

(Approved)

**REGULAR CITY COUNCIL
MEETING
Minutes**

November 26, 2018

Brillion Community Center

6:30 PM

CALL TO ORDER:

Mayor Deiter called the meeting to order at 6:30 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, Wally Sonnabend, and Carrie Wenzel. Also present were City Administrator/Clerk-Treasurer Lori Gosz, Police Captain Kirk Schend, Public Works Director Andy Geiger, Fire Chief Joey Diener, Park & Recreation Director Ann Marx, City Librarian Rachel Hitt, and Deputy Clerk/Treasurer Joy Buboltz.

APPROVAL OF THE AMENDED AGENDA:

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

APPROVAL OF MINUTES – OCTOBER 22, 2018 REGULAR CITY COUNCIL AND NOVEMBER 12, 2018 SPECIAL CITY COUNCIL MEETING MINUTES:

Motion – Sonnabend moved to collectively approve the minutes of the October 22, 2018 Regular City Council Meeting minutes and the November 12, 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, Police Officer Ben Bastian, Beth Wenzel, Dan Mertens, and Vicki Mertens.

Dan Mertens stated he is the owner of the property at 302 LaVesta Court, which is located at the end of Pagel Avenue. He asked when the blacktop for that area of LaVesta Court will be done. He explained that he was told in 2017 that it would be done and then again was told that it would be done in 2018. To date it has not been done. Geiger explained that only the binder coat of asphalt has been laid on Pagel Avenue. Dan Mertens stated that area of the road is a “soup hole” and water drains to that spot of the roadway. Geiger explained that there is a grated swale on the other side of the roadway and another swale will be installed there yet this year. That additional swale should help to have the water from that area drain to Spring Creek.

Levash stated that he assumed that the binder coat that was done on Pagel Avenue would have extended to Dan Mertens' property. Where they stopped with the binder coat, does not look right.

Dan Mertens stated his duplex has been there for ten (10) years and nothing has been done with that roadway yet. Geiger stated he will be contacting MCC, the contractor for the asphalt, regarding this.

Gosz suggested that Geiger work with Dan Mertens to resolve this situation.

C. Recognitions:

None.

(Approved)

CONSENT AGENDA:

A. Acceptance of Minutes:

September 19, 2018 Library Board Meeting, October 17, 2018 Library Board Meeting, November 5, 2018 Plan Commission meeting, November 8, 2018 Park & Recreation Commission meeting, November 8, 2018 Redevelopment Authority Commission meeting, and the November 19, 2018 Water and Sewer Commission meeting.

B. Approval of Vouchers:

A. General Fund: =\$93,735.95:

B. Reserves =\$33,046.17:

C. Contingency = \$0.00:

D. TIF Expenditures \$481.00:

C. Approval of License Applications:

1. Operator's License – New: Caitlyn Grosenick, Elizabeth M. Wenzel, Brenda Sue Schisel:

D. Approval of Payroll:

Motion – Edinger 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 November 26, 2018 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 Marx submitted a written report and reported on the following:

- The fitness equipment will be arriving tomorrow.
- Update on the Brillion Community Center Renovation Project.

C. Library:

Librarian Hitt submitted a written report and reported that the HVAC issue has been resolved.

D. Fire Department:

No report.

Edinger asked if there have been discussions on building remodeling/renovations/moving for the emergency services. Diener stated a group will be meeting next week to discuss this.

E. Public Works:

No report.

6:45 PM – PUBLIC HEARING – TREASURER BOND EXEMPTION:

Mayor Deiter opened the Public Hearing at 6:45 PM and asked three (3) times for testimony for or against the proposed ordinance. No testimony given. Mayor Deiter closed the Public Hearing at 6:46 PM.

(Approved)

COMMITTEE REPORTS:

A. Plan Commission:

1. Ordinance – Conditional Uses in Commercial District:

Mayor Deiter reported there is an individual looking to purchase the property at 128 E. Ryan Street and would like to build three (3) mini warehouse buildings on that property. However, due to the current zoning of that property mini warehouse buildings are not allowed on that property. The Plan Commission would like to amend City Code for a Conditional Use in Commercial Districts to allow for self-serve storage facilities, a.k.a. mini warehouses.

Motion – Levash moved to set a Public Hearing for Monday, December 17, 2018 at 6:45 PM to hear testimony for or against the proposed ordinance amending the City Code for Conditional Uses in Commercial Districts. Seconded by Edinger.

Levash explained the Plan Commission felt the property at 128 E. Ryan Street was a good fit for mini warehouses.

Call vote taken. Motion carried unanimously.

2. Development Agreement – West Wind Development Addition – Shane Murphy:

Gosz explained that Shane Murphy is requesting a Pay-Go Developer’s Incentive for the remainder of his residential development in TID #3. Murphy is proposing that he receive 60% of the increment generated from his entire property including the current buildings. The City would keep the remaining 40%. Gosz explained, under the current agreement with Murphy the increment must be enough to pay the debt payments the City has for the development. If there is a shortfall then Murphy would be obligated to pay the City that shortfall amount. Gosz cautioned that 40% may not be enough to pay the debt payment for TID #3.

Gosz explained that she contacted Phil Cossen from Ehlers and Cossen indicated that as long as the TID has a positive cash flow and the debt amount is achieved he has no concern with this Pay-Go Incentive. So basically, if there is a surplus in the TID from his development then Murphy could receive 60% of the surplus and the City would keep the other 40%.

Gosz will contact Murphy before contacting the City Attorney to make sure Murphy still wants this Pay-Go Incentive.

Motion – Edinger moved to contact Shane Murphy on this Pay-Go Incentive before contacting the City Attorney, and in agreement to proceed with an amendment to the Developers Agreement with Shane Murphy for a Pay-Go Incentive based on 60% of any surplus increment generated by the development after City debt service is paid, and to authorize the City Attorney to draft the amendment to the Developer’s Agreement. Seconded by Levash. Call vote taken. Motion carried unanimously.

6:50 PM – PUBLIC HEARING – REGULATING THE SALE, GIFT, POSSESSION AND USE OF NICOTINE PRODUCTS, VAPOR PRODUCTS AND ELECTRONIC SMOKING DEVICES:

Mayor Deiter opened the Public Hearing at 6:55 PM and asked three (3) times for testimony for or against the proposed ordinance. No testimony given. Mayor Deiter closed the Public Hearing at 6:56 PM.

3. Ordinance – Knox Box:

Fire Chief Diener explained the reason for the Knox Box Ordinance. Diener explained there was a situation where the Fire Department waited for 40 minutes before a key holder arrived to open the building for them. There were concerns with waiting that amount of time in which there could have been a broken sprinkler system and they could not get into the building.

(Approved)

Diener explained the proposed Ordinance would be for new construction businesses/industries. He explained there are security measures already in place with the Fire Department for these Knox boxes. The nine (9) Fire Department Officers are trained on this system.

Wenzel asked who would pay for the Knox box. Diener stated the property owner.

Motion – Levash moved to set a Public Hearing date for Monday, December 17, 2018 at 6:50 PM to hear testimony for or against the proposed ordinance for Knox boxes. Seconded by Edinger. Call vote taken. Motion carried unanimously.

4. Annexation – City Property – Parcel ID #1804 and #1809:

Motion – Wenzel moved to proceed with the Direct Unanimous Annexation of City Property for Parcel ID#1804 and #1809. Seconded by Edinger.

Gosz explained this annexation will involve survey work to be done by McMahon.

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

5. Rededicate Park Avenue:

Motion – Levash moved to proceed with the rededication of the portion of Park Avenue that was vacated in 2006. Seconded by Sonnabend.

Gosz stated this portion of Park Avenue was dedicated to the Brillion Iron Works back in 2006. Now this portion will be rededicated back to the City.

Roll call vote taken. 7 votes cast. 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. Downtown Redevelopment Project – Update:

No report.

2. Brillion Works Development – Update:

Geiger reported that a meeting will be held tomorrow. Things are moving along.

A. WEDC – Idle Industrial Sites Redevelopment Grant Agreement:

Mayor Deiter thanked City Administrator Gosz for all of her work with this grant.

Gosz explained the City received a notice from Jon Bartz of the WEDC informing the City that they have been awarded the WEDC Idle Industrial Sites Redevelopment Grant in the amount of \$500,000. She explained that once the City signs the Grant paperwork then the WEDC will sign their portion of the paperwork.

(Approved)

Edinger asked is this is a matching grant. Gosz stated yes and that the City can use money from other grants it may receive towards this match. The City must match \$1,166,667 to review the full amount of the grant.

Motion – Edinger moved to accept the WEDC Idle Industrial Sites Redevelopment Grant in the amount of \$500,000.00. Seconded by Hanson. Roll call vote taken. 7 votes cast. Motion carried unanimously.

F. Committee of the Whole:

1. Committee Report:

No report.

G. Cemetery Commission:

1. Commission Report:

No report.

H. Tourism Committee:

1. Committee Report:

No report.

OLD BUSINESS:

A. Ordinance – Treasurer Bond Exemption:

Motion – Nies moved to adopt Ordinance #OR18-06 regarding Treasurer Bond Exemption. Seconded by Wenzel.

Gosz explained this Ordinance would not require the City to purchase additional bond during tax collection season.

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

B. Ordinance – Regulating the Sale, Gift, Possession and Use of Nicotine Products, Vapor Products and Electronic Smoking Devices:

Motion – Edinger moved to adopt Ordinance #OR18-07 Regulating the Sale, Gift, Possession and Use of Nicotine Products, Vapor Products and Electronic Smoking Devices. Seconded by Sonnabend. Roll call vote taken. 7 votes cast. Motion carried unanimously.

NEW BUSINESS:

Levash stated he would like to go on record that he feels sympathy to Dan Mertens regarding the road ahead of his property. He stated he does not know why the binder coat wasn't installed there. Geiger stated he will contact MCC to maybe include that portion of LaVesta Court with the City Center Parking Lot. He will then follow up with Dan Mertens.

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

Gosz submitted a written report and mentioned to those up for re-election to contact Deputy Clerk/Treasurer Buboltz for nomination papers or to file their non-candidacy paperwork.

Gosz stated that she contacted Phil Cossen regarding the cash flow for TID #2, #3, and TID #4. Cossen suggested leaving TID #2 alone and that TID should end with a positive cash flow in 2026. Cossen suggested amending TID #3 and TID #4 to allow unused positive cash flow advancement for the other TID's, especially TID #5.

Gosz stated that right now TID #3 looks good, but with TID #4 there are unknowns due to the change in the Personal Property Tax Exemption Law.

(Approved)

MAYOR'S REPORT:

No report.

PRESS TIME:

No report.

ADJOURNMENT:

Mayor Deiter adjourned the meeting at 7:30 PM.

Gary Deiter, Mayor

Joy L. Buboltz, Deputy Clerk/Treasurer