

**OFFICIAL MINUTES  
OF THE  
CITY OF KEWAUNEE COMMON COUNCIL  
NOVEMBER 12, 2018 – 6:00pm**

Present: Mayor Christman, Alderperson Dworak, Jackson, Schiller, Stangel, Kuehl, Griffith, Zimmerman and student Representative Schleis.

Absent: Alderperson Jelinek

Others: Administrator Schnook, Clerk/Treasurer Decur, Building Inspector Angoli, Police Chief Salentine, Librarian Petrina

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

**APPROVAL OF OCTOBER 8, 2018, COMMON COUNCIL MINUTES**

Mayor Christman asked, under New Business, Hiring of Laura Davis to complete a Historical Structure Report on the Lighthouse, the motion did not have a second. Alderperson Kuehl stated that he is the one that seconded the motion.

***Alderperson Dworak moved, seconded by Alderperson Kuehl to approve the October 8, 2018, minutes as corrected per discussion. Motion carried unanimously.***

**PUBLIC COMMENT/COMMUNICATIONS**

Mayor Christman opened the meeting for any Public Comments. No comments were offered.

Mayor Christman Closed Public Comment

**CONSENT AGENDA**

- a. Boards, Commissions, Committees and Staff Reports: (Beautification Committee, Community Center, Tug Ludington, Parks and Rec., Lighthouse Preservation, Historic Preservation Committee, Plan Commission and Staff Reports) (attachment)
- b. Police Complaint on Health Insurance Co-payment (attachment)
- c. Sponsor the Door/Kewaunee Legislative Days (attachment)
- d. Operator's License: Brooklyn M Eisner-----Harbor Express (attachment)  
Brenda C Asmus-----Dollar General  
Kenneth J Hower-----Shopko Stores  
Jennifer D. Moen-----Center Court  
Gloria J Erickson-----Waterfront Bar & Grill  
Rachel E. Harmann-----Waterfront Bar & Grill

Mayor Christman asked that the minutes of the Community Center under consent agenda (a), be pulled for further discussion.

Alderperson Griffith asked that item (d) Operator's License be pulled for further discussion.

***Alderperson Griffith moved, seconded by Alderperson Kuehl to pull items (a) Community Center and (d) Operators License from the consent agenda for further discussion and approve the remainder of the Consent Agenda as presented. Motion carried unanimously.***

**Boards, Commissions, Committees and Staff Reports: Community Center**

Aldersperson Zimmerman explained that the Community Center Committee is looking for either land to build or a building that they may turn into a Community Center.

Mayor Christman asked if the Committee has looked at combining with the Library.

Aldersperson Zimmerman stated it has been discussed regarding the Library, also there is a walk through that will be done at the Mermaid Tails building to see if that building would work for a Community Center.

Mayor Christman suggested, Mike Angoli, the Building Inspector be included in the walk through. Mayor Christman also would like this to be placed on upcoming agendas either every month or every other month with an update on the progress.

Community Center Committee Member Helen Clinton stated that the Committee is not asking the City for any money, as they have money set aside.

*Aldersperson Zimmerman moved, seconded by Aldersperson Dworak to approve the Community Center’s Minutes. Motion carried.*

- Operator’s License: Brooklyn M Eisner-----Harbor Express (attachment)**
- Brenda C Asmus-----Dollar General**
- Kenneth J Hower-----Shopko Stores**
- Jennifer D. Moen-----Center Court**
- Gloria J Erickson-----Waterfront Bar & Grill**
- Rachel E. Harmann-----Waterfront Bar & Grill**

Aldersperson Griffith inquired about the classes that need to be taken to be able to have an operator’s License and if it needed to be done every time they renew their license.

Aldersperson Zimmerman stated that if it is a renewal , then they do not have to take the class over unless their license expires prior to renewing.

*Aldersperson Kuehl moved, seconded by Aldersperson Zimmerman to approve the Operator’s Licenses as presented. Motion carried unanimously.*

**MAYORS REPORT**  
**PERSONNEL UPDATE**

Mayor Christman informed the Council that Brandon Strelow our new Public Works Director will be starting on December 3, The Committee held an interview for the Building Inspectors position, so far only one was interviewed, with the application process still open. The Economic & Community Development Planner and Grant Writer position application are due in soon, so far it looks like we have 6 good candidates.

**Kewaunee School District Update-Remington Schleis**

Student Representative Schleis stated that over 600 people and approximately 35 students attended the Musical “You’re a Good Man Charlie Brown”, the cast consisted a crew of 10 along with 10 in the pit.

The Football Team won conference and they also did a community service project and handed out candy and signed autographs on the night of trick-or-treating. Kewaunee Girls Cross County also won the conference and took 3<sup>rd</sup> at sectionals, there were approximately 150 participants in the Fall Athletics. On November 2<sup>nd</sup> the school held a career fair with 62 representatives from employers, colleges and the military. All KSD students, grades 7-12 attended along with 150 students from Algoma.

For upcoming Winter Activities, the band will be playing in the City of Kewaunee Christmas Parade, December 16 at 5:30 pm the Kewaunee High School Holiday Concert will take place, the Girls and Boys Basketball and Wrestling have all started with about 70 participants and the Trimester 1, will be ending November 29, with Trimester 2, starting December 3.

## **NEW BUSINESS**

### **Marquette School Update-Possible Action on Removal of the Old Foundation**

Administrator Schnook reviewed the Motion made at the October 29, 2018, Special Council Meeting, to approve option 2; removal and recycling of just the perimeter (brick foundation) of the three historic school buildings, and to provide Dakota Intertek until December 5, 2018, to complete the work; that we ask the Contractor to get this project completed as soon as possible.

Administrator Schnook stated in your packet you will see a copy of Change Order No.2, from the Contractor, Dakota Intertek, Corp., they are asking to move the completion day to December 17, 2018, which is not what the Council authorized. The Council needs to decide if they want to move forward with having the building perimeters removed and whether or not an extension will be granted or rescinded.

Building Inspector Angoli stated that he was originally in favor of removing the foundation bricks to have better clean fill. After further investigation of the site and the seeing how the material crumbles, I would suggest to just level it. Also today the DNR was on site and stated that they are most concern about an eight inch black streak of ash found in the old foundation area. Not knowing what that material is, the DNR is requesting that to be removed. We are working with Ayres to see if we can spread the material, which is 99% clean fill. We are hoping we have more answers from the DNR tomorrow.

Discussion was held on the impact of leaving the old school foundation on site and if any future impacts it may have. This would be determined on what the DNR finds out about the 8 inch black streak on the site.

Mike Leopold from Ayres stated the DNR was not concerned about the unearthed structure foundation in the ground, but rather the 8 inch streak of black material, ash that was found. The three options to look at are; a) Cap the material and not disturb it at all; b) Apply for a low level hazardous permit and spread the material around on the site; c) excavate the material and haul off site. Option B & C would require testing, option A would not.

Discussion was held on whether the City should have the area tested so it is known what type of material is located there.

Administrator Schnook asked the Council to take a look at the email attached in your packet from Ben Peotter of Ayres Associates. Attach to the email is a contract for \$22,000 to keep Ayres on the Marquette School Site through December 1, 2018. This doesn't even take us through December 17, 2018, that the Contractor is requesting. I do believe having Ayres on the site is important, because having an independent Contractor on site taking daily notes or documenting what occurred on site will be critical for future reference .

Discussion was held on if the City Attorney is aware of this and what his opinion is.

Administrator Schnook also informed the council that the Sub-Contractors on this project are not getting paid. In talking to the City Attorney, he is recommending before we pay the latest bill for \$75,000, we will investigate to find out how much time the City has before we have to pay this latest invoice. In the meantime, we hold the invoice, we call the Sub-Contractors and ask them whether or not they have been paid and if not, what amount are they owed; If not, ask them to file a claim against the Contract and not against the property or City. The Attorney also recommend the Council give the Administrator the approval to pay or deny this Invoice as we look into it and find out more.

Aldersperson Schiller brought to the Council's attention that on the Invoice there is a Contractor's Certification, that has been signed and notarized to the fact the Sub Contractors are getting paid. It seems to be an inaccurate statement.

Mayor Christman asked Mike Leopold, what the cost of testing would run. Leopold stated that he did not know the cost of the testing, but does know if you apply for the testing process it will take about 30 days before you have an answer. Mayor Christman felt that this would be a 4<sup>th</sup> option and depending on what is found there may be additional grants to help with a remedy. Further discussion was held on the benefits of having the site tested.

***Aldersperson Schiller moved, seconded by Aldersperson Griffith to rescind the previous motion to approve the change order #2. Upon a roll call vote, motion carried unanimously.***

***Aldersperson Griffith moved, seconded by Aldersperson Zimmerman to conduct the testing needed to find out what the material is that the DNR is concern on. Motion carried unanimously.***

***Aldersperson Kuehl moved, seconded by Aldersperson Griffith to approve Ayres Contract through December 1, 2018 in the amount of \$22,000, to seek liquid damages starting November 18, 2018, at \$500 a day per Contract and to confer with the Attorney for options to expedite the contract. Upon a roll call vote, motion carried unanimously.***

#### **Update on Miller Street & Hwy 42 Utility Project**

Administrator Schnook updated the Council on the claim against the City received from the Port-o-Call regarding the damage to their sewer line by done by Bodart Electric. Bodart Electric is claiming the City did not mark the lateral, which the City does not mark sewer laterals only mains. The claim has been sent to the insurance company and we are waiting to hear what the next step will be.

#### **Update on HWY 42 Resurfacing Project**

Administrator Schnook explained to the Council that the resurfacing project is almost complete, but the City needs new wires for the lights on the Bridge for safety reasons. The cost of the wiring will be in the area of \$4,000.

#### **Update on Boat Launch Project**

Administrator Schnook informed the Council that the Boat Launch Ramp coming along good and is 4 days ahead of schedule.

Building Inspector Angoli stated that they will be pouring concrete on the Thursday, November 15<sup>th</sup>.

#### **Change in Sanitary Sewer Ordinance (First Reading)**

Mayor Christman reviewed the Sanitary Sewer Ordinance Sec. 62-8 (c) (2), all water laterals installed from the main to the water meter shall be (taking out of type k copper pipe and replacing it with) **to a state approved material** with minimum diameter of one inch.

**Change in Residency Requirement Ordinance (First Reading)**

Mayor Christman reviewed the changes being made to Ordinance 2, Administration, Article 3 Officers and Employee, with the removal of Section 2-64, Residency Requirements.

**Change in Appointed Officials Ordinance (First Reading)**

Mayor Christman read the change to Ordinance 2, Article 3, Officers and Employees Section 2-64, with the removal of “Superintendent of Street” and the placement of Public Works Director.

**Tree Planting on Red Fox Court**

Mayor Christman reviewed the agenda bill the Council had in their packets. At the October 22, 2018, Committee of the Whole Meeting, the Committee recommended to the Council the approval for the replacement of 8 trees on Red Fox Ct. with the agreement the land owner will plant the trees.

Discussion was held on the 50/50 cost share that is stated in the Ordinance. Some of the Council Members felt that instead of splitting the cost of purchasing and replacing the trees, a 50/50 split, could also be considered if you split cost by having the City pay 100% for the trees and the home owners pay 100% for the planning of said trees. Hence, the project is still a 50/50 split.

*Aldersperson Griffith moved, seconded by Aldersperson Schiller to plant trees on Red Fox Court with a 50/50 split with the property owner providing the labor to plant the trees and the City providing the trees not to exceed \$750. Upon a roll call vote, Aldersperson’s Dworak, Jackson, Schiller, Stangel, Griffith – aye, Aldersperson Kuehl, Zimmerman – nay. Motion carried.*

**Resolution to Address Nonpayment of Garbage Fees and Consider a 1.5% Administrative Fee**

Administrator Schnook explained that this is a Resolution to allow delinquent garbage fees to be placed on the tax bill, much like the delinquent Sewer & Water Utility already being placed on the Tax Roll. However, after reviewing the Resolution, Administrator Schnook questions the language “The full amount of the special charges will be included in the current or next tax roll for collection and settlement by the City of Kewaunee under ch.74, Wis. Stats.” Schnook would like time to confer with the City Attorney and review the state statutes.

Administrator Schnook also requested the placement of 1.5% added to the garbage/recycling fee for Administrative Services.

*Aldersperson Schiller moved, seconded by Griffith to table the proposed Resolution regarding Notice of Special Charges until the December Meeting. Motion carried unanimously.*

*Aldersperson Zimmerman moved, seconded by Aldersperson Schiller to approve a 1.5% Administrative Fee for garbage billing. Griffith-nay, motion carried.*

**Plan Commission Report: Update on Transition Overlay District**

Administrator stated that the Plan Commission has discussed the Transition Overlay District at their last meeting. It was approved to put in a smaller district and now they are working out the details.

Mayor Christman stated that she attended the meeting and felt that the Transition Overlay District was received favorably but with the Building Inspectors opinion they decided to start small. This is something that is trending in other municipalities.

### **Zoning Board of Appeals Report: Update on 303-307 Dodge Street**

Administrator Schnook stated that there was an appeal, of the decision of the Plan Commission, to ask the owner of 303-307 Dodge Street to replace his roof which the Board of Appeals upheld. The next step is to issue a citation and if the owner does not comply it may end up in Civil Court.

### **Approve 2019 Fee Schedule**

The Council reviewed the proposed changes for the 2019 Fee Schedule. Discussion was held on the removal of 1-year operator's license along with the charges for reinstallation of Meter, Valve Turn-On at Curb Fees and the Valve Turn-On at Curb Fees. Alderperson Jackson stated that the PSC regulates the Charges for Valve Turn-On's. Staff will look into what is allowed by the PSC for the Valve Turn-On's.

*Alderperson Schiller moved, seconded by Alderperson Stangel to approve the 2019 Fee Schedule as presented. Alderperson Schiller moved, seconded by Alderperson Stangel to amend the motion to read: approve the 2019 Fee Schedule with the removal of a 1-year Operators License and to follow the acceptable PSC Charges for Valve Turn-On Fees. Upon a roll call vote, motion carried unanimously.*

### **Budget Issues/Discussion**

Administrator Schnook explained to the Council that at the last Committee of the Whole Meeting we were asked to include three items in the amount of \$37,000. At this time we have not had time to review the budget and determine where it will be taken out of. The Budget Hearing will be held on November 26, 2018, at 5:00 pm. at this point we can see how the Council would like to move forward and possibly adopt the budget.

### **Approval of October 2018 Accounts Payable**

Discussion was held on the October 2018 Accounts Payable, it was found that Chk#001478E was under the wrong account, Check #001491E should be under Utilities and Check #072399 should read Blood Draw instead of clothing. Staff will correct the checks discussed.

*Alderperson Kuehl moved, seconded by Alderperson Dworak moved to approve the October 2018 Accounts Payable and Payroll in the amount of \$594,252.67. Upon a roll call vote, motion carried unanimously.*

## **ANNOUNCEMENTS**

## **ADJOURNMENT**

*Alderperson Zimmerman moved, seconded by Alderperson Griffith to adjourn the meeting at 7:45 pm. Motion carried unanimously.*

Submitted by Clerk/Treasurer Decur