

(Approved)

**REGULAR CITY COUNCIL  
MEETING  
Minutes**

**May 28, 2019**

**Brillion City Center**

**6:30 PM**

**CALL TO ORDER:**

Mayor Gary Deiter called the meeting to order at 6:36 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, Sarah Pielhop, and Carrie Wenzel. Also present were City Administrator/Clerk-Treasurer Lori Gosz, Public Works Director Andy Geiger, Park & Recreation Director Ann Marx, Police Chief JoAnn Mignon, City Librarian Rachel Hitt, and Deputy Clerk/Treasurer Joy Buboltz. Absent were Alderperson Wally Sonnabend and Fire Chief Joey Diener.

**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 – APRIL 22, 2019 CITY COUNCIL MEETING MINUTES:**

**Motion** – Levash moved to approve the minutes of the April 22, 2019 City Council Meeting minutes. Seconded by Pielhop. Call vote taken. Motion carried unanimously.

**PUBLIC APPEARANCES:**

**A. Citizen Input:**

None.

**B. Guests:**

Guests of the meeting were Dana Irish and Joanne Moehr from the Brillion Housing Authority, Ron Wolf from McMahan, Leonard Kopidlansky, TJ Lamers, Joe Behnke, Wendy Behnke, Kate Behnke, Beth Wenzel, Bob & Pat Endries, State Representative Ron Tusler, Joel Thorpe, Dave Schwahn, Cheryl Brazil, Addyson Brazil, Ben Peotter and Craig Schuh from Ayers & Associates, Dave Enneper, Charles & JoAnn Bernhardt.

State Representative Ron Tusler was present to give an update to the City Council on the State's proposed next budget. He reported that Governor Evers would like to increase the State's proposed budget by \$6 million dollars of which \$2 million would be borrowed for. He explained that 80% of the State's income comes from taxes and 20% is from other revenue sources

Tusler indicated that Calumet County will be requesting an additional Circuit Court Judge. This would be done during a budget motion, which he supports. The main expense in the State's budget is education.

**6:45 PM – PUBLIC HEARING – MARKET STREET PROJECT:**

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

**B. Guests (Cont.):**

Pielhop questioned the Volunteer Fire Fighter bill that is being worked on at the State. Tusler reported that he is the co-author on that bill and will be advocating on that bill. This bill would give more incentives to individuals to serve as Volunteer Fire Fighters, i.e. insurance.

(Approved)

Chief Mignon questioned the Line of Duty Death Benefits being discussed at the State level. Tusler indicated that he did not co-author that bill but would be voting in favor of that bill.

**6:50 PM – PUBLIC HEARING – REZONING REQUEST – 505 N. GLENVIEW AVENUE:**

Mayor Deiter opened the Public Hearing at 6:51 PM and asked two (2) times for testimony for or against the Rezoning Request for 505 N. Glenview Avenue.

David Enneper asked for the location of the proposed driveway to be installed by Ariens Co. Geiger explained that the Ariens Co. is looking at moving their loading docks to the east side of their property. They will be moving their production lines to work from the west end of the building to the east end of the building.

Geiger and Mignon explained the proposed traffic flow from the parking lots by the employees.

Mayor Deiter asked one (1) more time for testimony for or against the Rezoning Request. No more testimony given. Mayor Deiter closed the Public Hearing at 6:56 PM.

**6:55 PM – PUBLIC HEARING – ZONING CODE AMENDMENTS:**

Mayor Deiter opened the Public Hearing at 6:56 PM and asked three (3) times for testimony for or against the proposed Zoning Code Amendments. No comments given. Mayor Deiter closed the Public Hearing at 6:57 PM.

**CONSENT AGENDA:**

**A. Acceptance of Minutes:**

Library Board – 4/17, 2019, Committee of the Whole – 4/22/2019, Park & Recreation Commission – 5/2/2019, Plan Commission – 5/6/2019, Redevelopment Authority – 5/16/2019, and Water and Sewer Utility Commission – 5/20/2019.

**B. Approval of Vouchers:**

**A. General Fund: =\$131,528.65:**

**B. Reserves =\$137,181.01:**

**C. Contingency = \$0.00:**

**D. TIF Expenditures \$21,073.28:**

**C. Approval of License Applications:**

**1. Operator’s License - New: John R. Pakala:**

**2. Operator’s License – Renewals: Derek J. Emmer, Cari Krepline, Dennis Miller, Angela Shimek, Heather Borseth, Allan C. Muehlbauer, Betty A. Kussow, Cynthia L. Schmidt, Jonathan Enneper, Dorene Spatchek, Jacquelyn Lee Meetz, Sandra S. Koffarnus:**

**3. Class “B” Beer – 6 Month License: Brillion Athletic Association for Peters Park Concession:**

**4. Temporary Class “B” Beer License: Brillion Athletic Association for Brillion Fest – June 7-8, 2019:**

**5. Temporary Class “B” Beer License: Brillion Area Jaycees for Brillion Fest – June 7-9, 2019:**

**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 May 28, 2019 Committee of the Whole Meeting. Seconded by Nies. Roll call vote taken. 6 votes cast. Motion carried unanimously.

**E. Approval of Appointments:**

**1. Redevelopment Authority Commission – David Sonnabend:**

(Approved)

**Motion** – Wenzel moved to approve the appointment of David Sonnabend to the Redevelopment Authority Commission to fill the vacant term which will expire in May 2021. Seconded by Edinger. Call vote taken. Motion carried unanimously.

**2. Alderperson At-Large – Joe Behnke:**

Mayor Deiter read out loud a letter from Wally Sonnabend stating he will be resigning from the Brillion City Council effective June 1, 2019.

Mayor Deiter stated he would like to appoint Joe Behnke to fill the vacancy by Sonnabend, effective June 1, 2019. Mayor Deiter stated that this appointment goes until April of 2020. If Behnke would like to continue serving as Alderperson after that, he would need to file nomination papers in December to complete Sonnabend's position.

**Motion** – Levash moved to approve the appoint Joe Behnke as Alderperson At-Large effective June 1, 2019 until April 2020. Seconded by Nies. Call vote taken. Motion carried unanimously.

**DEPARTMENT HEAD REPORTS:**

**A. Police Department:**

Police Chief Mignon reported she is currently working on the Time System Audit, which is done every two (2) years by the State.

**B. Park & Recreation:**

Recreation Director Ann Marx submitted a written report and reported that the pool is now fixed. She also reported that a tour of the City Parks was done for the Comprehensive Park Plan. Members of the community will also be contacted for input on this Park Plan.

Edinger questioned the location of this year's Farmers Market. He asked if the set up for the vendors would be in the Brillion Community Center's east parking lot. Marx stated yes. Beth Wenzel gave a report on the location of the Farmers Market. This will be monitored.

**C. Library:**

Librarian Hitt submitted a written report and reported that Lorelei Vaness will be retiring at the end of June.

**D. Fire Department:**

No report.

**E. Public Works:**

Geiger reported on the following:

- Kruczek Construction has started the Transmission Main Project today. Streets will not be completely closed during this project.
- Hanging Flower Baskets should be out this week Thursday.
- The DNR has indicated to him that the Swamp Devil should arrive in Brillion at the end of June.
- The HVAC has been completed at the BCC. The City should be receiving a credit on the billing for the on-site inspector.

Pielhop thanked Geiger for all of his work with getting the Swamp Devil to come to Brillion to clean the Brillion Marsh.

**COMMITTEE REPORTS:**

**A. Plan Commission:**

**1. Ordinance – Permanent Zoning – Annexed Territory:**

(Approved)

**Motion** – Edinger moved to set a Public Hearing date of Monday, June 24 2019 at 6:45 PM to hear testimony for or against the amendment of the ordinance for annexed property to permanent zone to I-2 Heavy Industrial District and to change the ward designation per the County Clerk’s recommendation. Seconded by Levash. Call vote taken. Motion carried unanimously.

**2. Code Amendment – Fees for Requests:**

**Motion** – Levash moved to set a Public Hearing for Monday, June 24, 2019, 2019 at 6:50 PM to hear testimony for or against the fees in Sec 86-13 and Sec 106-66 of the Municipal Code. Seconded by Nies. Call vote taken. Motion carried unanimously.

**B. Park & Recreation:**

**1. Committee Report:**

No report.

**C. Library Board:**

**1. Committee Report:**

No report.

**D. Utility Commission:**

**1. Resolution – Compliance Maintenance Report:**

Mayor Deiter explained to those present that this report is a summary of the Wastewater Treatment Plant operations to the DNR for 2018.

**Motion** – Edinger moved to adopt Resolution #RE19-13 for the 2018 Compliance Maintenance Annual Report. Seconded by Wenzel. Roll call vote taken. 6 votes cast. Motion carried unanimously.

**E. Redevelopment Authority Commission:**

**1. Closed Session:**

**Motion** – Wenzel moved to go into Closed Session per W.S. S. #19.85(1) (e). Seconded by Edinger. Call vote taken. Motion carried unanimously.

The City Council went into Closed Session at 7:14 PM.

**2. Open Session:**

**Motion** – Edinger moved to return to Open Session. Seconded by Levash. Call vote taken. Motion carried unanimously.

The City Council returned to Open Session at 7:30PM.

**3. Monetary Donation – Bob & Pat Endries for the Purchase of 205 N. Main Street:**

**Motion** – Wenzel moved to approve and accept the donation from Bob & Pat Endries to be used by the RDA for the purchase of 205 N. Main Street. Seconded by Edinger. Roll call vote taken. 6 votes cast. Motion carried unanimously.

**F. Committee of the Whole:**

**1. 2000 Ford F250 Replacement:**

**Motion** – Wenzel moved to purchase a 2019 4-Wheel Drive from Horn Ford with total equipped package not to exceed \$27,500 with \$20,000 taken from the DPW Equipment Replacement Reserves and \$7,500 from Recycling Reserves (Compost Site). Seconded by Levash. Roll call vote taken. 6 votes cast. Motion carried unanimously.

**2. Position Description – Administrative Assistant:**

(Approved)

**Motion** – Pielhop moved to approve the Administrative Assistant Position Description as revised. Seconded by Wenzel. Call vote taken. Motion carried unanimously.

**3. Personnel Policy – Scheduled Hours, Overtime and Compensatory Time:**

Item Tabled.

**G. Cemetery Commission:**

**1. Commission Report:**

No report.

**H. Tourism Committee:**

**1. Committee Report:**

No report.

**I. Brillion Housing Authority:**

**1. Garrow Villa:**

Dana Irish reported that there are financial and staffing struggles at Garrow Villa. If staff is not found the facility will need to close. The Brillion Housing Authority Board is looking at selling the Garrow Villa facility. They do have an interested buyer for the facility at this time. A bidding process may need to be done for the sale.

Pielhop stated her concern is that she would like to see the City take ownership of the railroad bed that runs alongside the Garrow Villa facility, if that is not currently owned by the City. It has been suggested using that railroad bed as part of the extension trail. Irish stated she will need to check to see who owns that property but does not think that the Brillion Housing Authority does. Gosz reported that according to the City Attorney the Brillion Housing Authority owns that property and the City would not need to act on this possible sale of property. Irish stated if the facility is sold, the funds from the sale would be used to pay off the mortgage and reimburse funds that were borrowed from the other Housing Authority entities. Irish reported that the individual that is interested in purchasing the property would be using the facility as a “for profit” versus a “not for profit” it is currently being ran as.

Pielhop asked if the Brillion Housing Authority has looked at making the facility into an apartment complex. Irish stated yes, but there are no funds available to cover the cost of the remodeling it would take.

Irish explained the Brillion Housing Authority does have an offer to purchase the property at this time and time is of the essence.

The City Council gave their support to the Brillion Housing Authority to sell the Garrow Villa facility if need be.

**OLD BUSINESS:**

**A. Resolution – Final Market Street:**

**Motion** – Levash moved to adopt Resolution #RE19-14 Final Resolution Authorizing Special Assessments to the 2019 Market Street Project. Seconded by Edinger.

Ron Wolf reported that DeGroot will be starting the project in July.

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

**B. Ordinance – Rezoning Request – 505 N. Glenview Avenue:**

**Motion** – Levash moved to adopt Ordinance #19-03 Rezoning Request for 505 N. Glenview Avenue. Seconded by Edinger. Roll call vote taken. 6 votes cast. Motion carried unanimously.

(Approved)

**C. Ordinance – Zoning Code Amendments:**

**Motion** – Nies moved to adopt Ordinance #19-04 Zoning Code Amendments. Seconded by Levash. Roll call vote taken. 6 votes cast. Motion carried unanimously.

**D. Storm Sewer Lateral Request – 264 Grand Avenue:**

Geiger reported that he contacted Ron Wolf on this storm sewer lateral issue. Wolf indicated that the City didn't need to go through the feasibility. If the property owner reuses his current storm sewer lateral and ties into the catch basin it should work with the water discharge. The property owner would need to submit a sketch to the City of his proposed work to be reviewed by the City Engineer.

Edinger asked if the property owner would absorb the total cost of this project. Geiger stated there shouldn't be any cost to the City on this project. Geiger stated he is just waiting to hear back from the property owner.

Nies asked if the property owner will be hooking his storm sewer lateral into the City's mini storm sewer. Wolf stated the lateral would go from the mini storm sewer to the catch basin along S. Parkway Drive. Wolf stated the property will need to hook to the inlet on the street if an inlet is available.

Levash stressed that the property owner be responsible for the all of the costs of this project.

**E. Agreement for Professional Services – Specification for Demolition – TID #5:**

Gosz reported that she and Geiger had a conference call with George Marek and his partner Charlie Cousland regarding the proposal submitted by Ayres. It was noted that Ayres proposal is very detailed in their scope of services, therefore less chance of added on costs as they complete the work. It was also noted that Ayres has already done environmental study work on their property through the Ariens Co.

Attorney Cousland did submit his list of concerns with the Agreement with Ayres.

Gosz reported that neither proposal for Demolition included an on-site City Representative. Attorney Cousland felt the City could hire McMahan to serve as the City's on-site representative. TJ Lamers stated that Stuart Boerst from McMahan could serve as an on-site representative for the City. The City would need to receive an Agreement for Professional Services from McMahan for this service. Discussion followed.

Levash asked if the City would need to bid out for an on-site representative. Gosz stated no. Gosz reported that she and Geiger will be meeting with Ariens Co. tomorrow and they would like to see that the City have an on-site representative ready by summer.

**Motion** – Levash moved to authorize City Staff to engage legal counsel with Attorney Charlie Cousland to exclusively negotiate and finalize the Agreement language with Ayres for final consideration for the City Council at the next City Council meeting on June 10th. Seconded by Edinger. Roll call vote taken. 6 votes cast. Motion carried unanimously.

**Motion** – Levash moved to pursue an Agreement for Professional Services for on-site services with McMahan for the demolition of buildings in TID #5. Seconded by Wenzel.

Discussion followed on what would be included in that proposed Agreement.

**Motion** – Levash moved to rescind his previous motion. Seconded by Wenzel. Call vote taken. Motion carried unanimously.

**NEW BUSINESS:**

**A. Resolution – Changing the Requirement that Certain City Officials Must Execute and File an Official Bond:**

(Approved)

**Motion** – Nies moved to adopt Resolution #RE19-15 Changing the Requirement that Certain City Officials Must Execute and File an Official Bond. Seconded by Wenzel. Roll call vote taken. 6 votes cast. Motion carried unanimously.

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

Gosz submitted a written report and reported on the following:

- Thank you’s received.
- Upcoming meeting with Ariens.
- CDBG Revolving Loan update. Mary Kohrell, Calumet County Economic Development Director, is working on this.

**MAYOR’S REPORT:**

Mayor Deiter gave an update on the approved Calumet County Jail project and the remodeling to be done at the Calumet County Courthouse. He reported that the State mandates that each County Jail is equipped with a Library, Fitness room, and a consultation room which the current Calumet County Jail does not have.

**PRESS TIME:**

Nordby questioned how long Wally Sonnabend served on the City Council. Gosz stated that Wally Sonnabend served for 7 years on the City Council and 22 years on the Water & Sewer Utility Commission.

Nordby asked if Mayor Deiter contacted Joe Behnke to fill the Alderperson At-Large vacancy. Mayor Deiter stated that Joe Behnke has shown interest in the past in serving on the City Council.

**ADJOURNMENT:**

The meeting adjourned at 8:22 PM.

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Gary Deiter, Mayor

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Joy L. Buboltz, Deputy Clerk/Treasurer