

**CITY OF CEDARBURG  
COMMON COUNCIL  
April 8, 2013**

**CC20130408-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, April 8, 2013 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Kinzel called the meeting to order at 7:00 p.m. The meeting began with a moment of silence followed by the Pledge of Allegiance.

Roll Call: Present - Common Council – Mayor Kip Kinzel, Council Members Chris Reimer, Ron Reimer, Art Filter, Doug Yip, Mike O’Keefe

Excused - Council Members Paul Radtke and Michael Maher

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Deputy City Clerk Amy Kletzien, Director of Engineering and Public Works Tom Wiza, Police Chief Thomas Frank, Wastewater Treatment Plant Superintendent Ron Clish, Former Mayor Merlin Rostad, Library Director Mary Marquardt, Library Board Members Steve Ruggieri and Liz Bryde, Don Harder and Ryan Raskin of Beyer Construction Management Group, interested citizens and news media

**STATEMENT OF PUBLIC NOTICE**

At Mayor Kinzel’s request, Deputy City Clerk Kletzien 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 Filter, seconded by Council Member C. Reimer, to approve the minutes of the March 11, 2013 meeting. Motion carried without a negative vote with Council Members Radtke and Maher excused.

**PRESENTATION OF KEY TO THE CITY: MERLIN ROSTAD**

Mayor Kinzel congratulated Former Mayor Merlin Rostad on his 100<sup>th</sup> Birthday and thanked him for his service and dedication to the City of Cedarburg and expressed appreciation for the contributions he made towards the growth and development of the City and presented him with a Key to the City for Meritorious Civic Service.

**OATHS OF OFFICE**

Oaths of Office were administered to 2<sup>nd</sup> District Alderperson Ronald Reimer and 6<sup>th</sup> District Alderperson Douglas Yip by Deputy City Clerk Kletzien.

**ELECTION OF COMMON COUNCIL PRESIDENT**

Council Member O'Keefe moved to nominate Council Member C. Reimer for Council President, motion was seconded by Council Member Filter.

Mayor Kinzel asked for any additional nominations.

Motion carried without a negative vote with Council Members Radtke and Maher excused.

**ELECTION OF COMMON COUNCIL REPRESENTATIVE TO PLAN COMMISSION**

Council Member C. Reimer moved to nominate Council Member Radtke as the Council Representative to the Plan Commission. Motion was seconded by Council Member O'Keefe.

Mayor Kinzel asked for any additional nominations.

Motion carried without a negative vote with Council Members Radtke and Maher excused.

**UNFINISHED BUSINESS**

**LIBRARY FUNDRAISING UPDATE AND LIBRARY BUILDING UPDATE**

City Administrator/Treasurer Mertes highlighted the Sources and Uses of Funds – Yearly Cash Flow sheet for the new Public Library project. She stated that the Friends of the Library are talking to the people who originally made pledges for a new library. The Friends will be meeting on May 1 and will be reporting for the quarter ending March 31, 2013 at the May 13 Common Council meeting.

Council Member C. Reimer confirmed with Library Director Marquardt that there is \$219,000 available from the Friends of the Library for the project.

Beyer Construction provided an update on the Library Building stating that the demolition bids were received and are being presented to the Common Council tonight. Contract packages for 21 additional bids went out today and are due April 25 at 2:00 p.m. These bids will be presented for award at the May 13 Common Council meeting. Construction of the new library will begin on June 3 or 4, 2013.

Abatement for the demolition of the Emergency Government building will begin the week of April 15 or 22 with demolition to take place the week of April 29.

In answer to Council Member R. Reimer question, Police Chief Frank stated that his department has removed the items to be saved from the former Police Station.

**NEW BUSINESS**

**CONSIDER AWARD OF CONTRACT FOR THE DEMOLITION OF THE EMERGENCY GOVERNMENT BUILDING**

Director Wiza stated that bids were received for the demolition of the Emergency Government building on Hanover Avenue to make room for the new library. A total of eight bids were received, with the low bid coming from B. B. Services in the amount of \$54,845. He stated that the contract is within the estimate and Beyer Construction recommends awarding the contract to the lowest responsible bidder.

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to award the contract for the demolition of the Emergency Government building to B. B. Services in an amount not to exceed \$54,845.

In answer to Council Member O'Keefe's question, Director Wiza stated that the City has received a signed easement agreement from the Ozaukee County Historical Society and it was recorded today.

In answer to Council Member Yip's question, Ryan Raskin of Beyer Construction explained that Alt #1, #2, and #3 on the Bid Tabulation sheet, referred to the shooting range, radio tower, and cell doors, respectively. B.B. Services will remove these three items at no additional cost if they remain at the time of demolition for scrap. Washington County has expressed interest in salvaging the radio tower prior to demolition.

In answer to Mayor Kinzel's question, Ryan Raskin explained that a Superintendent from Beyer Construction has worked with B. B. Services in the past and there were no problems.

Motion carried unanimously on a roll call vote with Council Members Radtke and Maher excused.

**CONSIDER AWARD OF THE 2013 STREET AND UTILITY CONTRACT**

Director Wiza explained that staff advertised for and received bids for the 2013 Street and Utility Construction Contract. A total of three bids were received, with the low bid coming from Vinton Construction, Inc. in the amount of \$1,544,826.60. He stated that this bid amount falls within the total project budget which includes funding from the Sanitary Sewer Reconstruction fund (\$331,000), Storm Sewer Capital and Storm Sewer Repair and Maintenance (\$218,000), Street Capital (\$607,500), and Water Capital (\$355,000). Redeemer Lutheran Church will be invoiced an estimated \$36,577.20 for their sewer and water improvements which are part of this project.

Director Wiza stated that the permits are in place and recommends awarding the bid to Vinton Construction. The Public Works Commission also recommended the award of the 2013 Street and Utility Construction contract to Vinton Construction, Inc. at their March 14 meeting.

Council Member C. Reimer asked if the Public Works crew would put off cleaning the catch basins that are being replaced.

Director Wiza explained that the DNR requires that all of the catch basins are cleaned every year. However, the department has had to prioritize because they have been shorthanded.

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to award the 2013 Street and Utility Contract to Vinton Construction Inc. in an amount not to exceed \$1,544,826.60. Motion carried unanimously on a roll call vote with Council Members Radtke and Maher excused.

**CONSIDER AWARD OF CONTRACT FOR THE 2013 CONCRETE SIDEWALK REPAIR PROJECT**

Director Wiza explained that staff received a total of six bids for the 2013 Concrete Sidewalk Repair project, with the low bid coming from Venske Concrete and Construction in the amount of \$42,383.80. He also stated that \$45,000 was budgeted in total for the sidewalk repairs. Venske Concrete and Construction successfully completed the 2010, 2011 and 2012 concrete sidewalk replacement contracts and staff is recommending award of the 2013 contract to them. The Public Works and Sewerage Commission recommended this award at their March 14 meeting.

Motion made by Council Member C. Reimer, seconded by Council Member O'Keefe, to award the contract for the 2013 Concrete Sidewalk Repair Project to Venske Concrete and Construction in an amount not to exceed \$42,383.80. Motion carried unanimously on a roll call vote with Council Member Radtke and Maher excused.

**REVIEW OF THE 2012 ANNUAL REPORT FOR NR216 MUNICIPAL STORMWATER COMPLIANCE**

Director Wiza stated as part of the NR216 storm water permit, the City must prepare an annual compliance report for submission to the DNR which documents the programs accomplishments and it must be reviewed by the governing body. Since this is a very lengthy report, he provided a brief overview to the Common Council. The full report will be available in the Engineering office, if anyone would like to review more detail.

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 storm water runoff
- Maintain and update the City storm sewer mapping

The duties under this permit require that all catch basins are cleaned annually in the City. While the City tries to meet this requirement, only 30% were cleaned last year. He has indicated to the Public Works Department that this needs to be a higher priority. The Department issued 19 erosion control permits, one Storm Water Management plan for Prairie View Subdivision, provided information brochures at City Hall, published storm water articles in the Cedar Post, provided brochures to the County Fair for an exhibit, and assisted AECOM with their illicit discharge investigations. AECOM will do the dry weather monitoring at the storm sewer outlets and they sample any discharge for ammonia, potassium, chlorides, etc. If anything is found outside the normal limits, then they will contact the City for follow-up to find the source of the contaminants. The goal is to street sweep the downtown area once per week and the rest of the City monthly. The Public Works Department collected 64 tons of street sweeping material; approximately 1,000 tons of leaves, brush and yard waste, which is composted; 2,700 gallons of used motor oil; and installed 36 new catch basins with two foot sumps.

In answer to Council Member Filter's question, Director Wiza stated that if the DNR deadline for a 40% suspended solids reduction is implemented again, the City would be faced with installing additional wet ponds and that would be a challenge in a developed City like Cedarburg to find sites for those. Director Wiza estimated that the City is probably at a 35% removal range now.

In answer to Mayor Kinzel's question, Director Wiza stated that \$20,000 is budgeted for the NR216 Report annually; however, starting in 2013 the amount will be reduced to \$15,000 because the City has a good template and they assist AECOM in putting the numbers together. The majority of AECOM's costs are for the Illicit Discharge Elimination program and doing all of the water sampling at the outlets to the creek, etc. He is keeping the costs down as much as possible. There is a capital cost in the budget for storm sewer replacements and rehabilitation. In 2012, \$584,000 was spent on storm sewers, 2013 - \$537,000 is budgeted, 2014 - the estimate is \$529,000. A lot of money is spent on the storm sewer area and some of it is capacity upgrades and water quality.

In answer to Council Member R. Reimer's question, Director Wiza stated that he must sign a certification in the NR216 report indicating that he has reviewed the contents of the report with the governing body and no further action is required of the Common Council.

### **CONSIDER REQUEST TO FILL OPERATOR POSITION AT THE WASTEWATER TREATMENT PLANT**

Superintendent Clish stated that the plant normally has six people on staff to operate the plant, maintain the lift stations, and take care of the collection system. Due to an upcoming retirement, as of May 3, the plant will again be short one person. Getting the staffing level back to six people will allow the scheduling of work to be done efficiently and safely.

Motion made by Council Member Filter, seconded by Council Member Yip, to authorize filling the Operator position at the Wastewater Treatment Plant.

In answer to Council Member C. Reimer's question, Superintendent Clish stated that there will be a budgetary savings.

In answer to Council Member R. Reimer's question, City Administrator/Treasurer Mertes stated that the Public Works and Sewerage Commission approved a motion to fill the vacancy at their March 14 meeting.

Motion carried without a negative vote with Council Members Radtke and Maher excused.

**CONSIDER REQUEST TO FILL POLICE OFFICER POSITION**

Police Chief Frank stated that Sgt. Richard Wenzler has announced his retirement effective June 7, 2013 after 28 years with the Department. He is seeking permission to start the application process to create an eligibility list and a replacement for the position after Sgt. Wenzler's retirement.

In answer to Council Member C. Reimer's question, Chief Frank stated that this is a 6 – 9 month process to create an eligibility list.

In answer to Council Member R. Reimer's question, Chief Frank stated that the last eligibility list is no longer viable because it is over two years old.

Motion made by Council Member R. Reimer, seconded by Council Member C. Reimer, to create a new eligibility list. Motion carried without a negative vote with Council Members Radtke and Maher excused.

Motion made by Council Member O'Keefe, seconded by Council Member Filter, to fill the vacant Police Officer position from the new eligibility list after Sgt. Wenzler's retirement. Motion carried without a negative vote with Council Members Radtke and Maher excused.

**CONSIDER AMENDED AGREEMENT WITH OZAUKEE CENTER BUILDING, LLC, REGARDING THE WINDOWS AT THE PROPERTY AT N58 W6194 COLUMBIA ROAD**

City Attorney Vance stated that the revision of the Historic Code has not been completed within the 90 days that the Council approved in the agreement in November 2012 with Mal Hepburn regarding the windows at N58 W6194 Columbia Road. The amended agreement is for May 1 completion. The Landmarks Commission will meet on Thursday, April 11 to review modifications to the Building Code as it relates to historic properties. The modifications to the Building Code will need to be reviewed by the City Attorney and approved by the Common Council on April 29. City Attorney Vance asked for the authority to extend the agreement until June 10 to complete the review, if needed.

Motion made by Council Member R. Reimer, seconded by Council Member Yip, to amend the agreement with Ozaukee Center Building, LLC, regarding the windows at the property at N58 W6194 Columbia Road to no later than June 10, 2013. Motion carried with Council Members C. Reimer, R. Reimer, Yip and O'Keefe voting aye, Council Member Filter voting present, and Council Members Radtke and Maher excused.

**CONSIDER RESOLUTION NO. 2013-02 AMENDING THE 2012 BUDGET**

Council Member Filter stated to City Administrator/Treasurer Mertes that he questioned the over spending of the Parks, Recreation & Forestry Budget in August 2012. Fortunately Director Wiza was diligent in his budget and there is money to transfer.

City Administrator/Treasurer Mertes stated that there was an error in the budget relating to the health insurance because it was under budgeted by \$50,000. The \$21,622 is from the State Forestry Grant that was entered into a different account by the auditors. They were also over in salaries because of the mild winter and the tree trimming that was done in January, February and March of last year instead of snow removal. The man hours are the same every year; however, depending on the work that is being done, it is applied differently to the Public Works and Parks, Recreation and Forestry accounts.

Motion made by Council Member Yip, seconded by Council Member C. Reimer, to approve Resolution No. 2013-02 amending the 2012 Budget. Motion carried without a negative vote with Council Members Radtke and Maher excused.

**DESIGNATION OF CITY'S OFFICIAL NEWSPAPER FOR ENSUING YEAR**

Motion made by Council Member C. Reimer, seconded by Council Member O'Keefe, to authorize the designation of the City's Official newspaper for the ensuing year to the *News Graphic*. Motion carried without a negative vote with Council Members Radtke and Maher excused.

In answer to Council Member Filter's question, City Administrator/Treasurer Mertes stated that there has not been any interest from other newspapers.

**CONSIDER RESOLUTION NO. 2013-03 DESIGNATING AND AUTHORIZING SIGNATURES FOR THE CITY OF CEDARBURG CHECKING AND SAVINGS ACCOUNTS FOR THE ENSUING YEAR**

Motion made by Council Member C. Reimer, seconded by Council Member Filter, to adopt Resolution No. 2013-03 designating and authorizing the signatures for the City of Cedarburg checking and savings accounts for the ensuing year. Motion carried without a negative vote with Council Members Radtke and Maher excused.

**CONSIDER MEETING DATE TO CANCEL IN SUMMER**

It was the consensus of the Common Council to poll the Council Members via email to determine a possible meeting date to cancel in summer.

**OVERVIEW AND DISCUSSION OF THE 2012 ANNUAL REPORT**

City Administrator/Treasurer Mertes stated that the 2012 Annual Report was distributed to the Council Members. She included this agenda item, in the event there were questions on the report. The Auditors will present their full report at the May 13 meeting.

**CONSIDER PAYMENT OF BILLS FOR THE PERIOD 3/8/13 THROUGH 3/22/13, ACH TRANSFERS FOR THE PERIOD 3/15/13 THROUGH 4/6/13, AND PAYROLL FOR THE PERIOD 3/3/13 THROUGH 3/30/13**

Motion made by Council Member Filter, seconded by Council Member O'Keefe, to authorize payment of bills for the period 3/8/13 through 3/22/13, ACH transfers for the period 3/15/13 through 4/6/13, and payroll for the period 3/3/13 through 3/30/13. Motion carried without a negative vote with Council Members Radtke and Maher excused.

**CONSIDER LICENSE APPLICATIONS**

Motion made by Council Member O'Keefe, seconded by Council Member C. Reimer, to approve new Operator's License applications for the period ending June 30, 2013 for: Jesse D. Gall, Danielle M. Lanser, Amanda Mapes, Ann M. Ruska, Mary J. Springola. Motion carried without a negative vote with Council Members Radtke and Maher excused.

Motion made by Council Member O'Keefe, seconded by C. Reimer, to approve the appointment of Michael R. Weber as agent for Speedway #4203 at W63 N121 Washington Avenue. Motion carried without a negative vote with Council Member Radtke and Maher excused.

**CITY ADMINISTRATOR/TREASURER'S REPORT**

City Administrator/Treasurer Mertes highlighted the progress on the County-wide Dispatch Task Force.

**COMMENTS & SUGGESTIONS FROM CITIZENS**

Brook Brown, N25 W5060 Hamilton Road, expressed anxiety and concern for the Cedar Creek Walkway project. A number of items have been approved on this project to-date. He stated that he was in favor of the Creek Walk in the beginning; however, his enthusiasm is waning. As a member of the Plan Commission he received the plans and he has learned that other citizens are also concerned about the project. He encouraged the Council Members to ask their constituents how they feel about the Creek Walk. The Creek Walk is becoming a very expensive proposition and the City has other commitments on the horizon, such as a new Library without furniture, road repairs, and remediation with Mercury Marine that maybe should be funded with this

money instead. He also expressed his concern for the hodgepodge nature of the project. A small section on the north goes to nowhere, is closed often, and seems to be a waste. The proposed section south of Columbia Road will also be expensive. Mr. Brown stated that the south section will not go anyplace either and it will tear apart one of the most photographed areas in Cedarburg. There has been discussion on tearing down the current trees, replacing them, and adding concrete scape, as opposed to the current attraction of this area. He stated that the Riverwalk in West Bend is in bad disrepair because no one uses the walk. Maybe there are some lessons to be learned from West Bend. Not all the businesses that have space along the proposed Creek Walk in Cedarburg are in favor of the project. There are a few that are adamantly opposed to the project and he does not see them changing their minds in the near future. Possibly, this project should be put on the back burner at this time because it is not a pressing issue and it will not have a major change to the downtown. He opined that it would be more worthwhile to put money into the flower baskets downtown. He encouraged the Common Council to put this project on the back burner.

### **MAYOR'S REPORT**

Mayor Kinzel received a letter from Art Palleon stating that he is relinquishing his spot on the Library Board due to illness. If any Council Members have a suggestion for the opening, they should mention the person to the Mayor or Director Marquardt.

### **ADJOURNMENT – CLOSED SESSION**

Motion made by Council Member C. Reimer, seconded by Council Member Yip, to adjourn into closed session at 8:05 p.m. pursuant to State Statutes 19.85(1)(g) to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the Council with respect to litigation in which it is or is likely to become involved and 19.85(1)(e) to deliberate or negotiate the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, more specifically, to discuss the Formart property and the Mercury Marine Plant No. 2 site. Approval of closed session minutes of February 11, 2013. Motion carried without a negative vote with Council Members Radtke and Maher excused. The meeting did not reconvene to open session.

### **ADJOURNMENT**

Motion made by Council Member Filter, seconded by Council Member O'Keefe, to adjourn the meeting at 9:07 p.m. Motion carried without a negative vote with Council Members Radtke and Maher excused.

Amy D. Kletzien, MMC/WCPC  
Deputy City Clerk