

**CITY OF CEDARBURG
COMMON COUNCIL
February 11, 2008**

CC20080211-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, February 11, 2008 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Myers called the meeting to order at 7:02 p.m. The meeting began with a moment of silence followed by the Pledge of Allegiance.

Roll Call: Present – Common Council – Mayor Gregory P. Myers, Council Members Chris Reimer, Haly Besaw, Paul Radtke, Sandra Beck, Kip Kinzel, Robert Loomis

Excused - Council Member Glamm

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Deputy City Clerk Amy Kletzien, City Planner Jon Censky, City Assessor Cathy Timm, Assistant Fire Chief Jeff Vahsholtz, Library Director Mary Marquardt, Jt. Library Board President Sue Karlman, Alex Ramsey and Maggie Pipek of Engberg Anderson Design Partnership, 5th District Candidates Michael Maher, John Pretty and Patricia Thome, 7th District Write-in candidate Amy Goyette, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor Myers' 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 had requested copies, and by posting in accordance with the Wisconsin Open Meetings Law. Citizens present were welcomed and encouraged to provide their input during the citizen comment portion of the meeting.

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

Motion made by Council Member Reimer, seconded by Council Member Radtke, to appoint Allison Hanson as a member of the Landmarks Commission, term to expire April 30, 2009. Motion carried without a negative vote with Council Member Glamm excused. Deputy City Clerk Kletzien administered the oath of office to Ms. Hanson.

APPROVAL OF MINUTES

Motion made by Council Member Beck, seconded by Council Member Loomis, to approve the minutes of the January 28, 2008 meeting as corrected on the third page, second to last paragraph, Council Member Radtke said that having another company host the data for the City makes a lot of

sense if they have a good hosting partner. Motion carried without a negative vote with Council Member Glamm excused.

REPORTS OF BOARDS, COMMISSIONS & COMMITTEES - None

COMMENTS & SUGGESTIONS FROM CITIZENS - None

UNFINISHED BUSINESS – None

CONSIDER RESOLUTION NO. 2008-04 APPROVING THE DISCONTINUANCE (VACATION) OF A 7 FOOT BY 167.83 FOOT STRIP OF PUBLIC RIGHT-OF-WAY ALONG THE NORTH LINE OF CERTIFIED SURVEY MAP NO. 3598 AT THE SOUTHEAST CORNER OF KEUP ROAD AND COVINGTON SQUARE

City Planner Censky stated that Mr. Uselding is requesting that the 7 feet along his frontage be discontinued and transferred back to the property from which it was taken. In February 2006, Certified Survey Map No. 3598 was approved and recorded, resulting in the division of an existing 57,064 square foot lot at the southeast corner of Keup Road and Covington Square into two parcels. The original road reservation was for the extension of Falls Road to Keup Road, which was eliminated. The 40-foot wide strip represents the south half of the Covington Square East right-of-way and when combined with the north half, results in a total width of 77 feet which exceeds the City's standard right-of-way for local streets by 7 feet. The City's standard right-of-way width is 66' (33' on either side of center). The Plan Commission unanimously recommended the discontinuation of this 7-foot wide strip of right-of-way at their January 7 meeting.

Motion made by Council Member Besaw, seconded by Council Member Kinzel, to adopt Resolution No. 2008-04 approving the discontinuance (vacation) of a 7 foot by 167.83 foot strip of public right-of-way along the north line of Certified Survey Map No. 3598 at the southeast corner of Keup Road and Covington Square. Motion carried without a negative vote with Council Member Glamm excused.

CONSIDER PUD ZONING PLAN AND PRELIMINARY PLAT AMENDMENT FOR THE SEVEN GABLES SUBDIVISION

City Planner Censky stated that MLG has recently purchased a parcel of land located along the west side of Cedar Creek. This purchase was necessary to have sanitary sewer pipe extended to this subdivision as it is directly across the Creek from the end of the sewer system in Highland Drive and lies between Cedar Creek and Seven Gables. The parcel will be transferred to the Seven Gables Subdivision Homeowners' Association when the plat is recorded. City Planner Censky stated that since this strip of land will be incorporated as open space, MLG is seeking PUD and Preliminary Plat amendment for the addition of one more lot. They are also requesting that since this is a semi-rural subdivision which includes a public pathway along the entire stretch of Cedar Creek, they be allowed to install sidewalks only along the outside of the interior street and that the bike path along Sheboygan Road meander into the subdivision and run along the interior street for a short distance and then back out to Sheboygan Road as it proceeds along the frontage of this project.

