

Chilton, Wisconsin
August 7, 2018

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

AGENDA POSTING:

On 8/3/18, 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 and posted on the City web page.

ROLL CALL:

Six members of the Council were present at roll call:

Council Member Tom Reinl	Council Member Mark Willems
Council Member Ron Gruett	Council Member Kathy Schmitzer
Council Member Mike Goebel	Council Member Clayton Thornber

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

Absent and excused council members Mark Wiegert and Dan Hilton.

General attendance:

Rich Loose, Wanda Nett, Jim Delebreau, Mike Barany and Eric Tiegs.

Those in attendance recited the Pledge of Allegiance.

APPROVE THE MINUTES:

Motion by Willems, seconded by Goebel and carried to approve the minutes of the council meeting held on July 17, 2018.

REPORT OF OFFICERS:

MAYOR:

- With council president Tom Reinl's permission, there will not be a council meeting on September 4, 2018 unless warranted.
- Ground breaking photo for Uptown Commons II will take place tomorrow at 3:30 pm.
- I attended East Central WI Regional Plan Commission meeting – set levy and discussed 41 corridor.

CITY CLERK:

- ↻ Provided a written report from attendance at the Association of Public Treasurers of the United States & Canada (APT US&C) 53rd Annual Conference in Memphis, TN. Schmidlkofer expressed gratitude to the entire staff, mayor and council for their support and opportunity to attend the conference.
- ↻ Along with Council members Schmitzer, Thornber and Mayor Jaeckels, I attended the Economic Development Academy 101 session last Tuesday night.
- ↻ Grand re-opening and ribbon ceremony for McDonalds on August 10 at 11 AM.
- ↻ "Rock the Block" a Habitat for Humanity program was reviewed by staff and no participation in the program will occur at this time.
- ↻ The League of Municipalities offered a Safety Grant to the City totaling \$1,287.00, which is 2% of the City's 2016 workers' compensation premium. DPW Schwarz and I completed an application for grant moneys and received the full \$1,287.00, which will offset the cost of the city purchasing a wood chipper and mower.
- ↻ A public hearing is scheduled for August 21, 2019 at 6:45 PM regarding special assessments in Dairyland Estates and Tower View Drive.

APPROVE LIQUOR LICENSES:

Moved by Thornber, seconded by Schmitzer and carried to approve the Class "B" Picnic license for the Calumet County Agricultural Association on August 31 through September 3, 2018 for the annual Calumet County Fair. Person in Charge is Lanetta Mahlberg.

APPROVE FINANCIAL REPORT:

Moved by Thornber, seconded by Schmitzer and carried to approve the August 1, 2018 financial report.

DIRECTOR OF PUBLIC WORKS:

- Wastewater and water plant had Wonder Ware Software issues over the weekend. The software runs the SCADA system. The system had to be monitored closely by staff due to the computer program malfunction. The issue was resolved earlier today; SCADA software system had an update that needed to be installed and this caused a licensing problem.
- 2018 Street projects – Morrissey Park road, Diane and State Street paving is complete. Backfill has to be completed for the streets. The park had landscaping completed today due to the school district football game, which is scheduled for next Friday. The railroad on Breed Street – best working relationship with the Railroad Company in years. It just has to be backfilled yet. The Riverwalk, cemetery and 16 patch areas need to be completed yet. We ran into issues at the cemetery; the plan was to pulverize the existing pavement and use that for additional base however, we were unable to pulverize. We took the black top off and then dealt with soft spots due to lack of drainage. The contractor had to leave the City for another project and will return later this month to finish. The Riverwalk will require a smaller paver, which they are taking into consideration.
- North water tower project – the very top is not painted yet. An intermediate coat needs to be applied, lettering and then a top coat.
- Dairyland Estates subdivision: most of the sanitary sewer mains are in. Working on two cul-de-sacs yet. Then they will work on the water and then the street. After this, the lots will be ready for the developer to start selling. Trying to contact phone, gas and electric companies, we will see what happens.
- River Meadows subdivision - reviewing engineering proposals as well as invoices for the work that has been completed.
- Horizon Uptown Commons II – excavation has started. Installed the storm sewer lateral and manhole. Sigma is on site in case there is any contaminated soil that has to go to the landfill. In 1971, Main Street was re-done and it would appear that the old main street materials were buried in this spot. No construction schedule has been established at this time.

AUDIENCE PARTICIPATION:

Rich Loose – 611 S. Madison Street. “I received a written warning/violation notice for my camper that is parked in the back yard. This has been parked there for 5 years and now I have to move it. Some other yards are much worse than my yard.”

Michael Barany – 122 Heimann Street (Ward One). “I was raised in the City of Chilton, left to serve in the Navy for 21 years, and decided to return to the wonderful City of Chilton. I received a written warning/violation notice to remove my trailer and skid steer from grass to an impervious surface. (Barany distributed pictures of the equipment, rocks and waterfall in his yard.) The skid steer is on loan for a yard beatification project and my trailer is used on a weekly basis due to a huge garden on my property. This could have been resolved if an officer would have just talked to me. Instead, I received a letter in the mail. We are accustomed to a Chief of Police that would visit the residents and the problem would be resolved and not behind a letter. I am not saying the Police Department is doing a bad job. I challenge the Police Department to show presence in the community by walking their beat and get to know the very same people that are paying their wages. I do not think this has been done in a long time. Believe it or not we are not that bad. I love my city and take pride in the city and exercise every opportunity to get involved in the community. There are benefits to working and living in the same community. That is why there is a state ruling for hiring public servants such as police. I trust you as my elected officials to make every effort possible to up hold the state ruling when it comes to hiring public servants. I believe this ruling was put in place to promote unity within the community and the police force. This is a completely different subject and I will certainly talk with my council members regarding any future hiring’s. Thank you for this

opportunity to speak tonight. I applaud the Police Department and the City to enforce the beautification of our fine city however, the way this ordinance is written should be reviewed. Enforcing this ordinance should be done carefully, politically and handled on a case-by-case basis with one on one community involvement with the Police and the fine citizens of our community. If not, unfortunately you will be receiving more complaints. In closing, just because Johnny got his hand caught in the cookie jar in Ward 1 does not mean that we can all enjoy cookies around here.”

Jim Delebreaux – 630 Henry Street. “I received a written warning/violation notice to remove my trailer. Wondering about the timing of this. I have a side lot right next to my house. It is basically a farm field or overgrown grass because they don’t take care of it. It doesn’t make sense for them to come in with a tractor to cut it so I take care of this little triangle of land. I have lived at my residence 19 plus years and I have had something on that side yard 15 of the 19 years. This is the first time that I received an indication that I do not comply with the ordinance. Again wondering on the timing of it. I am assuming it has to do with other places within the city that might look a whole lot worse than mine. I try to keep my place nice; I move stuff to cut underneath and try to keep everything looking as best as I can. I basically see what is there and my neighbor across the street. One of them got a letter because he is sitting right here and the other one has just enough room that he can put it on the driveway. I don’t know what the difference is putting it on a driveway verses the grass. Thank you.”

DPW Schwarz said, “I was unaware of any of this. My name is on this notice. I was never aware that any citations were given out. I found out from these people. I don’t know what the warning was about.”

Mayor Jaeckels said, “There were no citations that were given out. Just to clarify these are letters.”

Willems said, “This is a warning with a 15-day window to get it cleaned up. I happen to have a copy of one of them from my ward and it has Todd’s name on it and he didn’t know anything about it.”

Schwarz said, “In Barany’s case construction/landscaping equipment are excluded. As far as a new driveway for a parking spot, I am unaware what is going on. I wish the Chief would be here so that he could explain what is going on.”

Jaeckels said, “I will clarify a few things and then we will move on. The audience participation part is not give and take for questions but we can answer and give you some feedback as far as why this occurred. I will tell you this much I can’t say that necessarily that anyone in particular complained about any one of your properties. But what ended up happening we had some internal discussions amongst the management staff; including during staff meetings. We had meetings in regard to Plan Commission for residential parking of vehicles, trailers and such on grass. Some of these things we are still internally discussing but some of the staff members have claimed that they have received complaints in regards to this. They issued the concern that some of these things are causing the City overall not to look good. Again, it is not a reflection of anyone sitting here. It is a general complaint. As such, the Police Chief with the rest of the staff, we did talk and said that he was going to start doing ordinance notations. So the Police Chief directed someone go out for two days and again you are not the only ones that received these. Basically went around the whole city, they didn’t cherry pick any neighborhood. They went around the whole city and looked at the places where violations were occurring. And as indicated they are, violations of the ordinance, they sent out notification. As far as why the name of the Director of Public Works is put on there is because the Police Department doesn’t necessarily know what needs to be done. If you have questions like how do I make this adequate. So, that is why Todd’s name is on there. He takes care of zoning.”

Reinl questioned how many warnings were issued and why wasn’t the council informed of what was going on.

Jaeckels said, "I know Thursday 14 were issued and I don't know how many on Friday because the Chief was at a conference on Monday, so I didn't get an update."

Willems said, "Audience participation is interaction between the public and council; the council just cannot take action. The Barany property is in my ward and I would ask everyone here to drive past the property and you tell me how this is blighted property. This is the biggest PR disaster that I can remember for a long time in the city. Todd didn't know his name was on the paperwork, where is the internal communication among the Department Heads."

Jaeckels noted that this was discussed at staff meetings in the last couple of weeks. Schwarz replied that this was not communicated. In fact, my name is misspelled.

Willems referenced a situation on Washington Street where a neighbor has been waiting over two years for a property to be cleaned up. "Then we go around and give people sitting here tonight a warning. This is why I get upset. You waive the residency requirement that was never discussed before the 7th officer was hired. Those are the type of things we just push under the table. But now we go around and issue citations to people. I challenge every one of you to view the Barany property and see for yourself how beautiful the property is. The equipment he is using is for an on-going project. To me this is a PR disaster and makes us look poor. Especially when you look across the street or at the property on Washington Street. Where did our common sense go in the City to write this kind of warning out and have 15 days to take care of it. I am sure that the entire city knows about this."

