

**CITY OF CEDARBURG  
COMMON COUNCIL  
FEBRUARY 26, 2018**

**CC20180226-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, February 26, 2018, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Council Member Patricia Thome called the meeting to order at 7:00 p.m.

ROLL CALL: Present - Common Council: Council Members John Czarnecki, Jack Arnett, Dick Dieffenbach, Rick Verhaalen, Patricia Thome

Excused - Mayor Kip Kinzel, Council Member Mike O'Keefe

Vacant - Aldermanic District 5

Also Present - City Administrator/Treasurer Christy Mertes, Director of Public Works and Engineering Tom Wiza, Police Chief Tom Frank, City Clerk Constance McHugh, Detective Sergeant Michael McNerney, Police Officers Steven Chojnacki and Benjamin Buckenberger, City Attorney Michael Herbrand, Police and Fire Commissioners Joel Dhein, Jim Salp, and Linda Krieg, 1<sup>st</sup> District Aldermanic Candidate Sara Dunstone, 3<sup>rd</sup> Aldermanic District Candidates Kristin Burkart and Ryan Hammetter; interested citizens and news media

**STATEMENT OF PUBLIC NOTICE**

At Council Member Thome'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.

Motion made by Council Member Czarnecki, seconded by Council Member Dieffenbach, to nominate Council Member Thome as Acting Mayor. Motion carried with Council Member O'Keefe excused and Aldermanic District 5 vacant.

**APPROVAL OF MINUTES**

Motion made by Council Member Dieffenbach, seconded by Council Member Arnett, to approve the minutes of the February 12, 2018 meeting. Motion carried unanimously with Council Member O'Keefe excused and Aldermanic District 5 vacant.

**OATHS OF OFFICE: POLICE OFFICERS STEVEN CHOJNACKI AND BENJAMIN BUCKENBERGER**

City Clerk McHugh administered the oath of office to newly hired Police Officers Steven Chojnacki and Benjamin Buckenberger.

Police Chief Frank recognized Police and Fire Commission members in attendance at the meeting - Joel Dhein, Jim Salp, and Linda Krieg - for their efforts in the hiring process.

**CONSIDER DESIGN PROPOSALS RECEIVED FOR REPLACEMENT OF THE HIGHLAND LIFT STATION**

Director Wiza said staff requested proposals from three engineering consulting firms to design a new sanitary sewer pump station to replace the existing Highland Drive facility. Symbiont submitted the lowest design fee, at \$65,205, plus shop drawing review and construction inspection on an hourly basis as needed.

Director Wiza said acquisition of the site for the new lift station is still underway, but staff is recommending the design contract move forward, as it will take three to four months to complete the design and get the project out for bid. Attorney Herbrand said he is working on the land acquisition with attorneys from BMO Harris Bank.

Motion made by Council Member Arnett, seconded by Council Member Czarnecki, to award the Highland lift station design contract to Symbiont in the amount of \$62,205, plus shop drawing review and construction inspection on an hourly basis as needed. Motion carried with Council Member O'Keefe excused and Aldermanic District 5 vacant.

**CONSIDER ENGINEERING SERVICES PROPOSAL FROM GRAEF FOR WOOLEN MILLS DAM INSPECTION AND DNR DAM GRANT APPLICATION**

Director Wiza said a notice was received from the Department of Natural Resources (DNR) advising that a formal inspection of the Woolen Mills Dam must be completed in 2018. Since concrete maintenance and scour repairs are planned for later this year, any other required repairs identified in this inspection can be added to this scope of work. Graef has submitted a proposal to perform the inspection in the amount of \$2,850.

In addition, Director Wiza asked Graef to provide a proposal for a DNR Municipal Dam Grant application for both Woolen Mills and Columbia Mills Dams. This grant could potentially provide 50% matching funds for the cost of repairs up to \$400,000. There is no guarantee the City will be awarded the grant. The cost for preparation of the grant application is \$2,000.

Motion made by Council Member Czarnecki, seconded by Council Member Dieffenbach, to award the contract for engineering services related to the Woolen Mills dam inspection in the amount of \$2,850 and preparation of the grant application in the amount of \$2,000 to Graef. Motion carried with Council Member O'Keefe excused and Aldermanic District 5 vacant.

**CONSIDER ORDINANCE NO. 2018-03 INCREASING THE ALLOCATED FUNDS IN THE GENERAL FUND, CEMETERY AND CAPITAL IMPROVEMENT FUND FOR THE 2018 BUDGET**

City Administrator/Treasurer Mertes said a proposed ordinance has been drafted relating to encumbrances from 2017. These are projects and/or purchases that were budgeted in 2017 and not completed or purchased.

Motion made by Council Member Dieffenbach, seconded by Council Member Czarnecki, to adopt Ordinance No. 2018-03 increasing the allocated funds in the General Fund, Cemetery and Capital Improvement Fund for the 2018 budget. Motion carried with Council Member O'Keefe excused and Aldermanic District 5 vacant.

**CONSIDER RESOLUTION NO. 2018-05 TRANSFERRING FUNDS FROM PUBLIC SAFETY AND PUBLIC WORKS TO GENERAL GOVERNMENT AND CULTURE AND RECREATION**

City Administrator/Treasurer Mertes said that at the end of each year no appropriations may remain over expended within the budget. The proposed resolution will allow the transferring of funds from Public Safety and Public Works to the General Government and Culture and Recreation.

Savings were realized in the Police Department Patrol section and Public Works Street Improvements overtime accounts. Other funds used for year-end appropriations are the funds received but not previously budgeted.

With the change in accounting for the Senior Center trips and adding the Senior Center van to the General Fund, the budget needs to reflect the trip fees and expenditures and all the activity of the Senior Center van.

The legal fees in General Fund were over budget by \$29,285 for the year but General Government offset a portion of that, the balance of \$12,000 needs to be appropriated from another department.

The Parks, Recreation and Forestry Salaries and Celebrations Other Expenses accounts were over budget. Park, Recreation and Forestry Salaries overage is due to the allocation of the employees on projects throughout the year. The Celebrations account was over budget due to the donation of \$10,000 from Mercury Marine for the fireworks. The revenue was recorded as a donation and then as an expenditure in Celebrations, the same account as the City contribution to the Chamber of Commerce.

Motion made by Council Member Arnett, seconded by Council Member Dieffenbach, to adopt Resolution No. 2018-05 transferring funds from Public Safety and Public Works to General Government and Culture and Recreation. Motion carried with Council Member O'Keefe excused and Aldermanic District 5 vacant.

**CONSIDER RESOLUTION NO. 2018-06 IMPLEMENTING A MUNICIPAL-WIDE ENERGY MANAGEMENT POLICY**

The Council, in 2013, adopted a resolution implementing a municipal-wide energy management policy. This allowed the City to become eligible to receive energy efficiency incentives through the Light and Water/WPPI Energy Utility and Municipal Program. The resolution expired, and a new one needs to be adopted to keep the existing relationship.

Motion made by Council Member Czarnecki, seconded by Council Member Arnett, to adopt Resolution No. 2018-06 implementing a municipal-wide Energy Management Policy. Motion carried with Council Member O'Keefe excused and Aldermanic District 5 vacant.

Council Member Dieffenbach said an energy audit was done at the Library. It was found that the air handling equipment was running 24 hours a day, which lead to increased electricity costs. Adjustments will be made in the air handling system and savings should be realized because of the audit.

### **PAYMENT OF BILLS**

Motion made by Council Member Dieffenbach, seconded by Council Member Czarnecki, to approve the payment of the bills for the period 02/08/18 through 02/16/18, transfers for the period 02/07/18 through 02/21/18, and payroll for the period 01/28/18 through 02/10/18. Motion carried with Council Member O'Keefe excused and Aldermanic District 5 vacant.

Council Member Dieffenbach questioned why Ozaukee Disposal collects in the City, in addition to Waste Management. He suggested there be one contract.

### **LICENSE APPLICATIONS**

Motion made by Council Member Czarnecki, seconded by Council Member Dieffenbach, to authorize the issuance of new Operators licenses for the period ending June 30, 2018 to Tyler J. Bell, Carrie G. Mueller, and Lindsey K. Vang. Motion carried with Council Member O'Keefe excused and Aldermanic District 5 vacant.

Motion made by Council Member Czarnecki, seconded by Council Member Arnett, to

- 1) authorize issuance of temporary Class "B" licenses to Cedarburg Fireman's Park, Inc. for Maxwell Street Days, Firemen's Park, W65 N796 Washington Avenue, for May 27, July 15, September 2, and October 7, 2018 from 6:00 a.m. to 10:00 p.m.;
- 2) authorize issuance of a temporary Class "B"/"Class B" license to Cedarburg Fireman's Park, Inc. for the Ozaukee County Fair, Firemen's Park, W65 N796 Washington Avenue, for August 1, 2018 through August 5, 2018, 8:00 a.m. to 12:00 a.m.; and
- 3) authorize issuance of a temporary Class "B" license to Cedarburg Fireman's Park, Inc. for the Raceway Revisited event, Firemen's Park, W65 N796 Washington Avenue, for June 2, 2018, 8:00 a.m. to 5:00 p.m.

Motion carried with Council Member O'Keefe excused and Aldermanic District 5 vacant.

### **ADMINISTRATOR'S REPORT**

City Administrator/Treasurer Mertes said SafeWise recently released its 20 Safest Cities in Wisconsin report for 2018. Cedarburg made the list as the #10 safest city in the State, based on FBI crime data. Another study listed Cedarburg as the #4 safest city in the State.

The auditors will be on-site the week of March 5.

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Dieffenbach said although he is going off the Council, efforts to review employee benefits to realize savings must occur.

Council Member Verhaalen asked for an update on the Amcast site. Attorney Herbrand said Ozaukee County has initiated the tax foreclosure process. The developer is working with the DNR and EPA on a remediation agreement.

**ADJOURNMENT**

Motion made by Council Member Dieffenbach, seconded by Council Member Arnett, to adjourn the meeting at 7:39 p.m. Motion carried with Council Member O'Keefe excused and Aldermanic District 5 vacant.

Constance K. McHugh, MMC/WCPC  
City Clerk