

**CITY OF CEDARBURG
COMMON COUNCIL
November 12, 2018**

**CC20181112-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, November 12, 2018, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor O'Keefe called the meeting to order at 7:00 p.m.

Roll Call: Present - Common Council – Mayor Michael O'Keefe, Council Members Dan von Bargen, Jack Arnett, Kristin Burkart, Rick Verhaalen, Garan Chivinski, Patricia Thome, Rod Galbraith

Also Present - City Administrator/Treasurer Christy Mertes, City Attorney Michael Herbrand, City Clerk Constance McHugh, Deputy City Clerk Amy Kletzien, Director of Engineering and Public Works Tom Wiza, Water Recycling Center Superintendent Eric Hackert, Police Chief Thomas Frank, City Assessor Cathy Timm, Building Inspector Michael Baier, Public Works Superintendent Joel Bublitz, Library Director Linda Pierschalla, Library Board President Sue Karlman, Director of Parks, Recreation & Forestry Mikko Hilvo, Recreation Superintendent Maggie Anderson, Recreation Supervisor Danny Friess, Parks & Forestry Superintendent Kevin Westphal, 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. 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 Galbraith, to approve the minutes of the October 29, 2018 meeting as presented. Motion carried without a negative vote.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Alan Clapp, N91 W5849 Dorchester Drive, asked the City to clear the park path along Cedar Creek behind his home, as dead trees and buckthorn prevent people from being able to use the path. Often times, people trying to use the path will walk in yards because they are unable to find the path. Many of the dead ash trees could fall and there are many tripping hazards on the path. The path should be maintained or closed until the trees can be removed. He along with his neighbors would be willing to help if needed. He thanked the Common Council for their consideration.

UNFINISHED BUSINESS

CONSIDER AND DISCUSS THE PROPOSED 2019 CITY BUDGET; AND DIRECTION THEREON

City Administrator/Treasurer Mertes explained that the following changes were made to the budget since the public hearing on October 29, 2018:

1. Removed \$2,800 for CSM for Highland Drive retaining wall.
2. Reduced the salaries to a 2% rate increase for the Parks, Recreation & Forestry Department.
3. Added back the seasonal salaries for grass cutting; \$16,000.
4. Updated Pleasant Valley Landfill monitoring and revenue from the Town of Cedarburg; \$3,300 net.
5. Dental insurance updated for additional 7% increase; \$2,532. Employees pay 28% of family plan. The City received two other quotes. The recommendation from the consultant was to continue with MetLife.
6. The grapple truck was added by moving around other Parks equipment purchases and improvements to keep the budget/monetary needs the same for Capital Improvements.
7. A transfer from Recreation programs was added for a new website; \$13,500. An expenditure was added to Technology Professional Services.
8. \$170,000 was added to the Contingency Reserve account as a use of Fund balance. Not expected to spend and only allowed with Council's approval.

Potential additions include:

1. School liaison officer \$47,425 (\$0.037579).
2. Contract out conservancy Ash tree removal \$82,000 (\$0.064976)
3. Consultant for FD/EMS consolidation study with Mequon, Grafton, and Thiensville; \$15,000 from each community (\$0.0118858).

Other potential changes include:

Changes to help with tree removals, stump grinding, and grass cutting if additional funds are not available.

- 1) End Boulevard and facilities (fire dept., flower pots around city, pool) flower program
 - a. Supplies \$1,500
 - b. Horticulturist time
 - i. Planting 5 days x 8 hrs. x \$27.50; \$1,100
 - ii. Maintaining 2 hrs. x 5 days x 10 weeks x \$27.50; \$2,750
 - iii. Watering 2 hrs. x 5 days x 8 weeks x \$27.50; \$2,200
 - c. Seasonal Staff
 - i. Weeding and watering
 1. 2 hrs. x 5 days x 12 weeks x \$11; \$1,320

Total: \$8,870; savings of \$1,500 + 300 employee hours

2) End Downtown Flower Baskets

- a. Parks/DPW Flower Basket watering
 - i. 4 hrs. x 5 days x 6 weeks x \$27.40; \$3,300
- b. Part-time weekend flower basket watering
 - i. 40 hrs. x \$11; \$440
- c. Summer Seasonal watering:
 - i. 4 hrs. per day x 5 days x \$11 x 12 weeks \$2,640
- d. Flower Basket supplies
 - Flowers - \$5,000
 - Potting soil - \$400
 - Christmas greens - \$1,000
 - Fertilizer - \$800

Total: \$13,580 (TPD pays \$3,000); savings of \$4,640 + 400 employee hours

3) End Summer Sounds Setup and Cleanup

- a. 10 Fridays/Saturdays x 2 hrs. x \$40.5 x 2 staff; \$1,620
- b. Summer Sounds garbage bags and gloves; \$250

Total: \$1,870; savings of \$1,060 + 20 employee hours

4) End Santa House Setup

- a. 3 days x 8 hrs. x 4 staff x \$27.50; \$2,640
- Savings of 96 employee hours

5) End City working on building lights program

- a. 8 hrs. x 3 staff x 2 days x \$27.50; \$1,320
- Savings of 48 employee hours

- 6) Deny all special requests that come in through various organizations. Develop a policy that states that all special requests need to come in front of the Council during budget hearings for future year requests.

City Administrator/Treasurer Mertes further explained the tax levy increase is 5.6%. The General Fund levy is decreasing 3%; \$0.15 off the rate. The Capital Improvement levy is increasing 43%; \$0.31 on the rate. The Debt Service levy is increasing 21.6%; \$0.26 on the rate.

The proposed tax rate increase is \$0.34/\$1,000 of assessed value, which is equal to \$94 on a \$276,000 home. For every \$12,620 adjustment to the budget the rate will change \$0.01.

City Administrator/Treasurer Mertes asked for any questions or concerns from Council Members.

In answer to Council Member von Barga's question, Director Hilvo said that he is proposing a five year lease to own at \$42,325 per year for the grapple truck. Other options include a demonstration vehicle available for \$190,000 or a regular lease program at \$37,000 for five years. He reached out to area municipalities in the Ozaukee and Washington Counties and there is no interest in purchasing this equipment together. He was able to move the chipper purchase and new pool liner

to 2020. He stated that this piece of equipment would be very efficient and useful for the Department and would free up their time to accomplish other tasks as well.

Council Member Arnett presented the following questions and concerns about the purchase of a grapple truck to justify the purchase:

- Annual cost
- Not using the equipment enough
- Can the City eliminate the preconstruction pruning contract
- Can the truck go back into the conservancies

Council Member Verhaalen explained that there was a reason that the preconstruction pruning was separated and it should remain that way. He stated that a \$0.34 tax increase was high and he would like to see the City cut the jobs that are nice (i.e., planting in boulevards) and only do what is needed.

In answer to Mayor O'Keefe's question, Director Hilvo explained that the grapple truck would not be able to get to all areas in the conservancies.

Director Hilvo stated that he received a quote to remove 200 conservancy trees for \$55,000. He met with the Wisconsin Corp and the National Corp and they are not able to do the full scope of the Ash tree removals; however, they could work on the trails.

The Council discussed leasing a grapple truck to purchase with the following opinions being offered:

- Other communities are not willing to share in the purchase.
- It would be difficult to rent out the truck because of timing and training.
- It would be helpful to have the grapple truck in the event of a wind storm.
- Asplundh Tree Service only assists the City with removals around conductors and lines.
- The truck would alleviate the human toll of the heavy work.
- The truck is similar to a snowplow, to have the equipment when needed.
- It is cheaper to have our own equipment for removals vs. contracting.
- The efficiency of removals will free up time for other work.
- Could be utilized for some of the removals in the conservancies.
- The truck is not effective for pruning.
- The City is also losing a significant number of Maple trees, which will create a new list and need to be removed.
- It would create interest from other communities to use the truck; however, the City cannot compete with private business.
- It would be better to lease the truck to own for \$5,000 more per year.
- It is a crucial piece of equipment that is needed.

The Common Council discussed other possible changes such as eliminating the flowers in the boulevards and downtown baskets. It was the consensus of the Council that flower baskets enhance the downtown area and should continue. The flowers in the boulevards will continue also.

The Mayor asked what the savings would amount to if the employees received a 1% increase instead of 2%. City Administrator/Treasurer Mertes stated that there is a 2% increase in the budget

for \$95,000. He does support a 2% increase for employees; however, there are other areas to cut and it goes deeper than what is being discussed.

Director Hilvo was the only Department Head that produced a list of possible changes. City Administrator/Treasurer Mertes explained that the list consists mostly of items that were previously done by others and then were passed on to the City.

City Administrator/Treasurer Mertes explained that staff has reduced travel, training, memberships and general expenses as much as possible. The General Fund expenditures are going down \$30,000 from last year.

Council Member Galbraith stated that he made it clear in the last three meetings that he will not approve a \$94 increase on a \$276,000 home and that has not moved. The proposed budget includes a City-wide 43% increase in the Capital Improvement budget and only a small amount is being discussed in flowers and watering. The Department Heads should be making the hard decisions to meet the Council's parameters and this was not done. He will not approve this budget because the work has not been done to get here. He worked for County government for 36 years and the County Board did not review the budget line item by line item; the Departments were responsible at their level.

Mayor O'Keefe stated that he wants to have a workshop meeting on a Saturday in August 2019 with the Common Council and Department Heads as a public meeting to discuss the 2020 budget thoroughly ahead of time. This method of listening to the Department Heads involves great people and good ideas but working late at night trying to maintain some attention is difficult.

City Administrator/Treasurer Mertes explained that the street program has been cut in half and the City is not borrowing. The \$0.26 increase is from debt service alone. The only item that has an impact on the levy is equipment and streets or storm sewer projects. If this is not taken care of it will just push them off to the next year, which is what the City has been doing for the last eight years.

Council Member Verhaalen agreed that the Council borrowed the last three years and now the debt service is at a 21% increase this year because of past borrowing which is on past Councils. This year, there is no borrowing and there is a 3% reduction in operating costs. As far as the levy, the City is going to have to get used to borrowing for streets because it is the City's obligation to maintain the streets.

Mayor O'Keefe stated that the City built a Library, Public Works building, and fixed streets knowing that this would cost money.

City Administrator/Treasurer Mertes added the borrowing for the Amcast property.

Council Member Chivinski stated that in an economic sense the City wants to invest in things that will promote growth and the future. We should not cut back to the degree that roads are deteriorating. The City needs to find a new equilibrium in order to not borrow going forward, which may require a recalibration. He stated that the City made some great long term investments that will keep the City a step ahead of other competing communities to attract residents.

Council Member Galbraith stated that you don't need to equate not increasing the budget to this extent with cuts that will destroy the community. There are many places to look and still maintain a good quality of life in Cedarburg.

Council Member Chivinski explained that everyone involved in the process is including their own experiences and expertise, which creates a good balance.

Council Member Thome added that she does not want to take away from street repairs and operations that have to occur. Equipment replacements are a primary concern when they are put off.

City Administrator/Treasurer Mertes stated that it costs more in the long run when you don't replace equipment. A transmission needed to be replaced on a piece of equipment for \$20,000, resulting in going over budget in the repair and maintenance account. Either way it ends up costing the City; whereas, following a Capital plan helps the City be prepared. The replacement fund schedule shows that the City should only have to levy \$337,000 and there is \$550,000 in the budget to fund what is needed for the year and the future. The City has depleted all the reserves in the Capital Improvement fund. There used to be funds available so the City did not have to jump the levy up to pay for needed items. The City needed to borrow for the streets because the reserves were depleted to offset the overage when the bids came in. Each year the City depleted the reserves in order to not raise the tax rate and now eight years later, the time is here with no reserves. The rate increase is necessary.

Council Member Arnett does not like a tax increase as much as anyone; however, the levy history shows that in 2015 the City spent \$5.6 million in the general fund. The Capital Improvements were \$1.2 - \$1.4 million and this year is \$1.3 million. Special Revenue has remained the same. It is the Debt Service levy that has gone from \$600,000 to \$1.8 million and that is where the majority of the tax increase occurs. The Community has made the decision to make these investments and now they need to be paid for; which will be \$7.83/mo. for the average homeowner.

Council Member Thome stated that it would have been more appropriate to give each Department a number to work towards.

City Administrator/Treasurer Mertes said that ideally it would have been better to allow a few cents tax rate increase the last five years.

Mayor O'Keefe stated that the City cannot borrow \$18 million and not expect to see an effect on the budget.

Police Chief Frank stated that the Police Department and the School District wants to hire a liaison officer. The School Board meets on November 21 and they will decide then whether they will fund the position at 50%.

In answer to Mayor O'Keefe's question, Chief Frank explained that he prefers a 50/50 split with the School District in order to maintain control over the position.

In answer to Council Member Galbraith's question, Chief Frank explained that the Juvenile officer is also a Detective and is not as dedicated to the schools because he has other duties; whereas, a School Liaison Officer's primary responsibility will be school safety.

Council Member Galbraith asked if two or three part-time retired law enforcement professionals could do the job.

Chief Frank explained that they did not consider part-time officers because it will be important for an officer to build relationships at the school and that is more difficult when you have more than one officer.

