

**CITY OF CEDARBURG
COMMON COUNCIL
August 13, 2012**

**CC20120813-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, August 13, 2012 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, Michael Maher, Douglas Yip, Mike O’Keefe

Excused - Council Member Paul Radtke

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, Deputy City Clerk Amy Kletzien, Police Chief Tom Frank, Parks, Recreation and Forestry Director Mikko Hilvo, Police Captain Glen Lindberg, Administrative Assistant Jacquelyn Dekker, Library Director Mary Marquardt, Library Board Members Sue Karlman and Steve Ruggieri, Economic Development Coordinator Mary Sheffield, Emergency Management Director Kevin Runkel, Emergency Management Deputy Director Frank Even, Architect Paul Rushing, 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 July 30, 2012 meeting. Motion carried without a negative vote with Council Member Radtke excused.

CONSIDER RESOLUTION NO. 2012-16 OF COMMENDATION: ADMINISTRATIVE ASSISTANT JACQUELYN DEKKER

Motion made by Council Member C. Reimer, seconded by Council Member O’Keefe, to adopt Resolution No. 2012-16 of Commendation: Administrative Assistant Jacquelyn Dekker. Motion carried without a negative vote with Council Member Radtke excused.

CONSIDER RESOLUTION NO. 2012-17 AWARDING THE SALE OF APPROXIMATELY \$5,650,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2012A

Michael Harrigan of Ehlers & Associates presented the bid tabulation for the \$5,650,000 General Obligation Corporate Purpose Bonds, Series 2012A resulting in 11 bids from all over the country. The lowest bid came from UMB Bank, N.A. located in Kansas City, MO with a true interest rate of 1.6670%. He stated that this is a very attractive rate and is better than the presale figures. This rate will downsize the principle amount by \$85,000; thereby, reducing the interest by \$253,104 for a total savings of \$338,104 over the estimated presale amounts. Mr. Harrigan stated that the rate was very favorable due to the timing of the borrowing (low interest rates) and the City's ability to sustain a very high credit rating through Moody's Investors Service (Aa2 rating). This savings is a great benefit to the City taxpayers.

Council Member Filter thanked Mr. Harrigan for the excellent job that he does for the City of Cedarburg.

Mr. Harrigan said that Ehlers & Associates appreciates the opportunity to work for the City of Cedarburg and that they do not take it for granted.

Motion made by Council Member R. Reimer, seconded by Council Member Maher, to approve Resolution No. 2012-17 awarding the sale of \$5,565,000 General Obligation Corporate Purpose Bonds, Series 2012A. Motion carried unanimously on a roll call vote with Council Member Radtke excused.

UPDATE ON THE DEPARTMENT OF TRANSPORTATION HIGHWAY 60 PROJECT

Director Wiza stated that the Hwy. 60 Corridor Study proposes changes to Hwy. 60 in the Town of Cedarburg in the area of the Five Corners intersection with bypass options or Ozaukee County rural alternatives. The State is currently looking for input and public comment on their proposals. He stated that DOT Project Manager Beth Blume indicated that construction will not begin until 2025 and that it is likely that Hwy 60 will be repaved one more time before the improvements are made.

Mayor Kinzel stated that the Town of Cedarburg sent a letter and the Town Board adopted a Resolution expressing strong opposition to the preliminary alternatives developed by WisDOT for the WIS 60 corridor. Mayor Kinzel stated that he also sent a letter on his behalf indicating that he was strongly opposed. He opined that the Common Council should vote on sending a Resolution in firm opposition also. Mayor Kinzel indicated that the WisDOT plan would ruin plans for development in the Town of Cedarburg business district, a church's plan for a new school, a private airport, a popular landscape business, many existing homes, and the character of the existing area.

Patti Farrell, 1639 Washington Avenue, stated that she and her husband attended a preliminary meet and greet that was presented by the WisDOT in Grafton.

Ms. Farrell opined that there were inconsistencies in their presentation. For example WisDOT stated that traffic volumes corridor-wide are expected to increase by up to 80% by 2040 and the project was only in the preliminary stages; however, a real estate person was in the audience looking to buy land

now because of the favorable market. He stated that he was interested in paying fair market value with no additional compensation for emotional ties to the property.

There was also concern with the proposed new width of Hwy 60, which would be beyond the width of Bluemound Road in Brookfield.

Ms. Farrell stated that a group of concerned citizens are forming an action group to meet once a week. A meeting is scheduled for Wednesday, August 15 at Cedarburg Town Hall. They want to do all they can to minimize the impact to Cedarburg.

A website has been developed by the action group to educate and update the public on this project – www.mi60.org. The site provides links to all of the documents presented by WisDOT.

Ms. Farrell stated that the Grob family is very concerned because they stand to lose most of their property if this plan goes through. It is her opinion that if people do not say “No” now, anything can happen and win or lose a strong group of citizens will do their best to minimize the impact of this project on Cedarburg.

Another concern was WisDOT’s claim that the 2008-2010 crash rates in Jackson and the rural area between Jackson and Grafton were higher than the statewide rates for similar roadways. After citizen research, it was determined that most of the accidents were a result of deer crossing the road and not the road itself. This statistic shows a lack of doing the proper homework on this project.

Mayor Kinzel stated that WisDOT’s acquisition of Grob field and creating any sort of bypass would hurt the City. He opined that the road should remain straight between US41 and I-43. The present plan by WisDOT would push traffic on feeder roads into the City of Cedarburg through more residentially dominated areas creating a safety concern. Ms. Farrell will keep in touch with Mayor Kinzel and he wants to keep this project on the City’s radar. He asked that a resolution be presented at the next Common Council meeting for the Council Members to consider adopting which would oppose any bypass option and to support a straight aligned road between the two highways.

Ms. Farrell reiterated that WisDOT’s statistics do not match with past practice. A traffic light was requested at the intersection of Hwy Y and Hwy 60 and WisDOT stated that there was not enough traffic in that area to warrant a traffic light.

It was the consensus of the Common Council to consider a resolution similar to Mayor Kinzel’s letter to WisDOT in opposition of a bypass on Hwy 60 at the next Common Council meeting.

CONSIDER USE OF PARKLAND NEXT TO DPW GARAGE

Director Hilvo stated that the skateboard park equipment has been accepted by the Village of Grafton. He is proposing to utilize this area as a temporary inline hockey rink in order to see if there is a future need in the community to build an outdoor inline hockey rink. The equipment (goals and sideboards) for this park have been donated by another park and recreation department so there would be no cost to the City. Director Hilvo plans to generate revenue from this endeavor as well as hosting a fall inline hockey tournament.

Council Members Filter and Yip expressed concern for the same problems that occurred with the skate park.

Director Hilvo stated that it will be open until 6 p.m. on a trial basis and it will be closed if the neighbors disagree with the activity at the park.

In answer to Council Member R. Reimer's question, Director Hilvo stated that the Parks, Recreation & Forestry Board has not considered an inline hockey rink at the former skate park location.

Mayor Kinzel requested that this item be considered at the September 5 meeting of the Parks, Recreation & Forestry Board meeting and that the Common Council review their recommendation at the September 10 Common Council meeting.

In answer to Council Member R. Reimer's question, Director Wiza stated that the gas pumps will stay at the DPW grounds. He stated that a study is being done now to consider some type of expansion and the plans are unsure at this time.

UPDATE ON THE SECTION OF THE CREEK WALK BETWEEN ADVENT LUTHERAN CHURCH AND THE AUGUST WEBER HAUS

Mayor Kinzel brought attention to a letter that was distributed to the Common Council which was submitted by Marline McGrew in favor of the Creek Walk.

Paul Rushing gave a presentation outlining the state of the Creek Walk project and an introduction of the middle reach of the project. He showed the portion of the walk on the east bank of Cedar Creek. It is a nature walk area and is well loved by citizens and visitors. This fall, the 465 foot south reach will be completed. This portion will begin at the Columbia Road Bridge, run outside of the Silver Creek Brew Pub and end at Cedar Creek Park. The model did not show any trees; however, he assured the Common Council that it is not their intention to take any trees. Mr. Rushing then showed the small portion of the Creek Walk beginning at the Interurban Bridge and ending behind Advent Church and the small north section beginning at the Bridge Road Bridge and running behind the Kultgen property. This led to his discussion on the importance of developing the portion of the Creek Walk between these two sections for a complete Creek Walk. Mr. Rushing presented pictures of the San Antonio, TX walkway, which has been a huge success and a delight to their community. He stated that our community stands to win a great deal if the Creek Walk is developed and the opportunity is there. Mr. Rushing outlined the properties that have granted easements (Kultgen, Thomas, Zimmerschied, Covert, Banas, and Advent Church) and the six properties who have not granted easements to-date (Collins - is excited about the project but has not made a commitment, Proefrock - has some serious concerns but is willing to talk, Larsons - has concerns about parking, McGrew - has agreed to the easement; however, she wants to be involved in the design of the project and limit access to her outside merchandise, Zuba - appreciates the superb effort being put into the project but has not granted an easement, Lichter - has not closed the door but has asked about the distance from the shed on his property to the creek walk). He opined that there is excitement among these landowners; however, they have not made a commitment.

Mr. Rushing stated that a lesson was learned in doing the portion of the creek walk behind the Kultgen property where they excavated large amounts of earth and replaced it with clean soil, making it very

expensive. He is proposing that this section be accomplished by drilling round steel poles into the bedrock with support beams and a wood plank walkway on the top. There is an opportunity for small park areas along this section.

Council Member C. Reimer stated that it appears there would be easy access to the creek walk and the engineering would be simple.

Mr. Rushing stated that this portion of the creek has a great potential for economic development. Due to the design, Larson's will not lose any parking on their property.

Mr. Rushing stated that he would appreciate the Council's consideration of completing this part of the creek walk and including these costs into the next budget.

In answer to C. Reimer's question, Director Wiza stated this design is an advantage in this area, due to bad soils along the creek.

In answer to Council Member Filter's questions, Mr. Rushing stated that there are flood plain issues throughout Cedarburg and these need to be proved differently. No plans have been made for the section between the Interurban Bridge and Columbia Road on the west side of the creek; he is only planting the seed.

Council Member Maher asked if the DNR is in favor of the City's boardwalk idea.

Mr. Rushing stated that the area south of Columbia Road by Silver Creek Brew Pub has been approved.

In answer to Council Member Maher's question, Mr. Rushing stated that there is opportunity to lower the walk; however, they need to be cautious about when anchoring pilings into the bedrock without disturbing the soil.

In answer to Council Member Yip's question, Mr. Rushing stated that more listening sessions will take place. These sessions have produced positive and amicable conversations.

In answer to Council Member C. Reimer's question, Mr. Rushing stated that the walkway lighting needs to be dark sky compliant.

In answer to Council Member R. Reimer's question, Mr. Rushing stated that the walkway would be composite material and not actual wood, similar to the interurban bridge.

Council Member C. Reimer stated that he supports the Creek Walk project and he encouraged working with the property owners to complete the project.

Mayor Kinzel stated that it is important to get the easements from property owners and asked how the City can help.

City Attorney Vance stated that it is important to get voluntary easements.

City Administrator/Treasurer Mertes expressed concern over expenses.

Mr. Rushing stated that the value will be created for the landowners and the City.

In answer to City Administrator/Treasurer Mertes' question, Mr. Rushing stated that Zuba and McGrew will allow access to the Creek Walk through their property and Collins is in favor of the plan now.

Mayor Kinzel would like to see the City get easements from the property owners; he does not want to take land. He stated that the virtual model will help with the presentation of the project.

Mr. Rushing agreed that the virtual model will show the project to scale and offers answers to many of the landowners concerns.

Mayor Kinzel agreed that a full connection of the Creek Walk will enhance economic development.

Mr. Rushing stated that Thomas' have a vision for a three season grata to sell pizza on the Creek Walk and the potential is there for this type of activity.

Council Member R. Reimer stated that he understands the concerns of the property owners; however, the project will add value to their real estate.

Mayor Kinzel stated that it would be nice to move forward on the Creek Walk project and asked how it can happen. He would like to have it completed sooner than later.

City Attorney Vance stated that their needs to be a consensus of all the property owners. If five owners agree and one does not, then the project will not happen. The property owners have rights and there is a legal process to follow. Once you begin with the easement process, then the eminent domain process cannot be used.

Mr. Rushing stated that it is important to remember that things change and these changes may not be instantaneous.

City Administrator/Treasurer Mertes stated that it is important to consider the residents on the east side of the Creek Walk also.

City Attorney Vance stated that the Council may ask business owners for information to prepare for next year's budget.

City Administrator/Treasurer Mertes suggested completing and paying for the south section before starting the middle section.

In answer to Council Member R. Reimer's question, Mr. Rushing stated that the Common Council could direct the ad hoc Creek Walk Committee to talk to the landowners limited to the drawings.

City Attorney Vance stated that this process will infringe on the option for eminent domain.

Mayor Kinzel stated that he is against eminent domain. He suggested telling the landowners that the City is looking for voluntary easements and to ask them if they are interested.

Council Member O'Keefe expressed concern that one property owner could hold the project hostage.

City Attorney Vance stated that the property owners need to give up easements voluntarily to preserve the eminent domain process.

Council Member C. Reimer suggested that City Attorney Vance talk to Mr. Rushing prior to any contact with the landowners to discuss what language to use when talking to the landowners about the Creek Walk project.

CONSIDER AUTHORIZING CHIEF OF POLICE TO RESTRUCTURE CERTAIN ADMINISTRATIVE POSITIONS AT THE POLICE DEPARTMENT

Police Chief Frank stated that with the retirement of Administrative Assistant Jackie Dekker, he would like to consider a reorganization of the Police Department clerical staff, which would be a reduction of FTEs. He asked the Council for permission to explore the possibility of combining the two part-time clerical positions, which are each staffed at 30 hours a week, into one full-time position. With the advancement of technologies and becoming more efficient, he believed that the reassignment of tasks and responsibilities would make this possible.

Motion made by Council Member C. Reimer, seconded by Council Member Filter, to authorize Chief Frank to restructure certain administrative positions at the Police Department. Motion carried without a negative vote with Council Member Radtke excused.

CONSIDER EXTENSION OF CASH FARM LEASE WITH BOB RODEN FOR 2013

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to approve the extension of cash farm lease with Bob Roden for 2013. Motion carried without a negative vote with Council Member Radtke excused.

CONSIDER ESTABLISHING A DATE AND TIME FOR TRICK OR TREAT

Motion made by Council Member C. Reimer, seconded by Council Member O'Keefe, to establish Saturday, October 27, 2012 from 5 p.m. – 8 p.m. as Trick-or-Treat. Motion carried with Council Members C. Reimer, R. Reimer, Maher, Yip and O'Keefe in favor, Council Member Filter opposed, and Council Member Radtke excused.

CONSIDER PAYMENT OF BILLS FOR THE PERIOD 7/26/12 THROUGH 8/2/12, ACH TRANSFERS FOR THE PERIOD 7/30/12 THROUGH 8/10/12, AND PAYROLL FOR THE PERIOD 7/22/12 THROUGH 8/4/12

Motion made by Council Member C. Reimer, seconded by Council Member Yip, to approve payment of the bills for the period 7/26/12 through 8/2/12, ACH transfers for the period 7/30/12 through 8/10/12, and payroll for the period 7/22/12 through 8/4/12. Motion carried without a negative vote with Council Member Radtke excused.

CONSIDER NEW OPERATOR'S LICENSE APPLICATIONS FOR THE PERIOD ENDING JUNE 30, 2013

Motion made by Council Member C. Reimer, seconded by Council Member O'Keefe, to approve new Operator's License applications for the period ending June 30, 2013 for: Steven A. Gustafson, Samantha A. Meuwissen, Atticus R. Polston, Nathan J. Pipkorn. Motion carried without a negative vote with Council Member Radtke excused.

AUTHORIZE ISSUANCE OF A FESTIVAL CELEBRATION PERMIT TO FESTIVALS OF CEDARBURG INC. FOR WINE AND HARVEST FESTIVAL TO BE HELD ON SEPTEMBER 15, 2012 FROM 10:00 A.M. TO 6:00 P.M. AND ON SEPTEMBER 16, 2012 FROM 10:00 A.M. TO 5:00 P.M.

Motion made by Council Member C. Reimer, seconded by Council Member O'Keefe, to authorize issuance of a Festival Celebration Permit to Festivals of Cedarburg, Inc. for Wine and Harvest Festival to be held on September 15, 2012 from 10:00 a.m. to 6:00 p.m. and on September 16, 2012 from 10:00 a.m. to 5:00 p.m. Motion carried without a negative vote with Council Member Radtke excused.

UPDATE ON THE LIBRARY BUILDING PROJECT AND CONSIDERATION OF THE SCHEMATIC DESIGN OF THE NORTH HANOVER AVENUE SITE

Council Member Maher stated that the Common Council made a motion at the July 30 meeting asking the Library Board to get information on the north site comparable where the south site information is, including impacts on Emergency Management and other things. The following evening, on August 1 the Town Board discussed negotiations on the current library building. On August 2, 2012, the Library Board made the following motion:

Motion made by Council Member Maher, seconded by Steve Ruggieri, as follows: In response to the Council's action on July 20 related to the Library and discussion at the Town Board meeting on August 1, the Board endorses Option 5 of the Engberg Anderson site plan presented July 18, which is a revision of the Hanover Avenue north replacement option described in the site comparison study.

He said that Engberg Anderson is in the process of finishing the environmental and geotechnical study on the north site. The schematic design is next and it was in the beginning stage on the south side and would like it done on the north side instead.

Director Wiza stated that the footprint has been revised to build a 25,000 sq. ft. building on the north site. It has been determined that this option will physically work. He opined that the project is at a fork in the road and will not allow for parallel designs on the north and south sites.

Motion made by Council Member Filter, seconded by Council Member R. Reimer, to accept the Library Board's recommendation to proceed with the Hanover Avenue north option as revised by Engberg Anderson, Inc. and presented by Director Wiza.

Emergency Management Deputy Director Frank Even stated that it will cost \$30,000 - \$60,000 to move their equipment and questioned where they will go.

Mayor Kinzel assured him that the City will find a spot for the Emergency Management operations.

City Administrator/Treasurer Mertes stated that moving costs for the Emergency Management operation have been included in the Library building budget.

Council Member R. Reimer requested that there be an item on the next Common Council agenda to discuss the needs of the Emergency Management if they are moved along with all of the attributes.

City Administrator/Treasurer Mertes stated that she will get input on the requirements of the Emergency Management move.

In answer to Council Member C. Reimer's question, Chief Frank stated that it would cost approximately \$200,000 to build a new range or \$80,000 – \$90,000 to build a simulation range.

In answer to Council Member Filter's question, Chief Frank stated that the Village of Grafton has an indoor shooting range; however, it would be easier for the Cedarburg officers to train on duty with our own range. The range in the former Police Station has not been used since the lead was removed from the facility. The officers are getting adequate practice but it would be easier to have a local range. Firing range cost options for Cedarburg Police Officers ranges from \$50,000 - \$200,000. The officers presently practice at an outdoor facility near Hawthorne Hills park.

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

CITY ADMINISTRATOR/TREASURER'S REPORT

City Administrator Mertes stated that the WPPI Trust Board has decided to dissolve the WPPI Trust at the end of 2013. As a result, the City will be looking at alternate health insurance plans between now and then. She stated that it may not be feasible to change insurance plans for 2013 because there will be a 10% penalty to leave the Trust at the end of 2012.

ADJOURNMENT

Motion made by Council Member Filter, seconded by Council Member Yip, to adjourn the meeting at 9:15 p.m. Motion carried without a negative vote with Council Member Radtke excused.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk