

Chilton, Wisconsin
December 15, 2015

The regular meeting of the Chilton Common Council was called to order at 6:30 p.m. with Mayor Gerald Vanne presiding in the council chambers at the Chilton City Hall.

AGENDA POSTING:

On 12/11/15, copies of the agenda were delivered to the Mayor, Aldermen, City Attorney, and City Department Heads, were made available to the media, and posted on the City Hall bulletin board and city web page.

ROLL CALL: COMMON COUNCIL:

Mayor Gerald Vanne and eight members of the Council were present at roll call:

Council Member Rick Jaeckels	Council Member Richard Bosshardt
Council Member Dan Hilton	Council Member Kevin Johnson
Council member Clayton Thornber	Council Member Kathy Schmitzer
Council Members Ron Gruett	Council member Linda Bangart

Other city officials present were Police Chief Craig Plehn, Director of Public Works Todd Schwarz, City Attorney Derek McDermott and City Clerk Helen Schmidkofer.

General attendance: Tom Baer

Those in attendance recited the Pledge of Allegiance.

Moved by Hilton, seconded by Bangart and carried to approve the minutes of the council meeting held on 12/01/2015 and the special council meeting held on December 8, 2015.

REPORT OF OFFICERS:

MAYOR REPORT:

- o Attended the Library Board meeting last evening
- o Merry Christmas and happy New Year to all
- o Reminder no council meeting on January 5, 2016

CITY CLERK REPORT:

↻ Elections: Notice of Spring Election for expiring terms for mayor and council members are as follows:

Mayor – Vanne (Incumbent) Rick Jaeckels took out papers

District One – Bangart – signed Noncandidacy papers

District Two – Bosshardt-filed papers, Greg Kubichka took out papers

District Three – Schmitzer-took out papers

District Four – Johnson-filed papers

Circulation of nominations papers began December 1, 2015 and filing of nomination papers is due by 5:00 PM on Tuesday, January 5, 2016. Notification of Noncandidacy must be filed no later than 5:00 PM on December 28, 2015.

↻ City Hall will be closed for the holidays December 24, 25, 31 and January 1

DIRECTOR OF PUBLIC WORKS:

↻ Updated Land Use maps were distributed for the 2030 Comprehensive Plan Booklet

↻ Continuing to work with the DNR, Calumet County, Sigma (consultant firm) regarding potential for grants for cleanup of the McNeely and Schneider properties located at 415, 420 and 476 East Main Street.

↻ Well #10 – when conducting the 10-year maintenance the DNR gave approval for removal of the right angle gear drive from the well 10 pump. The pump was repaired however now problems with rusty water. The Water Department is still working on a solution.

↻ Street Department is cleaning catch basins (453 in the city) and cleaning out sewers which will be conveyed in the CMAR report

↻ South Water Tower Project – requested contractor to remove dumpsters and remaining materials

↻ Delivery of the Street Dept. dump truck has been delayed to later this month

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- ↻ Reviewing Municipal Code chapter 9 for Public Works committee meeting
- ↻ City of Chilton hosted the Waste Water Operator Association (WWOA) regional operator meeting at the Eagles Club December 10, 2015 and was well attended
- ↻ Band shelter at Hobart Park – the fascia has been repaired

Mayor Vanne inquired if the council would allow Tom Baer to speak at this time to review industrial park land and noted that the council could discuss this in open session. Council members were in favor of hearing Mr. Baer speak about the land at this time.

Attorney McDermott stated the City did enter into a purchase agreement with Cozy Baer in December of 2013. The TIF #2 property off Irish road was closed and conveyed to the buyer. The conditions of the sale included following the site design and development guidelines, as this land is part of the tax incremental district of which there should be development within two years otherwise title reverts to the City with the purchase price being repaid.

Mr. Baer confirmed that there is not going to be any development.

McDermott said, “For this reason the City is in the provisions of the development guidelines that says title is to revert (to the City) and the City to pay the following purchase price. The issue at this time is the topsoil that has been removed and a pile of topsoil that remains. Other than that, the City can move ahead and purchase. The City will have to take some action here. The original purchase price was \$26,145.00, closing costs \$1,101.00 and the net is \$25,044.00, apart from the topsoil issue.”

Gruett inquired, “Can the City legally require the property be put back to how it was when we sold it?”

McDermott said, “The title reverts and the legal title is conveyed by deed. The property is not identical to when it was conveyed. The guidelines do not exactly cover that.”

Mayor Vanne said, “Some of the concerns are that the council wants the ground to be gone at your expense. There has been no motion to do that and that is why we wanted you to come in here.”

Mr. Baer said, “DPW Schwarz mentioned that there are interested parties in that property, a one acre parcel. If I were on the city council, I would say let the land be and divide the land out into one-acre lots with a street down the middle. Then you could sell off the parcels already. The remaining black dirt would be used for anybody who put a building up and wants to put grass around it. I know you are concerned about putting the black dirt back. You want to develop it and I really think that is a moot point. I did not do this on purpose, it just happened that way.”

Mayor Vanne said, “The City is aware that you did not do this on purpose. What you did was in good faith.”

McDermott said, “What you did was in good faith, with the plans you had.”

Mr. Baer said, “Yes, my plans fell apart. I did not mean to do that on purpose but why would you want the black dirt back down. Eventually when you do develop this area you are going to remove it.”

Mayor Vanne said, “If this does not get developed in 9 years and we sell off 2 acres then the 7 acres will become crop land. This would have to be flattened out either at your expense or our expense. You know what I am saying?”

Mr. Baer said, “I could have the individual that has acquired the black dirt take more and then the pile would be gone. Legally I am not obligated to do that, correct?”

McDermott said, “There is nothing in the contract. Ownership reverts to the City but

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some of the property was sold off, the topsoil. The title reverts and there should be some consideration for at least what was sold off because that is not reverting to the City. Maybe make some proposal on the dollars and then the City will have to decide going forward.”

Baer said, “My offer will be to pay the City the funds from selling the black dirt. Not sure what that dollar amount is, I would guess a thousand dollars.”

Thornber and Schmitzer commented on how much dirt was removed, the cost to have the dirt pile removed, the dollar amount received from what was already sold and who is responsible to have the vacant land put back to its original state.

Mayor Vanne stated the council should go into closed session and requested Mr. Baer to leave the room at 6:45 PM.

Moved by Hilton, seconded by Bangart to go into closed session at 6:45 PM under WI Statute 19.85(1) (e) to review purchase of property.

Thornber questioned point of order, why are we going to the bottom of the agenda.

McDermott replied, “This is not a public hearing where there is a set time.”

Mayor Vanne called for a roll call vote.

Gruett – yes	Bangart – yes	Bosshardt – yes	Thornber – yes
Jaeckels – yes	Schmitzer – yes	Hilton – yes	Johnson - yes

Eight votes cast. Eight votes aye. Motion carried.

In closed session reviewed industrial land.

Moved by Johnson, seconded by Bangart to return to open session at 6:54 PM.

Roll call vote.

Gruett – yes	Bangart – yes	Bosshardt – yes	Thornber – yes
Jaeckels – yes	Schmitzer – yes	Hilton – yes	Johnson - yes

Eight votes cast. Eight votes aye. Motion carried.

Mr. Baer was requested to return to the council chambers.

Moved by Hilton, seconded by Johnson to authorize the repurchase of industrial park land from Cozy Baer Storage LLC, revert title by December 31, 2015. Repurchase the property for the gross price of \$26,145.00 minus closing costs of \$1,101.00 plus retaining \$1,700.00 to be refunded if the lot is leveled off by June 1, 2016, if not the City shall retain the \$1,700.00. Roll call vote.

Gruett – yes	Bangart – yes	Bosshardt – yes	Thornber – yes
Jaeckels – yes	Schmitzer – yes	Hilton – yes	Johnson - yes

Eight votes cast. Eight votes aye. Motion carried.

Baer exited the room at 7:04 PM

MOVED BACK TO POLICE CHIEF REPORT

Chief Plehn noted he has been with the City one year. Plehn read a detailed report that was given to the Public Safety committee for budget purposes however, the entire council should be acquainted with the full report. The report highlighted the following:

- Department Goals
- History
- Population comparison with Kiel, New Holstein and Brillion
- Number of officers compared to Kiel, New Holstein and Brillion
- Budgeted Overtime Hours from 2014
- Average budgets for 2011, 2012, 2013 and 2014
- Average number of complaints since 2009 compared to Kiel
- Number of complaints per year compared to Kiel

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Discussion then took place regarding loss prevention at Wal-Mart, which causes increased calls for the Department.

UNFINISHED BUSINESS:

Mayor Vanne said, "I just want to say one thing. We had many discussions about wages and I think it is unfair to some of the employees that the Union employees are getting 2.5% and the other employees that are non-union and management are getting a lot less. I think this is wrong. I know that getting a set amount is probably okay with some, no body always likes that but I think it should all be close to each other."

Mayor Vanne said, "There is one thing on ordinance 1124, I told the Clerk to include committee meeting pay for the mayor position. The mayor's position in 2000 and before included committee meeting pay. The mayor pay is \$5,000.00 annually and does not include pay for committee meetings. Now we are putting this back on because it was on. It is for committee meetings not council meetings. Council meetings are part of the mayor's pay."

Alderman Johnson said, "For many years that I have been on the council it is nice having the mayor attend the committee meetings but I also am not sure that I support the mayor getting paid to be at committee meetings. Because, for me it seems voluntary to some extent, because it is a committee. It is not the council and I just always felt the committee is there to discuss and make decisions. It is very nice having the mayor there for input but I guess I am also looking at this not being mandatory. So hence, not being mandatory I don't know if pay should be the issue. I remember back a couple of mayors ago; I don't recall that the mayor even attending committee meetings. The last two mayors, yes. It is a convenience to have the mayor there for input. I just don't know that it is mandatory because I hate to see it look like micro managing. The committee level begins the process on the concept but it is ultimately the council makes all the final decision. That is just my thought on it right now."

Mayor Vanne, "Most of the time I came to the committee meeting is so that I knew what was going on. That way when I come to the council meeting after reading the minutes of the committee meeting, it was as if I heard all the discussion. This is up to you; I am not saying you have to do this. It was in there, we took it out. It doesn't benefit me. I wouldn't take it even if I was going to be the mayor."

Schmitzer inquired, "When was the last time there was an increase in mayor pay?"

Mayor Vanne said, "I thought the pay use to be \$6,000."

McDermott added that the other thing is how much time a mayor puts in. That varies from year to year. Past years with union negotiations or building projects. As an elected official, the mayor does not have a specified amount of time that is required; it is up to the individual.

Schmitzer said, "I think it is only fair to pay them for attending committee meetings."

Thornber said, "I cannot agree with Johnson that you are going to make committee meetings mandatory."

Clerk Schmidlkofer said, "I read the ordinance to state that if the mayor attends a committee meeting they are eligible to be paid for committee meeting pay, if they so choose."

Thornber stated, "In my opinion the mayor should be paid for committee meetings. If we are paying the other officials the director of public works and the city clerk meeting pay on top of their salary."

Moved by Thornber, seconded by Bosshardt to introduce, adopt and waive the reading for Ordinance No. 1124, an ordinance establishing salaries for city officials effective January

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1, 2016.

Gruett said, "I would normally vote no on this but I think the mayor doesn't get paid enough to begin with, so that sways my vote."

Mayor Vanne called for a roll call vote.

Gruett – yes	Bangart – yes	Bosshardt – yes	Thornber – yes
Jaeckels – abstain	Schmitzer – yes	Hilton – yes	Johnson – yes

Eight votes cast. Seven votes aye. (Jaeckels-abstain) Motion carried.

Moved by Johnson, seconded by Schmitzer to introduce, adopt and waive the reading of Ordinance No. 1123, an ordinance establishing Police Department Captain annual salary effective January 1, 2016. Roll call vote.

Gruett – yes	Bangart – yes	Bosshardt – yes	Thornber – yes
Jaeckels – yes	Schmitzer – yes	Hilton – yes	Johnson – yes

Eight votes cast. Eight votes aye. Motion carried.

Moved by Schmitzer, seconded by Bosshardt to introduce, adopt and waive the reading of Ordinance No. 1122, an ordinance establishing Police Department Chief annual salary effective January 1, 2016. Roll call vote.

Gruett – yes	Bangart – yes	Bosshardt – yes	Thornber – yes
Jaeckels – yes	Schmitzer – yes	Hilton – yes	Johnson – yes

Eight votes cast. Eight votes aye. Motion carried.

Moved by Johnson, seconded by Hilton to introduce, adopt and waive the reading of Resolution No. 1707, a resolution establishing salary and benefits for Department of Public Works employees effective January 1, 2016. Roll call vote.

Gruett – yes	Bangart – yes	Bosshardt – yes	Thornber – yes
Jaeckels – yes	Schmitzer – yes	Hilton – yes	Johnson – yes

Eight votes cast. Eight votes aye. Motion carried.

Moved by Schmitzer, seconded by Hilton to introduce, adopt and waive the reading of Resolution No. 1706, a resolution establishing benefits for employees other than city officials effective January 1, 2016.

Thornber questioned, "At one time during discussion the point was made that the part-time officer is paid substantially less than the part-time patrol officer is. It was made that the distinction was that the part-time police officer worked largely for events and the suggestion was made to change that position description to part-time event officer. Would that be appropriate at this time or something that the Public Safety committee brings forward? This was part of a discussion at one time."

Clerk Schmidlkofer suggested that this would be referred to the Public Safety committee.

Mayor Vanne called for a roll call vote.

Gruett – yes	Bangart – yes	Bosshardt – yes	Thornber – yes
Jaeckels – yes	Schmitzer – yes	Hilton – yes	Johnson – yes

Eight votes cast. Eight votes aye. Motion carried.

Moved by Schmitzer, seconded by Bosshardt to introduce, adopt and waive the reading of Resolution No. 1708, a resolution establishing salary and benefits for the Fire Department effective January 1, 2016. Roll call vote.

Gruett – yes	Bangart – yes	Bosshardt – yes	Thornber – yes
Jaeckels – yes	Schmitzer – yes	Hilton – abstain	Johnson – yes

Eight votes cast. Seven votes aye. (Hilton-abstain) Motion carried.

Moved by Bosshardt, seconded by Johnson to approve the 2016 employment agreement for the building/plumbing inspector. Roll call vote.

Gruett – yes	Bangart – yes	Bosshardt – yes	Thornber – yes
Jaeckels – yes	Schmitzer – yes	Hilton – yes	Johnson – yes

Eight votes cast. Eight votes aye. Motion carried.

NEW BUSINESS:

Attorney McDermott reported on a CDBG Loan that went through a recent sheriff sale and that the city would be paid because the city was in first position.

Moved by Johnson, seconded by Bangart to approve the mayoral re-appointment of Clayton Thornber to the Chilton Housing Authority for a 5-year term. Motion carried.

Due to recent changes with health benefits, the City is required to amend the Section 125 IRC Cafeteria Plan for city employees. The amendment refers to the annual amount an employee may contribute to the Cafeteria Plan from \$750 to \$2,550 effective January 1, 2016.

Moved by Johnson, seconded by Hilton to introduce, adopt and waive the reading of Resolution No. 1709, a resolution amending the Section 125 Plan for city employees. Roll call vote.

Gruett – yes	Bangart – yes	Bosshardt – yes	Thornber – yes
Jaeckels – yes	Schmitzer – yes	Hilton – yes	Johnson - yes

Eight votes cast. Eight votes aye. Motion carried.

Moved by Bosshardt, seconded by Johnson to introduce, adopt and waive the reading of Resolution No. 1711, a resolution to appoint election inspectors/poll workers for a two-year term effective January 1, 2016 to December 31, 2017. Roll call vote.

Gruett – yes	Bangart – yes	Bosshardt – yes	Thornber – yes
Jaeckels – yes	Schmitzer – yes	Hilton – yes	Johnson - yes

Eight votes cast. Eight votes aye. Motion carried.

REPORT OF COMMITTEES:

Chairman Johnson presented the minutes of the November 30, 2015 Public Works committee meeting.

Regional Manager and local Managers of the Uptown Commons located at 49 W. Main Street discussed a request to use parking stalls in the City owned parking lot adjacent to the Uptown Commons for overnight visitors during the winter months. Recommendation from the committee was to allow parking with use of tags for guests to place inside the vehicle to show they are an Uptown Commons visitor.

Moved by Johnson, seconded by Thornber to allow Horizon Management Services to establish a rear view mirror identifying tag system. Visiting guests of up to five vehicles will be allowed to park on the west side of the City owned parking lot adjacent to Uptown Commons on W. Main Street. As for snow removal, the City plows will remove snow but if Horizon visitor vehicles are in the way, Horizon will be responsible to remove the snow once the vehicles are gone from the parking lot.

Bangart expressed concern that the city parking lots should be used for business owners and for patrons regardless what time of year it is.

Further discussion took place as to what is the time line for parking and how parking tickets are issued by the Police Department. By allowing Horizon use of the parking lot this will create an opportunity for the City to see if this will create issues or work out well.

Police Chief Plehn will review and approve the design of the vehicle tag that will be used by Horizon.

Mayor Vanne called for a voice vote, which indicated seven ayes. (Bangart-nay) Motion carried.

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The committee was informed that the Calumet County Board approved adjusting the speed limit on State Street (from Breed Street to Grand Street) from 35 MPH to 25 MPH. The entire length of N. State Street from Main Street to Breed Street is now 25 MPH. This change requires a revision to Municipal Code Chapter 4.04.

Moved by Johnson, seconded by Bosshardt to introduce, adopt and waive the reading of Ordinance No. 1125, an ordinance to amend the speed limit on State Street.

Roll call vote.

Gruett – yes	Bangart – yes	Bosshardt – yes	Thornber – yes
Jaeckels – yes	Schmitzer – yes	Hilton – yes	Johnson - yes

Eight votes cast. Eight votes aye. Motion carried.

The committee continued discussion on parking and traffic flow on Court Street. This will be an on-going debate.

The committee did review the process for building permits for city owned buildings.

Moved by Johnson, seconded by Bangart to waive all future building permit fees for City owned municipal buildings effective December 16, 2015. Motion carried.

Chairman Hilton presented the minutes of the Culture and Recreation committee meeting held on November 30, 2015.

Hilton stated that Mr. Appel and Mr. Kampfer informed the committee of the Veterans Memorial of Chilton's transition plans. By January 1, 2016, the Veteran's Memorial of Chilton will transfer funds from their account to a designated account for maintenance and upkeep of the memorial to the city. In doing so the group will continue to have a working relationship with the city in the following steps:

- Members of committee will meet with DPW Schwarz at the memorial site to review status of memorial and to inspect any damaged items
- The financial statement and transferring of funds will be prepared, reviewed and completed on January 1, 2016.
- Future decisions for additional plaques will be reviewed and prepared by a subcommittee of the VFW with initial coordination and committee expectations developed by R. Appel and D. Kampfer. All moneys generated from these plaques will be deposited in the designated city account.
- The committee of the Veteran's Memorial will be officially disbanded as of January 1, 2016.

Discussion also included future expansion, location of trees and park benches and that the VFW will maintain flags at the site. Chief Plehn noted the cameras are now fixed and working properly. Currently this group is requesting plaques from November of 2015 to March of 2016. It was noted that the application form would need to be revised once the council approves of the recommended changes.

Moved by Hilton, seconded by to introduce, adopt and waive the reading of Resolution No. 1710, a resolution to dissolve the agreement with the Veterans Memorial of Chilton, Inc. Roll call vote.

Gruett – yes	Bangart – yes	Bosshardt – yes	Thornber – yes
Jaeckels – yes	Schmitzer – yes	Hilton – yes	Johnson - yes

Eight votes cast. Eight votes aye. Motion carried.

DPW Schwarz and Chilton FC Soccer Association Inc. Director will work together to address the drainage concerns at the soccer field at Nennig Park and report back to the committee.

The committee reviewed the request to establish the game of pickle and how easy it would be to create pickle courts at the newly renovated double tennis courts at Morrissey Park.

Gruett asked, "What is the cost to paint the lines on the tennis court?"

DPW Schwarz did not have costs and this was not reviewed at the committee meeting.

Moved by Hilton, seconded by Gruett to establish pickle ball courts at Morrissey Park.

DPW Schwarz asked, "Seeing that this was not budgeted for. Where does the council want the funds to come from the park operating budget or park reserve budget?"

Discussion then took place regarding what the potential costs could be, what color the lines would be painted. This would not take place until spring so it could be tabled. The consensus was that there is a motion on the floor so vote it down. Mayor Vanne asked for a voice vote. Unanimously nay vote. Motion failed.

DPW Schwarz will consult with other municipalities for rules to be used at the Morrissey Park tennis courts.

The committee reviewed the Tree City USA application that was completed and filed for the city. The materials were provided for informational purposes no action was required.

The committee was informed that the cameras in city parks could be improved due to the fact the model installed is not very beneficial when viewed. The committee also determined that the cost to replace the cameras should come from the parks budget and not the police budget. Recommendation from the committee was that Chief Plehn acquires quotes and present at a future meeting. Since that meeting, DPW Schwarz and Chief Plehn agreed to both work on acquiring camera costs for the committee to review.

Moved by Hilton, seconded by Thornber and carried that the City would not have the skate rink operational for the 2015-2016 season and city hall staff will monitor the number of requests. Motion carried.

COMMUNICATION:

County Municipal Intergovernmental November 12, 2015 meeting minutes and staff minutes of the December 7, 2015 meeting were distributed.

APPROVE PAYMENT OF BILLS:

Moved by Hilton, seconded by Thornber to pay the bills. Roll call vote.

Gruett – yes Bangart – yes Bosshardt – absent Thornber – yes

Jaeckels – yes Schmitzer – yes Hilton – yes Johnson - yes

Seven votes cast. Seven votes aye. Motion carried. Voucher No. 77952 through Voucher No. 78019 or accounts payable and payrolls totaling \$131,725.23.

ADJOURNMENT:

Moved by Hilton, seconded by Johnson and carried to adjourn at 8:15 p.m. on December 15, 2015.

Helen Schmidlkofer, MMC
City Clerk