

**CITY OF CEDARBURG  
COMMON COUNCIL  
November 14, 2011**

**CC20111114-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, November 14, 2011 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Myers 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 Gregory P. Myers, Council Members Chris Reimer, Ron Reimer, Art Filter, Paul Radtke, Michael Maher, Douglas Yip, Bob Loomis

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, Deputy City Clerk Amy Kletzien, Police Chief Tom Frank, City Planner Marty Marchek, Library Director Mary Marquardt, Wastewater Superintendent Ron Clish, Public Works Superintendent Jeff Boerner, Economic Development Coordinator Mary Sheffield, Accountant II/Accounts Receivable Kathy Huebl, Library Board Members Vonna Pitel and Steve Rugierri, interested citizens and news media

**STATEMENT OF PUBLIC NOTICE**

At Mayor Myers' 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 C. Reimer, seconded by Council Member Loomis, to approve the minutes of the October 31, 2011 meeting. Motion carried without a negative vote.

**PUBLIC HEARING – CONSIDER ORDINANCE NO. 2011-19 AMENDING SEC. 13-1-47(d) OF THE MUNICIPAL CODE TO ADD GUEST QUARTERS AS A CONDITIONAL USE IN THE RS-6 SINGLE-FAMILY/TWO-FAMILY RESIDENTIAL DISTRICT**

Mayor Myers declared the public hearing open to consider Ordinance No. 2011-19 amending Sec. 13-1-47(d) of the Municipal Code to add guest quarters as Conditional Use in the RS-6 Single-Family/Two-Family Residential District at 7:03 p.m. Proper legal notice had been given with publication in the *News Graphic* on October 20 and 27, 2011.

Planner Marchek stated that Tom and Patty Kubala have made application to request a change to the RS-6 Single-Family/Two-Family Residential District to allow the residential use of the room above their detached garage by adding "Guest House" to the list of conditional uses in the RS-6 zoning district. Building Inspector Baier reviewed the Zoning Code and determined that guest quarters belong in the principal residence not in a detached garage where it is located. The essential issue is

that if this change is allowed the City has 3,786 single- and two-family homes throughout the City; 879 of those homes have detached garages. If a Code amendment were made to the one- and two-family districts, many of the 879 detached garages throughout the City would have the potential to become residential dwellings.

Planner Marchek also stated that existing and new detached structures need to address structural concerns, fire-ratings, exits, and other code issues in accord with the Uniform Dwelling Code (UDC). UDC compliance is not required for detached garages or accessory structures. When garages are used for residential occupancy, compliance would be required with building, electrical, plumbing, HVAC, and fire codes.

Tom Kubala stated that when they built their home between 1998 and 2000 their intention was to utilize the room above the detached garage as a watercolor studio and for miscellaneous storage. By then, three of their five children had already graduated from high school and they determined that it was useful to have the studio act as a detached guest room or bedroom. For a period after the last child left home the room was unoccupied, during which time they used the room as a guest room for visiting children, in-laws, and friends. It was occupied for a year by their daughter and son-in-law after spending a year abroad teaching English. Most recently a family friend lost her job, then lost her house as a result and they offered her the room above the garage as a stopgap measure until she found another job. The room above the detached garage offered their friend a sense of dignity and personal space. Tom and Patty Kubala did not ask for rent or payment of any kind for the use of the room and it seemed like a sensible way to gracefully conduct the affairs of a family. As it turned out the usefulness of their detached guest room is not exclusive to the needs of their family alone. Since 1990s the nation has been trending toward a more multi-generational average household. The percentage of college graduates returning to live with their families has risen markedly. He opined that this new reality is upon us and unfortunately Cedarburg's suburban style zoning ordinance does not reflect the reality staring them in the face. A home designed for the so called nuclear family lacks the flexibility needed to deal with the issues surrounding a multi-generational household. By passing the proposed text amendment to the current Zoning Code, the Council will take Cedarburg a small step towards resolving the community's inadequacy in this regard. Numerous municipalities in Wisconsin and across the country have written guest quarters amendments to their Zoning Ordinances. As architects, his firm has expressly designed a number of new large residences with detached guest quarters because it makes sense for the dynamic conditions of today's families. When this text amendment came before the Plan Commission, a motion to seriously study the topic was not passed which cut short any real examination of the benefits and pitfalls of the proposal, or any other possible forms of the idea. The primary reason given was that such an allowance would be unenforceable because it would be difficult for the City to know if people were renting out their guest quarters as an illegal second dwelling unit, for instance. It is just as difficult to enforce the current law regarding detached accessory buildings. When a neighbor complained to the City this summer that a person was renting their room above the garage the Building Inspector called to ask if it was true. He responded by describing the situation of their close friend and her need for a temporary place to stay and that they were not renting the room to her. The use of detached accessory structure as a guest quarters is not a current legal use, so they were asked to vacate the room, which they did. Their friend has remained their guest but sleeps in one of the bedrooms in their main house. She uses the garage as her searching for work office, which is a legal use. That did stop their neighbor from continuing to report to numerous City officials that the friend was still using the garage room as a sleeping room. Without knowledge of their internal household routine, it was next to impossible to tell if they were

complying with the law; hence, an equally unenforceable law. He questioned whether enforcement was a really good reason to deny a reasonably good idea from being discussed by the body that is designated to consider such City planning? Normally, he would encourage the Common Council to accept the proposed text amendment, but a comment from a citizen at the last Plan Commission meeting gave him pause to reflect. Therefore, he suggests that the Common Council send the text amendment back to Plan Commission for further development. Along with it's blessing for the idea in general. He recommends that non-rental guest quarters become an allowable use not a conditional use for detached accessory structures in residential zones RS-1 through RS-6. He also recommends that the square footage of proposed guest quarters be included in the total allowable area calculated and standard floor area ratio requirement for the home in general. He deeply urged the Council to give this issue the consideration it deserves.

In answer to Council Member R. Reimer's questions, Planner Marchek stated that the Code does not define a detached garage but it is logical. Planner Marchek stated that if the detached garage were added to the box structure it would not be close to the floor area ratio. The closest part of the house to the closest part of detached garage is 40 feet.

In answer to Council Member Yip's question, Planner Marchek stated that detached buildings are part of the tax calculation for the house. He stated that it is unknown whether the assessor increased the value of the garage because of the minor improvements that have been made for the guest quarters.

In answer to Council Member C. Reimer's question, Planner Marchek stated that the setback is three feet for a detached garage in the RS-6 district.

In answer to Council Member Radtke's question, Planner Marchek said that there is no public regulation on rental properties.

Council Member Yip asked if the garage was a principal residence and Planner Marchek said no and that is the problem.

Council Member Filter questioned who was paying the utilities on the garage.

Planner Marchek stated that municipalities do not police business relationships through their Zoning Ordinance.

Mayor Myers made two points: what constitutes a guest? The Plan Commission looked at the Building Code and Structural Code and determined that garages do not have the needed safety requirements. The safety of the resident may be compromised because they do not have the same structural requirements as a principal residence.

Planner Marchek stated that attached garages have thicker drywall between the house and the garage and a thicker door that takes a longer time to burn through to protect a person in their home. Detached garages do not have the same standards.

Tom Kubala stated that he took out the proper permits to build his garage.

Council Member R. Reimer stated that the original purpose of the attic space was to be used for storage and Mr. Kubala changed the use which makes him susceptible to additional requirements for fire proofing safety and having more than one exit.

Tom Kubala opined that the Dwelling Code covers all these issues and questioned why guest quarters could not be built according to the Zoning Code.

City Attorney Vance questioned whether the garage is up to Code as a principle structure.

Tom Kubala replied that it follows all the Dwelling Code requirements of a sleeping room.

Mayor Myers stated that the Council is talking about a Zoning Code change to RS-6 and accessory structures in that zoning to allow guest quarters.

Ulrike Bufton, N67 W5461 Columbia Road, stated that the space above the garage on the Kubala property was built as a studio; however, as long as she can remember it has been used as living space for the children and there was never a lull. She recently had a conversation with the person living above the garage and it was referred to as an apartment. It did not seem that the living space was consistent with the Code. She has assumed over the past five years that the garage was there according to the Code. Parking has been an issue because the property only has parking for a single family. People were coming in and out all times of the night and there was loud music; however, she never complained because she thought they had permission. When she discovered that was not the case, she thought it was pretty bold of the neighbors to do this. Her house is within a few feet of the next door house. The current person using the guest house is not sleeping there overnight and is much quieter. There is a consequence for the neighbors when extra living quarters are so close, it invades personal space. She expressed surprise that Mr. Kubala was not aware that he could not use the garage for living quarters because of his occupation. Ms. Bufton was told that the City cannot monitor who is living on the property and she does not want that responsibility. This is a City and not an island and there are obligations that residents have to follow.

Erica Fiel, W50 N645 Cedar Reserve Circle, stated that they own several properties in Cedarburg and often they have been denied doing certain things because of the Code. Mr. Kubala is an architect and she felt that he knows exactly what the rules are in the City and he should be the first person to abide by the law. She opined if the Council approves guest quarters for Mr. Kubala then everyone in the City should have the same right to build a garage with an apartment on top. If the City cannot monitor whether people are sleeping in the structure, the shower should be removed. She has several properties where she would like to have a garage with an apartment on top.

Art Palleon, N35 W6546 Wilson Street, brought up a couple of points to be considered. We are living in a changing world and children are coming back home to live for a short period of time. A guest house would be great for their children and guests. This should be considered when the Council takes action on this item. His second point was that the Plan Commission never studied the possibility or came up with a recommendation on whether or not it could be done. It is very easy to build a space over a garage and have it comply with the Code. When making this decision, he asked the Council to consider his points and the fact that the Plan Commission has not considered it.

Paul Rushing, W62 N799 Sheboygan Rd., stated the City of Cedarburg is an unusual place. The people live here because of its character and culture of the City. It is known for being an interesting

place. One thing that creates an interesting place is living together in the City as opposed to living on a five acre lot with a large house in the middle. The Common Council should consider ways in which the City can steer this interesting character with the Zoning Code. As Mr. Kubala said, there are many cultural things that are changing in our society compared to ten or twenty years ago. He urged the Council to consider a simple request to allow guest quarters detached from single family dwellings. If the concern is detached garages are not built to the standards of residences, then make it so. A permit is required to build something habitable and the Building Inspector is aware of what is happening in the City. A simple request of detached guest quarters that comply with the Building Code is appropriate and does not harm anybody. He asked the Council to consider this request.

Vivian “Kit” Keller, W62 N799 Sheboygan Rd., recommended that the matter be studied further. There are pros and cons on both sides. This Ordinance is close to an Ordinance that was studied eight or nine years ago on home occupations. When it was researched, it was identified that Cedarburg had a very good Home Occupation Ordinance. The City consulted with the League of Wisconsin Municipalities and it was determined that it could be made stronger and better. This Ordinance was quite an accomplishment of the Council. It offered the opportunity for many residents to work from a home office. In addition, a further study is a wise thing to do and she recommends this to the Council.

Motion made by Council Member Filter, seconded by Council Member Radtke, to close the public hearing at 7:45 p.m. Motion carried without a negative vote.

Mayor Myers stated that the Plan Commission considered this Ordinance very thoroughly from every angle. Council Member C. Reimer agreed that the matter was reviewed thoroughly by the Plan Commission.

Council Member Loomis asked if the Code was met for these types of structures and it was restricted to relatives, which would be difficult to monitor, are there any exceptions that would make sense for Cedarburg or was the conclusion that under no circumstances does this make sense?

Mayor Myers stated that the conclusion was that making any exceptions or conditions would be chaos with no rational or uniform way to enforce it. He stated that all rights should be distributed equally among residents.

Planner Marchek agreed that it would be difficult to carve out special exceptions for zoning, buildings or accessories. He stated that the Building Code is the easy part; however, the who and the relationship cannot be policed.

In answer to Council Member R. Reimer’s question, Planner Marchek stated that guest uses are allowed in one and two-family homes in the principal residence.

City Attorney Vance stated that the Council is considering amending the Zoning Code to permit what would be close to a second principal structure on one lot as a Conditional Use. The issue is the number of structures that the City is allowing on one lot. Presently, only accessory structures are allowed which are detached garages and not residences. What is being considered tonight is amending the Zoning Code.

In answer to Council Member R. Reimer's question, Planner Marchek stated that from a public safety standpoint, the quality of public safety has to be the same for guests or renters and would need to follow the Uniform Dwelling Code

Mayor Myers stated that the City currently pays Waste Management for one pick up at one residence. And sewer hookups would be another issue and the City is paying for that. He questioned how the tax bills would be handled?

Council Member Loomis stated that this is only an issue because it is a detached garage. A person could have a bonus room above an attached garage with a separate entrance inside the garage without any issues.

City Attorney Vance stated that setbacks need to be considered also when discussing detached garages.

Planner Marchek stated that he plans to review the City's Zoning Code in the future because it does not regulate how many detached accessory buildings one can have. The only thing that limits this is the floor area ratio and this could lead to multiple detached accessory buildings with residences above them.

In answer to Council Member Filter's question, Tom Kubala stated that he did not pull a permit to install a shower in the detached garage on his property.

Mayor Myers stated children moving back home for short periods of time is not a new phenomenon. Multi-generational families have lived together for years. He does not agree with the idea that you have to have a separate residence for returning children. They can live in the main structure.

Council Member Radtke stated that a single family dwelling has a built in level of guest parameters which would deter a person from renting or staying for longer periods of time. A detached individual structure would allow a longer stay and perhaps cause problems with neighbors. Neighbors do not want to be calling police or the Building Inspector on their neighbors. He stated that it should be a flag to the Building Inspector if a plumbing permit is pulled for a shower above a garage.

Planner Marchek stated that the wastewater line to discharge toilet or shower waste to the sewer lateral along with getting a potable water line there are additional components. Tom Kubala did pull permits and a studio above the garage is allowed; however, it should not be used for a residence.

Council Member Maher stated that he appreciated all of the comments tonight and it is true that we live in different times and children do come home. Unfortunate things happen in careers and he has relied on friends to get him through and he has extended this to others. It should also be considered that not everyone can afford elderly housing and mother-in-law suites are a big selling point in houses with detached garages or coach houses. He has been in homes where this is offered. Council Member Maher stated that he was in favor of sending this item back to the Plan Commission to review the Ordinance again and try to make it work. Times are tough and it is important to maintain a sense of dignity. Council Member R. Reimer supported this recommendation.

Motion made by Council Member Maher, seconded by Council Member R. Reimer, to recommend sending the text amendment back to the Plan Commission for further development. Recommending that non-rental guest quarters become an allowable use, not a conditional use for detached accessory structures in residential zones RS-1 through RS-6 and that the square footage of proposed guest quarters be included in the total allowable area calculated and standard floor area ratio requirement for the home in general.

Council Member Filter stated that it sounds like the Common Council is recommending approval and he cannot support this.

City Attorney Vance stated that the Public Hearing is about amending the Zoning Ordinance to permit a second structure on a lot. The Council can by consensus, ask the Plan Commission to look at the issue of guest houses on a citywide basis. Unless the Council is changing the ordinance, a motion is not necessary.

Council Member Loomis was in favor of further study of the guest house issue on a city-wide basis without any pre-judgment to authorize the amendment.

In answer to Council Member Radtke's question, Mayor Myers stated that the Plan Commission looked at the item very thoroughly and listened to staff recommendations. They saw no benefit in changing the Code after weighing the positives and negatives. They determined that there would be no way to get uniformity.

Council Member Yip stated that the Council needs to depend on the various commissions and committees as their resources. He is in favor of following the recommendation of the Plan Commission.

Planner Marchek stated that the presented facts will not change. A request could be presented to the Plan Commission to come back with a recommendation on how to accomplish allowing guest houses in the ordinance if that is what the Council wants to do.

Council Member Maher retracted his first motion and made a new motion to allow guest houses as a Conditional Use in the RS-6 Single-Family/Two-Family Residential District. Motion died for lack of a second motion.

### **COMMENTS & SUGGESTIONS FROM CITIZENS**

Linda Smith, N32 W7367 Lincoln Blvd., commented on the proposed library on Mill Street and Washington Avenue. She does not like the proposed design and she does not want to see it. It will be a very inefficient use of a building. Without a basement in this climate, the energy costs would be huge. The idea of rushing to approve a library at this site because somebody is holding a carrot out with money towards the library if it is built under their design and proposed features is a bad idea. A gift should be given unconditionally without strings attached. She opined that the current proposal should be turned down and possibly hold another referendum in light of the current economic conditions.

Steve Ruggieri, W52 N621 Highland Drive, reminded the Common Council that the Library Board will be meeting this Wednesday night and they will be flexible to discuss whatever happens at this

meeting. In regard to another referendum he opined that people are tired of recall elections. The original referendum was non-binding and to hold another referendum would be similar to a recall election. Another referendum will be expensive and waste more time while construction costs and interest rates rise. In the meantime, the City will miss the best opportunity to build a new library. If a decision is not made on a site then the previous Council's promise will not be honored.

Lynne Buehler, W52 N844 Castle Ct., stated that \$800 for a referendum should not be an issue when the City is planning to spend \$6 million on a library. There is a spring election already and the ground will not be broken now, so this is a non-issue. A referendum to ask what the Council's constituents want to spend their tax dollars on is an issue. Ms. Buehler asked if the revised agenda was issued in enough time for people to be informed and she was told that it was legally noticed.

Susan Mongoven, N82 W7253 Pine Street, has been a resident of Cedarburg for 33 years and she does not think that the City can afford a new library. Times are tough right now and she does not think that the citizens of Cedarburg are aware of how much a new library will cost in tax dollars. She serves on the Park Board and they are unable to do so many things because the money is not available. The City streets need much needed repairs. She is all for a new library; however, times have changed and everyone has made promises and unfortunately it is not the same economy today. The City needs to be fiscally responsible and building a new library is imposing the costs onto the taxpayers is irresponsible.

Sandra Beck, N67 W5409 Columbia Road, commended the Council for taking the time to review the offer on the table. It is a good idea to check all the other sites including the present site and former police station site. The City already owns this land and it would not need to be purchased. If she were to make a list of sites to choose, the first one she would cross off is where the City does not have a say on what the building will look like. It is a completely unacceptable stipulation. The Library has wanted a one story building and maybe that is what the City should fight for.

Council Member Maher read an email from Paul and Philia Hayes, N63 W5795 Columbia Road, they strongly urge positive action to be taken on the generous offer for a new library on the corner of Mill Street and Washington Ave. It is a good site for central location and will enhance the already exceptional downtown historic district. It is difficult for them to conceive that this valuable piece of property in the midst of downtown, can be developed at less cost to taxpayers and the City than that which will occur under the present generous offer of the donor group. They oppose the building of a new library on school grounds because the students already have a wonderful library facility in the high school and middle school paid by taxpayers whether they have children in the system or not. Senior Citizens and preschoolers should be able to enjoy a library that is more centrally located.

**CONSIDER LIBRARY BUILDING PROJECT, INCLUDING POSSIBLE AUTHORIZATION OF AN ANALYSIS OF POTENTIAL SITES AND POSSIBLE ACCEPTANCE OF THE DONATION FROM THE DONOR GROUP FOR THE MILL STREET AND WASHINGTON AVENUE SITE**

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to postpone the consideration of Library building project, including possible authorization of an analysis of potential sites and possible acceptance of the donation from the donor group for the Mill Street and Washington Avenue site until the next Common Council meeting. The Library Board would like to

do an analysis of potential sites and the operating costs of the proposed building are unknown. He opined that the Council needs to learn more before any action is taken.

Council Member Radtke opined that it makes sense to wait until the Library Board can do a further analysis. He wants the best library in the best location for the City.

Council Member Yip talked to 71 people in District 6 and asked them the following five questions:

1. Do you feel Cedarburg needs a new library at this time? The response was: 52% - yes, 34% - no and 14% - don't know.
2. Where should the library be located (Mill Street, Mercury Marine site, current library site, or the high school site). The response was: 30% - downtown, 30% - current location, 26% - Mercury Marine site, and 15% - school site.
3. If the library is located downtown would this increase your personal monetary spending in stores and restaurants? The response was: 83% - no, 17% - yes.
4. Do you feel that retail space connected to the library with city oversight but not part of the library would be beneficial to the downtown area and library? The response was: 56% - no, 44% - yes.
5. Would the addition of a library change your view of downtown and how would it change it? The response was: 72% - no, 28% - yes.

These statistics will be guiding him on his decision. He has comments on each question and will share them with all of the Council Members.

Mayor Myers stated that many people do not want to build a library now and he respects their opinion. If it gets to the point where the City is going to spend \$6 million of taxpayer money, the Council has an obligation to do their due diligence to make sure that there is a thorough evaluation done of every potential site, to look at the characteristics and the functionality of the building that can be built on a site and how it fits into the community. Another consideration is whether it can be operated efficiently and economically, and does it work for the community. Is it the best library that can be built. He does not want to dismiss the generosity of donors; however, the taxpayers are going to be contributing a lot more money than the donors. It is prudent to allow the School Board to discuss a library on school property and for the Library Board to consult with the architects and building manager to do a thorough analysis of each site and make a list of pros and cons that are associated to each site. Operating costs are also a big functionality of the building to consider.

Council Member Maher asked the people in favor of further analysis, how long this will go on? It has been going on for over 10 years. He questioned why the school site is coming up now and felt it is a distraction. The School Board and the community understand the challenges that the City and the Library Board have faced with the Mercury Marine site for the past five or six years. Why is the offer coming up now? He reiterated that it will be a mistake if the donation is not accepted. The Mill Street and Washington Avenue site can be a very functional library and would enhance downtown and Washington Avenue. From an economic development perspective it would do good things. The talented architects can make it work, they just need the canvas to start the art work. The operating expenses cannot be determined until there is a plan and the plan cannot start until there is a site. He does understand that the Library has not had the opportunity to look at the school site and he understands their desire to want to do an analysis. He stated that he is not in favor of the school site and is in favor of the Mill Street and Washington Avenue site. He requested that this item be on tonight's agenda because it has been open for six months and the City owes it to the donor group to make a decision.

Council Member Loomis is leaning towards Council Member Maher's comments; however, he is willing to postpone a decision to the next meeting until the Library Board has the opportunity to do an analysis. He believes there are good economic benefits to locating the library downtown and he agrees with the people who have advocated that step; however, the Library Board should be allowed to do an analysis.

Mayor Myers stated that he is not setting a deadline. He does not want this item on the agenda until a thorough analysis is complete. It is nonproductive to set two week deadlines onto what they want to achieve. The City has an obligation to the taxpayers to make sure that the community has the best library that can possibly be built, not just a functioning library. The City will be spending up to \$6 million on the library and he wants to make sure that all of the options have been totally evaluated and analyzed and that conclusions are made on each option so the Council can make an informed decision on behalf of their constituents. He understands the frustration; however, patience is a virtue in politics because there is an obligation to make sure projects are correct. He does not want artificial deadlines prior to having all the necessary information to make an informed decision on a library that will be functioning for 40 years.

Council Member Maher asked who will be paying for the analysis.

Mayor Myers stated that the City or Library Board will pay for the analysis.

Vonna Pitel stated that the Library Board continues to look at other library buildings to learn what is good and bad about other facilities. It is important to get further analysis in order to see a comparison side-by-side. It has been chronological to this point.

Council Member C. Reimer said that the School Board just happened to think about the school property at this time because there has been so much talk about the site.

Council Member R. Reimer said the City has already spent \$500,000 and the Library Board has spent \$80,000 on the library building project. He opined that doing a further analysis is a requirement.

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to call the question. Motion carried without a negative vote.

The motion was amended to postpone the discussion on the Library building project until the Library Board provides an analysis and guidance on the potential sites and presents it to the Common Council. Motion carried with Council Members C. Reimer, R. Reimer, Filter, Radtke, Yip and Loomis in favor and Council Member Maher opposed.

**CONSIDER ORDINANCE NO. 2011-20 LEVYING PROPERTY TAXES ON THE GENERAL, DEBT SERVICE, SPECIAL REVENUE, AND CAPITAL IMPROVEMENT FUNDS FOR FISCAL YEAR 2012**

Motion made by Council Member R. Reimer, seconded by Council Member C. Reimer, to consider and vote on Ordinance Nos. 2011-20, 2011-21, 2011-22, 2011-23 and 2011-24 pertaining to the budget all at one time. His motion was amended to consider all the Ordinances at one time and vote on them separately.

Council Member Filter opined that the budget items should be voted on individually.

City Administrator/Treasurer Mertes reviewed the changes made to the budget since the last Common Council meeting.

Motion carried to adopt Ordinance No. 2011-20 levying property taxes on the General, Debt Service, Special Revenue, and Capital Improvement Funds for Fiscal Year 2012 with Council Members C. Reimer, R. Reimer, Radtke, Maher, Yip and Loomis voting in favor and Council Member Filter opposed on a roll call vote.

**CONSIDER ORDINANCE NO. 2011-21 APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE GOVERNMENT AND ADMINISTRATION OF THE CITY OF CEDARBURG FOR FISCAL YEAR 2012**

Motion carried unanimously on a roll call vote to adopt Ordinance No. 2011-21 appropriating the necessary funds for the operation of the Government and Administration of the City of Cedarburg for Fiscal Year 2012.

**CONSIDER ORDINANCE NO. 2011-22 APPROPRIATING THE NECESSARY FUNDS FOR THE 2012 CAPITAL IMPROVEMENT BUDGET**

Motion carried unanimously on a roll call vote to adopt Ordinance No. 2011-22 appropriating the necessary funds for the 2012 Capital Improvement Budget.

**CONSIDER ORDINANCE NO. 2011-23 ESTABLISHING THE USER CHARGE SCHEDULE AND APPROPRIATING THE NECESSARY FUNDS FOR THE SEWERAGE FUND FOR THE OPERATION OF THE WASTEWATER TREATMENT PLANT FOR FISCAL YEAR 2012**

Motion carried unanimously on a roll call vote to adopt Ordinance No. 2011-23 establishing the user charge schedule and appropriating the necessary funds for the Sewerage Fund for the operation of the Wastewater Treatment Plant for Fiscal Year 2012.

**CONSIDER ORDINANCE NO. 2011-24 APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE SPECIAL REVENUE FUNDS AND ADOPTING THE INDICATED BUDGETS FOR FISCAL YEAR 2012**

Motion carried unanimously on a roll call vote to adopt Ordinance No. 2011-24 appropriating the necessary funds for the operation of the Special Revenue Funds and adopting the indicated Budgets for the Fiscal Year 2012.

**CONSIDER AWARD OF ENGINEERING DESIGN CONTRACT FOR THE 2012 STREET AND UTILITY PROJECT**

Director Wiza explained that staff requested engineering proposals from a total of four engineering consulting firms for design of the 2012 Street and Utility Project. Requests for Proposals were sent to each firm with the scope of the work well defined. He stated that this item was scheduled to be discussed at the November 10 Public Works meeting; however, the meeting was cancelled.

Director Wiza recommended that the engineering contract be awarded for the 2012 project as soon as possible so that the field survey can be completed before the snow season begins. Kapur has satisfactorily completed the engineering design for the 2011 project, and given that their fee was the lowest, staff is recommending award of the contract to Kapur and Associates.

In answer to Council Member Yip's question, Director Wiza stated that on-sight observation is included in the contract only in a case where Assistant Engineer Ahles would not be available. Nothing has been budgeted for this service.

Motion made by Council Member Filter, seconded by Council Member Loomis, to award the Engineering Design Contract for the 2012 Street and Utility Project to Kapur and Associates for \$37,500. Motion carried unanimously on a roll call vote.

**DISCUSS THE CHALLENGES ASSOCIATED WITH THE SITING A NEW BAND SHELL IN CEDAR CREEK PARK**

It was the consensus of the Common Council to postpone the discussion of the challenges associated with the siting of a new band shell in Cedar Creek Park until the November 28 meeting.

**CONSIDER ORDINANCE NO. 2011-25 UPDATING SECTIONS 9-5-3(c) & (d) OF THE CODE OF ORDINANCES PERTAINING TO LIMITATIONS ON SEWER AND WATER CONNECTIONS OUTSIDE MUNICIPAL BOUNDARIES TO REFLECT RECENTLY ADOPTED AGREEMENTS REGARDING THE OZAUKEE ICE CENTER FACILITY**

Motion made by Council Member Loomis, seconded by Council Member R. Reimer, to adopt Ordinance No. 2011-25 updating Sections 9-5-3(c) & (d) of the Code of Ordinances pertaining to limitations on sewer and water connections outside Municipal boundaries to reflect recently adopted agreements regarding the Ozaukee Ice Center Facility. Motion carried without a negative vote.

**CONSIDER PAYMENTS OF BILLS FOR THE PERIOD 10/27/11 THROUGH 11/07/11, ACH TRANSFERS FOR THE PERIOD 11/1/11 THROUGH 11/11/11, AND PAYROLL FOR THE PERIOD 10/16/11 THROUGH 10/29/11**

Motion made by Council Member Filter, seconded by Council Member Loomis, to approve the payments of bills for the period 10/27/11 through 11/7/11, ACH transfers for the period 11/1/11 through 11/11/11, and payroll for the period 10/16/11 through 10/29/11. Motion carried without a negative vote.

**LICENSE APPLICATIONS**

Motion made by Council Member Radtke, seconded by Council Member C. Reimer, to approve the new Operator's License applications for the period ending June 30, 2012 for John L. Landskroener, Daniel S. Pals, Sheryl C. Pals. Motion carried without a negative vote.

**COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Radtke stated that the Parks & Recreation Programs are self-supporting and the fund balance is dropping. He asked the Common Council to keep this in mind for next year's budget.

Council Member C. Reimer requested that the City ask for bids without stamping in next year's sidewalk repair contract. His constituents have mentioned that they do not like the way the sidewalks are stamped.

**ADJOURNMENT – CLOSED SESSION**

The Council postponed meeting in closed session to the next meeting.

**ADJOURNMENT**

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to adjourn the meeting at 8:52 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC  
Deputy City Clerk