

**Regular Council Meeting  
September 3, 2024**

The meeting was called to order at 5:15 p.m. by Mayor Ottie (Robert) Baecker.

Roll Call: Deb Marsolek, Tim Hanson, Jason Ekern, Cleo Skroch, Linda Longmore, Randy Symicek.  
6 Present, 0 Absent.

Others Present: City Attorney, LaVerne Michalak, Elaine Conrad, Rita Boland, Daniel Cook (Davy Engineering) Kathy Manka, Lois Boe, James Woychik, and Debbie Kampa (Historical Society), Debbie Foss (Trempealeau County Times newspaper) Police Chief James Waniorek.

City Clerk Tiffany Bautch verified proof that public notice was given.

Approval of Agenda: Motion to approve - Symicek, 2<sup>nd</sup> - Ekern Ayes: 6 Nays: 0, Motion carried.

**Minutes – August 05, 2024**

Motion to approve - Hanson, 2<sup>nd</sup> - Longmore Ayes: 6 Nays: 0 Motion carried.

**Public Comments**

No Public Comments

**Licenses and Permits**

No Permits and Licenses

**Old Business**

Attorney Michalak started a discussion regarding Tri-City Sanitation and where the City's rights are in regards to the current contract or amending the current rates. Ekern then addressed his conversation with Darrin Pape regarding his stance of the contract stating that Pape has no objections with the City staying with the contract as stated. However, when the contract is up for renewal, it will impact the City at a higher dollar value because of the inflation and landfill fee increases. He pointed out that the idea is to do a gradual increase to be more affordable for all verse the drastic impact that will come to the City at contract renewal time.

Motion to approve the request to increase trash cart fees by .55 for the 2025 calendar year starting January 2025 billing cycle due to inflation and landfill fee increases by Skroch, 2<sup>nd</sup> by Longmore, Ayes: 4 Nays: 2 Motion Carried.

Members from the Independence Historical Society addressed the Council, describing how their organization has come together. With the requests of changes to the bathroom, kitchen, utilities, and public usage by the Historical Society. The City insurance company was notified to see how the effects of these changes to the City Hall Basement and what the liability to the City was investigated. At this time; concerns of fire codes, emergency exits, historical items coverage, and members of the public coming into the City electronic security server area was deemed of high concern. If a fire and a member of the Public being in unrestricted areas, the City is liable and the individuals who authorized them into this area.

Motion to not allow anyone besides City Employed members into the basement of City Hall and move topic to the City Hall Committee to review; Attorney Michalek will arrange meeting and council

representative will come back with recommendations to address situation at next council meeting by Longmore, 2<sup>nd</sup> by Skroch. Ayes: 6 Nays: 0 motion carried.

## **New Business**

Daniel Cook from Davy Engineering attended the meeting presenting his recommendation of the DAM Inspection and Permitting for the City DAM repairs. Cook recommended only doing a partial drop down of the Bugle Lake. Davy would like to do another re-inspection of the DAM and not get a DNR permit. Davy recommendation is to bring a scuba diver in to do another re-inspection of the DAM. Davy would come back to Council with a recommendation plan. If Davy finds out that they would need a DNR permit for this, Davy will evaluate the situation at that time. Davy will not know the condition of the DAM until they get below to see what is needed. Cost for Davy's service is \$2,000.00. City Clerk Tiffany Bautch questioned if Davy is planning to cover the full cost of the DNR application, filing, and permits in the \$2,000.00 recommendation plan that Davy is suggesting if a DNR permit is still needed at any time for dropping the DAM for this re-inspection work. Cook stated Davy would cover the cost of the permit, if required.

Motion to approve Davy Engineering to do a re-inspection of the DAM for \$2,000.00 with the contingency if a DNR permit for a lake drawn down is needed at any time, the cost of the application, filing, and DNR permit is included in the \$2,000.00 and at Davy's expense. Motion by Ekern, 2<sup>nd</sup> by Hanson, Ayes: 5 Nays: 1 Motion Carried.

City Clerk Tiffany Bautch presented the Council with the renewal of the City Burn Site Lease with Tim and Tom Dascher.

Motion to accept the requested of \$100 increase to the City burn site lease from Tim and Tom Dascher for September 2024- September 2025 for a total amount of \$850.00 by Longmore, 2<sup>nd</sup> Marsolek. Ayes: 5 Nays: 1 Motion Carried.

Marsolek started a discussion regarding the amount of time it is taking the Council and City Attorney Office to address updating the City Title Book, noting that consistency and structure to the Citizens of our community is needed. It also makes it difficult for employees and officers to enforce and address concerns when the Title Book remains incomplete.

Motion to have City Attorney proceed with Title 9 Zoning Ordinance and completed by December 2024 by Hanson, 2<sup>nd</sup> by Marsolek. Ayes: 6 Nays: 0 Motion carried.

Marsolek started discussion regards to the usage of the City Bridge Shelter. Marsolek stated it is a bit of a concern why a pizza truck is not allowed to have his truck at the shelter, but a Farmers Market can be held there if this area has been designated for non-profit groups. The shelter at the bridge is a Lion's Shelter, but is the right way of the State Highway.

Motion to table discussion and move this to the Property Committee for review with the Lions Club to determine a process plan, guidelines, and usage of City utility for this area by Marsolek, 2<sup>nd</sup> by Ekern Ayes: 6 Nays: 0 Motion carried.

Marsolek asked Council about information regarding Tree Damage Mitigation following the latest storm. If the Council wanted to consider offering a service to the Community to help residents clean up their Stumps from fallen trees following the last storm. Trempealeau County Parks utilized a service company that cost \$50.00 flat fee regardless of size. No action was taken to move forward with this as it is the residents decision to remove stumps and can work with service options of their choice.

Chief Waniorek presented information to Council following a meeting he had with the Independence Public School Principal Paul Franzwa regarding Truancy. Currently the school has a process in place to help with the situation however they are not getting the results with Trempealeau County in regards to what they are doing for the School. The process they have does work for some kids but for others it does not. Waniorek stated that if the school can get Trempealeau County Deputy to write a citation, the Independence Police Department can get a referral violation to be handled through the Police Department. Then the City would be able to write the plan.

Motion to table truancy discussion until the end of the 2024-2025 school year. Police Department is to continue to do what they are currently doing, and Council will review how the process has gone based on the actual number of documented cases that were addressed in the school year term. Motion by Ekern, 2<sup>nd</sup> by Hanson. Ayes: 6 Nays: 0 Motion Carried.

### **Committee Reports:**

- Law Enforcement and Personnel- reviewing applications and scheduling of interviews within the month for City Clerk Assistant Position.
- Library Board- grant application was submitted and awaiting results.
- Ambulance Board- Budget review was completed and an increase of \$1.86 per property was determined. Estimation of an increase of \$3,000.00 due to the New Ambulance. Chief Waniorek addressed Council why the City is utilizing the Arcadia Ambulance Service vs Tri-County Contracts since Tri-county isn't charging for services.
- Street Committee- Working to set up a meeting with Mike Marsolek and landowners to discuss the drainage problem in Frogtown. (south side of the City)
- Water and Sewer Department- Tim Stockman from Davy Engineering will be sending in the initial draft of the Facility Plan to the DNR for the Sewer Plant.

### **Correspondence:**

No Correspondence

### **Approval of Invoices and Payments:**

Motion to approve paying the bills by– Ekern, 2<sup>nd</sup> – Marsolek, Roll Vote: Ayes: 6 Nays: 0, Motion carried.

### **Future Meeting Dates:**

- Special Council Meeting- Monday, 9/9/24 at 5:30 p.m.
- Purchasing Committee Meeting: Tuesday, 9/17/24 at 4:30 p.m.
- Law Enforcement and Police Committee: Tuesday, 9/24/24 at 4:00 p.m.
- Special Council Meeting: Wednesday, 9/25/24 at 4:00 p.m.
- Fire District Meeting- Thursday, 9/26/24 at 7:00 p.m.
- City Hall Committee Meeting: Pending Date/Time
- Water and Sewer Commission Meeting: 9/30/224 at 6:15 p.m.
- Monthly Council Meeting- Monday, 10/7/24 at 6:15 p.m.

### **Future Agenda:**

- Bridge Shelter Usage
- Street Department Roof Repair
- City Health Insurance Approval
- LEP and City Hall Committee Recommendations Possible Action

**Closed Session:**

- A. Closed Session as provided in Wis Stat Section 19.85 (1) (e) for the purpose of deliberating, and/or negotiating, the purchase of public property and terms of agreements where competitive or bargaining reasons require a closed session.
- B. Closed session per Section 19.85.85(1) (c) Wis. Statutes to consider employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

Motion to move into closed session by Symicek, 2<sup>nd</sup>- Ekern Ayes:6 Nays: 0 Motion Carried.

Motion to return to open session by Symicek, 2<sup>nd</sup>- Marsolek Ayes: 5 Nays: 0 Absent: 1 (Ekern Left) Motion Carried

Motion to approve the motion from closed session by Skroch, 2<sup>nd</sup> Longmore Ayes: 5 Nays: 0 Absent: 1 (Ekern Left) Motion Carried

Motion to remove Chief Waniorek from his 6-month probation with 0.75 merit increase for his probation making new wage of \$37.00 per hour by Hanson, 2<sup>nd</sup>- Marsolek

After having completed all matters before the Council, the meeting was adjourned at 7:39 p.m.

**CITY OF INDEPENDENCE**

**Tiffany Bautch, City Clerk**