

**CITY OF CEDARBURG
COMMON COUNCIL
March 10, 2008**

CC20080310-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, March 10, 2008 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Myers called the meeting to order at 7:00 p.m. The meeting began with a moment of silence followed by the Pledge of Allegiance.

Roll Call: Present – Common Council – Mayor Gregory P. Myers, Council Members Chris Reimer, Steve Glamm, Haly Besaw, Paul Radtke, Sandra Beck, Kip Kinzel, Robert Loomis

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Deputy City Clerk Amy Kletzien, Director of Engineering and Public Works Tom Wiza, City Planner Jon Censky, Parks & Recreation Director Mikko Hilvo, Public Works Superintendent Jeff Boerner, Parks & Forestry Superintendent Kevin Westphal, Library Director Mary Marquardt, Library Board Members Debra Goeks, Sue Karlman, Vonna Pitel, Cedarburg Tourism, Promotion and Development Committee Members Liz Brown and Betty Schmidt, 5th District Candidates Michael Maher and Patricia Thome, 7th District Write-in Candidate Amy Goyette, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor Myers' 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 had 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.

MAYOR'S APPOINTMENTS - None

APPROVAL OF MINUTES

Motion made by Council Member Radtke, seconded by Council Member Glamm, to approve the minutes of the February 25, 2008 meeting. Motion carried without a negative vote.

REPORTS OF BOARDS, COMMISSIONS & COMMITTEES - None

COMMENTS & SUGGESTIONS FROM CITIZENS

Brook Brown, N25 W5060 Hamilton Rd., spoke on the Library issue. His concerns were directed to the present Common Council and the candidates who will be elected in April. He asked that the Library issue be put on a temporary hiatus until one of two things have been accomplished.

- A new referendum on the library needs to be in place (preferably April 2008) asking the citizens of Cedarburg if they still want to pay a minimum of \$2 million extra to build a new library. The residents need to know that this Council has decided to charge its constituency for approximately 1/3 of the project that normally should be paid for by the Town. The first referendum passed for \$6.5 million, but with the understanding that the Town would pay a portion of the new building. He opined that it is not fiscally responsible to plan an expansion to the proposed new library without the minimum 30% help from the Town. It is not prudent use of the taxpayers' money when you consider how many potholes could be filled, streets could be plowed, storm drains could be replaced, trees could be planted, riverwalks can be built, and studies could be funded, etc., for \$2 million.

OR

- Open a dialog with the Town and make them aware of the City's plan, even if built alone, it will be their library also. The Town has not been involved in this project even though 1/3 will belong to them. He opined that the citizens of Cedarburg cannot afford a library at this time, without the Town's participation.

The library building issue has been around for 10 years. The need for an updated library is real but he questioned at what cost. Mr. Brown asked the Council not to hide behind the thought that the project has come too far and too much money has been spent up to this point to stop now. He stated that the Council could make a wise financial and sound conclusion that the delay is necessary. Mr. Brown concluded that this project is costing the City 30% extra that should be paid for by the Town and the Council has the power to delay this project tonight.

CONSIDER UPDATE OF PRELIMINARY PLANS FOR NEW LIBRARY, BUDGET FOR THE LIBRARY PROJECT, SELLING THE CURRENT LIBRARY SITE, AND USING SOME OF THE FUNDS FROM THE SALE TO ENLARGE THE PROPOSED SIZE OF THE NEW LIBRARY

Mayor Myers stated that this issue was discussed a month ago and was postponed until this meeting so Council Members could gather information. The current issue is that the City has agreed to borrow \$6 million to build a new library as stated in the original referendum. There is a budget for the project and the acquisition costs will be paid by Mercury Marine. Because of constraints that were put on the budget by the Council, the issue remains as to how the library can be enlarged now when it is fiscally prudent to do so. The architects stated at the February 11 meeting that this would be the time to add 2,000 sq. ft. due to a number of factors. The original library plan was somewhat cramped and the architects feel that adding the additional square footage would make a big difference.

Mayor Myers learned recently that one-third of the original library was built with private contributions raised in a "Buy a Brick Campaign" coordinated by Janet Levy. He believes the equity created from those private donations should be used as originally intended and be rolled back into the new library when the old library is sold. The City has a civic obligation to return the funds

and equity that was created by contributed funds. These funds should be used for their original intent, which is the basis for his proposal.

Council Member Glamm reflected on the library process and pointed out that the ultimate square footage of the library plan cannot be revisited, unlike the furnishing or some interior details. Looking back, the Council and people in the community have wondered why certain decisions were made such as not including a firing range in the new police station or building a field house large enough to handle track meets. Council Member Glamm opined that if the library is not planned slightly larger than originally proposed, the community will be disappointed on ribbon cutting day. The original plan took care of displaying and housing the material beautifully but if the footprint is not expanded it will only be a place to visit and not a place to stay and enjoy the facility. The original plan has space for 42 patrons in the adult and young adult sections; whereas, the addition will provide seating for 66 patrons in the adult and young adult sections of the library. Council Member Glamm stated that now is the time to add the additional 2,000 sq. ft. that is needed to make this library comfortable for people to visit. It will be more difficult and expensive if the City decides to add onto the library in the future. He agreed with using the money from the original fund drive in a way that will pass on the wishes of those people who donated to the original library onto a new library. During the library planning process, the focus has always been to find space for the collection and the patrons. The library staff has given up a lot in the areas of technical support and staff areas in order to provide adequate space for the library patrons.

Director Wiza explained that because this is a Brownfield site, there are some complications in expanding later. If the building is sized now for future expansion, it will allow for the footings to be set in a given location and Mercury Marine will be responsible for remediation of the area. If any expansion is done in the future, the City will be responsible for the remediation and disposition of any contaminated soil, which would result in substantial additional costs to the City. Director Wiza explained that the site will most likely have to be deed restricted to not allow any excavation on the site after it is initially remediated and sealed without going back to the DNR for permission. He concluded by saying that the City should account for any short term expansion in the original design.

In answer to Council Member Beck's question, Director Wiza stated that Mercury Marine has decided on Plan 4 which will remove the most contaminated areas (hot spots) along with the areas of land that will be excavated, and to put an impermeable liner over the entire site to seal the property. After this is done, the City will not want to do anything to disturb the liner over the property.

Council Member Loomis stated that Brook Brown's comments struck a cord with him in regard to the Town not paying their portion of a new library; nevertheless, the referendum was for approximately \$8.9 million between the City and Town to rebuild a library on the existing site. By taking two-thirds of that amount, it came to \$6 million that the City would contribute. During the process of planning for a new library, the St. John Avenue property became an option for the new library building and was advocated by Mayor Myers. This solution has allowed the City to spend \$6 million on a smaller, quality library. In the original plan, the value of the existing library would have been zero or negative because of the costs to demolish the old building. The current plans to build a new \$6 million library on a new site have opened the opportunity for the City to sell the old

library site, which was never considered in the referendum. Secondly, assuming some of the funds are used to backstop the additional 2,000 sq. ft. addition to the new library, the City never anticipated that the current library building would be added back to the tax roll. Council Member Loomis stated that if the City were to sell the building and perhaps use some of those funds to pay for an addition to the new library, the City will still be better off financially than originally planned. For that reason and because he has not heard any negative comments from his constituents, Council Member Loomis is in favor of backstopping the additional 2,000 sq. ft. to the library plan. He is hopeful that The Friends of the Library will be able to collect the remaining pledges made to a new library without the City having to backstop the additional 2,000 sq. ft. addition.

Council Member Loomis stated that Council Member Glamm has been a forceful and ardent supporter of the library project from the very beginning and he would be honored to second a motion that he would be willing to make on this project.

Motion made by Council Member Glamm to authorize up to \$400,000 from the proceeds of the sale of the current library to be utilized for the purpose of increasing the building size of the proposed library by 2,000 sq. ft. The motion was seconded by Council Member Loomis.

In answer to Council Member Besaw's question, Council Member Loomis verified that the City is not contributing any additional funds at this time; however, the City is backstopping the amount only to proceed with the plans for a new library.

Council Member Besaw stated that if the \$400,000 is not needed for the library, she does not want this amount to be spent.

Council Member Glamm moved to clarify that his motion is intended to act as a guarantee for the 2,000 sq. ft. addition if the needed funds do not materialize from other sources.

Council Members Loomis agreed to the amendment.

Council Member Kinzel agreed with the motion as amended.

In answer to Council Member Beck's question, Council Member Kinzel stated that Brook Brown's reference to the \$2 million shortage pertains to the Town not paying their portion of the new library.

Mayor Myers stated for the record that the City is not going to borrow more than \$6 million as originally intended in the referendum. Any other sources of funds will not come from taxpayer dollars.

Council Member Beck said she heard from several constituents who were never in favor of going ahead with a new library once the Town decided not to contribute to the project. Nonetheless, she was one of the Council Members who were in favor of going ahead with the project after the referendum and she will stand by that decision. Council Member Beck stated that during her 10 years of serving on the Library Board, prior to serving on the Common Council, it was always a vision to build a new library and this is as close as the City will ever get to have a new library and she is sure the project needs to move forward. Council Member Beck does not agree that people

will not spend time at the library if the additional 2,000 sq. ft. is not added to the plan, but she is in favor of going ahead. She expressed concern for the timing of the need for the money that the City is guaranteeing for the addition and settling for a buyer that will utilize the property in a manner that is less than its potential for the current library site. This would create a situation similar to the Western Road and Washington Avenue area that never came to fruition and thereby brought a plan that is much more suited for that corner. The prospect of selling the property to the first buyer that has the money and not being sure of what will develop on that corner is unsettling. Council Member Beck stated she will vote in favor of the motion, but she is unable to grasp what might be if the sale is not handled sensibly.

Council Member Kinzel opined that whatever may be built on the current library site is a separate issue. It will be the responsibility of the Council at the time to make sure it is zoned properly and they have control over how the property is used. He stated that the property should be sold and the City should not be in the business of being a developer. Council Member Kinzel stated that the Common Council has done a good job in the past.

Council Member Radtke agreed with Council Member Beck's opinion. He stated that the issue is two-fold in that the library needs to be bigger and the Council should take time to envision what could go on the current library site. This is one area that could be used to compliment the downtown area. Council Member Radtke would like to see the Council take an active roll by discussing some options and ideas for the area before the need arises to sell the property.

Council Member Glamm suggested that the ad hoc Downtown Master Plan Committee be reconstituted to look at the property and make some suggestions to develop a framework for interested parties.

Mayor Myers stated he could start a process to look at the entire area to decide how it should be developed and zoned. Most of the present library site is private property; however, two parcels are not. The process could be discussed by the Plan Commission or the ad hoc Downtown Master Plan Committee.

Council Member Radtke commented that he wants to see some type of business that will add to the area.

Council Member Beck was in favor of starting a discussion with the City Planner and either the Plan Commission or the ad hoc Downtown Master Plan Committee because it is an important piece of property. The Council needs to be considerate of the current library property as well as the new library site.

In answer to Council Member Radtke's question, Council Member Glamm stated that it may be two years before the money would be needed for the new library.

City Administrator/Treasurer Mertes stated that she can plan ahead for the necessary funds.

Council Member Reimer stated that he agreed with Council Members Beck and Glamm. He stated that his constituents are in favor of the 2,000 sq. ft. addition and the method for guaranteeing the funds; therefore, the plan has his full support.

Motion carried without a negative vote to authorize a guarantee of up to \$400,000 from the proceeds of the sale of the current library to be utilized for the purpose of increasing the building size of the proposed library by 2,000 sq. ft. only in the event that needed funds do not materialize from other sources.

CONSIDER RESOLUTION NO. 2008-08 APPROVING THE DISCONTINUANCE (VACATION) OF AN IRREGULAR SHAPED PORTION OF THE PUBLIC RIGHT-OF-WAY ALONG THE EAST SIDE OF MCKINLEY BOULEVARD DIRECTLY NORTH OF THE MCKINLEY BOULEVARD AND GARFIELD STREET INTERSECTION

Motion made by Council Member Kinzel, seconded by Council Member Reimer, to adopt Resolution No. 2008-08 approving the discontinuance (vacation) of an irregular shaped portion of the public right-of-way along the east side of McKinley Boulevard directly north of the McKinley Boulevard and Garfield Street intersection. Motion carried without a negative vote.

CONSIDER LEASE WITH CEDARBURG WOMAN'S CLUB, INC. FOR THE GIRL SCOUT HOUSE LOCATED AT W57 N475 HILBERT AVENUE

Motion made by Council Member Besaw, seconded by Council Member Glamm, to renew the lease with the Cedarburg Woman's Club, Inc. for the Girl Scout House located at W57 N475 Hilbert Avenue. Motion carried without a negative vote. The term of the lease is March 1, 2008 through February 28, 2011.

CONSIDER ISSUANCE OF TRANSIENT ENTERTAINMENT LICENSE TO TIP TOP RIDES & ATTRACTIONS FOR THE OZAUKEE COUNTY FAIR FOR JULY 30 (NOON TO 11:00 P.M.), JULY 31, AUGUST 1 & AUGUST 2 (11:00 A.M. TO MIDNIGHT) AND AUGUST 3, 2008 (11:00 A.M. TO 10:00 P.M.) AND THE REQUEST TO WAIVE THE REQUIREMENT FOR A CLEAN UP BOND AS REQUESTED BY THE AGRICULTURAL SOCIETY

Motion made by Council Member Loomis, seconded by Council Member Beck, to approve issuance of a Transient Entertainment License to Tip Top Rides & Attractions for the Ozaukee County Fair for July 30 (Noon to 11:00 p.m.), July 31, August 1 & August 2 (11:00 a.m. to Midnight) and August 3, 2008 (11:00 a.m. to 10:00 p.m.) and the request to waive the requirement for a clean up bond as requested by the Agricultural Society, contingent upon providing a daily list of employees to the Police Department for the Transient Entertainment License. Motion carried without a negative vote.

CONSIDER RESOLUTION NO. 2008-09 COMMENDING WILLIAM G. RITTER FOR HIS YEARS OF SERVICE TO THE CEDARBURG FIRE DEPARTMENT

Motion made by Council Member Loomis, seconded by Council Member Beck, to adopt Resolution No. 2008-09 commending William G. Ritter for his years of service to the Cedarburg Fire Department. Motion carried without a negative vote.

Council Member Loomis stated that this Resolution is given with great honor as he has been a rock of foundation to the Cedarburg Fire Department.

CONSIDER CANCELING THE APRIL 14, 2008 COMMON COUNCIL MEETING AND RESCHEDULING THE MEETING FOR APRIL 15, 2008

Motion made by Council Member Kinzel, seconded by Council Member Reimer, to cancel the April 14, 2008 Common Council meeting and rescheduling the meeting for April 15, 2008. Motion carried without a negative vote.

CONSIDER REQUEST FROM THE CEDARBURG TOURISM, PROMOTION AND DEVELOPMENT COMMITTEE FOR THE CITY'S HELP WITH THE DOWNTOWN FLOWER BASKETS

Liz Brown of the Tourism, Promotion and Development Committee made a request to the City for help with the downtown flower baskets. The Committee just learned that Prairie Gardens will not be able to help with the project this year due to a greenhouse situation and labor force. The Committee was caught off guard for the spring and summer display and needs help with taking down the current baskets to replace the soil. Groth's Gardens is able to supply the plants for the upcoming season; however, it will take volunteer efforts to fill the baskets and plant the flower displays. The Tourism, Promotion and Development Committee wants to work with the Chamber of Commerce and the Downtown Merchants to fund the project along with the City to plant and maintain the baskets. Liz Brown stated that 15-20 individuals and businesses are willing to pay \$400 each to continue the project along with the City's pledge for \$2,000. The Room Tax funds were 25% lower than normal this last year, which adds to the shortage of funding. Liz Brown stated that the Tourism, Promotion and Development Committee would like to work with City employees to keep the project going. The Committee has faith in the City and wants to pay City employees for their services along with the help of volunteers to continue the project.

In answer to Council Member Loomis' question, Director Hilvo indicated that the Public Works and Parks & Forestry Crews would be able to work on the project, but he will have to use overtime and work with employees who are willing to take on the project.

Motion made by Council Member Loomis, seconded by Council Member Beck, to help the Cedarburg Tourism, Promotion and Development Committee with the downtown flower basket project. Motion carried without a negative vote.

LICENSE APPLICATIONS

Motion made by Council Member Glamm, seconded by Council Member Reimer, to authorize issuance of new Operators' Licenses for the period ending June 30, 2008 to Michael W. Mohr and Ann E. Klug. Motion carried without a negative vote.

CITY ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes reported that she received 15 applications for the Economic Development Coordinator position and 25 applications for the Deputy Treasurer/Payroll Officer position. Six applicants will be interviewed next week for the Deputy Treasurer/Payroll Officer position.

The annual audit by Reilly, Penner and Benton is taking place this week.

COMMENTS & SUGGESTIONS BY CITIZENS - None

REPORTS & COMMENTS BY COUNCIL MEMBERS - None

MAYOR'S REPORT - None

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Beck, seconded by Council Member Radtke, to adjourn into closed session at 7:50 p.m. pursuant to Wisconsin State Statutes 19.85(1)(g) to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved concerning the Town of Cedarburg and 19.85(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session regarding Plant No. 2 site. Approval of closed session minutes of 02/25/08. Meeting did not reconvene into open session.

ADJOURNMENT

Motion made by Council Member Glamm, seconded by Council Member Reimer, to adjourn the meeting at 9:10 p.m. Motion carried without a negative vote.

Amy D. Kletzien, CMC
Deputy City Clerk