

Chilton, Wisconsin
February 7, 2012

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

AGENDA POSTING:

On 2/03/12, 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.

ROLL CALL:

Mayor Thomas J. Reinl and eight members of the Council were present at roll call:

Council member Kevin Johnson	Council member Kathy Schmitzer
Council member Dan Hilton	Council member Ron Gruett
Council member Dan Holst	Council member Gerald Vanne
Council member Rick Jaeckels	Council member Tom Hemauer

Other city officials present were City Attorney Derek McDermott, Fire Chief Gary Halbach, Director of Public Works Todd Schwarz and City Clerk Helen Schmidlkofer. General attendance: Gina Kabat, Delta Publications, Tony Mueller and Tina Enneper.

Those in attendance recited the Pledge of Allegiance.

MINUTES:

Motion by Vanne, seconded by Schmitzer and carried to approve the minutes of the Council meeting held on 1/17/12.

OFFICERS' REPORT:

Mayor Report:

- Seventh Circuit affirmed the dismissal of the lawsuit by J. Gonzalez against the City of Chilton.
- Meeting tomorrow with DPW Schwarz, County Supervisor Connors RE: Calumet County Highway Maintenance Shop

City Clerk Report:

- Tax collection was complete at end of day today; 5 day grace period ended
- Reminder - Dog Licenses are due annually by March 31
- Recreation Dept. – need Program Director for City Soccer Program
- Election Information – no February Primary Election will be held in the City of Chilton; Spring Election is April 3rd.
- Distributed Chilton Chamber 2012-2013 Brochures, Calumet County 2012 Visitors Guide and Calumet County Crime Stoppers Flyer
- The total cost for a recall election in the City is \$4,600.00 compared to \$6,600.00 as reported in the 1/29/2012 Appleton Post Crescent
- The City web site now has an application form for residents to complete to volunteer for mayoral appointment to commissions/committees/boards.

APPROVE FINANCIAL REPORT:

Motion by Vanne, seconded by Schmitzer and carried to approve the February 1, 2012 financial report.

APPROVE OPERATOR LICENSES:

Motion by Hilton, seconded by Jaeckels to approve the two-year license applications to serve fermented malt beverages and intoxicating liquors from February 7, 2012 to June 30, 2012 for Aaron R. Bowe and Randolph A. Koehler. Motion carried. Clerk Schmidlkofer noted the applicants have been approved by the Chilton Police Department.

DIRECTOR OF PUBLIC WORKS REPORT:

- The 2011 City of Chilton Water Department Cross Connection Survey report indicated the total number of connections by category, number of connections in the City and number of surveys conducted last year. Chapter 12 of the Municipal

Code was amended to reference the City's Comprehensive Cross Connection Control Program as mandated by the DNR. The guidelines state that residential homes need cross connection surveys every 10 years and commercial and industrial properties every two years. If a property has a cross connection violation that is not fixed within a certain number of days after notification of the violation, the City of Chilton Water Department will disconnect the water from the property as required by the DNR mandate. Five residents received a second notice, no disconnections.

- The section on Chestnut Street to be repaired is on a 6-year timeline with the DOT
- Preparing for street project proposals with engineer firm; hope to have projects bid out and ready for council approval by April 17

FIRE CHIEF REPORT:

- Calumet County Dive Team – established goal to acquire two additional suits for Brillion/Forest Junction area; activated on October 1, 2011
- 2012 Fire Department budget was approved by the Department at their annual meeting held on January 30, 2012 and forwarded to the mayor
- Apparatus inspection scheduled for March 6
- Calumet County Chiefs meeting was held in January 4, 2012; group is looking at increasing number of yearly meetings; currently the group meets 4 times per year
 - County Departments accepted a uniform report for investigations
- National Fire Safety Letters sent to local businesses; positive response received
- DPW Schwarz assisted Department with firehouse roof/eaves issue
- JAWS inspection completed; major drill set for 2/20/2012
- Next Monday, 2/13/12 radio channel meeting at County
- County Investigators meeting was held on 1/11/12

AUDIENCE PARTICIPATION:

No comments from the public.

COMMITTEE REPORTS:

Council member Hemauer presented the January 23, 2012 Public Safety minutes.

Fire Chief Halbach reviewed the current fire protection agreement with the townships, committee members and staff. After a brief discussion, suggested amendments included changing tankers to tenders in paragraph two, and all agreed to a renewal period of 5 years. Halbach noted there is a Mutual Aid agreement between all Calumet County Fire Departments.

