

**OFFICIAL MINUTES
OF THE
CITY OF KEWAUNEE COMMON COUNCIL
AUGUST 12, 2019 – 6:00pm**

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

Excused: Alderpersons Stangel and Kuehl

Others Present: Administrator Schnook, Clerk/Treasurer Decur, Attorney Nesbitt, Public Works Director Strelow, Building Inspector Davister, Librarian Petrina, Deputy Police Chief Kleiman and Interim Marina Manager Lacey.

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 JULY 8, 2019, COMMON COUNCIL MINUTES.

Mayor Christman stated that an amended copy of the July 8, 2019 Minutes was handed out, in a few places it stated Mayor Christmas, as it should be Mayor Christman.

Aldersperson Mills stated that on page 4, under Mayor’s Report; Community Center Update the second line should read Aldersperson “Zimmerman” .

Aldersperson Schillers moved, seconded by Aldersperson Mills, to approve the July 8, 2019 Common Council Meeting Minutes with the listed changes. Motion carried unanimously.

PUBLIC COMMENT/COMMUNICATIONS

Mayor Christman opened the meeting for any Public Comments.

Hearing none, Mayor Christman Closed Public Comment

CONSENT AGENDA

- a. **Boards, Commissions, Committees and Staff Report; (Community Center June/July, Park & Rec., Lighthouse, Zoning Board of Appeals, Planning June & July and Staff Reports**
- b. **Operator’s License: Darby E. Allen-----Harbor Express
Kammie E. Faulks-----Harbor Express
Izaiah J. Blahnik-----Harbor Express
Brianna L. Barta-----Waterfront Bar & Grill**
- c. **Approve Elimination of City Provided Large Item Pick-up Services in 2020**

After some discussion it was decided to remove item C., “Approve Elimination of City provided Large Item Pick-up Services in 2020”, from the Consent Agenda.

Aldersperson Dworak moved, seconded by Aldersperson Zimmerman, to remove from the Consent Agenda item c. approve elimination of City provided large item pick-up services in 2020, for further discussion and approve the remaining Consent Agenda as presented. Motion carried unanimously.

Approve Elimination of City Provided Large Item Pick-up Services in 2020

Public Works Director Strelow reviewed with the Council his findings on the cost to the City for Large Item Pick-up. It is currently losing approximately \$25,000 per year, the Garbage Truck needs to be replaced which would cost between \$75,000 and \$125,000 and would only be used about 8 times a year. Strelow stated that Advanced Disposal is not interested in doing Large Item Pick-up within the City, but he has contacted Blue Water Services and they are willing to take over the pick-up. The resident would need to call and set up a time. An open ended dumpster would be provided to them to place their items in and then would be picked up. Blue Water would also be offering a discount to any City of Kewaunee Resident if they bring their items to the Transfer Station.

It was discussed that not only is the City losing money but it is taking time away from City Staff that could better serve the tax payers, and getting the service to the residents with the most cost effective option. It was also discussed that the information regarding the City discontinuing Large Item Pick-up and the options residents will have in the future will need to reach the residents.

Alderson Mills moved, seconded by Alderson Dworak, to eliminate the Large Item Pick-up by the City for 2020. Motion carried unanimously.

MAYOR'S REPORT

Appointment of Robbie Davister – Building Inspector

Mayor Christman introduced and reviewed Robbie Davister's qualifications, and would like the Council to consider the approval of appointing Mr. Davister as the City Building Inspector/Zoning Administrator.

Alderson Schiller moved, seconded by Alderson Mills, to approve the appointment of Robbie Davister as the City Building Inspector/Zoning Administrator. Motion carried unanimously.

Appointment of Melody Lacey – Interim Marina Manager/Harbor Master

Mayor Christman updated the Council on the departure of Andy Holzem. Christman introduced and reviewed Melody Lacey's qualifications, and would like the Council to consider the approval of appointing Melody Lacey as the Interim Marina Manager/Harbor Master until December 31, 2019.

Alderson Mills moved, seconded by Alderson Jelinek, to approve the appointment of Melody Lacey as Interim Marina Marina/Harbor Master. Motion carried unanimously.

Community Center Update

Alderson Zimmerman stated that she did not attend the Community Center Meeting, but Alderson Mills was present at that meeting. Alderson Mills stated that the Committee is still looking at options, as the land across from City Hall has gone up in price.

Pharmacy Update

Mayor Christman updated the Council on the opening of Hometown Pharmacy. The Pharmacy is looking to have a soft opening at the end of August with a target date of September 3 to open.

Flooding-Boat Launch and Harbor Area

Mayor Christman stated that she and Public Works Director Strelow attended a presentation regarding Floodplain & Shoreland Management. There were a lot of good speakers and information the City could use.

Public Works Director Strelow informed the Council that he has met with the Army Corps of Engineers regarding the flooding problems. After reviewing the affected areas, the Army Corp of Engineers stated that there really are no exact procedures to follow for the problems the City is having. It is a more trial and error process. Ultimately there is no way to 100% prevent the water from back-feeding through our storm sewer system at the marina and on Dodge St., plugging pipes and using sandbags are not enough to fix the problems.

OLD BUSINESS

Grant Identification, Design Charrettes, Economic Development Training and Retreat Update-Autumn Linsmeier

Administrator Schnook reviewed the grant identification progress, the dates for the upcoming Design Charrettes Meetings, and dates for both the economic development training and retreat workshops. Schnook stated that if any of the Council Member plan on attending please let Autumn Linsmeier know as soon as possible.

Update on Water & Sewer Study

Administrator Schnook asked the Council what direction they would like to take on the Water and Sewer Rate Study. Baker-Tilly has four optional alternatives to investigate charging for fire protection; 1. equivalent meter method; 2. equivalent service method; 3. property value method; and 4. square feet method. The last two methods require data from Assessor Mike Muelver on assessed property values for each water customer and square footage for each water customer in order to calculate the charge for recovery of fire protection services. According to Baker-Tilly, most municipalities in Wisconsin use the equivalent meter method, charging customers by the size of their water meters. The second most popular method is the equivalent service method, which charges customers by the size of their water service pipe diameter. Fire Protection payments are currently budgeted in the Fire Department and uses tax dollars to pay the Water Department approximately \$225,000 annually. These fund are then paid to the Water Utility.

Discussion was held on if there is any advantage of using the square foot method and whether the City would need the square feet to create a Storm Sewer Utility.

Aldersperson Mills moved, seconded by Aldersperson Jelinek, to use the Equivalent Meter Method for the Water & Sewer Study. Upon a roll call vote, motion carried unanimously.

NEW BUSINESS

Review: Silo Ventures, Address 402 Milwaukee Street. Zoning: Community Business, B-2

Briefing: Applicant is requesting to purchase or an easement of City land to build a handicapped accessible ramp and landing onto his building

Review: Silo Ventures, Address 402 Milwaukee Street. Zoning: Community Business, B-2

Briefing: Building Permit Appeal. Applicant is requesting to have the City abandon two parking spaces on the south side of Harrison Street to permit the owner to build-out the curb, gutter and build the patio.

Aldersperson Schiller stated that he is recusing himself from discussion of Items 8- a, b, c and d.

Attorney Nesbitt stated Wisconsin Law does allow Municipalities to enter into a contract with an Aldersperson in very limited circumstances. In doing so the Aldersperson has to recuse themselves from any discussion and abstain from voting on the issue.

Administrator Schnook stated that in the Council packet is a request from Silo Ventures, address 402 Milwaukee Street. Silo Ventures is requesting either the ability to purchase or obtain an easement from the City for City owned land for the purpose of building a handicapped accessible ramp and landing onto the building at 402 Milwaukee Street. Schnook stated that the Planning Commission recommended the approval of a permanent easement over the purchasing option. Silo Ventures is also requesting the City abandon two parking spaces on the south side of Harrison Street and to permit Silo Ventures to construct a bump out of the curb and gutter to build a proposed patio area. Silo Ventures does have a potential tenant for the building that is an established restaurant. Schnook reviewed the survey and maps that were provided by the applicants that shows what the building and build-out would look like. Schnook also reviewed the street layout and what it would look like with the removal of the two parking spaces on the South side of Harrison. It is the recommendation of Administrator Schnook and Attorney Nesbitt that the City consider hiring a Traffic Engineer to ensure the layout of the street is done right and it will support two way traffic.

Mayor Christman reviewed the Planning Commission's recommendation which stated that they were in support of the proposed project; and to have the City Attorney work with the Schiller's to draft a developer's agreement detailing the benefits to the City and the benefits to the developer; and to have the developer's agreement spell out liability and maintenance issues and the granting of a permanent easement; and send the agreement to Common Council for approval.

Attorney Nesbitt also felt it would be in the best interest of the City to hire an Engineer to review the Handicapped accessible ramp and landing to ensure everything is ADA compliant, as it is going to be located on City property.

Council discussed the benefits of hiring an Engineer to review the traffic flow and handicapped accessible ramp are within compliance. Also discussed was the possibility of making Harrison Street a one-way street if it would be needed, the safety of a one-way street and the general improvement it will bring to the downtown area.

Sara Schiller, representative of Silo Ventures, ask the Council to consider approval of the project tonight because winter is coming and they would like to get started on construction as soon as possible.

Aldersperson Mills moved, seconded by Aldersperson Jelinek, to accept the Planning Commission's recommendation to move forward with the project, with a Developers Agreement, providing a permanent easement to Silo Ventures for the handicapped accessible ramp, the City to abandon two parking spaces on the South Side of Harrison Street, and permitting the developer to build the bump out on the South Side of Harrison Street. Upon a roll call vote, Alderspersons Dworak, Jackson, Jelinek, Mills and Zimmerman – aye, Aldersperson Schiller – abstained. Motion carried.

Marina Update – Marina Operations Manual

Administrator Schnook stated that the Marina never had an Operations Manual in place and before Andy Holzem left he put together a Standard Operating Procedures Manual, which includes over 50 pages. Schnook explained that what is in the Council packet is just a small portion of the manual showing the table of contents and the Marina year overview.

July Cash Report

Mayor Christman asked if anyone had questions on the cash report. Aldersperson Schiller asked if there was anything in the Cash Report that Council should be concerned with, Staff stated that at this time everything is looking good.

July - YTD Revenue/Expenditures

Mayor Christman asked if anyone had questions on the Revenue and Expenditure Reports.

Discussion was held on the amount of income the Tug has been collecting this year and the charge card processing fees. Clerk/Treasurer Decur will look into the possibility of adding a fee to the consumer to cover the chard card processing fees.

Approval of July 2019 Accounts Payable

Mayor Christman stated that the Council has received an updated copy of the July 2019 Accounts Payable Report and asked if there were any questions.

Clerk/Treasurer Decur stated that the report was updated because one of the batches included in the report was a reversed batch so that is why on the original report there were some items with a zero balance.

Aldersperson Zimmerman moved, seconded by Dworak, to approve the July 2019 Accounts Payable and Payroll Report in the amount of \$399,000.36. Upon a roll call vote, motion carried unanimously.

Enter into CLOSED SESSION pursuant to Wisconsin Statute 19.85 (1)(f) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations; Wisconsin Statute 19.85(1) (g): Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved: Marquette School and Wisconsin Statute 19.85(1)(c): Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility: Employment Agreement.

Aldersperson Jelinek moved, seconded by Aldersperson Zimmerman, at 7:36 pm, to enter into Closed Session pursuant to Wisconsin Statute 19.85 (1)(f), 19.85 (1)(g) and 19.85 (1)(c). Upon a roll call vote motion carried unanimously.

Return to Open Session

Aldersperson Jelinek moved, seconded by Aldersperson Zimmerman, to reconvene to open session pursuant to Wisconsin Statute 19.85(2) at 8:10 pm. Motion carried unanimously.

Any Action in Closed Session

Aldersperson Mills moved, seconded by Aldersperson Schiller, to follow the recommendation of the Public Works Director, Administrator and Attorney to terminate Mark Sisel for not being able to fulfil the CDL requirements for his job duties and that if there is any job opportunity once that CDL is regained and the position meets Mr. Sisel's qualification encourage him to apply. Motion carried unanimously.

Mark Sisel stated that there is a grievance procedure in the Employee Handbook and he does have a grievance written up at this time. The policy reads that the grievance is to be given to the Administrator but feels he can not file it with the City Administrator due to unfair acts. The next step would be to file it with the Mayor, Mr. Sisel believes that the way the grievance is written the Mayor would also be bias. Mr. Sisel asked what the next step would be because there is no Personnel Committee or Human Resource Department.

Attorney Nesbitt stated that if you file a grievance the City will deal with it.

It was discussed and determined Mr. Sisel should file with the Clerk and along with City Attorney it will be handled in a fair and unbiased fashion.

Enter into CLOSED SESSION pursuant to Wisconsin Statute 19.85(1) (g): Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved: Marquette School

Aldersperson Dworak moved, seconded by Aldersperson Schiller, at 8:18 pm, to enter into Closed Session pursuant to Wisconsin Statute 19.85 (1)(g). Upon a roll call vote, motion carried unanimously.

Return to Open Session

Aldersperson Schiller moved, seconded by Aldersperson Dworak, to reconvene to Open Session pursuant to Wisconsin Statute 19.85 (2), at 8:47 pm. Motion carried unanimously.

Any Action in Closed Session

Aldersperson Mills moved, seconded by Aldersperson Schiller, to approve plan 2 as presented by the City Attorney, (Dakota Intertek walking away and the City would owe no additional dollars to them). Upon a roll call vote, motion carried unanimously.

Enter into CLOSED SESSION pursuant to Wisconsin Statute 19.85 (1) (c): Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility: Employment Agreement.

Aldersperson Jelinek moved, seconded by Aldersperson Zimmerman, at 8:49 pm, to enter into closed session pursuant to Wisconsin Statute 19.85(1) (c). Upon a roll call vote, motion carried unanimously.

Return to Open Session

Aldersperson Mills moved, seconded by Aldersperson Jelinek, to reconvene to Open Session pursuant to Wisconsin Statute 19.85 (2), at 9:09 pm. Motion carried unanimously.

Any Action in Closed Session

Aldersperson Schiller moved, seconded by Aldersperson Jelinek, that the Mayor be authorized and directed to take the comments that were offered regarding the City Administrator Employment Agreement, to conclude to her satisfaction and reach agreement with the City Administrator. Motion carried unanimously.

ANNOUNCEMENTS

Aldersperson Zimmerman stated her relatives were here for five days, we did not leave Kewaunee, and found so many things to do and see. They had a great time.

Aldersperson Jelinek informed the Council that he has started a business, the name is Miller Street Resto Mod because he has been restoring the house on Miller for the past 2 years and has restored cars for ever.

ADJOURNMENT

Aldersperson Zimmerman moved, seconded by Aldersperson Jelinek to adjourn the meeting at 9:30 pm. Motion carried unanimously.

Submitted by Clerk/Treasurer Decur