Council Member Galbraith preferred to think outside the box and see how it is done at other schools around the country. He stated that the Ozaukee, Washington and Sheboygan County courts are using retired officers in this capacity.

Mayor O'Keefe and Chief Frank added that the position is more than providing security, as it also involves programs and interaction with the students.

Mayor O'Keefe asked if the School District could contribute more to the position in light of the referendum that was passed which included safety concerns. He suggested a 70/30 agreement including a memo of understanding outlining the position with the Police Department. The City of Glendale has a two-thirds/one-third agreement with Nicolet High School.

Council Member Thome stated that the Police Department's guidance and expertise is important and the City can provide this service and should have control of the position.

Police Chief Frank agreed to contact the School District with this question. As far as using part-time employees he had the following concerns:

- Questioned who might apply/qualifications?
- Department would not know the individuals being placed in this very important position.
- A benefit to the Police Department would be to rotate an officer in and out of the position every 2 – 3 years.
- Experience would be extremely valuable.
- Important to build relationships with the parents and children.
- Summer programs would benefit from a liaison officer.

City Administrator/Treasurer Mertes explained that the officer was not in the budget and it would increase the tax rate to approximately \$0.38/per \$1,000.

It was a consensus of the Common Council to add one-third of the cost of a school liaison officer to the budget.

Mayor O'Keefe questioned whether the 911 upgrade is needed this year.

Police Chief Frank explained that the system is at the end of its life and parts are difficult to find; however, they could try to extend it one more year. If the system does go down, calls could be transferred to the County and the City of Mequon temporarily.

Mayor O'Keefe stated that he would like to buy some time to research transferring dispatch to the County because it merits some consideration.

Police Chief Frank added that there are pros and cons to transferring dispatch. He and City Administrator/Treasurer Mertes participated in a yearlong discussion with surrounding communities on the topic. At that time, it was determined that there was not much of cost savings when you kept the lobby open for business during the day and evening.

Council Member Galbraith was in favor of waiting to replace the system along with trying to better use resources and not duplicating services.

In answer to Council Member Arnett's question regarding replacing the City's K-9 officer, Police Chief Frank said that the K-9 is a great value for the City. The dog is used often and is involved with significant finds in Cedarburg and neighboring communities. The drug use in Grafton can directly affect Cedarburg. As far as the handling officer's time, he attends training twice per year and veterinary visits often involve a quick stop while working.

Mayor O'Keefe agreed that a K-9 is valuable tool and is important in combating the opioid use in the County.

It was the consensus of the Common Council to support a new K-9.

In regard to removing conservancy trees, Director Hilvo explained that the cost to remove 200 conservancy trees was reduced from \$82,000 to \$55,000, and \$16,000 earmarked for tree planting was moved to contracted services to fund this project and reduce the net change on the tax rate by \$0.02.

Council Member Verhaalen stated that he was in favor of not putting flowers in the boulevards for one year to allow more time for stump removal.

It was the consensus of Common Council with Council Members von Barga, Arnett, Burkart, and Thome in favor and Council Members Verhaalen, Chivinski and Galbraith opposed to continuing planting in the boulevards.

The replacement of three roofs in the parks (Cedar Creek, Zeunert and Centennial) was discussed. It was the consensus of the Common Council to fund \$6,000 toward roof replacements for 2019.

City Administrator/Treasurer Mertes calculated the tax rate to be reduced to \$0.31 with these changes.

NEW BUSINESS

CONSIDER ORDINANCE NO. 2018-20 ANNEXING THE APPROXIMATE ONE-ACRE PARCEL OF LAND DIRECTLY SOUTH OF W76 N627 WAUWATOSA ROAD IN THE TOWN OF CEDARBURG TO THE CITY AND APPROVAL OF CERTIFIED SURVEY MAP NO. 4010; AND ACTION THEREON

Director Wiza explained that the applicant is requesting approval to annex a narrow one-acre strip of land located along the entire south property line of the Hamilton House Senior Living Facility parcel at W76 N629 Wauwatosa Road from the Town of Cedarburg into the City of Cedarburg. The intent of this annexation is to incorporate the 24-foot-wide by 1,265 foot-long parcel into the Hamilton House facility parcel and use it for the purpose of receiving excess fill material for the construction of a screening berm. As required by State law, the Plan Commission has reviewed this annexation request and provided their recommendation for the Council's consideration. Certified Survey Map No. 4010 is needed to establish the required utility easements through the Hamilton House property for the public sewer and water facilities serving this development. This CSM was also reviewed and recommended by the Plan Commission.

Motion made by Council Member Arnett, seconded by Council Member Thome, to adopt Ordinance No. 2018-20 annexing the approximate one-acre parcel of land directly south of W76 N627 Wauwatosa Road in the Town of Cedarburg to the City and approval of Certified Survey Map No. 4010. Motion carried without a negative vote.

CONSIDER AWARD OF ENGINEERING DESIGN CONTRACT FOR THE 2019 STREET AND UTILITY PROJECT; AND ACTION THEREON

Director Wiza explained that staff requested proposals from a total of five engineering consulting firms for design of the 2019 Street and Utility project. The lowest overall fee for service was submitted by M-Squared Engineering of Cedarburg.

Motion made by Council Member Thome, seconded by Council Member Galbraith, to award the engineering design contract for the 2019 Street and Utility project to M-Squared Engineering based on their low fee of \$14,800.00. Motion carried without a negative vote.

CONSIDER AWARD OF CONTRACT FOR PRECONSTRUCTION PRUNING OF CITY STREET TREES; AND ACTION THEREON

Director Wiza explained that staff was directed to include preconstruction pruning of street trees as part of the Street and Utility project; therefore, a request for proposals was sent to three tree service firms. The lowest quote for trimming 143 street trees in the planned construction area in accordance with City specifications was \$12,800 from Gollnick & Sons Tree Service. The trimming will be completed from late-November through the end of January 2019.

Council Member Arnett suggested the City do the preconstruction pruning with the use of the new grapple truck.

Council Member Verhaalen expressed concern for the weather. If there is a lot of snow, the crews would not be available for preconstruction pruning during this short time period before construction would begin.

Motion made by Council Member Arnett, seconded by Council Member Galbraith, to reject the award of contract for preconstruction pruning of City street trees. Motion failed with Council Members Arnett and Galbraith voting in favor and Council Members von Barga, Burkart, Verhaalen, Chivinski and Thome opposed.

Motion made by Council Member Thome, seconded by Council Member Chivinski, to approve the award of contract for preconstruction pruning of City street trees to Gollnick & Sons Tree Service in the amount of \$12,800. Motion carried with and Council Members von Barga, Burkart, Verhaalen, Chivinski and Thome in favor and Council Members Arnett and Galbraith opposed.

CONSIDER APPROVAL OF 2019 MID-MORAINES MUNICIPAL COURT BUDGET; AND ACTION THEREON

City Administrator/Treasurer Mertes explained that as a member of the Mid-Moraine Municipal Court, the City is required to approve the budget. She added that she serves on the Finance Committee and the changes include a rate increase for the Judge (effective 5/1/19), 2% wage increase for employees, and dental insurance.

Motion made by Council Member von Barga, seconded by Council Member Verhaalen, to approve the 2019 Mid-Moraine Municipal Court budget. Motion carried without a negative vote.

CONSIDER PAYMENT OF BILLS DATED 11/05/18, TRANSFERS FOR THE PERIOD 10/27/18 THROUGH 11/09/18; AND PAYROLL FOR THE PERIOD 10/21/18 THROUGH 11/03/18; AND ACTION THEREON

Motion made by Council Member Burkart, seconded by Council Member Thome, to approve payment of the bills dated 11/05/18, transfers for the period 10/27/18 through 11/09/18; and payroll for the period 10/21/18 through 11/03/18. Motion carried without a negative vote.

CONSIDER LICENSE APPLICATIONS; AND ACTION THEREON

Motion made by Council Member Galbraith, seconded by Council Member Thome, to approve new Operator License applications for the period ending June 30, 2019 for Julia R. Maldonado and Greg Zimmerschied. Motion carried without a negative vote.

Motion made by Council Member Thome, seconded by Council Member Chivinski, to approve a Horse and Carriage license to Jody Schulz of Kettle Moraine Carriages, Inc., N612 Forest View Road, Kewaskum, WI. Motion carried without a negative vote.

ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes reminded the Common Council that the November 29 Common Council meeting will start at 7:30 p.m. after the Community Tree Lighting.

COMMENTS AND SUGGESTIONS FROM CITIZENS – None

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Verhaalen suggested that Director Hilvo talk to the Lion's Club about the roof replacements as they may be willing to help with the labor.

MAYOR'S REPORT

Mayor O'Keefe thanked the Veterans for their service to our Country.

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Galbraith, to adjourn the meeting at 9:31p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk