

**City of Phillips**  
**Committee of the Whole Meeting**  
Municipal Building, Municipal Hall  
174 S Eyder Avenue  
**May 2<sup>nd</sup>, 2023**  
5:30 pm

Mayor: Charles Peterson

Committee Members: Jerry Clark, Richard Heitkemper, Laura Tomaszewski, Marty Stephan, Bill Elliott, John Klimowski.

City Attorney: Bryce Schoenborn

Department Heads: Public Works Director–Jim Heizler; Water/Wastewater Supervisor-Todd Toelle;  
Police Chief-Michael Hauschild; Fire Chief-David Lontcoski; Library Director–Rebecca Puhl;  
Clerk/Treasurer- Shelby Kosmer.

Following the open session of the meeting the Common Council will convene into closed session pursuant to Wis. Stat. Section 19.85(1)(g) Conferring with Counsel who either orally or in writing will advise governmental body on strategy to be adopted with respect to current or likely litigation for Phillips Lionite Property potential litigation regarding issuance of potential raze order and nuisance order.

This meeting is held in compliance with Wisconsin's Open Meeting Law, WI § Chapter 19, Subchapter V. As such it is open to the public.

*City Council members present may also represent a quorum of any Committee or Board of the City Council listed below and, as such, may proceed to meet and conduct business as listed under that Committee or Board portion of the agenda below, if the full City Council doesn't have sufficient members present to satisfy quorum requirements to enable it to meet as the Committee of the Whole.*

Call to Order (presiding officer) Time: \_\_\_\_\_

- a. Greeting
- b. Certification of compliance with Open Meeting Law
- c. Pledge of Allegiance

Roll Call: Chuck Peterson \_\_\_, Jerry Clark \_\_\_, Richard Heitkemper \_\_\_, Laura Tomaszewski \_\_\_, Marty Stephan \_\_\_, Bill Elliott \_\_\_, John Klimowski \_\_\_.

Public Comment:

**DISCUSSION-ACTION ITEMS:**

**General-Mayor/Clerk**

1. Set next month's meeting date and time: Tuesday June 6<sup>th</sup>, 2023, at 5:30 p.m.
2. Motion to approve the minutes from the April 4<sup>th</sup>, 2023, meeting.
3. Mayor updates:
4. Clerk updates:
5. Discussion/ Action with BART Bus regarding Pick'n Save alley entrance. BART requesting removal of 1 way or potential designated parking spot.
6. Discussion/Action regarding DOT Hwy 13 acquisitions of portion of City owned parcels revised offer for initial negotiations.

**Board of Public Works/Recreation –Klimowski/Elliott**

7. DPW and Water/Sewer Updates:
  - a. Discussion/Action regarding Loader Bids, potential acceptance of bids.
8. Wastewater Treatment Plant Upgrade Update:

**Public Safety - Heitkemper**

9. Fire Department updates:
10. Police Department Updates:

**Licensing/Permits – Tomaszewski**

**Personnel/Budget/Finance – Clark**

**Legal**

**City Council**

11. Council Update
12. Convene into closed session. Authority: Pursuant to Wis. Stat. Section 19.85(1)(g) Conferring with Counsel who either orally or in writing will advise governmental body on strategy to be adopted with respect to current or likely litigation for Phillips Lionite Property potential litigation regarding issuance of potential raze order and nuisance order.  
Jerry Clark\_\_\_ Richard Heitkemper \_\_\_ Laura Tomaszewski \_\_\_ Marty Stephan \_\_\_ Bill Elliott \_\_\_  
John Klimowski \_\_\_. Time\_\_\_\_\_
13. Reconvene into open session. Authority: Wisconsin §19.85(2). Jerry Clark\_\_\_ Richard Heitkemper \_\_\_ Laura Tomaszewski \_\_\_ Marty Stephan \_\_\_ Bill Elliott \_\_\_ John Klimowski \_\_\_. Time: \_\_\_
14. Motion on the subject of the closed session
15. Adjournment: Time: \_\_\_\_\_

Committee of the Whole  
Meeting Minutes  
May 2<sup>nd</sup>, 2023

Mayor Peterson called the meeting of the Committee of the Whole to order at 5:30p.m.

Members Present: Charles Peterson, Jerry Clark, Laura Tomaszewski, Marty Stephan, Bill Elliott, John Klimowski, Bryce Schoenborn, and Shelby Kosmer.

Also Present: Blaine Peterson, David Lontcoski, Joe Perkins, Travis Abraham, Jim Heizler, Elaine Doll, Todd Toelle, Mike Stoffel, Pat Durst (BART), Craig with Roland Machinery Co, Tom LaVenture. Patty Stephan

Public Comment: Elaine Doll representing ST Therese Church , requesting road closure July 22 1-6 pm for church festival, s lake Ave to Peterson drive, same closure as last year.

**DISCUSSION-ACTION ITEMS:**

**General-Mayor/Clerk**

1. Set next month's meeting date and time: Tuesday June 6<sup>th</sup>, 2023, at 5:30 p.m.
2. Clark/ Klimowski moved to approve the minutes from the April 4<sup>th</sup>, 2023, meeting. Carried
3. Mayor updates: None
4. Clerk updates:
5. Discussion/ Action with BART Bus regarding Pick'n Save alley entrance. BART requesting removal of 1 way or potential designated parking spot.  
Pat Doust, manager of Bay Area Rural Transport, with the BART bus if they adhere to the 1-way of the alleyway into the pick n save parking lot, they are dropping the wheelchair lift right into the flow of traffic. They believe this is a safety hazard. Potential solutions: changing 1 way the other way, removing the 1-way, or designating the first parking stall off the alley as a bus stop. The council felt the easiest solution would be to create a designated bus stop to load and unload. Also long as they are not their park the whole time, the visibility of turning out should not be too be of an issue. Bryce will look to see if we have an ordinance to be able to sign and enforce fines. If we do not have one in place, we would need to create an ordinance. Mike Stoffel questioned why it was a one-way anyways, Council felt keeping it a one-way would be the best solution.  
  
Elliott/ Tomaszewski moved to recommend to the Common Council to begin the process to look into an ordinance to sign the parking location and to designate the first parking stall to the east of the alley on Maple St as a BART Bus.  
  
Clark – aye, Heitkemper – absent, Tomaszewski – aye, Stephan – aye, Elliott – aye, Klimowski – aye. Motion Carried
6. Discussion/Action regarding DOT Hwy 13 acquisitions of portion of City owned parcels revised offer for initial negotiations.  
The DOT is getting easements for repairing the handicap accesses on the sidewalks.  
Klimowski/ Elliott moved to recommend to the common Council to approve the offer from the DOT for Hwy 13 acquisition of portions of city owned parcels.

**Board of Public Works/Recreation –Klimowski/Elliott**

7. DPW and Water/Sewer Updates:

Water/Sewer 13.7 million gallons came through the treatment plant last month. The plant ran beautifully, but we will be over our Phosphorus limits for the month. Running into an issue with people hooking up the sump pumps to the sanitary drains. We need to start enforcing the ordinance or create an action plan for handling the illegal connections. Our ordinance states we can give them 3 warnings and then fine them \$25 a day after that, but the notices are 30 days of action, at that rate we are 3 months in and things are dried up. If we keep continuing to allow these connections, we are going to burn out our equipment that we just replaced with the upgrade even sooner. Also, the lake level rose within 3 feet of the plant and Todd is suggesting maybe when we redo Fifield Street that we bring some fill from there over by the plant to create a berm for future flooding concerns. The new water tower needs to actually be completely sandblasted and two companies already said they are not interested in doing that. Lane Tank is willing to work with Verizon and complete the job; however we should look at adding a mixing system into the tank for 10k. Peterson directed Bryce Schoenborn to review the ordinance. Bryce suggested they should look into not only the number of letters, the days of action and the fines amounts.

DPW: Kyle Kosmer put in his resignation and his last day will be May 4<sup>th</sup>. Took down the warming house, been fixing potholes. Heizler did come up with an equipment replacement plan for the current equipment we own.

a. Discussion/Action regarding Loader Bids, potential acceptance of bids.

They would like to trade in the loader and purchase a new one. Last year they spent over 10k. John Deere does not have the winter-package. Heizler is suggesting moving forward with the bid from Miller-Bradford for the 2023 Case 621G Wheel Loader.

Stephan/ Elliott moved to recommend to Council to accept the bid from miller Bradford for the 2023 Case 621G Wheel Loader in the amount of \$145,000. Carried

8. Wastewater Treatment Plant Upgrade Update: Still waiting on some items to be completed. Still holding the retainage amounts but substantial completion has been achieved.

### **Public Safety - Heitkemper**

9. Fire Department updates: Received back up engine back, the cost of repair came in a little higher than originally thought because they found a few more items wrong, repair came in at roughly 27K. After the last snowstorm, both sirens went out, they changed some fuses and did another repair at the other one and they should be both up and running. Prevail bank gave 5k grant towards the side-by-side. 14<sup>th</sup> of April sent a couple of firefighters down to the fire at Fort McCoy. Doing a meat raffle for a fund raiser for a side-by-side. Drawing is July 4<sup>th</sup>. Working on getting specs put together for a new fire truck, if they don't get a chaise ordered by 2024 then the cost will increase 60K.

10. Police Department Updates:

Calls for service:	<u>2023</u>	<u>2022</u>
April	146	153
YTD	578	546

March 29<sup>th</sup> conducted a search warrant on S Argyle for possession of methamphetamine, possession of marijuana and drug paraphernalia.

April 14<sup>th</sup>, Beebe St, conducted a search warrant for possession of methamphetamine, possession of marijuana and drug paraphernalia.

April 24h, conducted a search warrant on Flambeau have marijuana and paraphernalia.

Ran an ad for a part-time position that did not get filled so they are re-running the ad again in hopes of filling the position.

### **Licensing/Permits – Tomaszewski**

**Personnel/Budget/Finance – Clark**

**Legal**

**City Council**

11. Council Update:

Clark: Galen Azbell mater, look into conflict of interest, Mayor Peterson left Galen on the Library Board because Galen does abstain form the voting that involves.

12. Klimowski/ Clark moved convene into closed session. Authority: Pursuant to Wis. Stat. Section 19.85(1)(g) Conferring with Counsel who either orally or in writing will advise governmental body on strategy to be adopted with respect to current or likely litigation for Phillips Lionite Property potential litigation regarding issuance of potential raze order and nuisance order.

Jerry Clark – aye, Richard Heitkemper – absent, Laura Tomaszewski – aye, Marty Stephan – aye, Bill Elliott – aye, John Klimowski – aye. Time 6:31pm

13. Klimowski/ Elliott Reconvene into open session. Authority: Wisconsin §19.85(2). Jerry Clark – aye, Richard Heitkemper – absent, Laura Tomaszewski – aye, Marty Stephan – aye, Bill Elliott - aye John Klimowski -aye. Time: 6:52pm

14. Motion on the subject of the closed session

Clark/ Elliott moved to authorize the City attorney to begin the raze order process on the Phillips Lionite Property. Clark – aye, Heitkemper – absent, Tomaszewski – aye, Stephan – aye, Elliott – aye, Klimowski – aye. Motion Carried

15. Clark moved for adjournment: Time: 6:53pm



Shelby Kosmer  
Clerk/Treasurer