

**CITY OF CEDARBURG  
COMMON COUNCIL  
June 8, 2015**

**CC20150608-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, June 8, 2015, at City Hall, W63 N645 Washington Avenue. Mayor Kinzel called the meeting to order at 7:00 p.m.

ROLL CALL: Present - Common Council – Mayor Kip Kinzel, Council Members John Czarnecki, Jack Arnett, Art Filter, Rick Verhaalen, Mitch Regenfuss, Patricia Thome, Mike O’Keefe

Also Present - City Administrator/Treasurer Christy Mertes, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, Director of Engineering and Public Works Wiza, City Planner Jon Censky, Parks, Recreation & Forestry Director Mikko Hilvo, Light & Water General Manager Dale Lythjohan, Wastewater Superintendent Eric Hackert, Public Works Superintendent Joel Bublitz, Mechanic Bill Hintz, Public Works Crewperson Pete Wegner, Economic Development Board Members Peter Welch and Eric Stelter, 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 Thome, seconded by Council Member Regenfuss, to approve the minutes of the May 11, 2015 meeting as presented. Motion carried without a negative vote.

**COMMENTS AND SUGGESTIONS FROM CITIZENS**

**PUBLIC HEARINGS**

**CONSIDER ORDINANCE NO. 2015-08 AMENDING SEC. 13-1-69 OF THE ZONING CODE PERTAINING TO THE PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT; AND ACTION THEREON**

Mayor Kinzel called the public hearing open at 7:02 p.m. to consider Ordinance No. 2015-08 amending Sec. 13-1-69 of the Zoning Code pertaining to the Planned Unit Development (PUD) Overlay District.

City Planner Censky explained that a Planned Unit Development (PUD) Zoning is an Overlay District intended for unified and planned development of a site in single, partnership or corporate ownership that is placed over a basic zoning district. Such development encompasses one or more principal uses or structures and all regulations and standards are set forth in the underlying basic zoning district. The PUD Overlay District allows for some flexibility in overall development design for such things as modifications to the lot size and width requirements, yard and setback standards and floor area ratio calculations. The existing PUD language; however, limits residential density and building height to that which is permitted in the underlying basic zoning district. Accordingly, the intent of this change is to allow for increased density and building height, on a case-by-case basis, where it can be justified and where the quality of the project meets Cedarburg's standards. The modification to building height would be limited to a maximum of 48 feet under this ordinance. Ordinance No. 2015-08 also establishes the requirement that a development agreement be signed by the applicant which sets forth the terms and conditions of the project. Furthermore, the approval process will provide for up front review by all City Departments to assess the feasibility and impacts on City infrastructure and resources and to allow for discussion and feedback about the nature and scape of the proposed project.

Planner Censky stated that the Plan Commission unanimously recommended approval of Ordinance No. 2015-08 at their May 4, 2015 meeting.

In answer to Council Member Filter's question, Planner Censky explained that the PUD is not site specific and that it is a tool to be used on appropriate sites throughout the City.

In answer to Council Member Czarnecki's question, Planner Censky explained that the maximum height was originally considered at 60 feet as it already exists for certain institution uses; however, there were concerns from the Plan Commission and citizens that this was too high. That is when the maximum height was dropped down to 48 feet and the Plan Commission seemed comfortable with that height.

In answer to Council Member Arnett's question, City Planner stated that this PUD provides a more formal review procedure.

Council Member Verhaalen questioned the exceptionally high quality language in section (e)(1) as exceptionally high quality is subject to different opinions.

Planner Censky stated that exceptionally high quality is based on the standards that are listed in the ordinance.

Attorney Herbrand stated that this ordinance is attempting to put objective standards into place.

City Planner Censky stated that this will allow the City to negotiate for unique quality projects.

Council Member Arnett brought attention to an error under Building Height and Area (g)(2), the word ration should be ratio.

Council Member Czarnecki expressed that the height restriction will hem-in the developer on density and may depress land values. If the ordinance is passed, he asked that the 60 foot restriction

be added back into the ordinance or the height restriction be taken out altogether. The developer should be allowed to ask for what they want. This would be limiting the height arbitrarily.

