

**OFFICIAL MINUTES
OF THE
CITY OF KEWAUNEE COMMON COUNCIL
JULY 12, 2021 – 6:00pm**

Present: Mayor Jason Jelinek, Alderpersons Wendy Shelton, Jim Brewster, John Blaha, Jeff Vollenweider, Dan Stangel, Rich Taylor and Janita Zimmerman.

Excused: Alderperson Nelson

Others Present: Administrator Fred Schnook, Clerk/Treasurer Terri Decur, PWD Brandon Strelow, Librarian Carol Petrina, Police Chief Jim Kleiman and EDPGF Abigail Monrroy.

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

APPROVAL OF MAY 10 & JUNE 14, COMMON COUNCIL MINUTES.

Discussion was held regarding a letter Attorney Nesbitt sent to Council regarding the minute approval process. Attorney Nesbitt explained that the letter sent was to warn the Council of the potential boundaries that could be crossed if the Council adds specific things to minutes that actually did not happen in the meeting.

Alderperson Stangel moved, seconded by Alderperson Blaha, to approve the May 10, 2021 and the June 14, 2021 minutes as presented. Alderpersons Taylor, Brewster, Stangel and Shelton – aye, Alderpersons Zimmerman, Blaha and Vollenweider – nay. Motion carried.

PUBLIC COMMENT/COMMUNICATIONS

Mayor Jelinek opened public comment.

Joe Mills, 1124 Vliet Street brought up his concern on the length of time spent on correcting minutes. He suggested that the Council take note from the Lighthouse Committee as their minutes were done properly by stating, “NO motion was made to approve the minutes from May 2, 2021 as we did not have a quorum”. Also suggested reading the “Do’s and Don’ts for Meeting Minutes” from the Center for Association Leadership regarding what should and should not be in the minutes.

Joe Mills, 1124 Vliet Street also brought up the June 2021 Staff Report, with an entire page devoted to councilperson’s requests for information, the loss of Abigail Monrroy, the attempt to micro-manage City Procedures that your Attorney advised you against and the need to adopt the needs assessment as modified.

Hearing no further comments, Public Comment was closed.

CONSENT AGENDA

- a. **Boards, Commissions, Committee and Staff Reports (Pierhead Lighthouse, Police & Fire and Staff Report).**
- b. **ORD. NO. 626-2021 Amendment No. 3 of the Zoning and Comprehensive Plan by Unicorn Properties, LLC, 1323 Ellis Street. The Plan Commission is recommending to rezone and amend the Comprehensive Plan for parcel 241-00070-0960 (31 241 DK 45) and parcel 241-00070-0980 (31 241 DK 46.1), from B-1 Local Business to R-1 Single Family Residential.**
- c. **Pierpoint Right of First Refusal Agreement**

Alderperson Shelton questioned the Plan Commission Minutes regarding the Fisherman’s Point update that was mentioned in the minutes and would like to know what the update included. It was explained that

the update was not an Agenda Item. It fell under other business to let everyone know that the buildings were down and work continues with the DNR.

Aldersperson Zimmerman moved, seconded by Aldersperson Stangel, to remove item c. Pierpoint Right of First Refusal Agreement for further discussion and approve the remaining Consent Agenda. Motion carried unanimously.

Pierpoint Right of First Refusal Agreement

Discussion was held on the First Right of Refusal Agreement and why the Council did not receive a copy prior to it being placed on the Consent Agenda. Discussion was also held on number eleven of the Agreement which states “The right of first refusal herein granted shall absolutely terminate one (1) year from the date of this agreement without the necessity of any further documents(s) being signed or recorded”. The council was concern with the one (1) year time limit and asked to have the one (1) year changed to six (6) months.

Aldersperson Vollenweider moved, seconded by Aldersperson Blaha, to approve the Pierpoint Right of first Refusal Agreement with the one (1) year time limit to be changed to six (6) months. Motion carried unanimously.

MAYOR’S REPORT

Police Union Negotiations

Mayor Jelinek informed the Council that Police Union Negotiations will be starting soon and if anyone would be interested in being involved with the process please send him an e-mail.

Mayor Jelinek stated that with the passing of Don Kickbusch, who had served this community to the fullest he would like to have a plaque made and name the City Street Department building after Don.

Mayor Jelinek updated the Council on the refinancing of the Taxable General Obligation Refunding Bonds that the Council put in motion a few months ago. There were two Resolutions passed for refinancing of debt, one was for a \$1.5 million bond and the other was for a \$2.6 million bond. The \$1.5 million bond refinancing of debt closed on June 9, 2021. The \$2.6 million bond was not sold at that time due to the increase in interest rates. With interests coming down, Baird feels they can now sell the bond and stay within the parameters of the agreement.

NEW BUSINESS

a. Cedar Corp. Municipal Services Agreement Update

Jim Loreti, Cedar Corp, reviewed the Agreement for Professional Services between the city and Cedar Corp. The agreement is for \$25,000 per year, with an average monthly billing of \$3,600 per month. Using the average monthly rate for the remainder of the Agreement year, it looks like the City will be getting about \$43,000 worth of service.

b. Resolution No. 2003-2021 – Harbor Assistance Program Grant Resolution – Abigail Monrroy

EDPGF Monrroy reviewed the Harbor Assistance Program Grant Resolution that went before the Committee of the Whole on June 28, 2021. The Resolution is required to apply for a Harbor Assistance Program (HAP) Grant. The Hap Grant is being requested to aid in the Pilings Replacement for the Tug Ludington in the Kewaunee Harbor Project. It is intended that the Grant application will be for \$311,300 with a matching share of 20%, or \$62,260, being paid by the City of Kewaunee.

Discussion was held on how the City will pay the \$62,260, which EDPGF Monrroy stated that in-kind contributions such as staff time could be used if the construction costs are below \$311,300.

Aldersperson Stangel moved, seconded by Aldersperson Blaha, to adopt Resolution No. 2003-2021, Authorizing a Harbor Assistance Program (HAP) Grant Application as presented. Upon a roll call vote, Alderspersons Blaha, Vollenweider, Brewster, Stangel, Zimmerman and Taylor – aye, Aldersperson Shelton – nay, motion carried.

c. Resolution No. 2004-2021 – Regarding the Purchase and Sale of Property – Alderperson Shelton

At the June 20, Committee of the Whole Meeting, Alderperson Shelton presented a Resolution regarding the restricting of purchase and sale of property by the Mayor, City Staff, Officer or Agent without Common Council approval. Attorney Nesbitt stated that the legality of the Resolution is questionable, especially the sentence; “be it further RESOLVED, that no negotiations to purchase or sell such property can be initiated by the Mayor, City Staff, Officer or Agent, without the prior approval of the Common Council of Kewaunee”.

Resolution 2004-2021, presented to Council tonight is with the removal of the above-mentioned sentence.

Alderperson Shelton moved, seconded by Alderperson Zimmerman, to adopt Resolution No. 2004-2021, The Purchase and Sale of City Property as presented. Upon a roll call vote, motion carried unanimously.

d. Ellis Point Marketing Proposal – Seth Hudson

Seth Hudson, Cedar Corp presented the Council with an Agreement for Professional Services in regards to creating an RFP to market the Ellis Point site based upon existing City Plans.

Discussion was held on the option of placing Condo’s on the Ellis Point Property, which could be a possibility under mixed uses, but stand alone residential would not be allowed. Discussion was also held on the Council receiving a copy of the RFP prior to it going out.

Alderperson Vollenweider moved, seconded by Alderperson Blaha, to enter into agreement with Cedar Corp to develop an RFP for the Ellis Point Property in the amount of \$9,500, and to use TIF District Funds if needed. Upon a roll call vote, motion carried unanimously.

e. Adoption of Needs Assessment & Development Fees Schedule – Abigail Monrroy

EDPGF Monrroy explained that the Plan Commission created a new Sub-Division Ordinance and as part of the Ordinance, the Plan Commission put together a set of Development/Impact fees. It was brought to the attention of the City that prior to the development/impact fees being approved a Needs Assessment would need to be completed and a hearing held. In addition, the original Needs Assessment included maintenance, which should not have been part of the Assessment. The Needs Assessment has since been revised and the Plan Commission has forwarded it to Council for Approval.

Discussion was held on placing the Impact and Tree Fee into a separate interest bearing account.

Alderperson Stangel moved, seconded by Alderperson Vollenweider, to approve the Needs Assessment and Impact/Tree Fees as presented and place the funds into an interest bearing account. Motion carried unanimously.

f. Authorize Expenditure to Survey Stump Pond Property

Developer Jeff Welhouse stated that he has been contacted by Cindy Tang to determine if a proposed Community Center Building will fit on the City property near Stump Pond. To do that a survey will be needed to find the distance it would need to be from the pond and all setbacks. If the building will fit on the property then there would need to be borings taken.

Discussion was held on the purpose of the survey, completing the survey prior to borings being done, and the estimated cost of the survey, which is \$600 to \$800. Discussion was also held regarding extension of utilities to the property, as they are 500 feet away from the property.

Alderperson Stangel moved, seconded by Alderperson Blaha, to authorize the Survey at Stump Pond, not to exceed \$1,000. Motion carried unanimously.

g. June revenue and Expenditure Report

Alderson Shelton question the cost of the property that was purchased for the Blight Elimination Project and the amount of the demo cost.

Discussion was held on the purchase of Fisherman's Point at \$500,000 and the Draeb House at \$76,900. Also discussed was the Budgeted amount for demo, which includes the demolition, raising of property, riprap, and environmental studies along with the completion of the projects.

h. June 2021 Cash Report

Alderson Vollenweider asked about the fund balance for the River Road Project and if we paid off what remained of the loan. Clerk/Treasurer Decur stated that the remaining unused amount of the loan was paid off. The reason it shows a positive balance is because of the refinancing. The River Road Project is in a positive balance with the Miller/Hwy 42 Project currently in the negative. This will be corrected by working with the Auditors and adding Journal Entries

i. Approval of June 2021 Accounts Payable

Alderson Vollenweider questioned the replacement of a garage door, split between the Fire, Police and Sewer Department. It was explained that the Fire and Police needed to replace one of the doors to the garage and the Sewer Department also had some work done at the same time.

Alderson Stangel moved, seconded by Alderson Blaha, to approve the June 2021, accounts payable and payroll in the amount of \$1,743,932.95. Upon a roll call vote, motion carried unanimously.

ANNOUNCEMENTS

Mayor Jelinek stated that he attended the car show. The Blue Door and TJ Lanes did a great job putting the event together, the turnout was great with 153 cars. Alderson Zimmerman added that there were 118 bikes and 80 sleds. Alderson Shelton mentioned that there were also tours of the Lighthouse with some repeat customers.

Mayor Jelinek also stated that the Bakery Bar opened this weekend.

Alderson Zimmerman wanted to say how nice it was to receive the complementary e-mail from the new residents at 1323 Ellis St.

Alderson Stangel updated the Council on the progress of the ATV Ordinance that he, Alderson Blaha and Chief Kleiman have been working on. Chief Kleiman stated that he has heard from three organizations who are willing to help purchase the needed signs.

Administrator Schnook, thanked Alderson Taylor for the e-mail he sent earlier. Administrator Schnook stated that one of the questions was regarding the status of Scott Street. The City has received the plans for Scott Street but they were incorrect. New plans should be ready in a couple of weeks.

EDPGF Monrroy informed the Council that she has submitted the EDA Grant Application two weeks ago and is working on getting them further requested information they need. Administrator Schnook stated it would take about two to three months before we know the outcome of the grant.

Alderson Stangel asked if an open date has been set for Tractor Supply. No one has heard anything,

ADJOURNMENT

Alderson Zimmerman moved, seconded by Alderson Stangel, to adjourn the meeting at 7:43 pm. Motion carried unanimously.

Respectfully submitted by Clerk/Treasurer Terri Decur