

**CITY OF CEDARBURG  
COMMON COUNCIL  
April 15, 2008**

**CC20080415-1**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Tuesday, April 15, 2008 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Myers 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 Gregory Myers, Council Members Chris Reimer, Steven Glamm, Haly Besaw, Paul Radtke, Kip Kinzel, Robert Loomis

Excused - Council Member Sandra Beck

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, City Clerk Constance McHugh, Director of Engineering and Public Works Tom Wiza, Wastewater Superintendent Ron Clish, Wastewater Treatment Plant Operator Jeff Schmitz, newly elected Council Members Noel Jepson, Michael Maher, and Amy Goyette, interested citizens

**STATEMENT OF PUBLIC NOTICE**

At Mayor Myers' 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 Kinzel, seconded by Council Member Besaw, to approve the minutes of the March 31, 2008 Council meeting.

Council Member Loomis requested that the first paragraph on page 6 of the minutes be changed to read: "Motion made by Council Member Loomis, seconded by Council Member Glamm, to reaffirm Resolution 2003-38; however, if the DOT determines that signalized intersections are not feasible or cost effective the Council will agree to single-lane roundabouts at the Wauwatosa/Bridge and Wauwatosa/Western intersections."

Council Member Radtke requested the following sentence be added as the second sentence in paragraph 4 on page 9: "Council Member Loomis is the quintessential Council Member and he learned a lot from him."

Motion carried without a negative vote with Council Member Beck excused.

**April 15, 2008****COMMENTS AND SUGGESTIONS FROM CITIZENS**

Stan Dziewa, N98 W6540 Aspen Street, commented on the recent sewer backups in his neighborhood. He said that he and his family made their home in the Willowbrook community subdivision just north of the fairgrounds and have lived in this home since 1989. He said that he is speaking to the Council on behalf of families, friends, and neighbors who are also at this meeting for the purpose of communicating in one clear voice.

Mr. Dziewa said that he and his neighbors appreciate the Council's time and consideration on this very urgent matter and need the Council's attention and help. He said that before he shares the neighbors' request he would like the leaders of the City to know that it was unanimous from families here tonight that the first response and reaction demonstrated to this disaster that affected the 20+ families was commendable.

He said that the neighbors would like to recognize the Cedarburg Police Department staff for the many initial emergency call responses and updates throughout that unforgettable and unending evening. The neighbors would like to recognize the personnel of the Sewer and Water Departments for their prompt response in the darkness of the night for locating and stopping the flow of water and sewage that pumped thousands of gallons into the basements of each of the homes. He thanked staff for making it stop.

Mr. Dziewa said that he and his neighbors would like to thank Director Wiza and staff from City Engineering for quickly communicating the sewer problem issue and personally being proactive in reaching out to each of the affected families and sharing the sanitary cleanup information and specific reliable resources to deliver those clean up requirements. Director Wiza also circulated an informational flyer to each family the following morning while he visited each of the affected homes.

The neighbors would also like to recognize and thank Mayor Greg Myers and newly elected Alderperson Amy Goyette for making multiple visits to the neighborhood to see and even smell the damage for themselves, and accepting invitations to view some of the inflicted homes. This type of response meant a lot to them.

Mr. Dziewa said that he and the neighbors would like the Council to know that the community leaders did good for quickly arranging the many very large dumpsters that were placed in the neighborhood. It allowed homeowners to remove the sewage soaked carpeting, furniture, and items from homes and yards within 48 hours of this tragedy. He said this was extremely appreciated and necessary.

To give the Council a sense of loss, Mr. Dziewa said that he witnessed and helped fill some individual dumpsters with fellow neighbors in many joint efforts for those who could not carry the load. Some dumpsters were filled and emptied as many as three times in a single day. He thanked the Council and staff for being proactive and prompt in its response. He asked the Council and staff to accept the neighborhood's sincere recognition and appreciation for helping them understand and respond accordingly to the danger of contamination.

Mr. Dziewa said that he would like to share with the new and existing Council Members some additional information from the 20+ families that reside in the subdivision and live in the vicinity of

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Lexington Street that experienced the sewage system malfunction on Thursday, April 10 at approximately 9:00 p.m., that lasted three hours until well after midnight. He asked Council Members to imagine for a moment how they would feel and react to a surge of sewage and water gushing into their basement in three hours to a depth of 5-10 inches. There was enough water and pressure to lift the lids off toilets and drain plugs in tubs and showers without the ability to make it stop. Buckets of solid fecal waste that would eventually disperse itself amongst your personal belongings and living space. The helpless feeling the neighbors felt while watching the invasion of homes from this liquid noxious, intruder.

Mr. Dziewa said that it is very hard to describe each of the individual experiences with this sewage backup, but asked the Council to look into their eyes and see the pain and loss of many days of missed employment and sleepless nights, and the financial loss that has yet to be identified and tallied from this dreadful night. This loss to each of them was unwelcomed and obviously they cannot help feel it was preventable.

Mr. Dziewa said that the neighbors stand before the Council to voice their concerns. What the Council will not see is a defeated group of residents who can't pull together in a time of need. The Council will not see the neighbors individually whine and complain with no action. The leaders of this community are community members also. The neighborhood will only display their courage to persevere through their objectivity and common sense.

Mr. Dziewa continued by saying tonight the neighbors have commended City departments. They have extended appreciation to the Mayor, Council, and City staff for their personal attention and proactive responses. The neighbors have expressed gratitude to the City for supplying and rotating dumpsters to the neighborhood for waste removal. This is how they stand tall and show their appreciation for a compassionate and caring community of Cedarburg.

Finally, Mr. Dziewa said that he and his neighbors respectfully ask the community leaders to help its own people and seriously consider their request for help and aid so that these families can feel supported by their local government and prevent this type of loss from happening again and help them feel that they are more than just 20 families who lived in an unfortunate time and place.

Brad Wildes, N99 W6564 Lexington Street, said that he is a retired City employee from the Wastewater Treatment Plant and understands what happened. He said that the situation could have been avoided. Mr. Wildes said that there is a ditch along Susan Lane that always used to be cleaned out by the City but has been neglected in recent years. The manhole that was found to be open where water rushed in has been repaired; however, the brush in the ditch remains. Mr. Wildes said Director of Engineering and Public Works Wiza said that the DNR considers this ditch a navigable waterway; therefore, cannot clean it out. He said that the City should question this decision by the DNR. He said that if the City would clean out this ditch this situation could be avoided.

Jeff Vahsholtz, N100 W6725 Susan Lane, said that his house was the furthest house west in the subdivision that was affected. He echoed the comments made by Mr. Dziewa, and said that the neighbors could not have asked for a better response from the City. Mr. Vahsholtz said that he realized after the fact that he did not have proper insurance. He asked that Council Members take into consideration the fact that some neighbors did not have insurance to cover their losses. He urged the Council to contact the DNR regarding the ditch. He said that some resolution should come

from this. He also thanked the 10 students from Cedarburg High School who helped him clean out his basement last Friday night.

Gerard Baumgartner, W66 N996 Susan Court, said that he has been a resident of Cedarburg since 1986. He said that once in the past water flowed from the field he lives next to into the neighborhood. He said that the Council needs to take into consideration these types of things as it looks towards growth in the future. He said that the City did an excellent job on the evening of April 10, when it was discovered that a manhole cover had been moved. He had five inches of water in his basement. He said that there are two pieces of heavy equipment that have operated in the field in the past, which may have caused the manhole cover to be moved. One piece of equipment used was to clear cut and the other was a vehicle used to install fiber optic cable. Mr. Baumgartner said that although the City crews did a good job, the trench or ditch on Susan Lane needs to be cleaned more often. The large amount of rain combined with the open manhole resulted in the situation in the neighborhood.

Scott Kennison, N99 W6688 Lexington Avenue, echoed the statements made by others on how wonderfully the City responded. He said that he was probably the least affected, but he has seen the damages that others have suffered. He said that the average loss is probably \$10,000 per home and at least 20 homes were affected. He added that no one's insurance will cover the total loss.

James Martin, W66 N995 Susan Court, said that he probably had the most water in his basement – 10 inches. He said that some property owners have insurance but others do not. He said that insurance has a maximum and won't come close to covering all the losses. He asked the Council what the neighbors should do next.

George Boeselager, N98 W6657 Lexington Street, said that he concurs with everything said. He said that he would like to see this matter placed on a Council agenda and neighbors be notified so they know what recourse they have and what the next steps are.

Mayor Myers thanked everyone for attending the meeting. He said that this matter will be on a future agenda and neighbors will be notified.

**REPORTS AND COMMENTS BY MAYOR/COUNCIL MEMBERS** - None

**ADJOURNMENT**

Motion made by Council Member Loomis, seconded by Council Member Besaw, to adjourn the meeting sine die at 7:27 p.m. Motion carried without a negative vote with Council Member Beck excused.

Constance K. McHugh, CMC  
City Clerk