

Chilton, Wisconsin  
July 16, 2013

The regular meeting of the Chilton Common Council was called to order at 6:30 p.m. with Mayor Gerald Vanne presiding at the Chilton City Hall.

**AGENDA POSTING:**

On 7/12/13, copies of the agenda were delivered to the Mayor, Aldermen, City Department Heads, City Attorney 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 Rick Jaeckels	Council Member Kevin Johnson
Council Member Ron Gruett	Council Member Richard Bosshardt
Council Member Clayton Thornber	Council Member Linda Bangart
Council Member Dan Hilton	Council Member Kathy Schmitzer

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

General attendance: Troy Duchow, Leonard Sturtz, Greg Kubichka, Faye Burg, Delta Publications, and Andrew Kruse-Ross, Times-Journal.

Those in attendance recited the Pledge of Allegiance.

**MINUTES:**

Moved by Hilton, seconded by Thornber and carried to approve the minutes of the council meeting held on 6/18/2013.

**OFFICERS' REPORT:**

**MAYOR REPORT:**

- ↻ Met with Roger Lacey, Worthington Cylinders, Bobbi Miller, Business Services Manager of Fox Valley Workforce Development Board, Inc., Todd Schwarz, Director of Public Works to review expansion project at Worthington Cylinders. The Worthington Industries Medina, NY company is closing and moving to the Chilton facility. Approximately 150 jobs will be available, January of 2014 equipment improvements of an estimated \$700,000.00 to \$800,000.00 will be completed. Miller will be providing assistance for Worthington to facilitate filling the demand for workers.
- ↻ City hosted the June 27<sup>th</sup> Fox Cities Regional Partnership board meeting
- ↻ Spoke with Scott Kwiecinski, Horizon Development Group, Inc. to review the potential for developing Uptown Commons Phase II; currently 61 applicants are on a waiting list; rent and tax incentives appear to be the main concerns expressed by Kwiecinski.

**CITY CLERK REPORT:**

- ↻ Created Welcome folders for new residents to the City
- ↻ Created Business folders with assistance from Calumet County Resource Management Dept. This Department Partners with UWGB for small business development
- ↻ Recreation Dept.
  - Seeking a Program Director for Flag Football
  - Flag Football – accepting registrations until August 23
  - Volleyball Program – registrations were due June 28; still accepting participants

**APPROVE FINANCIAL REPORT:**

Moved by Jaeckels, seconded by Schmitzer and carried to approve the July 1, 2013 financial report.

**APPROVE LIQUOR LICENSES:**

Moved by Thornber, seconded by Schmitzer and carried to approve the "CLASS B" Beer & Liquor Retail Combination License for Kings Korner, LLC located at 321 East Main Street, Agent Jane Kienbaum.

**APPROVE OPERATOR LICENSES:**

Moved by Hilton, seconded by Bangart and carried to approve the two-year license applications to serve fermented malt beverages, and intoxicating liquors from July 16, 2013 to June 30, 2014 for Christopher S. Barry, Brienne E. Mallmann, and Amanda M. Sander. Clerk Schmidlkofer noted the applicants have been approved by the Chilton Police Department.

**DIRECTOR OF PUBLIC WORKS REPORT:**

- ↻ Department conducting normal day to day operations
- ↻ Shredded compost today
- ↻ Painting markings on city streets

**FIRE CHIEF WRITTEN REPORT:**

Attendance report from the WI State Fire Chief's Assoc. Conference held June 20 to 23, 2013: Sessions included:

- **Organizational Culture Assessment.** This pertained to understanding that we now have four different cultures in the fire service. We as Chief's need to deal and handle people of different cultures. Then it got into using climate vs. culture, as culture is personality and climate is mood. Talked a lot about females and different nationalities that we have in the fire service today. It was to make every one aware of the changes so you are not caught by offending someone. Recommended using a balance of the four recognized organizational cultures.
- **Fire Fighting with Less Fire Fighters & Equipment.** Need to keep an open mind and make tactical changes on how we fight fires with different techniques. The 2 in 2 out NFPA rule is hard to follow all the time because we do not have enough people there right away. Mutual Aid and MABAS definitely is a plus for us in Calumet County. It is always beneficial to find out new and different ways of attacking the fire.
- **Failing Successfully.** When we do fail, we need to admit it and let your peers know when you did something and it did not work causing a failure. Accepting your failure makes you become a better leader
- **You Me and the Media.** This one was put on for the fire service to work with the news media. We are reluctant to talk to the media, but we should use the media as a tool for resources. Got into the different types of stories/live shots and reports.
- **Near Miss.** Where a fire department almost lost a fire fighter in a fire. It happened one year ago and he still is not back to work. These class studies or case studies are the best as to the fire department walks you through the whole scene as to what went right and what went wrong. The fire fighter lost his partner who made it out, he got lost, and he had to be rescued. There was a person still missing in the apartment, assumed deceased, but difficult decision to make to stop looking for her and focused on the fire fighter.
- **Stress in the Fire Service.** Need to take care of yourself and the department. Across the country, there are higher alcoholic problems, drugs and suicide.
- Motivational speaker Brian Shul presented "The Other Side of the Rainbow". Brian was an Air Force pilot that was shot down in Vietnam, and was severely burnt. He was told that he would never walk or fly again. Well he never gave up and returned to the Air Force to fly the SR-71 Top Secret Spy Plane. "Never give up".

**AUDIENCE PARTICIPATION:**

No comments were received from the public.

**REPORT OF COMMITTEES:**

The Chilton Recreation Department met on Monday, June 24, 2013 to conduct an informational meeting regarding the 2013 soccer programs; please review the minutes for details and if you have any questions or comments please contact Clerk Schmidlkofer.

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Deputy Clerk Meyer and City Clerk Schmidlkofer attended the May 30, 2013 recreational informational meeting with Athletic Director Sonnabend, Coach Mlada, Coach Behnke, Middle School Principal Appel to review the City of Chilton's recreation programs with the school district and determine how both groups can work together to provide the best recreational programs for the youth in the community.

Chairman Hilton requested the council members to review the June 25, 2013 Culture and Recreation committee minutes. A round table discussion took place with Chilton School District coaches regarding flag football and basketball programs.

Tournament team selection process was discussed at a previous meeting and Clerk Schmidlkofer was requested to acquire information from the two clubs that provide financial support for tournaments.

Tiger Athletic Club does not directly arrange teams. Coaches, parents and even players organize teams to play in various tournaments and leagues, which ask the TAC for entry fee monies. TAC supplies monies for teams for entry fees directly. Teams that are 7th grade and older are directed to the Chilton Booster Club for entry fee payments, with having the TAC as back up if more monies are needed. Other various programs the TAC provides are open gym times, clinics supported by high school programs and local tournaments.

Chilton Booster Club provided information on tournament funding as follows: The Club provides funds for Middle or High School Teams up to \$300 per team per year. The team's coach submits a request for payment to the CBC Director for that particular sport any month of the year and CBC writes a check. We do not fund any teams outside of the middle and high school.

Regarding tournaments, the decision was made to encourage coaches to offer tournament play to all participants of City recreational programs, even though the City does not sponsor tournaments.

Chairman Jaeckels presented the June 25, 2013 minutes of the General Government meeting.

Chairman Jaeckels stated currently service clubs and non-profit organizations in the City of Chilton do not pay any fees to use city hall facilities however; they need to be accountable when an issue does take place. The committee recommended that the council revise the minimal fee from \$50.00 to \$100.00 for non-profit and service organizations and not require an annual deposit.

Moved by Jaeckels, seconded by Johnson to approve the minimum fee of \$100.00 for service clubs and non-profit organizations that do not follow the rules and regulations for city hall usage. Motion carried.

DPW Schwarz informed the committee that Waste Water Lead Man Glen Pingel has verbally indicated that he will be retiring on December 6, 2013; at this time no written documentation has been submitted. Schwarz noted it would be beneficial to train an individual before this employee leaves. The Waste Water/Water Departments currently employ four employees; Schwarz noted the employees are cross-trained. Schwarz said he would like to start the application process at this time due to the fact it would take roughly a month and a half to advertise and receive applications.

Moved by Jaeckels, seconded by Bangart to authorize DPW Schwarz to advertise for a waste water/water operator and accept applications, conduct background checks but not hire someone at this time.

Mayor Vanne informed the council members that he instructed DPW Schwarz to place the advertisement for the position before this meeting because it would be two weeks

before an ad would be published.

Hearing no further comments Mayor Vanne called for a voice vote. Motion carried.

The committee reviewed the City's speaker unit that is used at the Memorial Day event. Due to problems, the last couple of years Alderman Johnson proposed that the City, the American Legion or the VFW Post contact him or the Chilton School District directly to use their speaker system for future Memorial Day events.

**MOVED TO NEW BUSINESS:**

Mayor Vanne opened the Public Hearing at 6:45 P.M. to solicit comments regarding special assessments for installation of curb and gutter for portions of High, Franklin, Fulton, Wall and Liberty Streets. Clerk Schmidlkofer read the notice and stated the notice was published as a Class II notice as required by law.

Leonard Sturtz of 719 Graves Street wanted to know when this project would start.

DPW Schwarz noted possibly in two to three weeks.

Sturtz then inquired how much they would be taking the road down.

DPW Schwarz replied same as it is now or it will be matched close to what it is.

Troy Duchow of 482 E. Breed Street inquired if the project would include tapering in the area of the curb cut.

DPW Schwarz noted the engineers are aware of the area you are addressing and it will be landscaped accordingly.

Sturtz inquired when payment would have to be made regarding his assessments.

Schmidlkofer stated the City does have a payment policy regarding special assessments, which states:

Lump sum payment to be paid on due date.

One installment if assessment is \$300.00 or less.

Three equal annual installments if assessment is greater than \$300.00.

Five equal annual installments if assessment is greater than \$1,000.00.

Ten equal annual installments if assessment is greater than \$2,000.00.

A detailed invoice will be sent to all benefited property owners, defining the details regarding total invoice, and payment options.

Hearing no further comments from the public Mayor Vanne closed the public hearing at 6:50 P.M.

Mayor Vanne inquired if any council members had any comments regarding the proposed special assessments. No comments were given.

Moved by Hilton, seconded by Gruett to introduce, adopt and waive the second reading of Resolution No. 1653, a final resolution authorizing public improvement and levying special assessments for installation of curb and gutter on portions of High, Franklin, Fulton, Wall and Liberty Streets. 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 BACK TO COMMITTEE REPORTS:**

DPW Schwarz informed the committee the financial impact for the completion of developing Well #11 are not completed at this time. In addition other Water Department projects need to be completed in the near future that are rather costly. Some of the future projects are painting of one of the two water towers, washing of the other water tower, motor updates at the plant, and private well mandates. In August of 2013, Phil Cosson from Ehlers recommended the City refinance the 2005 Bond and in the meantime the City should review any potential capital projects that the City might want to include with the refinancing.

Attorney McDermott, Deputy Meyer and Clerk Schmidlkofer reviewed future advance clause in a mortgage. To avoid problems in the future, both with regard to Economic Development loans and Community Development Block Grant loans, the City should consider once a loan is made, that written notification is given to the first mortgage holder. A future advance clause is a clause in a mortgage, which enables the lender to advance funds after the loan closing. The initial agreement of the loan remains intact in that no additional collateral is required, and no refinancing is necessary. Committee recommended the following procedure:

- Require copy of all mortgages
- Research if Future Advance Clause is part of the mortgage
- If so, a certified letter is sent to the mortgage company notifying them of a City mortgage
- If not – no action is required

Moved by Jaeckels, seconded by Schmitzer to endorse the new procedure for Economic Development Loans and CDBG Loans regarding future advance clause. Motion Carried.

Clerk Schmidlkofer stated Wisconsin Physicians Service Insurance Corporation (WPS) is extending the rate guarantee because there is some uncertainty with health care reform and the effect it will have on rates. Many employers are concerned that their rates will increase dramatically. With the extended rate guarantee, WPS hopes to reduce this uncertainty. This allows Horton Group and the City of Chilton additional time to consider health insurance options that will best fit our employee and business needs.

Horton Group has negotiated with WPS to acquire a renewal, which resulted in an increase of 2.99% effective July 1, 2013 to December 1, 2014. This provides the City with 17 months of guaranteed rates – this is an extended rate guarantee. There are no plan design changes with the extended renewal.

To recap on July 1, 2013 health insurance premium rate increase of 2.99%, with 8% employee share and then on January 1, 2014 no premium changes but premium contribution by employees is 10%. (No action is required by the council)

Clerk Schmidlkofer requested revisions to pay roll deductions in Chapter 15 of the City of Chilton Personnel Policy Manual. Approximately 15 to 20 years ago, Banta Credit Union (now Premier Credit Union) received approval from the City Council to offer an employee savings account for the City of Chilton employees thru payroll. At that time, seven employees used the payroll deduction, which was generated when payroll checks were processed. In 2007, the City payroll software was updated which resulted in the inability to process the Premier check when payroll checks are generated. A separate check needs to be processed through accounts payable.

In 2010, the City implemented volunteer direct deposit. The employees have the payroll option for direct deposit or a manual check. Of the 19-fulltime employees, 10 have requested direct deposit and 9 remain with manual payroll checks. Direct Deposit does allow for distribution to multiple financial institutions allowing the employee to split their deposit into multiple accounts within each financial institution.

Currently three employees use the payroll deduction thru Premier. It has been brought to the City's attention that at least one of the three savings accounts has been changed to a loan; if this accounts payable check is not processed in a timely manner, the employee could be in default of their loan, and thus the City is at fault. In addition, if the employees were to use direct deposit, this extra step could be eliminated, thus saving the City time and money. Schmidlkofer is requesting the following revisions to Chapter 15.09 Payroll Deductions: (1) The City shall administer payroll deductions that employees authorize to be made to participating ~~financial institutions~~, deferred compensation programs and union dues. ~~(2) Employees may have a portion of their paycheck deducted and deposited into their Premier Credit Union account if they provide advance written authorization to the City.~~

Alderman Thornber inquired why not all city employees have direct deposit.

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Schmidlkofer stated direct deposit is not mandatory and offered on a volunteer basis. Thornber requested direct deposit for city employees be placed on the next General Government committee agenda.

Moved by Jaeckels, seconded by Bangart to approve the recommended revisions to the Personnel Policy, Chapter 15 regarding payroll deductions as indicated above effective August 1, 2013.

Mayor Vanne stated he received a letter from one of the three employees that uses Premier services and he feels that since the City has been doing this for 15 to 20 years we should not be changing the procedure. Vanne suggested that we take the 3 people using Premier Credit Union and make it that they are grandfathered in until they leave and do not allow new employees to use this procedure.

Mayor Vanne called for a voice vote. Motion carried.

The General Government committee agenda was amended to include Street Lighting Project expenditures due to the stringent timeline for Focus on Energy rebates however the July 31, 2013 deadline for installation of the streetlights was not feasible and for this reason, no action required at this time.

The committee then established the following goals:

1. Follow through with TIF #2 Business Expansion Project
2. Maintain a tax rate comparable to 2012
3. Maintain disciplined budget work throughout the year
4. Continue Communications between Public, City and Calumet County
5. Annually Review Identity Theft Prevention Program Policy

Chairman Johnson presented the minutes from the July 9, 2013 Public Works committee meeting. The minutes are for informational purposes but highlighted a few items.

The committee reviewed residential green space and drive ways which was brought up at a council meeting in June of 2012 and the consensus at that time was to establish as a goal an acceptable area for parking vehicles within front or side yards of residential properties in order to address off-street parking issues that would maintain an acceptable appearance within the City. DPW Schwarz informed the committee no action was completed regarding the subject.

Residents on Washington Street attended the committee meeting to address off-street parking concerns in their neighborhood. DPW Schwarz said he has checked with City Attorney McDermott and Building Inspector Birschbach regarding the issue and they agree that nothing is stated in the code that would have prevented the recent installation of an additional parking area with a gravel surface.

Consensus from the committee was to have City Attorney McDermott address the issue of green space at this Council meeting and clarify the meaning of the language in the Municipal Code, Section 16.10 (8) Landscaping In All Districts Except C-2 or I-2.

McDermott stated this issue came up a while ago and you try to be objective when you are using words like "trashy". You are dealing with the section of the code that addresses landscaped yards. That phrase is not technically defined. Such yard shall have a depth of at least fifteen feet; there is exception for driveways, the yard shall extend along the entire frontage of the lot and along both streets in the case of a corner lot. In the past, how this has been interpreted is our policy on driveways is that when you issue driveway permits or new driveway permits for up to 24 feet in width in residential districts.

Two issues are involved at this point:

1. Surface material
2. Width, especially when they are widened beyond the curb cut

There are many gravel driveways in residential districts, more than you think and this is where the discussion ended last time. There are many driveways in the city in residential districts where they flare out to ease getting in and out and to provide additional off-street parking. That is what happened to this particular property at 54 W. Washington Street. That is why we did not do anything because this has been allowed in the past. This parcel is within 24 feet, as measured by DPW Schwarz. If you go to the more established areas in the City (older areas), there are rental properties so you have two or more vehicles so that they can get in and out easily without having to ask the other tenant to move a vehicle. Going forward if you want to restructure, look around, you will be affecting many properties.

McDermott stated the comments that he received are it is more than just a little widening of the driveway, and then the fact that it is gravel. Then what is on this extended area, empty trailers, etc. Maybe we need to address permanent parking in front yards. We have all seen that in spring vehicles' parking in front yards and then the yard gets all rutted up, this is considered trashy perhaps even more so than gravel. That is why nothing has been done because we interpreted the 24 feet as being driveway.

Discussion then took place regarding percent of structure and percent of green space, required for off-street parking what is allowed.

There are quite a few issues:

- Width of the front
- Percentage of the front
- Percentage of the whole type of surfacing involved
- Definition of parking and driveway

Alderman Jaeckels stated the properties that have already expanded need to be grand fathered or given some type of incentive to make some changes. What really needs to be done is look at creating a policy or regulations that specific what can be done moving forward. Basic things are parking area, permanent material of asphalt or concrete.

Mayor Vanne stated you cannot start legislating what someone's yard is supposed to look like.

Alderman Thornber stated three properties on W. Washington Street could be considered "blighted area". Who is to say that will not spread?

Alderman Schmitzer commented you have to be subjective; after all, it is your opinion.

Alderman Bangart inquired if the situation is hazardous, to you it looks junky to someone else it may look great.

Mayor Vanne further noted if there were weeds in the gravel, potholes and mud that would be different; the council needs to be careful. Once you change something, that is it and it never is changed. How will the council handle enforcement?

The committee will continue to gather additional information regarding off-street parking before making a recommendation to the council.

Chairman Johnson moved on with the minutes to report that the committee decided to move forward with electrical installation at Hillside Cemetery for the lighting of the flagpole with the condition that DPW Schwarz obtain and review more than one contractor quote for the project.

DPW Schwarz recommended manual key switches for both tornado warning siren towers. The towers are located downtown near Kaytee and on the corner of Heimann and Court Streets. These manual key switches would allow emergency personnel from the City to activate the siren if the radio signal was down. The committee authorized DPW Schwarz

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to move forward with the purchase of manual key switches for the tornado warning siren towers and notify the council when the project is completed.

DPW Schwarz shared street reconstruction 30% drawings for E. Chestnut Street (area between Madison and Elm Streets) as displayed in the council chambers for all members to review. This is a total reconstruction project including a concrete surface, curbing, sidewalk, streetlights, etc. The project is scheduled for 2016 with no cost to the City. Schwarz is meeting with the Dept. of Transportation on July 24, 2013.

The committee endorsed induction lamps for the street light project with the condition that DPW Schwarz obtain and review more than one contractor quote for the project.

The Wisconsin Administrative Code mandates that property owners with a private water supply well in operation within the City's water service area must obtain a \$25.00 Private Water Supply Well Operating Permit from the City to continue operation of the private water supply well. The property owner must obtain one safe bacti sample, have the well and pump evaluated by a licensed well driller or pump installer, provide written documentation of the inspection and have the City make sure that there are no cross connections between the private well and pump installation and the municipal water system. Currently the Water Department is working on this process.

DPW Schwarz received a letter from Marty McIntire, Plant Manager at Briess regarding parking concerns on Columbia and Commerce Streets. He noted that employees and other motorists are parking on both sides of Columbia and Commerce Streets regularly. The problem arises when semi-truck drivers need to occupy the streets for loading and unloading at Briess. There simply is not enough room for the parked cars and the semi-trucks thus creating a dangerous situation.

DPW Schwarz said that the west side of Columbia Street and the north side of Commerce Street abuts property owned by Briess. Briess owns and occupies the entire block. In contrast, the east side of Columbia Street and the south side of Commerce Street is zoned residential and abuts residential property owners.

It was recommended by the committee that DPW Schwarz contact McIntire and identify the Briess employees who are parking on city streets and have them utilize the Briess parking lot or other property owned by Briess. Schwarz noted since the committee meeting a letter was drafted and it appears the issue has been taken care of.

#### **NEW BUSINESS:**

Moved by Schmitzer, seconded by Hilton to accept the BID from MCC, Inc. of Appleton for \$192,872.89 for the 2013 Street Urbanization for High, Franklin, Fulton, Liberty and Wall Streets. 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.

DPW Schwarz noted the bid did come in below budget and for this reason would like to include updates to the alley from Park Street to Brooklyn Street. A proposal regarding alley repairs will be presented to the Public Works committee for review and then presented to the council for final approval.

Moved by Hilton, seconded by Thornber to introduce, adopt and waive the second reading of Resolution No. 1654, a resolution to subordinate CDBG Loan No. 04-10. 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 Johnson, seconded by Bangart to approve the mayoral re-appointment of Richard Bosshardt, Sue Salzsieder and Rosemary Propson to the Library Board for a term

from July 16, 2013 to June 30, 2016. Motion carried.

Mayor Vanne provided an overview of the quarterly financial report and Water Department and Sewer Department quarterly report.

Moved by Gruett, seconded by Schmitzer to approve the account appropriations of \$12,964.37 from library gifts (48501-000) to library revenue/expense (55113-325).

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.

Attorney McDermott reported on the on-going discussions regarding county trunk highway maintenance issues between the City of Chilton and Calumet County. Since 2002, we have had an ongoing debate with Calumet County regarding the city's responsibility involving maintenance of county highways, which are within city limits. (County F and County Y). Some incidents that occurred which we followed Wisconsin law that started with plowing snow in parking lanes; to date Calumet County still plows the parking lanes. They do not want to but they are doing it.

Section 83.025(2) of the WI State Statutes states the county trunk highway system shall be marked and maintained by the county. The county shall be responsible for the construction and maintenance of the county trunks within the city or village streets on the county trunk highway system to a greater width than those portions of such system outside of the city or village with such streets.

Interpretation by the Attorney General in 1955: Streets in a city or village – the county has the duty to maintain a city street that is a part of the county trunk system to the full width of the street, providing such street is not wider than the portions of the county system connecting with such street. The League of Municipalities agrees with the Attorney General's opinion – 1980. The Wisconsin Counties Association's Attorney Andrew Phillips, legal counsel for the County's Association agrees with the opinion. But, we have had disagreement at the county level.

A number of issues have come up other than snow plowing.

- **Maintenance of N. State Street:** The county chip sealed N. State Street and did not include the 2 to 3 foot area on both sides of the road; they felt they did not have to maintain the parking lanes.
- **Sink Hole:** Earlier this year a sinkhole developed in the parking lane portion of State Street right in front of 100 W. Main Street. The City put up barricades for safety, the County repaired it but the City received an e-mail that the work would not be precedent setting and they expected us to pay for the work and would be sending us an invoice. (To date the City has not received a bill)
- **Tree on State Street:** June 28, 2013 a tree fell down on State Street and the City Street Dept. cleaned the tree up.
- **East Main Street Bridge:** On County Y downtown the bridge had weeds and grass growing so much that you could not see the bridge railing when traveling NE, and the sign that warns drivers that a bridge is present was completely covered. The City received an e-mail from Calumet County Highway Commissioner's office that trimming this area was not the county's responsibility. Nevertheless, The County completed trimming.

As City Attorney, I wanted to inform all the council members of these issues and at some point, it is going to become an issue that we may have to resolve in court. We thought that would happen when we received an invoice for the sinkhole repairs; don't know if it is worth raising the issue on the context of an invoice from the City for tree removal and it could of become an issue with regards to safety on the bridge, safety has to come first.

**Maintenance issues include storm sewer:** An issue come up on S. Madison Street

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where a property owner on the corner of Chestnut and S. Madison Streets would like to hook his sump pump into the storm sewer and was told by the County they do not have anything to do with that and he would have to contact the City. This storm sewer is on County G; we are playing the word game again with the County. The City would like to give permission, but we do not feel we have the permitting rights on this issue.

Several miles to the south, there was an effort to do some drainage work and the County exercised its permitting process to put in a drain line in the right of way.

This battle has continued, never really gets resolved, and just simmers. In 2002, Calumet County Corporation Counsel agreed with the City's opinion however, the current County Corp. Counsel has not been consulted. McDermott indicated it may be worthwhile to try again to resolve it with contacting corporation counsel.

In closing, we will watch these issues as they come up. The City would need a justiciable issue like a bill. If we have not received an invoice for the sinkhole and trimming there is not an actual issue to buy before a court.

Discussion took place if the City should invoice the County for the tree removal on State Street, which was causing a safety issue in the travel lanes. (This situation took place after hours). It was noted safety comes first and that is why the Street Department was called in to remove the tree.

Moved by Thornber, seconded Hilton to invoice Calumet County for the tree removal on State Street on June 28, 2013. Motion carried.

**COMMUNICATION:**

Distributed monthly building/plumbing report, June 17, 2013 staff minutes and minutes of the May 9, 2013 County Municipal Intergovernmental meeting.

**APPROVE PAYMENT OF BILLS:**

Moved by Hilton, seconded by Schmitzer to pay the bills. Roll call vote.

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

Eight votes cast. Six votes aye. Motion carried. Voucher No. 73627 through Voucher No. 73777 or accounts payable and payrolls totaling \$273,891.86.

**ADJOURNMENT:**

Moved by Hilton, seconded by Johnson and carried to adjourn at 7:40 p.m. on July 16, 2013.

Helen Schmidlkofer, MMC

City Clerk