

Chilton, Wisconsin
February 7, 2017

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

AGENDA POSTING:

On 2/02/17, 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 Rick Jaeckels and five members of the Council were present at roll call:

Council Member Kevin Johnson

Council Member Ron Gruett

Council Member Greg Kubichka

Council Member Kathy Schmitzer

Council Member Clayton Thornber

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

Absent and excused council members Mark Willems and Dan Hilton.

General attendance:

Library Director Glenny Whitcomb and Library Director Assistant I Rebecca Barry, Faye Burg-Delta Publications and Betty Schilling-Chilton Times Journal.

Those in attendance recited the Pledge of Allegiance.

Moved by Schmitzer, seconded by Kubichka and carried to approve the minutes of the council meeting held on 1/17/2017.

REPORT OF OFFICERS:

MAYOR REPORT:

- Alderman Kurt Stephany did send a letter last week indicating that he was resigning as Ward 3 alderman due to personal reasons and ended up moving out of the city. I did send a letter to him letting him know that we will miss his input.

CITY CLERK REPORT:

- Final collection for 2016 taxes are completed and reports have been filed with Calumet County Treasurer M. Schlaak.
- Calumet County Clerk hosted a meeting on January 30, 2017 from 3:00 to 4:30 PM to review the November 8 election recount. What worked well and what needs improvement.
- Work continues with Accurate Appraisal regarding the 2017 personal property.
- Spring primary election is February 21, 2107. Absentee voting took place on January 30th for the nursing home and assisted facilities.
- A meeting was held with Phil Cosson of Ehlers on February 2 at 9:00 AM to review tax incremental districts with Mayor Jaeckels, DPW Schwarz and myself.
- The dates for the bulky item pick-up are: North side of Main Street April 24th.
South side of Main Street May 1st.
Complete details on what is acceptable or not is posted on the city web site under "Residents." A newspaper article will be placed in the Chilton Times Journal as well.
- The Request for Proposal (RFP) for Uptown Development was due February 1st in which the City received one proposal. The RDA will review the RFP at the February 8th meeting and the council will review on February 21st.

APPROVE FINANCIAL REPORT:

Moved by Thornber, seconded by Gruett and carried to approve the February 1, 2017 financial report.

APPROVE OPERATOR LICENSE APPLICATIONS:

Moved by Thornber, seconded by Gruett to approve the two-year license application to serve fermented malt beverages and intoxicating liquors from February 7, 2017 to June 30, 2018 for

Jennifer M. Gay. Motion carried. Clerk Schmidlkofer noted the applicant has been approved by the Chilton Police Department.

Moved by Gruett, seconded by Schmitzer to approve a change of agent at Kwik Trip to June 30, 2017 for Daniel Schmidt. Motion carried. Clerk Schmidlkofer noted the applicant has been approved by the Chilton Police Department.

DIRECTOR OF PUBLIC WORKS:

- Wastewater Department is working with Focus on Energy to save energy costs. Looking at different lights and possibly running pumps during off peak. We will wait for the final report from Public Service before we make any changes.
- In the past month the City has received several land inquires, also inquiries if any buildings are available and if the City had any ways or means to assist them financially.
- Received complaints about cleaning snow and ice off sidewalks. Apparently, some residents think if there is 2” of snow on the sidewalk, they do not have to clean the sidewalk. This is not the case. Per the Municipal Code, residents have 36 hours to clear the sidewalk and if not then the City will have the sidewalks cleared at the property owner’s expense. The City does provide sand/salt barrels for residents to use.
- Received numerous complaints regarding:
 - Junk cars in residential areas.
 - Snow blown onto city streets.
- Working with the DNR regarding:
 - Wastewater Permit that is due June 30, 2015, which now has been extended to 10/17/17.
 - Phosphorus – pending final report, we will begin work.
 - Technical & Economic Evaluation of Alternative Municipal Water Softening Technologies.

AUDIENCE PARTICIPATION: No comments.

REPORT OF COMMITTEES:

Chairman Thornber presented the January 23, 2017 Public Works committee meeting minutes.

First order of business was an offer to purchase city property, which was referred to Plan Commission.

Thornber said, “Regarding exterior storage on residential lots in residential districts as you can see from the minutes, the committee thought was settled last year. Due to much discussion, this was referred to Plan Commission.”

At the committee meeting DPW Schwarz said the DNR and EPA are requiring the City to have a technical and economic evaluation of alternative municipal water softening technologies, specifically lime softening, in order to grant the City another chloride variance on their wastewater permit. The last three wastewater permits contained a chloride variance. The City currently uses an ion-exchange softening system. The EPA requires permittees seeking a variance to demonstrate that there are no other feasible alternatives. DPW Schwarz noted that the cost was too great to convert to a lime softening system. The current wastewater permit expired in June 2015. The new permit should be issued in October of 2017. The City is required to produce a technical and economic evaluation by May of 2017.

Motion by Thornber, seconded by Gruett to approve the proposal from McMahon for \$10,000.00 to provide engineering services for technical and economic evaluation of municipal lime softening for WPDES permit chloride variance request. Roll call vote.

Gruett – yes Willems – absent Kubichka – yes Thornber – yes
 Schmitzer – yes Hilton – absent Johnson – yes

Five votes cast. Five votes aye. Motion carried.

The committee reported that the aquamatic valves at Well #8 softening facility are old and failing. The City cannot get replacement parts to rebuild them anymore. There is also a problem with the water flow meters and other controllers. These items all work together. When there is a problem with one piece of equipment, it affects another piece of equipment and the system does not work properly. There are three identical units consisting of valves, meters, and controllers that need

replacement. The cost to replace all three units is estimated over \$200,000.00. The ion exchange softening system improvements include replacement of aquamatic valves with pneumatic valves, stager controllers with control via the existing programmable logic controller control panel, water flow meters with magnetic flow meters and brine pumps and brine tank fill valves.

Motion by Thornber, seconded by Gruett to approve the proposal from McMahon for \$26,000.00 to provide engineering services related to improvements to the City’s Well #8 softening and booster pumping facilities. To include final design, bidding and construction phase services for required ion exchange softener improvements. Roll call vote.

Gruett – yes Willems – absent Kubichka – yes Thornber – yes
 Schmitzer – yes Hilton – absent Johnson – yes
 Five votes cast. Five votes aye. Motion carried.

The City accepted a quote from Robert Kees in May of 2016 to repair the wastewater department steel shed located on E. Main Street. Kees has not fulfilled his obligation so the City recently cancelled the project with him. The committee reviewed the following quotes:

Fischer & Mader Construction, Inc. \$24,730.00 (roof and re-skinning building)
 Hamann Construction Company \$38,900.00 (roof and re-skinning building)

Motion by Thornber, seconded by Schmitzer to approve the quote from Fischer & Mader Construction for \$24,730.00 for repairs to the steel wastewater storage shed located on E. Main Street. Roll call vote.

Gruett – yes Willems – absent Kubichka – yes Thornber – yes
 Schmitzer – yes Hilton – absent Johnson – yes
 Five votes cast. Five votes aye. Motion carried.

When Thornber reported on the proposed replacement or repairs to the vehicle lift hoist at the city garage DPW Schwarz indicated that the Street Department did repair the hoist at a minimal cost. No need for further research, task completed.

Thornber stated there was no new information from Calumet County regarding State Street reconstruction. The committee did review state transportation aid funds and noted that the City will be receiving quotes for repairs on Hwy. 151 from Irish Road to the City’s connecting limits (approximately 1,180 feet).

NEW BUSINESS:

Clerk Schmidtkofer presented the 2016 year-end appropriations as follows:

100-41111-000	Surplus Applied	\$ 1,880.84	
100-51101-312	Council Printing		\$ 1,239.46
100-51301-210	Attorney Prof. Services		\$ 510.62
100-51602-340	City Clock supplies		\$ 130.76
100-51101-790	Council (Oper. Reserve)	\$ 346.03	
100-51101-312	Council Printing		\$ 346.03
100-51301-790	Attorney (Oper. Reserve)	\$ 1,392.88	
100-51301-210	Attorney Prof. Services		\$ 1,392.88
100-51601-821	City Hall (Capital Reserve)	\$ 6,386.98	
100-51601-810	City Hall Capital LaForce-re-key city hall		\$ 6,386.98
100-51602-790	City Clock (Oper. Reserve)	\$ 395.00	
100-51602-340	City Clock Misc. Operating		\$ 395.00
100-52105-790	School Patrol (Reserve)	\$ 14.67	
100-52105-340	School Patrol Misc. Operating		\$ 14.67
100-53230-821	Street Buildings Capital Reserve	\$ 279.95	
100-53230-820	Street Buildings Capital chainsaw		\$ 279.95
100-53240-821	Street Machinery Capital Reserve	\$ 15,800.00	
	Street Machinery Outlay #53		
100-57324-820	Trackless		\$ 15,800.00
100-53301-821	Street Maintenance Capital Reserve	\$ 66,938.15	
100-53301-820	Street Maintenance Capital		\$ 44,149.99
100-57331-820	Hwy & Street Outlay Expense Reed/Robin/Canary		\$ 22,788.16
100-53440-821	Storm Sewer (Capital Reserve)	\$ 4,234.52	
100-53440-820	Storm Sewer-Capital		\$ 4,234.52
100-53446-790	Pits & Quarries Oper. Reserve	\$ 1,306.47	

Minutes of Council Meeting 2-07-2017

100-53446-370	Pits & Quarries Gravel		\$ 1,306.47
100-53721-790	Solid Waste Collection (Oper. Reserve)	\$ 360.07	
100-53721-231	Solid Waste Collection-Cont. Service		\$ 360.07
100-53740-790	Weed Control (Oper. Reserve)	\$ 131.70	
100-53740-110	Weed Control Salaries		\$ 131.70
100-55201-790	Parks (Oper. Reserve)	\$ 4,163.93	
100-55201-340	Parks Misc. Operating plumbing parts		\$ 4,163.93
100-55301-821	Recreation Capital Reserve	\$ 1,129.98	
100-55301-340	Recreation Capital soccer club		\$ 1,129.98
100-56300-790	Planning (Oper. Reserve)	\$ 28.63	
100-56300-110	Planning Salaries		\$ 28.63
100-56701-790	Ind & Comm (Oper. Reserve)	\$ 131.11	
100-56701-226	Ind & Comm Internet		\$ 131.11
100-56703-310	Maps & Plats (Oper. Reserve)	\$ 184.08	
100-56703-791	Maps & Plats Office Supplies		\$ 184.08
		\$ 102,878.12	\$102,878.12

Moved by Thornber, seconded by Kubichka to approve the 2016 year-end appropriations as noted above. Roll call vote.

