

**CITY OF CEDARBURG  
COMMON COUNCIL  
November 24, 2014**

**CC20141124-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, November 24, 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, Ron Reimer, Art Filter, Paul Radtke, Mitch Regenfuss, Patricia Thome, Mike O'Keefe

Also Present - City Administrator/Treasurer Christy Mertes, City Clerk Constance McHugh, Director of Engineer and Public Works Tom Wiza, Police Chief Tom Frank, Director of Parks, Recreation and Forestry Mikko Hilvo, City Planner Jon Censky, City Attorney Michael Herbrand, Economic Development Coordinator Mary Sheffield, Library Board Member Steve Ruggieri, 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 Thome, seconded by Council Member O'Keefe, to approve the minutes of the November 11, 2014 meeting as presented. Motion carried unanimously.

**PROCLAMATION – ARMBRUSTER JEWELERS 130<sup>TH</sup> ANNIVERSARY**

Motion made by Council Member Radtke, seconded by Council Member Thome, to approve a proclamation for Armbruster Jewelers in celebration of their 130<sup>th</sup> anniversary.

**COMMENTS FROM CITIZENS**

Steve Ruggieri, W52 N621 Highland Drive, said that he has been to quite a few budget meetings recently and realizes what a hard task putting together a budget for the City is. He thanked the Council for doing a fantastic job on executing a budget for the City.

Mr. Ruggieri said that as a member of a committee studying the bookmobile issue, he will be back before the Council in the near future to discuss the plan for changes to the County tax calculation.

**PUBLIC HEARING – CONSIDER RESOLUTION NO. 2014-19 AMENDING THE COMPREHENSIVE LAND USE PLAN FOR THE PROPERTY AT N22 W6377 FAIRFIELD STREET FROM THE MIXED SINGLE-FAMILY/TWO-FAMILY RESIDENTIAL CLASSIFICATION TO THE HIGH DENSITY RESIDENTIAL CLASSIFICATION**

Mayor Kinzel declared the public hearing to consider Resolution No. 2014-19 amending the Comprehensive Land Use Plan for the property at N22 W6377 Fairfield Street open at 7:07 p.m.

Planner Censky said the applicant, Cardinal Investments, has purchased this property and hopes to develop a multi-family project on the property. The first step in the process is to amend the Comprehensive Land Use Plan to change the classification from the Mixed Single-Family/Two-Family classification to the High Density Residential classification. The next step would be to rezone the property. The Plan Commission unanimously voted to recommend adoption of Resolution No. 2014-19 amending the classification of the property.

Council Member Regenfuss said the Council received a letter from a neighbor sharing concerns about the possible loss of trees and landscaping.

Planner Censky said that this issue along with all other issues, such as fencing, will be addressed at the Plan Commission level when the applicant presents plans for development.

Motion made by Council Member Radtke, seconded by Council Member O’Keefe, to close the public hearing at 7:12 p.m.

Motion made by Council Member Radtke, seconded by Council Member Regenfuss, to adopt Resolution No. 2014-19 amending the Comprehensive Land Use Plan for the property at N22 W6377 Fairfield Street from the Mixed Single-Family/Two-Family Residential classification to the High Density Residential classification. Motion carried unanimously.

Council Member Filter said he thought it was odd that the Thiensville Chief of Police would use his office and letterhead to write a letter endorsing Cardinal Investments, the owner of the property.

**PUBLIC HEARING – CONSIDER ORDINANCE NO. 2014-19 REZONING THE PROPERTY AT N22 W6377 FAIRFIELD STREET FROM RS-6 SINGLE-FAMILY/TWO FAMILY RESIDENTIAL DISTRICT TO RM-2 MULTI-FAMILY RESIDENTIAL DISTRICT**

Mayor Kinzel declared the public hearing open at 7:14 p.m. to consider Ordinance No. 2014-19 rezoning the property at N22 W6377 Fairfield Street from RS-6 Single-Family/Two Family Residential District to RM-2 Multi-Family Residential District.

Planner Censky said the applicant is requesting this parcel be rezoned to support his future multi-family residential project. The rezoning would reflect the change made earlier tonight in the Land Use Plan classification. The Plan Commission voted unanimously to recommend the rezoning of this parcel from RS-6 Single-Family/Two-Family to the RM-2 Multi-Family Residential District.

He said the RM-2 District allows for a density of not to exceed 16.1 units per acre. The RS-6 Districts allows for a density of 4.8 to 8.4 units per acre.

Motion made by Council Member Filter, seconded by Council Member Thome, to close the public hearing at 7:17 p.m.

Motion made by Council Member Filter, seconded by Council Member Thome, to adopt Ordinance No. 2014-19 rezoning the property at N22 W6377 Fairfield Street from RS-6 Single-Family/Two Family Residential District to RM-2 Multi-Family Residential District. Motion carried unanimously.

### **FURTHER CONSIDERATION OF THE PROPOSED 2015 BUDGET**

City Administrator/Treasurer Mertes said a change in the City's dental insurance provider will allow for a tax rate decrease of \$0.02 per \$1,000 of assessed value compared to the tax rate of last year. She presented a Tax Levy History spreadsheet that showed that levies and tax rates of all the taxing jurisdictions. The spreadsheet shows the MATC tax levy decreasing dramatically. That is because of a new law relating to the State funding for technical colleges allowing for the levy to decrease by \$55 million.

Council Member Radtke said that this is probably the first time he has seen a decrease across the board for all taxing jurisdictions.

### **CONSIDER ORDINANCE NO. 2014-20 LEVYING PROPERTY TAXES ON THE GENERAL, DEBT SERVICE, SPECIAL REVENUE, AND CAPITAL IMPROVEMENT FUNDS FOR FISCAL YEAR 2015; ORDINANCE NO. 2014-21 APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE GOVERNMENT AND ADMINISTRATION OF THE CITY OF CEDARBURG FOR THE FISCAL YEAR 2015; ORDINANCE NO. 2014-22 APPROPRIATING THE NECESSARY FUNDS FOR THE 2015 CAPITAL IMPROVEMENT BUDGET; ORDINANCE NO. 2014-23 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 2015; AND ORDINANCE NO. 2014-24 APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE SPECIAL REVENUE FUNDS AND ADOPTING THE INDICATED BUDGETS FOR FISCAL YEAR 2015**

Motion made by Council Member Filter, seconded by Council Member O'Keefe, to adopt the following ordinances:

- Ordinance No. 2014-20 levying property taxes on the General, Debt Service, Special Revenue, and Capital Improvement Funds for fiscal year 2015;
- Ordinance No. 2014-21 appropriating the necessary funds for the operation of the Government and Administration of the City of Cedarburg for fiscal year 2015;
- Ordinance No. 2014-22 appropriating the necessary funds for the 2015 Capital Improvement budget;

- Ordinance No. 2014-23 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 2015;
- Ordinance No. 2014-24 appropriating the necessary funds for the operation of the Special Revenue Funds and adopting the indicated budgets for fiscal year 2015.

Motion carried unanimously.

Mayor Kinzel and the Council thanked City Administrator/Treasurer Mertes and staff for their efforts in preparing the budget.

**CONSIDER ORDINANCE NO. 2014-25 CREATING A PUBLIC ART COMMITTEE**

Director Hilvo said “Where Art is a Tradition” is the slogan used by the Chamber of Commerce. When he attended the National Parks and Recreation Conference in October he attended a session on public art. He said that he has always wanted to put art in the City parks. He is suggesting a Committee be put together to work to enhance public art in the City. The purpose of the Committee would be to:

- Facilitate public art in public buildings and public spaces;
- Inform residents of and visitors to the City of Cedarburg about public art;
- Advance the City of Cedarburg as an “arts destination” and engage public art as a major attraction for artists, cultural tourism, and economic development;
- Be responsible for approving the site and content of public art;
- Be responsible for developing a procedure for the selection of art and/or artists, which includes public input as well as appropriate staff review.

Director Hilvo said the Committee could consist of representatives of the Chamber, the Art Museum, the Cultural Center, and local artists. He and Economic Development Coordinator Sheffield would be non-voting members. This Committee would be advisory and not have any municipal funding. All projects or plans for public art would go before the Parks, Recreation, and Forestry Board if located in a public park and the Common Council for approval.

Council Member Thome suggested a member also represent the visual arts in the community.

Council Member Filter said art is in the eye of the beholder. He questioned a committee of people who determine what is “art” or what is “Cedarburg”.

Council Member Czarnecki said he supports creation of the Committee to start the process and see what happens.

Council Member Reimer said it would be appropriate to include in the Ordinance creating the Public Art Committee what the intention of the Committee is, which bodies proposals for public art go to, and who the Committee reports to. In other words, definite checkpoints are necessary.

Council Member O’Keefe asked if a Council Member would be appointed to the Committee.

Director Hilvo said a Council Member would be part of the Committee. This could be added to the Ordinance.

It was the consensus of the Council that the proposed Ordinance be revised to specify the goals and operations of the Committee and to enumerate the composition of the Committee. It will be revisited at the next meeting.

**CONSIDER ENGINEERING PROPOSALS RECEIVED TO DEVELOP NR 333 COMPLIANCE ALTERNATIVES FOR CEDARBURG DAMS**

Director Wiza said staff requested proposals from a total of four engineering consulting firms to develop NR 333 alternatives for the three Cedarburg dams. Three of the four firms submitted proposals, and the lowest overall fee for service was submitted by Graef in the amount of \$11,400. He said staff recommends the Council award the contract to Graef to complete the study and develop conceptual alternatives and estimated costs. The focus of the study will be on dam spillway capacity requirements and developing conceptual designs to bring the dams into regulatory compliance.

Mayor Kinzel said he hopes this study will help build the City's case as to why strict compliance with NR 333 is not appropriate.

Motion made by Council Member Radtke, seconded by Council Member O'Keefe, to award the NR 333 dam spillway capacity alternatives study to Graef in the amount of \$11,400. Motion carried unanimously.

**CONSIDER RESOLUTION NO. 2014-20 REQUESTING AN EXCEPTION TO STANDARDS FROM WISCONSIN DOT TO OMIT DESIGNATED BICYCLE LANES AS PART OF THE 2015 SHEBOYGAN ROAD RECONSTRUCTION**

Director Wiza said staff requested and received a Local Road Improvement grant from the Wisconsin Department of Transportation (DOT) in the amount of \$42,000 to offset the \$500,000 cost to reconstruct Sheboygan Road. Unfortunately the grant submittal has become more complicated and a complete street analysis is required that mandates pedestrian and bicycle facilities. Director Wiza said Sheboygan Road is only 32' wide, and in order to fit on-street bike lanes the options are horrendous, and include removing trees, moving curbs, and purchasing right-of-way. Another option would be to eliminate parking on both sides of the road, but this is controversial and not recommended.

Director Wiza explained that the Council can adopt a resolution allowing the City to go through an appeal process which may result in the DOT granting an Exception to Standards. He has drafted a resolution that spells out in detail the reasons why bike lanes do not work on this segment of Sheboygan Road. Bicycles will still be able to use the road and the sidewalks that are located on both sides of Sheboygan Road.

Council Member O'Keefe asked what the chances of success are.

Director Wiza said he feels there is a good chance of obtaining an exception because of the narrow width of the road.

Council Member Czarnecki said traffic moves along at a fast past on Sheboygan Road. Widening the road or eliminating parking will only speed things up.

Motion made by Council Member O'Keefe, seconded by Council Member Czarnecki, to adopt Resolution No. 2014-20 requesting an Exception to Standards from Wisconsin DOT to omit designated bicycle lanes as part of the 2015 Sheboygan Road reconstruction. Motion carried unanimously.

### **CONSIDER SWITCHING DENTAL INSURANCE PROVIDERS TO ASSURANT**

Bids were sought from five dental insurance providers after the City's current provider, Delta Dental, quoted a premium increase of 7%. Assurant came back with the lowest cost and are duplicating the current plan. The networks are not the same but Assurant will work to recruit providers used by City employees and will pay claims at 95% of the usual and customary plan for out of network providers. There will be a 24% savings in premiums, which results in an \$84 per year savings for employees on the family plan.

Motion made by Council Member Reimer, seconded by Council Member Filter, to accept the agreement with Assurant for dental coverage for employees, effective January 1, 2015. Motion carried unanimously.

### **PAYMENT OF BILLS**

Motion made by Council Member Filter, seconded by Council Member Czarnecki, to approve payment of bills for the period 11/06/14 through 11/13/14, ACH transfers for the period 11/04/14 through 11/19/14, and payroll for the period 10/26/14 through 11/08/14. Motion carried unanimously.

### **CONSIDER APPLICATION OF DEELISH LLC, CHRISTIAN LEONARD, AGENT, FOR A CLASS "B" BEER LICENSE FOR SAL'S PIZZA, W63 N635 WASHINGTON AVENUE**

Motion made by Council Member Reimer, seconded by Council Member O'Keefe, to authorize the issuance of a Class "B" beer license to Deelish LLC, Christian Leonard, Agent, for Sal's Pizza located at W63 N635 Washington Avenue. Motion carried unanimously.

### **LICENSE APPLICATIONS**

Motion made by Council Member Reimer, seconded by Council Member Thome, to authorize the issuance of a new Operators license for the period ending June 30, 2015 to: Jeanette L. Gabrys. Motion carried unanimously.

**CONSIDER RECOMMENDATION OF POLICE CHIEF TO DENY NEW OPERATOR'S LICENSE OF MATTHEW A. TONN**

Motion made by Council Member O'Keefe, seconded by Council Member Filter, to deny the application of Matthew A. Tonn for an operator's license based on the recommendation of the Police Chief. Motion carried unanimously.

Mr. Tonn was informed of the meeting and the Police Chief's recommendation to deny the license. He was not in attendance at the meeting.

**ADJOURNMENT**

Motion made by Council Member Radtke, seconded by Council Member O'Keefe, to adjourn the meeting at 7:56 p.m. Motion carried unanimously.

Constance K. McHugh, MMC/WCPC  
City Clerk