In answer to Council Member Radtke's questions, City Planner Censky stated that the zoning and location of the subdivision provides some flexibility in determining what improvements, such as sidewalks, are to be required. Also, Lot #53 is in the interior and continues to meet all of the requirements.

Motion made by Council Member Beck, seconded by Council Member Kinzel, to approve the PUD Zoning Plan and Preliminary Plat amendment for the Seven Gables Subdivision.

In answer to Council Member Besaw's question, City Planner Censky stated that there is an outlot behind lots 18, 19 and 20 that will provide an environmental corridor along the Creek for a public nature walk.

Motion carried without a negative vote with Council Member Glamm excused.

CONSIDER RESOLUTION NO. 2008-05 AUTHORIZING THE CITY OF CEDARBURG TO ENTER INTO A MUTUAL AID BOX ALARM SYSTEM (MABAS) AGREEMENT

Assistant Fire Chief Vahsholtz stated that the Fire Department is seeking to have the MABAS (Mutual Aid Box Alarm System) Agreement approved to provide for the coordination of fire protection and emergency medical services in the event of a large scale emergency, natural disaster, or man-made catastrophe. He stated that this agreement will expand the capabilities of the Fire Department and enable Ozaukee County to become a division. This system is popular in Illinois and Ohio and would benefit the Cedarburg Fire Department in the event of a large emergency situation.

Motion made by Council Member Loomis, seconded by Council Member Reimer, to adopt Resolution No. 2008-05 authorizing the City of Cedarburg to enter into a Mutual Aid Box Alarm System (MABAS) agreement.

In answer to Council Member Besaw's question, City Attorney Vance stated that she reviewed the agreement and it is very standard.

Assistant Fire Chief Vahsholtz stated that every community has the same language and rules.

In answer to Council Member Loomis' question, Assistant Fire Chief Vahsholtz stated that this agreement will broaden the scope of help available to the department. The system will provide a matrix, which will take out any guesswork when handling an emergency situation and not leave a single community stripped of all their emergency equipment when assistance is needed in other communities.

Motion carried without a negative vote with Council Member Glamm excused.

CONSIDER EPA RECORD OF DECISION RE: PLANT NO. 2 SITE AND AUTHORIZING A DECISION REGARDING ACQUIRING PLANT NO. 2 SITE FROM MERCURY MARINE

This item was not discussed because the EPA Record of Decision has not been received to-date.

CONSIDER UPDATE OF PRELIMINARY PLANS FOR NEW LIBRARY, SELLING CURRENT LIBRARY SITE, AND USING SOME OF THE FUNDS FROM THE SALE TO ENLARGE THE PROPOSED SIZE OF THE NEW LIBRARY

Mayor Myers stated that Alexandra Ramsey from Engberg Anderson Design Partnership presented a preliminary design and floor plan for the new proposed library to the ad hoc Library Architectural Design Committee. After reviewing these plans, the ad hoc Committee discussed whether 2,000 square feet could be added to the plan. The ad hoc Committee is recommending that the current library site be sold and that a portion of the proceeds be used to provide the additional square footage to the new library.

City Assessor Timm provided assessment values for the current library building using the highest and best use approach and the cost approach, which came out to the same amounts. Assessing the building as office/retail using the first floor and part of the basement it would be valued at \$1.7 million and using the first floor and no basement it would be valued at just under \$1.3 million, minus the renovations costs.

Mayor Myers stated that the decision is up to the Council; however, he canvassed Department Heads and the consensus was there is no reason to keep the building because it is in a prime location and it would be beneficial to put the property back on the tax roll.

Council Member Loomis stated that the assessed value would need to be reduced some to allow for renovation of the building. He also confirmed that the City would most likely need to fund the 2,000 sq. ft. addition until the former library is sold and this may impact the borrowing for the project.

Mayor Myers stated that the Town of Cedarburg has a 22.2% interest in the present library building and the City needs to find out if the Town is willing to contribute their portion of the sale to the new library building.

Council Member Besaw expressed concern for selling the current library building because the City may be able to benefit from developing this site for the future.

City Attorney Vance stated that the City cannot be in the business of buying and selling property.

Mayor Myers stated that the person(s) purchasing the current library will want to upgrade the building to suit their particular need.

Council Member Besaw stated that the City would have more control over the use of the present library building, if the City kept the building similar to the building on Washington Avenue and Western Road.

City Attorney Vance stated that the City will have normal controls over the use of the building.

Council Member Loomis stated that it makes sense to sell the building.

Council Member Radtke expressed concern for the future use of the present library site and the ultimate good for this area in regard to adding viability to the downtown area. He suggested that the Council step back and think this through before making a decision.

Council Member Loomis suggested that the ad hoc Downtown Master Plan Committee look at the possible sale of the present library building prior to the Common Council making a decision.

City Attorney Vance stated that the Council can decide on the proper zoning for the site.

Mayor Myers stated that if the building is used as an office building it would bring more people to the downtown area during the day.

Council Member Radtke stated that surrounding communities are planning ahead and possibly Cedarburg should think ahead to the possibilities for this area.

Mayor Myers stated that the City should not be subsidizing the building in the case that someone may want to take it down.

Council Member Kinzel stated that the building has value.

Council Member Besaw questioned whether the City should keep it for government property.

Mayor Myers stated that he is not in favor of another government building, as some buildings are currently underutilized.

Council Member Beck was not in favor of making a decision at this meeting.

Council Member Loomis stated that it would be helpful to be presented with some possible options for the site.

Alex Ramsey from Engberg Anderson Design Partnership presented the preliminary design and floor plan for the new proposed library to the Common Council. She stated that the current budget will build a 25,000 sq. ft. library and will include professional fees and furnishings. This design is very efficient but it will be tight with not much extra space for reading. If the building is increased to 27,000 sq. ft., it can be expanded to the south and additional bay windows and seating can be added for a more enjoyable experience for visitors.

In answer to Council Member Loomis' questions, Ms. Ramsey stated that the additional space will cost approximately \$200 per square foot. An additional \$500,000 would cover the addition along with professional fees and furnishings. Ms. Ramsey stated that it would be advantageous to add 2,000 sq. ft. at this point because it would be more difficult once the footprint is decided on.

Mayor Myers stated that due to the current timeline and circumstances the Council needs to make a decision. The new public library could be a high quality building with an additional 2,000 sq. feet of space without any added expense to the citizens of Cedarburg.

Council Member Besaw stated that it would be helpful if the Town would contribute to the Library.

In answer to Council Member Loomis' questions, Director Marquardt stated that when the original fund raising campaign took place the Friends of the Library received \$500,000 in pledges; however, they have only collected \$250,000 to-date. Jt. Library Board President Karlman added that the current budget is only using what is already collected because the drive was done awhile ago and it may be difficult to collect the remaining pledges. Director Marquardt stated that the current plan is for a 25,000 sq. ft. building for \$6.4 million, which includes impact fees.

Council Member Radtke confirmed that the City could add 2,000 sq. ft. to the plan for \$6.9 million.

Council Member Reimer stated that the Council needs to act soon in order to stay on schedule.

In answer to Mayor Myers' question, Ms. Ramsey stated that they are in the design development phase and would like to start the construction plan this week.

City Attorney Vance stated that the Council may want to talk to Director Wiza if they have any questions.

Council Member Radtke stated that the figures appear to be very conservative and he approved of the plan with the addition, which will enable people to stay and read at the library.

Council Member Kinzel stated that the City has an additional source of revenue for the addition, if the Council agrees to sell the current library building.

Council Member Loomis stated he would like to know from the Town if they would be willing to forgo their percentage of the sale of the current library building for the new library.

Ms. Ramsey reiterated that the current plan is very conservative and the footprint will not be able to be changed easily once a decision is made.

Council Member Besaw expressed concern for the increases in the library design.

Mayor Myers stated that the proceeds from the sale of the current library building would not be used if private funding becomes available.

In answer to Council Member Reimer's question, City Attorney Vance stated that the Town will be entitled to a percentage of the sale of the current Library building; however, the building is titled to the City.

Council Member Kinzel opined that the City should plan to sell the current library building. Most likely the building will not be sold immediately and whoever shows interest in the building will present their options to the City. He stated that establishing the footprint will be essential for the remediation process.

Mayor Myers stated that the current library building could be discussed at the next Plan Commission meeting to establish the zoning if sold.

Council Member Beck asked if the sale of the current library building is the only way to achieve the goal of adding square footage to the library for \$500,000.

Mayor Myers stated that the sale of the current library building will be a guarantee of the required funds for the addition if further fundraising efforts do not produce the required amount.

Council Member Beck stated that it is more likely that the new library will not be finished under budget. The question is will the City guarantee the additional \$500,000 for a 27,000 sq. ft. library.

Council Member Loomis stated he was reluctant to make this guarantee at this meeting. He wants to hear from his constituents and he would like the newspapers to do an article to reach out to the citizens of Cedarburg for their input.

Council Member Myers stated that the new library was considered by referendum two years ago and costs are going up.

Council Member Loomis stated that he personally wants to go ahead with the proposed library; however, he wants to hear the views of his constituents.

Council Members Beck and Reimer agreed.

Council Member Besaw wants Director Wiza involved in the next meeting to discuss the footprint of the proposed library building.

Council Member Beck stated that Ms. Ramsey was doing a good job in working with the City on this project.

Jt. Library Board President Karlman thanked Ms. Ramsey for being conscientious and creative during this process. She also thanked Mayor Myers and Council Member Glamm for their support. She stated that adding 2,000 sq. ft. to the building would be a gift to the residents of Cedarburg. President Karlman stated that 3,000 people used the library during a survey week and it will be a wonderful public building for the City. President Karlman stated that this is a small window of opportunity and it is possible that the City will not need to contribute the additional funds; however,

there has been a two-year lapse since the fundraising took place and it has been difficult to hold on to the pledges and the backup funding would be appreciated.

Council Member Kinzel stated that if the EPA decision is received soon he would like to have a special Common Council meeting so the project can remain on schedule.

Council Member Loomis asked for an accounting summary of the available impact fees.

Council Members Besaw and Beck stated that they liked the current library design.

LICENSE APPLICATIONS

Motion made by Council Member Kinzel, seconded by Council Member Besaw, to authorize issuance of new Operators' Licenses for the period ending June 30, 2008 to Joni M. Yench, John A. Nistor and Sally A. Anderson. Motion carried without a negative vote with Council Member Glamm excused.

CITY ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes recognized the Department of Public Works crew for working an average of 14 hours per day to keep the City streets clear for residents the past two weeks.

Mayor Myers also thanked the Public Works Department for their hard work.

COMMENTS & SUGGESTIONS BY CITIZENS - None

REPORTS & COMMENTS BY COUNCIL MEMBERS

Council Member Besaw asked for an update on the K-9 Unit at the next Common Council meeting.

Council Member Radtke stated that the Police Union has the contract for review.

Mayor Myers stated that the Council will be updated again when an agreement is reached.

MAYOR'S REPORT

Mayor Myers stated that he will not be at the February 25 Common Council meeting.

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Radtke, seconded by Council Member Reimer, to adjourn into closed session at 8:22 p.m. pursuant to Wisconsin 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 body with respect to litigation in which it is or is likely to become involved concerning the Town of Cedarburg; 19.85(1)(e) to deliberate or negotiate the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining

reasons require a closed session and 19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, more specifically union negotiations and compensation for specific employees. Approval of closed session minutes of 01/28/08. Motion carried without a negative vote with Council Member Glamm excused.

The meeting reconvened to open session at 9:00 p.m.

CONSIDER RESOLUTION NO. 2008-06 ACCEPTING THE CONTRACT WITH THE CEDARBURG POLICE OFFICERS' ASSOCIATION, LOCAL 223, THE LABOR ASSOCIATION OF WISCONSIN

Motion made by Council Member Beck, seconded by Council Member Besaw, to adopt Resolution No. 2008-06 accepting the contract with the Cedarburg Police Officers' Association, Local 223, the Labor Association of Wisconsin. Motion carried without a negative vote with Council Member Glamm excused.

CONSIDER RESOLUTION NO. 2008-07 ACCEPTING THE CONTRACT WITH THE CEDARBURG PROFESSIONAL DISPATCHERS ASSOCIATION, LOCAL 512, THE LABOR ASSOCIATION OF WISCONSIN

Motion made by Council Member Beck, seconded by Council Member Reimer, to adopt Resolution No. 2008-07 accepting the contract with the Cedarburg Professional Dispatchers Association, Local 512, the Labor Association of Wisconsin. Motion carried without a negative vote with Council Member Glamm excused.

CONSIDER COMPENSATION FOR CERTAIN NON-REPRESENTED EMPLOYEES

City Administrator/Treasurer Mertes stated that the compensation for certain non-represented employees will be discussed in open session at the February 25 Council meeting.

ADJOURNMENT

Motion made by Council Member Reimer, seconded by Council Member Kinzel, to adjourn the meeting at 9:03 p.m. Motion carried without a negative vote with Council Member Glamm excused.

Amy D. Kletzien, CMC
Deputy City Clerk