

Chilton, Wisconsin  
February 5, 2019

The regular meeting of the Chilton Common Council held in the Council Chambers at the City Hall was called to order at 6:30 p.m. with Mayor Jaeckels presiding.

**AGENDA POSTING:**

On 2/01/19, copies of the agenda were delivered to the Mayor, Aldermen, City Department Heads, City Attorney and were made available to the media, and posted on the City Hall bulletin board and posted on the City web page.

**ROLL CALL:**

Mayor Rick Jaeckels and four members of the Council were present at roll call:  
 Council Member Tom Reinl                      Council Member Mark Willems  
 Council Member Ron Gruett                      Council Member Clayton Thornber  
 Absent and excused Council Members Mike Goebel, Dan Hilton and Kathy Schmitzer.  
 Other city officials present were Fire Chief Ben Schoenborn, Director of Public Works Todd Schwarz, City Attorney Derek McDermott and City Clerk Helen Schmidlkofer.

General attendance: Faye Burg, Delta Publications, Calumet County Veterans of Foreign War Post 3153 (VFW) member Daniel DeTroye, Tom Austin of Austin Management Services, LLC and Ray Mueller (arrived at 6:52 PM).

Those in attendance recited the Pledge of Allegiance.

**APPROVE THE MINUTES:**

Motion by Reinl, seconded by Willems and carried to approve the minutes of the council meeting held on January 15, 2019.

**REPORT OF OFFICERS:**

**MAYOR:**

- I spoke with Scott from Horizon earlier this week and they plan to finish the Uptown Commons II building by May or June of 2019.

**CITY CLERK:**

- Tax collection season is completed, working with Calumet County Treasurer Schlaak regarding tax settlement reports.
- Annual dog licenses are due March 31<sup>st</sup>.
- Future committee meetings dates and times were distributed.
- The annual open book is scheduled for April 11, 2019 4-6 PM and Board of Review is scheduled for April 29, 2019 8:15 AM to 10:15 AM.
- Distributed an article on M-B Company featured in the Business News.

**APPROVE FINANCIAL REPORT:**

Moved by Gruett, seconded by Gruett and carried to accept the February 1, 2019 financial report.

**APPROVE LIQUOR LICENSE:**

Moved by Willems, seconded by Reinl to approve a "Class B" picnic license for New Hope Center, Inc. LLC for "Kicks for Hope" August 2 to August 4, 2019. Person in charge, Tracy Breckheimer.

**APPROVE OPERATOR LICENSE:**

Moved by Reinl, seconded by Willems to approve the two-year license application to serve fermented malt beverages and intoxicating liquors from February 5, 2019 to June 30, 2020 for Naomi Wendell. Motion carried. Clerk Schmidlkofer noted the applicant has been approved by the Chilton Police Department.

**DIRECTOR OF PUBLIC WORKS:**

- Working with the DNR regarding the chloride reduction reports.

- Last Wednesday at 10 AM, WI Public Service surprised the City and switched over to the SHED program, which means the city used generators instead of pole power. It was 25 degrees below zero and the generators were a little jelled up but we did get them all running.
- The City did attend a meeting with Calumet County last Friday regarding the proposed jail project. They wanted to know what type of permits were required, etc.
- The old city landfill site – the City should be receiving the final DNR report.
- Sigma has not reported on the McNeeley property – the City has been waiting since December of 2018.
- Working with Calumet County Economic Dev. Director Kohrell regarding Brownfield grant application for several sites within the county. This will include Phase I & II work for various projects. The City does have Phase I & II completed on the McNeeley property already but they did include us in on the grant. We won't hear back on the grant until June.

Council member Reinl thanked the Street Department for a great job cleaning up the city after the winter storm.

**AUDIENCE PARTICIPATION:** None

**REPORT OF COMMITTEES:**

Mayor Jaeckels requested that we move to the Culture and Recreation committee report due to a guest at the meeting. Committee member Willems reported on the minutes of the Culture and Recreation committee meeting held on January 29, 2019.

The committee along with VFW members reviewed the lighting at the Veterans memorial at Klinkner Park, which they think is too close to the statues, and should be set back somewhat. It would appear that the light catches part of the wall. DPW Schwarz will check to see if the light fixtures could be adjusted and consult with Brantmeier Electric.

Also discussed was the base of the flagpoles. One of the cables is fraying and too short. This could potentially cause a danger. The base area is settling since installed. DPW Schwarz will check this out and report the findings to the committee.

Next item was water damage to plaques/stones for which is causing the plaques to crack and fade. Recommendation was to seal the stones. DPW Schwarz will review with Buechel Stone and handle.

The VFW would like to purchase and place a memorial bench in the area of the memorial at Klinkner Park. Depending on the cost, they may also purchase and plant a memorial tree near the bench. The committee didn't see any issues with the request and told the VFW they could proceed.

The VFW would like to add their logo to the fry stand building at Hobart Park and the building needs painting and repairs to the soffits. De Troye shared a photo of the proposed logo and costs. The VFW will pay for the cost of the logo and installation.

Moved by Reinl, seconded by Gruett authorizing the VFW to install their logo on the north end of the fry stand at Hobart Park at no cost to the City. Motion carried.

Discussion continued regarding painting the building and repairs to the soffits. There is an issue with an infestation of bees in the summer time and the VFW members would appreciate if this could be addressed. DPW Schwarz said the City would look into the issue with the soffits and have the Street Department paint the building before the band concerts start in June. The VFW were looking to purchase and install an additional fryer however DPW Schwarz indicated that the Street Department has one that can be repaired and installed at Hobart Park.

Moved by Willems, seconded by Hilton to recommend to the council to purchase the 8 Ft. offset flail mower for \$7,500.00 from Weyers Implement and authorize the Director of Public Works to dispose of the old flail mower at his discretion. Roll call vote.

Gruett – yes                      Willems – yes                      Reinl – yes                      Thornber – yes  
 Schmitzer – absent              Hilton – absent                      Goebel - absent  
 Four votes cast. Four votes aye. Motion carried.

Willems noted that the committee is working on the Open Space and Recreation plan.

Committee members heard from some residents that they would like to see the Farmers Market at Klinkner Park verses their current location at the Chilton Eagles Club.

Council members discussed when the market was at Klinkner Park, there was positive feedback because there was shade, restrooms and a play area. Clerk Schmidlkofer did consult with Ray Mueller, market coordinator after the committee meeting. Ray shared in an email that the vendors appreciated the park because there was shade, more protection from the wind and the ability to use the shelter when it rains. The change is time sensitive so that information can get out to the public regarding the location.

Ray Mueller entered the council chambers at 6:52 PM.

Mueller said he supports the proposed change to Klinkner Park and noted that the vendors currently don't pay a fee and he would hope the City wouldn't require a vendor fee. He also asked that when it rains if the group could use the shelter.

Motion by Willems, seconded by Thornber to support the Farmers Market location change from Eagles Club to Klinkner Park. The City will not assess a vendor fee and the vendors shall have exclusive use of the Klinkner Park shelter from June to October. Motion carried.

De Troye, Mueller and Burg exited the council chambers at 7:07 PM.

Chairman Gruett reported on the minutes of the January 14, 2019 Public Safety committee meeting.

Gruett noted the committee agreed to proceed with the revision to the Fire Service Contract Item #6 that the town contracts for fire protection service shall give fire dues received under WI Statute 101.573 to the fire department providing the fire protection, which was approved at the September 18, 2018 council meeting. In addition, the committee noted that if the townships would like to meet with the City later the City is open to that. Clerk Schmidlkofer will send a second communication to the townships informing them of the revision.

Gruett reported that some retired firefighters have requested to become a volunteer member of the Department to assist with various duties. Former Chief Halbach provided a brief history for the committee. "A few years ago the Department went thru the effort to change the description in the by-laws from member to firefighter. We did establish firefighter duties and a committee was supposed to create guidelines for a member; in other words define what they could or could not do. Well this never happened. Occasionally this would resurface when another firefighter would retire. I believe there is interest shortly after you retire, you want to be involved. So what could someone who is not a city employee do to help assist the Fire Department? Being in the engine house, meeting room, assist the department where and when needed. The main question is what could a retired firefighter do verses what they can't do?"

Gruett said following a brief discussion the Public Safety committee agreed with Chief Schoenborn that there would not be any changes or the manner in which the Department requests volunteers to assist the Department.

Gruett said the Department sold the 1977 truck to Friesland Fire Department for \$35,000.00 and included with the payment was a letter from the Friesland Fire Chief stating how their Department was made aware of the apparatus. Since then the Brindlee Mountain Fire Apparatus brokerage firm invoiced the City of Chilton for \$3,500.00.

Chief Schoenborn reminded the committee that an employee of Rennert's Fire Equipment Service Inc., who is also a member of Friesland Fire Department worked on the truck even before the truck was out of service. The Department is still working on this and with any luck; the Department will not owe Brindlee a commission fee.

Moved by Reinl, seconded by Thornber to establish a First Responder ad-hoc committee with representation from the common council, Calumet Medical Center, Gold Cross Ambulance Service, Chilton Police Department, Chilton Fire Department and a First Responder Group (New Holstein or Calumet County). Motion carried.

Reinl volunteered to be the common council representative. Mayor Jaeckels asked, "How would we go about contacting people?" Clerk Schmidlkofer said she would contact members for the committee and establish a meeting.

Schmidlkofer said, "During the 2019 budget process, it was agreed upon to have two part-time Police Administrative office positions at 29 hours/week each instead of offering a fulltime position with benefits. Currently Scheurer is working M-T-Th 8 AM to 4 PM and Friday 7 AM to noon for a total of 29 hours per week. Alkire works 15 hours per week (rate of pay \$16.11/hr.) and Sharon Hartman would be hired to fill the remaining 14 hours. Prior to the council meeting Chief Plehn reported that Hartman completed the interview process and background check in addition she currently works full-time for a Police Dept. Hartman is included on the resolution or the council could go into closed session to discuss further."

Moved by Reinl, seconded by Thornber to introduce, adopt and waive the reading of Resolution No. 1782, a resolution to establish salaries for Police Department Administrative Assistants.

Clerk Schmidlkofer noted that according to City of Chilton Personnel Policy Hartman is required to complete pre-employment drug testing. Chief Plehn has requested that the City waive drug testing because she currently works for a Police Department. Schmidlkofer requested that the council make a motion to waive the requirement for the record either amend the resolution or make a separate motion. Attorney McDermott recommended that the council vote on the resolution and then a motion regarding the drug test.

Mayor Jaeckels called for a roll call vote regarding Resolution No. 1782.

Gruett – yes	Willems – yes	Reinl – yes	Thornber – yes
Schmitzer – absent	Hilton – absent	Goebel - absent	

Four votes cast. Four votes aye. Motion carried.

Motion by Reinl to waive the pre-employment drug test for Hartman per recommendation from Police Chief Plehn.

Willems asked if the motion should state a reason.

Mayor Jaeckels said, "It is not in the policy manual but it is being looked at to be changed so that everyone, whether it is full time or part time, would have to go thru the drug test."

Schmidlkofer said, "In the Personnel Manual under Police Department it is not written but completed, similarly all library employees complete a drug test. At the next General Government committee meeting the agenda includes an update to the manual to state "Administrative Assistant drug testing is required – the City pays for testing."

Brief discussion followed which concluded that the council would prefer not to make an exception.

Reinl withdrew his motion.

The council reviewed the January 14, 2019 Library Board minutes.

Chairman Thornber presented minutes from the January 28, 2019 Public Works committee meeting.

Water Department Leadman Chris Marx attended the committee meeting and explained the Water Department is in the process of updating their water meter software to Badger Beacon. The current software is unable to read the newest meters. The new software (Beacon) will allow all the meters to be read by radios and will integrate with Workhorse, the billing software. Meter reading will now be done with laptop computers in the Water Department vehicles via the radio technology.

Milwaukee PC submitted a quote for \$5,752.00 for updated hardware, two Dell Latitude laptops and components to convert to Badger Beacon. The specifications for the laptops were approved by Badger Meter and meet all components to run the software. Consensus of the committee is to proceed with the water meter software updates.

A City of Chilton property owner submitted a request to the City to consider changing the municipal code to allow pool covers as an acceptable substitute for fencing around a private in-ground or aboveground residential pool. After review of the municipal code it was determined the code currently allows for a pool cover capable of supporting 100 pounds per square foot of area as an acceptable substitute for fencing under Municipal Code Charter 10.09. No action was required.

Moved by Willems, seconded by Gruett to accept the quote from Casper's Truck Equipment for \$125,741.00 to purchase a 2019 Larue D40 Loader Mounted Snow Blower and authorize the Director of Public Works to dispose of the old snow blower.

Roll call vote.

Gruett – yes	Willems – yes	Reinl – yes	Thornber – nay
Schmitzer – absent	Hilton – absent	Goebel - absent	

Four votes cast. Three votes aye. (Thornber-nay) Motion carried.

The City received a request for decorative banners to be installed from the streetlights in the downtown area along E. Main Street (from Park Street to Adams Street) similar to the uptown area. DPW Schwarz estimated the cost for brackets, bandings, and labor to install the banners for approximately \$880.72.

Moved by Reinl, seconded by Gruett to support the expenditure for brackets, bandings and labor to install decorative banners in the City's downtown area not to exceed \$1,000.00. Funds for this project will be used from account 55308-790 Christmas Decorations. Roll call vote.

Gruett – yes	Willems – yes	Reinl – yes	Thornber – yes
Schmitzer – absent	Hilton – absent	Goebel - absent	

Four votes cast. Four votes aye. Motion carried.

Mayor Jaeckels said he would talk with the Chilton Chamber regarding this project.

Thornber said the committee reviewed a marketing flyer created by the City of Chilton Wastewater Department informing the public that products that say “flushable” are not and should not be flushed down the toilet because they can plug up the sewers. The only product that should be flushed down the toilet is toilet paper. The marketing flyer will be included in the next water/sewer bill mailing and is available on the City's website. Thornber suggested that the flyer should be distributed to various assisted living facilities to inform them of the consequences of flushing these so called “flushable” products down the toilet.

The committee reviewed the flyer regarding the 2019 Bulky Item Pick Up guidelines for one and two family residential households in the City. The dates are April 1 for residents living north of Main Street and April 8 for residents living south of Main Street. Calumet County is offering a Hazardous Waste and an Electronics and Appliance Event. It was noted that any acceptable items at Calumet County's events would not be accepted at the

City's Bulky Item Pick-Up. This is new for 2019 and the flyer defining details of all these events will be included in the March water/sewer mailing and is available on the City's website. Thornber said that maybe in the future a drop-off program might be offered.

**UNFINISHED BUSINESS:**

Tom Austin said, "My landlord received a letter from the city regarding my storage containers at the Chestnut Street property. I am looking for a permanent place for my business and there are a couple of different ideas that I am working on. I am just asking the City to suspend the letter or allow a temporary variance to allow storing a commodity that is for retail sale. Know that the units at this address are not temporary buildings. They are for retail sale. Most are sold, most move out."

Council member Reinl asked, "How can we approve a variance on a property that you don't own?"

DPW Schwarz said, "If you read the ordinance, storage containers are defined as buildings, structures so you have to follow that rule. What Austin is doing is for retail sales. If one of those storage units were put up on a commercial lot, you would have to follow the code for accessory buildings. If it is a temporary structure, it can be there for a total of 30 days then it has to be moved off the premises. Austin can go on a commercial property provided he follows the rules and regulations of an accessory structure."

Austin continued to reference other examples and circumstances in the city, which didn't apply to the current issue.

An informal review was presented at a Plan Commission meeting and several times the City has tried to resolve the issue with Austin. McDermott stated, "I was clear at the last council meeting. That type of business, the only place it can go with a conditional use in I-1 or I-2. The conditional use which you needed some contractual right to a piece of property and apply for conditional use permit which you have not done yet."

Austin expressed that his business has grown and changed in the last 5 years. Again, he requested a 30-day extension due to the fact he cannot remove the containers in that short timeline. Austin shared that he has reduced the number of containers and has unstacked them.

Austin distributed a document regarding 420 and 415 East Main Street. This did not apply to the agenda at tonight's meeting. (Mayor Jaeckels and the council did not acknowledge the document).

Moved by Thornber, seconded by Gruett that the council directs the enforcement agency of the City of Chilton to hold off on citations to Tom Austin and his landlord for 30 days from today's date (2/5/2019). A letter will be sent to the property owner stating that unless all containers are removed, daily citations will be issued to the property owner. Mayor Jaeckels called for a voice vote.

Willems, Gruett and Thornber in favor. Reinl-nay. Motion carried.

Austin exited the council chambers at 8:02 PM.

Moved by Willems, seconded by Thornber to approve trail revisions in the Industrial Park area for the Calumet Snow trails within the city limits. Motion carried.

