

Chilton, Wisconsin
July 17, 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 meeting room at the Chilton Public Library.

AGENDA POSTING:

On 7/13/18, 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.

COMMON COUNCIL ROLL CALL:

Mayor Rick Jaeckels and five members of the Council were present at roll call:

Council Member Clayton Thornber	Council Member Mark Wiegert
Council Member Mike Goebel	Council Member Mark Willems
Council Member Tom Reinl	

Other city officials present were Police Chief Craig Plehn, Director of Public Works Todd Schwarz, City Attorney Derek McDermott, Library Director Glenn Whitcomb, Library Director Assistant I Rebecca Barry and City Clerk Helen Schmidlkofer. Absent and excused council members Kathy Schmitzer, Dan Hilton and Ron Gruett.

General attendance: Ken Danes, Mary Hoerth, Mary Depies, Tim Keuler, Police Officers Brad Kuehl, Steven Petrie, Jeff Nieling and Scott Kwiecinski, Horizon Development Group, Carol Daun (Arrived at 6:50 PM).

Those in attendance recited the Pledge of Allegiance.

Moved by Thornber, seconded by Willems and carried to approve the minutes of the council meeting held on June 19, 2018.

REPORT OF OFFICERS:

MAYOR:

- Calumet County is hosting an Economic Development Workshop on July 31, 2018 at the Calumet County courthouse.
- Met with Horizon and Daun Bus Company along with DPW Schwarz to review construction concerns.
- I received an update from Senator Ron Johnson's office regarding MB Company concerns with trade from Canada. This is still ongoing and hopefully this will help MB Company.
- I continue to work on items that will be discussed later in closed session.

POLICE CHIEF:

- The Police Department along with the FBI hosted bank robbery awareness training April 11, 2018 at FVTC with 70 attendees.
- June 30th ended the fiscal year for training. All sworn officers are required to receive 24 hours of training for firearms, emergency vehicle operation course (EVOC). One of my goals as Chief is to not only provide mandated training but to offer the officers specialized training in areas they excel in. For example, Officer Harn completed 3 weeks of detective training with the Milwaukee Police Dept.
- With assistance from the Calumet County Drug Task Force, the Department completed an investigation into an employee at Anytime Fitness dealing drugs.
- The Department has been very busy with incidents at Innovative Services located at 335 Field Lane. I have contacted Calumet County Health and Human Services who in turn has notified the State. I have also been working with the regional manager of Innovative Services who has reassured the Department that they are making improvements to how they operate.

CITY CLERK:

- ↻ Future committee meetings were reviewed.
- ↻ At the last council meeting there was a question regarding the tax-exempt properties

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report. Properties listed as other are Calumet Area Community Health Foundation, Salvation Army, Calumet County Ag. Association and Guardian Pipeline, LLC.

➤ Reminded the council members that the at the annual Chilton Lake District meeting the council are the commissioners of the district and all property owners within the city are members.

APPROVE OPERATOR LICENSES:

Moved by Reinl, seconded by Goebel to approve the two-year license applications to serve fermented malt beverages and intoxicating liquors from July 17, 2018 to June 30, 2020 for Michaela R. Prust, Alexander Junyor, Lisa M. Nate, Kendra J. Plate and Samantha P. Platz. Clerk Schmidlkofer noted the applicants have been approved by the Chilton Police Department. Motion carried.

APPROVE LIQUOR LICENSES:

Moved by Willems, seconded by Reinl and carried to approve an expansion of alcohol license on August 11, 2018 from 11:00 AM to 8:00 PM for Curve-Inn, 249 East Main Street, Chilton for a benefit.

Moved by Willems, seconded by Wiegert and carried to approve Class “B” Picnic license for the Muscular Dystrophy Association for the annual Kyle Tyson Memorial Kickball Tournament August 3 to 5, 2018 at Hobart Park. Person in charge, DJ Payne.

ACCEPT FINANCIAL REPORT:

Moved by Thornber, seconded by Goebel and carried to accept the July 1, 2018 financial report.

DIRECTOR OF PUBLIC WORKS:

- TIF #7 development - working with Wisconsin Public service regarding installation of gas and electric. The City still has not received the access permit from the DOT.
- The north water tower project is progressing, the inside is completed and currently sand blasting the exterior. Project should be completed by the second week in August.
- Street Department painted the crosswalks and parking lots.
- The City has received the new wood chipper and street sweeper.
- Vandalism has been reported at Morrissey, Nennig and Hobart parks.
- 2018 Street Projects: patching on Breed Street, working with the Railroad Company regarding the repairs to the track on Breed Street. Curb and gutter will be replaced on Diane Street – we are communicating with the residents what is going on. The milling machine will not be available until July 26th and that is when the contractor will mill and pulverize at the cemetery, Diane Street, south State Street and Morrissey Park.

LIBRARY DIRECTOR:

- Welcomed the council members to the library and encouraged them to stay for a tour of the library after the meeting.
- For the second year, flyers were sent out regarding the summer reading programs. The theme this year is “Reading Takes you Everywhere.”
- Total circulation has increased 4.9% from last year to this year.
- The Building and Planning committee has been diligently working on building updates.
- Barry will be co-presenting a seminar on teen programs at the WI Library Assoc. annual conference in La Crosse in October.
- Whitcomb is on a statewide panel regarding “Inclusive Services.”

AUDIENCE PARTICIPATION: No comments were given at this time.

UNFINISHED BUSINESS:

Mayor Jaeckels welcomed Scott Kwiecinski from Horizon. Scott provided a brief update on the 24-unit project, which should start construction next week. Scott then requested the use of parking at the city lot off School Court for Daun Bus Company during construction. The building will be constructed only 10 feet from the Daun property and with bus parking this would propose several challenges. Daun is willing to work with us

however; we need to find a temporary site for Daun Bus Company to park their buses. This would include temporary electrical service and lighting in the lot for security reasons. Horizon is requesting snow removal be provided by the City.

Following a brief discussion it was determined that Horizon and not the City would provide snow removal at the School Court parking lot for Daun Bus Company.

Moved by Reinl, seconded by Thornber to approve the agreement between the City of Chilton and Horizon Development Group, Inc. to assist Horizon with bus parking during construction of their site at 29 West Main Street. Revisions to the agreement state that the parking shall be at no cost to Horizon from August 27, 2018 to May 31, 2019. Snow removal at the School Court lot shall be at the expense of Horizon. Motion carried.

Scott then requested that the terms of the \$263,000.00 note from the City of Chilton to Uptown Commons II, LLC be revised to allow for interest only payments until such time as the project achieves stabilization, which would be defined as 93% occupancy. Horizon anticipates that the project will achieve this by October 2019, approximately 5 months after the project is completed. Horizon contemplates that the funds from the City would be drawn somewhere around November, December of 2018 or January 2019. That would mean the interest only payments would be for 9 to 11 month period. This note should have been approved previously as interest only and not principal and interest.

Attorney McDermott suggested that a date would be defined and not a percentage of occupancy. A suggested date is October 31, 2019.

Moved by Thornber, seconded by Goebel to approve the interest only payments until October 31, 2019 at which time principal and interest payments would commence regarding the note for \$263,000.00. Motion carried.

Daun and Kwiecinski exited the meeting room at 7:14 p.m.

REPORT OF COMMITTEES:

Alderman Reinl presented the Public Safety minutes from the June 25, 2018 meeting.

Reinl said the committee looked at intersection safety at Madison/School, Main/State, Diane/Calumet and Madison/Washington.

The committee members reviewed pedestrian signs that the Village of Wrightstown installed. At the committee meeting, Plehn distributed a photo of the proposed pedestrian sign and the quotation from Decker Supply Co. that Wrightstown received. The Village spent \$15,000.00 on six solar signs with push button and light bar. The committee directed DPW Schwarz to look into the cost of solar and non-solar pedestrian signs with push button and light bar for the four intersections identified above and the purchase of two new pedestrian crossing signs and repairs for the four pedestrian crossing signs.

DPW Schwarz noted that he does not have the costs at this time.

The committee reviewed part-time officers from way back when officers were just used for dances, ball games, fair, races, parades, traffic control and not trained for full patrol officer duties. The part-time officers current rate of pay is \$16.00 per hour and a part-time patrol officer is \$19.00 per hour.

Chief Plehn said, "Since I have been chief I have never known a police officer not do both functions, both patrol and a special function. They are trained and my question is if they are at an intersection and an incident occurs they would handle the situation and not second guess what rate of pay they are making."

Moved by Willems, seconded by Reinl to disregard the part-time officer position at a rate of \$16.00 per hour effective August 1, 2018. Motion carried.

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The City received a shadow box from former Police Chief Larry Seipel, which contained a photo, shields and a handgun that highlighted Harry Thompson who was a City of Chilton police chief, mayor and investigator. The committee suggested to disable the gun due to the fact no firearms are allowed in city hall. Jaeckels noted that the box could be displayed upstairs in the hallway, council room or in the Police office area. "We should also put a sticker on the box saying that the gun is disabled not that someone tries to break into the box, but we do have cameras covering the hallways. This would be a nice gift to accept just a matter of where to display."

Since the committee meeting Chief Plehn learned of the value of the donation and recommended that the shadow box be displayed in the Police Department reception area and no changes be made to the gun.

Moved by Reinl, seconded by Wiegert to accept the donation from Larry Seipel and display the shadow box in the Police Department reception area. Motion carried.

Mayor Jaeckels will send a letter to Seipel informing him of the council's decision.

Chief Plehn informed the council that the Department has an officer that resides outside of the required 15-mile radius and requested a waiver. At the May 21, 2018 Public Safety committee meeting the committee did request residency language for full-time police officers from Attorney James Macy. The committee is considering a revision to the Union Contract regarding residency however not sure what or if any requirement should be in the contract.

Attorney Macy provided a Letter of Understanding (LOU) regarding Police Department residency requirements as follows:

The City and Association are parties to a collective bargaining agreement ("Agreement"), having a duration through December 31, 2020. Article VI of the Agreement contains a residency provision that requires police officers hired after May 1, 2015 to maintain a residency within 15 miles of the City. Article VI of the Agreement also provides that such new employees shall have 12 months from the completion of their probationary period to establish such residency and certain officers have requested to be exempted from such requirement. To date, officers have been responsive to the scheduling needs of the City irrespective of residency.

1. The City and Association agree to discontinue the residency requirement set forth in Article VI of the Agreement.
2. The Association agrees to continue its support for the City's scheduling needs.
3. Both the City and Association recognize that the need for a residency requirement may reoccur in the future and if so, would be addressed in bargaining between the parties.

Moved by Reinl, seconded by Goebel to approve the letter of understanding to discontinue residency requirements for full-time police officers. Motion carried.
(Willems-nay)

Depies and Kuehl exited the meeting room at 7:28 p.m.

Chairman Thornber presented the June 26, 2018 Public Works committee meeting minutes.

The committee addressed the procedures to operate a private well in the City of Chilton. The property owner must obtain a private well operating permit, which is valid for 5 years and must be renewed on or before the expiration date. The following requirements must be met to obtain the well operating permit:

- One safe water sample showing the water is bacteriological safe.
- No cross connections between the private water supply system and the City's municipal water system.
- Well and pump system must be evaluated by a licensed well driller or pump

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installer every ten years.

- Payment of permit fee.

Note: Any private well drilling that occurs after year 2000 also requires the property owner to sign a recordable private water well covenant describing the use and operation of the private well.

The committee was made aware that some private well owners are not complying with the requirements. The penalty for noncompliance is defined in the Municipal Code, Chapter 20.04, which defines the penalty as not less than \$1.00 or more than \$100.00 for a first offense and not less than \$10.00 or more than \$200.00 for a second offense and subsequent offenses. DPW Schwarz asked the committee members to determine what amount within these specified ranges should be charged for noncompliance. The committee established and endorsed the following penalties for noncompliance:

First offense: \$75.00

Second offense and subsequent offenses: \$150.00

The committee will establish a policy for non-compliance of private wells and discuss at a future meeting and bring back to the council for final approval.

The City received \$50,000.00 from Worthington Cylinders for painting of the Bernzomatic logo on the north water tower. The committee agreed that once the project is complete the City should do something publicity-wise with Worthington Cylinders.

Thornber said, “Jaeckels gave an update regarding cost sharing of roadways with the committee. In fact, Attorney McDermott will be preparing a resolution defining opinions and statutes to approve and present to Calumet County regarding cost sharing.”

Motion by Willems, seconded by Goebel to authorize DPW Schwarz to dispose of the 1990 Bandit wood chipper. Motion carried

DPW Schwarz said that the rate of return for the water and sewer utilities fluctuates each year depending on annual projects. The City’s goal is to keep the rate of return in the black and costs down for the users. Water rates are governed separately from sewer rates by the Public Service Commission (PSC) and any water rate increase must be approved by the PSC. Sewer rates can be increased but the rate must be justified. The Sewer Department has two Clean Water Fund loans which require quarterly funds be transferred to Sewer Equipment Replacement Account to cover expenses for the sewer utility.

At the committee meeting Wastewater Leadman Tim Keuler presented the conditions of the reissued Wisconsin Pollutant Discharge Elimination System (WPDES) permit for the City of Chilton Wastewater Treatment Plant:

- Carbonaceous Biochemical Oxygen Demand (CBOD)/Biochemical Oxygen Demand (BOD) Testing

OLD - Testing three times per week for raw/final

NEW – Three times per week CBOD testing on raw/final plus two times per month BOD testing on raw

- Total Suspended Solids (TSS) Testing - No change

- Chlorides Testing

OLD - one time per month

NEW – Four times per month all in consecutive days

Added – Plus chloride reduction plan and chloride reuse plan

- Phosphorus and Ammonia Testing

NEW – lower limits for phosphorus, ammonia, and water quality based effluent plan extends through two permit cycles

- Temperature Testing

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NEW – Three times per week 64 degrees maximum temperature, plus dissipative cooling study (in progress)

- Fecal Coliform Testing

NEW – Two times per week with lower limits

- Sludge Analysis for PCB’s

One time per year for the year 2019 (life of permit)

The reissued permit is valid for five years and requires more testing, reporting and paperwork. The City has contracted with Strand Associates, Inc. for some required reports for the WPDES permit.

Keuler exited the meeting room at 7:40 p.m.

The council reviewed the June 13, 2018 Housing Authority minutes.

Mayor Jaeckels presented the minutes of the July 11, 2018 Redevelopment Authority meeting. The RDA reviewed the preliminary assessments for the four lots on Tower View Drive regarding water, sewer, sanitary sewer, curb and gutter. The RDA owns the parcels and are responsible for the assessments before the lots are sold. The common council adopts a preliminary resolution defining the assessments and after the work is completed, a final resolution is adopted.

Moved by Willems, seconded by Reinl to introduce, adopt and waive the second reading of preliminary Resolution No. 1772, a resolution declaring intent to levy special assessments for installation of water, sewer, sanitary sewer, curb and gutter for Tower View Drive. Roll call vote.

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

Five votes cast. Five votes aye. Motion carried.

NEW BUSINESS:

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

Moved by Thornber, seconded by Goebel to approve the account appropriation of \$4,335.00 from library gifts (48501-000) to library revenue/expense (55113-325). Roll call vote.

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

Five votes cast. Five votes aye. Motion carried.

Moved by Willems, seconded by Reinl to approve the mayoral re-appointment of Wayne Wieting to the Redevelopment Authority for a 5-year term. Motion carried.

Petrie and Nieling exited the meeting room at 7:55 p.m.

Moved by Thornber, seconded by Goebel to introduce, adopt and waive the second reading of preliminary Resolution No. 1773, a resolution declaring intent to levy special assessments for installation of water, sewer, sanitary sewer, curb and gutter for Dairyland Estates on South Diane, Cassy, Bonny and Bonette. Roll call vote.

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

Five votes cast. Five votes aye. Motion carried.

Danes exited the meeting room at 8:07 p.m.

DPW Schwarz provided a quote from Gordon Grube Construction Company, Inc. to raze the house at 225 N. Irish Road for \$29,185.00 contingent on the house being intact.

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However the owners requested the following items from the house: cabinets, trim, doors and copper pipes and therefore the house would not be intact.

Moved by Willems, seconded by Thornber to not accept the quote from Grube Construction to raze the house at 225 N. Irish Road. Roll call vote.

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

Five votes cast. Five votes aye. Motion carried.

COMMUNICATIONS:

The monthly building/plumbing report and a July 1, 2018 Appleton Post Crescent article regarding temporary living places (TLP) for sex offenders.

Hoerth, Barry and Whitcomb exited the meeting room at 8:14 p.m.

Moved by Thornber, seconded by Goebel to go into closed session at 8:14 p.m. under WI Stat. 19.85(1) (e) deliberating or negotiating the purchase of public property & (g) conferring with legal counsel for the City who is rendering oral or written advice concerning strategy to be adopted by the City with respect to litigation concerning nuisance properties. Roll call vote.

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

Five votes cast. Five votes aye. Motion carried.

In closed session the council reviewed the purchase of public property and pending litigation concerning nuisance properties.

Moved by Reinl, seconded by Willems to return to open session at 8:22 p.m.

Roll call vote.

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

Five votes cast. Five votes aye. Motion carried.

Moved by Willems, seconded by Thornber to accept the vacant land offer to purchase of lot one in Field Court Subdivision for \$17,500.00 from Shane Gerner. Roll call vote.

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

Five votes cast. Five votes aye. Motion carried.

Moved by Reinl, seconded by Wiegert to authorize the process for public nuisance abatement for 442 Cedar Street and 516 W. Breed Street. Roll call vote.

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

Five votes cast. Five votes aye. Motion carried.

APPROVE PAYMENT OF BILLS:

Moved by Thornber, seconded by Goebel to pay the bills. Voucher No. 82184 through Voucher No. 82261 or accounts payable and payrolls totaling \$274,674.47. Roll call vote.

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

Five votes cast. Five votes aye. Motion carried.

ADJOURNMENT:

Moved by Willems, seconded by Reinl and carried to adjourn at 8:25 p.m. on July 17, 2018.

Helen Schmidlkofer, MMC
City Clerk