Furthermore, Halbach gave details on the Mutual Aid Box Alarm System (MABAS) and how it is used to coordinate the effective and efficient provision of mutual aid during emergencies, natural disasters or manmade catastrophes. When a community exhausts its resources, MABAS can be activated by the stricken community and through a symmetric plan, MABAS will provide support. The City of Chilton endorsed MABAS in 2009.

Motion by Hemauer, seconded by Johnson to approve the adoption of a five-year contract (January 1, 2013 to December 31, 2017) for fire protection with the Town of Brothertown, Town of Charlestown and Town of Chilton. Motion carried.

C. Wilson, Regional Forestry Leader - Dept. of Natural Resources informed the City the purpose for updating the suppression agreements with the DNR and Fire Departments across Wisconsin are:

- The State Legislature approved increased reimbursement rates for fire department suppression efforts on forest fires. (Updating the agreements applies the new rates)
- Some forest fire suppression agreements in place are up to 30 years old. Updating all of the agreements at one time sets a standard timetable for updates in the future.

- The forest fire suppression agreements are currently on several different forms and in different formats. Updating the agreements onto a single form allows standardization of all of the provisions on those agreements.

Motion by Hemauer, seconded by Schmitzer and carried to endorse the Forest Fire Suppression Agreement between the City of Chilton and State of Wisconsin Department of Natural Resources.

MOVED TO NEW BUSINESS:

Mayor Reindl opened the Public Hearing at 6:45 P.M. to solicit comments regarding the City of Chilton Year 2030 Comprehensive Plan to amend the density standard. Lands within the designated extraterritorial areas shall be maintained at a density of one unit per 20 acre with the exception of any areas designated as rural character as shown on Map 8-4 Preferred Land Use within extraterritorial (ETJ). The density within these areas shall be maintained at one unit per two acres. The city shall pursue exercising the density standard as part of its extraterritorial plat review authority within 1.5 miles of the city limits as a means to preserve agricultural land within this area. Clerk Schmidtkofer read the notice and stated the notice was published as a Class 1 notice as required by law.

Mayor Reindl requested DPW Schwarz to describe the request for the proposed amendment to the 2030 Comprehensive Plan.

DPW Schwarz informed the council the City has authority to do plat review for land divisions within its extraterritorial jurisdictional area (ETA) (1 ½ miles from the City boundaries) in accordance with the Smart Growth Planning Process.

2007 Comprehensive Plan - density within the ETA was set at one unit per 40 acres (Density ratio was established in an effort to preserve farmland as indicated by the Town of Chilton as a primary goal.)

In 2011, Town of Chilton drafted a zoning ordinance with the intent of creating two districts:

- ↻ Farmland Preservation - zoning map depicted the vast majority of the Town
- ↻ General Agriculture- allows a maximum of one (1) single family or one (1) two family home per 20 acres

The City's consultant discussed these density standards with the Town's planner and agreed that these standards would make sense with regard to the City's ETA. The City also identified areas that were partially developed and suggested they be maintained at a higher density ratio.

June 2011, the Plan Commission recommended changes to the City Comprehensive Plan for the ETA to coincide with Town of Chilton zoning ordinance General Agriculture.

July 2011, letter to the County in opposition of the Town proposing to amend their Preferred Land Use Map with two alternatives that did not match the densities and boundaries as drafted in the Town Zoning Ordinance.

August 2011, the City amended the Comprehensive Plan; density standard was changed to 1 unit per 20 acres with a unit in the extraterritorial jurisdictional area defined as one (1) single family home or one (1) two family home to coincide with Town of Chilton. Later in August of 2011, the Town of Chilton adopted their Preferred Land Use Map, which showed two areas as Rural Character with a density of one unit per 2 acres. Since the density standard adopted by the Town was different from what the City anticipated the Plan Commission endorses the City to review the ETA and look to change the density in areas, which are partially developed and feasible for City water, sewer and farmland preservation to a higher density. These areas include:

- 1) Land south of Chilton near Ledgeview Nature Center
- 2) Land near Harlow Road
- 3) Land surrounding Hickory Hills Country Club

At the December Plan Commission meeting, the Commission made a recommendation to the council to amend the City of Chilton 2030 Comprehensive Plan as follows:

Lands within the designated extraterritorial areas shall be maintained at a density of one unit per 20 acres with the exception of any areas designated as rural character as shown on Proposed Map 8-4 (Preferred Land Use within ETJ). The density within these areas shall be maintained at one unit per two acres.

