

**CITY OF CEDARBURG
COMMON COUNCIL
April 28, 2014**

**CC20140428-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, April 28, 2014, 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, Art Filter, Paul Radtke, Michael Maher, Patricia Thome, Mike O'Keefe

Excused - Council Members Ron Reimer and Paul Radtke

Also Present - City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, City Clerk Constance McHugh, Police Captain Glenn Lindberg, Public Works Superintendent Jeff Boerner, Fire Chief Rich Van Dinter, Assistant Fire Chief & Detective Sergeant Jeff Vahsholtz, Police Officer Brian Emmrich, Canine Jake, several members of the Cedarburg Fire Department, City Attorney Kaye Vance, and 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 April 24, 2014 meeting as presented. Motion carried unanimously with Council Members Reimer and Radtke excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Dick Dieffenbach, W67 N586 Evergreen Blvd., said he is the newest County Board Supervisor from Cedarburg and wanted to let the Council know that he will stress communication over the next two years. He encouraged Council Members to contact him directly if they have any questions about County issues.

Mr. Dieffenbach said one of the early issues facing the County Board is a call for renovating the 50 year old Lasata Complex. He encouraged the Council to direct any questions or concerns about the project to himself or Lasata Administrator Ralph Luedtke.

Mr. Dieffenbach said that he is very proud to have been elected to serve on the County Board, but is deeply concerned about the low voter turnout earlier this month. The turnout in his district was approximately 20% turnout while another district experienced an 8% voter turnout. He said it seems voting is not currently a priority in Cedarburg. Low voter turnout is disrespectful to the founders of our county and Wisconsin, our military, our poll workers and elected officials. The quality of government depends upon the active interest of the entire electorate.

Mr. Dieffenbach said he hopes the Council will consider ideas on how to encourage voters to make voting an important commitment. At a minimum he would like the City to annually mail a list of elections dates to each changeable sign permit holder to encourage them to reserve their sign messages on the day preceding and the day of each election for get out the vote messages.

PRESENTATION OF THE 2013 ANNUAL FIRE DEPARTMENT REPORT

Chief Van Dinter said the primary objective of the Fire Department is to deliver outstanding service to the community and to keep the community safe. The Department responded to a total of 1,076 calls in 2013, an increase of 69 over 2012. Rescue calls increased by 59 calls, totaling 839. Fire calls totaled 188, which was an increase of 19 calls. Fire and rescue calls in the City totaled 828 while calls in the Town totaled 199. Neighboring departments were assisted by the Cedarburg Fire Department a total of 49 times, 9 less than in 2012. The Department responded to three structure fires in 2013. One of the bigger fires was the fire at Rich's Restaurant. No citizens were injured due to a fire; however, five firefighters were injured in 2013 during the course of performing their duties. Costs totaling \$1,959 were paid in medical care. The Department continues to work towards no injuries.

The Cedarburg Fire Department, along with eight other fire departments in Ozaukee County, has implemented a predetermined response system to assist fire departments when additional resources are needed. This system is called MABAS. Of the 49 calls to neighboring departments, 23 of them used the MABAS system. MABAS was used on all three structure fires.

Three new members were added to the Department in 2013. Five members stepped down or retired. Membership continues to be an area of focus for the Department. There are 75 members of the Department with a total of 860 years of service. Theresa Grube was promoted to Lieutenant of the Rescue Company in 2013.

Training is always a priority for the Cedarburg Fire Department. The Department logged over 8,300 hours of training in 2013. Fifteen young people are currently enrolled in the Explorer program. These individuals take the same training as regular members of the Department.

The Fire Prevention Bureau continues to promote fire safety in the community. CPR training is available. The Department continues to promote the "Change Your Clock, Change Your Battery" program. Educational opportunities range from fire safety through the Survive Alive program to grade school students and fire extinguisher training to local businesses, to supporting station visits from scouting groups and business organizations.

Chief Van Dinter said that fund raising still remains a very high priority in the success of the Department. It is through the fund raising that the Department is able to purchase capital equipment, including the command vehicle that was purchased in 2013.

The Department continues to promote the “Change Your Clock, Change Your Battery” program. In conjunction with Beyer’s Hardware, the Department gives away 9 volt batteries for smoke and CO detectors.

The following goals were accomplished in 2013: a command vehicle was put into service; an ammonia meter was purchased, two iPads were purchased, two cross band repeaters were purchased in two trucks; 8,302 hours were dedicated to training, four emergency medical tech intermediates were certified; 40 emergency medical techs were recertified, all Department members are CPR certified, four firefighters completed state certification courses; a physical fitness incentive program was implemented; over 4,000 hours of standby coverage was provided for festivals and high school football games; 400 hours of CPR training was provided to the community; fund raising continued for supporting capital purchases; and a very active explorer post for training young people continues.

Chief Van Dinter said he is proud of the members of the Department. He said all members understand what the right thing to do is. The sacrifice and dedication is second to none. Chief Van Dinter also thanked the Common Council for its support over the last 21 years. He said he worked with many elected officials during his 21 years as Chief and they have always stood behind the Fire Department.

Mayor Kinzel thanked Chief Van Dinter for his report and his years of service. He said the dedication of the crew comes from his leadership.

Council Member Filter thanked Chief Van Dinter for his years of service as well and for a job well done.

CONSIDER RESOLUTION NO. 2014-06 COMMENDING RETIRING FIRE CHIEF RICHARD VAN DINTER

Motion made by Council Member Filter, seconded by Council Member Thome, to adopt Resolution No. 2014-06 commending retiring Fire Chief Richard Van Dinter for his 40 years of fire service to the City. Motion carried unanimously with Council Members Reimer and Radtke excused.

CONSIDER MAYOR KINZEL’S COUNCIL MEMBER APPOINTMENTS

Motion made by Council Member Filter, seconded by Council Member Thome, to approve Mayor Kinzel’s Council Member appointments. Motion carried unanimously with Council Members Reimer and Radtke excused.

Council Member John Czarnecki (1st District)

- Personnel Committee
- Ad hoc Debt/Investment Advisory Committee
- Festival Committee Liaison

Council Member Ronald Reimer (2nd District)
Public Works & Sewerage Commission
Landmarks Commission

Council Member Art Filter (3rd District)
Light & Water Commission
Mid-Moraine Legislative Committee
Ad hoc Mayor's Enhancement Award Committee

Council Member Paul Radtke (4th District)
(Council President)
Personnel Committee
Economic Development Board
Ad hoc Creek Walk Committee

Council Member Michael Maher (5th District)
Library Board

Council Member Patricia Thome (6th District)
(Council Rep to Plan Commission)
Ad hoc Debt/Investment Advisory Committee
Ad hoc Cedar Creek Clean Up Committee

Council Member Mike O'Keefe (7th District)
Park, Recreation and Forestry Board
Personnel Committee
Community Pool Commission
Ad hoc Debt/Investment Committee
Mid-Moraine Legislative Committee (Alternate)

CONSIDER MAYOR KINZEL'S APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to approve Mayor Kinzel's appointments to various boards, committees, and commissions. Motion carried unanimously with Council Members Reimer and Radtke excused.

Board of Appeals- 3 year term

Vera Brissman, Chair	(04/30/17)	Chair
Tom Mesalk	(04/30/17)	First alternate
Doug Yip	(04/30/16)	Second alternate

Community Pool Commission – 2 year term

Wendy Sprenger	(04/30/16)
Doug Yip	(04/30/16)

Economic Development Board – 3 year term

Lynn Knutson	(04/30/17)
Chris Smith	(04/30/17)
Rebecca Zuba, (alt)	(04/30/15)
Greg Zimmerschied (alt)	(04/30/15)
David Krier (alt)	(04/30/15)

Library Board- 3 year term (3 year term)

Steve Ruggieri	(04/30/17)
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Parks, Recreation and Forestry Board – 2 year term

Glenn Herold	(04/30/16)
Frank MacIntosh	(04/30/16)

Plan Commission – 3 year term

Dan von Bargaen	(04/30/17)
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Public Works & Sewerage Commission – 2 year term

Bill Oakes	(04/30/16)
Sandy Beck	(04/30/16)
Charles Schumacher	(04/30/16)
Randy Roupp	(04/30/16)
Robert Dries	(04/30/16)
Gary Graham	(04/30/16)
Jim Slavin	(04/30/16)

Board of Review – 5 year term

Bob Carroll	(04/30/19)
Doup Yip (alt)	(04/30/17)

CONSIDER APPROVAL OF AN EXTRATERRITORIAL CERTIFIED SURVEY MAP (CSM) TO DIVIDE A 20-ACRE LOT AT 933 HORNS CORNERS ROAD IN THE TOWN OF CEDARBURG INTO TWO PARCELS

Motion made by Council Member Filter, seconded by Council Member O’Keefe, to approve an extraterritorial certified survey map (CSM) to divide a 20-acre lot at 933 Horns Corners Road in the Town of Cedarburg into two parcels. Motion carried unanimously with Council Members Reimer and Radtke excused.

CONSIDER AWARD OF ARCHITECTURAL DESIGN SERVICES CONTRACT FOR THE PROPOSED PUBLIC WORKS FACILITY

Director Wiza said staff requested architectural design proposals from a total of four qualified firm. The firms that presented proposals at the April 10 Public Works and Sewerage Committee meeting were: Kueny Architects, LLC in the amount of \$248,714, Angus Young Associates in the amount of \$279,950 (later reduced to \$249,912); and Groth Design Group in the amount of \$370,200. The Commission unanimously recommended the Council accept the proposal of Kueny Architects, LLC.

Director Wiza said staff is comfortable with either Kueny Architects or Angus Young Associates. Kueny Architects designed the Grafton public works facility.

Superintendent Boerner said he spoke with the Public Works Superintendent for the Village of Grafton. The Superintendent had nothing but good things to say about Kueny Architects.

Motion made by Council Member Filter, seconded by Council Member O'Keefe, to accept the proposal of Kueny Architects, LLC in an amount not to exceed \$248,714 for design services related to the proposed public works facility. Motion carried unanimously with Council Members Reimer and Radtke excused.

RECONSIDERATION OF THE APPLICATION OF JULIA SCHNEIDER FOR AN OPERATOR'S LICENSE THAT WAS NOT APPROVED BY THE COUNCIL ON MARCH 31, 2014

Julia Schneider requested the Common Council reconsider her application for an operator's license that was not approved on March 31, 2014.

Captain Lindberg said the concern is the felony conviction for fraud against a financial institution on September 15, 2010 that was found during the background check.

Attorney Vance said that according to State Statutes 125.04(5)(b), "no license or permit related to alcohol beverages may, subject to ss. 111.321, 111.322 and 111.335, be issued under this chapter to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned."

Ms. Schneider said that she did hold a license from Saukville. She said she made a mistake, regrets what she did, and was never in trouble before or after this incident. She said this incident was not alcohol related.

Council Member O'Keefe said Police reports are a public record and he obtained the report in this matter. He said this situation was more than just writing a bad check.

There being no motion, the Council's decision to not approve the operator's license for Julia Schneider stands.

CONSIDER RESOLUTION NO. 2014-07 DESIGNATING AND AUTHORIZING SIGNATURES FOR THE CITY OF CEDARBURG CHECKING AND SAVINGS ACCOUNTS FOR THE ENSUING YEAR

City Administrator/Treasurer Mertes said the only change to this resolution from last year was removing Tri-City Bank and adding Partnership Bank.

Motion made by Council Member Thome, seconded by Council Member O'Keefe, to approve Resolution No. 2014-07 designating and authorizing signatures for the City of Cedarburg checking and savings accounts for the ensuing year. Motion carried unanimously with Council Members Reimer and Radtke excused.

CONSIDER THE APPOINTMENT OF STEPHANIE HAYES AS AGENT FOR THE CEDARBURG CULTURAL CENTER, INC., DBA, THE CULTURAL CENTER AT W62 N546 WASHINGTON AVENUE

Motion made by Council Member O'Keefe, seconded by Council Member Maher, to approve the appointment of Stephanie Hayes as agent for the Cedarburg Cultural Center, Inc., dba, The Cultural Center at W62 N546 Washington Avenue. Motion carried unanimously with Council Members Reimer and Radtke excused.

CONSIDER RESOLUTION NO. 2014-08 COMMENDING CITY ATTORNEY KAYE VANCE FOR HER YEARS OF SERVICE TO THE CITY

Motion made by Council Member Maher, seconded by Council Member Czarnecki, to adopt Resolution No. 2014-08 commending City Attorney Kaye Vance for her 22 years of service to the City. Motion carried unanimously with Council Members Reimer and Radtke excused.

Council Member Filter commended Attorney Vance for the work done throughout the years, especially on the Marris v. City of Cedarburg case. He said Attorney Vance always looked after the City's best interests.

Council Member Thome also thanked Attorney Vance for her service.

Attorney Vance thanked the Council for the opportunity of working for the community.

CONSIDER LEGAL SERVICES CONTRACT WITH ATTORNEY MICHAEL HERBRAND

The Mayor and Council commended City Administrator/Treasurer Mertes for being able to reduce the hourly rate for legal services from \$185 to \$175.

Motion made by Council Member Maher, seconded by Council Member O'Keefe, to approve the one year legal services agreement between Attorney Michael Herbrand/Houseman & Feind, LLP and the City. Motion carried unanimously with Council Members Reimer and Radtke excused.

PAYMENT OF BILLS

Motion made by Council Member Filter, seconded by Council Member Maher, to approve payment of bills for the period 03/28/14 through 04/21/14, ACH transfers for the period 03/27/14 through 04/23/14, and payroll for the period 03/16/14 through 04/12/14. Motion carried unanimously with Council Members Reimer and Radtke excused.

LICENSE APPLICATIONS

Motion made by Council Member O'Keefe, seconded by Council Member Filter, to authorize the issuance of new Operator's licenses for the period ending June 30, 2014 to: Kathleen E. Austin, Jean M. Dreblow, Tanner M. Welch, and Patrick Weyer. Motion carried unanimously with Council Members Reimer and Radtke excused.

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to authorize the issuance of a 6-month Class B beer license to C. Wiesler's Inc., Michael G. Jackson, agent, for the Cedar Creek Park Concession Stand, N52 W5925 Portland Road. Motion carried unanimously with Council Members Reimer and Radtke excused.

LIBRARY FUNDRAISING UPDATE AND LIBRARY BUILDING UPDATE

Council Member Maher said the copy machines at the Library are a revenue generator, but a big expense to lease them. The plan was to lease four copiers; however, Library Director Pierschalla has suggested the machines be purchased, saving approximately \$8,733. Surplus funds from the building project would be used to cover the cost and this would remove the yearly operational expense of a lease.

It was the consensus of the Council that this matter should be placed on the agenda of a future Council meeting.

Council Member Maher said volunteers will be done this month tagging books and materials for the RFID system.

CITY ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes highlighted the spreadsheet of insurance premiums and employee contributions that was attached to her report. She said the City has the lowest cost family plan for the communities surveyed.

She said reporter Lisa Curtis of News Graphic received a promotion to Managing Editor.

COMMENTS AND SUGGESTIONS BY COUNCIL MEMBERS

Council Member O'Keefe thanked Lisa Curtis for her service.

Council Member Thome said that Lisa Curtis is well known in the community for her fairness and accuracy in reporting.

MAYOR'S REPORT

Mayor Kinzel issued the following proclamations:

- Municipal Clerk's Week – May 4 – May 10, 2014
- Poppy Month – May 2014
- Eagle Scout Jacob Sheets

ADJOURNMENT

Motion made by Council Member Filter, seconded by Council Member Thome, to adjourn the meeting at 8:11 p.m. Motion carried unanimously with Council Members Reimer and Radtke excused.

Constance K. McHugh, MMC/WCPC
City Clerk