

**CITY OF CEDARBURG
COMMON COUNCIL
January 12, 2015**

**CC20150112-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, January 12, 2015, 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 Czarniecki, Art Filter, Mitch Regenfuss, Patricia Thome, Mike O'Keefe

Excused - Council Members Ron Reimer, Paul Radtke

Also Present - City Administrator/Treasurer Christy Mertes, City Attorney Michael Herbrand, Deputy Clerk Amy Kletzien, Director of Engineering and Public Works Tom Wiza, City Clerk Constance McHugh, City Planner Jon Censky, Library Director Linda Pierschalla, Library Board Member Steve Ruggieri, Mayoral Candidate John Kuerschner, 4th District Alderperson Candidates Brook Brown and Rick Verhaalen, 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 Filter, seconded by Council Member O'Keefe, to approve the minutes of the December 8, 2014 meeting as presented. Motion carried without a negative vote with Council Members Reimer and Radtke excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS

NEW BUSINESS

UPDATE BY LIBRARY BOARD MEMBER STEVE RUGGIERI ON THE JOINT COUNTY LIBRARY SERVICE PLAN 2016-2020 AND CONSIDER SUPPORT OF THE PLAN; AND ACTION THEREON

As chair of the Joint Ozaukee and Sheboygan County Library Planning Committee, Steve Ruggieri explained their final report to the Common Council and asked for their support by sending a letter to

County Board Chairman Schlenvogt and the Ozaukee County Board of Supervisors endorsing the entire plan as written and to personally call the Supervisor that represents each Council Member.

Mr. Ruggieri stated that the Cedarburg Public Library budget has a line item in its revenue side that comes from Ozaukee County. That amount is a direct result of a previous library service plan written five years ago. It called for a reimbursement rate of 85% from the library customers that do not live in a community that directly supports a library. This rate represents only library books, DVDs and any other items available to be checked out with a library card, based only on the operating costs of that visited library. The residents of these municipalities are referred to as non-librarians. These customers get to use all the programs, services, computers, free Wi-Fi, reference help and technological training for equipment, just as the Council's constituents do without any reimbursement to the library. Libraries provide these services to all customers. It is the municipalities that support libraries that are responsible for all the capital expenses. The new Cedarburg Public Library is experiencing a 30% increase in usage overall. The Town of Cedarburg has doubled its checkouts. With the increase of the reimbursement rate that this plan calls for, libraries will have the ability to do the upgrades to meet the demands of its customers and protect the safety of their computer infrastructure for all customers regardless of where they live. This goes for accessing Library computer networks, databases and research in the Library at home. The books being requested through Easicat, the computer database, from the non-librarian residents that wish to pick these items up at their preferred library is roughly 19% of all items delivered to libraries. Last year the total amount of items shuffled through the system of 13 libraries and a bookmobile was over 1 million items at a cost of .06 of each item, each way. The other item that will have an impact on the Cedarburg Public Library is the non-librarian communities continued support of the bookmobile. The bookmobile does not cost the City of Cedarburg taxpayers anything. If it is decided at the County level to no longer fund the bookmobile, the Cedarburg Public Library will have an immediate increase in expenses of over \$1,100 per year. Bookmobile funding by the non-librarian communities helps to pay portions of the administrative and utility expenses incurred by the Eastern Shores Library System, which is charged by the two counties to operate the bookmobile. The bookmobile is a library, while it is on wheels, that pays an equal share in costs to maintain the shared technologies and services all libraries have to pay to the system.

Mr. Ruggieri explained that the five year plan includes the goal of 100% reimbursement to libraries for service to non-residents from non-librarian areas. Currently, the Cedarburg Public Library is reimbursed from these areas at 85% of the cost of service. The request is to increase reimbursement by small percentages over a period of years, reaching 90% in 2020. Service cost is determined by the number of items checked out by non-residents from non-librarian areas along with the operation cost to run the library and then 85% of that cost is paid for by the non-librarian municipality and sent to the librarian municipality.

In answer to Mayor Kinzel's question, Steve Ruggieri stated that a letter will be sufficient in expressing the City's support of the plan.

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to support the final report of the Joint Ozaukee and Sheboygan County Library Planning Committee by sending a letter of support to Ozaukee Board Chairman Lee Schlenvogt and the Ozaukee County Board of Supervisors. Motion carried with Council Member Czarnecki, Regenfuss, Thome and O'Keefe

voting in favor, Council Member Filter voting present and Council Members Reimer and Radtke excused.

CONSIDER INTERGOVERNMENTAL AGREEMENT BETWEEN OZAUKEE COUNTY AND THE CITY OF CEDARBURG REGARDING THE COUNTY-WIDE PURCHASE OF VOTING EQUIPMENT; AND ACTION THEREON

City Clerk McHugh stated that Ozaukee County has proposed purchasing replacement optical scan voting equipment. The County will purchase two pieces of equipment for the City, with the City being responsible for some costs. The County is asking the City to enter into an Intergovernmental Agreement, which most of the communities have signed as of last week. It is a good arrangement and agreement.

In answer to Mayor Kinzel's question, City Clerk McHugh stated that a minimal amount has been budgeted for training, programming, maintenance costs and possible replacement of a HAVA machine. The majority of the costs will be paid for by the County.

Motion made by Council Member Filter, seconded by Council Member Czarnecki, to approve an Intergovernmental Agreement between Ozaukee County and the City of Cedarburg regarding the County-wide purchase of voting equipment.

In answer to Council Member O'Keefe's question, City Clerk McHugh stated that the City needs to provide a HAVA machine under Federal law. It is being decided whether the existing HAVA machine can be used or if a new one needs to be purchased. The County will not pay for a new piece. Money has been budgeted for this.

Motion carried without a negative vote with Council Members Reimer and Radtke excused.

CONSIDER SUPPORTING AN AMENDMENT TO THE SANITARY SEWER SERVICE AREA BOUNDARY TO TRANSFER AN APPROXIMATE 3 ACRE PARCEL ON THE NORTH SIDE OF COLUMBIA ROAD TO THE VILLAGE OF GRAFTON SEWER SERVICE AREA; AND ACTION THEREON

Director Wiza explained that this item is a reaffirmation of previous support through Resolution 2007-27 that requested the transfer of this three acre parcel to the Village of Grafton sewer service area. Because nearly eight years have passed, SEWRPC has requested the City reaffirm their support for the transfer. The original request was not approved by SEWRPC because it included substantial amounts of land that were in the Town and it became controversial. Currently, the Village of Grafton has separated this section of property and asked for a specific amendment request just for these three acres.

The parcel is on Columbia Road at the Pine Ridge Condominium entrance, immediately west of Sendik's in the Village of Grafton. Director Wiza stated that the City of Cedarburg could not serve this area with our infrastructure by gravity. He does not see a downside to this agreement.

Motion made by Council Member Thome, seconded by Council Member Czarnecki, to support an amendment to the sanitary sewer service area boundary to transfer an approximate 3 acre parcel on the north side of Columbia Road to the Village of Grafton sewer service area. Motion carried without a negative vote with Council Members Reimer and Radtke excused.

CONSIDER ORDINANCE NO. 2015-01 AMENDING SECTION 10-1-27 OF THE MUNICIPAL CODE TO PROHIBIT PARKING ON THE NORTH SIDE OF BRIDGE ROAD FROM THE EASTERLY CURB LINE EXTENDED ON FRANKLIN AVENUE TO A POINT 72 FEET TO THE EAST; AND ACTION THEREON

Director Wiza stated that this item was considered by the Public Works and Sewerage Commission on December 11, 2014 and they recommended that two parking spaces be eliminated on the north side of Bridge Road immediately east of Franklin Avenue because this area creates a sight distance problem. There are similar situations throughout the City; however, the Commission was in favor of the amendment due to the big hill on Bridge Road that adds to the difficulty of seeing cars coming up the hill. Staff also agrees with this action. Since this ordinance was initiated, there has been an accident at this intersection.

Council Member Czarnecki stated that he received a request to prohibit parking on the north side of Bridge Road immediately east of the intersection with Franklin Avenue. The concern is with the inability of motorists exiting Franklin Avenue to see around parked vehicles. The steep incline on this section of Bridge Road also contributes to the problem. Council Member Czarnecki spoke with Police Chief Frank and he is not opposed to this action.

Mayor Kinzel stated that the Public Works and Sewerage Commission Members are cautious when making these decisions with the current parking issues. This was thoroughly discussed and unanimously agreed upon by the Commission.

Motion made by Council Member Czarnecki, seconded by Council Member Regenfuss, to adopt Ordinance No. 2015-01 amending Section 10-1-27 of the Municipal Code to prohibit parking on the north side of Bridge Road from the easterly curb line extended on Franklin Avenue to a point 72 feet to the east. Motion carried without a negative vote with Council Members Reimer and Radtke excused.

CONSIDER AUTHORIZING THE HIRING OF A PUBLIC WORKS SUPERINTENDENT TO FILL A PENDING VACANCY; AND ACTION THEREON

Director Wiza has accepted Jeff Boerner's resignation with sadness and cannot say enough about his contributions to the City, as he put everything into his job. Jeff leaves with 29 years of service to the City and he will not easily be replaced. Citizens do not realize the services that he provided so seamlessly ranging from Festivals to snow plowing and day-to-day operations. It may be difficult to redistribute some of these duties and not miss anything. There may a short-term drop off of quality services.

Director Wiza explained that this position is extremely critical to the operation of the Public Works Department and the City will need to find a replacement as soon as possible. Jeff Boerner's last day

is February 6 and he is asking for authorization to begin the process of hiring a Public Works Superintendent.

Council Member Filter expressed appreciation for Superintendent Boerner's hard work.

Motion made by Council Member Filter, seconded by Council Member Czarnecki, to authorize the hiring of a Public Works Superintendent to fill a pending vacancy. Motion carried without a negative vote with Council Members Reimer and Radtke excused.

CONSIDER ORDINANCE NO. 2015-02 AMENDING SEC. 15-1-14 THROUGH 15-1-17 OF THE CODE OF ORDINANCES TO USE THE SECRETARY OF INTERIOR STANDARDS FOR HISTORIC PRESERVATION AS CRITERIA FOR BUILDING RESTORATIONS AND/OR REHABILITATION IN THE WASHINGTON AVENUE HISTORIC PRESERVATION DISTRICT AND DESIGNATE HISTORIC PROPERTIES OUTSIDE THE DISTRICT; AND ACTION THEREON

City Planner Censky explained that consideration of this ordinance is before the Council for two reasons.

1. The ordinance serves to adopt by reference the Secretary of Interior (SOI) Standards for Restoration and Rehabilitation on Historic sites and will provide basic guidelines to help ensure proper preservation and practices and consistency in decision making when dealing with historic structures.
2. The ordinance serves to reference historically designated structures that are located outside the downtown historic district. Cedarburg has a number of these that have been designated and are scattered throughout the City and these changes with this ordinance will ensure that they are treated as intended when they were originally designated, which is the same as all historic structures in the downtown area.

The SOI standards are divided into four categories or approaches for the treatment of historic sites. These approaches include in order of importance: Preservation, Rehabilitation, Restoration, and Reconstruction. These are Federal guidelines which are used by Landmark Commissions throughout the Country to help define among other things the use of appropriate replacement material when existing material is so far gone that it is not salvageable. They establish restoration standards and guidelines to be used for reconstruction, renovation and restoration of historic structures. This will provide a wealth of information to the Landmarks Commission to help them in making their decisions when dealing with historic restorations.

The ordinance was drafted by the Landmarks Commission and reviewed by the Plan Commission with unanimous approval from both Commissions as presented.

Council Member Filter expressed concern for the Landmarks authority to change or not change a designated site.

Planner Censky explained that these are guidelines which will not change the standards but will be used in their decisions.

In answer to Council Member Filter's question, Planner Censky stated that it is the Commission's discretion to follow to the letter of law when making a decision. If an applicant's restoration or renovation includes tax credits, then they are bound to follow those guidelines to the tee. If tax credits are not involved then the SOI Standards are used as guidelines to help the Landmarks Commission make their decisions.

Council Member Filter expressed concern for treating everyone equally.

Mayor Kinzel stated that the Landmarks Commission has approved the use of SOI standards because it will allow them to take some of the objectivity out of the equation.

Planner Censky stated that the Landmarks Commission will still have judgment decisions. Anytime there is judgment there is a potential for different decisions being made for different situations. The Federal Government put a lot of effort into creating the standards and they are there for communities to use.

Council Member Thome made reference to the decision that was made by the Plan Commission to allow new materials to be used on a renovation rather taking the recommendation of the Landmarks Commission to reuse or refurbish the original materials once new information was presented. Commissioner Tom Kubala supported using the SOI Standards because he uses them in his profession and thinks very highly of them.

In answer to Council Member Czarnecki's question, Planner Censky explained that properties with historic designation outside of the historic district are aware of this designation because the property is registered through the Register of Deeds office and they are given this information when the property is sold. There are only a handful of these properties outside of the historic district.

Motion made by Council Member Thome, seconded by Council Member O'Keefe to adopt Ordinance No. 2015-02 amending Sec. 15-1-14 through 15-1-17 of the Code of Ordinances to use the Secretary of Interior Standards for Historic Preservation as criteria for building restorations and/or rehabilitation in the Washington Avenue Historic Preservation District and to designate Historic properties outside the District. Motion carried without a negative vote with Council Members Reimer and Radtke excused.

CONSIDER RESOLUTION NO. 2015-01: LEAGUE OF WISCONSIN MUNICIPLAITIES PARTNERSHIP FOR PROSPERITY: AN AGENDA FOR A COMPETITIVE 21ST CENTURY WISCONSIN; AND ACTION THEREON

Mayor Kinzel expressed concern for the ability to raise taxes higher than what is currently in place in regard to restraints from the State and enacting a regional transportation authority enabling legislation. This would be done by enacting legislation similar to the 2009 Assembly Bill 282/Senate Bill 205, authorizing local governments to create RTAs with ability to levy a sales tax to raise sufficient revenue to finance both road and transit capital costs and operations. He cautioned that this is usually a non-elected Board that has a wide range of powers to increase taxes. He would like to see local, State and County Boards review this rather than having separate taxing entities.

No action was taken on this item.

CONSIDER MAYOR KINZEL'S APPOINTMENT OF SARAH MERRILL TO THE COMMUNITY POOL COMMISSION; AND ACTION THEREON

Motion made by Council Member O'Keefe, seconded by Council Member Czarnecki, to accept Mayor Kinzel's appointment of Sarah Merrill to the Community Pool Commission. Motion carried without a negative vote with Council Members Reimer and Radtke excused.

PAYMENT OF BILLS

Motion made by Council Member Filter, seconded by Council Member O'Keefe, to approve payment of bills for the period 12/03/14 through 12/30/14, ACH transfers for the period 12/02/14 through 01/10/15, and payroll for the period 11/23/14 through 01/03/15. Motion carried without a negative vote with Council Members Reimer and Radtke excused.

LICENSE APPLICATIONS

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to authorize the issuance of a new Operators license for the period ending June 30, 2015 to Molly M. Ryan. Motion carried without a negative vote with Council Members Reimer and Radtke excused.

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to authorize the issuance of a renewal Operators license for the period ending June 30, 2015 to Madeline R. Crass. Motion carried without a negative vote with Council Members Reimer and Radtke excused.

ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes reported that Attorney Gregg Gunta made a presentation on the role of the Police & Fire Commission/legal review at the Police & Fire Commission meeting on January 8. As a result, some changes will be made to reflect how the Fire Department is a formal Department of the City.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS - None

MAYOR'S REPORT

Mayor Kinzel issued a Proclamation for National Crossing Guard Week, January 12 – 16, 2015.

ADJOURNMENT

Motion made by Council Member Filter, seconded by Council Member O'Keefe, to adjourn the meeting at 7:41 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk