

**CITY OF CEDARBURG** **CC20141110-1**  
**JOINT MEETING OF THE COMMON COUNCIL** **UNAPPROVED**  
**AND PUBLIC WORKS AND SEWERAGE COMMISSION**  
**November 10, 2014**

A joint meeting of the Common Council and Public Works and Sewerage Commission of the City of Cedarburg, Wisconsin, was held on Monday, November 10, 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 Czarnecki, Art Filter, Paul Radtke, Mitch Regenfuss, Patricia Thome, Mike O'Keefe

Excused - Council Member Ron Reimer

Present - Public Works Commission – Mayor Kip Kinzel, Bill Oakes, Sandra Beck, Charles Schumacher, Robert Dries, Gary Graham, Jim Slavin

Excused - Randy Roupp, Council Member Ron Reimer

Also Present - City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, Deputy City Clerk Amy Kletzien, City Attorney Michael Herbrand, Planner Jon Censky, Police Chief Thomas Frank, Parks, Recreation & Forestry Director Mikko Hilvo, Economic Development Coordinator Mary Sheffield, Public Works Superintendent Jeff Boerner, Library Director Linda Pierschalla, Library Board President Sue Karlman, Library Board Member Steve Ruggieri 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 Filter, seconded by Council Member Czarnecki, to approve the Common Council minutes from the October 27, 2014 meeting. Motion carried without a negative vote with Council Member Reimer excused.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** - None

**PUBLIC HEARING: CONSIDER ORDINANCE NO. 2014-17 AMENDING SECTIONS 13-1-54 AND 13-1-55 OF THE ZONING CODE TO PERMIT MICRO-DISTILLERIES AS A**

**CONDITIONAL USE IN THE B-2 COMMUNITY BUSINESS DISTRICT AND IN THE B-3 CENTRAL BUSINESS DISTRICT AND TO AMEND SECTION 13-1-240 TO DEFINE MICRO-DISTILLERIES; AND ACTION THEREON**

Mayor Kinzel declared the public hearing open at 7:02 p.m. to consider Ordinance No. 2014-17 amending Sections 13-1-54 and 13-1-55 of the Zoning Code to permit micro-distilleries as a Conditional Use in the B-2 Community Business District and in the B-3 Central Business District and to amend Section 13-1-240 to define micro-distilleries.

Planner Censky explained that micro-distilleries are becoming very popular throughout the State of Wisconsin. Currently, micro-distilleries can be found in New Richmond, Middleton, Carlsville, Sturgeon Bay, Monroe, Milwaukee, Madison and Coleman. This amendment is being addressed at the request of Charles Radtke who has expressed the intent to pursue a micro-distillery. The distillation process is the same as that used in large distilleries involving heat and highly flammable vapors; therefore, certain inherent dangers will need to be addressed as the City considers requests of this nature in the future. Building Inspector Baier studied the State Building Code and advises that those issues are addressed therein and the applicant understands that future requests of this nature will need to comply with all State requirements and standards, as micro-distilleries are licensed by the State. Planner Censky stated that the Fire Department will also be part of the review process.

Planner Censky further explained that the intent of the conditional use is to give the City the authority to grant conditions. The Plan Commission unanimously recommended adding distilleries as a conditional use in the B-2 and B-3 Districts at their October 6 meeting.

In answer to Council Member Filter's question, Planner Censky explained that no conditions have been established to-date. All applications will be reviewed by the State, City, and the Fire Department to determine what conditions are necessary.

There was no public comment.

Motion made by Council Member Radtke, seconded by Council Member O'Keefe, to close the public hearing at 7:08 p.m.

In answer to Council Member Radtke's question, Planner Censky stated that he is not aware of any issues with smell from a distillery.

Council Member O'Keefe stated there is a micro-distillery in the historic City of Galena, Illinois that was required to add scrubbers to their process as a conditional use by the City.

Council Member Thome confirmed that the City of Cedarburg can put controls or parameters on a micro-distillery in Cedarburg by using the conditional use process.

Mayor Kinzel expressed enthusiasm for a new business in Cedarburg that could add to the City's destination appeal.

