

Chilton, Wisconsin
July 18, 2017

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

AGENDA POSTING:

On 7/14/17, 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 eight members of the Council were present at roll call:

Council Member Mark Willems	Council Member Dan Hilton
Council Member Clayton Thornber	Council Member Ron Gruett
Council Member Greg Kubichka	Council Member Kathy Schmitzer
Council Member Kevin Johnson	Council Member Mike Goebel

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

General attendance: Carol Daun, Daun Bus Company and Scott Kwiecinski Horizon Development

Those in attendance recited the Pledge of Allegiance.

Moved by Willems, seconded by Goebel and carried to approve the minutes of the council meeting held on 6/20/2017.

MOVED TO COMMITTEE REPORTS:

Mayor Jaeckels stated that Scott Kwiecinski from Horizon updated the Redevelopment Authority and Plan Commission members at the July 12, 2017 joint meeting regarding the Uptown Commons Phase II Project, which included the final site plan. Jaeckels then asked if Scott could show the exterior brick that will be on the new project.

Scott displayed the brick that was selected by the RDA. Furthermore, the project is coming along and with the approval tonight construction could start this fall.

Moved by Thornber, seconded by Gruett to approve Horizon Uptown Commons Phase II site plan and the Savanna Stone tumbled concrete brick for the exterior. Motion carried.

Kwiecinski exited the council chambers.

MOVED TO PUBLIC WORKS COMMITTEE REPORT:

Mayor Jaeckels requested to review the section of the report that deals with parking on Waters Edge Lane.

Chairman Thornber informed the council that Daun Services (located at 23 W. Main Street) requested short-term parking on Waters Edge Lane for their bus drivers to park their personal vehicles because the current parking area will be reduced due to the Horizon project.

Moved by Thornber, seconded by Gruett to allow parking on the north side of Waters Edge Lane 80 feet from the west right-of-way of Madison Street and 80 feet from the east right-of-way of State Street. Motion carried.

Daun exited the council chambers.

MOVED BACK TO MAYOR REPORT:

- I wanted to share a couple news articles from the Milwaukee Journal Sentinel that

I read over the weekend, which you can read over if you would like. One of them was kind of related to the Horizon project, which was titled "Affordable Apartments Face Funding Gaps and Delays." It was good for the council that we moved forward when we did otherwise we would not have known what might have taken place due to the state of the economy and the changes that are taking place. The other article, "Cops Freeze Phones in a New Tactic Against Dealers." I did review this with Chief Plehn and instead of just taking the phones they are getting a court order to take the number temporarily and by doing so, the dealer cannot operate.

- Basically working on TIF and Horizon projects.
- Police Union contract negotiations - two meetings have been held.

CITY CLERK REPORT:

- Credit and Debit cards are now accepted in the clerk's office; see flyer for details.
- Provided a copy of the notice regarding the 3 % water rate increase effective December 15, 2017.
- Distributed flyer from WI Department of Natural Resources regarding the Chilton Uptowns Commons area.
- DPW Schwarz and I met earlier today with Calumet County Community Economic Development Director Mary Kohrell along with WI Regional Development Director Jon Bartz to recap past and future grants regarding the contaminated properties we will be discussing later on the agenda. We also discussed other potential economic development projects.
- Public hearing at 6:45 PM tonight to rezone Redevelopment Authority land.
- Distributed public hearing notice to create tax incremental district No. 6 and No. 7, which will be held at the Plan Commission meeting on August 9, 2017.
- 2017 Bulky Item Pick-U:
 - April 24, 2017 36.46 tons at \$50/ton - \$1,823.00, 28 hours at \$164 - \$4,592.
 - May 1, 2017 29.96 tons at \$50/ton - \$1,429.69, 18 hours at \$150 - \$2,700
 - Total tonnage costs \$3,252.69
 - Total hourly costs \$7,292.00
 - Total \$10,544.69 budgeted amount over 2 years \$7,300.00 (\$3,244.69)

MOVED TO NEW BUSINESS:

Mayor Jaeckels opened the Public Hearing at 6:45 P.M. to solicit comments regarding the request to rezone Redevelopment Authority (RDA) land from I-1 (Limited Industry District) to C-1 (General Commercial District).

Clerk Schmidlkofer read the notice as required by law. Mayor Jaeckels inquired if anyone was present to speak in favor or not in favor of the rezoning.

Hearing no comments from the public Mayor Jaeckels closed the public hearing at 6:47 P.M.

Moved by Willems, seconded by Kubichka to introduce, adopt and waive the reading of Ordinance No. 1139, an ordinance to rezone RDA land from I-1 (Limited Industry District) to C-1 (General Commercial District). Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Goebel - yes

Eight votes cast. Eight votes aye. Motion carried.

MOVED BACK TO REPORT OF OFFICERS:

Moved by Willems, seconded by Hilton and carried to approve the Class B Picnic License for Muscular Dystrophy on August 4, to 6, 2017. Person in charge, DJ Payne.

Moved by Schmitzer, seconded by Hilton and carried to approve the July 1, 2017 financial report.

DIRECTOR OF PUBLIC WORKS REPORT:

- Third Ward sidewalk project is completed.

- Hwy 151 (Chestnut Street) construction project the start date has not been set yet.
- I have been meeting with potential developers the last several weeks.
- BID opening on July 20, 2017 for Well #8-pumphouse water softening system modifications.
- A local artist is painting a mural on the back of building at Hilde's Deli.

AUDIENCE PARTICIPATION: No comments.

REPORT OF COMMITTEES:

Chairman Schmitzer reported on the General Government committee meeting that was held on July 10, 2017.

Clerk Schmidlkofer and Deputy Clerk Meyer reported to the committee that in 2016 there were no identity theft concerns as reviewed by the City's Red Flag policy.

DPW Schwarz informed the council that WI Statute 75.17 defines transfer of contaminated land to a municipality. On June 12, 2017, Calumet County notified the owners of the properties located at 420 E. Main St., 476 E. Main St. & 415 E. Main St. that they have three (3) months from the date of the letter to make full payment of property taxes. If full payment is not received, a tax deed of the land described in the document will be applied for by Calumet County. Once the tax deed is issued to Calumet County, Calumet County will become owner of the parcels. In February of 2017, the City did pass a resolution indicating its intent to acquire the properties.

Schwarz continued stating that Phase I environmental site assessment was completed in December 2014 and Phase II site investigation in May and June 2015. Additional investigation regarding the soil is recommended by the DNR. After consulting with DNR Remediation and Redevelopment Program representative Kevin McKnight earlier today there are funds available to assist the City with these properties. The City can apply for a Brownfields Grant, which is a matching grant and in-kind work can be applied toward the grant. Once the City owns the properties, the City could raze or sell the building(s) with funds from the Brownfield Grant and work with a developer. Other options include selling the property as is; one building is in good shape and could be sold and removed. The other buildings are small and deteriorated. The City would disclose the environmental issues to the developer or new owner and as long as the new owner is made aware of the issues, there is no further responsibility by the City. In other words, the City has to get a plan in place to apply for grants.

Mayor Jaeckels noted the City has received complaints on these properties from other business owners in the area. The area looks very unattractive and looks like a dumpsite.

Schmidlkofer noted that the contaminated property is comprised of four parcels, however one of the parcels was not addressed to the correct owner thru the county's process and this has been corrected however the notification process has to start over.

Schmitzer said, "Recommendation from the committee is to have the entire council review the information regarding the contaminated properties and the council decide how to proceed."

Schmitzer asked if DPW Schwarz had a recommendation. Schwarz replied by asking the council members if they have seen the property lately and if they thought the property looked respectable. Schwarz made the recommendation to raze all the buildings, clean up all the items that have been dumped there and send out a request for proposal (RFP) for future development. The RFP from the new potential owner should include a timeline for the proposed improvements.

Moved by Schmitzer, seconded by Kubichka to have the City conduct final clean up, raze the buildings and request proposals for future development for 420 E. Main Street, 476 E. Main Street and 415 E. Main Street. Motion carried.

Attorney James Macey will be assisting the City with Police Union negotiations in addition to City Attorney McDermott.

Schmitzer stated that at the committee meeting Clerk Schmidlkofer informed them that the City agreed to provide financing for Horizon Uptown Commons II project. The financial commitments are:

- A loan in the amount of \$263,000.00, interest rate of 2.25% or the applicable federal rate whichever is lower for a 30-year term.
- A loan in the amount of \$225,000.00, interest rate of 2.25% or the applicable federal rate whichever is lower and repaid by December 31, 2034.
- A Tax Incremental Financing (TIF) contribution of \$300,000.00 paid at closing.

The City will have to borrow for the total amount of \$788,000.00. City staff is working with Ehlers regarding future borrowing.

Clerk Schmidlkofer received a quote for professional services from Phil Cosson, Senior Advisor with Ehlers Financial Group for the creation of Tax Incremental Districts No. 6 & No. 7. In detail, the scope of services includes the following:

Phase I – Feasibility Analysis

Phase II – Project Plan Development and Approval

Phase III – State Submittal

	Create TID No. 6	Create TID No. 7
Phase I	\$ 5,700	\$4,100
Phase II	\$ 7,300	\$4,900
Phase III	\$ 1,500	\$1,500
Total	\$ 14,500	\$10,500

Both Schwarz and Schmidlkofer have worked with Ehlers in the past and found their guidance very detailed and beneficial.

Moved by Schmitzer, seconded by Hilton to approve the Ehlers scope of services to create TID #6 for \$14,500.00 and TID #7 for \$10, 500.00. Roll call vote.

Gruett – yes Willems – yes Kubichka – yes Thornber – yes
 Schmitzer – yes Hilton – yes Johnson – yes Goebel - yes

Eight votes cast. Eight votes aye. Motion carried.

Schmitzer said that the hiring process was spelled out very clearly in the December 8, 2016 committee minutes. The City would like to standardize the procedure for all City Departments with the exception of library employees because WI Statute governs them. The Department Head would present the information regarding the new employee to the council in closed session with a recommendation and the council would have the final decision to hire or not. The current recruitment procedures for regular full-time and part-time positions would not change.

Moved by Johnson, seconded by Schmitzer that the common council would approve hiring of all city employees, except library personnel. Motion carried.

Schmitzer stated that the committee reviewed a request from Clerk Schmidlkofer that Police Chief Plehn have a credit card for the Police Department and the reason this is by name is due to the fact that personal information is required to acquire a credit card. The City has one credit card Bank of America.

Moved by Schmitzer, seconded by Johnson to approve Craig Plehn for a Bank of America business credit card. Motion carried.

The committee reviewed a request from Chief Plehn stating that the Police Department no longer deliver Redevelopment Authority, Plan Commission and Council packets.

Plehn said, “The calls for service are high and the packets are still sitting there for us to deliver. The council packets are provided to the Police Department on Friday and are not delivered until Saturday or Sunday sometimes.”

Schmitzer noted that the committee reviewed alternatives:

- Electronic copy, scanned or emailed.

Clerk Schmidlkofer said the City did propose iPads however; this was not favored or budgeted. If the packets were emailed then the council members would have to print the materials and this was not preferred.

- Council, Plan Commission and RDA members could stop by city hall to pick-up.

The city hall is open M-F 7:30 AM to 4:30 PM.

Clerk Schmidlkofer and Chief Plehn did review this and even though the Police Department is working 24/7, the officer could be out on a call. The City does not want to call Calumet County Dispatch to call in the officer when that City Officer could be on a call.

Schmitzer added that the committee did review delivery requirements and according to WI Statute 19.84, meeting notice states that public notice of every meeting of a governmental body shall be given at least 24 hours prior to the commencement of such meeting. The day before or the day of the meeting is too late for delivery. That would not meet the legal timeline and would not allow the council and/or committee members sufficient time to contact city hall staff for questions or concerns regarding the agenda.

Council members noted that they appreciate the fact that an officer delivers the packet. Thornber said, "You cannot tell me that the Police Department is that pressed for time."

It was agreed that the Police Department would continue to deliver the packets and additional information would be next to the address label indicating where to place the packet.

Moved by Schmitzer, seconded by Hilton to indicate on the label where the packet should be delivered by the Police Department. Motion carried.

The committee established the following goals:

1. Support the creation of Tax Incremental District No. 6 & No. 7
2. Utilize maximum levy limit.
3. Maintain disciplined budget work throughout the year.
4. Continue Communications between Public, City and Calumet County.
5. Annually Review Identity Theft Prevention Program Policy.

Public Works chairperson Thornber continued his report by indicating that most of the committee meeting was spent with Wastewater Leadman Keuler. Keuler reviewed the wastewater permit the City had for the last seven years because the DNR was two years behind. The new permit effective October 1, 2017 includes more requirements for testing and monitoring:

- Lower phosphorus limit changes (target limit of 0.075 ppm)
- Changes in testing for chlorides (four times per month, four consecutive days)
- Reduction in chloride emissions from the wastewater plant (interim chloride limit of 670 mg/L expressed as a weekly average with a target limit of 6.05 mg/L)
- Addition of temperature testing or Dissipative Cooling Study Report (recording temperatures when water enters the Manitowoc River)

Keuler said temperature testing could be eliminated if the City has a Dissipative Cooling Study Report done. The DNR has given the City a variance for the last three terms of its wastewater permit. The EPA does not like to issue a third variance and that is one reason why the DNR is coming down hard on the City. Keuler reminded the committee that there has not been anything major done to the wastewater treatment plant in nearly sixteen years. The plant has been running 24/7 without any major issues.

