

CITY COUNCIL MEETING

March 27, 2023

Brillion City Center

6:30 PM

CALL TO ORDER

The City Council meeting was called to order by Mayor Smith at 6:33pm.
Pledge of Allegiance was recited by those present.

ROLL CALL

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

Also present: Garrett Wenzel, Kirk Schend, Ann Marx, Lydia Dill, Heather Gilbertson, Austen Frederickson, Patty Schreiber

Absent:

GUESTS: Jessica Wenzel; Angela Jellum, Ariens Co; Steve Servais, Ariens Co; Keith Krepline, Coldwell Bankers; Theresa DeBauche; Christopher Pringel; Tami Gasch; Beth Wenzel; Chuck VandenBoom, Ariens Co; Wes Kempen, Kempen Excavating; Steve Miller; Lance Kalies; Lacey Kalies; Terry Hruby; Michael Petrie; Dan Farrell

Via Zoom: Matt Meyers; Hank Horn Sr; Brillion News; Lauren

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

MOTION – Lau moved to approve the minutes from the February 27, 2023, Regular Council Meeting and March 8 and 16, 2023 Special Council Meeting. Seconded by Hanson. All in favor. Motion carried.

PUBLIC APPEARANCES

Citizen Input – None

Presentations/Proclamations - None

Appointments - None

PUBLIC HEARINGS

Ariens Nordic Center Rezoning & P.U.D. Review

Mayor Smith opened the public hearing at 6:35pm.

Angela Jellum, Director of Sales of Ariens Co Hospitality Group, gave a presentation about the updated scaled back version of the Nordic Center plans. She attended the Governor's Conference on Tourism and numerous people are very educated and excited about Brillion and what is becoming. They know it more than a manufacturing town. Behnke stated the Plan Commission asking for more information on the additional parking, size and location of it. Jellum stated it is listed on the map along with square footage and parking stalls she provided as a handout. Behnke

advised that the Plan Commission allowed till December 31, 2025, to get the gravel part of the added parking lot paved. The code does not allow for a gravel parking lot, Plan Commission extended the time to allow for settling.

Terry Hruby N7347 Round Lake Road - stated that this was presented to Council as a biathlon course not for tents, stages and events for concerts. Outdoor firing range should be written in as biathlon use only and no other calibers or events allowed. Is there any additional information given in regard to the number of tents/events that will be upcoming? Hruby went home on a Monday night and there was a concert going on at 9:00pm at night. He does not want the noise late at night. He handed out an ordinance on the noise level that questions the decibel level. Hruby wants to know why this would not apply to concerts and events; lighting ordinance in the city, recreation or sports lighting must be turned off at 10:30 pm. Observing the right of amendments to a PUD.

The mayor states amendments are allowed to a PUD; advice was given to correct now instead of making an amendment later. The noise ordinance proceeding with the written recommendation from the attorney and what is written there all meets the decibel level are allowable within what is being done on the site. The number of events is not part of the PUD to say how many events will be up for later discussion, it will be brought for approval, no different than we do for Brillionfest. Hruby asked about traffic concerns out by the Nordic Center, mayor advised this would not be part of the PUD. Behnke asked if the tent under the PUD still fall under the code use or does it go outside of that. Event tents no requirement in the PUD but the park district is 2 weeks. Behnke stated there are size restrictions on them. Hruby inquired if the firing range can be worded not to evolve into something else. Per the Mayor this was already addressed, and the chief approved that. The Chief advised that is the only caliber allowed and it is for practice. Approval for the concert would be required. The PUD overlay makes the customization to the park district regulations. A lighting ordinance regarding 10:30pm would be the one that applies; with the exception of safety lighting in the area they are working in or unless approved due to an event.

Beth Wenzel 225 S Francis St – PUD district sounds like a great way for the city to manage what is going on out there. Really pleased that we have this in Brillion and is an opportunity for many, many people to add to their businesses and grow their businesses with the amount of activity and people coming to Brillion. Wenzel is in favor of the council voting in favor of this.

Matt Meyers Chamber of Commerce – BOD Brillion area chamber of commerce fully supports and encourages the rezoning request for the Ariens Nordic Center. The board believes this will play a key role in the city's effort to increase visibility, vitality, and population of Brillion. In addition to these benefits the local tourism generated by the Nordic Center will provide numerous additional economic benefits to local businesses. We are in support of that.

The mayor states change in the PUD review does not have shallots, animal husbandry, and vegetable gardens. Before closing public comment, the mayor wanted specific wording on the time frame for the tents. Jellum advised the large tents to put up and take down is a week, but the 2-week time frame is good, but a little leniency would be great. Standard policy is 2 weeks for any accessory structure/temporary structure with the ability to request additional time per event.

Any request would go back to planning. Size requirement – none; Behnke do we need one?

Piepenburg recommended to leave open ended, will depend on event.

Frederickson indicated parcel with the Tax ID:15388 is not included in this PUD.

Three calls for public comment.

Public Hearing was closed at 7:07pm.

Carstens Mill Rezoning

Mayor Smith opened the public hearing at 7:07pm.

Beth Wenzel 225 S Francis – Owner of Carstens Mill clarified this was not by her request, but by the city to clean up zoning that wasn't done right when she rezoned the property in the first place. Frederickson showed a map of the property being split zoned; not feasible; C1 commercial R2 family residential; clean up errors that were made in the past.

Three calls for public comment.

Public Hearing was closed at 7:09pm.

CONSENT AGENDA

Acceptance of Minutes

Brillion Housing Authority – no meeting

Committee of the Whole – February 27, 2023, and March 16, 2023

Finance Committee – March 22, 2023

Library Board – February 15, 2023

Park & Recreation Commission – March 2, 2023

Plan Commission – March 6, 2023

Protections of Persons & Property – February 7, 2023

RDA Meeting – no meeting

Tourism Committee – no meeting

Utility Commission – March 20, 2023

Cemetery Committee – March 7, 2023

Joint Review Board Meeting – no meeting

Board of Review – no meeting

Motion - Piepenburg moved to accept the Consent Agenda minutes. Seconded by Davis.

All in favor. Motion Carried.

DEPARTMENT HEAD REPORTS:

Park & Recreation

Report included in the packet.

No additional questions or comments

Library

Report included in the packet.

Dill gave an update on the Library Reading Garden. The bake sale and dessert of the month raffle raised \$2,006.00. On April 14th there is a Murder Mystery called Murder in the Stacks. People can actively participate or just solve from the outside.

Fire Department

Report included in the packet.

Wenzel states February was a busy month.

Lau asked how much it costs for the sports parades when the kids went to state. Wenzel stated it was minimal, cost of fuel in the trucks. Lau explained that she asked because a lot of citizens made comments about the wrestlers going to state and getting medals and not getting a fire truck ride. People were asking why it could not happen more often and that people would be willing to

make donations for it. Wenzel states it is up to the athletic director to decide and they should reach out to Wenzel if they would like.

Police Department

Report included in the packet.

Schend wanted to share that there are a lot more scams and data breaches are becoming more prevalent and that people need to be aware of this. Behnke asked about National Night Out. Schend stated that it will be in August but a couple days after due to the struggle of getting things here on the same day as everyone else is doing it.

Ambulance

Monthly Report

Financial Report

Report in the packet.

Municipal Court

Brillion Court Report

Reedsville Court Report

Reports included in packet.

Public Works

Report included in packet.

Frederickson shared a graph of water usage vs what water is sent to the wastewater treatment plant. EPA data shows that \$2.5 million was spent since 2017 cleaning clean water, this is why the road projects and cleaning up I&I are so important. Behnke asked about the manhole covers that need to be repaired and if they are marked. Frederickson stated that utility does change the manhole covers yearly and repairs what they can. Lau asked about the list of machinery that was going to be sold because two of the machines on that list have been fixed and are going to be utilized. The list should be reviewed again. Frederickson stated he would get the list to the council for review.

City Administrator/Community Development Director – no report

Clerk/Treasurer – Report is in the packet.

Mayor's Report – None

COMMITTEE REPORTS

Brillion Housing Authority

Moehr stated there is a meeting tomorrow or Thursday.

Cemetery Commission

Piepenburg stated there will be trees taken down. Neuman won the bid to remove the trees. At the next meeting (when the weather is nicer) they will go out to the cemetery and look at other trees to be removed.

Committee Of the Whole

Election Workers: Kay Wachal, Denise Schaefer, Heather Gilbertson

Motion - Behnke moved to approve the Election Workers Kay Wachal, Denise Schaefer, and Heather Gilbertson. Seconded by Levash. Call vote. All In Favor. Motion carried.

Operator License – New: Abbigail Deschaine and Patel Nishaben

Motion - Lau moved to approve the new Operator License for Abbigail Deschaine and Patel Nishaben. Seconded by Piepenburg. All In Favor. Motion carried.

Resolutions:

RE23-07 Wisconsin Assessment Monies (WAM) Program Application

Additional feedback will be reviewed at a later date. No action taken.

RE23-08 Agreement Between Restorical Research LLC and the City of Brillion

Motion – Levash moved to approve the RE23-08 Agreement Between Restorical Research LLC and the City of Brillion. Seconded by Hanson. Call Vote. All In Favor. Motion carried.

Finance & Purchasing Committee

Committee Report

Review of the Vouchers:

General Fund \$ 353,957.08

Reserves \$ 0.00

Contingency \$ 0.00

TIF Expenditures \$ 0.00

Motion – Behnke moved to approve the General Fund vouchers in the amount of \$353,957.08. Seconded Piepenburg. Call vote. All in favor. Motion carried.

Review of Payroll

Pay Period: 1/28-2/10/2023 paid on February 24, 2023 \$ 54,620.25

Pay Period: 2/11-2/24/2023 paid on March 10, 2023 \$ 57,744.16

Motion – Lau moved to approve the payroll report for February 24, 2023 in the amount of \$54,620.25, and the March 10, 2023 in the amount of \$57,744.16. Seconded by Piepenburg. Call vote. All in favor. Motion carried.

Maturity Notices – 4 notices

Behnke stated that there were 4 CDS that are coming due. CDs were at the bank at 2.25% for the last year. We leveraged the bank to match the credit union at 5.00% and the bank agreed. They will all be 12 months. Two are for the City of Brillion, one is for water works, and one is for utility. Schreiber stated there will not be a penalty if we need to remove the money before the one year is complete. The bank is going to provide the city with a letter stating that they are fully insured above and beyond the \$100,000.00 limit.

Motion – Behnke moved to approve the maturity notices with The State Bank of Chilton for one year. Seconded Davis. Call vote. All in favor. Motion carried.

RE23-05 Resolution Authorizing Application for WI DNR ATV & UTV Grant

Behnk stated this was brought to finance and purchasing so it could get on the agenda tonight to be approved. Frederickson stated he wanted to have the approval to start the grant process. This grant is for ATV/UTV trail repair and the park.

Motion – Levash moved to approve RE23-05 Resolution Authorizing Application for WI DNR ATV & UTV Grant. Seconded by Behnke. Call Vote. All In Favor. Motion carried.

Library Board

Covered by the Director report.

Park & Recreation

Covered by the Director report.

Plan Commission

Behnke stated that Maple Ridge Subdivision duplex and condo discussion with zero lot lines. One sewer lateral to the property which is typical for a duplex but the parties involved with building and selling them wanted to go with a condo like structure. The attorney recommended that as long as it's only a two-unit condo one sewer lateral would be ok but he strongly recommends against zero property lines. Due to lack of restrictions and policies with those, there are legal battles that end up with those. Recommended the lateral be in front of the property so it would be accessible to both at a shared cost. McMahan, attorney and building inspector were ok with this. Mayor states there would be an amendment to the developer's agreement.

Brillion Ironworks Master Plan

Frederickson stated at the last Plan Commission meeting was joint with Committee of the Whole. Looking to adopt the plan as a city backed plan. Developmental concept was explained by Frederickson. Shows residential and commercial along highway 10 and multifamily residential where the apartments would be going up. Behnke states a big notice in the plan that there will not be a road from Hwy 10 to S Parkway, there will be two cul-de-sacs added instead. Lau asked about where Parkway and Park meet are really torn up, where does that fit in to fix. Frederickson stated these roads could be fixed by doing a TIF project, possibly in 2025. Behnke asked about Pine Street. Frederick states it could fall into TIF 5 district as well. Behnke asked for clarification. Mayor said backing the plan that was presented, however knowing that changes may be made.

Motion – Lau moved to approve Brillion Iron Works Master Plan. Seconded by Hanson. Call Vote. All In Favor. Motion carried.

CSM for 628 W Ryan St (Tax ID: 15272)

Frederickson stated that Gardan Enterprises originally owned. They were required to CSM into their property. They are now selling the property, so they need to CSM it out. They had an easement on the west side of the property. The easement is being vacated as part of the CSM.

Motion – Behnke moved to approve CSM for 628 W Ryan St. Seconded by Davis. Call Vote. All In Favor. Motion carried.

Ariens Nordic Center Rezoning & PUD

Mayor states this does not include Parcel 15388. Specific of two weeks for the tent unless approved otherwise per event. Behnke clarified that no housing is included in this. Mayor states that right now no building, amendments are allowed later if necessary. The mayor feels the PUD is the best way to manage the site. Ariens has been very good at responding to things like the lighting and the noise. There is nothing else he would add or remove at this point.

Behnke mentioned a list of considerations; any of those things need to be managed now before approved. The mayor states the expansion and bike trails would come through Plan Commission, stage is approved through PUD, right now pond is only approved, storm water management has already been approved by the DNR. Future changes would require amendment.

Motion – Moehr moved to approve Ariens Nordic Center Rezoning & PUD with the aforementioned comments by the mayor. Seconded by Davis. Call Vote. All In Favor. Motion carried.

Carstens Mill Rezoning

Motion – Lau moved to approve Carstens Mill Rezoning. Seconded by Piepenburg. Call Vote. All In Favor. Motion carried.

Protections of Persons & Property Committee

Moehr stated the meeting was cancelled for March. The next meeting is April 12th.

Ambulance Service Status, Costs and Options

Petrie is going to brief the council on a few key items that they will need direction with. The ambulance cost and services are currently with Gold Cross had advocated for that. Concept that there would be no boundaries for the ambulance. They would dispatch whatever ambulance is closest, which sounds good but not in our best interest. We are paying substantially less than Kiel and Valders service. The improvements made in EMS would be: 1. Switching from advanced EMT to paramedic; 2. Look at the amount of time the ambulance is gone, nearest ambulance is 15 minutes away. There is merit in developing a volunteer EMS like the Town of Brillion or Potter. That way if the ambulance is unavailable there would be medical staff to assist.

Coordination between City and Protections of Persons and Property Committee

No report

Ambulance Service Agreements with town of Brillion and Town of Woodville

They were told that they were not going to have a rate increase this next year. However, the Town of Brillion had a 25% increase and Town of Woodville had an 85.2% increase. Sat down with representatives from each town to figure out a fair deal for all.

Redevelopment Authority Commission No meeting

Tourism Committee No meeting

WATER, SEWER & UTILITY COMMISSION

Levash stated they discussed Pine & Oak Street road projects.

Personnel

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

Closed Session per W.S.S. 19.85 (1)(c) Department Public Works Director – Performance Review

Closed Session Motion - Piepenburg moved to convene in Closed Session at 7:54 pm.

Closed session per W.S.S. 19.85(1)(c). Seconded by Lau. 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 8:20 pm to take action if necessary and appropriate. Seconded by Lau. Motion carried.

Motion – Hanson moved to accept Frederickson’s resignation effective March 31, 2023.

Seconded by Piepenburg. Call vote. All in favor.

Old Business none

New Business

Piepenburg questioned stop signs at the corner of Francis and Madison. Chief Schend did an analysis in the past and felt it was not warranted. Radar signs, signals similar to school zone and additional directed patrol ideas were discussed. Behnke requested speed limit signs be installed where the Chief recommends. Piepenburg and Lau would like to see four-way stop signs at Francis and Madison. Add topic to a future agenda.

Hanson brought up the huge potholes by the Community Center Fitness Center doors.

Frederickson to have DPW look at.

Communications none

Press Time none

ADJOURNMENT

The meeting adjourned at 8:30 pm.

Heather Gilbertson
Administrative Assistant