

Chilton, Wisconsin
September 18, 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 9/14/18, 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.

COMMON COUNCIL ROLL CALL:

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

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

Other city officials present were Police Chief Craig Plehn, Fire Chief Ben Schoenborn, First Assistant Fire Chief Nathan Schneider, Director of Public Works Todd Schwarz, City Attorney Derek McDermott and City Clerk Helen Schmidlkofer.

Absent & excused council member Dan Hilton. Absent council member Mark Wiegert.

General attendance:

Faye Burg, Delta Publications, Tom Flemming, Steve Mueller and Rich Loose.

Those in attendance recited the Pledge of Allegiance.

Moved by Schmitzer, seconded by Gruett and carried to approve the minutes of the council meeting held on August 21, 2018.

Mayor Jaeckels presented a certificate of appreciation to Tom Flemming for his years of service on the Plan Commission since 1989 and Board of Review since 2003.

Flemming and Mueller exited the council chambers at 6:34 PM.

REPORT OF OFFICERS:

MAYOR:

- Mayor Reese of New Holstein sent a thank you letter for assistance provided after the recent storm.
- I have an article from the Milwaukee Journal Sentinel regarding the “Dark Store” if you would like to read. We are waiting to see if the state legislature will take this up again this year. The City does have a Wal-Mart and Walgreens however, they are not as aggressive as other municipalities. If the superstores get a lower tax break then that is passed onto the residents.
- Hickory Meadows Landfill is hosting an open house 10/4/2018 from 11 am to 2 pm.
- In observation of Labor Day, I sent a letter to local businesses that allow Chilton Fire Fighters the opportunity to leave work when a call comes in for the Department.

FIRE CHIEF:

- This is my first report since taking over in May of this year.
- The annual NFP testing is completed for hose and ladder.
- The number of Department calls per month are: May-14 calls, June-12 calls, July-8 calls, August-8 calls & September-3 calls.
- Working on standard operating procedures to meet the response policy.
- I have taken an oath of office as Fire Chief for the Towns of Chilton, Brothertown and Charlestown.
- The Department participated in a statewide disaster preparedness drill called Operation Dark Sky. Five counties were involved and over 30 fire departments. MABAS Wisconsin will be publishing a story on the training and once that is available, I will share with you.
- The Department has meetings twice a month as well as monthly Calumet County

Minutes of Council Meeting 9-18-2018

Dive Team training.

- Nathan Schneider was promoted to 1st Assistant Chief retroactive to June 1, 2018.
- The officers are the appointed members of the by-law committee for the Department and I advised them they would be the drivers of the department. We are reviewing the by-laws and making adjustments as we see fit to streamline things.
- About 50% of the Department rode in the fire trucks for the annual Father's Day parade. I appreciate the Department stepping up to participate in community events when asked to.
- Thermal imaging camera: a basic piece of lifesaving equipment failed on the Department. It was a battery issue and this took some time to resolve but we are all set now. This is a vital tool for finding victims in burning structures.
- Department purchased a new camera for fire investigations. The old one was not giving clarity especially in the event that we would have been called into court for litigation.
- Brandon Bratz installed pull chains for the fire doors in the event of a power outage so we could open the doors and get trucks out in case the generator was not working at the time.
- JAWS of Life Equipment failed in June. We talked about this at the committee meeting. The Department made an emergency purchase. Schneider then demonstrated the new JAWS equipment for the council members. The new battery operated unit is more efficient, less weight and not as bulky. The Department completed training for the JAWS equipment in August.
- Calumet County chiefs meeting – Sherriff Ott talked about getting involved in rescue task force, which will include police, fire and EMS for 8-hour training. The Department would add this service to what we provide now. When an active shooting occurs, a safety zone is established for the firefighter to go in and remove the injured. Those in the Department that are willing will take the training for this program.
- Completed repairs to Truck No. 105; there was an issue since March of 2018.
- Later this month is the annual Chilton School District homecoming parade. The Department will participate along with the Police Department.
- September 30, 2018 Captain Phil Anhalt is retiring after 32 years of service.
- Currently the Department has 36 firefighters and 2 members. Looking to add 5 to 7 firefighters.

DIRECTOR OF PUBLIC WORKS:

- Annual sidewalk repairs are completed in Ward 4.
- Working on the 2019 budget preparations.
- The north water tower project – two safe water samples were reported and tower is now back on line.
- MCC should be coming back into the City to complete work at the cemetery, river walk, patching on various streets and Tower View Drive.
- Still working with the Department of Transportation (DOT) regarding the access off Hwy 57. Attempting to acquire a temporary access to Tower View Drive and then BID out the road work next spring.
- Dairyland Estates – water main and services are all installed. Detention ponds are in however there were some problems due to the heavy rain.
- I did meet with the property owners on Walnut Street regarding the street. For now, the City will pull the old rails from the railroad and put in millings. We will re-evaluate the street next year. The street right-of-way does have a portion of a building and a loading dock on it.
- Council member Reinl had concerns regarding the dark material (black markings) on the pavement at various intersections. DPW Schwarz stated he contact the DOT a couple of weeks ago. The streets are black due to hauling black top. The plant is set up on Lime Kiln Road and they are working on Hwy 151 so that is the reason they are going thru the city.

CITY CLERK:

- ↻ Future committee meetings were reviewed.
- ↻ The annual DNR Recycling Grant has been submitted.

APPROVE FINANCIAL REPORT:

Moved by Thornber, seconded by Goebel and carried to accept the September 1, 2018 financial report as distributed.

APPROVE OPERATOR LICENSES:

Moved by Reinl, seconded by Goebel to approve the two-year license application to serve fermented malt beverages and intoxicating liquors from September 18, 2018 to June 30, 2020 for Michelle M. Ruebl. Clerk Schmidlkofer noted the applicant has been approved by the Chilton Police Department. Motion carried.

AUDIENCE PARTICIPATION:

Rich Loose – 611 S. Madison Street. “I received a written warning/violation notice for my camper that is parked in the back yard. I have tried several times to contact the police chief without any response. I pay taxes and am still waiting for direction, what I am supposed to do.”

Several discussions took place among the council members. After some time Mayor Jaeckels stated the ordinance dictates the requirements. Extensive dialogue continued. Jaeckels said we would take this back to plan commission. Thornber asked, “What do we tell Mr. Loose?”

DPW Schwarz spoke up and said that in order for Mr. Loose to be compliant he would need an impervious parking area.

NEW BUSINESS:

Clerk Schmidlkofer reported on the annual payment in lieu of taxes from the Chilton Housing Authority in the amount of \$10,398.86 compared to \$10,977.46 last year.

Moved by Willems, seconded by Goebel to accept the quote for snow and ice removal from Premier Property Management at a rate of \$80.00 per hour for snow removal and \$40.00 for salting sidewalks. Roll call vote.

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

Six votes cast. Six votes aye. Motion carried.

REPORT OF COMMITTEES:

Chairperson Gruett reported on the Public Safety committee meeting held on August 21, 2018.

The Fire Department had an audit completed in March by Fire Protection Coordinator Carl Fisque of the WI Department of Safety and Professional Service Division. The audit had two areas of concern. The 2% dues received from each township served needs to be distributed to the City of Chilton. There needs to be a clear and concise audit regarding the 2% dues receipts and expenditures. The second requirement is that fire inspections in the townships should be conducted as outlined by a township ordinance requiring a one-time inspection per year. Since the audit, the townships have reviewed and agreed to contract revisions regarding the 2% dues and have adopted an ordinance regarding fire inspections.

Moved by Gruett, seconded by Goebel to amend the Fire Service Contract regarding 2% fire dues effective 1-1-2019. Motion carried.

The Fire Department has an opportunity thru Frank’s Radio to receive a \$40.00 rebate per Minitor VI pager if 15 or more are ordered. The rebate is good until September 30, 2018 and Fire Chief Schoenborn noted he does have money in the 2018 budget under (52201-232) mechanical repairs. He would like to get this project off the Department’s list and start fresh in 2019. The committee reviewed a quote from Frank’s Radio for 25 Minitor VI pagers with a 3 year limited warranty for \$409.00 each and 2 Minitor VI Stored voice pagers at \$469.00 each for a total estimate of \$11,163.00.

Minutes of Council Meeting 9-18-2018

Moved by Gruett, seconded by Schmitzer to approve the purchase of 27 pagers from Frank's Radio for \$11,163.00 and use funds from account 52201-232. Frank's Radio will submit paperwork for the \$40.00 rebate per pager for the Department. Roll call vote.

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

Six votes cast. Six votes aye. Motion carried.

Moved by Gruett, seconded by Goebel to authorize disposal of the old pagers at the discretion of the Fire Chief. Motion carried.

Gruett explained the Fire Department reported earlier that they had to make an emergency purchase of JAWS equipment. The Department was forced to purchase new equipment through the Department's fund and they are looking for support in 2019 to budget 50% of the cost to go back to the Department. Chief Schoenborn will include \$14,000.00 in the 2019 budget under capital equipment. No action is required at this time.

Moved by Gruett, seconded by Thornber to authorize disposal of the old JAWS equipment at the discretion of the Fire Chief. Motion carried.

Gruett said the committee reviewed the Fire Department's offer for old truck 101 (1997 Saber) from the Friesland Fire Dept. for \$35,000.00. Friesland did hear about this thru a vendor and not the brokerage firm that was hired by the Fire Department. The truck is currently listed with Brindlee Mountain Fire Apparatus, LLC, a brokerage firm, for \$55,000.00 with a 10% commission fee deducted from the Fire Department proceeds. The truck is very functional and if we hold onto the truck, the City still has to insure, store and keep the NFA specs up to date. Gruett reminded the council that the Chief already has authorization to sell the truck. He would just like us to affirm that the Department can sell it at the lower price.

Moved by Willems, seconded by Goebel approve the sale of the 1997 Saber Fire Truck for \$35,000.00 "as is" to the Friesland Fire Department. Motion carried.

Pedestrian signs for Main/State, Diane/Calumet and Madison/Washington intersections will be reviewed later on the agenda.

Moved by Gruett, seconded by Goebel to authorize \$29,571.00 for a 2019 Ford Police Interceptor Utility AWD if ordered by September 21, 2018 thru Ewald Automotive Group. Police Chief Plehn did confirm that the order could be placed in 2018 and paid for in 2019 with delivery in 14 - 16 weeks. This would replace the 2015 Dodge.

Roll call vote.

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

Six votes cast. Six votes aye. Motion carried.

Motion by Gruett, seconded by Willems to authorize the disposal of the 2015 Dodge Charger at the discretion of the Police Chief. Motion carried.

Loose exited the council chambers at 7:28 p.m.

Chairperson Thornber reported on the Public Works committee meeting held on September 10, 2018.

The committee reviewed the 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 position would be funded 90% by utilities and 10% budget. At the committee meeting Sewer Department Leadman Keuler reiterated the need for an additional employee because the Department of Natural Resources (DNR) has implemented more lab testing (i.e. biochemical oxygen demand, chloride, effluent, temperature, etc.) and

Minutes of Council Meeting 9-18-2018

paperwork as part of the permitting process and it is simply too complex to keep up with everything. Keuler cited that the DNR requirements require additional paperwork and time. The Department is required to over-see the following programs; grease trap, sand and gravel, cross connection, and collection system certification. Jetting sewers has become a two-person job due to safety reasons. The committee did endorse an additional employee due to safety and efficiency. DPW Schwarz requested that the council not take action on this tonight because he wants to make sure that the City can pay for the employee before approved.

Schoenborn and Schneider exited the council chambers at 7:28 PM.

The committee reviewed replacing the Water Department 2005 Chevy Van service vehicle because it is showing rust and has approximately 90,000 miles on it.

Motion by Willems, seconded by Schmitzer to accept the quote from Vande Hey Brantmeier for \$19,000.00 for a 2019 Chevrolet Express Cargo Van, which includes trade-in of the 2005 Water Department Chevy Van. Roll call vote.

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

Six votes cast. Six votes aye. Motion carried.

Thornber reminded the council that the City budgets every year for bulky item pick but holds the event every other year. Costs have continually increased over the years for the bulky item. In 2017, the cost for pick-up was \$10,544.51. At the committee meeting Schmidlkofer voiced concern that if the City intends to offer bulky item pick up in 2019 they should budget appropriately so it is not necessary to increase individual garbage and recycling container rates in 2019 to cover this service. It was recommended that \$10,000.00 be budgeted in 2019. The committee did review alternative ways of getting rid of unwanted items such as taking them to the Hickory Meadows landfill, putting them in your trash container, donating to St. Vinnie's or Shepherd's Attic, or utilizing Calumet County's electronic and hazardous waste events or East Shore Recycling Commission tire disposal. A possible drop-off site was discussed but these are costly to operate and must be manned. The intent for bulky item pick up is for households to put out a few items, not a ton of items. The problem is that there are no citations written if a property owner does not comply with the rules. It is too bad that the City offers the service but some residents abuse it. Thornber noted that he does have some ideas on how the City could continue to offer this service and he will work with the committee.

Motion by Willems seconded by Thornber to budget \$10,000.00 in the 2019 budget for a bulky item pick-up and then eliminating it. Motion carried. (Gruett – nay).

The City currently has a lease with Excel Net Inc. to operate wireless internet on the south water tower. Excel has requested to renew at a 2.5% increase per year over the next five-years.

Motion by Willems seconded by Thornber to renew the wireless lease agreement between the City of Chilton and Excel.Net Inc. with an annual increase of 2.5%. Motion carried.

The committee reviewed equipment purchases and street projects. No recommendations were made at this time but will be brought forward in the budget process.

River Meadows subdivision owners Randy and Connie Koehler are ready to develop Phase 2 of the First Addition in the subdivision which is in Tax Incremental District #6.

Motion by Willems seconded by Thornber to approve the proposal from McMahon Engineers for \$48,638.00 for Phase 2 (14 lots) in the First Addition to River Meadows subdivision for topographic and boundary survey, subdivision platting, wetland and infiltration study, engineering & stormwater design, bidding and construction services in Tax Incremental District #6. Roll call vote.

Minutes of Council Meeting 9-18-2018

Gruett –yes Willems – yes Reinl – yes Thornber – yes
 Schmitzer – yes Hilton – absent Wiegert – absent Goebel - yes
 Six votes cast. Six votes aye. Motion carried.

The committee agreed that the public is already aware of the unveiling of the north water tower with the Chilton and Bernzomatic logos. Thornber and the mayor will draft a letter of appreciation for the newspaper.

The City currently utilizes the services of the Calumet County Highway Department for conducting bridge inspections and occasional truck repairs. The County has asked the City to sign a contract to cover all maintenance services that are provided to the City by the Calumet County Highway Department instead of separate contracts for individual request.

Motion by Willems, seconded by Gruett to approve the contract between the City of Chilton and Calumet County Highway Department for maintenance services. Motion carried.

The committee reviewed no parking on Francis Street and questioned two-hour parking on Main Street. The committee recommended that an ordinance be drafted to amend parking on the east side of Francis Street and no action is required for two-hour parking on Main Street.

Chairperson Schmitzer reported on the General Government committee meeting held on September 11, 2018.

At the committee meeting McDermott reviewed the current hourly rate his firm is charging for legal services which is \$160.00 per hour and \$300.00 monthly retainer. The retainer covers routine calls and attendance at council meetings. The rates have not increased over the last four years. In comparison to other firms, McDermott stated they are very economical. Other firms invoice for paralegal services and they do not. McDermott said he wanted to review this in person versus just sending over an email.

Moved by Schmitzer, seconded by Willems to approve the legal service fees of \$400.00 monthly retainer with an hourly rate of \$190.00 for 2019. Motion carried.

Schmidlkofer reminded the council this would be part of the budget process.

Moved by Schmitzer, seconded by Willems and carried to establish the Halloween Trick or Treat hours for the next 3-years as follows:

- 2019 – Sunday, October 27th 3 PM to 5 PM
- 2020 – Saturday, October 31st 3 PM to 5 PM
- 2021 – Sunday, October 31st 3 PM to 5 PM

The Chilton Optimist Club, Friends of Library and Chilton Lions Club have been notified of the dates.

Accurate Appraisal provided the committee with four options for assessment services for the City.

- Option A – 3-year blend with a yearly cost of \$12,300.00 and total contract of \$36,900.00
- Option B – 4 year blend with a yearly cost of \$11,500.00 and total contract of \$46,000.00
- Option C – 5-year blend with a yearly cost of \$10,900.00 and total contract of \$54,500.00
- Option D – 3 years of full value with a yearly cost of \$14,200.00 and total contract of \$42,600.00

The blended option includes maintenance and a market revaluation with the cost spread over multiple years for a cost savings. Schmidlkofer said the City has a good working relationship with Accurate as well as Calumet County Treasurer's office and recommended that the City select Option C (4 years maintenance and one year of revaluation.) The City completed a revaluation in 2009 for a cost of \$59,500.00. Maintenance for 2010 to 2012 the cost was \$6,200.00 per year and \$6,300.00 per year from 2013 to 2018.

Minutes of Council Meeting 9-18-2018

Moved by Schmitzer, seconded by Reinl to approve Accurate Appraisal assessment services Option C a 5-year blend total contract of \$54,500.00 or annual cost of \$10,900.00. Roll call vote.

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

Six votes cast. Six votes aye. Motion carried.

The committee reviewed whether an administrative fee should be placed on invoices. The city has included an administrative since the 1950's however; there is not a written policy.

Moved by Schmitzer, seconded by Thornber that a written policy be established for an administrative fee of 25% on services provided by the City as a separate line item. Motion carried.

The committee reviewed a request from Calumet County who employs a health officer that addresses human health hazards in the county. Pursuant to WI Statute 254.59(2), the health officer is to immediately abate any human health hazard that has not been abated by the landowner or occupant within 30 days of receiving an order to abate. The cost of the abatement can be billed to the landowner or occupant of the property. If the landowner or occupant does not pay, this section allows the municipality to collect the cost of the abatement by placing the amount of the abatement on the tax roll as a special tax on that landowner's property taxes.

Moved by Willems, seconded by Reinl to approve the agreement between Calumet County and the City of Chilton for abatement of human health hazards. Motion carried.

The City of Chilton and James Spetta Estate received a notice from the WI Dept. of Natural Resources regarding contamination at the Spetta property/former City of Chilton landfill located at 1509 Lime Kiln Road, Town of Charlestown, Chilton, WI. The letter describes the responsibilities for both parties under WI Statute 292.11. Fehr Graham Engineering and Environmental are currently conducting a Phase II investigation report.

Schwarz presented a proposal from Fehr Graham for environmental investigation and potential remediation of the property at 1509 Lime Kiln Road for an estimated cost of \$13,610.00.

Moved by Willems, seconded by Reinl to enter into an agreement for professional services with Fehr Graham for environmental site investigation at the Spetta property/former City of Chilton landfill on 1509 Lime Kiln Road for an estimated cost of \$13,610.00, with cost sharing between the two responsible parties. Roll call vote.

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

Six votes cast. Six votes aye. Motion carried.

Mayor Jaeckels received a letter from James Barany a former Chilton resident who is currently a professor at Milwaukee Institute of Art and Design. He will be on sabbatical for the 2019-2020 school year and is trying to align special projects to focus on and he is suggesting a mural in the City of Chilton. Jaeckels said Barany is asking if the City of Chilton would approve of a mural and help facilitate the project. The fee is \$25.00 per square foot. Local businesses and grants or a Go Fund-Me account would help support the project. Barany has suggested the area on the corner of N. Madison and West Main Street around the parking lot between the Shepherds Attic, Upholstery Shop and West Main Professional building.

Consensus of the committee was that this is a great project however the City is unable to financially support and recommended that the mayor follow-up with the Chilton Chamber of Commerce and local businesses.

Schmitzer said this is for informational purposes and no action is required.

The September 10, 2018 Library Board minutes were distributed for review.

UNFINISHED BUSINESS:

Review Concerns at 26 W. Washington Street

Mayor Jaeckels and Chief Plehn physically viewed the property at 26 W. Washington Street after reviewing a letter from Building Inspector Paul Birschbach. On a later date Chief Plehn and Attorney McDermott viewed the property. McDermott said the property did not reveal that there are any rodents or varmints nor materials flying off from the roof. Although it may look bad, the City's ordinance is based on health and safety and that does not apply here. The City could look at ordinance revisions to inform residents what they need to do to their property. The League of WI Municipalities does have guidelines however; the league warns the more you tell people what to do with their property it is a slippery slope.

Gruett exited the council chambers at 8:07 p.m.

McDermott noted that he provided guidelines to Chief Plehn, DPW Schwarz and Mayor Jaeckels to review and see if a city committee should look at this further. No action is required.

Review Placement of Pedestrian Signs.

Mayor Jaeckels noted the council members had pictures of the intersections of Calumet/Diane, Washington/N. Madison and Main/State in their packets to reference for the meeting tonight. The question came up where the new pedestrian signs should be placed because only one set of signs will be installed at each intersection.

Mayor Jaeckels asked how many signs has the City received. DPW Schwarz replied, only three signs and an instruction booklet have arrived so far.

After substantial discussion regarding placement of the pedestrian signs, Jaeckels said Plehn and him decided on the following:

Calumet and Diane – west side of Diane Street

Washington and N. Madison – north side of Washington Street

Main and State Street – west side of Main Street

Mayor Jaeckels stated no action is required I just wanted to reaffirm placement of the signs.

COMMUNICATION:

Monthly building and plumbing report and the minutes from the September 5, 2018 City and County informational meeting were distributed.

APPROVE PAYMENT OF BILLS:

Moved by Thornber, seconded by Reinl to pay the bills. Voucher No. 82441 through Voucher No. 82570 or accounts payable and payrolls totaling \$1,161,851.98.

Roll call vote.

Gruett – absent Willems – yes Reinl – yes Thornber – yes

Schmitzer – abstain Hilton – absent Wiegert – absent Goebel - yes

Five votes cast. Four votes aye. (Schmitzer-abstain) Motion carried.

ADJOURNMENT:

Moved by Willems, seconded by Reinl and carried to adjourn at 8:40 p.m. on September 18, 2018.

Helen Schmidlkofer, MMC
City Clerk