Motion made by Council Member O’Keefe, seconded by Council Member Thome, to approve Ordinance No. 2014-17 amending Sections 13-1-54 and 13-1-55 of the Zoning Code to permit Micro-Distilleries as a Conditional Use in the B-2 Community Business District and in the B-3 Central Business District and to amend Section 13-1-240 to define Micro-Distilleries. Motion carried without a negative vote with Council Member Reimer excused.

**NEW BUSINESS**

**REVIEW KUENY ARCHITECTS CONCEPTUAL LAYOUTS FOR THE PROPOSED PUBLIC WORKS FACILITY; AND ACTION THEREON**

Jon Wellenkamp of Kueny Architects presented conceptual layouts for the proposed public works facility with a goal of looking beyond the building and into the operations of the Department. He discussed the following in his presentation:

- Working Site Plan – all the major garage doors are off of the major streets, the best façade will be chosen for the citizens, stormwater will need to be held for quality, and what will be on the site needs to be determined.
- Working Plan – all the equipment was inventoried to determine the appropriate bay size for longevity and use. Maintenance will be able to be done in the bays. The following areas are being considered: parking configuration, administration area, vehicle repairs, small engines, fabrication, fluids, signs and wash bays (automated and manual).
- Vehicle Parking Bay includes the following considerations: traffic patterns, adequate stall width, preventative maintenance, natural light, zoned/variable exhaust, infrared heating to maintain a 55 degree temperature, fume actuated controls and adequate door size.
- Vehicle Repair Bay – possible sizing for other vehicles is being considered, such as a fire truck. Considerations include outsourcing vs. doing the work in-house.
- Parts & Small Equipment – will be programmed for certain equipment.
- Vehicle Wash Systems – Includes manual and automated systems using rainwater.
- Sustainable Design Upgrades – setup will be considered for future energy panels.
- Office & Administration – will be designed to be functional and last for 75 years.
- Facility – The design will be simple and durable.
- Type of Construction – the goal is to build a facility that will last 75 years.

Mr. Wellenkamp explained that he is looking for input and feedback from the Council and based upon what he hears, he will provide the numbers.

In answer to Council Member Filter’s question, Mr. Wellenkamp explained that the construction costs will include every possible fee including demolition of the old building. It is possible that one half of the new building will be built at a time, to allow work to continue in the other half during construction.

Council Member Radtke stated that the City needs a new facility; however, he expressed concern for being able to justify anything. He asked the architects to be cautious and practical in regard to paybacks.

In answer to Council Member Filter's question, Mr. Wellenkamp confirmed that he is working with Cedarburg Light & Water on the plans.

Mr. Wellenkamp stated that he continually looks for feedback from past buildings that were built the last 20 years.

Council Member Czarnecki expressed concern for increasing the building size for improved efficiencies and the need for an under body flush system for the trucks.

Director Wiza explained that the wash bays are important. The chloride, salt and other corrosive material needs to be washed off from all parts of the trucks. A catwalk would allow them to clean out the boxes in the trucks. The vehicles are large investments that need to be maintained. The collection of rainwater to use for cleaning is an ingenious idea. If the rainwater is captured from the roof, it will not go into the stormwater and will save the City in that area alone. As far as solar panels are concerned, they could be added in the future, if the prewiring is done in advance. Director Wiza also explained that the Public Works Department has a constant to-do list that cannot be completed. By adding more efficiency to the building, the crew will have more time to work on this list. Finally, he explained that OSHA and Code compliance are an important issue that may not exist in the present building.

Council Member Czarnecki stated that he does not think that the citizens of Cedarburg are complaining about leaves or the time it takes to remove snow. He believes it is excessive to increase the size of the facility from 20,000 sq. ft. to 60,000 sq. ft. He challenged the Public Works and Sewerage Commission to downsize the project.

Mr. Wellenkamp said that the costs should be brought down proportionately. Every garage door is an additional \$12,000.

Commissioner Dries asked how much was being built into the project for future growth.

Mr. Wellenkamp replied that the plan includes growth similar to now. The current bays are figured for the 16 foot wings on the plows to be down and includes five small vehicles used at City Hall. This plan does not have any extra spaces.

Mayor Kinzel stated that increased efficiency would reduce overtime costs. He asked to see building plans that are \$4 million or \$6 million rather than \$8 million. He questioned what could be stored in less expensive cold storage.

Mr. Wellenkamp stated that a tempered building (30 – 40 degrees) could be added.

Mayor Kinzel asked that the Lincoln Boulevard side be attractive.

Council Member Radtke stated that the side facing the tennis courts and the Zeunert Park overlook will remain visible and should also be attractive, especially considering that the Amcast property may be redeveloped at some point. All outside areas should remain attractive as well.

In answer to Council Member Czarnecki's questions, Mr. Wellenkamp stated that large privately owned vehicle fleets may be stored outside but are likely turned over quicker than Municipal vehicles. In regard to the administrative areas including offices, training room, lunch room, locker room and restrooms are a total of 3,582 sq. ft. The current public works facility has less than 1,000 sq. ft. of this type of space.

Commissioner Schumacher stated that he is aware of large private sector companies with large fleets who keep their vehicles indoors and plug them in during extremely cold weather or they would not start.

In answer to Council Member Regenfuss' question, Mr. Wellenkamp explained that the site contains bedrock in the center of the property that will need to be filled and raised. The current plan raises the site 23 feet to the east. Also they may need a new storm sewer to connect to the existing system.

In answer to Mayor Kinzel's question, Mr. Wellenkamp stated that the residential drop-off area will be out of the way from any major equipment and will have easy access allowing the area to be open extended periods of time for residents.

In answer to Council Member Radtke's question, Mr. Wellenkamp is familiar with the Village of Grafton drop-off site and this could be accomplished in Cedarburg, allowing residents 24/7 access in the northwest section of the property.

Mr. Wellenkamp explained that Kueny Architects wants to make the design specifically for Cedarburg.

Council Member Czarnecki stated that he wants to see a design that is dramatically less in size. He cannot see going from a 20,000 sq. ft. facility to a 60,000 sq. ft. facility. He questioned whether or not a 40,000 sq. ft. facility would meet the needs of Cedarburg.

Mayor Kinzel asked for the best case scenario. What could the City be comfortable with and still meet all their needs.

Council Member Thome asked what the City can afford to lose in the current design.

Mr. Wellenkamp stated that he received good feedback and he will work with staff going forward with these ideas.

Council Member Radtke asked for more options in striking a happy medium.

In answer to Council Member Regenfuss' question, Mr. Wellenkamp explained that the outside building material has not been decided on.

Mr. Wellenkamp also explained that there is plenty of time to get the design right for the City and he will come back with additional scenarios.

Commissioner Beck stated that this was a good meeting and asked the Council if they had an idea on what they want to spend on a new facility.

Council Member Czarnecki would like the facility to be as small as possible.

Council Member Thome does not want all efficiencies sacrificed.

Director Wiza stated that the City wants a quality building that will last and also be attractive to the area. It was determined that the Common Council and Public Works & Sewerage Commission will have another joint meeting to review new options.

In answer to Council Member Czarnecki's question, Council Member Thome assured him that the Public Works & Sewerage Commission have done their homework and are working hard on this project.

Mayor Kinzel stated that the Library project was tempered with budget parameters and the City ended up with a very nice facility.

Council Member Filter suggested that the facility be built to be expandable as the City grows.

**CONSIDER AWARD OF ENGINEERING DESIGN CONTRACT FOR THE 2015 STREET AND UTILITY PROJECT; AND ACTION THEREON**

Director Wiza explained that staff requested proposals from a total of four engineering consulting firms for design of the 2015 Street and Utility Project. A detailed Request for Proposal (RFP) was sent to each firm, and the scope of work was well defined. Three of the four firms submitted responsive proposals, and the lowest overall fee for service was submitted by M Squared Engineering of Cedarburg.

The 2015 project includes the reconstruction of Sheboygan Road, Lincoln and McKinley Boulevards from Washington Avenue to Pioneer Road, and the storm sewer main through the public works yard.

The lowest bid of \$39,600 from M Squared Engineering would be split proportionately between the streets capital, storm water capital, sanitary sewer reconstruction fund and Light & Water budgets.

In answer to Commissioner Dries' question, Director Wiza stated that M Squared Engineering is familiar with municipal work and were entrusted by the State to do the Wauwatosa Road project last summer.

Motion made by Commissioner Beck, seconded by Commissioner Slavin, to award the engineering design contract for the 2015 Street and Utility project to M Squared Engineering in an amount not to exceed \$39,600. Motion carried without a negative vote with Council Member Reimer and Randy Roupp excused.

Motion made by Council Member Radtke, seconded by Council Member Thome, to award the engineering design contract for the 2015 Street and Utility project to M Squared Engineering in an

amount not to exceed \$39,600. Motion carried without a negative vote with Council Member Reimer excused.

**CONSIDER ORDINANCE NO. 2014-18 ESTABLISHING A VEHICLE “NO STOPPING OR STANDING” ZONE ON THE EAST AND WEST SIDES OF WASHINGTON AVENUE FROM THE NORTH CURB LINE EXTENDED OFF LINCOLN BOULEVARD TO A POINT 150 FEET NORTH; AND ACTION THEREON**

Director Wiza explained that with the new traffic lane delineations and turn arrow added to Washington Avenue just north of Lincoln Boulevard; staff is recommending that “No Stopping or Standing” signage be added on both sides of the street to prohibit motorists from stopping in traffic to drop off passengers. Starbucks Coffee and the Out and Out Restaurant are destinations where this may occur, and is causing concern that this would create traffic problems or even an accident. By adding this signage it also makes it enforceable for the Police Department to issue tickets.

Motion made by Commissioner Beck, seconded by Commissioner Oakes, to adopt Ordinance No. 2014-18 establishing a vehicle “No Stopping or Standing” Zone on the east and west sides of Washington Avenue from the north curb line extended off Lincoln Boulevard to a point 150 feet north. Motion carried without a negative vote with Council Member Reimer and Randy Roupp excused.

Motion made by Council Member Radtke, seconded by Council Member Thome, to adopt Ordinance No. 2014-18 establishing a vehicle “No Stopping or Standing” Zone on the east and west sides off Washington Avenue from the north curb line extended of Lincoln Boulevard to a point 150 feet north. Motion carried without a negative vote with Council Member Reimer excused.

***The Public Works and Sewerage Commission were excused at 8:23 p.m.***

**CONSIDER PAYMENT OF BILLS FOR THE PERIOD 10/23/14 THROUGH 10/30/14, ACH TRANSFERS FOR THE PERIOD 10/22/14 THROUGH 11/03/14, AND PAYROLL FOR THE PERIOD 10/12/14 THROUGH 10/25/14; AND ACTION THEREON**

Motion made by Council Member Filter, seconded by Council Member Czarnecki, to approve the payment of bills for the period 10/23/14 through 10/30/14, ACH transfers for the period 10/22/14 through 11/03/14, and payroll for the period 10/12/14 through 10/25/14. Motion carried without a negative vote with Council Member Reimer excused.

**LICENSE APPLICATIONS**

Motion made by Council Member O’Keefe, seconded by Council Member Thome, to table this item to allow the Clerk’s Office to notify the applicant that his license is being recommended for denial by the Police Department at the next meeting. Motion carried without a negative vote with Council Member Reimer excused.

**UNFINISHED BUSINESS**

**FURTHER CONSIDERATION OF THE PROPOSED 2015 BUDGET, DISCUSSION, AND DIRECTION THEREON**

City Administrator/Treasurer Mertes directed the Council's attention to the Budget Summary, which shows a 2% decrease in the tax levy/rate or \$6.97 per \$1,000 of assessed value. Part of this reduction is due to the change in health insurance from a 5% increase to a 4% increase (actual decrease will be 3%, as of today). Currently, the City is looking at the dental insurance, due to a large increase from the current provider. It is possible that a new provider could result in a \$28,000 savings with no change in coverage.

In answer to Council Member Radtke's question, City Administrator/Treasurer Mertes confirmed that the aerators and improvements for Willowbrooke Park are in this budget.

City Administrator/Treasurer Mertes pointed out that the Cedarburg School District tax levy is going down 4¢ and MATC is going down 40% due to receiving State aide.

In answer to Council Member Czarnecki's question, City Administrator/Treasurer Mertes stated that the Council will be considering the ordinances for the final budget on November 24.

Chief Frank asked for consideration of barricades for Festivals for \$3,640 from the unfunded list. He explained that they are filled with water and weigh 80 lbs. when empty and 1,200 lbs. when full.

His concern is for the safety of pedestrians downtown during Festivals. An incident occurred at the last Festival that involved a person driving into the crowd. The barricades are one measure that can be taken to secure the area better. There is some interest from other agencies in the area to share the cost; however, it is too early to get a commitment.

In answer to Council Member Radtke's question regarding how easily the barricades can be moved overnight, Chief Frank stated that there has been some discussion about opening only one lane of traffic for local traffic only on Saturday night. Driveways would have to remain open.

In answer to Council Member Thome's question, Director Wiza explained that the barricades would be filled with water on-site. If they would need to be moved; that could be done with a forklift. There are details left to work out. The main issue is site security.

In answer to Council Member Czarnecki's question, Chief Frank stated that the emergency management vehicles could be used in conjunction with the barricades; however, there has also been some interest from the car dealerships to park a vehicle in one lane.

Chief Frank stated that these barricades would only be used on Washington Avenue and Columbia Road. The other side roads would be blocked with trucks.

Council Members Radtke, O'Keefe, and Thome expressed support for the expenditure.

Council Member Filter said that this item is a Festival driven item and should not come out of the Police Department budget.

City Administrator/Treasurer Mertes stated that the barricades would be paid through Celebrations.

It was the consensus of the Common Council to include \$3,600 in the budget for barricades for Festivals.

Council Member Thome asked for additional signage for public restrooms.

Library Director Pierschalla asked the Common Council to consider funding \$17,333 for maintenance of the building. The budget draft was submitted in July and it did not include these items. It is primarily the weekend cleaners, grounds maintenance, maintenance agreements, security system, and the fire and sprinkler systems. The elevator maintenance and snow removal figures are still uncertain.

In answer to Council Member Radtke's questions, City Administrator/Treasurer Mertes stated that the proposed budget (total expenditures) for the Library is \$823,420 and the fund balance is \$99,062. After making the proposed changes as discussed and adding the \$17,333 to the budget, the tax levy increase may only be 1¢.

In answer to Council Member O'Keefe's question, City Administrator/Treasurer Mertes confirmed that the repair for the high school tennis courts is included in the budget.

In answer to Council Member Radtke's question, City Administrator/Treasurer Mertes stated that the proceeds from the sale of the former library are budgeted to help pay down the debt in the future.

It was the consensus of the Common Council to add the barricades and the Library expenditures to the budget and to keep the tax rate at \$6.97.

### **CITY ADMINISTRATOR'S REPORT**

City Administrator/Treasurer Mertes added that health insurance meetings are scheduled for enrollment and to reeducate the employees on the health and dental plans and the health risk assessments through Healics.

### **COMMENTS AND ANNOUNCEMENTS FROM COUNCIL MEMBERS**

Council Member Czarnecki offered to hold an informal TIF education listening session to describe basic TIF functions. Council Member Thome offered to assist and suggested holding it at the Library.

### **MAYOR'S REPORT**

Mayor Kinzel issued a Proclamation honoring Cedarburg High School on receiving the National Blue Ribbon Program Award. He will present it at an assembly on Friday, November 14.

**ADJOURNMENT – CLOSED SESSION**

Motion made by Council Member Radtke, seconded by Council Member Filter, to adjourn to closed session at 9:02 p.m. pursuant to State Statutes 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 the Prochnow Landfill. Approval of closed session minutes of October 13, 2014. Motion carried unanimously on a roll call vote with Council Member Reimer excused.

**ADJOURNMENT**

Motion made by Council Member Filter, seconded by Council Member O’Keefe, to adjourn the meeting at 9:20 p.m. Motion carried without a negative vote with Council Member Reimer excused.

Amy D. Kletzien, MMC/WCPC  
Deputy City Clerk