

**CITY OF CEDARBURG
COMMON COUNCIL
August 26, 2013**

CC20130826-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, August 26, 2013 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Kinzel called the meeting to order at 7:00 p.m.

ROLL CALL: Present - Common Council: Mayor Kip Kinzel, Council Members Chris Reimer, Art Filter, Paul Radtke, Michael Maher, Doug Yip, Mike O'Keefe

Excused - Council Member Ron Reimer

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, Police Chief Tom Frank, City Clerk Constance McHugh, Public Works Superintendent Jeff Boerner, Public Works employee David Schwantes, Economic Development Coordinator Mary Sheffield, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor Kinzel's request, City Clerk McHugh verified that notice of this meeting was provided to the public by forwarding the agenda to the City's official newspaper, the *News Graphic*, to all news media and citizens who requested copies, and by posting in accordance with the Wisconsin Open Meetings Law. Citizens present were welcomed and encouraged to provide their input during the citizen comment portion of the meeting.

APPROVAL OF MINUTES

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to approve the minutes of the July 29, 2013 meeting as presented. Motion carried with Council Member R. Reimer excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Brook Brown, Plan Commission Member and resident at N25 W5060 Hamilton Road, said he realizes there is a public hearing on September 9 regarding a proposed change in the Zoning Code that would allow a columbarium at Advent Lutheran Church. He said the City has worked hard to maintain the vibrant and lively downtown and a columbarium does not add to this. He has heard comments from the public that a columbarium in this location is odd, eerie, weird, and inappropriate. He said the negativity is real. He recommended the Council not change the Zoning Code to allow this because of the legal opinion from the City Attorney stating that cemeteries are not allowed in this location, because it does not fit in the center of town, and due to the possibility of more columbaria in the downtown area because there are two more churches downtown and three

more just off Washington Avenue. He said no small towns have a columbarium downtown because it is simply not appropriate or legal.

CONSIDER DISPOSITION OF THE EXISTING LIBRARY BUILDING

Council Member Radtke said the Plan Commission discussed the disposition of the current library building. Three things came up in the discussion: the disposition is the talk of the town, there is interest in the City having control of the property by possibly buying out the Town, and there is interest in using the building as a possible replacement for the Senior Center.

Mayor Kinzel said the Council needs to decide what should be done with the library building. There is interest in purchasing the building by at least one organization and there is interest in the City keeping the building to lease out, possibly to the Cedarburg Preschool or Cedarburg Museum. There has also been mention of using the building as a senior center. He said information needs to be gathered quickly to determine if it should possibly be put on the market for sale. An appraisal placed a value of \$617,000 on the land and building.

City Administrator/Treasurer Mertes said she has received proposals from groups interested in leasing the building. In addition, Economic Development Coordinator Mary Sheffield has received calls about the possible purchase of the building.

Council Member Radtke asked where the Town stands on this matter, as they have a share in the property.

Mayor Kinzel said the Town is likely to be interested in their share if the property is sold. There would need to be an agreement with the Town if the building is leased. The Council could also consider buying out the Town's interest.

Council Member Radtke said there are some good uses for the building, such as the Cedarburg Museum, but the uses need to add value to the City and the City needs to recover its costs. If the building is leased out, all leases should be at fair market value.

Council Member C. Reimer asked that it be determined how much rent would need to be paid by non-profit groups to cover taxes that a building appraised at \$617,000 would generate if it were placed back on the tax roll.

Council Member Yip said a question to be answered is whether the Cedarburg Museum would draw people to the downtown.

Council Member Maher suggested matters with the Town be settled before a decision about the disposition of the building be made.

Council Member C. Reimer asked that City Administrator/Treasurer Mertes determine what the fair market value rents would need to be for the building, the taxes that would be generated annually if the building were placed back on the tax rolls, and what the value of the asset would be over the next several years.

In addition to this information, Council Member Radtke asked that the Council be provided with a breakdown of the organizations who are interested in leasing the building, the breakdown of the value of the land versus the value of the building, what similar properties in the City are selling for, and how much square footage is needed by the Senior Center.

Becky McMenimen, representative of the Cedarburg Preschool and resident at N106 W6989 Dayton Street, said a proposal has been presented for use of a portion of the building by the Cedarburg Preschool. The Preschool would use 4,000 square feet, would pay fair market value for the lease, is interested in a long-term lease, and does have funding in place for the build out.

Judy Jepson, W61 N358 Washington Avenue, said she turned in a proposal today regarding the use of the building for the Cedarburg Museum. She is not sure of the amount of space needed, but she is willing to donate all items to the City if the City finds a place to house them.

It was the consensus of the Council that City Administrator/Treasurer Mertes provide the information requested as soon as possible and the Council make a decision regarding the disposition of the building at that point.

CONSIDER QUOTATIONS FOR THE TELEPHONE SYSTEM REPLACEMENT

City Administrator/Treasurer Mertes said that since the last Council meeting two telephone systems are being considered. They are the Shoretel system installed by Connecting Point and the NEC system proposed by Allied. Staff received a demo of the Shoretel system and is of the opinion that it is the one that should be purchased, mainly because of the features that will be provided upfront. There is a \$4,000 difference in price; however, Connecting Point will provide 5 years full support including software upgrades. The Allied system comes with 6 months free support, and only the first year of licensing included for software upgrades. In addition, this system will save \$500 a month because the PRI line is no longer necessary. Cedarburg Light and Water will also be part of the system upgrade and those employees are also recommending the Shoretel system.

Council Member Radtke said that he is familiar with the Shoretel system and it is a phenomenal system. He said the Council should give consideration and weight to staff's views. He is in favor of going with the same system that Light and Water does, and their staff also recommends the Shoretel system.

Council Member C. Reimer asked if there is a monthly fee associated with either system.

City Administrator/Mertes said there is not a monthly fee aside from the fee for telephone service. There is a yearly fee for support.

Council Member Filter said a lot of money has been taken from the fund balance lately. He said this item should be included in the budget.

City Administrator/Treasurer Mertes said money was proposed in the 2013 budget for the phone system replacement; however, the Council decided not to fund the replacement at that time and directed staff to bring proposals to the Council when ready, with the understanding the money would come from the fund balance. Approximately \$1.8 million was in the fund balance at the end

of 2012. Approximately \$1.69 will remain after the purchase of trees, iPads, paying for a health insurance consultant and website design services, and the purchase of a replacement telephone system. The City's Fund Balance Policy states that the fund balance should be between \$1.3 million and \$2 million.

Motion made by Council Member C. Reimer, seconded by Council Member O'Keefe, to accept the quotation of Connecting Point for a Shoretel telephone system in the amount of \$48,037, with the use of fund balance, with partial funding coming from the Swimming Pool Fund, Sewer Utility and Light and Water. Motion carried unanimously with Council Member R. Reimer excused.

CONSIDER PRELIMINARY PLAT FOR THE 10.6 ACRE RIECHER'S SUBDIVISION LOCATED AT W60 N1052 SHEBOYGAN ROAD

Motion made by Council Member Filter, seconded by Council Member C. Reimer to approve the Riecher's subdivision preliminary plat subject to:

1. Adding a notation of the final plat citing the need for a Tree Cutting and Clearing permit for vegetation removals in the C-4 area.
2. Technical corrections.
3. Any requirements of the State.
4. Dedicating the 50-foot wide drainage way land on the final plat.

Director Wiza said the Plan Commission recommended approval of the preliminary plat for the 10.6 acre parcel. The eastern one half of the land will be preserved in its natural wooded state as required by SEWRPC. The preliminary plat follows the SEWRPC recommendation.

Motion carried unanimously with Council Member R. Reimer excused.

CONSIDER APPLICATION FROM STILTHOUSE INC., KEITH M. REID, AGENT, FOR A CLASS "B" BEER AND "CLASS C" WINE LICENSE AT STILTHOUSE GASTROPUB, W62 N630 WASHINGTON AVENUE

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to approve the application of Stilthouse Inc., Keith M. Reid, agent, for a Class "B" beer license and "Class C" wine license for the Stilthouse Gastropub, W62 N630 Washington Avenue. Motion carried unanimously with Council Member R. Reimer excused.

Keith Reid, owner of the Stilthouse, said he would like the opportunity to sell beer and wine outside his establishment during festivals.

Mayor Kinzel said the Council cannot take action on that request tonight. He suggested Mr. Reid contact the Clerk's Office to get the request on the next Council agenda.

CONSIDER EXTENSION OF CASH FARM LEASE WITH BOB RODEN FOR 2014

Motion made by Council Member Radtke, seconded by Council Member Filter, to approve the extension of cash farm lease with Bob Roden for 2014. Motion carried without a negative vote with Council Member R. Reimer excused.

Council Member C. Reimer suggested staff take a look at what is charged for all leases through the City.

CONSIDER RESOLUTION NO. 2013-11 ADOPTING THE OZAUKEE COUNTY ALL HAZARDS MITIGATION PLAN

Motion made by Council Member C. Reimer, seconded by Council Member O'Keefe, to adopt Resolution No. 2013-11 adopting the Ozaukee County All Hazards Mitigation Plan. Motion carried unanimously with Council Member R. Reimer excused.

CONSIDER ESTABLISHING A DATE AND TIME FOR TRICK OR TREAT

Council Member Radtke said he has heard good feedback from the community when Trick or Treat is held on a Saturday.

Motion made by Council Member Radtke, seconded by Council Member O'Keefe, to set Saturday, October 26, 2013 from 5:00 p.m. to 8:00 p.m. as Trick or Treat in the City. Motion carried with Council Member Filter opposed and Council Member R. Reimer excused.

CONSIDER WAGE STRUCTURE FOR PUBLIC WORKS HOURLY EMPLOYEES NO LONGER COVERED BY A UNION

City Administrator/Treasurer Mertes said two Public Works employees have been hired in the last five years. When they were hired they were covered by a union contract with the assumption of annual step increases to reach the maximum pay for an equipment operator. The union has since dissolved and management would like to put in place a schedule that will allow the two employees to reach the same pay rate as the rest of the crew. This would require mid-year increases in addition to the annual January 1 pay increases. This would not apply to anyone that is hired from this time forward. A proposed wage schedule was presented.

Council Member C. Reimer said adopting the proposed schedule will put in place the terms these two employees were hired under. He said they are good employees and the City does not want to see them market themselves elsewhere. This is a way to keep quality employees.

Motion made by Council Member C. Reimer, seconded by Council Member Filter, to adopt the proposed wage structure as presented for the two newly hired Public Works employees. Motion carried unanimously with Council Member R. Reimer excused.

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CONSIDER ENTERING INTO AN AGREEMENT WITH HEALICS FOR HEALTH RISK ASSESSMENTS

City Administrator/Treasurer Mertes said the Health Insurance Committee has looked at four vendors to do health risk assessments (HRAs) for City employees. The goal is to tie the health risk assessment to insurance premiums and provide an incentive for employees who participate in the HRA program. Cedarburg Light and Water discounts health insurance premiums for employees by \$20 per month if they participate in the program and \$20 per month for spouses who participate.

City Administrator/Treasurer Mertes said the Health Insurance Committee and Personnel Committee recommended using Healics to do the HRAs. The Council needs to decide if the spouses should be included in the HRAs. The cost is \$4,800 to \$10,704 depending on who is eligible.

Council Member C. Reimer suggested that everyone that is covered under the City's health insurance plan be included in the health risk assessments and the incentive program be modeled on Light and Water's program so that 100% participation is achieved.

Motion made by Council Member C. Reimer, seconded by Council Member D. Yip, that an agreement be entered into with Healics for the provision of health risk assessments for employees and spouses who are covered by the City's health insurance plan and that an incentive program similar to Light and Water's be developed to encourage 100% participation. Motion carried unanimously with Council Member R. Reimer excused.

CONSIDER POLICY CC-29: ELECTRONIC MEDIA DEVICE POLICY

Motion made by Council Member Radtke, seconded by Council Member Filter, to adopt Policy CC-29 governing the use of electronic devices by the Mayor, Council Members and staff. Motion carried unanimously with Council Member R. Reimer excused.

PAYMENT OF BILLS

Motion made by Council Member C. Reimer, seconded by Council Member Maher, to approve the payment of the bills for the period 7/25/13 through 8/14/13, ACH transfers for the period 7/28/13 through 8/23/13, and payroll for the period 7/21/13 through 8/17/13. Motion carried unanimously with Council Member R. Reimer excused.

LICENSE APPLICATIONS

Motion made by Council Member O'Keefe, seconded by Council Member C. Reimer, to authorize the issuance of new Operator's licenses for the period ending June 30, 2014 to: Dixie Kay Borzick, Jordan Z. Cole, Tiffany N. Hammock, James D. Lake, Amy L. Miller, Patricia A. Samson, and Victoria R. Sorenson, and to authorize the issuance of renewal Operator's licenses for the period ending June 30, 2014 to: Jenna L. Hall and Lauren A. Singer and to authorize the issuance of a Festival Celebration Permit to Festivals of Cedarburg Inc. for Wine and Harvest Festival to be held on September 21, 2013 from 10:00 a.m. to 6:00 p.m. and September 22, 2013 from 10:00 a.m. to 5:00 p.m. Motion carried unanimously with Council Member R. Reimer excused.

LIBRARY FUNDRAISING UPDATE AND LIBRARY BUILDING UPDATE

An updated Sources and Uses of Funds spreadsheet for the new Library project was presented. The spreadsheet reflects recent payments to Engberg Anderson and Beyer Construction. Beyer Construction will be revising the budget numbers for presentation to the Council.

Director Wiza said construction of the new Library has been moving along well.

The Friends of the Library received \$1,000 for the building project.

CITY ADMINISTRATOR/TREASURER'S REPORT

City Administrator/Treasurer Mertes said she looked into obtaining a WEDC grant for demolition of the Amcast building. Unfortunately this is not an option as the site does not meet the minimum 10 acre requirement. She is investigating smaller grants that may be available.

A meeting will be held on Tuesday, August 27 with Tom Baumgartner of Mercury Marine to discuss proceeding with the Creek Walk project.

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Filter said he received a call from a constituent regarding a neighbor who leaves food out for stray dogs and cats. He said this constituent questioned whether this was allowed as her dog has a tendency to wander over and eat the food.

MAYOR'S REPORT

Mayor Kinzel issued a proclamation proclaiming September 16 as The American Legion Day.

ADJOURNMENT - CLOSED SESSION

Motion made by Council Member C. Reimer, seconded by Council Member Yip, to adjourn to closed session at 8:20 p.m. pursuant to State Statutes 19.85 (1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, more specifically, to discuss a salary adjustment for the Building Inspector and (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 matters relating to TID #2, the current library site, and the Mercury Marine Plant No. 2 site. Approval of closed session minutes of July 29. Motion carried unanimously with Council Member R. Reimer excused.

RECONVENE TO OPEN SESSION

Motion made by Council Member Radtke, seconded by Council Member C. Reimer, to reconvene to open session at 9:35 p.m. Motion carried unanimously with Council Member R. Reimer excused.

SALARY ADJUSTMENT FOR BUILDING INSPECTOR

Motion made by Council Member Filter, seconded by Council Member C. Reimer, that \$4,000 be included in the 2014 budget for a salary increase for the Building Inspector, effective January 1, 2014. Motion carried unanimously with Council Member R. Reimer excused.

ADJOURNMENT

Motion made by Council Member Radtke, seconded by Council Member Filter, to adjourn the meeting at 9:36 p.m. Motion carried unanimously with Council Member R. Reimer excused.

Constance K. McHugh, MMC/WCPC
City Clerk