 2 blowers went down and caused a day worth of waste to be sent to the EQ, Cleaning up the yard, re-shived the grit blower and is seems to be working better

The committee considered a request to allow RV camping units on the Perzichilli property on Bonnet Ave which is zoned R-2. M.C.12.08 requires the approval by the City Council to allow camping out side an approved campground. After some discussion the motion was made by Bents and seconded by Schullo to table the consideration until next month. The motion passed

The Committee considered two proposals from CBS squared for work on 8th Avenue. the first proposal would end the walking bike path at the Islander Park driveway, the second proposal would end the walking/ bike path at St Anthony Street. The Committee agreed to have the walking/bike path end at St Anthony Street. Strand informed the Committee the soil boring show that there is about 10 ft. of peat under roadbed going through the wet land that will need to be removed. Jon also stated that the project will be going out for bids next week.

The Committee considered the continuing encroachment on city property by Schramski after they agreed to address the issues last November. After some discussion the committee asked Hardie to send Schramski a letter reminding them of the agreement and that they will need to remove the woodshed building that is encroaching and does not meet the required side yard setback. Hardie will draft a letter

Mayor Skinner updated the Committee on the possibility of purchasing some adjoining land to Lakeside Cemetery from the Anderson family. After meeting with the Andersons there is the possibility of purchasing some additional land from them in the future. Mayor Skinner also talked about building cremation vaults that would hold as many as 95 cremations as a way of expanding the cemetery

The Committee was updated on the project list for completing work at the Waste Water Plant. After reviewing the list of projects the Committee agreed that MSA should get some firm dollar amounts to the work and return with the information once the numbers are known

Next meeting dates will be Monday July 17 at 9 am for regular PWC meeting main agenda Consideration of RVs on R-2 property and other items to be determined

Motion was made by Schullo and seconded by Bents to adjourn at 10:20 am the motion passed

Submitted by
Keith Hardie DPW

Finance Committee
June 15, 2017

Present: Bob Strickland, Butch Slayton, Tom Goldsmith, Carol Wallin, Bert Skinner, Keith Hardie and Julie Kessler.

Chair Strickland called the meeting to order at 9:00 am. The meeting was properly advertised and all interested parties were notified.

There was no public comment.

Motion by Slayton, second by Wallin, to approve the minutes of the May 15, 2017 Finance, Licensing and Human Resource Committee meeting. Motion Carried.

Kessler stated that there were 3 applicants interested in our Building Inspector position. Interviews will be set up for Monday evening and have Jim Heldstab present if possible.

Seneca is interested in exploring the option to purchase the spay field property. Kessler will get an appraisal done on the property.

The Mayor would like to see annual evaluations of all employees. Kessler will supply the info to the Department heads to complete these at the employees annual date of hire.

Next regular meeting will be on Wednesday, July 12 at 9:00 am.

Motion by Slayton, second by Wallin, to adjourn. Motion Carried.

Julie A. Kessler, Clerk-Treasurer
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