

Chilton, Wisconsin  
September 17, 2013

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 9/13/13, 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 Linda Bangart                      Council Member Richard Bosshardt  
 Council Member Rick Jaeckels                      Council Member Dan Hilton  
 Council Member Kathy Schmitzer                      Council Member Ron Gruett  
 Council Member Kevin Johnson

Other city officials present were Director of Public Works Todd Schwarz, City Attorney Derek McDermott, and City Clerk Helen Schmidlkofer.  
 Absent Council Member Clayton Thornber.

General attendance: Amy Vaclavik, McMahon Engineers, Faye Burg, Delta Publications, and Andrew Kruse-Ross, Times-Journal.

Those in attendance recited the Pledge of Allegiance.

**UNFINISHED BUSINESS:**

Mayor Vanne requested permission from the council to have Amy Vaclavik provide McMahon’s proposal for professional engineering services at this time.

Vaclavik provided approximate costs provided by a contractor for the construction of a pumphouse. She stated that these are not final costs and that the project would be publically bid. These costs can be used by the City for planning.

Earthwork and exterior improvements	\$30,000.00
Asphalt and fencing	\$16,000.00
Block and labor	\$30,000.00
Carpentry	\$11,000.00
Thermo	\$ 9,000.00
Painting	\$ 3,300.00
General contingencies	<u>\$51,000.00</u>
Total Costs	\$150,300.00

At the last council meeting, there were some concerns on the cost to construct a pumphouse and Vaclavik was pleased to provide additional information regarding this part of the project.

Vaclavik further informed the council a test well was successfully drilled on the proposed well site on Bancroft Road. The City intends to apply to the WI Department of Natural Resources for a Safe Drinking Water (SDW) Program for a low interest loan for funding this project. Funding is distributed on a priority ranking and therefore, it is not certain that the City will obtain a SDW loan for the project. To meet the SDW deadline, the project including the well, pump house and transmission main would be designed by June 30, 2014. Well #11 would be constructed in late 2014 and the pump house and transmission main project in 2015.

The scope of services identified for the design phase compensation is:

Site topographic survey, including water main route	\$ 4,200.00
Public Services Commission (PSC) approval, DNR engineering report and Well #11 design	\$ 6,900.00
Transmission main design	\$11,750.00

## Minutes of Council Meeting 9/17/13

Pumphouse and pumping equipment, sanitary survey	
Deficiencies at Well #8 pumphouse	<u>\$19,000.00</u>
Total compensation	\$41,850.00

Moved by Johnson, seconded by Bosshardt to approve the professional engineering services of \$41,850.00 from McMahon for design phase of Well #11. Roll call vote.

Gruett – yes                      Bangart – yes                      Bosshardt – yes                      Thornber – absent  
 Jaeckels – yes                      Schmitzer – yes                      Hilton – yes                      Johnson - yes  
 Seven votes cast. Seven votes aye. Motion carried.

**MOVED BACK TO APPROVAL OF MINUTES:**

Moved by Hilton, seconded by Schmitzer and carried to approve the minutes of the council meeting held on 8/20/2013.

**OFFICERS' REPORT:****MAYOR REPORT:**

- Reviewed potential financing options with former Development Director Reilly regarding Chilton Uptown Commons Phase II project.
- Vanne expressed disappointment with the Library Board's recent decision to approve a 33% increase in compensation for the director. In 2010 the director was hired with a compensation of \$30,000/yr. and offered health insurance with the city paying 80%, employee 20%; budget money saved on health insurance was provided in wages in 2012 for wage of \$42,986.68 and opt out of insurance benefit of \$3,000/yr. For 2014, the board approved a wage of \$40,000 and health insurance benefits of city 90%, employee 10%. The City needs to be accountable for *all* the departments within the city and I understand the library board's authority in relation to the city council.
- The Employee Recognition Luncheon was held last week Thursday acknowledging the following employees for their years of dedicated service:
  - Michael Young – 5 years
  - Judy Thiel – 10 years
  - Chris Marx – 15 years
  - Larry Seipel – 25 years

**CITY CLERK REPORT:**

- ↻ 2014 Recycling Grant for the City has been filed to meet the September 30<sup>th</sup> deadline
- ↻ Future committee meetings are referenced on the clerk's memo
- ↻ Flyer announcing visit by Senator Leibham on 9/25/13 at the library
- ↻ Deputy City Clerk L. Meyer reported on the WI Municipal Clerk's Conference
- ↻ Deputy Meyer and Clerk Schmidlkofer provided a report on the MTAW District mtg.
- ↻ Recreation Department Updates:
  - Baseball and Softball – pending reports, equipment and uniform verification
  - 2013 Post Season minutes are provided for the Softball and baseball programs
  - First session of flag football was held this past Saturday
  - Working with Appleton Soccer Club regarding 2014 soccer season

**APPROVE FINANCIAL REPORT:**

Moved by Hilton, seconded by Bangart and carried to approve the September 1, 2013 financial report.

**APPROVE OPERATOR LICENSES:**

Moved by Jaeckels, seconded by Bangart and carried to approve the two-year license applications to serve fermented malt beverages, and intoxicating liquors from September 17, 2013 to June 30, 2014 for Nicole M. Schneider, Jill E. Bailey and Timothy R. Sauve. Clerk Schmidlkofer noted the applicants have been approved by the Chilton Police Department.

**APPROVE LIQUOR LICENSES:**

Motion by Hilton, seconded by Bangart to approve Class "B" Picnic License for Art Attack! on October 12, 2013, Jill Bailey, Agent. Motion carried.

**DIRECTOR OF PUBLIC WORKS REPORT:**

- ↻ Department of Transportation informational meeting is scheduled for tomorrow night from 5 to 7 PM regarding E. Chestnut Street (WIS 151) construction project
- ↻ 2013 street projects – rework completed on curb, project is almost complete
- ↻ Focus on Energy Projects – pending delivery of street lights and river walk lights
- ↻ Hobart Park baseball diamond project – work will start next week; materials have been delivered
- ↻ Lighting project at cemetery – meter has been installed
- ↻ Patching areas on various streets
- ↻ Completing minor sidewalk repairs
- ↻ Riverside Park shelter project – shelter should be delivered the week of 10/14

**AUDIENCE PARTICIPATION:** No comments were received from the public.

**REPORT OF COMMITTEES:**

Council members reviewed the September 11, 2013 Library board minutes.

Schmidlkofer presented the Eastshore Recycling Commission August 27, 2013 minutes. The commission conducted annual elections and endorsed the annual recycling consolidation grant application.

Moved by Schmitzer, seconded by Hilton to introduce, adopt and waive the second reading of Resolution No. 1657, a resolution to support consolidation recycling efficiency grant. Roll call vote.

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

Seven votes cast. Seven votes aye. Motion carried.

Chairman Jaeckels presented the minutes from the August 27, 2013 General Government committee meeting.

Clerk Schmidlkofer presented updates to Chapter 32 of the City of Chilton Personnel Policy regarding nepotism to include domestic partner. Schmidlkofer consulted with the League of Municipalities and the City Attorney regarding the revisions as noted in resolution No. 1659.

Moved by Jaeckels, seconded by Schmitzer to introduce, adopt and waive the second reading of Resolution No. 1659, a resolution to amend chapter 32 of the Personnel Policy. Roll call vote.

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

Seven votes cast. Seven votes aye. Motion carried.

Clerk Schmidlkofer informed the council that the City does not have a policy for all city employees regarding a substance abuse policy. March of 1996 the City adopted a Drug and Alcohol Testing Policy to comply with the Omnibus Transportation Employee Testing Act of 1991. The policy required alcohol and controlled substance testing of drivers (city employees) who are required to have a commercial driver's license (CDL).

City employees that are not required to hold a CDL as part of their job requirement are not covered by the Drug and Alcohol Testing Policy in addition Chapter 35 of the City's Personnel Policy relating to prohibition of alcohol and drug use does not state testing would be required in the event of any work-related accident or injury.

Conversation took place at committee level that included current Union Contract for Department of Public Works employees, Personnel Policy-Chapter 35 and Wisconsin

## Minutes of Council Meeting 9/17/13

Commercial Driver's License guidelines. Consensus was to consolidate policies instead of creating more policies. Chapter 35 was revised to include excerpts from the non-DOT policy. Attorney McDermott did review and assist with recommended changes as presented in resolution format.

Moved by Jaeckels, seconded by Bangart to introduce, adopt and waive the second reading of Resolution No. 1660, amending Chapter 35 of the Personnel Policy.

Roll call vote.

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

Seven votes cast. Seven votes aye. Motion carried.

Clerk Schmidlkofer provided the committee with a resource article from Schenck (the audit firm for the City of Chilton) regarding Wisconsin employers must document hours worked for all employees. Hourly employees are required to record days and hours they work for payroll purposes. There are two reasons that employers must do this:

1. It is the law in the state of Wisconsin, employers must keep time and payroll records for all employees.
2. Provisions in health care reform law require employers to perform various computations using actual hours for both hourly and salaried employees.

In addition, a follow-up article explained the state requirements in detail and referenced a 5-page fact sheet from the Department of Workforce Development. A copy of a time sheet currently used by most of the office employees was provided for the committee to review and endorse as this time sheet meets the requirements to document hours worked per day and week as well as the time-in and time-out requirement.

Following a brief discussion moved by Jaeckels, seconded by Hilton and carried to require all city employees to keep time and payroll records; this includes employees paid on a salary basis. The required records must include the time in and the time out on a daily basis, the total number of hours worked per day and per week, and the time in and out for meal periods. Motion carried.

Schmidlkofer shared with the council as part of Health Care Reform, health insurance companies must now use a minimum percentage of their premium revenue for medical care and health care quality improvement. Those that do not meet this percentage, or medical loss ratio (MLR), must provide rebates. While self-insured employers will not receive rebates, if you are covered under traditional insurance you should watch closely, as you may receive one. If so, you are responsible for passing it along to your employees. The MLR requirements, enforced by the Department of Health and Human Services (HHS), first became effective for calendar year 2011. Rebates for 2012 are to be issued by August 1, 2013.

Furthermore, Schmidlkofer consulted with Horton Group (Employee Benefit Specialist) and WPS (current health insurance provider) regarding the premium rebates and both concurred that WPS will not be providing rebates under MLR rules for the City's group. In addition, the rebates are not standard/carrier by carrier. They are by book of business and divided by small and large group. The large national carriers (Like UHC and Humana) have a lot more markets than WPS (which is mainly WI based) so there is more room for premium uploading and therefore the need to rebate.

Schmidlkofer stated no action is required this was provided for informational purposes only.

Jaeckels shared the 2014 budget preparation outline; department heads are currently preparing preliminary budgets and will be meeting with the respective committees for further review.

Schmidlkofer prepared auditing services annual expenditures from 1976 to present. The report also included the 2013 comparable from the surrounds cities as indicated below:

## Minutes of Council Meeting 9/17/13

New Holstein	\$23,000.00	excluding Fire Dept. and utilities	Baker Tilly	2 TIF Districts
Brillion	\$20,950.00	similar services	Schenck	3 TIF Districts
Kiel	\$31,900.00	includes electrical utility	Schenck	2 TIF Districts
Chilton	\$21,300.00		Schenck	3 TIF Districts

The committee agreed that the City of Chilton costs are very comparable. Schmidlkofer requested the council to recommend that current services by Schenck for the City are justifiable and therefore a need for drafting a request for proposal of services is not necessary. Reactions varied to the costs and no recommendation was made. Hearing this Schmidlkofer said a detailed breakdown of costs for utilities, tax incremental finance districts, Governmental Accountability Services Board (GASB) mandates will be presented at a future general government meeting for further review.

Mayor Vanne presented minutes from the September 11, 2013 Redevelopment Authority meeting.

Robert Cullen Jr. representing Central House, LLC submitted an application to rezone the property located at 321 E. Main Street from C-2 (Central Business) to R-MF-D (Multi-Family Residential - Downtown). Cullen is planning to develop a three story, twelve-unit upscale apartment complex and a twelve-car garage on the west side of the parking lot. Cullen did contact the state historical society regarding this building and he plans to retain the outside of the building. Recommendation was given to the Plan Commission to change the zoning for the Central House, LLC located at 321 E. Main Street from C-2 to R-MF-D as requested.

Bill Engler was elected for another one term as chairperson and Dexter Sattler was elected as vice-chairperson. Appointments for a one-year term on the Revolving Loan Fund committee are Ton Reinl, Glen Calnin and Diane Thorson.

Authority members were updated on:

- The procedure regarding Economic Development and CDBG loans regarding future advance clauses in first mortgages.
- Fox Cities Regional Partnership membership
- Horizon Development Group Inc. regarding Phase II of Uptown Commons
- Balance of RDA funds

Mayor Vanne presented the minutes of the September 11, 2013 Plan Commission meeting.

Robert Cullen Jr. submitted an application for rezoning on behalf of Central House, LLC for the property located at 321 E. Main Street. The request is to rezone the property from C-2 (Central Business) to R-MF-D (Multi-Family Residential - Downtown) to develop a three story, twelve-unit apartment complex. Property owners within 200 ft. of 321 E. Main Street were notified and no objections to the proposed apartment building were received. Cullen said the building would be renovated into upscale apartments at an estimated cost of \$300,000. He is also considering building a twelve-car garage on the west side of the parking lot. Eighteen parking stalls are required for this proposed project. Cullen is not changing the outside appearance of the building.

DPW Schwarz said that the proposed apartment building plan does fit into the City's Downtown Master Plan, which states that the downtown should offer higher quality housing of various types. Cullen will have to follow all state and municipal codes.

The Commission did recommend that the Common Council set a public hearing and grant the rezone from C-2 (Central Business) to R-MF-D (Multi-Family Residential-Downtown) for the property at 321 E. Main Street.

Moved by Johnson, seconded by Hilton and carried to set a public hearing to rezone the property at 321 E. Main Street for October 15, 2013 at 6:45 PM.

## Minutes of Council Meeting 9/17/13

Stacy Woelfel submitted an application for a conditional use permit on behalf of MasterPlan Holdings LLC to operate above ground liquid storage tanks in excess of 270 gallons on the property at 603 E. Main Street. Dennis Woelfel of Midstate Parking Lot Maintenance occupies the property. Currently there are two empty storage tanks on the property. The request is to fill one tank with gas and the other with diesel fuel. In addition, the applicant requests to place a 500 or 1,000 gallon propane re-fueling station on the property to allow Midstate to fill their own equipment on-site.

DPW Schwarz stated there are no issues with the conditional use permit request and has consulted with Fire Chief Halbach about the request.

Property owners within 200 ft. of 603 E. Main Street were notified of the conditional use permit request; however, no inquiries were received for or against the request.

The Commission did recommend granting of the conditional use permit for bulk liquid storage at 603 E. Main Street.

Moved by Gruett, seconded by Johnson to approve the conditional use permit at 603 E. Main Street to operate above ground liquid storage tanks; to fill the tanks, one with gas and the other with diesel fuel in addition to a 500 or 1,000-gallon propane re-fueling station. Motion carried.

The Plan Commission reviewed and recommended the approval of the Intergovernmental Agreement Extension and Renewal signed by representatives of the City of Chilton, Town of Charlestown and Town of Chilton.

Moved by Schmitzer, seconded by Bosshardt to approve the Intergovernmental Agreement as submitted. Motion carried.

**NEW BUSINESS:**

Moved by Hilton, seconded by Gruett to approve CDBG application No. 13-02 for a loan up to \$5,000.00 at 0% interest. Roll call vote.

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

Seven votes cast. Seven votes aye. Motion carried.

Moved by Schmitzer, seconded by Jaeckels to introduce, adopt and waive the second reading of Resolution No. 1658, a resolution to subordinate a Non-TID Revolving Loan. Roll call vote.

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

Seven votes cast. Seven votes aye. Motion carried.

Moved by Johnson, seconded by Bosshardt to go into closed session at 7:35 PM under WI State Statute 19.85(1) (c) to discuss hiring a public works laborer. Roll call vote.

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

Seven votes cast. Seven votes aye. Motion carried.

Reviewed application for public works laborer.

Moved by Hilton, seconded by Jaeckels to return to open session at 7:40 PM. Roll call vote.

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

Seven votes cast. Seven votes aye. Motion carried.

Moved by Gruett, seconded by Bosshardt to offer a public works laborer position to Randee Kalinka contingent upon passing all pre-employment testing with a compensation rate at the 24-month wage of \$19.50 per hour. This step up rate of pay has been approved

by the Union per DPW Schwarz and the normal wage schedule shall apply after this.  
Roll call vote.

Gruett – yes                      Bangart – yes                      Bosshardt – yes                      Thornber – absent  
Jaeckels – yes                      Schmitzer – yes                      Hilton – yes                      Johnson - yes  
Seven votes cast. Seven votes aye. Motion carried.

**COMMUNICATION:**

Distributed staff minutes from the August 19, 2013 meeting, Chilton Chamber of Commerce minutes of the June 5, 2013 meeting and the monthly building/plumbing report.

**APPROVE PAYMENT OF BILLS:**

Moved by Hilton, seconded by Johnson to pay the bills. Roll call vote.  
Gruett – yes                      Bangart – yes                      Bosshardt – yes                      Thornber – absent  
Jaeckels – yes                      Schmitzer – abstain                      Hilton – yes                      Johnson - yes  
Seven votes cast. Six votes aye. Schmitzer abstained. Motion carried. Voucher No. 73390 through Voucher No. 74052 or accounts payable and payrolls totaling \$205,397.67.

**ADJOURNMENT:**

Moved by Hilton, seconded by Schmitzer and carried to adjourn at 7:43 p.m. on September 17, 2013.

Helen Schmidlkofer, MMC  
City Clerk