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**OFFICIAL MINUTES OF  
CITY OF KEWAUNEE COMMITTEE OF THE WHOLE (COW)**  
Kewaunee Municipal Building, 401 Fifth Street  
**MONDAY AUGUST 23, 2021 - 6:00 P.M.**  
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Present: Chairperson Shelton, Alderpersons Brewster, Blaha, Vollenweider, Stangel, Taylor, Nelson and Zimmerman.

Excused: Mayor Jelinek and Administrator Schnook

Others: Clerk/Treasurer Decur, Attorney Nesbitt, Police Chief Kleiman and Librarian Petrina.

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

APPROVAL OF THE COMMITTEE OF THE WHOLE JULY 26, 2021 MINUTES

Aldersperson Nelson moved, seconded by Aldersperson Stangel, to approve the July 26, 2021, Committee of the Whole Meeting Minutes as presented. Motion carried unanimously.

PUBLIC COMMENT

Chairperson Shelton opened the floor for public comment.

Cassie Jelinek, 611 Miller St. expressed her disappointment on the action of the Council and would like to see everyone put their differences aside to continue to move Kewaunee forward. Mrs. Jelinek stated that she is not in favor of \$10,000 on an outside Attorney.

Joe Mills, comment about the three areas of government and what their roles consist of. Mr. Mills felt that the Contract with Kuehl Seed Farm should not be renewed because of the proposed Business Park, The Road Use Privilege and Maintenance Agreement for Yachtworks, should be passed as the owner is actively enhancing the facility and that the SCADA system upgrade is a critical part of the City services and should also be approved. Mr. Mills expressed his concern regarding the Council seeking outside Legal Counsel, and issues that are being placed on the agenda that can be handled in-house.

Roger Zimmerman, 515 Dodge St., expressed his concern regarding the loophole the City Staff has made him go through regarding his addition to his house and the Driveway/Sidewalk issue. Mr. Zimmerman stated that the Ordinance says his sidewalk is determined by the Council, but to get it to the Council you have to go through the COW. When he brought the paperwork in he was told it had to go to Planning first.

Tom Kleiman, N2674 CTY AB, stated that he has been a business owner in the City of Kewaunee for over 16 yrs, and has worked with many of the previous Councils and Administrators. Mr. Kleiman feels with the way the current issues are in front of the Council it is a good idea for them to get outside Legal Counsel.

With no other comments, Public Comment was closed.

OLD BUSINESS

Update on Marketing the Ellis Point Site – Seth Hudson

Seth Hudson of Cedar Corp., updated the Committee on the proposed marketing timeline of the Ellis Point Site/Hamachek Property. Mr. Hudson stated that the draft RFP will be ready for discussion and approval at the September 27, 2021 Committee of the Whole. Mailing to developers and posting of the RFP to multiple websites per scope would likely take place in October 2021. November 2021 through March 2022 we will be following up with developer inquiries, review responses, continue seeking developers and review developers responses with Staff and Council.

Consider Contract Renewal – Blue Water Services, LLC

The Lease Contract is a 3 year Contract with a 3% increase each year.

Alderson Blaha moved, seconded by Alderson Taylor, to forward to Council the Recommendation to Approve the 3 year Lease Contract. Motion carried unanimously.

Consider Contract Renewal – Kuehl Seed Farm

Alderson Stangel stated that the Lease Contract is for the land North on HWY 42 where the Business Park will be going, so the City may want to look at a 1-year contract instead of a 3-year contract. Discussion was held on the length of the Lease and wording in the Contract regarding coverage of crops if they are on the field at the time the project goes forward. Alderson Stangel stated that he will talk to Maynard Kuehl and see about going to a 1-year contract and a 3% increase.

Alderson Nelson moved, seconded by Alderson Blaha, to have Alderson Stangel contact Maynard Kuehl regarding a 1-year contract, with a 3% increase and forward the changes to the next Council Meeting. Motion carried unanimously.

NEW BUSINESS

Road Use Privilege and Maintenance Agreement

Attorney Nesbitt stated that Russ Forkert's, (owner of Yachtworks), Attorney Dan Dineen has sent the City a Road Use Privilege and Maintenance Agreement to allow for a Marina Sling Lift/Travel Lift to move boats and yachts to and from his Property over a limited portion of Hathaway Drive, for the purpose of launching the boats and yachts or hauling the boats and yachts out of the water of Lake Michigan. This agreement particularly calls for Mr. Forkert to perform the street maintenance in the area used, and if he fails to do so the City can do it and charge it as a special use on the property taxes.

Discussion was held on how to go about setting a base line for the road as it is today so that when the time comes we have a starting point and can assess the damage.

Seth Hudson, of Cedar Corp., stated that they could coordinate with the Public Works Director and determine the shape the road is in and what the base consists of.

Alderson Blaha moved, seconded by Alderson Nelson, to forward to Council the Road Use Privilege and Maintenance Agreement with the contingency that road condition will be spelled out by Cedar Corp. and Paul Jirtle. Motion carried unanimously.

Upgrading of the Wastewater SCADA System – Josh Jacobs

Wastewater Operator Jacobs stated that the SCADA System for the Wastewater is in need of an upgrade. There are two computers in the laboratory and two other computers located in two of the out buildings at the plant. All four computers are operating with Microsoft 7, which Microsoft ended support for in January of 2020. These computers are also hooked to a phone line and have a system called Win-911 that calls the operators to alert them of a problem, in the system. If these computers lock up or do not respond

they do not call out to notify our operators. We cannot be assured our system is running correctly, and an operator could unknowingly walk into a dangerous or deadly environment.

Water Operator Sinkula asked to update the Water SCADA System also at a cost of \$9,975.

Discussion was held on the cost to update the SCADA System and if the \$33,900 is available in the sewer budget. It was stated that there is money put into a restricted account each year for the purpose of replacing equipment and those funds could be used.

Alderson Nelson moved, seconded by Alderson Vollenweider, to forward to Council the recommendation to approve the upgrading of the Water and Wastewater SCADA Systems. Motion carried unanimously.

Stellick Property – 309 Harrison Street

Attorney Nesbitt stated that this property was acquired after the building was demolished. The owners turned the property over to the City in addition to paying some monies for some of the City's expense in demolishing the property. It is now vacant property with a clear title. 2021 property taxes will need to be paid by the City and the City can do what they wish to with the property. Attorney Nesbitt was under the understanding there are a couple of interested parties in the property.

Discussion was held on the size of the property and how the City could guarantee that when the property is sold that it is developed and not left empty. The next step is to wait until someone brings a proposal to the City to purchase the property.

Lead Lateral Replacement Discussion

Alderson Nelson stated that she met with Public Works Director Strelow and Administrator Schnook to talk about lead laterals. The concern is that the EPA is going to start to demand we start to do something with lead laterals and it is important that we start discussion now. PWD Strelow said the big thing is to evaluate the lead lateral issue. Water Operator Sinkula stated that with PWD Strelow no longer here he has been continuing the evaluation process. Letters have been sent to everyone and once the summer and Fall work starts to slow he will be contacting home owners to make appointments to inspect their laterals. If there is anywhere in the City that road work or right of way construction is being done those may be able to be taken care of during that process.

Resolution—To Allow City Common Council to Obtain Outside Legal Counsel

Alderson Taylor reviewed the proposed Resolution allowing City Common Council to obtain Outside Legal Counsel.

Lengthy discussion was held on the lack of ability to contact the Current Attorney without going through the Mayor or Administrator, as gatekeepers, and to obtaining outside Legal Counsel and the hiring of Attorney Michael P. May, from Madison not to exceed \$10,000 which would come out of the General Fund under Legal Fees Line Item. Discussion was held on concerns regarding what would be done if there were two different opinion from both Attorneys, and the division an additional Attorney would cause.

Alderson Zimmerman moved, seconded by Alderson Taylor to forward to Council the Recommendation of approval of the proposed Resolution to obtain Outside Legal Counsel as written. Upon a roll call vote, Aldersons Shelton, Blaha, Vollenweider, Taylor, Nelson and Zimmerman – aye, Aldersons Brewster and Stangel – nay, motion carried,

Blighted Tree Issue on Center Street

Aldersperson Zimmerman stated that she has been contacted by Jeff Kassner regarding the trees located on the tree lawn on Center Street, where he parks the buses. The trees are dropping a sap like substance that is ruining the paint on the buses and is very difficult to remove. Mr. Kassner is concerned about safety with School starting. The bus windshields will be compromised and become a safety hazard.

Interim PWD Jirtle sent an e-mail regarding Mr. Kassner's concerns and his findings. Interim PDW Jirtle explained to Mr. Kassner that the City could not justify cutting the trees down, but if the tree condition declines to the point there is a real disease issue the trees would be added to the removal list. At this point the city has over 250 trees on the removal list with the onset of the emerald ash borer. Interim PWD Jirtle also suggested that if Mr. Kassner wishes to have the trees professionally removed, stumps removed, site restored and new trees from the City's suggested tree list planted at their own expense he would support this.

Aldersperson Brewster moved, seconded by Aldersperson Nelson, to forward to Council the recommendation to have Public Works remove the trees, and to replant the trees with Mr. Kassner to cover the cost of the new trees.

Discussion was held on getting an estimate for the City to remove the trees prior to instructing Public Works to remove them. Aldersperson Stangel stated that he will get in contact with Interim PWD Jirtle about getting an estimate to remove the trees.

Aldersperson Brewster repealed his motion. Aldersperson Nelson repealed second.

ANNOUNCEMENTS

None

ADJOURNMENT

Aldersperson Blaha moved, seconded by Zimmerman, to adjourn at 7:50 pm. Motion carried unanimously.

Respectfully Submitted by Clerk/Treasurer Decur