Gruett said, "One of my constituents in my ward called me up last month and said that there is a trailer parked in front of their house for 4 to 6 days in a row and didn't think that this was right or proper. Also the same guy had a camper parked on his side lawn. I contacted the Police Department because that is how I respond. I will try to see if I can fix what they want. The law is that you can only park one night on the street and not for days. The only way the Police to get him to do something was to threaten to give him a ticket. Once you do this for one person, you have to look at all the situations. What about the guy over there with a camper on his lawn, what about the guy over there with a trailer."

Barany said, "If the Police Officer would have just talked with me, this could have been resolved and I would have been willing to fix it. But just talk to me. Communication."

Wanda Nett - 227 Court Street. "If the Officer had stopped to talk to me, they would have found out that I have already talked to DPW Schwarz because he was my first stop to find out whether I could put in a driveway and where and what I needed to do. I am waiting on a contractor to do the work for me. When this is done it will be on a cement slab because I don't want it on my lawn. Why don't they stop and talk to us. I came home after being gone for the weekend and was met by my neighbor to see if I got a letter. They were irate and were getting texts from a friend that they received a warning also. Police should watch for some of the speeders on my street especially when I have trouble getting out of my driveway or watch kids coming and going to school."

Willems again referenced the concerns on Washington Street and Jaeckels said we are waiting on the building inspector.

Willems said, "The other thing is that the complainant calls the police chief and he says call the building inspector. She then calls the building inspector and he says call the police chief. She gets the run around and now out of the blue we are issuing warnings. Believe me this is a public relations nightmare. We just gave ourselves bad name in my book when you look at the properties and they receive a warning in the mail. I am not proud to be part of this."

Schmitzer questioned what committee would oversee this issue. Jaeckels said Plan Commission takes care of zoning which takes care of issues in regard to concerns on the

grass. Schwarz clarified that the Plan Commission reviews and makes a recommendation to the city council; the council enacts the ordinances. Thornber said that the length of the trailer and/or boat was increased to 30 feet. The point is that the Commission wanted to reflect that campers and trailer are getting larger.

Reinl said that whatever committee reviews the issue it should be taken care of. Gruett reminded the council that his issue came up due to a resident on Washington Street was parking 4 to 5 cars on the front lawn in winter. Schwarz agreed and said out of that meeting, street side yard parking was changed in the ordinance.

Goebel asked, "Why did the Police Department start doing this and none of the council members knew about this or DPW Schwarz. Half of the residents sound like they shouldn't have received a letter."

Schwarz said, "Don't blame the Police, they are following the ordinance. The procedure is if an ordinance is violated the Police Department issue a citation. It is my job to make sure they comply with the ordinance and it is the council's job to create the ordinance."

Schmitzer said, "A month ago a constituent received a citation in the mail and I contacted DPW Schwarz. So Todd you were aware of those circumstances, you refreshed my memory on how the ordinance worked, and he moved his boat. So we resolved the situation but you were aware a citation went out a month ago."

Schwarz said, "I was aware that a citation went out when you called me. I was not given anything from the Police Department."

Jaeckels said one week ago with Plehn and Schwarz in my office we talked about complaints being received. The comment was things are not looking good and at that point, Plehn said we could start enforcing and doing this.

Barany stated again if the Police Officer would have just talked to him. Barany exited the council chambers at 7:19 p.m.

General discussion continued regarding lack of communication, warning letters without defining the ordinance and lack of information provided to staff and council members. Some yards with a trailer or camper are maintained and look better than some properties that are not maintained at all. As for a 15-day notice – is something going to be done in the meantime? Reinl suggested that the mayor take some time and speak with Chief Plehn and maybe Plehn could extend all the warnings until proper review is done.

Tiegs and Delebreaux exited the council chambers at 7:22 p.m.

UNFINISHED BUSINESS:

DPW Schwarz reported on the property located at 516 W. Breed Street. The City was able to get into the house with a family member and an inspection was completed. After further review the person of record died in 2009. There is roughly \$12,000.00 of back taxes. The repairs exceed 50% of the assessed value, the City gives the property owner the option of fixing it up within a certain timeline and if they don't then the City would raze the buildings. However, the county has filed documents to foreclose on the property due to failure to pay the taxes. Discussion took place if the county would take ownership would the same process be followed. City Attorney McDermott suggested that the City wait to see what the county will do.

NEW BUSINESS: No business.

COMMUNICATIONS:

Distributed the monthly building/plumbing report and August 1, 2018 staff minutes.

APPROVE PAYMENT OF BILLS:

Moved by Thornber, seconded by Gruett to pay the bills. Voucher No. 82262 through Voucher No. 82386 or accounts payable and payrolls totaling \$549,374.68. Roll call vote. Roll call vote.

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

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

ADJOURNMENT:

Moved by Schmitzer, seconded by Gruett to adjourn at 7:31 p.m. on August 7, 2018. Motion carried.

Helen Schmidlkofer
City Clerk