

**CITY OF CEDARBURG
COMMON COUNCIL
April 21, 2015**

**CC20150421-1
UNAPPROVED**

An organizational and special meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Tuesday, April 21, 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, Jack Arnett, Art Filter, Rick Verhaalen, Mitch Regenfuss, Patricia Thome, Mike O'Keefe

Also Present - City Administrator/Treasurer Christy Mertes, City Clerk Constance McHugh, Fire Chief Jeff Vahsholtz, Assistant Fire Chief Bill Hintz, City Attorney Michael Herbrand, former Council Member Paul Radtke, 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 Thome, seconded by Council Member Czarnecki, to approve the minutes of the April 13, 2015 meeting as presented.

Attorney Herbrand said that the motion on page 5 of the April 13 minutes regarding approval of the Final Plat and Development Agreement for the Park Ridge Subdivision should reflect that approval was subject to conditions listed on the City Planner's memo to the Council.

Motion to approve the minutes as amended carried unanimously.

OATHS OF OFFICE

Oaths of Office were administered to Mayor Kip Kinzel, 2nd District Alderperson Jack Arnett, 4th District Alderperson Rick Verhaalen, 5th District Alderperson Mitch Regenfuss, and 6th District Alderperson Patricia Thome by City Clerk Constance McHugh.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Former Council Member Paul Radtke expressed his appreciation for City staff and Department Heads. He said the City has an unbelievable staff. He also said staff was very supportive of him during his tenure as a Council Member.

ELECTION OF COMMON COUNCIL PRESIDENT

Council Member O’Keefe nominated Council Member Filter as Council President. The nomination was seconded by Council Member Czarnecki.

Motion made by Council Member O’Keefe, seconded by Council Member Czarnecki, to close the nominations. Motion carried unanimously.

With Council Members Czarnecki, Arnett, Filter, Verhaalen, Regenfuss, Thome and O’Keefe voting for Council Member Filter, Council Member Filter was elected as Council President.

Attorney Herbrand said this is a good time to remind all Council Members that the open meetings and open records laws apply in the State of Wisconsin. All meetings are held in public, with certain exceptions for closed sessions. He cautioned Council Members to be careful in terms of the use of email and discussions outside of public meetings. He said “walking quorums” should be avoided. There should not be email discussions among Council Members on substantive matters. He also stated that emails of the Mayor and Council Members are public records.

ELECTION OF COMMON COUNCIL REPRESENTATIVE TO PLAN COMMISSION

City Clerk McHugh said that according to the City Code, the Council shall, by a two-thirds vote of its members, elect one of its members as a member of the Plan Commission for a period of one year.

Council Member Regenfuss nominated Council Member Thome as Council Representative to the Plan Commission. The nomination was seconded by Council Member Filter.

Council Member Czarnecki nominated himself as Council Representative to the Plan Commission. The nomination was seconded by Council Member Arnett.

Motion made by Council Member O’Keefe, seconded by Council Member Filter, to close the nominations. Motion carried unanimously.

Council Members Filter, Thome, and O’Keefe voted for Council Member Thome.

Council Members Czarnecki, Arnett, and Regenfuss voted for Council Member Czarnecki.

Neither candidate received two-thirds vote.

Council Member Thome said that she has been the Council Representative to the Plan Commission for the last year and was a citizen member of the Plan Commission for two years before that. She said she is very familiar with the issues and has a background in economic development.

Council Member Czarnecki said that he has a background in commercial real estate. In addition, he has been working with staff on a few planning related issues.

Another round of voting occurred. Council Members Filter, Verhaalen, Thome and O'Keefe voted for Council Member Thome.

Council Members Czarnecki, Arnett, and Regenfuss voted for Council Member Czarnecki.

Again, neither candidate received two-thirds vote.

Council Member Czarnecki said he would drop out of the race.

With Council Members Czarnecki, Arnett, Filter, Verhaalen, Regenfuss, Thome and O'Keefe voting for Council Member Thome, Council Member Thome was elected as Council Representative to the Plan Commission.

RESOLUTION NO. 2015-10 RECOGNIZING FORMER COUNCIL MEMBER RON REIMER

Motion made by Council Member Filter, seconded by Council Member Thome, to adopt Resolution No. 2015-10 recognizing former Council Member Ron Reimer for his years of service to the community. Motion carried unanimously.

RESOLUTION NO. 2015-11 RECOGNIZING FORMER COUNCIL MEMBER PAUL RADTKE

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to adopt Resolution No. 2015-11 recognizing former Council Member Paul Radtke for his years of service to the community. Motion carried unanimously.

Former Council Member Radtke thanked the Council and said he knows he is leaving the Council in good hands.

PRESENTATION OF 2014 ANNUAL FIRE DEPARTMENT REPORT

Fire Chief Vahsholtz presented the 2014 annual Fire Department report. He congratulated the new Council Members on being elected to office and offered to provide tours of the Fire Station to any Council Member that is interested.

Chief Vahsholtz said 2014 was an extraordinary year for the Fire Department. In April of 2014 Chief Rich Van Dinter stepped down after 40 years of service on the Department, 21 as Chief. Chief Vahsholtz was elected as Chief. He is the 10th Fire Chief of the Cedarburg Fire Department, which is celebrating its 150th anniversary next year. He was Assistant Chief for 20 years prior to being named Chief last year. He said his goal is to continue the good work in the community.

Several other staffing changes occurred in 2014. Deputy Chief Bill Hintz was promoted to Assistant Chief. Jeff Boerner stepped down after 40 years of service. Both he and former Chief Van Dinter will stay on in other capacities. Bill Koeppen was appointed Fire Inspector in June 2014 as the former Inspector took a full-time position in the Madison area. Captain Kim Gordon was

promoted to Deputy Chief as was Scott Matusewic. Lieutenant Craig Boerner was promoted to Chief Engineer and Joseph Hintz was promoted to Assistant Chief Engineer.

A major goal of the Department is to deliver outstanding customer service to the community.

Chief Vahsholtz said there were a total of 1,099 calls for service in 2014. Of those calls, 828 were in the City of Cedarburg and 210 were in the Town of Cedarburg. There were 61 mutual aid calls. The number of rescue calls totaled 833 and the number of fire calls totaled 205. Most calls were investigative in nature. There were five structure fires.

Nine new members were added in 2014. Four members left the Department. A major focus is on recruitment and retention of members. Chief Vahsholtz said the members are volunteers, but are very committed and dedicated. The Fire Department also continues to look for community members who are willing to assist the Department in other capacities such as IT services, financial reporting, and administrative support. Members logged over 5,000 hours of training in 2014, all with no compensation.

Fire Department members also logged over 1,800 hours of standby time in 2014 at a variety of events, including the Festivals. Standby during Festivals can be very taxing as members put in long days at the Fire Station in order to be ready in case any emergencies occur. There only pay is lunch and breakfast.

There were 50 public education events in 2014 totaling 500+ hours.

Chief Vahsholtz said he cannot speak enough about the men and women of the Fire Department. These members make great sacrifices for the community and provide an exceptional level of care and service.

Mayor Kinzel said he cannot say enough good things about the Fire Department. He said the Fire Department is one of the things that make Cedarburg unique. He said it takes good leadership, and he is confident this will continue.

Council Member Thome said that she and her husband attended the awards banquet the last two years and said attending these events really hits home all the amazing things the Department does. She thanked the Department for its efforts.

Council Member Filter said it is great that those in the upper ranks are involved in the community. He said many current members have had other family members on the Fire Department over the course of the years.

DESIGNATION OF CITY'S OFFICIAL NEWSPAPER FOR ENSUING YEAR

Motion made by Council Member Filter, seconded by Council Member Arnett, to designate the *News Graphic* as the City's official newspaper for the ensuing year. Motion carried unanimously.

RESOLUTION NO. 2015-12 DESIGNATING AND AUTHORIZING SIGNATURES FOR THE CITY OF CEDARBURG CHECKING AND SAVINGS ACCOUNTS FOR THE ENSUING YEAR

Motion made by Council Member O’Keefe, seconded by Council Member Thome, to adopt Resolution No. 2015-12 designating and authorizing signatures for the City of Cedarburg checking and savings accounts for the ensuing year. Motion carried unanimously.

MAYOR KINZEL’S COUNCIL MEMBER APPOINTMENTS

Mayor Kinzel said he will make Council Member appointments at the May 11, 2015 meeting.

MAYORS KINZEL’S APPOINTMENTS TO BOARDS, COMMITTEES, AND COMMISSIONS

Mayor Kinzel said he will make citizen appointments to boards, committees, and commissions at the May 11, 2015 meeting.

CONSIDER LEGAL SERVICES AGREEMENT WITH ATTORNEY MICHAEL HERBRAND

Attorney Herbrand said he took over as City Attorney one year ago. He said it has been a real honor and privilege for him and his firm. In the past year he and his firm have prepared the Developer’s Agreement for TID No. 3 and assisted with the creation of TID No. 3, provided advice related to the dams in the City, streamlined the approval and denial process for bartender licenses, prosecuted all traffic and ordinance violations in the City, reviewed the contracts for the design of the Public Works facility, recommended the retention of Attorney Sweeney to assist with resolving the Amcast matter, took over litigation in the Prochnow estate, and assisted with the merger of the Fire Department into a City Department.

Attorney Herbrand presented the fee structure for an agreement that would cover the period May 1, 2015 through April 30, 2018. The agreement is the same as the current agreement, with the exception of slight cost of living increases in the fees. Fees for attendance at Council meetings will increase from \$310 per meeting or hourly rate, whichever is lower, to \$315 per meeting or the hourly rate, whichever is less. The associate and traffic prosecution hourly rate will increase from \$155 to \$160. The paralegal rate will increase from \$110 per hour to \$115 per hour. The partner and senior trial associate rate will increase from \$175 per hour to \$185 per hour during the May 1, 2015 – April 30, 2016 period and \$190 per hour for the May 1, 2016 - April 30, 2018 period. Attorney Herbrand said these rates are the rates charged to all municipalities served by his firm so there is no perceived favoritism. He encouraged the Council not to focus entirely on the hourly rates, but look at the year-end totals. He said the City is getting highly efficient legal services at equitable rates.

Council Member Regenfuss said he works with attorneys every day and feels the City is getting excellent service from Attorney Herbrand and his firm.

Mayor Kinzel said he is very pleased with Attorney Herbrand and his firm, and the responsiveness.

Council Member O'Keefe said he has been impressed with Attorney Herbrand, especially his common sense advice on matters.

Motion made by Council Member O'Keefe, seconded by Council Member Regenfuss, to approve the legal services contract with Attorney Michael Herbrand and Houseman & Feind, LLP, for the period May 1, 2015 – April 30, 2018. Motion carried unanimously.

LICENSE APPLICATIONS

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to authorize the issuance of a new Operators license for the period ending June 30, 2015 to: Thomas J. Shippen. Motion carried unanimously

CITY ADMINISTRATOR'S REPORT

City Administrator/Mertes said County Sheriff Jim Johnson has invited the City to the swearing-in ceremony for the new Deputy Canine Wasko that will be held on May 12. There will be a lunch from 11:00 a.m. to 2:00 p.m., with the swearing-in ceremony at 2:00 p.m.

MAYOR'S REPORT

Mayor Kinzel issued proclamations for Municipal Clerks Week (May 3-9) and Older Americans Month (May, 2015).

Council Member Filter said the City is fortunate to have two good Clerks, and commended them on the handling of the 2012 recall elections.

ADJOURNMENT

Motion made by Council Member Filter, seconded by Council Member Czarnecki, to adjourn the meeting at 8:13 p.m. Motion carried unanimously.

Constance K. McHugh, MMC/WCPC
City Clerk