**NEW BUSINESS:**

Moved by Thornber, seconded by Gruett to approve the quote of \$242.99 from Home Depot for paint and the quote of \$261.91 from True Value Hardware for paint for CDBG Loan No. 18-03. Roll call vote.

Gruett – yes                      Willems – yes                      Reinl – yes                      Thornber – yes

Schmitzer – absent      Hilton – absent                      Goebel - absent

Four votes cast. Four votes aye. Motion carried.

Moved by Willems, seconded by Gruett to approve the 2018 year-end appropriations:

100-41111-000	Surplus Applied	\$ 19,864.43	
100-51102-110	Mayor Prof. Services		\$ 106.47
100-51440-110	Election-Salaries		\$ 376.41
	Street Signs -3 Ped. Crosswalk signs		
100-53305-350	8/21/18		\$ 18,807.74
100-53740-350	Weed Control Eq Parts flail mower		\$ 573.81
100-51440-790	Elections - (Oper. Reserve)	\$ 3,586.19	
100-51440-110	Elections-Salaries		\$ 3,586.19
100-53102-790	DPW (Oper. Reserve)	\$ 1,190.91	
100-53102-150	DPW Fringe		\$ 1,190.91
100-52101-790	Police (Oper. Reserve)	\$ 1,256.73	
100-52101-150	Police Fringe		\$ 1,256.73
100-52201-821	Fire Capital Reserve	\$ 8,898.00	
100-52201-810	Fire Capital Pagers		\$ 8,898.00
100-53302-790	Street Cleaning (Oper. Reserve)	\$ 1,402.21	
100-53302-110	Street Cleaning Labor		\$ 1,402.21
100-53431-821	Sidewalks Capital Reserve	\$ 894.69	
100-53431-820	Sidewalks Capital Ward 4		\$ 894.69
	Solid Waste Collection (Oper.		
100-53721-790	Reserve)	\$ 611.27	
100-53721-231	Solid Waste Collection-Cont. Serv		\$ 611.27
100-53740-790	Weed Control (Oper. Reserve)	\$ 201.44	
100-53740-350	Weed Control Eq Parts		\$ 201.44
100-54910-790	Cemetery (Oper. Reserve)	\$ 180.06	
100-54910-110	Cemetery Salaries		\$ 180.06
100-55110-821	Library Capital Reserve	\$ 8,000.00	
100-55110-820	Library Capital six a/c units		\$ 8,000.00
100-55306-790	Band (Oper. Reserve)	\$ 2,133.45	
100-55306-210	Band Prof. Services		\$ 2,133.45
100-55308-790	Christmas Decorations (Oper. Reserve)	\$ 214.81	
100-55308-340	Christmas Decorations misc.		\$ 214.81
100-56700-821	RDA Capital Reserve	\$ 322.66	
100-56700-340	RDA Misc. Operating		\$ 322.66
100-56701-790	Ind & Comm (Oper. Reserve)	\$ 360.85	
100-56701-312	Ind & Comm Printing		\$ 360.85
		\$29,253.27	\$29,253.27

Roll call vote.

Gruett – yes                      Willems – yes                      Reinl – yes                      Thornber – yes  
 Schmitzer – absent      Hilton – absent                      Goebel - absent

Four votes cast. Four votes aye. Motion carried.

Moved by Willems, seconded by Reinl to approve the 2018 non-lapsing account balances totaling \$1,335,074.23. Roll call vote.

Gruett – yes                      Willems – yes                      Reinl – yes                      Thornber – yes  
 Schmitzer – absent      Hilton – absent                      Goebel - absent

Four votes cast. Four votes aye. Motion carried.

**COMMUNICATIONS:**

Distributed the monthly building/plumbing report and Calumet County Economic Development Director Report. .

**APPROVE PAYMENT OF BILLS:**

Moved by Willems, seconded by Gruett to pay the bills. Voucher No. 83190 through Voucher No. 83302 or accounts payable and payrolls totaling \$332,696.38. Roll call vote.

Gruett – yes                      Willems – yes                      Reinl – yes                      Thornber – yes  
 Schmitzer – absent      Hilton – absent                      Goebel - absent

Four votes cast. Four votes aye. Motion carried.

**ADJOURNMENT:** Moved by Gruett, seconded by Reinl to adjourn at 8:07 p.m. on February 5, 2019. Motion carried.

Helen Schmidlkofer  
 City Clerk