

**CITY OF CEDARBURG
COMMON COUNCIL
December 12, 2022**

**CC20221212-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, December 12, 2022 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers and online utilizing the Zoom app.

Mayor O’Keefe called the meeting to order at 7:00 p.m.

Roll Call: Present - Mayor Michael O’Keefe, Council Members Melissa Bitter, Jack Arnett, Kristin Burkart, Rick Verhaalen, Robert Simpson (7:22 p.m.), Patricia Thome, Mark Mueller

Also Present - City Administrator Mikko Hilvo, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, Director of Engineering and Public Works Mike Wieser, Fire Chief Jeff Vahsholtz, Water Recycling Center Superintendent Dennis Grulkowski, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor O’Keefe’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. Citizen’s present were welcomed and encouraged to provide their input during the citizen comment portion of the meeting.

COMMENTS AND SUGGESTIONS FROM CITIZENS – None

NEW BUSINESS

OATHS OF OFFICE – DEPUTY FIRE CHIEF JOSEPH HINTZ, FIREFIGHTER/AEMT JASON PETERSON, AND FIREFIGHTER/AEMT ETHAN LE GAULT

Deputy City Clerk Kletzien administered the oath of office to Deputy Fire Chief Joseph Hintz, Firefighter/AEMT Jason Peterson, and Firefighter/AEMT Ethan Le Gault.

DISCUSSION AND POSSIBLE ACTION ON PARAMEDIC INTERCEPT AGREEMENT WITH SOUTHERN OZAUKEE FIRE DEPARTMENT

Fire Chief Vahsholtz explained that the Cedarburg Fire Department has had a Paramedic Intercept Agreement with the Thiensville Fire Department over the past twenty years. The Thiensville and Mequon Fire Departments have consolidated and formed a new department, the Southern Ozaukee Fire and Emergency Medical Services Department (SOFD). This new department will go into effect on January 1, 2023 at 12:00 a.m. SOFD has agreed to provide Cedarburg Fire Department with Paramedic Intercept Service under a new contract. Because the Thiensville Fire Department will no longer exist, a new contract was needed to continue to provide uninterrupted service to the Cedarburg Fire Department.

Council Member Thome recognized and thanked Fire Chief Vahsholtz for the amount of time spent on ratifying this agreement.

Motion made by Council Member Verhaalen, seconded by Council Member Thome, to approve the Paramedic Intercept Agreement with Southern Ozaukee Fire Department (SOFD) and authorizing Fire Chief Vahsholtz to sign the agreement subject to final wording and approval by City Attorney Herbrand and Fire Chief Vahsholtz. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON 2023 EMERGENCY MEDICAL SERVICES FEE SCHEDULE

Fire Chief Vahsholtz explained that the Cedarburg Fire Department rescue squad budget is self-supporting based on user fees. No tax funds have been used to support this service. Every year the Department meets with their billing representative to establish the fees for the coming year. These fees have then been adopted by CFD. As the Department continues to work on forming an alliance with the Southern Ozaukee Fire Department (SOFD), the Cedarburg Fire Department has matched their fee schedule with SOFD to make billing easier between the two departments. With the Cedarburg Fire Department integrating with the City, they understand that this fee schedule needs to be adopted by the Common Council. The proposed fees are based on comparable fees for other departments approximately the same size.

Council Member Arnett stated that the Cedarburg Fire Department is the most highly respected organization in the City and has the love of the community behind them. He thanked the many members in attendance for their volunteer service to the Cedarburg Community.

Motion made by Council Member Burkart, seconded by Council Member Thome, to approve the 2023 Emergency Medical Services Fee Schedule. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 2022-27 REPEALING AND RECREATING CHAPTER 2 FIRE PREVENTION AND PROTECTION CODE OF TITLE 5 PUBLIC SAFETY CODE

Fire Chief Vahsholtz explained that the Cedarburg Fire Department is proposing minor changes to the Fire Code. The biggest change is going from two inspections per year to one. The DSPS Chapter 314 allows for this change, but a change in the City Code needs to be made. The Village of Grafton, Village of Thiensville and City of Mequon have all made the change to one inspection per year. The two main reasons for this request are the City's Fire/EMS call volume is increasing making it harder for inspectors to get two inspections completed in one year and when violations are found, it is hard to get back in a timely manner for reinspection. This will allow inspectors to return for re-inspections in a timely manner and work with the business to correct the violation and remove the hazard. City Attorney Herbrand has reviewed and approved all the requested changes.

Motion made by Council Member Burkart, seconded by Council Member Thome, to approve Ordinance No. 2022-27 repealing and recreating Chapter 2 Fire Prevention and Protection Code of Title 5 Public Safety Code. Motion carried without a negative vote.

Mayor O'Keefe explained that this is a critical juncture in the history of the Cedarburg Fire Department and the City has done their due diligence in exploring other possibilities such as

consolidation with other communities and creating a Joint City and Town of Cedarburg Fire/EMS Committee to primarily explore the eventuality of staying together as a Fire Department. The Cedarburg Fire Department has been the pride of the City for 155 years; he thanked the members and expressed appreciation for their contributions to the Community.

DISCUSSION AND POSSIBLE ACTION ON AWARD OF CONTRACT TO R.A. SMITH FOR TID #7 CONSTRUCTION RELATED SERVICES ASSOCIATED WITH THE HANOVER AVENUE STREET AND UTILITY EXTENSION

Director Wieser explained that the construction on the Hanover Avenue Street and Utility Extension project is scheduled to begin in 2023. The construction related services associated with this contract include construction inspection and some construction administration. R.A. Smith has provided a proposal to provide a construction inspector at \$98.00 per hour and a construction manager, when required, at \$175.00 per hour.

Motion made by Council Member Arnett, seconded by Council Member Burkart, to award contract to R.A. Smith for TID #7 construction related services associated with the Hanover Avenue street and utility extension. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2022-28 AMENDING SEC. 3-6-3 TO 3-6-7 OF THE MUNICIPAL CODE ADJUSTING IMPACT FEES FOR LIBRARY FACILITIES, POLICE DEPARTMENT FACILITIES, WATER SUPPLY FACILITIES, PARK FACILITIES, AND WASTEWATER TREATMENT PLANT; ORDINANCE NO. 2022-29 AMENDING SEC. 14-1-19(g) ADJUSTING THE PUBLIC SITE FEES; AND ORDINANCE NO. 2022-30 AMENDING SEC. 9-2-6(c) ADJUSTING THE SANITARY SEWER CONNECTION FEE BASED ON THE CONSTRUCTION COST INDEX PUBLISHED IN THE ENGINEERING NEWS RECORD AND CALCULATED BASED ON THE ANNUAL INCREASE IN THE CCI INDICES

Director Wieser explained that Ordinance Nos. 2022-28, 2022-29, and 2022-30 adjusts the impact fees for the respective facilities, adjusts the public site fees, and adjusts the sanitary sewer connection fee based on the Construction cost Indices published in the *Engineering News Record* at approximately 5.6%.

Motion made by Council Member Burkart, seconded by Council Member Thome, to approve Ordinance No. 2022-28 amending Sec. 3-6-3 to 3-6-7 of the Municipal Code adjusting Impact Fees for library facilities, police department facilities, water supply facilities, park Facilities, and wastewater treatment plant; or 2022-29 amending Sec. 14-1- 19(g) adjusting the public site fees; and Ordinance No. 2022-30 amending Sec. 9-2-6(c) adjusting the sanitary sewer connection fee based on the Construction Cost Index published in the Engineering News Record and calculated based on the annual increase in the CCI Indices. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF UP TO FOUR (4) FOOD TRUCKS PARKED IN FRONT OF THE COMMUNITY GYM FOR THE WINTER FESTIVAL ON FEBRUARY 18, 2023 FROM 12:30 P.M. – 8:30 P.M.

City Administrator Hilvo explained that Cedarburg Festivals has made a request to park up to four (4) food trucks in front of the Community Center Gym for the Winter Festival on February 18. During

Strawberry Festival and Wine & Harvest Festival food trucks are parked in the Community Center Parking lot with no opposition. This would make the food trucks more visible and accessible since the parking lot will remain open during Winter Festival.

Motion made by Council Member Verhaalen, seconded by Council Member Burkart, to approve up to four (4) food trucks parked in front of the Community Center Gym for Winter Festival on February 18, 2023 from 12:30 p.m. – 8:30 p.m. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON THE THIRD-PARTY CUSTODIAN AGREEMENT WITH THE BANK OF NEW YORK MELLON SUCCEEDING THE BANK OF AMERICA AS THE CUSTODIAN FOR THE COLLATERAL SECURING THE CITY'S DEPOSITS WITH BMO HARRIS BANK

City Administrator Hilvo explained that the Bank of America announced the decision to exit the business of acting as third-party custodian for the collateral securing of deposits with BMO Harris Bank. The Bank of New York Mellon will succeed Bank of America as the custodian holding pledged securities for City of Cedarburg public deposits maintained with BMO Harris Bank. Bank of New York Mellon brings a significant level of automation to the collateralization process designed to accommodate continued growth in deposit levels.

Motion made by Council Member Arnett, seconded by Council Member Burkart, to approve the Third-Party Custodian agreement with the Bank of New York Mellon succeeding the Bank of American as the custodian for the collateral securing the City's deposits with BMO Harris Bank. Motion carried without a negative vote.

CONSENT AGENDA

Motion made by Council Member Thome, seconded by Council Member Burkart, to approve the following consent agenda items:

- November 28, 2022 Council meeting minutes
- New 2022-2023 Operator Licenses for the period ending June 30, 2023 for Harrison D. Ellenbecker and Aricka A. Knox
- Payment of bills dated 11/23/22 through 12/02/22, transfers dated 11/19/22 through 12/06/22, and payroll for period 11/13/22 through 11/26/22.

Motion carried without a negative vote.

CITY ADMINISTRATOR'S REPORT - None

CITY CLERK'S ELECTION AUDIT REPORT

Deputy Clerk Kletzien reported for City Clerk Sette that the voting equipment used in Wisconsin elections is required to be audited after every General Election (November election) to ensure the accuracy of the tabulation equipment used during that election. Ward 5 was chosen to be audited for the City of Cedarburg with WEC selecting four of the contests on the ballot. The hand counted results

were found to match exactly to the results from Election night. In summary, the Dominion machines are extremely reliable tabulators for conducting elections.

BUILDING INSPECTION REPORT

City Administrator Hilvo explained that inspections remain strong. Former Building Inspector Baier did not make three inspections, as shown in the report, and this error will be corrected.

GROTA APPRAISALS – 2022 A YEAR IN REVIEW

City Administrator Hilvo shared a brief overview of Grota Appraisals – 2022 A Year in Review. As they have completed the City's property assessments, any questions should be directly addressed to Grota Appraisals.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Arnett stated that he has filed his papers to run as 2nd District Alderperson in April 2023.

Council Member Verhaalen stated that he has filed his non-candidacy papers and will not be running for 4th District Alderperson in April 2023. He encouraged anyone with interest and residing in District 4 to run for the position.

MAYOR REPORT

Mayor O'Keefe issued a Proclamation for Tracy Tenpenny to recognize and celebrate him for his contributions to our Cedarburg community and sincerely thank him, his family, and friends for his commitment to this City.

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Burkart, seconded by Council Member Arnett, to adjourn to closed session at 7:43 p.m. pursuant to State Statutes 19.85(e) to deliberate or negotiate the purchase 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 discussion/update on the concept of a new shared services agreement for Fire/EMS services with the Town of Cedarburg and to discuss Police Union contract. Approval of closed session minutes from November 14, 2022. Motion carried on a roll call vote with Council Members Bitter, Arnett, Burkart, Verhaalen, Simpson, Thome, and Mueller voting aye.

RECONVENE TO OPEN SESSION

Motion made by Council Member Burkart, seconded by Council Member Thome, to reconvene to open session at 9:10 p.m. Motion carried on a roll call vote with Council Members Bitter, Arnett, Burkart, Verhaalen, Simpson, Thome, and Mueller voting aye.

DISCUSSION AND POSSIBLE ACTION ON POLICE UNION CONTRACT

Motion made by Council Member Verhaalen, seconded by Council Member Simpson, to approve the 2023 – 2025 Police Union contract. Motion carried without a negative vote.

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Burkart, to adjourn the meeting at 9:12 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk