

Chilton, Wisconsin  
September 20, 2016

The regular meeting of the Chilton Common Council was called to order at 6:30 p.m. with Mayor Rick Jaeckels presiding in the council chambers at the Chilton City Hall.

**AGENDA POSTING:**

On 9/16/16, 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 Rick Jaeckels and eight members of the Council were present at roll call:

Council Member Mark Willems	Council Member Dan Hilton
Council Member Kevin Johnson	Council Member Clayton Thornber
Council Member Ron Gruett	Council Member Greg Kubichka
Council Member Kathy Schmitzer	Council Member Kurt Stephany

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

**General attendance:**

Tammy and David Augsburg, Priscilla Halbach, Doris Popp, Mary Hoerth, Bob Moehn, Judy Thiel, Troy Duchow, Steven Petrie, Tim Keuler, Lisa Meyer, Faye Burg, Delta Publications and Betty Schilling, Chilton Times Journal.

Those in attendance recited the Pledge of Allegiance.

Moved by Hilton, seconded by Kubichka and carried to approve the minutes of the council meeting held on 9/06/2016.

**REPORT OF OFFICERS:**

**MAYOR REPORT:**

- Mayor Jaeckels stated what he is working on will be addressed on the agenda tonight.
- Had contact with people from Eastern Wisconsin Racing and the desire to alter the racetrack and bring more racing to town. We will work with the Chamber, County well as the Ag. Board in regards to that.

Thornber questioned Mayor Jaeckels regarding the clerk memo and the fact that the Salzsieder issues cost the City \$5,500.00 and we have no way to recover that. (No definite response was given by the Mayor.)

**POLICE CHIEF REPORT:** Chief Plehn read the following report:

- On Wednesday night at approximately 11:58 pm, Officer Petrie was on patrol when he observed an individual relieving himself on a building next to Mueller Time 40 West Main Street. Officer Petrie made contact with the individual and the individual was very cooperative at the time. The suspect knew what he was doing was wrong and even offered himself to be taken into custody by placing his arms behind his back. Officer Petrie advised the individual to sit on the curb while he ran a records check and was going to cite him for relieving himself on the building. The suspect complied and did not pose a threat to Officer Petrie at this time. Officer Petrie learned that the suspect was on probation and probation was requesting he be taken into custody and transported to jail. Officer Petrie advised the suspect of this and the individual was cooperating and requested a cigarette. Officer Petrie allowed him to finish his cigarette and while placing a handcuff on an individual he started to resist. The Suspect without warning hit Officer Petrie in the face approximately 3 times causing injury to his face. While doing this a struggle ensued and the suspect attempted to grab the Officers Taser. Luckily, Officer Petrie was able to pin the suspect against the car until backup arrived. Even after backup arrived Officers struggled to take the suspect into

custody. Officers from the Sheriff's Department and New Holstein Police department responded and assisted in this incident. Officer Petrie was transported to Calumet Medical Center where he had a cat scan done and received medical attention for his injuries. Officer Petrie did miss a day and a half of work due to this incident and the suspect has since been transported to Clark County where he is currently in custody on a probation hold. He was arrested for felony battery to a Law Enforcement Officer and resisting arrest. The Calumet County Sheriff's Department investigated the incident.

This was a very difficult incident for the entire department. Luckily, the suspect did not knock Officer Petrie unconscious or take his Taser where the suspect could have then disarmed the officer. We are very lucky that the officers were able to finally get this suspect into custody. This incident could have really been much worse. I take the safety of all the Officers here personally and it was very difficult seeing Officer Petrie in a hospital bed with his wife and father at his side. Officer Petrie is slowly recovering from his injuries and since then has returned to work.

- On a better note, on 9/13/2016 the Chilton Police Department submitted all its core standards and proofs to the Wisconsin Law Enforcement Accreditation Group. Many of you know since I have started here that getting the Chilton Police Department accredited was one of my goals. I never anticipated that it was possible to get the initial process done this soon. Since we submitted all of our paperwork, the Wisconsin Law Enforcement Accreditation Group will assign two assessors to review all of our work. Both assessors must agree whether we meet the Core Standards or we do not. If they find areas we need to improve on, we must make the necessary changes to comply with the Core Standards before we can achieve accreditation. I will give you an overview of what core standard accreditation is. The Core Standard accreditation program was designed for agencies serving a population of 10,000 citizens or less and it identifies 39 Core Standards of Professionalism and Excellence that agencies should try to achieve. Each of the 39 standards have multiple elements and each element have required "proofs" to show that not only does the agency say we will abide by these standards, we actually have proof we do. The proofs consisted of directives, incident reports, photos and more. We must show that we have the required policies many of them which are mandated by the state, in place and show that these policies meet the standards. We must then find evidence in complaints, directives, or procedures to prove we are actually doing what the policies say we need to do. The two assessors will review our work and both must agree that we comply with the 39 Core Standards before we are awarded the Core Standards Verification Award.
- To give you an overview of the Department, both Officer Petrie and Officer Harn have returned to duty after Family Medical Leave. Officer Petrie's wife gave birth to a boy, named Easton Steven Petrie at 3:59 pm on August 5, 2016. He weighed 8 lbs. 10 oz. and was 21 inches long. Officer Harn recently returned from Bulgaria after going there as part of the adoption process for a daughter. Harn will be traveling back to Bulgaria in hopes of securing an adoption of a beautiful girl.
- Officers continue to be trained in specialized areas. Officer Harn just returned from child forensic training. This training is mandated by the courts when interviewing children who are victims of sexual assault. Officer Petrie will be attending heroin and prescription drug, overdose investigations this week. As you all know overdose investigations are on the rise. All officers are scheduled to

attend firearms training at FVTC next week. Officer Winsted will be attending online social networking for investigations and intelligence, as many crimes and evidence of crimes can be located on social networking sites. Officers Young and Schneider will be attending ARIDE training, which is OWI and drug driving training; this is advance training to detect impairment when operating a motor vehicle. In the upcoming year, officers are required by the state to have pursuit driving and firearms training.

Alderman Johnson said we have two good reasons to applaud Officer Petrie today for being alive and well and becoming a new father again. Hearing that everyone in the council chambers applauded Petrie.

**CITY CLERK REPORT:**

- ↻ Absentee voting in the clerk's office prior the November 8 General Election will be available starting September 23 to November 4 from 8 AM to 4 PM. Voters can check online at WisVote if their current information is correct prior to election day.
- ↻ Attended a meeting earlier today regarding the county's tax program and the proposed changes for 2017 to include software changes for the dog and special assessment programs.
- ↻ Distributed updated listing of the city commissions and board members.

**APPROVE OPERATOR LICENSE APPLICATIONS:**

Moved by Willems, seconded by Schmitzer to approve the two-year license applications to serve fermented malt beverages and intoxicating liquors from September 20, 2016 to June 30, 2018 for Shaunna L. Thomma, Edith M. Thomma and Crystalynn M. Gerpoltz. Motion carried. Clerk Schmidlkofer noted the applicants have been approved by the Chilton Police Department.

**DIRECTOR OF PUBLIC WORKS:**

- ↻ Chestnut Street reconstruction project – running on schedule and should be complete by mid-October.
- ↻ Calumet County Highway Committee meeting will review the State Street project; the county rejected the City's proposal and should be coming back with another proposal.

**AUDIENCE PARTICIPATION:**

David Augsburger of W2592 St. Charles Road addressed the council to request that the City review the Fire Department hiring policy.

**NEW BUSINESS:**

Mayor Jaeckels noted there is no new business at this time. The council will have the public hearing at the posted time of 6:45 P.M.

**UNFINISHED BUSINESS:**

Mayor Jaeckels said the council previously discussed the water rate increase from the Public Works committee meeting.

Moved by Willems, seconded by Stephany to introduced, adopt and waive the second reading of Resolution No. 1731 a resolution to approve a water utility rate increase of 3% effective December 15, 2016. Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Stephany - yes

Eight votes cast. Eight votes aye. Motion carried.

**REPORT OF COMMITTEES:**

The August 8, 2016 Library Board minutes were distributed to the council members. Mayor Jaeckels asked if anyone had any comments in reference to the library or questions of Schmitzer.

**MOVED BACK TO NEW BUSINESS:**

Mayor Jaeckels opened the Public Hearing at 6:45 P.M. to solicit comments regarding a request to rezone 241 East Main Street from C-2 (Central Business District) to R-1 (Single Family Residential). Jaeckels read the notice. Clerk Schmidlkofer stated the notice was published as a Class II notice as required by law.

Mayor Jaeckels inquired if anyone was present to speak in favor or not in favor of the amendment.

Hearing no comments from the public, Mayor Jaeckels closed the public hearing at 6:47 P.M.

Gruett said that he doesn't take rezoning lightly and seeing that no one is present for the hearing he would agree to the change.

Kubichka stated he owns property in the area and has no objection.

Thornber noted that the rezone request was brought before the Plan Commission and as you can see from the minutes, a lengthy discussion both pro and con took place.

Willems echoed that the Redevelopment Authority also reviewed the rezone request and gave approval.

Moved by Kubichka, seconded by Thornber to introduce, adopt and waive the reading of Ordinance No. 1131, an ordinance to rezone 241 E. Main Street from C-2 to R-1.

Roll call vote.

Gruett – yes                      Willems – yes                      Kubichka – yes                      Thornber – yes  
Schmitzer – yes                      Hilton – yes                      Johnson – yes                      Stephany - yes

Eight votes cast. Eight votes aye. Motion carried.

**MOVED BACK TO REPORT OF COMMITTEES:**

Chairperson Schmitzer reported on the General Government committee meeting held on September 13, 2016. The biggest item was the health insurance plan for the City, which expires September 30, 2016. What we would like to do is change the health insurance to a calendar year but in order to do that we would have to extend the insurance from October 1, 2016 to December 31, 2017 as you can see from the minutes and there would be no changes to the plan.

Thornber moved to accept the short renewal health insurance plan from October 1, 2016 to December 31, 2016 at a zero percent premium increase, Schmitzer seconded the motion.

Mayor Jaeckels asked if anyone had any questions.

Lisa Meyer requested to speak regarding the health insurance. Meyer suggested that the council endorse the health insurance proposal from 10/1/2016 to 12/31/2017 with a 5.6% premium increase. Brief discussion then followed among the council members regarding the timeline and what options were available.

Schmidlkofer reiterated that Mc Clone representative Sara-Beth Janssen presented four health insurance plans as follows:

1. Current plan – short renewal 10/1/16 to 12/31/16 0% premium change.
2. Current plan – long renewal 10/1/16 to 12/31/17 5.6% premium change.
3. WPS, deductible \$2,500 single & \$5,000 family, with health savings account (HSA) 1/1/17 to 12/31/17 estimated -9.1% premium savings.
4. WPS, deductible \$3,500 single & \$7,000 family, with health reimbursement account (HRA) 1/1/17 to 12/31/17 estimated -19.7% premium savings.

HRA schedule for option 4 would be:

Employee responsibility for a single plan \$0 to \$500, city contribution \$501 to \$3,500.

Employee responsibility for a family and employee/spouse plan \$0 to \$1000, city contribution \$1001 to \$7,000.

HSA schedule for option 3 would be:

Employee responsibility for a single plan \$500, city contribution \$2,000.

Employee responsibility for a family and employee/spouse plan \$1,000, city contribution \$4,000.

The 12% premium paid by the employee would remain going forward and can be pre-tax through payroll. Employees could also use a flexible spending account to a max of \$2,500.00 per year however; the employee must use it or lose it.

Both the HRA and HSA programs would require a third party administrator; the City would not administer either program and the estimated startup cost would be \$1,200 and after that would be estimated at \$900.00 annually.

If the City were to renew the current plan for a short renewal to the end of 2016 the deductible does not start over, this would continue thru December 31, 2016.

Schmidlkofer said that former Mayor Vanne indicated that one of his goals as mayor was to implement a high deductible health plan for all city employees and by doing so the City could save money for a 7<sup>th</sup> officer. Schmidlkofer then asked Mayor Jaeckels if that was his same goal. Jaeckels responded, “Yes, that is correct.”

One more consideration that is important is the affordable care act; there are many changes however, the City is not mandated or required to make health care changes at this time.

The City has self-funded Delta Dental insurance since May 1, 2010. There was a question at the committee level regarding how the self-funded plan is administered. When you have a self-funded plan, you hire a third party administrator (TPA). The City of Chilton hired Delta to be the TPA. The premium charged to the City allowed Delta to workout negotiated discounts and networks for the city employees to utilize when visiting the dentist. The dental provider would bill the Delta for the services rendered. After Delta processes the discounts, they bill the City for the covered charges. Ultimately, the City pays for what is used. The Delta Dental plan from 2016 to 2017 would increase by 2% as indicated:

	<u>Current</u>	<u>Renewal</u>
Single	\$42.54	\$43.39
EE/Spouse	\$119.16	\$121.54
Family	\$136.19	\$138.91

Willems asked the employees in the audience which health plan they preferred.

Meyer responded that the employees would like to maintain the same plan for the 15 months and not go to the high deductible.

Mayor Jaeckels stated that the committee chose the high deductible with the HRA, which doesn't have the co-pays that are currently paid for out of pocket by the employees.

Discussion continued regarding the various plans defining the difference between the plans, cost to employees and the City.

Thornber expressed, “We would not be in this situation if there had not been for a political move on the Federal Government’s administration of setting aside cadillac medical plans and placing a fine on them, which is part of the original affordable care act we would not be having this discussion. We would have to have a plan that would meet the criteria of the affordable care act. That has been set aside until 2020.”

Willems stressed it’s not the City against the employees; we are all in this together.

Thornber said, "That the 12% the employee contributes for their portion of the premium would be less regardless if the City chooses the HSA or the HRA plan. For the family plan with the HSA, the employee would save \$864.00/year; that goes a long way for covering your \$1,000 deductible and with the HRA plan, the employee would save \$1152.00/year. This is the employee saving on the new plan; \$1,152.00 totally covers your \$1,000 deductible. We have no control over what the quotes will be in future years."

Meyer stated that last year the employees were given \$750.00 raise for the entire year. What is the City's commitment for the HRA or HSA accounts for future years? A \$7,000.00 family deductible is a huge change. Is this going to be a one-year contribution? Meyer then asked the council members for their opinion regarding their support for future contributions. (Willems, Gruett and Schmitzer expressed that they would support future contributions.)

Stephany compared the City's plan to what he has as a City of New Holstein employee. "I understand what you are going thru because I was is in the same situation."

Willems asked, "Are we doing this to support a 7<sup>th</sup> officer?"

Mayor Jaeckels replied, "We are doing this to save money period."

Willems said, "I thought I heard earlier tonight that it was apparently started last year to save money for a 7<sup>th</sup> officer."

Mayor Jaeckels said, "Not strictly for a 7<sup>th</sup> officer but to save money period."

Willems said, "If we do this to save money that is the smart and sensible thing; we all do this similar to our own homes. But to find money to hire a 7<sup>th</sup> officer through insurance changes is a separate conversation."

Schwarz noted that in the past, the employees and the council talked together and this has been eliminated. This is communicating and not negotiating.

Willems noted in the past we always talked through things first and everyone worked through it. We are proud of our employees and we should reward our employees. I just wanted clarify that we are not making these changes just to hire a 7<sup>th</sup> officer.

Attorney Mc Dermott reviewed the motion with the council members and requested Schmidlkofer to define the current insurance plans again.

Renewal for 3 months (10/1/2016 - 12/31/2016) with zero percent premium increase.

Renewal for 15 month (10/1/2016 – 12/31/2017) with 5.6% premium increase or \$15,000 for 14 employees.

Mc Dermott defined what a vote in favor and not in favor would result in.

Willems and Stephany noted difference in various plans regarding HSA and HRA with Meyer and Keuler.

Schmidlkofer noted that with the proposed HRA the City intends to contribute toward the high deductible in 2017 and the employee may also place funds in a flexible spending account for the first \$1,000 for a family plan and \$500 for a single plan however if you don't use it you will lose it.

Willems said, "I want to put this in prospective; if we stayed with the old plan 5.6% increase is relatively low increase in the health field. The City is thinking we need to go in a different direction to look at more savings."

Schmidlkofer noted the trend in the insurance field is 12 to 18 percent annual premium increase and agreed the 5.6% increase from the current plan to 15 months is good. The

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premium increase from 2015 to 2016 was zero percent and the City has been very fortunate.

Mayor Jaeckels called for a roll call vote.

Gruett – yes                      Willems – no                      Kubichka – yes                      Thornber – yes  
 Schmitzer – yes                      Hilton – no                      Johnson – yes                      Stephany - yes  
 Eight votes cast. Six votes aye. (Willems, Hilton-nay) Motion carried.

Moved by Thornber, seconded by Kubichka to offer the employees the WPS plan with a health reimbursement account (HRA) effective January 1, 2017 to December 31, 2017. The plan design has a deductible of \$3,500 for a single plan and \$7,000 for a family plan. The City would contribute toward the health reimbursement account in the following manner:

- o Single plan employee responsibility \$0.00 to \$500 and city contribution \$501 to \$3,500.
- o Family plan employee responsibility \$0.00 to \$1000 and city contribution \$1001 to \$7,000.

Schwarz questioned why the deductibles were so high. Is this the normal amount for all high deductible plans or are there different amounts?

Mayor Jaeckels said, “There were five plans presented by Mc Clone Agency and I selected what plans to put together as options for the General Government committee to work with. Sara Beth did tell the General Government committee that the proposed HRA plan is still a good plan.”

Thornber once again said, “The Federal government dictates the Cadillac plans.”

Mayor Jaeckels said, “We are getting off subject and called for a voice vote.”

Thornber requested to speak, reviewed the deductibles for 2017 because one plan was \$3,500/\$7000 and the other one is \$2,500/\$5000 and questioned if the city could table action on the plan so that we could have apples to apples comparable.

Stephany noted that October is renewal time and felt we could not wait.

Mayor Jaeckels called for the vote.

Gruett – yes                      Willems – no                      Kubichka – yes                      Thornber – yes  
 Schmitzer – yes                      Hilton – yes                      Johnson – yes                      Stephany - yes  
 Eight votes cast. Seven votes aye. (Willems-nay) Motion carried.

Moved by Johnson, seconded by Schmitzer to continue the current Delta Dental self-funded dental plan from January 1, 2017 to December 31, 2017. Roll call vote.

Gruett – yes                      Willems – yes                      Kubichka – yes                      Thornber – yes  
 Schmitzer – yes                      Hilton – yes                      Johnson – yes                      Stephany - yes  
 Eight votes cast. Eight votes aye. Motion carried.

Moved by Thornber, seconded by Stephany that effective January 1, 2017 to offer Superior Vision plan to the employees at no cost to the city. Roll call vote.

Gruett – yes                      Willems – yes                      Kubichka – yes                      Thornber – yes  
 Schmitzer – yes                      Hilton – yes                      Johnson – yes                      Stephany - yes  
 Eight votes cast. Eight votes aye. Motion carried.

Moved by Schmitzer, seconded by Hilton that effective January 1, 2017 to offer Sun Life short-term disability to the employees at no cost to the city. Roll call vote.

Gruett – yes                      Willems – yes                      Kubichka – yes                      Thornber – yes  
 Schmitzer – yes                      Hilton – yes                      Johnson – yes                      Stephany - yes  
 Eight votes cast. Eight votes aye. Motion carried.

Moved by Schmitzer, seconded by Stephany that effective January 1, 2017 to offer a \$10,000.00 life insurance plan through Sun Life with the City paying the entire premium.

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(This would be an annual additional cost to the City of \$162.00.) Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Stephany - yes

Eight votes cast. Eight votes aye. Motion carried.

Moved by Schmitzer, seconded by Thornber to approve the quote from La Force to re-key doors within city hall at a cost of \$5,770.00. The main reason this project started was due to security issues at city hall and patent issues were brought forward. The cylinder changes do include keys. Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Stephany - yes

Eight votes cast. Eight votes aye. Motion carried.

Schmitzer stated the committee supports Chief Plehn's request and have the city pay for part-time officers' pre-employment physicals per WI Statute 62.13(4). It was noted that in the policy the city pays for all testing except the physical.

Moved by Johnson, seconded by Willems to introduce, adopt and waive the reading of Resolution No. 1732, a resolution to amend personnel policy Chapter 7 and have part-time officers pre-employment physicals paid for by the city. Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Stephany - yes

Eight votes cast. Eight votes aye. Motion carried.

Moved by Johnson, seconded by Schmitzer to go into closed session at 7:46 PM under WI. Statute 19.85 (1) (e) to offer financial support regarding 114 West Breed Street. Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Stephany - yes

Eight votes cast. Eight votes aye. Motion carried.

In closed session, the council discussed 114 West Breed Street.

Moved by Thornber, seconded by Schmitzer to return to open session at 7:52 PM. Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Stephany - yes

Eight votes cast. Eight votes aye. Motion carried.

Moved by Stephany, seconded by Hilton to have the City assist in facilitating the nuisance abatement regarding 114 West Breed Street and authorize the City to pay closing costs not to exceed \$1,000.00 for potential removal. Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Stephany - yes

Eight votes cast. Eight votes aye. Motion carried.

**APPROVE PAYMENT OF BILLS:**

Moved by Johnson, seconded by Schmitzer to pay the bills. Voucher No. 79212 through Voucher No. 79278 or accounts payable and payrolls totaling \$153,518.93. Roll call vote.

Gruett – yes	Willems – yes	Kubichka – yes	Thornber – yes
Schmitzer – yes	Hilton – yes	Johnson – yes	Stephany - yes

Eight votes cast. Eight votes aye. Motion carried.

**ADJOURNMENT:**

Moved by Johnson, seconded by Hilton and carried to adjourn at 7:58 p.m. on September 20, 2016.

Helen Schmidlkofer, MMC  
City Clerk