

**REGULAR CITY COUNCIL
MEETING
Minutes**

November 28, 2005

City of Brillion Council Chambers

7:00 PM

CALL TO ORDER:

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

ROLL CALL:

Present were Mayor Robert Mathiebe, Alderpersons T.J. Bastian, Mel Edinger, Tammy Fischer, Larry Maciejewski, Betty Nies, Butch Reif, Gilbert Schneider, Gerald Sonnabend, and Gaylord Unbehaun. Also present were City Administrator/Clerk-Treasurer Lori Gosz, Police Chief Scott Kaphingst, City Librarian Chris Moede, Park & Rec Director/Aquatic Coordinator Chad Hoerth, and Community Development Director/Zoning Administrator Heather Zander.

APPROVAL OF AGENDA:

Mayor Mathiebe stated that he would like to move Item 13A to 5A and move Item 8D 1-3 Under Old Business.

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

APPROVAL OF MINUTES – OCTOBER 24, 2005 AND OCTOBER 31, 2005:

Motion – Schneider moved to collectively approve the minutes of the October 24, 2005 City Council meeting and the October 31, 2005 Special City Council meeting. Seconded by Sonnabend. Call vote taken. Motion carried unanimously.

CITIZEN INPUT:

None.

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

A. Request for Variance – Dog License:

Brian Stieglitz, 150 Beach Street, is requesting a variance from the City's Municipal Code Sec 10-77, to be allowed to license and house three (3) dogs at his residence.

Maciejewski suggested allowing the variance on a trial basis. Bastian stated the City is covered if there is an issue.

Motion – Sonnabend moved to approve the request for a variance of a dog license to Brian Stieglitz, 150 Beach Street, to license and house three (3) dogs subject to any filed complaints. Seconded by Maciejewski.

Unbehaun stated he is concerned with the fence being too short. Community Development Director Zander stated the ornamental fence is as high as it can be per the City's Zoning Code.

Police Chief Kaphingst stated there is no record of any dog complaints at that property address.

Brian Stieglitz stated he has had his dog for eight (8) years. He stated he wanted to construct a four (4) foot fence, but was denied by the City's Building Inspector.

Ballot vote taken. 9 votes cast. All in favor. Motion carried unanimously.

GUESTS:

Beth Wenzel from Zander Press, Amy Miller, Brian Stieglitz, Beth Alt, Monica Schmidt, Mary Maciejewski, Marilyn A. Schuh, Scott Michiels, Mary C. Schneider, Dave Jaeger, Matt Kluck, Jody Schwarz, Daniel Alloy, and Harold Wolf.

DEPARTMENT HEAD REPORTS:**A. Police Department:**

Police Chief Kaphingst reported on the following:

- He is waiting to hear from Representative Al Ott regarding the proposed Police service consolidation.
- Field training of the new Police Officers is on-going.
- The Police Department is currently unable to meet State mandates regarding evidence storage. New State law mandates video recording of all confessions. Officer Mignon is looking into seeking a grant to cover the cost of this mandate.
- Review of the law enforcement mutual aid requests.

Maciejewski questioned the locations of the mutual aid calls.

B. Park & Recreation:

No report.

C. Library:

Library Director Moede reported on the following:

- Computer and internet access problems.
- The Library System is joining the virtual reference consortium in January.
- Library Staff will be participating in a number of technology training workshops over the next couple of months through a Gates training grant.
- The Library is participating in the Historical Society's Christmas Tree Open House and the annual Mitten Tree Project.

D. Community Development:

Community Development Director/Zoning Administrator Zander reported on the following:

- The Big Idea Study will be revealed at the December 15, 2005 Board of Public Works Meeting.
- There may be a partnership opportunity with the Brillion Chamber of Commerce for the City's Annual Visitor's Guide.

Maciejewski questioned the Community Development Committee's concern of possibly disbanding. Gosz explained there is frustration by the Community Development Committee in that they are not being as productive as they would like to be. They are questioning if there is a need for three (3) Committees; Plan Commission, Redevelopment Authority, and the Community Development Committee.

Gosz stated when the Community Development Committee was created they were created as a "brain storming" Committee. Now with the Community Development Director position they are questioning if there is a need for this Committee.

Zander explained this Committee is not sure where or how they fit in with the other Committees.

Gosz suggested this Committee act as a working committee or a brain storming committee for specific projects.

Unbehaun stated this is the second time this Committee's existence has been questioned. Gosz suggested that this concern be addressed at the City Council Re-organizational Meeting in spring.

E. Fire Department:

No report.

COMMITTEE REPORTS:

A. Finance and Purchasing Committee:

1. Vouchers Payable:

A. General Fund Vouchers:

Motion – Nies moved to approve the general fund vouchers in the amount of \$104,212.91. Seconded by Sonnabend. Ballot vote taken. 9 votes cast. All in favor. Motion carried unanimously.

B. Payroll:

Motion – Nies moved to collectively approve the October 28, 2005 payroll in the amount of \$33,024.83, the November 11, 2005 payroll in the amount of \$36,778.83, and the November 23, 2005 payroll in the amount of \$41,095.64. Seconded by Maciejewski.

Schneider questioned the Police Department overtime hours regarding the Halbach/Avery case and if the City volunteered their service. Kaphingst stated yes, but that the City did pay similar overtime costs as the City of Chilton. Kaphingst stated Calumet County is seeking reimbursement from the State on this case.

Schneider questioned who makes the decision for mutual aid. Kaphingst explained the lowest ranked Officer can make the decision.

Ballot vote taken. 9 votes cast. All in favor. Motion carried unanimously.

7:30 PM – PUBLIC HEARING – 2006 PROPOSED BUDGET:

Mayor Mathiebe opened the Public Hearing for the 2006 Proposed Budget. Mayor Mathiebe asked comments for or against the 2006 Proposed Budget.

Harold Wolf stated, in this opinion, the budget notice published in the Brillion News should contain more information than it does. He stated there are a total of 50 entries in the budget related to wages. The total amount of wages, without fringe benefits, totals \$977,000. He suggested that the City investigate the option of privatizing some of its services.

Wolf congratulated the City Council on staying within the State's expenditure restraint guidelines. He suggested the City reduce reserve accounts to increase operating. He suggested borrowing for expenditures versus including it in the operating budget.

Wolf expressed his three (3) areas of concern: 1) Ambulance Service. He is concerned with the City going with an on-call ambulance service. 2) Fire Department. He is concerned with the Fire Department being manned by volunteers and the \$103,000 budget. 3) Police Department. He expressed concern with the Police's Department \$627,000 budget. He suggested having the Police Department look at their priorities, which is very important to consider.

Scott Michiels expressed concern with the Police Department's proposal of hiring a 7th full time Police Officer. He stated he contacted the City of Chilton, the City of New Holstein, and City of Kiel. The City of Chilton informed him they currently have six (6) full time Police Officers and eight (8) part time Police Officers, the City of New Holstein has seven (7) full time Police Officers and four (4) part time Police Officers, and the City of Kiel has seven (7) full time Police Officers and four (4) to five (5) part time Police Officers. The City of Brillion has six (6) full time Police Officers and four (4) part time Police Officers and are considering hiring a 7th full time Police Officer .

Kaphingst stated he feels the City of Brillion has enough Police Officers, but feels if the City would hire another full time Police Officer the City would see a savings. Michiels stated he would be in favor of a 7th full time Police Officer only if there is a savings. Kaphingst stated there wouldn't be a savings bringing in a 7th full time Police Officer because of fringe benefits. Savings would be seen in the reduction of overtime hours.

Kaphingst explained the problem the City of Brillion has is their geographic location within Calumet County. This is the reason why he is requesting another full time Police Officer.

Kaphingst stated the goal of the City is the consolidation of Police services within Calumet County.

Kaphingst commented that all law enforcement officers are trained as First Responders, which reduces the cost of ambulance services.

Michiels stated he is not in favor of hiring an additional full time Police Officer unless there is a savings. He stated \$1,000 a day is high already.

Wolf asked if the 2006 Police Department budget reflect the savings with hiring the 7th full time Police Officer. Kaphingst stated the 2006 budget reflects the cost of the 7th full time Police Officer.

Maciejewski stated regarding the ambulance service, the ambulance is staffed by Gold Cross employees. There is one (1) Gold Cross employee that remains at the ambulance quarters, while others respond as on-call employees.

Maciejewski asked Scott Michiels how he based his argument on the number of calls statistics. Michiels stated he is just basing it on the information he was able to obtain. Maciejewski stated the number of calls should come to a full time equivalent basis.

Michiels questioned the Police Department wages. Kaphingst stated the elimination of overtime hours and the filling of vacant shifts is the goal behind hiring a 7th full time Police Officer.

Mayor Mathiebe stated the idea of Police Department consolidation was held three (3) years ago.

Mary Schneider asked if there is someone staffing the Police Department 24/7. Kaphingst stated no. Schneider questioned the \$50,000 cost of a full time Police Officer. Kaphingst stated the \$50,000 is an estimate using family coverage for health insurance. He stated the approximate cost of health insurance for family coverage is \$7,000. Kaphingst stated if he is called back to active duty, State law requires the City to pay benefits to employees asked to work full time hours.

Mayor Mathiebe asked for any other testimony. No testimony given. Mayor Mathiebe closed the Public Hearing at 7:58 PM.

COMMITTEE REPORTS CONT.:**A. Finance & Purchasing:****1. Vouchers Payable:****C. Reserves:**

Motion – Nies moved to approve a Street Maintenance Reserve expenditure to Hietpas & Sons in the amount of \$6,082.49, a Snow & Ice Reserve expenditure to Michiels Materials in the amount of \$1,131.05, a DPW Garage Reserve expenditure to Michiels Materials in the amount of \$53.73, a Snow & Ice Reserve expenditure to Lorrigan Construction in the amount of \$10,840.00, a Landfill Reserve expenditure to Robert E. Lee in the amount of \$881.94, a Recycling Reserve expenditure to Winnebago County in the amount of \$2,284.00, a Technology Reserve expenditure to Card member Service in the amount of \$729.96, a DPW Reserve expenditure to Krueger Electric in the amount of \$1,765.00, and a Police Department Reserve expenditure to Card member Service in the amount of \$229.99. Seconded by Bastian. Ballot vote taken. 9 votes cast. All in favor. Motion carried unanimously.

D. Contingency:

Motion – Nies moved to approve expenditures from the City's Contingency Fund in the amount of \$8,427.02 to Kahler Slater and \$222.22 to Davis & Kuethau. Seconded by Sonnabend. Ballot vote taken. 9 votes cast. All in favor. Motion carried unanimously.

2. License Applications:**A. Operator Licenses:**

Motion – Nies moved to collectively grant operator licenses to Robin J. Sterletske, Mia A. Pritzl, Lynne Kupsy, Tracey Dietrich, Anne D. Harcus-Casey, Mary E. Schuh, and Kate Gietman. Seconded by Edinger. Call vote taken. Motion carried unanimously.

Motion – Nies moved to deny an operator license to Barbara J. Rank. Seconded by Maciejewski. Ballot vote taken. 9 votes cast. All in favor. Motion carried unanimously.

B. Protection of Persons & Property:**1. Committee Report:**

No report.

C. City Affairs Committee:**1. Center Road Culvert Project – Town of Brillion Request for Reimbursement:**

Sonnabend stated the Town of Brillion is requesting an additional payment of \$4,751.51 for this project.

Motion – Sonnabend moved to approve payment of 50% of the total project cost for the Center Road Culvert Project. Seconded by Edinger.

Sonnabend explained why the request for payment was higher than the original estimate. Unbehaun asked if the final coat of asphalt has been put down. Sonnabend stated yes, until the road is completely redone.

Mayor Mathiebe explained the work that was done on this road, i.e. new culverts, asphalt patching. It was asked if this road will be redone next year. Sonnabend stated not to the City's knowledge. Gosz stated the City did not budget for this project in the 2006 Budget.

Schneider asked why the Town did not include asphalt patching in the original estimate. Mathiebe explained the intention of the Town was to keep those areas in gravel and wait until next year to patch when Center Road would be completely redone, but was patched this year due to unsafe road conditions.

Maciejewski stated the original estimate from the Town of Brillion was for work completed on Center Road and not for asphalt patching.

Mathiebe stated there are other costs with this project that is not included in this estimate, i.e. labor from both entities for the culvert work done, which was done by the City and Town personnel.

Ballot vote taken. 9 votes cast. 8 votes yes, 1 vote no cast by Reif. Motion carried.

E. Community Development Committee:

1. Committee Report:

No report.

REPORTS OF OTHER BOARDS AND COMMISSIONS:

A. Plan Commission:

1. Committee Report:

No report.

B. Park & Recreation:

1. Committee Report:

No report.

C. Library Board:

1. Committee Report:

No report.

D. Utility Commission:

1. Committee Report:

No report.

Maciejewski questioned the proposed 2006 Water and Sewer Utility Budget. Gosz explained some capital expenses were going to be removed from the water portion of the budget in order to balance the water budget.

Unbehaun asked what percentage of the remote readers have been installed. Gosz stated approximately 50%.

Unbehaun asked when all the remote readers will be installed. Sonnabend stated hopefully within a year.

Unbehaun asked if homeowners are aware when the remote readers are installed. Gosz stated an appointment is made with the homeowner when the reader is installed.

Maciejewski questioned the proposed purchase of a pickup truck for the Utility Department. Sonnabend stated the proposed purchase will be discussed at the next Water & Sewer Utility Commission Meeting.

E. Redevelopment Authority Commission:

1. Committee Report:

No report.

ACCEPTANCE OF MINUTES:

Motion – Unbehaun moved to collectively receive and place the following minutes on record: the Finance and Purchasing Committee meeting of 10/24/05, the Community Development Committee Meeting of 11/7/05, the Plan Commission Meeting of 11/7/05, the Brillion Public Library Board Meeting of 11/9/05, the Redevelopment Authority Commission Meeting of 11/9/05, the Water and Sewer

Commission Meeting of 11/14/05, the City Affairs Committee Meeting of 11/14/05, the Protection of Persons & Property Committee Meeting of 11/15/05, the Joint Redevelopment Authority Commission/Park & Recreation Commission Meeting of 11/16/05, and the Personnel Committee Meeting of 11/22/05. Seconded by Sonnabend. Call vote taken. Motion carried unanimously.

OLD BUSINESS:

A. 2006 Proposed Budget:

Gosz stated changes in the Brillion Community Center's hours of operation were made in the proposed budget, per the recommendation made at the November 15th Board of Public Works Meeting. Changes include closing Fridays at 1:30 PM, closing on Thursdays at 9:00 PM instead of 9:30 PM, open on Tuesdays and Thursdays at 8:00 AM instead of 5:30 AM, and closing Sundays. An additional hour of Lap Swim will be added on Mondays, Wednesdays, and Fridays to compensate for the lost hour on Tuesdays and Thursdays due to opening at 8:00 AM.

She explained because of the information received from Phil Cossen on the proposed borrowing, she reduced the estimated amount of debt services to \$55,300. This will allow the City to remain at the same levy that was noticed to the public.

Schneider asked if the plan was to close Brillion Community Center on Sundays year round. Hoerth stated yes.

Motion – Sonnabend moved to approve the 2006 Budget with the presented changes. Seconded by Maciejewski.

Gosz stated the City's levy is \$1,331,481.

Unbehaun questioned if any further discussions have taken place with the Town of Brillion regarding ambulance service. Gosz stated she received a call from Town Board Supervisor Mark Schnell asking what the City's response was to the Town. Gosz stated she informed him that this item was referred back to Committee for review. Nies asked if the Town of Brillion would decide to contract with Gold Cross for ambulance service, could that revenue be placed in the ambulance reserve account. Gosz stated yes.

Maciejewski questioned the funding of the 7th full time Police Officer. He questioned if the budgeted amount could be used for contracted services with the Calumet County Sheriff Department. Mayor Mathiebe yes, with $\frac{3}{4}$ of the vote of the City Council. Maciejewski stated he is not arguing Police Chief Kaphingst numbers; however the Protection of Persons and Property Committee may review the operation of the Brillion Police Department and use the budgeted \$50,000 elsewhere. He suggested leaving the Police Department budget as proposed, but investigate other options of service before hiring the 7th full time Police Officer.

Kaphingst stated he has had lengthy discussions with Paul Rusch from the Calumet County Sheriff's Department. Rusch informed him that Calumet County staffing cannot support additional services to the City of Brillion.

Maciejewski suggested holding firm from hiring the 7th full time Police Officer until all avenues have been explored.

Nies expressed concern with the proposed borrowing for street repairs. She stated the City is not aware of what effect the borrowing may have on the 2007 budget. Gosz stated the levy limits imposed by the Governor allows for borrowing and is not part of the levy equation. Gosz stated with a \$55,300 interest

payment for the first year of the borrowing, the interest payment amounts to approximately 38 cents on the tax roll. The following year, with an approximate budgeted amount of \$185,000 the borrowing would have a \$1.27 effect on the budget.

Nies stated the City finally got the tax rate where it should be, now the tax rate may increase due to the borrowing. Gosz stated if the City does not borrow for street repairs, the City will need to levy an amount each year for the projects. One way or another, taxpayers will be paying for street repairs.

Mayor Mathiebe stated it was suggested, during the adoption of the 2005 budget that if you lower taxes in the City people will come to live here. To date, the City has four (4) building permits for new homes. People aren't coming to the City to live. The City has done everything they can do to reduce taxes without eliminating services. Our total assessed valuation is dropping. The City needs to increase the assessment value with development. Hilbert and Chilton are spending money in order to grow. He asked what the City can do to increase growth and have people wanting to come and live in Brillion.

Schneider questioned how the City of Brillion could reduce the tax rate in comparison to Chilton. Mayor Mathiebe asked what the City of Brillion has that the City of Chilton does not have. What is a high cost item that the City of Brillion has that the City of Chilton does not have? Maciejewski stated the City of Brillion funds their Library better than what the City of Chilton funds their Library. Also, the City of Brillion funds a Community Center that Chilton does not.

Discussion followed.

Zander stated the City's Annual Growth Report shows no growth for the City. The City has good infrastructure but are not utilizing the infrastructure for added growth.

Maciejewski stated that Forest Junction has bad water and has a higher tax rate than Brillion, yet they are building more new homes than the City of Brillion. Why?

Unbehaun asked if the City of Chilton has their own ambulance service. It was stated they use Calumet Medical Center's ambulance service.

Ballot vote taken. 9 votes cast. 7 yes votes. 2 no votes cast by Nies and Schneider.

B. Closed Session:

Mayor Mathiebe stated that the City Council will be going into Closed Session per W.S.S. 19.85(1) (e).

Motion – Sonnabend moved that the City Council go into Closed Session per W.S.S. 19.85(1) (e). Seconded by Maciejewski. Ballot vote taken. 9 votes cast. All in favor. Motion carried unanimously.

The City Council went into Closed Session at 8:43 PM.

C. Open Session:

Motion – Unbehaun moved that the City Council return to Open Session. Seconded by Bastian. Ballot vote taken. 8 votes cast. All in favor. Motion carried unanimously.

The City Council returned to Open Session at 9:18 PM.

D. Purchase of Property:

Motion – Maciejewski moved to accept the final offer to purchase the property at 136 Center Street. Seconded by Sonnabend. Ballot vote taken. 9 votes cast. 6 yes votes. 3 no votes cast by Nies, Reif, and Schneider. Motion carried.

Motion – Edinger moved to allow staff to proceed with engineering and financial advisors to determine a proposal for the business park. Seconded by Fischer. Ballot vote taken. 9 votes cast. All in favor. Motion carried unanimously.

COMMITTEE REPORTS:**A. Personnel:****1. Closed Session:**

No action taken.

2. Open Session:

No action taken.

3. Building Inspector Employment Agreement:

Motion – Sonnabend moved to approve the Employment Agreement between the City of Brillion and Mike Angoli, to perform the duties of the City's Building Inspector. Seconded by Edinger. Ballot vote taken. 9 votes cast. 8 yes votes. 1 no vote cast by Reif. Motion carried.

NEW BUSINESS:**A. Professional Services Agreement – Ehlers Associates – Tax Incremental District Contract:**

Motion – Maciejewski moved to approve the Professional Services Agreement with Ehlers & Associates for the creation of a TID in the Downtown District. Seconded by Fischer. Ballot vote taken. 9 votes cast. All in favor. Motion carried unanimously.

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

Gosz reported on the December calendar.

MAYOR'S REPORT:

No report.

PRESS TIME:

No questions.

ADJOURNMENT:

Motion – Unbehaun moved to adjourn. Seconded by Sonnabend. Call vote taken. Motion carried unanimously. The meeting adjourned at 9:30 PM.

Robert Mathiebe, Mayor

Lori M. Gosz, City Administrator/Clerk-Treasurer