

**REGULAR CITY COUNCIL  
Minutes**

**July 27, 2020**

**Brillion City Center Council Chamber**

**6:30 pm**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE:**

Mayor Edinger called the meeting to order at 6:46 pm. The Pledge of Allegiance was recited by all present.

**ROLL CALL:**

Present were Mayor Mel Edinger, Alderpersons Joe Behnke, Tim Hanson, Joe Levash, TJ Moehr, Betty Nies, Sarah Pielhop and Carrie Wenzel. Also present were City Administrator/Clerk-Treasurer Lori Gosz, Police Chief Kirk Schend, Fire Chief Joe Diener, Public Works Director Andy Geiger, Park & Recreation Director Ann Marx, and Library Director Rachel Hitt (via GoToMeeting).

**Guests:**

In person: Cheri Steffen, John and Sara Schmidt, Jay and Stacy Geiger, Tim and Nicki Mathes, Keith DuQuaine, Troy Schwabenlander, Will Braden, Jessica Wenzel, Elizabeth Wenzel, Jessica Wenzel, David and Megan Malchek.

Via GoToMeeting: David Nordby, Jessica Lehman, Tammy Koehler.

**6:45 PM PUBLIC HEARING – REZONING REQUEST – DUQUAINE DEVELOPMENT:**

Mayor Edinger opened the public hearing at 6:48 pm and asked for testimony for or against the rezoning request for DuQuaine Development.

Tim Mathes question where the proposed street will go. Keith DuQuaine explained the proposed future plans for the property. Drainage for the proposed development was questions. Geiger explained the public hearing is just for the rezoning of the property. The site plan will need to go before the Plan Commission for review. Geiger explained the rezoning is from R-2 to R-1 which will allow for the size of lots for the homes DuQuaine plans for Madison Street.

Mayor Edinger asked for any further questions for or against. John Schmit, 318 Kennedy asked who will pay for the utilities to the development. DuQuaine stated he would as developer.

Mayor Edinger asked for any further questions for or against. None were given. Mayor Edinger closed the public hearing at 6:56 pm.

**6:50 PM PUBLIC HEARING – ORDINANCE - FAIR HOUSING:**

Mayor Edinger opened the public hearing at 6:56 pm and asked for testimony for or against the fair housing ordinance. Mayor Edinger asked for testimony for or against 2 more times. No testimony was given. Mayor Edinger closed the public hearing at 6:57 pm.

**APPROVAL OF AGENDA:**

**Motion** – Nies moved to approve the agenda as printed and circulated. Seconded by Behnke. Call vote. Motion carried unanimously.

**APPROVAL OF MINUTES – June 22, 2020 Regular City Council, June 29, 2020 Special City Council, July 8, 2020 Special City Council, July 13, 2020 Special City Council:**

**Motion** – Hanson moved to approve the minutes of the June 22, 2020 Regular City Council meeting, June 29, 2020 Special City Council meeting, July 8, 2020 Special City Council meeting, July 13, 2020 Special City Council meeting. Seconded by Wenzel

Pielhop pointed out an error on motion in the June 29, 2020 Special City Council meeting minutes and an error on a motion in the July 13, 2020 Special City Council meeting minutes.

**Motion** – Hanson moved to amend his motion to approve the minutes with the corrections made to the June 29, 2020 Special City Council and the July 13, 2020 Special City Council minutes. Seconded by Wenzel. Call vote. Motion carried unanimously.

**PUBLIC APPEARANCES:**

**Citizen Input:**

Jay and Stacy Geiger stated when they purchased their property at W1122 Center Road it was part of the City. They have paid City taxes but don't have City water and sewer or natural gas. They have paid for water and sewer services all at their own cost. Stacy Geiger stated the only service they receive from the City is garbage collection. They just had to put in a mound system for a cost of \$16,000.00.

**CONSENT AGENDA:**

**Motion** – Wenzel moved to approve the Consent Agenda A-D collectively. Seconded by Hanson. Roll call vote. 6 in favor. Pielhop abstained. Motion carried.

**APPROVAL OF APPOINTMENTS:**

None at this time.

**DEPARTMENT HEAD REPORTS:**

**Police Department:**

Chief Schend reported Officer Parker will be on military duty in August.

**Park & Recreation:**

Marx reported on a Christmas in July special for patrons. Geiger held with the HVAC repairs which helped to keep the costs down, saving the City \$1,000.00.

**Library:**

Hitt reported on the recent “fine free” shift in libraries. She stated the Brillion Library Board will be considering a policy on this.

**Fire Department:**

No Report.

**Public Works:**

No Report.

**COMMITTEE REPORTS:**

**Plan Commission:**

**Certified Survey Map – DuQuaine Development:**

Geiger explained that after the questions raised at the Plan Commission meeting, DuQuaine would like to change the CSM to allow for more room on future lots.

**Motion** – Pielhop moved to table action the Certified Survey Map for DuQuaine Development until the Plan Commission has approved an amended certified survey map. Seconded by Hanson.

Levash questioned why the developer is only developing 4 lots. He asked if the CSM is being done to avoid a subdivision per code. DuQuaine stated it is because he is unsure where the future of the need for homes will be.

Call vote. Motion carried unanimously.

**Petition of Detachment – Jay and Stacy Geiger – W1122 Center Road:**

Mayor Edinger stated the Plan Commission recommended to deny the petition because the property owner didn't have a reason for detachment. Behnke stated there was no hardship presented with the request. Stacy and Jay Geiger stated they didn't know that they had to present a hardship.

Pielhop question if the Ariens property has City utilities. Gosz stated no.

**Motion** – Behnke moved to deny the request to detach the property from the City. No second. Motion failed.

**Motion** – Levash moved to refer the petition of detachment back to the Plan Commission and to have the City Attorney give legal advice on the detachment. Seconded by Hanson.

Pielhop questioned the cost of the utilities.

Call vote. Motion carried unanimously.

**Park & Recreation Commission:**

No Report.

**Library Board:**

Moehr reported Professional Plating Inc donated 50 masks for the library patrons.

**Utility Commission:**

Levash reported the Utility Commission asked McMahon to prepare a professional service agreement for facility plan of the Wastewater Treatment Facility. Geiger stated the study will identify the needs and projected costs.

**Redevelopment Authority Commission:**

Pielhop stated the RDA is considering projects. She stated the Council should consider budgeting for seed money for the RDA to pay for the required legal/administrative fees required by grants. The RDA is looking to expand the district boundaries.

**Committee of the Whole:**

**Hiring of the City Administrator:**

No action taken at this time.

**Cemetery Commission:**

No report.

**Tourism Committee:**

No report.

**Brillion Housing Authority:**

No report.

**Public Safety Building Task Force:**

**Public Safety Building Project – Update:**

Wenzel reported a video shooting will begin on Tuesday, August 5, 2020. The cost is much less than estimated. A report from SEH on the current condition and needs of the building will be used in the video.

Pielhop asked if the video can be used as a public relations piece to be used in the future.

Wenzel stressed the need to get the right information out to the public.

Hanson suggested to receive another price for the proposed building. Pielhop asked if the conceptual drawing to add on to the current structure is an option to consider.

Gosz asked if the Council is still looking to put an advisory referendum question on the November ballot. The deadline to have the question ready to give to the County Clerk is August 25, 2020 to be on the ballot.

Using other vacant buildings was suggested. The former SDF Strapping building was suggested. Levash questioned if the resolution for advisor referendum be on the November ballot or to wait until the Spring election. Pielhop stated the City doesn't have the financial ability now, she questioned whether or not to proceed with the idea of the new facility.

Mayor Edinger asked what the Council will do for the health of the employees working in the current facility. Geiger stated if the HVAC is redone throughout the entire building, then it

would be better controlled. It was suggested to continue with the video to educate the public. Discussion followed. The cost of the video and the information of the video is never lost.

**OLD BUSINESS:**

**Ordinance – Rezoning Request DuQuaine Development:**

**Motion** – Levash moved to adopt Ordinance OR20-05 amending the Zoning Ordinance to the Municipal Code, rezoning parcel #15281 from R-2 (Two-Family Residential District) to R-1 (Single-Family Residential District). Seconded by Behnke. Roll call vote. 7 votes cast. All in favor. Motion carried.

**Certified Survey Map – DuQuaine Development:**

No action required at this time.

**Ordinance – Fair Housing:**

**Motion** – Nies moved to adopt ordinance OR20-06 as it relates to fair housing. Seconded by Levash. Roll call vote. 7 votes cast. All in favor. Motion carried.

**Resolution – State Trust Fund Loans:**

Levash introduced resolution RE20-16 for borrowing from the Trust Funds of the State of Wisconsin for roadwork on Elm Street as follows:

**WHEREAS**, By the provisions of Sec. 24.66 of the Wisconsin Statutes, all municipalities may borrow money from such purposes in the manner prescribed, and;

**WHEREAS**, By the provisions of Chapter 24 of the Wisconsin Statutes, the Board of Commissioners of Public Lands of Wisconsin is authorized to make loans from the State Trust Funds to municipalities for such purposes;

**THEREFORE, BE IT RESOLVED**, that the City of Brillion, in the County of Calumet, Wisconsin, borrow from the Trust Funds of the State of Wisconsin the sum of Three Hundred Twenty One Thousand Four Hundred Eighty One and 00/100 Dollars (\$321,481.00) for the purpose of financing roadwork and for no other purpose.

The loan is to be payable within 10 years from the 15<sup>th</sup> day of March preceding the date the loan is made. The loan will be repaid in annual installments with interest at the rate of 3.00 percent per annum from the date of the making the loan to the 15<sup>th</sup> day of March next and thereafter annually as provided by law.

**RESOLVED FURTHER**, that there shall be raised and there is levied upon all taxable property, within the City of Brillion, in the County of Calumet, Wisconsin, a direct annual tax for the purpose of paying interest and principal on the loan as they become due;

**RESOLVED FURTHER**, that no money obtained by the City of Brillion by such loan from the state be applied or paid out for any purpose except financing roadwork without the consent of the Board of Commissioners of Public Lands;

**RESOLVED FURTHER**, that in case the Board of Commissioners of Public Lands of Wisconsin agrees to make the loan, that the Mayor and Clerk of the City of Brillion, in the County of Calumet, Wisconsin, are authorized and empowered, in the name of the City to execute and deliver to the Commission, certificates of indebtedness, in such form as required by the Commission, for any sum of money that may be loaned to the City pursuant to this resolution. The Mayor and Clerk of the City will perform all necessary actions to fully carry out the provisions of Chapter 24, Wisconsin Statutes, and these resolutions.

**RESOLVED FURTHER**, that this preamble and these resolutions and the aye and no vote by which they were adopted, by recorded, and that the Clerk of this City forward this certified record, along with the application for the loan, to the Board of Commissioners of Public Lands of Wisconsin.

**Motion** – Levash moved to adopt resolution RE20-16 authorizing borrowing from the Trust Funds of the State of Wisconsin for Roadwork on Elm Street. Seconded by Hanson. Roll call vote. 7 votes cast. All in favor. Motion carried.

Levash introduced resolution RE20-17 for borrowing from the Trust Funds of the State of Wisconsin for street equipment as follows:

**WHEREAS**, By the provisions of Sec. 24.66 of the Wisconsin Statutes, all municipalities may borrow money from such purposed in the manner prescribed, and;

**WHEREAS**, By the provisions of Chapter 24 of the Wisconsin Statutes, the Board of Commissioners of Public Lands of Wisconsin is authorized to make loans from the State Trust Funds to municipalities for such purposes;

**THEREFORE, BE IT RESOLVED**, that the City of Brillion, in the County of Calumet, Wisconsin, borrow from the Trust Funds of the State of Wisconsin the sum of Fifty Seven Thousand One Hundred Ninety and 00/100 Dollars (\$57,190.00) for the purpose of financing street equipment and for no other purpose.

The loan is to be payable within 2 years from the 15<sup>th</sup> day of March preceding the date the loan is made. The loan will be repaid in annual installments with interest at the rate of 2.50 percent per annum from the date of the making the loan to the 15<sup>th</sup> day of March next and thereafter annually as provided by law.

**RESOLVED FURTHER**, that there shall be raised and there is levied upon all taxable property, within the City of Brillion, in the County of Calumet, Wisconsin, a direct annual tax for the purpose of paying interest and principal on the loan as they become due;

**RESOLVED FURTHER**, that no money obtained by the City of Brillion by such loan from the state be applied or paid out for any purpose except financing street equipment without the consent of the Board of Commissioners of Public Lands;

**RESOLVED FURTHER**, that in case the Board of Commissioners of Public Lands of Wisconsin agrees to make the loan, that the Mayor and Clerk of the City of Brillion, in the County of Calumet, Wisconsin, are authorized and empowered, in the name of the City to execute and deliver to the Commission, certificates of indebtedness, in such form as required by the Commission, for any sum of money that may be loaned to the City pursuant to this resolution. The Mayor and Clerk of the City will perform all necessary actions to fully carry out the provisions of Chapter 24, Wisconsin Statutes, and these resolutions.

**RESOLVED FURTHER**, that this preamble and these resolutions and the aye and no vote by which they were adopted, by recorded, and that the Clerk of this City forward this certified record, along with the application for the loan, to the Board of Commissioners of Public Lands of Wisconsin.

**Motion** – Levash moved to adopt resolution RE20-17 authorizing borrowing from the Trust Funds of the State of Wisconsin for street equipment. Seconded by Hanson. Roll call vote. 7 votes cast. All in favor. Motion carried.

**NEW BUSINESS:**

Hanson stated he and the Mayor talked to Jessie Willems on the cast of a foot bridge for Spring Creek on Tesch Street, similar to the one at Ariens Stone Prairie. Mayor Edinger stated he is looking to get more information. Geiger pointed out that the public bridge falls under a different set of regulations with the DNR.

**COMMUNICATIONS – CITY ADMINISTRATOR/CLERK-TREASURER:**

Gosz reported on the following:

- August 11, 2020 Fall Partisan Primary Election.
- League of Wisconsin Municipalities will be holding small group listening session on place of the annual conference. Brillion has been asked to host a group session on October 14, 2020.

**MAYOR’S REPORT:**

**Closed Session per W.S.S. 19.85(1)(c):**

**Motion** – Levash moved to go into closed session per W.S.S. 19.85(1)(c). Seconded by Nies. Call vote. Motion carried unanimously.

The Council was in closed session at 8:13 pm.

**Open Session:**

**Motion** – Pielhop moved to return to open session. Seconded by Levash. Call vote. Motion carried unanimously.

The Council returned to open session at 8:31 pm.

**Clerk/Treasurer:**

No action taken.

**Other:**

Pielhop asked if the Mayor found anything on the City Center cost. The Mayor stated he will be scheduling a meeting with the IPR Group.

**PRESS TIME:**

None.

**ADJOURNMENT:**

The meeting adjourned at 8:34 pm.

Lori M. Gosz  
Administrator/Clerk-Treasurer