

(Approved)

**REGULAR CITY COUNCIL
MEETING
Minutes**

May 29, 2018

Brillion Community Center

6:30 PM

CALL TO ORDER:

Mayor Gary Deiter called the meeting to order at 6:35 PM with the Pledge of Allegiance recited by those in attendance.

ROLL CALL:

Present were Mayor Gary Deiter, Alderpersons Mel Edinger, Timothy Hanson, Joe Levash, Betty Nies, Vicki Shafran, and Carrie Wenzel. Also present were City Administrator/Clerk-Treasurer Lori Gosz, Public Works Director Andy Geiger, Park & Recreation Director Ann Marx, Fire Chief Joey Diener, Police Chief JoAnn Mignon, City Librarian Chris Moede, and Deputy Clerk/Treasurer Joy Buboltz. Absent was Alderperson Wally Sonnabend.

APPROVAL OF THE AGENDA:

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

APPROVAL OF MINUTES – APRIL 23, 2018 REGULAR CITY COUNCIL, APRIL 26, 2018 SPECIAL CITY COUNCIL, AND MAY 14, 2018 SPECIAL CITY COUNCIL MEETING MINUTES:

Motion – Edinger moved to collectively approve the minutes of the April 23, 2018 Regular City Council Meeting minutes, the April 26, 2018 Special City Council Meeting minutes, and the May 14, 2018 Special City Council Meeting minutes. Seconded by Wenzel. Call vote taken. Motion carried unanimously.

PUBLIC APPEARANCES:

A. Citizen Input:

None.

B. Guests:

Guests of the meeting were David Nordby from The Brillion News, TJ Lamers from the IPR Group, Beth Wenzel, Gib & Mary Pilon, Ken Nushart, Kevin Fischer, and Jim Wendling.

CONSENT AGENDA:

A. Acceptance of Minutes:

Park & Recreation Commission meeting of 5/3/2018, Plan Commission meeting of 5/7/2018, Special Park & Recreation Commission meeting of 5/9/2018, Redevelopment Authority Commission meeting of 5/9/2018, Brillion Public Library Board meeting of 5/16/2018, Tourism Committee meeting of 5/16/2018, Board of Review meeting of 5/17/2018, and Water and Sewer Commission meeting of 5/21/2018.

B. Approval of Vouchers:

A. General Fund: =\$129,590.53:

B. Reserves =\$13,142.57:

C. Contingency = \$10,497.50:

D. TIF Expenditures=\$13,407.01:

C. Approval of License Applications:

1. Operator License – New: Daniel W. Stambaugh Jr, Molly Mandoli, Kathryn Frazier, Matthew Aschenbrenner:

(Approved)

2. **Operator Licenses – Renewal: Steve Brault, Jessica Gerhart, Amber N. Butturini, Sara Brault, Cathy R. Held:**
3. **Kennel License – Renewal: Angela M. Gade, TJ Bastian:**
4. **Six Month Class “B” Beer License: Renewal – Brillion Athletic Association –Peters Park – May 1, 2018 to October 31, 2018:**
5. **Temporary Class B Licenses: Brillion Area Jaycees – June 9, 2108 – June 10, 2018 for Brillion Fest at Peters Park and Brillion Athletic Association – June 9, 2018 – Brillion Fest at 205 N. Main Street:**
6. **Class A Beer & Class A Liquor Combination License-Renewal: Condon Oil Company for Brillion Mobile Mart, Weber Family Station, LLC for Weber’s of Brillion, Dolgencorp, LLC for Dollar General Store #10945, T & C Markets, Inc for Tadych’s Econo Foods, Shopko Stores Operating Co., Inc for Shopko Hometown #608:**
7. **Class B Beer & Class B Liquor Combination License – Renewal: Braun’s Deer Run LLC for Deer Run Golf Course, ACAKDCA, LLC for Ethels Pub & Grill, Connie Michiels for Shakers, Cobblestone Creek Dining & Banquet, LLC for Cobblestone Creek Dining & Banquet, Gene Lohse for Twitch’s Bar & Grill, Scott R. Giese for The Real Giese’s, BAKKHEIA, LLC for BAKKHEIA, M & J Schwartz Enterprises, LLC for Split Happens Lanes, Randy’s Pastry Factory, LLC for Randy’s Central:**
8. **Class A Beer License/Class A Liquor (Cider Only) - Renewal: Kwik Trip for Kwik Trip #807:**
9. **Class B Beer License/Class C Wine – Renewal: Brillion Hotel Group, LLC for Cobblestone Inn and Suites, Marko’s Smokin’ BBQ for Marko’s Smokin’ BBQ:**
10. **Class B Beer License – Renewal: Underground Archery LLC for Underground Archery:**

D. Approval of Payroll:

Motion – Wenzel moved to collectively approve the Consent Agenda with the Acceptance of Minutes, Approval of Accounts Payable and Financial Reports, Approval of Payroll, and the Approval of License Applications as approved at the May 29, 2018 Committee of the Whole Meeting. Seconded by Shafran. Roll call vote taken. 6 votes cast. Motion carried unanimously.

E. Approval of Appointments:

Motion – Wenzel moved to confirm the appointment of Judy Christianson to the Park & Recreation Commission. Seconded by Shafran. Call vote taken. Motion carried unanimously.

DEPARTMENT HEAD REPORTS:

A. Police Department:

Police Chief Mignon reported on the following:

- Awesome job done by City Departments on the night of the flooding in the City.
- She is working with Calumet County for reimbursement of expenses since Calumet County was declared a disaster area.
- The Officer that was currently on medical leave has now returned to work on a part time basis. It is hoped that Officer will return to full time duty in June.
- Getting ready for upcoming events.

B. Park & Recreation:

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

- The Park & Recreation Commission did discuss the possibility of a dog park in the City however there is no space available at this time for a dog park.
- Softball and baseball has started.

Wenzel questioned the Touch a Truck event. Marx explained the event.

C. Library:

Librarian Moede submitted a written report and reported on the following:

(Approved)

- Summer Reading Program will be kicking off shortly.
- The new Library Director will be starting June 18th.

D. Fire Department:

Fire Chief Diener reported on the following:

- A great job was done by all City Departments on the night of the flooding.
- Operation Dark Sky Event.
- Assisted with a house fire in Reedsville.
- The Fire Department implemented their Cancer Prevention Program with the house fire in Reedsville. A decon area was set up on the street.

6:45 PM – PUBLIC HEARING – ORDINANCE FOR DIRECT ANNEXATION:

Mayor Deiter opened the Public Hearing at 6:45 PM and asked for testimony for or against the proposed annexation.

Gib Pilon, 656 Center Road, stated he is against the annexation if that property will be rezoned Heavy Industrial. He is concern with what may be built on that property if zoned Heavy Industrial.

Mary Pilon, 656 Center Road, stated she is also against the annexation if the property is rezoned Heavy Industrial. She stated right now water is being drained into the main creek. If this property is zoned Agriculture where are the crops. She also asked what will happen to Center Road if a factory, warehousing, etc. is built on that property. She is concerned with the amount of traffic that may produce and the safety of the children and the busses on that roadway. She feels her property value will drop if a factory, warehousing, etc. and even if the roadway is widened.

Ken Nushart, W277 Center Road, questioned what this annexation would mean to his property. He also expressed concern with that property being zoned Heavy Industrial.

Geiger explained the reasoning for the Heavy Industrial Zoning is that the property surrounding the proposed annexed property is currently zoned Heavy Industrial. The Ariens Company did approach the City a while ago wanting to build a shed on the property being proposed annexed to the City. The Ariens Company was informed they could not build a shed on that property without a primary residence being first on that property. Geiger explained the Ariens Company just wants to square off their property. They did not request the property to be zoned to Heavy Industrial, but rather the Plan Commission is recommending that property be zoned Heavy Industrial. At this time there is nothing stopping the Ariens Company to construct a factory, parking lot, and warehouses on that property without it being annexed to the City.

Mary Pilon does not have a problem with the property being annexed to the City, but rather would like that property to remain Agriculture. Gosz informed those present that the City determines the zoning of a property when annexed into the City, which the Plan Commission did with zoning it Heavy Industrial.

Kevin Fischer, Supervisor for the Town of Brillion, stated his only concern is that the Town of Brillion would like to review the Road Maintenance Agreement with the City of Brillion is this property if annexed to the City of Brillion.

Mayor Deiter closed the Public Hearing at 7:02 PM.

E. Public Works:

Public Works Geiger reported on the following:

- Bids are advertised for the Brillion Community Center project. Bid opening for the project will be held on June 12, 2018.
- Summer help will be starting June 4th.

(Approved)

COMMITTEE REPORTS:

A. Plan Commission:

1. Ordinance – Conditional Use Permit for Residential Districts:

Motion – Levash moved to set a Public Hearing date for Monday, June 25, 2018 at 6:45 PM to hear testimony for or against the proposed amendment to the Municipal Code as it relates to Conditional Use in Residential Districts. Seconded by Edinger. Call vote. Motion carried unanimously.

B. Park & Recreation:

1. Committee Report:

No report.

C. Library Board:

1. Committee Report:

No report.

D. Utility Commission:

1. Committee Report:

No report.

E. Redevelopment Authority Commission:

1. Downtown Redevelopment Project – Update:

A. Asbestos Removal Bid:

Geiger reported that the low bidder was unable to provide the City with the required Performance Bond for the project. City Attorney King has advised to reject the low bid and award the contract to the next low bidder, Environet, Inc of Wisconsin for \$16,160.00. Levash asked if Environet is aware of the requirement of a Performance Bond and that the City is looking at awarding them the bid. Geiger stated yes.

Motion – Edinger moved to reject the low bid from WI Asbestos Removal & Demolition, LLC and to award the contract to Environet, Inc. of Wisconsin for \$16,160.00. Seconded by Levash. Roll call vote taken. 6 votes cast. Motion carried unanimously.

B. Transfer of Property – Warrantee Deed:

Gosz explained with this Warrantee Deed for the transfer of property to the IPR Group, LLC the IPR Group will be able to start construction on the new City Hall facility.

Levash noted that this is not the normal transfer of property. Gosz explained this is the simplest way to transfer the property which was sketched out in a Certified Survey Map. Levash stated he would like some assurance that we would get the property back and that the City would only buy the building back. He feels that the City needs to own the City Hall building someday. He would like to have that assurance in writing.

Motion – Wenzel moved to approve the Transfer of Property by Warrantee Deed for Lot #3 of CSM #2864 with the clause that when and if the City of Brillion purchases the property back it is re-gifted back to the City. Seconded by Levash.

TJ Lamers stated City Attorney King could draft that clause with the Warrantee Deed.

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

2. Brillion Iron Works Properties - Update:

Gosz reported that meetings are being held with the DNR's Green Team and with Phil Cossen, City's Financial Advisor, to get to the deadline for the creation of TID #5 under ACT 70. The DNR feels the City can meet that deadline.

(Approved)

Gosz reported it is looking good on the site. All of the environmental testing has been completed and a Remediation Plan is being drafted. Levash stated he would like to see that the City Council receives a summary on the events from City Attorney George Marick on this project and what he feels about this project for the City.

F. Committee of the Whole:

1. Agreement between Calumet County and City of Brillion – Abatement of Human Health Hazards:

Motion – Edinger moved to approve the Agreement between Calumet County and City of Brillion for the Abatement of Human Health Hazards. Seconded by Levash. Roll call vote taken. 6 votes cast. Motion carried unanimously.

2. Purchase of Street Sweeper:

Motion – Levash moved to purchase an Elgin Street Sweeper in the amount of \$269,561 with \$100,000 from Reserves and to borrow the balance of \$169,561.00. Seconded by Edinger. Roll call taken. 6 votes cast. Motion carried unanimously.

G. Cemetery Commission:

1. Commission Report:

Wenzel reported that the Cemetery Commission will be meeting Wednesday, June 6th.

H. Tourism Committee:

1. Funding Request – Brillion Nature Center Intern and Promotion Project:

Motion – Hanson moved to release Tourism Funds per the request and recommendation of the Tourism Committee for \$1,000 for the Brillion Nature Center Intern and Promotion Project. Seconded by Nies. Roll vote taken. 6 votes cast. Motion carried unanimously.

OLD BUSINESS:

A. Ordinance – Direct Annexation:

Motion – Nies moved to adopt Ordinance #OR18-03, Annexing Territory to the City of Brillion. Seconded by Levash.

Mayor Deiter stated the guests at tonight’s meeting had some valid concerns and should the zoning of the property referred back to the Plan Commission. Levash stated that if the Ariens Company wanted to build a structure on that property they would have to come back to the City anyway. Geiger stated the Ariens Company is just trying to clean up their property. The Plan Commission did not want to have spot zoning in that area of the City. Levash suggested sending a letter to the adjoining property owners.

Gosz stated she will need to discuss the Road Maintenance Agreement the City has with the Town of Brillion with the Ariens Company. She will also contact Mark Olson, Ariens Company, to receive their reassurance for the land use.

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

NEW BUSINESS:

None.

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

Gosz submitted a report and reported on the following:

- The 2019 Rock the Block Event.
- 2020 Census work has started.
- 120 voters at the May 15th election.
- She and Mayor Deiter will be attending an Economic Development Summit in Green Bay on July 16th.

(Approved)

- She was contacted by a field representative from ISO.

MAYOR'S REPORT:

Mayor Deiter reported that he received positive comments on the street work done this year on Custer Street and Bentwood Drive. He also commented that the City needs to get serious on having property owners in the City of Brillion clean up their properties.

PRESS TIME:

No questions.

ADJOURNMENT:

Motion – Edinger moved to adjourn the meeting. Seconded by Levash. Call vote taken. Motion carried unanimously. The meeting was adjourned at 7:38 PM

Gary Deiter, Mayor

Joy L. Buboltz, Deputy Clerk/Treasurer