

**CITY OF CEDARBURG
COMMON COUNCIL
November 12, 2012**

**CC20121112-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, November 12, 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, Art Filter, Paul Radtke, Michael Maher, Douglas 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, Deputy City Clerk Amy Kletzien, City Assessor Cathy Timm, Building Inspector Mike Baier, Parks, Recreation & Forestry Director Mikko Hilvo, Public Works Superintendent Jeff Boerner, Police Chief Tom Frank, Senior Center Director Carol LaFontaine, Wastewater Superintendent Ron Clish, Emergency Management Deputy Director Frank Even, Library Board Members Steve Ruggieri and Vonna Pitel, 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 Radtke, seconded by Council Member C. Reimer, to approve the minutes of the October 22, 2012 meeting. Motion carried without a negative vote with Council Member R. Reimer excused.

COMMENTS & SUGGESTIONS FROM CITIZENS

Steve Ruggieri, W52 N621 Highland Drive, stated that he appreciated the Common Council’s level of work on the 2013 budget. He understands from serving on the Library Board and the Eastern Shores Budget Committee the perceptions that citizens have about property taxes. Since 1983, he has allowed for a 10% increase in his property taxes and from talking to people in the community has learned that people rarely leave Cedarburg because of taxes. Today, a 10% increase on the average home would be approximately \$420 and the City is not near that figure. He stated that he wanted to provide this perspective on taxes to the Common Council.

Beth Thierfelder, 1254 Trail Way Drive, Grafton, spoke on behalf of the Cedarburg Civic Band as its Director. She stated the Cedarburg Civic Band is one of the few remaining community bands in Wisconsin that marches in parades in addition to performing "sit down" concerts. She expressed concern for cutting their funds out of the budget the last two years. Funding is needed to pay for uniforms and music. The City of Port Washington budgets \$3,500 for their community band and Ms. Thierfelder believes the City of Cedarburg should budget funds for the Civic Band also.

PUBLIC HEARING – CONSIDER ORDINANCE NO. 2012-19 AMENDING SEC.13-1-59(b) & (c) AND SEC. 13-1-60(b) & (c) PERTAINING TO PERMITTED USES AND PERMITTED ACCESSORY USES IN THE M-1 LIMITED MANUFACTURING DISTRICT AND M-2 GENERAL MANUFACTURING DISTRICT

Mayor Kinzel declared the public hearing open to consider Ordinance No. 2012-19 amending Sec. 13-1-59(b) & (c) and Sec. 13-1-60(b) & (c) pertaining to permitted uses and permitted accessory uses in the M-1 Limited Manufacturing District and M-2 General Manufacturing District at 7:10 p.m. Proper legal notice had been given.

City Attorney Vance stated that Birchwood Snow and Landscape Contractors has purchased the former International Paper Company building to convert it into a multi-use facility for their business. The company wants to include an indoor retail space for sales of outdoor power equipment and landscape materials, including an outdoor equipment display area. Retail use is not permitted in the M-2 General Manufacturing District. As a result of the proposal by Birchwood to utilize the facility the following zoning text amendments are being recommended:

- Add the term "Warehouse" to the listing of Permitted Uses in both the M-1 Limited Manufacturing District and M-2 General Manufacturing District.
- Add the following as a Permitted Accessory Use in the M-1 and M-2 Districts: "Retail sales and service of products integral with and incidental to a service or manufacturing business limited to 20% of the floor area of the principal building."

She further stated that the City had created the M-3 Business Park District in conjunction with development of the TID #1/Evergreen Boulevard Business Park. That M-3 District does allow retail sales integral with the service or manufacturing business. That was done because the first site in that Business Park was sold to Culligan Water Services, who wanted a retail store at the front of their building.

Council Member C. Reimer stated that the business will be similar to a U-Haul business on Good Hope Road with the retail space in front, as envisioned by the Plan Commission.

There was no public comment.

Motion made by Council Member Filter, seconded by Council Member Radtke, to close the public hearing at 7:14 p.m. Motion carried without a negative vote with Council Member R. Reimer excused.

Mayor Kinzel stated that this change is a matter of helping a new business in Cedarburg.

Motion made by Council Member Filter to adopt Ordinance No. 2012-19 to allow the addition of the term "Warehouse" to the listing of Permitted Uses in both the M-1 Limited Manufacturing District and

M-2 General Manufacturing district and adding “Retail sales and service of products integral with and incidental to a service or manufacturing business limited to 20% of the floor area of the principal building” as a Permitted Accessory Use in the M-1 and M-2 Districts. The motion was seconded by Council Member C. Reimer and carried without a negative vote with Council Member R. Reimer excused.

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to adjourn to closed session at 7:15 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. Motion carried without a negative vote with Council Member R. Reimer excused.

RECONVENE TO OPEN SESSION

Motion made by Council Member Filter, seconded by Council Member Radtke, to reconvene to open session at 8:15 p.m. Motion carried without a negative vote with Council Member R. Reimer excused.

FURTHER CONSIDERATION OF THE PROPOSED 2013 BUDGET; DISCUSSION, AND DIRECTION THEREON

City Administrator/Treasurer Mertes reviewed the following changes to the proposed 2013 budget for consideration.

Due to the Expenditure Restraint Program:

- Eliminated contingency reserve amount of \$10,000 as a use of fund balance
- Moved \$40,000 from streets repair and maintenance to Capital Improvements
- Moved \$45,000 from streets, sidewalk repair, to Capital Improvements

Council requested:

- Increased Parks, Recreation & Forestry 341 account from \$14,685 to \$40,000, \$25,315 one-time use of fund balance
- Increased Library Special Revenue Fund levy \$30,000

Adjustments to tax rate:

- Revised estimated and 2013 budget numbers for Building Inspection permits
- Reduced natural gas by \$7,000 for City Hall
- Reduced natural gas by \$2,000 for the Police Station
- Reduced natural gas by \$3,400 for the Public Works Garage
- Reduced natural gas by \$1,205 for Parks, Recreation & Forestry
- Increased amount for employee compensation by \$2,426
- Received final assessment numbers from the State on November 7, 2012

Director Wiza stated that the Waste Management figures are unknown at this time.

The Planners hours were increased based on the list of projects on page 7 of the November 12 revised budget.

The new Library budget was provided along with the Capital Improvement Budget.

With the proposed changes, the tax rate would be \$6.87 per \$1,000 resulting in a .19 raise or 2.8% increase from last year. This would cost the average homeowner an additional \$47 per year.

Council Member Radtke recommended adding the tablet purchase for electronic Council packets back into the budget. He opined that the Common Council Members should not have to purchase their own tablets and City staff should not maintain them. The estimated return on investment should be two years. City Administrator/Treasurer Mertes stated that they could be purchased from the fund balance. City Clerk McHugh will provide some figures to work from.

City Administrator/Treasurer Mertes stated that the band earns money for performances and that money is given to the City and held to pay for their expenses. Band Director Thierfelder stated that additional money is needed to pay for instrument repairs, music and uniforms and she urged the Common Council to consider including funds in the 2013 budget.

In answer to Council Member Yip's question, City Administrator/Treasurer Mertes stated that the Civic Band is funding their own program by using the money they earn doing performances and is not tax supported.

Director Hilvo stated that \$800 is available for the band from donations.

Mayor Kinzel confirmed that the Lions club donated \$2,500 for new drums.

Several options were discussed for funding. Council Member C. Reimer requested that Band Director Thierfelder provide Director Hilvo with an itemized list of the expenditures of the Civic Band for an additional \$1,000 in funding. Council Member Maher asked that the sources of revenue be included.

UPDATE ON THE LIBRARY BUILDING PROJECT

Council Member Maher stated that the Library Board is in the middle of the design development work plan. Last week, the architects had conversations with staff about the inside of the library. The library project was presented to the Plan Commission on November 5. The architects were directed to bring the costs down where possible after the first review of the construction budget. The footprint will not change from what the architects presented. Fundraising will be done to add enhancements to the project.

Council Member Maher explained that the library is an energy efficient project. Light & Water General Manager Lythjohan assisted the architects in implementing many cost savings projects at a cost of \$30,000 resulting in a \$11,279 per year savings.

Council Member Yip suggested that the Library Board talk to Hartford about their fundraising efforts.

Council Member Maher stated that the Library Board appreciates when the Mayor and Council Members attend their meetings.

CONSIDER EMERGENCY MANAGEMENT RELOCATION OPTIONS

Public Works Superintendent Boerner explained that the property on the corner of Western and Wauwatosa Roads is a Light & Water owned building that is currently being used for storage. The Police Department is interested in using the property as an impound lot rather than using the Public Works yard. He stated that there is also a possibility of remodeling the building for Emergency Management.

Superintendent Boerner took measurements of the property which has a total enclosed area of 924 square feet (22x14) that is insulated and heated. Two-thirds (2,268 square feet) of the structure does not have a roof. The total building is 3,192 square feet.

Superintendent Boerner stated that the current Emergency Management garage on Hanover Avenue is 867 square feet; therefore, the enclosed portion of the Light & Water building would be able to house the three trucks from that location. It would cost approximately \$3,000 to install three garage doors. Other costs would be \$35,000 for concrete floor and approach, \$30,000 to completely roof the building, \$8,500 for an asphalt driveway, \$30,000 for heating, insulation, doors and electric. He estimated a total cost of \$108,000 – \$110,000 to renovate the building. This does not include \$40,000 to purchase the building from the Light & Water Utility and bringing electric and gas utilities to the building.

Emergency Management Deputy Director Even explained that they would be able to move the equipment from Hanover Avenue to Western Road and the equipment from Western Road to Wauwatosa Road.

Council Member Yip confirmed that Emergency Management could conduct training at another location (possibly the Police Station).

Council Member Filter requested firm numbers for renovating the Light & Water owned building for relocation of Emergency Management.

In answer to Council Member O’Keefe’s question, Superintendent Boerner stated that they have five or six impounded cars in their yard at times.

Deputy Director Even explained to Council Member O’Keefe that their equipment is specialized and they could not reduce their seven vehicles.

In answer to Council Member Maher’s question, Deputy Director Even stated that the use of the whole building on Western and Wauwatosa Roads, with three doors on the east side, would meet their needs.

Council Member Radtke thanked Superintendent Boerner for his idea and trimming the budgeted amount from \$250,000 to approximately \$170,000 in relocating the Emergency Management operations.

It was the consensus of the Common Council to follow through on the estimates and involve Beyer Construction in the relocation of the Emergency Management Operations to the most cost effective location for renovation between the Western Road facility and the former substation on Wauwatosa Road.

City Attorney Vance stated that the City must follow the public bidding laws.

Director Wiza stated that a plan will need to be developed.

CONSIDER SENDING OUT REQUESTS FOR PROPOSALS (RFP) FOR LEGAL SERVICES

Motion made by Council Member Radtke, seconded by Council Member Yip, to have the Mayor and one or two Council Members discuss the Attorney's contract with City Attorney Vance and review sending out requests for proposals (RFP) for legal services in 60 days. Motion carried without a negative vote with Council Member R. Reimer excused.

CONSIDER AWARD OF ENGINEERING DESIGN CONTRACT FOR THE 2013 STREET & UTILITY PROJECT

Director Wiza explained that staff requested engineering proposals from a total of four engineering consulting firms for design of the 2013 Street and Utility Project and the lowest overall fee for service was submitted by Crispell-Snyder. He highlighted the summary of the proposal fees from the four firms. Crispell-Snyder has satisfactorily completed engineering design projects for the City in previous years, and given that their fee is the lowest, staff is recommending award of the engineering services contract to Crispell-Snyder. The Public Works/Sewerage Commission also made this recommendation at their November 8 meeting.

Motion made by Council Member C. Reimer, seconded by Council Member Filter, to award the engineering design contract for the 2013 Street and Utility Project to Crispell-Snyder in an amount not to exceed \$36,200. Motion carried without a negative vote with Council Member R. Reimer excused.

CONSIDER PROFESSIONAL SERVICES CONTRACT AMENDMENT WITH GRAEF FOR DAM REPAIRS TO INCLUDE A GROUTING PLAN

Director Wiza stated that the dive inspection has been completed; however, the DNR is requiring the submission of a grouting plan, in addition to the original terms of Graef's contract. Staff recommends amending Graef's engineering services contract to include a grouting plan with all DNR submittals for the Woolen Mills Dam for an additional \$6,150.

Motion made by Council Member C. Reimer, seconded by Council Member O'Keefe, to authorize a professional services contract amendment with Graef for dam repairs to include a grouting plan in the amount of \$6,150. Motion carried without a negative vote with Council Member R. Reimer excused.

CONSIDER REQUEST TO FILL AN OPERATOR POSITION AT THE WASTEWATER TREATMENT PLANT

Superintendent Clish explained that the Wastewater Plant typically has six people on staff to operate the plant and take care of the collection system. Due to a transfer and a retirement, the plant has been short staffed for over a year. One person was hired in August and they are getting caught up; however, hiring another person to get them up to full staffing will allow them to schedule all work that needs to be done in an efficient and safe manner. It will also give them flexibility when vacations and sick leave are taken. This position is in the 2013 budget and is funded through sewer user fees.

Motion made by Council Member C. Reimer, seconded by Council Member Filter, to authorize filling an Operator position at the Wastewater Treatment Plant, which is funded through the sewer user fees, as soon as possible. Motion carried without a negative vote with Council Member R. Reimer excused.

CONSIDER CELL PHONE POLICY AND EAP POLICY

City Administrator/Treasurer Mertes stated that in an effort to update the City's Personnel Code, staff is recommending the adoption of a cell phone and an EAP policy that have been recommended by CVMIC. Both policies were reviewed by the Personnel Committee and City Attorney Vance.

Motion made by Council Member Yip, seconded by Council Member Radtke, to adopt the cell phone and EAP policies. Motion carried without a negative vote with Council Member R. Reimer excused.

CONSIDER PAYMENT OF BILLS FOR THE PERIOD 10/26/12 THROUGH 10/31/12, ACH TRANSFERS FOR THE PERIOD 10/26/12 THROUGH 11/7/12, AND PAYROLL FOR THE PERIOD 10/14/12 THROUGH 10/27/12

Motion made by Council Member C. Reimer, seconded by Council Member O'Keefe, to authorize the payment of bills for the period 10/26/12 through 10/31/12, ACH transfers for the period 10/26/12 through 11/7/12, and payroll for the period 10/14/12 through 10/27/12. Motion carried without a negative vote with Council Member R. Reimer excused.

CONSIDER LICENSE APPLICATIONS

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to approve new Operator's License applications for the period ending June 30, 2013 for Dustin M. Manley and Lauren A. Singer . Motion carried without a negative vote with Council Member R. Reimer excused.

CITY ADMINISTRATOR/TREASURER'S REPORT

City Administrator/Treasurer Mertes informed the Common Council of the step program that took place the past four weeks with the City Hall and Light & Water employees. A weight loss and fitness challenge will begin on November 14.

In answer to Council Member Filter's question, City Administrator/Treasurer Mertes stated that the City's Health Insurance promotes wellness and health risk assessments.

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member C. Reimer stated that he is a big fan of the Civic Band and would like them to get some funding.

ACTION ON MATTERS DISCUSSED IN CLOSED SESSION

Motion made by Council Member Radtke, seconded by Council Member C. Reimer, to approve a \$64,000 salary for Parks, Recreation & Forestry Director Hilvo in 2013. Motion carried without a negative vote with Council Member R. Reimer excused.

Motion made by Council Member Filter, seconded by Council Member Maher, to approve a 3.5% salary increase for Police Chief Frank and Captain Lindberg in 2013. Motion carried without a negative vote with Council Member R. Reimer excused.

ADJOURNMENT

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to adjourn the meeting at 9:22 p.m. Motion carried without a negative vote with Council Member R. Reimer excused.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk