

**CITY OF CEDARBURG  
COMMON COUNCIL  
October 10, 2011**

**CC20111010-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, October 10, 2011 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Council President Radtke 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 – Council Members Chris Reimer, Ron Reimer, Art Filter, Paul Radtke, Michael Maher, Douglas Yip, Bob Loomis

Excused - Mayor Gregory P. Myers

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, Police Chief Tom Frank, Fire Chief Rich VanDinter, Wastewater Superintendent Ron Clish, Parks, Recreation & Forestry Director Mikko Hilvo, Light & Water General Manager Dale Lythjohan, City Assessor Cathy Timm, Building Inspector Mike Baier, Accountant II/Accounts Receivable Kathy Huebl, Deputy City Clerk Amy Kletzien, interested citizens and news media

**STATEMENT OF PUBLIC NOTICE**

At Acting Mayor Radtke'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.

Council President Radtke stated that as Acting Mayor he will retain his right to vote as Council Member of the 4<sup>th</sup> Aldermanic District.

**APPROVAL OF MINUTES**

Motion made by Council Member C. Reimer, seconded by Council Member Maher, to approve the minutes of the September 26, 2011 meeting. Motion carried without a negative vote.

**PUBLIC HEARING – CONSIDER ORDINANCE NO. 2011-18 REZONING THE PROPERTY AT N49 W7411 WESTERN ROAD FROM TEMPORARY RS-1 RESIDENTIAL DISTRICT TO RS-3 RESIDENTIAL DISTRICT**

Acting Mayor Radtke declared the Public Hearing open at 7:05 p.m. on proposed Ordinance No. 2011-18 rezoning the property at N49 W7411 Western Road from Temporary RS-1 Residential District to RS-3 Residential District. Deputy City Clerk Kletzien verified that proper legal notice had been given with publication in the *News Graphic* on September 22 and September 29, 2011.

Director Wiza stated that Ms. Last annexed her property to the City in December 2010, and it was temporarily zoned RS-1 in compliance with Wisconsin Statutes. He stated that the Plan

Commission recommended that the property be zoned RS-3 Residential District, as it matches the properties in the area.

There were no public comments.

Motion made by Council Member Filter, seconded by Council Member Loomis, to close the public hearing. Motion carried without a negative vote.

Motion made by Council Member Filter, seconded by Council Member R. Reimer, to adopt Ordinance No. 2011-18 rezoning the property at N49 W7411 Western Road from temporary RS-1 Residential District to RS-3 Residential District. Motion carried without a negative vote.

**PUBLIC HEARING – PRESENTATION OF THE 2012 CITY BUDGET; DISCUSSION AND DIRECTION THEREON**

Acting Mayor Radtke declared the Public Hearing open at 7:10 p.m. on the presentation of the 2012 City Budget. Deputy City Clerk Kletzien verified that proper legal notice had been given with publication in the *News Graphic* on September 22.

City Administrator/Treasurer Mertes presented the proposed 2012 City budget. Highlights of the budget include the following:

**Value and Tax Levy**

- The total assessed value for 2011 is \$1.176 billion, an increase of 1.8% or \$20.7 million.
- The equalized value increased from \$1.17 billion to \$1.176 billion, a 5% or \$6 million increase.
- The proposed tax levy of \$7,719,760 is a 2.8% increase.
- The equalized tax rate is \$6.56/\$1,000, which is a .15 or 2.3% increase.
- The proposed assessed tax rate is \$6.56/\$1,000 of value, an increase of .07/\$1,000 or 1.1% increase. This equates to an \$18.13 increase in taxes on a home assessed at \$259,000.
- The total budgeted revenues are \$19.6 million and the total budgeted expenditures are \$20.3 million.

**General Fund**

- The proposed tax levy is increasing by 3.2% to \$5.29 million.
- The General Fund is 68% of the total levy.
- The total revenues of \$7.8 million are increasing by 1.12%.
- Intergovernmental revenues are decreasing by 10.5%.
- Regulation and compliance revenues are increasing by 9.2%.
- Public charges for services are decreasing by 7.25%.
- Intergovernmental charges for services are decreasing by 8.5%.
- Commercial revenues are down 2.4%.
- Property taxes are increasing 3.2%.
- Property tax equivalent is up 4.8%.
- Total expenditures are \$7.8 million, which is down .2%.
- Preliminary Department changes were presented and will be discussed in more detail at the next Common Council meeting.

### **Capital Improvements**

- The Capital Improvement Fund levy is \$1,090,000, reflecting a 1.5% increase. This is 14% of the total levy.
- Revenues total \$6,985,686.
- Expenditures total \$7,195,595.
- Preliminary Department project and equipment requests were presented and will be discussed in more detail at the next Common Council meeting.

