

(Approved)

**REGULAR CITY COUNCIL
MEETING
Minutes**

February 23, 2015

Brillion Community Center

7:00 PM

CALL TO ORDER:

Mayor Gary Deiter called the meeting to order at 7:00 PM with the Pledge of Allegiance recited by those in attendance.

ROLL CALL:

Present were Mayor Gary Deiter, Alderpersons Mel Edinger, Crystal Fhlug, Betty Nies, Wally Sonnabend, Larry Van Frachen, and Carrie Wenzel. Also present were City Administrator/Clerk-Treasurer Lori Gosz, Park & Rec Director Ann Marx, City Librarian Chris Moede, Police Chief JoAnn Mignon, Deputy Clerk/Treasurer Joy Buboltz, and Community Development Director Cheryl Welch. Absent were Alderperson Robert Brick and Fire Chief Rich Janke.

APPROVAL OF THE AGENDA:

Motion –Van Frachen moved to approve the agenda as circulated and printed. Seconded by Edinger. Call vote taken. Motion carried unanimously.

APPROVAL OF MINUTES –JANUARY 26, 2015 REGULAR CITY COUNCIL MEETING AND THE FEBRUARY 9, 2015 SPECIAL CITY COUNCIL MEETING:

Motion – Edinger moved to collectively approve the minutes of the January 26, 2015 Regular City Council meeting minutes and the February 9, 2015 Special City Council Meeting minutes. Seconded by Sonnabend. Call vote taken. Motion carried unanimously.

PUBLIC APPEARANCES:

A. Citizen Input:

None.

B. Guests:

Andy Pantzlaff from the Brillion News, Beth Wenzel, Kim Simmons, Jason Ruebl, Mike Buboltz, Sarah Skenandore, Tamara Hillmann, Richard McWilliams, Crystal McWilliams, and Amy Vaclavik from McMahon.

Mike Buboltz stated as owner of Hardware Plus, LLC he was present at this meeting regarding the comments made at the last City Council meeting referencing the Downtown as a dead issue and “feeding” Hwy 10. He stated the comments were very alarming and disturbing. Also, the comment made by Alderperson Van Frachen that 99% of the people traveling Downtown are going home or to the grocery store. He also found that comment alarming and feels the comment was condemning the Downtown area. The comments made at the last City Council meeting made a lot of the Downtown businesses unhappy. It also hurts trying to have new businesses fill the vacant stores in the Downtown area.

Van Frachen stated the intent of his comments were that to bring in new businesses would be on USH 10. He stated that any business that may want to locate to the City of Brillion their market valve would be along USH 10. Other communities have tried to revive their Downtown areas. People tend to go to businesses that are the easiest to get to.

Mike Buboltz stated the comments made at that meeting irritated a lot of people.

(Approved)

Mayor Deiter stated he did receive text messages from business people in the community regarding the comments made at the last City Council meeting. He feels a lesson has been learned. We need to respect all business people and feels the consensus of the City Council is that this issue is a “sore spot”.

Mayor Deiter thanked Mike Buboltz for his comments.

Mayor Deiter stated Community Development Director Welch is working on a planning process for the community that involves the Plan Commission, the Redevelopment Authority Commission, and the City Council to work together to plan the direction to take the City. We need to take care of our community or else we will die. He feels the City will be walking a different avenue.

Edinger stated this issue has heightened everyone on how many Downtown businesses there are and that we all need to work together.

Wenzel stated she wished the news article would have also portrayed that the City Council also supported a new business in starting up in helping with tax increment funds.

CONSENT AGENDA:

A. Acceptance of Minutes:

Brillion Library Board meeting of 1/27/15, Plan Commission meeting of 2/2/15, Park & Recreation Commission meeting minutes of 2/5/15, Committee of the Whole meeting of 2/9/15, Special Plan Commission meeting of 2/12/2015, Redevelopment Authority Commission meeting of 2/12/15, and the Water and Sewer Utility Commission meeting of 2/16/2015.

B. Approval of Vouchers:

1. 2014 Vouchers:

A. General Fund: \$11,227.98:

B. Reserves =\$1,077.04:

C. Contingency = \$0.00:

D. TIF Expenditures=\$0.00:

2. 2015 Vouchers:

A. General Fund: \$1,047,246.61:

B. Reserves =\$15,608.61:

C. Contingency = \$0.00:

D. TIF Expenditures=\$234,601.94:

C. Approval of Payroll:

D. Approval of License Applications:

Motion – Edinger moved to collectively approve the Consent Agenda with the Acceptance of Minutes, Approval of Accounts Payable and Financial Reports, the Approval of Payroll, and the Approval of License Applications as approved at the February 23, 2015 Committee of the Whole Meeting. Seconded by Wenzel. Roll call vote taken. 6 votes cast. Motion carried unanimously.

E. Approval of Appointments:

1. Plan Commission:

Mayor Deiter stated he would like to appoint Mike Buboltz to the Plan Commission to complete the term vacated by Garrett Zimpel.

(Approved)

Motion – Edinger moved to confirm Mayor Deiter’s appointment of Mike Buboltz to the Plan Commission to complete the term vacated by Garrett Zimpel. Seconded by Sonnabend. Call vote taken. Motion carried unanimously.

2. Ad Hoc Tourism Committee:

Mayor Deiter stated he would like to appoint Todd Brehmer, Glen Braun, Wendy Allen, Jennifer Kolberg, and Carrie Wenzel to the Ad Hoc Tourism Committee as a one (1) year appointment.

Motion – Edinger moved to confirm Mayor Deiter’s appointment of Todd Brehmer, Glen Braun, Wendy Allen, Jennifer Kolberg, and Carrie Wenzel to the Ad Hoc Tourism Committee as a one (1) year appointment. Seconded by Nies. Roll call vote taken. 6 votes cast. Motion carried unanimously.

DEPARTMENT HEAD REPORTS:

A. Police Department:

No report.

B. Park & Recreation:

Recreation Director Ann Marx submitted a written report and reported on the following:

- Tammy Bartel will be having canvas parties at the Brillion Community Center.
- There are still openings in the Lake to Lake Soccer Program.

C. Library:

Librarian Moede submitted a written report and reported that the Library will be celebrating Dr. Seuss’s birthday on Monday, March 2nd with a Dr. Seuss movie. People can also make a Lorax mustache and decorate one fish for the fish bowl.

D. Community Development:

Welch submitted a written report and reported that a joint meeting will be held on March 9th with members of the City Council, Plan Commission, Redevelopment Authority Commission, and the Brillion Chamber of Commerce regarding planning for the City. The Redevelopment Authority Commission commented that there are a lot of places in the City for recreation activities.

E. Fire Department:

No report.

COMMITTEE REPORTS:

A. Plan Commission:

1. Certified Survey Map – 708 W. Ryan Street:

Motion – Wenzel moved to approve the Certified Survey Map as presented for 708 W. Ryan Street without a Public Hearing. Seconded by Edinger. Roll call vote taken. 6 votes cast. Motion carried unanimously.

B. Park & Recreation:

1. Sand Filter Replacements:

Marx reported the last of the four (4) old sand filters has failed. It is hoped to replace the four (4) sand filters due their age and to also replace the valves.

Motion – Edinger moved to accept the quotes from Pool Works for the replacement of all four (4) sand filters and valves for a total price of \$8,734.00 to be taken from Pool Capital Improvements. Seconded by Nies. Roll call vote taken. 6 votes cast. Motion carried unanimously.

2. Horn Park Roof Project:

(Approved)

Motion – Van Frachen moved to accept the quote from JMR Builders, LLC, in the amount of \$5,781.00, for the Horn Park Roof Project with the funds to be taken from Park Capital Outlay. Seconded by Sonnabend. Roll call vote taken. 6 votes cast. Motion carried unanimously.

C. Library Board:

1. 2014 Public Library Annual Report:

Motion – Wenzel moved to accept the 2014 Public Library Annual Report and to place it on file. Seconded by Edinger. Roll call vote taken. 6 votes cast. Motion carried unanimously.

D. Utility Commission:

1. 2014 Water Transmission Main – Jossart Brothers, Inc. – Change Order #4:

Vaclavik explained this Change Order is for the final quantity adjustments for the Well #5 Project. This Change Order resulted in a final contract decrease of \$30,252.52.

Motion – Edinger moved to approve Change Order #4 with Jossart Brothers, Inc. to decrease the Contract in the amount of \$30,252.52. Seconded by Sonnabend. Roll call vote taken. 6 votes cast. Motion carried unanimously.

2. 2014 Water Transmission Main – Jossart Brothers, Inc. – Certificate of Substantial Completion:

Vaclavik explained this Certificate states that the transmission main has been installed and tested. It sets a warranty date.

Motion – Edinger moved to approve the Certificate of Substantial Completion with Jossart Brothers, Inc. Seconded by Sonnabend.

Van Frachen asked if the Utility has started pumping water from Well #5. Vaclavik stated they are waiting on the completion of the control panel before going on line.

Roll call vote taken. 6 votes cast. Motion carried unanimously.

3. Pumphouse & Softener Facilities Modifications – RJM Construction, LLC – Change Order #5:

Vaclavik explained this Change Order is for the changing of fittings and piping at Well #3 modifications from steel to the cement-lined ductile iron tee. The materials for this were more expensive than they first thought it would be.

Motion – Sonnabend moved to approve Change Order #5 to RJM Construction, LLC in the amount of \$871.50. Seconded by Edinger. Roll call vote taken. 6 votes cast. Motion carried unanimously.

Vaclavik reported that the City did interim borrowing with the Well #5 Project. At the March City Council the City Council will need to pass Resolutions to finalize the borrowing funds from the State Safe Drinking Water Loan Fund.

E. Redevelopment Authority Commission:

1. Commission Report:

No report.

F. Committee of the Whole:

1. Designation of City Depositories:

Motion – Wenzel moved to withdraw the funds from the two (2) savings accounts at Bank Mutual and deposit those funds into one of the other banks in the City of Brillion at whichever bank's rate is the best, and to wait on withdrawing the CD from Bank Mutual. This is to be done at the discretion of City Administrator Gosz. Seconded by Edinger. Roll call vote taken. 6 votes cast. Motion carried unanimously.

(Approved)

2. Police Administrative Assistant:

Motion – Nies moved approve the Police Administrative Assistant Employment Agreement. Seconded by Edinger. Roll call vote taken. 6 votes cast. Motion carried unanimously.

G. Cemetery Commission:

1. Commission Report:

No report.

OLD BUSINESS:

A. Developers Agreement – Brillion Townhouses LLC – TID #3:

Gosz distributed a proposed Development Agreement with the developers of the Brillion Townhouses, LLC in TID #3. She reported the Developer's Attorney and the City Attorney are currently reviewing this Agreement.

Gosz reviewed and explained the City's obligation to the Developer, the Developer's obligation to the City, and the Developer's financial obligation to the City.

Edinger asked if there is a personal guarantee in this proposed Agreement. Gosz stated no, instead there will be a mortgage on the parcel. Gosz also stated that per Phil Cossen, the City's Financial Advisor, TID #3 is cash flowing positively and this development will bring a positive effect to the TID. The City work for this project will be included in the City's 2015 I & I Project.

Van Frachen asked the timeframe for this development. Gosz stated the bids for the I & I Project will be opened in March. Vaclavik stated that bids are usually held for 60 days, but can be held longer if need be.

No action taken.

B. Developers Agreement – Carstens Mill LLC – TID #2:

Beth Wenzel distributed a Preliminary Drawing of her proposed development and gave a brief description of her project.

Gosz distributed a proposed Development Agreement for this project. She reported this Agreement would be an incentive loan. TID #2 has a positive cash flow and the City will not need to borrow funds for this development. Gosz reviewed the City's obligation to the Developer, the Developer's obligation to the City, and the Developer's Financial Obligation to the City.

Wenzel stated the funding she receives from the City for this project will be applied towards a new roof on the one (1) story section of the building. This would be addressed in the Developers Agreement.

Sonnabend stated he feels this is a positive step forward.

Wenzel stated currently they are working on the demolition inside of the building. Volunteers are assisting with the demolition work.

Edinger questioned the parking for this facility. Wenzel explained that Jon Kees will be dismantling the elevator building. Most of this building will not be going to the landfill, but will be reused. That area will be used for parking. Mike Buboltz, Hardware Plus LLC, has also given permission to park vehicles on his lot when his business is not open.

No action taken.

NEW BUSINESS:

(Approved)

A. General Engineering Agreement – McMahon:

Edinger asked if there is an increase in the fee. Vaclavik stated the hourly fee increased by 3% from last year.

Motion – Edinger moved to approve the General Engineering Agreement with McMahon as presented. Seconded by Sonnabend. Roll call vote taken. 6 votes cast. Motion carried unanimously.

COMMUNICATIONS – CITY ADMINISTRATOR/CLERK-TREASURER’S OFFICE:

Gosz submitted a written report and reported on the following:

- The 2014 Tax Collection is complete. 52% of the aggregated taxes were collected.
- Another area of the City has been added to the City’s 5-Year I & I Reduction Plan.
- The Financial Auditor has finalized the work on the 2014 Audit. The final report should be available in March.
- The Joint City Council/Plan Commission/RDA meeting scheduled for March 9th.
- The next Upper Manitowoc River Watershed Task Force meeting to be held on Wednesday, March 18th at 6:00 PM at the Brillion Community Center.

MAYOR’S REPORT:

Mayor Deiter stated he would like to assure those Guests in attendance that this City Council wants to see the Downtown area and the Hwy 10 area develop. We have a good community and a good school system. There are a lot of good things in the community. We need to keep our heads up and keeping moving forward.

PRESS TIME:

No questions.

ADJOURNMENT:

Motion – Van Frachen moved to adjourn the meeting. Seconded by Wenzel. Call vote taken. Motion carried unanimously. The meeting was adjourned at 8:04 PM.

Gary Deiter, Mayor

Joy L. Buboltz, Deputy Clerk-Treasurer