

**CITY OF HARTFORD
COMMON COUNCIL
September 12, 2023**

The Common Council of the City of Hartford, Washington and Dodge Counties, Wisconsin, met for its regularly scheduled meeting on Tuesday, September 12, 2023 7:00 p.m., in the Common Council Chambers of Hartford City Hall, 109 North Main Street, Mayor Timothy Michalak presiding.

PLEDGE OF ALLEGIANCE

Mayor Michalak led the Common Council in the Pledge of Allegiance.

ROLL CALL

The Mayor and all Alderpersons were present except Alderperson Webb who was absent and excused.

UNANIMOUS CONSENT AGENDA

MOTION by Alderperson Rusniak, seconded by Alderperson Turchi, approving the following items:

1. The Common Council minutes of August 22, 2023.
2. Authorizing appropriate City officials to transfer Hangar Land Lease for Hangar No. 44 at the Hartford Municipal Airport to Sid Prom, Cedarburg, WI.
3. Approving the purchase of the Sharp copier for a cost of \$10,189.10.

MOTION CARRIED UNANIMOUSLY.

COMMUNICATIONS

1. City Clerk Shanna Kreilkamp announced that there will be a Mid-Moraine Legislative Meeting tomorrow, September 13, 2023 at 7:00 p.m. at the Jackson Municipal Center.
2. City Clerk Shanna Kreilkamp announced that there will be a Mid-Moraine meeting hosted by the Village of Thiensville on September 27, 2023. It will start at 6pm and reservations are due September 16 so let her know by September 15th.

APPEARANCES AND CITIZENS COMMENTS

Jason Wix, Business Improvement District President, requested that the Common Council consider allowing BID parking passes in the Park Avenue/Mill Street parking lot. City Administrator Steve Volkert advised that this issue will go onto the next Public Works agenda and then the next Common Council agenda to get voted on.

Tom Hostad, Executive Director of the Hartford Area Development Corporation, wanted to comment on the deferring of Park and REC fees for the Skyway Park Subdivision. He advised that this was for a small builder who is building seven homes and has asked for deferral on the timing of the payment until the home is finished and occupancy is granted. He further advised that this is a cash flow management issue for a small business paying fees for something where the impact doesn't occur until 4-6 months later when someone occupies the home. The money that is used to pay the fees can be used for raw materials, etc. He is asking for consideration in granting this one time request.

Dennis Hegy, 115 Martin Drive, wanted to comment on the budget item tonight. He asked that the Council keep going with the streets as they are getting more expensive to do. If taxes have to increase don't skimp on it. Our streets are better than a lot of communities but they still need more work. He also wanted to comment on the airport terminal building. He asks that there be consideration that when the terminal building is built and designed it should be tall enough that the plane donated by Jim Miles, which is who the airport is named after, is able to be suspended from the ceiling.

MAYOR'S REPORT

1. Mayor Michalak wanted to thank everyone who attended and all those who put on the September 11th memorial at Berndt Park.
2. Mayor Michalak mentioned that there will be a ceremony with the new Pierce fire truck on Tuesday at 1pm with the Chief and Fire Department.
3. Mayor Michalak reminded everyone that Bucksinner's is this weekend at Woodlawn Park.

ALDERMANIC REQUESTS

Alderperson Rusniak officially requested that the BID Parking passes be put on the agenda for the next meeting. He also wanted to welcome Dennis Hegy back.

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STANDING COMMITTEE REPORTS

Finance & Personnel

1. Discussion and consideration of authorizing the appropriate City officials to enter into the two Letters of Agreement with WPPA/LEER Local #464 pending any legal language edits, if necessary, and approval by WPPA/LEER Local #464.
 - a. City Attorney Ian Prust explained that one of the letters addresses the Fair Labor Standards Act provisions that apply to protective services hours as the normal 40 hour work week with overtime does not apply. There is a requirement in our contract that specifies that if they go over 172 hours in a 4 week period of actual work then we need to make an additional calculation to make sure that overtime is paid so we are not in violation of the FLSA. We just need to add this language to the contract. The other part of it is to add flexibility so that if the Police Chief deems it advisable they could be paid for participation in events such as Shop with a Cop instead of having those hours be volunteer.
 - b. Lieutenant Cummings explained that the second letter deals with the police liaison officers. There are currently two – one at HUHS and one at Hartford Jt. 1. They are scheduled to work 8 hours per day however, HUHS and Hartford Jt 1 would like them to work 9 hours per day so they could cover the beginning and the end of the school day. The arrangement would be that they work 9 hours every day and then that extra hour a day goes into a work back file like the patrol officers and those hours would be used on school days where there are no students in the building or for vacation time. Both officers would have between 5-12 hours remaining at the end of the school year and they would use those as soon as they can in the summer and then would go to regular patrol or somewhere else. They figured out a way to make it cost neutral.

MOTION by Alderperson Fulop, seconded by Alderperson Garza authorizing the appropriate City officials to enter into the two Letters of Agreement with WPPA/LEER Local #464 pending any legal language edits, if necessary, and approval by WPPA/LEER Local #464.

MOTION CARRIED UNANIMOUSLY.

Utility

1. Discussion and consideration of purchasing forty 50 KVA pad-mounted transformers from RESCO at a cost not the exceed \$207,720.00.
 - a. Director of Utilities Brian Rhodes explained that transformer manufacturers are still recommending lead times of 52 weeks or more so they are constantly evaluating inventory to make sure they have enough for projects and also for emergencies. He requested quotes from two different vendors and RESCO came back at the lowest price of \$207,720.00 and a shorter lead time of 26 weeks. He advised that there was one question at the Utility Meeting regarding the warranty. RESCO's warranty is two years while B&B Transformer's warranty is 3 years. He discussed same with RESCO but they still only offered a two year warranty. We haven't had to use the warranty yet and have been using the transformers from RESCO for 8-10 years.
 - i. Alderperson Kohler asked whether the warranty starts on the date of purchase or the date of installation. Director Rhodes advised that the warranty begins upon delivery.
 - ii. Alderperson Fulop asked what the typical life of the transformers is. Director Rhodes advised it is 35-40 years.
 - iii. Alderperson Rusniak asked how long 40 transformers would last in good times. Director Rhodes advised that it depends on growth, right now Slinger has a lot of projects so they could last 6 months to a year.
 - iv. Mayor Michalak stated that if we are planning ahead and another community is not we should markup the transformers in the event they come to us to ask for some.

MOTION by Alderperson Fulop, seconded by Alderperson Kohler approving the purchase of forty 50 KVA pad-mounted transformers from RESCO at a cost not the exceed \$207,720.00.

MOTION CARRIED UNANIMOUSLY.

2. Discussion and consideration of entering into an agreement with V & F Roofing to make the appropriate repairs as required by the DNR for a price not to exceed \$56,300.00.
 - a. Director of Utilities Brian Rhodes explained that earlier this summer the roof at reservoir well 10 was inspected by Dixon Engineering because the DNR requires they be inspected every five years. A soak test was performed and a leak was found in the reservoir roof. The well and reservoir were taken out of service during the inspection and will remain out of service until the repairs are

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completed. Consulting water engineer Baxter Woodman helped put together a plan to get approved by the DNR. The DNR gave approval in early August to move forward with the plan to replace the roof. Mr. Rhodes advised that he got bids from three different contractors and V & F Roofing provided the lowest quote at \$56,300.00. He stated that this was approved at the Utility Committee meeting. Mr. Rhodes advised that some repairs have been completed already. V & K has advised they could start the project by the end of September or early October and it would be a 7-10 day project.

- i. Mayor Michalak asked whether there is a warranty that goes with this. Director Rhodes advised there is a 20 year warranty on the roofing system and a 2 year warranty on the labor.

MOTION by Alderperson Carroll, seconded by Alderperson Turchi approving entering into an agreement with V & F Roofing to make the appropriate repairs as required by the DNR for a price not to exceed \$56,300.00.

RESOLUTIONS AND POSSIBLE ACTION THEREON

1. Resolution No. 3653 – A Resolution levying special assessments for unpaid Hartford Utility Accounts, Business Improvement District assessments, and assessments for special services on the 2023 tax roll.
 - a. City Administrator Steve Volkert explained that every year they come to a period of time where they have to cutoff any unpaid Hartford utility account, Business Improvement District assessments and assessments for special services and they are added to the tax roll. Approval tonight allows the City to apply those to their 2023 taxes.

MOTION by Alderperson Regan, seconded by Alderperson Turchi for the adoption of proposed Resolution No. 3653.

MOTION CARRIED UNANIMOUSLY.

2. Resolution No. 3654 – A Resolution recommending the vacation of 5423 square feet of right of way land adjacent to 2519 CTH K.
 - a. City Planner Jacob Maas explained Washington County is looking to vacate about 5423 square feet of right of way land. This is at the intersection of CTH E and CTH K. The County made the changes for the sewer pac wetland delineation on the CSM they submitted to us. Mr. Mass explained that he had a condition two on the resolution that outlet 1 shall be combined with 2519 CTH K and he was advised that the outlet is actually in the Town of Erin whereas 2519 CTH K is in the Town of Hartford so the two lots cannot be combined. Mr. Maas asked that the second condition be removed.

MOTION by Alderperson Regan, seconded by Alderperson Carroll for the adoption of proposed Resolution No. 3654.

MOTION CARRIED UNANIMOUSLY.

ORDINANCES

First Reading and Possible Action Thereon

1. Ordinance No. 1472 - An Ordinance creating Section 4.39 of the Municipal Code and amending Chapter 42 of the Municipal Code relating to enforcement of the Municipal Code and Bond Schedule.
 - a. City Attorney Ian Prust explained that this ordinance tries to address a problem that the City has run into where some of the Chapters of the Municipal Code do not say who has the authority to enforce the Ordinances within that Chapter. Mr. Prust advised that the Police Department has the ability to issue these citations but he wanted to make clear who has that authority. Mr. Prust stated that the intent of 4.39 is to lay that information out by Chapter. The second two portions of this Ordinance are changes to Chapter 42. The first one is to make sure that if the City sets a fee in Chapter 42 then that is what controls. The second one is to establish general violation amounts for the Chapter.
 - i. Alderperson Fulop requested City Attorney Prust explain the violation fee sequence. City Attorney Prust explained that the forfeiture table is established by the Mid Moraine Municipal Court. The deposit amount is the fine that is actually paid, then there are additional fees such as an assessment amount, county jail assessment fee, crime lab fee, municipal court costs, etc.
 - ii. Mayor Michalak wanted clarification that if you are in the park after hours the ticket is \$187.00. City Attorney Prust advised yes.

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- iii. Alderperson Turchi asked whether this is common practice in most municipalities that departments other than the police department will issue a citation. City Attorney Prust advised that it varies but traditionally planning and zoning has the ability to issue paper citations. Mr. Prust advised that the Mid Moraine Municipal Court is moving toward a more digital platform to issue citations which brought this up. Mr. Prust further advised that It is not unusual to give multiple departments the ability to issue citations. Alderperson Turchi stated he is concerned that a citizen would expect a citation to only come from the Police Department and he wants to make sure the public is aware that there is the potential for someone other than an officer to issue a citation.
- iv. Alderperson Fulop wanted to clarify that there is no interpretation issue. City Attorney Prust explained that there is typically discretion and most of the planning/zoning, etc. citations aren't shocks to anyone as they have been warned previously.

MOTION by Alderperson Fulop, seconded by Alderperson Carroll to suspend the rules for immediate consideration of proposed Ordinance No. 1472.

MOTION CARRIED UNANIMOUSLY.

MOTION by Alderperson Carroll, seconded by Alderperson Fulop for the adoption of proposed Ordinance No. 1472.

MOTION CARRIED UNANIMOUSLY.

2. Ordinance No. 1473 - An Ordinance amending Chapter 42 of the Municipal Code relating to public records fees.
 - a. City Attorney Ian Prust explained that in the process of reviewing some recent open records requests it was noticed that the copy fees were higher than they should be. Mr. Prust explained that this Ordinance changes the \$.30/page copy fee to \$.15/page black and white and \$.25/page for color. Mr. Prust stated these amounts were calculated based on how much copiers cost, maintenance contracts, cost of paper, etc.
 - i. Mayor Michalak wanted to confirm that we included the cost of a new copier in the pricing. City Attorney Prust advised he tried to determine how much the copier in the clerk's office would have cost when it was new and how many copies were made since it was purchased and estimated out a cost. Mr. Prust advised that public records laws only allow us to recoup costs and the fees cannot be for profit.
 - ii. Alderperson Fulop wanted to know whether this cost factor includes labor in order to generate the responses. City Attorney Prust advised that is not a cost you can recoup. He stated that the only labor cost you can recoup is the search fees and that is a separate charge. Alderperson Fulop also wanted to know how we address it when we give records to them in digital form. City Attorney Prust explained there is no real cost to us therefore that would be incorporated into the search fee.

MOTION by Alderperson Fulop, seconded by Alderperson Carroll to suspend the rules for immediate consideration of proposed Ordinance No. 1473.

MOTION CARRIED UNANIMOUSLY.

MOTION by Alderperson Garza, seconded by Alderperson Savage for the adoption of proposed Ordinance No. 1473.

MOTION CARRIED UNANIMOUSLY.

CITY ADMINISTRATOR'S REPORT

1. Discussion and consideration of the 2024-2028 CIP Budget.
 - a. City Administrator Steve Volkert explained that the biggest thing we look at for the CIP budget along with the price is where the funds are coming from. Most of the CIP projects will come from grants, TID or other long-term borrowing, special assessments and fund balances. He stated that all the borrowing we do is for 10 years unless the item is a building project then it is a 20-year loan. In the next two years we are looking to two total road construction projects in 2024 and 2025, reconstruction of Main Street sidewalks, take first steps to build a sidewalk bike trail at Lakeview Acres, prepare to fix millpond dam, ongoing stormwater projects, remodeling fire station, parking lot update at Independence Park, VMAC pool heater replacement, refurbish ambulance, update/maintain various municipal buildings, roads and alleys, replace two trucks, plows with wings. General obligation borrowing for 2024-2025 is higher due to exceedingly higher prices of everything.

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- i. Alderperson Rusniak had a question regarding the Millpond dam replacement. City Administrator Volkert stated that year 1 will be the study then the dam will be fixed. We expect a DNR grant to assist with that.
- ii. Alderperson Rusniak had a question regarding the airport terminal building. City Administrator Volkert advised that 5% is paid for by the City, 5% is paid for by the State and the remainder is paid for by the federal government. He further stated that our 5% is our equity in the building so we would not have to pay any actual cash for that improvement.
- iii. Alderperson Rusniak found the siding for the library to be a lot but noticed that it is covered by funding. City Administrator Volkert advised he is checking every option available to get the cost of the siding down and the library is able to pay for themselves out of their fund. Alderperson Kohler wanted to confirm that the high cost for the library exterior is because we are using materials that will last a lot longer than they have previously. Administrator Volkert explained that is correct and getting it fixed is very important as the building structure is failing due to the siding issues.
- iv. Mayor Michalak wanted to confirm that we would be passing the 2024-2028 CIP Budget in total to which City Administrator Volkert advised yet. Mayor Michalak advised that he does not intend to raise taxes and would rather use money from the undesignated fund balance. City Administrator Volkert advised the budget is getting passed tonight based on the numbers provided and he cannot state today if this will raise taxes. He explained that by his calculations in 2024 the tax on a house of \$300,000 would go up \$6 for debt alone. He further explained that taking money from the undesignated fund balance may hurt the City's bond rating.
- v. Alderperson Fulop wanted to know how projects are prioritized. City Administrator Volkert stated that the biggest projects are road construction and the City tries to do at least two major street projects a year beginning with the worst ones then comes the vehicles. He further stated that the Departments themselves review what they oversee.
- vi. Alderperson Fulop wanted to know if we know what the threshold is if we reduce the fund balance that would affect the City's bond rating. City Administrator Volkert advised the City has the highest bond rating for a community of its size. Mr. Volkert stated he can look into conducting an exercise to review how reducing the fund balance may affect the bond rating and how a lower bond rating would affect the City.
- vii. Alderperson Fulop is happy Independence Park parking lot is being asphalted and wanted to confirm the drive through is also. City Engineer John Griffin stated only the parking lot is being asphalted at this time but he will talk to Parks and Recreation Director, Randy Wojtasiak as this is his project and they will both look into getting the drive through fixed as well.
- viii. Alderperson Fulop wanted to follow up on the hardware listed in the CIP budget under other projects for shoring up cyber security and wants to make sure we are aligned with the hardware versus the service. He wanted to know if the City can look at tactical smaller value projects that the City doesn't think will risk its bond rating. He also wanted to make sure the security of the IT as well as infrastructure for the City doesn't get violated.
- ix. Alderperson Turchi wanted to recognize the staff who put together the CIP budget especially the utility team who summarized everything for 2024-2028 and did a fantastic job. He stated that the staff comes to the council when they need additional money for projects that go over budget and that's where the general fund comes into play. City Administrator Volkert also advised that there is money budgeted for staff payouts for retirements. Alderperson Turchi echoed Mayor Michalak's stance that we do not want to intentionally raise taxes but our CIP budget presents a good start.
- x. Mayor Michalak advised that there are also times when a project is less expensive than anticipated so there is an eventual evening of the budget.

MOTION by Alderperson Regan, seconded by Alderperson Fulop approving the 2024-2028 CIP Budget.
MOTION CARRIED UNANIMOUSLY.

2. Discussion and consideration of deferring Park fees for Skyway Park Subdivision Lots 67-73.
 - a. City Administrator Steve Volkert explained that the City is working with a local developer in providing affordable housing that is between \$320,000-\$420,000. He stated that the builder is looking to build 5 single-family owner-occupied homes that are \$320,000 and 2 single-family owner-occupied homes that are \$420,000.00. They will be positioned in 7 lots that are located in the middle of Skyway Park which is where the local contractor lives. To assist with this project he is asking to defer the park and REC fees. He explained that these fees are typically paid at the time the building permit is taken out and in this case he would like them to be paid when the house is sold.

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- i. Alderperson Turchi wanted to know how long of a period this deferment would be. City Administrator Volkert stated about a year.
- ii. Alderperson Rusniak stated he sees no problem with this as the City needs to do something to spur housing and with this plan the City would not be out any money.
- iii. Alderperson Fulop wanted to confirm that this would be about a \$50,000 total deferral and normally the money would be taken out one time for each house so its significantly less than that because it would be staggered.
- iv. Alderperson Regan wanted to know whether this is the first time the City has done this. City Administrator Volkert advised that he was unsure. Alderperson Rusniak advised that he is sure this has been done before.
- v. Alderperson Turchi had a question concerning setting precedents going forward. City Administrator Volkert advised the City Attorney Ian Prust is looking at drafting an ordinance to move forward with this. Alderperson Turchi recommended that when the ordinance is changed that it would have to go to council for approval every time. City Administrator Volkert confirmed that.
- vi. Alderperson Kohler advised that this went in front of the Planning Commission last night and he presented many of the questions/thoughts that were brought up now. He stated this is something the City may want to look into permanently. He suggested the City put together an ad hoc committee that has the council, staff and the HADC on it to try to look at what the City is doing to make it more attractive for people to come here. He is 100% in favor of this idea. He stated that the reason we normally ask for the fees ahead of time is because half of the time we don't see the developer after the permits are obtained.
- vii. Alderperson Regan stated that since this is a newer thing he would consider this a test run. The success of this may lean the City one way or the other when it comes to doing it in the future. City Administrator Volkert stated that yes this is a test run for Next Generation Housing and there is another subdivision which the City is looking into to continue this process.
- viii. Mayor Tim Michalak advised that he had participated in a Zoom meeting with the League of Wisconsin Municipalities and the guest speaker was Elmer Moore, Jr. who is the Executive Director appointed by Governor Tony Evers for Wisconsin Housing and Economic Development Authority ("WHEDA") and with those houses there is an income restriction and WHEDA assists them in getting into those homes. He wanted to clarify that these homes are separate from that. City Administrator Volkert stated that if they had a Title 10 project through WHEDA the homes would be restricted to those who earn a maximum amount and this is not one of those projects.
- ix. Alderperson Garza stated this is a traditional way of building homes because you've got the builder and land that's getting purchased, the City is just making one small change to what gets paid out right away. He explained that if we defer the Park and REC payment and other builders come in and would like to do it then it's a great way to get business in here.
- x. Alderperson Fulop advised he likes the idea. He wanted to confirm that normally when this is done they pay up front when they pick up the permit. City Administrator Volkert confirmed that is correct. Mr. Fulop asked why the City would collect the fees at the sale of the home and not when it's completed. City Administrator Volkert advised that is when the transfer of deed would occur and that would be the trigger for the City to attach the special fee at the time of the closing.

MOTION by Alderperson Carroll, seconded by Alderperson Rusniak approving the deferral Park and REC fees for Skyway Park Subdivision Lots 67-73.

MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

MOTION by Alderperson Fulop, seconded by Alderperson Savage for adjournment at 8:38 p.m.

MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,
Shanna Kreilkamp, City Clerk

CCSEP12.23