

Chilton, Wisconsin
June 19, 2012

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

AGENDA POSTING:

On 6/15/12, 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.

ROLL CALL:

COMMON COUNCIL:

Mayor Gerald Vanne and eight members of the Council were present at roll call:

Council member Kyle Ellefson	Council Member Rick Jaeckels
Council member Ron Gruett	Council member Kathy Schmitzer
Council member Clayton Thornber	Council Member Dan Hilton
Council member Richard Bosshardt	Council member Kevin Johnson (Arrived at 6:38 p.m.)

Other city officials present were Police Chief Larry Seipel, Director of Public Works Todd Schwarz, City Attorney Derek McDermott and City Clerk Helen Schmidkofer.

General attendance: Backyard Nature Products, Inc. Owners Dan and Ruth Bloedorn, Faye Burg, Delta Publications and Megan Gitter, Chilton Times Journal.

Those in attendance recited the Pledge of Allegiance.

MINUTES:

Motion by Hilton, seconded by Schmitzer and carried to approve the minutes of the Council meeting held on 5/15/12.

OFFICERS' REPORT:

MAYOR REPORT:

- Met with B. Barribeau Calumet County Board chairperson to review street projects within the City of Chilton (Cty Y (Main Street) and Cty F (State Street)
- Met with Tim Richman, President/CEO Calumet Medical Center
- Reviewing the employee's health insurance with the City Clerk to see if there is an opportunity for potential savings

CITY CLERK REPORT:

- ↻ Recall Election was held on June 5, 2012; 1,509 City of Chilton voters took part in the election, of those 155 residents registered to vote or changed their address in the clerk's office on election day
- ↻ 2012 annual tax exempt report has been completed for 35 parcels within the City; the property exemption report is required every two years
- ↻ Council members were reminded of future committee meetings

WRITTEN DEVELOPMENT DIRECTOR REPORT:

- Attended two professional development classes in Madison on June 14 and 15. The classes are "Writing an effective, complete response to a development or site RFI/RFP" and "Sales Skills for Economic Development Professionals."
- There were 14,902 visitors to the City of Chilton website in May, an increase of 2,828 visitors over the same month last year.
- There are already 73 total booths sold for this year's Crafty Apple Fest, Sept. 8th.
- According to information from the US Census Bureau, 3,146 are employed in the City of Chilton in 2010. Of that number, 2,482 of those people come from outside the city limits and 664 are city residents working in the city. 1,195 City of Chilton residents work outside the city.

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APPROVE FINANCIAL REPORT: Motion by Hilton, seconded by Jaeckels and carried to approve the June 1, 2012 financial report.

APPROVE LIQUOR LICENSES:

Motion by Gruett, seconded by Thornber 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, 2012 through June 30, 2013.

<u>Name of the Applicant</u>	<u>Location of Premise</u>	<u>Address of Applicant/Agent</u>
"CLASS A" Beer License 2012:		
Kwik Trip, Inc. Stephanie A. Rahn, Agent	45 Chestnut Street Kwik Trip #630	1315 S. 17 th Street #2 Manitowoc, WI 54220
Weber Oil Company, Inc. Connie M. Klapperich, Agent	64 E. Chestnut Street Weber's Self Serve	W4863 Forest Lane Sherwood, WI 54169
"CLASS A" Liquor License 2012:		
Vern's Cheese Inc. Kari See, Agent	312 W. Main Street	711 S. Madison Street Chilton, WI 53014
"CLASS A" Beer & Liquor Retail Combination 2012:		
Condon Oil Company Kraig Bauman, Agent	613 N. Madison Street Chilton Mobil Mart	434 Stone Hedge 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
Sandra Buechel Sandra A. Buechel, Agent	1110 E. Chestnut Street Village Wine & Liquor LLC	W3584 Hwy. H Chilton, WI 53014
Walgreens #13065 Scott Kunde, Agent	245 West Calumet St. Walgreens	42 Eagles Court Kaukauna, WI 54130
"CLASS B" Beer & Liquor Retail Combination License 2012:		
Cheri Steffen 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
Terroir Group, LLC David Salm, Agent	40 West Main Street 40 West	N3488 Hwy G Chilton, WI 53014
Ledgeland Enterprises, Inc. Robert T. Cullen Jr., Agent	26 N. State Street Cheers	467 East Breed Street Chilton, WI 53014
Jonathan Nisleit Jonathan Nisleit, Agent	249 E. Main Street Curve Inn	249 E. Main Street Chilton, WI 53014
Bonita Rowland Bonita Rowland, Agent	25 N. Madison Street Roll Inn	25 N. Madison 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	W160 Hwy 151 Chilton, WI 53014
East Side Fantasy, LLC Lisa A. Schmitting, Agent	613 E. Calumet Street Pennelopy's Pizza	467 East Breed Street Chilton, WI 53014
Chilton Properties, Inc. Nancy Voechting, Agent	1101 E. Chestnut Street Best Western Stanton Inn	715 Sheboygan Street Kiel, WI 53042

