

CITY COUNCIL MEETING

January 23, 2023

Brillion City Center

6:30 PM

CALL TO ORDER

The City Council meeting was called to order by Mayor Smith at 6:30 pm.
Pledge of Allegiance was recited by those present.

ROLL CALL

Present: Mayor Mike Smith, Joe Behnke, Kory Davis, Tim Hanson, Shelly Lau (via Zoom), Joe Levash, TJ Moehr, Ruben Piepenburg

Also present: Richard Johnston, Ann Marx, Lydia Dill, Garrett Wenzel, Patty Schreiber

GUESTS

Tammy Koehler, Angela Jellum, Ben Rehme, Mike Schumacher-Keller, Beth Wenzel, Terry Hruby, Jeremy Baumgart, Troy Mohr, Kurtis Meetz, Dylan Wendling, Ryan Geiger

Zoom: Dan Farrell, Hank Horn Sr., Brillion News

APPROVAL OF AGENDA

MOTION - Levash moved to approve the agenda. Seconded by Lau. All in favor. Motion carried.

APPROVAL OF MINUTES

MOTION – Davis moved to approve the minutes from the December 19, 2022, Regular Council Meeting and January 16, 2023 Special Council Meeting. Seconded by Piepenburg. All in favor. Motion carried.

PUBLIC APPEARANCES

Citizen Input

Hruby shared concerns with the Ariens Project and the Plan Commission meeting items.

Concerns regarding noise, lighting, the million-dollar warming area, and road. Pictures from after Saturday's fireworks were shared with the Council members showing the debris.

As for Protections of Persons and Property, staff was directed to draft a memo regarding lighting. Has this been done? Hruby questions why "operating hours for public activity" was bold in the minutes. Is there a difference between public activity and non-public activity?

Presentations/Proclamations - none

Appointments - none

PUBLIC HEARINGS - none

Personnel

Closed Session per W.S.S. 19.85 (1)(c) for considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental has jurisdiction or exercises responsibility.

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

Closed Session Motion - Behnke moved to Convene in Closed Session at 6:36 pm.

Closed Session per W.S.S. 19.85(1)(c). Second by Lau. Call vote. Motion carried.

Reconvene in Open Session to take action if necessary and appropriate.

Session Motion - Hanson moved to reconvene in Open Session at 7:22 pm to take action if necessary and appropriate. Second by Lau. Call vote. Motion carried.

No action taken.

CONSENT AGENDA

Acceptance of Minutes:

Brillion Housing Authority – no meeting in December

Committee of the Whole – December 19, 2022

Finance Committee – January 18, 2023

Library Board – December 21, 2022

Park & Recreation Commission – December 1, 2022 and January 5, 2023

Plan Commission – January 4, 2023

Protections of Persons & Property – November 29, 2022

RDA Meeting – January 12, 2023

Tourism Committee – no minutes

Utility Commission – November 21, 2022, December 19, 2022, January 16, 2023

Cemetery Committee – no meeting

Joint Review Board Meeting – no meeting

Board of Review – no meeting

Motion - Lau moved to accept the Consent Agenda minutes. Seconded by Levash.

All in favor. Motion Carried.

DEPARTMENT HEAD REPORTS:

Park & Recreation

Report included in the packet.

Marx report there is no longer a need to pre-register for open swim.

Behnke complimented Marx for the 2022 Income budget overage.

Dumpster service was discussed. Planning to move away from GFL and go with Waste Management.

Library

Report included in the packet.

Been conducting Garden Information sessions. Not a huge attendance. The feedback has been positive.

In process with grant writing.

Fire Department – Report included in the packet.

Future firework applications will contain launch location.

Police Department - Report included in the packet.

Ambulance - Report in the packet.

Municipal Court

Brillion Court Report

Reedsville Court Report

Reports included in packet.

Public Works

Report was emailed to the Council members.

Behnke inquired about subdivision sidewalks. Johnston reported no conclusion as of yet.

City Administrator – no report

Clerk/Treasurer – Report is in the packet. Clothing order discussed.

Mayor's Report – nothing to report.

COMMITTEE REPORTS

Brillion Housing Authority – nothing to report.

Cemetery Commission - no meeting

Committee Of the Whole

Brillion Fire & Rescue Association Inc-Temporary Class “B”/”Class B” Retailer’s License

Motion - Levash moved to approve the Brillion Fire & Rescue Association Inc-Temporary Class “B”/”Class B” Retailer’s License. Seconded by Behnke. Call vote. All In Favor. Motion carried.

Winter Maintenance Policy-Sidewalk Policy – no action taken.

Finance and Purchasing Committee

Review of the Vouchers:

General Fund \$ 1,430,050.20

Reserves \$ 0.00

Contingency \$ 0.00

TIF Expenditures \$ 49,057.42

Motion – Behnke moved to approve the General Fund vouchers in the amount of \$1,430,050.20 and the TIF Expenditures in the amount of \$49,057.42 collectively. Seconded Lau. Call vote. All in favor. Motion carried.

Review of Payroll

Pay Period: 11/19-12/2/2022 paid on December 16, 2022 \$ 57,678.37

Pay Period: 12/3-12/16/2022 paid on December 30, 2022 \$54,772.28

Pay Period: 12/17-12/30/2022 paid on January 13, 2023 \$96,087.29

Motion – Lau moved to approve the payroll report for December 16 2022 in the amount of \$57,678.37, the December 30, 2022 in the amount of \$54,772.28 and the January 13, 2023 in the amount of \$96,087.29. Seconded by Peipenburg. Call vote. All in favor. Motion carried.

Recommendations to Council

Fire Department – Pick Up Truck

Wendling reviewed the memo with Council. Plan is to fundraise for two years. The truck will supplement the fleet. Looking for the City to take on the insurance and maintenance. Benefits to the City were reviewed. Timeline: Ram 8 – 10 weeks, GM 6-8 months, Ford approximately 2 years.

Motion – Behnke moved to accept the offer to purchase a pickup truck and donate it to the City. Second by Hanson. Call vote. All in favor. Motion carried.

McMahon General Engineering Agreement

Levash expressed concern this agreement should have gone to the Utility Commission. No action taken. Place on next Utility Commission agenda.

McMahon Contract – Pine & Oak

Behnke reviewed the street width which is still unclear. Behnke proposed going back to committee to clarify the width. Levash expressed concern with the timing of the bid process.

Motion – Behnke moved to table the McMahon Contract for professional services for the Pine & Oak street reconstruction project at Council. Refer it back to Utility Commission and back through Finance Committee with regards to financing. Second by Davis. Call vote. All in favor. Motion carried. Discussed a joint Utility Commission and Plan Commission meeting in February.

Intent To Purchase City Center

Behnke reported this was reviewed at the Finance and Purchasing Meeting. Currently the January, February, March lease payments are being held. The 2023 Budget does not include lease payments. If we do not go through with the purchase short term borrowing will need to be utilized. Johnston shared the 10-year plan is the most efficient way of completing the purchase. Our financial advisor feels the rates are still reasonable. Will not know the fees until we complete this portion. Bond Rating vs. Bond Insurance was discussed. It appears Bond Insurance may be the best route. Charges roll in as discounts to the buyer. When closing TIF 2 and TIF 3, half of the tax base goes toward debt reduction and half goes into the General Fund. **Motion** – Levash moved to approve the Nonbinding Letter of Intent to Purchase the City Center Facility with the 10-year option. Second by Lau. Call vote. All in favor. Motion carried.

RE22-17 ARPA Funds Acceptance Resolution – Police

Motion – Behnke moved to approve RE22-17 Resolution to Accept the Tribal and Local Law Enforcement Agency (LEA) DOA (ARPA) Funds. Second by Piepenburg. Call vote. All in favor. Motion carried.

RE22-18 Budget Amendment to Accept ARPA Funds – Police

Motion – Behnke moved to approve RE22-18 Resolution Amending the CY2022 Budget for the Acceptance of the Tribal and Local Law Enforcement Agency (LEA) DOA (ARPA) Funds. Second by Lau. Call vote. All in favor. Motion carried.

RE23-01 2023 Wage & Benefits

Motion – Behnke moved to approve RE23-01 Resolution Setting Wages and Benefits for 2023. Second by Levash. Call vote. All in favor. Motion carried.

RE23-02 Resolution to Accept Forestry Grant Funds

Both grants are listed on the resolution.

Motion – Behnke moved to approve RE23-02 Resolution to Accept the Forestry Grant Funds. Second by Lau. Call vote. All in favor. Motion carried.

Library Board - Moehr reported everything has been included in the Director's report.

Resolution RE23-03 Submission of WEDC Grant for the Library Garden

Moehr reviewed the resolution. The grant is a \$50,000 grant with \$50,000 match requirement.

Motion – Levash moved to approve RE23-03 Resolution for Submission of WEDC Grant for the Library Garden. Second by Moehr. Call vote. All in favor. Motion carried.

Park & Recreation – nothing to add in addition to the Director's report.

Plan Commission

Schedule Public Hearing

Ariens Nordic Center P.U.D. Review

Underlying Zoning

Convert from C-2 (Commercial District Highway) to PD (Park District)

Approval of a P.U.D. overlying district to include the following:

Event Facility to include catered and/or onsite food and beverage services

P.U.D. Conditional Use applied to PD (Park District) [underlying zoning]

Outdoor Firing Range

Event Stage

Tents

Farm-to-Table animal husbandry and garden plots

Onsite single-family lodging facilities (chalet)

Mayor Smith reviewed the zoning. Park District most functionally fits with the activities being conducted. Two areas the Plan Commission tabled: the Farm-to-Table animal husbandry and garden plots and the onsite single-family lodging facilities (chalet). The on-site lodging facilities will require to have Wastewater Treatment facilities approved by the County.

The Plan Commission had more questions than answers; among them are how many Event Stage functions, how many Tent functions. Lau would like to see tabled and discussed in a Committee of the Whole meeting. Gave the applicant a 60-day extension which has been met. The City is delaying the process. This activity and application make the rezoning status in process.

Johnston cautioned not changing the zoning allows them to operate under the current zoning.

Motion – Behnke moved to set the public hearing for the Ariens Center P.U.D. Review for March 27, 2023 at 6:35 pm. Second by Davis. Call vote. All in favor. Motion carried.

Carstens Mill Rezoning

Clarified rezoning as one parcel was not rezoned when Wenzel purchased the property.

Motion – Levash moved to set the public hearing for the Carstens Mill Rezoning for March 27, 2023, at 6:45 pm. Second by Lau. Call vote. All in favor. Motion carried.

Recommendations to Council

Ariens Nordic Center

Warming Shelter

Plan Commission approved. Already built. Staff error in that any commercial property permits should be going through Plan Commission before being built. Bringing to Council is advisory.

Motion – Behnke moved to approve the Ariens Nordic Center Warming Shelter. Second by Piepenburg. Call vote. All in favor. Motion carried.

Mobile Booths

Plan Commission approved two log cabin style buildings. Any more will have to go through the process required to add more.

Motion – Behnke moved to approve two Ariens Nordic Center Mobile Booths. Second by Piepenburg. Call vote. All in favor. Motion carried.

BW Apartments CSM (Tax ID's: 15009, 15095, 15065, & 15310)

Johnston informed Council the property furthest South is not part of the TIF District.

Motion – Levash moved to approve the BW Apartments CSM (Tax ID's: 15009, 15095, 15065, & 15310). Second by Behnke. Call vote. All in favor. Motion carried.

Carstens Mill Expansion

Schumacher reviewed the project. The project consists of an elevator with stairway access. Johnston clarified quantity of parking. Applicant supplied a letter by near by property owner allowing parking in their lot. In Johnston's opinion, there is enough parking. Wenzel indicated it is her intent to keep the tree, that is in the parking lot, standing. Wenzel indicated square footage is being added but not necessarily capacity due to no sprinklers in the building.

Motion – Lau moved to approve the Carstens Mill Expansion. Second by Davis. Call vote. All in favor. Motion carried.

Pagel Avenue Condo Plats

337 Pagel Avenue (Tax ID: 32772)

327 Pagel Avenue (Tax ID: 32770)

322 & 326 Pagel Avenue (Tax ID: 32768)

Motion – Levash moved to approve the 337 Pagel Avenue Condo Plat (Tax ID: 32772), 327 Pagel Avenue Condo Plat (Tax ID: 32770), and 322 & 326 Pagel Avenue Condo Plat (Tax ID: 32768) collectively. Second by Behnke. Call vote. All in favor. Motion carried.

Protections of Persons & Property Committee

Follow up meeting with the Townships is planned. Ambulance contract with Gold Cross was approved in December 2022. Mayor to sign.

Redevelopment Authority Commission - nothing to report

Tourism Committee

Approve Brillion Nature Center's Winter Sprinter and Maple Syrup Camp

Motion – Lau moved to approve Brillion Nature Center's Winter Sprinter and Maple Syrup Camp for \$1,000. Second by Hanson. Call vote. All in favor. Motion carried.

WATER, SEWER & UTILITY COMMISSION

Levash reported the Utility Commission received a copy of the Chloride Report that was submitted the end of 2022. The next five-year cycle permit application has been submitted including a chloride variance.

Great Lakes TV Seal was in the City sealing the laterals for the two properties on Main Street that were taken down last year. Also sealed a couple on the BW property.

Schedule Public Hearing – Wastewater Treatment Facility

Motion – Levash moved to schedule a public hearing for the Wastewater Treatment Facility upgrade for February 27, 2023, at 6:35 pm.

Second by Davis. Call vote. All in favor. Motion carried.

Personnel

Closed Session per W.S.S. 19.85 (1)(c) for considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental has jurisdiction or exercises responsibility.

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

Closed Session Motion - Behnke moved to Convene in Closed Session at 8:46 pm.

Closed Session per W.S.S. 19.85(1)(c). Second by Piepenburg. Call vote. Motion carried.

Reconvene in Open Session to take action if necessary and appropriate.

Session Motion – Piepenburg moved to reconvene in Open Session at 9:08 pm to take action if necessary and appropriate. Second by Lau. Call vote. Motion carried.

Motion - Lau moved to approve offering the Deputy Clerk-Treasurer/Utility Clerk position to Heather Gilbertson as agreed upon during close session. Seconded by Piepenburg. Call vote. All in favor. Motion carried.

Closed Session per W.S.S. 19.85 (1)(c) for considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental has jurisdiction or exercises responsibility.

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

Closed Session Motion - Lau moved to Convene in Closed Session at 9:09 pm.

Closed Session per W.S.S. 19.85(1)(c). Second by Piepenburg. Call vote. Motion carried.

Reconvene in Open Session to take action if necessary and appropriate.

Session Motion - Lau moved to reconvene in Open Session at 9:26 pm to take action if necessary and appropriate. Second by Piepenburg. Call vote. Motion carried.

Motion - Lau moved to accept Johnston's resignation effective January 31, 2023.

Seconded by Davis. Call vote. All in favor. Motion carried.

Old Business

Lau requested to have the concerns regarding the Ariens Nordic Center on the next Committee of the Whole agenda for discussion. The February 13, 2023, Committee of the Whole Meeting will be a Work Session.

Piepenburg requested clearing of City sidewalks to be looked into. The Mayor indicated it is already in process.

New Business

Hanson requested the zoning of the golf course be looked into as the activities are similar to the Nordic Center.

Communications- none

Press Time – none

ADJOURNMENT:

The meeting adjourned at 9:34 pm.

Patty Schreiber
Clerk/Treasurer