

**CITY OF CEDARBURG
COMMON COUNCIL
March 30, 2015**

**CC20150330-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, March 30, 2015, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Kinzel called the meeting to order at 7:04 p.m.

ROLL CALL: Present - Common Council: Mayor Kip Kinzel, Council Members John Czarnecki, Art Filter, Paul Radtke, Mitch Regenfuss, Patricia Thome, Mike O'Keefe

Excused - Council Member Ron Reimer

Also Present - City Administrator/Treasurer Christy Mertes, City Clerk Constance McHugh, Director of Engineer and Public Works Tom Wiza, City Assessor Cathy Timm, Planner Jon Censky, Fire Chief Jeff Vahsholtz, Assistant Fire Chief Bill Hintz, City Attorney Michael Herbrand, 4th District Aldermanic candidate Brook Brown, 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

Motion made by Council Member Thome, seconded by Council Member Filter, to approve the minutes of the March 9, 2015 meeting as presented. Motion carried unanimously with Council Member Reimer excused.

CONSIDER RESOLUTION NO. 2015-05 OPPOSING THE COUNTY ASSESSMENT PROPOSAL IN THE STATE BUDGET BILL

City Assessor Timm is recommending the Council adopt a resolution opposing the bill in the legislature that would shift property assessment duties from most municipalities to counties beginning in 2017. The proposal requires counties to maintain 100% market value assessments of every property every year, at an estimated cost of \$25-\$30 per parcel. The proposal would also result in a loss of local control.

Council Member Filter said the League of Wisconsin Municipalities is also recommending that cities and villages adopt similar resolutions. He said most communities in this part of the State do a great job at assessing properties.

Motion made by Council Member Filter, seconded by Council Member Thome, to adopt Resolution No. 2015-05 opposing the County Assessment proposal in the State budget bill. Motion carried unanimously with Council Member Reimer excused.

CONSIDER RESOLUTION NO. 2015-06 OPPOSING THE BILL TO ELIMINATE THE PERSONAL PROPERTY TAX AND COMPUTER AID PAYMENTS TO LOCAL GOVERNMENTS

Assessor Timm said State Representative Kulp and State Senator Tiffany are seeking co-sponsors for a bill that would eliminate both the personal property tax and the computer aid payments made to local governments. The proposal seeks to discontinue computer aid payments in 2016 and phase out the personal property tax over the next four years. The City stands to lose \$126,863.55 in personal property tax revenue and \$15,848 from the loss of the State computer aid payment.

Council Member Czarnecki said that this proposal at the State level is a pro-business measure and is meant to lower the cost of doing business in the State. He said the personal property tax is an odd tax.

Council Member Filter said the City will likely have to raise residential property taxes to make up for the loss. He said the City gets nothing in return.

Mayor Kinzel said he agrees with eliminating the personal property tax from a business standpoint but said he is concerned about how the City will make up for the loss. He questioned how this would impact the expenditure restraint program.

City Administrator/Treasurer Mertes said that proposal would impact the levy limits. It is not clear at this time what the impact would be.

Motion made by Council Member Filter to adopt Resolution No. 2015-06 opposing the bill to eliminate the personal property tax and computer aid payments to local governments. The motion died due to a lack of a second.

Motion made by Council Member Radtke, seconded by Council Member Thome, to table Resolution No. 2015-06 until more information about the proposal is known. Motion carried unanimously with Council Member Reimer excused.

CONSIDER ORDINANCE NO. 2015-03 AMENDING SEC. 15-5 OF THE MUNICIPAL CODE PERTAINING TO THE REGULATION OF SIGNS

Planner Censky said there was an effort by the Council in 2012 to streamline the approval process for signs in the City, and that effort resulted in, among other things, the elimination of the Design Review Board from the sign review and approval process. That responsibility was transferred to the Building Inspector, Landmarks Commission if the sign is located in the Historic District, and the Plan Commission. The Sign Code was never amended to reflect the elimination of the Design Review Board. The proposed ordinance officially redefines the approval process and references the Building Inspector's responsibilities for approving signs and the Landmark Commission's control over signs in the Historic District. The proposed ordinance was reviewed by the Plan Commission

on February 2, 2015 and March 2, 2015. The Plan Commission unanimously recommended Council approval.

Motion made by Council Member O'Keefe, seconded by Council Member Radtke, to adopt Ordinance No. 2015-03 amending Sec. 15-5 of the Municipal Code pertaining to the regulation of signs. Motion carried unanimously with Council Member Reimer excused.

CONSIDER AWARD OF CONTRACT FOR THE 2015 CONCRETE SIDEWALK REPLACEMENT PROJECT

Director Wiza said Marvin Gleason Contractors, Inc. was the low bidder for the 2015 Concrete Sidewalk Replacement project. The Public Works and Sewerage Commission recommended award of the contract to this contractor at its March 12 meeting.

Motion made by Council Member Thome, seconded by Council Member O'Keefe, to award the contract for the 2015 Concrete Sidewalk Replacement project to Marvin Gleason Contractors, Inc., in the amount of \$48,712.50. Motion carried unanimously with Council Member Reimer excused.

CONSIDER ORDINANCE NO. 2015-04 AMENDING SECTION 10-1-28 OF THE MUNICIPAL CODE TO REMOVE THE TWO HOUR PARKING RESTRICTION ON HAMILTON ROAD FROM THE CN RAILROAD TRACKS TO PARK LANE

The Public Works crew inspected a number of parking regulation signs on Hamilton Road in the vicinity of the former Amcast Plant. Some of the signs are faded and in need of replacement; however, the crew questioned if all the signs are still warranted. This matter was discussed at the March 12 Public Works and Sewerage Commission meeting and property owners were notified. The Commission recommended that the two hour parking restrictions from the CN Railroad tracks to Park Lane be removed.

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to adopt Ordinance No. 2015-04 amending Section 10-1-28 of the Municipal Code to remove the two hour parking restriction on Hamilton Road from the CN Railroad tracks to Park Lane. Motion carried unanimously with Council Member Reimer excused.

Mayor Kinzel thanked Superintendent Bublitz for suggesting this change.

CONSIDER ORDINANCE NO. 2015-05 AMENDING SECTION 10-1-34 OF THE MUNICIPAL CODE TO ELIMINATE THE 60 FOOT LOADING ZONE ON THE SOUTH SIDE OF ZEUNERT STREET

Director Wiza said the Public Works crew noted there is a 60 foot loading zone sign on the south side of Zeunert Street which facilitated the unloading of cars when the Russ Darrow auto dealership was in business. The loading zone no longer serves a purpose and should be eliminated. The Public Works and Sewerage Commission recommended that the loading zone be eliminated.

Motion made by Council Member Filter, seconded by Council Member Czarnecki, to adopt Ordinance No. 2015-05 amending Section 10-1-34 of the Municipal Code to eliminate the 60 foot

loading zone on the south side of Zeunert Street. Motion carried unanimously with Council Member Reimer excused.

CONSIDER APPLICATION OF GG & KR LLC, KEITH M. REID, AGENT, FOR A CLASS “B” BEER AND “CLASS C” WINE LICENSE AT THE STILTHOUSE, W62 N630 WASHINGTON AVENUE

The corporate entity that holds the Class “B” beer and “Class C” wine license is changing from Stilthouse, Inc. to GG & KR, LLC; therefore, a new application for the licenses needed to be submitted.

Motion made by Council Member Radtke, seconded by Council Member Czarnecki, to authorize the issuance of a Class “B” beer and “Class C” wine license to GG & KR, LLC, Keith M. Reid, agent, for the Stilthouse, W62 N630 Washington Avenue. Motion carried unanimously with Council Member Reimer excused.

CONSIDER APPLICATION OF NORTH 48 INC., PETER OLDS, AGENT, FOR A CLASS “B” BEER AND “CLASS B” LIQUOR LICENSE AT NORTH 48, W62 N599 WASHINGTON AVENUE

New owners are taking over the former TJ Ryan’s site and have applied for the Class “B” beer and “Class B” liquor licenses currently held by SEF, LLC, dba Cedar Place Pub.

Motion made by Council Member Filter, seconded by Council Member Czarnecki, to authorize the issuance of a Class “B” beer and “Class B” liquor license to North 48 Inc., Peter Olds, agent, for North 48, W62 N599 Washington Avenue. Motion carried unanimously with Council Member Reimer excused.

CONSIDER ORDINANCE NO. 2015-06 ESTABLISHING THE CITY OF CEDARBURG FIRE DEPARTMENT

Attorney Herbrand said the Council has discussed the establishment of a Fire Department for the City of Cedarburg. This discussion came about as a result of a continuing education program provided by the City’s insurance carrier. CVMIC’s legal counsel noted that there was conflicting language between the current volunteer Fire Department’s Constitution and the City Code relating to appointment, removal, and possible discipline of members of the Fire Department. This has led to a general discussion of incorporation of the Fire Department as a City department.

Fire Chief Vahsholtz previously indicated that he always believed that the Fire Department was a department of the City. The Fire Department has been included in the City’s annual budget, as well as its insurance coverage. The City owns the fire station that is located within the City, and all equipment purchased by the Fire Department is transferred to the City. Capital projects at the fire station are also included in the City’s budget.

Attorney Herbrand said the volunteer Fire Department is proposing that the Fire Department be incorporated into the City as a City Fire Department. An ordinance has been drafted to accomplish this. The Police and Fire Commission will have the authority over appointment, removal, and

discipline of the members of the Fire Department. He said Chief Vahsholtz has spoken to the Town Board about this matter and his presentation was well received. The Town Board has no concerns at this time.

Council Member Radtke asked for confirmation that this action in no way impacts the agreement with the Town of Cedarburg for fire services.

Attorney Herbrand said the ordinance should not have an impact on the agreement with the Town. In addition, the Town has no objections to the ordinance.

Motion made by Council Member Radtke, seconded by Council Member Thome to adopt Ordinance No. 2015-06 establishing the City of Cedarburg Fire Department. Motion carried unanimously with Council Member Reimer excused.

Council Member Thome asked whether the fund raising entity will remain as is.

Chief Vahsholtz said the fund raising entity will remain and the attorney for that entity will be drafting documents clarifying the separation between the fund raising entity and the City Fire Department.

CONSIDER RESOLUTION NO. 2015-07 REMOVING THE CEDARBURG PUBLIC LIBRARY FROM THE LOCAL GOVERNMENT PROPERTY INSURANCE FUND (LGPIF)

When the Library was a joint library with the Town of Cedarburg the property insurance policy was separate from the rest of the City buildings. Now that there is a new building and it is only in the City's name, the property and contents have been removed from the separate policy and added to the City policy.

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to adopt Resolution No. 2015-07 removing the Cedarburg Public Library from the Local Government Property Insurance Fund (LGPIF) because the building and contents will be insured under the City's policy. Motion carried unanimously with Council Member Reimer excused.

CONSIDER MAYOR KINZEL'S APPOINTMENT OF CHARLOTTE GIUFFRE AS AN ALTERNATE MEMBER OF COMMUNITY POOL COMMISSION

Motion made by Council Member Radtke, seconded by Council Member Czarnecki, to approve Mayor Kinzel's appointment of Charlotte Giuffre as an alternate member of the Community Pool Commission, with the term expiring April 30, 2016. Motion carried unanimously with Council Member Reimer excused.

CONSIDER COMMON COUNCIL MEETING SCHEDULE FOR THE MONTH OF APRIL 2015

It was the consensus of the Council to meet on Tuesday, April 21 at 7:00 p.m. and to combine the April 27 meeting with this meeting. The Council will also meet on April 13 as scheduled.

CONSIDER APPLICATION TO WISCONSIN ECONOMIC DEVELOPMENT CORPORATION COMMUNITY DEVELOPMENT INVESTMENT GRANT PROGRAM

Attorney Don Levy and Brian Collins of the Cedarburg Landmarks Preservation Society were present for this discussion.

Attorney Levy said the Landmarks Preservation Society is acquiring the Barth building on Columbia Road. The building will be used as a museum of Cedarburg artifacts. The group is looking for additional funding for the project and with grant proceeds from the Wisconsin Economic Development Corporation Community Development Investment Grant Program will be able to fill in a gap in funding. The Society is seeking \$5,000 from the City in 2015 and \$5,000 in 2016. Funds will be used for renovation and remodeling of the building. The total cost of the project is anticipated to be \$750,000. The application deadline is April 17. If the grant is not approved the funds from the City will not be needed.

Council Member Filter suggested the Council move ahead with the application and use funds from the contingency account.

Motion made by Council Member Filter, seconded by Council Member O'Keefe, to authorize the submission of an application to the Wisconsin Economic Development Corporation Community Development Investment Grant Program for this project.

Council Member Radtke said this is a great idea and public and private funding make things happen.

Council Member Czarnecki expressed concern about the number of non-profit museums that are opening because they become tax exempt and do not support daily businesses.

Council Member Thome said this project will bring value to the City.

Motion carried unanimously with Council Member Reimer excused.

CONSIDER RESOLUTION NO. 2015-08 AUTHORIZING STAFF TO APPLY FOR A DNR RUNOFF MANAGEMENT GRANT

Director Wiza said with upcoming storm water regulations the City will be required to update storm water modeling to reflect the current suspended solids and phosphorus removal levels. The DNR has storm water planning grants available that could fund up to 70% of the modeling cost, but the grants are awarded on a competitive basis. The current grant cycle deadline is April 15, 2015. Staff would like to apply in this cycle.

Motion made by Council Member Radtke, seconded by Council Member Czarnecki, to adopt Resolution No. 2015-08 authorizing the Director of Public Works to apply for a DNR Runoff Management Grant. Motion carried unanimously with Council Member Reimer excused.

CONSIDER 2014 YEAR END FINANCIAL REPORT

City Administrator/Treasurer Mertes said the 2014 Year End Financial Report was distributed in the packet. She said the City finished the year much better than what was budgeted. The Audit Report is scheduled to be presented at the May 11 Council meeting.

PAYMENT OF BILLS

Motion made by Council Member Filter, seconded by Council Member Radtke, to approve payment of bills for the period 03/10/15 through 03/20/15, ACH transfers for the period 03/07/15 through 03/21/15, and payroll for the period 03/01/15 through 03/14/15. Motion carried unanimously with Council Member Reimer excused.

LICENSE APPLICATIONS

Motion made by Council Member O'Keefe, seconded by Council Member Radtke, to authorize the issuance of new Operators licenses for the period ending June 30, 2015 to: Sadie E. Arft, Jacqueline M. Dhein, Nicholas L. Janous, and Jade D. Sinclair. Motion carried unanimously with Council Member Reimer excused.

CITY ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes said the reporting required by the Health Care Reform Act will be time consuming. She said she may bring a request to the Council to have ADP assist with the reporting requirements.

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Radtke said the Economic Development Board has invited representatives from the Village of Grafton and City of Port Washington to attend the meeting on March 31 to discuss economic development tools used by the communities and community development authorities.

Council Member Thome said she attended the Fire Department annual dinner this past weekend. She said enough cannot be said about the Fire Department. Council Member Radtke agreed. He said one member responded to over 400 calls last year. This is more than one call a day. The City is very lucky to have the members of the Fire Department.

Council Member Czarnecki said he realizes there have been past shared services agreements with the Town of Cedarburg, but he does not know what was shared and the cost savings. He said he would like to be provided with this information. City Administrator/Treasurer Mertes said she will provide Council Member Czarnecki with past and current agreements.

Council Member Filter said Certificates of Appreciation for Council Members Reimer and Radtke were presented at the Mid-Moraine Association dinner last week.

MAYOR'S REPORT

Mayor Kinzel said the candidate forum tonight sponsored by the League of Women Voters was well attended. He, Council Member Thome, Mayoral candidate John Kuerschner, and Council Member candidate Brook Brown participated.

ADJOURNMENT

Motion made by Council Member Filter, seconded by Council Member Czarnecki, to adjourn the meeting at 7:55 p.m. Motion carried unanimously with Council Member Reimer excused.

Constance K. McHugh, MMC/WCPC
City Clerk