

**CITY OF CEDARBURG
COMMON COUNCIL
April 27, 2009**

CC20090427-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, April 27, 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 Ron Reimer, Art Filter, Paul Radtke, Michael Maher, Kip Kinzel, Robert Loomis

Excused - Council Member Chris Reimer

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Public Works and Engineering Tom Wiza, Director of Parks and Forestry Mikko Hilvo, City Clerk Constance McHugh, Fire Chief Richard Van Dinter, Economic Development Coordinator Linda Skalecki, County Supervisor Kathy Geracie, Lasata Care Center Director Ralph Luedtke, Assistant Administrator Michael Vogel, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor Myers' request, City Clerk McHugh 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.

CONSIDER MAYOR MYERS' ANNUAL APPOINTMENTS TO BOARDS, COMMITTEES, AND COMMISSIONS

A motion was made by Council Member Loomis, seconded by Council Member Filter, to confirm the following Mayoral appointments:

Board of Appeals- 3 year term

Vera Brissman – Chair	(04/30/11)
Gerald “Jay” Stutz	(04/30/12)
Steve Ehlers	(04/30/12)
Thomas Mesalk – 1 st Alternate	(04/30/11)

Design Review Board- 2 year term

Andrew Moss	(04/30/11)
Randy Ahl	(04/30/11)
Haly Besaw, Alt.	(04/30/11)

Economic Development Board – 3 year term

Mark McGaver	(04/30/12)
David Krier	(04/30/12)
Brian Taffora	(04/30/12)

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Landmarks Comm. – 3 year term

Judy Jepson (04/30/12)
Tom Kubala (04/30/12)
Allison Hanson (04/30/12)

Leisure Services Commission – 2 year term (2 senior adults)

Daniel Unertl (04/30/11)
Lynne Buehler (04/30/11)

Park and Forestry Board – 2 year term

James Schara (04/30/11)
Susan Mongoven (04/30/11)
Scott King (04/30/11)
Michael O’Keefe (04/30/11)

Plan Commission – 3 year term

Joe Emmerich (04/30/12)

Public Art Committee – 2 year term

Renee Graef (04/30/11)
Charles Whitehouse (04/30/11)

Public Works Commission – 2 year term

Charles Schumacher (04/30/11)
Randy Roupp (04/30/11)
Donovan Kuehn (04/30/11)

Board of Review – 5 year term

Peter Herkowski (04/30/14)

Sewerage Commission- 2 year term

Gary Graham (04/30/11)
Christine Stransky (04/30/11)

Motion carried without a negative vote with Council Member C. Reimer excused.

Oaths of Office were administered by City Clerk McHugh to the appointees who were present at the meeting.

MAYOR MYERS’ COUNCIL MEMBER APPOINTMENTS

Mayor Myers presented his Council Member appointments as follows:

Council Member Chris Reimer (1st District)

- Personnel Committee
- Ad hoc City/School Committee
- Ad hoc Debt/Investment Advisory Committee

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Council Member Ronald Reimer (2nd District)

Design Review Board
Public Art Committee
Public Works Commission
Ad hoc Pedestrian Safety Committee

Council Member Art Filter (3rd District)

Sewerage Commission
Personnel Committee
Ad hoc City/Fire Department Committee
Ad hoc County Fair Committee
Mid-Moraine Legislative Committee

Council Member Paul Radtke (4th District)

Leisure Services Commission
Park and Forestry Board
Ad hoc City/Fire Department Committee
Festival Committee Liaison
Ad hoc Downtown Master Plan Committee

Council Member Michael Maher (5th District)

Economic Development Board
Joint Library Board
Ad hoc City/School Committee
Ad hoc Enhancement Award Committee
Mid-Moraine Alternate

Council Member Kip Kinzel (6th District)

Personnel Committee
Landmarks Commission
Ad hoc County Fair Committee
Ad hoc Debt/Investment Advisory Committee
Ad hoc Athletic Field Committee
Ad hoc Revolving Loan Fund Committee

Council Member Bob Loomis (7th District)

Light & Water Commission
Ad hoc City/Fire Department Committee
Ad hoc County Fair Committee
Ad hoc Debt/Investment Committee
Ad hoc Revolving Loan Fund Committee

2008 FIRE DEPARTMENT REPORT

Fire Chief Van Dinter presented the 2008 Fire Department report.

Chief Van Dinter said the Cedarburg Fire Department continues to be a customer-service driven, improvement focused organization which continues to provide outstanding Fire and Emergency Medical Services to the City and Town, all with professional and dedicated volunteers.

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It was a very busy year in 2008 for the Fire Department with a total of 970 calls. This was an increase of 19% from 2007, or 152 calls. Rescue calls increased by 12%, or 84, for a total of 727 runs. The Fire Department responded to a total of 190 fire calls. There were 53 mutual aid calls in 2008, up from 31 in 2007. The Department also assisted two homeowners in sandbagging operations during flooding events. A significant accomplishment was the saving of two lives with the rescue squad. Chief Van Dinter said two people are alive today due to efforts of the rescue squad.

Chief Van Dinter said that training continues to be a priority for the Department. Members logged over 6,166 hours of training. In addition, 61 firefighters took additional classes for State certification. Some individuals logged as much as 40 to 120 hours of additional training for State certification.

The Fire Department has 82 active members. This represents 825 years of service. Chief Van Dinter said the Department is still in need of daytime assistance, as many members work outside the community.

The Department stays on top of apparatus by replacing pieces of equipment when necessary. All capital equipment is purchased from fund raising efforts and ambulance fees. Tax dollars do not fund the purchase of equipment. Chief Van Dinter said the Cedarburg Fire Department has the best maintained equipment in Ozaukee County.

The Fire Department's Bureau of Public Education and Fire Prevention is going strong. The Bureau coordinated at least 40 public education events in 2008. The Department is very busy promoting the objective of protecting life and property and believes that prevention, rather than reaction, is the safest, most cost-effective way to further this objective.

Kim Gordon was promoted to Captain of the Rescue Squad in 2007 and Rich Cass was promoted to Lieutenant of the Rescue Squad in 2008. The Department lost member William Norman.

Chief Van Dinter concluded by saying that the goals of the Cedarburg Fire Department are safety, leadership, recruitment, training, and technology improvement.

Council Member Loomis asked if the number of calls for mutual aid to the Department has increased.

Chief Van Dinter said that while he really has not looked at this number in detail he can safely say that the Cedarburg Fire Department gives more mutual aid than it receives.

Council Member Loomis said that the Fire Department stands out in this community and is an amazing organization in terms of the zeal and expertise of its members. He expressed a heartfelt thanks to Chief Van Dinter and the members of the Department for all their efforts.

Council Member Radtke asked how many people typically respond to a call.

Chief Van Dinter said that typically four to five members respond to a call. Three members is the minimum needed to respond.

Council Member Radtke said the time commitment the members put in is amazing.

Council Member Filter thanked the rescue squad for its efforts. He said that the rescue squad was called to his mother's house and his father was very satisfied with the response.

Council Member Maher said that he and his wife were a statistic last year. His wife was very impressed by the response provided.

Mayor Myers said residents of Cedarburg are greatly honored to be served by the Fire Department and are blessed by having this organization. He asked that Chief Van Dinter express the Council's appreciation to the members of the Department.

APPROVAL OF MINUTES

Motion made by Council Member Radtke, seconded by Council Member R. Reimer, to approve the minutes of the April 21, 2009 meeting and the April 21, 2009 Organizational meeting. Motion carried without a negative vote with Council Member C. Reimer excused.

REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES - None

COMMENTS AND SUGGESTIONS FROM CITIZENS

Kurt Benkley of Port Washington introduced himself and said he submitted his name to Governor Doyle as a candidate to replace the Ozaukee County District Attorney, who was recently elected as Circuit Court Judge. He said he would appreciate any support from the Council.

Edward Breslau, owner of Local Motion Outfitters, encouraged the Council to approve the proposed canoe/kayak launch area at Adlai Horn Park.

Kathy Geracie, County Supervisor and Chairperson of the Ozaukee County Aging and Long Term Care Committee, asked the Council to give consideration to relieving a portion of the impact fees for the new Lasata Crossings assisted living facility.

REVIEW OF NR 216 2008 ANNUAL REPORT FOR MUNICIPAL STORMWATER COMPLIANCE

Director Wiza said that as part of the NR 216 stormwater permit the City must prepare an annual compliance report for submission to the DNR which documents the City's stormwater program accomplishments. AECOM has been retained to assist in compiling the necessary information. The DNR requires that the report be reviewed with the Council.

Director Wiza presented highlights of the report:

- AECOM has assisted the City in putting together a new page on the City's website pertaining to stormwater management;
- AECOM takes care of the illicit discharge elimination program and makes determinations as to whether there are illicit discharges;
- 19 new erosion control permits were issued in 2008;

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- In terms of public education, a variety of informational material regarding stormwater management is available at City Hall, his Department has drafted articles for the *News Graphic*, and articles are placed in the City's newsletter from time to time;
- Staff has attended various training sessions as required, such as the Clean Lakes Clean Rivers seminar;
- The City handles the disposal of waste from the annual clean-up of the Milwaukee River;
- High school student volunteers attached "no dumping" plaques to catch basins to let residents know that the catch basins drain to the creek;
- All catch basins are cleaned each year;
- 900 curb miles of street sweeping occurs each year;
- 900 tons of brush, leaves, and yard waste was collected in 2008;
- 3,000 gallons of used motor oil was collected in 2008.

Director Wiza said that a goal was to remove 20% of suspended solids in 2008. The City actually removed 32%. By 2013, 40% of suspended solids must be removed and this is a goal he will be working towards.

Director Wiza said no action is required. A copy of the report is available for review in his office.

CONSIDER AWARD OF THE 2009 STREET AND UTILITY CONSTRUCTION CONTRACT

Motion made by Council Member Loomis, seconded by Council Member Radtke, to award the contract for the 2009 Street and Utility Construction project to Vinton Construction in the amount of \$1,322,234.13. Motion carried on a roll call vote with Council Member C. Reimer excused.

CONSIDER REPLACEMENT OF THE SEWER AND WATER LATERALS FOR THE BOY SCOUT HOUSE

Director Wiza said that when Riveredge Drive is reconstructed this year the clay sanitary sewer laterals and lead water services are scheduled to be replaced. The services for the Boy Scout House have been problematic and should be replaced; however, existing piping runs directly under a very large elm that the City Forester does not want removed. Staff is proposing to install new laterals on either side of the building to avoid the tree. The street contractor can run the new services to the building; however, the City would have to hire a plumber to tear up the floor to make the necessary plumbing connections. The concrete floor then would have to be patched and new tile installed. The cost of this work is expected to be \$5,000.

City Administrator/Treasurer Mertes said that funds could come from the Capital Improvement Fund balance.

Motion made by Council Member R. Reimer, seconded by Council Member Filter, to authorize the expenditure of \$5,000 for the internal plumbing and repairs at the Boy Scout House. Motion carried on a roll call vote with Council Member C. Reimer excused.

CONSIDER ADLAI HORN PARK KAYAK/CANOE LAUNCH AREA

Director Hilvo said that he has had discussions with Edward Breslau of Local Motion Outfitters and several City residents about the possibility of adding another kayak/canoe launch area. The City currently has such a site at Boy Scout Park but this area is mainly used for take out instead of a launch area since the only way to go is upstream because of the dam downstream. He said he has spoken to the Select Baseball group that uses the area and the DNR about this. Select Baseball does not have a problem with this as the area is far enough away from their games not to be disruptive. The DNR does not have a problem with this as long as no permanent structures are erected.

Attorney Vance said the City has recreational immunity if there are no costs involved to those using the area. Since Local Motion Outfitters is planning on providing rentals as well as lessons, complete indemnification from them is necessary.

Motion made by Council Member Radtke, seconded by Council Member R. Reimer, to approve the proposed site at Adlai Horn Park as a canoe/kayak launch area contingent upon receiving an indemnification from the owner of Local Motion Outfitters and approval of the indemnification by Attorney Vance. Motion carried without a negative vote with Council Member C. Reimer excused.

CONSIDER COMPENSATION FOR ECONOMIC DEVELOPMENT COORDINATOR

Council Member Radtke said the current compensation for Economic Development Coordinator Linda Skalecki is \$25,200 annually, with \$20,200 coming from the City and \$5,000 paid for by the Chamber of Commerce. He said that this is a difficult position to fill because it is part-time and the person holding the position likely will not make a career out of it. The City was fortunate to find Ms. Skalecki, who has been on-board for one year and has been doing a great job. Compensation commensurate with the work being done is being sought; however, no additional funds have been allocated in the 2009 budget for this.

Council Member Radtke said that Ms. Skalecki feels that since she has been on the job for one year she would be able to reduce her hours from 20 hours per week to 16 hours, with her compensation remaining the same.

Motion made by Council Member Radtke, seconded by Council Member Kinzel, to reduce the hours of the Economic Development Coordinator from 20 hours per week to 16 hours per week and to keep her compensation the same.

Attorney Vance said that because this person serves as an independent contractor her hours cannot be specified.

Council Members Radtke and Kinzel withdrew the motion and second, respectively.

It was the consensus of the Council that the compensation for the Economic Development Coordinator remain the same and that Ms. Skalecki determine the number of hours required to do the job based on the duties described.

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CONSIDER RESOLUTION 2009-07 DESIGNATING AND AUTHORIZING SIGNATURES FOR THE CITY OF CEDARBURG CHECKING AND SAVINGS ACCOUNTS FOR THE ENSUING YEAR

Motion made by Council Member Kinzel, seconded by Council Member Filter, to adopt Resolution 2009-07 designating and authorizing signatures for the City of Cedarburg checking and savings accounts for the ensuing year, removing Ozaukee Bank and Grafton State Bank from the list of institutions and adding the Cedarburg branch of Commerce Bank to the list. Motion carried without a negative vote with Council Member C. Reimer excused.

CONSIDER REQUEST OF OZAUKEE COUNTY FOR RELIEF FROM A PORTION OF THE IMPACT FEES ASSOCIATED WITH THE RECENTLY APPROVED LASATA CROSSINGS

Mayor Myers said the Plan Commission approved the Lasata Crossings assisted living project with one of the conditions being that the County pay the impact fees. He said there is no provision in the City Code that allows the Council to provide relief from impact fees. If the Council wishes to provide relief, the Code must be changed to allow this.

Lasata Care Administrator Luedtke said that residents of Lasata Crossings will be primarily self-contained on the campus and will not place a burden on City services. He said that the County is looking for relief from the impact fees in the amount of \$140,229. Mr. Luedtke said that four other Counties in the State have been successful in working with municipalities to reduce impact fees for similar projects.

Attorney Vance said that a few years ago the City changed its Code to modify the way impact fees were calculated for assisted living facilities.

Mayor Myers said the Council at the time reviewed the existing impact fee ordinance to make sure it was in compliance with State law and that the fees established were not arbitrary. Mayor Myers stated that impact fees are supposed to be applied equitably so as not to favor one developer over another. He asked if the County has asked for relief from these fees from any other community as this is a County facility.

Mr. Luedtke said that he is just asking for relief from the City of Cedarburg at this time.

Council Member R. Reimer said that his mother was in Lasata at one point and on occasion he took her and his entire family to the community pool. He said it is not entirely true that residents at these facilities do not go out into the community and use services and it is not true that the residents are too old to participate in the community.

Council Member Loomis said that in Police Chief Frank's opinion, use of police services would not be less or be diminished when the facility is completed. He said there are services, such as police, fire, and streets, that will be used by the residents of Lasata Crossings. He said that it is equitable and fair that all County taxpayers pay the fees and they not be subsidized by City of Cedarburg residents. He recommended the impact fees for Lasata Crossings not be waived as they have not been waived in the past for other developers or facilities.

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Director Wiza said that Lasata Crossings is being treated the same way as Cedar Spring/Cedar Gardens was treated. Impact fees were applied to these facilities in a manner that is consistent with the way they are being applied to this project.

Council Member Kinzel said that Lasata Crossings is a great project; however, it is hard to put the cost of the impact fees onto City residents when this is a County entity. He said Cedarburg residents would be paying more than their fair share.

Mayor Myers said that the Plan Commission approved the project based on the plans presented and with a condition that the impact fees be paid in full before a building permit is issued. He said it is not equitable for City residents to subsidize this project. He said he is strongly against waiving or reducing the impact fees.

Council Member Radtke agreed that this is a great project. He said that he lives close to Cedar Springs/Cedar Gardens and sees police cars there from time to time. These types of facilities enhance the community but City residents should not subsidize the project.

Motion made by Council Member R. Reimer, seconded by Council Member Maher, to send a letter to County officials informing them that the impact fees for Lasata Crossing will not be waived or reduced as requested. Motion carried without a negative vote with Council Member C. Reimer excused.

CONSIDER MEETING DATE TO CANCEL IN SUMMER

Motion made by Council Member Kinzel, seconded by Council Member Radtke, to cancel the July 13, 2009 Council meeting. Motion carried without a negative vote with Council Member C. Reimer excused.

Motion made by Council Member Filter, seconded by Council Member Loomis, to cancel the August 31, 2009 Council meeting. With Council Members Filter and Loomis voting in favor, Council Members R. Reimer, Radtke, Maher, and Kinzel voting against, and Council Member C. Reimer excused, the motion failed.

LICENSE APPLICATIONS

Motion made by Council Member Kinzel, seconded by Council Member Maher, to authorize the issuance of a 6-month Class B Beer License to Michael G. Jackson for the Cedar Creek Park Concession Stand, N52 W5925 Portland Road, from May 1, 2009 through October 31, 2009. Motion carried without a negative vote with Council Member C. Reimer excused.

Motion made by Council Member Kinzel, seconded by Council Member Maher, to authorize issuance of new Operator's Licenses for the period ending June 30, 2009 to Kathryn E. Peterson and Patrick J. Selk. Motion carried without a negative vote with Council Member C. Reimer excused.

CITY ADMINISTRATOR'S REPORT - None

COMMENTS AND SUGGESTIONS BY CITIZENS - None

REPORTS AND COMMENTS BY COUNCIL MEMBERS

Council Member Filter said that a few residents have mentioned concern regarding the large posters in the windows at Real Fitness.

MAYOR'S REPORT

Mayor Myers issued proclamations recognizing May 2009 as Older Americans Month, May 3 – 9 as Municipal Clerk's Week, and May 8, 2009 as Poppy Day.

ADJOURNMENT- CLOSED SESSION

Motion made by Council Member R. Reimer, seconded by Council Member Kinzel, to adjourn to closed session at 8:16 p.m. pursuant to Wisconsin Statutes 19.85(1)(e) to deliberate or negotiate the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, specifically the Plant No. 2 Site and the Town of Cedarburg and Prochnow Landfill. Approval of closed session minutes of 03/30/09. Motion carried without a negative vote with Council Member C. Reimer excused.

ADJOURNMENT

Motion made by Council Member Filter, seconded by Council Member Radtke, to adjourn at 8:49 p.m. Motion carried without a negative vote with Council Member C. Reimer excused. The meeting did not reconvene to open session.

Constance K. McHugh, MMC
City Clerk