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OFFICIAL MINUTES OF  
**CITY OF KEWAUNEE COMMITTEE OF THE WHOLE (COW)**  
Kewaunee Municipal Building, 401 Fifth Street  
**MONDAY, JULY 24, 2017 - 6:00 P.M.**  
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Present: Chairperson Jelinek, Mayor Christman, Alderpersons Kuehl, Schiller, Griffith, Jirtle, Zimmerman, Kickbusch, and Dworak

Absent: None

Others: Administrator Schnook, Clerk/Treasurer Decur, Public Works Director Murphy, Attorney Wolske, and Librarian Grosshuesch

Chairperson Jelinek called the meeting to order at 6:00 p.m.

**APPROVAL OF THE COMMITTEE OF THE WHOLE JUNE 28, 2017 MINUTES**

*Aldersperson Jirtle moved and Aldersperson Zimmerman second the motion to approve the June 28, 2017 COW Minutes as presented. Motion Carried unanimously.*

**PUBLIC COMMENT**

**Fundraising ideas for Marquette School Project**

Kirt Johnson commended the City to doing the best you can with this project under the circumstances.

Johnson explained that the Historical District is very interested in what the future development of the property and would hope the City would allow them to be involved in the planning. Johnson felt if the City would place a park on the property the basement would not need to be dug up and it would cut down on demolition cost. Johnson would also like to see the trees on the west side saved if possible.

John Blaha questioned who is by law responsible for the removal of hazardous material from the site, and if the City is considering going to try and collect money from previous owners including the school. Aldersperson Schiller said that the EPA stated no one is legally liable. Blaha does not feel that the tax payers should be burdened with the entire cost of the cleanup.

Mayor Christman shared an e-mail she received from Lakeshore Pizza offering to participate in a fund raiser for the Marquette project by selling pizzas.

**BOARDS & COMMISSION REPORTS**

Nothing to consider

**AD HOC COMMITTEE COUNCIL LIAISON REPORTS**

**Lighthouse Committee Report**

Aldersperson Dworak read a report to the Council that a subcommittee, which should include a representative from the Lighthouse, Beautification and Park and Recreation Committee's, should be formed in the approval process of the proposed Pierhead Park. Discussion only.

### **Community Center Report**

Report read by Alderperson Zimmerman regarding a request from the Community Center Committee to pay Immanuel Lutheran Church \$250 per month for reimbursement of paper products used. It was suggested that the Community Center Committee look and see if the City has any paper products that they could use at the church. Discussion only.

### **OLD BUSINESS**

#### **Student Project-Painting the Storm Sewers-Sara Rabas**

Sara Rabas sent a proposal for the Storm Drain Stenciling, this would include for the first year 10 drains in the Spring and 10 in the Fall. The cost to the City would be approximately \$82.00. Alderperson Kickbusch stated that he will cover the cost of the paint and supplies needed for this project.

***Alderperson Kuehl moved and Alderperson Jirtle seconded the motion to forward to Council for approval of the Storm Drain Stenciling Project. Motion carried unanimously.***

#### **Highway 42 Fill Site**

Administrator Schnook stated that over the years, the Highway Fill Site has become very full with earth and mixed fill including demolition materials. The property is an unsightly entrance to the City. An estimate of \$84,000 to level-off the site and make appropriate for its intended industrial park use created a discussion at a former COW meeting with the suggestion of placing a sign at the Fill Site that reads "Free Fill, You Load and Haul". However, no final action was taken. City staff has several concerns with the self-service methodology that needs to be address prior to any implementation. Chairperson Jelinek asked if there is a list of contractors that would be interested in the fill. Public Works Director Murphy said it is possible to come up with names, but you will have the same problem, they will take the dirt and we will be left with all the junk. Alderperson Schiller suggested that before we put a sign up for free fill, that we check with our liability Insurance Carrier.

***Alderperson Schiller moved and Alderperson Zimmerman seconded the motion to place the Fill Site on the next COW meeting. Motion carried unanimously.***

#### **Garbage Contract Update**

Administrator Schnook explained to the Council that the City of Kewaunee currently pays \$23,773 from its General Revenue Fund to cover the shortfall in sticker fees for garbage disposal services. Wisconsin SS 66.0602(2m) (b) 2, 3, and 4 would require the City to reduce its tax levy by \$23,733 if the City moves to a process of billing users for the total amount of the contract. How might we pay for this? The City increased its 2017 levy last year by \$26,506 which was never allocated into the 2017 budget. If the city implements the new tote system on September 1, 2017, we will only need to reduce the levy in the amount of \$7,924.32 for the portion remaining in 2017. Levy makeup is a one-time deal, you can increase your debt service to cover the decrease.

***Alderperson Griffith moved and Alderperson Kickbusch seconded the motion to send to the Council with the recommendation to approve a three-year contract with Advanced Disposal for a tote system. Motion carried unanimously.***

#### **Volunteer Release Waiver Policy**

Administrator Schnook presented the Committee with a draft Waiver Policy which is to establish guidelines for us of City of Kewaunee Public Parks Volunteers Release, Indemnity and Waiver. This policy encompasses all and any person who may be working on City of Kewaunee projects related to the beautification of City Parks. Discussion was held on just who would need to fill out a Waiver, players, groomers, and concession volunteers, how far do you go and who is going to make sure everyone has a Waiver signed.

***Aldersperson Griffith moved and Aldersperson Dworak seconded to table until the next COW after the League of Municipalities is contacted for other policy examples. Motion carried unanimously.***

#### **Update on Marquette School**

Administrator Schnook stated that he and Public Works Director Murphy, recently toured the inside of Marquette School. Schnook presented a power point presentation with pictures from inside of the School. Schnook explained that the roof is coming down in the middle of the building, there is a fog that has settled into the building and that basement is very shallow. The EPA is done with their work and are out of the building. The longer it takes to get to the point of tearing the building down, the more deteriorated it will become and more material will need to go to Appleton for disposal. The County is willing to take the property over, but only if the City takes immediate possession. Administrator Schnook would like to spend time with the City Attorney and decide if this is something the City Attorney can take on or if we need to go to an outside source for help.

#### **NEW BUSINESS**

##### **No Parking on First Street between Miller and Ellis Streets**

Administrator Schnook stated that the issue of no parking signs on First Street between Miller and Ellis Streets was brought to the Council about 2 or 3 years ago, but because of a concerned resident, nothing was done with it. On November 14, 2016, the Public Property & Safety Committee recommended approval to erect No Parking Signs on the east and west side of First Street between Ellis and the City Shop. Schnook inquired from the City Attorney if this needed to be dealt with by holding a Public Hearing. Attorney Wolske indicated that it is a traffic issue and can be brought to the Council as an amendment to the Ordinance with two readings.

***Aldersperson Griffith moved and Aldersperson Schiller seconded the motion to send to Council with the recommendation of approval for No Parking Sign on both sides of First Street between Ellis and Miller Streets. Motion carried unanimously.***

##### **User Fees for Harbor Park**

City staff recommends that the City Council place the recreational boat use of Harbor Park under the management of the City Marina and set the same rate of user fees as that of the City Marina for use of Harbor Park with the exception of Seasonal Boat Slips. City staff feels that seasonal Boat Slips should not be provided as some slips are required to be available as the Port of Kewaunee is considered a Safe Harbor by the DNR. The slips along the new sea wall should be designated as those safe harbor slips. Council will need to set rates to include Transient Boat Slips with a daily charge for daily docking of \$1.65 per foot + tax and a monthly rate of \$0.80 per foot + tax to include, which would include sanitary pump and other Marina amenities. The council discussed the fact that the City needs to keep some of the area for the purpose of Safe Harbor. Discussion was held on how long a transient boat would be allowed to dock on the wall, the Council felt a time limit of 1 week should be in place and if someone comes for a few hours there should be no charge.

***Aldersperson Schiller moved and Aldersperson Jirtle seconded the motion to send to the Council with the recommendation of approval of the fee schedule for the sea wall and to turn control over to the Marina. Motion carried unanimously.***

##### **Tug Ludington Cleats & Move**

Aldersperson Griffith said with the combination of too small of cleats and anchor depth of six inches it will not hold a two hundred forty six ton boat. Griffith would like to see Margaret from Smith Group JJR., brought to the City and come up with a design that will work properly. Griffith also stated that he had received a call from the Corp of Engineers to give a gentlemen a tour of the Tug, we need to get this moved and open. The council

discussed the options of removing the concrete and re-pouring at a deeper depth, it was brought up about doing a mooring study which could cost about \$4,000.

***Alderson Griffith moved and Alderson Kickbusch seconded the motion to table the Tug Ludington Cleats issue and instruct Administrator Schnook to contact Foth regarding a mooring study and larger cleats. Motion carried unanimously.***

**Discussion to have City Council assign the Outdoor Recreation Plan update to Parks & Rec**

Mayor Christman would like the Council to assign the Outdoor Recreation Plan Update to the Park & Rec Committee. The committee has updated it in the past, and it needs to be updated. The update includes inventorying items at all of the parks along with any safety issues, signage and items that are in need of repair. It is important to have this up to date for any grant applications, like the upcoming Brewers Grant.

***Alderson Jirtle moved and Alderson Kickbusch seconded the motion to send to Council the recommendation to approve to have the Park & Rec Committee update the Outdoor Recreation Plan. Motion carried unanimously.***

**ANNOUNCEMENTS**

Administrator Schnook wanted the council to know that some of the properties that were in violation of the Property Maintenance Policy have started cleaning up their properties even before we started to enforce the Policy. Schnook has seen 2 houses that have either replaced window, siding or roof. Public Works Director Murphy would like to see the Council and Department Heads acknowledge their effort by thanking the resident for their improvement.

***Alderson Zimmerman moved and Alderson Kuehl seconded the motion to go into closed session at 8:37 pm, pursuant to WI Statute 19.85 (1)(e), deliberating or negotiating the purchasing of public property, the investing of public funds, or conducting other specific public business, whenever competitive or bargaining reasons require a closed session: Public Property Offer to Purchase . Motion carried unanimously.***

***Alderson Griffith moved and Alderson Zimmerman seconded the motion to return to Open Session at 9:02 pm. Motion carried unanimously.***

**ACTIONS ON CLOSED SESSION**

***Alderson Schiller moved and Alderson Kuehl seconded the motion have the Mayor and Administrator work on the sale of the public property and bring it back to the Council. Motion carried unanimously.***

**ADJOURN**

***Alderson Griffith moved and Alderson Dworak seconded the motion to adjourn at 9:03 pm. Motion carried unanimously.***

Submitted by Clerk Treasurer Decur