

**CITY OF CEDARBURG
COMMON COUNCIL
June 30, 2014**

**CC20140630-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, June 30, 2014, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Kinzel called the meeting to order at 7:00 p.m.

ROLL CALL: Present - Common Council: Mayor Kip Kinzel, Council Members John Czarniecki, Ron Reimer (arrived 7:02 p.m.), Art Filter, Paul Radtke, Michael Maher, Patricia Thome, Mike O'Keefe (arrived 7:02 p.m.)

Also Present - City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, City Clerk Constance McHugh, Police Chief Tom Frank, Parks, Recreation & Forestry Director Mikko Hilvo, City Attorney Michael Herbrand, Planner Jon Censky, Fire Chief Jeff Vahsholtz, Assistant Fire Chief Bill Hintz, Public Works Secretary Judy Guse, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor Kinzel's 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 Thome, to approve the minutes of the June 9, 2014 meeting as presented. Motion carried unanimously.

Motion made by Council Member Filter, seconded by Council Member Thome, to approve the minutes of the June 16, 2014 special meeting as presented. Motion carried unanimously.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Robert Brooks, candidate for the 60th Assembly District, introduced himself to the Council.

OATH OF OFFICE: FIRE CHIEF JEFF VAHSHOLTZ

City Clerk McHugh administered the oath of office to newly appointed Fire Chief Jeff Vahsholtz.

Chief Vahsholtz thanked his parents, family, the Police and Fire Commission, Mayor Kinzel, the Common Council, and his fellow firefighters for their support. He said he would thank everyone by doing the best job he can and leading a great organization.

PUBLIC HEARING: CONSIDER RESOLUTION NO. 2014-10 AMENDING THE COMPREHENSIVE LAND USE PLAN – 2025 FOR THE PARCEL LOCATED AT W63 N583 HANOVER AVENUE (LIBRARY SITE) FROM THE GOVERNMENT AND INSTITUTIONAL CLASSIFICATION TO THE COMMERCIAL CLASSIFICATION

Mayor Kinzel declared the public hearing to consider Resolution No. 2014-10 amending the Comprehensive Land Use Plan – 2025 for the parcel located at W63 N583 Hanover Avenue (library site) from the Government and Institutional classification to the Commercial classification open at 7:15 p.m.

Planner Censky said with the new library nearing completion and the move from the old library expected soon, the Council should make the necessary change to the land use classification and zoning district to support professional office use at the former library building. The site is currently classified as Government and Institutional in the Comprehensive Land Use Plan. The proposed Resolution would change the classification to Commercial. The land use plan amendment is required to pave the way for the rezoning of the parcel, which is the next item on the agenda. The Plan Commission reviewed the proposed change and unanimously recommended approval of the proposed Resolution at its May 5, 2014 meeting.

Motion made by Council Member Filter, seconded by Council Member O’Keefe, to close the public hearing at 7:18 p.m. Motion carried unanimously.

Motion made by Council Member Maher, seconded by Council Member Filter, to adopt Resolution No. 2014-10 amending the Comprehensive Land Use Plan – 2025 for the parcel at W63 N583 Hanover Avenue (library site) from the Government and Institutional classification to the Commercial classification. Motion carried unanimously.

PUBLIC HEARING: CONSIDER ORDINANCE NO. 2014-09 REZONING THE PROPERTY AT W63 N583 HANOVER AVENUE (LIBRARY SITE) FROM I-1 INSTITUTIONAL AND PUBLIC SERVICE DISTRICT TO B-3 CENTRAL BUSINESS DISTRICT

Mayor Kinzel declared the public hearing to consider Ordinance No. 2014-09 rezoning the property at W63 N583 Hanover Avenue (library site) from I-1 Institutional and Public Service District to B-3 Central Business District open at 7:19 p.m.

Planner Censky said the recommendation is to rezone the former library property from I-1 Institutional and Public Service District to B-3 Central Business District. Rezoning the site to the B-3 District would result in the least amount of non-conformity with the dimensional requirements of the zoning district and will treat the site like an expansion of the downtown commercial district. It will also allow for the conversion of this building to professional offices. The Plan Commission reviewed the proposed rezoning and unanimously recommended approval of the proposed Ordinance at its meeting of May 5, 2014.

Motion made by Council Member Radtke, seconded by Council Member Thome, to close the public hearing at 7:21 p.m. Motion carried unanimously.

Motion made by Council Member Maher, seconded by Council Member Thome, to adopt Ordinance No. 2014-09 rezoning the parcel at W63 N583 Hanover Avenue (library site) from I-1 Institutional and Public Service District to B-3 Central Business District. Motion carried unanimously.

PRESENTATION OF 2013 ANNUAL LIGHT & WATER REPORT

The 2013 annual Light & Water report will be presented at the next Council meeting.

STATUS REPORT ON THE FIRE PROTECTION/EMERGENCY MEDICAL SERVICE AGREEMENT BETWEEN THE TOWN AND CITY OF CEDARBURG SET TO EXPIRE DECEMBER 31, 2014

Mayor Kinzel said the term of the Fire Protection/Emergency Medical Service Agreement between the Town and City is from January 1, 2005 to December 31, 2014, but automatically extended an additional ten years to December 31, 2024 unless either party notified the other in writing on or before December 31, 2012 of its desire to terminate or re-negotiate terms of a new agreement.

Attorney Herbrand confirmed that this agreement has an automatic renewal, but sunsets on December 31, 2024.

STATUS REPORT ON THE SHARED SERVICES AGREEMENT FOR THE CEDARBURG SWIMMING POOL BETWEEN THE TOWN AND CITY OF CEDARBURG SET TO EXPIRE DECEMBER 31, 2015

City Administrator/Treasurer Mertes said the term of the Shared Services Agreement for the Pool between the Town and the City is from January 1, 2006 to December 31, 2015. There is no clause for automatic renewal.

Council Member Radtke suggested the Community Pool Commission take a look at this agreement in the near future, since it is set to expire at the end of 2015.

Council Member O'Keefe said the Community Pool Commission has not discussed this matter but he will see to it that it is addressed. The Pool Commission includes members from the City and the Town.

Council Member Reimer asked if there needs to be a new agreement. Attorney Herbrand said a new agreement is necessary as there is no automatic renewal built into the current agreement.

Council Member Reimer said it should be determined which body should analyze this matter.

Attorney Herbrand said the Community Pool Commission is the logical place to start.

Mayor Kinzel said the Community Pool Commission should address this matter before being addressed by both communities.

CONSIDER APPLICATION FROM SEF, LLC, STEVE SMITH, AGENT, FOR A “CLASS B” LIQUOR AND CLASS “B” BEER LICENSE FOR CEDAR PLACE PUB, W62 N599 WASHINGTON AVENUE, FOR THE PERIOD JULY 1, 2014 THROUGH JUNE 30, 2015

T.J. Ryans will no longer lease the building they are in and will close operations on June 30. They have not applied to renew their Class B liquor and beer licenses. Steve Smith, owner of the building, intends to open a new establishment called Cedar Place Pub and has applied for the licenses.

Motion made by Council Member Filter, seconded by Council Member Radtke, to approve the application from SEF, LLC, Steve Smith, agent, for a “Class B” liquor and Class “B” beer license for Cedar Place Pub, W62 N599 Washington Avenue, for the period July 1, 2014 through June 30, 2015. Motion carried unanimously.

CONSIDER CONCERNS RELATED TO THE CONSTRUCTION OF A NEW PUBLIC WORKS FACILITY

Mayor Kinzel said the Council received a needs assessment for the construction of a new Public Works facility and the Council awarded a contract for the architectural design services of the facility. He said the Council has not really discussed the estimated \$7.5 million cost of the new building, options for the building, or the impacts on property taxes the borrowing would have.

Council Member Reimer said he recalls the Council did approve moving forward with the new facility.

Council Member Filter said it seems like the proposed facility is the crème de la crème of facilities and money is no object. He agrees a new Public Works facility is needed, but \$7.5 million is a lot of money and the project should be scaled back.

Council Member Maher said Council Member Czarnecki’s comments at the last meeting about a needs analysis were good comments. He said the Library Board had a needs analysis done 20 years ago. The size of the final building was reduced from 40,000 square feet to 25,000 square feet.

Mayor Kinzel agreed that it must be determined what is really needed versus what is really desired, and where some costs can be cut.

Council Member Czarnecki said the current proposal is for a 59,000 square foot building with single parking of equipment rather than the double and triple parking of vehicles as is the case now. This is 220% larger than the existing facility. He said the Council needs to determine if residents are dissatisfied with the current services of the Public Works Department and determine what is meant by the term “efficiency” as it has been used when referring to a new facility. He said he thinks residents are satisfied with the current services. He said perhaps spending \$1 or \$2 million to fix or add on to the existing facility is a better solution, or there may be other options that should be reviewed. He would like to see other options that are smaller in cost and size.

Mayor Kinzel said the Public Works and Sewerage Commission reviewed the project but did not discuss making it more economical. He said borrowing for the project will not impact the City's bond rating, but it will impact the tax rate, and this has really not been discussed. The net tax rate for debt service now is \$0.84. This will increase to \$1.18 in 2016 if money is borrowed to fund the project. That amounts to an extra \$85 per year for the owner of a home assessed at \$250,000. He questioned whether the City can absorb this large of a borrowing.

Director Wiza said he thought staff did go through the full process in terms of this project. He said a space needs analysis was done by an architectural firm who has designed many similar facilities. The firm talked to staff and inventoried all equipment. A conceptual design was developed that includes housing all vehicles and equipment inside. Staff that was interviewed did indicate that things needed to be kept at a minimum.

Director Wiza said the current facility is 50 to 60 years old. He does not know if the building could be remodeled or added on to in an economical way. This matter was discussed 4-5 times at the Public Works and Sewerage Commission level and a summary was brought to the Council on September 30, 2013. He said he understands the tax implications, but the need for a new facility exists. He suggested the Council consider moving the project out one or two years.

Mayor Kinzel agreed it may not be possible to add onto the existing building. He encouraged everyone not to fixate on the \$85 increase in taxes due to borrowing. He said the proceeds from the sale of the library building could possibly be used to offset this cost.

Council Member Czarnecki said double and triple parking of vehicles as exists now would be single parking in the new facility. He said this amounts to an indoor parking lot. He said he is looking at this from a design perspective and different designs should be looked at.

Director Wiza said he can go back to the architect to see if there are less costly options.

Council Member Filter said a new facility is definitely needed, but he has a problem with \$7.5 million. That is too much money.

John Kueny of Kueny Architects, the firm awarded the contract for the design of the facility, said his goal would be to bring back multiple options to the Council. He said he will work with Director Wiza with the goal of presenting multiple options and different efficiencies.

DISCUSS AND APPROVE PRELIMINARY BUDGET PARAMETERS, INCLUDING OPERATING EXPENDITURES AND/OR TAX LEVY, GROWTH TARGETS FOR DEVELOPMENT OF THE PROPOSED 2015 BUDGET

City Administrator/Treasurer Mertes said annually the Council sets the budget parameters for staff to follow during the development of the budget. Usually the expectation is that the tax rate should be held at the same rate as the previous year. With the estimated assessed value, before commercial numbers are complete, there is room for a tax levy increase of \$115,000 before the tax rate would increase.

Council Member Reimer asked if there will be a need to borrow funds for street improvements. He said it is not fiscally prudent to borrow for road work.

City Administrator/Treasurer Mertes said the capital budget includes \$900,000 in borrowing for streets for the next three years.

Council Member Radtke said the Council is directing staff how to prepare their budgets. The Council then will decide the priorities. He said he would be in favor of a goal of a 0% increase in the tax rate, or less.

Council Member Reimer said that he would be in favor of a 0% increase, but this likely will not happen. He would also be in favor of directing staff that there should be no increase in personnel or capital projects in 2015, but this may not be practical.

It was the consensus of the Council that the goal should be a 0% tax rate increase.

CONSIDER BUDGET CALENDAR FOR 2015

City Administrator/Treasurer Mertes said the proposed budget calendar for 2015 budget is the same as last year. The budget will be distributed to the Council on October 9 with the public hearing/budget presentation at the October 27 meeting and adoption on November 24. October 20 has been set aside as a possible additional meeting for budget deliberations, if necessary.

PRESENT STRATEGIC WORK PLAN

City Administrator/Treasurer Mertes said the goals and objectives of the Strategic Plan have been updated. She encouraged Council Members to review the plan and provide suggestions to her. The Strategic Plan will be discussed in detail during budget time.

CONSIDER ORDINANCE NO. 2014-10 REPEALING SECTION 2-1-4(c)(4) OF THE MUNICIPAL CODE PROVIDING FOR THE CANVASSING OF ALL ABSENTEE BALLOTS AT A PLACE OTHER THAN THE POLLING LOCATION

City Clerk McHugh said the canvassing of absentee ballots at a place other than the polling location was a process adopted in 2008. She said the Government Accountability Board informed her that because an actual voting machine tabulating votes from absentee ballots is not present at the central count site, it is not true central count absentee under Wis. Stats. 7.52. Absentee ballots processed using central count absentee should be counted at the same location and not transported to another location to be counted. The City does not have an extra tabulator to count ballots at a central count location; therefore, this process will be discontinued and the ordinance allowing for this process should be repealed.

Motion made by Council Member Filter, seconded by Council Member Thome, to adopt Ordinance No. 2014-10 repealing Section 2-1-4(c)(4) of the Municipal Code providing for the canvassing of all absentee ballots at a place other than the polling location. Motion carried unanimously.

CONSIDER PROCESS TO FILL THE 5TH DISTRICT ALDERPERSON VACANCY

Council Member Maher will be resigning effective July 14, 2014 due to his moving to Grafton. His term expires April, 2016.

According to Policy CC-20A, whenever an aldermanic position becomes vacant, the vacancy is filled by Common Council appointment. If the vacancy occurs on or before December 1, and the term does not expire the following April, unless otherwise ordered by the Council, a successor is chosen at the spring election.

Motion made by Council Member Filter, seconded by Council Member Thome, that the Council seek applicants to be selected by the Common Council to serve until April 2015 and a successor to complete the term be chosen at the Spring 2015 election. Motion carried unanimously.

The Council agreed to interview candidates at the July 28, 2014 Council meeting.

CONSIDER ISSUANCE OF A TRANSIENT ENTERTAINMENT LICENSE TO RAINBOW VALLEY RIDES, INC. FOR THE OZAUKEE COUNTY FAIR ON JULY 30 (1:00 P.M. TO 11:00 P.M.), JULY 31, AUGUST 1, & 2 (10:00 A.M. TO 11:00 P.M.), AND AUGUST 3, 2014 (10:00 A.M. TO 7:00 P.M.) AND THE REQUEST TO WAIVE THE REQUIREMENT FOR A CLEAN UP BOND AS REQUESTED BY THE AGRICULTURAL SOCIETY

Motion made by Council Member Filter, seconded by Council Member Radtke, to approve the issuance of a Transient Entertainment License to Rainbow Valley Rides, Inc. for the Ozaukee County Fair on July 30, (1:00 p.m. to 11:00 p.m.), July 31, August 1, & 2 (10:00 a.m. to 11:00 p.m.), and August 3, 2013 (10:00 a.m. to 7:00 p.m.) and the request to waive the requirement for a cleanup bond as requested by the Agricultural Society. Motion carried unanimously.

PAYMENT OF BILLS

Motion made by Council Member O'Keefe, seconded by Council Member Maher, to approve payment of bills for the period 06/06/14 through 06/20/14, ACH transfers for the period 06/03/14 through 06/28/14, and payroll for the period 05/25/14 through 06/07/14. Motion carried unanimously.

LICENSE APPLICATIONS

Motion made by Council Member Maher, seconded by Council Member Radtke, to authorize the issuance of new Operator's licenses for the period ending June 30, 2015 to:

Lindsey A. Draeger
Steven R. Gratz
Leah Ann Kilmer
Keri L. Klemann
Jean L. Kobin

Angela M. Kroner
Jeffrey D. Mayer
Barbara J. Privat
Janet L. Temmer
Lynda K. Wachter

Motion carried unanimously.

Motion made by Council Member Maher, seconded by Council Member Thome, to authorize the issuance of renewal Operator's licenses for the period ending June 30, 2015 to:

Dixie K. Borzick	Daniel W. Kropidlowski
Richard L. Carlson	Pamela M. Leppa
Frieda C. Carlson	Michelle L. Lozoff
Kyle E. Ciske	Michelle S. Murach
Suzanne V. Ernst	David J. Polacek
Judi K. Even	William R. Poull
Jesse D. Gall	Mark D. Roberts
Kim M. Gordon	Jacki L. Roden
Eric J. Halleman	James M. Salp
James D. Hintz	Emily J. Schneeberger
Christine M. Jackson	Barseana N. Simond
Marcene L. Jacobs	Lauren A. Singer
Suzanne Jochims-Flanders	Victoria R. Sorenson
Jacqueline A. Jones	Steven K. Stauske
Paul D. Jones	Matthew R. Stein
Amber N. Kidd	Darcie R. Stib
Stephan C. Kinnunen	Jeff M. Theisen
Charles A. Kison	Stephan L. Venturini
Rachel M. Konicek	Jeanne M. Venturini

Motion carried unanimously.

Attorney Herbrand said Matthew Tonn has applied for a new operator's license. Chief Frank provided the Council with a recommendation to deny the license based on the background investigation. Any action to deny the license would result in a letter from the City Clerk listing the reasons for denial and the appeal process.

Motion made by Council Member Radtke, seconded by Council Member O'Keefe, to deny the application of Matthew A. Tonn for a new operator's license. Motion carried unanimously.

Attorney Herbrand said Jacob Banas applied for a renewal of a current operator's license. Chief Frank has provided the Council with a recommendation to deny the license based on the background investigation. Because this is a renewal of an existing license, the applicant has a right to a due process hearing prior to the denial. He said if the Council wishes to consider Chief Frank's recommendation, a motion should be made to set a hearing for Mr. Banas.

Motion made by Council Member O'Keefe, seconded by Council Member Czarnecki, to set a hearing on the possible denial of the license application of Jacob Banas based on Chief Frank's recommendation, pending staff scheduling of the hearing. Motion carried unanimously.

LIBRARY FUNDRAISING UPDATE AND LIBRARY BUILDING UPDATE

Council Member Maher encouraged everyone to attend the Grand Opening of the new Cedarburg Public Library on July 12 from 10:00 a.m. to 3:00 p.m.

MAYOR'S REPORT

Mayor Kinzel said Strawberry Fest went very well this past weekend.

CLOSED SESSION

Motion made by Council Member Thome, seconded by Council Member Radtke, to adjourn to closed session at 8:32 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, 19.85(1)(e) to deliberate or negotiate the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and 19.85(1)(g) to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the Council with respect to litigation in which it is or is likely to become involved, more specifically, to discuss performance evaluation data and the compensation of the Recreation Supervisor, to discuss the sale of the library building at W63 N583 Hanover Avenue, and to discuss eviction action against the tenant at N32 W5464 Hamilton Road. Approval of closed session minutes of June 9, 2014. With Council Members Czarnecki, Reimer, Filter, Radtke, Maher, Thome, and O'Keefe voting aye, the motion carried unanimously on a roll call vote.

RECONVENE TO OPEN SESSION

Motion made by Council Member Radtke, seconded by Council Member Filter, to reconvene to open session at 9:08 p.m. Motion carried unanimously.

ADJUSTMENT IN THE COMPENSATION OF THE RECREATION SUPERVISOR SALARY

Motion made by Council Member Radtke, seconded by Council Member Thome, to increase the salary of Recreation Supervisor Maggie Bultman from \$35,388.29 to \$39,000 annually, effective July 1, 2014.

Council Member Filter said he would vote no on the motion because it sends a bad message to other employees.

With Council Members Czarnecki, Reimer, Radtke, Maher, Thome and O'Keefe voting aye and Council Member Filter voting nay, the motion carried.

APPROVAL OF THE SALE OF THE LIBRARY BUILDING AT W63 N583 HANOVER AVENUE

Motion made Council Member Thome, seconded by Council Member O'Keefe, to table the possible sale of the library building at W63 N583 Hanover Avenue until the July 14, 2014 meeting. Motion carried unanimously.

ADJOURNMENT

Motion made by Council Member Maher, seconded by Council Member Radtke, to adjourn the meeting at 9:11 p.m. Motion carried unanimously.

Constance K. McHugh, MMC/WCPC
City Clerk