

**CITY OF CEDARBURG
COMMON COUNCIL
November 13, 2017**

**CC20161113-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, November 13, 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, Patricia Thome, Mike O’Keefe

Excused - Council Member Mitch Regenfuss

Also Present - City Administrator/Treasurer Christy Mertes, City Attorney Michael Herbrand, Director of Engineering and Public Works Tom Wiza, City Clerk Constance McHugh, Police Chief Tom Frank, Fire Chief Jeff Vahsholtz, Fire Inspector Blake Karnitz, Superintendent of Public Works Joel Bublitz, Parks, Recreation & Forestry Director Mikko Hilvo, Building Inspector Mike Baier, Assessor Cathy Timm, Wastewater Superintendent Eric Hackert, Deputy City Clerk Amy Kletzien, Library Director Linda Pierschalla, Circulation Supervisor Cathy Holnagel, Library Board Members Sue Karlman, and Sherry Bublitz, 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 Dieffenbach, to approve the minutes of the October 30, 2017 meeting as presented. Motion carried without a negative vote with Council Member Regenfuss excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

UNFINISHED BUSINESS

CONSIDER AND DISCUSS THE PROPOSED 2018 CITY BUDGET; AND DIRECTION OR ACTION THEREON

City Administrator/Treasurer Mertes explained that the following changes were made to the budget since the public hearing on October 31, 2017:

1. Removed revaluation funding of \$10,000 in General Fund;
2. Removed electronic document software of \$14,000 in General Fund;

3. Reduced Parks, Recreation and Forestry tree planting account by \$11,885 in General Fund;
4. Removed \$5,000 Riveredge Funding for storm water education and activities;
5. Reduced Emergency Management vehicle budget by \$20,000 in Capital Improvements;
6. Removed 911 upgrade and moved \$40,000 to 2019 Capital Improvements;
7. Moved one squad replacement of \$30,000 to 2020 in Capital Improvements;
8. Moved Fire Department flag pole and planter project for \$40,000 to 2019 Capital Improvements;
9. Moved standing mower of \$8,000 to 2019 Capital Improvements;
10. Reduced Library levy by \$10,000.

The total reduction is \$188,885.

With these changes to the budget the 2018 tax rate will be \$7.48/\$1,000 of assessed value, or a 0.3% increase. For the average valued home of \$276,000 that amounts to \$5.52.

City Administrator/Treasurer Mertes explained that the Public Works and Sewerage Commission recently asked for recodification of Title 6 of the City Code. She asked the Common Council if they would want to do a full recodification for approximately \$15,000. It was the consensus of the Common Council not to add a full recodification to the budget.

Council Member Dieffenbach explained that the Friends of the Library work hard for the Library and he asked that the \$10,000 be restored to the Library budget.

Council Member Czarnecki said that \$1.4 million is being allocated to the Library. He added that \$10,000 is a modest amount to remove from the budget, as all Departments did their part to balance the budget for a minimal increase to the taxpayers.

In answer to Council Member Thome's question, City Administrator/Treasurer Mertes stated that \$10,000 is being removed from the Library's Fund Balance. The Library will have \$4,900 at the end of 2017. She stated that Library Director Pierschalla is concerned about any unforeseen expenses; however, a budget amendment can be done if needed.

In answer to Council Member Dieffenbach's question, City Administrator/Treasurer Mertes stated that the \$212,892 State of Wisconsin tax reduction shown in the budget is because there is no longer a State tax levy for 2018.

Council Member Arnett expressed appreciation and thanked the Departments for helping to reduce the total budget by \$189,000.

In answer to Council Member Verhaalen's questions, City Administrator/Treasurer Mertes confirmed that the Debt Service levy is how much the City levies taxes to pay off debt and stated that this is the principle and interest payments for 2018. This amount is higher because she had used proceeds from the savings on the Library construction and the sale of the former library building to offset the amount the last couple of years. This year also includes the borrowing for the DPW facility. Finally, this does not include any proposed debt from the TIF for Amcast. If the City borrows for this project next year, there will not be any interest or principal payments until the following year.

Council Member Thome said that she appreciates the effort everyone made in balancing the budget; however, she reiterated that the Council needs to be reminded that they are just pushing items forward into the coming years.

In answer to Council Member Czarnecki's question, City Administrator/Treasurer Mertes stated that the annual Amcast cost in 2019 will be approximately \$200,000 - \$250,000.

Council Member Dieffenbach stated that he can accept a 2.4% levy increase; however, he is concerned about a report that he received from the United Way stating that approximately 1/3 of the households in Cedarburg are below what is considered the poverty level. He thanked the Departments for their efforts in lowering the tax rate.

It was the consensus of the Common Council to approve the proposed budget for 2018 on November 27.

NEW BUSINESS

CONSIDER AWARD OF ENGINEERING DESIGN CONTRACT FOR THE 2018 STREET AND UTILITY PROJECT; AND ACTION THEREON

Director Wiza explained that staff requested proposals from a total of four engineering consulting firms for design of the 2018 Street and Utility Project. A detailed Request for Proposal (RFP) was sent to each firm, and the scope of work was well defined. Three of the four firms submitted responsive proposals, and the lowest overall fee for services was submitted by M-Squared Engineering of Cedarburg. The Public Works and Sewerage Commission met on November 9 and recommended awarding the contract to M-Squared for \$34,965.

In answer to Council Member Czarnecki's question, Director Wiza stated that M-Squared has successfully completed engineering services for the street project for the last three years.

Motion made by Council Member Arnett, seconded by Council Member O'Keefe, to award the engineering design contract for the 2018 Street and Utility project to M-Squared Engineering in the amount of \$34,965. Motion carried without a negative vote with Council Member Regenfuss excused.

CONSIDER ORDINANCE NO. 2017-23 REPEALING AND RECREATING SEC. 5-2 OF THE MUNICIPAL CODE OF ORDINANCES RELATING TO FIRE PREVENTION AND PROTECTION; AND ACTION THEREON

Fire Chief Vahsholtz explained that the Fire Code was last updated in 1992 and many things have changed. He received guidance from retired Assistant Fire Chief Marty King from West Allis who was in charge of their entire inspection bureau and inspections in West Allis including State Fair Park. Mr. King also teaches code inspection and works with the National Sprinkler Association in Wisconsin. He met with Fire Chief Vahsholtz and Fire Inspector Koeppen several times and did 98% of the work on the Code revision by bringing it up to today's standards with proper terminology. Fire Inspectors Koeppen and Karnitz and Chief Vahsholtz added some items that are specific to Cedarburg, such as requiring a Knox Box on commercial buildings. He recommended that the new Code be adopted, as it will be a very good tool for the City.

Fire Chief Vahsholtz explained that the State changed some of its rules a few years ago. The City of Cedarburg was very restrictive due to our historic nature and lost some items when the State decided to make the Code standard across the board. However, it made it easier for the builders coming into a community.

In answer to Council Member Verhaalen's question, Fire Chief Vahsholtz stated that the revisions to the City Code mirror all of the State Codes. The terminology is updated to meet the State Code.

In answer to Council Member Czarnecki's questions, Fire Inspector Karnitz explained that the State has made the Code requirements the same across all communities. A few items specific to Cedarburg are that no grills are allowed on the second floor balconies or above and the Knox Box requirement. Electric grills are okay because they are not as dangerous as propane or charcoal grills.

In answer to Council Member Dieffenbach's question, Fire Inspector Karnitz stated that he did not know of anything in the City Code that would prevent a developer from building in Cedarburg. The new Code states that all new commercial buildings would require a Knox Box (key vault) for approximately \$350.

Fire Chief Vahsholtz stated that there is a provision in the current Code that states if they had a sprinkler system in the building they had to provide a Knox Box. The sprinkler requirements have been lessened and the Fire Department is now requiring a Knox Box to prevent any damage entering a building. They also added language as to where the Fire Department would like the control panel for the alarm system located. They have no control over the actual building itself and how it is physically built.

Fire Inspector Karnitz stated that there is an appeal section in the Code for the requirement to have a Knox Box.

In answer to Council Member Arnett's question, Fire Chief Vahsholtz stated that the building portion of the Code is at the State level and the City cannot make it more restrictive. The Code was reviewed by City Attorney Herbrand and it meets all of the requirements.

Mayor Kinzel explained that the City does not want to be at a competitive disadvantage. Fire Chief Vahsholtz confirmed that the City will not be at a disadvantage.

Council Member Arnett asked if the updated Fire Code allows for any flexibility for using new technology or anything other than water to relieve some of the expense required for a business to expand to the second floor.

Fire Inspector Karnitz stated that the type of fire protection system is driven by the National Fire Protection Association Code and the IVC, which are both adopted by the State of Wisconsin. A dry chemical system is not common; however, in certain situations they may be allowed.

Council Member Arnett said that he would like the City to be able to look at something else if it is safe, cost effective and protects the buildings and lives.

Fire Inspector Karnitz stated that the City cannot be more restrictive than the State.

In answer to Council Member Verhaalen's question regarding inspections and inspection fees, Chief Vahsholtz stated that the Fire Department can only inspect commercial and common areas such as hallways in apartment buildings and not private residences. The inspection fee has been in the Code for many years to make it easier for the City to recoup monies. It has been changed from charging by specific occupancy to square footage in this revision.

City Attorney Herbrand stated that the inspection fees only refers to required inspections and does not include private homes.

Motion made by Council Member O'Keefe, seconded by Council Member Dieffenbach, to adopt Ordinance No. 2017-23 repealing and recreating Sec. 5-2 of the Municipal Code or Ordinances relating to Fire Prevention and Protection. Motion carried without a negative vote with Council Member Regenfuss excused.

CONSIDER PAYMENT OF BILLS FOR THE PERIOD 10/27/17 THROUGH 11/03/17, TRANSFERS FOR THE PERIOD 10/28/17 THROUGH 11/09/17, AND PAYROLL FOR THE PERIOD 10/22/17 THROUGH 11/04/17; AND ACTION THEREON

Motion made by Council Member Czarnecki, seconded by Council Member Arnett, to approve the payment of bills for the period 10/27/17 through 11/03/17, transfers for the period 10/28/17 through 11/09/17, and payroll for the period 10/22/17 through 11/04/17. Motion carried without a negative vote with Council Member Regenfuss excused.

CONSIDER LICENSE APPLICATIONS; AND ACTION THEREON

Motion made by Council Member O'Keefe, seconded by Council Member Dieffenbach, to approve a new Operators License application for the period ending June 30, 2018 for Polly H. Partain. Motion carried without a negative vote with Council Member Regenfuss excused.

ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes thanked the Department Heads for helping her balance the budget. The auditors will be at City Hall next week to start the preliminary audit.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Dieffenbach asked why the room tax was shown at 58% in the Quarterly Report. City Administrator/Treasurer Mertes explained that room tax was not due until the end of October and will show an increase at year end.

In answer to Council Member Dieffenbach's question, City Administrator/Treasurer Mertes explained that the Personnel Committee will meet every other month, starting in February, as directed by the Common Council, to discuss health insurance benefits.

Council Member Arnett explained that the Branding Committee will be sending out invitations to participate in the branding process. The website went live today and can be viewed at: www.brandingcedarburgwi.com to follow the process.

MAYOR'S REPORT – None

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Thome, seconded by Council Member O'Keefe, to adjourn to closed session at 7:31 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 cellular tower leases for location on the monopole being constructed on Western Avenue. Approval of October 30, 2017 closed session minutes. Motion carried on a roll call vote with Council Members Czarnecki, Arnett, Dieffenbach, Verhaalen, Thome, and O'Keefe voting aye and Council Member Regenfuss excused.

RECONVENE TO OPEN SESSION

Motion made by Council Member Dieffenbach, seconded by Council Member Arnett, to reconvene to open session at 7:55 p.m. Motion carried on a roll call vote with Council Members Czarnecki, Arnett, Dieffenbach, Verhaalen, Thome and O'Keefe voting aye and Council Member Regenfuss excused.

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member O'Keefe, to adjourn the meeting at 7:55 p.m. Motion carried unanimously with Council Member Regenfuss excused.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk