

**CITY OF CEDARBURG  
COMMON COUNCIL  
October 31, 2011**

**CC20111031-1**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, October 31, 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 Chris Reimer, Ron Reimer, Paul Radtke, Michael Maher, Douglas Yip, Bob Loomis

Excused - Council Member Art Filter

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, Police Chief Tom Frank, Library Director Mary Marquardt, Parks, Recreation and Forestry Director Mikko Hilvo, City Clerk Constance McHugh, Wastewater Superintendent Ron Clish, Public Works Superintendent Jeff Boerner, City Assessor Cathy Timm, Economic Development Coordinator Mary Sheffield, Library Board Members Sue Karlman, Steve Ruggieri, Liz Bryde, Vonna Pitel, Art Palleon, Debra Goeks, ad hoc Creek Walk Committee Members Paul Rushing and Jenna Smith, 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.

**APPROVAL OF MINUTES**

Motion made by Council Member Radtke, seconded by Council Member Yip, to approve the minutes of the October 10, 2011 regular meeting and the October 24, 2011 special meeting as presented. Motion carried unanimously with Council Member Filter excused.

**COMMENTS AND SUGGESTIONS FROM CITIZENS**

Mal Hepburn, W62 N736 Riveredge Drive, urged the Council to stay on track with the library effort in downtown Cedarburg. He said the downtown is the City's most unique asset and it makes all properties in the City more valuable. Mr. Hepburn said the downtown deserves support. He said the downtown business community and the Library Board are in support of having the library downtown. Mr. Hepburn encouraged the Council to put the City's most important cultural and civic asset downtown.

Lynne Buehler, W52 N844 Castle Court, reminded the Council that the library referendum that took place six years ago was not binding. She urged the Council to ask constituents what they want by holding another referendum.

Jack Hale, 8473 Kaehlers Mill Road, said he is in favor of the new library located downtown on Mill Street and Washington Avenue. He said the new library will create traffic that is positive. He urged the Council to support this effort.

Jim Pape, 1990 Night Pasture Road, said he supports the idea of a new library on Mill Street and Washington Avenue. He said it will be an asset to downtown.

Philia Hayes, N63 N5795 Columbia Road, said that the library should be located downtown. She said the City's greatest asset is the historic downtown and placing a library in the historic district will only reinforce this. She urged the Council to move forward and hire a construction manager and architect.

**CONSIDER PROPOSED 2012 BUDGET INCLUDING CONSIDERATION OF CREEK WALK SOUTH OF COLUMBIA ROAD AND FUNDING, REVIEW OF CONSULTANT AND SERVICE CONTRACTS FOR POSSIBLE SAVINGS; AND INTEREST IN THE POSSIBLE REPLACEMENT OF THE BAND SHELL AT CEDAR CREEK PARK**

Possible replacement of the band shell at Cedar Creek Park

Council Member Radtke said that he has been approached about the possible replacement of the band shell at Cedar Creek Park. He said that he understands there is a deed restriction on the property and the DNR has some issues with the site. He said he is asking if there is a consensus from the Council that this concept should move forward and staff be directed to work with the DNR on this.

Director Wiza said that in 2000 the Public Works crew was excavating in Cedar Creek Park for a new water line for a drinking fountain when contaminated materials were found. The DNR required extensive testing and it was discovered the park was an old landfill that was just covered over. The City signed over a deed stating there would be no building constructed on the site. The DNR agreed with this and indicated that if the site is not disturbed they will not require the City to look for more contamination. He said the DNR may allow the City to build on the existing foundation.

Council Member Loomis said that it makes sense for staff to research options. He said the question as to how this will impact the 2012 budget remains. He said it could take some time before construction takes place so it may be appropriate to include funds for architectural fees in 2012 with construction fees in 2013.

Director Wiza said the biggest challenge has been getting the DNR to return his calls. Another issue with the site is that the area is in a flood plain.

Council Member Maher asked Director Wiza for an estimate on how quickly the process to build would be.

Director Wiza said that it comes down to hiring an architect and/or soils manager, getting plans together, and obtaining public consensus. He said there are seasonal building constraints, but if positive answers are received from the DNR it may be possible to start construction next summer.

It was the consensus of the Council that staff make inquiries with the DNR about the possibility of constructing a new band shell at Cedar Creek Park.

Consideration of Creek Walk south of Columbia Road and funding

Ad hoc Creek Walk Committee Chair Paul Rushing, W62 N799 Sheboygan Road, and Committee Member Jenna Smith, W57 N503 Hilbert Avenue, reported on the progress of the creek walk south of Columbia Road and the section between the August Weber Haus and Advent Church.

Mr. Rushing said working drawings have been completed for the section of the walk south of Columbia Road. The estimated construction cost for this stretch is \$196,000. While the estimate is about one year old, Mr. Rushing said he feels that section could be built for approximately that amount. He said the Committee is at the point where bids can be solicited. He said this is a very important section as it will connect Cedar Creek to the rest of the creek walk. He said if the public sees this section completed there will possibly be more momentum for completing the rest of the project. The Committee is also working on the section south of the August Weber Haus and north of Advent Church.

Mr. Rushing said that he and Ms. Smith would like to make a plea to the Council for the funding of the balance of the project south of Columbia Road and for the remainder of the project between the August Weber Haus and Advent Church.

Council Member Loomis said there is a matching grant in the amount of \$85,000 for the portion south of Columbia Road and Dean Fitting has estimated that another \$40,000 will be donated to the project. That leaves another \$75,000 to fund. He said he believes it is important for the Council to support this project. He suggested the remaining \$75,000 be included in a bond issue for 2012.

City Administrator/Treasurer Mertes said she included \$1,250,000 in the borrowing in the budget. \$1,000,000 is for the completion of the segment between the August Weber Haus and Advent Church and \$250,000 is for the segment south of Columbia Road.

Director Wiza said he has not been able to get needed answers from the DNR. He said that he needs answers to a number of complexities.

Ms. Smith said that the creek is a great asset that should be maximized to help out the downtown.

Council Member Maher said that now is the time to invest in the community and said the Council needs to do something for the future of the community. He asked City Administrator/Treasurer Mertes about the City's debt schedule and when other debt will be paid off.

City Administrator/Treasurer Mertes said two issuances, with annual payments of approximately \$700,000, will be paid off in 2014. She reminded the Council that the budget also includes borrowing for the library.

Council Member Loomis said the bond issue for the creek walk and the library could be structured such that payments are more intensive starting in 2015 and beyond.

Council Member Radtke asked if any formal fundraising has been done.

Mr. Rushing said that formal fundraising has not occurred, but there is interest in the community to get this project done. He said this is something that can be looked into.

Ms. Smith said that in these economic times people are not able to give as much as they want. People have given towards the first section and anything contributed now comes on the heels of that. She said if the southern reach is completed there would be momentum for the middle section.

Council Member Maher said the time to borrow is now. Rates will probably not go any lower and the economy will eventually come back.

Director Wiza said that he estimates the cost of the portion south of Columbia Road to cost \$250,000. An \$85,000 grant is available; however, it expires next spring. Hopefully the City can obtain an extension.

Council Member Loomis said this is an opportune time to borrow money as rates are low. He said the 2012 budget includes funds for the south portion, which many people thought was going to be funded by outside sources. The unfunded list contains \$1,000,000 for the segment between the August Weber Haus and Advent Church.

Council Member Radtke said that he is not comfortable with the \$1,000,000 included in the budget if there are no formal plans. He said there has been no decision to proceed with this portion at this point.

Council Member Loomis said the Council should commit to the creek walk section north of Columbia Road. Now is the time to do it. If the Council is not ready to commit, the decision should be pushed off until a future time.

Council Member R. Reimer said that he has heard that people on the north end do not want the creek walk.

Mayor Myers said that only the portion of the creek walk south of Columbia Road is on the table at this point. The \$1,000,000 for the stretch between the August Weber Haus and Advent Church is on the unfunded list and does not have to be funded this evening. It is also in the Capital Plan.

Council Member Radtke said that he agrees. He said the Council is not in a position to borrow \$1,000,000 now. He suggested the item remain on the unfunded list.

It was the consensus of the Council that City Administrator/Treasurer Mertes adjust the amount in the 2012 budget for the segment south of Columbia Road to reflect the grant of \$85,000 and the private donations in the amount of \$40,000 and the \$1,000,000 for the segment between the August Weber Haus and Advent Church remain in the Capital Plan and on the unfunded list.

Review of consultant and service contracts for possible savings

Council Member Radtke said that he asked for this item to be on the agenda to determine if some contracts can be renegotiated or if some are actually needed. City Administrator/Treasurer Mertes prepared of list of service providers. Council Member Radtke said that it may be too late for next year's budget; however, he said the City should look at ways to save money in the future using technology.

Council Member Maher suggested that all contracts be under the City, not separate departments or entities, and perhaps have vendors bid out multiple services.

General budget discussion

City Administrator/Treasurer Mertes said that originally the unfunded list included \$6,800 for the purchase and installation of banners for street light poles between Lincoln Blvd. and Pioneer Road. After a discussion with Council Member Yip and Economic Development Director Sheffield, she reduced the amount to \$2,000. She said it is less expensive to have a contractor install the initial brackets, rather than the Public Works crew. This needs to be done only once.

City Administrator/Treasurer Mertes said that \$1,000 has been left on the unfunded list for improvements for downtown. This was suggested by the ad hoc Downtown Master Plan Committee.

Economic Development Coordinator Sheffield said the Downtown Master Plan Committee is asking the City to budget an annual amount to enhance the City's most valuable asset – the downtown. She said that other groups will be more apt to contribute if the City does so as well.

Council Member Loomis said major items on the unfunded list are funding one-half of the employee contributions to Wisconsin Retirement System (WRS) as a lump sum payment to employees in 2012 in the amount of \$39,182 and making employees whole for 2011 contributions to the WRS in the amount of \$30,150. Council Member Loomis said that it could be illegal to fund WRS contributions because of the changes in the law; however, it may be possible to provide dispatch and supervisory employees with a bonus or lump sum payment. He said it is unfair to penalize supervisory and dispatch employees while union employees do not have to contribute to their retirement until contracts expire at the end of 2012. He said this is an equity issue during the transition period.

Council Member C. Reimer said that he has no problem with this, if there is a legal way to do it.

Council Member Yip said that the amount paid to make employees whole for 2011 should be paid for in 2011, not in 2012.

It was the consensus of the Council that Attorney Vance look into this and provide an opinion as to whether these types of payments can be made and any potential liability that may result.

Motion made by Council Member Loomis, seconded by Council Member Radtke, to include in the budget the following three items on the unfunded list: \$2,000 for the purchase and installation of banners for street light poles between Lincoln Blvd. and Pioneer Road, \$1,000 for downtown

improvements, and \$12,000 for picnic tables, edging and mulch for Cedar Creek Park. Motion carried unanimously with Council Member Filter excused.

Council Member Loomis said he would like the Council to consider funding the \$25,000 for an irrigation system for the pool and City Hall lawns. He asked Director Hilvo to report at the next meeting on the payback for this system.

City Administrator/Treasurer Mertes said she reduced the tax levy by \$5,000 to reflect possible energy audit savings.

Council Member Maher said the unfunded list includes \$96,094 to balance the library operating budget. He said the library has been forced to dip into its fund balance due to the Town of Cedarburg pulling out of the Joint Library. He said the Library Board has worked hard at addressing this issue and made very painful cuts in 2010. He said he would like to see this amount of money restored to the library operating budget every year.

Council Member Loomis said that Town residents account for 25% of the usage at the Cedarburg Library. He said he has to believe that at some point the Town will come to its senses and pay towards a Joint Library, rather than paying the County.

Mayor Myers said that operating costs will likely increase every year if a new library is built.

Library Board President Sue Karlman said that the library is the City of Cedarburg Library now. She said the Council needs to take ownership of the library. She said she does not hold much hope that there will be a joint library again.

Mayor Myers said that based on his rough calculation, if 75% of the usage is from City residents the funding for the library should be \$490,000. Currently the funding is \$428,000.

Motion made by Council Member Maher, seconded by Council Member Loomis, to allocate \$490,000 in the budget for the library. Motion carried unanimously with Council Member Filter excused.

The appropriate changes will be made to the budget by City Administrator/Treasurer Mertes and final approval will be at the meeting on November 14, 2011.

**CONSIDER NEW LIBRARY PROJECT SPENDING REPORTING AND POSSIBLE DISCUSSION OF POTENTIAL NEW SITE FOR THE LIBRARY**

Council Member R. Reimer said a spreadsheet was prepared regarding the library building project spending that included source and use of funds. He asked that this spreadsheet be kept up to date so that the Council can keep track of the \$6 million that was approved in the referendum.

City Administrator/Treasurer Mertes said that she will update the spreadsheet as necessary. Council Member Maher said that he will be happy to update the Council on the library project as well.

Mayor Myers said that after the October 24, 2011 Council meeting when the complications of building on the Mill Street and Washington Avenue site were addressed, School Board President Kevin Kennedy spoke to him about a potential site on Evergreen Blvd. for the new library. There will be an informational meeting of the City/School Committee on November 1, 2011 at 6:30 p.m. to discuss whether this is a viable site. He said the Council has a duty to the citizens of Cedarburg to evaluate all potential sites.

Council Member Maher said that Council Members received an email today from the donor group indicating that additional donations are available that will address the concerns with the Mill Street and Washington Avenue site. This results in the donor group committing almost \$600,000 to put the library on this site. He said that it would be a big mistake if the City selected not to accept the donation. He said he would like to see the City accept the donation and get the new library up.

Council Member Loomis said that until the most recent email from the donor group he was against using the Mill Street and Washington Avenue site for the new library. He has since changed his opinion.

Council Member C. Reimer said that whether or not the Council accepts the donation he would like to sincerely thank the donor group for its generous offer. He said it is great that Cedarburg residents live in a community where people care so much.

**CONSIDER REQUEST TO PLANT A NEW TREE IN FRONT OF CITY HALL THAT WILL BE DECORATED FOR THE HOLIDAY SEASON**

Director Hilvo said there is an opportunity to plant a new tree in front of City Hall that will be decorated for the holiday season. The current tree that is decorated has served the City for many years but is in need of replacement. The approximate cost to plant an 18'-20' tree and decorate it is \$3,700, with the Festivals Committee paying \$3,000 and the City paying \$700 from the General Fund. LaRosa Landscape Company will be doing the work. The City will remove a spruce tree next to the walkway in order to provide a better view of the new tree and to provide the maple tree next to it more room to grow.

Motion made by Council Member Radtke, seconded by Council Member Reimer, to accept the proposal to plant a new tree in front of City Hall that will be decorated for the holiday season. Motion carried unanimously with Council Member Filter excused.

**CONSIDER RESOLUTION 2011-09 DESIGNATING LIGHT & WATER CHECKING AND SAVINGS ACCOUNTS FOR ENSUING YEAR**

Motion made by Council Member C. Reimer, seconded by Council Member Loomis, to adopt Resolution 2011-09 designating Light & Water Checking and Savings accounts for the ensuing year. Motion carried unanimously with Council Member Filter excused.

**PAYMENT OF BILLS**

Motion made by Council Member R. Reimer, seconded by Council Member Radtke, to approve the payment of the bills for the period 10/07/11 through 10/21/11, ACH transfers for the period

10/10/11 through 10/24/11, and payroll for the period 10/08/11 through 10/21/11. Motion carried unanimously with Council Member Filter excused.

**LICENSE APPLICATIONS**

Motion made by Council Member Radtke, seconded by Council Member C. Reimer, to approve new Operator's License applications for the period ending June 30, 2012 for Kathryn C. Didier and Ashly J. Koller. Motion carried with Council Member Filter excused.

**CITY ADMINISTRATOR/TREASURER'S REPORT**

City Administrator/Treasurer Mertes said the third quarter financial report was distributed to Council Members. She encouraged Council Members to call her with any questions.

City Administrator/Treasurer Mertes said Dianna Pantle, part-time Administrative Assistant in the Administrator's and Clerk's Office, began her employment with the City today.

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member C. Reimer said his son participated in the flag football program this year. He said he heard a lot of positive comments about the program and the kids loved it.

Council Member Maher said he understands work is being done on the railroad crossing on Portland Road. He said that he hopes this work will make the crossing better.

**ADJOURNMENT – CLOSED SESSION**

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to adjourn to closed session at 9:29 p.m. pursuant to Wis. Stats. 19.85(1)(e) to deliberate or negotiate the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed, more specifically, to discuss an Intergovernmental Services Agreement with the Village of Jackson. Approval of closed session minutes of September 12, 2011. Motion carried unanimously with Council Member Filter excused.

**ADJOURNMENT**

Motion made by Council Member Radtke, seconded by Council Member R. Reimer, to adjourn the meeting at 9:44 p.m. Motion carried unanimously with Council Member Filter excused. The meeting did not reconvene to open session.

Constance K. McHugh, MMC/WCPC  
City Clerk