

**CITY OF CEDARBURG
COMMON COUNCIL
PLAN COMMISSION
May 8, 2017**

**CC20170508-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, May 8, 2017, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Kinzel called the meeting to order at 7:00 p.m.

ROLL CALL: Present - Common Council – Mayor Kip Kinzel, Council Members John Czarnecki, Jack Arnett, Dick Dieffenbach, Rick Verhaalen, Mitch Regenfuss, Patricia Thome, Mike O’Keefe

Plan Commission – Mayor Kip Kinzel, Council Member John Czarnecki, Heather Cain, Mark Burgoyne, Greg Zimmerschied

Excused - Dan von Barga, Mark Poellot

Also Present - City Administrator/Treasurer Christy Mertes, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, Director of Engineering and Public Works Tom Wiza, Planner Jon Censky, Police Chief Thomas Frank, Public Works Superintendent Joel Bublitz, Wastewater Superintendent Eric Hackert, General Manager Dale Lythjohan, Library Director Linda Pierschalla, Mechanic Bill Hintz, Patrol Officers Brian Emmrich and Ryan Fitting, Police Commission Member Linda Krieg, Library Board President Sue Karlman, Library Board Member Sherry Bublitz, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor Kinzel’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 Dieffenbach, to approve the minutes from the April 18, April 24, and April 25, 2017 meetings. Motion carried without a negative vote.

COMMENTS & SUGGESTIONS FROM CITIZENS

Bill Hobbs, N47 W7034 Windwood Drive, stated that he is working with Dan Panetti to make Cedarburg a Bird City. The benefits of becoming a Bird City include communicating the City’s current conservation successes, enabling outdoor educational and recreational opportunities for people of all ages, improving community pride, and improving the City’s economy through eco-tourism.

To achieve the Bird City certification the City needs to do the following:

- Create an education-based newsletter, published bi-monthly.
- Provide these educational links to the City website:
 - Audubon at Home
 - Cornell Lab or Ornithology
 - University of Wisconsin Extension
 - The Wisconsin Society of Ornithology
 - The Natural Resource Conservation Service
 - The Humane Society of the U.S.
 - And Beyond the Birdfeeder: Creating a Bird-Friendly yard with Native Wisconsin Plants,” an article by Mariette Nowak
- Be represented in one of the following events: Swift Night Out, Christmas Bird count (held in December); or Great Backyard Bird Count (held in February). Bill Hobbs would help organize a Swift Night Out to view birds roosting in a local smoke stack
- Put an educational program in place to control free-roaming cats

Director Hilvo is working with them to establish birding and nature paths in the parks. The Cedar Pointe Conservancy is a 13-acre park located on the south side of Lincoln Blvd. and the west side of Evergreen Blvd. where a new trail system will open scenic wetlands and woodlands to the public year-round and enable Cedarburg to qualify as a Bird City. Founders Park will also have designated bird trails.

Mr. Hobbs expressed appreciation for considering Resolution No. 2017-11 declaring May 13, 2017 as International Migratory Bird Day.

PRESENTATIONS

CONSIDER RESOLUTION NO. 2017-10 COMMENDING RETIRING DETECTIVE/SERGEANT JEFFREY VAHSHOLTZ FOR HIS YEARS OF SERVICE; AND ACTION THEREON

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to adopt Resolution No. 2017-10 commending retiring Detective/Sergeant Jeffrey Vahsholtz for his years of service. Motion carried without a negative vote.

Jeff Vahsholtz thanked all those who helped him succeed, adding that it has been a fantastic 35 year career and he enjoyed his work immensely. He will continue as Fire Chief for the Cedarburg Fire Department.

PRESENTATION OF THE 2016 AUDIT REPORT; AND DIRECTION THEREON

Paul Frantz of Baker Tilly Virchow Krause, LLP presented the results of the 2016 City audit.

Audit Objective

The objective is to express an opinion on the financial statements of the City of Cedarburg as of December 31, 2016.

Financial Statements

○ **Audit Opinion**

After tonight's review they will issue an opinion based on the Council's recommendation and approval. An unmodified opinion is the highest level of assurance that the City can receive from the external auditors. It means that the financial statement document has all accounting principles applied consistently between years, in allowance of generally accepted accounting principles. Also, the disclosures within the footnotes are consistent within the generally accepted accounting principles. They identified a number of restatements that were required under generally accepted accounting principles to bring the financial records into the appropriate shape. They also identified an investment vehicle that is not in compliance with Wisconsin State Statute. This does not affect the opinion of the audit other than bringing it to the Council's attention.

○ **Management's Discussion and Analysis**

This is a high level summary of the financial information. This explains the document and gives a comparison between 2015 and 2016.

○ **Financial Highlights – Governmental Funds**

- General Fund – Revenues were \$7,874,191 compared to expenditures of \$8,457,378
- Other Sources – Transfer of \$780,592
- Change in Fund Balance - \$197,405
- End of Year Fund Balance - \$2,445,980
 - Fund Balance consists of Non-spendable (prepaid item) \$82,041, Assigned (for future years use) \$298,371, and Unassigned \$2,065,568
- Health of General Fund Reserves – They recommend a range of unassigned fund balance of 10 – 25% of the budgeted expenditures of the subsequent year. The City has a healthy 23%
- Budgetary Compliance – The City budgeted to use \$80,304 of fund balance. The City added \$197,405 for a positive difference of \$277,709.
- Capital Improvement Fund Balance - \$1,884,513.
- Debt Service Fund Balance - \$205,042.
- Non-major Government Funds (Consist of cemetery, room tax, recreation programs, CDBG, swimming pool, park impact fees, library, rescue and EMS, length of service award program, and TID #3) - \$2,618,769.
- Proprietary Funds – Unrestricted and Restricted Cash Balance - (Light & Water Utility - \$8,120,087, Sewer Utility - \$5,741,265, and Internal Service Fund – Risk - \$898,307. These funds operate under a different method of accounting; therefore, the net position number is misleading. The City wants to look at what is available for use in these funds to determine if rates are appropriate).
- Long-Term Debt – Between the City and the Utilities there is \$18,721,704 of outstanding general obligation debt. Statutory debt limits allow 5% of the equalized value. The City has the ability to borrow \$62,723,900 and the capacity to borrow an additional \$44,767,789.

Communication Letter

- Material weaknesses were identified: Internal controls over financial reporting (journal entries to bring financial statements into compliance with the required standards). This is

a very common material weakness that they give to their clients as 90-95% of Governments rely on their external auditors to prepare this document and the firm's standards require that they make you aware of this. (NOTE: working with City Administrator/Treasurer Mertes during the year has given them significant comfort in her level of expertise in the industry. Moving forward he suspects they will adjust the language of this material weakness to be more focused at the material adjusting journal entry level rather than not having someone on staff to prepare that financial statement document. City Administrator/Treasurer Mertes has the ability to read that document, understand what is required, and the City has made a decision that there is cost benefit to outsource this. If things continue, he suspects that is the direction they will move. It is not a reflection of Management's knowledge or skills; it is a learning curve between the two parties.) The other material weakness (will not continue in year two) – there were restatements necessary.

- Two way communication regarding the audit – looking for feedback from the Common Council.
- Other comments and recommendations – discusses departmental controls and states that they do not review the individual controls of each of department and ultimately there could be a gap in the evaluation. They noted that there is an advance between the General Fund and the TIF and that there is no resolution in place to allow the General Fund to charge interest on that advance. Interest is an allowable cost in the TIF when there is a borrowing between two funds that the City should be aware of and a resolution could be adopted.
- Required communication to those charged with governance – lists any new accounting policies that were adopted during the course of the year along with accounting estimates that were evaluated and used by management. This communication also indicates that they did not have any disagreements with Management during the audit. Lastly, they list the non- services that they provided for the City and declare their independence.

Mr. Frantz stated that it has been a pleasure to work with the City and he appreciated all of the time and effort that City Administrator/Treasurer Mertes and staff put into the process.

In answer to Council Member Dieffenbach's question, Mr. Frantz stated that the non-compliance investment involves the length of service agreement program for the Fire Department. UBS did not qualify under State Statute 66.0603(1) relating to the equity securities. City Administrator/Treasurer Mertes said they are investigating if they can prove that the Statute they operate under is okay or they will need to change the type of investments the funds are in.

In answer to Council Member Dieffenbach's questions, City Administrator/Treasurer Mertes stated that the City was unable to meet the expenditure restraint program for 2017 because as part of the budget process the City had to keep the expenditure increase at 2.7%. There was a change in the calculation that was done by the State; therefore, the City had to include all funds that were levied for, and as a result the City was not able to meet the parameters and lost \$160,000 in revenue for 2018. City Administrator/Treasurer Mertes confirmed that she told the Common Council numerous times during the budget process.

Mayor Kinzel stated that the City will be back on track to meet the expenditure restraint program in 2018 for 2019.

In answer to Council Member Dieffenbach's questions, Mr. Frantz stated that he spoke with the former auditing firm during the process to understand how an accounting standard was put into place. He said that they concurred with the \$700,000 reduction in the Fund Balance.

Council Member Dieffenbach stated that there were no uncorrected misstatements under the heading of Corrected and Uncorrected Misstatements on Page 13 and he asked Mr. Frantz to take the words "uncorrected misstatements" out. Mr. Frantz agreed to the change.

Council Member Dieffenbach confirmed with Mr. Frantz that their fees were in accordance with the agreement.

It was the consensus of the Common Council that there we no areas of concern.

PRESENTATION OF THE 2016 LIBRARY REPORT

Library Director Pierschalla presented the highlights of the 2016 Annual Library Report that is submitted to the Wisconsin Department of Public Instruction and the Cedarburg Library Board.

The Mission Statement that was developed by the Library Board of Trustees is: The Cedarburg Public Library provides information and resources to all citizens of the community for their continuing recreational, educational, and cultural needs.

2016 was the Library's second full year in the new facility. They noted from the previous year, the demand for technology from the Library users. This prompted the Library to conduct a technology survey to best address patrons needs, as well as wants. They listened to the results and obtained funding (grants) from the Greater Cedarburg Foundation and the Cedarburg Friends of the Library totaling \$13,000 to purchase items that ranked high on the survey.

2016 Service Benchmarks

- 196,411 items were checked out in 2016, compared to 208,020 in 2015.
- 8,787 residents registered for Library cards, compared to 9,357 in 2015.
- 3,731 non-residents registered for a card, compared to 4,899 in 2015.
- Total Library card holders of 12,518 compared to 14,407 in 2015.
- 14,404 research questions were answered.
- 124,354 people entered the Library (actual gate count).
- 47,822 Wi-Fi logins, compared to 21,018 in 2015.
- The number of physical materials checked out decreased by 2% (less people are checking out DVDs), the number of digital materials checked out increased by 41%.
- Program attendance increased (Youth – 49%, Adult – 27%).

Director Pierschalla stated that the Library brings people to downtown Cedarburg and they consider the Library to be an economic anchor for the downtown.

Return on Investment

- The per capita expenditure for library service from the City budget is \$61.60.
- Average Cedarburg family of four pays \$246/year for library service.

- Average use by a family in one month of usage provided a savings of \$415.

Looking Forward

- The Library Board developed the following Technology Vision Statement:
 - The CPL Board of Trustees is committed to supporting, updating, and funding technology in three broad areas:
 - Leading edge “innovative” technology that attracts current and new users and makes CPL an important part of the regional technology hub.
 - The behind-the-scenes “infrastructure” that staff rely on for library operations.
 - The practical “daily use” technology that enjoys frequent use and high levels of public engagement.

Implementation Plan for 2017- 2018

- Microsoft Software classes are now being offered.
- Adobe Creative Cloud software will be installed and ready for use with additional programming with the first Expert in Residence by the summer of 2017.
- A Digital Conversion Lab will be up and running by the beginning of 2018.
- Virtual Reality equipment and software will be offered to the public during the fall of 2017.
- Coding and Design Classes will be revitalized and up and running with programs for all age groups and cover a variety of skills in calendar year 2018.
- Drone equipment, programs and classes will be available in 2018.
- The 3D Laser Cutter/Engraver initiative will be delayed until it can be proven to run effectively in a library setting.

Wisconsin’s Digital Library

- Established in 2001 and is a shared, statewide collection of eBooks, audiobooks, magazines, and streaming video available for free to all Wisconsin public library card holders.

Monarch Library System

- 2017 brought the change from the two county Eastern Shores Library System to the current four county Monarch Library System that includes the 31 public libraries in Dodge, Ozaukee, Sheboygan and Washington counties and Lakeland College.
- Cedarburg residents have access via the Monarch Catalog to over one million items that are delivered five days a week. The Library System is an excellent example of resource sharing among four counties to reduce costs and increase services.

Thank you Cedarburg Friends of the Library for the Following Contributions:

- Summer Reading Program - \$3,750
- Year Round Programs - \$2,250
- Extra copies of bestsellers - \$2,000
- Staff Support - \$1,000
- Various other projects - \$2,000

Thank you 2016 Library Board of Trustees

- Sue Karlman, Steve Ruggieri, Debra Goeks, Vonna Pitel, Council Member Dick Dieffenbach, Sherry Bublitz, and David Moburg.

Budget

- The revenues and expenditures were \$18,000 over budget in 2016. The Library is working to cut costs in order to balance the revenues and expenditures for 2017.

In answer to Council Member Thome's question, Director Pierschalla stated that she has applied for all of the available grants to-date.

Council Member Dieffenbach stated that he is the Council representative on the Library Board. He congratulated the Board on running the Library like a business and making sure that the budget balances. He stated that the Library is a vibrant business and they probably have the second most visitors in a day, next to Olsen's Piggly Wiggly, at 372 visitors per day.

PRESENTATION OF THE ARRABELLE TRAFFIC STUDY; AND POSSIBLE ACTION THEREON

Tony DeRosa of HSI explained that one of the conditions for the approval of the Arabelle development was that a traffic study be conducted to determine the impact of traffic with the project. Along with Tony DeRosa was John Bieberitz of Traffic Analysis & Design to deliver the report.

John Bieberitz explained that a traffic study is not an approval of the development; it is a study of traffic and how the development impacts the street system and if any improvements are needed as a result of that increased traffic on the streets.

The analysis includes three scenarios:

- How does traffic operate on these streets today;
- How did traffic operate a few years ago with the school in operation;
- How would traffic be expected to operate in the future with Arabelle development.

The study area for the potential development included the following intersections:

- Washington Avenue and Hamilton Road (one-way stop control);
- Washington Avenue and Spring Street (one-way stop control); and
- Hamilton Road and Hilgen Avenue (two-way stop control).

When looking at these intersections they reviewed the 24 hour traffic volumes that are recorded by the Wisconsin Department of Transportation every three years. From a historical perspective, traffic volumes are stable with maybe a downward trend. For example, Hamilton Road in 2013 had 1,800 vehicles per day and a road this size has a capacity of 12,000 cars per day. This shows that a lot of growth can occur on this street. Likewise, Spring Street had approximately 1,100 vehicles per day in 2010 when school was in session.

At the intersections, they had staff in the field counting the vehicles and analyzing the data every 15 minutes on a weekday from 6:00 a.m. – 9:00 a.m. and then 2:00 p.m. – 6:00 p.m. to capture school

traffic and evening rush hour. This was done the week prior to spring break. A traffic gap study was also done to determine how easy it is turn right or left onto Washington Avenue from Hamilton Road. The gap study was done on a Friday and the Monday of spring break from 4:30 p.m. – 5:30 p.m. The results indicated that the typical rush hour is from 7:00 a.m. – 8:00 a.m. and from 4:30 p.m. – 5:30 p.m. The peak school traffic was from 3:00 p.m. – 4:00 p.m.

The existing conditions indicate that traffic operates at acceptable levels during the peak hours. The standards for waiting at a stop are graded from A-F. During the existing conditions the grade was C or better, which indicates that there is no need for any intersection improvements or safety concerns based on today's conditions.

Next they looked at the traffic generation for the proposed development compared to the traffic generation for the school. During the morning peak hour the school would generate about four times more traffic than the apartments would. Likewise, in the evening the school would generate over three times more traffic than the apartments would. In a total 24 hour period on a typical weekday with school in session, the school would generate 22% more traffic than the apartments would. Based on this comparison of numbers, the school had a greater impact on traffic than the proposed apartments.

The study showed that with the apartments in place, everything operates at the C grade, which may include some delays. This indicates that no improvements or traffic modifications are needed. When the school was in session the grade was also at C.

In summary, operationally based on standards set forth by the Wisconsin Department of Transportation everything operates at an acceptable level during the peak hours. Comparing this area to what it was five or ten years ago, the traffic impacts of the apartments vs. school, the apartments have less of a traffic impact than the school did at the time.

In answer to Mayor Kinzel's question, Mr. Bieberitz stated that the actual analysis was done the week prior to spring break on April 3, 5-7, and April 10.

In answer to Council Member Czarnecki's question, Mr. Bieberitz stated the industry standards are set forth by the Federal Highway Administration, which has been adopted by WisDOT, Ozaukee County, and the City.

In answer to Council Member Arnett's question, Mr. Bieberitz stated that Hamilton Road could handle as many as 12,000 vehicles based on planning guidelines from WisDOT and SEWRPC based on the 24 hour volume on a typical street with parking, sidewalks and curb and gutter of the same width. With these same guidelines applied to Washington Avenue, the vehicle traffic increases to 18,000- 20,000 a day.

In answer to Council Member O'Keefe's question, Mr. Bieberitz stated that the sequence of the traffic control signals will not be changed in this case, primarily because from the apartment's perspective the traffic pattern will be steady.

Council Member Verhaalen stated that the analysis that was done on April 10 was during spring break.

Mr. Bieberitz stated this was done between 4:30 p.m. – 5:30 p.m. after school would have been in session.

In answer to Council Member Dieffenbach's questions, Mr. Bieberitz stated that they only addressed traffic flow and not parking. He stated that the streets surrounding the proposed development are adequate based on the amount of traffic expected to be generated and they do not recommend any changes to the area.

In answer to Council Member Dieffenbach's question, Mr. DeRosa stated that they have not contemplated redirecting the Building C exit to Spring Street vs. Hamilton Road. That part of the site is planned for a single family home.

Plan Commissioner Zimmerschied asked what tools would be available if all of the smart growth areas were developed and there was increased traffic. Would one row of parking be able to be eliminated on Hamilton Road?

Director Wiza stated that the parking issues on Hamilton Road could be looked at as traffic develops. Occasionally the City runs into problems in the winter when there is a lot of snow, they have put up temporary no parking signs due to the encroachment of the snow banks. Over time parking restrictions can be reviewed. The addition of a traffic signal is very unlikely to be warranted at Washington Avenue and Hamilton Road. This may cause more problems than would be solved by adding more traffic signals. At 1,800 vehicles a day, you could incrementally double that amount and still not justify signals.

Planner Censky added that when the Weil pump site is reviewed, the intent is to extend a roadway system through from Jackson Street to Western Avenue.

Plan Commissioner Burgoyne asked if a no left turn option had been considered from Hamilton Road onto Washington Avenue.

Director Wiza stated that it could be prohibited; however, it would be better to monitor the area and possibly talk to the church to make some modifications to their vegetation or monument because it is a difficult corner to see around.

Planner Censky stated that there has been some discussion with the church regarding relocation of their sign.

In answer to Council Member Regenfuss' question, Director Wiza stated that traffic control is already established on Hanover with a two-way stop on Hilbert Avenue. Typically a very high threshold needs to be met for a four-way stop.

Mr. Bieberitz stated that you typically want an even traffic flow in both directions for a four-way stop.

Council Member Arnett stated that it appears that the traffic on Washington Avenue is declining over time. Mr. Bieberitz stated that from 1995 to 2000 the counts that he is looking at were not seasonally adjusted. Since 2000 they have been seasonally adjusted to account for various months

of the year. April and May would be perfect traffic months because school is in session and people are out biking and walking. Traffic Analysis & Design Inc. looked at the numbers statically and they actually increase the traffic rate by .5% to make it a more robust analysis.

In answer to a citizen's concern about the difficulty in turning left onto Washington Avenue from Jackson Street, Mr. Bieberitz stated that Jackson Street is equally spaced between two stop lights that create gaps. She stated that sometimes she needs to turn south to go north.

Aaron Schultz, W59 N370 Hilbert Avenue, heard that they did not consider any projections for parking needs or demands on Hamilton Road. He submitted a number of notes to the Common Council and Plan Commission regarding his observation of the corridor. It gets cramped when people are using both sides of the street. Any given morning when the church is in use, there are 8-10 parked cars on each side of the road and people commuting through the area need to take turns getting through. At a time when there was a dump truck on one side and a car on the other, a semi-truck came through and there was only room for one-way traffic. He asked what kind of street parking will be generated by the Townhouses and the reduction of parking from the Saint Francis Borgia parking lot (83 spots turned into 40 spots) and the apartments. This combination is going to create a number of pinch points. Has this been discussed?

Mr. DeRosa stated that they designed the plan to exceed what the City required from a parking standpoint. They have allowed for church parking to eliminate the need for street parking for the entire development.

In answer to Council Member Verhaalen's question, Director Wiza stated that there were some restrictions in place during school for the bus movement. There are some leftover parking and traffic regulations on Hamilton Road that will be addressed by the Public Works and Sewerage Commission. Director Wiza stated that there are issues with two-way traffic and parking on both sides of the street on 98% of the City streets. At 1,800 cars a day, this is manageable and is even seen on the new subdivision streets. The new streets are built 32 feet wide and Hamilton Road is 31 feet wide. They rely on the fact that there is not a steady stream of traffic, as on Washington Avenue.

Council Member Arnett asked if truck traffic could be eliminated on Hamilton Road. Director Wiza stated that there is a prohibition on through trucking; however, they are allowed on the road for deliveries. There is some increase in this traffic since the Town of Cedarburg has eliminated Green Bay Road as a haul route to the Wastewater Plant.

Planner Censky stated if the traffic study is acceptable to the Common Council then the developer can begin working on their architectural plans, detailed site plan, and landscaping.

As there were no disagreements to the study, the plan will move forward.

The Plan Commission was excused at 8:24 p.m.

NEW BUSINESS

CONSIDER APPROVAL OF A REVOLVING LOAN FUND LOAN FOR TEMPERATUREPRO; AND ACTION THEREON

City Administrator/Treasurer Mertes stated that the ad hoc Revolving Loan Fund Committee met on May 2 to review the request along with collateralization and income statement projections and have recommended approval of the loan.

Executive Director Kathleen Cady Schilling of the Ozaukee Economic Development (OED) has been working with TemperaturePro and provided a memorandum providing a summary and staff analysis of their request for a Revolving Loan Fund (RLF) loan for working capital as part of his start-up costs.

City Attorney Herbrand asked that the conditions of approval that were presented by OED be included in the motion to approve the loan, if the Council decides to do so.

Motion made by Council Member Dieffenbach, seconded by Council Member Thome, to approve a Revolving Loan Fund loan for TemperaturePro with the following conditions:

- That a \$70,000 RLF loan is provided to TemperaturePro. The loan would be used for working capital as part of its start-up costs.
- That an equity infusion of \$70,000 is provided to the Company by the owner.
- That the RLF loan is provided with a five-year term and amortization and an interest rate of 2 percent.
- That the RLF loan has a six month deferral of principal payments.
- That the loan is secured with the collateral identified above.
- That the Company creates two new full-time equivalent positions within 24 month of the closing on the RLF loan and that the new jobs are made available through the Ozaukee County Workforce Development Center. Additionally, the company agrees to hire 51% of its employees from low to moderate income households.
- That the Company provides to the City, or its designee, on an annual basis, semi-annual financial statements that are certified by the borrower, annual financial statements that are compiled by a certified public accountant, and signed copies of the corporate Federal income tax return.

Motion carried without a negative vote.

Council Member Thome stated that she was excited that the funds were being used because she was the administrator at one time and the funds were not used very often.

CONSIDER PROPOSAL FROM RUEKERT AND MIELKE FOR CEDARBURG TO PARTICIPATE IN THE MID MORaine WATER QUALITY COLLECTIVE; AND ACTION THEREON

Director Wiza explained that the new storm water regulations have been evolving and to better address the new Total Maximum Daily Load (TMDL) some communities have banded together to attack the problem on more of a watershed basis. Ruekert & Mielke has teamed up with GRAEF to form the Mid Moraine Water Quality Collective. The group represents communities in Ozaukee

and Washington Counties, which presently includes Cedarburg, Mequon, West Bend, Campbellsport, Fredonia, Grafton, Jackson, Kewaskum, Newburg, Saukville, Thiensville, and the Town of Grafton.

Dave Arnott of Ruckert & Mielke and Matt Bednarski of GRAEF explained that the two main advantages of joining the collective is to save time and money, and for greater political clout. The DNR has a vision and prefers to work together on a watershed basis. There are two other groups in the area (North Shore and Menomonee). This group will work towards group compliance and group conditions in reporting rather than each community producing their own. They will be able to negotiate permit language and the timing of permits.

Mr. Arnott outlined the progress and activity for the Mid Moraine Water Quality Collective to-date and stated that they would like the City of Cedarburg to join them.

In answer to Council Member Dieffenbach's question, City Administrator/Treasurer Mertes stated that the \$5,000 is available in the stormwater budget. Director Wiza added that this is a worthwhile opportunity because stormwater regulations are evolving and the efforts have been positive from this group.

In answer to Mayor Kinzel's question, Mr. Bednarski stated that the City will see a return on their investment, as much as \$60,000.

In answer to Council Member Arnett's question, Mr. Arnott stated that 75% of the area communities are in the Collective.

Director Wiza stated that this collective would be working on a more global path and would be in a better position to disseminate and educate pertinent information.

In answer to Council Member O'Keefe's question, Superintendent Hackert stated that being a member of the Collective would help Cedarburg in their current permitting path for the Wastewater Plant.

Motion made by Council Member Arnett, seconded by Council Member Czarnecki, to approve the proposal from Ruckert and Mielke in the amount of \$5,000 for Cedarburg to participate in the Mid Moraine Water Quality Collective. Motion carried without a negative vote.

CONSIDER ENGINEERING PROPOSAL FROM GRAEF FOR ADDITIONAL TESTING AND ANALYSIS OF THE COLUMBIA MILLS DAM PER DNR REQUIREMENTS; AND ACTION THEREON

Director Wiza explained that GRAEF is currently preparing plans for various DNR mandated repairs to the Woolen Mills and Columbia Mills dams. As part of their review process, the DNR is requiring additional testing of the bedrock, as well as a stability analysis of the existing Columbia Mills Dam structure. This work is not included in the original engineering services proposal and GRAEF has requested a contract amendment in the amount of \$5,850 to complete the additional work.

In answer to Council Member Regenfuss' question, Director Wiza explained that if the City wants to argue that the Cedarburg dams should be treated differently by the DNR because they are built into the bedrock then the City needs to prove that the bedrock will not erode.

In answer to Council Member Thome's question, Director Wiza stated that this is a positive step forward and indicates openness on the part of the DNR.

In answer to Council Member Dieffenbach's question, City Administrator/Treasurer Mertes stated that the City budgets for environmental work every year for this purpose.

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to approve the engineering proposal from GRAEF for additional testing and analysis of the Columbia Mills Dam per DNR requirements in an amount not to exceed \$5,850. Motion carried without a negative vote.

CONSIDER REQUEST FROM WE ENERGIES TO RENT THE FORMER REMOTE RECEIVING STATION AT N144 W5888 PIONEER ROAD FROM JUNE 1, 2017 TO APRIL 20, 2018 FOR OUTDOOR STORAGE OF POWER POLES, CABLE AND SWITCHGEAR; AND ACTION THEREON

City Planner Censky explained that WE Energies will be doing work in the area and in preparation for that work they are searching for a site to serve their temporary storage needs. Since they have been unsuccessful in working with private land owners in the area, they are requesting to use the City's former receiving station at N144 W5888 Pioneer Road. The site is not currently being used although the Police Department does use it periodically as an impound site. This site is approximately one acre in size, is secure by a six foot high chain link fence with vegetative screening around the periphery and is supported by a nine inch thick concrete drive. WE Energies proposes to rent the space for \$400 per month.

Council Member Czarnecki asked if there were any improvements on the property that could be damaged. Director Wiza stated that the site has heavy duty asphalt and a fence. They would caution WE Energies to not damage the fence.

In answer to Mayor Kinzel's question, City Attorney Herbrand stated that the City could ask for a month-to-month lease or a right to terminate; however, there is usually a six month lead time for any project to get started.

In answer to Council Member Thome's question, Director Wiza stated that WE Energies offered to pay \$400 per month and the rent will go to the Sewer Utility.

Council Member Czarnecki asked if there were any encumbrances on the property that would prohibit the City from renting the property to WE Energies. City Attorney Herbrand stated there were none at this time and the only risk would be if a developer comes forward with a potential use for the site. Also, WE Energies has been asked to share the site with the Police Department for impound purposes.

Motion made by Council Member Verhaalen, seconded by Council Member Czarnecki, to approve the request from WE Energies to rent the former remote receiving station at N144 W5888 Pioneer

Road from June 1, 2017 to April 20, 2018 for outdoor storage of power poles, cable and switchgear. Motion carried without a negative vote.

CONSIDER APPEAL OF THE WPDES PERMIT AND REQUEST FOR CONTESTED CASE HEARING; AND ACTION THEREON

Director Wiza explained that Attorney Art Harrington of Godfrey & Kahn and Jonathon Butt of Symbiont have assisted staff in preparing an appeal and request for a contested case hearing for the re-issuance of the new DNR permit for the Wastewater Treatment Plant. The permit sets forth a very restrictive effluent phosphorus limit and there are a number of technical issues that the City believes are worth challenging. The City was given 60 days to file an appeal or accept the permit as-is. By filing for a contested case hearing it will allow talking points between the City and the DNR. Any amount spent now will be well spent because the City may be looking at a \$7 million cost to be in compliance and is hopeful for a possible lessening in the restrictions.

Council Member O'Keefe stated that this is an emerging market area for consultants. Superintendent Hackert stated that this action should help in the interim and buy the City some time.

Motion made by Council Member Arnett, seconded by Council Member O'Keefe, to file an appeal of the WPDES permit and make a request for contested case hearing. Motion carried without a negative vote.

CONSIDER RESOLUTION NO. 2017-11 DECLARING MAY 13, 2017 AS INTERNATIONAL MIGRATORY BIRD DAY; AND ACTION THEREON

Motion made by Council Member O'Keefe, seconded by Council Member Arnett, to adopt Resolution No. 2017-11 declaring May 13, 2017 as International Migratory Bird Day. Motion carried with Council Members Arnett, Dieffenbach, Verhaalen, Regenfuss, Thome and O'Keefe voting in favor and Council Member Czarnecki opposed.

CONSIDER REQUEST FOR ADDITIONAL FUNDING FOR PURCHASE OF A FRONT END LOADER; AND ACTION THEREON

Director Wiza explained that the City planned to purchase one front end loader this year; however, there has been an ongoing intermittent steering problem with an existing 2011 John Deere loader that is a safety hazard. In spite of John Deere's persistent effort's to service it, they have not been able to fully fix the problem. To resolve the issue, John Deere is offering to buy out the 2011 John Deere loader and replace this unit with a new one, provided the City purchase the loader we have in the budget from John Deere. This loader in the budget would replace the existing 2003 Case loader and plow. The offer proposed by John Deere would put the City approximately \$10,000 over the Public Works approved \$235,000 Capital budget. With this proposal the City would be getting two new front end loaders, close to the price of one. There are advantages in servicing and maintaining like units.

Superintendent Bublitz and Mechanic Hintz explained the ongoing issues and John Deere's attempts at trying their best to fix the loader. This will solve a safety issue for the Department and agreed that this purchase is a good value for the City.

In answer to Council Member Arnett's questions, Mechanic Hintz stated that John Deere's price is competitive and they have not charged the City over the last six years for service on the steering problem.

In answer to Council Member Dieffenbach's question, City Administrator/Treasurer Mertes explained that the Capital Improvements equipment replacement fund would cover the additional \$10,000 to replace the defective equipment.

Motion made by Council Member Dieffenbach, seconded by Council Member Czarnecki, to approve the request for an additional \$10,000 for the purchase of a front end loader. Motion carried without a negative vote.

Council Member Thome commended the Public Works Department for being creative in solving an ongoing problem.

CONSIDER MAYOR KINZEL'S APPOINTMENTS TO VARIOUS BOARDS, COMMITTEES AND COMMISSIONS; AND ACTION THEREON

Motion made by Council Member Regenfuss, seconded by Council Member Arnett, to approve Mayor Kinzel's appointments to various Boards, Committees and Commissions as follows:

Board of Appeals- 3 year term

Mayor appointment as Chair – Gerald Stutz

Aaron Olejniczak	(04/30/20)	
Edward Foy (alt)	(04/30/19)	(first alternate)
Megan Torres (alt)	(04/30/20)	(second alternate)

Board of Review – 5 year term

Doug Yip (alt) (04/30/22)

Economic Development Board – 3 year term

Mayor appointment as Chair – Council Member Jack Arnett

Mike Groth	(04/30/18)
Lynn Knutson	(04/30/20)
Michael Pahl	(04/30/20)

Library Board - 3 year term

Todd Bugnacki, School Rep (04/30/18)
DeWayna Cherrington (04/30/20)

Parks, Recreation and Forestry Board – 2 year term

Scott King (04/30/19)
Paul Rushing (04/30/19)
Dave Polacek (04/30/19)

Plan Commission – 3 year term

Dan von Bargaen (04/30/20)

Police & Fire Commission – 5 year term

Robert Carroll (04/30/22)
Linda Krieg (04/30/22)

Public Art Commission – 2 year term

Blaine Gibson (04/30/19)
David Eitel (04/30/19)
Melissa Wraalstad (04/30/19)
Jeanette Gabrys (04/30/19)
Deb Mortl (04/30/19)
Vacant (04/30/18)

Council Member Verhaalen stated that it is hard to get people to volunteer on boards, commission and committees. In this case he provided several people who were willing to serve on the Parks, Recreation & Forestry Board and he expressed disappointment that Mayor Kinzel did not appoint them; however, he does respect the Mayor's decision.

Motion carried with Council Members Czarnecki, Arnett, Dieffenbach, Regenfuss, Thome and O'Keefe voting in favor and Council Member Verhaalen opposed.

CONSIDER PAYMENT OF BILLS DATED 04/28/17, TRANSFERS FOR THE PERIOD 04/20/17 THROUGH 05/02/17, AND PAYROLL FOR THE PERIOD 04/09/17 THROUGH 04/22/17; AND ACTION THEREON

Motion made by Council Member Dieffenbach, seconded by Council Member Thome, to approve payment of bills dated 04/28/17, transfers for the period 04/20/17 through 05/02/17, and payroll for the period 04/09/17 through 04/22/17. Motion carried without a negative vote.

CONSIDER LICENSE APPLICATIONS

Motion made by Council Member O'Keefe, seconded by Council Member Czarnecki, to authorize the issuance of new Operator's Licenses for period ending June 30, 2018 to:

Wendy S. Bolz

Alex M. Hauschel

Tyler T. Schemenauer

and renewal Operator's Licenses for period ending June 30, 2018 to:

Emma M. Allison

Hannah C. Aronson

Kevin J. Bachmann

Deborah Bath

Lisa F. Bender

Lindsey J. Berndt

Michael C. Besaw

Nan J. Bolker

Caitlyn C. Burns

Abigail R. Carpenter

Pamela M. Caserta Hugdahl

Annette L. Chiddister Woods

Christine Christon

Joel M. Christophersen

Andrew W. Conley

Bill W. Conley

Megan T. Czisny

Mary E. Dolezal

Tricia A. Dooley

Monica J. Dorsey

Shelley M. Doxtator

Gordon K. Dreblow

Jonathan P. Dunne

Eric W. Engstrom

Suzanne V. Ernst

Judi K. Even

Robert J. Flom

Kathlyn T. Geracie

Blaine E. Gibson

Daniel D. Gogin

Kim M. Gordon

Eric E. Grassel

Jeremy M. Gruenweller

Christopher S. Haywood

Andrew W. Heidtke

Gerald J. Henning

Jill Hepburn

Sarah L. Hepburn

Leslie E. Heppe

Bradley J. Herian

James M. Hintz

Elizabeth D. Hoffman

Teri Jackson

Matthew C. Jackson

Kristin V. Kamke

Mikayla F. Keough

Charles A. Kison

Nekana L. Kitzerow

Bruce K. Knutson

Shannon M. Kolbach

Bruce A. Krenzke

Shirley K. Krenzke

Daniel W. Kropidowski

Terry B. Krueger

Pamela S. LaBouve

Diane M. Lane

James A. Lee

Dennis H. Loberger

Karissa J. Mathias

Brandon J. McCarthy

Cheyenne C. McDaniel

Saul Benjamin Morales McQuaid

Jason D. Mutza

Sharon L. Nelson

Richard H. Nielsen

Daniel S. Pals

Sheryl L. Pals

Maureen M. Peck

David J. Polacek

Krystal L. Poppe

Bryan J. Price

Nicholas J. Rech

Kenneth W. Reid II

Ronald H. Reimer

Troy D. Reissmann

Erin A. Riley

Mark D. Roberts

Ann M. Ruska

Elizabeth M. Sattler

Rhyann E. Schottler

Susan E. Schrader

Alan M. Schroeder

Richard S. Siefert

Jean M. Snow-Lambo

Steven K. Stauske

Julie M. Streicher

Laura M. Struebing

Gene Szudrowitz

Jeff M. Theisen

Jodie E. Thierfelder

Scott R. Thomas

Clayton A. Tietz

Kelly E. Timple

Karie L. Todd

Gerald E. Truchan

Abby M. Tucholka

Richard L. von Trebra

Frank N. Vroman

Clarey Wamhoff

Larry D. Weidmann

Patrick R. Weyer

Jeffrey A. Wrobbel

John E. Zarling

Motion carried without a negative vote.

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to approve new Operators License applications for the period ending June 30, 2017 for Elizabeth A. Albers, Kimberly R. Eggleston, Diane M. Lane, and Saul Benjamin Morales McQuaid. Motion carried without a negative vote.

Motion made by Council Member Thome, seconded by Council Member O'Keefe, to issue a 6-month Class B Beer license to C. Wiesler's Inc., Michael G. Jackson, Agent, for the Cedar Creek Park Concession Stand, N52 W5925 Portland Road from May 8, 2017 to November 8, 2017. Motion carried without a negative vote.

ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes stated that she has received her third Treasurer's renewal certification (15 years).

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Verhaalen encouraged the Common Council to stop by or participate in Mel's Charity bowling event at Cedar's III on May 13, as he is sponsoring two teams.

MAYOR'S REPORT

Mayor Kinzel issued a Proclamation for Older Americans Month – May.

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Thome, seconded by Council Member O'Keefe, to adjourn to closed session at 9:37 p.m. pursuant to State Statutes 19.85(1)(g) to confer with legal counsel for the Council who is rendering oral or written advice concerning strategy to be adopted with respect to litigation in which it is or is likely to become involved, mores specifically, to discuss the Prochnow Landfill. Approval of closed session minutes of 04/18/17 and 04/25/17. Motion carried unanimously on a roll call vote.

RECONVENE TO OPEN SESSION

Motion made by Council Member Dieffenbach, seconded by Council Member Arnett, to reconvene to open session at 10:02 p.m. Motion carried unanimously on a roll call vote.

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Thome, to adjourn the meeting at 10:03 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk