

Chilton, Wisconsin
May 21, 2019

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 5/17/19, 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 seven members of the Council were present at roll call:

Council Member Clayton Thornber	Council Member Ron Gruett
Council Member Andrew Deehr	Council Member Mike Goebel
Council Member Tom Reinl	Council Member Kathy Schmitzer
Council Member Mark Willems	

Other city officials present were Library Director Glenn Whitcomb, Library Director Assistant I Rebecca Barry, City Attorney Derek McDermott, Director of Public Works Todd Schwarz and City Clerk Helen Schmidkofer.

Absent and excused Council Member Dan Hilton and Police Chief Craig Plehn.

General attendance: Delta Publications Mike Mathes, Brady Feider, Bill Hostettler, Tom Austin, Karen Schwarz, Greg Kubichka and Dalton Payne.

Those in attendance recited the Pledge of Allegiance.

Moved by Gruett, seconded by Willems and carried to approve the minutes of the council meeting held on May 7, 2019.

REPORT OF OFFICERS:

MAYOR:

- May 8th I attended the Arbor Day event.
- May 8th I attended the Calumet County Highway Committee meeting. The county did set some parameters as how to move forward with the City of Chilton. I followed up with that on May 16th when DPW Schwarz and I met with Calumet County Administrator Romenesko and Hwy Commissioner Glaeser. To lay out what the city is looking at and how this will be reviewed at the June highway committee meeting. The county will come back with a decision sometime in June.

LIBRARY DIRECTOR:

- The library received a grant from Chilton Area Community Foundation to create a dementia-friendly library. The library will be building several Reminisce Kits to use for programming, patron checkouts and will train staff in Purple Angel certification to be better equipped to offer hospitality and support to those with dementia, and make additional changes so that those with dementia and their caregivers can find information better.
- Summer Reading program information will be in the annual newsletter, which is being mailed the first week of June.

Whitcomb and Barry provided an informational tour of the library for those in attendance. Council members complimented both Whitcomb and Barry for doing a great job.

DIRECTOR OF PUBLIC WORKS:

- Street Department has been busy mowing grass in all the parks. Once again, I would like to share that it is illegal to blow grass onto city streets per Municipal Code Chapter 7. We are still having a lot of residents blowing grass onto the street.
- Arbor Day celebration was held May 8 at Hobart Park with dedication to the Knaus Family. The public school did not attend due to pending rain showers however Chilton Area Catholic School students attended.

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- The City assisted Calumet County with the electronic drop-off on May 15 from 1 – 5 PM and on May 17 with the hazardous waste drop off from 9 – 11 AM. Both events were held at the Street Department shop.
- May 23 – The City hosted the annual Recycling Awareness trip.
- BIDS for the 2019 street projects are going out. The city portion of the project is the intersection of Calumet/Chestnut, Walnut and Calumet Streets. TIF #7-highway access and TIF #6 - Dairyland Estates curb and gutter along with the basecoat of blacktop.
- I attended a meeting with Calumet County Economic Development Director Kohrell. The county closed out their revolving loan funds and now the county can apply for grants along with interested municipalities to acquire economic funds. This program will be reviewed at a General gov't committee meeting.

CITY CLERK:

- ↻ The City received the 2019 Recycling Grant Award of \$22,847.38 and Recycling Consolidation Grant Award of \$990.72. (Estimated 2019 budget was \$26,000.00.)
- ↻ Last Friday the City received a letter from Robert Cullen Jr. addressing street dance concerns. The letter does address concerns that were brought up at the last council meeting.
- ↻ The 2019 Bulky item costs are \$15,611.80 (2019 budget amount \$15,000.00 (short \$611.80.) the 2017 bulky item total cost was \$10,544.69. This will be reviewed at a Public Works committee meeting.
- ↻ Chilton Chamber of Commerce shared an informational flyer regarding the mural project at 40 West Main Street.
- ↻ Chilton Stanton Inn received the 2019 Champion Customer Care Award. The hotel was one of 2,100 properties in the U.S. and Canada to receive the designation.
- ↻ Reminder for future meeting dates and times.

MOVED TO NEW BUSINESS:

Delightfully Calumet president Greg Kubichka requested the City of Chilton's support for the 2019 light show which will be held in December every Friday, Saturday and Sunday nights from 5 PM to 9 PM. This group is comprised of 11 clubs and organizations within the county and last year the group set up 120,000 lights and raised over \$11,000.00 and collected 2,953 pounds of food that was donated to 4 food pantries that serve the county.

The group is requesting the following:

1. Hobart Park usage from November 1, 2019 to December 31, 2019. This would include closing the park to avoid any vandalism.
2. Allow for setting up of snow fence to block park access and waive the variance to close the road.
3. City to pay electrical costs not to exceed \$150.00.
4. Usage of Hobart park pavilion, band shell & concession stand for electrical hook-up.
5. Plow and salt the driving paths.
6. Allow informational signs at Hobart & Klinkner Parks and at Hillside Cemetery from September 1, 2019 to December 31, 2019.

Moved by Willems, seconded by Goebel to approve the six items requested for Delightfully Calumet. Motion carried.

Gruett said, "I would like to thank Greg for his time and dedication because without this, the event would not happen."

MOVED BACK TO AUDIENCE PARTICIPATION:

No comments were received.

REPORT OF COMMITTEES:

Mayor Jaeckels presented the May 8, 2019 Plan Commission minutes.

Jaeckels reported that Bradley Hintze appeared before the Commission to request to rezone his property at the corner of Breed and Reed (Tax ID# 16680) from R-3 (Multi-

Family Residential) to PUD (Planned Unit Development) to accommodate a proposed development plan. Hintze's proposed site plan consists of townhouses that are individualized units consisting of two – six unit complexes and one – two unit complex. The six-unit complex would share a driveway off Robin Avenue and would face each other running north and south on the property. The two-unit complex is a smaller duplex that would have a driveway off Reed Street. One of the two units would be for the manager. Floor plans indicated each townhouse would have two bedrooms, two baths, a deck, a washer and dryer, and a one car garage with room for a second car behind the first car. A privacy fence would be installed on the south and east side of the property.

The Commission did approve the PUD Site Plan and recommended that the Council grant the rezoning request from R-3 to PUD for Tax ID # 16680.

Moved by Reinl, seconded by Thornber to confirm the June 18, 2019 public hearing at 6:45 PM to rezone Tax ID # 16680 from R-3 to PUD. Motion carried.

Jaeckels stated the Plan Commission reviewed a conditional use request for a home occupation at 510 Memorial Drive.

Mayor Jaeckels requested Karen Schwarz to come forward and define her request. Karen said, "I am a certified natural health healer. I am requesting to operate a consulting business for alternative (naturopathic) healing via an assessment of the body that reveals where there is energetic weakness. The client appointments average 1 to 2 ½ hours and one client is at my home at a time."

Jaeckels noted the Plan Commission did recommend approval of the conditional use for a home occupation at 510 Memorial Drive.

Moved by Willems, seconded by Schmitzer to approve the conditional use at 510 Memorial Drive for home occupation of a certified natural health healer. Motion carried.

K. Schwarz exited the library meeting room at 7:05 PM.

Mayor Jaeckels stated the Commission continued their discussion regarding the conditional use request from William and Darlene Hostettler for a junk or salvage yard to receive, store and transfer shipping containers at 442 Clay Street. The minutes reflect the list of conditions that the Plan Commission recommended as follows:

1. All containers must have doors and be keyed or combination locked at all times when staff is not on site or site must have security fencing and a locked gate.
2. All containers must be empty, no storage.
3. Property is to have maintained landscaping and not allow overgrowth of weeds, grass and other growing subjects.
4. Containers may not be stacked more than two (2) high. Stacked containers must be pinned or bolted together.
5. Containers must be stacked on a proper load-bearing base.
6. Containers are to be placed with a minimum 12-foot setback from side and back property lines and 15 foot from front property line.
7. No outside work to be allowed (including but not exclusive of the following: sand-blasting, welding, cutting, altering, painting or refurbishing). Outside for the purpose of this conditional use permit means outside of a proper commercial/industrial approved building structure and does not refer to the containers themselves.
8. Annual review with the Plan Commission.

Moved by Reinl, seconded by Gruett to approve the conditional use request for a junk or salvage yard at 442 Clay Street with the eight conditions as noted above.

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Hostettler asked if the stacking and pinning could be eliminated. It is difficult to pin and pull the device to lock it. Hostettler then shared photos that illustrated other stacking methods and noted the pinning mechanism is outdated. If the containers are stacked, 2 to 3 high we would like to strike the pinning.

Austin and Hostettler both reviewed their viewpoints with the council members highlighting several times the weight of the containers, stacking two to three high and sharing various photos of stacking methods.

Moved by Reinl, seconded by Gruett to withdraw their motion to approve the conditional use at 442 Clay Street.

Reinl asked, "Mayor what is the purpose of the Plan Commission?" No response.

DPW Schwarz replied, "Due diligence to do their work and make recommendations to the city council." Reinl made a recommendation to send it back to the Plan Commission to come up with new recommendations. DPW Schwarz said, "As a member of the Plan Commission I would be satisfied with the containers stacked two high. If the shipping containers were used as an accessory building then they would have to follow code and be anchored down to withstand 90 mph wind."

Jaeckels agreed there was no reason to take back to the Plan Commission if we keep it at two high and take out the pinning.

Moved by Reinl, seconded by Gruett and carried to approve the conditional use for a junk/salvage yard at 442 Clay Street with the following conditions:

1. All containers must have doors and be keyed or combination locked at all times when staff is not on site or site must have security fencing and a locked gate.
2. All containers must be empty, no storage.
3. Property is to have maintained landscaping and not allow overgrowth of weeds, grass and other growing subjects.
4. Containers may not be stacked more than two (2) high.
5. Containers must be stacked on a proper load-bearing base.
6. Containers must be placed with a minimum 12-foot setback from side and back property lines and 15-foot from front property line.
7. No outside work to be allowed. Including but not exclusive of the following: sand-blasting, welding, cutting, altering, painting or refurbishing. Outside for the purpose of this conditional use permit means outside of a proper commercial/industrial approved building structure and does not refer to the containers themselves.
8. Annual review with the Plan Commission.

Kubichka exited the library meeting room at 7:18 PM.

The Commission then reviewed the potential for future rezoning of a parcel in TIF #6 and then established their goals.

Hostettler and Austin exited the library meeting room at 7:20 PM.

Mayor Jaeckels reported the 2019 Board of Review was held on April 29, 2019. At the meeting, Clerk Schmidlkofer verified that members of the Board did take the required oath of office and that the city did adopt an ordinance to address confidentiality of income and expense information as well as an adopted policy regarding sworn telephone and written testimony. The board did have one property owner attend to contest their assessment value. Wal-Mart did request an adjustment to their property. This relates back

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to the “Big Box Retailers.” The 2019 value was changed to \$50.00/sq. foot and statewide Wal-Mart Stores price per square footage is \$32 to \$42.

Feider exited the library meeting room at 7:25 PM.

The council members reviewed the May 13, 2019 Library Board minutes.

The council members reviewed the May 15, 2019 First Responder Ad-hoc minutes. Reinl shared that the committee plans to have an informational meeting for the public.

Payne exited the library meeting room at 7:30 PM.

UNFINISHED BUSINESS:

DPW Schwarz said there is a need for an additional employee in the Public Works Department to assist wastewater, water and street. The majority of the employee’s time would be spent in sewer and water with some duties in street including snow plowing. The utilities would fund 90% of the wages and benefits and 10% would be from the city budget.

Moved by Reinl, seconded by Gruett to hire a utility laborer with benefits and wages as defined in Resolution No. 1780. Roll call vote.

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

Seven votes cast. Seven votes aye. Motion carried

DPW Schwarz said per ordinance, the shipping container located at 711 S. State Street is not permitted. A registered letter was sent to the property owner and since has been removed. I requested this issue be on the agenda to address what action would be required and how the ordinance would have been enforced if the property owner had not complied. No action is required at this time.

NEW BUSINESS:

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

DPW Schwarz presented two quotes for the annual sidewalk replacement. Jaeckels asked if we usually receive more than one quote. Schwarz replied, Fischer has provided the only quote for 22 years. Quotes are Jim Fischer Inc. for \$12,450.00 and G. J. Grube Construction Co. Inc. for \$12,360.00.

Moved by Thornber, seconded by Goebel to accept the quote from Jim Fischer Inc. for sidewalk replacement for Ward 5.

Thornber said, “I recognize that Fischer is \$90.00 more than Grube but for years and years we have had satisfactory work and if there is curb and gutter needed he is half the price as Grube.”

Gruett said, “I would like to point out that Grube is a local person from Chilton. That sways my vote.”

Mayor Jaeckels called for a roll call vote.

Gruett – nay	Willems – yes	Reinl – yes	Thornber – yes
Schmitzer – yes	Hilton – absent	Goebel – yes	Deehr - yes

Seven votes cast. Six votes aye. (Gruett-nay) Motion carried.

Clerk Schmidlkofer said at the February 28, 2019 General Government committee meeting an extensive discussion took place regarding whether meal reimbursement is taxable or non-taxable to the employee. Recommendation was to create an accountable reimbursement plan in resolution format. Schmitzer questioned why the dollar value for

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meals was included in the resolution presented tonight. Schmidlkofer suggested that instead of a dollar value reference would be made to the personnel policy instead.

Moved by Thornber, seconded by Schmitzer to introduce, adopt and waive the reading of Resolution No. 1785, a resolution pertaining to reimbursement for business related expenses for city employees. Roll call vote.

Gruett – yes	Willems – yes	Reinl – yes	Thornber – yes
Schmitzer – yes	Hilton – absent	Goebel – yes	Deehr – yes

Seven votes cast. Seven votes aye. Motion carried.

DPW Schwarz informed the council that the new owners of 516 W. Breed Street would like to hook up to city water and sewer services. The present sewer and watermain terminate at a point in Breed Street east of the easterly property line of 516 Breed Street. An agreement between the City of Chilton and the owners defines future service and assessments for sanitary sewer and watermain.

Moved by Thornber, seconded by Schmitzer to accept the agreement between the City of Chilton and Robert Rahmlow and Gail Bailey owners of 516 W. Breed Street regarding sanitary sewer and watermain hook-up and assessments. Motion carried.

Moved by Willems, seconded by Goebel to appoint Dexter Sattler as the citizen member and Rick Jaeckels as the city member for the 2019 Joint Review Board. Motion carried.

CLOSED SESSION:

Moved by Schmitzer, seconded by Willems to go into closed session at 7:40 PM under WI Statutes 19.85 (1) (e) to negotiate property purchase. Roll call vote.

Gruett – yes	Willems – yes	Reinl – yes	Thornber – yes
Schmitzer – yes	Hilton – absent	Goebel – yes	Deehr – yes

Seven votes cast. Seven votes aye. Motion carried.

Mathes, Whitcomb and Barry exited the library meeting room at 7:40 PM.

In closed session, council members discussed potential property purchase.

Moved by Willems, seconded by Reinl to return to open session at 7:44 PM.

Roll call vote.

Gruett – yes	Willems – yes	Reinl – yes	Thornber – yes
Schmitzer – yes	Hilton – absent	Goebel – yes	Deehr – yes

Seven votes cast. Seven votes aye. Motion carried.

Moved by Reinl, seconded by Schmitzer to approve the real estate acquisition agreement between the City of Chilton and RLTC, LLC for the city to purchase 1.75 acres in the Industrial Park for \$10,500.00. Roll call vote.

Gruett – yes	Willems – yes	Reinl – yes	Thornber – yes
Schmitzer – yes	Hilton – absent	Goebel – yes	Deehr – yes

Seven votes cast. Seven votes aye. Motion carried.

APPROVE PAYMENT OF BILLS:

Moved by Schmitzer, seconded by Reinl to pay the bills. Voucher No. 83720 through Voucher No. 83763 or accounts payable and payrolls totaling \$96,013.99. Roll call vote.

Gruett – yes	Willems – yes	Reinl – yes	Thornber – yes
Schmitzer – yes	Hilton – absent	Goebel – yes	Deehr – yes

Seven votes cast. Seven votes aye. Motion carried.

ADJOURNMENT:

Moved by Schmitzer, seconded by Reinl to adjourn at 7:50 p.m. on May 21, 2019.

Thornber said, “Before we adjourn, did everyone read the letter from Bob Cullen. What is he referring to, that we are going to add that all special events that serve beer need wrist bands?”

Jaeckels replied, "I would have to look." Thornber then read that section of the letter. "Does this have to do with the cancellation of the street dance?" Jaeckels responded, "yes." Thornber then asked, "Is he right? Are we singling out the Chamber for the street dance?"

Reinl stated he brought this up at the last meeting and no one said a word. Thornber said, "I am looking for information not action."

Questions from council members indicated whether this should be on the next council agenda or a committee meeting.

Mayor Jaeckels said, "This will go to committee. There was miscommunication between Cullen and the City and that the city would set policy regarding this. I should have said to Mr. Cullen that we would review city policy. It is not in his letter but at the end of the information I sent him via text. I also said, "The City's main concern is always in making sure that events are safe, orderly and have good results. But he never put it in there."

DPW Schwarz said, "If I could make a comment I will tell you because I was involved with the whole thing. What they (Chamber) do is fill out a diverted use permit that is signed by myself and the chief of police. From what I understand there were conditions put on that they had to wear wrist bands and put up fence which is not at any other place that alcohol is served. That is the problem."

Jaeckels responded, "I can not speak for Craig. I can just tell you what he told me. Craig had an initial conversation with Tammy Pethan from the Chamber. He asked how they were keeping this in order, so they know who is being served. Are they putting up fencing? At the very least, you would have to have wrist banding. There were other concerns in regards to not needing port a potties, which we really never got around to but in his letter he addresses it. He says not needing port-a-potties. Well you just can't assume that you can have multiple hundreds of people and all be using a bar restroom. Craig didn't want to approve it because he said it is right across from Uptown Commons. This is going to go late in the evening and he didn't feel that he should be the one to approve it. He left it that we were going to have further discussions."

Schwarz said, "I thought it was signed." Jaeckels said he never signed it. Schwarz said, "A diverted use was signed. I know I signed it because they came and said they couldn't use the State Bank lot because they had to upgrade the electric."

Jaeckels said, "Craig did not sign it because he said he would want council input or somebody else's input for further discussion."

Willems said, "I would like to see this on the agenda for the next meeting because after the last meeting I called Bob the next day to see what was going on. I don't want to start trouble but it sounds like we are treating him up here verses everybody else down here that doesn't have to do these things. I know this is something we don't want to get into tonight but we didn't make the Fire Dept. put up fences. Good Shepherd or the VFW didn't put fences up either. What you do for one, you do for all. The other problem I have again, here is where I go to the point that I don't want to cause trouble but if Craig is making these decisions on his own we are the ones with the voting power, we are elected. He should take it to committee. Remember Cullen wasn't going to allow the mural on the building at 40 West."

Jaeckels said, "That is why Craig said he was not signing without any input. Cullen cancelled it before I even talked to him."

Reinl noted that he spoke to Cullen regarding the mural project, which resulted in the project to be finished.

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Willems said, "Go ahead this year have the event and don't put any special stipulations on it."

Jaeckels replied, "I would not be in favor of having it in the city owned parking lot. I think there are other concerns and not just Uptown Commons."

Schmitzer said, "No, because for me it is a liability issue if we can't get wrist bands enacted. Right now we make residents clear their own sidewalk and I don't care if people have snow on their sidewalk. What I care about is city liability. If someone slips and falls on city sidewalk the city could potentially be held liable for that situation. So unless we can identify minors and keep them from drinking on city owned property I am afraid liability would be incurred as a result."

Several council members commented how do you keep this from happening at the firemen's brat fry, Crafty Apple fest, etc. At the last council meeting Mayor Jaeckels said that the city would need to create a policy but there already is a diverted use policy for special events. Consensus was that the policy needs to be reviewed. It is too late to change the Chamber street dance this year due to the fact that advertising is done.

Mayor Jaeckels called for a voice vote to adjourn. Motion carried.

Helen Schmidlkofer, MMC
City Clerk