

**CITY OF CEDARBURG
COMMON COUNCIL
January 30, 2012**

CC20120130-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, January 30, 2012 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Myers called the meeting to order at 7:00 p.m.

ROLL CALL: Present - Common Council: Mayor Gregory P. Myers, Council Members Chris Reimer, Art Filter, Paul Radtke, Michael Maher, Douglas Yip

Excused - Council Members Ron Reimer and Bob Loomis

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, City Clerk Constance McHugh, City Planner Marty Marchek, Economic Development Coordinator Mary Sheffield, Plan Commissioners Brook Brown and Joe Emmerich, Landmarks Commissioners Judy Jepson and Tom Kubala, Architect Don Stauss, Mayoral Candidate Kip Kinzel, 7th District Council Member Candidate Michael O'Keefe, 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.

APPROVAL OF MINUTES

Motion made by Council Member C. Reimer, seconded by Council Member Maher, to approve the minutes of the January 9, 2012 meeting. Motion carried unanimously with Council Members R. Reimer and Loomis excused.

CONSIDER MAYOR MYERS APPOINTMENT OF BOB CARROLL TO THE BOARD OF REVIEW TO FILL THE VACANCY CREATED BY THE RESIGNATION OF PETER HERKOWSKI

Motion made by Council Member Radtke, seconded by Council Member Filter, to approve Mayor Myers' appointment of Bob Carroll to the Board of Review, with the term to expire April 2014. Motion carried unanimously with Council Members R. Reimer and Loomis excused.

**CONSIDER APPEAL FROM GREG ZIMMERSCHIED OF THE PLAN COMMISSION'S
DECISION NOT TO ISSUE A CERTIFICATE OF APPROPRIATENESS FOR THE
BUILDING LOCATED AT W63 N680 WASHINGTON AVENUE**

Council Member C. Reimer made a motion to approve a Certificate of Appropriateness (COA) for the proposed remodeled building located at W63 N680 Washington Avenue. The motion was seconded by Council Member Radtke.

The Plan Commission failed to approve a COA at its November 7, 2011 meeting and the prospective buyer of the property, Greg Zimmerschied, is appealing that decision.

Council Member C. Reimer said the Plan Commission discussed the proposed project at length although did not issue a COA on a 2-5 vote. The Landmarks Commission, however, voted in favor of the project on a 6-1 vote. Council Member C. Reimer said the proposed project is a nice compliment to the Rivoli Theater and a great project overall. He said it will be a benefit to get rid of the Car Maid site. He said the current building is an eyesore compared to the rest of the buildings in the downtown.

The purpose of the proposed building is to house a restaurant. Council Member C. Reimer further stated that this is the type of business that is needed in the downtown; it will generate foot traffic, and can be used in conjunction with the Creek Walk. He said that he is glad that someone is willing to take a gamble in buying and remodeling a property in this economy.

Mayor Myers said that he voted against this proposal at the Plan Commission. He agrees the current property is not particularly attractive but is in a prime location. He said the proposal as presented does not meet the criteria as to what Cedarburg has become over the last several years. He said there should be a very thought-out decision as to what goes on this property, and any building should compliment the historic downtown.

Mayor Myers said the Council received a letter from Ed Rappold, who is known as a historian of Cedarburg. Mr. Rappold stated that the requested building would be fine on the south side of town, but not in the historic district. Mayor Myers said that he respects Mr. Rappold and his dedication to preservation in this community. He said Mr. Rappold's opinion weighs heavily on him. Any building that goes on the property should enhance the community and the historic district.

Council Member C. Reimer said the Council received letters from residents in support of the proposed project, and those opinions weigh heavily with him. He said he believes this is the right thing for the community.

Planner Marcheck mentioned that the property is currently being used as a vehicle service center and is a non-conforming use. If the use lapses for more than 12 months, it is automatically discontinued. Service centers are not allowed in the B-3 District.

Paul Hayes, N63 W5795 Columbia Road, said that Mr. Zimmerschied wants to buy the property and replace the present building with a white concrete stucco and glass block structure reminiscent of a 1920s to 1930s all-white service station, complete with a bright tower of glass block. The building appropriately could house a restaurant or small retail establishment.

Mr. Hayes said he and his wife think the idea is inspired and that the building could not fit more closely into the theme of historic Cedarburg. They have heard criticism of the building that it does not conform to the turn-of-the-century look of Washington Avenue. Their response is that only a minority of the buildings on Washington Avenue meet that test today and least of all the dreary little building the new building would replace.

Mr. Hayes said the fact is that buildings along Washington Avenue date from all eras since pioneer days. Even those that were built around the turn of the century reflect widely differing styles and materials. Styles include Queen Anne, Victorian, Italianate and a blend of these; quarried and dressed limestone to rubble-stone. There are beautiful, valued and interesting buildings from the 1920s and 1930s, including the terra-cotta Armbruster Jeweler, the red-roofed Wadham service station (now Pagoda jewelry), and the recent, successful entry to the living museum of architectural diversity – the Rivoli Theater.

Mr. Hayes further stated that a popular attraction on Washington Avenue is the Kuhfuss House historical museum, which by itself is a symbol that architecture changes with taste and technology. The oldest part of the building represents true pioneer Cedarburg, dates from 1848, the year of Wisconsin statehood. From time to time other rooms with other uses reflecting changing lives, technology and rising levels of comfort were added in the 1860s, the 1930s and the 1950s. This in a nutshell is the lesson of Washington Avenue. The City did not petrify with changing times but kept up with them. The street is rich with diversity.

Mr. Hayes said the diverse styles do not clash with one another but just the opposite – they complement one another. Change is the theme of the Kuhfuss house. Furthermore, one of the most photographed and painted scenes in Cedarburg is the red-roofed Wadham Pagoda seen in contrast against the sturdy five-story stone Hilgen Schroeder Mill of 1855, one of the stunning architectural sights in Wisconsin.

Mr. Hayes went on to say that another reason to support his project is because Greg Zimmerschied and his architect Don Stauss are not out-of-town investors, absentee landlords, or commercial franchises. They are local citizens who deeply care about Cedarburg. The community can expect from Mr. Stauss the same quality of work that he has put into the designs of other Cedarburg homes and commercial buildings. Given these facts and this bold venture in a tough economy, Mr. Hayes said they cannot conceive that the proposal will not receive the City's whole-hearted support.

Tom Kubala, Cedarburg resident and Landmarks Commission member, said the Landmarks Commission overwhelming voted to approve the project for many reasons. He said the inclusion of 1930s diners have had a great impact in other cities.

Steve Banas, W58 W438 Hilbert Avenue and owner of the 140 year old property next door to this site, said he disagrees with the suggestion made as to what makes the property valuable. He heard at the Landmarks Commission meeting that the new building will be better than what is there now. He said he disagrees and feels the proposed building does not do justice to Cedarburg. He agrees the property needs improvement, but doesn't agree with the proposed style and materials of the building. He said the building as proposed does not complement the historic district.

Mr. Banas asked the Common Council to uphold the Plan Commission's decision not to issue a COA. He said there are many other ideas for this property. The current plan does not come close to using or taking advantage of the Creek Walk.

Council Member Yip asked Mr. Banas if other owners along the Creek Walk have put forth plans as to what they are doing along the Creek Walk.

Mr. Banas said there are unlimited opportunities for the area facing the Creek Walk. This property could be a mixed use property or have a storefront facing the creek. He said he has 6,000 square feet in back of his building and he is working on ideas to take advantage of the Creek Walk.

Council Member C. Reimer said that businesses should not be held hostage to the Creek Walk. He said the Creek Walk should not be part of this discussion at all.

Mr. Banas said that development that highlights the Creek Walk is necessary.

Council Member Radtke said he supports the Creek Walk and hopes that in time there are storefronts on both sides. He said the ad hoc Downtown Master Plan Committee heard from owners along the Creek Walk who were concerned about the City requiring them to incorporate the Creek Walk.

Mayor Myers said the Plan Commission has the authority to approve site plans. He said it would be poor planning not to have new developments take advantage of the Creek Walk.

Council Member Filter said that according to the information that was given to the Council, the basis for approval is that no alternations shall be permitted in the historic district that would tend to destroy or impair the particular character and quality of the historic district. He said the Creek Walk has nothing to do with this.

Ruth Cook, W64 N649 Hanover Avenue, expressed concern and objection to the proposal. She said it is not compatible with the surrounding buildings in the downtown area. She said the Council is charged with the responsibility of maintaining the highest standard of historic preservation in Cedarburg. She encouraged the Council to reject the proposal. She asked the Council to think about what brings people from all over the world to Cedarburg.

Economic Development Coordinator Mary Sheffield said the use of the Creek Walk is tenant driven. She is it is hard to determine how a space or development will use the Creek Walk when a tenant is not known.

Brook Brown, N25 W5060 Hamilton Road and Plan Commission Member, presented a slideshow of the surrounding area and buildings. He said this request deserves serious attention as there are only three sites left in the historic district that remain developable. Mr. Brown said this proposal adds nothing to the Cedarburg area. He said this is not preservation or restoration but basically a new building. Two windows will remain the same and the rest of the building will change. Glass block has no history in downtown Cedarburg.

Mr. Brown said that his concern for this project is that the proposed structure would distract from the historic district rather than add to it. These are his reasons: 1) the age of the pivotal buildings around the area as shown in his slide presentation; 2) there has never been a gas station like that in the historic district or anywhere in Cedarburg; 3) rather than enhance the historic district, it diminishes the character of that part of the City. A 1930's/1950's retro gas station-like design does not fit in downtown Cedarburg; 4) the proposal is a new building. It is not a restoration or reconstruction of what was there. It is a contemporary design of a non-existent reminiscent service station; 5) he believes the historic district deserves something more in keeping with the surrounding composition; and 6) the basis of approval states that no alterations shall be permitted that would tend to destroy or impair the character and quality of the historic district or architectural interest. He encouraged the Council to reject the proposal as it would be a travesty to change a building into something that does not fit.

Joe Covert, owner of the building, said if he doesn't sell the building to Mr. Zimmerschied it will remain as a car repair shop. He said he lost a tenant of 20 years because of the Creek Walk.

Mr. Hayes said the former tenant maintained an eyesore for 20 years. The City will get another eyesore for 20 years if the proposal is not approved.

Council Member C. Reimer said that if this proposal does not go through, it is fair to tell people that Cedarburg is open for business, but any development must look like the 1870s.

Council Member Radtke said that developers propose ideas and the Council, as stewards of the community, have a responsibility to keep what is most important to the community. That is obviously the historic district. The Council cannot just pick and choose what it wants where. History didn't stop in the 1870s. The Rivoli was a department store originally and that building was changed. He doesn't think there is anyone in the community saying that restoration should not have been done. The Landmarks Commission is a dedicated Commission and approved the project. He thinks this project will be a good one for the City.

Mayor Myers said that the Plan Commission never stated this development needs to be an 1870s type building, only that it needs to complement other downtown buildings.

Council Member Yip said he is a member of the Landmarks Commission. He said the Commission knew the proposal was different but did not think it was gaudy. The Commission felt it would be a good addition to the downtown. From his perspective, it is a good architectural building; it will have a good contrast to other buildings in the historic district, and will look well in the downtown.

Council Member Maher said he has taken a lot of calls and spoken to a lot of people about this proposal. In the book entitled "Sketches of Cedarburg" there is a summary of the 19 different architectural styles in the City. He said there are clashes and contrasts all over the City, and this is what makes Cedarburg an unique place. Council Member Maher said the project is one that will bring people to the downtown. He said he would like to see more people that live in Cedarburg go downtown.

With Council Members C. Reimer, Filter, Radtke, Maher and Yip voting aye and Council Member R. Reimer and Loomis excused, the motion to approve a Certificate of Appropriateness (COA) for the proposed remodeled building located at W63 N680 Washington Avenue carried unanimously.

CONSIDER REQUEST FROM THE CEDARBURG MERCHANTS ORGANIZATION TO CLOSE WASHINGTON AVENUE FROM CLEVELAND STREET TO COLUMBIA ROAD ON 5/30/12 FROM 5 P.M. TO 9 P.M. FOR A BLOCK PARTY

Council Member Filter made a motion to grant the request from the Cedarburg Merchants Organization to close Washington Avenue from Cleveland Street to Columbia Road on 5/30/12 from 5 p.m. to 9 p.m. for a Block Party. The motion was seconded by Council Member Maher.

Council Member Filter asked if the business owners and residents in the area have been notified of this event.

Robin Dworak of the Cedarburg Merchants Organization said that if the request is approved business owners and residents will be notified.

Council Member Radtke said he spoke to Director Wiza about this proposal. Director Wiza indicated that he is comfortable with the closing as long as Columbia Road is open. Council Member Radtke said he thinks this is a great idea.

Economic Development Coordinator Sheffield thanked the Merchants Organization for putting this together.

Christine Hage, Executive Director of the Chamber of Commerce, said that last year part of Washington Avenue was closed off for a Japanese Drummers event and it was very successful.

With Council Members C. Reimer, Filter, Radtke, Maher, and Yip voting aye and Council Members R. Reimer and Loomis excused, the motion carried unanimously.

PAYMENT OF BILLS

Motion made by Council Member C. Reimer, seconded by Council Member Yip, to approve the payment of the bills for the period 1/5/12 through 1/18/12, ACH transfers for the period 1/4/12 through 1/27/12, and payroll for the period 1/8/12 through 1/21/12. Motion carried unanimously with Council Members R. Reimer and Loomis excused.

LICENSE APPLICATIONS

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to approve new Operator's License applications for the period ending June 30, 2012 for Ashley N. Gorski and Patrick Riley. Motion carried unanimously with Council Members R. Reimer and Loomis excused.

Motion made by Council Member Radtke, seconded by Council Member C. Reimer, to issue a Festivals License to the Festivals of Cedarburg, Inc. for Winter Festival to be held on February 4,

2012 from 8:00 a.m. to 10:00 p.m. and February 5, 2012 from 8:00 a.m. to noon. Motion carried unanimously with Council Members R. Reimer and Loomis excused.

CITY ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes said the 2012 budget book has been prepared and distributed to Council Members and staff.

She introduced Michael and Susan Lucas to the Council. Michael shadowed her for a few hours last week and is preparing a paper for a class at University School.

ADJOURNMENT

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to adjourn the meeting at 8:12 p.m. Motion carried unanimously with Council Members R. Reimer and Loomis excused.

Constance K. McHugh, MMC/WCPC
City Clerk