

**CITY OF CEDARBURG  
COMMON COUNCIL  
July 9, 2018**

**CC20180709-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, July 9, 2018, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor O’Keefe called the meeting to order at 7:00 p.m.

Roll Call: Present - Common Council – Mayor Michael O’Keefe, Council Members Dan von Barga, Jack Arnett, Kristin Burkart, Rick Verhaalen, Garon Chivinski, Patricia Thome, Rod Galbraith

Also Present - City Administrator/Treasurer Christy Mertes, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, City Clerk Constance McHugh, City Planner Jon Censky, Director of Parks, Recreation & Forestry Mikko Hilvo, interested citizens and news media

**STATEMENT OF PUBLIC NOTICE**

At Mayor O’Keefe’s 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.

**APPROVAL OF MINUTES**

Motion made by Council Member Thome, seconded by Council Member Galbraith, to approve the minutes of the June 25, 2018 meeting as presented. Motion carried without a negative vote.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** – None

**NEW BUSINESS**

**ACCEPT AND REFER TO PLAN COMMISSION THE REZONING PETITION FROM BELL INVESTMENT PROP., LLC TO REZONE THE PARCEL AT W68 N926-30 WASHINGTON AVENUE FROM B-2 COMMUNITY BUSINESS DISTRICT TO B-2/PUD COMMUNITY BUSINESS DISTRICT/PLANNED UNIT DEVELOPMENT DISTRICT; AND ACTION THEREON**

Planner Censky explained that State Statutes require that the Plan Commission shall review all proposed changes to the district boundaries or amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a Plan Commission meeting subsequent to the Common Council meeting at which the petition is first submitted and shall be made in writing to the Common Council.

The petitioner is requesting this rezoning to apply the Plan Unit Development Overlay Zoning District to his property for his proposed reconstruction of the existing Bell Orthodontic Solutions facility located at W68 N926-30 Washington Avenue. The PUD overlay zoning is necessary because redevelopment of the site is otherwise severely hindered by the building setback

requirements of the B-2 Community Business District (i.e. 40 feet). This site has public road right-of-way on three sides and the 40 foot setback requirement would preclude the redevelopment plans as proposed. Accordingly, the petitioner requests the Planned Unit Development (PUD) Overlay District for the flexibility it provides in applying the basic use district regulations. He asked the Common Council to accept the petition and refer it to the Plan Commission for their review and recommendation. The Plan Commission's recommendation will then come back to the Common Council for a final decision on this project.

In answer to Council Member Arnett's question, Planner Censky confirmed that it is a statutory requirement for the Common Council to initially accept and refer rezoning petitions to the Plan Commission.

Council Member Arnett asked if it would be possible to delegate that authority to staff. Planner Censky stated that these requests used to go directly to the Plan Commission; however, a literal interpretation of the Code requires the Common Council to accept and refer as the first step. City Attorney Herbrand stated that bringing it to the Common Council may act as a notice to make interested parties aware.

City Clerk McHugh explained that the City ran into trouble last year when it was not done for the HSI rezoning. City Attorney Herbrand said that HSI taught us to follow procedure.

Council Member Arnett asked if this procedure could be handled by staff 99% of the time and if this would make it easier to do business with the City.

Council Member Thome did not believe that this procedure makes it difficult to do business with the City because it is passed forward immediately. It also puts the request in front of the public and this is not a bad thing.

In answer to Council Member Arnett's question, City Planner Censky stated that it is possible to miss a Plan Commission meeting because it needs to go before the Common Council first. Council Member Arnett said that this would delay any decision for a month and would make it more difficult to do business in the City.

Council Member Thome is in favor of keeping the process in front of the conversation to make interested parties aware.

Planner Censky said that at times applicants do hope to get through the process as soon as possible and they do not realize the length of the process.

Mayor O'Keefe requested that the City find out if this step can be eliminated.

Planner Censky explained that this only becomes an issue when dealing with a rezoning that requires a public hearing before the Common Council. When a request is taken by the Plan Commission all parties adjacent to the site are notified and when it goes to the Common Council all parties within 300 feet are notified.

Council Member Arnett stated that there are a number of layers of notification to the public and he would like to try and make the process easier.

In answer to Council Member Verhaalen's question, Planner Censky stated that the petitioner with the request did not realize the length required for the process and they are investing substantial money and time into the plans upfront so they can get through the process in one step. They plan to submit fully detailed plans to the Plan Commission and then present those same plans to the Common Council to get approved in two meetings if possible. They want to begin construction by September.

Council Member Verhaalen was in favor of making the process more efficient, if possible.

Motion made by Council Member Verhaalen, seconded by Council Member Thome, to refer to the Plan Commission the rezoning petition from Bell Investment Prop., LLC to rezone the parcel at W68 N926-30 Washington Avenue from B-2 Community Business District to B-2/PUD Community Business District/Planned Unit Development District. Motion carried without a negative vote.

**CONSIDER REQUEST TO REPLACE ADMINISTRATIVE ASSISTANT/ACCOUNT CLERK; AND ACTION THEREON**

City Administrator/Treasurer Mertes stated that Administrative Assistant/Account Clerk Valenta is leaving her employment with the City on July 17. She asked to replace her with two full-time employees. Currently the position is half-time in the Clerk's Office and half-time in the Treasurer's Office and is also the Administrative Assistant to the Administrator.

The Accountant II position would be hired to cover most of the accounting aspects of the office. The auditors in their report stated the office does not have an accountant to complete the financials. This wouldn't resolve the issue but it would help. It would also give them the opportunity to have someone capable of being the payroll officer's backup. Currently no other employee is trained to complete the payroll.

The Administrative Assistant position in the Clerk's Office would provide a wide range of duties, including general office duties and customer service, assisting with licensing and elections, preparing the City newsletter, providing backup for the website, preparing Council packets, sending out Constant Contact notifications, and assisting the City Administrator in preparation of budget documents. It is important to replace this position as soon as possible with the busy election season and budget preparation upon us. Functions in both Departments have become increasingly more complex and time consuming over the last several years.

The Clerk's Office has been short almost two employees since 2011. City Clerk McHugh stated that another person is needed in the office for customer service. It is very difficult during licensing time and elections during absentee voting. In the month of October, an estimated 800 people will visit the Clerk's Office to request absentee ballots, which is difficult for one or two people to handle.

In answer to Council Member Arnett's question, City Administrator/Treasurer Mertes explained that replacing this vacancy was not discussed at the Personnel Committee because of the short notice. However, succession planning and a backup for payroll were discussed.

Council Member Galbraith stated that he did not have a problem replacing a position and assigning the duties as required. However, he did not think it was appropriate to add a position in the middle of a budget year and this should be addressed during the 2019 budget process.

Council Member Verhaalen stated that the City is looking at a possible 30¢ increase in the tax rate next year and this makes it hard to add another position. This will be an annual cost that will need to be met each year (approximately \$68,000/year). He asked if temporary employees could be used during election time.

City Clerk McHugh stated that a temporary employee would need to be certified in elections and will need to use the software, which involves a big learning curve.

In answer to Mayor O'Keefe's question, City Clerk McHugh said the employee would need to handle absentee voting in person and they need to be trained and certified in that election software. In order to use the system, a person needs to have a very good understanding of all aspects of elections from beginning to end.

Council Member Chivinski is in favor of succession planning. He trusts the capability of the Department Heads to maximize the personnel, which is also a taxpayer's concern. He believes the City is going above and beyond to do their jobs and supports replacing this employee as soon as possible. He also supports a new person, if and when the budget allows.

Council Member Galbraith suggested hiring two part-time employees, if it is too hard to find a diverse individual to handle work in both departments. The hours could be flexible to help during peak times.

Council Member Thome asked if hours could be added to a part-time person to help during tax collection and the elections. She suggested two part-time positions at this time with the ability to add hours.

Council Member Chivinski stated that it is difficult to find part-time help where he is employed. It may be beneficial to find someone to prepare for future growth.

Council Member Burkart added that the City does not have the time to train a temporary employee every three months, if there is turnover in the positions.

Council Member Arnett is not in favor of making a long-term decision at this meeting. He suggested that the Personnel Committee discuss succession planning with more data.

Mayor O'Keefe asked if hiring part-time employees would be a way to address succession planning.

Council Member Burkart suggested filling the position vacated by Jenny Valenta and then discuss adding another employee during the budget process.

Council Member Thome was in favor of hiring two part-time employees which would provide help in the two individual departments without affecting the current budget.

In answer to Council Member Galbraith's question, City Administrator/Treasurer Mertes stated that if one FTE for two employees was authorized this evening, she would have the discretion to split the jobs as needed. Two different employees would be dedicated to specific duties.

City Clerk McHugh expressed concern for finding part-time employees. The difficulty involves the realization by the part-time employee of the lack of benefits that other employees are getting. It is difficult to get a decent pool of applicants.

Council Member Galbraith suggested raising the hourly wage, in lieu of benefits, within the current budget to make the job more attractive.

City Administrator/Treasurer Mertes stated she was willing to hire part-time employees under the suggested parameters offered tonight.

Council Member Chivinski asked that when hiring a part-time person, that the Department Head be mindful of future openings and growth for this person.

Council Member von Barga is in favor of hiring the needed people; however, he would like to work towards a budgetary plan. He would approve hiring employees to fill one FTE.

Council Member Arnett said that the Personnel Committee has good experience and he was in favor of letting any increase in employees go through the process.

Motion made by Council Member Galbraith, seconded by Council Member Thome, to approve the replacement of one FTE position to be determined by City Administrator/Treasurer Mertes and City Clerk McHugh to replace the position that is being vacated within the current budget. Motion carried without a negative vote.

**CONSIDER PAYMENT OF BILLS DATED 7/2/18, TRANSFERS FOR THE PERIOD 6/23/18 THROUGH 6/28/18; AND ACTION THEREON**

Council Member Verhaalen asked for clarification on three invoices.

Motion made by Council Member von Barga, seconded by Council Member Burkart, to approve payment of the bills dated 7/2/18 and transfers for the period 6/23/18 through 6/28/18. Motion carried without a negative vote.

**CONSIDER LICENSE APPLICATIONS; AND ACTION THEREON**

Motion made by Council Member Arnett, seconded by Council Member Galbraith, to approve new Operator License applications for the period ending June 30, 2019 for Andrew G. Henning, Debra M. Newell, David A. Nichols, and Sybille Schnapp. Motion carried without a negative vote.

Motion made by Council Member Arnett, seconded by Council Member von Barga, to approve renewal Operator License applications for the period ending June 30, 2019 for Emily E. Eineichner, Blake D. Klug, and John C. Wallus. Motion carried without a negative vote.

**ADMINISTRATOR'S REPORT**

City Administrator/Treasurer Mertes stated that the Go365 program that was discussed at the Personnel Committee will be brought to the next Council meeting, after she receives clarification from the consultant.

City Administrator/Treasurer Mertes is working with the Synergy Company on the City's telephone and data services, which may produce a possible savings of \$1,900 per month.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** – None

**COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Arnett participated in an interview with Channel 58 on the Community piano located outside the gym. The segment will air on Sunday, July 15 at 7:00 a.m.

Council Member Arnett thanked City staff for cleaning up so well after the Fourth of July parade.

In answer to Council Member Arnett's question, Director Hilvo stated that the City ash trees are being heavily attacked right now. The treatments are continuing and have been successful for the bigger trees. Director Hilvo stated that there are approximately 1,400 ash trees in the City. It can cost \$750 - \$1,000 to remove one tree. It is important to remain on the current course to save as many trees as possible. Council Member Arnett stated that the treatments are a large expense and he asked that the process be re-evaluated occasionally. Mayor O'Keefe asked that an update on the Emerald Ash Borer and treatment be provided on a future agenda.

Council Member Thome stated that the activities on July 3 and 4 was an amazing display of community participation. She thanked the Rotary, many volunteers and staff, along with a special acknowledgement to the Chamber of Commerce for a wonderful parade and community activities on July 4.

**MAYOR'S REPORT** - None

**ADJOURNMENT – CLOSED SESSION**

Motion made by Council Member Verhaalen, seconded by Council Member Burkart, to adjourn to closed session at 7:54 p.m. pursuant to State Statutes 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, more specifically, to consider cellular tower leases for location on the monopole constructed on Western Avenue and to consider a six month extension on an option to purchase a City-owned property at N144 W5888 Pioneer Road and 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 Council with respect to litigation in which it is or is likely to become involved, more specifically to discuss the Notice of Claim and Injury received from Friends of Historic Cedarburg relating to creation of TID No. 5. Approval of June 25, 2018 closed session minutes. Motion carried on a roll call vote with Council Members von Bargen, Arnett, Burkart, Verhaalen, Chivinski, Thome, and Galbraith voting in favor.

**RECONVENE TO OPEN SESSION**

Motion made by Council Member Verhaalen, seconded by Council Member Thome, to reconvene to open session at 8:42 p.m. Motion carried on a roll call vote with Council Members von Bargen, Arnett, Burkart, Verhaalen, Chivinski, Thome, and Galbraith voting in favor.

**CONSIDER CELLULAR TOWER LEASES FOR LOCATION ON THE MONOPOLE  
CONSTRUCTED ON WESTERN AVENUE; AND ACTION THEREON**

No action taken.

**ADJOURNMENT**

Motion made by Council Member Arnett, seconded by Council Member Chivinski, to adjourn the meeting at 8:43 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC  
Deputy City Clerk