

**OFFICIAL MINUTES  
OF THE  
CITY OF KEWAUNEE COMMON COUNCIL  
SEPTEMBER 13, 2021 – 6:00pm**

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

Excused: Administrator Schnook

Others Present: Clerk/Treasurer Terri Decur, Attorney Randy Nesbitt, Librarian Carol Petrina, Police Chief Kleiman and Marina Manager Kinjerski.

Mayor Jelinek called the meeting to order at 6:00 pm and the Pledge of Allegiance was recited and followed by a prayer to all affected by 9-11/meditation.

**APPROVAL OF AUGUST 9, COMMON COUNCIL MINUTES.**

*Alderson Shelton moved, seconded by Alderson Stangel, to approve the August 9, 2021, Minutes as presented. Motion carried unanimously.*

**PRESENTATION BY THERESA QUALLS – WISCONSIN CLEAN MARINA PROGRAM**

Theresa Qualls, Wisconsin Clean Marina Program Coordinator, presented to Council who and what is the Wisconsin Clean Marina Program. The CMP received a grant from the Fund for Lake Michigan marinas for the collection and treatment of boat wash water and improving Stormwater management. The city of Kewaunee Marina is one of the Marinas CMP has selected to work with. In Phase One the CMP project team will work in tangent with the selected marina and consultant to develop a conceptual design, engineering plans and cost estimates for a boat wash station and Stormwater improvements. Phase Two will focus on implementation of selected practices. In addition, Marquette University will conduct water quality monitoring of installed practices.

Some discussion was held on how much funds are available, Contractor selection process, and how it would impact the Sewer Plant. Multiple meetings will be held through the summer. About 50% of the work has been completed on procedures.

**DWD YOUTH APPRENTICESHIP PRESENTATION –ERICA JANISCH**

Marina Manager Kinjerski stated that Ms. Erica Janisch could not attend tonight do to an illness. Marina Manager Kinjerski informed the Council that Ms. Janisch would like to explain to the Council about the DWD Youth Apprenticeship Program. It is a program that High School Students can work as an apprentice and earn credits towards school in a field they are thinking of going into at the College/Tech School level. This would also give them the opportunity to see if the field they are looking at going to school for fits the student. Ms. Janisch will be at the next COW Meeting to give a more defined presentation.

**PUBLIC COMMENT/COMMUNICATIONS**

Mayor Jelinek opened public comment.

Steve Sagrillo, 303-307 Dodge Street read his statement and presented to Clerk/Treasurer for the record: “You all very well know that I am committed to preserving the church. I have already completed a number of repairs in addition to the requirements mandated by the City. This includes repairs to the nine foot windows and foundation inside and out. When the raze order is suspended, I have absolutely every intention of completing the repairs of the mortar and total replacement of the roof well within the allotted time. Thank you for your time.”

Kirt Johnson, 803 Milwaukee Street, stated that in his opinion he feels it is necessary for the Council to obtain outside Legal Counsel. Mr. Johnson felt the Council needs to protect their interest and the Citizens that they represent.

Joe Mills, 1124 Vliet Street, stated he feels the complete opposite regarding the Resolution to allow Council to obtain outside Legal Counsel. Mr. Mills asked the Council when they discuss the Resolution to please discuss the issues on why the Council feels the need for outside Legal Counsel.

## CONSENT AGENDA

- a. **Boards, Commissions, Committee and Staff Reports (Park & Rec, and Plan Commission).**
- b. **Contract Renewal – Blue Water Services**
- c. **Upgrading of the Wastewater SCADA System**

*Alderson Shelton moved, seconded by Alderson Vollenweider, to remove item a. Boards, Commission, Committee and Staff Reports from the Consent Agenda for further discussion and approve b. Contract Renewal – Blue Water Services and c. upgrading the SCADA System. Motion carried unanimously.*

- a. **Boards, Commissions, Committee and Staff Reports (Park & Rec, and Plan Commission).**

Alderson Shelton wanted to know why there was not a Staff Report this month.

Mayor Jelinek stated that he would find out, but thought it was because the Administrator is on Medical Leave.

Alderson Shelton questioned if there are any updates on the analysis of Fisherman's Point, Business Park Grant, Blight Elimination Grant, and the Budget progress.

Mayor Jelinek stated that the EDA Grant (Business Park) needed some clarification on 10 items. That was due by September 17, 2021. Administrator Schnook did take care of the clarification and they were sent out on September 17, 2021. Fisherman's Point is still in progress and Mayor Jelinek will contact Cedar Corp on where they are at regarding the analysis.

Clerk/Treasurer Decur stated that she is waiting for more invoices to come in to request the second draw request. Clerk/Treasurer Decur also stated that she is working on the Budget, the Department Heads should have their portion in by this week. Clerk/Treasurer Decur also informed the Council that she is also working on getting material to Baird regarding the Finance Training and hopes to have a meeting set for October 4<sup>th</sup>. The Budget workshop was scheduled for October 9<sup>th</sup>, but she is not sure she can have it complete by then. She will keep everyone up to date on the progress.

*Alderson Stangel moved, seconded by Alderson Shelton, to approve item a. Boards, commissions, committee and Staff Reports as presented. Motion carried unanimously.*

## MAYOR'S REPORT

Mayor Jelinek stated he had nothing additionally to add as it was discussed in the Consent Agenda.

## NEW BUSINESS

- a. **Contract Renewal – Kuehl Seed Farm, LLC**

Alderson Stangel stated that he met with Randy of Kuehl Seed Farms, to discuss the proposed Lease Agreement for the Business Park Land. Randy was in agreement to go with a one year renewable lease for the next three years, but would not agree to the 3% increase. Alderson Stangel also informed the

Council that when they renewed the current contract, because we had an offer from someone else to lease the property, there was a significant per acre fee attached then and he had no problem not increasing the rate by 3%.

Discussion was held on what the cost would be if the City would have to start construction prior to the crops being harvested, which would be determined by what is planted at the time and the market price, Discussion was held on the current Lease and the December 1, 2021 expiration date.

Attorney Nesbitt stated that there are a few minor changes that should be done regarding the wording on the Lease Agreement.

**b. Resolution No. 2005-2021 – To Allow City Common Council to Obtain Outside Legal Counsel**

*Aldersperson Shelton moved, seconded by Aldersperson Zimmerman, to adopt Resolution No. 2005-2021 – to allow City Common Council to obtain outside legal counsel. Upon a roll call vote, Alderspersons Shelton, Blaha, Vollenweider, Taylor, Nelson and Zimmerman – aye, Aldersperson Stangel, Brewster – nay, motion carried.*

**c. Blight Tree Issue on Center Street-Dworak Bus**

Aldersperson Stangel updated the Council on the Blighted Tree issue on Center Street by Dworak Bus Lines. Aldersperson Stangel stated that he and Interim Public Works Director Jirtle met with Mr. Kassner regarding the trees that were not blighted but were covered in bugs to discuss the issue. It was decided that Mr. Kassner would remove one tree at his expense and the City would pick up the wood and dispose of it. Mr. Kassner will also take care of spraying the remaining trees to eliminate the bugs.

Discussion was held on other property owners with the same problem and it was suggested that if the homeowner takes the tree down the City would dispose of the wood.

**d. Interactive Art Memorial – Smith Park – Robin Nelson**

Aldersperson Nelson stated she brought the proposed Interactive Art Memorial to the Park & Rec. Commission and they approved the placement of the kaleidoscope sculpture at Smith Park. The Smith Foundation will be paying a portion of the cost to allow for three kaleidoscopes to allow different heights.

*Aldersperson Zimmerman moved, seconded by Aldersperson Shelton, to accept the Interactive Art Memorial Kaleidoscope sculpture that will be placed in Smith Park. Alderspersons Shelton, Brewster, Blaha, Vollenweider, Stangel, Taylor and, Zimmerman – aye, Aldersperson Nelson – abstained.*

**e. ORD. No. 627-2021 – All Terrain Vehicles and Utility Terrain Vehicles (second reading)**

Discussion on how long it would take to implement the Ordinance was held. Police Chief Kleiman updated the Council stating that the adopted ordinance needs to be sent to the DNR and the DOT has to approve the signage.

*Aldersperson Blaha moved, seconded by Aldersperson Vollenweider, to adopt Ordinance No. 627-2021, All Terrain Vehicles and Utility Terrain Vehicles as presented. Upon a roll call vote, motion carried unanimously.*

**f. Sidewalk Adjustment – Dodge Street – Roger Zimmerman**

Aldersperson Stangel stated that Roger Zimmerman addressed the Plan Commission with a request to lower the sidewalk near his driveway on Dodge Street by 9 inches. Mr. Zimmerman would then replace the sidewalk going west 47' feet blending the grade and doing the same going 31 feet to the east at his expense. Mr. Zimmerman is requesting the city to remove the tree on the SW corner of the property that appears to be dying and he would replace it with 3 new trees from the City's Tree List at his expense.

Planning approved the sidewalk adjustment to be covered by Mr. Zimmerman, with the City responsible to remove said tree.

*Alderson Nelson moved, seconded by Alderson Brewster, to allow Mr. Zimmerman to adjust the sidewalk on Dodge Street as stated and plant 3 new trees at his expense, with the City removing the existing tree on the SE corner of the property. Aldersons Shelton, Brewster, Blaha, Vollenweider, Stangel, Taylor and Nelson – aye, Alderson Zimmerman – abstained, motion carried.*

#### **July YTD Revenue and Expense Reports**

Mayor Jelinek asked if anyone had any questions regarding the July YTD Reports.

Alderson Shelton asked what BCPL meant under the Miller/Hwy 42 and River Road Funds. Clerk/Treasurer Decur stated that it is the Loans we received from the Board of Commissioners Public Lands. These two loans have been refinanced.

Alderson Shelton questioned the \$300,000 listed as revenue in fund 409. Scott Street budget is \$200,000. Clerk/Treasurer Decur stated that the Loan was for \$400,000. \$100,000 for the roof, \$200,000 for Scott Street, and \$100,000 for the Loader. The roof funds have been transferred to the General Fund and the Loader was taken out of expenses.

Alderson Shelton also questioned the line item under Snow Removal, E 101-53-53330-800, and Capital Outlay for \$5,884.40. Clerk/Treasurer Decur stated that was for the new loader.

Mayor Jelinek asked if there were any more questions. Hearing none, he moved to the next item.

#### **August 2021 Cash Report**

Mayor Jelinek asked if anyone has any questions regarding the August Cash Report.

Alderson Shelton asked what the EMS Fund was. Clerk/Treasurer Decur stated that Fund is for EMT (Emergency Medical Technician) Training that the City received from the State.

Alderson Blaha asked why the Marquette School fund is still listed on the cash report. Clerk/Treasurer Decur stated the fund listed in the Marquette School is from in-kind payroll and she is working with the Auditors to transfer to the correct accounts.

#### **Approval of August 2021 Accounts Payable & Payroll**

*Alderson Nelson moved, seconded by Alderson Stangel, to approve the August 2021, Accounts Payable and Payroll, in the amount of \$900,551.22. Upon a roll call vote, motion carried unanimously.*

#### **ENTER INTO CLOSED SESSION,**

- a. 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: Steve Sagrillo Trust
- b. 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: Administrators Employment

*Alderson Nelson moved, seconded by Alderson Zimmerman, to move into closed session at 7:20 p.m., pursuant to Wisconsin Statute 19.85(1) (g): Conferring with legal counsel for the governmental*

*body ho 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: Steve Sagrillo Trust, and WI 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: Administrators Employment. . Upon a roll call vote, motion carried unanimously.*

#### **RETURN TO OPEN SESSION, PURSANT TO WISCONSIN STATUTE 19.85(c)**

*Aldersperson Shelton moved, seconded by Aldersperson Zimmerman, to reconvene into open session at 7:45 p.m. Alderspersons Shelton, Brewster, Blaha, Vollenweider, Taylor, Nelson and Zimmerman – aye, Aldersperson Stangel – nay, motion carried.*

#### **ANY ACTION FROM CLOSED SESSION**

*Aldersperson Nelson moved, seconded by Aldersperson Brewster, to approve the Settlement Agreement between the City of Kewaunee and the Steven A. Sagrillo Trust as presented. Upon a roll call vote, motion carried unanimously.*

#### **ANNOUNCEMENTS**

Aldersperson Nelson stated that this year’s final tours of the Lighthouse will be held On October 1<sup>st</sup> and 3<sup>rd</sup>, 2021.

Aldersperson Nelson informed the Council that the National Historic Society will be holding a meeting on the application submitted for the Kewaunee Lighthouse.

The Kewaunee EMS will be holding their drive thru Fall Fish Fry, August 17, 2021.

#### **ADJOURNMENT**

*Aldersperson Blaha moved, seconded by Aldersperson Nelson, to adjourn the meeting at 7:55 pm. Motion carried unanimously.*

Respectfully submitted by Clerk/Treasurer Terri Decur