

**CITY OF CEDARBURG
COMMON COUNCIL
March 31, 2014**

**CC20140331-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, March 31, 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, Ron Reimer, Art Filter, Paul Radtke, Michael Maher, Patricia Thome, Mike O'Keefe

Also Present - City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, City Clerk Constance McHugh, Director of Parks, Recreation and Forestry Mikko Hilvo, Wastewater Superintendent Ron Clish, 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 C. Reimer, seconded by Council Member Radtke, to approve the minutes of the March 10, 2014 meeting as presented. Motion carried unanimously.

CONSIDER AWARD OF 2014 STREET AND UTILITY CONTRACT

Director Wiza said four bids were received for the 2014 Street and Utility project. The low bid is from Town and Country Underground Construction, Inc. in the amount of \$1,372,493. He said significant construction cost increases can be seen in the bids, primarily because contractors are anticipating a surplus of road repair work this year due to the poor road conditions. The low bid came in approximately \$130,000 over the estimate. In order to lower the project cost, there will be a change order in the amount of approximately \$20,000 removing the storm sewer on Manchester Square. He said it may be necessary to increase the borrowing done this year to cover the higher cost. The Public Works and Sewerage Commission recommended awarding the contract to Town and Country Underground Construction, Inc.

Motion made by Council Member Filter, seconded by Council Member Thome, to award the contract for the 2014 Street and Utility project to Town and Country Underground Construction, Inc. in the amount of \$1,372,493. Motion carried unanimously.

CONSIDER AWARD OF THE 2014 CONCRETE SIDEWALK REPAIR PROGRAM

Director Wiza said four bids were received for the 2014 Concrete Sidewalk Repair project, with the low bid coming from Rennhack Construction in the amount of \$47,615. Project costs are higher than last year, again because contractors are anticipating a surplus of work.

Motion made by Council Member C. Reimer, seconded by Council Member Thome, to award the contract for the 2014 Concrete Sidewalk Repair project to Rennhack Construction in the amount of \$47,615. Motion carried unanimously.

REVIEW OF THE 2013 ANNUAL REPORT FOR NR216 MUNICIPAL STORMWATER COMPLIANCE

Director Wiza stated as part of the NR216 stormwater permit, the City must prepare an annual compliance report for submission to the DNR, which documents the accomplishments of the program. The report must be reviewed by the Council. Director Wiza provided a brief overview of the report to the Council.

There are a number of different conditions in the permit that the City must implement:

- A public education and outreach program to inform the public of activities required under the permit.
- Maintain a program to detect and remove illicit discharges.
- Enforce erosion and sediment control for construction sites.
- Monitor post construction water quality controls.
- Continue a pollution prevention program.
- Pursue compliance with the target of 40% suspended solids reduction in the stormwater runoff.
- Maintain and update the City storm sewer mapping.

Major accomplishments in 2013 were:

- 90% of the catch basins were cleaned.
- Twenty one erosion control permits were issued.
- Three stormwater management permits were issued.
- Informational brochures are available at City Hall.
- Stormwater management articles were published in the Cedar Post.
- Staff assisted AECOM with illicit discharge investigations.
- Downtown streets were swept every week; other streets were swept on a monthly basis.
- 106 tons of sediment was collected.
- 1,044 tons of brush, leaves and yard waste was composted.
- 29 catch basins were installed.
- Storm sewer mapping was updated.
- The City is moving towards the goal of reducing suspended solids by 40%.

Copies of the report in its entirety can be found in the Public Works and Engineering Department and are available for review.

CONSIDER REQUEST TO FILL WASTEWATER OPERATOR POSITION

Superintendent Clish said an Operator position is open due to his retirement as Superintendent and promotion of an Operator to fill the Superintendent position.

Motion made by Council Member Filter, seconded Council Member C. Reimer, to approve the request to fill the vacant Wastewater Operator position. Motion carried unanimously.

**CONSIDER EMPLOYEE PERSONNEL MANUAL AND ORDINANCE NO. 2014-07
REPEALING SEC. 2-6 OF THE MUNICIPAL CODE ENTITLED "PERSONNEL CODE"**

This matter was laid over until the April 28, 2014 Council meeting.

CONSIDER POLICY CC-30 RE: EMPLOYEE EVALUATIONS

City Administrator/Treasurer Mertes said a merit pay policy was adopted by the Council last year. A policy on employee evaluations needs to be put into place. A policy was drafted along with an evaluation form. The matter was scheduled before the Personnel Committee but a quorum of members was not present.

Council Member Radtke said there has been no merit pay program in place to reward employees who went above and beyond the call of duty. As a result, bonuses have been provided from time to time. He said this is a way to start measuring performance for all employees.

Council Member R. Reimer asked if there is a reason this should bypass the Personnel Committee.

Council Member Thome, a member of the Personnel Committee, said that she reviewed the policy and feels it is a good one.

Council Member C. Reimer said he also reviewed the policy and is in agreement with it.

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to adopt Policy CC-30 re: Employee Evaluations.

Council Member R. Reimer pointed out that nowhere in the document does it say that this is not a contract between the City and the employee.

The Council directed City Administrator/Treasurer Mertes to discuss with City Attorney Vance the possibility of adding such a clause to the document.

Motion carried unanimously.

CONSIDER NAMING RIGHTS FOR ADLAI HORN PARK BASEBALL DIAMOND

Director Hilvo said a request has been received from Bill Kadrich and the Cedarburg Mercs to name the Adlai Horn baseball diamond in honor of Grant Schoen, who passed away last year. Currently the ball diamond does not have a name. The ball diamond would be named Grant Schoen Field at

Adlai Horn Park. The name of the park will not change. The Mercs will be fundraising to raise money for upgrades to the field once Mercury Marine is done with the cleanup of the creek.

Motion made by Council Member C. Reimer, seconded by Council Member O'Keefe, to approve the request to name the ball diamond Grant Schoen Field at Adlai Horn Park.

Council Member Radtke said the Council has received similar requests in the past, and he does not take naming rights lightly. He said Grant and his family have touched the entire community and everyone has learned so much from him. He said this is the right thing to do.

Council Member Thome said the letters received express the spirit of what the kids would like to incorporate in their lives.

Council Member O'Keefe said Grant was a fantastic kid, a natural athlete, was fantastic to younger kids, and was helpful and respectful. This is certainly an honor that he deserves. He said the Council is always cautious about setting precedents, but if this is setting a precedent, this is the right one to set.

Mayor Kinzel said he received one call about this matter. The caller stated that there are lot of children who have been lost tragically over the last several years and how is it that a ball diamond is named after one child. The caller suggested it be named Memorial Park. Mayor Kinzel said this is a heart tugging topic. Certainly the City cannot rename everything, but this case touches everyone.

Motion carried unanimously.

Bill Kadrich, 1648 Swallow Drive, said the naming of the ball diamond after Grant Schoen is something that will benefit everyone in the community. He thanked the Council for keeping Grant's spirit alive.

CONSIDER WILLOWBROOKE PARK LEASE WITH CEDARBURG GIRLS FASTPITCH CLUB

Director Hilvo said the Cedarburg Girls Fastpitch Club is looking to lease Willowbrooke Ball Diamond for \$1 per year for the next 5 years. The Club is looking for more space and this will allow them to have a home field. The Club will be responsible for upkeep of the facility and have committed to doing repairs to the fence this year and doing additional repairs in 2015. The lease is for 5 years to see how things go. He said he thinks the Club will keep the ball diamond in nice shape for the neighborhood.

Council Member Filter asked who is responsible for keeping the field in shape.

Director Hilvo said the Club has the equipment to keep the field in shape, the City does some maintenance work, such as grass cutting.

Motion made by Council Member O'Keefe, seconded by Council Member Filter, to approve the Willowbrooke Park lease with the Cedarburg Girls Fastpitch Club. Motion carried unanimously.

CONSIDER 2013 YEAR END FINANCIAL REPORT

City Administrator/Treasurer said the 2013 audit has been completed and the report will be presented at the May Council meeting. The 2013 year-end report was included in the packet and is on the agenda in case Council Members had questions. She encouraged Council Members to contact her with any questions.

CONSIDER REQUEST TO FILL CITY HALL ADMINISTRATIVE ASSISTANT POSITION

City Administrator/Treasurer Mertes said Administrative Assistant Dianna Pantle submitted her resignation on March 26. Her last day will be April 11.

Motion made by Council Member C. Reimer, seconded by Council Member Filter, to approve the request to fill the part-time, 20 hour a week, Administrative Assistant position. Motion carried unanimously.

MAYOR KINZEL'S APPOINTMENTS TO THE AD HOC CEDAR CREEK CLEAN UP COMMITTEE

Mayor Kinzel said Mercury Marine will be moving forward in 2015 to clean up Cedar Creek between Columbia Road and the Nail Factory pond. He would like to appoint an ad hoc Committee to oversee the clean-up and to make the clean up the best it can be. He said there may be funding available through the Great Lakes Legacy Program to make the clean-up better. The Committee will meet for this specific reason, and then dissolve.

Motion made by Council Member C. Reimer, seconded by Council Member O'Keefe, to approve Mayor Kinzel's appointment of the following individuals to the ad hoc Cedar Creek Clean Up Committee: Mayor Kinzel, Council Member Patricia Thome, Jeff Gylland, Peter Alex, Mike Kenny, Paul Hayes, and Alan Washatko. Director Hilvo will be a non-voting staff member. Motion carried unanimously.

The first meeting is tentatively scheduled for April 23.

PAYMENT OF BILLS

Motion made by Council Member C. Reimer, seconded by Council Member O'Keefe, to approve payment of bills for the period 03/07/14 through 03/21/14, ACH transfers for the period 03/07/14 through 03/26/14, and payroll for the period 03/02/14 through 03/15/14. Motion carried unanimously.

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: Andrew Baule, Abigail J. Buske, Nicholas L. Janous, Janet J. O'Donnell, Zach R. Ringel, Keith K. Schopp, Kelly

E. Timple, Theodore J. Weissinger, Gina Wildner, and Anton S. Wycklendt. Motion carried unanimously. The Council took no action on the application of Julia M. Schneider.

LIBRARY FUNDRAISING UPDATE AND LIBRARY BUILDING UPDATE

Council Member Maher invited the Council to tour the progress of the new library on April 16 at 6:30 p.m. The tour will occur during the Library Board meeting.

Council Member Maher said the fundraising is going very well. He estimates that between \$630,000 and \$650,000 has been raised thus far.

CITY ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes said she received one proposal for legal services and has spoken to two firms.

She said the City's health insurance company is offering an 8 week fitness challenge starting April 20. The City will also be sponsoring an 11 week challenge.

City Administrator/Treasurer Mertes said an auditor from the State was onsite four days last week and will be back tomorrow to complete a sales tax audit.

COMMENTS AND SUGGESTIONS BY COUNCIL MEMBERS

Council Member Filter said he understands there may be some membership changes on boards, committees, and commissions. He said it is the Mayor's prerogative to recommend changes to the Council.

Council Member C. Reimer said this is likely his last meeting. He said it has been a pleasure serving on the Council with everyone. He said he will miss serving on the Council.

Council Member Thome said that she admires that Council Member C. Reimer served on both the Common Council and the School Board, and served both well.

MAYOR'S REPORT

Mayor Kinzel issued the following proclamations:

- Telecommunicators Week – April 13-19
- Fair Housing Month – April 2014

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to adjourn to closed session at 7:50 p.m. pursuant to State Statutes 19.85(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session and State Statutes

19.85(1)(g) to confer with legal counsel for the Council who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, more specifically, to discuss the Town's interest in the current library site and the employment issue at the Police Department. Approval of closed session minutes of March 10, 2014. Motion carried unanimously.

ADJOURNMENT

Motion made by Council Member C. Reimer, seconded by Council Member Filter, to adjourn the meeting at 8:09 p.m. Motion carried unanimously.

Constance K. McHugh, MMC/WCPC
City Clerk