

**OFFICIAL MINUTES
OF THE
CITY OF KEWAUNEE COMMON COUNCIL
JANUARY 13, 2020 – 6:00pm**

Present: Mayor Christman, Alderpersons Dworak, Schiller, Jelinek, Stangel, Kuehl, Mills and Zimmerman.

Excused: Alderperson Jackson

Others Present: Administrator Schnook, Clerk/Treasurer Decur, Public Works Director Strelow and Building Inspector Davister.

Mayor Christman called the meeting to order at 6:00 pm and the Pledge of Allegiance was recited and followed by a prayer/meditation.

APPROVAL OF DECEMBER 9, 2019, COMMON COUNCIL MINUTES.

Aldersperson Kuehl moved, seconded by Aldersperson Stangel, to approve the December 9, 2019, Common Council Minutes as presented. Motion carried unanimously.

PUBLIC COMMENT/COMMUNICATIONS

Mayor Christman opened the meeting for any Public Comment.

Mr. Tom Kleiman inquired if the Council has sent out a letter clarifying the original letter that stated the Marina may not open in 2020 due to water levels. Mr. Kleiman stated how important the Marina is to the City.

Mr. Joel Kitchens, State Representative, gave a brief statement regarding issues coming up at the State level.

Mr. Glen Raha, Appleton, Wisconsin stated that he has been a slip holder at the Marina for the past two seasons and would really like to see the Marina stay open.

Mr. Cody Lukes, E3989 Hwy 29, stated that he is a Charter Captain and holds a slip at the Marina. It would devastate the fishing industry if the City closed the Marina.

Hearing no more comments, Mayor Christman Closed Public Comment.

PRESENTATION BY KYRSTLE WALKER, EMERGENCY MANAGEMENT SPECIALIST, USACE DETROIT DISTRICT, ON THE TOPICS OF GREAT LAKES HIGH WATER AND USACE EMERGENCY RESPONSE AUTHORITIES

USACE representative Krystle Walker gave a brief presentation on the technical assistance that is available to the City regarding flooding and high water damages.

USACE representative Deanna Apps, gave a brief presentation regarding the upcoming lake levels and how they are determined.

CONSENT AGENDA

- a. **Boards, Commissions, Committees and Staff Report; (Community Center, Police and Fire Commission and December Staff Reports)**
- b. **Lighthouse National Historic Register Submittal**

Mayor Christman asked if there was any item needing to be taken off the Consent Agenda for further discussion. Hearing none Mayor Christman entertained a motion.

Aldersperson Jelinek moved, seconded by Aldersperson Schiller, to approve the Consent Agenda as presented. Motion carried unanimously.

MAYOR'S REPORT

Kewaunee School District Update – Elizabeth Lamack

Mayor Christman stated that Elizabeth Lamack was unable to attend tonight's meeting due to an educational commitment. Mayor Christman read the updates Elizabeth Lamack presented to her: Kewaunee High School currently has 334 students. There are 62 freshman, 96 sophomores, 90 juniors, and 86 seniors. The students are wrapping up the first semester, with finals the 13th through the 17th. The second semester begins on the 20th. This is the first year returning to a semester schedule after using a trimester schedule in years past. Kewaunee is also implementing a "FlexiSched" program next semester. It is a half hour before or after lunch that allows students who need help to go to teachers, club meetings to occur during school, and other enrichment opportunities.

The boy's basketball team, coached by Mr. Nietzel, has a record of 6-2. They are undefeated in the conference. The girl's basketball team, coached by Lynn Geier, is currently undefeated with a record of 9-0. Friday night, they became the only undefeated team in the conference, beating Peshtigo with a score of 44-28. For the wrestling team, junior Jack Severin has achieved his 100th career win earlier this season.

Math team, led by Mr. Hahn, had its first Meet last Monday, and has another tonight. They have 26 members this year, nearly twenty more than they did previous years. The winter play, directed by Ms. Henning, has been casted and practices have begun. This year, they are performing Alice in Wonderland. The shows take place at the end of February. The Ski Club is taking a trip to Pine Mountain this Saturday. This is a new club at the school, created by Mr. Lee and Mr. Sisneros.

OLD BUSINESS

None

NEW BUSINESS

ORD 609-2020 (19) Chapter 94-344 – Standards for Driveways (second reading)

Mayor Christman reviewed the proposed ORD. No. 609-20201-19, Chapter 94-344, Standards for Driveways.

Administrator Schnook had a concern on how to enforce, No. 4. Access to an Improved Parking Surface, regarding the compacted stone or gravel. How do you keep them from not putting stone on the entire front, side or back yards.

Discussion was held on the permit process, minor spelling issues and the increase of gravel on the road ways.

Aldersperson Kuehl moved, seconded by Aldersperson Dworak, to adopt ORD No. 609-2020, Chapter 94-344, Standards of Driveways, with the change to 4.a. last sentence "expect for lots with Front Yard" should read "except for lots with a Front Yard". Upon a roll call vote, motion carried, 1 nay, 7 aye.

ORD No. 610-2020 (19) Chapter 94, Section 94-343, Traffic, Parking and Access

Mayor Christman reviewed proposed Ordinance 610-2020. Chapter 94-343, Traffic, Parking and Access.

Administrator Schnook stated that at the last Committee of the Whole Meeting there were questions regarding "4. Concealed from View" and "12. D. In the rear yard of any residence provide that any such vehicle shall be concealed from view". Administrator Schnook stated that Attorney Nesbitt reviewed the proposed Ordinance and stated in his letter: "The requirement of concealing off-street parking areas from view could have the unintended consequence of providing an area where outside storage of additional materials may occur".

Building Inspector Davister also agreed with the Attorney and Administrator Schnook that this would be giving a reason for residents to store junk in the back yards.

Aldersperson Schiller felt the proposed Ordinance would not create more junk, because you currently can have a vehicle in your back yard this would just conceal what is already there.

Discussion was held on the purpose of requiring home owners to place a fence up if they would be parking a vehicle in the rear yard, the requirement for different zoning, Residential versus Commercial, and if this would increase cases of junk in yards.

Aldersperson Kuehl moved, seconded by Aldersperson Mills, to forward ORD 610-2020 to the next meeting of the Committee of the Whole. Motion carried unanimously.

Clarification as to whether Inspections fees are charged by Zone or Use

Administrator Schnook stated that a question came up at the last Committee of the Whole meeting, regarding what determines the cost of a Building Permit for a Commercial Building with a residence in the upper level. Administrator Schnook reviewed Attorney Randy Nesbitt's legal opinion which states "Tracing through all of the various statutory and administrative code sections it is apparent that there is specific reference to the commercial building code fees for any public building. So the upshot of that is, if a building qualifies as a public building, due to its use, then any building inspection fees are based upon commercial inspection fees."

Building Inspector Davister stated that he has looked back in the record and for the last 5 years the Building Permits have been issued by the Zone.

Discussion was held regarding the definition of a public building, and whether what was done in the past, is what should be done in the future. After some discussion it was suggested that this should be looked at in the future.

Approval of Lighthouse Release of Liability

Administrator Schnook stated that at the last Committee of the Whole, Robin Nelson, of the Lighthouse Preservation Committee, brought forward a request to approve "Access Release of Liability and Assumption of Risk" Forms for the Committee to review and approve. The letter from Attorney Nesbitt stated he has little faith in release documents for injury or damages that may occur after signature, due to such releases being cast aside often in liability claims. However, there is some potential for protection in a release document, so if it is going to be used, it should be done right. If admission is free to the public there is tremendous statutory protection in the nature of an immunity for the City, but he believed a fee is used here to offset costs. Administrator Schnook explained that the proposed form has been revised by Attorney Nesbitt and is included in the packet.

Discussion was held on if the proposed form is needed, as there is no charge; administrative time; and cost to keep the records for 7 years.

Aldersperson Kuehl moved, seconded by Aldersperson Schiller to approve the Kewaunee Pierhead Lighthouse "Access Release of Liability and Assumption of Risk" form that was provided by Attorney Nesbitt. Upon a roll call vote motion failed.

Approval of Open Purchase Order for Chemtrade/Sewer Plant Chemicals

Mayor Christman reviewed the Purchase Order for the purpose of allowing the Sewer Department to purchase Chemicals that are needed monthly.

Aldersperson Mills moved, seconded by Aldersperson Jelinek, to approve Purchase Order No. 20-001 to Chemtrade for the purpose of purchasing Chemicals. Motion carried unanimously.

Approval of December 2019 Accounts Payable

Mayor Christman stated that the Council has received a copy of the November 2019 Accounts Payable Report and asked if there were any questions. There were no questions.

Aldersperson Dworak moved, seconded by Aldersperson Zimmerman, to approve the December 2019 Accounts Payable and Payroll Report in the amount of \$3,773,394.34. Upon a roll call vote, motion carried unanimously.

ANNOUNCEMENTS

Aldersperson Jelinek stated that he handed in his nomination papers for Mayor and looks forward to working with Mayor Christman and Administrator Schnook in the next few months for an easier transition.

Administrator Schnook thanked Mayor Christman for her due diligence in handling of the Flooding Issues over the weekend.

Aldersperson Zimmerman stated that on Saturday January 11 there were two people surfing on the lake, in Kewaunee.

ADJOURNMENT

Aldersperson Zimmerman moved, seconded by Aldersperson Mills, to adjourn the meeting at 8:25 pm. Motion carried unanimously.

Submitted by Clerk/Treasurer Decur