

**CITY OF CEDARBURG  
COMMON COUNCIL  
February 24, 2014**

**CC20140224-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, February 24, 2014, 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 Chris Reimer, Art Filter, Paul Radtke, Michael Maher, Patricia Thome, Mike O'Keefe

Excused - Council Member Ron Reimer

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, City Clerk Constance McHugh, Police Chief Tom Frank, Library Director Linda Pierschalla, Library Board President Sue Karlman, Library Board Member Steve Ruggieri, 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 asked that the following sentence in the fifth paragraph on page 5 of the February 10, 2014 minutes be changed from "Once the buildings are done, Mr. Zimmerschied will get 25% and the City will get 75%" to "Once the buildings are done, Mr. Zimmerschied will pay 75% and the City will pay 25%".

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to approve the minutes of the February 10, 2014 meeting as amended. Motion carried with the Council Member R. Reimer excused.

**LIBRARY BUILDING UPDATE FROM RYAN RASKIN OF BEYER CONSTRUCTION**

Ryan Raskin of Beyer Construction gave an update on the progress of the new Library. He presented a slide show of where the project is now versus where the Library was nine months ago. Opening day for the new Library is set for July 12, 2014.

Mr. Raskin said the drywall in the new building is done, the second floor is being painted, rough-in electrical work is done, the duct work is almost done, the mechanicals are in, and the stairway is being installed.

Mr. Raskin said the project was expected to cost \$6.8 million. It is anticipated that the difference between the total sources of funds and the total uses of funds will be approximately \$193,858. In addition, \$145,278 remains in the contingency fund. He said the City is in good shape in terms of the project, and is probably out of the woods in terms of costly items that may come along.

The Friends of the Library has a fundraising goal of \$730,000 for furniture, fixtures and equipment. The bids for these items have come in at approximately \$592,593. The Friends have approximately \$530,000 cash in hand at this point. Director Pierschalla said the Friends of the Library will provide an updated report in early March.

Mr. Raskin said that two items that were originally included in the project but were eliminated due to cost were the purchase and installation of an RFID and Auto Sort system and a Theft Detection system. The estimated cost of these two items is \$85,000. The Library Board plans to spend money left over on the construction side of the project to pay for these two items. The project is approximately \$340,000 under budget on the building side at this point.

Council Member Radtke said the path that the City seems to be following is to spend money until there is no money left to be spent.

Library Board President Sue Karlman said the RFID and Theft Detection system were items that were originally included in the library project but taken out. The plans are to now include them back in.

Attorney Vance said it is the Council's decision whether to spend money for these items, as the financing of the Library is the responsibility of the Council.

Council Member Filter asked if these items could be added later on.

Mr. Raskin said rewiring would need to be done if the two items are added later. It is the intention of the Library Board to proceed with the installation of these two items now.

Council Member Maher said the Council approved \$6.2 million in borrowing for the project. To stay under this amount the Library Board removed some items from the project. Because things look better financially, the Library Board wants to add back these items.

Council Member Radtke said these items should have stayed in the budget. He said he has a problem with the process and is concerned about the public perception of continued spending.

Council Member C. Reimer said it is nice that the Council is being told about this, but the Library Board is talking like the horse has left the stable. He questioned why the Council is being told about this if it does not have a say in the matter. He agrees that these two items are necessary because they have a good return on investment.

Attorney Vance said the Council can approve or not approve this expenditure.

Mr. Raskin said the Library Board tried to be fiscally responsible and not put too much in the project budget. The Library is also under new leadership, who feels the items are necessary at this time.

Library Board President Karlman said it was always the intention of the Library Board to use the Library fund balance for these types of items. Staff efficiencies are really important and it makes sense to put the RFID and Theft Detection system in the new Library.

Council Member Radtke agrees the items are worthwhile, but it does not look good to spend money because we have it. There could be a perception that the project is under budget and now the City is spending money it saved.

Council Member C. Reimer said these items are great products and make sense operationally. However, if the Library project comes in under budget, residents often think other things in the City, such as potholes, can get fixed.

Council Member Thome agreed these items should have never come out of the budget.

Council Member Radtke asked what the extra money the Friends of the Library may raise will be used for. The goal of the Friends is to raise \$730,000 and bids for furniture, fixtures and equipment have come in around \$593,000.

Library Board Member Steve Ruggieri said there have been discussions about possibly setting up a Foundation.

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to approve the purchase of an RFID and Auto Sort system and Theft Detection system at an estimated cost of \$85,000, with funds to come from the contingency account. Motion carried unanimously with Council Member R. Reimer excused.

**CONSIDER RESOLUTION NO. 2014-04 SUPPORTING THE PHOSPHORUS COMPLIANCE ALTERNATIVE BILLS IN THE LEGISLATURE**

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to adopt Resolution No. 2014-04 supporting the Phosphorus Compliance Alternative Bills in the Legislature. Motion carried unanimously with Council Member R. Reimer excused.

**CONSIDER ORDINANCE NO. 2014-03 PLACING STOP AND YIELD SIGNS IN THE PRAIRIE VIEW AND RIECHERS SUBDIVISIONS**

Director Wiza said the new streets in the Prairie View Subdivision and the new street in the Riechers Subdivision need appropriate stop and yield signs.

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to adopt Ordinance 2014-03 placing stop and yield signs in the Prairie View and Riechers Subdivisions. Motion carried unanimously with Council Member R. Reimer excused.

**CONSIDER REQUEST OF THE POLICE CHIEF TO FILL A VACANT DISPATCHER POSITION**

Chief Frank said a dispatcher recently resigned and her last day is March 2. He is seeking permission to start the hiring process.

Motion made by Council Member Radtke, seconded by Council Member Filter, to authorize the Police Chief to start the hiring process for a new dispatcher. Motion carried unanimously with Council Member R. Reimer excused.

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

Motion made by Council Member C. Reimer, seconded by Council Member O'Keefe, 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, 2014 through February 28, 2017.

Council Member Filter asked if the Woman's Club pays for the maintenance of the building.

City Administrator/Treasurer Mertes said the Club pays for telephone services and building maintenance, including roof and furnace maintenance. The City pays utilities, mows the lawn, and provides snow removal.

**CONSIDER MAYOR KINZEL'S APPOINTMENT OF HEATHER CAIN TO THE PLAN COMMISSION**

Mayor Kinzel said he is seeking Council approval of his appointment of Heather Cain to the Plan Commission.

Council Member Filter asked for information about Ms. Cain.

Council Member Thome said Ms. Cain would be a great appointment.

Attorney Vance asked if Ms. Cain will be resigning from the Economic Development Board. She said there are already two people from the Economic Development Board on the Plan Commission. Possible problems with negative quorums should be avoided.

Mayor Kinzel said he would clean this up. He said Ms. Cain is an attorney who has been on the Economic Development Board and the ad hoc Downtown Master Plan Committee.

Motion made by Council Member Radtke, seconded by Council Member Thome, to approve Mayor Kinzel's appointment of Heather Cain to the Plan Commission to complete the unexpired term

created by the resignation of Patricia Thome. Motion carried unanimously with Council Member R. Reimer excused. Term expires 04/30/15.

**CONSIDER COMMON COUNCIL MEETING SCHEDULE FOR THE MONTH OF APRIL 2014**

City Clerk McHugh said the regularly scheduled Council meetings in April are April 14 and April 28. In addition, the Council is to meet on April 15 for the purpose of organization. This week is spring break for the Cedarburg School District.

Mayor Kinzel, and Council Members Radtke, C. Reimer, and R. Reimer have indicated they will be gone the week of April 14.

It was the consensus to hold only one meeting in April. The Council will meet on April 28. Mayor Kinzel asked Council Members to hold open the date of April 22, if necessary, to address any business that needs immediate attention.

**PAYMENT OF BILLS**

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to approve payment of bills for the period 02/07/14 through 02/14/14, ACH transfers for the period 02/08/14 through 02/21/14, and payroll for the period 02/02/14 through 02/15/14. Motion carried unanimously with Council Member R. Reimer excused.

**LICENSE APPLICATIONS**

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to authorize the issuance of new Operator's licenses for the period ending June 30, 2014 to: Fatima F. Garcia, Ariana, I. Gomez, Laura K. Stone, Suzanne L. Stubblefield, Andrew C. Wolfgram, and Todd R. Zaeske. Motion carried unanimously with Council Member R. Reimer excused.

**CITY ADMINISTRATOR'S REPORT**

City Administrator/Treasurer said the Employee Health Insurance Committee has a meeting this week with the Health Insurance Consultant to review the results of the Health Risk Assessments and to discuss the new provider's lack of response to employee requests.

**COMMENTS AND SUGGESTIONS BY COUNCIL MEMBERS**

Council Member Filter said the Public Works Commission and the Council may need to discuss allocating extra funds for street improvements because of the bad condition of some streets.

**MAYOR'S REPORT**

Mayor Kinzel congratulated Council Member O'Keefe for taking third place in a beer brewing contest.

**ADJOURNMENT – CLOSED SESSION**

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to adjourn to closed session at 8:00 p.m. pursuant to State Statutes 19.85(1)(g) to confer with legal counsel who is rendering oral or written advice concerning strategy with respect to litigation in which the City is or is likely to become involved, more specifically, to discuss Ozaukee County Circuit Court Case No. 13-CV-0147; Heef Realty and Investments, LLP, et al v. City of Cedarburg Zoning Board of Appeals and the appeal of that case to the Court of Appeals. Approval of closed session minutes of November 11, 2013. Motion carried unanimously with Council Member R. Reimer excused.

**ADJOURNMENT**

Motion made by Council Member Filter, seconded by Council Member O’Keefe, to adjourn the meeting at 8:50 p.m. Motion carried unanimously with Council Member R. Reimer excused.

Constance K. McHugh, MMC/WCPC  
City Clerk