

**CITY OF CEDARBURG  
COMMON COUNCIL  
February 25, 2013**

**CC20130225-1**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, February 25, 2013 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 Ron Reimer, Art Filter, Paul Radtke, Michael Maher, Mike O'Keefe

Excused - Council Members Chris Reimer and Doug Yip

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, City Clerk Constance McHugh, Captain Glenn Lindberg, interested citizens and news media

**STATEMENT OF PUBLIC NOTICE**

At Mayor Kinzel's 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**

Council Member Radtke said that the comments made in the second paragraph of page 7 of the February 11, 2013 minutes were not made by him and should be corrected to reflect the Council Member that did make them.

Motion made by Council Member Filter, seconded by Council Member O'Keefe, to approve the minutes of the February 11, 2013 meeting as amended. Motion carried unanimously with Council Members C. Reimer and Yip excused.

**PUBLIC HEARING – CONSIDER ORDINANCE NO. 2013-08 AMENDING SEC. 13-1-240 OF THE ZONING CODE TO DEFINE KENNELS**

Motion made by Council Member Filter, seconded by Council Member R. Reimer, to open the public hearing at 7:02 p.m. to consider Ordinance No. 2013-08 amending Sec. 13-1-240 of the Zoning Code to define kennels. The motion carried unanimously with Council Members C. Reimer and Yip excused.

Attorney Vance said kennels are mentioned in the Zoning Code in three places, all as conditional uses, however, there is not a definition. Staff proposed the following definition:

“Kennel (Commercial): A use, either indoor or outdoor, in which pets are groomed, boarded, or trained for compensation. Kennels may include facilities that provide services such as pet daycare, overnight boarding, pet training, pet grooming, sale of pet supplies and accessories, and veterinary services.”

She recommended that “veterinary services” be struck from the proposed definition because they would be in violation of the Code under this definition.

The Plan Commission recommended the following definition:

“Kennels (Commercial): A use, either indoor or outdoor, in which dogs and cats are groomed, boarded, or trained for compensation.”

The Plan Commission voted in favor of the above definition on a four to three vote. Some wanted to limit the definition to cats and dogs only and some argued that the other uses were permitted in pet shops and a pet shop could be part of a kennel business. Staff is in favor of a broader definition.

There was no comment from the public.

Motion made by Council Member Radtke, seconded by Council Member O’Keefe, to close the public hearing at 7:10 p.m. Motion carried unanimously with Council Members C. Reimer and Yip excused.

Motion made by Council Member R. Reimer and seconded by Council Member Filter, to adopt Ordinance No. 2013-08 with staff’s recommendation as described above replacing the Plan Commission’s proposed language, with the elimination of the words “veterinary services.” The definition would be: “Kennel (Commercial): A use, either indoor or outdoor, in which pets are groomed, boarded, or trained for compensation. Kennels may include facilities that provide services such as pet daycare, overnight boarding, pet training, pet grooming, sale of pet supplies and accessories.” Motion carried unanimously with Council Members C. Reimer and Yip excused.

### **LIBRARY FUNDRAISING UPDATE AND LIBRARY BUILDING UPDATE**

Council Member Maher said Council Member C. Reimer asked for regular updates at Council meetings as to fundraising for the library building project. Council Member C. Reimer said he would like to see the fundraising tracked right away, but Council Member Maher said he thinks the tracking should begin when the bids are accepted, probably sometime in May.

Council Member R. Reimer suggested the spreadsheets regarding the use and source of funds that were provided at past meetings be updated for each meeting as part of this report.

Council Member Maher said the Library Board is confident enough money can be raised for furniture in the new building. He said there will probably not be a lot of fundraising progress until the building project starts because people are skeptical at this time that a library will be built. He said fundraising efforts will kick in when the shovel goes in the ground. He said the Friends of the Library has roughly \$220,000 cash on hand and \$300,000 to raise.

Council Member Radtke said the Library Board made the decision as to the footprint of the new library. He said these are tough economic times and hopes the fundraising goes well because he does not want to see old furniture and fixtures moved into the new building.

Council Member O'Keefe asked what form the fundraising will take.

Council Member Maher said there are still a lot of unanswered questions about the fundraising. About six years ago several people pledged money for the new library. The Friends of the Library will be talking to these people to encourage them to donate. The Library Board will also be doing some fundraising.

Attorney Vance reminded the Council that the Library Board cannot fundraise. Library Board members can participate as members of the Friends.

Council Member Maher said the Library Board will use the Friends of the Library as a clearing house.

The Council asked that the use and source of funds worksheets be updated for future meetings.

**UPDATE ON THE LANDMARKS COMMISSION'S REVIEW OF EXISTING ORDINANCES PERTAINING TO THE HISTORIC DISTRICT AS THEY RELATE TO THE AGREEMENT WITH OZAUKEE CENTER BUILDING, LLC, AND THE WINDOWS AT THE PROPERTY AT N58 W6194 COLUMBIA ROAD**

Attorney Vance said the Landmarks Commission is in the process of drafting revisions to the Historic Building Code. The provisions would be based on the Federal Secretary of the Interior's (SOI) standards for rehabilitation of historical buildings. While these documents mention guidelines for tax credits, the Landmarks Commission and the City must make certain no guarantees are provided regarding tax credits. The proposed amendments will require additional review by the Landmarks Commission before referral to the Plan Commission and Council.

As it relates to the recent installation of windows at the Ozaukee Center Building, a provision in the proposed amendments is one that states "subject to approval by the Landmarks Commission, aluminum windows may be used to replace wood windows beyond repair provided they fully comply with SOI standards." The SOI standards for replacement with aluminum windows require the replacement windows to duplicate in every respect the appearance of the original wood windows. This includes the mullions (dividing bars) overall proportions, thickness of sash and window finish.

Mayor Kinzel said he would like to talk to the Landmarks Commission about the use of aluminum clad wood windows.

Council Member Maher said the Landmarks Commission did not accept or approve the aluminum clad windows that were installed in the historically contributing portion of the Ozaukee Center Building.

Council Member Radtke said he does not want the Landmarks Commission to go down the route of accepting materials designed to look like they are the real thing.

Council Member Maher said this item has been on every Landmarks Commission agenda for the past three months and the Commission continues to work on proposed amendments.

**CONSIDER REQUEST TO FILL THE VACANT ASSISTANT CITY ENGINEER POSITION**

Director Wiza said that Assistant City Engineer Roger Ahles has submitted his resignation to pursue other career opportunities. March 7 is his last day. He is requesting permission to fill this position.

Motion made by Council Member Radtke, seconded by Council Member R. Reimer, to authorize filling the vacant Assistant City Engineer position. Motion carried unanimously with Council Members C. Reimer and Yip excused.

**PAYMENT OF BILLS**

Motion made by Council Member Maher, seconded by Council Member Radtke, to approve the payment of the bills for the period 02/08/13 through 02/15/2013, ACH transfers for the period 02/09/13 through 02/22/213, and payroll for the period 02/03/13 through 02/16/13. Motion carried unanimously with Council Members C. Reimer and Yip excused.

**LICENSE APPLICATIONS**

Motion made by Council Member Maher, seconded by Council Member O'Keefe, to rescind the Council action on February 11, 2013 to authorize issuance of an operator's license to Stephen A. Millay based on his recent arrest record and a recommendation by the Police Chief. Motion carried unanimously with Council Members C. Reimer and Yip excused.

Motion made by Council Member Radtke, seconded by Council Member R. Reimer, to authorize the issuance of new Operator's licenses to Christian T. Leonard and Allison Theirmann for the period ending June 30, 2013. Motion carried unanimously with Council Members C. Reimer and Yip excused.

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Maher said that the bridal shop on Washington Avenue is proposed to be demolished as part of the Commerce State Bank project. This building is not a historical building. He said that he thinks this matter will come to the Council in the near future.

Council Member Filter congratulated City Clerk McHugh on her selection as a member of the Clerk Advisory Team by the Government Accountability Board to modernize the State-wide Voter Registration System (SVRS).

**ADJOURNMENT**

Motion made by Council Member Maher, seconded by Council Member O'Keefe, to adjourn the meeting at 7:45 p.m. Motion carried unanimously.

Constance K. McHugh, MMC/WCPC  
City Clerk