Motion by Jaeckels, seconded by Thornber and carried to approve the Beer Garden License for July 1, 2012 through June 30, 2013 for Ledgeland Enterprises, Inc. at 26 N. State Street; Robert T. Cullen, Jr., Agent.

APPROVE OPERATOR LICENSES:

Motion by Jaeckels, seconded by Bosshardt and carried to approve the two-year license applications to serve fermented malt beverages and intoxicating liquors from June 19, 2012 to June 30, 2012 for Teresa Anderson, Ashley Van Rossum and Jamie Thompson. Clerk Schmidlkofer noted the applicants have been approved by the Chilton Police Department.

Motion by Jaeckels, seconded by Bosshardt to approve the two-year license applications to serve fermented malt beverages and intoxicating liquors from July 1, 2012 to June 30, 2014 for the 98 applicants submitted. Motion carried. Clerk Schmidlkofer noted the applicants have been approved by the Chilton Police Department.

DIRECTOR OF PUBLIC WORKS REPORT:

- ↻ Meeting with McMahon and B. Cullen regarding development of parking lot uptown which is across from city hall
- ↻ 2012 Street Projects – complete except for landscaping on Fulton and Liberty, also repairing three manholes and repairing curb in various locations
- ↻ Traffic light at intersection of Main and Madison Streets was damaged and can not be replaced for another 8 to 12 weeks; looking to change type of pole
- ↻ Emergency siren at intersection of Court and Heimann Streets the board went out and will not be repaired for another 6 to 10 weeks; emergency departments are aware of the non-functional siren
- ↻ Reviewing street lights with Orion Lighting
- ↻ Ward Four sidewalk maintenance is almost complete
- ↻ Street Dept. truck – hoist broke; looking into repairing or replacing
- ↻ Sewer and Water Dept. – researching computer hardware and software; would like to combine two systems into one system along with upgrades
- ↻ City's compost pile – revised DNR regulations require monitoring of moisture and temperature

POLICE CHIEF REPORT:

- ↻ Narrow banding has been competed for the Department's radio units however coverage is reduced within the City
 - Dept. will need to review installation of a programmer on water tower
- ↻ Staffing for special events is depleted compared to years ago and needed to use barricades at intersections instead of officers
- ↻ Department Assisted with the following Events:
 - Chilton Summer Festival – Thursday through Sunday
 - Brew Fest
- ↻ Researching use of traffic cameras to assist the Department

AUDIENCE PARTICIPATION:

No participation

REPORT OF COMMITTEES:

Council member Jaeckels reported on the June 6, 2012 General Government Committee meeting.

Backyard Nature Products owners Dan and Ruth Bloedorn located at 477 Vogt Lane stated they are looking to expand their business. Their company was established in TIF #2 in 1995; 2001 a 13,000 sq. ft. addition was built; 2005 an additional 11,000 sq. ft. structure was built. The business includes:

- Birds Choice - professional outdoor bird supplies
- Perfect Choice Furniture – furniture for lasting comfort and value

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The latest proposed addition will be used for warehousing of finished product for their expanding business. Bloedorn provided an illustration of the current and future buildings.

The current three and a half acres includes a fifty foot (50 ft.) conservancy area, which Bloedorn owns. The conservancy area was originally created as a buffer between commercial and residential properties. Bloedorn provided various photos of the conservancy area, which illustrated property lines, drainage areas and future proposed modifications.

With the proposed expansion project and the lay out of the exiting buildings two options would be available to complete this project. One option is to cut down the conservancy area and have the tall building exposed to the residential area or construct a retaining wall and Quit Claim the land next to the residential lots to the respective owners.

The estimated cost for the 16,000 sq. ft. expansion project is \$454,000.00 that does not include expenditures for the retaining wall, engineering and storm sewer. Estimated costs for a retaining wall provided by Bloedorn indicated the cost might possibly be \$186,000.00.

Bloedorn stated he is requesting financial assistance for drainage (storm sewer) and guidance from the City of Chilton regarding the conservancy area.

Motion by Gruett, seconded by Johnson to authorize the City of Chilton to enter into a Developer's Agreement with Backyard Nature Products regarding the proposed expansion project at 477 Vogt Lane which includes revisions to the current conservancy area and the city providing TIF #2 infrastructure expenditures for drainage, and installation of a retaining wall and to authorize the Mayor and City Clerk to sign the necessary documents. Roll call vote. Eight votes cast. Eight votes aye. Motion carried.

MOVED TO NEW BUSINESS:

Mayor Vanne opened the Pubic Hearing at 6:45 P.M. to solicit comments regarding amendments to Chapters 16 and 19 of the City of Chilton Municipal Code. Clerk Schmidlkofer read the notice and stated the notice was published as a Class II notice as required by law.

Mayor Vanne informed the council the Plan Commission approved revisions to Chapter 16 regarding relocated structures and the WDNR provided updates and revisions to Chapter 19 Flood Plain Zoning.

Hearing no comments from the public Mayor Vanne closed the public hearing at 6:47 P.M.

Motion by Jaeckels, seconded by Hilton to introduce, adopt and waive the second reading of Ordinance No. 1089, an ordinance amending Chapter 16 (13) Relocated Structures and Chapter 19 Flood Plain Zoning in its entirety. Roll call vote. Eight votes cast. Eight votes aye. Motion carried.

MOVED BACK TO REPORT OF COMMITTEES:

Chairman Gruett presented the May 22, 2012 Public Safety meeting minutes.

Motion by Gruett, seconded by Ellefson to waive the \$106.00 building permit fee to install a new on demand Hillenbrand water softener with a bypass for the City of Chilton Fire Department. Motion carried.

Chief Seipel informed the council when the Lt. and Chief work on their respective days off to work on investigations for the department no compensation is provided. At times, the swing shift officer is moved to a different shift to allow investigative time; this does not cause over time for the department.

Currently the timeline to use compensatory time is within thirty days. The Department is requesting a six-month period and compensation for investigations.

Motion by Gruett, seconded by Jaeckels to introduce, adopt and waive the second reading of Ordinance No. 1088, an ordinance to amend benefits for the Police Department Chief and Lieutenant to allow for compensation when working investigations and such compensation must be used within six months, effective date of benefit revisions is July 1, 2012. Roll call vote. Eight votes cast. Eight votes aye. Motion carried.

Chief Seipel informed the council the Department responds to repeated calls related to chronic violations of the city's ordinance and state law. A small number of residential units account for a substantial portion of the calls. Other municipalities provide a mechanism for addressing these types of properties with excessive calls for service and after generating three or more calls for police services for nuisance activities during one month or six or more calls during a 12-month period. By endorsing a procedure to address chronic nuisance calls this, would create incentives for property owners of such properties to correct these violations, which will improve the safety and quality of life in the city.

Furthermore, the Chief explained that nuisance activity is reported under several different titles per WI State Statute. Some examples are harassment, disorderly conduct, theft, damage to property, and domestic.

The property owner would receive an oral and written notification before a citation would be issued; in fact whenever the Department determines that two or more nuisance activities have occurred at a property address on separate occasions or on the same date, but two separate incidents the Chief shall notify the property owner that the property owner is in danger of becoming a chronic nuisance property.

After a brief discussion motion by Gruett, seconded by Hilton to introduce, adopt and waive the second reading of Ordinance No. 1090, an ordinance to establish a procedure to address chronic nuisance premises in the City of Chilton. Roll call vote. Eight votes cast. Eight votes aye. Motion carried.

Chief Seipel informed the council the Police Department and other City Departments as well as residents within the City have expressed concern regarding vehicles parking in residential yards. For years, the Department has dealt with complaints and this concern appears to be getting worse. Some of the principle concerns discussed at committee level included:

- Does the City have the right to instruct a property owner what they can and cannot do?
- What type of surface would be allowed?
- Location of driveways and parking area
- Unsightly neighbor, resulting in issues with unattractive neighborhoods

Consensus of the committee was to establish this as a goal so they could effectively define an acceptable area for parking vehicles within the front or side yards of residential properties in order to address, off-street parking issues that would maintain an acceptable appearance within the City of Chilton.

Chairman Gruett explained the committee endorsed Act 97, which changed the earliest allowable morning opening hours for retail Class "A" Beer and "Class A" liquor stores from 8:00 a.m. to 6:00 a.m.

Motion by Gruett, seconded by Jaeckels to introduce, adopt and waive the second reading of Ordinance No. 1091, an ordinance adopting State Law and consent with the 6:00 a.m. opening time for Class "A" Beer and "Class A" liquor stores. Roll call vote. Eight votes cast. Eight votes aye. Motion carried.

The June 13, 2012 Library Board minutes were distributed to the council members.

Mayor Vanne reported on the June 13, 2012 Redevelopment Authority meeting.

The RDA reviewed an amendment to the offer to purchase of 27-35 W. Main Street with Horizon Development Group Inc. The amendment would extend the original agreement until November 2013. The addendum is similar to the original offer except there is a provision that would allow Horizon to back out of the agreement if changes to the WHEDA Low-Income Housing Tax Credit application would be detrimental to an application for the Chilton property. The RDA directed Reilly to seek an out clause for the city in the addendum to the original agreement with Horizon in case another developer becomes interested in the site prior to Horizon reviewing WHEDA application changes.

The RDA approved a building permit for 14 W. Main Street to install a business sign.

Mayor Vanne reported on the June 13, 2012 Plan Commission meeting.

Representatives from M-B Company located at 1200 Park Street explained that the company is looking to sublease the property at 1217 E. Chestnut Street from Nash-Finch. Nash-Finch currently has a lease with property owners KSS, LLC.

M-B Companies is simply running out of room at their New Holstein and Chilton facilities and is looking to expand their operation. After considering various options, they looked at the proximity of the building at 1217 E. Chestnut Street to their current facility and said it would make good sense to expand to this location.

The property owners are requesting a rezone from C-1 (General Business District) to I-1 (Limited Industry District) at 1217 E. Chestnut Street to allow M-B Companies to have additional light-industrial manufacturing space. Property owners within 200 ft. of 1217 E. Chestnut Street were notified of the request and no inquiries were received for or against.

Motion by Johnson, seconded by Schmitzer to set a public hearing for July 17, 2012 at 6:45 P.M. to hear testimony regarding a rezone request for 1217 E. Chestnut Street to rezone from C-1 (General Business District) to I-1 (Limited Industry District). Motion carried.

DPW Schwarz reported on the June 4, 2012 Tree Board meeting. Members walked through Riverside Park to identify tree species within the park.

UNFINISHED BUSINESS:

Motion by Johnson, seconded by Jaeckels and carried to approve the mayoral appointments of standing committees to the Council as follows:

- Public Works - Thornber
- Culture & Recreation - Ellefson

Motion by Johnson, seconded by Schmitzer to approve the mayoral appointment of Joe Thiel to the Plan Commission for a term of 6-19-2012 to 4-30-2014. Motion carried.

Johnson moved to nominate Ellefson as the council representative to the Plan Commission for a one-year term, seconded by Hilton. Motion carried.

Schmitzer moved to nominate Ellefson as the council representative to the Intergovernmental Boundary Agreement for an indefinite term. Motion carried.

Motion by Johnson, seconded by Schmitzer and carried to appoint Fred Klaeser to the Chilton Library Board for a 3-year term (7-1-2012 to 6-30-2015).

NEW BUSINESS:

Motion by Hilton, seconded by Schmitzer to approve CDBG Application No. 12-01 for a \$13,000.00 loan at 0% interest. Mayor Vanne remarked the applicant has met the required qualifications. Roll call vote. Eight votes cast. Eight votes aye. Motion carried.

Motion by Ellefson, seconded by Jaeckels to introduce, adopt and waive the second reading of Resolution No. 1631, a resolution approving the 2011 WWTP Compliance Maintenance Annual report. Roll call vote. Eight votes cast. Eight votes aye. Motion carried.

COMMUNICATIONS:

Clerk Schmidlkofer distributed the June 4, 2012 staff minutes, Calumet County Intergovernmental minutes, Chilton Chamber of Commerce minutes and monthly building/plumbing report.

BILLS:

Motion by Hilton, seconded by Jaeckels to pay the bills. Roll call vote. Eight votes cast. Seven votes aye. (Schmitzer-abstained) Motion carried. Voucher No. 71421 through Voucher No. 71593 or accounts payable and payrolls totaling \$234,976.44.

ADJOURNMENT:

Motion by Schmitzer, seconded by Hilton and carried to adjourn at 7:52 p.m. on June 19, 2012.

Helen Schmidlkofer, MMC
City Clerk