Eric Stelter, W54 N5989 Portland Road, stated that he served on the Master Plan Development Committee eight or nine years ago which was organized to work on a plan for Cedarburg to help the City be proactive for developers. Because of the restrictive nature of the Code, the City was known to be “not developer friendly.” He agreed with Council Member Czarnecki that the height restriction should be removed. He asked that there be some type of design criteria that would be acceptable for the area, similar to Mequon.

Motion made by Council Member Filter, seconded by Council Member Thome, to close the public hearing at 7:19 p.m. Motion carried without a negative vote.

Council Member Thome explained that there was discussion on the 60 foot height restriction at the Plan Commission and it involved a group of residents from the St. Francis Borgia area; however, it also consisted of a broader range of responses and concerns.

Mayor Kinzel agreed with Council Member Czarnecki that the City should let the developer approach the City without a height restriction in the ordinance.

Planner Censky explained that at a certain point the Plan Commission stopped discussing the height restriction when they were discussing density and it was left at 48 feet.

Council Member Filter stated that the St. Francis neighborhood is the oldest in the City and he would hate to see a 60 foot tall building in that area. A building of this height would be more easily accepted near Wauwatosa Road or Hwy. 60.

Planner Censky commented that if a limit is given, most often people will shoot for that limit right away.

Council Member Czarnecki explained that a height restriction is not necessary because the developer will ask for what they want. It is not necessary to provide a height restriction. If a three or four story building is proposed the City will need to look at the buildings nearby and ultimately the Council will need to make a judgement call on height.

Council Member Thome stated that she would be comfortable with removing the proposed height restriction and suggested not including any height restrictions.

Motion made by Council Member Czarnecki, seconded by Council Member Regenfuss, to adopt Ordinance No. 2015-08 amending Sec. 13-1-69 of the Zoning Code pertaining to the Planned Unit Development (PUD) Overlay District with a change to the Building Height and Area (g)(1) by removing the maximum total height of 48 feet. Motion carried with Czarnecki, Arnett, Verhaalen, Regenfuss, Thome and O’Keefe voting in favor and Council Member Filter opposed.

**PRESENTATIONS**

**PRESENTATION BY GRAEF OF SPILLWAY CAPACITY ALTERNATIVES FOR THE CEDARBURG DAMS; AND ACTION THEREON**

Director Wiza explained that the City retained Graef to develop alternatives to address spillway capacity deficiencies at all three Cedarburg dams. DNR requirements dictate that the spillways must have the capacity to pass a 100 year flood flow for the Columbia Mills dam and Ruck dam. The Woolen Mills dam is required to pass a 500 year flood flow due to its hazard rating of “significant.” At present, the computed spillway capacity of all three dams is in the 10 to 25 year flood flow range.

Brian Schneider of Graef presented their findings and spillway capacity alternatives for the Cedarburg dams. His presentation included the following:

- Regulatory Context – NR333 hydraulic design and safety requirements.
- What is the Capacity – Drawings showing the right and left abutments and the water elevation in the middle. He suggested making a case to the DNR to accommodate a lower spillway by either making a deeper notch in the middle or widening the dam.
- Columbia Base Map – Model maps that are accepted by the DNR and FEMA were used for the presentation. On each dam model they provided three alternatives in order of least impact. The green alternative showed the least impact or practical alternative, the blue alternative was shown to meet the 100% flow capacity and red was used to show the impact of removing the dam.
- Columbia Mill Dam Scenario – The green alternative for this dam would be to open the millrace, installing a new gate, lowering the wall to elevation of existing spillway, removing a concrete cap and gate and obtaining an easement, as needed, and armor the embankment up to an acceptable elevation. This would cost approximately \$225,000 - \$300,000.
- Ruck Dam Scenario – The green alternative for this dam would be to make a two foot by 10 foot wide notch in the dam. Cutting this notch would reduce the water flow by one foot up stream. This would cost approximately \$60,000 - \$90,000.
- Woolen Mill Dam Scenario – The first alternative is to widen the crest of the dam by removing the left side abutment and stairs, taking out the millrace entirely, and extending the spillway. This would cost \$550,000 - \$700,000. The second alternative is to keep the millrace, curve the spillway, and adding a gate structure to control the water level.

Brian Schneider indicated that Graef would like to obtain review feedback from the DNR if these scenarios are acceptable to the Council.

In answer to Council Member Czarnecki’s question, Mr. Schneider stated that proposed digging by Mercury Marine will not change the water flow enough to solve the problem.

In answer to Council Member Verhaalen’s question, Mr. Schneider stated that Graef used FEMA approved models.

In answer to Council Member Czarnecki's questions, Director Wiza stated that the City challenged FEMA as far back as 1990 to update the floodplain by pointing out deficiencies in the mapping, and it became too costly and time consuming to continue. It is not a simple process.

Brian Schneider recommended that the next steps should be to obtain and review feedback from the DNR and recommend alternatives to the capacity at all the dams to the DNR. If the plans are accepted, Columbia or Ruck dam should be done first or second and the Woolen Mill dam should be done last.

In answer to Council Member Regenfuss' question, Mr. Schneider stated that the owners of the blue areas on the map are required to have flood insurance.

In answer to Council Member Verhaalen's question, Director Wiza explained that he met with a number of elderly lifetime Cedarburg residents and no one recalled experiencing flooding in the past, as shown in the maps. Unfortunately this will not carry any weight with the DNR or FEMA

In answer to Council Member Arnett's question, Director Wiza stated that he has tried and is difficult to get anywhere by talking to the Federal government representatives at FEMA.

Director Wiza stated that the capacity changes will help and the City is currently under order to fix the dams within 10 years according to NR333 and spillway capacity. He stated that he likes the alternatives that were presented; however, it will not be cheap.

In answer to Council Member O'Keefe's question, Director Wiza and Mr. Schneider agreed that there may be some small grants available.

Mayor Kinzel stated that the City should wait for feedback from the DNR on the conceptual alternatives.

The Common Council took a break from 8:12 p.m. to 8:17 p.m.

### **PRESENTATION ON PROPOSED PUBLIC WORKS FACILITY; AND ACTION THEREON**

Director Wiza stated that the City retained Kueny Architects to develop a design for the new Public Works facility. Kueny has incorporated the space needs analysis prepared previously by Angus Young Architects, and has worked closely with staff to understand how the Public Works Department operates.

Jon Wallenkamp of Kueny Architects, LLC made a presentation to the Common Council on the proposed Public Works facility. The following information was presented:

- The total existing area in the current site is 34,219 sq. ft.
- Option #1 - The total new area would be 53,830 sq. ft. (increase of 19,612 sq. ft.). The vehicles would be parked at a 60 degree angle. The open triangles can be used to store sweepers, etc.
- A new residential drop off area will allow direct access and flow in both options.

- Option #2 – The total new area would be 48,165 sq. ft. (increase of 13,946 sq. ft.). The vehicles would be parked at a 90 degree angle. The cost savings is approximately \$226,000.
- Option #1 has an internal and an external wash bay. Option #2 has two external wash bays.
- Option #1 includes an 8,700 sq. ft. mezzanine to be used for parts storage.
- Each stall will be specific to a vehicle in both options and it will allow the plows to be dropped in front of the vehicles. Every piece of square footage will be used for something.
- Option #1 includes a cold storage building.
- Both options will include a drive-thru mechanic bay.

In answer to Council Member Filter's question, Mr. Wallenkamp stated the City will see a tax savings if they do direct purchasing.

In answer to Council Member Czarnecki's question, Superintendent Bublitz stated that the wings and plows sit outdoors now and it wreaks havoc on the equipment. It is also difficult to find space to park all of the City Hall vehicles in bad weather and sometimes the Fire Department is utilized.

Mr. Wallenkamp stated that both buildings are efficiently laid out; however the traffic flow could be jeopardized with the 90 degree angle parking. Option #1 (53,830 sq. ft.) fits the current fleet including the 10,000 sq. ft. storage.

In answer to Council Member Czarnecki's question, Superintendent Bublitz stated that the City would save a lot of employee hours by not having to triple park the equipment and taking time to move the vehicles when they need them.

Council Member Thome asked if the City could quantify the savings in employee hours with the new building.

Director Wiza stated that the employees have planned ahead for bad weather and have had to thaw frozen fittings prior to a storm so the equipment would be ready at 2:00 a.m. The City's insurance carrier (CVMIC) requires that the each employee does a complete check of their vehicles before use and it is not being done because they cannot fully walk around the vehicles. If the vehicles were in order they would have more time for crack filling, catch basin work, painting and signage.

Mr. Wallenkamp will assist in tracking the savings and gathering more numbers for the Council.

In answer to Council Member Arnett's question, Mr. Wallenkamp stated that the City could use pole barns; however, they would lack in image, efficiency and lifespan.

Superintendent Bublitz stated that the angle parking is safer than the 90 degree option because you would not need a spotter.

Mr. Wallenkamp stated that the industrial wash bay could be rented out as revenue.

In answer to Mayor Kinzel's question, Council Member Arnett stated that preliminary numbers that were discussed with City Administrator/Treasurer Mertes show that the average homeowner would pay an average of \$2,000 over the lifetime of the garage.

In answer to Council Member Regenfuss' question, Director Wiza stated that they don't expect any additional costs from unexpected cleanup of the current site and demolition is included in the price. He explained that three major storm sewers connect under the current facility and they have been routed back into the street. There is some bedrock; however, it is located at the east end of the site near the railroad tracks and should not be a serious problem.

Mr. Wallenkamp explained to Council Member Filter that the cost of clearing the site is included in the price of the new facility under demolition.

In answer to Mayor Kinzel's question, Mr. Wallenkamp stated that it will cost at least 20% higher if the cold storage facility is not built at the same time. The current project costs include all of the furnishings and an 800 ton storage dome.

Mayor Kinzel stated that the status quo will not continue to work and that something needs to be done. However, he is aware that some people are not in favor of spending money on this project.

Mr. Wallenkamp stated that they would like to start in early January of 2016 for the building to be finished in 2016. He is asking for feedback and direction tonight from the Common Council.

In answer to Council Member O'Keefe's question, George Beyer stated that this is a commercial project and will fall under the prevailing wage category.

In answer to Council Member Czarnecki's question, Mr. Wallenkamp said that he would run the numbers on the size of the mezzanine.

Council Member Czarnecki stated that he has not heard any citizen complaints about the operation of the Public Works Department.

City Administrator/Treasurer Mertes stated that the Public Works facility is falling apart.

Jeff Boerner, N60 W308 Hilbert Avenue, stated that he was the previous Superintendent of Public Works and that his department did a \$120,000 remodel just to make the building complaint with State Code at that time. He stated that the management and crews work hard to keep the equipment available and operational. If a storm was coming a lot of planning went into being prepared. With proper planning they were able to plow the entire City in 4.5 hours. He stated that the equipment needs to be taken better care of because the three and four year old trucks that are sitting outside are deteriorating faster than they should. It is very difficult to keep the equipment clean under the current conditions. Mr. Boerner explained that three trailers and two trucks are stored on Hwy. 60 at the future business park site and it takes time to have that equipment available.

Motion made by Council Member Filter, seconded by Council Member Verhaalen, to bid out the Public Works facility at a cost not to exceed \$8 million with the right to accept or refuse the bids.

Council Members Arnett and Thome stated that it was too early in the process. The Council needs more feedback on the cold storage and needs quantifying figures for the savings that will occur as result of the new facility. This will help the taxpayers understand the need better.

Council Member Regenfuss asked if there were any large empty spaces available for long term lease within the City for storing vehicles.

Director Wiza stated that the City loses efficiencies when the fleet is split up.

Mechanic Hintz stated that some City trucks have been parked at Firemen's Park when space is available and it is very difficult to access the trucks especially if they are not trailered.

Director Wiza explained that when he worked with former Superintendent Boerner on the initial space needs study they did not include the need for any conference room or space for future expansion, and only included very basic needs to make it as tight as possible. He questioned whether this may have been a mistake. He stated that he is a taxpayer in the City and he does not want the assumption to be that they are asking for a Taj Mahal. Director Wiza stated that he does not know how it could be done differently. He explained that the square footage was computed based on the vehicle size and not to see how much could be spent, only on what is required to meet the City's needs.

Mayor Kinzel suggested looking at changing the equipment seasonally rather than daily and changing the size of the cold storage building.

Superintendent Bublitz explained that they already hand-picked the equipment for cold storage.

Mechanic Hintz stated that it creates more maintenance to store trucks with the wings up. He also explained that the trucks need to be inspected by a full walk around each day before the truck is used and this is not being done because they are not able to get around the trucks.

Council Member Thome expressed the value in respecting the public works employees hired for their jobs and measuring their expertise.

Mayor Kinzel stated that \$8 million may be hard for people to support.

Superintendent Bublitz explained that waiting has made the new garage more expensive.

Mr. Wallenkamp offered to provide a list of options to consider, along with the pros and cons.

Council Member Arnett stated that he wants to talk with his neighbors and constituents.

Motion failed with Council Members Filter and Verhaalen voting in favor and Council Members Czarniecki, Arnett, Regenfuss, Thome and O'Keefe opposed.

It was the consensus of the Common Council to have Kueny Architects come back with savings and cold storage options in an effort to show the taxpayers why the City is going in this direction.

**NEW BUSINESS**

**CONSIDER EXTENSION OF SEWER AND WATER UTILITIES TO SHEBOYGAN ROAD AND FUNDING OPTIONS; AND ACTION THEREON**

Director Wiza explained that in order to serve the undeveloped lands along Sheboygan Road at the north City limits the City will have to construct a regional sanitary sewer pump station and extend both sewer and water utilities under Cedar Creek. Utility planning studies have shown that existing sewers in developed portions of Sheboygan and Washington Avenue would not have the capacity to serve future development along the north Sheboygan Road and Highway 60 corridors. Instead the plan calls for future sewer extensions in this area to be routed under Cedar Creek to Keup road where a larger sewer is available.

The regional sewer pump station, utility creek crossing, and associated water distribution system improvements will cost somewhere in the \$1.5 to \$1.8 million dollar range. While a pro-rated portion of these costs will be recovered through future impact fees, no individual developer could afford to fund the required up front improvements, and thus development in the northern area will not proceed without City assistance.

A conceptual residential development proposal known as the Glen at Cedar Creek has been presented to the Plan Commission, and since there is probably a one year lead time to construct the regional utilities to serve it, the City needs to address the design and funding of these utilities.

Mayor Kinzel explained that the regional sanitary sewer pump station would service the entire Hwy. 60 corridor.

Director Wiza explained that there are only a few options for funding the project. The Light & Water Utility could fund their improvements in the \$300,000 range using accrued impact fees. For the Wastewater Utility there are unrestricted funds available of \$1.6 million and a \$262,000 balance of available impact fees. The City could also look at borrowing while the rates are low.

In answer to Council Member Filter's question, Director Wiza explained that this project was considered previously and some figures were gathered. He would be able to build off of the previous studies and proceed with more detail.

Motion made by Council Member Filter, seconded by Council Member Thome, to engage the services of Ruckert & Mielke to develop a scope of engineering services to design the required improvements and bring the design fee proposal back to the Council for action.

In answer to Council Member O'Keefe's question, Director Wiza confirmed that this was discussed at the Plan Commission and getting under the creek could be problematic if they run into bedrock and could add several hundred thousand dollars to the project.

Council Member O'Keefe expressed concern that there is a strip of land that is held privately and acquisition could be difficult.

City Attorney Herbrand explained that sewer and water falls under public purpose and the City would need to follow the statutory process.

Motion carried without a negative vote.

In answer to Council Member Czarnecki's question, City Administrator/Treasurer Mertes stated that it has taken time to build up the unreserved funds and would rather not use all of them because they can be used for unplanned repairs.

Superintendent Hackert explained that the Wastewater Treatment Plant will have new plant costs in the future due to the allowable phosphorous level requirements. This may force an approximate \$7 million upgrade in one to two years. Along with this, a new lift station on Highland Road is on the horizon. He also added that there has not been a rate increase in approximately two years.

**CONSIDER CASH FARM LEASE AMENDMENT WITH ROBERT RODEN AND RODEN ECHO VALLEY, LLC; AND ACTION THEREON**

City Administrator/Treasurer Mertes explained that this action is only for reflecting that this lease is now held by Roden Echo Valley, LLC, as the result of a name change.

Motion made by Council Member Filter, seconded by Council Member Czarnecki, to approve the cash farm lease amendment with Robert Roden and Roden Echo Valley, LLC. Motion carried without a negative vote.

**CONSIDER AWARD OF BANKING SERVICES CONTRACT; AND ACTION THEREON**

City Administrator/Treasurer Mertes explained that she sent out a request for proposals to all banking institutions located in the City of Cedarburg. The City received proposals from Partnership Bank, Port Washington State Bank and US Bank. Bank Mutual, BMO Harris Bank and Commerce State Bank did not submit a proposal.

City Administrator/Treasurer Mertes recommended continuing service with Port Washington State Bank because interest earnings and banking fees will be affected if the City changes to another bank. Port Washington State Bank does not charge any fees except for overdrafts, although that has never happened.

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to award the banking services contract to Port Washington State Bank. Motion carried without a negative vote.

**CONSIDER ESTABLISHING A COMMUNITY DEVELOPMENT AUTHORITY (CDA); AND ACTION THEREON**

Peter Welch, N62 W6006 Columbia Road, spoke as a member of the Economic Development Board. He explained that the Economic Development Board has been identifying properties that are a good fit for development and discussing strategies to accelerate the process for developers. After doing research, the Board is requesting that the Common Council create a Community

Development Authority (CDA). Mr. Welch stated that over 80 communities in Wisconsin have a CDA including the City of Port Washington, City of Mequon and the Village of Grafton.

Eric Stelter, N54 W5989 Portland Rd, also represented the Economic Development Board as a member. He stated that the Board has identified smart growth areas and want to stimulate growth. This would be a new concept to entertain developments and provide a vehicle to help developers. Council Member Thome explained that the CDA will support staff at no charge.

Mayor Kinzel stated that he does not agree with eminent domain.

City Attorney Herbrand stated that the City will still have control over the financing of any proposal.

Eric Stelter stated that the CDA would only negotiate. Eminent domain is a last resort. There are tools available to the CDA such as offering no capital gains if you allow the City to purchase, etc.

In answer to Council Member O'Keefe's question, City Attorney Herbrand said that the CDA would be an arm of the City and would adhere to open meetings laws. The CDA would consist of two Council Members and five citizens who would report back the Common Council for any approvals.

Council Member Czarnecki asked if the City would dissolve the Economic Development Board.

Eric Stelter stated that the Economic Development Board could still exist and evolve to make suggestions to the CDA, who would be action based.

Council Member Thome stated that the CDA would be project specific.

Mayor Kinzel is in favor of opening doors for developers.

Eric Stelter spoke with a Brookfield developer who was interested in developing in Cedarburg; however, he found it to be too difficult. In this circumstance the CDA would have made it more appealing and helped with finance sources.

Council Member Thome stated that the City has done this successfully in the past with Forward Cedarburg. A CDA is the best option of what was presented.

In answer to Mayor Kinzel's question, City Attorney Herbrand stated that not much funding is needed for a CDA to work. A CDA is able to gain certain immunities and can pass these on to developers.

Council Member Arnett stated that many sites in Cedarburg would benefit. The CDA would use their expertise to find tax benefits.

Council Member O'Keefe suggested that the next step should be a concrete proposal and details on what it would take to establish a CDA. The Council should evaluate the risks and discuss bylaws at a future meeting.

**CONSIDER TAX INCREMENTAL FINANCING (TIF) POLICY AND APPLICATION;  
AND ACTION THEREON**

City Administrator/Treasurer Mertes explained that with an increasing number of opportunities in Cedarburg for development; staff is requesting that a policy and application be put in place for future requests for a TIF. The application and policy outline the process for developers requesting financial assistance to make a project feasible. Implementation of a policy and application will provide the developer with a clear understanding of the requirements for a successful request of a TIF.

Developers would not be required to complete an application until they have a project plan with costs and a demonstrable gap in their budget. When they are prepared to request financial assistance, the developer would then complete the application and pay a fee of \$10,000. This would cover the City's cost of contracting State mandated services, namely Ehlers to create the tax increment district (TID).

The application and policy were created using examples from La Crosse, Oshkosh and Wauwatosa. Both documents have been reviewed by Ehlers and City Planner Censky.

The Economic Development Board reviewed the documents and their main concern was the fee being charged, when in the process the fee would be paid and the fee's potential deterrence to developers.

Council Member Czarnecki explained that the policy will take the guesswork out for the developer and would give the process direction.

Mayor Kinzel stated that the \$10,000 fee could be addressed when the developer is serious. He asked if the fee was necessary because the City normally recovers their costs.

Council Member Czarnecki stated that the City has not charged for legal fees and staff time.

City Attorney Herbrand stated that the policy can be altered for repayment to the developer or up fronted fees through increment.

Council Member Arnett suggested that the fee be charged when the City has to write a check. This fee could be \$6,000 and might feel easier to the developer.

Council Member Thome suggested that a better explanation accompany the fee so the developer understands that the City wants to recover what they expend.

Council Member O'Keefe suggested that the application may be too intrusive.

Council Member Czarnecki suggested that the Common Council gather comments for further discussion at another meeting.

Council Member Arnett said that he would like to talk to staff before discussing it further.

Peter Welch said that it is important how the application and fee is read by the developer. The Economic Development Board wants to make Cedarburg as business friendly as possible.

City Administrator/Treasurer Mertes stated that she will work in the direction that the Council has indicated.

**CONSIDER OPTIONS FOR UPCOMING ACCOUNTANT I VACANCY; AND ACTION THEREON**

City Administrator/Treasurer Mertes explained that Accountant I Teri Curran has given notice of retirement as of July 4, 2015. She requested that the position be classified from an Accountant I to Account Clerk/Receptionist. She is looking at restructuring duties and offering the full time position to a current part time employee.

Motion made by Council Member Thome, seconded by Council Member Czarnecki, to authorize City Administrator/Treasurer Mertes to fill the upcoming Accountant I vacancy at her discretion. Motion carried without a negative vote.

**CONSIDER MAYOR KINZEL'S APPOINTMENT OF PETER WELCH AS CHAIR OF THE ECONOMIC DEVELOPMENT BOARD; AND ACTION THEREON**

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to approve Mayor Kinzel's appointment of Peter Welch as Chair of the Economic Development Board. Motion carried without a negative vote.

**CONSIDER TOWN OF CEDARBURG'S REQUEST TO START DISCUSSIONS ON NEW POOL AGREEMENT; AND ACTION THEREON**

City Administrator/Treasurer Mertes stated that she received an email from Town Administrator Culotta stating the Town would like to proceed with negotiations for a one year pool agreement that includes budget approval from the Town and the City, equal representation on the Community Pool Commission, and maintaining a balanced budget.

Director Hilvo stated that the Community Pool Commission recommended a 10 year agreement, joint meetings with equal representation and participation from one DPW employee for spring start up at the pool.

City Attorney Herbrand suggested that an ad hoc committee be appointed to meet with the Town.

Mayor Kinzel stated that he did not favor a one year agreement.

Motion made by Council Member Thome, seconded by Council Member Arnett, to authorize Council Member O'Keefe and Council Member Regenfuss to start discussions on a new pool agreement with the Town of Cedarburg. Motion carried without a negative vote.

**ANNUAL REVIEW AND CERTIFICATION OF CODE OF ETHICS**

City Attorney Herbrand explained that no action is required and proceeded to highlight areas of the Code of Ethics. He urged the Council Members thoroughly read the Ethics Code along with Chapter 19 of the State Statutes. Council Members may contact him if they have any questions regarding the content or what is allowed.

**CONSIDER PAYMENT OF BILLS FOR THE PERIOD OF 5/8/15 THROUGH 5/29/15, ACH TRANSFERS FOR THE PERIOD 5/7/15 THROUGH 6/5/15, AND PAYROLL FOR THE PERIOD 4/26/15 THROUGH 5/23/15; AND ACTION THEREON**

Motion made by Council Member Filter, seconded by Council Member O'Keefe, to approve payment of bills for the period of 5/8/15 through 5/29/15, ACH transfers for the period 5/7/15 through 6/5/15, and payroll for the period 4/26/15 through 5/23/15. Motion carried without a negative vote.

**CONSIDER LICENSE APPLICATIONS; AND ACTION THEREON**

Motion made by Council Member O'Keefe, seconded by Council Member Czarnecki, to authorize the issuance of new Operator's Licenses for the period ending June 30, 2015 for: Marnie L. Benz, Kay Hahn, Benjamin A. Nommensen and Sarah L. Stumpf. Motion carried without a negative vote.

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to authorize issuance of 2015- 2016 alcohol, cigarette and operator licenses as follows:

Authorize issuance of alcohol licenses for the period ending June 30, 2016:

"Class A" Liquor & Class "A" Fermented Malt Beverage License

Kelley's Inc.  
Kelley's Market  
Timothy Kelley – agent  
N61 W6321 Turner Street

"Class B" Intoxicating Liquor & Class "B" Fermented Malt Beverage License

Cedarburg Cultural Center, Inc.  
Stephanie Hayes – agent  
W62 N546 Washington Avenue

Authorize issuance of Cigarette Licenses for period ending June 30, 2016:

Kelley's Inc. (Kelley's Market)  
N61 W6321 Turner Street

Authorize issuance of new Operator's Licenses for period ending June 30, 2016:

Mary E. Campbell  
Daniel A. Cannon

Stephen A. Campbell  
Jennifer A. Clausing

Craig S. Campbell  
Katelyn M. Knutson

Authorize issuance of renewal Operator's Licenses for period ending June 30, 2016:

Kevin J. Bachmann  
Diane M. Banas  
Andrew J. Baule  
Dena C. Baule  
Joey M. Baumle  
Nicholas L. Behling  
Roger E. Behling  
Denise M. Beno  
Marnie L. Benz  
Karla M. Biermann  
Evan N. Bray  
Michael C. Brehm  
Daniel A. Brisley  
Daniel M. Burback  
Elizabeth M. Bursten  
Frieda C. Carlson  
Richard L. Carlson  
Jordan Z. Cole  
Madeline R. Crass  
Callen L. Cummings  
John W. Dais  
Shirley A. DeVona  
Rebecca L. DeYoung  
Thomas M. Dorsey  
Lindsey L. Duba  
Steven D. Eskin

Andrew T. Golden  
David B. Haberman  
Angela L. Habermann  
Christine M. Habich  
H. Michael Hagerman  
Kay Hahn  
Sarah L. Hepburn  
Elizabeth D. Hoffman  
Brian M. Jackson  
Katherine A. Jackson  
Jacqueline A. Jones  
Paul D. Jones  
Gregory J. Jourdain  
MaryLee Katzka  
Jennifer S. Kelley  
Mark A. Kennedy  
Amber N. Kidd  
Randall H. Kison  
Keri L. Klemann  
James A. Lee  
Craig E. Lowdermilk  
Megan A. Maitland  
Jeffrey D. Mayer  
Michael J. Morales  
Kelly J. Moran  
Nicholas J. Moran

David B. Myers  
Michael K. Ollenburger  
Allison C. Peters  
Grace E. Pingel  
Mary B. Pistiner  
Sharleen M. Pokora  
Christine L. Pope  
Sheridan P. Riley  
Terrance E. Ronsman Sr.  
Kyle D. Scheithauer  
Mark J. Schubert  
Jennifer A. Schulz  
Jean M. Snow-Lambo  
Charles H. Strohbach  
Sarah L. Stumpf  
Michael C. Styles  
Gene Szudrowitz  
Kevin W. Taylor  
Gerald E. Truchan  
Lynda K. Wachter  
John C. Wallus  
Joseph P. Willbrandt  
Captola R. Wolfe-Bacher  
Todd R. Zaeske

**ADMINISTRATOR'S REPORT** - None

**COMMENTS AND SUGGESTIONS FROM CITIZENS** - None

**COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS** - None

**MAYOR'S REPORT** – None

**ADJOURNMENT – CLOSED SESSION**

Motion made by Council Member Filter, seconded by Council Member Thome, to adjourn to closed session at 10:34 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 purchasing 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 Prochnow Landfill. Approval of closed session minutes of February 23, 2015.

**ADJOURNMENT**

Motion made by Council Member Filter, seconded by Council Member Czarnecki, to adjourn the meeting at 11:07 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC  
Deputy City Clerk