

(Approved)

**REGULAR CITY COUNCIL
MEETING
Minutes**

August 24, 2015

Brillion Community Center

6:30 PM

CALL TO ORDER:

Mayor Gary Deiter called the meeting to order at 6:45 PM with the Pledge of Allegiance recited by those in attendance.

ROLL CALL:

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

APPROVAL OF THE AGENDA:

Mayor Deiter stated he would like to move agenda item “#9 – Old Business – A & B” to after agenda item “Guests”.

Motion –Edinger moved to approve the revised agenda. Seconded by Wenzel. Call vote taken. Motion carried unanimously.

APPROVAL OF MINUTES – APRIL 27, 2015 JOINT CITY COUNCIL/WATER AND SEWER UTILITY COMMISSION MEETING AND JULY 27, 2015 REGULAR CITY COUNCIL MEETING:

Motion – Wenzel moved to collectively approve the minutes of the April 27, 2015 Joint City Council/Water and Sewer Utility Commission meeting and the July 27, 2015 Regular City Council Meeting. Seconded by Brick. Call vote taken. Motion carried unanimously.

PUBLIC APPEARANCES:

A. Citizen Input:

Gene Schmidt stated he was in attendance regarding the N. Columbus Avenue project and the flow of water along the curb and gutter by his home and his neighbor, Lonnie Puskala’s home. Schmidt distributed pictures of the standing water along the new curb and gutter line. Brick asked if there are any standing water issues by Steve Juno’s home. Schmidt stated he is not sure, but is not happy that there is still standing water by his driveway as it was before the road construction. He asked why he should pay for something that isn’t working.

Lonnie Puskala stated the curb and gutter needs to be elevated higher for the water to flow better to the storm sewer. Otherwise, there will again be ice buildup at the end of his driveway.

B. Guests:

Amy Vaclavik and Ron Wolf from McMahan, Fire Department Lieutenant Joey Diener, Beth Wenzel, Lonnie Puskala, and Gene Schmidt.

OLD BUSINESS:

A. Carstens Mill, LLC TIF #2 Development Agreement – Amendment:

Gosz explained this proposed amendment would be to increase Beth Wenzel’s project construction loan from \$350,000 to \$600,000. This is her own personal loan amount not the amount she would be receiving from the City, which will stay at \$50,000. Beth Wenzel stated the \$600,000 is probably more than what she needs. Gosz explained this amendment change is just for recording purposes at the Calumet County Register of Deeds office.

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Edinger questioned the interest rate of 8% accruing on a daily basis. Wenzel stated that 8% would affect her if she defaults on her yearly payment to the City.

Motion – Wenzel moved to amendment to the Developer’s Agreement with Carstens Mill LLC increasing her personal construction loan from \$350,000 to the \$600,000. Seconded by Brick. Roll call vote taken. 6 votes cast. Motion carried unanimously.

B. 2015 N. Columbus Street Project:

Wolf explained the bidding for the street project for N. Columbus Avenue was bid separately from the I & I portion of this project. He explained that from Petty Street to Maple Street, since this area of the street was older, a full reconstruction of the street was done. However, the portion of the street from Maple Street north to the cul de sac, since it was in better shape, only a partial reconstruction was done. Wolf explained the process used before paving a street.

Wolf explained the original cul de sac was constructed with a minimal pitch from the north end to Maple Street and has only a small amount of pitch to work with. The only way to get a better pitch than what is currently there, that portion of the street would have needed a full reconstruction done, which would have doubled the amount of the project. Full reconstruction would have also doubled the special assessment amount to the affected property owners.

Nies stated she thought that the entire N. Columbus Avenue was to have total street construction and that the water issues in the cul de sac would have been corrected then. She stated the affected property owners weren’t informed.

Wolf stated the focus of the project was the I & I issues. He also stated the water is contained in the curb and gutter area. Nies stated the property owners feel there will be water standing in the pavement area in winter. She stated better communication should have taken place with these affected property owners. She stated that DPW Working Leadman Jandrey knew of the water issues.

Wenzel asked if the situation can be remedied. Wolf stated not really, otherwise further down on the street those property owners will have issues. Nies stated if the City knew there was an issue on the street that issue should have been addressed and then corrected.

Gene Schmidt asked with the curb and gutter presently there is there any way to grind down that curb and gutter with a better slope. Wolf stated profile milling is a possibility.

Mayor Deiter explained that if a full reconstruction of that area of N. Columbus Avenue was done that would have costed City approximately 66% more. We tried to be cost effective with the project. Nies stated we should try to correct the problem.

Mayor Deiter stated he would like to see the City Council members go and watch the street projects taking place to get a better understanding of the project.

Sonnabend stated we should try to grind down the concrete for better flow. Edinger asked how high the crowning of the road could go. Wolf stated we could go 3%. Wenzel stated she would like to see the road be crowned first and then possibly do the grinding. Wolf stated we will pave first and then see what happens. Gosz asked if crowning of the roadway to 3% would increase the amount of the contract. Wolf stated no.

Motion – Nies moved to grind the curb and build up the crown of the roadway if need be. Seconded by Brick.

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Edinger asked if Wolf had an estimate cost of the grinding. Wolf stated no, but would try to get the grinding done yet this fall. There was concern expressed on the cost of grinding. Mayor Deiter asked that Wolf bring back to the City Council an estimate on the grinding.

Roll call vote taken. 6 votes cast. 4 yes votes cast by Brick, Edinger, Nies, and Sonnabend. 2 no votes cast by Van Frachen and Wenzel. Motion carried.

CONSENT AGENDA:

A. Acceptance of Minutes:

Brillion Library Board Meeting of 7/15/15, Plan Commission meeting of 8/3/15, Park & Recreation Commission Meeting of 8/6/2015, Committee of the Whole Meeting of 8/10/2015, Redevelopment Authority Commission meeting of 8/13/2015, and the Water and Sewer Utility Commission Meeting of 8/17/2015.

B. Approval of Vouchers:

1. **General Fund: \$88,295.00:**
2. **Reserves =\$116,249.16:**
3. **Contingency = \$102,781.80:**
4. **TIF Expenditures=\$39,602.50:**

C. Approval of Payroll:

D. Approval of License Applications:

1. **Operator Licenses – New: Ashley Cole:**
2. **Class “A” Liquor (Cider Only) License – Kwik Trip, Inc for Kwik Trip #807:**

Motion – Wenzel 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 August 24, 2015 Committee of the Whole Meeting. Seconded by Sonnabend. Roll call vote taken. 6 votes cast. Motion carried unanimously.

E. Approval of Appointments:

None.

DEPARTMENT HEAD REPORTS:

A. Police Department:

No report.

B. Park & Recreation:

Recreation Director Ann Marx submitted a written report and reported there is a rendering of what the splash pad will look like by the Brillion Community Center front desk.

C. Library:

Librarian Moede submitted a written report and stated the Summer Reading Program is winding down.

D. Community Development:

Community Development Director Welch submitted a written report and reported on the following:

- The Redevelopment Authority defined their five (5) priority areas and will focusing on those areas over the next year.
- The Tourism Committee met and is recommending the disbursing of funds to three (3) organizations.
- A letter of resignation was received from Todd Brehmer resigning from the Tourism Committee due to taking a new job out of the Brillion area. The Tourism Committee is asking the Brillion Chamber of Commerce to appoint a new individual to the Committee.

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E. Fire Department:

Fire Chief submitted a written report and stated that the old jaws has been sold.

COMMITTEE REPORTS:

A. Plan Commission:

1. Ordinance – Amending Chapter 92 Telecommunications:

2. Ordinance – Creating Section 106-50 – Regulation of Cell Phone Transmission Towers:

Gosz reported these two amendments to the City Code are needed due to the last State Budget Bill. These ordinances have been reviewed and approved by City Attorney Andy King.

Motion – Edinger moved to set a Public Hearing for Monday, September 28, 2015 at 6:45 PM to hear testimony for or against the Ordinance amending Chapter 92, Telecommunications and Ordinance creating Section 106-50 Regulation of Cell Phone Transmission Towers. Seconded by Wenzel. Call vote taken. Motion carried unanimously.

B. Park & Recreation:

1. Committee Report:

No report.

C. Library Board:

1. Committee Report:

No report.

D. Utility Commission:

1. Commission Report:

No report.

E. Redevelopment Authority Commission:

1. Zero Interest Loan Applications – Brilliant Blooms and Zutz Real Estate Holdings, LLC:

Motion – Edinger moved to approve the Zero Interest Loan application for Brilliant Blooms at 562 W. Ryan Street in the amount of \$3,380.00 and to Zutz Real Estate LLC at 109 Cleveland Street in the amount of \$8,000.00. Seconded by Wenzel.

Gosz stated there is currently \$27,954 available in the Zero Interest Loan Fund.

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

2. Main Street Square:

Welch explained of the five (5) priorities stated by the Redevelopment Authority Commission (RDA) they are focusing on the Main Street Square building and parking lot. Edinger stated this does not mean the RDA is looking a purchasing the property, but just looking at options for that area of the City. The RDA is looking for direction for planning purposes.

Welch stated she has received comments from residents of the City and they are giving her ideas for that area. The RDA is looking at doing something to make that area more active.

Beth Wenzel stated as a member of the RDA the RDA can't control what we don't control. The RDA is considering taking control of that block of the City.

Gosz stated the RDA can borrow funds and those funds would not count against the City's debt limit. Wenzel asked if the RDA can purchase property without City Council's approval. If the RDA does borrow funds, is the

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City Council then responsible for that borrowing. Welch stated the RDA probably would not borrow funds without the City's knowledge. There would need to be a partnership between the RDA and the City Council.

Nies asked if the borrowing would be a tax burden to the City. Welch stated no. Welch stated this should be a partnership in theory.

Mayor Deiter stated the RDA wants to have a direction for our downtown so we don't lose our downtown.

Motion – Edinger moved to consider the purchase of the Main Street Square property at 205 N. Main Street by the Redevelopment Authority Commission for improving the downtown and to eliminate blight and vacancy. Seconded by Wenzel. Roll call vote taken. 6 votes cast. 4 yes votes cast by Brick, Edinger, Sonnabend, and Wenzel. 2 no votes cast by Nies and Van Frachen.

F. Committee of the Whole:

1. Jaws Replacement:

Motion – Sonnabend moved to approve the quote from Jefferson Fire & Safety, Inc not to exceed \$36,585.00. Seconded by Wenzel. Roll call vote taken. 6 votes cast. Motion carried unanimously.

2. 2015 Administration Fees and Charges Schedule:

Motion – Edinger moved to approve the 2015 Administrative Fees and Charges Schedule as presented to be reviewed every January. Seconded by Wenzel. Roll call vote taken. 6 votes cast. Motion carried unanimously.

3. Single Stream Recycling Services – Advanced Disposal Services:

No action needs to be taken.

4. Fire Chief Appointment:

Mayor Deiter stated Fire Chief Rich Janke has indicated he will be retiring on 12/31/16. He stated the City received two (2) applications for the Fire Chief position from two (2) very qualified individuals. Mayor Deiter stated he would like to appoint Joey Diener to be the next Fire Chief for the Brillion Fire Department effective 1/1/17 for a five (5) year term.

Motion – Sonnabend moved to confirm Mayor Deiter's appointment of Joey Diener as the next Brillion Fire Department Fire Chief effective 1/1/17 for a term of five (5) years. Seconded by Edinger. Roll call vote taken. 6 votes cast. Motion carried unanimously.

Joey Diener stated he is very honored and humbled by this appointment and will do his best to make the City proud.

G. Cemetery Commission:

1. Commission Report:

No report.

H. Tourism Committee:

1. Approve Release of Tourism Funds:

Motion – Wenzel moved to approve the release of Tourism Room Tax Funds as recommended by the Tourism Committee to the Brillion Optimist Club for the Indoor Splash Pad at the BCC in the amount of \$2,500, to the Brillion Nature Center in the amount of \$1,150 for the 2015 Pumpkin Walk, and to the Brillion Jaycees in the amount of \$300 for the Chili Dump at the 2015 Fall Festival. Seconded by Edinger. Roll call vote taken. 6 votes cast. Motion carried unanimously.

NEW BUSINESS:

A. Resolution – UBS Financial Services Inc. – City of Brillion LOSA Program:

(Approved)

Gosz explained UBS Financial Services has lowered the costs to the Fire Department along with more oversight on the investments.

Motion – Van Frachen moved to approve Resolution #RE15-16 with UBS Financial Services Inc. for the City of Brillion’s LOSA Program. Seconded by Edinger. 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:

- She has received the Police Department’s proposed 2016 Budget.
- She received the 2015 Equalized Value in which the City of Brillion’s value increased \$5.7 million dollars. The City’s debt limit also increased to \$2.1 million.
- She received the City’s TIF Valuation Limit Report. The City’s current balance is 11.73% with our limit being 12%.

MAYOR’S REPORT:

Mayor Deiter reported he attended the Mayor’s Conference through the League of Wisconsin Municipalities this past week. He gave a brief report on the conference.

Mayor Deiter stated we need to look at developing our community. He asked the City Council members to go and watch the street construction projects as they are occurring to get a better understanding of the projects.

Brick asked if the horse trail on the Friendship Trail from Forest Junction to Brillion could be eliminated and allow for motorized vehicles. Mayor Deiter stated the Friendship Trail is a State Trail and State Trails do not allow motorized vehicles, other than snowmobiles in winter. Brick stated he would like to see the Friendship Trail extended to the Village of Reedsville. Mayor Deiter stated he is hoping to work on that.

PRESS TIME:

No questions.

ADJOURNMENT:

Motion – Sonnabend moved to adjourn the meeting. Seconded by Nies. Call vote taken. Motion carried unanimously. The meeting was adjourned at 8:22 PM.

Gary Deiter, Mayor

Joy L. Buboltz, Deputy Clerk-Treasurer