

CITY OF CEDARBURG
COMMON COUNCIL
June 24, 2019

CC20190624-1
UNAPPROVED

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, June 24, 2019, 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 - Mayor Michael O'Keefe, Council Members Sherry Bubnitz, Jack Arnett, Rick Verhaalen, Garan Chivinski, Patricia Thome and Rod Galbraith

Excused - Council Member Kristin Burkart

Also Present - City Administrator/Treasurer Christy Mertes, City Attorney Michael Herbrand, City Clerk Claire Woodall-Vogg, Police Chief Tom Frank, Fire Chief Jeffrey Vahsholtz, Director of Public Works and Engineering Tom Wiza, Assistant City Administrator/Parks, Recreation and Forestry Director Mikko Hilvo, Cedarburg Water Recycling Center Superintendent Eric Hackert, Lieutenant Mike McNerney, members of the Cedarburg Fire Department, members of the Cedarburg Police Department, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor O'Keefe's request, City Clerk Woodall-Vogg 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.

APPROVAL OF MINUTES

Motion made by Council Member Thome, seconded by Council Member Chivinski, to approve the minutes of the June 10, 2019 meeting as presented. Motion carried without a negative vote with Council Member Burkart excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Citizens present were welcomed and encouraged to provide their input during the citizen comment portion of the meeting. No comments or suggestions were received.

PRESENTATIONS

PRESENTATION OF THE 2018 FIRE DEPARTMENT ANNUAL REPORT

Fire Chief Vahsholtz presented the 2018 Cedarburg Fire Department Annual Report, highlighting the following accomplishments:

- In 2018, CFD updated their uniforms with new patches and a new logo on their polo shirts. The new patch, which incorporates rescue services, is more illustrative of the Department's work on a daily basis.
- 2018 was a record year for calls – 1,190 calls total.
- 270 calls for mutual aid were automatically dispatched through the EMD program for paramedic intercept; this number is inflated because of the automation and paramedics were returned if not actually needed.
- 4,791 hours of training were completed. Training is essential since CFD does not receive a lot of fire calls. CFD has exceeded the State requirement for training.
- The Explorer program had membership growth. In addition to learning about fire and EMS procedures, Explorers become involved in fundraising and learning money management, customer service, etc. because they have their own stand at Firemen's Park. It is an excellent service-learning opportunity for 14-18 year olds.
- Promotions & Recognition: Dustin Halyburton was promoted to dive team leader. CFD honorary active member, Ed Bublitz, received the highest award presented to a member, the Meritorious Award. CFD also received "community appreciation" and was recognized at Summer Sounds.
- 420 hours were devoted to public education and fire prevention. Chief Vahsholtz emphasized that Dustin Halyburton volunteers much of his own time (away from his full-time job) in order to accomplish this important public service.
- Over 1,000 semi-annual safety inspections were completed last year in the City of Cedarburg and over 150 in the Town of Cedarburg.
- The Department accomplished all of their set goals for 2018.
- Chief Vahsholtz emphasized that ultimately the recognition for such a successful year goes to the men and women of the CFD.

Council Member Thome noted the astounding family commitment to the CFD that becomes quite obvious when you attend the awards banquet. It is amazing and very much appreciated.

NEW BUSINESS

CONSIDER 2018 COMPLIANCE MAINTENANCE ANNUAL REPORT (CMAR) FOR THE WASTEWATER TREATMENT PLANT AND RESOLUTION NO. 2019-11 ACCEPTING THE REPORT; AND ACTION THEREON

Superintendent Hackert explained that the Compliance Maintenance Annual Report (CMAR) is a Department of Natural Resources (DNR) summary report used to determine the effectiveness of

the sewerage system to meet DNR permit limits and to indicate areas of the system that may need improvement. 2018 was another outstanding year with straight A's on the report.

CWRC continues to monitor and reduce the amount of phosphorous in the water. CWRC is constantly improving the collection systems, cleaning pipes, televising pipes, and replacing lift stations when needed to ensure that there are no overflows or backups.

Council Member Arnett asked if there are communities that do not get straight A's on the report. Superintendent Hackert said that there are certainly communities that are not receiving straight A's, especially in areas like collection systems. If a community has had a sewer overflow, points would be docked. If a community is below a C grade, they must operate under an action plan. Thankfully, by being well-funded and fully staffed, the CWRC has managed to continue performing at the highest level.

Motion made by Council Member Arnett, seconded by Council Member Chivinski, to adopt Resolution 2019-11 accepting the Compliance Maintenance Annual Report. Motion carried without a negative vote, with Council Member Burkart excused.

CONSIDER ORDINANCE 2019-10 ESTABLISHING A STOP SIGN FOR EASTBOUND TRAFFIC ON SANDHILL TRAILS AT THE INTERSECTION WITH BOBOLINK AVENUE; AND ACTION THEREON

Director Wiza explained that the center line of Bobolink Avenue is the boundary between the Village of Grafton and the City of Cedarburg. Recently, Grafton erected a stop sign for westbound Oak Street, which is opposite the City's Sandhills Trails. He is not certain why Grafton erected the stop sign, but sight distance considerations might have been a factor.

Cedarburg cannot have a yield sign for eastbound traffic and a stop sign for westbound traffic at this intersection, so staff has temporarily changed our yield sign to a stop sign. Staff and the Public Works and Sewerage Commission are recommending that the stop sign be made permanent by adding it to the Ordinance.

Motion made by Council Member Thome, seconded by Council Member Galbraith, to adopt Ordinance 2019-10 establishing a stop sign for eastbound traffic on Sandhill Trails at the intersection with Bobolink Avenue. Motion carried without a negative vote, with Council Member Burkart excused.

CONSIDER RECOMMENDATION OF POLICE CHIEF TO DENY NEW OPERATOR'S LICENSE APPLICATION OF MICHAEL J. MORALES; AND ACTION THEREON

Police Chief Frank explained that Mr. Morales applied with the City Clerk's office for an operator's license to serve fermented beverages and intoxicating liquors on June 7, 2019. Mr. Morales previously held an operator's license in Cedarburg, which the Council voted not to renew in 2016, due to a conviction for having sex with a child age 16 or older on multiple occasions.

Police Chief Frank continues to recommend denial of the application since Mr. Moralez's previous crimes involved supplying alcohol and marijuana to a minor.

Council Member Galbraith asked if Mr. Moralez is a registered sex offender. Police Chief Frank stated that he is not.

Motion made by Council Member Galbraith, seconded by Council Member Verhaalen, to accept the recommendation of Police Chief Frank and deny a new operator's license application of Michael J. Moralez. Motion passed without a negative vote, with Council Member Burkart excused.

CONSIDER ISSUANCE OF A TRANSIENT ENTERTAINMENT LICENSE TO RAINBOW VALLEY RIDES, INC. FOR THE OZAUKEE COUNTY FAIR ON JULY 31 (1:00 P.M. TO 11:00 P.M.), AUGUST 1, 2, & 3 (10:00 A.M. TO 11:00 P.M.), AND AUGUST 4, 2019 (10:00 A.M. TO 7:00 P.M.) AND THE REQUEST TO WAIVE THE REQUIREMENT FOR A CLEAN UP BOND AS REQUESTED BY AGRICULTURAL SOCIETY; AND ACTION THEREON

Motion made by Council Member Arnett, seconded by Council Member Chivinski, to issue a transient entertainment license to Rainbow Valley Rides, Inc. for the Ozaukee County Fair on July 31(1:00 p.m. to 11:00 p.m.), August 1, 2, & 3 (10:00 a.m. to 11:00 p.m.), and August 4, 2019 (10:00 a.m. to 7:00 p.m.) and to waive the requirement for a Clean Up Bond as requested by the Ozaukee County Agricultural Society. Motion carried without a negative vote, with Council Member Burkart excused.

CONSIDER MAYOR O'KEEFE'S APPOINTMENT OF JEFFREY M. ELLMAKER TO THE LANDMARKS COMMISSION; AND ACTION THEREON

Mayor O'Keefe explained that Commission Member Temmer tendered his resignation from the Landmarks Commission earlier this month because he has relocated to West Bend, Wisconsin. Mayor O'Keefe is recommending that the Council approve his appointment of Jeffrey M. Ellmaker to the Commission. Mr. Ellmaker is a Cedarburg native and teacher at Cedarburg High School.

Motion made by Council Member Thome, seconded by Council Member Chivinski, to approve Mayor O'Keefe's appointment of Jeffrey M. Ellmaker to the Landmarks Commission. Motion carried without a negative vote, with Council Member Burkart excused.

CONSIDER CONTRACT FOR AUDIT SERVICES WITH BAKER TILLY FOR 2019, 2020, 2021; AND ACTION THEREON

City Administrator/Treasurer Mertes explained that the service contract with Baker Tilly ended with the 2018 audit. In order to have a resource for accounting questions throughout the year, the City needs to contract with a firm. Baker Tilly's proposal includes a \$1,000 increase annually. She is recommending that the City stay with Baker Tilly for the sake of continuity. It has been a learning process for both parties over the past three years, and everyone is just now getting comfortable. Light and Water also uses Baker Tilly, which allows for more efficiency.

Motion made by Council Member Arnett, seconded by Council Member Thome, to accept the contract for audit services with Baker Tilly for 2019, 2020, and 2021. Motion carried without a negative vote, with Council Member Burkart excused.

CONSIDER RECOMMENDATION TO MAINTAIN CEDARBURG'S DISPATCH SERVICES; AND ACTION THEREON

Assistant Administrator/Parks, Recreation & Forestry Director Hilvo presented an overview of the four different options that the ad hoc Dispatch Review Committee considered, which are detailed in the Feasibility Study.

- Option 1: Move dispatch service to Ozaukee County Sheriff's Office (OZSO) and eliminate other services dispatchers currently provide.
 - In 2020, the City would see a total cost savings of \$531,028 with a \$116 decrease in taxes for a home valued at \$276,000. In future years, there would be a \$96.60 decrease in taxes for a home valued at \$276,000.
 - Asst. Administrator/Director Hilvo emphasized that this cost savings would also come with a loss of local control and a large loss of services provided. The City would also lose alarm monitoring fees.
- Option 2: Move dispatch services to OZSO but retain current staff and hire one position as public safety specialists to keep other services provided by dispatchers.
 - Total cost savings in 2020 would be \$89,500 in 2020 and then \$4,500 annually, which would result in a savings of \$19.60 for a home valued at \$276,000.
- Option 3: No change to dispatch services.
 - The current cost for dispatch services is \$96.60 in taxes for a home valued at \$276,000. If the budget was increased for the \$85,000 dispatch upgrades that must occur in 2020, a home valued at \$276,000 would see an increase of \$18.50.
- Option 4: Move dispatch services to OZSO but retain current staff (5) as public safety specialists to keep other services provided by current dispatchers. Do not hire an additional dispatcher.
 - Total cost savings to the City would be \$159,500 in 2020, with a decrease of \$35.10 for a home valued at \$276,000; \$74,500 savings in future years, which is a \$16.28 savings for a home valued at \$276,000.

After analyzing the options, the ad hoc Committee recommended to maintain Cedarburg's dispatch services. When interviewing other municipalities, Asst. Administrator/Director Hilvo said the conversations with West Bend, Germantown, and Hartford stood out. Hartford, specifically, spoke to the value of maintaining local control and making zero compromises when it came to service levels.

Asst. Administrator/Director Hilvo explained that the Ozaukee Sheriff would hire three additional dispatchers if Cedarburg consolidated. Cedarburg taxpayers with a home value of \$276,000 currently pay \$521.64 for all county services, 57% of that goes to the Sheriff's Department. Cedarburg taxpayers pay \$273.24 for Sheriff's Department services on a home

valued at \$276,000. Asst. Administrator/Director Hilvo was not able to break this number down further.

Council Member Arnett asked if the \$85,000 expense is basically a piece of equipment that must be purchased in order to keep dispatch operating. Police Chief Frank confirmed that it is a piece of equipment that must be upgraded.

A discussion between Police Chief Frank and the Council took place about how 911 calls are routed. If someone makes a 911 call on a landline, it comes directly to Cedarburg Police Dispatch. If it goes through a cell, it goes to the Sheriff's call center and is then rerouted to Cedarburg dispatch.

Council Member Arnett expressed concern over why the City of Cedarburg is covering the cost of this \$85,000 equipment when it would service both the City of Cedarburg and the Town of Cedarburg. He understands that the City charges the Town for calls, but wonders if we have ever increased those charges. City Administrator Mertes clarified that the City's agreement with the Town allows for an annual increase of 3% per year for the EMS charges. Mayor O'Keefe and Council Members Verhaalen, Arnett, and Chivinski were all in agreement that this conversation should be revisited when looking at the budget.

In answer to Council Member Bublitz's question, Fire Chief Vahsholtz and Police Chief Frank said that they think maintaining current dispatch services is the best option. Police Chief Frank emphasized that being able to decide police and fire procedures is very important, whether it is local control or a combined dispatch center in the future where the City is still able to have a seat at the table. Fire Chief Vahsholtz emphasized how much local control meant when speaking to other communities.

Council Member Bublitz asked if the City were to consolidate to County dispatch and something happened at a festival, would the interaction between dispatchers and responders go as well. Police Chief Frank stated that our dispatch center is more familiar with the community and has very high retention of staff, so the dispatchers are extremely experienced. He noted that Cedarburg has had major events in the past and dispatchers were able to handle the events. If the City gives up local control now, it would be very hard to start it up again in the future.

In response to Council Member Verhaalen's question, Police Chief Frank explained that if a call to 911 originates from a cell phone, it is received by OZSO dispatch and then transferred to Cedarburg, which takes about 5-10 seconds. Voiceover IP comes directly to Cedarburg's dispatch center, as do landline phone calls.

Mayor O'Keefe remarked that Cedarburg and Mequon are the only municipalities that are not dispatched through the County. Because there was a large capital expense on the horizon, it was time to explore the options so he assembled the ad hoc Dispatch Review Committee. He appreciates all of the Committee members and their work. The Mayor feels there are some advantages, but the cost savings do not seem accurate or realistic when you look at the whole picture and consider services that must be maintained such as staffing a front desk or having clerical staff. There is a uniqueness to Cedarburg with festivals and tourism increasing the

weekend population. Another advantage to local dispatch that would go away is the alarm monitoring that is instantaneous and important to business owners. Mayor O’Keefe is convinced that staying local is the way to go. He had a business owner make a good statement: “No one protects us like us.”

Council Member Verhaalen agrees that police and fire come first. When we make our budget, he emphasized that we need to remember that this is something we must include in the budget and there might be budget trimmings in other areas as a result.

Council Member Bublitz stated that the Cedarburg “bubble” has a lot to do with the fact that it is protected by our own Fire and Police Department. As a citizen, she does not want to give up other things, even if it means we need to add \$85,000 to the budget.

Council Member Thome stated that Council Member Burkart would like it noted that she is in favor of keeping dispatch with the City of Cedarburg.

Council Member Thome stated that Cedarburg is truly unique with the number of visitors coming to Cedarburg for festivals, the Fourth of July parade, Halloween, etc. Dispatchers instinctively can visualize where people are and have no second thoughts, which is very valuable and important.

Council Member Galbraith stated that many of the things talked about as being unique to the City are exactly the reason why the Council should consider one of two things: either consolidating dispatch or increasing the number of dispatchers available. It is during these large events when 1-2 dispatcher capability is going to fail. Events of 25,000-30,000 people can overwhelm a communication center if there is an emergency such as an active shooter or a major catastrophe at a festival. A rebuttal to the report could be prepared by an objective consultant and counter many of the arguments made in favor of keeping dispatch. He urged the Council to look at it from a much deeper, objective perspective. If the County needs to hire three dispatchers, we are left with three who could potentially continue the daytime duties. The Committee did not perform a time study to see if this was feasible, though.

Council Member Arnett has not heard that this is an area where residents would want tax savings. Consolidation will likely happen someday, but he stated that today is not that day.

Council Member Chivinski said that much of what Council Member Galbraith said is valid and informed. Council Member Galbraith is speaking with the Community’s interest at heart. He stated that the Cedarburg “bubble” exists four exits from one of the most dangerous cities in the nation, and we have no idea when it will intrude on our community. The City has an elegant system of mutual cooperation built up over a very long time. Once it is disbanded, it will never be able to put it back together again. The Council should look ahead to the future, especially where technology is concerned as no one has an idea of what this will look like in five years. There is no reason to give away this control prematurely, though.

Mayor O’Keefe clarified that the Council is acting upon the recommendation of the Committee to remain with local control of dispatch. Based on this recommendation, the equipment replacement will be in the 2020 budget.

Motion made by Council Member Arnett, seconded by Council Member Thome, to accept the ad hoc Dispatch Review Committee's recommendation and maintain Cedarburg's dispatch services. The motion carried with Council Members Bublitz, Arnett, Verhaalen, Chivinski and Thome voting in favor, Council Member Galbraith opposed and Council Member Burkart excused.

CONSIDER LICENSE/PERMIT APPLICATIONS; AND ACTION THEREON

Motion made by Council Member Galbraith, seconded by Council Member Verhaalen, to approve new Operator License applications for the period ending June 30, 2019 for: Collin J. Madison, Kristine R. Raymond, and Beverly A. Seidl. Motion carried without a negative vote, with Council Member Burkart excused.

Motion made by Council Member Galbraith, seconded by Council Member Arnett to approve new Operator License applications for the period ending June 30, 2020 for:

Nathalie D. Arendt
Gary Enos
Susan E. Hoppe

Erin C. Martin
Jeremy J. Schultz
Madeline M. Tank

Donald M. Tomczyk

Motion carried without a negative vote, with Council Member Burkart excused.

Motion made by Council Member Galbraith, seconded by Council Member Thome, to approve of renewal Operator License applications for the period ending June 30, 2020 for:

Nicole M. Ansay
Brett C. Aston
Kathleen S. Benson
Evan N. Bray
Daniel A. Brisley
Mark S. Brock
Dawn M. Brooks
David J. Burnside
Angela M. Bushee

Tricia A. Dooley
LeRoy C. Haeuser
Lori A. Haeuser
Daryl M. Kranich
Justyn J. Krueger
Neal C. Maciejewski
Robert M. Nash
Sharon L. Nelson
Sara K. Newhauser

Maureen M. Peck
Sarah F. Prasser
Dawn M. Priddy
Melissa M. Radtke
Ronald H. Reimer
Sheridan P. Riley
Richard J. Roden
Cristian A. Tyrpak

Motion carried without a negative vote, with Council Member Burkart excused.

CONSIDER PAYMENT OF BILLS DATED 6/7/19 THROUGH 6/17/19, TRANSFERS FOR THE PERIOD 6/7/19 THROUGH 6/21/19; AND PAYROLL FOR THE PERIOD 6/8/19 THROUGH 6/21/19; AND ACTION THEREON

Motion by Council Member Thome, seconded by Council Member Arnett, to approve payment of bills dated 6/7/19 through 6/17/19, transfers for the period 6/7/19 through 6/21/19, and payroll for the period 6/8/19 through 6/21/19. Motion carried without a negative vote, with Council Member Burkart excused.

ADMINISTRATOR'S REPORT

Administrator/Treasurer Mertes was at a Wisconsin City/County Management Association (WCMA) conference last week and ran into Clint Gridley, former Administrator for Cedarburg. He pointed out to her that she is now the longest standing Administrator of the City.

COMMENTS AND SUGGESTIONS FROM CITIZENS – None

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Thome appreciated that the Council spent the time examining the consolidation opportunity.

Council Member Arnett congratulated the volunteers and staff at Festivals for another wonderful event this past weekend at Strawberry Festival.

Council Member Verhaalen announced that he just received word that Jack Friess has retired after over 40 years of coaching baseball in Cedarburg.

MAYOR'S REPORT

Mayor O'Keefe recommended at the June 10 Common Council meeting that water fluoridation be an agenda item at a future Council meeting. He announced that after speaking to the State and staff of the Light & Water Utility, he is retracting that previous recommendation. The Wisconsin Department of Health, Wisconsin Department of Natural Resources, Center for Disease Control, Environmental Protection Agency, American Medical Association, and American Dental Association all agree on the addition of fluoride to the water at our current levels is good practice. Any further discussion of the matter would be counter-productive.

ADJOURNEMENT

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to adjourn the meeting at 8:29 p.m. Motion passed without a negative vote, with Council Member Burkart excused.

Claire Woodall-Vogg
City Clerk