

Chilton, Wisconsin
February 21, 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 2/17/17, 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 seven members of the Council were present at roll call:

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

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

General attendance:

Eric Volland, Mark Wiegert, Tom Austin, Pat Rowland and Scott J. Kwiecinski, Horizon Development Group, Inc.

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 2/7/2017.

REPORT OF OFFICERS:

MAYOR REPORT:

- Going thru meetings with staff and public in preparation of future discussions.
- Received more complaints on parking and other city related ordinances.
- I also received a few calls in the last couple of days regarding racing; looks like that might be coming close to reaching a conclusion. Whether that is positive or negative, that is still to be determined.

CITY CLERK REPORT:

- Working on spring primary election, which is being held today.
- Advertisements have gone out regarding the Ward 3 council member vacancy; an appointment to fill the position is scheduled for the April 18, 2017 council meeting.
- A meeting with Phil Cosson of Ehlers was held 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.

APPROVE OPERATOR LICENSE APPLICATION:

Moved by Hilton, seconded by Schmitzer to approve the two-year license application to serve fermented malt beverages and intoxicating liquors from February 21, 2017 to June 30, 2018 for Keith Frederick. Motion carried. Clerk Schmidlkofer noted the applicant has been approved by the Chilton Police Department.

APPROVE LIQUOR LICENSE:

Moved by Thornber, seconded by Gruett to approve the Class "B" Picnic license for the Chilton Fire Department on April 8, 2017 and waive the \$10.00 fee. Person in Charge is Phillip Anhalt. Motion carried.

DIRECTOR OF PUBLIC WORKS:

- In attendance at several meetings along with the Mayor and Clerk as noted earlier.

- Meeting with DOT and Engineers regarding Hwy. 151 and Calumet Street to see what would be the best method to repair the road.
- Meeting with the DNR regarding the expired wastewater permit. (Expired June 15, 2015)
- Meeting with contractors regarding the Well #8 project that should start March 15, 2017.
- Calumet County Economic Director Mary Kohrell has been working with the City regarding several projects.
- DPW Schwarz reviewed the cross connection procedure when Alderman Gruett questioned him regarding a resident's concerns.

AUDIENCE PARTICIPATION:

Tom Austin distributed paperwork regarding 35 School Street in Chilton. He wanted to clarify some information that was discussed at the Plan Commission meeting regarding snow removal.

UNFINISHED BUSINESS:

Mr. Scott Kwiecinski of Horizon Group presented an amendment regarding the vacant land offer to purchase between the City of Chilton and Horizon Development Group, Inc.

- ✓ The address was corrected from 35 West Main Street to 29 West Main Street.
- ✓ Closing date revised from October 2 to November 1.
- ✓ Updated the financial information and consolidated a new buyer’s contingency, Buyer to obtain financial commitments from the City of Chilton by February 24, 2017 as approved by city council, including loan from the City of Chilton in the amount of \$263,000.00, loan from the City of Chilton in the amount of \$225,000.00, City of Chilton financed tax incremental district #4 contributions to the project in the amount of \$300,000.00 and contributed land to the project \$0.00. Buyer obtaining, by September 1, 2017, an equity commitment from a qualified tax credit investor offering not less than \$0.92 per dollar of tax credits purchased.

A brief discussion followed the proposed amendment.

Moved by Gruett, seconded Thornber to approve the WB-40 amendment to offer to purchase between the City of Chilton and Horizon Development Group, Inc. Motion carried.

Mayor Jaeckels noted that at the February 8, 2017 Redevelopment Authority (RDA) meeting there were several questions regarding the type and cost of units that Horizon has in Phase I and what would be proposed for the Phase II project.

Mr. Kwiecinski replied, “The total number of units in Uptown Commons I is forty (40) and Uptown Commons II will have twenty-four (24). The total number of affordable and market rate units are:

- Uptown Commons I – 32 affordable units, 8-market rate
- Uptown Commons II – 20 affordable units, 4 market rate

The market rate will include 80% area median income (AMI) which is still defined as market rate for WHEDA purposes; this helped with our FHLB funding. The affordable Units:

	<u>One Bedroom</u>	<u>Two Bedroom</u>
30%	\$350/month	none
50%	\$550/month	\$725/month
60%	\$635/month	\$800/month

Market Rate Units:

Anything over 60% is considered market rate:

	<u>One Bedroom</u>	<u>Two Bedroom</u>
	\$740/month	\$920/month

The City inquired how many Uptown Commons residents came from Chilton. Kwiecinski checked with Mrs. Gebhart the manager on this and she said that the majority of the people who live there did come from the surrounding area of Calumet County. Kwiecinski asked for further clarification of this and she said that people have come from numerous areas surrounding Chilton, not just Chilton. In addition, there are 50 households on the waiting list.”

Mayor Jaeckels said, “The RDA did question what the exterior of the building would be for Uptown Commons II. It stated similar rather than an exact match for what you have over there.”

Mr. Kwiecinski replied, “I will go on record and say it is the same material. That is what the City of Chilton wanted all along.”

Moved by Kubichka, seconded by Gruett to accept the request for proposal from Horizon Development Group, Inc. and Midwest Affordable Housing Corp. for Uptown Commons Phase II project dated January 31, 2017. Roll call vote.

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

REPORT OF COMMITTEES:

Mayor Jaeckels presented the RDA minutes from the February 8, 2017 meeting. The RDA discussed the Uptown Commons Phase II proposal, which the council just accepted.

The RDA approved revisions to the City of Chilton Redevelopment Authority Guidelines & Plans. Discussion continued regarding the district maps and how they mirror the tax incremental districts. Several businesses are currently not included and should be because when you look at a business district it should include all the businesses. The RDA plans to proceed with revisions to the district maps.

The Architectural and Design Sub-Committee of the RDA met on January 24, 2017 to review and approve a sign request at 310 East Main Street for a 4 foot by 6-foot vinyl sign for Stage Coach Bar & Grill LLC.

Mayor Jaeckels presented the February 8, 2017 Plan Commission minutes.

Tom Austin submitted a proposal requesting acquisition of the parking lot located at 35 School Street. The Plan Commission did recommend to the Council that the City of Chilton retain the property at 35 School Street and the use remain as a public parking lot. Discussion also included storage of snow and snow removal. Purchase of 35 School Street was referred to closed session for later at this meeting.

The Commission also discussed parking and outside storage areas in residential and commercial districts. The Plan Commission directed DPW Schwarz to design a two-part driveway permit that could be used for access within the right-of-way and for driveway construction and bring back for discussion to review at a future meeting.

The Commission also directed council member Thornber to draft revised language for the municipal code in regards to parking in residential and commercial districts and bring back for discussion at a future meeting.

The commission also started review of Chapter 16 for accessory buildings and will continue discussions at future meetings.

The January 9, 2017 Library Board minutes were distributed to the council members. Mayor Jaeckels noted that if anyone had questions please refer them to council member Schmitzer.

The Housing Authority January 11, 2017 minutes were available for council members to review. Mayor Jaeckels noted that if anyone had questions please refer them to council member Thornber.

NEW BUSINESS:

Clerk Schmidlkofer explained that when the City of Chilton Common Council adopted the Personnel Policy Manual, Chapter 10 addresses attendance at conferences as follows: City employees are encouraged to attend conferences and conventions. Approval to attend conferences and conventions in Wisconsin and the four adjoining states (Illinois, Iowa, Michigan and Minnesota) is at the discretion of the department head. Attendances at conferences in any other states require the approval of the common council. I would like to attend a conference in Florida and that is the reason for your approval this evening. I will provide a written report to the council after the conference.

Moved by Willems, seconded by Thornber to authorize Clerk Schmidlkofer to attend the Assoc. of Public Treasurers of the US & Canada (APT US&C) Annual Conference in Orlando, FL in July of 2017. Roll call vote.

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

Moved by Willems, seconded by Schmitzer to introduce, adopt and waive the reading of Resolution No. 1739, a resolution regarding transfer of contaminated land to the City of Chilton.

Attorney McDermott stated that the resolution is part of the process regarding property located at 0 East Main Street (Tax ID #27668), 415 East Main Street (Tax ID #16634), 420 East Main Street (Tax ID #, 16632) and 476 East Main Street (Tax ID #16943) of which all are contaminated by a hazardous substance. The City desires to acquire the properties to eliminate or reduce the contamination. These properties did have testing already conducted by the EPA and the DNR. This starts the process for Calumet County to take a tax deed for the properties, which then gives Calumet County the option within 180 days to transfer ownership of the properties to the City of Chilton.

DPW Schwarz stated that the City has been working on these properties since 2014, in fact a Phase I and Phase II study was completed in 2015. There are additional grants available for cleanup, demolition, etc. The perfect scenario for the EPA and DNR would be to raze the buildings and rebuild. In fact, the DNR has indicated where future building(s) could be placed with the least amount of concern regarding contamination.

Mayor Jaeckels called for a roll call vote.

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

Mayor Jaeckels requested Eric Voland and his partner Mark Wiegert to introduce themselves and explain their proposal before the council.

Voland and Wiegert came forward and stated that they plan to purchase TIF #2 land and build warehousing for larger items like motor homes, larger type storage units along with incubator type businesses in the front. The one contingency is that a conditional use permit is required to allow mini-warehousing.

Attorney McDermott noted that Voland and Wiegert requested the stubbing of utilities (sewer and water) be provided by the City. McDermott stated this has not been done in the past. It is available for you however; you would be responsible to bring the service from the street to your building.

Moved by Johnson, seconded by Thornber to go into closed session at 7:25 P.M.

Willems stated that the proposal is straightforward and there really should not be any reason to go into closed session.

McDermott said, “If the council doesn’t have any issue you are not required to go into closed session. Johnson would it be okay to not go into closed session, if so you can rescind the motion.”

Moved by Johnson, seconded by Thornber to withdraw their motion to go into closed session.

McDermott said, “The council is in open session.”

Moved by Johnson, seconded by Gruett to enter into an agreement with Voland and Wiegert to purchase Lot 1 of certified survey map No. 3331 for \$12,660 for the 4.22-acre parcel. Roll call vote.

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

Attorney McDermott informed the council that they approved a real estate exchange agreement with Best Exteriors to exchange parcels and in order to do this they need to convey clear title. They cannot convey clear title to the City and the deadline to complete this has expired. As City Attorney,

I informed them that the City could not complete the exchange.

Moved by Willems, seconded by Kubichka to ratify the cancellation of the real estate agreement between the City of Chilton and Best Exteriors and Home Improvements, LLC dated October 20, 2016. Roll call vote.

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

Moved by Johnson, seconded by Thornber to go into closed session at 7:30 P.M. under WI Statutes 19.85 (1) (e) to negotiate the sale of public property. Roll call vote.

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

Audience members exited the council chambers at 7:30 P.M. Clerk Schmidlkofer exited the room at 7:57 P.M.

In closed session the council reviewed the purchase of public property.

Moved by Thornber, seconded by Kubichka to return to open session at 8:08 P.M. Roll call vote.

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

Audience members returned to the council chambers.

Moved by Thornber, seconded by Willems that the City of Chilton shall follow the recommendation of the Plan Commission and retain the property at 35 School Street and that the Department of Public Works and Mr. Tom Austin reach an agreement regarding snow storage on the same lot.

Mr. Austin questioned the motion by the council and wanted to continue the discussion however, Attorney McDermott explained that council members hold discussion before a vote and not the public. Austin continued with several more comments.

Mayor Jaeckels reiterated Attorney Mc Dermott’s statement and called for a roll call vote.

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

APPROVE PAYMENT OF BILLS:

Moved by Schmitzer, seconded by Johnson to pay the bills. Voucher No. 79975 through Voucher No. 80031 or accounts payable and payrolls totaling \$1,355,766.08. Roll call vote.

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

ADJOURNMENT:

Moved by Kubichka, seconded by Thornber and carried to adjourn at 8:10 p.m. on February 21, 2017.

Helen Schmidlkofer, MMC
City Clerk