### **Sewer Utility**

- Flow rate per 1,000 gallons - \$5.07.
- Monthly connection fee - \$12.
- Holding tank hauler rate per 1,000 gallons - \$8.45.
- Septic tank hauler rate per 1,000 gallons - \$41.58.
- Operating revenues budgeted to increase 4.1% - \$2,378,567.
- Operating expenditures increasing 2.9% - \$2,666,275.
- Capital projects - \$335,000 funded through replacement funds or unrestricted funds.

### **Debt Service**

- The levy is going up 3.9%.
- Represents 12% of the total levy.
- \$10,137,572 in outstanding debt (which includes scheduled 2012 issues) and is 17.1% of statutory limit and 21.3% of City policy.

### **Special Revenues**

- Cemetery – revenues are decreasing 18.4% and expenditures are increasing 25.6%.
- Room Tax – increasing due to actual expected for 2011.
- Recreation Programs – revenues increasing by 11.5% and expenditures are increasing by 18.5%.
- Swimming Pool – City contribution increasing 10%, revenues budgeted to increase due to increased fees.
- Park Subdivider Deposit Fund – Funds transferred for Zeunert Park path exercise stations and Willowbrooke park path.
- Library – Revenues are down 3.5% and expenditures are increasing 1.1%.

### **Internal Service**

- Total Revenues - \$295,576.
- Total Expenditures - \$279,547.

### **Unfunded Items**

- Unfunded items include: downtown projects; Parks, Recreation and Forestry; WRS.

Council Member C. Reimer thanked City Administrator/Treasurer Mertes for a well done budget presentation.

There were no questions from the public.

Council Member R. Reimer requested that the source of funding and schedule for the library be discussed at the next meeting.

In answer to Council Member C. Reimer's question, Director Wiza stated the City Hall vehicle fleet averages about 14 years old.

In answer to Council Member R. Reimer's question, City Administrator/Treasurer Mertes stated that the Light & Water Utility paid for the aeration system for Well No. 4. General Manager Lythjohan stated that once there is surety on the source of the contamination, the Utility will begin action to recover the costs in the first or second quarter of 2012.

In answer to Council Member C. Reimer's question, Director Wiza stated that the \$75,000 budgeted for the dams will only cover normal maintenance and repairs for the dams. The dams do not comply with NR333 and in the long-term the hydraulic capacity will need to be addressed.

In answer to Council Member Maher's question, Director Wiza stated that the need is still there to replace street signs.

Council Member Maher requested that the maximum tax levy amount be made available at the next Council meeting.

Motion made by Council Member Filter, seconded by Council Member Yip, to close the Public Hearing. Motion carried without a negative vote.

**CONSIDER BIDS FOR INSTALLATION OF A VERTICAL PLATFORM LIFT AT THE CEDARBURG SENIOR CENTER**

Building Inspector Baier stated that the Senior Center currently has a stair chair lift in the Lincoln Building. The chair lift; however, does not accommodate someone in a wheelchair. Senior Center Director LaFontaine has been fundraising in an effort to have a vertical platform lift installed to accommodate anyone with special needs. The estimated cost of the project was \$63,000 and monies have been collected through private donations.

Building Inspector Baier stated that the City received one bid from Moore Construction Services for \$62,761 for the preparation and installation of a platform lift plus \$1,657 if hardwood floors are found during the project and are restored.

Motion made by Council Member Filter, seconded by Council Member Loomis, to accept the bid from Moore Construction Services for \$64,418 to install a vertical platform lift at the Cedarburg Senior Center. Motion carried unanimously on a roll call vote.

**CONSIDER REQUEST FROM THE CEDARBURG CHRISTMAS COMMITTEE TO BUILD A TEMPORARY, MOVABLE GINGERBREAD HOUSE ON THE CITY HALL FRONT LAWN IN FRONT OF THE COMMUNITY GYM**

Director Hilvo spoke on behalf of Pat Niles, as part of a group of volunteers from various area non-profit groups organized as a committee of the Cedarburg Chamber of Commerce. The group is proposing to build and maintain a gingerbread house on the City Hall front lawn from early

November to mid-January. The project would not require any City funds; however, the City will be clearing the snow.

The group is proposing to place the structure just north of the entrance to the Community Center on concrete blocks. A local builder and contractors will be used to construct the house.

In answer to Council Member R. Reimer's questions, Director Hilvo said that the Cedarburg Christmas Committee will be responsible for all restoration and maintenance to the footprint.

Motion made by Council Member Loomis, seconded by Council Member C. Reimer, to grant the request to the Cedarburg Christmas Committee to build a temporary, movable gingerbread house on the City Hall front lawn in front of the Community Gym, with the understanding that the Committee will restore the original footprint when not in use. Motion carried without a negative vote.

**CONSIDER AGREEMENT BETWEEN THE OZAUKEE YOUTH HOCKEY ASSOCIATION, INC. AND THE CITY OF CEDARBURG**

City Attorney Vance stated that the presented agreement has been agreed upon by all parties; however, formal support of the agreement is required by the Common Council this evening and the City of Mequon on Tuesday, October 11.

Motion made by Council Member Loomis, seconded by Council Member Maher, to approve the agreement between the Ozaukee Youth Hockey Association, Inc. and the City of Cedarburg.

In answer to Council Member C. Reimer's question, City Attorney Vance stated that the City of Cedarburg is fully protected in this agreement.

Council Member Filter expressed concern for off-site parking. City Attorney Vance stated that the off-site parking has been discussed and the Ozaukee Youth Hockey Association has agreed to use off-site parking and to handle their event parking in a safe manner.

In answer to Council Member R. Reimer's question, City Attorney Vance stated that the City of Mequon needs to continue to agree on the intergovernmental agreement that was entered into in 1995 for the project to move forward. There may be another amendment from the City of Mequon to the agreement at a later date.

Motion carried without a negative vote.

**CONSIDER SITE AND ARCHITECTURAL APPROVALS FOR THE OZAUKEE ICE CENTER ADDITION**

City Attorney Vance stated that in accordance with the City's agreement with the City of Mequon and with the Ozaukee Youth Hockey Association, approval of the site and architecture plans by the City of Cedarburg is required for the Ozaukee Ice Center addition. Planner Marchek reviewed all of the plans and has approved them. She stated that the Ozaukee Ice Center was not aware of the intergovernmental agreement and on this one time only basis, the City will agree to make the approvals here in order to not hold up the project. In the future, if any changes are made to the Ozaukee Ice Center they will need to go through the proper process for consideration.

Motion made by Council Member Loomis, seconded by Council Member Filter, to approve the site and architectural plans for the Ozaukee Ice Center addition.

In answer to Council Member C. Reimer's question, Director Wiza stated that he has reviewed the stormwater plans. He stated that the City of Mequon's parameters for pond sizing are more rigid than the City of Cedarburg's and he agrees with the plans.

In answer to Council Member C. Reimer's question, General Manager Lythjohan stated that he agreed with the plans that were submitted for the Ozaukee Ice Center addition.

Council Member Radtke expressed concern for off-site parking twice a year for events and crossing Pioneer Road to do so.

City Attorney Vance stated that the City can reiterate parking concerns.

Council Member Yip stated that the contract mentions that the organization will have event parking.

In answer to Council Member C. Reimer's question, Chief Frank stated that when major events are held at soccer fields, the organization will contact the Police Department for assistance during events to help people cross streets. At times, volunteers have helped through the auxiliary police. It may become a problem if they hold more events during the year.

Council Member Yip stated that Exhibit F states that the Ozaukee Youth Hockey Association will:

1. Acquire event staff personnel to monitor on-site parking lot capacity and availability during large events with expected capacities up to 1,000 spectators.
2. If at anytime during large capacity events and the on-site parking lot become full, a "Lot Full" barrier will be placed at both entrances by the event staff.
3. Vehicles will be redirected to Carlson Tool and/or Fundraising parking lots off Pioneer Road and McKinley Blvd. where OYHA patrons can walk to OYHA to attend the event.

He said that the City needs to hold the organization to these rules.

Motion carried without a negative vote.

**CONSIDER RECOMMENDATION OF THE JOINT INITIATIVES EXECUTIVE COMMITTEE REGARDING JOINT DISPATCH SERVICES**

Council Member R. Reimer updated the Common Council on the recommendations of the Joint Initiatives Executive Committee regarding joint dispatch services. He stated that the City of Cedarburg determined that it would save approximately \$40,000 if we participated in a joint dispatch center; however, that did not include the costs incurred to move and pay for combined equipment. It would be a better deal for the home of the dispatch center and no one wanted to be a loser.

Council Member Radtke stated that staff did a good job of presenting the pros and cons for a joint dispatch center. Ultimately, the Joint Initiatives Executive Committee voted against combining these services.

Council Member R. Reimer stated that all of the initiatives have been a learning exercise. He learned that the City of Cedarburg and the Village of Grafton already share equipment.

Police Chief Frank stated that the City of Cedarburg and the Village of Grafton have purchased major equipment and software together in the past. The County is now providing a shared system at a cost savings of \$10,000 - \$12,000.

Council Member Loomis stated that he appreciates the analysis and that this may reemerge again in the future.

Council Members R. Reimer and Radtke agreed that the individual police departments were completely supportive of any decision and that they scrupulously presented the facts without bias.

Motion made by Council Member R. Reimer, seconded by Council Member Maher, to recognize and endorse the motions made by the Joint Initiative Executive Committee to recommend to the Cedarburg Common Council and Grafton Village Board that common procurement of hardware and software continue to be evaluated for savings in both communities, that assessment of shared dispatch without a change in location be further evaluated, and that a change in location of dispatch, operational changes, personnel changes, and changes in lobby hours of operations at both locations does not warrant further consideration at this point in time. Also that the Grafton Safety Committee have an agenda item every other month to discuss ways of sharing among the communities with Cedarburg representatives invited to attend the meetings.

A friendly amendment was offered by Council Member Maher to include discussion of all expenditures, including capital. Motion carried without a negative vote.

#### **DISCUSS STATUS OF THE EPA CLEANUP OF THE AMCAST SITE**

Council Member Radtke opined that the City needs to push harder to get the Amcast site cleaned up.

Council Member Loomis suggested contacting our State Legislators.

City Attorney Vance stated that the cleanup is coming from a Federal body and it is subject to funding. The EPA has had no response from Amcast. The EPA needs to assume the building as part of the cleanup. The building is a hazard and they cannot send people inside to look at it because it is unsafe.

Council Member R. Reimer suggested that additional contact needs to be made.

Council Member Loomis suggested that City Attorney Vance draft a letter to our State Legislators and the EPA on behalf of the Common Council outlining the issues involving the Amcast property. The Common Council agreed.

City Administrator/Treasurer Mertes and Director Wiza met with representatives of the EPA and they were told that the building is not safe. Director Wiza agreed that a political statement would be good.

Council Member Maher asked the Common Council to consider having the City help with the cleanup. If not, it will become developable property with no financial reward for the City. He suggested that the City do a study or some type of analysis on the property or to consider taking ownership to help clean the property and have a say in how the land is used.

City Attorney Vance stated that it would be very costly to cleanup the property. It has been on the superfund list since 2009.

Council Member Radtke stated that the cleanup involves more than the Amcast building. There are ponds and residential properties also involved.

Director Wiza stated that the Amcast building is just a small portion of the cleanup.

Council Member Maher opined that it would go a great distance with the neighbors to raise the building.

City Attorney Vance stated that it is best to work with the EPA. The City will be able to do a Brownfield redevelopment at some point.

Director Wiza stated that his estimate to clean the property was taken from the costs to clean the Mercury Marine site and then converted to the scale of Amcast. The work that the EPA is doing will clarify the costs.

Council Member Maher opined that the City needs to be more proactive.

Council Member C. Reimer requested that the letter from City Attorney Vance include some talking points that the Council Members can refer to when discussing the property.

**CONSIDER SCHEDULING A SPECIAL COMMON COUNCIL MEETING**

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to hold a special Common Council meeting on October 24 to discuss the budget in further detail and outstanding library issues as suggested by City Administrator/Treasurer Mertes.

Council Members C. Reimer and R. Reimer are unable to attend this meeting.

Council Member Filter stated that he cannot attend the regular meeting of the Common Council on October 31.

Motion carried without a negative vote.

Council Member Loomis stated that he wants to know what the costs are going to be for a new library and how it will affect taxpayers. He will be going throughout his district to discuss the pros and cons of a new library with his constituents before he decides how he will vote for the new library.

**CONSIDER PAYMENT OF BILLS FOR THE PERIOD 9/23/11 THROUGH 9/29/11, ACH TRANSFERS FOR THE PERIOD 9/29/11 THROUGH 10/6/11, AND PAYROLL FOR THE PERIOD 9/24/11 THROUGH 10/7/11**

Motion made by Council Member C. Reimer, seconded by Council Member Yip, to approve the payment of bills for the period 9/23/11 through 9/29/11, ACH transfers for the period 9/29/11 through 10/6/11, and payroll for the period 9/24/11 through 10/7/11. Motion carried without a negative vote.

**LICENSE APPLICATIONS**

Motion made by Council Member C. Reimer, seconded by Council Member Yip, to approve the new Operator's License applications for the period ending June 30, 2012 for Ervin A. Herman and Emily A. Krause. Motion carried without a negative vote.

**CITY ADMINISTRATOR'S REPORT**

City Administrator/Treasurer Mertes reported that her and City Clerk McHugh have completed the first round of interviews for the part-time Administrative Assistant position and will be doing second interviews this week.

City Administrator/Treasurer Mertes brought attention to the revised letter that was received from the donor group for a new Cedarburg Public Library.

**COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS**

Common Council Members stated that they have received emails and had contact with citizens who are concerned about the proposed site of the new Library. It has been mentioned that the Library should be rebuilt at the current location.

**ADJOURNMENT**

Motion made by Council Member C. Reimer, seconded by Council Member Yip, to adjourn the meeting at 9:05 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC  
Deputy City Clerk