Attorney McDermott read a letter from Calumet County Planner Mooney, which stated while the Planning Dept. does not have a position on the issue they did want to share with the council that the proposal near Hickory Hills Country Club as rural character with a 1:2 density is inconsistent with the Town of Chilton/Calumet County Preferred Land Use maps and the Calumet County Density map. The Town and County both identify this area as agricultural enterprise. The County density map has given this area a 1:20 density classification with the exception of a small triangle near the intersection of State Road and Julianna Court, which has no residential density assigned to it. The Department understands that the purpose of the proposed comprehensive plan amendments is to create consistency among neighboring municipalities plans when it comes to density and land use. However, by making a large area around Hickory Hills Country Club rural character with a density of 1:2, once again we will have inconsistency amongst plans. If anything were to become rural character with a density of 1:2, it should be the triangle portion along State Road as identified on the Calumet County density map. The proposed amendments along Sunrise Drive and CTH G and along Harlow Road are consistent with the county and town maps.

Mayor Reintl noted the Planning Department made similar comments at the Plan Commission meeting held a month ago.

Hearing no comments from the public Mayor Reintl closed the public hearing at 6:58 P.M.

Motion by Jaeckels, seconded by Hilton to introduce, adopt and waive the second reading of Ordinance No. 1085, an ordinance to amend the 2030 Comprehensive Plan to amend the density standard. Roll call vote. Eight votes cast. Eight votes aye. Motion carried.

MOVED BACK TO COMMITTEE REPORTS:

Chairman Gruett presented the minutes from the January 31, 2012 Public Works meeting.

DPW Schwarz informed property owners affected by vacating a portion of Fulton and Liberty Street that the City would save money because the streets would no longer need to be maintained by the City. The streets are coming up in the rotation for reconstruction, which would cost the City an estimated \$75,000 to complete. Estimated cost for street vacation is approximately \$25,000.00 to \$40,000.00. If vacated, the street right-of-way would be split equally between the abutting properties owners and be restored to the point of planting grass. The city would need to acquire utility easements (water, electric, telephone) and obtain a \$100.00 access permit from Calumet County for the portion of Liberty Street vacated because a property owner requested a driveway off the connecting County highway.

The entire project would be at no cost to the property owners, including no change of street address.

The timeline for completion of the vacation of the streets is still questionable. The street vacations were not included in the 2012 budget; however if the Department of Public Works projects scheduled for this year cost less than anticipated, the surplus may be sufficient to complete this project in 2012.

Motion by Gruett, seconded by Johnson to introduce and waive the second reading of Resolution No. 1618 a resolution for vacating of a portion of Fulton and Liberty Streets and set a public hearing for April 17, 2012 at 6:45 P.M. Attorney McDermott reminded the council members voting on the resolution would take place after the public hearing.

DPW Schwarz received a petition from property owners to vacate a portion of N. Mill Road (unnamed right-of-way off Utica Street). The reason for the request is to allow a

property owner to conduct a land transaction with another property owner in the area. The land transaction cannot take place unless the land is contiguous. By vacating a portion of the road, the land becomes contiguous. The City would retain a 25-foot portion of the road for a turn-around.

Motion by Gruett, seconded by Johnson to introduce and waive the second reading of Resolution No. 1619 a resolution for vacating of a portion of North Mill Road and set a public hearing for March 20, 2012 at 6:45 P.M.

DPW Schwarz informed the committee after analyzing the lighting situation in the Industrial Park area he is recommending elimination of streetlights and poles on one side of Vogt Lane, Clay Street and Progress Way. Wisconsin Public Service owns the streetlights in this area and the savings of 22 streetlights is estimated at over \$6,500.00 per year. The area is already well luminated because of lighting from many buildings.

Motion by Gruett, seconded by Jaeckels and carried to authorize DPW Schwarz to contact Wisconsin Public Service to proceed with the removal of 22 streetlights and poles located on one side of Vogt Lane, Clay Street and Progress Way. (At no cost to the City).

The Water Department has new mapping software that is not working properly on the older model toughbook computers. Currently the department has 3 toughbooks (2-CF 29 and 1-CF 30). DPW Schwarz said it is essential for the department to have toughbooks and not just your typical laptop computer because toughbooks handle wear and tear much better. An estimate for a CF 31 Panasonic Toughbook is \$3,800.00.

At the committee meeting, it was noted that the Water Dept. would be able to obtain a CF 30 Toughbook donated by the Police Dept. however; the Water Dept. cannot wait until April or May.

Motion by Gruett, seconded by Vanne to authorize DPW Schwarz to purchase a Panasonic toughbooks computer for \$3,800.00 for the Water and Sewer Departments. Roll call vote. Eight votes cast. Eight votes aye. Motion carried.

NEW BUSINESS:

Motion by Vanne, seconded by Hilton to introduce, adopt and waive the second reading of Resolution No. 1617, a resolution to subordinate CDBG Loan No. 03-13. Roll call vote. Eight votes cast. Eight votes aye. Motion carried.

Mayor Reinl presented the quarterly financial report, which indicated revenues received were \$349,673.14 less than budgeted and expenditures were \$220,915.48 less than budgeted for a total of \$128,757.66. The comprehensive report indicated what accounts were over or under budget.

Motion by Hilton, seconded by Schmitzer to approve the following 2011 year-end account appropriations as reported by Clerk Schmidlkofer.

41111-000	Surplus Applied	\$ 7,231.96	
53303-110	Snow & Ice-Labor		\$ 7,231.96
51601-821	City Hall-Capital Reserve	\$ 4,070.04	
51601-810	City Hall-Capital Telephone Sys/Photocopier		\$ 4,070.04
51602-790	City Clock (Oper. Reserve)	\$ 133.76	
51602-340	City Clock-Misc Fluor .Lamps		\$ 133.76
52201-821	Fire-Capital Reserve	\$ 8,350.00	
52201-810	Fire-Capital Ristow-roof repairs		\$ 8,350.00
52501-790	Civil Defense (Oper. Reserve)	\$ 210.31	
52501-231	Civil Defense Cont Serv Clay Street transformer		\$ 210.31
53240-790	Street Mach (Oper. Reserve)	\$ 26,357.81	
53240-110	Street Mach-Wages employee retirement		\$ 26,357.81
53303-790	Snow & Ice (Oper. Reserve)	\$ 6,685.83	
53303-110	Snow & Ice-Labor		\$ 6,685.83
53431-821	Sidewalk-Capital Reserve	\$ 483.71	
53431-820	Sidewalk-Capital		\$ 483.71
53724-790	Recycling (Oper. Reserve)	\$ 1,674.92	

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53724-110	Recycling-Salaries		\$ 1,674.92
53724-821	Recycling Capital Reserve	\$ 665.23	
53724-110	Recycling-Salaries		\$ 665.23
55110-790	Library (Oper Reserve)	\$ 496.60	
55110-110	Library-Wages		\$ 496.60
55301-821	Recreation-Capital Reserve	\$ 1,663.77	
55301-810	Recreation-Capital Equipment		\$ 1,663.77
55306-821	Band-Capital Reserve	\$ 25,980.00	
55306-820	Band-Capital Uniforms		\$ 25,980.00
56400-790	Zoning (Oper Reserve)	\$ 241.08	
56400-340	Zoning-Misc		\$ 241.08
56702-790	Adv/Promotions (Oper. Reserve)	\$ 827.15	
56702-110	Adv/Promotions-Wages		\$ 827.15
56703-821	Maps & Plats-Capital Reserve	\$ 3,500.00	
56703-810	Maps & Plats-Capital GIS Map updates		\$ 3,500.00
		\$ 81,340.21	\$ 81,340.21

Roll call vote. Eight votes cast. Eight votes aye. Motion carried.

Motion by Vanne, seconded by Jaeckels to approve the non-lapsing accounts balances and appropriations in the amount of \$1,832,103.18. Roll call vote. Eight votes cast. Eight votes aye. Motion carried.

COMMUNICATION:

Distributed monthly plumbing/building permit report.

BILLS:

Motion by Vanne, seconded by Jaeckels to pay the bills. Roll call vote. Eight votes cast. Eight votes aye. Motion carried. Voucher No. 70761 through Voucher No. 70893 or accounts payable and payrolls totaling \$233,709.25.

ADJOURNMENT:

Motion by Hilton, seconded by Vanne and carried to adjourn at 7:26 p.m. on February 7, 2012.

Helen Schmidlkofer,
City Clerk