

Chilton, Wisconsin  
May 19, 2015

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

**AGENDA POSTING:**

On 5/15/15, 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 Gerald Vanne and seven members of the Council were present at roll call:

Council Member Rick Jaeckels	Council Member Richard Bosshardt
Council Member Dan Hilton	Council Member Kevin Johnson
Council member Clayton Thornber	Council Member Linda Bangart
Council Member Kathy Schmitzer	Council Member Ron Gruett (Arrived at 7:04 PM)

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 attendance: Tom Baer, Cozy Baer Storage, LLC

Those in attendance recited the Pledge of Allegiance.

Moved by Schmitzer, seconded by Bosshardt and carried to approve the minutes of the council meeting held on 5/05/2015.

**REPORT OF OFFICERS:**

**MAYOR REPORT:** No comments this evening

**CITY CLERK REPORT:**

- Reference to the last council meeting regarding the annual audit completed by Hawkins Ash;
  - Alderman Thornber had several questions and stopped by my office to review his questions. I am pleased to report that the council was proactive and passed resolutions regarding the fixed asset and fund balance policies at the March 3, 2015 council meeting. In addition, the staff has completed the other management advisory recommendations.
  - Alderman Jaeckels provided his concerns to me after the council meeting regarding the audit, which included incorrect years. The draft audit reports reviewed by Deputy Meyer and myself did have the correct years. The City is required to forward annual audits to various financial institutions and the Dept. of Administration so for this reason the City did request corrected copies.
- Liquor License application forms are available on the city web site; in the past all forms for license renewal were provided in paper format
- Memorial Day program will be held on May 25; the parade will start at 9:00 AM from the Chilton City Hall to Hillside Cemetery where the program will begin at 9:30 AM. In the event of rain the program will be held at the Chilton High School at 9:00 AM
- The Veterans Memorial of Chilton Committee has set August 22, 2015 at 10:00 AM for the unveiling of the additional plaques at Klinkner Park
- Board of Review is scheduled for June 2, 2015 from 8 AM to 10 AM in the conference room at city hall
- Public Hearing will be held at 6:45 PM tonight to rezone Lots 1 thru 3 in Field Court Subdivision from R-D to R-1

**APPROVE OPERATOR LICENSES:**

Moved by Jaeckels, seconded by Schmitzer to approve the two-year license application to serve fermented malt beverages and intoxicating liquors from May 19, 2015 to June 30,

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2016 for Andrew J. Reif. Motion carried. Clerk Schmidlkofer noted the applicant has been approved by the Chilton Police Department.

**APPROVE LIQUOR LICENSE:**

Moved by Jaeckels, seconded by Bangart and carried to approve the 6-month "Class B" Beer license for Veterans of Foreign War Post 3153. Agent - Bonnie Weber of Chilton.

**DIRECTOR OF PUBLIC WORKS REPORT:**

- ↻ Phase II testing was conducted last week at 317, 415, 420 and 476 E. Main Street properties; pending analysis at this time
- ↻ 7<sup>th</sup> Grade Recycling and Awareness Field trip was held last week Wednesday 5/13; students visited the compost site and the landfill; City provided a lunch with convenience food verses bulk food. This clearly shows the students how much waste and recycling is generated.
- ↻ MB Lane – Street Department installed drain tile due to poor drainage
- ↻ Paving will be completed Thursday and Friday at Pumphouse #11 and driveway at #8 along with patching several areas that had previous water breaks
- ↻ Emergency generator at #8 failed and was replaced, now running efficiently
- ↻ Compost is available at the city garage for residents
- ↻ Thursday sidewalk BIDS for Ward #2 are due; 2015 budget does not include the entire ward due to budget constraints. We will have to see if this hinders BIDS being submitted
- ↻ Wastewater Plant removed 1.2 million gallons of sludge
- ↻ Water Dept. is conducting the annual water meter replacements; every 10 years the meters in resident's home are required to be changed, approximately 1,400 residential meters are in the city and the Dept. tries to change out 120 meters every year. Cross connection inspections need to be completed also. It takes about 45 minutes for each appointment to change out the meter and complete the cross connection.

**AUDIENCE PARTICIPATION:** No comments were provided at this time.

**REPORT OF COMMITTEES:**

Committee member Schmitzer presented the Culture and Recreation committee minutes from the May 7, 2015 meeting.

Schmitzer noted that the City has not received notice on the 501(3) (c) status of the ChiltonFC Soccer Club as requested. The Club did provide the City with a certificate of insurance coverage.

The committee reviewed a Hobart Field Rental application between the City of Chilton and Hobart Field Softball Association, Inc. The Assoc. would use Hobart Park May 19, 2015 thru August 18, 2015, Tuesday nights only for a charge of \$50.00 per night and a \$100.00 deposit for the season. The agreement outlined that the Assn. will be in charge of dragging and lining the infield of the softball diamond on Tuesday nights only, along with use of the scoreboard and lights. The Assn. will have access to the equipment shed and use of the Smithco rakes, rakes, shovels, lime and limer. The Assn. will also have access to the concession stand, including all the appliances and shall receive all earnings from its operation.

Moved by Bangart, seconded by Schmitzer to approve the Hobart Field Rental Agreement for 2015 between the City of Chilton and the Hobart Field Softball Association, Inc. Motion carried.

**MOVED TO NEW BUSINESS:**

Mayor Vanne opened the Public Hearing at 6:45 P.M. to rezone lots 1 thru 3 in the Field Court Subdivision from R-D (Two Family Residential) to R-1 (Single Family Residential).

Mayor Vanne read the notice. (The notice was published as a Class II notice as required by law.)

Mayor Vanne inquired if anyone was present to speak in favor or not in favor of the rezoning. Hearing no comments from the public Mayor Vanne closed the public hearing at 6:47 P.M.

Moved by Jaeckels, seconded by Hilton to introduce, adopt and waive the second reading of Ordinance No. 1115, an ordinance to rezone lots 1 through 3 in the Field Court Subdivision (Tax I.D. #31682, 31680, 31678) from R-D (Two Family Residential) to R-1 (Single Family Residential). Roll call vote.

Gruett – absent	Bangart – yes	Bosshardt – yes	Thornber – yes
Jaeckels – yes	Schmitzer – yes	Hilton – yes	Johnson - yes

Seven votes cast. Seven votes aye. Motion carried.

**MOVED BACK TO COMMITTEE REPORTS:**

Schmitzer stated the City agreed to allow the Chilton Athletic Club use of Hobart Field ball diamond, use of lights and the concession stand for the Pony League on Thursday nights and two additional nights for practice (AC's maintaining the in-field). In lieu of a fee, the Club will mow additional areas of grass at Nennig Park.

Moved by Bangart, seconded by Jaeckels to approve the Hobart Field Rental Agreement for 2015 between the City of Chilton and the Chilton Athletic Club, Inc. an amendment to agreement shall state in lieu of a fee the Club will mow additional areas of grass at Nennig Park. (Thornber-nay) Motion carried.

Council members questioned insurance coverage regarding who pays for claims or covers the insurance when and if someone would be injured when using equipment at Nennig or Hobart Park. Clerk Schmidkofer will consult with the Burkart- Heisdorf Insurance Agency.

Schmitzer then noted the last rental agreement is for the public to use Hobart Field. The City is responsible to manage all rental requests at Hobart Field starting in 2015 because the Hobart Field Softball Assoc. Inc. no longer has an agreement with the City to maintain the concession stand and ball diamond. City Hall staff prepared a draft agreement for the committee to review and approve.

Moved by Bangart, seconded by Thornber and carried to approve the Hobart Field Rental Agreement for general public use with the established fees as follows:

- Concession stand rental \$50.00 per day
- Ball diamond and green space \$50.00 per day
- Tournaments (includes stand and ball diamond) \$100.00 per day
- Lights \$20.00 per day
- Field Maintenance completed by the City \$50.00 per day.

Schmitzer stated months ago, a resident sent a letter to the Culture and Recreation Committee requesting a dog park in the City of Chilton. I aided in the research of some of the information to seek out other counties and cities that host a dog park. The majority of dog parks are run by counties. The City of Kaukauna dog park is located next to a landfill. The committee took into consideration the following four points: acreage, cost, maintenance and enforcement. Schmitzer did consult with Calumet County Park Supervisor who stated that the county was not interested in developing a dog park. It was the recommendation of the committee to not pursue the idea of creating a dog park in the City unless a group or association came forward with a proposal.

Moved by Thornber, seconded by Bangart to accept the recommendation of the Culture and Recreation Committee and not take action to develop a dog park except on the condition that an association or group presents a proposal to the committee to develop a dog park. Motion carried.

The original Chilton Morrissey Park Project, Inc. plan did not include plans to develop or design a basketball court where the single tennis court is currently located. The main

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function of that group was to create a community playground. The city has received requests to develop a basketball court area in Morrissey Park.

DPW Schwarz indicated that the single tennis court area would work however the following would need to be completed:

- Remove old coating on court
- Crack seal and seal coat
- Paint lines for a basketball court and install two basketball systems
- Project would also include removal of the old basketball systems behind the library.

Projected costs are difficult to estimate due to the fact the base of the tennis court could take more time than anticipated.

Schmitzer indicated that the City of Chilton did receive a \$1,900.00 donation from the United Fund of Chilton, Inc. for painting a mural at Morrissey Park.

Schmidlkofer added, in February 2015, the city received a proposal for a mural at Morrissey Park from MAS Murals, LLC from Dearborn, MI for an estimated cost of \$21,410.00, which was rejected by the council due to budget restraints. Schmidlkofer consulted with Chilton United Fund, Inc. on May 15, 2015 and they agreed that the City could use the \$1,900 funds to develop a basketball court.

DPW Schwarz noted that the parks and recreation accounts do have non-lapsing funds to complete this project.

Moved by Schmitzer, seconded by Bosshardt to develop a basketball court at Morrissey Park in 2015 (includes removal of hoops behind the library and patching of asphalt area) with use of Chilton United Fund grant for \$1,900.00 and not to exceed \$8,000.00 from non-lapsing park and recreation capital accounts (55301-821 & 55201-821).

Roll call vote.

Gruett – absent            Bangart – yes            Bosshardt – yes            Thornber – yes

Jaeckels – yes            Schmitzer – yes            Hilton – yes            Johnson - yes

Seven votes cast. Seven votes aye. Motion carried.

Chairman Jaeckels presented the General Government minutes from the May 11, 2015 meeting.

Jaeckels stated that the current health insurance coverage for city employees expires November 30, 2015. Clerk Schmidlkofer provided a renewal timeline prepared along with staff from Horton Insurance Benefits Group. By October, the city should have medical comparison spreadsheets. The materials were informational and no action is required at this time.

The City of Chilton Police Department requested a Memorandum of Understanding (MOU) by the City of Chilton and the Chilton Professional Police Association to comply with State law, Section 66.0502 governing residency of public safety employees. It is the intention of all parties to include this language into the next Collective Bargaining Agreement. “All new employees hired after 05/1/2015 shall be required to reside within a 15 mile radius of the jurisdictional boundaries of the City of Chilton. All new employees shall have twelve (12) months from the completion of probation to establish residency within this area. It is further agreed that all current Police employees are “grandfathered” to their current residence. But in the event an employee moves, it must be within the 15-mile radius referenced above.”

Discussion then took place regarding the City’s probationary period and consideration to revise that timeline from 12 months to eighteen months (Defined in Section 5.01).

Police Chief Plehn and the Union have agreed to extend the probationary period and would appreciate the committee’s endorsement.

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Moved by Jaeckels, seconded by Schmitzer and carried to approve the Memorandum of Understanding between the City of Chilton and the Chilton Professional Police Association to require

- All new employees hired after 5/01/2015 shall be required to reside within a 15-mile radius of the jurisdictional boundaries of the City of Chilton. All new employees shall have twelve (12) months from the completion of probation to establish residency within this area. It is further agreed that all current Police employees are “grandfathered” to their current residence. But in the event an employee moves, it must be within the 15-mile radius referenced above.
- Article V – Probationary Period. Section 5.01 the first eighteen months of employment for new employees shall constitute the employee’s probationary period.

Clerk Schmidlkofer reported that in the late 1990’s the Cable Advisory Council was a member of the Intergovernmental Cable Communications Committee for NE Wisconsin. That group would negotiate franchise agreements, fees and assist with channel lineup. The FCC now regulates the cable services and franchise agreements are non-negotiable. Johnson concurred with Schmidlkofer and stated that in fact the Cable Council has not met in years.

Moved by Jaeckels, seconded by Johnson to introduce, adopt and waive the second reading of Ordinance No. 1116, an ordinance to dissolve the Cable Communications System Advisory Council. Roll call vote.

Gruett – yes	Bangart – yes	Bosshardt – yes	Thornber – yes
Jaeckels – yes	Schmitzer – yes	Hilton – yes	Johnson - yes

Eight votes cast. Eight votes aye. Motion carried.

DPW Schwarz informed the committee that when it came time to appoint Tree Board members for 2015 one of the members to be re-appointed requested to not be a board member, instead be a paid recording secretary. Since the Tree Board was established, members consist of citizen volunteers, no one receives compensation. Furthermore Schwarz indicated years ago Tree Board members were very active members and aided the Board with recommendations that no longer is the case. Schwarz and Administrative Assistant to the Director of Public Works Thiel conduct 90% of Tree Board work during regular business hours. Years ago, the Board did the majority of the work and even filed the Tree City USA paperwork. The city is considering dissolving the Tree Board and having the Culture and Recreation committee or the council act on behalf of the Tree Board.

Schwarz stated the City would like to maintain the Tree City USA status and the requirements for that are:

- 1) A Tree Board or Department
- 2) A Tree Care Ordinance
- 3) A Community forestry Program with an annual budget of at least \$2 per capita
- 4) An Arbor Day observance and proclamation

The City would meet the four above requirements with the proposed change.

Moved by Jaeckels, seconded by Johnson to introduce, adopt and waive the second reading of Ordinance No. 1117, an ordinance to establish the Culture and Recreation Committee as members of the Tree Board. Roll call vote.

Gruett – yes	Bangart – yes	Bosshardt – yes	Thornber – yes
Jaeckels – yes	Schmitzer – yes	Hilton – yes	Johnson - yes

Eight votes cast. Eight votes aye. Motion carried.

Chairman Jaeckels requested the committee and the council members present to advise which method to use in determining the yearly wage for non-union employees.

- One option would be by merit pay using job evaluations and descriptions. The managers recommend to the council percentage increases for subordinates. The council would then recommend the manager increase.
- The other option would be for a straight percentage across the board for all

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non-union employees.

Chairman Jaeckels did request that all council members be given an organizational chart, current wage schedule for Department of Public Works employees and a spreadsheet regarding non-union office staff and Police Department personnel. The spreadsheet contained 2014 total wages, hourly wage, overtime pay, annual wage, annual overtime, annual meeting pay, rate of meeting pay, portion of Wisconsin retirement the employee pays and yearly hours.

Discussion took place, which included:

- 2015 Police Union wage settled at 3% increase, employee portion of WI Retirement is 7% and employee pays 2%
- 2015 DPW Union Employees wage increase was the CPI rate of 1.57% , in addition these employees lost their clothing allowance and were mandated to pay the employee required portion of WI Retirement of 7%
- Everyone present, council and employees, presented various viewpoints on how to compensate employees.

No method was determined at this meeting furthermore; Jaeckels noted that the council would review at budget time.

**NEW BUSINESS:**

Moved by Schmitzer, seconded by Hilton to approve the mayoral appointment of Eugene Sinner to Board of Appeals to fill the un-expired term of J. Skarda from May 19, 2015 to 4-30-2017. Motion carried.

Moved by Jaeckels, seconded by Schmitzer to go into closed session at 7:10 PM under WI Statutes 19.85(1) (e) to review sale of city owned property. Roll call vote.

Gruett – yes	Bangart – yes	Bosshardt – yes	Thornber – yes
Jaeckels – yes	Schmitzer – yes	Hilton – yes	Johnson – yes

Eight votes cast. Eight votes aye. Motion carried.

Council Member Kathy Schmitzer (Exited at 7:23 PM)

Council reviewed the potential sale of industrial park property.

Moved by Jaeckels, seconded by Johnson to return to open session at 7:33 PM.

Roll call vote.

Gruett – yes	Bangart – yes	Bosshardt – yes	Thornber – yes
Jaeckels – yes	Schmitzer – absent	Hilton – yes	Johnson – yes

Seven votes cast. Seven votes aye. Motion carried.

The council took no action at this time regarding industrial park property.

**COMMUNICATION:**

Distributed May 4, 2015 staff minutes.

**APPROVE PAYMENT OF BILLS:**

Moved by Jaeckels, seconded by Johnson to pay the bills. Roll call vote.

Gruett – yes	Bangart – yes	Bosshardt – yes	Thornber – yes
Jaeckels – yes	Schmitzer – absent	Hilton – yes	Johnson – yes

Seven votes cast. Seven votes aye. Motion carried. Voucher No. 77060 through Voucher No. 77113 or accounts payable and payrolls totaling \$116,007.80.

**ADJOURNMENT:**

Moved by Jaeckels, seconded by Johnson and carried to adjourn at 7:34 p.m. on May 19, 2015.

Helen Schmidlkofer, MMC  
City Clerk