

Minutes of Council Meeting 12-17-2019

- ↻ Working on non-residential cross connection surveys with industries and businesses.
- ↻ Wastewater lift station had a transducer go out over the weekend, which caused the employees to spend multiple hours trying to fix the problem. This was finally resolved Monday morning.

POLICE CAPTAIN:

- December 2 – Department attended firearms training. Fox Valley Technical College allows the Department to use their facility for 16 hours/year. All Department officers are qualified in firearms after attending the session.
- Asked each officer in the Department what their individual training goals were for next year. Some requests were commercial motor vehicle enforcement training, advanced roadside training (geared toward drug/alcohol) and firearms instructor training.
- Chilton Dairy Queen contacted the Department to arrange for a donation in January.
- December 14th – annual Shop with a Cop at the local Wal-Mart Store. Police Departments from Kiel, New Holstein, Brillion and Chilton participated to provide gifts to 27 children. Papa Don's then treated the families and Police Departments to a meal. The Departments would like to thank Papa Don's and Wal-Mart for their donations.
- Department is currently seeking applicants for the full time administrative position.
- Officer Mielke is finishing her field training. In January, Mielke will patrol without the training officer.
- Holiday season remains busy; on Thanksgiving second shift had two OWI and a wanted person that was in one of the OWI vehicles and working on theft investigations at Wal-Mart.
- Department received a tip of illegal drug activity.
- Starting in 2020, the Department has set a goal to track responses more efficiently for rental properties. The property owners fail to communicate with their tenants and make them more accountable to follow the procedures so that the Department does not have to continually follow-up with public nuisance complaints.

APPROVE OPERATOR LICENSES:

Moved by Reintl, seconded by Thornber to approve the two-year license applications to serve fermented malt beverages and intoxicating liquors from December 17, 2019 to June 30, 2020 for Norberto P. Pules, Maria G. Castro, Heather J. Walker, Joshua L. Ditter, and Sophie E. Brandt. Clerk Schmidkofer noted the applicants have been approved by the Police Department. Motion carried.

AUDIENCE PARTICIPATION:

No comments were given.

MOVED TO NEW BUSINESS:

Attorney McDermott informed the council that in the matter of the Edward J. Bechlem Trust there is a petition to terminate the trust. McDermott reviewed the history regarding the trust. Referenced early small payments to the City used to upgrade the parking lot and a memorial bench next to Chilton Upholstery Shop and Roll-In. The initial bequests started two 15-year period payments of interest to the family. Those two periods have now expired and that is the purpose of this petition. As written, this trust would continue to payout income in different amounts. Per one of the family member's research, the trust expenses were consuming close to half of the income and it did not make sense to keep the trust going. In 2014, Wisconsin re-wrote trust law that allowed more flexibility to modify or terminate irrevocable trusts, such as this is. Tonight before you is a request to terminate the Bechlem trust, cash it out. One portion deals with the Bechlem family, \$10,000.00 to Chilton High School library, \$10,000.00 to the City of Chilton Public library (both organizations have approved receiving that payment). The balance shall be paid to the City of Chilton to be administered by the council or its designee to assist in the beautification and development of what the decedent defines as the "Chilton Business

District” namely Main Street from Madison Street to State Street and also along the Manitowoc River from Madison Street to State Street.

McDermott said, that is a short summary and if you have any questions family members Tom and Dave are here to answer any questions or concerns you may have regarding the history of the trust.

Council member Reinl thanked Tom Vonck and David Bechlem for looking ahead and saving legal fees and providing the City with a generous donation.

McDermott noted that when Dave Bechlem approached BMO Trust they did not have any issues with the family’s request.

Dave said, “Ed really loved the City. His father and grandfather were both lifelong residents and Ed really wanted to do something for the city. I think this is great and thank you for your support.”

Moved by Willems, seconded by Thornber to terminate the Bechlem Trust pursuant to the petition. Roll call vote.

Gruett – aye	Willems – aye	Reinl – aye	Thornber – aye
Schmitzer – aye	Goebel – aye	Deehr – aye	Johnson - aye

Eight votes cast. Eight votes aye. Motion carried.

Mayor Jaeckels thanked the Bechlem family on behalf of the City and the libraries.

Vonck exited the council chambers at 6:50 PM.

MOVED BACK TO REPORT OF COMMITTEES:

Chairperson Gruett reported on the December 2, 2019 Public Safety committee meeting. The committee met with the townships of Charlestown, Brothertown and Chilton to review the current service contract with the Fire Department.

Fire Chief Schoenborn informed the committee and townships that he would like to increase the truck payment annually from \$61,000.00 to \$125,000.00. If we are not able to budget for this then we will have to take out loans for trucks. The last truck purchased was \$532,000.00 and the City was short 3-years of payments on that truck by putting away \$61,000.00 yearly. When the Department purchases a truck that truck should be paid for at the time of purchase. The life of the fire trucks are about 30 years.

Schoenborn also presented future capital costs:

- Fire house floor repairs and maintenance – fix or replace
- SCBA need to be replaced – estimated cost \$250,000.00
- Future radio updates

The committee then reviewed the First Responder Program and requested that the townships would amend the service contract to include the township areas to mirror the current fire district. The City of Chilton Fire Department will manage the First Responder Program. The startup costs are approximately \$20,000.00 of which the City 2020 budget included \$2,500.00. The Department is accepting donations as well.

Mayor Jaeckels added that Calumet County has the ability to assess a first responder program as a special charge on the tax bill. The City has submitted a request to Calumet County Administrator Romenesko.

Clerk Schmidlkofer said, “August 1, 2019 an email was sent to Romenesko stating that the City of Chilton is requesting that Calumet County place First Responder program on their agenda to review with all the municipalities within the county. A second request was sent on December 11, 2019 to inform all the municipalities within the county when the issue will be addressed at a county meeting.”

Minutes of Council Meeting 12-17-2019

Council member Reinl added, "When the committee reviewed the proposal to increase the annual truck payment from \$61,000.00 to \$125,000.00 this would be done over several years not all at once so that the townships and the city could absorb the cost."

The townships agreed to review the fire service contracts with their respective boards at their annual meeting, which is held annually in April. All the townships agreed that the costs for fire services need to increase and understood the request to revise future costs.

Mayor Jaeckels said he did not find a need to review the December 3, 2019 General Government minutes that are in the packet because the issues were addressed at the last council meeting. Hearing no comments Jaeckels moved on.

The council reviewed the November 13, 2019 Housing Authority minutes.

The council reviewed the December 9, 2019 Library Board minutes.

Chairperson Thornber reported on the December 10, 2019 Public Works committee meeting.

The property owner of 717 Wall Street expressed drainage concerns to the City. The owner said that with the urbanization of Wall Street a culvert and ditch was eliminated and curb and gutter was put in resulting in flooding around his property with heavy rain. The County has ditches going out right above this area and when it rains water comes down the ditches and runs alongside the road but has to make a 90 degree bend to get to the river and it cannot make the turn and causes flooding in the front yard. The City owned property adjacent to this property has a chain link fence and serves no purpose in this area; however the fence along the rear of the property around the wastewater treatment plant needs to remain secured.

Interim Director Marx said McMahon Associates engineered the urbanization of Wall Street in 2013. The project did not include Center Street or E. Main Street (County Y) as the County owns them. The stormwater management plan from 2013 is not working.

Moved by Willems, seconded by Reinl to authorize the Department of Public Works to remove the city's fence adjacent to 717 Wall Street. Motion carried.

In the meantime, Interim Utility & Street Department Director Marx will gather information from McMahon Associates regarding the 2013 street urbanization plan for Wall Street and report the findings to the council.

Mayor Jaeckels noted that when County Trunk Y (Main Street) is updated this will be addressed as well.

The committee reviewed a request from the property owner at 455 W. Breed Street regarding broken curb & gutter along his the property. The owner contacted Mayor Jaeckels requesting the City to make repairs because the damage is from the City plowing snow.

Mayor Jaeckels had previously discussed this issue with former DPW Schwarz who had stated the approach is a permitted access to the property owned by the City. The property owner is responsible for the apron that connects to the curb. If the owner/contractor does not put in the apron properly, it is not the responsibility of the City to repair it. This problem stems from property owners not properly putting in the approach using a horizontal curb cut, which is required.

Interim Marx said that curb and gutter is considered part of the street and it goes with street repair. In the past, the City has not repaired any curb other than when the City takes an entire piece out when forced to repair water main, etc. The City usually does not do spot curbing. Contractors do not generally come into the City just for spot curb repairs. It

is too expensive. Curb repairs are normally done as an add-on in conjunction with street maintenance projects.

Discussion at the committee level included:

- The city has not fixed broken curb & gutter in the past for property owners.
- If the City determines to complete the repairs this could be very expensive.
- The damaged curb & gutter is not causing harm however does not look good.

The committee requested Interim Marx to identify other curb, gutter repair locations within the City and report his findings to the committee. No action is required at this time.

The committee then reviewed numerous questions that Mayor Jaeckels received regarding temporary swimming pools located in front yards or side yards. In particular, one swimming pool was close to the sidewalk. Mayor Jaeckels said there is a safety and aesthetic concern in regards to location and the City needs stricter regulations. The committee reviewed regulations from neighboring communities and directed Interim Marx to meet with City Attorney McDermott to draft new regulations.

Interim Marx reported that biofilm testing at Well #9 improved by filling the bottom portion of the well. The Department is doing maintenance procedures approved by the DNR. Sampling will be a 3-year cycle verses the current 10-year cycle.

Interim Marx suggested that City-owned facilities (i.e wells, wastewater treatment plant, south water tower, lift stations) that are of strategic importance be added to the Snow and Ice Policy. The facilities are maintained, but are done last and not included in the policy.

Moved by Willems, seconded by Schmitzer carried to revise the Snow and Ice Control Policy as follows:

2. Collector streets are those, which are secondary routes into or through the City. Collector streets also provide access to such public places as churches, libraries, industries and the like.
 - a. Wastewater Treatment Plant driveway
 - b. Water Treatment Plant #8
3. Local streets usually are residential streets.
 - a. Wells #7, 9, 10, 11
4. Low Traffic streets are dead end streets, cul-de-sacs or those with few residences fronting on them. This classification would also include any alleys, parking lots and sidewalks that the City is obligated to maintain.
 - a. South water tower
 - b. Lift Stations (Irish Road, Heimann Street)

Interim Marx informed the council that the Cities of Chilton and Kiel jointly own a tar kettle. Kiel has purchased a new tar kettle and informed the City that Chilton can have the old tar kettle at no cost, with that being said all future maintenance will be the sole responsibility of the City of Chilton.

Mayor Jaeckels reported on the December 11, 2019 Plan Commission meeting.

The Commission was not able honor the request due to zoning restrictions in the C-2 (central business) district. The property owner of 13 E. Main Street is proposing to have an apartment in the back on the lower level of the building and retain the front portion for commercial use.

UNFINISHED BUSINESS:

Moved by Reinl, seconded by Deehr to introduce, adopt and waive the reading of Ordinance No. 1162, an ordinance to establish 2020 salaries for city officials.
Roll call vote.

Minutes of Council Meeting 12-17-2019

Gruett – aye Willems – aye Reinl – aye Thornber – aye
 Schmitzer – aye Deehr – aye Goebel - nay Johnson - nay
 Eight votes cast. Six votes aye. (Goebel, Johnson-nay) Motion carried.

Moved by Willems, seconded by Schmitzer to introduce adopt and waive the reading of Ordinance No. 1163, an ordinance to establish 2020 salary and benefits for Police Department Captain. Roll call vote.

Gruett – aye Willems – aye Reinl – aye Thornber – aye
 Schmitzer – aye Deehr – aye Goebel - aye Johnson - nay
 Eight votes cast. Seven votes aye. (Johnson-nay) Motion carried.

Mayor Jaeckels said, “We did reference at one point in June of 2019 that gong forward the Police Captain salary would be the same increase that the Police Union Contract is. So you do not have officers with overtime making the same wage as the Chief and Captain. Just a point of reference for the future, nothing we can do tonight.”

Moved by Schmitzer, seconded by Gruett to introduce adopt and waive the reading of Ordinance No. 1164, an ordinance to establish 2020 salary and benefits for Chief of Police.

City Clerk Schmidlkofer asked Mayor Jaeckels if he wanted to reference the footnote.

Mayor Jaeckels read the footnote, “Pursuant to the motion at the special council meeting held on June 24, 2019 the compensation for Police Chief Plehn effective January 1, 2020 salary shall increase by \$6,000.00 and \$4,000.00 in lieu of health insurance and effective January 1, 2021 an additional \$6,000.00 in salary and same offer in lieu of health insurance with addendum that in lieu of insurance be pursued for all other employees. Future raises for Police Chief starting 2022 will follow the pay increases per the Union Contract.”

Mayor Jaeckels called for a roll call vote.

Gruett – aye Willems – nay Reinl – aye Thornber – aye
 Schmitzer – aye Deehr – aye Goebel - aye Johnson - nay
 Eight votes cast. Six votes aye. (Johnson, Willems-nay) Motion carried.

Moved by Willems, seconded by Reinl to introduce, adopt and waive the reading of Resolution No. 1800, a resolution to establish 2020 salary and benefits for city employees. Roll call vote.

Gruett – aye Willems – aye Reinl – aye Thornber – aye
 Schmitzer – aye Deehr – aye Goebel - nay Johnson - aye
 Eight votes cast. Seven votes aye. (Goebel-nay) Motion carried.

Moved by Willems, seconded by Reinl to introduce, adopt and waive the reading of Resolution No. 1801, a resolution to establish 2020 salary and benefits for Department of Public Works employees. Roll call vote.

Gruett – aye Willems – aye Reinl – aye Thornber – aye
 Schmitzer – aye Deehr – aye Goebel - nay Johnson - aye
 Eight votes cast. Seven votes aye. (Goebel-nay) Motion carried.

Moved by Schmitzer, seconded by Reinl to introduce, adopt and waive the reading of Resolution No. 1802, a resolution to establish 2020 salary and benefits for Fire Department. Roll call vote.

Gruett – aye Willems – aye Reinl – aye Thornber – aye
 Schmitzer – aye Deehr – aye Goebel - aye Johnson - aye
 Eight votes cast. Eight votes aye. Motion carried.

Moved by Reinl, seconded by Schmitzer to introduce, adopt and waive the reading of Resolution No. 1803, a resolution to establish 2020 salary for Police Department Administrative Assistants. Roll call vote.

Gruett – aye Willems – aye Reinl – aye Thornber – aye

Minutes of Council Meeting 12-17-2019

Schmitzer – aye Deehr – aye Goebel - aye Johnson - aye
Eight votes cast. Eight votes aye. Motion carried.

Moved by Willems, seconded by Thornber to approve the employment agreement with Paul Birschbach for building and plumbing inspector services for 2020 for an annual wage of \$20,162.95. Roll call vote.

Gruett – aye Willems – aye Reinl – aye Thornber – aye
Schmitzer – aye Deehr – aye Goebel - aye Johnson - aye
Eight votes cast. Eight votes aye. Motion carried.

Moved by Willems, seconded by Johnson to introduce, adopt and waive the reading of Resolution No. 1804, a resolution to establish salary for Fire Department Health and Safety Officer retroactive to January 1, 2019. Roll call vote.

Gruett – aye Willems – aye Reinl – aye Thornber – aye
Schmitzer – aye Deehr – aye Goebel - aye Johnson - aye
Eight votes cast. Eight votes aye. Motion carried.

Bechlem exited the council chambers at 7:15 PM.

NEW BUSINESS:

Moved by Willems, seconded by Schmitzer to introduce, adopt and waive the reading of Resolution No. 1799, a resolution for election workers for a two-year term. Roll call vote.

Gruett – aye Willems – aye Reinl – aye Thornber – aye
Schmitzer – aye Goebel – aye Deehr – aye Johnson - aye
Eight votes cast. Eight votes aye. Motion carried.

Moved by Willems, seconded by Thornber to approve the 2019-2020 snowmobile trails within city limits. Motion carried.

Interim Utility & Street Department Director Marx informed the council that a proposal from McMahon Engineers for general engineering services is not a new proposal however has not been reviewed in some time. The proposal outlines formal charges for professional services.

Moved by Willems, seconded by Reinl to approve 2020 general engineering agreement with McMahon Engineers in accordance with the fee schedule in effect at the time services are performed. Roll call vote.

Gruett – aye Willems – aye Reinl – aye Thornber – aye
Schmitzer – aye Goebel – aye Deehr – aye Johnson - aye
Eight votes cast. Eight votes aye. Motion carried.

Moved by Willems, seconded by Reinl to approve the proposal from PSI from Kaukauna for geotechnical exploration on North State Street for \$4,450.00. The City will decline the optional \$1,800.00 core work. Roll call vote.

Gruett – aye Willems – aye Reinl – aye Thornber – aye
Schmitzer – aye Goebel – aye Deehr – aye Johnson - aye
Eight votes cast. Eight votes aye. Motion carried.

Moved Willems, seconded by Thornber to approve the proposal from McMahon Engineers for North State Street roadway reconstruction. The project consists of two sections; full reconstruction in the segment from Main Street to Grand Street and resurfacing only for Grand Street to Breed Street. Roll call vote.

Gruett – aye Willems – aye Reinl – aye Thornber – aye
Schmitzer – aye Goebel – aye Deehr – aye Johnson - aye
Eight votes cast. Eight votes aye. Motion carried.

Schilling, Kohls, Kvalheim and Marx exited the council chambers at 7:35 P.M.

Minutes of Council Meeting 12-17-2019

Moved by Thornber, seconded by Willems to go into closed session at 7:35 PM under WI Statute 19.85 (1) (c) to review compensation and benefits for city employees.

Roll call vote.

Gruett – aye	Willems – aye	Reinl – aye	Thornber – aye
Schmitzer – aye	Goebel – aye	Deehr – aye	Johnson - aye

Eight votes cast. Eight votes aye. Motion carried.

In closed session, the council reviewed compensation and benefits for city employees.

Moved by Reinl, seconded by Thornber to return to open session at 7:40 P.M.

Roll call vote.

Gruett – aye	Willems – aye	Reinl – aye	Thornber – aye
Schmitzer – aye	Goebel – aye	Deehr – aye	Johnson - aye

Eight votes cast. Eight votes aye. Motion carried.

Compensation and benefits for city employees - no action required.

Schilling and Kohls entered the council chambers at 7:40 P.M.

COMMUNICATION:

Distributed Chilton Chamber October 2, 2019 minutes and the November 27, 2019 staff minutes.

APPROVE PAYMENT OF BILLS:

Moved by Thornber, seconded by Willems to pay the bills. Voucher No. 84630 through Voucher No. 84685 or accounts payable and payrolls totaling \$132,092.57. Roll call vote.

Gruett – aye	Willems – aye	Reinl – aye	Thornber – aye
Schmitzer – abstain	Goebel – aye	Deehr – aye	Johnson - aye

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

ADJOURNMENT:

Moved by Willems, seconded by Reinl to adjourn at 7:41 p.m. on December 17, 2019.

Motion carried.

Helen Schmidlkofer, MMC
City Clerk