

Chilton, Wisconsin
May 15, 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 council chambers at the Chilton City Hall.

AGENDA POSTING:

On 5/11/18, 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.

ROLL CALL: COMMON COUNCIL:

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

Council Member Clayton Thornber	Council Member Mark Wiegert
Council Member Mike Goebel	Council Member Kathy Schmitzer
Council Member Dan Hilton	Council Member Mark Willems
Council Member Ron Gruett	

Other city officials present were Police Chief Craig Plehn, Director of Public Works Todd Schwarz, City Attorney Derek McDermott and City Clerk Helen Schmidkofer. Absent and excused Council Member Tom Reinl.

General attendance: Peggy Loose, and Noah, Julie and Randy Schumacher.

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 May 1, 2018.

REPORT OF OFFICERS:

MAYOR:

- May 2, 2018 - I did give the alumni speech at the Chilton Chamber scholarship banquet.
- Last week I did have a meeting with the Dept. of Corrections (DOC), 25th Assembly District Representative Paul Tittl, Senator Devin LeMahieu, Sherriff Mark Ott and Chief Craig Plehn. The DOC is still contending that they are looking for a permanent home, which is better than a homeless release. One thing that is new that I was not aware of is that the State cannot buy a facility, they have to rent. They cannot buy because according to the courts then it is a state owned facility and similar to being incarcerated. However, it is fine if the State rents the place and then dictates what they can and cannot do and when they can and cannot leave. We are still working on this.
- June 5th council meeting I will be out of the city and Council President Reinl will run that meeting.

CITY CLERK:

- ☞ Memorial Day event flyers were distributed; parade route is changed for this year.
- ☞ 2018 Recycling Grant Award of \$23, 866.60 was awarded to the City.

APPROVE OPERATOR LICENSE:

Moved by Willems, seconded by Hilton to approve the two-year license application to serve fermented malt beverages and intoxicating liquors from May 15 to June 30, 2018 for Kimberly Vandenhouten. Motion carried. Clerk Schmidkofer noted the applicant has been approved by the Chilton Police Department.

DIRECTOR OF PUBLIC WORKS:

- ☞ Arbor Day celebration will take place on Brewery Hill at 10 AM tomorrow.
- ☞ Calumet County is conducting annual electronic recycling drop-off event tomorrow at the city garage from 1 to 6 PM and the Household Hazardous Waste Collection Event is this Friday from 9 to 11 AM at the city garage.
- ☞ Thursday is BID opening for the 2018 street projects and TIF #7 and later that same day is BID opening for the annual sidewalk work.

Minutes of Council Meeting 5-15-2018

- Published notice in the Manitowoc Herald Times regarding by-pass to the south branch of the Manitowoc River on May 4, 2018. (The notice is required by the DNR) Due to 5" of rain Thursday night and the Fire Dept. was contacted to aid in pumping water 1.2 million gallons of water. (Ground water-not sewage). DPW Schwarz did thank the Fire Department for their assistance.
- 7th Grade Recycling Field trip set for May 24th, schedule of events for the day was distributed.

MOVED TO NEW BUSINESS:

Moved by Willems, seconded by Hilton to approve an agreement between the City of Chilton and Eastshore Humane Association, Inc. to provide stray animal services from May 1, 2018 to April 30, 2019. Motion carried.

Moved by Schmitzer, seconded by Thornber to introduce, adopt and waive the reading of Resolution No. 1767, a resolution to support Chilton Area Community Foundation Grant of \$3,000.00 for the Chilton Housing Authority to be used for a handicap accessible garage at 535 Spring Street. Roll call vote.

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

Seven votes cast. Seven votes aye. Motion carried.

Moved by Willems, seconded by Schmitzer to approve the Community Development Block Grant (CDBG) program income guidelines. WI Dept. of Housing & Urban Development (HUD) sets the guidelines. Motion carried.

REPORT OF COMMITTEES:

Clerk Schmidlkofer reported that the 2018 Board of Review was held on April 30, 2018 and no one appeared before the board.

Mayor Jaeckels reported on the May 9, 2018 Plan Commission meeting.

Ken and Darlene Danes purchased the Dairyland Estates subdivision and are requesting to rezone Lots 42 through 49 along Irish Road from R-1 (Single Family Residential) to R-D (Two Family Residential). The Plan Commission did make a recommendation to the council to set a public hearing for the rezone request.

Moved by Willems, seconded by Gruett to set a public hearing for June 19, 2018 at 6:45 PM for KD Property Holdings, LLC to rezone property from for R-1 (Single Family Residential) to R-D (Two Family Residential). Motion carried.

Council member Goebel was unable to attend the Plan Commission meeting and had several questions and concerns regarding the rezone request. Following a brief discussion, the recommendation was to review at the public hearing.

The Plan Commission reviewed a conditional use request for 1048 Fox Street to raise chickens.

Mayor Jaeckels noted that the Schumacher family is looking to raise chickens for their kids 4-H projects. The chickens (all hens) are purchased from the hatchery in mid-July, taken to the Fair in September, butchered, and then put into the freezer. They would continue to raise chickens until their children were out of school, potentially another six or seven years. The chickens would be in a coop on the farm field side of their property. There would be no free-range chickens and they would only be on the property from July through September. The Schumacher's do not plan to have any more than fifteen chickens. The Commission did indicate that the property at 1048 Fox Street is zoned R-C (Rural Character) and chickens are allowed with a conditional use in this zoning district under Municipal Code, Chapter 16, Section 16.09 (2)(a)(b).

Jaeckels said that property owners within 200 feet of 1048 Fox Street were notified of the application. The Plan Commission did recommend to the council to approve the request

Minutes of Council Meeting 5-15-2018

for a conditional use permit for chickens at 1048 Fox Street with the condition that no more than 15 chickens are allowed on the property, all of which must be hens, for a period extending from July through September of each calendar year.

Moved by Gruett, seconded by Hilton to approve the conditional use permit for chickens at 1048 Fox Street with the condition that no more than 15 chickens are allowed on the property, all of which must be hens, for a period extending from July through September of each calendar year. Motion carried.

Schumacher family members exited the council chambers at 6:52 P.M.

Public Works committee member Gruett reported on the May 10, 2018 meeting.

The committee reviewed the effluent pump concerns at the Wastewater Plant. The plant operates with three soft-start single speed effluent pumps. One of the pumps is a total failure and another one is partially failing. These pumps have minimal options for change and replacement parts are becoming obsolete. The City accepted a proposal from Integrated Process Solutions Inc. to replace the effluent pump starters with Variable Frequency Drive pumps (VFD's) and to install a new submersible level transmitter and SCADA controls allow the wastewater treatment plant employees to control the pumps from the SCADA computer. These pumps are more sophisticated and allow more options for change. The transition to VFD's should provide lower electrical costs along with a payback from Focus on Energy.

Julie and Tom Hoban operate JTD Enterprises at 44 Walnut Street, in which Tom Nordgren owns the building. Hoban said they employ 20 employees and is concerned about the condition of Walnut Street. Al Mueller, Director of Operations at Kaytee Products, Inc. informed the committee that Kaytee uses Walnut Street daily for their operations.

The City surveyed Walnut Street to find out exactly where the right-of-way was located. The committee reviewed the survey and discussed possible options on how to move forward. DPW Schwarz suggested the tracks and existing pavement could be ripped out by the Department of Public Works and a temporary gravel base put down. The Department could use millings from the 2018 street resurfacing projects. The road would include 2-12 foot driving lanes and no curb and gutter.

Motion by Thornber, seconded by Hilton to remove the tracks and existing pavement on Walnut Street and put down a temporary gravel base until surfacing the road would be part of the annual budget. Funds from street construction non-lapsing account (53310-821) would be used for this project. Roll call vote.

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

Seven votes cast. Seven votes aye. Motion carried.

The Department of Natural Resources (DNR) reviewed and approved a variance for the City of Chilton water quality standards for chlorides. According to Wisconsin Statutes, the DNR must forward this variance request to Environmental Protection Agency (EPA) for final approval. In the meantime, the DNR is working with the wastewater treatment plant to find a solution toward full compliance with the applicable water quality standard. This is the third variance that the City has applied for over the years.

Chairman Schmitzer reported on the May 8, 2018 General Government committee meeting.

The committee reviewed 420 E. Main, 476 E. Main, 415 E. Main Street & E. Main Street properties regarding the Brownfield Grant. The City cannot include the E. Main Street 50-foot parcel that is owned by Mrs. McNeely. This 50-foot parcel currently has an US Small Business Administration (SBA) mortgage that the City needs released so that the City could purchase the property. McDermott noted that McNeely has to prove to SBA

Minutes of Council Meeting 5-15-2018

that the loan is uncollectable on her distressed property. McDermott further stated that SBA is looking for financial statements, tax returns, etc. The council needs to decide if the City Attorney should work more diligently with Mrs. McNeely to complete the required paperwork. The other method would be to have the county foreclose on this parcel per WI Statute 75.17 similar to the process used on the other three parcels, which will take 3 years.

DPW Schwarz reminded the council that Mayor Jaeckels sent a letter to Jim McNeely and Tom Austin to give official notice that the City owned the property as of October 18, 2017 and that they had until May 1, 2018 to remove and clear said property of any of their personal items. Some of the items have been removed however, many items remain. The office area is full of paperwork and files. The brown building is in good shape; perhaps someone would be interested in taking it down. Two individuals have shown interest in acquiring this property once it is cleaned up. The City is currently working with Sigma to determine final testing of the contamination. When the City would sell the property, the new owner would not be responsible for any environmental clean-up. That person would be aware of the contamination but not required to do anything more. McDermott added that the law is written to encourage development and make it as friendly as possible.

Moved by Willems, seconded by Schmitzer to authorize disposal of items at 420 and 415 East Main Street with the removal costs used from Economic Development expense account (803-00-56700-000). Roll call vote.

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

Seven votes cast. Seven votes aye. Motion carried.

Moved by Schmitzer, seconded by Willems to authorize the City Attorney to follow-through with the SBA Loan release for Parcel No. 27558 with costs used from Economic Development professional expense account (803-00-56700-210).

Roll call vote.

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

Seven votes cast. Seven votes aye. Motion carried.

The General Government committee along with Attorney McDermott reviewed Horizon Uptown Commons II promissory notes, subordination agreements and an easement. Issues addressed were:

- Recourse should be the same as WI Bank & Trust.
- A third junior note reference the TIF grant of \$300,000.00.
- Address an easement agreement – easement for storm sewer.

McDermott will finalize the documents with Horizon and then the documents will be presented to the council for approval.

A development agreement regarding special assessments for Dairyland Estates with KD Holdings, LLC was reviewed for Tax Incremental District (TIF) No. 6. The TID will pay for streets, drainage, gas, electricity, cable, data lines and lighting, curb and gutter, sanitary sewer and water. The City will assess back to the property owner the fees for curb and gutter, sanitary sewer and water. Following a brief discussion recommendation as follows:

- The assessment shall be deferred and paid in full at the time the lot is sold.
- No interest shall accrue on the assessments through 2021.
- 10 lots sold by December 31, 2021, no interest through 2024.
- 20 lots sold by December 31, 2024, no interest through 2027.

Moved by Schmitzer, seconded by Thornber to approve the Dairyland Estates Development Agreement between the City of Chilton and KD Holdings LLC Motion carried.

Moved by Willems, seconded by Hilton to introduce, adopt and waive the second reading of Resolution No. 1768, a resolution to amend Personnel Policy Manual Chapters 14, 15,

Minutes of Council Meeting 5-15-2018

17, 18 and 19. Roll call vote.

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

Seven votes cast. Seven votes aye. Motion carried.

The May 9, 2018 Housing Authority minutes were distributed for the council members.

UNFINISHED BUSINESS:

DPW Schwarz is still working with Worthington Cylinders regarding placement of the Bernzomatic artwork on the north water tower. Due to the size of the tower and design of the Bernzomatic the recommendation is to have the City logo on the east side and Bernzomatic on the west side of the tower. (An agreement will be drafted with Worthington Cylinders later).

Moved by Willems, seconded by Gruett to approve the placement of the logos on the north water tower with the City on the east side and Bernzomatic on the west side. Motion carried.

MOVED BACK TO POLICE CHIEF REPORT:

Plehn read the 2017 annual report, which included the following:

- Personnel and Seniority List
- Department Accreditation Award
- Community Involvement
- Training
- Number of Service Calls and Major Investigations
- Overtime and Compensation
- Grants Awarded

APPROVE PAYMENT OF BILLS:

Moved by Hilton, seconded by Wiegert to pay the bills. Voucher No. 81959 through Voucher No. 82041 or accounts payable and payrolls totaling \$168,863.28. Roll call vote.

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

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

ADJOURNMENT:

Moved by Schmitzer, seconded by Hilton and carried to adjourn at 7:50 p.m. on May 15, 2018.

Helen Schmidlkofer, MMC
City Clerk