

**CITY OF CEDARBURG  
COMMON COUNCIL  
February 29, 2016**

**CC20160229-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, February 29, 2016, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Kip Kinzel called the meeting to order at 7:00 p.m.

ROLL CALL: Present - Common Council: Mayor Kip Kinzel, Council Members John Czarniecki, Jack Arnett, Art Filter, Rick Verhaalen, Patricia Thome, Mike O'Keefe

Excused - Council Member Mitch Regenfuss

Also Present - City Administrator/Treasurer Christy Mertes, Police Chief Tom Frank, Director of Engineering and Public Works Tom Wiza, City Clerk Constance McHugh, Senior Center Director Carol LaFontaine, Wastewater Treatment Plant Superintendent Eric Hackert, Assistant City Engineer Mike Wieser, Public Works Superintendent Joel Bublitz, Mechanic Bill Hintz, Public Works Employees Pete Wegner and Joel Nieskes, Assistant City Attorney Tim Schoonenberg, 3<sup>rd</sup> Aldermanic District Candidate Dick Dieffenbach, interested citizens and news media

**STATEMENT OF PUBLIC NOTICE**

At Mayor Kinzel's request, City Clerk McHugh 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 Filter, seconded by Council Member Thome, to approve the minutes of the February 8, 2016 meeting as presented. Motion carried unanimously with Council Member Regenfuss excused.

**UPDATE ON DISCUSSIONS WITH THE CEDARBURG SCHOOL DISTRICT REGARDING THE FUNDING OF THE HIGH SCHOOL TENNIS COURTS**

Council Member Arnett said he and Council Member Verhaalen have been meeting with School Board Member Kevin Kennedy, Superintendent Todd Bugnacki, and Director of Buildings and Grounds John Koster to discuss the funding of the resurfacing of the tennis courts at the High School. He said that the City's usage of the courts is not above 25%-30%. He said it is possible the School District may move to a fee structure if the City does not pay half the costs of the tennis court

resurfacing. He and Council Member Verhaalen are waiting to hear back regarding the following three options that were presented to the School District:

1. District implements fees and we pay them. This would likely have a meaningful impact on both City and Town recreation departments.
2. City contributes \$135,000 of the estimated of costs, City contributes 30% of major rehab costs (not annual routine maintenance), City receives priority use of all tennis courts when not in use by the District. In recognition of the payment in excess of actual usage, during the term of the agreement (until Varsity courts are rebuilt again...approximately 25 years), the District shall waive the first \$7,000 per year of Facility Use and Custodial fees incurred by the City for all City recreation programs. Should the District implement usage fees, and in order to protect the District from inflation/future fee increases, Facility Use and Custodial fees incurred by the City which **exceed** \$7,000 per year shall be paid by the City to the District at the rates stated in the Cedarburg School District Board Policy Manual. (This protects the District from any big increases in costs and it protects the City from subsequent boards implementing fees after the City has made a substantial contribution.)
3. City contributes \$212,500 as well as 50% of major rehab costs (not annual routine maintenance), City receives priority use of all tennis courts when not in use by the District. In recognition of the payment in excess of actual usage, during the term of the agreement (until Varsity courts are rebuilt again...approximately 25 years), the District shall waive the first \$12,000 per year of Facility Use and Custodial fees incurred by the City for all City recreation programs. Should the District implement usage fees, and in order to protect the District from inflation/future fee increases, Facility Use and Custodial fees incurred by the City which **exceed** \$12,000 per year shall be paid by the City to the District at the rates stated in the Cedarburg School District Board Policy Manual. (This protects the District from any big increases in costs and it protects the City from subsequent boards implementing fees after the City has made a substantial contribution.)

Council Member Verhaalen said he suggested that tennis courts be tied into the usage for all recreation programs; however, the School District feels this is a tennis court issue only. He and Council Member Arnett plan to meet again with the School District representatives and said they are looking for direction from the Council as to how to proceed.

Council Member Czarnecki asked if the Town will start paying for the use of the tennis courts. He said the most equitable solution is to have the School District pay for the resurfacing of the courts. Residents are already paying for the resurfacing through property taxes.

Council Member Thome said she likes Option #2 because it addresses the amount of usage.

Council Member Czarnecki said \$135,000 seems more palatable than \$212,500, but he still believes the tennis courts are a School District facility and the School District should be paying for the resurfacing.

Discussions between Council Members Arnett and Verhaalen and representatives of the School District will continue.

**CONSIDER RECOMMENDATION OF THE POLICE CHIEF TO DENY NEW OPERATOR'S LICENSE APPLICATION OF BRITTANI R. REED**

Chief Frank said the reason for the denial recommendation in this case is that Ms. Reed had three arrests for operating a vehicle with a suspended license. In May of 2015 the Cedarburg Police Department stopped Ms. Reed for a traffic violation. She provided the officer with a false name and date of birth. She was driving with a suspended license and was arrested for the traffic violation as well as a misdemeanor for obstructing an officer. He said he has concerns about Ms. Reed's level of cooperation with law enforcement and her ability to follow the rules.

Ms. Reed said that when she was stopped in Cedarburg her first thought was to lie to the police. She said it was the dumbest thing she has ever done. She said she is not a bad person and would not cause any harm working as a bartender.

Council Member O'Keefe said it is a big responsibility to serve alcohol. His concern is that Ms. Reed has not been following the rules.

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to deny the Operator's license application of Brittani R. Reed. Motion carried unanimously with Council Member Regenfuss excused.

**CONSIDER APPLICATION OF JAVA HOUSE CAFÉ & MICRO ROASTER, LLC, SCOTT SIDNEY, AGENT, FOR A CLASS "B" BEER AND "CLASS C" WINE LICENSE FOR THE JAVA HOUSE CAFÉ & MICRO ROASTER, W63 N653 WASHINGTON AVENUE**

Scott Sidney of the Java House said he plans to expand the product line and operations of the Java House to include serving beer and wine. He said the Java House will not be a bar, but rather a meeting place where people can gather to have drinks and light sandwiches and other food. He said serving beer and wine in coffee houses has become a trend.

Motion made by Council Member Filter, seconded by Council Member Czarnecki, to approve the issuance of a Class "B" beer and "Class C" wine license to the Java House Café & Micro Roaster, LLC, Scott Sidney, agent, W63 N653 Washington Avenue. Motion carried unanimously with Council Member Regenfuss excused.

**CONSIDER REQUEST TO FILL THE ASSISTANCE SENIOR CENTER DIRECTOR POSITION**

Senior Center Director LaFontaine said Assistant Director Sharon Possley will be retiring in August and she is seeking permission to fill the part-time position. This position is 20 to 24 hours per week. No benefits are provided with this position.

Motion made by Council Member Thome, seconded by Council Member O'Keefe, to approve the request to fill the Assistant Senior Center Director position. Motion carried unanimously with Council Member Regenfuss excused.

**CONSIDER AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE FAIRFIELD MANOR WEST (SUSAN LANE) STORM WATER POND; AND ACTION THEREON**

Director Wiza said 11 bids were received for the Fairfield Manor West (Susan Lane) storm water pond construction. The low bid was received from Ed Gersek, Inc. of Green Bay in the amount of \$180,612.50. Staff and the Public Works and Sewerage Commission recommend the contract be awarded to Ed Gersek, Inc.

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to award the Fairfield Manor West (Susan Lane) storm water pond contract to Ed Gersek, Inc. in the amount of \$180,612.50. Motion carried unanimously with Council Member Regenfuss excused.

**CONSIDER ENGINEERING PROPOSAL FROM RUEKERT & MIELKE FOR DESIGN OF THE KEUP ROAD LIFT STATION UPGRADE**

Director Wiza said when the Glen at Cedar Creek subdivision is constructed, the new regional lift station will initially pump to the existing Keup Road lift station. This will necessitate some fairly substantial upgrades to the Keup Road lift station. Ruekert and Mielke has submitted a design proposal for the lift station upgrade to include the development of plans and specifications for an estimated fee of \$17,500.

Motion made by Council Member Filter, seconded by Council Member Thome, to award the engineering design contract for the Keup Road lift station upgrade to Ruekert and Mielke at an estimated cost of \$17,500. Motion carried unanimously with Council Member Regenfuss excused.

**CONSIDER AWARD OF BIDS FOR THE NEW PUBLIC WORKS FACILITY**

Director Wiza said 19 different contracts were bid out for the new Public Works facility. A total of 64 bids were received with 13 alternates. The following four options were presented to the Council:

- Option #1 in the amount of \$8,635,060 includes all options and alternatives.
- Option #2 in the amount of \$8,062,809 eliminates the vehicle wash bay structure and wash equipment.
- Option #3 in the amount of \$8,227,340 includes the vehicle wash bay structure but eliminates the wash equipment, which could be added at a later date.
- Option #4 in the amount of \$7,897,809 eliminates most of the alternates.

Director Wiza said the Public Works and Sewerage Commission recommended Option #1, which includes all alternatives, including the vehicle wash bay structure and wash equipment, because it will extend the life of the fleet vehicles. A \$670,000 savings of a one year life over a 12 year period could be realized. The Commission felt there were certain efficiencies to be gained by making the fleet last longer. In addition, there will be a staff savings from not having to move vehicles. He

estimated there will be a cost savings of one full-time employee. While there is no plan to eliminate a position because of the efficiencies, there will not be a need to add an additional employee because of the increased growth in the City.

Mayor Kinzel said there are times the Public Works Department needs to contract out for services because there is work that cannot be done by employees. He said there may be a cost savings in this area with a new facility.

Public Works Superintendent Bublitz said there will be more time to get work done and the Department will be able to provide better services.

Council Member Czarnecki said he has basically been against a new facility for a long time; however, the incremental difference between Option #1 and Option #4 to the average taxpayer is not that substantial. It is roughly \$12 per year. He agreed there will be a savings in terms of labor and in the lifespan of the vehicles in the future.

Council Member Arnett said Option #1 includes \$300,000 in contingency. The wash bay equipment is \$242,000. He questioned whether the contingency could be increased to \$400,000 and the wash bay equipment be purchased if the funds are available.

John Wallenkamp of Kueny Architects said this would be possible; but he asked the Council not to lose sight of the equipment savings in the long run.

Council Member O'Keefe said he has been going door to door to his constituents during his re-election efforts and has found many residents feel the wash bay is a luxury. He said to him the wash bay and equipment is not a luxury and makes sense given the minimal impact on taxpayers.

Council Member Thome agreed that the savings with a wash bay and related equipment are real.

Council Member Verhaalen asked if the yard waste and recycling center will be part of this project.

Director Wiza said there will be a drop-off with better security and expanded hours of operation. It is possible the center may be open six days a week.

Mayor Kinzel agreed that the wash bay and equipment are not a luxury item but rather a necessity. He said there is nothing more important than maintaining vehicles and equipment.

Motion made by Council Member Filter, seconded by Council Member Thome, to award contracts to the various low bidders identified in Option #1 in the amount of \$8,635,060. A copy of Option #1 is attached to these minutes.

Council Member Arnett said he would vote no if there was another viable option; however, there is not. He said the numbers are good, the borrowing will be for 20 years at a low rate, and lifespan of the building is 50-60 years. He said there will be a savings in terms of labor and the extension of the life of equipment. There is also a benefit to an expanded brush and recycling drop off center. He said overall this is a good value.

Council Member Verhaalen said the Library was a bit surprised by the maintenance agreements that were required after the new building was built. He asked if there would be a similar situation in this case.

Mr. Wallenkamp said there will be maintenance agreements; however, they should not triple in cost.

Dick Dieffenbach, W67 N586 Evergreen Blvd., said he supports the efforts to build a new facility and agrees it is needed. He said it is up to the Council to decide what the City can afford. He suggested the Council nail down operating costs for 2017 now and determine if this facility can be a revenue center. For example, he suggested other communities be approached to determine if there is interest in using the new wash bay and equipment for a fee.

Council Member Arnett said this is a good idea.

With Council Members Czarnecki, Arnett, Filter, Verhaalen, Thome, and O'Keefe, voting aye and Council Member Regenfuss excused, the motion carried.

### **DISCUSSION OF LOCATION FOR TEMPORARY PUBLIC WORKS OPERATIONS**

Director Wiza said maintaining daily Public Works operations during the approximately 10 month construction window will present challenges. Two of the existing northerly on-site sheds will be kept operational for as long as possible to service vehicles and store materials that must be kept dry. Some materials have been moved to the City-owned property on Highway 60. Superintendent Bublitz has been evaluating options including renting storage space, renting temporary office trailers, providing restroom and wash facilities, and viewing vacant buildings.

Superintendent Bublitz said the yard waste drop-off site will temporarily be located off Pioneer Road on the former remote receiving site. He has explored renting trailers, storage units, wash facilities and restrooms for the Highway 60 property. The estimated cost of this is between \$2,600 per month to \$3,800 per month. There is an issue with security and vandalism with this approach as this is a rural area.

Superintendent Bublitz said another option would be to rent the Federal Tool building. There is a lot of room in this building and everything could be housed in one area. The asking price is \$10,000 per month; however, the realtor suggested the City make an offer. He said he is looking for direction from the Council as to how to proceed.

Mayor Kinzel said this is something that could be discussed in closed session because it relates to negotiations.

Council Member Arnett asked if all the space at the Federal Tool building is necessary or if less space could be rented.

Superintendent Bublitz said all the warehouse space is necessary but less office space is required.

It was the consensus of the Council that Council Members Arnett and Czarnecki, City Attorney Herbrand's office, City Administrator/Treasurer Mertes and Director Wiza work to develop a possible solution that could be presented to the Council at the March 14 meeting.

### **PAYMENT OF BILLS**

Motion made by Council Member Filter, seconded by Council Member Arnett, to approve the payment of the bills for the period 02/05/16 through 02/19/16, ACH transfers for the period 02/06/16 through 02/24/16, and payroll for the period 01/31/16 through 02/13/16. The motion carried unanimously with Council Member Regenfuss excused.

### **LICENSE APPLICATIONS**

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to authorize the issuance of new Operator licenses for the period ending June 30, 2016 to: Paul E. Dickson, Catherine A. Hilgart, Scott A. Sidney, and Kim K. Stroessner. Motion carried unanimously with Council Member Regenfuss excused.

### **CITY ADMINISTRATOR'S REPORT**

City Administrator/Treasurer Mertes said the Wastewater Treatment Plant received a grant for a project with Focus on Energy. The project was successful and resulted in a marketing tool featuring the Plant in a Focus on Energy brochure.

She said that Columbia St. Mary's will be paying for the costs of the emergency medical dispatch software that was included in the 2016 Fire Department budget, saving the City approximately \$40,000.

### **COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Filter thanked first floor employees Kathy Huebl, Cathy Timm, Kelly Livingston, Darla Drumel, Kim Gordon and Jenny Valenta for a job well done over the many years he served on the Common Council. He said there have never been any issues in the Departments these employees work in.

### **MAYOR'S REPORT**

Mayor Kinzel issued a Proclamation proclaiming the City as a HeartSafe Community.

### **ADJOURNMENT – CLOSED SESSION**

Motion made by Council Member Thome, seconded by Council Member O'Keefe, to adjourn to closed session at 8:32 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 the possible sale of a City-owned property on Pioneer Road. Approval of closed session minutes of February 8, 2016. With Council Members Czarnecki, Arnett, Filter, Verhaalen, Thome

and O'Keefe voting aye and Council Member Regenfuss excused, the motion carried on a roll call vote.

**RECONVENE TO OPEN SESSION**

Motion made by Council Member Thome, seconded by Council Member Arnett, to reconvene into open session at 8:46 p.m. With Council Members Czarnecki, Arnett, Filter, Verhaalen, Thome and O'Keefe voting aye and Council Member Regenfuss excused, the motion carried on a roll call vote.

**ADJOURNMENT**

Motion made by Council Member Filter, seconded by Council Member Arnett, to adjourn the meeting at 8:47 p.m. Motion carried unanimously with Council Member Regenfuss excused.

Constance K. McHugh, MMC/WCPC  
City Clerk

CEDARBURG  
DPW  
OPTION #1

Contract	Description	Recommended Bidder	Bid Amount
1	DEMOLITION/EARTHWORK	Spielvogel & Sons Exc, Inc.	349,400
2	ASPHALT PAVING & FENCING	Stark Pavement Corporation	313,797
3	SITE UTILITIES	Wondra Construction, Inc.	156,600
4	LANDSCAPING	Breckenridge Landscape LLC	92,434
5	CONCRETE	JH Hassinger, Inc.	634,000
6	PRECAST CONCRETE	Spancrete, Inc.	1,298,000
7	MASONRY	Superior Masonry Builders Inc	154,290
8	METALS	Ace Iron & Steel	506,600
9	GENERAL PACKAGE, CARPENTRY & MISC	Cardinal Construction Co, Inc.	499,800
10	ROOFING	Northern Metal & Roofing Co.	359,000
11	METAL STUDS & DRYWALL	Hetzel-Sanfilippo, Inc.	36,500
12	FLOORING	Lippert Tile Company, Inc.	48,438
13	PAINTING	State Painting Company	126,880
14	FIRE PROTECTION	Arc Fire Protection, LLC	66,600
15	PLUMBING	Southport Engineered Systems	412,000
16	HVAC	Kleeman Mechanical, Inc.	292,662
17	ELECTRICAL	Solar Electric Tech LLC	718,000
19	ALT #1 SALT STRUCTURE	Dome Corp of North America	182,365
18	ALT #2 FUEL	Walt's Petroleum Service Inc	223,599
	<b>ALTERNATES:</b>		
	ALT #3 AUTO WASH EQUIP	242,720	242,720
	ALT #4 WASH BAY STRUCTURE	329,531	329,531
	ALT #5 REPAIR BAY CRANE	39,095	39,095
	ALT #6 BULK FLUIDS	80,460	80,460
	ALT #7 PRESSURE WASHER	18,214	18,214
	ALT #8 EQUIP LIFT #1	8,044	8,044
	ALT #9 TIRE CHANGER AND BALANCER	7,800	7,800
	ALT #10 AIR COMPRESOR	11,100	11,100
	ALT #11 YARD GRAVEL TO ASPHALT	57,393	57,393
	ALT #12 PAINTING EXTERIOR PRECAST	116	
	ALT #13 BIN BUILDING	79,365	79,365
	COLUMN LIFTS	60,712	60,712
	<b>Subtotal</b>		<b>\$ 7,405,399</b>
	Permits and Impact Fee Allowance		-
	Cedarburg Light & Water Fees		50,000
	Focus on Energy/WPPI Energy Grants		(67,603)
	Final Cleaning Allowance		20,000
	Plan Printing		10,000
	General Requirements - Includes testing		277,350
	<b>Subtotal</b>		<b>\$ 7,695,146</b>
	Construction Contingency		300,000
	Unsuitable Soil Contingency		50,000
	<b>TOTAL CONSTRUCTION COSTS</b>		<b>\$ 8,045,146</b>
	<b>FEES</b>		
	Construction Manager		189,200
	Architectural & Engineering Fee		248,714
	State Plan Fee		5,000
	Environmental Testing & Inspections		15,000
	Geotechnical - Completed		-
	Builders Risk		22,000
			<b>\$ 479,914</b>
	<b>SUB TOTAL BUILDING COSTS</b>		<b>\$ 8,525,060</b>
	<b>OTHER FEES</b>		
	Security		30,000
	Door Access		12,000
	Furnishings		20,000
	DPW move		48,000
			<b>\$ 110,000</b>
	<b>TOTAL BUILDING COSTS</b>		<b>\$ 8,635,060</b>