

Chilton, Wisconsin
December 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 12/13/13, 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 eight 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 Clayton Thornber	Council Member Kevin Johnson

Other city officials present were Director of Public Works Todd Schwarz, City Attorney Derek McDermott, Library Director Steve Thiry (arrived at 6:35 PM) and City Clerk Helen Schmidlkofer.

General attendance: Randolph and Connie Koehler, Dan Goeser, Jonathan and Mary Nisleit, Faye Burg, Delta Publications and Andrew Kruse-Ross, Chilton Times Journal.

Those in attendance recited the Pledge of Allegiance.

Moved by Hilton, seconded by Bosshardt and carried to approve the minutes of the council meeting held on 12/03/2013.

OFFICERS' REPORT:

MAYOR REPORT:

- ↻ Thanked Department Heads and council members for 2014 budget preparations
- ↻ City completed the sale of TIF #2 property; potentially start building in spring
- ↻ Council member Hilton requested the Mayor to explain recent street light changes in which Mayor Vanne did explain that final street lights are being installed and the City will review street lights to see if modifications or revisions are necessary

CITY CLERK REPORT:

- ↻ Annual newsletter; completed with the assistance from the entire staff
- ↻ Reminder if a January 7, 2014 council meeting is necessary a meeting will be held
- ↻ Spring Election Update: council member papers have been turned in by Johnson and Bosshardt
- ↻ Tax Collection – general questions why taxes have gone up or what special charges are for; in general, collection is going very good.

DIRECTOR OF PUBLIC WORKS REPORT:

- ↻ Well #8 – booster pump is back together; 2 safe water samples are required before pump is back on line
- ↻ Well #7 – 90 degree gear auxiliary motor that operates the stand-by motor for the well had a bad bearing which was replaced and now back on line
- ↻ Well #10 – had bad bearing that needed replacement
- ↻ Some complaints received regarding mailboxes being damaged due to snow plowing; mailboxes are required to be 4” behind the base of the curb

AUDIENCE PARTICIPATION:

D. Goeser of 448 W. Breed Street voiced disappointment regarding the Street Dept. plowing snow and causing damage to the curb at the end of his driveway.

NEW BUSINESS:

Mayor Vanne stated that in order to address several concerns from Randy and Connie Koehler we will discuss one item at a time.

Dove Avenue (Tax Location ID No. 16452) - Drainage Issues

Mr. Koehler stated there is a drainage issue on Dove Avenue in the area where the storm sewer is located. We are having a lot of water problems; in prior years, Mr. Goeser did put like a waterway ditch in. That is not the proper way to take care of this problem. I have suggested that we put a tile through it. Mr. Koehler distributed pictures of the area flooded for the council members to view and return.

Mr. Goeser added every time it rains hard (photo indicated water coming out of pipe) you can hear from my house on Breed Street that it sounds like a river rushing. In 2008, the first year I ran that field, 1/4 of my crop was lost in the area of 40 to 60 feet on each side of the center of that field goes down and around there was no crops to be had. The second year I spent money and tiled or ditched it out from the city pipeline up on the top all the way down to connect to your park and then down to the west. Bangart did the same thing on the other side of R. Nennig property. But this is still not the answer; the City's pipe has actually ruined two farmland crops every year. The City needs to do something with the pipe to manage the water flow.

Mayor Vanne stated he saw an aerial picture from 1998, which indicates a natural waterway in this area.

D. Goeser added since the City put the pipe in there the flooding has gotten three times worse. You have actually flooded basements around there. The neighbor to the left of me I took out 18" of drywall around the bottom of his basement that was soiled because water was backed up in his basement. So you want to know the truth I will give you a lot more that you can deal with.

DPW Schwarz stated the City has not changed the direction or the flow of the storm water; that field and the entire area was a swamp. As far as draining water, that is the way it has always been.

Goeser stated, No, prior years back before you put the pipe in we did not have this much of a problem.

DPW Schwarz said before the City installed the pipe there was an open ditch. The property owner at that time wanted to make lots and he did not want to have an open ditch. The owner gave the City an easement to install a drainage pipe, in which the City did install so water has gone thru this pipe ever since it was installed.

Koehler and Goeser both stated, but not that much water.

DPW Schwarz noted that Mr. Elliott the former owner did have the Core of Engineers research this area when he was trying to sub-divide land to construct a subdivision. The Core of Engineers was actually going to identify that a portion of that land is wetlands and that you cannot build there. The proposed subdivision called "Park Place" indicated that two lots were going to be set aside for detention to take care of the water. The water that is coming out of the pipe has always been coming out. They did a storm water analysis, they would have hooked up to that pipe and the storm water would have ended up in the detention pond.

Goeser said that would have been before the City ran State Street water into that area.

DPW Schwarz noted the City did not run State Street water anywhere; that is a county project. You would have to talk to Calumet County Highway Commissioner regarding that. Once again, the water in this area has a natural flow.

Koehler stated if the land would have drainage tiles put in this would take care of the drainage issues.

City Attorney McDermott added that the church did not add to this concern in that they have their own detention pond and that the detention pond would not disperse the water out of the pond no faster than the normal flow off that hill.

C. Koehler referenced tiling this area – Schwarz stated it is up to the council to approve installation of drainage tile.

Dove Avenue (Tax Location ID No. 16452) – Assessment Values from Residential to Agricultural Land

Koehler stated he brought in his 2010 tax bill and told Clerk Schmidlkofer the land should be changed to agricultural land and she said she would take care of it.

Clerk Schmidlkofer replied, Mr. Koehler did come in December of 2010 with a copy of the tax bill and informed me that he is working the land. When a person purchases property that information goes to the Calumet County Register of Deeds office to be recorded then to the county treasurer's office to update the property owners' information. The City does not get involved until the following year when we receive the updated information from the county. Schmidlkofer referenced notice of assessment letters that were sent in 2011 with a value of \$50,600, 2012 value of \$2,000.00 and 2013 value of \$1,900 to Randy Koehler at W1603 Hwy 151, Chilton, WI. The assessment card had an additional note in 2011 from Ryan of Accurate Appraisal (the City's Assessment firm) regarding tilled land that was purchased in November of 2010. January to December of 2011; 1 full year of agricultural land then in January of 2012 qualified for assessment change from residential to agricultural land. The City did follow through with the required process.

Mr. Koehler replied, Schmidlkofer was partially right; if the City's assessor was doing his job this would have been taken care of.

Koehler stated it should not take 3 years to make a change. I have other properties in different townships and that assessor made the change right away. All you have to do is request it; if there is a procedure to go through we go through the procedure. I was not notified of any procedure. You just said you would take care of it. I did not receive anything from Accurate Appraisal or the City of Chilton.

Schmidlkofer referenced the notice that was sent in 2011, 2012 and 2013.

Koehler again stated the assessment value was not changed in 2010.

Schmidlkofer reviewed the notes from Accurate Appraisal again and referenced Wisconsin Statutes regarding the assessment process.

Koehler stated Zacharias; the Town of Charlestown Assessor did not tell him this information. Koehler works with Zacharias regarding the Town of Charlestown assessments: when you request a change, it should have been done.

City Attorney McDermott said the assessment valuation in use value has to come after January 1; the use change in 2011 you cannot make the change until January 2012, you have to have that production in use first before the change can take place. In 2011 where the change occurred that earned you the change for change in status for 2012.

Koehler was persistent to argue the point that the assessment value should have changed in 2010. He reference land values changed immediately in the Town of Charlestown.

City Attorney McDermott stated the land was residential for the reason that the previous owner had plans to create a subdivision.

Council member Gruett questioned if the current tax information was correct at \$1,900.00

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for the 10 acres. Attorney McDermott noted that is correct; agricultural land is assessed lower than residential land.

35 School Street – Tax Location ID No. 16452 - Why Assessment Value Decreased But Taxes Increased

Mayor Vanne stated that Koehler misread the tax bill and no need to review.

35 School Street - Requested to Cement between This Property and City Owned Parking Lot to Eliminate Ground Area

Koehler stated he talked to DPW Schwarz regarding this and he sent a letter stating that we could change something.

Mayor Vanne stated that this issue would be referred to committee and review ordinances regarding green space. In addition, the committee should review the agreement between the City and previous owner.

35 School Street - Why Owner Was Not Given a Weed Notice and the City Cut the Weeds and Invoiced the Property Owner.

Mayor Vanne stated the City received a complaint regarding the tall weeds at 35 School Street and you were sent a letter on June 11, 2013 regarding the weed notice.

DPW Schwarz stated property owners are sent a weed notice letter in which the property owners has 3 days to cut the vegetation before the City will order the vegetation to be cut and to bill the property owner for the service. The property owner is notified once during the growing season, no further notifications are sent out.

C. Koehler stated that every 4 weeks her son cuts the weeds in this area. In fact, the property was not restored after the parking lot was put in. I believe the City cut the weeds the same day my son was going to cut the weeds. I called with a concern that day; it is weeds not even grass.

Mayor Vanne stated no further notification is required after the first weed notice is sent out. In fact, I knew there was a complaint and the next day the City cut the weeds. So when DPW Schwarz told me I knew that was the City's policy and that is what we will do.

Goeser noted so if I would take a picture of the City's property then send you a letter so that you will cut your own property.

Mayor Vanne replied sure just let us know.

Driveway Request for Opportunity Drive Street (New Wal-Mart Area) – No Response from City of Chilton

R. Koehler stated he never received any notice that they could or could not put in a driveway.

DPW Schwarz stated he did not recall receiving an application. I talked to you about this driveway when they redid the highway. Mr. D. Nelson did give you a driveway access off the highway.

R. Koehler stated there is a vision problem.

Schwarz stated they would not give you an access if there were a vision problem. It must have been safe enough otherwise the State would not have issued a driveway permit.

C. Koehler stated when we pull out of the driveway with equipment we cannot stop quickly; you would have to have a cop there to slow down traffic. Did you not say that

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when you are building Wal-Mart you would grant us a driveway?

DPW Schwarz stated he did not say that.

C. Koehler stated then why did we fill out an application?

Schwarz stated he was not aware of any application. If you look at the future roadways, on the City's official map the road does go straight out. This is for future planning.

Mayor Vanne stated this issue would be taken up at committee level in other words referred to the Public Works Committee. The City will look for the application; do you know if you paid for it?

**Request to Rent City Owned Property – No Response from City of Chilton
Old Wal-Mart Area – Redevelopment Authority Parcel**

Mayor Vanne stated you must be talking about the area south of Community Bank.

R. Koehler stated we asked and were told no.

Mayor Vanne stated this is RDA land, Redevelopment Authority not the City's land.

**Request to Rent City Owned Property – No Response from City of Chilton
New Wal-Mart Area – City Owned Property Tax ID No. 32388**

R. Koehler stated the new Wal-Mart area. Someone is farming this land.

Schwarz stated no one is farming this land; a person is cutting the weeds so the City does not have to. The person cuts it for nothing and now the property is sold.

R. Koehler had additional comments directed at DPW Schwarz and Schwarz requested to speak with Mr. Koehler outside of the meeting. Mr. Koehler approached the council member's area and both Schwarz and Koehler ensued in a detailed conversation regarding land off Progress Way.

Mayor Vanne noted that the message that Mr. Koehler left on the city's voicemail was unprofessional and not necessary.

Koehler's noted that the attitude from the City and the Public Works Director is hurtful also. It works both ways.

City Attorney McDermott reviewed the issues referred to the Public Works Committee meeting, which are:

- Grass area at 35 School Street - consider cement instead of grass area
- Drainage tile installed on property at Dove Avenue (Tax Location ID No. 16452)
 - With Mr. Koehler to provide drainage paperwork to City (Storm water Management Plans)
- Review driveway access in Industrial Park area

REPORT OF COMMITTEES:

Chairman Jaeckels presented the minutes from the December 12, 2013 General Government meeting.

DPW Schwarz reviewed the Water Department Projects as follows:

- Painting of South Water Tower – this was included in the 2014 Water Department budget. Estimated cost would be \$255,000.00. Recommendation would be to use Water Dept. cash on hand to pay for this project.
- Replacement of 2001 Dodge Pick-up Department Vehicle – In the past 1 ½ years the Dept. has spent over \$2,500.00 on repairs that do not include in house repairs.

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The '01 truck has holes in the floors, non-functioning steering column and in fact, smoke was coming from the steering column one day this week. Recommend replacement of this vehicle in 2014 with Water Dept. cash on hand.

DPW Schwarz did indicate that the Water Department cash on hand is \$1.5 million as reported at the December 3, 2013 council meeting.

Moved by Jaeckels, seconded by Schmitzer to amend the 2014 Water Department budget to include the painting of the water tower and vehicle replacement and authorize payment with Water Department cash on hand (Account No. 11131). 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.

Jaeckels noted the committee discussed the application for Safe Drinking Water Loan, which was discussed at a previous council meeting along with McMahon. After further consideration, it would cost the City approximately \$10,000.00 to complete the application. (Current interest rate is 1.9% for the SDW loan). Schwarz noted the Waste Water Department has \$2.1 million cash on hand (Account No. 11121) that could be used for the Water Dept. project in which 1% interest would be assessed.

The City currently has a 2004 Safe Drinking Water Loan to May of 2023 at 2.65% interest. DPW Schwarz did receive permission to payoff this loan ahead of schedule from the Dept. of Administration. An authorization dated 12-10-2013 has been received to pay off the 2004 SDW loan in May of 2014 for a final payment of \$264,687.85, which includes principal and interest.

Mayor Vanne, Clerk Schmidlkofer and DPW Schwarz did meet with P. Denis of Schenck (city auditor) and P. Cosson of Ehlers (financial advisers) to review the water and wastewater department projects and cash on hand. Both advisors did agree that using cash on hand for 2014 water department projects is advised along with paying off the SDW loan.

Also recommended was the Waste Water Dept. loaning the Water Dept. funds for the development of Well #11. By using cash on hand, the City is able to maintain water rates; initially potential water rate increase to city residents was at 15% increase; with the revised proposal, the City might raise rates in 2015 by only 3%.

Moved by Jaeckels, seconded by Schmitzer to not apply for a Safe Drinking Water Loan for the development of Well #11 and authorize the Waste Water Dept. to borrow funds from cash on hand (Account No. 11121) to the Water Dept. for this project at 1% interest rate. 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.

Moved by Jaeckels, seconded by Thornber to authorize paying off the 2004 Safe Drinking Water Loan in May of 2014 for a final payment of \$264,687.85 with Water Dept. cash on hand (Account No. 11131). 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.

The committee reviewed Tax Incremental District No. 5; it was reported that no new activity or projects are scheduled in TIF #5; recommendation from Ehlers is to close this tax incremental district in 2014.

Moved by Jaeckels, seconded by Schmitzer to close TIF #5 in 2014. Motion carried.

Clerk Schmidlkofer informed the council that all full-time employees in permanent,

classified positions are eligible for group life insurance benefits of \$5,000.00 with the employer paying the full premium cost. The City was with Aetna Insurance with a monthly cost of \$75.05 for 20 employees; now thru Assurant Insurance, that monthly cost is half the cost or \$37.05. (Provided for information - no action required)

Jaeckels stated the committee discussed the fact that the Chilton Public Library is researching and reviewing the potential to change from the Manitowoc/Calumet Library System to the Outagamie/Waupaca Library System. The system change could result in increased operational costs resulting in additional funds required from taxpayers. The committee would appreciate the entire council be informed of any changes before it happens due to the fact it may result in budget changes for the entire City.

Moved by Jaeckels, seconded by Schmitzer to request financial analysis from the Chilton Public Library Board in advance of any potential library system changes. Motion carried.

COMMUNICATION:

Distributed staff minutes from the December 2, 2013 meeting.

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 – yes Hilton – yes Johnson - yes

Eight votes cast. Eight votes aye. Motion carried. Voucher No. 74476 through Voucher No. 74537 or accounts payable and payrolls totaling \$99,327.06.

ADJOURNMENT:

Moved by Hilton, seconded by Gruett and carried to adjourn at 7:46 p.m. on December 17, 2013.

Helen Schmidlkofer, MMC

City Clerk