

Chilton, Wisconsin
March 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 3/3/17, 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 six 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

Other city officials present were Director of Public Works Todd Schwarz, City Attorney Derek McDermott and Deputy City Clerk Lisa Meyer. Absent and excused Kevin Johnson.

General attendance: Faye Burg and Patrick Mares.

Those in attendance recited the Pledge of Allegiance.

Moved by Hilton, seconded by Schmitzer and carried to approve the minutes of the council meeting held on 2/21/2017.

REPORT OF OFFICERS:

MAYOR REPORT:

- The mayor is working on various things in preparation of future discussions.
- Former Mayor Matt Schuh passed away yesterday. The Wieting website has details on funeral arrangements. Please keep Matt and his family in your prayers.

CITY CLERK REPORT:

- ↻ The spring election is Tuesday, April 4, 2017.
- ↻ Eastshore Recycling Commission will host a Tire Recycling Event on April 22, 2017 from 8:00 AM to Noon. Drop off in Hilbert or New Holstein and city residents need to purchase a \$3.00 ticket to dispose of a tire before the event. Tickets are available in the clerk's office.
- ↻ Distributed the Calumet County 2017 Economic Development Plan for future reference.

APPROVE FINANCIAL REPORT:

Moved by Thornber, seconded by Hilton and carried to approve the March 1, 2017 financial report.

APPROVE LIQUOR LICENSES:

Moved by Willems, seconded by Thornber and carried to approve the Class "B" Picnic license for the Chilton Lions Club Beerfest on May 21, 2017. Person in Charge is Chris Sattler.

Moved by Willems, seconded by Hilton and carried to approve the Class "B" Picnic license for Tiger Streak LLC on May 20, 2017. Person in Charge is Don Bonlander Jr.

DIRECTOR OF PUBLIC WORKS REPORT:

- Had a two-hour conference call with the DNR regarding chloride variances for the expired wastewater permit. (Expired June 15, 2015)
- Fischer & Mader Construction were hired to side and roof the WWTP building at 457 E Main Street. They started removing the roof and found the trusses were saturated

and will all need to be replaced. It was suggested to hold off on the project since it will be more costly to repair the building. There may be a possibility of extending the metal building for additional space and just tear down the current building.

AUDIENCE PARTICIPATION: none

NEW BUSINESS:

Paul Birschbach, Building/Plumbing Inspector was unable to attend the meeting but his 2016 annual building permit report indicated a total of 209 permits were issued in 2016, compared to 219 in 2015. The value of improvements was \$12,105,423.00 of which \$3,819,643.00 is for taxable properties and \$5,863,303.00 are for tax-exempt entities. Building permits were issued as follows: four new homes, 101 residential home improvements, 7-accessory buildings, 37-commercial improvements, 8-industrial improvements and 52-miscellaneous permits.

REPORT OF COMMITTEES:

Council Member Ron Gruett presented the February 23, 2017 Public Safety committee meeting minutes.

At the Public Safety meeting, Chief Plehn said, “The Department issued a citation for loud and unnecessary noise to a business in the City. The case went to court and the judge deemed from a 1991 case “*Madison vs Matthews*” that the City’s ordinance is too vague. The City missed one word and we should have the word “unreasonably” in the ordinance. Attorney McDermott reviewed the ordinance and added unreasonable to the ordinance. The proposed change is highlighted. No person shall make or cause to be made any loud, disturbing ~~and-or~~ unnecessary sounds or noises such as may tend to **unreasonably** annoy or disturb another in or about any public street, alley or park or any private residence.”

Moved by Gruett, seconded by Schmitzer to introduce, adopt and waive the second reading of Ordinance No. 1137, an ordinance to amend Chapter 7 regarding loud and unnecessary noise.

Alderman Willems questioned why an Ordinance was brought to the Council as the committee voted to table any modifications regarding loud and unnecessary noise until further research? There was a lot of discussion at the committee meeting regarding noise levels and they discussed decibel readings and standards for commercial and industrial businesses.

Mayor Jaeckels advised the council members that he brought the ordinance forward after consulting with Attorney McDermott as there was a need for the police department to enforce loud noise restrictions for residential complaints.

Alderman Willems questioned why he was not notified about the change, as both committee members Gruett and Johnson were aware of the Ordinance.

Mayor Jaeckels responded that he spoke to Alderman Johnson because he was the committee chair and the only reason Gruett was made aware of it was because Alderman Johnson was not able to attend tonight’s meeting. In addition, Mayor Jaeckels did not want to cause a walking quorum if he discussed the change with each committee member.

Willems spoke, “We spent a lot of time that night and we voted to table it and now we are approving it and if we approve something down the road we have to publish it a second time and we are going to change the ordinance on the website and the books and it seems to me we are being hasty when we should do it when we are done with the decibel levels and businesses and make one change.”

Thornber asked, “What is the rationale in the committee’s decision to table it?”

Willems replied that there were questions with businesses and decibel readings and equipment being installed. Last summer there were issues with Kaytee installing new equipment and a lot of people heard the noise and complained and the committee thought maybe they should look at it in more detail.

Schmitzer questioned “Derek, do other municipalities include decibel readings in their ordinances?”

Attorney McDermott replied, “Some do, we used to years ago but you have to have the equipment.”

Jaeckels replied “We took it out because of the vagueness and you have to have them calibrated and when you take it to court there’s so much more wiggle room in getting things thrown out because you have to have it calibrated and then there’s questions about how far away is the decibel rating, how far do you have to have limits set aside, and with this change, in my opinion, we are taking care of the commercial and residential needs currently.”

Alderman Thornber questioned, “Are we going to be obliged to have different standards for industry than we do for retail establishments and residences?”

Mayor Jaeckels replied, “We can review the industrial aspects but with the changes that have been made with this ordinance, it gives us the latitude to take the corrections.”

Alderman Schmitzer brought up the incident last year with Kwik Trip and the loud diesel trucks and the police worked with Kwik Trip to find a solution to the problem. As with Kaytee, the City has a history of working with businesses so there is not a need for decibel ratings.

DPW Schwarz mentioned that when industrial businesses are doing an expansion, they come to him and ask him ‘What is your noise ordinance, what is your decibel rating?’ because the machinery they get has decibels built in. We are going to have to look at the decibel rating because if you have an industry that is making an unreasonable noise they are subject to citation.

Alderman Willems commented that “I followed the process and carried out my duties as alderman” and the business owner in my ward called me and we discussed the situation. The owner was not able to attend the committee meeting so I called him after the meeting to advise him the committee tabled the noise ordinance and now it is brought to the council for approval. Alderman Willems questioned why should there be committee meetings if the decisions made by the committee were not followed?

Alderman Schmitzer questioned if there was a precedent for council not taking committee recommendation.

Alderman Willems commented that it is a committee recommendation but there is no binding law that the council has to take the committee recommendation but the committee does all their homework and it is up to the council to decide.

Mayor Jaeckels called for a roll call vote.

Gruett – yes Willems – no Kubichka – no Thornber – no
Schmitzer – yes Hilton – yes

Six votes cast. Three votes aye, three votes nay. Mayor Rick Jaeckels voted yes to break the tie. Motion carried.

The committee reviewed the Emergency Management Director Position. The current director is Larry Seipel indicated that the City’s plan does require major updates, which would be very time consuming, and therefore he would like to resign after his appointed term of April 17, 2017. Per Chief Plehn, municipalities have gotten away from independent people as the director and have gone to someone in the public safety realm.

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Mayor Jaeckels will recommend the appointment of the police chief to that position at the April 18, 2017 organization meeting. The committee will review compensation at a later time.

The 2017 police squad arrived and JB Signs of New Holstein will be doing the decals.

The police chief will be conducting more interviews for hiring a seventh police officer as the City's current part-time police officers they interviewed were not necessarily the best candidate.

The VFW is requesting a key for the gun storage area located in the lower level of city hall. Current city hall policy is to not hand out keys to the various organizations and clubs. When the American Legion and VFW originally put their rifles in the locked room they would go to the Police Department to have the room unlocked. Chief Plehn noted that the Department is busy and unable to unlock the door. To assist the Department, Clerk Schmidlkofer said the front office can take care of opening and closing the door.

Moved by Schmitzer, seconded by Gruett and carried to have the city hall office staff manage the requests for access to the VFW and American Legion storage area.

Chief Plehn informed the committee that two of the three squads should be parked in a heated building due to the equipment contained in the squad. Also, the Department per statute is required to secure an area for impounding vehicles. Discussion then took place regarding the Chevy Cruze (city owned vehicle); the city vehicle would be parked outside instead of in the garage 100% of the time.

Moved by Gruett, seconded by Thornber to have the two-stall section of the city hall garage be used for Police Department purposes only. There shall be no entrance by any other city employee due to impound and evidence collection. Motion carried.

Chairman Thornber presented the March 1, 2017 Public Works meeting minutes.

Austin Management Services LLC, owner Tom Austin would like to use four southwest parking spaces of the parking lot located at 35 School Street during the snow season to store snow. In return, Austin would continue to plow the parking lot.

Alderman Kubichka questioned why Mr. Austin only wants to use the area defined in the map that includes approximately four stalls because currently he is using about six stalls on the other side of the parking lot. DPW Schwarz said that is what Mr. Austin requested. Mr. Austin said he only needs the area defined in the map, which is included as part of the Snow Disposal Agreement.

Motion by Thornber, seconded by Hilton to approve the Snow Disposal Agreement between Austin Management Services LLC and the City to use an area within the city owned parking lot at 35 School Street for snow storage and in return Austin Management Services LLC will plow the parking lot for the City of Chilton. Motion carried.

The following quotes were received for replacement of a furnace at the wastewater plant:

- Fuhrmann Plumbing, Heating and Cooling Inc., Brillion, WI \$3,375.00
Carrier 96% AFUE 2 stage furnace with ECM blower
- Karls Mechanical, Chilton, WI \$3,500.00
Comfortmaker, G9MXT120, 120,000 btu, 96% efficiency natural gas
furnace including a new 4" chimney liner

Since the quotes received were so close, and Karls Mechanical is a local business, at the public works meeting both Thornber and Gruett agreed the City approve the quote from Karls Mechanical.

Motion by Kubichka, seconded by Gruett to approve the quote submitted by Karls Mechanical in the amount of \$3,500.00 for purchase of a Comfortmaker 96% efficiency natural gas furnace for the wastewater plant. Roll call vote.

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Gruett – yes Willems – yes Kubichka – yes
 Schmitzer – yes Hilton – yes Thornber – yes
 Six votes cast. Six votes aye. Motion carried.

The February 15, 2017 Housing Authority minutes were distributed.

COMMUNICATION:

The February building/plumbing report and the Chilton Chamber of Commerce December 14, 2016 minutes.

APPROVE PAYMENT OF BILLS:

Moved by Schmitzer, seconded by Hilton to pay the bills. Voucher No. 80032 through Voucher No. 80108 or accounts payable and payrolls totaling \$179,076.30. Roll call vote.

Gruett – yes Willems – yes Kubichka – yes Thornber – yes
 Schmitzer – yes Hilton – yes
 Six votes cast. Six votes aye. Motion carried.

ADJOURNMENT:

Moved by Gruett, seconded by Hilton and carried to adjourn at 7:20 p.m. on March 7, 2017.

Lisa Meyer, CMC
 Deputy City Clerk