

Chilton, Wisconsin
June 6, 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 6/02/17, 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 eight members of the Council were present at roll call:

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

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

General Audience: Faye Burg, Delta Publications, Eric Volland and Mark Wiegert.

Those in attendance recited the Pledge of Allegiance.

Moved by Hilton, seconded by Goebel and carried to approve the minutes of the council meeting held on 5/16/2017.

REPORT OF OFFICERS:

MAYOR REPORT:

- ↻ Heard from County Administrator regarding some questions that I had for him and will report within a month and a half or so.
- ↻ Briess has ordered some materials and will be putting up noise reducing barriers on the old plant. I hope that once this is all taken care of the questions and complaints from the neighbors will cease and everything will be all happy and good. Alderman Schmitzer asked if this would be on Commerce and Columbia or strictly Commerce. Jaeckels replied, Commerce.
- ↻ With council president Kevin Johnson's permission, there will not be a council meeting on July 4, 2017 unless warranted.

CITY CLERK REPORT:

- ↻ Working on liquor and tobacco license renewals, fillable forms are available on the City website from the Dept. of Revenue.
- ↻ Staff has been working with Ehlers on the creation of tax incremental districts six and seven. Part of this process will require meetings with the Joint Board of Review. The Joint Review Board consists of a member from the following entities: Chilton School District, Calumet County, Fox Valley Technical College, a citizen at large and the City of Chilton.
- ↻ The annual Lake District meeting is scheduled for August 1, 2017 at 5:30 PM
- ↻ City band starts their "Summer in the Park" series this Thursday; schedules have been printed and distributed.
- ↻ June 20th council meeting will take place at the Chilton Public Library.
- ↻ The RDA will not have a meeting in June.

APPROVE FINANCIAL REPORT:

Moved by Gruett, seconded by Hilton and carried to approve the June 1, 2017 financial report.

APPROVE LIQUOR LICENSE:

Moved by Willems, seconded by Kubichka to approve a 6-Month "Class B" Beer License for Calumet Veterans of Foreign Wars 3153 from June 1 thru November 30, 2017. Bonnie Weber is the Agent. Motion carried.

Moved by Willems, seconded by Kubichka and carried to approve the expansion of alcohol beverage license for Mathes Pla-Mor Inc. on June 18, 2017 from 9:00 AM to 5:00 PM on the west side of the building.

DIRECTOR OF PUBLIC WORKS REPORT:

- ↻ Street Department has been painting crosswalks and trying to keep up on mowing grass.
- ↻ The City did have a dam inspection at the State Street dam on June 2. The City is required to complete some repairs to the dam, which will be done in fall when the water level is lower.
- ↻ Because we switched over from the air-operated valve to a variable frequency drive (VFD) the transfer switch that we have at Well #8 has no delay in it. An automatic transfer switch (ATS) is necessary and already on order. During this time, the City is unable to qualify for the shed program from Wisconsin Public Service. The shed program allows the City to use the generator and receive approximately \$341/month from WPS.
- ↻ The aquamatic valves – Engineering is complete and submitted to the DNR for approval. The City plans to BID the project without DNR approval however, with a contingency that the City would need DNR approval to award the contract. The City would like to start this project in October when the water use is not quite as high.
- ↻ Sewer Department has been cleaning sewers and manhole rehabilitation.
- ↻ The DNR is still working on the WPDES wastewater permit for compliance.
- ↻ Street Construction project (maintenance on Hwy 151) – no word on when this will start.
- ↻ Annual sidewalk replacement – no word on starting date.

Audience Participation – No comments were given.

UNFINISHED BUSINESS:

Update Regarding Uptown Commons II

Mayor Jaeckels noted that the letter in your council packet from Horizon regarding the Uptown II project is self-explanatory.

Real Estate Sales Agreement with Voland and Wiegert

Mayor Jaeckels requested Voland and Wiegert to move forward in the council chambers and address the council. Wiegert asked, “Is this what we are going to talk about in closed session or not?”

Attorney McDermott said, “You need to present your information here, you cannot be in closed session. Then it is the council’s opportunity to discuss what you bring up. That is why we wanted this on the agenda.”

Wiegert said, “The numbers given for the council tonight are just for the first phase of the proposed building project in the City of Chilton TIF District. Our total investment in this property over all 3 phases is anticipated to be approximately \$300,000.00. Phase One costs are:

Building construction - \$81,642.00

Excavating - \$36,300.00

Electrical - \$5,250.00

Land purchase (4.2 acres) - \$12,600.00

After meeting with the excavator, we learned that there would need to be a lot of fill brought onto the property. The excavator had already completed plans for the previous owner. The land wasn’t quite as level as we initially thought. The other thing we learned that is why the other owner did not build on that property because quite frankly it was too expensive to develop with the amount of fill that had to be brought in.

We came back to the council tonight to hopefully work something out with the City to acquire the land and continue down the road that we started several months ago. We certainly are aware of the other properties in the City that sold with greatly reduced rates to other developers and we would appreciate the same consideration. The ultimate goal is to get something on that property and we are aware that it has been sitting vacant for a long time. Our goal is to get something on that property and be good stewards here in the City and good taxpayers. In a nutshell that is what we are looking for.” (Voland had no comments, when Wiegert asked him.)”

Gruett asked, "What are you looking for."

Wiegert replied, "We are looking to get that property for a greatly reduced price."

Johnson asked, "Mark when you said other developers have gotten property at a reduced price, are you implying that you didn't? Different than what you paid or what you are offering? This is news to me."

Wiegert said, "I am not implying we didn't get a reduced price. I guess I don't know what the original price was. I just know there is one other developer that got a greatly reduced price on some property. I can only tell you what was told to me. We are only looking for the same good deal."

Further discussion with Wiegert and Voland identified that the main concern was the cost of excavation. According to them, the problem with the property is the slope of the land thus dramatically increasing the excavating costs. The entire 4-acre parcel to excavate is estimated at \$160,000.00 to \$200,000.00. Voland and Wiegert anticipated it would have cost them around \$10,000.00 when they started this project. They are requesting that the City reconsider the cost of the vacant property and vote for development that will benefit all taxpayers in the City of Chilton.

Hearing no other comments Mayor Jaeckels asked the council to go into closed session. Voland, Wiegert and Burg exited the council chambers.

Moved by Schmitzer, seconded by Thornber to go into closed session at 6:50 PM under WI Statute 19.85 (1) (e) to review sale of city owned property. Roll call vote.

Gruett – yes Willems – yes Kubichka – yes Thornber – yes
Schmitzer – yes Hilton – yes Johnson – yes Goebel - yes
Eight votes cast. Eight votes aye. Motion carried.

In closed session council discussed sale of city owned property.

Moved by Thornber, seconded by Kubichka to go into open session at 7:08 PM. Roll call vote.

Gruett – yes Willems – yes Kubichka – yes Thornber – yes
Schmitzer – yes Hilton – yes Johnson – yes Goebel - yes
Eight votes cast. Eight votes aye. Motion carried.

Voland and Wiegert returned to the council chambers at 7:09 PM.

Moved by Willems, seconded by Goebel to approve the real estate sale agreement between the City of Chilton and RLTC Real Estate, LLC with the established closing date on or before September 11, 2017; said agreement authorizing the sale of city owned property in the Industrial Park consisting of 1.75 acres off Progress Way, Lot 2 of Certified Survey Map No. 3331 (Tax ID No. 32386) for a purchase price of \$10,500.00 contingent upon seller acquiring clear title and authorize the mayor and clerk to execute any and all documents necessary to effect and complete said purchase. Roll call vote.

Gruett – yes Willems – yes Kubichka – yes Thornber – yes
Schmitzer – yes Hilton – yes Johnson – yes Goebel - yes
Eight votes cast. Eight votes aye. Motion carried.

Moved by Schmitzer, seconded by Kubichka to approve the real estate acquisition agreement between the City of Chilton and Best Exteriors and Home Improvements, LLC with the established closing date on or before July 28, 2017; said agreement states that Best is willing to reconvey property in the Industrial Park consisting of 1.75 acres off Progress Way, Lot 2 of Certified Survey Map No. 3331 (Tax ID No. 32386) to the City for a purchase price of \$10,500.00 and authorize the mayor and clerk to execute any and all documents necessary to effect and complete said purchase. Roll call vote.

Gruett – yes Willems – yes Kubichka – yes Thornber – yes
Schmitzer – yes Hilton – yes Johnson – yes Goebel - yes
Eight votes cast. Eight votes aye. Motion carried.

Moved by Willems, seconded by Thornber to continue with the existing real estate sale agreement between the City of Chilton and Voland and Wiegert that was approved on February 21, 2017.

Attorney McDermott said, “Let me point out, just so that everyone is aware with the exception of the large warehouse site with RLTC every other parcel in the Industrial Park starting with Kaytee, Briess, Backyard Nature Products, residential development has always consistently been \$3,000.00 an acre. If you read the transfer deed on RLTC it is zero but there are three other factors that come to bear that were done. One of them is the deal you just heard about tonight which is \$6,000.00 an acre. I believe you are hearing this motion because the council is thinking they have to be consistent with the \$3,000.00/acre.”

Thornber added, “Where the big warehouse is going, there were prior site issues from the previous owner. He did not continue his project and this would have been quite costly to the City had we retained the property.”

McDermott added let’s approve the motion then see what Voland and Wiegert want to do and then set a closing date.

Mayor Jaeckels called for a roll call vote.

Gruett – abstain	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – abstain	Goebel - abstain

Eight votes cast. Five votes aye. (Johnson, Gruett, Goebel-abstained) Motion carried.

McDermott requested Voland and Wiegert to review the agreement and report to the City if they plan to proceed with the deal and then set a closing date. Both agreed and stated that they will let the City know within the next week or so.

Voland and Wiegert exited the council chambers at 7:16 PM.

NEW BUSINESS:

Moved by Schmitzer, seconded by Kubichka to approve the revisions to the income guidelines for Community Development Block Grant as prepared by CDBG Administrator Meyer. Motion carried.

Willems asked, “With the recent roll call vote and the fact that there were three abstentions. Are we owed any explanation for the abstentions or not?”

McDermott replied, “Good question, I don’t believe that we are owed one. I think it is up to the person voting to decide to disclose.”

Gruett defined his reason; his son was interested in the property. After briefly talking about the vote McDermott explained that over the years he would get a question ahead of time to vote on something. In the past, we have had council members that work for employers who have a matter before the council and they can vote on it unless they perceive that their job is in jeopardy or they would be financially rewarded for their vote, even though that is a bias thing. Just as Willems said, your constituents are entitled to your vote. It is always good if you have a question on abstention to check ahead of time. If you have a personal interest, you cannot vote on the item no matter what. You cannot even abstain on an item like that. McDermott summarized the comments with the fact that it is always good to check ahead of time regarding an abstention.

Moved by Willems, seconded by Kubichka to approve the mayoral appointment of Wayne Wieting to the Redevelopment Authority for a term of June 7, 2017 to August 31, 2018. Motion carried.

COMMITTEE REPORTS:

Mayor Jaeckels reported that the Redevelopment Authority met on May 17, 2017. The Authority voted to terminate the farm lease with Kendall Thiel and CREI, LLC after the 2017 crop year. No refund for 2017 and no additional funds of \$950.00. It was also noted for the record that the Redevelopment Authority did consider Thiel and CREI, LLC’s interest in purchasing additional land however; the RDA did not accept the proposal dated May 11, 2017.

The RDA also established future sale prices for the RDA property.

May 31, 2017 the 2017 Board of Review was held; no residents contested their assessments. Accurate Appraisal informed the Board that normal maintenance work was completed.

Chairman Thornber reported on the May 24, 2017 Public Works committee meeting. As reported earlier tonight by DPW Schwarz, the transfer switch proposal involves an investment of \$30,000.00 to protect \$2 million worth of equipment.

The Committee reviewed the quotes to repair the Wastewater building downtown and decided to consider another avenue because the quotes came in above the City's \$25,000.00 budgeted amount. The committee will look into having the existing building razed and put up a commercial pole building (wood structure) on the existing cement slab.

Moved by Schmitzer, seconded by Hilton to introduce, adopt and waive the reading of Resolution No. 1743, a resolution to establish settling pit waste with a base fee of \$80.00 per load and \$15.50 per 1,000 gallons. Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Goebel - yes

Eight votes cast. Eight votes aye. Motion carried.

Moved by Willems, seconded by Thornber to authorize the DPW Schwarz to dispose of the Sewer Rodder as he sees fit in the best interest of the City. Motion carried.

Moved by Thornber, seconded by Willems to approve the surveying of Walnut Street not to exceed \$5,000.00 with the cost of the survey taken from street construction non-lapsing funds account No. 53310-821. Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Goebel - yes

Eight votes cast. Eight votes aye. Motion carried.

Moved by Willems, seconded by Thornber to have city staff start the procedural process to implement a 3% rate increase for water and sewer rates. The formal rate increase will be presented to the council in resolution format later. Motion carried.

The Committee reviewed street sweeper information, which included a pending report from Casper Truck Equipment to see if the Global M3 street sweeper has been approved by the DNR. If so, there is a possibility that there may be grant money available for the purchase.

Mayor Jaeckels gave a brief update on State Street (County F) and then the committee established their goals.

Chairman Johnson reported on the May 31, 2017 Public Safety committee meeting. The current Fire Protection contracts with the townships of Chilton, Charlestown and Brothertown expire December 31, 2017 and this committee will be meeting with them to review in detail.

The committee then reviewed Municipal Code Chapter 15 Civil Defense; most of the discussion was based upon what the City wants to do to bring the current plan up to date. This committee will continue to work with Chief Plehn to update the City of Chilton's Emergency Management Plan.

The committee reviewed the dog license procedures and requirements. There was a question on how the City handles delinquent dog licenses. No action by the committee at this time due to the fact the Calumet County District Attorney and the League of Municipalities Legal Counsel opinions contradict each other. Clerk Schmidlkofer will acquire a written opinion from the League and forward this to the DA and Chief Plehn for further discussion.

Chairman Johnson stated that there have been several safety concerns regarding intersections within the City in particular the following:

Madison/Washington:

Past incidents, signage, flashing light and crossing guard.

School/Madison:

Willowdale Nursing & Rehab Center indicating that they host movie matinees at the Chilton Cinema on Friday afternoons. On March 17, an accident occurred in the crosswalk directly in front of the theater. Willowdale has communicated with the Police Dept. on possible monitoring of the crosswalk and safety and wellbeing of all citizens.

State/Main:

Previous crossing guard, pedestrian sign instead.

Chairman Johnson requested Mayor Jaeckels to respond to the letter from Willowdale and requested Chief Plehn to acquire costs for pedestrian signs with and without lights.

Chief Plehn informed the committee that Calumet County replaced the record management system (RMS) at no cost to the Chilton Police Department, which requires additional time to complete records. Everything is electronic, sent to a supervisor for review then locked down so that it cannot be accidentally deleted or lost, then sent back to the officer for follow-up. In addition, the DA requires all reports via e filing instead of paper records. The old system used to be a tri-county system (Winnebago/Outagamie/Calumet) the new system is strictly for Calumet County.

Chairman Johnson noted that the committee reviewed how past union negotiations were either handled by the committee, mayor and committee chairperson or professional legal counsel. The current contract expires December 31, 2017 and typically, in July or August the City would inform the Union of the City’s intention to negotiate the contract.

Mayor Jaeckels said, “I spoke with Attorney McDermott, so McDermott and I will handle negotiations and Chief Plehn will sit in to answer any questions that the Union would propose because we don’t have the solid background.”

Plehn informed the committee that the Police Department section of the city’s website needs updating and one of the part-time officers has offered to assist. Future use would include photos and fillable forms. No action is required from the council, informational only.

Moved by Schmitzer, seconded by Goebel to go into closed session at 7:47 PM under WI Statute 19.85 (1) (c) to consider employment. Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Goebel - yes

Eight votes cast. Eight votes aye. Motion carried.

In closed session, the council discussed the potential for a second part-time administrative assistant for the Police Department.

Moved by Thornber, seconded by Schmitzer to return to open session at 7:57 PM. Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Goebel - yes

Eight votes cast. Eight votes aye. Motion carried.

Moved by Johnson, seconded by Thornber that the Police Department may hire a second part-time administrative assistant for 16 hours per week (flexible hours). No benefits and at a rate not to exceed \$14.50 per hour. The Department will advertise in the Tri-County News, Wilenet (WI Law Enforcement Network) and the City of Chilton website. Roll call vote.

Gruett – yes	Willems – nay	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Goebel - yes

Eight votes cast. Seven votes aye. (Willems-nay) Motion carried.

COMMUNICATION:

Distributed the monthly building/plumbing report and the Chilton Chamber of Commerce Summer Fest flyer.

APPROVE PAYMENT OF BILLS:

Moved by Hilton, seconded by Kubichka to pay the bills. Voucher No. 80448 through Voucher No. 80530 or accounts payable and payrolls totaling \$250,051.49. Roll call vote.

Gruett – yes Willems – yes Kubichka – yes Thornber – yes

Schmitzer – abstain Hilton – yes Johnson – yes Goebel - yes

Eight votes cast. Seven votes aye. (Schmitzer-abstain) Motion carried.

ADJOURNMENT:

Moved by Schmitzer, seconded by Kubichka and carried to adjourn at 7:58 p.m. on June 6, 2017.

Helen Schmidlkofer, MMC
City Clerk