

Chilton, Wisconsin
June 19, 2018

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 6/15/18, 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 Clayton Thornber	Council Member Mark Wiegert
Council Member Mike Goebel	Council Member Kathy Schmitzer
Council Member Dan Hilton	Council Member Mark Willems
Council Member Ron Gruett	Council Member Tom Reinl

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

General attendance:

Kurt Stephany, Tyler Maas, Greg Kubichka, Tabatha Goebel, Matt Meyers, Barb Gustafson, Donna Budnik, David July, Nick Holst, Mary Kim Strelow, Sam Ebbinger, Lauren Schmidt, Terri Grailer, Tim and Gail Steeber, Mike and Kathy Engler, Brenda and Jesse Schneider and Ken and Darlene Danes.

Those in attendance recited the Pledge of Allegiance.

Moved by Hilton, seconded by Reinl and carried to approve the minutes of the council meeting held on June 5, 2018.

REPORT OF OFFICERS:

MAYOR:

- I attended a Board of Appeals training presented by UW-Stevens Point and hosted by the City of New Holstein last week Wednesday.
- I participated in the annual Father’s Day parade this past Sunday.

CITY CLERK:

- ↻ Future committee meetings were reviewed.
- ↻ Bi-annual report of tax-exempt properties from this year and 2016 were reviewed. 39 parcels were reported both years.
- ↻ The City of Chilton 2030 Comprehensive Plan will be available on the city website. Going forward no paper manuals will be provided or updated.

APPROVE OPERATOR LICENSES:

Moved by Willems, seconded by Hilton to approve the two-year license applications to serve fermented malt beverages and intoxicating liquors from July 1, 2018 to June 30, 2020 for the 104 operators listed contingent upon the applicants being approved by the Chilton Police Department. Motion carried.

APPROVE LIQUOR LICENSES:

Moved by Reinl, seconded by Schmitzer and carried to approve the following applications for Class “A” and Class “B” licenses to deal in intoxicating liquors and fermented malt beverages from July 1, 2018 through June 30, 2019.

Name of the Applicant	Location of Premise	Address of Applicant/Agent
"CLASS A" Beer License 2018:		
Weber Oil Company, Inc.	64 E. Chestnut Street	W4863 Forest Lane
Connie M. Klapperich, Agent	Weber’s Self-Serve	Sherwood, WI 54169

"CLASS A" Beer & Liquor Retail Combination 2018:

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Kwik Trip, Inc. Anthony T. Christel, Agent	45 Chestnut Street Kwik Trip #630	323 Linden Street Kiel, WI 53042
Condon Oil Company Kraig Bauman, Agent	613 N. Madison Street Chilton Mobil Mart	434 Stonehedge Ct. Ripon, WI 54971
Wal-Mart Stores East, LP Ann Bergschultz, Agent	810 S. Irish Road Wal-Mart Store #2509	2822 S. 12 th Street Sheboygan, WI 53081
Walgreens #13065 Scott Kunde, Agent	245 West Calumet St. Walgreens	42 Eagles Court Kaukauna, WI 54130
Vern's Cheese Inc. Kari Meyers, Agent	312 W. Main Street	711 S. Madison Street Chilton, WI 53014
"CLASS B" Beer & Liquor Retail Combination License 2018:		
Lupita's Mexican Store LLC Jesus Cruz Colchado, Agent	251 E. Main Street Lupita's Mexican Store	218 E. Brooklyn Street Chilton, WI 53014
ACAKDCA Cheri Steffen, Agent	100 W. Main Street Ethel's Pub & Grill	1808 Plymouth Street New Holstein, WI 53061
Hildegard Bennin Hildegard Bennin, Agent	24 W. Main Street Hilde's Deli & Bakery	1016 S. Madison Street Chilton, WI 5314
Mathes Pla-Mor, Inc. Gary Mathes, Agent	260 E. Main Street	260 East Main Street Chilton, WI 53014
Two Pair of Dice, LLC Jessica K. Daul, Agent	26 N. State Street Cheers	720 S. State Street Chilton, WI 53014
Jonathan Nisleit Jonathan Nisleit, Agent	249 E. Main Street Curve Inn	249 E. Main Street Chilton, WI 53014
Seven Angels of Chilton, Inc. Nick Sabani, Agent	128 E. Chestnut Street Seven Angels	1103 Jemima Lane Chilton, WI 53014
Stage Coach Bar & Grill, LLC Gloria J. Porsche, Agent	310 E. Main Street Stage Coach Bar & Grill	N7407 Hwy. 55 Menasha, WI 54952
F.O.E. Chilton Aerie #1288 Inc. Connie Koehler, Agent	1041 E. Chestnut Street Chilton Eagles Club	W1603 Hwy 151 Chilton, WI 53014
Papa Don's, LLC Jennifer Bonlander, Agent	613 E. Calumet Street Papa Don's Pizzeria & Buffet	W1477 Hwy 151 Chilton, WI 53014
Chilton Properties, Inc. Heather N. Rach, Agent	1101 E. Chestnut Street Best Western Stanton Inn	29 W. Chestnut Street Chilton, WI 53014
Mueller Time LLC Megan Koehler, Agent	40 W. Main Street Mueller Time LLC	N4220 Weeks Road Chilton, WI 53014

Moved by Willems, seconded by Thornber and carried to approve the Beer Garden License from July 1, 2018 through June 30, 2019 for Two Pair of Dice, LLC at 26 N. State Street, Jessica K. Daul, Agent.

Moved by Gruett, seconded by Hilton and carried to approve annual cigarette license renewals from July 1, 2018 through June 30, 2019 as follows:
Wal-Mart Super Stores East LLP, Mathes Pla-Mor Inc., Roll Inn Inc., Condon Oil Company, Kwik Trip Inc., Weber Oil Company, Inc. and Walgreens #13065.

DIRECTOR OF PUBLIC WORKS:

- TIF #7 water and sewer is installed, working on installation of sanitary sewer. Schmitzer asked if there would be any reconstruction done on Hwy 57. DPW Schwarz replied work would not take place until the City receives the access permit from the DOT.
- The North water tower has been drained; during the pre-construction meeting it was noted that the work should be completed by the second week in August. There were

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additional safety items that were addressed with Worthington along with workers checking in and out for the day.

- Department is conducting normal maintenance.
Goebel inquired if there were any issues with the removal of the out buildings at 225 Irish Road. DPW Schwarz replied if the weather would cooperate, it would be better and two power poles were discovered with live wires.

AUDIENCE PARTICIPATION: No comments were given at this time.

NEW BUSINESS:

Moved by Thornber, seconded by Gruett to approval the mayoral re-appointment of Mary Hoerth to the Library Board for a 3-year term (7/1/2018 to 6/30/2021). Motion carried.

MOVED TO REPORT OF COMMITTEES:

The June 11, 2018 library board minutes were distributed.

COMMUNICATIONS:

The June 6, 2018 staff minutes were provided for the council members.

APPROVE PAYMENT OF BILLS:

Moved by Hilton, seconded by Schmitzer to pay the bills. Voucher No. 82130 through Voucher No. 82183 or accounts payable and payrolls totaling \$120,674.77. Roll call vote.
Gruett – yes Willems – yes Wiegert – yes Thornber – yes
Schmitzer – yes Hilton – yes Reinl - yes Goebel - yes
Eight votes cast. Eight votes aye. Motion carried.

MOVED BACK TO UNFINISHED BUSINESS:

Mayor Jaeckels informed the council that Horizon is still working on a few things with their investors and we will probably have to bring some things back to the council. A pre-construction meeting is planned for 11 AM tomorrow.

MOVED BACK TO NEW BUSINESS:

Moved by Willems, seconded by Reinl to introduce, adopt and waive the reading of Resolution No. 1770, a resolution to approve the 2017 Compliance Maintenance Report.

DPW Schwarz reported that the Chilton Wastewater Treatment facility received a grade A on all items except a B for phosphorus. Thornber questioned if this was due to farmland run-off up stream. Schwarz replied, no.

Mayor called for a roll call vote.

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

Mayor Jaeckels opened the Public Hearing at 6:45 P.M. to solicit comments regarding the request to rezone KD Property Holding LLC lots 42 to 49 of Dairyland Estates from R-1 (Single Family Residential) to R-D (Two-Family Residential). Clerk Schmidlkofer read the notice and stated the notice was published as a Class II notice as required by law.

Mayor Jaeckels inquired if anyone was present to speak in favor or not in favor of the rezone.

Paul Strelow – 1305 S. Diane Street

“I am definitely opposed. When we bought our house there, Thiel Real Estate said it was all single-family homes.”

Tyler Maas – 1153 Jemima Lane

“My wife and I just very recently purchased our property. With the housing market, it was difficult to find a quality residence along with a neighborhood that we felt was desirable. Part of the reason we chose the location we did was this gentleman’s point (Strelow) was

the future plans for development. We would ask that it would stay as planned. We are definitely opposed.”

Jesse Schneider – 1151 Jemima Lane

“I can say that I am probably the oldest resident up there. I have seen a lot of changes over the years. We were the second home up there at the time. As stated earlier it was designed as single-family housing. If you vote in favor of changing the zoning permit, what changes the next phase? The next lots? You start here and what is next? The houses right next to us, I have seen different things over the years in subdivisions. The duplexes down below us are not stable. We have seen the constant change of families, people going thru the area. I am definitely opposed and I can tell you that most of the people here are opposed.”

Mike Engler – 1111 Jemima Lane

“I am opposed to the rezoning. This could start like the gentleman said before. You start with seven lots, the rest of the lots don’t sell and then you continue with rezoning. We don’t need that. Single-family lots are in dire need in Chilton. We shouldn’t take prime property like this and rezone to two family. I am opposed. Thank you.”

Mike Goebel – 1156 Jemima Lane

“Totally, against the two family homes going in, there are a lot of reasons. They all have good points as well. This goes with the value of the homes, the way that they are kept, the cost of duplexes going in. Are they going to change the value of our homes. Right now our homes are on the low end \$200,000.00. The new ones going up right now are \$250,000.00. We have homes up there that are up to \$300,000.00. So how are two family homes or duplexes going to be at a lower value to what we are putting in for a single home? Also the big thing to is, this is going to be along Irish and are they going to be kept up. Like they were saying as well, people buying, selling, renting. They are always changing in those types of homes. How are the properties going to look? The center of attention coming into the new part of the subdivision that is going to be the center of attention is that road, when they cut that road through. When people come in that is the way that they will come in from that way more than the old way. There is a concern. I know that I only have a minute or two but I am opposed.”

Council member Willems commented to the audience that they should not feel rushed. This is important to you, and we appreciate your comments.

Samantha (Hansen) Ebbinger – 1102 Dotty Lane

“We just moved in. We are against it. We just moved into the house in March. We were also told that it was going to be all single-family homes. We have a small daughter and that is why we bought it, because we liked the area. We like that it was all single family with small children. I feel like duplexes will attract the wrong kind of individuals because they are cheaper to live in. Duplexes attract the wrong type of people.”

David July – 1117 Dotty Lane

“I am definitely opposed to this. Like it has been brought up, I think this is going to devalue our properties up there. This will be a huge dis-service to all the stakeholders that came to this meeting tonight. Thank you.”

Terri Grailer – 611 Bessy Lane

“My husband Mike and I oppose.”

Kurt Stephany – 1155 Jemima Lane

“I think Jesse and Mike might have said the best points about it. I am trying to be positive and not hostile about something, I would like to thank the Danes’ for purchasing the land. They have a good plan going forward for building houses over there but I also agree with Jesse and Mike where we don’t want the aesthetics of that subdivision being duplexes. You can’t control necessarily or you can’t sell them. Or if a developer comes in and wants to start wrecking them. You can’t necessarily control the type of people that are going to come into that area. The Police Department may possibly have an increase in calls when

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you get some of these floaters into our community. In general, I think for the prices or the value of our houses we need to continue to build those types of houses in that area. But like everyone else I do have concerns and I do want to thank the Danes' for purchasing the land and having a good plan going forward. I just think the duplexes are a bad option for that area."

Nick Holst – 1108 Dotty Lane

"Same thing. I have lived here for the last three years and like everyone else am sure that we all have the same idea. The whole area was zoned for residential and that is the big reason that we purchased our home. Home value is a big concern especially with duplexes going in and I am sure that no one can argue about the home values will change with duplexes going in. That is why I am opposed to it."

Tim Steeber – 605 Bessy Lane

"I am opposed. Thank you."

Darlene Danes – Dairyland Estates

"The only reason we are proposing to put duplexes in the subdivision is that people asked us if we were going to put some in. This is all new to us. We appreciate the comments and that is the reason why we are here to get it right. We don't want to step on anybody's toes. We want to make the subdivision as good as it can be. This is the only reason why we went with the rezoning. We had a few people that asked because they really wanted to buy one. That is why we came up with this, that is the only reason. Thank you."

Donna Budnik – 1117 Jemima Lane

"There are 27 houses up there now and two are building right now. There will be 29 houses and most people don't realize that area is up there. It's cool up there. A really nice area. It's a nice place and now you are going to put this street going thru to Irish. So then, when you get rows of streets filled with houses it's going to beautify the City. You are going to have people coming in on Irish to go to Wal-Mart and stuff. If you are going to put duplexes, it changes the way it appears. We all do our garbage but with duplexes, are they going to have big dumpsters that they always have? People say gee, it's pretty up here. That's what we like about it. I would like to have it stay the way it is zoned."

Lauren Schmidt – 608 Bessy Lane

"We both oppose the rezoning."

Matt Meyers – 613 Bessy Lane

"Oppose the rezoning. Pretty much just echo everyone's comments here."

Mary Kim Strelow – 1305 S. Diane Street

"I also oppose the rezoning."

Brenda Schneider – 1151 Jemima Lane

"I have lived there for 15 ½ years. We enjoy the family feel to it. In order to get to our residence you by-pass the Diane Manor, low income housing and a grouping of duplexes on Diane Court. It does deter people from coming up into our subdivision because of that. I will be honest with you the number of calls that were ever made by police or fire when we are residents up there was from that area. We had an emergency at one of the neighbor's house and the Police Department didn't even know where we were. So that shows you how quiet it is up there. It wasn't until some high end profile case that occurred down on the duplexes on Diane Court that we became known as a subdivision. So with keeping that idea in mind, I oppose the rezoning."

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

Thornber said, "I pose a question to the audience members that are against the rezoning. What I am hearing from so many of you is that you fear it is going to be rental property. Would it make a difference to your thinking if the council required that the owner occupy

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one of the two units of the duplex? So then, it would not be solely rental property.”

Several members of the audience responded, “No.”

Willems said, “I appreciate everyone coming and their respectful manner in which everyone addressed the situation. This is how government should work.”

Moved by Willems, seconded by Gruett to deny the request to rezone Lots 42 thru 49 of Dairyland Estates from R-1 to R-D.

Gruett said, “I came here tonight with two ideas. We need lots that would take duplexes. The other thought was that if only one person showed up and didn’t want this in their neighborhood I would vote no.”

Reinl, Wiegert and Hilton commented that they appreciated everyone’s remarks and that they would not be voting for the request to rezone.

Mayor Jaeckels called for a roll call vote.

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

Eight votes cast. Eight votes aye. Motion carried.

Residents from the subdivision exited the council chambers at 7:06 P.M.

Moved by Reinl, seconded by Schmitzer to approve the Bid from Roger Bowers Construction Inc. of Kaukauna for \$550,112.79 for Dairyland Estates sanitary sewer, storm sewer and water main construction. Roll call vote.

Gruett – yes	Willems – yes	Wiegert – yes	Thornber – yes
Schmitzer – abstain	Hilton – yes	Reinl – yes	Goebel - yes

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

Moved by Thornber, seconded by Schmitzer to approve the BID from J&E Construction Company Inc. of Stockbridge for \$228,444.30 for Dairyland Estates street construction. Roll call vote.

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

Eight votes cast. Eight votes aye. Motion carried.

Moved by Hilton, seconded by Goebel to introduce, adopt and waive the reading of Resolution No. 1771, a resolution supporting Nsight Teleservices Grant for Calumet County. Roll call vote.

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

Eight votes cast. Eight votes aye. Motion carried.

REPORT OF COMMITTEES:

Chairman Hilton reported on the Culture and Recreation May 10, 2018 meeting.

Dan DeTroye and Fred Gebhart attended the committee meeting and informed the City that the VFW added a new event this year, a car show at Hobart Park on June 16, part of the Chamber’s Summer Fest activities. The VFW requested that they would not have to take inventory at the fry stand for the car show and in addition would like to amend the agreement to allow for an annual average payment to the city band instead of equally sharing the profit.

Hilton said the current agreement between the VFW and the Chilton City Band effective dates are 1/1/2015 to 12/31/2019. The agreement states that the VFW shall have the right to operate the fry stand at Hobart Park for all Chilton City Band performances and to receive all earnings from its operation. The profit from which shall be shared equally with the Chilton City Band.

The committee understood the VFW's request however; it was difficult to propose a change at this time seeing that the city band did not have an opportunity to review their proposal. Seeing that the City Band just heard about the request and the fact that the request was too close to the event the committee suggested that the VFW and band review the agreement and make suggestions for the committee.

Moved by Hilton, seconded by Wiegert to recommend to the council that the agreement between the City and the Chilton Veterans of Foreign War remain as is. Motion carried.

Kubichka representing "Delightfully Calumet" requested the following items from the City:

- 1) Hobart Park usage from November 1, 2018 to December 31, 2018. The event will be held on Friday and Saturday nights from 5:00 pm to 9:00 pm. November 29th will be a test run and November 30th nursing homes will view.
- 2) The park is closed to the public from November 1, 2018 to December 31, 2018.
- 3) The group is allowed to set up snow fence to block off access to the park. The City will waive the variance to close the public road.
- 4) City will pay for electricity up to \$30.00.
- 5) Ability to place banners at Klinkner and Hobart Parks and the Hillside Cemetery from September 1 to December 31, 2018. Waive sign permit.
- 6) Usage of Hobart Park fry stand for electricity hook-up.

Moved by Willems, seconded by Schmitzer to approve the six items requested above for Delightfully Calumet for their annual holiday light display. Motion carried.

Kubichka explained that the name was changed because clubs that participate are from Stockbridge, Brillion, Kiel, and not just Chilton.

Kubichka exited the council chambers.

AC board member Terry Criter provided the annual Chilton Athletic Club report at the committee meeting. Part of his report was a request for financial support for roof repairs. The Club is aware that the agreement between the City and the Club states that the Club is responsible for this however asking if the City could assist. The City will inspect the roofs and work with the Club. No action is required at this time.

At the committee meeting City Band President Lillich requested the City to fund bus transportation for the Chilton City Band on July 18, 2018 to travel to Mishicot for their summer band concert series. The estimated cost is \$280.00 round trip. Mishicot will reimburse the City \$650.00 however; Lillich was not sure on the timeline and didn't want the bus company invoice to be outstanding.

Moved by Willems, seconded by Gruett to assist the City Band to pay for bus transportation and the band would reimburse the City. Motion carried.

The Chilton Boy Scout Troop 810 will be scheduling maintenance on the project under the south goal post at Morrissey Park in July and plans are to have this completed by the first home football game.

Hilton reported that Mayor Jaeckels said that Chilton Chamber of Commerce member Pat Rowland had interest in constructing a joint visitor center at Klinkner Park. The chamber members are no longer interested. In fact, at the May 2, 2018 Chilton Chamber of Commerce meeting the minutes reflected that survey results showed most of their members desired digital advertising and not an information center.

Moved by Schmitzer, seconded by Hilton that the City accepts the Chamber's decision to not support a visitor's center for the Chamber of Commerce. Motion carried.

Hilton said the committee reviewed their goals and determined that they would keep them

the same.

1. Continue to support Morrissey Park, funding and maintenance
2. Conduct walk-through of all city parks
3. Continued research and establish Nature Trail system to include Solomon to Fox River State Trail
4. Meet annually with VFW, City Band, Chilton Athletic Club and ChiltonFC Soccer Association Inc.
5. Update Open Space and Recreation Plan

ADJOURNMENT:

Moved by Schmitzer, seconded by Hilton and carried to adjourn at 7:28 p.m. on June 19, 2018.

Helen Schmidkofer, MMC

City Clerk