Gruett – yes Willems – absent Kubichka – yes Thornber – yes

Schmitzer – yes Hilton – absent Johnson – yes

Five votes cast. Five votes aye. Motion carried.

Clerk Schmidlkofer read the detail of non-lapsing accounts and indicated how that matched the summary list of non-lapsing appropriations. The financial reports presented for year-end accounts are presented only after the City's annual audit is completed. As a class four city we are required to have an annual audit completed and in particular because the City has tax incremental districts.

Moved by Kubichka, seconded by Gruett to approve the 2016 non-lapsing account balances in the amount of \$1,823,197.44.

Mayor Jaeckels said, "The only thing that was requested at one point and I did talk with Schmidlkofer about this and is something that the staff will work on yet. I think General Government requested a breakout of what funds are currently allocated or set aside within all these accounts. So obviously if something is set aside like a fire truck reserve, then that means it is set aside for a fire truck. But there are certain accounts where there are multiple uses, so we want an accounting of that."

Clerk Schmidlkofer replied, "The accounts you are referencing are outlined in the budget book. For example, the Police Department the council budgeted for half a squad in 2016 and 2017. Another example is a lawnmower; the city will budget over a number of years and the annual budget illustrates this in detail in the various departments or committee levels. Perhaps this year coming this could be a goal of each committee to review funding for capital projects."

Schmitzer questioned Attorney McDermott if a quorum of the council was present at this meeting to vote.

McDermott stated, currently there are seven on the council and four makes a quorum. Actually, Clerk Schmidlkofer and I had this discussion earlier today.

Mayor Jaeckels called for a roll call vote.

Gruett – yes Willems – absent Kubichka – yes Thornber – yes

Schmitzer – yes Hilton – absent Johnson – yes

Five votes cast. Five votes aye. Motion carried.

Mayor Jaeckels said as noted earlier in the meeting council member Stephany moved out of the city and therefore resigned his aldermanic position creating a Ward 3 vacancy effective February 1, 2017 to April 17, 2017. The council may decide to fill the vacancy from February to April or not. Jaeckels further explained that this is such a short time line, perhaps it would be best to fill the position after the April 4th election. It would be my recommendation to not fill the position until after the April election.

Clerk Schmidlkofer informed the council that due to the timing of the resignation the April 4, 2017 spring election does have Stephany on the ballot for a two-year aldermanic term in Ward 3. After researching the statutes and consulting with the State Election Board both indicated there is a vacancy and WI. Statute Section 17.23 defines the process to fill the position.

Moved by Gruett, seconded by Schmitzer to not fill the Ward 3 vacancy from February 1, 2017 to April 17, 2017.

Attorney McDermott confirmed since you have a ballot candidate (which has declined the position), only votes for registered write-in candidates may be counted. If a registered write-in candidate gets the most votes, he or she wins. The time has passed for a registered write-in therefore that is not allowed. In addition, in this case the write-in names on the ballot do not count. Once again Stephany has declined therefore the city has a vacancy.

Thornber asked, "So the election will not fill the seat?" McDermott stated, "That is correct."

McDermott continued, the city would advertise to fill a one-year position from April 18, 2017 to April 16, 2018. The statute states that since the vacancy happened after December 1 proceeding the first Tuesday in April and before that day, then the successor shall be elected on the first Tuesday in April of the next ensuing year.

Council members continued with how vacancies were filled in the past, one-year terms following a vacancy and two-year terms. A ballot could have a one-year term and a two-year term for the same ward.

Thornber requested that Mayor Jaeckels call for a vote.

Mayor Jaeckels asked for a voice vote, which indicated that the motion passed unanimously.

COMMUNICATIONS:

The monthly building/plumbing report and January 4, 2017 staff minutes were distributed along with the 2017 Chilton Chamber newsletter, which included a flyer titled "REACH." The flyer is a Calumet County coalition with the Chilton Police Department focusing on reducing alcohol and other drug abuse.

APPROVE PAYMENT OF BILLS:

Moved by Johnson, seconded by Thornber to pay the bills. Voucher No. 79891 through Voucher No. 79974 or accounts payable and payrolls totaling \$151,422.12. Roll call vote.

Gruett – yes Willems – absent Kubichka – yes Thornber – yes
Schmitzer – abstain Hilton – absent Johnson – yes

Five votes cast. Four votes aye. (Schmitzer-abstain) Motion carried.

ADJOURNMENT:

Moved by Schmitzer, seconded by Johnson and carried to adjourn at 7:32 p.m. on February 7, 2017.

Helen Schmidlkofer, MMC
City Clerk