

Chilton, Wisconsin  
July 15, 2014

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 7/11/14, 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 Kevin Johnson

Council Member Kathy Schmitzer                      Council Member Ron Gruett

Council member Dan Hilton

Other city officials present were Director of Public Works Todd Schwarz, City Attorney Derek McDermott and City Clerk Helen Schmidkofer.

Absent and excused was Council Member Clayton Thornber

General attendance:

Boy Scout Luke Petersen, Cub Scout Pack 3810 Representative Kent Katalinick, Faye Burg – Delta Publications and Andrew Kruse-Ross, Chilton Times Journal.

Those in attendance recited the Pledge of Allegiance.

**MOVED TO REPORT OF COMMITTEES:**

Mayor Vanne asked the council's authorization to allow agenda item under Culture and Recreation Committee regarding Eagle Scout Project to be presented at this time. Hearing no objections Mayor Vanne requested L. Petersen to present the details of his project.

Petersen would like to build three ticket booths for the American Legion to use when selling tickets for the Chilton School District football games at Morrissey Park. Petersen provided a sketch of the proposed booth, which included type of materials. The exterior would be painted and have a Scout emblem, American Legion emblem and/or Chilton School District colors. The Scout Group would maintain the booths upon completion.

Petersen did meet with Chilton School District representatives Superintendent Dr. Martin and Head of Buildings and Grounds Mr. Kopf. The District had two questions: where would the booths be stored and who would own them. The District stated they would move them after the football season but need to determine where. The District stated they do not have room and after consulting with DPW Schwarz, the City does not either.

Since the committee meeting, Petersen did consult with the District regarding ownership and they did agree to take ownership of the booths. Katalinick did inquire with the Calumet County Agricultural Association if they have storage space available and they can accommodate the request.

Moved by Johnson, seconded by Bangart to authorize Petersen to proceed with the ticket booth project at no cost to the City of Chilton. Motion carried.

Moved by Hilton, seconded by Gruett and carried to approve the minutes of the council meeting held on 6/17/2014.

**REPORT OF OFFICERS:**

**MAYOR REPORT:**

➤ Attended ribbon cutting for new baseball diamond at Nennig Park

➤ Hayton Area Remediation Project Update report was distributed for review

**CITY CLERK REPORT:**

- ↻ Council member Bangart presented a report from the New Municipal Officials Session she attended in June ; the session was very enlightening and useful
- ↻ Distributed Veteran's Memorial of Chilton Invitation which will be held on August 2, 2014 at 10:00 AM at Klinkner Park
- ↻ Notice regarding the August 5, 2014 Annual Lake District meeting at 5:30 PM was distributed in council packets
- ↻ Future committee meeting dates and times were made available for the council
- ↻ I will be out of the office July 25 to 31, 2014 at the APT US&C conference
- ↻ Attended an Election Webinar on July 9<sup>th</sup> regarding recent law changes and updates
- ↻ Calumet County Clerk Hauser will host an election training July 22 from 5 to 7 PM
- ↻ Recreation Department:
  - Appleton Soccer Club will host a soccer camp at Morrissey Park the week of August 4 to 7, 2014
  - Looking for Program Directors for volleyball and flag football; if a program director is not hired by August 15, 2014 the programs will be cancelled and all fees will be refunded
    - Volleyball and Flag Football registration forms have been distributed and a notice is on the city's web page
  - Soccer Program – pending equipment return and final timesheets
  - Looking for a Basketball Program Director

**APPROVE LIQUOR LICENSES:**

Moved by Schmitzer, seconded by Gruett and carried to approve the application for "Class A" beer license for Lupita's Mexican Store, LLC, Jesus Cruz, Agent.

Moved by Schmitzer, seconded by Gruett and carried to approve the Class "B" Picnic license for Chilton Chamber of Commerce (waive the fee) for the annual Crafty Apple Fest to be held on September 6, 2014, person in charge Shawn Reilly.

**APPROVE OPERATOR LICENSES:**

Moved by Hilton, seconded by Jaeckels to approve the two-year license applications to serve fermented malt beverages and intoxicating liquors from July 15, 2014 to June 30, 2016 for William A. Elliott, Chad A. Klika, Shawn M. Reilly, Kim A. Stange, Carrie L. Gates and Lisa L. Carlson. Motion carried. Clerk Schmidkofer noted the applicants have been approved by the Chilton Police Department.

**APPROVE FINANCIAL REPORT:**

Moved by Gruett, seconded by Hilton and carried to approve the July 1, 2014 financial report.

**DIRECTOR OF PUBLIC WORKS REPORT:**

- ↻ Street Department – conducting normal work to include striping of the streets
- ↻ Reviewed Chestnut Street project with DOT; City will manage all temporary and permanent easements for the project as well as any real estate transfers
- ↻ Development of Well #11
  - installed 16" permanent casing to 195'
  - WI Geological gist determined still out of alignment
  - Predicting excellent water source
  - Acidization took place this week (cleans fractures)
  - Next 2 weeks will BID for pump house and transmission line with BID opening on August 12 with a proposed completion date of Feb. 1, 2015
  - Change order to increase the dates of Substantial Completion to August 8, 2014 and Final Completion date to September 30, 2015 (adding 46 days to the contract).
- ↻ Water Department received 2012 Fluoridation Quality Award

**AUDIENCE PARTICIPATION:**

The audience did not provide any comments at this time.

**REPORT OF COMMITTEES:**

Chairman Gruett presented the Public Safety committee minutes from the June 16, 2014 meeting.

Calumet County Sheriff's Department requested the City of Chilton to assist with the Calumet County jail evacuation plan and allow the sheriff's department to use the Community Center located at city hall as a destination in the event the county jail is forced to evacuate the Huber Dorm. The inmates would be allowed to walk to city hall where a deputy from the Calumet County Sheriff's Department would meet them. The committee noted that the city hall is used a great deal; therefore, the City is not able to honor the County's request.

Moved by Gruett, seconded by Jaeckels to deny the request for city hall usage for a temporary Huber Dorm. Motion carried. Mayor Vanne will send a letter to the Department informing them of the City's decision.

With the impending retirement of Police Chief Seipel, the mayor thought it would be good to review the chief's schedule. Typically the police chief worked a 6/3 schedule which is the same as the officers and lieutenant in the department. A 6/3 schedule refers to working six days and off three days which results in working a total of 1,947 hours per year compared to if an officer would work a 5/2 schedule that would result in 2,080 hours per year (16.6 more days). Mayor Vanne suggested that the chief work the day schedule Monday through Friday due to the fact there are a lot of calls during the day and also if the chief is needed for consultation. Currently the Department has a chief, lieutenant, four officers and four part-time officers. Chief Seipel provided an example of the Department's schedules for June and July, which included vacation time and time off for training. June had two open shifts and July had four open shifts. The rate of pay for an officer on overtime plus fringe is \$500.64/day and the daily rate for a part-time officer with fringe is \$165.28/day. Chief Seipel noted this would result in a change to the Department's budget to handle the additional overtime. Seipel furthermore stated the overtime has decreased the last several years:

<u>Year</u>	<u>Overtime Hours</u>
2008	564.5
2009	569.5
2010	505.5
2011	453
2012	211.75
2013	174

Moved by Gruett, seconded by Bosshardt to revise the police chief's schedule from six working days/three days off to five working days/two days off effective with the hiring of the next police chief. Motion carried.

Chief Seipel and Attorney McDermott made a recommendation to the committee regarding Municipal Code 7.06 Possession of Alcoholic Beverages in Public Places in reference to commercial quadricycles (pedal pubs). The League of Municipalities provided further guidance on how municipalities can regulate pedal pubs. Act 103 created section 125.10(5) (a) which allows municipalities to prohibit the consumption of fermented malt beverages on commercial quadricycles by ordinance.

Moved by Gruett, seconded by Jaeckels to introduce, adopt and waive the second reading of Ordinance No. 1107, an ordinance to amend consumption of alcohol in public places. Roll call vote. Seven votes cast. Seven votes aye. Motion carried.

The purchase of the Digital-Ally was approved at the June 17, 2014 council meeting.

Mayor Vanne noted that when Fire Chief Halbach provided the Fire Department's annual report to the council a question was raised regarding the Department responding to Dive Team calls. Furthermore, Vanne questioned when the council approved of the dive team responding and involving the Chilton Fire Department. Chief Halbach stated the dive

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team calls are considered mutual aid and considered part of the Mutual Aid Box Alarm System (MABAS) within Calumet County.

Background information regarding the Calumet County Dive Team provided to the committee stated that the Dive Team was created in 2009, officially available to provide services in October of 2011. Calumet County Corporation Counsel and Sheriff Ott determined that the dive team could not function as part of the Sheriff's Department. The Dive Team was approved as a separate entity within the county and would require their own liability insurance coverage. The Dive Team does have coverage for insurance as well as equipment. The Dive Team does provide services for the east side of Lake Winnebago with equipment housed at Harrison, Stockbridge, Calumetville and Forest Junction. In reviewing the City of Chilton annual fire calls for 2013, the dive team responded to four calls for a total cost of \$564.15. Reported in 2014, one dive team call for a cost of \$110.35. Consensus of the committee was to leave as is, no suggested revisions other than reporting the Dive Team calls and expenditures in detail for the annual report.

Mayor Vanne stated the June 30, 2014 post-season soccer informational meeting minutes were available to review.

Chairman Jaeckels presented the General Government committee minutes from the June 30, 2014 meeting.

DPW Schwarz informed the committee that the three parcels or properties the City would like to review are 420 E. Main Street, 415 E. Main Street and 476 E. Main Street of which two of the three parcels have contaminants. Referenced was WI Statute: 75.17 transfer of contaminated land to a municipality.

Calumet County Treasurer Mike Schlaak noted that in the past the county was cautious to pursue foreclosure action and referenced WI statute 75.17. The County would conduct a full search on any lien holders and complete a title search. The County would prefer not to own property in fact a potential new property owner did approach the County over 2 years ago stating he would like to acquire one of the contaminated parcels.

DNR Remediation and Redevelopment Program representative Kevin McKnight recommended that the potential new owner acquire an independent consultant to review the site. DNR Brownfields Section Local government Specialist joined the meeting via conference call and provided extensive details on the steps and resources to successfully convert a contaminated property to a usable property, which would benefit all involved.

Kolberg suggested Calumet County, the City of Chilton and the potential new owner all work together and complete a Wisconsin Assessment Monies (WAM) application before transfer of property. If approved WAM could potentially provide financial assistance in completing Phase I and Phase II assessments. It was agreed upon by all involved that the first step would be to complete a WAM application. (This is a grant – no matching funds are required)

Several things need to happen:

- County will assist by allowing access to the properties (permissible by statute)
- City would draft a letter to the county stating their interest to acquire the property
- Potential landowner would have an agreement in place with the City before the transfer of property, which would also include that the potential new landowner is aware of contamination issues and acknowledges that a Phase I Environmental Site Assessment (ESA) and Phase II ESA are required to be completed.

Moved by Jaeckels, seconded by Schmitzer to authorize the city staff to execute documents necessary to file a Wisconsin Assessment Monies (WAM) application regarding 420, 415 and 476 East Main Street. Motion carried.

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Moved by Jaeckels, seconded by Johnson to approve the agreement between the City of Chilton and Calumet County Aging and Disability Resource Center. Motion carried.

Clerk Schmidlkofer provided the committee background information regarding the Central Business Districts revolving loan funds, Tax Incremental Financing (TIF) Districts loan funds and Non-TIF revolving loan funds available. After review, Mayor Vanne noted that the city should not be in the loan business because that is what banks are for.

Moved by Jaeckels, seconded by Schmitzer to discontinue the Central Business District, Non-Tax Incremental Financing and Tax Incremental Financing loans. Mayor Vanne called for a voice vote. Seven votes heard. Six votes in favor. (Gruett-nay) Motion carried.

On May 28, 2014 Jeff and Josh Sohn from Badger Towers LLC presented Mayor Vanne with a proposal to purchase a 100 ft. by 50 foot square section of land plus three-25 foot square guy anchor points for the purpose of constructing and operating a Commercial Mobile Radio Service.

DPW Schwarz provided the committee with a map identifying the location of the tower and the cables going three different directions. Clerk Schmidlkofer stated the proposal was provided to the committee for informational purposes. There were several questions regarding the proposal during the mayor's report at the June 17, 2014 council meeting. Vanne did address a letter to Badger Tower denying his request.

Clerk Schmidlkofer provided the committee with information regarding the hiring of the police chief in 1999 and 2003. The committee reviewed criteria, pay scale, benefits, working schedule, etc. Requirements are:

- 5/2 schedule (2,080 hours per year)
- No meeting pay
- Offer health and dental insurance coverage
- Wage Range – To be Determined (Clerk Schmidlkofer will acquire the annual salary of the surrounding police chiefs; Brillion \$70,485.00, New Holstein \$68,730.00 and Kiel \$74,460.00)
- Clothing allowance - \$550.00 (same as current Union Contract)
- Residency, within one year (per resolution)
- Review Comp Time – required to be defined in resolution
- Committee will require a thorough background review of the final candidates

The committee did not determine educational requirements or years of experience.

Moved by Schmitzer, seconded by Hilton to establish a 5 person ad-hoc committee to hire a police chief, the committee shall consist of General Government Chairperson Jaeckels, Mayor Vanne, former Calumet County Sheriff Jerry Pagel, a citizen-at-large and 1 police personnel from N. Fond Du Lac, Sheboygan Falls or Two Rivers Department. Motion carried.

The June 2, 2014 library board minutes were available for the council to review. Mayor Vanne stated that he has given the task to Library Director Thiry and the Board to maintain the same budget in 2015 as approved for 2014 and hopefully without cutting hours.

The council reviewed the Redevelopment Authority minutes of the July 9, 2014 meeting.

The RDA moved to accept the preliminary sketch and then within a 45-day timeline submit final plans for repairs to the building at 107 W. Main Street. Construction must be completed by December 1, 2014 or continuance of City's public nuisance action.

The RDA members identified that the Central Business District Architectural and Design Guidelines require updating and the RDA needs to appoint sub-committee members.

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Regarding the building permit for 48 W. Main Street: for the record the RDA was in error reference the size of window that was approved. However due to construction conditions of the property this was the only allowable size that could be installed. Furthermore, in the future the Design Committee would review requests and provide recommendations to the RDA.

**NEW BUSINESS:**

Moved by Jonson, seconded by Bosshardt to approve the bid award for 2014 Asphalt Roadway Reconstruction (Contract #C0002-940347-A) to MCC, Inc. for \$128,554.25. 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 Hilton, seconded by Gruett to approve the bid award for 2014 Highway '151'/Main Street concrete rehabilitation (Contract #C0002-940347-B) to Vinton Construction Co. for \$150,133.00. 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 Hilton, seconded by Johnson to approve the following Community Development Block Grant (CDBG) Program items:

- Application for \$9,400.00 at 0% interest for CDBG Loan No. 10-07
- CDBG Loan No. 13-03 to insulate the exterior walls for the home by W & L Insulation for \$2,160.00 in addition insulate the front porch crawl space and basement sill for \$700.00 by Fox Valley insulation
- CDBG Loan No. 14-03 to install a chimney liner for two furnaces and water heater by Karls Mechanical for \$650.00
- CDBG Loan No. 14-02 to replace the water heater and additional plumbing repairs for \$1,175.00 by Moehn Plumbing

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.

Mayor Vanne asked the council to look over the city's quarterly financial report to include the Water and Waste Water Departments.

Moved by Jaeckels, seconded by Bangart to approve the account appropriation of \$9,936.21 from library gifts (48501-000) to library revenue/expense (55113-325). 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.

The Chilton Housing Authority annual payment in lieu of taxes for 2014 was \$8,921.13, \$568.34 less than the 2013 payment.

Moved by Schmitzer, seconded by Hilton to introduce, adopt and waive the reading of Resolution No. 1674, a resolution designating depository and authorizing withdrawal of city moneys with Capital Credit Union. 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 Jaeckels, seconded by Hilton to introduce, adopt and waive the reading of Resolution No. 1675, a resolution designating official registration deputy(s) for city election. 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 Jaeckels, seconded by Bangart to authorize the Clerk to sign the stipulation for election between the City of Chilton, (Chilton Police Department), Wisconsin Council 40, AFSCME, AFL-CIO and Wisconsin Police Association, Law Enforcement Employee Relations Division. The current Police Contract expires 12/31/2014 and the Police Dept. would like to change unions from AFSCME to WPPA. Motion carried.

**COMMUNICATION:**

Distributed monthly building/plumbing report and Chiton Chamber of Commerce Community Directory.

**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 – yes	Hilton – yes	Johnson - abstain

Seven votes cast. Six votes aye. (Johnson abstained) Motion carried. Voucher No. 75470 through Voucher No. 75609 or accounts payable and payrolls totaling \$377,553.57.

**ADJOURNMENT:**

Moved by Schmitzer, seconded by Bangart and carried to adjourn at 7:40 p.m. on July 15, 2014.

Helen Schmidlkofer, MMC  
City Clerk