

Chilton, Wisconsin  
May 5, 2015

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 5/01/15, 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 Kathy Schmitzer	Council Member Ron Gruett
Council Member Rick Jaeckels	Council Member Richard Bosshardt
Council Member Kevin Johnson	Council Member Clayton Thornber
Council member Linda Bangart	

Other city officials present were Director of Public Works Todd Schwarz, City Attorney Derek McDermott, Police Chief Craig Plehn and City Clerk Helen Schmidlkofer. Absent and excused Council Member Dan Hilton.

General attendance: Kevin Behnke, Senior Manager of Hawkins, Ash CPAs and Faye Burg, Delta Publications

Those in attendance recited the Pledge of Allegiance.

Moved by Jaeckels, seconded by Schmitzer and carried to approve the minutes of the council meeting held on 4/21/2015.

**REPORT OF OFFICERS:**

**MAYOR REPORT:**

- Mayor Vanne requested a moment of silence for the Dan and Ellie Hilton family due to the recent loss of their son.
- Assisting Davita to acquire State Certification for Medicare and Medicaid by contacting Assemblyman Paul Tittl and Senator Ron Johnson. Kathy Holzer from the Chilton facility noted that the average certification period is 6 to 9 months and the center is currently pending an on-site visit from the State. (Davita in Chilton opened on December 31, 2014.)
- Attended Arbor Day activities earlier today, which was well attended.

**CITY CLERK REPORT:**

- ↻ Open Book is May 14, 2015 4:00 to 6:00 PM in the council chambers
  - Notices were mailed to property owners regarding assessment changes; a copy of the letter was distributed for the council members
- ↻ Board of Review is June 2, 2015 8:00 AM to 10:00 AM
- ↻ Culture and Recreation Committee meeting is this Thursday, May 7 at 6:30 PM
- ↻ General Gov't meeting is next Monday, May 11 at 6:30 PM
- ↻ April 1, 2015 notified all dog owners that failed to acquire an annual dog license; 174 owners were delinquent and were contacted by phone or sent a letter to renew their dog license by 4/10 and the City would waive the \$5 late fee. May 1; six dog owners were turned over to the Police Department to issue warning letters
- ↻ Shawn Hau, Loss Control Consultant, United Heartland conducted annual visit on 5/4
- ↻ Public Hearing on May 19, 2015 at 6:45 PM to rezone Lots 1 thru 3 of Field Court Subdivision from R-D (Two-Family Residential) to R-1 (Single Family Residential)
- ↻ Reported on my attendance at the Municipal Treasurers Association of Wisconsin Conference – April 22 to April 24, 2015 – Attended the MTAW Board Meeting (Currently serving as a board member). Sessions attended included the following: Accounting Challenges & GASB Update - Provided an update on GASB for 2015 and future years.

Violence in the Workplace / Active Shooter - Learned the principals of the survival mindset

Attendance at MTAW annual meeting

Open Records and Open Meetings Law Training & Update -Reviewed open meeting and records requests

Bankruptcy 101 -Reviewed what to do when your municipality gets a notice

Department of Revenue Updates

Privacy in the Digital Age -Target advertising, smartphone tracking and privacy in today's digital age

Legal Issues in the Digital Frontier - WI Public Records laws - adapt to dealing with issues such as social media, tweets, metadata and more

Schmidlkofer then thanked the council and staff for allowing her the opportunity to attend the worthwhile conference.

#### **APPROVE FINANCIAL REPORT:**

Moved by Thornber, seconded by Bangart and carried to approve the May 1, 2015 financial report.

#### **APPROVE LIQUOR LICENSE:**

Moved by Jaeckels, seconded by Johnson and carried to approve the 6-month "Class B" Beer license for Hobart Field Softball Assoc, Inc.

Moved by Johnson, seconded by Bangart and carried to approve the Class "B" Picnic license for Muscular Dystrophy Association for July 31, 2015 to August 2, 2015 at Hobart Park. Person in Charge is Dalton Payne, Chilton, WI.

#### **DIRECTOR OF PUBLIC WORKS REPORT:**

- ☞ Yesterday at 11:00 AM, Well #11 went on-line; pictures of the valve that was installed to equalize the pressure were distributed to the council members to view. The valve was built specifically for the City's system; the Department went through the operations of the system Monday morning. Punch list items to complete yet are paving at #11 and at #8, protectors for the transformers, and numerous small items.
- ☞ Transmission line into the well building completed by the Department with the assistance of a local plumber
- ☞ Mowing in all city parks
- ☞ Working with Mary Kohrell of UW Extension regarding an electronics-recycling drop off in September to be held within the City. Complete details are not defined at this time.
- ☞ Shredding compost this week; will be available at city garage for residents
- ☞ Distributed schedule of events for 7<sup>th</sup> Grade Waste Awareness and Recycling Field Trip for May 13th

#### **AUDIENCE PARTICIPATION:**

Council member Thornber addressed the council regarding the May issue of the League of Municipalities magazine highlighting municipal clerks. The articles identify the complex responsibilities of a municipal clerk. Thornber acknowledged Helen and her staff for doing the type of job that is outlined in the magazine, an excellent job by all.

#### **NEW BUSINESS:**

Mayor Vanne requested Kevin Behnke to present the audit. Behnke provided the council with a summary of the financial report December 31, 2014. Behnke stated the level of fund balance is generally considered excellent by municipal bond consultants and an indication of sound financial planning.

Water Utility rate of return is 1.46% compared to 2.99% in 2013. In 2014, revenues increased by \$3,000 and certain operating costs increased by \$44,000 resulting in the reduced rate of return.

Sewer Utility rate of return is -0.05% compared to 1.92% in 2013. To achieve a rate of return of 3%, operating income would be approximately \$13,400. In 2014, revenues

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decreased by \$3,600 and expenses increased by \$12,300 resulting in the lower rate of return.

Moved by Jaeckels, seconded by Bangart to approve the BID from V & T Painting, LLC of Farmington Hills, MI for \$267,250.00 to repaint the south-elevated water tank (Contract C0002-940671). Roll call vote.

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

Seven votes cast. Seven votes aye. Motion carried.

Moved by Jaeckels, seconded by Johnson to approve the revised State Municipal Agreement regarding the Chestnut Street Reconstruction Project to include utility work and apply credits to the City of Chilton. Roll call vote.

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

Seven votes cast. Seven votes aye. Motion carried.

Clerk Schmidlkofer requested the council to adopt a resolution to not allow for telephone or written testimony at Board of Review (BOR). Recent changes in the law would allow telephone or written testimony at BOR. Schmidlkofer emphasized that currently the law does allow telephone testimony of ill or disabled persons only. Changes to the state law will allow all property owners to testify by telephone or written documentation unless the council passes a resolution to only allow for telephone or written testimony by ill or disabled.

Mayor Vanne said, “I disagree, if I call in on the phone to talk to someone and have a complaint about my taxes to the Board of Review that should be good. I think that we are getting nitpicky.”

Schmidlkofer reminded the council that the 5-member citizen board is required to be held for two hours (Established time is 8:00 AM to 10:00 AM) to hear testimony from residents regarding their assessments. Open book to review assessments one on one with the assessor is conducted for 2 hours (4:00 PM to 6:00 PM) and if residents are not able to meet directly with the assessor property owners can call the toll free number to review.

Schmitzer said, “People have complained to me about their taxes and I tell them that they can come to Board of Review. Then they tell me that they cannot take off work.”

Schmidlkofer suggested that council member Schmitzer encourage residents that are concerned about the assessed value of their property attend open book or call to review the assessment. Board of Review is for property owners that are dissatisfied with the final decision at open book.

Lengthy discussion continued on the current process and the new proposed revisions.

Mayor Vanne said, “The state is allowing telephone or written testimony. To me this is more government in my face. Written testimony would probably be for most people better than coming and sitting in front of the board and being intimidated by the board.”

Schmidlkofer stated the property owner is required to file an objection form for assessment as required by law.

Jaeckels said, “The likely hood of a property owner having a positive result is going to be less if they do not show up. It would be harder to get all the answers and details.”

Gruett said, “Aren’t we a public service, a public entity. Aren’t we supposed to make it convenient for the people that we represent? The State is tearing down obstacles and we are building them right back up again. If the person does not show up, they are less likely to be peeved but if they do not show and do not call because either they are working or on vacation then they are worse off. ”

Mayor Vanne called for the resolution to be brought to the floor.

Moved by Jaeckels, seconded by Bosshardt to introduce, adopt and waive the reading for Resolution No. 1695, a resolution to revise the Board of Review Procedures. Roll call vote.

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

Seven votes cast. Two votes aye. Five votes nay. Motion failed.

Moved by Johnson, seconded by Schmitzer to approve the hiring of Matthew Kluck & Alexander Engman as part-time police officers for the City of Chilton contingent upon passing background check and pre-employment testing. Roll call vote.

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

Seven votes cast. Seven votes aye. Motion carried.

#### **REPORT OF COMMITTEES:**

Mayor Vanne reported on the April 27, 2015 Intergovernmental Boundary meeting. Those in attendance received an update on municipal Well #11 and conducted annual election of officers.

#### **CLOSED SESSION:**

Moved by Johnson, seconded by Schmitzer to go into closed session at 7:39 PM under WI Statutes 19.85(1) (e) to review sale of city owned property and negotiation of conveyance of property at 519 N. Madison Street. Roll call vote.

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

Seven votes cast. Seven votes aye. Motion carried.

Council discussed sale of city owned property and negotiation of conveyance of property at 519 N. Madison Street.

Moved by Johnson, seconded by Schmitzer to return to open session at 8:02 PM.

Roll call vote.

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

Seven votes cast. Seven votes aye. Motion carried.

Moved by Johnson, seconded by Jaeckels to approve the real estate sale agreement between the City of Chilton and Best Exteriors and Home Improvements, LLC with the established closing date on or before June 5, 2015; said agreement authorizing the sale of city owned property in the Industrial Park consisting of 1.75 acres off Progress Way, Lot 2 of Certified Survey Map No. 3331 (Tax ID No. 32386) for a purchase price of \$5,250.00 and authorize the mayor and clerk to execute any and all documents necessary to effect and complete said purchase. Roll call vote.

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

Seven votes cast. Seven votes aye. Motion carried.

Moved by Schmitzer, seconded by Thornber to approve the conveyance of a conditional gift agreement between the City of Chilton and U. S. Venture, Inc. and the real estate sale agreement of property between the City of Chilton and Colancy Mercantile, Ltd. property known as 519 North Madison Street with the following provisions:

1. Amendment to Real Estate Tax Assessment Covenant. Buyer agrees that it will not contest the assessed value for the property for 2015.
2. Entering into both agreements condition upon the City's prior review and acceptance of the title insurance.

In addition, authorize the mayor and clerk to execute any and all documents necessary to effect and complete said agreements. Roll call vote.

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

Moved by Johnson, seconded by Bosshardt to approve the real estate sale agreement between the City of Chilton and Cypress Homes, Inc. with the established closing date on or before May 22, 2015; said agreement authorizing the sale of city owned property described as Lot 2 of Field Court Subdivision (Tax ID No. 31680) for a purchase price of \$17,500.00 and authorize the mayor and clerk to execute any and all documents necessary to effect and complete said purchase and with the amendment to Property Condition Representations: Seller warrants sewer and water, gas and electric are at the site. Seller makes no other representations or warranties concerning the condition of the property. Buyer accepts the property in an “AS IS” condition. Roll call vote.

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

**COMMUNICATION:**

Distributed monthly building/plumbing report and April 1, 2015 Chilton Chamber of Commerce meeting minutes.

**APPROVE PAYMENT OF BILLS:**

Moved by Johnson, seconded by Jaeckels to pay the bills. Roll call vote.

Gruett – yes                      Bangart – yes                      Bosshardt – yes                      Thornber – yes  
 Jaeckels – yes                      Schmitzer – abstain                      Hilton – absent                      Johnson - abstain  
 Seven votes cast. Five votes aye. (Schmitzer and Johnson-abstain) Motion carried.  
 Voucher No. 76995 through Voucher No. 77059 or accounts payable and payrolls totaling \$115,168.52.

**ADJOURNMENT:**

Moved by Schmitzer, seconded by Johnson and carried to adjourn at 8:08 p.m. on May 5, 2015.

Helen Schmidlkofer, MMC  
 City Clerk