

**CITY OF CEDARBURG  
COMMON COUNCIL  
October 24, 2011**

**CC20111024-1**

A special meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, October 24, 2011 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Myers called the meeting to order at 7:00 p.m.

ROLL CALL: Present - Common Council: Mayor Gregory P. Myers, Council Members Art Filter, Paul Radtke, Michael Maher, Douglas Yip, Bob Loomis

Excused - Council Members Chris Reimer and Ron Reimer

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, Police Captain Glenn Frank, Library Director Mary Marquardt, City Clerk Constance McHugh, City Assessor Cathy Timm, Director of Parks, Recreation and Forestry Mikko Hilvo, Building Inspector Mike Baier, City Planner Marty Marchek, Public Works Superintendent Jeff Boerner, Parks and Forestry Superintendent Kevin Westphal, Building Inspector Mike Baier, Wastewater Superintendent Ron Clish, Fire Chief Rich Van Dinter, Assistant Fire Chief Jeff Vahsholtz, Emergency Government Director Kevin Runkel, Deputy Emergency Management Director Frank Even, Economic Development Coordinator Mary Sheffield, Parks, Recreation, and Forestry Board Chair Lynne Buehler, Library Board President Sue Karlman, Library Board Members Steve Ruggieri, Liz Bryde, and Vonna Pitel, interested citizens and news media

**STATEMENT OF PUBLIC NOTICE**

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

**COMMENTS AND SUGGESTIONS FROM CITIZENS**

Debra Spiering, W61 N673 Mequon Avenue, said she has the impression the construction of a new library on the Mill Street site is a done deal. She said that she and a lot of people still have concerns regarding the proposed retail space, the footprint, and the relocation of the Weber Haus. She encouraged the Council to look at all the alternatives before moving forward.

**CONSIDER RESULTS FROM MILL STREET LIBRARY SITE PHASE II ENVIRONMENTAL TESTING AND GEOTECHNICAL EXPLORATION**

Director Wiza said the Phase II environmental testing and geotechnical exploration reports for the proposed Mill Street library site have been completed. The environmental testing report was prepared by Stantec Consulting Services, Inc. of Mequon. The geotechnical report was completed by Alan Wagner of the Wagner Komurka Geotechnical Group, Inc. (WKG<sup>2</sup>) of Cedarburg. Mr. Wagner completed the report pro-bono. Director Wiza said there is nothing in the reports that indicates that something cannot be built on the site. There are some complications and cost increases depending upon the options.

In terms of the environmental report, Director Wiza said the soil contamination is limited to the far east end of the site. The issues to be addressed are:

- If there is excavation in the contaminated area there may be dewatering complications and the need to dispose of the contaminated water;
- The DNR will need to be notified of the redevelopment and the plan for dewatering;
- A soil management work plan is needed;
- A waste profile needs to be done; and
- A vapor mitigation plan will need to be prepared.

Director Wiza said the geotechnical report is more complicated. The mixture of soils and high groundwater table that fluctuates seasonally creates additional issues. Two scenarios were developed: one with a basement on the site and the other without a basement. For a non-basement structure, one of two options for supporting the superstructure of the building is recommended: 1) conventional spread-footing foundation bearing on ground improved by the installation of Rammed-Aggregate Piers, or 2) installation of deep foundations consisting of H-piles driven to bear on the bedrock. These options would be roughly \$100,000 more than a site which has uniform soil conditions that are favorable for foundation and floor slab support and which has no environmental contamination issues.

If a basement is included, it is suggested that it be kept above the groundwater elevation. This forces the first floor elevation to be 3' to 4' above the sidewalk elevation and will require two different ADA ramps. WKG<sup>2</sup> recommends a fully steel-reinforced slab for the basement floor that is between 12" and 18" thick. The cost for the slab would be in the \$200,000 range. In addition, there may be 300' of existing sidewalk on Mill Street and Washington Avenue that would need to be removed and vegetation lost.

Director Wiza said two other complications that do not relate to these reports are the AT&T overhead wires and buried electrical lines that would need to be relocated.

Council Member Loomis asked if it is possible to have a basement that is only 6' in height that is used for mechanicals only, and whether this would eliminate the groundwater problems.

Director Wiza said that a basement used for mechanicals only is possible; however, the 12" to 18" thick floor slab is still needed.

Council Member Filter said that based on the reports, the Council should reject this site as the future home of the new library and look at possible other sites, including building a new library where the present library is currently located.

Council Member Maher said a study was done several years ago that indicated in order to get the most value using the current library site the existing library and the emergency government building would need to be torn down.

Council Member Maher said that all construction projects have complications, and many complications can be overcome. He asked if the concerns in the reports apply to the entire footprint or the section closest to Washington Avenue.

Director Wiza said the concerns apply to the entire site; although most of the contamination is on the east side of the property. It has not been suggested, but the building could be moved further to the west.

Al Wagner of WKG<sup>2</sup>, who prepared the report, said that if the building is shifted to the west the groundwater table is shallower and the construction of a basement is more problematic.

Council Member Maher said that basements do not have to match the entire footprint of a building. He asked if the basement could be started where the contamination is no longer present.

Director Wiza said this could be done, but the groundwater issue still needs to be dealt with. There would be a shallower basement. He said he would recommend a basement for mechanicals only and no public access.

Mr. Wagner said it would be prudent to do an area-wide fix for the entire site, not just where there is problematic soil. Mr. Wagner said the cost to excavate the basement is estimated at \$60,000 and the cost for the slab is estimated to be \$200,000.

Council Member Loomis said it will cost a minimum of \$260,000 to prepare the site for construction, and while there has been a generous offer from the donor group to donate the land at a cost of \$300,000, it seems like the remediation costs are eating up the benefit from the donation. He asked if there are any other clean sites available in the City to build a library on.

Mayor Myers said that he is not aware of any other clean sites but reminded the Council that the Mercury Marine site is still a viable option as is the current library site. He said the cost concerns are valid and the Council needs to focus on the finished product and what it will look like after everything is taken into consideration.

Director Wiza said it is likely the building will be 50' by 240'.

Council Member Radtke said the Council is not prepared to make a decision tonight as this is a lot of information to absorb and there are a lot of options.

Council Member Filter said that based on what he heard this evening he would vote against this site.

Council Member Loomis said he has real concerns with the proposed site on Mill Street.

**DISCUSS NEXT STEPS TO MOVE FORWARD WITH CONSTRUCTION OF A NEW LIBRARY**

It was the consensus of the Council to discuss the next steps to move forward with the construction of a new library at the November 14, 2011 Council meeting.

**PROCLAMATION – CHANGE YOUR CLOCK, CHANGE YOUR BATTERY DAY – NOVEMBER 6**

Mayor Myers issued a proclamation proclaiming November 6, 2011 as Change Your Clock, Change Your Battery Day.

**CONSIDER AWARD OF CONTRACT FOR THE WASHINGTON AVENUE ASPHALT PAVEMENT REPAIRS BETWEEN CENTER STREET AND HAMILTON ROAD**

Motion made by Council Member Filter, seconded by Council Member Yip, to award the 2011 Washington Avenue asphalt pavement repair contract to Poblocki Paving in the amount of \$33,883. Motion carried on a roll call vote with Council Members C. Reimer and R. Reimer excused.

**CONSIDER SECOND AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT REGARDING THE OZAUKEE ICE CENTER FACILITY**

Motion made by Council Member Radtke, seconded by Council Member Loomis, to approve the Second Amendment to the Intergovernmental Agreement regarding the Ozaukee Ice Center Facility. Motion carried unanimously with Council Members C. Reimer and R. Reimer excused.

**CONSIDER PROPOSED 2012 BUDGET, DISCUSSION, AND DIRECTION THEREON**

City Administrator/Treasurer Mertes presented additional information to Council regarding the proposed 2012 budget that included tax levy scenarios, equipment capital purchases, a revised Sewer Utility budget and revised Wastewater Treatment Plan Capital Improvement Plan, tax levy history, a revised General Fund budget summary, a revised Parks, Recreation and Forestry budget, a revised 2012 Capital Improvement Fund budget and five year plan, and a revised unfunded list.

Council Member Filter questioned the purchase of a new cemetery vehicle. He said the vehicle does not get heavy use and looks good except for the panels.

Superintendent Boerner said the cemetery vehicle has 84,000 miles, but the mileage is not the issue. The vehicle is rotting from the bottom and brake lines and fuel lines need to be replaced. Recently \$2,500 of transmission work was done on the vehicle. This vehicle is also used for plowing.

Council Member Maher said the City is not the only community with capital purchases. He asked if it is possible to obtain economies of scale by having one agency purchase all equipment or doing joint purchasing.

Superintendent Boerner said V.A.L.U.E. in Local Government is an agency that does joint purchasing but there is not much of a break when single pieces of equipment are purchased. The savings only come when multiple purchases are made. He said that Grafton, Port Washington and Cedarburg do share equipment such as a stump grinder, hot mixer, and infrared heating machine. The communities also borrow equipment amongst themselves.

Council Member Radtke suggested that consultant contracts and other contracts such as phone and data service be looked at to determine if savings can be found.

Council Member Loomis asked if the energy cost savings measures General Manager Lythjohan has implemented are incorporated in the budget.

City Administrator/Treasurer Mertes said that she didn't include these cost savings but also did not include the price increase the Utility is planning. She said she will try to determine the cost savings and recalculate the price increase.

Superintendent Westphal said that \$12,000 has been included in the budget for tree planting in the last six years. There is a backlog of 66 trees from 2009 that need to be planted and a backlog of 78 trees from 2010. In order to deal with this backlog he has applied for a matching grant in the amount of \$35,000 and has requested that an additional \$17,280 be budgeted for tree planting.

Mayor Myers said that budgeting an additional \$5,280 on top of the \$12,000 will provide enough to match the grant and will still provide three times the normal amount expended for tree planting.

Superintendent Westphal said that this does not get the City out the hole. He said he needs the additional \$17,280 plus the usual \$12,000. This amount, along with the grant, will eliminate the 2009 and 2010 tree planting backlog.

Council Member Loomis suggested increasing the tree planting budget by \$5,280. He said this doesn't completely eliminate the backlog but another grant could be applied for next year.

Motion made by Council Member Loomis, seconded by Council Member Filter to replace the additional \$17,280 that is requested for tree planting with \$5,280, thereby adding \$5,280 to the budgeted amount of \$12,000. Motion carried unanimously with Council Members C. Reimer and R. Reimer excused.

Council Member Maher asked Superintendent Westphal to address the Friends of the Parks group and if they could provide funding for tree planting.

Superintendent Westphal said the Friends group is a brainchild of himself and Director Hilvo. He said that this group is not yet off the ground.

Council Member encouraged further development of this group and suggested the City help in any way possible.

Council Member Maher said there has been interest in a new band shell at Cedar Creek Park.

Mayor Myers said this has not been included in the budget but there is definite interest in the community for a new band shell.

Director Hilvo said Cedar Creek Park was once a landfill and there are now deed restrictions on the property. He said the DNR has indicated that digging footings for a new structure would be a problem. Building can only occur on the existing slab. He said he is talking with the group interested in doing this.

Council Member Loomis questioned the need for automatic door locks for park restroom facilities in the amount of \$18,725 that is on the unfunded list. He said he thought the Council decided it is more cost effective to have police officers lock the doors.

Superintendent Westphal said the opening and closing of restrooms is labor intensive and not something the police officers feel is their job to do. He said if officers do not lock the bathrooms at night due to other priorities vandalism occurs. He said a lot of communities are going to automatic locking systems. He said with an estimated \$7,000 in wages and fuel expended for this every year the system would pay for itself in a few years.

Council Member Loomis said it is not the worst thing to have officers check the bathrooms. He said that this is one item that can be removed from the unfunded list.

It was the consensus of the Council to remove the automatic door locks for the park restroom facilities from the unfunded list.

Another item on the unfunded list is the purchase of picnic tables, edging and mulch for the Cedar Creek Park in the amount of \$13,200.

Council Member Loomis said there is a need to invest this money and maintain a presence at Cedar Creek Park.

Council Member Maher suggested using picnic tables from other parks and talking to the Police Chief about increasing police presence at the park at night to prevent vandalism of the tables.

The Council suggested that Superintendent Westphal consider lower priced picnic tables rather than the fusion coated picnic tables that are currently at Cedar Creek Park and provide more information at the next meeting.

Council Member Loomis asked that making employees whole for 2011 contributions to the Wisconsin Retirement System (WRS) be considered and funding one-half of the employee required contribution to WRS as a lump sum payment to employees in 2012 also be considered. He said that unionized employees will have to pay one-half of their retirement when their contracts expire at the end of 2012, with the exception of police employees who are exempt from the requirement. He said as a matter of fairness and equity non-union supervisor employees should be granted some relief. The cost to make non-union employees whole for 2011 is \$30,150. The cost to fund one-half of employee contributions in 2012 is \$39,182. He asked the Council to think about including this money in the budget.

Council Member Radtke said the ad hoc Downtown Master Plan Committee has asked for \$10,000 for downtown improvements. This has been added to the unfunded list.

City Administrator/Treasurer Mertes said seasonal wreaths at a cost of \$16,000 has been taken off the unfunded list and included in the budget.

Superintendent Westphal said \$25,000 is on the unfunded list in the Capital Improvements Fund for an irrigation system at the pool and City Hall lawn to enhance these properties.

Mayor Myers suggested that staff look at how this fits into the long term Capital Improvement Plan.

Council Member Maher said that \$1,000,000 is on the unfunded list in the Capital Improvements Fund to complete the Creek Walk segment between Advent Church and the August Weber Haus. He asked if grant money is available for this.

Director Wiza said that staff applied for a grant several times but has not been successful. Grant funds are not available for this segment.

It was the consensus of the Council to remove the purchase and installation of banners for street light poles between Lincoln Blvd. and Pioneer Road in the amount of \$6,800 from the unfunded list.

City Administrator/Treasurer Mertes said that she will revise the unfunded list for the next meeting.

Mayor Myers pointed out that according to the tax levy scenarios presented the tax rate increase necessary to fund current operation of the library is \$0.08 per \$1,000 assessed value.

Council Member Loomis said that he would like to make sure there is enough money in the budget for street maintenance and for salting.

City Administrator/Treasurer Mertes said that the salt budget has been increased because of usage and an increase in price. The street maintenance budget has not been increased.

Director Wiza said it would be appropriate to look at an increase in the street maintenance as the price of asphalt has doubled but the amount budgeted for this maintenance has stayed the same for several years.

Council Member Filter asked if there is an increase in Fire Department funding.

City Administrator/Treasurer Mertes said that the Fire Department funding has been increased by 3.6%.

Discussion of the proposed 2012 budget will continue at the October 31, 2012 meeting.

**ADJOURNMENT**

**COMMON COUNCIL  
OCTOBER 24, 2011**

**CC20111024-8**

Motion made by Council Member Filter, seconded by Council Member Yip, to adjourn the meeting at 9:14 p.m. Motion carried unanimously with Council Members C. Reimer and R. Reimer excused.

Constance K. McHugh, MMC/WCPC  
City Clerk