Moved by Willems, seconded by Gruett to approve the quote from Strand Associates for the Wastewater Treatment Plant Phosphorus Compliance Planning, Operations, and Needs Review in an amount not to exceed \$34,100.00. Roll call vote.

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

Eight votes cast. Eight votes aye. Motion carried.

Moved by Kubichka, seconded by Goebel to approve the quote from Strand Associates for a Wastewater Treatment Plant Dissipative Cooling Study not to exceed \$16,000.00.

Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Goebel - yes

Eight votes cast. Eight votes aye. Motion carried.

At the committee meeting Keuler explained that the SCADA system at the wastewater treatment plant controls the entire plant. The system was installed in 2002 and is now having some problems. The system is designed to dump information every 24 hours; however recently the information is not transferring correctly. The SCADA system is pegged and the numbers that are being reported are false. The SCADA system also conducts the email system which if ever hacked could create major problems and the potential to lose all information. Strand Associates recommended that the wastewater treatment plant have two separate systems, one for the SCADA and one for emails.

Moved by Thornber, seconded by Gruett to approve the quote from Strand Associates for professional services for the Wastewater Treatment Plant SCADA system update to include preliminary design, final design and installation not to exceed \$8,000.00. (Funds to be used from the Equipment Replacement Account.) Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Goebel - yes

Eight votes cast. Eight votes aye. Motion carried.

Moved by Thornber, seconded by Kubichka to authorize the Wastewater Department to purchase hardware and software for the SCADA system not to exceed \$32,750.00. (Funds to be used from the Equipment Replacement Account.) Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Goebel - yes

Eight votes cast. Eight votes aye. Motion carried.

DPW Schwarz and Keuler have been talking to the different commercial entities that are hooked on to the Irish Road Lift Station regarding rags and non-flushable items being flushed into the lift station and causing blockage problems. In particular, the assisted living facilities have been notified of the problem numerous times. The facilities have complied however, they can't control what their residents families or caregivers may be bringing in for them to use thus causing the problem to continue. These non-flushable items cause the pumps to become plugged and then the City has to hire a contractor to have them cleaned out. This year alone the City has spent over \$5,000.00 to have the Irish Road Lift Station cleaned out. The committee reviewed chopper pumps available for purchase that could handle these non-flushable items.

Moved by Thornber, seconded by Schmitzer to accept the quote from Sabel Mechanical LLC for \$10,632.50 for the purchase and installation of two Flygt Model 3068 chopper pumps with adapters for the Irish Road Lift Station. Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Goebel - yes

Eight votes cast. Eight votes aye. Motion carried.

The wastewater treatment plant received two quotes for a 40' X 44' X 14' metal framed building. Fischer & Mader Construction for \$31,500.00 and Diamond Doors & Building, for \$19,700.00. DPW Schwarz said a stick-framed building is all that the wastewater treatment plant needs to store equipment. The new building would be downsized to a 40' X 44" and the city would maintain the concrete slab to park trailers, etc. DPW Schwarz intends for the Street Department to tear down the existing building.

Moved by Willems, seconded by Gruett to approve the quote from Diamond Doors & Buildings, Inc. for construction of a 40' X 44' X 14' metal frame building for \$19,700.00

plus the additional costs for the Street Department to tear down the current building and electrical work. The entire project shall not exceed \$25,000.00. Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Goebel - yes

Eight votes cast. Eight votes aye. Motion carried.

Moved by Thornber, seconded by Hilton to introduce, adopt and waive the reading of Resolution No. 1745, a resolution to increase sewer rates by 3% and the total volume charge is \$3.18 with an effective date of December 15, 2017 and the annual sum of the equipment replacement account shall be \$111,567.82 effective the first quarter of 2018. Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Goebel - yes

Eight votes cast. Eight votes aye. Motion carried.

DPW Schwarz reminded Thornber that at the meeting Daun Bus Co. discussed with the committee various options for removing snow. It was decided that they would wait until the Horizon development project was underway and the parking lot was finished to determine where to place the snow that accumulated in this area.

Council members reviewed the June 14, 2017 Housing Authority minutes.

