

(Approved)

**REGULAR CITY COUNCIL  
MEETING  
Minutes**

**February 24, 2014**

**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 Bob Brick, Mel Edinger, Heather Gruett, 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 Chief JoAnn Mignon, Community Development Director Justin Linzmeier, and City Librarian Chris Moede. Absent were Park & Recreation Director Ann Marx and Fire Chief Rich Janke.

**APPROVAL OF THE AGENDA:**

Mayor Deiter stated he would like to move all of the agenda items under #10. "New Business" to after agenda item #5. B. "Guests".

**Motion** –Gruett moved to approve the revised agenda. Seconded by Sonnabend. Call vote taken. Motion carried unanimously.

**APPROVAL OF MINUTES – JANUARY 27, 2014 REGULAR CITY COUNCIL MEETING AND THE FEBRUARY 10, 2014 JOINT CITY COUNCIL/WATER AND SEWER UTILITY COMMISSION MEETING:**

**Motion** – Edinger moved to collectively approve the minutes of the January 27, 2014 Regular City Council meeting minutes and the February 10, 2014 Joint City Council/Water and Sewer Utility Commission meeting minutes as printed. Seconded by Sonnabend. Call vote taken. Motion carried unanimously.

**PUBLIC APPEARANCES:**

**A. Citizen Input:**

None.

**B. Guests:**

High School Students Tamara Calaway and Courtney Janey, Phil Cossen from Ehlers & Associates, Amy Vaclavik from McMahon, and Ed Bryne from The Brillion News.

**NEW BUSINESS:**

**A. Resolution Authorizing the Issuance and Sale of \$2,160,000 Water System Revenue Bond Anticipation Notes, Series 2014A:**

Phil Cossen, Ehlers & Associates, distributed and explained the Sale Date Report for the \$2,160,000 Water System Revenue Bond Anticipation Notes, Series 2014A to the City Council. He stated they worked through Banker's Bank for this Note and Calumet County Bank, which was the low bidder.

Cossen explained the intent is to borrow through the State's Safe Drinking Water Loan program, which at this time the application has not yet been submitted or approved. Unfortunately, the proceeds of that loan program would not be available until the fall of 2014. Cossen explained this Note would be refinanced once the City receives the State's Safe Drinking Water Loan. This note could be held until 2016 or until it can be refinanced through the Safe Drinking Water Loan Fund. Cossen reviewed the results of the sale with the City Council.

(Approved)

Gruett asked if the City could be denied the Safe Drinking Water Loan. Cossen stated yes, but the City would then again apply for the funding in 2015. Cossen explained McMahon would complete the application and submit it to the State on the City's behalf. McMahon would also monitor the loan. Vaclavik explained the funds from the State Safe Drinking Water Loan are distributed on a priority basis.

Van Frachen asked what the interest rate is with the Safe Drinking Water Loan. Vaclavik stated presently the interest rate is 1.925%, but does change periodically. Vaclavik explained payment on this loan is made twice a year and the funding for the repayment of this loan comes from revenue generated from water rates.

Cossen informed the City Council that Ehlers is currently working on a water rate study for the City of Brillion.

**Motion** – Sonnabend moved to approve Resolution #RE14-03 authorizing the Issuance and Sale of \$2,160,000 Water System Revenue Bond Anticipation Notes, Series 2014A. Seconded by Edinger. Roll call vote taken. 7 votes cast. Motion carried unanimously.

**B. Post-Issuance Compliance Policy for Tax-Exempt and Tax-Advanced Obligations and Continuing Disclosure:**

Cossen explained as part of issuing debt in the closing documents is a Post-Issuance Compliance Policy for Tax-Exempt and Tax-Advanced Obligations and Continuing Disclosure Policy. He is suggesting the City adopt this Policy. The City's Bond Counsel, Quarles & Brady, created a Policy for the City of Brillion free of charge. With this Policy it also designates a contact person for borrowing.

**Motion** – Edinger moved to adopt the Post-Issuance Compliancy Policy for Tax-Exempt and Tax-Advantaged Obligations and Continuing Disclosure. Seconded by Nies. Roll call vote taken. 7 votes cast. Motion carried unanimously.

**C. Letter of Engagement – Quarles & Brady, LLP – Bond Counsel of \$2,160,000 City of Brillion Waterworks System Revenue Bond Anticipation Notes, Series 2014A:**

Cossen explained this letter states that Quarles & Brady will serve as the City's Bond Counsel for the borrowing of the \$2,160,000 Waterworks system Revenue Bond Anticipation Notes, Series 2014A.

**Motion** – Gruett moved to approve the Letter of Engagement from Quarles & Brady to serve as Bond Counsel for the City of Brillion for the issuance of \$2,160,000 City of Brillion Waterworks System Revenue Bond Anticipation Notes, Series 2014A. Seconded by Edinger. Roll call vote taken. 7 votes cast. Motion carried unanimously.

**CONSENT AGENDA:**

**A. Acceptance of Minutes:**

Plan Commission meeting of 2/3/2014, Park & Recreation Commission meeting of 2/6/14, Redevelopment Authority Commission meeting of 2/6/14, Committee of the Whole meeting of 2/10/2014, Library Board meeting of 2/19/14, and Water & Sewer Utility Commission meeting of 2/17/2014.

**B. Approval of Vouchers:**

- 1. General Fund: \$1,044,587.83:**
- 2. Reserves =\$55,480.39:**
- 3. Contingency = \$0.00:**
- 4. TIF Expenditures=\$232,157.94:**

**C. Approval of Payroll:**

**D. Approval of License Applications:**

- 1. Operator License: New – Joshua Robert Cohen, Christie Downard:**

(Approved)

**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 24, 2014 Committee of the Whole Meeting. Seconded by Wenzel. Roll call vote taken. 7 votes cast. Motion carried unanimously.

**E. Approval of Appointments:**

None.

**DEPARTMENT HEAD REPORTS:**

**A. Police Department:**

No report.

**B. Park & Recreation:**

Recreation Director Ann submitted a written.

**C. Library:**

Librarian Moede submitted a written report and reviewed the report. Moede noted there was a 5% increase in circulation in 2013.

**D. Community Development:**

Community Development Director Linzmeier submitted a written report and reviewed the report.

Van Frachen asked Linzmeier who suggested the implementation of a room tax for the City of Brillion. Linzmeier stated it started with his Department and the Chamber of Commerce. Linzmeier stated a 4% room tax is being considered.

Linzmeier explained advertisement of City events can be paid for with the proceeds from this room tax. He also explained a Committee will need to be created for this. Van Frachen expressed concern with the use of tax dollars to fund advertising of events. Linzmeier explained that 70% of the tax collected is to be used to advertise and market the City of Brillion and the area surrounding Brillion. Gruett stated the City of Brillion has a lot of attractions to attract tourists to the area.

Van Frachen asked who would monitor the room tax funds. Linzmeier stated City Administration.

Gosz reminded the City Council the idea of a room tax for the City of Brillion is in the initial stages.

**E. Fire Department:**

No report.

**COMMITTEE REPORTS:**

**A. Plan Commission:**

**1. Commission Report:**

No report.

**B. Park & Recreation:**

**1. Commission Report:**

No report.

**C. Library Board:**

**1. Commission Report:**

No report.

(Approved)

**D. Utility Commission:**

**1. Award Bid – 2014 Water Transmission Main Construction:**

Vaclavik reported that 14 bids were received for this project, ranging in price from \$759,435 to \$950,865. Jossart Brothers was the low bidder at \$759,435. The Utility Commission is recommending to City Council to award this bid to Jossart Brothers, in the amount of \$759,435, contingent upon receipt of final approvals from the Wisconsin DNR, PSC, and the Town of Brillion, along with receipt of easements from the two property owners.

Sonnabend stated the bid for this project come in less than the project estimate. Edinger asked if McMahon is familiar with Jossart Brothers work and is comfortable with their work. Vaclavik and Sonnabend stated yes.

**Motion** – Sonnabend moved to award Contract No. B0004-930697 for the 2014 Water Transmission Main Construction to Jossart Brothers, Inc in the amount of \$759,435 contingent upon the City obtaining the necessary easements for this project, permit approval from the PSC and the DNR, and written consent from the Town of Brillion to install the mains in the public road right-of-way. Seconded by Edinger.

Edinger asked if the costs for this project would come from the \$2,160,000 borrowing. Gosz stated yes.

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

**2. Written Consent/Agreement Between the City of Brillion and the Town of Brillion for the Construction of Water Transmission Mains in the Public Right-of-Way on Round Lake Road:**

Vaclavik reported that she and Gosz met with the Town of Brillion’s Plan Commission to answer any questions or address any concerns they may have regarding the construction of the water transmission mains in the public right-of-way on Round Lake Road, or any questions/concerns they may have with the construction of Well #5. The Town of Brillion’s Plan Commission did not have any questions or concerns with the proposed Agreement between the City of Brillion and the Town of Brillion for this project.

**Motion** – Gruett moved to accept the written consent/agreement between the City of Brillion and the Town of Brillion to construct water transmission mains in the right-of-way on Round Lake Road. Seconded by Brick.

Gosz stated she will be attending the Town of Brillion’s Special Meeting on Tuesday, February 25<sup>th</sup> to receive their signatures on this agreement. Gosz also stated the Town of Brillion has been working very well with the City on this issue.

Vaclavik reported the Town’s concern with any private well that may be affected by the development of Well #5, the City will be responsible for this per State Statute, however, the private well owner must provide evidence that their well has been impacted by the City’s well.

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

**3. Utility Easement – Well #5 Properties – Wisconsin Public Service:**

**Motion** – Gruett moved to approve the Utility Easement between the City of Brillion and Wisconsin Public Service Corporation, along with its successors, and assigns Frontier North, Inc. and to authorize the Mayor to sign the easement. Seconded by Wenzel. Roll call vote taken. 7 votes cast. Motion carried unanimously.

Mayor Deiter informed the City Council a water ban may be issued again for the City of Brillion. He also informed the City Council that the Utility Commission will be working in the very near future on the creation of Well #6.

**E. Redevelopment Authority Commission:**

**1. Commission Report:**

(Approved)

No report.

**F. Committee of the Whole:**

**1. Ambulance Rig Remount:**

**Motion** – Gruett moved to approve the quote from Life Star in the amount of \$80,197 as presented with any changes over \$1,000 to come back to the City Council for approval. Seconded by Wenzel. Roll call vote taken. 7 votes cast. Motion carried unanimously.

**2. American Legion Property:**

Tabled.

**3. Main Street Lights:**

Tabled.

**G. Cemetery Commission:**

**1. Commission Report:**

No report.

**OLD BUSINESS:**

None.

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

Gosz submitted a written report and reviewed the report.

**MAYOR’S REPORT:**

No report. Brick commented that the left turning left on USH 10 by Hacker Road is in poor condition.

**PRESS TIME:**

No questions.

**ADJOURNMENT:**

**Motion** – Edinger moved to adjourn the meeting. Seconded by Gruett. Call vote taken. Motion carried unanimously. The meeting was adjourned at 8:00 PM.

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Gary Deiter, Mayor

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Joy L. Buboltz, Deputy Clerk/Treasurer