

**CITY OF CEDARBURG
COMMON COUNCIL
March 9, 2009**

CC20090309-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, March 9, 2009 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 Myers, Council Members Chris Reimer, Steve Glamm, Art Filter, Paul Radtke, Michael Maher, Joe Emmerich

Excused - Council Member Kip Kinzel

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, City Planner Jon Censky, Police Chief Thomas Frank, Deputy City Clerk Amy Kletzien, 2nd Aldermanic District Candidate Ronald Reimer, 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 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.

PUBLIC HEARING – CONSIDER RESOLUTION NO. 2009-01 AMENDING THE LAND USE PLAN FOR THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF PIONEER ROAD AND EVERGREEN BLVD. FROM UNSEWERED LOW-DENSITY DETACHED RESIDENTIAL TO HIGH-MEDIUM DENSITY RESIDENTIAL, AND CONSIDER ORDINANCE NO. 2009-04 REZONING THE SAME PROPERTY FROM RS-1 SINGLE FAMILY RESIDENTIAL DISTRICT (TEMPORARY) TO RD-1 TWO-FAMILY RESIDENTIAL DISTRICT

Mayor Myers declared the public hearing on Resolution No. 2009-01 amending the Land Use Plan for the property located at the northeast corner of Pioneer Road and Evergreen Blvd. from unsewered Low-Density Detached Residential to High-Medium Density Residential, and Ordinance No. 2009-04 rezoning the same property from RS-1 Single Family Residential District (Temporary) to RD-1 Two-Family Residential District open at 7:03 p.m. Deputy City Clerk Kletzien verified that proper legal notice had been given with publication in the *News Graphic* on February 17 and 24, 2009.

City Planner Censky stated the Common Council provided unanimous support for Mr. Stroebel's two-family housing concept last October. On January 12, 2009 the Council voted to annex Mr. Stroebel's parcel from the Town of Cedarburg into the City whereby ordinance it was placed in the RS-1 Single-Family Residential District temporarily until permanent zoning could be established. Mr. Stroebel is now taking the next step in the approval process by requesting a Land Use Plan amendment and rezoning recommendation in support of his two-family project. He stated that the Plan Commission unanimously recommended the Land Use Plan amendment and rezoning from RS-1 (temporary) to RD-1 Two-Family District at their February 2, 2009 meeting with Commissioner Kaiman excused.

There were no comments from the public.

Motion made by Council Member Glamm, seconded by Council Member Reimer, to close the public hearing at 7:08 p.m. Motion carried without a negative vote with Council Member Kinzel excused.

Motion made by Council Member Glamm, seconded by Council Member Emmerich, to adopt Resolution No. 2009-01 amending the Land Use Plan and Ordinance No. 2009-04 rezoning the property.

In answer to Council Member Filter's question, Planner Censky stated that Mr. Stroebel will need to return to the Plan Commission for approval of his proposed land division to separate this single lot into three separate two-family parcels.

In answer to Council Member Filter's question, Mr. Stroebel stated that he is not sure when he will start building.

Planner Censky stated that a time limit will begin once the building permit is issued.

In answer to Council Member Glamm's question, Planner Censky stated that the parcel will be sewerred.

Motion carried without a negative vote with Council Member Kinzel excused.

PUBLIC HEARING – CONSIDER RESOLUTION NO. 2009-02 AMENDING THE LAND USE PLAN FOR THE PROPERTY LOCATED AT W62 N215 WASHINGTON AVENUE FROM MIXED SINGLE-FAMILY/TWO-FAMILY TO OFFICE, AND CONSIDER ORDINANCE NO. 2009-05 REZONING THE SAME PROPERTY FROM RS-6 SINGLE-FAMILY/TWO-FAMILY DISTRICT TO THE B-4 OFFICE AND SERVICE DISTRICT

Mayor Myers declared the public hearing on Resolution No. 2009-02 amending the Land Use Plan for the property located at W62 N215 Washington Avenue from mixed Single-Family/Two-Family to Office, and Ordinance No. 2009-05 rezoning the same property from RS-6 Single-Family/Two-Family District to the B-4 Office and Service District open at 7:13 p.m. Deputy City Clerk Kletzien verified that proper legal notice had been given with publication in the *News Graphic* on February 17 and 24, 2009.

Planner Censky stated that the applicant is requesting this rezoning in order to convert the existing single-family home at W62 N215 Washington Avenue into a professional office building for their engineering consulting firm. He said that the parcel is on the edge of a zoning change where it is immediately adjacent to B-2 zoned property to the east and south, and residentially-zoned property to the north and west. Planner Censky stated that the Plan Commission unanimously recommended the Land Use Plan Amendment and rezoning to B-4 Office and Service District as a transition, with Commissioner Kaiman excused.

In answer to Council Member Filter's question, Planner Censky stated that the house is non-conforming. If a new building is erected, it will need to meet the set back requirements.

There were no comments from the public.

Motion made by Council Member Emmerich, seconded by Council Member Radtke, to close the public hearing at 7:20 p.m. Motion carried without a negative vote with Council Member Kinzel excused.

Motion made by Council Member Reimer, seconded by Council Member Emmerich, to adopt Resolution No. 2009-02 amending the Land Use Plan and Ordinance No. 2009-05 rezoning the property. Motion carried without a negative vote with Council Member Kinzel excused.

APPROVAL OF MINUTES

Motion made by Council Member Radtke, seconded by Council Member Glamm, to approve the minutes of the February 23, 2009 meeting. Motion carried without a negative vote with Council Member Kinzel excused.

REPORTS OF BOARDS, COMMISSIONS & COMMITTEES - None

COMMENTS & SUGGESTIONS FROM CITIZENS

Ozaukee County Supervisor Kathy Geracie, N84 W5445 Warwick Square, spoke as a City resident and Ozaukee County Supervisor for District 19. Supervisor Geracie invited City officials to meet with Ozaukee County officials to further discuss the property located at N73 W6957 Walnut Street. The County and City agree that something needs to happen at the property; however, there are questions on different Ordinances and State Statutes regarding the issue. Supervisor Geracie wants to see the City and County come together to discuss the issue and come to a resolution.

Dave Orndorf, N73 W6977 Walnut Street, lives in the house directly west of N73 W6957 Walnut Street. He referred to the letter from Dennis Kenealy, which stated that the owners are not allowing access to the home and it is not an issue. He questioned why the County would take this position when people have had hazmat suits on and wore respirators when going in and out of the home. Regarding the inspection of the property in February, Mr. Kenealy did not state the temperature conditions and that the closer a person is to the house on the outside the stronger the odor. He expressed concern for teenagers he has chased away from looking in the windows and the attention it has drawn from curious onlookers. This property has completely changed the character of his

neighborhood because Walnut Street is known as the cat house neighborhood. Mr. Orndorf stated that in this age no one is allowed to throw kittens in a burlap bag and throw them in the creek; however, this property owner is getting away with this action. He has not seen any attempt to clean the inside of the home. The conditions of the home on the inside are unknown at this time, but one year ago there was a rat control problem in the garage which is full from the floor to the ceiling with items and debris. He stated that even though this action is not directly correlated, he believes that the problem will continue to grow. The property is a mecca for stray cats and has attracted possums that were not visible prior to the problems on this property.

Mr. Orndorf opined that Mr. Kenealy's letter stating that he has contacted the owners and encouraged them to maintain and further clean the residence in a responsible manner is delusional. It has been over a year and the property owner has shown no interest in cleaning up the home. He expressed concern for the lack of pride in the community that exists. He does not see anyone at any level enforcing what should be done. Mr. Orndorf questioned whether the tone of Mr. Kenealy's letter is indicative of the relationship between the City and County. He has a basic concern that something be done to hold the property owners responsible for their mess. The fact that there were over 100 cats in the home that were unattended from 8 to 15 months has not been discussed lately. Mr. Orndorf has one cat and the litter box must be cleaned everyday. He is not a biologist and does not know the affects of black mold; however, one day the house will be opened up and then everything will be unleashed. He would like to see the City enforce the clean up of the home and make something go forward. The home is continuing to rot and fester and he cannot imagine what the summer will bring after being unattended for so long.

Mayor Myers told Mr. Orndorf that the Council will address this issue later on the agenda and he thanked him for his comments, which were very informative.

UNFINISHED BUSINESS - None

CONSIDER REQUEST FROM LEGACY SCRAPBOOKS, LLC FOR AN 18 MONTH EXTENSION OF ITS REVOLVING FUND (RLF) LOAN

Mayor Myers stated that this item is a recommendation from the ad hoc Revolving Loan Fund Committee.

Council Member Radtke stated that the business has been paying on time or ahead of time and he has no concerns about the liability in this extension.

City Administrator/Treasurer Mertes stated that the owners of Legacy Scrapbooks have been paying more than their required payment earlier than the due date. The balloon payment is due May 2009 and it is lower than expected. The fund itself will be better off, instead of making just over 1% at the State Pool; the City will be making 4% on the money.

Motion made by Council Member Filter, seconded by Council Member Radtke, to grant an 18 month extension of its Revolving Loan Fund (RLF) loan to Legacy Scrapbooks, LLC.

In answer to Council Member Reimer's question, City Administrator/Treasurer Mertes stated that the loan will be extended to 6 1/2 years instead of five years.

In answer to Council Member Filter's question, City Administrator/Treasurer Mertes and Mayor Myers stated the City has too much money in the fund and the City could lose the funds if they are not loaned out.

City Administrator/Treasurer Mertes stated that Ozaukee Economic Development Director Schilling and City Economic Development Coordinator Skalecki are good resources to spread the word to eligible businesses and banks for lending.

Council Member Radtke stated that there are many stipulations to the RLF loans and it does not fit everyone unfortunately.

Motion carried without a negative vote with Council Member Kinzel excused.

CONSIDER 2009 RECREATION AND POOL FEES

Mayor Myers stated that the Leisure Services Commission made a recommendation to approve some increases in the 2009 Recreation and Pool fees.

Motion made by Council Member Filter, seconded by Council Member Reimer, to adopt the 2009 Recreation and Pool fees.

Mayor Myers stated that Park, Recreation and Forestry Director Hilvo could not attend the meeting tonight due to illness.

City Administrator/Treasurer Mertes stated that the Leisure Services Commission did not recommend an increase in the daily admission. Most of the changes are \$5 increases and a \$10 increase for a family pass. A new water fitness season pass will be available to encourage participation in the program.

Motion carried without a negative vote with Council Member Kinzel excused.

CONSIDER ADOPTING POLICY CC-28: RESTRICTED/MODIFIED DUTY ASSIGNMENT POLICY

City Administrator/Treasurer Mertes stated that this policy is a recommendation from CVMIC and the Police Department to have a modified return to work policy in the case that someone is out on Workers' Compensation. In a case of restricted duties, the City would be able to offer light duty work, such as filing, to enable the employee to collect a salary from any City Department rather than draw from Workers' Compensation.

In answer to Council Member Filter's question, City Administrator/Treasurer Mertes stated that the City would actually save money by enforcing Policy CC-28.

Council Member Radtke confirmed that an employee could earn their normal salary doing light duty work in another department, if it is available, rather than collecting Workers' Compensation.

Council Member Reimer agreed with the Policy and its ability to control costs.

In answer to Council Member Emmerich's question, City Administrator/Treasurer Mertes stated that there is no way to quantify the savings; however, it will reduce the City's losses for the year.

In answer to Council Member Filter's question, City Administrator/Treasurer Mertes stated that it is beneficial for the City not to draw from the Worker's Compensation fund because it helps the experience modification factor.

Motion made by Council Member Filter, seconded by Council Member Emmerich, to adopt Policy CC-28 on Restricted/Modified Duty Assignments. Motion carried without a negative vote with Council Member Kinzel excused.

CONSIDER REQUEST FOR AUTHORIZATION TO APPLY FOR A COPS HIRING RECOVERY PROGRAM(CHRP) GRANT FOR THE POLICE DEPARTMENT TO HIRE AN ADDITIONAL POLICE OFFICER

Police Chief Frank stated that it came to his attention that this grant opportunity will become available at the end of March. He is seeking approval from the Council to apply for the grant; however, it does not ensure that the department would be awarded the grant. Chief Frank indicated that his long-range plans, due to the added activity within the department, include a request for an additional officer either next year or the following year. If the Department is fortunate to be awarded the grant, the City will not be responsible for wages or benefits for the additional officer until sometime in 2013.

In answer to Council Member Radtke's question, Chief Frank's understanding is that the City will sign an agreement when they apply for the grant that states the City's intent to accept the grant money and create the new position. If the grant is not approved, the City will not be eligible for the funds and will not be obligated to hire a new officer.

In answer to Council Member Emmerich's questions, Chief Frank stated that it is a condition of the grant to retain the officer after the grant expires. As far as a need for another officer, Chief Frank explained that he has seen an increase in activity since the addition of the last hired officer. He stated that violent crime has been slowly increasing in the City. In 2002 there was one violent crime and in 2008 there were eight violent crimes (aggravated assaults). Chief Frank stated that he was not considering another officer until 2011. It typically takes nine months to go through the hiring process and it will take time for the grant process; therefore, a new officer would not be hired until 2010. Chief Frank concurred that the time frame could overlap with the actual need for the hire.

Council Member Emmerich asked if there was any money available for drug education or drug related help for the increased drug activity in young people. Chief Frank stated that this specific

grant opportunity does not address this area; however, he is investigating a County-wide record system for all law enforcement agencies within the County.

In answer to Council Member Filter's question, Chief Frank stated that he used the 2002 and 2008 comparisons because the Department's last hire was in 2002.

Mayor Myers thanked Chief Frank for bringing this opportunity to the Council for consideration but he is absolutely opposed to applying for the grant because the City should not be spending money unless there is a need for it. The stimulus money that is available is not money from heaven; it is borrowed money against our children. He stated that people are taking this stimulus money whether they need it or not. If the City has an operational need for an additional officer today, he would be in favor of applying for the grant; however, Chief Frank indicated that there was not an immediate need and the City should not be hiring another officer at this time.

In answer to Council Member Reimer's question, Chief Frank indicated that based on the numbers and the direction of crime an officer may be needed in 2010.

Mayor Myers confirmed that Chief Frank indicated that the Department had enough officers in order to take on a dog handler and he did not need to add a new officer.

Chief Frank stated that the contract includes minimum manpower, which the Department has been trying to address with the union. This means they are allowed to bring the number of officers working per day to a certain minimum. With the addition of an officer, he would look to increase staffing minimums as well.

Mayor Myers stated that the City would need to take over the funding in 2011-2012 when the officer would actually be needed and he is opposed to spending the money now regardless of where it is coming from.

Chief Frank stated the funding would carry the officer through 2013 because he would not hire until 2010.

In answer to Council Member Radtke's question, Chief Frank stated that a new officer would reduce overtime overall. The new officer would also be involved in some overtime as far as training, but it would be on the positive side to have an extra officer available on a shift to avoid calling someone in for overtime.

Council Member Emmerich stated that he preferred to expand the Department on operational need as opposed to reacting to a grant. He also stated that he appreciated Chief Frank bringing this item to the Council's attention.

Motion made by Council Member Radtke to grant the request for authorization to apply for a COPS Hiring Recovery Program (CHRP) grant for the Police Department to hire an additional police officer. Motion failed for lack of a second.

Mayor Myers encouraged Chief Frank to continue to bring opportunities to the Common Council for consideration.

CONSIDER PROPERTY AT N73 W6957 WALNUT STREET

Mayor Myers stated that the property at N73 W6957 Walnut Street was addressed by Supervisor Geracie and Dave Orndorf earlier in the evening. The property was home to over 100 cats last year, which were removed, but the home remains uninhabitable. The City has been working with the County to clean-up the property and he believes the two entities are moving forward in a positive direction, as of today.

City Attorney Vance stated that she received a call from Attorney Stadler, who is representing the County in this matter, and they discussed a meeting to determine what human health hazard exists. This would require going into the home on a joint basis to make this determination. The County issued the orders in March 2008 and it is understood that the live cats were removed but that dead cats remain in the home.

City Attorney Vance stated that a Cedarburg Light & Water employee needs to go into the house to read the meter but the significant health hazard has prevented this from happening.

Mayor Myers stated that Mr. Kenealy's letter indicated a dispute on the course of action on this property; however, he is encouraged by recent communication with the County and the primary focus to get the house cleaned up. Mayor Myers stated that he understood Mr. Orndorf's concerns and it should not be allowed to exist. He pledged that the Common Council will do whatever they can to move this process along to clean it up.

In answer to Mr. Orndorf's questions, City Attorney Vance stated that if the property owners do not comply with a new notice based on an internal examination of the house, then the County and City will do the clean up and the costs will be added to the owners taxes. If access is denied, then an inspection warrant will be issued to get into the house.

Mayor Myers stated that a date certain cannot be given tonight; however, the City will be working aggressively on the clean-up.

In answer to Council Member Glamm's question, City Attorney Vance stated that there is plenty of evidence for a probable cause for request which is an ex parte order.

Council Member Glamm stated that the City Council wants to do everything possible to help Mr. Orndorf; however, the City does not have a health department and needs the partnership with the County. If the County fails Mr. Orndorf, the City does have limitations and the pressure needs to be applied to the County.

In answer to Council Member Glamm's question, Supervisor Geracie stated that she and a few other Supervisors met with Mayor Myers last Saturday. At this meeting, Supervisor Geracie requested that a new set of eyes look at the situation; and thereby, Mr. Stadler is representing Ozaukee County.

City Attorney Vance stated that the owner of the Walnut Street property has not been consistent and has filed a complaint with the Public Service Commission because the water was on. There were problems turning the water off because of the health hazard and now the owner wants the water on to clean up the home. The owner did indicate to Cedarburg Light & Water that there has been no clean-up.

Council Member Reimer opined that the property is a human health hazard, especially with curious teenagers going on the property. He also stated that he is encouraged with the developments by the County wanting to move forward.

Council Member Emmerich asked if the City has the authority to be proactive in this situation.

Council Member Maher responded with a strong yes. He stated that he will not be as patient with the County. Council Member Maher cited Section 9.08 of the County Code and stated that he will push for its enforcement in order to clean up the property.

In answer to Council Member Filter's question, City Attorney Vance stated that the City and County are on the right path at this time. The ordinance that is being enforced belongs to the County, as the City does not have a health department. It is not an issue with the City as to who will pay for the cleanup. The property owners have the responsibility for payment.

In answer to Council Member Filter's questions, Mayor Myers stated that a timeline for clean-up will depend on the property owners' response and the City will expedite the process as quickly as possible.

City Attorney Vance stated to Council Member Maher that the City needs to adopt a relationship with the County so the City can enforce their Code. The nuisance is defined by the County because they have the health department. This is just one piece of the whole issue.

Council Member Glamm stated that the cats are gone so the nuisance is gone; however, the health issue remains. He questioned whether the nuisance ordinances can be used as opposed to the human health and safety ordinances.

Council Member Filter confirmed that Supervisor Geracie is taking an active lead in this issue.

Council Member Emmerich stated that he feared a delay in process and asked if there was any sense that the City and County can get past this.

City Attorney Vance stated that the new counsel for the County will help and the best that can happen is that the property owners will cooperate.

**CONSIDER DEPARTMENT OF WORKFORCE DEVELOPMENT DECISION RE:
PREVAILING WAGE AND POSSIBLE PREVAILING WAGE LEGISLATION**

City Attorney Vance provided a summary of the prevailing wage inquiries from the Department of Workforce Development that was initiated by the Builders Association, requiring the municipalities in question to apply for prevailing wage determinations for improvements made by private developers pursuant to municipal subdivision ordinances and developer agreements and later dedicated to the municipality. Cedarburg's inquiry was based on the Tillmann Keup Trails Subdivision. City Attorney Vance stated that the League of Municipalities and the cities in question believe that this development was not subject to prevailing wage because the development was private in nature and was initiated by the private developer. This is consistent with decades of common practice throughout the state. It was the developer and not the municipality that contracted to build the improvements. The City argues that the improvements were created to serve the private development, and although they would ultimately be dedicated to the municipality, were private when created.

Director Wiza brought attention to the white sheets that establish the rates that need to be paid on public works projects that are over a certain dollar threshold. That threshold is about \$240,000 and any project over this amount requires the City, by law, to apply to the Department of Workforce Development to get a determination of the required wages for the specific job. He stated that some of the wages are fairly high and there are some arguments that say that we should be paying fair wages on public construction; however, if you look at some of the numbers you may see that perhaps the construction costs are being inflated. He highlighted some of the straight wages which were fairly high.

Director Wiza stated that the Governor's proposed budget includes a provision to lower the threshold for public works projects subject to the prevailing wage rate to \$2,000 and eliminating the current multiplier, which increases the threshold annually. This will create an administrative nightmare and he would like the City to oppose this drop in threshold. Director Wiza stated that he e-mailed Representative Gottlieb to express his concerns and he agreed as a former public works director.

In answer to Council Member Filter's question, Director Wiza stated that the City does pay prevailing wages on the Street and Utility Projects.

Motion made by Council Member Filter to authorize City Attorney Vance to appeal the Workforce Development Decision by April 6.

Council Member Radtke stated that this is the type of practice that drove the biggest car company in the world to bankruptcy. He hopes that it never gets to the point where the State tells citizens how much they have to pay plumbers and electricians.

Director Wiza stated that developers are questioning how they can be required to pay prevailing wages on private property with their own crews. The only role the City played was to inspect for quality.

In answer to Council Member Maher's question, Director Wiza stated that Workforce Development made the inquiry because a union labor group filed a complaint.

Motion was seconded by Council Member Glamm. Motion carried without a negative vote with Council Member Kinzel excused.

Motion made by Council Member Glamm, seconded by Council Member Emmerich, to express in a legislative statement to legislative leaders and the Governor the City of Cedarburg's opposition to lowering the threshold in any amount regarding public works projects in order to pay the prevailing wage rate. He also wants to express the frustration that local governments have with everything trickling down to the local officials to come up with a solution.

Mayor Myers stated that this is just one more unfunded mandate that forces the municipality to pass along the tax burden to property taxpayers.

Motion carried without a negative vote with Council Member Kinzel excused.

CONSIDER DATES OF APRIL 2009 COUNCIL MEETINGS AND POSSIBLE RESCHEDULING OF MEETINGS

Motion made by Council Member Radtke, seconded by Council Member Maher, to cancel the April 13 meeting, and to hold the organizational meeting on April 21 and the regularly scheduled meeting on April 27. Motion carried with Council Members Reimer, Glamm, Radtke, Maher and Emmerich in favor, Council Member Filter opposed, and Council Member Kinzel excused.

CONSIDER STIMULUS APPLICATIONS FOR BROWNFIELDS (AMCAST AND PLANT NO. 2 SITES) AND ROADWAY (NORTH WASHINGTON AVENUE) PROJECTS

City Administrator/Treasurer Mertes stated that she submitted a request to the WI DNR for Federal Stimulus Funds through the Brownfields Cleanup and Redevelopment Program. The two types of funding available would be a grant up to \$200,000 for clean up or a 0% interest loan. With a grant, the City has to have ownership of the property and with the loan financing the City does not; however, the third party borrowing the funds (such as a developer) can not be the responsible party for the contamination.

City Attorney Vance stated that an agreement would need to be worked out with the EPA for Mercury Marine to pay back the costs, which would speed up the building process for the new library.

In answer to Council Member Radtke's question, City Attorney Vance stated that an agreement is possible because the City could get protection from liability.

In answer to Council Member Emmerich's question, City Attorney Vance stated that Amcast could be eligible if the City has ownership interest in the property. The DNR has taken a second look at the condition of the Amcast building and they will give their determination at a later date.

City Administrator/Treasurer Mertes stated that a second part to the stimulus money is available for road projects.

Director Wiza stated that in the Transportation end of the stimulus package there may be funds available to the City through the Surface Transportation Program. The program only funds projects that are designed and follow the Highway Administration Guidelines and parameters. If North Washington Avenue should be considered for funding, the City would need to design the plans and jump through all of the hoops that are followed for a State Highway. Instead of the engineering costing \$30,000 - \$40,000 it may cost as much as \$120,000. The timeline is very tight and only allows one week to submit the completed plans and applications. The second phase of the program has been extended to April 1 and Director Wiza stated that he would need the help of a consultant to get the information in on time. He also expressed concern for the timeline on receiving the funding. He said that there were more unknowns than knowns and he asked the Council for some kind of consensus as to whether or not he should pursue the funding.

In answer to Council Member Reimer's question, Director Wiza stated that Wauwatosa Road is not eligible for the program because it is already in the State's program and they still need to acquire right-of-way for the project.

In answer to Council Member Maher's question, Director Wiza stated that the process to select an engineer is complicated and he will need to go through a quality based selection process.

Director Wiza stated that he could work with an engineering firm to get an application submitted on time, if the Council wants to pursue the funding.

Council Member Glamm opined that the City should not pursue the street construction money; however, the Brownfield funding is in a different light and that should be pursued because future generations will benefit.

Council Member Emmerich agreed with Council Member Glamm. In answer to his question, City Attorney Vance stated that the City could use the grants and loans for the Amcast site.

Council Member Radtke agreed and expressed concern for not jeopardizing the superfund site status.

City Attorney Vance stated that it will not be jeopardized.

Motion made by Council Member Glamm, seconded by Council Member Reimer, to authorize City Staff to pursue any stimulus funds and report to the Common Council with their efforts in regard to any brownfield cleanup on the Amcast and Mercury Marine Plant 2 sites.

Council Member Maher wants to see the City pursue taking ownership of the two sites.

Mayor Myers stated that City Administrator/Treasurer Mertes and City Attorney Vance will move forward and gather information for the grants. If the City needs to take ownership, the information will be brought to the Council.

Motion carried without a negative vote with Council Member Kinzel excused.

CITY ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes stated that the Auditors will be at City Hall this week. Administrative Directive AD-16 on Document Destruction was distributed to comply with the Sarbanes-Oxley Act as recommended by the auditors.

COMMENTS & SUGGESTIONS BY CITIZENS - None

REPORT & COMMENTS BY COUNCIL MEMBERS

Council Member Filter requested that a reminder to citizens to keep their dogs on a leash be included in the City newsletter and cable channel.

Council Member Radtke asked that the no pets allowed in the park rule be included also.

MAYOR'S REPORT

Mayor Myers issued a Proclamation honoring Karen Roberts of Landmark Tours for providing tours to older adults of Cedarburg for 20 years.

ADJOURNMENT

Motion made by Council Member Filter, seconded by Council Member Radtke, to adjourn at 8:35 p.m. Motion carried without a negative vote with Council Member Kinzel excused.

Amy D. Kletzien, CMC
Deputy City Clerk