NEW BUSINESS:

Moved by Thornber, seconded by Johnson to approve the quote from Mueller Plumbing, LLC for \$7,500.00 for labor and materials to reroute the sump pump from sanitary sewer to the outside, install sanitary sump pit in the basement with new drains and install handicap shower for CDBG Loan No. 17-07. Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Goebel - yes

Eight votes cast. Eight votes aye. Motion carried.

Clerk Schmidlkofer presented the quarterly financial reports that included general fund, water enterprise and sewer enterprise funds.

Moved by Thornber, seconded by Hilton and carried to accept the quarterly financial reports.

Moved by Willems, seconded by Kubichka to approve the account appropriation of \$6,368.95 from library gifts (48501-000) to library revenue/expense (55113-325). Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Goebel - yes

Eight votes cast. Eight votes aye. Motion carried.

UNFINISHED BUSINESS:

Council reviewed intersection pedestrian safety.

Mayor Jaeckels said, “I received a request from Alderman Johnson who received some complaints in regards to a citizen that witnessed some things. We had some other concerns that were issued. I wanted to bring this back before the council to get some consensus or discussion on how to proceed on this. We do have some intersections essentially that need some updating or as far as the pedestrian signs. I did not know if that is something that the council felt, we needed to move on now or wait until we budget for in the new year. I know some of the signs I have requested and I know that Craig requested that one of them would be removed. I requested that we move the one that is typically up on State and Washington, Jefferson and Court Street, that area and move it to Ethel’s temporarily until school starts again since there is not as much action there at State and Main. So we did that. Craig also found a fourth pedestrian sign that we put up on Memorial and 151. But there are still some areas that we could probably use signage whether it is those little ones. Then we also have the Madison and Washington, School

and Madison, which is right by the movie theater. So again, we just wanted to get some discussion as to whether we need to act on and move quicker. It doesn't necessarily mean that even if you wanted to act quicker on them we didn't necessarily look at all the intersections. If you felt some that were more of a concern we can look at doing something at just a few and then budget for the rest in the next year."

Johnson said, "I brought this to the mayor to keep this going based upon a recent phone call that I received from some more witnessed super close calls."

Willems inquired what the consensus of the May 31, 2017 Public Safety committee was regarding pedestrian safety.

Johnson replied that the committee did not act on signage because nothing is budgeted. The council has to talk about this and eventually do something. Discussion continued which included:

- Budget for pedestrian signs, current budget or budget for in 2018
- Provide pedestrian sign options and costs (include LED lights)
- Have additional pedestrian signs in place before school starts
- Determine the type of sign(s), potentially move current sign and light on Madison Street in a location that is more effective
- Change parking areas on Main Street and State Street for more vehicle and pedestrian visibility
- Prioritize proposed dangerous intersections
 - ✓ School and Madison
 - ✓ Washington and Madison
 - ✓ State and Main

Chief Plehn referenced that East Central Wisconsin Regional Planning Commission conducted a Bicycle and Pedestrian Audit for the Chilton School District Safe Routes to School. The report reviews the City of Chilton school zone intersections however; this has not been reviewed with DPW Schwarz or the Public Safety Committee. The City has had three pedestrian/vehicle accidents within the last year and one was almost a fatality.

Council members suggested that the public should be more aware of the law regarding pedestrian crosswalks and the fact that vehicles are to stop for pedestrians.

Mayor Jaeckels said this was on the agenda to have this taken care of before school starts.

Willems moved to refer pedestrian signage back to the Public Safety committee. Motion failed due to not receiving a second.

Jaeckels said, "I wanted discussion among the council so that they know what is going on in regards to this because we had a few calls. We just wanted to touch base and get some opinions from the rest of you and not just the three."

The discussion ended with the conclusion that the Public Safety committee will try to meet and finalize pedestrian safety before school starts.

COMMUNICATION:

The July 5, 2017 staff minutes and the monthly building/plumbing report were distributed.

APPROVE PAYMENT OF BILLS:

Moved by Hilton, seconded by Thornber to pay the bills. Voucher No. 80589 through Voucher No. 80714 or accounts payable and payrolls totaling \$342,574.48. Roll call vote.

Gruett – yes Willems – yes Kubichka – yes Thornber – yes
Schmitzer – abstain Hilton – yes Johnson – yes Goebel - yes

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

ADJOURNMENT:

Moved by Schmitzer, seconded by Gruett to adjourn at 8:04 p.m. on July 18, 2017
Motion carried.

Helen Schmidlkofer, MMC
City Clerk