

(Approved)

**REGULAR CITY COUNCIL  
MEETING  
Minutes**

**July 18, 2016**

**Brillion Community Center**

**7:00 PM**

**CALL TO ORDER:**

Mayor Gary Deiter called the meeting to order at 7:05 PM with the Pledge of Allegiance recited by those in attendance.

**ROLL CALL:**

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

**APPROVAL OF THE AGENDA:**

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

**APPROVAL OF MINUTES – JUNE 27, 2016 REGULAR CITY COUNCIL MEETING:**

**Motion** – Sonnabend moved to approve the minutes of the June 27, 2016 Regular City Council Meeting. Seconded by Brick. Call vote taken. Motion carried unanimously.

**PUBLIC APPEARANCES:**

**A. Citizen Input:**

None.

**B. Guests:**

Mark Evel, Debbie Kamps, Dave Kamps, Amy Vaclavik and Ron Wolf from McMahan, and Calumet County District Attorney Nicholas Bolz.

Nicholas Bolz introduced himself to the Brillion City Council. Bolz stated he is running for re-election as the Calumet County District Attorney. He distributed a flyer on his candidacy and stated when he first ran he had three (3) goals. He explained those goals and stated in the past two (2) years \$70,000 was given back to Calumet County from his office. He explained he has an open door policy.

Edinger asked Bolz what are his goals if he is re-elected. Bolz stated to maintain public safety, be an advocate for sexual abuse, be fiscally responsible, and to educate the public on the role of the Calumet County District Attorney.

**7:10 PM – PUBLIC HEARING – ORDINANCE – FIRE DEPARTMENT SERVICE**

**REIMBURSEMENT:**

Mayor Deiter opened the Public Hearing at 7:12 PM and asked for testimony for or against the proposed ordinance.

Mark Evel, 473 Hiawatha Drive, stated he is a retired Fire Chief for the City of Brillion and has a few concerns with the proposed ordinance. He stated he is not a “fan” of asking for reimbursement on rescue calls and motor vehicle calls. He feels that it puts the Fire Department in a “bad light” asking for this type of reimbursement. He stated that we need to remember that the Fire Fighters are volunteers and that there is a large amount of

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paperwork that may be involved with this. The Police Department does not ask for reimbursement for their calls.

Evel stated the proposed ordinance needs to give guidance to the Fire Chief for costs of reimbursement and what can be asked for reimbursement. He feels that the Fire Department should not charge for basic firefighting calls. Evel stated he feels this proposed ordinance is “wide open” and asked if the Fire Department would ask for reimbursement on mutual aid calls.

Debbie Kamps, 578 S. Parkway Drive, stated as a citizen she is not in favor of asking for reimbursement for motor vehicle calls or emergency calls. She stated that the citizens of Brillion when they pay their taxes are paying for fire service. With this proposed ordinance she feels the City may be “double dipping”. She stated she is in disagreement with only a portion of this proposed ordinance.

Mayor Deiter asked or any other testimony for or against the proposed ordinance. None given. Mayor Deiter closed the Public Hearing at 7:23 PM.

**CONSENT AGENDA:**

**A. Acceptance of Minutes:**

Redevelopment Authority Commission meeting of 5/19/2016, Plan Commission meeting of 7/5/2016, Committee of the Whole meeting of 7/11/16.

**B. Approval of Vouchers:**

1. **General Fund: =\$15,846.31:**
2. **Reserves =\$9,910.16:**
3. **Contingency = \$0.00:**
4. **TIF Expenditures=\$0.00:**

**C. Approval of Payroll:**

**D. Approval of License Applications:**

1. **Operator License – New: Ellen M. Hughes, Zachary Zeller, Sarah Jeanne Pielhop, Rozzi L. Markgraf, Brad Fredrick:**
2. **Operator License – Renewal: Terence C. Kabat:**
3. **Temporary Class “B” Beer/Picnic License: Brillion Optimist Club – A Walk Through Brillion Event:**  
**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 July 11, 2016 Committee of the Whole Meeting. Seconded by Brick. Roll call vote taken. 7 votes cast. Motion carried unanimously.

**E. Approval of Appointments:**

None.

**DEPARTMENT HEAD REPORTS:**

**A. Police Department:**

A written report was submitted.

**B. Park & Recreation:**

Recreation Director Ann Marx reported that the baseball tournament started this evening and she is starting to teach a babysitting class.

Shafran reported that she shared photos with Marx regarding the condition of Heritage Park. She stated she is very disappointed in the appearance of Heritage Park.

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**C. Library:**

Librarian Moede reported that the Summer Reading Program is going well. A talent show and a day camp will be coming up soon.

**D. Community Development:**

No report.

**E. Fire Department:**

Fire Chief Janke submitted a written report.

**COMMITTEE REPORTS:**

**A. Plan Commission:**

**1. Commission Report:**

No report.

**B. Park & Recreation:**

**1. Commission Report:**

No report.

**C. Library Board:**

**1. Committee Report:**

No report.

**D. Utility Commission:**

**1. 2016 I/I Project Change Order – Consider Private Water Lateral Replacement:**

Ron Wolf, McMahan, explained the proposed Change Order. He explained that a few property owners on Cleveland Street are asking to have their lead water service replaced. He stated if the lead water services are replaced more holes will need to be cut into the roadway. There are approximately twenty (20) homes that have lead service in that area. The Utility Commission is recommending a 50/50 split cost with the homeowner for this replacement of lead service.

Gosz reported there is approximately \$42,000 remaining in the water portion of the 2015 Borrowing that could be used for this project. She reminded the City Council that City Ordinance does not address who will pay for the cost with the replacement of water service lines if the lines are not considered defective. Sonnabend stated that it is up to the property owner whether or not to replace their lead water service.

**Motion** – Sonnabend moved to approve the Change Order for the 2016 I/I Project with splitting the cost 50/50 with a property owner that will be changing their lead service. Seconded by Nies. Roll call vote taken. 7 votes cast. Motion carried unanimously.

**B. Future I/I Project Areas – Approval of Revised I/I Reduction Plan Map:**

Amy Vaclavik, McMahan, reviewed the revised Map with the City Council. She stated it is being proposed to incorporate a few mini storm sewer projects into the 2017 I/I Reduction Plan, which includes Jackson Street, Custer Street, and Center Street. The proposed mini storm sewer projects being proposed in 2017 are areas in the City that currently have ongoing storm water issues. She stated the proposed Map includes projects up to the year of 2020.

Vaclavik stated that she and City Administrator Gosz will be meeting with Rural Development for possible funding options for these proposed projects.

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**Motion** – Wenzel moved to approve the 2017 I/I Project with the addition of mini storm sewer projects and to approve the revised I/I Reduction Plan for the City of Brillion. Seconded by Edinger.

Edinger asked if the future I/I Projects are scheduled for total road reconstruction also. Vaclavik stated that will be determined when we get closer to those projects time line.

Roll call vote taken. 7 votes cast. Motion carried unanimously.

### **3. Ferric Tank Replacement:**

Mayor Deiter stated this agenda item will be tabled at this time.

### **E. Redevelopment Authority Commission:**

#### **1. Commission Report:**

No report.

### **F. Committee of the Whole:**

#### **1. Purchase of Property – Parcel ID#15324 and Parcel ID#15326:**

Mayor Deiter stated the intent of the purchase of this property is to control the pond as the City needs to and not be bound by the Pond Agreement. Gosz explained according to the map of the Pond Agreement Lot #4, which is the house, does touch the pond. Therefore, the City would still be bound by the Pond Agreement with the house. She suggested the City Attorney will need to assist with the language in the Offer to Purchase in order to get this resolved. Because the Pond is a part of the City's storm sewer system as the City moves forward with I/I Projects, we may need to make modifications to the Pond and the Pond Agreement restricts this. Without the release of the Pond Agreement the City has no use for the land. Gosz stated City Attorney King advised that the 1989 Agreement between the City and Ondrasek gives Ondrasek the right in the future to redistribute the shed parcel to either the house parcel or the parcel surrounding the pond. Ondrasek should take care of this as part of the offer to the City, which Ondrasek informed her he will do. City Attorney King also suggested approving this purchase with the contingency that the City Attorney has the final review on the Offer to Purchase.

Nies expressed concern with the purchase price of this land.

**Motion** – Edinger moved to purchase Parcel ID#15324 and Parcel ID#15326 for \$39,100 with the fountain and that the sale be contingent on clear title of parcels and to end the Pond Agreement, and the final review of the Offer to Purchase by the City Attorney, with the funds for this purchase to be taken from the City's Contingency Fund. Seconded by Brick. Roll call vote taken. 7 votes cast. Motion carried unanimously.

### **G. Cemetery Commission:**

#### **1. Commission Report:**

No report.

### **H. Tourism Committee:**

#### **1. Committee Report:**

Wenzel reported the Tourism Committee will be meeting in August.

### **OLD BUSINESS:**

#### **1. Ordinance – Fire Department Service Reimbursement:**

Mayor Deiter stated those residents who spoke against the proposed ordinance did make good points. He stated he feels more clarity is needed before the ordinance can be adopted.

**Motion** – Nies moved to adopt Ordinance #OR16-04 as it relates to Fire Department service reimbursement in the City of Brillion. Seconded by Wenzel. Roll call vote taken. 7 votes cast. 1 yes vote cast by Brick and 6 no votes. Motion failed.

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**NEW BUSINESS:**

None.

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

Gosz submitted a written report and reported on the following:

- She was asked to be a representative from the public-sector for the Fox Cities Regional Partnership.
- She received a complaint on the chip seal done on Columbus Avenue.

Mayor Deiter stated that he and City Administrator Gosz will be meeting with Mary Kohrell from the Calumet County UW Extension office regarding economic development in Calumet County. It is felt that the City of Brillion is not receiving their “bang for their buck” being part of the Fox Cities Regional Partnership.

**MAYOR’S REPORT:**

Mayor Deiter stated a property owner on the N. Columbus Avenue is still not happy with his drainage from the 2015 I/I Project.

Mayor Deiter presented a Calumet County Economic Relationships with Outagamie and Winnebago Counties flyer.

**PRESS TIME:**

No questions.

**ADJOURNMENT:**

**Motion** – Edinger moved to adjourn the meeting. Seconded by Brick. Call vote taken. Motion carried unanimously. The meeting was adjourned at 8:13 PM.

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Gary Deiter, Mayor

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Joy L. Buboltz, Deputy Clerk/Treasurer