

**CITY OF CEDARBURG
COMMON COUNCIL
September 25, 2017**

**CC20170925-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, September 25, 2017, 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, Jack Arnett, Rick Verhaalen, Mitch Regenfuss, Patricia Thome, Mike O'Keefe

Excused - Council Member Dick Dieffenbach

Also Present - City Administrator/Treasurer Christy Mertes, City Clerk Constance McHugh, Planner Jon Censky, City Attorney Michael Herbrand; 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 September 11, 2017 Common Council meeting. Motion carried unanimously with Council Member Dieffenbach excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Chris Velnetske, N57 W6766 Center Street, said an item on the agenda is to consider an ordinance seeking to modify parking regulations on Center Street. This matter was discussed in January and postponed. He said there is congestion on Center Street while parking on Hanover Avenue is underutilized on both sides of the street. Employees from the LaBudde Group tend to park on Center Street as the business has no parking. The ordinance that will be discussed asks to take away two parking spaces from the Historical Society, Rachael's Roses, and the hair salon. He said the Council needs to take action to fully utilize parking on Hanover Avenue to alleviate congestion on Center Street.

CONSIDER RESOLUTION NO. 2017-16 TO AMEND THE COMPREHENSIVE LAND USE PLAN – 2025 FOR THE 13.38 ACRE WEST PORTION OF THE 18.70 ACRE PARCEL LOCATED APPROXIMATELY 506' SOUTH OF HIGHWAY 60 FROM THE HIGH DENSITY RESIDENTIAL ELDERLY HOUSING (10.9 TO 20 UNITS PER ACRE) USE CLASSIFICATION TO THE HIGH DENSITY RESIDENTIAL (10.9 TO 16.1 UNITS PER ACRE) USE CLASSIFICATION

Mayor Kinzel declared the public hearing on the request to amend the Comprehensive Land Use Plan – 2025 open at 7:06 p.m.

Planner Censky said State law requires that the Comprehensive Land Use Plan and the proposed zoning be consistent with each other. Resolution No. 2017-16 serves to reclassify the future use of this site from High Density Elderly Housing at a density of up to 20 units per acre to high Density Multiple-Family at a density not to exceed 16.1 units per acre. Ordinance No. 2017-20 will rezone the property from Temporary RS-1 Single Family Residential District to Rm-2/PUD Multiple Family Residential District/Planned Unit Development Overlay District. As part of the request the applicant is seeking to increase the maximum units per structure from eight to sixteen.

Duey Stroebel of Terrace Realty presented an overview of his proposed multi-family apartment proposal. The project will consist of 12 sixteen unit apartment buildings for a total of 192 units at a density of 10.3 units/gross acre or 14/9 units/net acre. The project is designed for renters by choice and will be a high end product with a residential feel to it. All units will have a separate entrance and there will be both attached and detached garages. A club house will also be built. Mr. Stroebel said there is a market for this in the area that has not been addressed. This will be a \$20 million development that will generate approximately \$1 million in impact fees. A representative of Cornerstone Development, a housing development to the south of this project, has expressed his support of this project.

Tony Hartjes of R.A. Smith said this is an 11.7 acre site. Approximately 9.5 to 10 acres will remain as green and open space when the project is completed. The site will be served by City sewer and water and there will be a detention facility on site. The site will accommodate all vehicles. There will be one entrance/exit and an emergency exit.

Council Member Thome said she does not like the look of the standalone garages; however, does not know what the solution is.

Mr. Stroebel said the garages will not look like average garages.

Rick Calvelli, N114 W5862 James Circle, said that the traffic pattern and speed limit are of concern to him.

Planner Censky said Sheboygan Road is an arterial road meaning it is used to pass traffic to Highway 60. This is consistent with the traffic system in the area. He said the developer will need to return to the Plan Commission to work out all the details of the project. At this time the Council is being asked to consider the proposed land use plan amendment and rezoning only. City Administrator/Treasurer Mertes said the speed limit is being addressed by the Police Chief and Director of Engineering and Public Works.

Motion made by Council Member Thome, seconded by Council Member Czarnecki, to close the public hearing at 7:27 p.m. Motion carried unanimously with Council Member Dieffenbach excused.

Motion made by Council Member Arnett, seconded by Council Member Regenfuss, to adopt Resolution No. 2017-16 amending the Comprehensive Land Use Plan – 2025 for the 13.38 acre west portion of the 18.70 acre parcel located approximately 506' south of Highway 60 from the High Density Residential Elderly Housing (10.9 to 20 units per acre) Use classification to the High Density Residential (10.9 to 16.1 units per acre) Use classification. Motion carried unanimously with Council Member Dieffenbach excused.

CONSIDER ORDINANCE NO. 2017-20 TO REZONE THE ABOVE PROPERTY FROM TEMPORARY RS-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO RM-2/PUD MULTIPLE-FAMILY RESIDENTIAL DISTRICT/PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

Mayor Kinzel declared the public hearing on the request to rezone the above property open at 7:28 p.m.

There was no public comment on the proposed rezoning. Motion made by Council Member O'Keefe, seconded by Council Member Czarnecki, to close the public hearing at 7:29 p.m.

Motion made by Council Member O'Keefe, seconded by Council Member Arnett, to adopt Ordinance No. 2017-20 to rezone the above described property from Temporary RS-1 Single-Family Residential District to RM-2/PUD Multiple-Family Residential District/Planned Unit Development Overlay District. Motion carried unanimously with Council Member Dieffenbach excused.

CONSIDER BIDS RECEIVED FOR THE WESTERN ROAD COMMUNICATIONS MONOPOLE CONSTRUCTION

City Administrator/Treasurer Mertes said staff advertised for and received bids for construction of the Western Road communications monopole. A total of six bids were received, with the low bid coming from Vinco., in the amount of \$291,160.

Council Member Arnett said his concern is that the Council is committing to build the monopole; however, no lease agreements are in place. He questioned whether the process should mature before the contract is awarded.

City Administrator/Treasurer Mertes said the cost may increase if the bid is awarded at a later date. The monopole is being built for the providers and staff is working towards moving forward with the leases.

Attorney Herbrand said he and staff had a very positive conference call with one provider last week. He said this could be delayed by 30 days if necessary.

Motion made by Council Member Arnett, seconded by Council Member Regenfuss, to postpone awarding the contract for the monopole construction project until the October 9 meeting. Motion carried unanimously with Council Member Dieffenbach excused.

CONSIDER ORDINANCE NO. 2017-21 AMENDING SEC. 10-1-27(a) OF THE MUNICIPAL CODE TO PROHIBIT PARKING ON CENTER STREET ADJACENT TO THE INTERURBAN TRAIL CROSSING

Council Member O'Keefe said there have been complaints about poor sight distance at the Interurban Trail crossing on Center Street. The Public Works and Sewerage Commission discussed the matter and Council Member Dieffenbach has discussed options with neighboring businesses and residents. As a result, an ordinance was drafted that will eliminate one parking space on each side of Center Street.

Mr. Velnetske said the ordinance results in much more than the loss of two parking spaces. He said it wipes out parking for half the block and is not a net loss of one parking space on each side of Center Street. He said this will kill the neighborhood because residents and businesses will not have use of their street. He asked the Council to table this ordinance and send it back to committee so proper signage and correct dimensions can be discussed and utilizing parking on Hanover Avenue to alleviate congestion on Center Street can be considered.

Motion made by Council Member Thome, seconded by Council Member O'Keefe, to send this matter back to the Public Works and Sewerage Commission for further review, including signage and dimensions and utilizing parking on Hanover Avenue. Motion carried unanimously with Council Member Dieffenbach excused.

CONSIDER PARTICIPATION IN THE COMMUNITY RIVERS PROGRAM WITH RIVEREDGE NATURE CENTER

City Administrator/Treasurer Mertes said she and Director Wiza met with Mandie Zopp of the Riveredge Nature Center regarding participating in the Community Rivers Program in 2018. The cost would be \$8,000. She is seeking feedback as to whether this should be included in the 2018 budget.

Ms. Zopp said this program was launched with the Village of Newburg in 2017. The theme is to inspire, inform, and engage residents in water quality. The proposal consists of six programs. She hopes Cedarburg will join this collaborative effort to improve the Milwaukee River watershed.

It was the consensus of the Council to discuss this request in conjunction with all budget items during the budget process.

PAYMENT OF BILLS

Motion made by Council Member O'Keefe, seconded by Council Member Czarnecki, to approve the payment of the bills for the period 09/07/17 through 09/14/17, transfers for the period 09/06/17 through 09/19/17, and payroll for the period 08/27/17 through 09/07/17. Motion carried unanimously with Council Member Dieffenbach excused.

Council Member Verhaalen questioned the \$907 spent on foam footballs. (It was later determined they were for peewee football practice as well as being promotional. The football program fee covered the cost of them).

LICENSE APPLICATIONS

Motion made by Council Member O'Keefe, seconded by Council Member Czarnecki, to authorize the issuance of a new Operators license for the period ending June 30, 2018 to Allison E. Wray. Motion carried unanimously with Council Member Dieffenbach excused.

Motion made by Council Member O'Keefe, seconded by Council Member Czarnecki, to authorize the issuance of renewal Operators licenses for the period ending June 30, 2108 for Kimberley R. Eggleston and Jennifer P. Smith. Motion carried unanimously with Council Member Dieffenbach excused.

ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes said she met with representatives of U.S. Bank regarding the City's investments. A report on investments will be presented at the next meeting of the ad hoc Deb/Investment Committee.

City Administrator/Treasurer Mertes said Director Hilvo is in discussion with the Town of Cedarburg regarding recreation programs.

Director Hilvo has been informed that Mercury Marine has agreed to pay for the rebuild of Adlai Horn Park.

The Employee Health Insurance Committee met last week with the consultant to receive and review pricing options for 2018. The Committee is working toward lowering the anticipated 12% increase in premiums.

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Arnett said the Branding Committee is in final negotiations with a firm regarding rebranding. The firm selected may make a public presentation in the future.

Council Member Verhaalen said the City is a Tree City and is working on becoming a Bird City. He reminded everyone these things come with caveats and the Council should be careful as to what it agrees to.

Council Member Arnett said one of his constituents, who has been a proponent of the Bird City designation, has built a 300' wooden path through the Cedar Point Conservancy at no cost to the City.

MAYOR'S REPORT

Mayor Kinzel thanked the Cedarburg Lions Club for rebuilding the Adlai Horn Bridge to the band shell.

CLOSED SESSION

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to adjourn to closed session at 8:18 p.m. pursuant to State Statutes 19.85(1)(g) to confer with legal counsel for the Common Council who is rendering oral or written advice concerning strategy to be adopted with respect to litigation in which it is or is likely to become involved, more specifically, to discuss the Frasher Shabani claim against the City for a vehicle accident that occurred on January 15, 2016, and 19.5(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session, more specifically, to consider a Developer's Agreement with HSI regarding the St. Francis Borgia site. Approval of 09/11/17 closed session minutes. Motion carried on a roll call vote with Council Members Czarnecki, Arnett, Verhaalen, Regenfuss, Thome and O'Keefe voting aye and Council Member Dieffenbach excused.

RECONVENE TO OPEN SESSION

Motion made by Council Member Thome, seconded by Council Member Czarnecki, to reconvene to open session at 9:58 p.m. Motion carried on a roll call vote with Council Members Czarnecki, Arnett, Verhaalen, Regenfuss, Thome and O'Keefe voting aye and Council Member Dieffenbach excused.

CONSIDER POSSIBLE SETTLEMENT OF THE FRASHER SHABANI CLAIM AGAINST THE CITY FOR A VEHICLE ACCIDENT THAT OCCURRED ON JANUARY 15, 2016

Motion made by Council Member Thome, seconded by Council Member O'Keefe, to authorize the possible settlement of the Frasher Shabani claim against the City in an amount not to exceed \$18,200 as recommended by the City's insurance carrier CVMIC. Motion carried on a roll call vote with Council Members Arnett, Czarnecki, Verhaalen, Regenfuss, Thome and O'Keefe voting aye and Council Member Dieffenbach excused.

ADJOURNMENT

Motion made by Council Member Thome, seconded by Council Member Regenfuss, to adjourn the meeting at 9:59 p.m. Motion carried unanimously with Council Member Dieffenbach excused.

Constance K. McHugh, MMC/WCPC
City Clerk