

**CITY OF CEDARBURG
COMMON COUNCIL
February 28, 2011**

CC20110228-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, February 28, 2011 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Council President Kip Kinzel called the meeting to order at 7:00 p.m.

ROLL CALL: Present - Council Members Chris Reimer, Art Filter, Paul Radtke, Michael Maher, Kip Kinzel, Bob Loomis

Excused - Mayor Gregory P. Myers, Council Member Ron Reimer

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, Director of Parks, Recreation and Forestry Mikko Hilvo, Wastewater Superintendent Ron Clish, Library Director Mary Marquardt, City Assessor Cathy Timm, City Clerk Constance McHugh, Library Board President Sue Karlman, Library Board Members Steve Ruggieri, Vonna Pitel, and Elizabeth Byrd, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Acting 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.

Council President Kinzel stated that as Acting Mayor he will retain his right to vote as Council Member of the 6th Aldermanic District.

APPROVAL OF MINUTES

Motion made by Council Member Filter, seconded by Council Member Loomis, to approve the minutes of the January 10, 2011 meeting.

Council Member Loomis said the fourth paragraph on page 11 of the January 10, 2011 minutes should be changed to reflect that he did not say mediation should take place on a Saturday but that "if progress is made in one of the two hour nightly sessions both parties could very well go into the next night".

Council Member Radtke said the words "it is equally bad" should be changed to "it is expensive to maintain" in the fifth full paragraph on page 6 of the minutes.

Motion to approve the minutes as amended carried unanimously with Council Member R. Reimer excused.

RESCINDING OF TAXES FOR NATIONAL SCHOOL BUS SERVICE, INC. DUE TO A PALPABLE ASSESSMENT ERROR (PARCEL 13-051-02-10-007, W60 N128 CARDINAL AVENUE)

Assessor Timm said the owner of the property at W60 N128 Cardinal Avenue contacted her indicating the 2010 tax bill for the property was incorrect due to an error in the assessment. The assessment was reviewed as part of the open book process prior to the Board of Review and was adjusted; however, the change was not reflected on the assessment roll. Under State Statutes, the City is allowed to rescind the taxes if such an error occurs. The total refund will be \$3,810.70, of which the City's portion will be \$1,623.75. The balance will be charged back to the other taxing jurisdictions.

Motion made by Council Member Loomis, seconded by Council Member C. Reimer, to rescind the taxes in the amount of \$3,810.70 for National School Bus Service, Inc. (parcel 13-051-02-10-007, W60 N128 Cardinal Avenue) due to a palpable assessment error. Motion carried unanimously on a roll call vote with Council Member R. Reimer excused.

PROPOSAL FROM RUEKERT-MIELKE FOR THE SCADA SYSTEM UPGRADE AT THE WASTEWATER TREATMENT PLANT

Director Wiza said repairs and upgrades are needed for the SCADA system at the Wastewater Treatment Plant. The system was installed in 2003 and is no longer reliable.

Motion made by Council Member Filter, seconded by Council Member Loomis, to accept the proposal of Ruekert-Mielke for the SCADA system upgrade at the Wastewater Treatment Plant in the amount of \$115,000, with funds to come from the Equipment Replacement Fund. Motion carried on a roll call vote with Council Member Maher abstaining and Council Member R. Reimer excused.

Council Member Maher said he would like the record to show he abstained from discussing and voting on this matter because the company he works for makes many of the components involved.

CONSIDERATION OF RECOMMENDATION RE: FOOTPRINT FOR THE NEW LIBRARY

Council Member Maher said the Council, at its January 10, 2011 meeting, gave direction to the Library Board to confirm the footprint of the proposed new library. The Library Board met with architects Joe Huberty and Alex Ramsey of Engberg Anderson Design Partnership with the outcome being that Council Member Maher should talk to Director Wiza about questions relating to the footprint of the new building. After reporting back, the Library Board came to an agreement to keep the footprint as originally proposed and not to introduce any changes. The Library Board, at its February 16, 2011 meeting, approved a motion to confirm the footprint as it is in the current plan, per the schematic design dated January 19, 2011.

Council Member Loomis said he is concerned about possible expansion in future years and questioned whether any necessary slab cuts for future expansion would occur when the new library is built or at the time of the expansion. He said he would like to see all slab cuts done up front.

Director Wiza said that a future expansion is contemplated in the southwest corner of the new building. The remediation plan calls for making this cut when the new library is built. If there is an addition to the north side of the building, the slab cuts would need to be revisited with the architects. He said all necessary cuts will be at the direction of the City.

Council Member Maher confirmed that a future addition is planned for the southwest corner as well as a small 1,800 square foot addition in the northwest corner at some point. The Library Board has decided to confirm the footprint as it is in the current plan and is comfortable with the plans as they exist.

Council Member C. Reimer also questioned whether it would be best to do all slab cuts at the time the new library is built.

Council Member Loomis said he is comfortable with the existing footprint but wants to make sure that when the time comes for future expansion(s), additional slab cuts in the cap do not need to be done with the City assuming additional liability.

Director Wiza said additional slab cuts could be added to the project as long as construction has not started. Direction would need to be given to the architects.

It was the consensus of the Council that Director Wiza give direction to the architects that all slab cuts necessary for future expansion(s) of the new library be done when the library is constructed and not at the time of the expansion.

In terms of the new library, Council Member Loomis said he would like see funds used for labor cost saving measures to cut down on future operating costs.

REQUEST TO CLOSE WASHINGTON AVENUE FROM MILL STREET TO COLUMBIA ROAD ON JULY 14, 2011 FROM 6:00 P.M. UNTIL 8:00 P.M. FOR A PERFORMANCE BY A JAPANESE DRUM/PERFORMANCE GROUP

Director Hilvo said he has been working with the East Asian Department at Concordia University to have a Japanese Drum and Performance Group perform at the Cultural Center on July 14, 2011. Part of the performance is a drum and dance team that would like to perform on Washington Avenue. This event will also be a welcome party for the group, who will be touring various cities in Wisconsin. He is requesting that Washington Avenue from Mill Street to Columbia Road be closed on July 14, 2011 from 6:00 p.m. until 8:00 p.m. for this performance.

Motion made by Council Member Radtke, seconded by Council Member C. Reimer, to approve the request to close Washington Avenue from Mill Street to Columbia Road on July 14, 2011 from 6:00 p.m. until 8:00 p.m. for a performance by a Japanese drum/performance group. Motion carried unanimously with Council Member R. Reimer excused.

Council Member Radtke praised Director Hilvo for his work on getting this group to come to Cedarburg. He said it is a great thing to add to the community.

LEASE WITH THE CEDARBURG WOMAN'S CLUB, INC. FOR THE GIRL SCOUT HOUSE LOCATED AT W57 N475 HILBERT AVENUE

Motion made by Council Member Filter, seconded by Council Member Loomis, to renew the lease with the Cedarburg Woman's Club, Inc. for the Girl Scout House located at W57 N475 Hilbert Avenue. Motion carried unanimously with Council Member R. Reimer excused. The term of the lease is March 1, 2011 through February 28, 2014

ORDINANCE 2011-02 AMENDING SEC. 2-6-52 OF THE CODE OF ORDINANCES PERTAINING TO LONGEVITY PAY FOR CITY EMPLOYEES

City Administrator/Treasurer Mertes said during union negotiations a change was made to the longevity benefit. This Ordinance would put in place the same change for the non-union employees. Any employee starting after December 31, 2010 would not be eligible for longevity pay until after 10 years of service. The benefit would accrue, but the employee would not be paid until the December after they have reached 10 years of service.

Motion made by Council Member Loomis, seconded by Council Member Filter, to adopt Ordinance 2011-02 amending Sec. 2-6-52 of the Code of Ordinances pertaining to longevity paid for City employees. Motion carried unanimously with Council Member R. Reimer excused.

PROFESSIONAL SERVICES FOR CONTRACT CITY PLANNING SERVICES

City Administrator/Treasurer Mertes said the Personnel Committee met on February 24, 2011 and recommended the Council approve a contract with Planner Marty Marchek for City planning services. She reminded the Council that Mr. Marchek served as a contract planner for the City for many years prior to the hiring of a full-time planner. Mr. Marchek is suggesting he provide services limited to one-half day per week at City Hall. The contract will be a 2-year contract with a 60-day termination clause.

Council Member Kinzel said Mr. Marchek offers the most flexibility and affordable price, and has considerable knowledge of the City.

Attorney Vance said Mr. Marchek will serve during a transitional period where the Council will be able to determine the level of service that is needed going forward.

Council Member Radtke said he is concerned with the half-day work schedule as proposed. He questioned whether four hours is enough time given that planning can be proactive in nature as well as reactive.

Council Member Maher said he would not like to see a lack of availability have an impact on the level of service that has been provided in the past or the level of service that may be necessary for a future project.

Attorney Vance said that Mr. Marchek is very proactive and can be flexible based on the City's needs.

Council Member C. Reimer said that the number of hours Mr. Marchek works or is available can be expanded if necessary. He reminded the Council that Mr. Marchek worked a full day years ago when the economy was good; therefore, should be able to accommodate the City with a half-day during the current economic times.

Motion made by Council Member Loomis, seconded by Council Member C. Reimer, to approve a two year contract for planning services with Marty Marchek. Motion carried unanimously on a roll call vote with Council Member R. Reimer excused.

CONSIDER WAIVING COMMUNITY GYM RENTAL AND CUSTODIAL FEES FOR A REPUBLICAN PARTY OF OZAUKEE COUNTY CANDIDATE FORUM

Director Hilvo said he received an email from a member of the Ozaukee County Republican Party asking that the fees for the gym rental and custodial fees be waived for a candidate forum the Republican Party would like to hold on March 20, 2011 in the Community Center Gym for candidates for the 60th Assembly District race.

Council Member C. Reimer asked who else the City waives these fees for.

Director Hilvo said gym rental fees have not been waived in the past.

Attorney Vance said waiving the fees for a political party or any organization may set a precedent for future requests.

Motion made by Council Member Filter, seconded by Council Member Maher, to deny the request of the Ozaukee County Republican Party that gym rental and custodial fees be waived for a candidate forum on March 20, 2011. Motion carried unanimously with Council Member R. Reimer excused.

LICENSE APPLICATIONS

Motion made by Council Member Loomis, seconded by Council Member C. Reimer, to authorize issuance of a new Operator's License for the period ending June 30, 2011 to the following individuals who have applications on file with the City Clerk, with the exception of Matt C. Moga: Kimberly S. Larsen, Charles S. Strohbach, Anne M. Conley, BJ Homayouni, Sherry A. Wegner, Jeanne L. Noto, Mark S. McGaver, Derek J. Riefel, Eric T. Gutbrod. Motion carried unanimously with Council Member R. Reimer excused.

Motion made by Council Member Loomis, seconded by Council Member Kinzel, to authorize issuance of a renewal Operator's License for the period ending June 30, 2011 to Shelby J. Gerth. Motion carried unanimously with Council Member R. Reimer excused.

Motion made by Council Member Loomis, seconded by Council Member Kinzel, to authorize cancellation of the following Operator's Licenses for the period ending June 30, 2011 for failure to

pick up: Sherry Menacher, Michael Backes, Todd Savard, Andrew Miller. Motion carried unanimously with Council Member R. Reimer excused.

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

City Administrator/Treasurer Mertes said the 2011 budgets have been provided to Council Members.

Council Member Maher said the 2010 Library statistics are in. Preliminary figures such as circulation, reference questions, visits, and internet registrations were thought to be down due to the decrease in the number of hours the Library was open. However, when the statistics were recalculated on a per hour basis it was determined that the 2010 circulation per hour was 83 compared to 71 in 2009; the 2010 reference questions per hour was 10 compared to 9 in 2009; the 2010 visits per hour were 52 compared to 47 in 2009; and the 2010 internet registrations per hour were 5 compared to 4 in 2009. Council Member Maher said these numbers show that usage at the Library is up even though the hours the Library was open were less.

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to adjourn to closed session at 8:03 p.m. pursuant to Wis. Stat. 19.85(1)(e) to deliberate or negotiate the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, more specifically, to discuss labor negotiations. Approval of closed session minutes of December 12, 2010 and January 10, 2011 meetings. Motion carried unanimously with Council Member R. Reimer excused.

ADJOURNMENT

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to adjourn the meeting at 8:25 p.m. Motion carried unanimously with Council Member R. Reimer excused. The meeting did not reconvene to open session.

Constance K. McHugh, MMC/WCPC
City Clerk