

**CITY OF CEDARBURG
COMMON COUNCIL
February 13, 2012**

**CC20120213-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, February 13, 2012 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Myers called the meeting to order at 7:00 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 C. 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, Director of Engineering and Public Works Tom Wiza, Deputy City Clerk Amy Kletzien, Police Chief Tom Frank, Police Captain Glenn Lindberg, Tim and Gayle Buege, Library Director Mary Marquardt, Library Board Members Steve Ruggieri, Art Palleon and Sue Karlman, Wastewater Superintendent Ron Clish, Joe Huberty of Engberg Anderson, Mayoral Candidate Kip Kinzel, 7th Aldermanic District Candidate Michael O’Keefe, 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 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 C. Reimer, to approve the minutes of the January 30, 2012 meeting as corrected on page 4, sixth paragraph, second sentence, changing *from owners* to *a business owner*. Motion carried without a negative vote.

COMMENTS & SUGGESTIONS FROM CITIZENS

Mal Hepburn, W62 N736 Riveredge Drive, stated that he is interested in the library project and he would like to have more time to review the report. He stated that he hoped the Common Council would not cast a vote in stone that would irreversibly move the project forward this evening.

Paul Hayes, W63 N5795 Columbia Road, stated that it has been:

- 11 years since the City, Mercury Marine, EPA and DNR proposed to dredge Columbia Mill pond in order to remove the PCB pollution. The pond has not been dredged.
- Almost that long since the City, Mercury Marine, EPA and the DNR proposed to remediate the PCB pollution from Mercury Marine’s old manufacturing site. The site has not been cleaned up.

- Almost 13 years since the City of Cedarburg proposed an industrial park north of the City. The park remains without industry.
- Almost seven years since the Town and City of Cedarburg engaged in their embarrassing and costly shared services and border dispute. The standoff continues.
- Six years since the voters of Cedarburg overwhelmingly approved a new library. There is no new library.

Now a local citizen with the vision and wherewithal to do so, Greg Zimmerschied, has proposed to replace a lump of coal on Washington Avenue with a pearl. All he needs is five votes from the Common Council tonight. The alternative is that citizens and tourists may be faced with the present eyesore for years to come. Of all the unfinished projects, the Zimmerschied Project holds more promise than any other to add interest to our precious City in a short time and at no cost to the taxpayers. He urged the Common Council to approve this project.

Steve Ruggieri, W52 N621 Highland Drive, commented on the Site Study that will be presented by Engberg Anderson. Nothing that has been done up to this point can compare to the presentation from Joe Huberty. In terms of spending \$6 million for a new library, this is a small price to pay for all of the best available sites. The process removed emotions from the evaluation and involved criteria that are important to the City of Cedarburg and highlighted the best possible site. Working through all of the strengths and weaknesses of the sites will eliminate all of the personal biases. If this recommendation that the Library Board has endorsed is approved tonight, there is no reason why groundbreaking could not start this spring.

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Filter, seconded by Council Member Radtke, to adjourn to closed session at 7:05 p.m. pursuant to State Statutes 19.85 (1)(e) to deliberate or negotiate the investing of public funds or conducting other specified public business, whenever competitive or bargain reasons require a closed session, more specifically to discuss negotiations with the Cedarburg Police Union and State Statutes 19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the Common Council has jurisdiction or exercises responsibility, more specifically to discuss compensation for the Police Chief and Police Captain and retirement benefits for a specific Police Officer. Approval of closed session minutes of the October 31, 2011 and January 9, 2012 meetings. Motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

RECONVENE TO OPEN SESSION

Motion made by Council Member C. Reimer, seconded by Council Member Yip, to reconvene to open session at 7:35 p.m. Motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

INTRODUCTION OF NEW CHILDREN'S LIBRARIAN – AMANDA SCHMIDT

Library Director Mary Marquardt introduced new Children's Librarian Amanda Schmidt to the Common Council. She began her employment on December 19 and is currently completing her

Masters Degree at the University of Wisconsin Milwaukee in Library and Information Science this May.

CONSIDER RESOLUTION NO. 2012-03 COMMENDING RETIRING POLICE OFFICER TIM BUEGE FOR HIS YEARS OF SERVICE TO THE CITY

Motion made by Council Member Filter, seconded by Council Member Radtke, to adopt Resolution No. 2012-03 commending retiring Police Officer Tim Buege for his years of service to the City. Motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

Mayor Myers extended wishes for a happy retirement and a thank you for his many years of service to the City.

Police Officer Buege thanked the Common Council and the community for the privilege of serving the City of Cedarburg.

DISCUSSION REGARDING A TENTATIVE AGREEMENT BETWEEN THE CITY OF CEDARBURG AND THE CEDARBURG POLICE OFFICERS' ASSOCIATION, LOCAL 223, AND CONSIDER RESOLUTION NO. 2012-04 RATIFYING THE AGREEMENT

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to adopt Resolution No. 2012-04 ratifying the agreement between the City of Cedarburg and the Cedarburg Police Officers' Association, Local 223.

City Attorney Vance stated the contract contains minor language changes and changes to the WRS employee contributions.

Mayor Myers stated that the tentative agreement is a four year contract (2011–2014).

City Administrator/Treasurer Mertes stated that upon ratification, the employees represented by the Cedarburg Police Officers' Association will receive a 2% wage increase and will contribute 1.9% towards WRS. In 2013 and 2014 the employees will receive a 3.5% wage increase each year and will contribute another 2% to WRS. The final year of the contract the employees will be contributing 5.9% to WRS.

Mayor Myers stated that this is the WRS contribution rate for all public employees, which the union employees have agreed to pay, even though they are not bound by Act 10 to make these contributions to their own retirement plan.

In answer to Council Member C. Reimer's question, City Administrator/Treasurer Mertes stated that the police employees will receive a 3.1% increase over four years after their WRS contributions.

Mayor Myers stated that the contract also includes some administrative changes in regard to management.

City Administrator/Treasurer Mertes stated that the contract also includes language on the increase in comp. time accumulation from 40 hours to 48 hours. The provision for sick leave payout is based upon the time served up to the time of retirement and not the entire year.

In answer to Council Member C. Reimer's question, City Administrator/Treasurer Mertes stated that the agreement was accepted by the Cedarburg Police Officer's Association last Friday.

Mayor Myers stated that the agreement will go into affect immediately, if the Common Council adopts Resolution No. 2012-04 ratifying the agreement.

City Administrator/Treasurer Mertes stated that there is no change to health insurance coverage; however, it is stated that if anything happens with current court cases, the City will follow in that direction as to whether it is negotiable or not.

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

PRESENTATION BY JOE HUBERTY OF ENGBERG ANDERSON ON THE RESULTS OF THE LIBRARY SITE COMPARISON STUDY AND CONSIDERATION OF THE LIBRARY BOARD RECOMMENDATION REGARDING THE SITING OF THE NEW LIBRARY

Joe Huberty of Engberg Anderson provided a brief overview of the format and the results of the study. The purpose of the study was to evaluate the four primary sites that had been identified over the past several years and determine which of them had the best potential to be a long term home for the library.

The basis of the evaluation focused on the ability of each of the sites to accommodate a building that would support library service as it continues to evolve in the 21st century. The emphasis was placed on flexibility (single level, simple geometries with a relatively large width to length ratio scored better), connection to the community (sites that made the most of the connection between library service within a building and the greater community), and the ability of the City to accomplish its goals in a relatively orderly and short fashioned time period (a library that is built and operational serves the community better than a building that was theoretical and a number of years off). The scoring criterions reflect these goals and were weighted by the Library Board as follows:

- Functional Layout (Geometry, number of stories) 10
- Size (Initial and future) 9
- Control (Ownership, transfer and regulatory issues) 8
- Ease of Construction (Flood fringe and environmental) 7
- Access (Parking, drive-up book return, pedestrians, bikes) 6
- Safety (Traffic, congestion) 5
- Context (Synergies with education, retail and recreation) 4
- Identity (Image, visibility) 3
- Amenities (Views, sculpture, gardens) 2
- Perception (Other attributes) 1

In evaluating each site, Engberg Anderson looked at the numeric performance of each of the sites in comparison to one another. Site diagrams were developed based on the criteria identified that would develop the highest score; thereby, become the best development option for that site.

Cost models of each site development strategy were prepared by Beyer Construction. These included typical and special site development costs, environmental costs, implementation expenses such as an interim library and moving, acquisition expenses, demolition and relocations. As more of the project's

budget was diverted to sight development costs, the relative size of the building was decreased to stay within the \$6.3 million budget established for the project. When they divided the performance points for each of the sites by the cost to develop that site they arrived at a value index to compare the individual sites. The comparison of the value indexes became the basis for the determination of which site fit the large criteria of being the site that best met the needs of the library over the next generations.

The results of the analysis indicate that the Hanover Avenue properties offer the City the best long term opportunity to sustain library service. This property scored well in a number of the categories; however, it raised to the top on a combination of balance of scoring and relatively low development costs. Significant strengths include:

- Simple rectangular form compatible with program elements.
- Most active library functions will fit on the first floor.
- 25,000 sq. ft. of the target 27,000 sq. ft. program is accommodated. Small expansion is possible with displacement of landscape areas west of building.
- No relocation of the EGC is required.
- There are 21 on-site parking spaces with potential for 23 off-site parking spaces; a drive thru book return is possible in an easy arrangement; and the site has great pedestrian and bicycle access with proximity to Washington Avenue and the Interurban Trail. Room for bicycle parking. Limited bicycle/car interference.
- The site is located in the civic/cultural/economic core. Cultural synergies fostered by proximity to City Hall, Community Center and Historical Society. Economic synergies fostered by proximity to Washington Avenue. Recreational synergies fostered by proximity to Interurban Trail.

There were three options to develop the site:

- Hanover Avenue Expansion - Lift up the existing library building above the regional flood elevation and expand it to the north. This option would be a bit expensive and involved more heroic measures than were appropriate.
- Hanover Avenue South Replacement - Demolish the existing library building and build a new two-story library on that location on the south end. This option scored the best in terms of performance.
- Hanover Avenue North Replacement - Demolish the existing EGC building, build a library at the north end of the site and use the remainder of the site for parking and a small urban park at the corner of Center Street and Hanover Avenue. This option scored well in terms of amenities but because of the cost of relocating the EGC functions would result in a building that was 22,000 sq. ft. rather than 25,000 sq. ft. Given that space is the critical need of the library at the moment, it was not a worthwhile trade.

The sites ranked first to last in the following preferred order:

- Hanover Avenue South Replacement.
- Hanover Avenue North Replacement.
- Hanover Avenue Expansion.
- St. John Avenue – this site had the advantage of offering the only one story solution. Site constraints consist of foundation and location of hot spots and other contamination which dictated an L shaped building. Each of the arms of the L being fairly elongated and narrow in their configuration, which would introduce significant operational challenges.

- Mill Street – this is a good location; however, the geometry of the site led to a poor configuration for the building. It was relatively expensive in terms of site development. The concerns about the geometry related to the ability of the library to arrange the internal operations to promote the synergies that are desired in a contemporary library. It also strung out the events within the library out in a very linear sequence, which would add to the operational issues of controlling a multi-story building. It was a combination of multi-story and elongated forms. It countered the trends in a library to offer immediate connections between a number of adjacent uses. The potential for synergies between retail and library activities were largely countered by the hard wall that was envisioned between the library and retail space along Washington Avenue. There were a number of concerns about the public basis for the City developing, operating, leasing, and selling commercial space within a public building.
- The Evergreen Boulevard property owned by the School District was also evaluated. Engberg Anderson could not find any policy basis for the School District to entertain devoting that corner of their site to the library. Particularly due to the constraints involving stormwater management, parking and the open space within the City Zoning Ordinances. More importantly in terms of the Library's position there was significant concern about the size of the building that could be developed. The issues related to parking and safety given the volume of traffic on the site during key times of operation for both the library and the High School. Finally, the perception that the library would lose some of its identity by being physically close to and, thereby, associated with the School District's activities on the site.

In terms of performance, both of the Hanover Avenue replacement options scored well and were within the \$6.3 million budget, bringing these sites to the top of the list.

The raw scores were rounded to help create a sense of stepping and order of magnitude in comparison between the sites. The Hanover replacement options scored relative performance points of 100. The Hanover Avenue expansion and St. John Avenue site scored performance points of 90. The Mill Street site scored 80 points.

The raw scores are given on page 20 of the report and show that the Hanover Avenue North replacement actually scored the highest; however, because the Hanover Avenue South replacement is 3,000 sq. ft. larger it was the preferred recommendation.

Many factors went into this evaluation and they were as objective as possible. Some items were subjective (ex: determining at what distance from Washington Avenue you would lose the synergies with the retail activities along the street). Their demarcation for that was that Hanover Avenue would support mercantile activities along Washington Avenue. Not to the extent of the Mill Street site; however, by the time they reached St. John Avenue the synergies were gone. A number of the evaluation criteria can be looked at in this light. As a way of evaluating whether or not the process had overly rounded or was favored in comparison to another, they compared the sights without benefit of a budget limit and just let them be the best that they could be. The table on page 21 shows that the scores were relatively consistent there as well. Both replacement buildings on Hanover Avenue scored the highest, the Hanover expansion and the St. John Avenue site scored next and then the Mill Street site scored in fifth place.

As a final check they deviated from the established criteria ranking by the Library Board to see how far they would have to go in the scoring to drive one of the other sites to the top of the list. It would take

an extreme occurrence ignoring eight of the ten criteria for example to get one of the other sites to come out on top. Engberg Anderson felt fairly confident that the Hanover sites do represent, regardless of the particular criteria, the best balance of performance and cost to the City and to the users of the Library.

Joe Huberty concluded his presentation by answering questions.

In answer to Council Member Radtke's question, Joe Huberty confirmed that all of the proposed sites will not support a basement. However, the initial aspirations for the Mill Street and Hanover properties is that they would get some sort of mechanical level below grade to help with the acoustics primarily. The Hanover properties are in a part of the City that is zoned within the flood fringe and to meet the requirements of City zoning and the DNR regulations they would have to keep all the primary mechanical, electrical and plumbing equipment above the regional flood elevation. There were similar concerns about the Hanover property given the water table, the level of the rock found at the site and contamination, and the relative expense of building a basement. In developing the cost estimates, Beyer Construction looked at two scenarios, one was to actually excavate a basement and it turned out to be significantly more expensive than building a bigger building to accommodate the mechanical systems above grade. To get the higher performing score they took this approach. The Mill Street site is lower in elevation than the Hanover site but it is outside of the designated FEMA regional flood plain.

Council Member Filter questioned whether the existing basement could be left while adding on to the north. Joe Huberty stated that it would be in violation of the DNR and the City Ordinances related to the amount you can add onto an existing building within the flood fringe overlay district. They can only add 50% of the value of the existing facility at the time the Ordinance was passed before they would have to bring the entire building into conformance with the Ordinance. He stated that there is some question as to the validity of the designated flood elevation in this area.

In answer to Council Member C. Reimer's question in regard to the operational premium, Joe Huberty stated the differences in the operational premium pertain to staffing a one-story building and a two-story building. They looked at two factors: the cost to staff a two-story building compared to a one-story building. Normally a library would be staffed based on the amount of staff required to provide the level of service that you are looking for to the public. He explained that when you have a two-story building there may be times when there is only a single individual at the non-entry level and that in many cases is viewed as an unsafe condition that you would want a second staff member at that level at all times. There would be times of the day when you can justify that second person being on the second level by virtue of the volume of library service you were delivering. However, there would be times of the day when that second person would be there only to provide a suitable measure of security for the staff and the public. That is what generated the extra \$16,000 per year in labor that they identified for operational premium for a two-story building. They also looked at the notion of the City's expense to maintain multiple facilities. If the library were relocated to a site other than the Hanover Avenue sites, the City would own and maintain a building that currently houses EGC operations in the basement, the existing library building and a new library building. The notion would be that some of the expenses of maintaining and heating these facilities could be offset by renting them and at some point it may be possible to sell them. They made an initial approximation of the costs to maintain the buildings over five years if they moved the library operations to a new building and could not sell the existing library building. This was a much smaller piece (one eighth) of the premium.

Council Member C. Reimer stated that the report is very good; however, he does not want to take action on the library building site tonight. He asked that the Site Comparison Study be posted on the City's website for the public to view.

In answer to Council Member Radtke's question, Joe Huberty stated that the classic arrangement of the two-story library will be to arrange the noisiest activities on the primary level and use the upper level for quieter more contemplative activities. There would be bookshelves and technology on both levels but the level and nature of activity would differ. This is not a universal model because a number of libraries have shifted their youth services programs to a second level to add a measure of security; whereas, a child cannot run out of the second level into a parking lot. This would involve moving families, parents, strollers and multiple children up and down through the building and is one of the chief variations that would have to be studied by the library staff as part of the initial design.

Joe Huberty agreed with Council Member Radtke that from an operational and cost standpoint, having the lower impact programs on the second-story would require less staff and monitoring. Council Member Radtke agreed with Council Member C. Reimer to add the study to the website.

Mayor Myers agreed that the study is very thorough and comprehensive and contains a lot of information to absorb. He agreed with the Common Council to take some time to review the study before a decision is made.

Council Member Filter stated that he would like to have the full Common Council present when the decision is made. He is strongly in favor of the Hanover site.

Council Member Maher requested that this item be placed on the next Council agenda to take action. He commended Joe Huberty and Engberg Anderson along with George Beyer, Don Harder and Beyer Construction for doing a fantastic job on the site analysis. He stated that he did vote against the analysis because he felt the Library project was analyzed well up to that point; however, he learned that there was more to analyze. He gave credit to them for taking time out of their personal schedules over the holidays. He gave credit to the Library Board for changing schedules and attending long meetings to go through this process. Council Member Maher extended a thank you for the commitment to the project.

In answer to Council Member Yip's question, Joe Huberty stated that any further questions could go through the library.

Council Member Maher stated that he would be willing to discuss the plan with anyone at anytime.

CONSIDER APPROVAL OF CERTIFIED SURVEY MAP (CSM) TO DIVIDE A 2.03 ACRE LOT AT N49 W7907 WESTERN ROAD INTO TWO PARCELS

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to approve the Certified Survey Map (CSM) to divide a 2.03 acre lot at N49 W7907 Western Road into two parcels. Motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

CONSIDER APPROVAL OF AN EXTRATERRITORIAL CERTIFIED SURVEY MAP (CSM) TO DIVIDE A 13.15 ACRE LOT AT 9530 SHERMAN ROAD IN THE TOWN OF CEDARBURG INTO TWO PARCELS

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to approve an Extraterritorial Certified Survey Map (CSM) to divide a 13.15 acre lot at 9530 Sherman Road in the Town of Cedarburg into two parcels. Motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

CONSIDER REQUEST TO FILL A VACANT POLICE OFFICER POSITION

Police Chief Frank stated that he is requesting to replace the vacant position that will be created with the retirement of Officer Buege. In June 2010, Officer VanDinter retired and the Council elected not to replace his position at the time. Since then, the Department has been working with 19 officers and they have seen a drop in activity. With the absence of one officer, the Department has written 700 fewer traffic warnings to motorists and they were unable to deploy their bicycle officers very often last year because of staffing issues. It has been a concern of the Department to be visible on the bike path and in the parks to prevent vandalism and graffiti. As a result, the Department hopes to replace Officer Buege's position.

Motion made by Council Member Radtke, seconded by Council Member Maher, to approve filling the vacant police officer position.

In answer to Council Member Yip's question, Police Chief Frank stated that the position has been budgeted.

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

CONSIDER REQUEST TO FILL A POSITION AT THE WASTEWATER TREATMENT PLANT

Superintendent Clish stated that he lost an employee last year to the Public Works Department. He is looking to fill that position on a full-time basis in the future; however, the Sewerage Commission requested that the position be filled on a part-time basis. This part-time position would be filled up to 1,200 hours to carry the Department through the warm months to televise and clean the sanitary sewers. This is important to do for engineering purposes, locating problems, and preventing potential backups.

In answer to Council Member Radtke's question, Superintendent Clish stated that they have not been doing any cleaning during the winter months. In the past the Department has done roughly 70% of the City but in the last few years this has dropped down to 30%. The goal is to do 1/3 of the City to complete one rotation every three years.

In answer to C. Reimer's question, Superintendent Clish stated that it is difficult to get the truck or camera out on Washington Avenue or Columbia Road, which are narrow streets, efficiently and safely with a small crew during the daytime hours. They have tried to work at 3 a.m. and it is still dangerous work.

In answer to Council Member C. Reimer's question, City Attorney Vance stated that there is not a legal reason to prohibit a part-time position. It would be a six month probationary position covered by the union contract; however, the position would not be part of the WRS system.

In answer to Council Member Radtke, Superintendent Clish stated that the part-time position would run from April 1 through the end of October, if it is approved.

In answer to Council Member Filter's question, Superintendent Clish stated that if an experienced person is hired for the part-time position it is possible that they would be eligible for a full-time position when it is available.

Council Member C. Reimer asked what type of skill set is required for this position. Superintendent Clish stated that the position involves some engineering aspects along with working with the GIS system and inputting data to access information when needed. In the summer during heavy rainfalls this individual could also help in the plant.

In answer to Council Member Yip's question, Superintendent Clish stated that the position would be funded through the sewer user fees.

Director Wiza stated that a full-time position has been included in the Wastewater Budget. Because this position is more critical in the summer and the work needs to be completed it made sense to hire a part-time person. It is still their intent to hire a full-time position for Wastewater Treatment Plant in the future. The Wastewater operators need to be on call 24 hours a day/365 days per year and ultimately the Department wants to get up to a six person rotation. This cannot be done with a part-time position because it requires training and they need to respond on their own.

Motion made by Council Member Filter, seconded by Council Member Radtke, to approve filling a position at the Wastewater Treatment Plant on a part-time basis. Motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

CONSIDER MAYORAL VETO OF THE COUNCIL ACTION ON JANUARY 30, 2012 TO ISSUE A CERTIFICATE OF APPROPRIATENESS FOR THE BUILDING LOCATED AT W63 N680 WASHINGTON AVENUE

Mayor Myers stated that he vetoed the Council action on January 30, 2012 to issue a Certificate of Appropriateness for the building located at W63 N680 Washington Avenue because of all the research he has done and the guidelines that should be followed in the Historic District, he did not agree that the design is appropriate for this district.

Mayor Myers referenced Section 15-1-14(c)(1)(g): Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, district, neighborhood or environment. He opined that the proposed design does not meet these qualifications as codified and adopted by prior Councils.

Mayor Myers referenced the Smart Growth Comprehensive Land Use Plan that was adopted pursuant to Wis. State Statute. He stated that this plan was a very intensive and conscientious effort to provide guidelines and standards for future growth in the community. The section on Historic Preservation

Guidelines and Standards states that every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building structure or site or to use the property as originally intended. (In this case, he would accept using the building as it was when it was built). The document also states that distinguishing original qualities or character of a building, structure, or site should not be destroyed. The removal or alteration of any historical material or distinctive architectural features shall be avoided whenever possible. It also states that all building, structures and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance shall be discouraged.

He opined that the proposed design creates a building from another time and has no historical relevance to Cedarburg or the Downtown Historic District.

Mayor Myers referenced Cedarburg's Community Vision 2001-2020 report, page 5: Small Town Atmosphere – Ensure that the Plan Commission exerts architectural control to tie development to the quaint historic character of the City. In order to maintain the small town atmosphere which is the most significant characteristic of Cedarburg, there must be a conscious effort to exert architectural control that connects both new development and any redevelopment to the historic character of Cedarburg. Historic designs, styles, and qualities should be more than encouraged; rather, they should be mandated.

Finally, Mayor Myers referenced the ad hoc Downtown Master Plan Committee (2011). Above all, respect the historic base of Downtown Cedarburg. Every effort should be made to ensure the exterior of every building or structure identified by City of Cedarburg Landmarks Commission as historic remains in tact and as true to possible to the original design.

Mayor Myers stated that if the City is going to preserve this building it should be preserved the way it was built in the 1950s. His veto was in no way personal and was based on the referenced documents and comments and letters received from many individuals who have been involved in the preservation of Cedarburg. This is not a knock against redeveloping the property, tearing down a building or restoring it to its original look and character. If the City feels it is appropriate to tear down the existing building then it should be replaced with a building that fits in the Downtown. The current plan does not meet standards that were created by many leaders of the Community, who spearheaded the preservation of the Community and who are responsible for what we have today.

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to override the Mayor's veto for the Certificate of Appropriateness for the building located at W63 N680 Washington Avenue.

Council Member Filter stated that he received many calls on this item. He quoted a statement from a recent *News Graphic* article written by Lisa Curtis "The Landmarks Commission, which has a reputation for setting strict development standards, gave its approval to the project." Many of the calls that he received were in support of the developer.

Council Member Radtke asked that the minutes reflect that Council Members R. Reimer and Loomis sent emails in support of the project.

Steve Banas, W58 N438 Hilbert Avenue, stated that this proposal does not present the best plan for this property. The proposal fails to compliment the Historic District and is not in the best interest of

the City of Cedarburg. Mr. Banas submitted an offer to purchase the property and it has been accepted by the owner. His offer is in a secondary position to that of the developer who holds the primary offer to purchase. He attended the Landmarks and Plan Commission meetings when this development was discussed. Should the primary offer not close on the property, he intends to complete the purchase of this property. Mr. Banas stated that it is not who purchases the property but how the property is developed. His proposed vision for the property was distributed to the Common Council.

- Drawing A provided a view of his property and the Car Maid property and their existing presence in the Historic District.
- Drawing B provided a shaded view, with removal of the existing block building on the Car Maid property, of the combined properties showing over 12,000 sq. ft. of open space in the heart of the Historic District for development.
- Drawing C is a copy of the detailed site plan submitted by the developer. The shaded area again reflects over 12,000 sq. ft. of available open space.

Mr. Banas explained his plans and the advantages over what is currently being proposed.

Mr. Banas offered to the developer the opportunity to join with him at a minimum in presenting a different site plan for the development that would be acceptable to all.

Mayor Myers stated that this is one of the last properties available in the downtown area.

Council Member Radtke stated that the proposed development has brought out many opinions, most of them in support from people who have a vested interest in the downtown.

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

CONSIDER PAYMENT OF BILLS FOR THE PERIOD 1/27/12 THROUGH 2/3/12, ACH TRANSFERS FOR THE PERIOD 1/28/12 THROUGH 2/10/12, AND PAYROLL FOR THE PERIOD 1/22/12 THROUGH 2/4/12

Motion made by Council Member Filter, seconded by Council Member Radtke, to approve the payment of bills for the period 1/27/12 through 2/3/12, ACH transfers for the period 1/28/12 through 2/10/12, and payroll for the period 1/22/12 through 2/4/12. Motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

LICENSE APPLICATIONS

Motion made by Council Member C. Reimer, seconded by Council Member Yip, to approve a new Operator's License application for the period ending June 30, 2012 for Dana L. Dockter. Motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

Motion made by Council Member C. Reimer, seconded by Council Member Yip, to approve a renewal Operator's License application for the period ending June 30, 2012 for Morgyn R. Easterday. Motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

CITY ADMINISTRATOR/TREASURER'S REPORT

City Administrator/Treasurer Mertes stated that there is movement to regionalize CDBG funds. She spoke with Ozaukee County Economic Development Executive Director Schilling and added support in her efforts to keep the funds local.

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS - None

MAYOR'S REPORT - None

ADJOURNMENT

Motion made by Council Member Filter, seconded by Council Member Radtke, to adjourn the meeting at 8:45 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk