

**CITY OF CEDARBURG  
COMMON COUNCIL  
April 13, 2015**

**CC20150413-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, April 13, 2015, 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, Ron Reimer, Art Filter, Paul Radtke, Patricia Thome, Mike O’Keefe

Excused - Council Member Mitch Regenfuss

Also Present - City Administrator/Treasurer Christy Mertes, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, Director of Engineering and Public Works Tom Wiza, 2<sup>nd</sup> District Alderperson Elect Jack Arnett, 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 Radtke, seconded by Council Member O’Keefe, to approve the minutes of the March 30, 2015 meeting as presented. Motion carried without a negative vote with Council Member Regenfuss excused.

**COMMENTS AND SUGGESTIONS FROM CITIZENS**

Alec Radtke, W54 N254 Van Buren Drive, commented that the Cedarburg Community Pool needs more chairs.

**PRESENTATIONS**

**PRESENTATION OF THE 2014 POLICE DEPARTMENT ANNUAL REPORT**

Police Chief Frank presented a summary report of the Police Department activities for 2014. He acknowledged the Police and Fire Commission and their contributions. The following facts were presented:

- There were no violent crimes in 2014.
- Property crimes decreased to 107 in 2014, compared to 130 in 2013.

- Stolen property decreased to \$81,067, compared to \$109,669 in 2013.
- 24 felonies and 80 misdemeanors occurred in 2014, compared to 24 felonies and 67 misdemeanors in 2013.
- 719 reports were investigated in 2014, compared to 787 in 2013.
- Calls for service decreased from 21,324 in 2013 to 20,296 in 2014.
- 2,323 people were assisted in 2014, compared to 3,856 in 2013.
- Citizens at the station decreased from 6,968 in 2013 to 5,730 in 2014.
- Telephone calls decreased from 14,326 in 2013 to 10,580 in 2014.
- 911 calls decreased from 2,953 in 2013 to 2,875 in 2014.
- 202 alarms were responded to in 2014, compared to 176 in 2013.
- Department activities included 265 non-traffic arrests in 2014, compared to 370 in 2013; 1,508 traffic arrests compared to 1,307 in 2013.
- Warnings for non-traffic offenses decreased from 872 in 2013 to 434 in 2014.
- Traffic warnings decreased from 3,036 in 2013 to 2,936 in 2014.
- 136 speeding tickets were issued in 2014, compared to 180 in 2013.
- OWI offenses increased to 31 in 2014, compared to 25 in 2013.
- Arrests for adult alcohol offenses increased to 34 in 2014, compared to 30 in 2013.
- Juvenile arrests decreased from 36 in 2013 to 24 in 2014.
- 16 tobacco violations occurred in 2014, compared to 17 in 2013.
- Drug offenses decreased from 41 in 2013 to 29 in 2014.
- 158 bicycle/skateboard warnings were issued in 2014, compared to 316 in 2013.
- Worthless checks decreased from \$7,883 in 2013 to \$3,016, with 20 investigations.
- 140 accidents occurred in 2014 with 28 injuries compared to 166 accidents with 26 injuries in 2013.
- Community policing included 105,850 checked doors with 246 open, 1,344 vacation checks, 178 vehicle lockouts, 789 rescue squad calls, 247 fire calls, Safety Town and Safety Camp for 190 students, School Liaison Officer, child safety seat inspections (45), Safety Days, Website, Tele-care program, Facebook, TIP411, Hunter Safety program (50 participants), renting of the Community Room (96 public meetings), and the DMV vehicle registration program resulted in 678 transactions totaling \$5,511.00 in profit to the City.

Chief Frank explained the addition of TIP411. It is a smartphone app that allows citizens to make anonymous tips. It also allows the dispatcher to communicate with the person anonymously, if they have further questions.

Chief Frank summarized the increased overtime and training hours, adding that Emergency Management/Auxiliary Police helps with traffic control and parades/runs/walks. The 17 active members are a tremendous help in alleviating overtime and are an asset for the Police Department and the community.

The Cedarburg Police Department participates in Mutual Aid with two officers and one negotiator on the Ozaukee Special response Team and one officer plus the K-9 on the Ozaukee Drug Enforcement Unit. Assists to other departments totaled 119 in 2014, compared to 78 in 2013.

Equipment changes consisted of two marked patrol vehicles, Narcan, water rescue throw bags, nylon duty belt gear for officers and external load bearing vest carriers.

Personnel changes included the resignation of Dispatcher Amy Kell and the addition of two Patrol Officers (Nathan Butzler and Thomas Develice).

Detective/Sergeant Jeffrey Vahsholtz, and Patrol Officers Joseph Kell, Joseph Biliskov and Ryan Fitting received Life Saving awards. Sergeant John Stroik received the Top Shot Award for having the high score in the yearly competition. Detective/Juvenile Officer McNerney received the 1<sup>st</sup> Annual Paul Jacobs Firearms Master Award for his involvement in the County-wide Active Shooter training and firearms training program.

The Police Department earned their second WI LEAG Accreditation by meeting 340 standards. Cedarburg is one of only 25 agencies out of 600 to receive this accreditation.

Council Member Reimer commended Chief Frank on a good report.

As Council President, Council Member Radtke asked that Chief Frank extend appreciation to the Department for their dedication and hard work on behalf of the Common Council.

### **NEW BUSINESS**

#### **CONSIDER AWARD OF THE 2015 STREET AND UTILITY CONTRACT; AND ACTION THEREON**

Director Wiza explained that staff advertised for and received bids for the 2015 Street and Utility Construction Contract. A total of four bids were received, with the low bid coming from PTS Contractors, Inc. of Green Bay in the amount of \$2,366,217.31. PTS Contractors has not previously completed any projects for Cedarburg; however, their prequalification statement indicates that they have the equipment and experience to complete the 2015 project. PTS also successfully completed sizable projects in Grafton and Jackson last year. Director Wiza is comfortable that they can complete the work.

Director Wiza continued to explain that the PTS bid is 10% over budget and it is extremely unlikely that the City would see lower prices if the project was re-bid. It is clear that construction costs are on the rise, and contractors' schedules are mostly full. The three lowest bidders are all out of the Green Bay area. All of the roads in the project (Sheboygan Road, Lincoln Boulevard, and McKinley Boulevard) are all in very poor condition.

Motion made by Council Member Radtke, seconded by Council Member O'Keefe, to approve the award of the 2015 Street and Utility Contract to PTS Contractors, Inc. of Green Bay in an amount not to exceed \$2,366,217.31. Motion carried without a negative vote with Council Member Regenfuss excused.

#### **CONSIDER RESOLUTION NO. 2015-09: A RESOLUTION PROVIDING FOR THE SALE OF APPROXIMATELY \$3,555,000 GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2015A; AND ACTION THEREON**

Todd Taves of Ehlers & Associates addressed the Common Council to explain the process of the sale of approximately \$3,555,000 General Obligation Promissory Notes, Series 2015A in

Resolution No. 2015-09 and offered to answer any questions. He explained that there are three components to the borrowing: refinancing the 2014 borrowing (\$44,000 savings), a 2015 borrowing for current projects, and upon their recommendation they added the 2016 projects to the borrowing. The 2016 DPW garage borrowing shown is for information purposes only and not part of this resolution. The purpose is to show the effect of the borrowing to debt service.

City Administrator/Treasurer Mertes explained that the 2015 borrowing is \$150,000 more than what was recommended for approval by the ad hoc Debt/Investment Committee. The street project bids came in higher than budgeted as explained earlier by Director Wiza and the street reserve account is not funded sufficiently to cover the overage.

Mr. Taves reviewed a table showing the Projected Debt Service Impact of Proposed 2015A Note Issue and a table for the Estimated Refunding Savings and Savings Benefit to the Tax Levy. The approval of this Resolution will authorize Ehlers to begin the bidding process and lock in a rate.

Motion made by Council Member Radtke, seconded by Council Member O'Keefe, to approve Resolution No. 2015-09 providing for the sale of approximately \$3,555,000 general obligation promissory notes, Series 2015A. Motion carried without a negative vote with Council Member Regenfuss excused.

**CONSIDER ORDINANCE NO. 2015-07 AMENDING THE 2015 BUDGET TO ALLOCATE \$150,000 OF DEBT PROCEEDS AND \$150,000 OF ADDED STREET PROJECT EXPENSE; AND ACTION THEREON**

City Administrator/Treasurer Mertes explained that approval of this item will ensure the 2015 Street & Utility project will be completed, as it came in over budget by \$150,000.

Motion made by Council Member O'Keefe, seconded by Council Member Czarnecki, to adopt Ordinance No. 2015-07 amending the 2015 budget to allocate \$150,000 of debt proceeds and \$150,000 of added street project expense. Motion carried without a negative vote with Council Member Regenfuss excused.

**CONSIDER PAYMENT OF BILLS FOR THE PERIOD 3/24/15 THROUGH 4/6/15, ACH TRANSFERS FOR THE PERIOD 3/26/15 THROUGH 4/10/15, AND PAYROLL FOR THE PERIOD 3/15/15 THROUGH 3/28/15; AND ACTION THEREON**

Motion made by Council Member Filter, seconded by Council Member Czarnecki, to approve the payment of bills for the period 3/24/15 through 4/6/15, ACH transfers for the period 3/26/15 through 4/10/15, and payroll for the period 3/15/15 through 3/28/15. Motion carried without a negative vote with Council Member Regenfuss excused.

**CONSIDER APPROVAL OF FINAL PLAT AND DEVELOPERS AGREEMENT FOR PARK RIDGE SUBDIVISION; AND ACTION THEREON**

Director Wiza stated that the applicant received preliminary plat approval for the 11 lot Park Ridge Subdivision last September and has since been working with him to complete the work necessary to pursue final plat approval. The lots within this subdivision will range in size from 13,000 square

feet to 19,768 square feet which will be located along a future roadway that extends from Parkland Road to the future Prairie View Subdivision.

Staff's review of the plat indicates full compliance with State platting requirements and is consistent with the approved preliminary plat. Accordingly, staff has no objection subject to:

- Sanitary sewer laterals and water mains are to be extended to the property lines.
- Provide 6" PVC storm water laterals for each lot to pick up sump pump lines.
- Street, storm water and utility plans to be reviewed and approved by the City Engineer.
- Engineering Department approval for the grading, drainage, stormwater management and erosion control plans.
- Booster pumps shall be installed for each home to provide adequate water pressure.
- Impact fees will be due for each parcel at the time of building permit issuance.
- Developer to reimburse Towne Realty for utility costs in the Ridgeway Lane per PSC requirements.
- The applicant providing appropriate landscaping around the stormwater pond subject to staff approval.
- All stipulations in the attached Development Agreement.

Director Wiza highlighted that they are subject to all of the usual impact and connection fees. The recapture agreement includes payment by Newman Companies to reimburse Homes by Towne \$24,585.20 to cover the utilities and street improvements that Towne constructed which really set the table for this development. There is also a City street tree fund of \$7,280.00 that they will pay to the City to plant 26 street trees.

Director Wiza stated that the plat was very straightforward and the Plan Commission unanimously recommended final plat approval subject to the conditions stipulated above.

Motion made by Council Member Radtke, seconded by Council Member Thome, to approve the Final Plat and Developers Agreement for Park Ridge Subdivision.

In answer to Council Member Reimer's question, Director Wiza explained that Cedarburg Light & Water brought this issue up and all of the homes in this subdivision would meet minimum DNR pressure standards; however, the Utility has noted in the past, areas that are very close to the limits of water pressure and they do get some complaints. So it was recommended that the lots on the west end at a higher elevation, for each individual house to have a booster pump that would boost up the pressure.

Council Member Reimer asked about upstream impact.

Director Wiza stated that these pressure pumps would be installed within each home with their plumbing, which will boost their pressure within the house.

In answer to Mayor Kinzel's question, Director Wiza stated that this action would have no effect on other properties.

Council Member Reimer stated that it was more of a restrictive hose.

In answer to Council Member Filter's question, Director Wiza stated that it may not be in the covenant; however, it was disclosed to the Developer.

City Attorney Herbrand stated that the Council could approve the final plat and developers' agreement subject to a final change to the declaration to make the public aware of the need for booster pumps. By adding it to the declaration, it is publically recorded. He suggested that the motion be amended to amend the deed restrictions of the declaration to add the notice of a need for the booster pumps.

Council Member Radtke amended his motion to amend the deed restrictions of the declaration to add the notice of a need for a booster pump.

Council Member Reimer asked if the stormwater pond will be a surge pond or holding pond. Is the water expected to be at some level most of the time? He stated that most of the ponds throughout the City have eventually needed aeration pumps.

Director Wiza stated that this pond will not have an aeration pump. He explained that this pond will be a private pond and the City will have an easement that in the event that the property owners fail to properly maintain it, the City will be able to step in and take action or order action. Usually the aerators are an aesthetic issue and if the Association decides that they want an aerator it will be their obligation to install one.

City Attorney Herbrand confirmed that the Homeowners Association is responsible in this regard, as Director Wiza explained.

Council Member Thome agreed with the amendment. 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 Czarnecki, to approve new Operator's License application for the period ending June 30, 2015 for Alexandra Buchanan and Abigail M. Phillips. Motion carried without a negative vote with Council Member Regenfuss excused.

### **ADMINISTRATOR'S REPORT**

City Administrator/Treasurer Mertes informed the Council Members that she attended a meeting in Whitewater regarding the local property insurance fund through the State. They passed a 45% rate increase in property insurance for all of the renewals as of July 1, 2015. It is still uncertain whether the fund will be in existence next year. In any case, the rates could increase as much as 85% and the City will need to look at other options.

### **COMMENTS AND SUGGESTIONS FROM CITIZENS** - None

**COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member O'Keefe thanked Council Member Radtke for his years of service as a Council Member and Council President. He is a very conscientious and dedicated individual and will be missed. He also thanked Council Member Reimer for being very conscientious and detail oriented. Both Council Members will be missed.

Mayor Kinzel expressed appreciation to Council Member Radtke and Council Member Reimer.

Council Member Radtke stated that he has been on the Council for quite a while. This Council is much different than the previous Council and he was part of the transition. While not taking anything away from the former Council, he has high expectations and a high regard for the current Common Council. He has learned a great deal from everyone and they all taught him something. With the economy turning around and looking forward to all of the projects ahead such as peaking developments and blighted properties being considered for improvement, he cannot think of a better group of people to handle these upcoming projects. He is glad that he was able to work with this Council and he is confident in the City's future, based on the current and incoming Council Members.

**MAYOR'S REPORT**

Mayor Kinzel issued the following Proclamations:

- Telecommunicators' Week April 12-18
- National Volunteer Week April 12-18
- National Library Week April 12-18

**ADJOURNMENT**

Motion made by Council Member Filter, seconded by Council Member Radtke, to adjourn the meeting at 7:57 p.m. Motion carried without a negative vote with Council Member Regenfuss excused.

Amy D. Kletzien, MMC/WCPC  
Deputy City Clerk