

City of Blair Regular Council Meeting Minutes, March 1, 2021 at 6:30 p.m.

A meeting of the Common Council of the City of Blair, Trempealeau County, Wisconsin, was duly called, noticed, held and conducted in the manner required by the Common Council and the pertinent Wisconsin Statutes on March 1, 2021. The Mayor called the meeting to order at 6:30 p.m. The following members were present: Mayor A. Knutson; Alderpersons-T. Wheeler, J. Anderson, P. Syverson, D. Stephenson, M. Lisowski & C. Ekern, City Attorney M. Radcliffe, Clerk S. Frederixon, Trempealeau County Times, David Donnelly/The Barnyard Tavern, Jay Vehrenkamp/Blair Fire Board, David Mattison, John Rawson, Al Rinka/Co Hwy. Commissioner, Rob Grover/Tremp. Co WEDC, Luke Solberg, Travis Armitage & Tim Robertson.

Mayor Knutson welcomed new Ward 1 Council member, Dennis Stephenson and new City Legal Advisor/Attorney Mark Radcliffe...applause.

Public Comment: None.

Present minutes for approval: Regular 2/1/2021. **Motion by P. Syverson to approve 2/1/2021 Regular Meeting minutes as presented, 2nd by C. Ekern. Discussion: None. Vote: Yes 6, No 0. Motion approved.**

Hi Crush is asking us to review and consider a Mine Phase 4 reduction in the reclamation Bond/Resolution #5-2015: Dick Reesman & Ron Rogness explained that it was a difficult 2020 in the energy sector, and the company did file Chapter 11 bankruptcy protection in July of 2020. It was a 'pre-arranged bankruptcy' with our debtors, we emerged in October 2020 with largely a debt for equity swap so our new owners are our debt holders. There is a new Board of Directors, new senior management, new C.E.O., C.F.O., new head of H.R. and new head of Operations. We are here today to talk about the financial assurance bond (Bond No. 1940181) for Mine Phase 4. Due to the downturn in the economy and the reduced activities in the frac sand industry Hi-Crush has idled the Blair facility. Currently Hi-Crush has disturbed only 6 acres of the total 35.93 acres that make up Mine Phase 4 and doesn't plan to mine the remaining undisturbed portions of Mine Phase 4 (29.93 acres) in the near future. They feel they have enough sand available for needs, until 2022 at earliest. Therefore Hi-Crush is requesting a reduction in the bond amount. If mining activities do begin again in the future Hi-Crush shall be sure to amend (increase) the bond, if necessary. Illustrations and cost formula worksheets were provided to Council. Total reclamation costs for Mine Phase 4 was estimated to be \$2,125,000. **This request is for the release of \$1,770,000 for the 29.93 acres that were never disturbed. For the 6 acres that were disturbed the new amended bond amount would be \$355,000.** City Attorney Mark Radcliffe said he researched, talked with DNR, reviewed NR135(very familiar), talked with S.E.H., Susan and he had City Zoning Administrator review this request, and do a site visit and make a recommendation, which would confirm that a sufficient amount of bond is in place. S.E.H. reported after site visit that the bond reduction and amount of bond decided on would be enough to cover reclamation of open 6 acre area. Radcliffe cautioned Council to remember, City of Blair is the 'regulatory authority', which means if and when the areas from the mine need to be reclaimed if there isn't enough of a bond in place, City would have to pay for reclamation. City responsibility to make sure there is enough bond in place at all times, in case company disappeared. Based on report from S.E.H. and legally I see no reason not to grant request, City council could approve this reduction request. Need to remember if things changed and Hi-Crush was able to start mining quicker than expected, we all have to remember to up that bond amount before that happens, one way to assure that is to have more frequent S.E.H. visits to mine, possibly bi-annual basis, make sure City has a plan in place to monitor mining. Radcliffe also brought up the other financial assurances for Phases 0, 1, 2 & 3 of mining that should be currently in place, said Dick Reesman had sent him the financial assurance information, and City needs to call those companies and verify they are 'in-place', so City is protected. Mark or Susan will call and verify that information tomorrow. Hi-Crush agreed that is good practice, reminded that the bond company is also required to notify the City if there is ever a change in a bond, but believes those bonds are in place and in good standing, also he stands by the company's relationship with the City in the past to bolster the

belief they would ‘remember’ to alert and change bond amounts if/when mining begins again, also more than happy to have increased inspection visits if City decides to do that. **Motion by C. Ekern to approve Hi-Crush, Blair request to reduce Phase 4 bond as presented, contingent Attorney Radcliffe recommendations of, on all current open phases (Phase 0, 1, 2 and 3) financial assurance is verified as ‘in place’ by Attorney Radcliffe, and increased S.E.H. Zoning administrator visits to bi-annual, 2nd by T. Wheeler.** Discussion: M. Lisowski, asked about an area in one of the handouts, that looked to be an open area in Phase 4, Hi-Crush, said that area was not open due to any mining activity, but property owner logging & agricultural activities, Attorney Radcliffe said S.E.H. had verified that also, land was not disturbed by mining activity and would not fall under reclamation permit. Dennis Stephenson: wanted to verify if S.E.H. was actually on the site for an inspection and used information from that site visit to do the report. Question because report said “it is my understanding”? Radcliffe said S.E.H. was ‘on site’ and Dick Resson said S.E.H. and himself walked the entire mine on January 6, 2021. **Vote: Yes 6, No 0. Motion approved.**

Motion by C. Ekern to open the public hearing for liquor license application of The Barnyard Tavern, 2nd by M. Lisowski. Discussion: None. **Vote: Yes 6, No 0. Motion approved.** Clerk Frederixon explained David Donnelly, who is in attendance tonight, purchased the building previously known as ‘Peterson’s Tavern’. He has completed all the Dept. of Revenue requirements for residency, paperwork needed for us to approve a liquor license and Chief Johnson has done a background check which was good, council approved him for publication and that has been done for more than 15 days. Mayor Knutson asked if anyone in the room had any comments on this license...hearing none he asked for a motion. **Motion by J. Anderson to close the public hearing, 2nd by P. Syverson. Discussion: None. Vote: Yes 6, No 0. Motion approved. Motion by P. Syverson to approve the liquor license for ‘The Barnyard Tavern’, as presented, 2nd by T. Wheeler. Discussion: None. Vote: Yes 6, No 0. Motion approved.**

Ordinance 32-Keeping of Domesticated Pets enforcement concern: Francis Pyka, resident of City has concerns about dogs being allowed to run loose and leave debris in his yard and many other yards he is sure. The Ordinance calls for dogs to be leashed when off owner’s property and he is not happy with the mess he is left to clean up. He has thoughts of building a fence, but how is it fair he should have to go to that expense when he doesn’t even own a pet. Is there anything the City can do? He would appreciate the City enforcing the Ordinance. Plan B is a fence permit, which he has turned in and wanted clarification on where fence can be place, Clerk explained ok to have fence on front corner of home and to backyard on property lines, but not anywhere in front yard. Clerk and Police Chief have been working with Francis to try to pin point violators, contacted suspected pet owners with some success and will continue to do so, to work to illuminate this issue for Francis. Francis has been trying to catch animals, and give us some clues where to look, but so far unable to catch them all. Police have done extra patrols and talked with one pet owner who said they would try harder to keep pet leashed. Francis has 2 house number he will share with Clerk/Police Dept. Francis also commented on the mobile home park on County S, east end of City, 2 are abandoned and most of them should be condemned. Clerk reminded Francis that topic was not on agenda, so not able to discuss tonight, please stop in City hall on that, we will try to work on.

Ordinance 38 Snowmobiles & Other Vehicles: request from residents, County Board members & WI Economic Development Coordinator, to Council to consider allowing ATV/UTV and Golf Carts in City Limits. Travis Armitage supports changing Ordinance to allow use of these types of vehicles, charge a permit fee, but the County has adopted new rules to include allowing these on county roads so will be good to hear from them. Idea on golf carts is to allow people a safe, slow way to move around City, get to park, downtown while being in open air. Rob Grover/Tremp. Co. Economic Dev. and Tourism Coordinator, here to support the idea and hope City will consider allowing use of these types of vehicles. The County looked at it for 6-7 months, figuring out benefits of opening county roads to this type of traffic. The group he worked with included Sheriff, Highway Commissioner,

Tourism department and Corporation Council look at legal aspects. He spoke with other counties that had opened up to ATV/UTV traffic already from an economic development & tourism aspect, he found that outdoor type recreation like this is one of the fastest growing types of tourism in WI. Their group did not find reports of the perceived negatives that we thought there may have been, no increase in accidents, no extra 'wear & tear on roads' was reported. From a tourism aspect, Jackson County is booming with this type of activity and anything we can do to bring some of those folks over our way to see all the neat places, winery's, orchards, eatery's, parks, we should encourage that. Many neighbors have already opened roads to this, Village & Township of Trempealeau, City of Osseo/partially, Town of Preston, Ettrick, this group is not reporting back saying they regret it. This can help our citizens increase their quality of life and bring others in for tourism. Alderperson Stephenson asked T. Armitage if he wanted every street, as currently some streets are already designated for snowmobile travel. Armitage thinks whatever street a resident might live on it would be good to have access to get to designated routes outside the City, Park, gas station, etc., would be good to see what works for other entities. Al Rinka, Trempealeau Co. Hwy. Commissioner, said his role in this process was to look at pluses/minuses from safety, maintenance and headache standpoints, he talked with other Highway Commissioners and Sheriff talked with other Sheriffs around State and they did not find enough reason to deny this process to go forward with opening up County Highways to ATV/UTV traffic. Not enough data to show increased safety issues, doesn't hurt roads or shoulders, speed limits were looked at also and would be the posted limit for other traffic. If you slow this type of traffic down that is what causes increased impediments and accidents, if vehicles have to go around slow moving vehicles. Alderperson Lisowski reminded Council that last time Committee looked at this topic, it was shared that the State Committee related to ATV/UTV travel didn't recommend allowing them to travel regular roads. Commissioner Rinka said that was due to use of 'non-radial' tires on vehicles, which is what they come out of factory with, which are intended for dirt roads. UTV/ATV owners that want to travel hard surface roads are putting 'radial' tires on which is same as cars/trucks. **Motion by P. Syverson to send topic of expanding Ordinance 38 to include ATV/UTV/Golf Carts, to Ordinance Committee/Legal Advisor/Police Department for further review, 2nd by J. Anderson. Discussion:** D. Stephenson asked about age, Rinka said all State Statute and DNR rules were adopted, UTV's require a driver's license, ATV's you can be under 16 years old, but accompanied by parent and safety course completed. City Police department would monitor this. Consider writing into Ordinance, about noise & speed levels and citations, check with Osseo. **Vote: Yes 6, No 0. Motion approved.**

Fire department equipment issues: Jay Vehrenkamp, Blair Fire Board member let Council know, the department's air compressor used to fill air tanks for firemen doesn't work, needs to be updated, they have previously tried to save money by purchasing used without much long term success. Have been filling tanks at other departments and was a safety issue during the large Blair Haus fire. Fire boards from both Township and City met and are making the recommendation to this Council & Town of Preston to purchase a new compressor system. Fire Chief Armitage said the compressor would be a capital purchase with a 15-25 year life expectancy. Sounds like there would be money in both entities CIP funds to cover, which is normally used for truck purchases. Research was done on possibly financing purchase, but through fire board discussion and financial advisors thought better to use CIP funds, which are not getting large interest amounts (if Council agreed). The fire board did some research for possible grants with no luck. Department is also hoping to order the 'Quick response' vehicle, \$180,000-\$200,000, that has been discussed for past 5 years, within next 6 months. The current vehicle will soon be 'out of compliance'. Vehicle will take 1-1 ½ years for delivery. Even with compressor purchase, we would be on track to purchase the vehicle with what is currently and normally budgeted in Township/City CIP Fire department fund. **Motion by J. Anderson to use Fire Department CIP to pay City % portion of the cost of new compressor & 8 tanks for air packs, safety cage for use when filling & safety equipment for safe transporting. (Estimated @ \$ 52,500 total) contingent on Township approving to pay their portion-to be decided at their meeting next week, 2nd by C. Ekern. Discussion: None. Vote: Yes 6, No 0. Motion approved.**

City of Blair Succession Planning thoughts: Travis Armitage spoke for friends and residents who wanted the City to consider the advantages of City having an ‘Administrator’ in the future, would increase the types of projects, maybe grants, etc. that could be worked on. Susan is the ‘Clerk’ but as time has passed there has been much ‘Administrative’ type items that have become needed within the running of the local government process. There would be added money needed for this, of course. Thought of Susan, retirement in next 2-5 years, bringing in an Administrator sometime while she is still here could be very beneficial. Give some thought to ‘re-designing’ how City is run. Administrator could possibly eliminate or maximize some of the ‘outsourced’ professional services we currently budget for. An Administrator may be able to eliminate many meetings, by having the authority to research, outline and recommend plans without committee meetings, to full Council with a few bullet points. Difficult for Council members to be expected to make decisions without having time, resources to become completely educated on many important decisions, an Administrator can help with that, similar to a school board process. Request for Council to think about the future management of the City and consider looking into the advantages of this type of change. Village of Trempealeau, Osseo, Whitehall, Black River Falls and Arcadia are believed to currently have Administrators and Clerks, with comments Armitage said of feeling much more organized and able to stay on top of things with the additional help of the added Administrator position.

Council decided at the April 2020 meeting to lower the cost of liquor licenses in the City for that permit year, due to COVID-19 struggles, the motion was to do that only for that year. Council will not make any extensions.

Reports: Police Department: Chief Johnson unable to attend due to training and was unable to get a report for this meeting. Clerk Frederixon said we have received many good comments about our 2 young officers Kim and Connor, specifically how well they did during the tragic accident we had last Thursday evening near highway 95 turn off to Arcadia. Street Department/Randy Ekern: snowy, icy & cold month, lots of plowing, sanding, salting and widening of streets; Kept up with cleaning of snow & ice from storm drains for spring thaw. Did preventive maintenance of washing vehicles & loader. Assisted with plowing of reservoirs for DNR inspection. Did visual and paint marking of sidewalks needing repair this spring, Gilbert Street by barber shop # 1 on list; attended Diggers Hotline meeting. I want to compliment Brian Stenberg(part time City employee) and recommend him for a \$2.00 an hour raise for helping with snow removal, he works early mornings, weekends, dealing with traffic/people and does a real good job with the dually and riding snow blower, please consider this as able. Water/Waste Water Department: Bob Fraust: no report. Park Superintendent report/Brian Jahr: Things are going great! Been busy inspecting, tightening & painting picnic tables, sadly with the warm weather our ice skating rink has come to an end, but was great year; attended class on utility damage prevention by diggers hotline on 2/10/21, learned many helpful things; I have some classes coming up, March 10th-online class about Waters actions, highlighting projects, programs & partnerships that enable communities to take action to improve their local waters with Shoreland-themed talks, panel discussions with professors from UW-Stevens Point; April 7 & 8 is my Certified Pool Operator class in Eau Claire. I am looking forward to snow melt & getting the Park ready for an awesome summer season.

Park Committee Meeting on 2/4/2021/J. Anderson, Chairperson: Committee is recommending for full Council action, the opening of the Aquatic Center for 2021 season hopefully by Memorial Day and advertising for lifeguard & Director Staff. **At this point City Attorney Mark Radcliffe, stated that we need to be sure any items we wish to take action on should be given to Clerk so they can be specifically noted with in the agenda, in order to meet the ‘open records’ State law requirements.** Aquatic Center topics will be tabled until April meeting for action. Class of 1978 had preliminary discussions about them placing a class memorial type structure in the Park. Jill gave Council general description of structure and Council had preliminary support for it.

Police/Ordinance Committee Meeting on 2/9/2021/C. Ekern, Chairperson: Chief Johnson informed Committee on 'IT' issues and updates, he believes are needed. Chief had representative from 'MCS' that can assist with upgrades, this company serves many local government agency currently, with Dept. of Justice type information needs and are certified to do so. Johnson stated our current 'IT' company does not have credential to work on the D.O.J. type files. Police department said they would check with Clerk Office on possibility the 'CARES' grant may be able to offset some of the cost for these upgrades. Paul Syverson said that grant has ended, possibly something else in future. Committee asked Chief to research and present to Committee information/costs/feedback from other departments already using this system. Committee reviewed many current Ordinances in need of updating, with plans to organizing them in to similar areas and then meet to review and update as needed. Attorney Radcliffe's input was included on all Ordinance discussions at this meeting.

Clerk report: Annual Audit set for week of 2/22/2021. Really went well. Baker/Tilly are great to work with. This year was mostly done via phone, emails with only 1 day of 'on-site' work. We received notice today they are down to only a few minor questions, all looking good. Primary Election on February 16th went very well, we had 104 voters, our primary for Mayor ended up with Paul Syverson and John Rawson on the April 6th ballot. Thank you to Gary Olson our Election Chief Inspector and Terry Wheeler and Debi Fremstad for working the election room. Department of Administration, CWF loan information request, at the end of 2020, I was contacted by the D.O.A. about the current CWF loans we have (main lift station project), apparently they do watch our audit statements to be sure we are meeting the requirements in the loan agreement for debt service. The utility is required to show it is able to cover the amount for CWF debt service, our auditors alert us to that also. As you know our waste water/sewer fund was in deficit for recent years. I can tell you it was very nice for me to be able to talk with him about the Waste Water rate study the Council was having done by Ehlers, to bring that utility back in to compliance. After they reviewed our study, the D.O.A. said, "With the revenue bond coverage in the study, it looks like Ehlers expects this plan to put Blair on a strong footing with regard to the revenue debt. Thanks for using CWF and Safe Drinking Water Loan Program. "Good job City Council. Sorry to say but soon we will have to work on the Water portion of our utility on the same type of planning, as that fund is in need of rate evaluation and planning to bring it on to solid footing.

Building permits: None

Present vouchers for review/approval: Motion by J. Anderson to approve vouchers as presented, 2nd P. Syverson. AT THIS POINT ATTORNEY RADCLIFFE INFORMED COUNCIL VOUCHERS NEED TO HAVE A ROLL CALL VOTE PER STATE STATUTE. Discussion: Syverson asked about the Source Energy reimbursement check-Frederixon explained they had double paid same amount. Vote: Paul-Yes, Jill-Yes, Mike-Yes, Terry-Yes, Chris-Yes, Dennis. Motion approved.

Next Council meeting is April 12, 2021 @ 6:30 pm & Re-Organizational meeting on April 20, 2021 @ 6:30 pm

Motion J. Anderson to adjourn meeting, 2nd P. Syverson. Discussion: None. Vote: Yes 6, No 0. Motion approved.