

**CITY OF CEDARBURG
COMMON COUNCIL
August 14, 2017**

**CC20170814-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, August 14, 2017, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Kinzel called the meeting to order at 7:00 p.m.

ROLL CALL: Present - Common Council – Mayor Kip Kinzel, Council Members John Czarnecki, Jack Arnett, Dick Dieffenbach, Rick Verhaalen, Mitch Regenfuss, Patricia Thome, Mike O’Keefe

Also Present - City Administrator/Treasurer Christy Mertes, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, Police Chief Thomas Frank, Director of Parks, Recreation & Forestry Mikko Hilvo, Economic Development Coordinator Mary Sheffield, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor Kinzel’s request, Deputy City Clerk Kletzien verified that notice of this meeting was provided to the public by forwarding the agenda to the City’s official newspaper, the *News Graphic*, to all news media and citizens who requested copies, and by posting in accordance with the Wisconsin Open Meetings law. Citizens present were welcomed and encouraged to provide their input during the citizen comment portion of the meeting.

APPROVAL OF MINUTES

Motion made by Council Member Thome, seconded by Council Member Arnett, to approve the minutes from the July 31, 2017 meeting. Motion carried without a negative vote.

COMMENTS & SUGGESTIONS FROM CITIZENS - None

PRESENTATIONS

PRESENTATION ON DOWNTOWN SECURITY CAMERA PROPOSAL; INCLUDING FUNDING; AND POSSIBLE ACTION THEREON

Pat Niles, owner of Downtown Dough, explained that a group named “Eyes on the Avenue” was formed last year to research, inform and advise merchants, property owners, civic leaders and police authorities on various options of video surveillance in the Downtown district of Cedarburg and beyond. Their research escalated after four businesses were burglarized in February 2017. The process included a mission, goal, survey and support. They received two proposals and selected the firm that is presenting this evening. Gappa Security Solutions LLC is based in Waupun, Wisconsin. They are no strangers to Cedarburg, as they have ties with the School District and the Cedarburg Public Library. The system is American made with a great support staff. The preliminary study suggested that four intersections in downtown Cedarburg be monitored. This monitoring will be helpful during Festivals and serve as a deterrent for any bad things from happening.

Brad Ruehle from Gappa Security Solutions stated that their system is used statewide. He has ties with Rockwell, Froedert and Memorial Hospital as well as the company's listed on their reference sheet. Their system uses Google earth to place the cameras and show true distances. The cameras provide four views at 270° allowing them to cover streets in opposing directions. The four areas that were selected for cameras are: Washington Avenue and Bridge Road, Washington Avenue and Columbia Road, Washington Avenue and Mill Street and Washington Avenue and Western Road. The cameras are not monitored on a continual basis only on an as needed basis. Mr. Ruehle logged into a working camera in Chicago for a demonstration. The company would work with Chief Frank to provide the best set-up. The system is easy and convenient and is not meant to see long distances; although, the settings can be manipulated for better clarity to highlight and enlarge an area. The cameras will be set up for the Police Department to view only and will not be available to business owners. The system is easily searchable and may capture a license plate or provide unintended consequences. The positioning of the cameras with City trees will be the biggest obstacle. The system is very user friendly. The recordings work on a first-in first-out basis and can be exported for storage.

Council Member Verhaalen asked how the weather affects the cameras. Mr. Ruehle explained that there are heaters inside the cameras to melt ice, which takes some time, and is not hot to the touch. There are two designs (dome style camera and a bullet style camera with a shield to deflect weather). They have had cameras at Summerfest for three years and they have not failed in the Wisconsin weather.

In answer to Council Member Verhaalen's questions, Mr. Ruehle explained that the resolution can be set at three megapixels for full resolution or five megapixels, which provides a longer and narrower view. Each camera would have its own server (6 terabytes with 30 - 41 days of storage)

In answer to Council Member Verhaalen's questions, Mr. Ruehle stated that the resolution can be changed for Festivals and the system currently runs on a Windows 7 operating system.

Pat Niles added that individual merchants will have an option of adding cameras to their businesses to provide more eyes on the street at their own expense.

In answer to Council Member O'Keefe's question, Pat Niles stated that he does have a camera system in his store.

Ann Denk of Wyndrose Jewelry stated that she would consider adding a camera to the back of her store to help with full access. She added that the proposed camera system is not about individual protection. It is an aid for the Police Department in protecting the downtown streets in Cedarburg.

Council Member O'Keefe mentioned that a four camera system could be purchased for \$200 from an electronics store that would be very effective.

Mr. Ruehle explained that their system is a long term investment and the cameras last a long time. Rockwell's cameras were installed in 2008 and they are not obsolete. Tech support is also very important and the City would talk to the same people that Mr. Ruehle would talk to for support. There is a three year server warranty. The servers are shipped for repair; however an advanced replacement server is provided.

Mr. Ruehle showed a night time video and the features that are available to enhance a recording in order to identify certain aspects of the video using light catcher technology.

In answer to Council Member Thome's question, Ann Denk stated that they researched several other companies' and they chose Gappa because they were thorough, competitive and knowledgeable.

In answer to Council Member Thome's question, Police Chief Frank explained that the camera system would have value. They could use the system live during Festivals to see any developing problems or locate a lost child in the crowd. He said that discussion into this type of system started after the burglaries in February. Their Department looked through available video from businesses and there was not much to look at in aiding the investigation.

In answer to Council Member Dieffenbach's question, Police Chief Frank stated that his Department could not finance the entire system. They have other equipment such as body cameras, license readers, and a few temporary cameras.

Council Member Dieffenbach added that he would prefer a camera be located on Washington Avenue and Pioneer Road to aid in accident investigations.

Police Chief Frank stated that he would rather use a license plate reader at various access points. They have one on a squad car that captures license plate numbers as they drive by. He would rather have a fixed license plate reader at Washington Avenue and Pioneer Road. It is similar to real time monitoring but has a different purpose. He added that his Department uses the cameras on the Cedarburg Public Library.

In answer to Council Member Arnett's question, Police Chief Frank explained that there were 60 calls for service in a years' time that his Department would have looked at recordings. This system would not show back door break-ins.

Council Member Czarnecki questioned whether this system was warranted at \$90,000 to view only three or four blocks. Is it right to have them in one place vs. the entire City? He asked if businesses should not be protecting themselves.

Pat Niles stated that it would be helpful to have the cameras for Festivals when there are 100,000 people in downtown Cedarburg over two days. The system could be monitored at City Hall and aid in searching for a lost child quickly. It is a very sophisticated system and would be helpful to have it downtown.

Ann Denk added that the system is expandable.

In answer to Council Member Regenfuss' question, Police Chief Frank stated that the camera recordings could be a public record, depending on how the camera policy was written. City Attorney Herbrand stated that he could work on a storage policy including what would be available to the public for records requests.

In answer to Council Member Verhaalen's question, Police Chief Frank said that if something unrelated is viewed on the camera recording, charges could be brought forward.

In answer to Council Member Arnett's questions, Mr. Ruehle explained that there are no ongoing costs with this system such as renewal fees. The servers will last five to seven years and would be an investment. Council Member Arnett estimated a \$4,000 cost per year for servers. Mr. Ruehle further explained that the initial license fee is not tied to a particular camera or server. There may be an upgrade cost of approximately \$30 every three years but there is no requirement to upgrade.

In answer to Council Member Thome's question, Mr. Ruehle stated that Gappa has been in business for ten years, he has worked for Gappa for three years, and he has worked with this camera system since 2008.

Council Member O'Keefe asked if the Chamber of Commerce or Festivals were willing to help pay for the camera system. Pat Niles stated that the Chamber of Commerce helped with the survey and Festivals may be interested in adding a camera to the back of the Community Center Gym to aid with Festivals and it could become a public/private venture.

In answer to Council Member Verhaalen's question, Mr. Ruehle explained that each camera requires an internet connection at that particular point where it is placed.

Ann Denk stated that this request is not about the City paying for security for her store; rather, it is about protecting the downtown for citizens and visitors and aiding the Police Department outside of the businesses. They should have this tool to help protect the community. It may also be helpful to get the word out that Cedarburg has cameras on the street.

In answer to Council Member Verhaalen's question, Police Chief Frank explained that this camera system would not have caught the burglars in the act in February. If the businesses would have had an alarm, the Police Department could have pulled up the video at the station.

Mr. Ruehle stated that the Police Department could have the option of displaying the cameras at their workstation to enable them to monitor the cameras constantly.

Police Chief Frank stated that there is value in the system in stopping crime.

Council Member O'Keefe stated that businesses should have their own internal and external system. An audible alarm would be extremely effective and the Police Department would be there quickly.

Police Chief Frank stated that he has encouraged businesses to have cameras, which led to an ongoing discussion on a video surveillance system in the downtown district.

Council Member Arnett stated that the system will amount to a 1% raise in taxes.

Council Member Verhaalen stated that everyone will pay for the tax increase but not everyone will benefit. He stated that he struggles with the cost of the system.

In answer to Council Member O'Keefe's question, Police Chief Frank stated that he was not aware of any Homeland Security grants; however, he could check again.

Mayor Kinzel stated that the system has a great value.

In answer to Council Member Verhaalen's question, Mr. Ruehle stated that the system will cost \$90,000 regardless of how it is implemented.

Council Member Arnett asked Ann Denk and Pat Niles if they considered forming a Business Improvement District.

Pat Niles said they had not considered that. They simply want to provide another tool for the Police Department to ensure the safety of the citizens and visitors in Cedarburg. He stated that possibly the Public Works facility could be tied to the system, similar to the Library camera that is in use. The goal could be to get the basic system in and then expand it later.

Council Member Regenfuss stated that this discussion was very informative and he appreciated the opportunity to talk about the system; however, other items will be needed in the budget that should be considered also.

Mayor Kinzel stated that if the City were to implement the system, it would take time to draft a tight policy for its use.

Motion made by Council Member O'Keefe, seconded by Council Member Czarnecki, to table this item until budget discussions take place. Motion carried without a negative vote.

CONSIDER PROPOSED COMPREHENSIVE PARK AND OPEN SPACE PLAN FOR THE CITY OF CEDARBURG AND RESOLUTION NO. 2017-14 ADOPTING THE PLAN; AND ACTION THEREON

Director Hilvo explained that he has worked over a year and a half with the Parks, Recreation & Forestry Board on the proposed Comprehensive Park and Open Space Plan that is being presented. There was a waiting period while the Adlai Horn restoration plan was being discussed. The last plan was updated in 2010 and in order to continue to qualify for stewardship grants, the City needs to update the plan every five years. Because the update was started within the five year time limit, the City is still currently eligible for grants. The previous plan was done by Buettner and Associates. This time he chose to revise the plan in house, which saved the City \$13,000 - \$18,000. A resident survey was conducted in 2016 in order to help with the revision. This plan covers the next five years and will help the Department plan for future developments and growth in the City.

Council Member Verhaalen explained that Adlai Horn has a space for racket sports but it is yet to be determined if they will be tennis or pickleball sports.

Council Member Dieffenbach asked Director Hilvo to change the Council President from Art Filter to Michael O'Keefe. He also took offense to coordinating development efforts, etc. only among the City of Cedarburg, the Cedarburg School District, Ozaukee County, and public recreation associations with no mention of the Town of Cedarburg. He stated that the City should make it a

main goal to cooperate with the Town of Cedarburg. Council Member Verhaalen stated that the City is in the School District and the County but not in the Town.

Council Member Dieffenbach stated that the City should make every effort to coordinate with the Town of Cedarburg. If they do not want to cooperate that is fine; however, our plan should say that we intend to coordinate with the Town.

Director Hilvo stated that a few of the maps show areas in the Town of Cedarburg that are specified for indoor/outdoor sports complex uses. There is a potential that Cedarburg as a whole, work together to develop something in that area.

Council Member Regenfuss stated that the document should include neighboring communities.

Council Member O'Keefe stated that it appears that the Town of Cedarburg is building a sports complex and asked if this affects his priority of a sports complex. Director Hilvo said it does not because he brought it to the Common Council's attention in 2006 and he has always wanted it for the community. Whether it is done by the Town or City, it is needed. He does not believe that one entity should build one on their own. He would like to work together and it would be beneficial to both the City and Town of Cedarburg. It is in the City's long term plan to put money towards a sports complex because it is needed, both indoors and outdoors to help growth in the community. He met with the School District last week and he will be meeting with the Town of Cedarburg in September to discuss the future of sports in Cedarburg.

Council Member O'Keefe asked if it would be a duplication to construct a sports complex in the City of Cedarburg. Director Hilvo said that the Town and City need to work together to make it happen. If the Town builds their own complex, possibly the City could add to it. He is not thinking of baseball, he is thinking of other areas to expand such as football, soccer, trails, in-line hockey, or a skate park making it a regional park or a destination to bring the sports tourism into the community.

Council Member Thome suggested that talks involve forming a sports authority where both communities can pool their resources and opportunities.

Director Hilvo stated that the plan should also look at ways for children and the community to get to a sports complex, possibly in the town, without having to be driven there. Trails are important and included in the plan, especially on the outskirts of the City to enable families to bike or walk to the downtown.

Council Member Arnett thanked Director Hilvo for saving the City money by doing the plan in-house.

Council Member Dieffenbach asked that the wording in the plan be changed to include the Town and surrounding communities.

Council Member Czarnecki doubted that the Town of Cedarburg wants to be included because they have pulled out of all mutual agreements with the City.

Motion made by Council Member Verhaalen, seconded by Council Member Regenfuss, to accept the plan with the addition of working with surrounding communities to the plan and changing the Council President to Michael O'Keefe. Motion carried with Council Members Czarnecki, Arnett, Verhaalen, Regenfuss, Thome and O'Keefe in favor and Council Member Dieffenbach opposed.

Mayor Kinzel asked for an update on Mercury Marine's plans for Adlai Horn Park.

Director Hilvo has not received any responses to his inquiries. City Administrator/Treasurer Mertes will make contact with Mercury Marine as soon as possible.

NEW BUSINESS

CONSIDER MAYOR KINZEL'S REAPPOINTMENT OF ANDY DETTRO TO THE COMMUNITY DEVELOPMENT AUTHORITY; AND ACTION THEREON

Motion made by Council Member Czarnecki, seconded by Council Member Arnett, to reappoint Andy Dettro to the Community Development Authority (term expires 09/06/21). Motion carried without a negative vote.

CONSIDER REVISED POLICY CC-14: ADVISORY BOARDS, COMMISSIONS AND COMMITTEES; AND ACTION THEREON

City Attorney Herbrand stated that this revised policy comes out of some discussion at an earlier Plan Commission meeting regarding concerns with individual contact with developers or developments coming before the City. The change is in section 10 that stresses that the best policy going forward is to have discussions at the boards, commission and committee level vs. the individual contact.

Council Member Arnett opined that he should be able to call a developer to ask questions before it comes before a meeting. He does not think that the public meeting law was meant to deter one person from asking questions.

Council Member Czarnecki stated that this did not start because someone asked an innocent question. It started because someone involved with the City was requesting meetings with outside people and making specific comments as to what they should be doing. This undermines what the City is doing in a public meeting. When this is done, it causes confusion with the outside group because they do not know who they are talking to or negotiating with. The comments are not made in public and they are not being recorded. This is not being directed at any innocent questions.

Council Member Verhaalen expressed concern for unintended consequences.

Council Member Thome stated that she felt it was important to do homework and ask questions in order to serve the public.

City Attorney Herbrand stated that the proposed policy is to reflect the balancing act by saying that individual communication is discouraged. It would be impossible to draft a policy that allows innocent questions.

Council Member Czarnecki stated that he asked for a policy that discourages a person with unlimited time to approach any developer or business with their thoughts; whereas, any discussion that is directed by the other side is useful. In the latter case they are asking Council Members or Plan Commissioners for assistance. He wants to prevent comments that are damaging, confusing and not good for business and development in the City of Cedarburg.

Council Member Czarnecki spoke with HSI and asked them if it happens in other cities where a community member is calling multiple times, directing and asking for information, suggesting meetings and hiring certain people. The answer was no.

Council Member Verhaalen said the difference is, him gathering information vs. directing a business to do something and questioned how this could be worded.

Council Member Czarnecki explained a scenario where a meeting takes place and a vote is taken. What if the person in the minority who votes against it, calls the business later because they do not want it said in a microphone where no one else has a chance to counter, clarify, or disagree with this opinion. This causes the developer or business owner to question what he should do. It makes Cedarburg look bad and it makes it difficult to do business here. At the end of the day the business owner should know what they are up against through public meetings and not private conversations.

City Attorney Herbrand commented that this discussion is healthy and good for the group and community. This policy was drafted with the thought that it will give instruction and education to board, commission and committee members as a general rule to have conversations in the group where comments will be on the record, in the minutes, and in front of the public.

City Administrator/Treasurer Mertes stated that it was added that any questions, comments or concerns from council, board, committee, or commission members should be directed to City staff for dissemination in an effort to keep all members informed. This would be done so that everyone has the same information.

City Attorney Herbrand stated that it is very difficult drafting a policy that can meet every set of circumstances.

In answer to Council Member Dieffenbach's question, the policy was drafted as a joint endeavor with City Staff and was not drafted from another community.

Council Member Thome stated that she wants to be able to educate herself with good intention and this policy seems too stiff.

Council Member Czarnecki stated that if a Council Member's opinion is not asked for, then it is unwarranted for the Council Member to give their opinion.

Mayor Kinzel opined that any reputable developer would know that single comments without the full board present are not appropriate. His other point was that this does happen in other communities where individuals speak with business people.

Council Member Verhaalen summarized that no one should be giving unsolicited direction and he questioned how that should be stated in this policy. Council Member Czarnecki agreed.

Mayor Kinzel opined that Council Member Czarnecki was casting a big net that cannot be written and that situations can be looked at many different ways. He did not want a policy that created ethics violations.

Council Member Czarnecki expressed fascination that no one has followed up with the individual who caused this discussion. This is bad stuff and it makes it extremely difficult to do business in the City.

Mayor Kinzel disagreed with Council Member Czarnecki's comments.

Council Member Czarnecki stated that this policy does not achieve what he wanted.

Council Member Thome opined that the proposed policy is too tight.

Council Member Czarnecki said that a Council Member can make comments into the microphone and no one will find that objectionable; however, making comments after the meeting is over is another issue and undermines what the Council is doing.

Council Member Regenfuss stated that he had the same concerns as Mayor Kinzel and would be more comfortable with communication issues being addressed in training.

Council Member Arnett stated that he spoke to people involved in the chicken ordinance and questioned whether he could do that in the future.

Council Member Verhaalen asked that "unsolicited" communication or direction be added to the policy. He also said that it is hard to prove intent.

City Attorney Herbrand approached this policy as an educational policy. He is willing to redo the policy or create it as a training tool for new board, commission and committee members at the staff level.

Council Member Arnett stated that Council Members are elected to have opinions. Ethics violations could be construed as what was meant to be an opinion.

Mayor Kinzel stated that this policy is aimed at the actions of one person, when the City has had thousands of people on boards, commissions and committees over the years and this policy is hamstringing these individuals from collecting information or giving appropriate direction. The City needs to be careful of unintended consequences.

The consideration of revised Policy CC-14 ended for lack of a motion.

CONSIDER PAYMENT OF BILLS FOR THE PERIOD 07/27/17 THROUGH 08/02/17, TRANSFERS FOR THE PERIOD 07/26/17 THROUGH 08/11/17, AND PAYROLL FOR THE PERIOD 07/16/17 THROUGH 07/29/17; AND ACTION THEREON

Motion made by Council Member Dieffenbach, seconded by Council Member Arnett, to approve payment of bills for the period 07/27/17 through 08/02/17, transfers for the period 07/26/17 through 08/11/17, and payroll for the period 07/16/17 through 07/29/17. Motion carried without a negative vote.

CONSIDER LICENSE APPLICATIONS; AND ACTION THEREON

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to approve new Operators License applications for the period ending June 30, 2018 for Samuel A. Barnhart, Ashli A. Gracia, Kelly K. Henneberry, Scott W. Steffen and Ambur Vance. Motion carried without a negative vote.

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to approve a renewal Operator License application for the period ending June 30, 2018 for Matt A. Nickel. Motion carried without a negative vote.

ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes stated that Moody's Annual Issuer Comment Report has been distributed.

In answer to Council Member Arnett's question, City Administrator/Treasurer Mertes stated that the rating has not changed.

Council Member Dieffenbach requested that copies be made available to the public on the first floor of City Hall and that it be distributed to the ad hoc Debt Investment Advisory Committee at their next meeting.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Verhaalen explained that he met with the Town of Cedarburg along with City Administrator/Treasurer Mertes to discuss recreation programs and costs. The City was asked if they want to pay for and build baseball fields in the Town. Council Member Verhaalen would like all the fields to be a joint effort between the Town, City and School District. He expressed concern for the rising cost in using the School District facilities for recreation programs. The cost to play recreational basketball is going beyond the recreational level. It is troublesome that the fees are so high, given that the School District receives taxpayer money already for the facilities. Council Member Verhaalen will continue to try to meet with the School District to discuss fees.

Council Member Thome stated that she understands the School District's need to cover building maintenance and costs.

Mayor Kinzel was in favor of a Sports Authority consisting of the City, Town and School District, as the best way to work together.

Council Member Arnett explained that the Economic Development Board has asked that the Common Council discuss the future and direction of the Business Park, in light of the recent development in the area. He asked that this agenda item be discussed at the next Common Council meeting.

Council Member Arnett stated that the RFPs for Brand Strengthening are due on August 15.

Council Member Arnett asked for more public notice on the City's liquor license process. He would like any available licenses to be posted on the City's website to provide public awareness.

City Administrator/Treasurer Mertes stated that she asked the Town of Cedarburg if they had any available liquor licenses that could be purchased by the City and they did not know.

Council Member O'Keefe asked if all of the present liquor licenses could be reviewed for relevancy.

Council Member Arnett asked City Attorney Herbrand to look into the City's liquor license process and determine if the City has any discretion in this area.

Council Member Arnett stated that the City's tree trimming efforts are behind and he asked if people could be allowed to cut/trim City trees along their property. Ash trees are dying and the problem is not going away.

MAYOR'S REPORT

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member O'Keefe, seconded by Council Member Arnett, to adjourn to closed session at 9:30 p.m. pursuant to State Statutes 19.85(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session, more specifically, to consider a Developer's Agreement regarding the redevelopment of the Amcast property. Approval of closed session minutes of 07/31/17. Motion carried unanimously on a roll call vote.

RECONVENE TO OPEN SESSION

Motion made by Council Member Dieffenbach, seconded by Council Member Czarnecki, to reconvene to open session at 10:14 p.m. Motion carried unanimously on a roll call vote.

CONSIDER DEVELOPER'S AGREEMENT FOR THE AMCAST PROPERTY; AND ACTION THEREON

No action was taken.

ADJOURNMENT

Motion made by Council Member Thome, seconded by Council Member Arnett, to adjourn the meeting at 10:14 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk