

**CITY OF CEDARBURG
COMMON COUNCIL
September 29, 2015**

**CC20150929-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Tuesday, September 29, 2015, 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 Czarnecki, Jack Arnett, Art Filter, Rick Verhaalen, Mitch Regenfuss, Patricia Thome, Mike O'Keefe

Also Present - City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, Light & Water General Manager Dale Lythjohan, City Clerk Constance McHugh, Parks, Recreation and Forestry Director Mikko Hilvo, Fire Chief Jeff Vahsholtz, Senior Center Director Carol LaFontaine, City Attorney Michael Herbrand, City Planner Jon Censky, Assistant Fire Chief Bill Hintz, Economic Development Coordinator Mary Sheffield, Economic Development Board Members Peter Welch, DJ Burns, Lynn Knutson, Joe Kassander, Greg Zimmerschied; interested citizens and news media

A moment of silence was held in honor of former Council Member and Police and Fire Commission Member John Hammen, who passed away on September 26.

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 September 14, 2015 meeting as presented. Motion carried unanimously.

PRESENTATION OF MAYOR'S COMMUNITY ENHANCEMENT AWARDS

Mayor Kinzel presented the following with 2015 Mayor's Community Enhancement Awards:

- Rebecca Schumann and Eric Taylor - W66 N550 Madison Avenue – Residential Revitalization
- William Esselmann and Kim Gordon – N49 W7411 Western Road – Residential Revitalization

- Nina and Gerald Walker – W70 N1018 Hampton Court – Residential Landscaping / Gardening
- Heather and Steve Cain – N50 W6890 Western Road – Residential Revitalization
- Sandra and Mark Binversie – W61 N382 Washington Avenue – Residential Revitalization
- Tom Bloomingdale – N61 W5416 Edgewater Drive – Residential Revitalization
- Nick Janous – N64 W6235 Tyler Street – Residential Restoration
- Community United Methodist Church – W68 N563 Evergreen Blvd. Institutional Revitalization
- Immanuel Lutheran Church – W61 N498 Washington Avenue – Institutional Landscaping
- It's A Gas (FRILL) – W63 N680 Washington Avenue – Commercial Revitalization
- Cedarburg Storage Company – N143 W6049 Pioneer Road – Commercial Revitalization

Mayor Kinzel thanked the ad hoc Mayor's Community Enhancement Award Committee for their efforts.

CONSIDER PRELIMINARY PLAT APPROVAL FOR THE FAIRFIELD MANOR WEST SUBDIVISION

Planner Censky said a single-family subdivision is proposed to be located along the south side of Susan Lane. The plat consists of six Code compliant single family lots, ranging in size from 12,437 square feet to 17,882 square feet and a 78,507 square foot outlot for storm water management purposes. The project will result in the extension of Susan Court north to Susan Lane and that roadway will be inclusive of curb, gutter and sidewalks. The developer hired a consultant, who has determined that there are no jurisdictional wetlands on the site.

Council Member O'Keefe asked when the storm water pond will be built.

Director Wiza said the storm water pond is in the draft 2016 budget and plans are to build it in 2016.

Motion made by Council Member O'Keefe, seconded by Council Member Czarnecki, to approve the preliminary plat for the Fairfield Manor West Subdivision subject to the following:

- The developer is to provide a drainage outlet for the Aspen Court backyard areas.
- The development shall comply with all State platting requirements.
- \$7,185.27 per lot impact fees due at time of building permit acquisition.
- All improvements shown shall be constructed by the developer at his expense with the exception of the stormwater pond.
- The developer shall complete the loop of the 12" water main in Susan Lane and Cedarburg Light & Water will reimburse the portion east of lot #5. Fire hydrants will be required at the direction of Cedarburg Light & Water.
- All technical correction as required by the City Engineer shall be completed prior to final plat consideration.
- Utility easements will be required for electrical extensions.

The motion carried unanimously.

CONSIDER RESOLUTION NO. 2015-17 ADOPTING A RELOCATION ORDER TO FACILITATE CITY ACQUISITION OF A PERMANENT UTILITY EASEMENT ALLOWING FOR THE PLANNED EXTENSION OF CITY UTILITIES TO THE SHEBOYGAN ROAD CORRIDOR

Director Wiza said the City has long planned for a regional sanitary sewer lift station to serve the Sheboygan Road corridor and ultimately a future business park on Highway 60. Engineering studies have detailed the need to extend municipal sewer and water mains under Cedar Creek at West Highland Drive. The practical routing for these utilities crosses a private property on the west bank of Cedarburg Creek and, therefore, the City will need to acquire an easement. The first step in the easement acquisition process is to adopt a Relocation Order identifying the parcel(s) affected.

Motion made by Council Member Arnett, seconded by Council Member Czarnecki, to adopt Resolution No. 2015-17 adopting a Relocation Order to facilitate City acquisition of a permanent utility easement allowing for the planned extension of City utilities to the Sheboygan Road corridor. Motion carried unanimously.

CONSIDER RESOLUTION NO. 2015-18 ACCEPTING AN EXISTING ROAD RESERVATION ON SUSAN LANE FROM SUSAN COURT EXTENDED TO THE WEST LINE OF FAIRFIELD MANOR SUBDIVISION – PHASE ONE

Director Wiza said the 66 foot wide strip of land identified on City maps as Susan Lane, from Susan Court extended, to the Fairfield Manor Subdivision, is the only portion of Susan Lane that has never been constructed. The land on the north side is in the Town, and until now no development proposal has been presented for the south side. With the submission of the Fairfield Manor West Subdivision plat, the question was raised as to whether this segment of Susan Lane is dedicated or simply reserved for road purposes. Past surveys seem to show it both ways, but the land was annexed to the City in 1970 and no one has paid taxes on it since that time.

Director Wiza said the City is not planning to construct the pavement at this time; however, water main and storm sewer construction will be required within the right-of-way and it is important to have clear title to the land.

Attorney Herbrand said a title search shows the land was reserved for road purposes. He said the Council is being asked to accept the road right-of-way dedication. There is not a deadline to construct the road.

Motion made by Council Member Thome, seconded by Council Member Arnett, to adopt Resolution No. 2015-18 accepting an existing Road Reservation on Susan Lane from Susan Court extended to the west line of Fairfield Manor Subdivision. Motion carried unanimously.

CONSIDER AMENDMENT NO. 2 TO THE LONG TERM POWER SUPPLY CONTRACT FOR PARTICIPATING WPPI ENERGY MEMBERS

The City of Cedarburg is a founding member of WPPI and initially signed a 35 year contract in 1980. An initial extension of the original contract out to 2037 was executed by the City in 2002. The current request is to extend the contracts out to 2055, which would effectively create a 40 year contract from now. This extension will allow WPPI to issue long term debt to purchase cost effective generation assets, and/or enter into long term purchased power agreements that typically carry 25-30 year terms in order to be the most cost effective.

Motion made by Council Member Arnett, seconded by Council Member Filter, to approve Amendment No. 2 to the Long Term Power Supply Contract for participating WPPI Energy Members. Motion carried unanimously.

CONSIDER REQUEST TO FILL THE RECREATION SUPERVISOR/OFFICE MANAGER POSITION

Director Hilvo said the current Recreation Supervisor/Office Manager has resigned and her last day will be October 8. He is requesting authorization to fill this position.

Motion made by Council Member Filter, seconded by Council Member O'Keefe, to authorize Director Hilvo to fill the vacant Recreation Supervisor/Office Manager position. Motion carried unanimously.

CONSIDER UPDATED COOPERATION AGREEMENT WITH WAUKESHA COUNTY REGARDING THE HOME INVESTMENT PARTNERSHIP PROGRAM

Attorney Herbrand said the City is being asked to enter into an updated cooperation agreement with Waukesha County regarding the HOME Investment Partnership Program. This is a program to help make funds available to low and moderate income homebuyers, homeowners, nonprofit agencies, affordable housing developers, municipalities, and location businesses. Waukesha County is the lead agency for all participating municipalities and counties. Cedarburg signed a cooperation agreement years ago to become a member of the HOME Consortium. HUD is requiring Waukesha County to update the cooperation agreement.

Attorney Herbrand said participation in the agreement shows the City will comply with fair housing laws.

Mayor Kinzel asked for assurance that participation would not bind the City to anything. Attorney Herbrand said it would not bind the City, but the City must select two action items to affirmatively further fair housing for the duration of the agreement.

Motion made by Council Member Regenfuss, seconded by Council Member Thome, to enter into the revised Cooperation Agreement with Waukesha County regarding the HOME Investment Partnership Program. Motion carried unanimously.

CONSIDER ORDINANCE NO. 2015-16 AMENDING SEC. 7-2-23 OF THE CODE OF ORDINANCES TO REQUIRE THAT THE FEE FOR OPERATOR'S LICENSES BE PAID AT THE TIME OF APPLICATION

City Clerk McHugh asked the Council to adopt an ordinance requiring that payment for operator's (bartender) licenses be made at the time of application. The current process is to collect a \$10 fee at the time of application and the \$30 license fee is to be paid when the license is issued.

Motion made by Council Member Czarnecki, seconded by Council Member O'Keefe, to adopt Ordinance No. 2015-16 amending Sec. 7-2-23 of the Code to require that the entire fee for operator's licenses be paid at the time of application. Motion carried unanimously.

CONSIDER PROPOSED 2016 BUDGET, DEPARTMENT PRESENTATIONS, DISCUSSION

City Administrator/Treasurer Mertes said this has been a particularly challenging year for preparing the budget and she and staff are continuing to revise the budget to make it balance and to achieve the parameter set by the Council of a 0% increase in the tax levy. The proposed budget shows a 1% increase in the City tax levy and a 0.4% increase in the tax rate. The proposed tax rate will increase by \$0.02, from \$6.97 per \$1,000 assessed value to \$6.99. In order to balance the budget a 2.4% increase in the levy is necessary. This would increase the tax rate by \$0.12, to \$7.09 per \$1,000 assessed value. This would amount to an additional \$33.48 for a home with an average assessed value of \$279,000.

City Administrator/Treasurer said the budget has been cut back considerably over the last seven years and there are really no options for further cuts. Health insurance costs are expected to increase by 5% and the worker's comp modification factor was increased from .88 to 1.04, resulting in an increase in the premium.

State levy limits will allow the levy to increase by \$354,000. An estimated 1.37% in expenditures will be allowed under the expenditure restraint program. Fund balance is proposed to be used for the Affordable Care Act (ACA) compliance in the amount of \$8,404 and a file server in the amount of \$15,000.

Fire Department

Fire Chief Vahsholtz highlighted the proposed Fire Department budget:

- The purchase of self-contained breathing apparatus will result in a savings of \$7,500, which will be used to offset other costs
- Fuel and uniform costs will decrease in 2016
- \$4,000 is included in the budget for the purchase of a dive team raft as the existing raft is at the end of its useful life
- There is a \$4,000 increase in fire inspection contractual costs
- Testing of fire hoses is now a contracted service and will cost \$4,000
- The biggest increase is the \$18,000 to \$20,000 cost for a software program called "Priority Dispatch" that will be used by the Cities of Mequon and Cedarburg, the Village of Grafton, and the Sheriff's Department for emergency medical dispatch

- The capital budget includes funds to continue the upgrade of the HVAC system at the fire station
- The Cedarburg Fire Department recently purchased a new fire truck from Pierce Manufacturing in the amount of \$650,000. The truck will be paid for through fundraising efforts at Maxwell Streets Days and no tax funds will be involved

Senior Center

Senior Center Director LaFontaine highlighted the proposed Senior Center budget:

- There is a 0% increase in the 2016 proposed Senior Center budget; as has been the case for the past eight years
- Telephone and printing costs will be decreasing
- The Senior Center is basically self-supporting of the operating expenses

Assessor

Assessor Cathy Timm is at a conference so highlights of the Assessor's budget were presented by City Administrator/Treasurer Mertes:

- Assessor Timm is currently the Vice Chair of the Municipal Assessor's Section of the Municipal Assessor's Institute of the League of Wisconsin Municipalities. She will become Chair in 2016
- The Department has no control of State-mandated fees or software program maintenance fees
- The only real change in this budget is an increase in worker's compensation costs due an increase in the modification factor
- Funds are set aside every year for a future revaluation

City Clerk

City Clerk McHugh highlighted the City Clerk's Office and Election budgets:

- There will be a 7% increase in the Clerk's Office budget due to the Administrative Assistant enrolling in the City's health insurance plan and additional postage costs for absentee ballots and other election related mailings
- The large increase in the Elections budget is due to an increase in the number of elections in 2016 from two to four, with at least two of the elections being high turnout elections
- The election budget increases every other year when there are four elections and the biggest increases are seen when there is a Presidential election; as is the case in 2016
- Recent changes in the law also contribute to the large increase in the Elections budget
- A \$5 increase in the cost of operator's (bartender) licenses is proposed, which would result in an increase of \$1,750 in revenue
- A color copy cost of \$0.50 per page is being proposed

City Treasurer

City Administrator/Treasurer Mertes highlighted the Treasurer's, Mayor & Common Council, and Legal Services budget:

- A .25 FTE was lost in the Treasurer's Office this year as an employee retired and was replaced with an existing employee who will work part-time in the Treasurer's Office and part-time in the Clerk's Office. This employee will now participate in the City's health insurance program. This increase is reflected in the budget
- The professional services budget is increasing by approximately \$8,000 to cover the costs of the recently approved software for ACA reporting
- Telephone costs are decreasing
- There will be an increase in auditing costs
- There will be a slight increase in internet costs
- The Equipment Outlay budget includes \$15,000 for the replacement of the file server
- No fee increases are proposed

Mayor & Common Council

- There is little change in the Mayor's and Common Council's budget, with the exception of increased worker's comp costs

City Administrator

- There is little change in the City Administrator's budget
- No funds have been budgeted for employee bonuses or merit increases

Legal Services

- City Attorney costs have been reduced from \$84,000 to \$70,000

Insurance

- Increases are expected in property insurance and general and liability premiums
- The costs for surety bonds is decreasing due to the combining of bonds for certain employees

City Administrator/Treasurer Mertes said she will continue to work on balancing the budget. She suggested Council Members contact Department Heads with any questions, comments, or concerns they may have. Department Head presentations will also take place at the October 12 meeting.

PAYMENT OF BILLS

Motion made by Council Member Filter, seconded by Council Member Czarnecki, to approve the payment of the bills for the period 09/10/15 through 09/18/15, ACH transfers for the period 09/10/15 through 09/22/15, and payroll for the period 08/30/15 through 09/12/15. The motion carried unanimously.

LICENSE APPLICATIONS

Motion made by Council Member O'Keefe, seconded by Council Member Arnett, to authorize the issuance of new Operator licenses for the period ending June 30, 2016 to:

Sarah R. Bohn
Elizabeth M. Taylor

Kia J. Reinders
Kimberly A. Zblewski

Motion carried unanimously.

CITY ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes said her report of last week indicated that health insurance premiums would likely increase by 7.5%. The latest information shows the increase will only be 5%.

City Administrator/Treasurer Mertes said all employees will be attending anti-harassment training provided by CVMIC at no cost.

COMMENTS AND ANNOUNCEMENTS BY CITIZENS

County Supervisor Dick Dieffenbach said the County will be holding a State of the County Address on September 30 from 5:00 p.m. to 8:00 p.m. He encouraged Council Members and staff to attend.

Supervisor Dieffenbach said the County will have a 0% increase in its budget and will be doing this by combining positions with other counties and by consolidation. He encouraged the Council to attend the meeting on September 30 to learn more about the budget, the new voting machines that are being purchased by the County, emergency medical dispatch, and the other topics that will be discussed.

Supervisor Dieffenbach said former Council Member John Hammen died over the weekend. The funeral services will be on September 30.

Supervisor Dieffenbach said the Council heard tonight about a fire truck that will be purchased solely through the use of donated funds. He encouraged the Council to attend Maxwell Street Days at Firemen's Park and support the fundraising efforts.

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member O'Keefe said he appreciated the moment of silence at the beginning of the meeting to honor former Council Member and Police and Fire Commissioner John Hammen. He said Mr. Hammen was a great person and his death will be a loss to the City.

Council Member Filter said he received a call from a resident on Center Street about cars parking in the vicinity of the LaBudde Group office building with concerns about leaves in the gutter and snow removal. He responded that Center Street is a public street.

Council Member Filter said he served 10 years on the Council with John Hammen.

Council Member Arnett said he plans to tour Light & Water facilities and asked other Council Members to let him or the Clerk's Office know if they are interested in the same.

MAYOR'S REPORT

Mayor Kinzel encouraged everyone to attend the State of the County Address.

ADJOURNMENT

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

Constance K. McHugh, MMC/WCPC
City Clerk