

**CITY OF CEDARBURG  
COMMON COUNCIL  
MARCH 26, 2018**

**CC20180326-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, March 26, 2018, 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, Dick Dieffenbach, Rick Verhaalen, Patricia Thome, Mike O'Keefe

Vacant - Aldermanic District 5

Also Present - City Administrator/Treasurer Christy Mertes, Director of Public Works and Engineering Tom Wiza, City Clerk Constance McHugh, Assistant City Attorney Tim Schoonenberg, 1<sup>st</sup> District Aldermanic Candidate Sara Dunstone, 3<sup>rd</sup> District Aldermanic Candidates Kristin Burkart and Ryan Hammett, 5<sup>th</sup> District Aldermanic Candidate Garan Chivinski, 7<sup>th</sup> District Aldermanic Candidate Rodney Galbraith, Maggie Dobson of the Chamber of Commerce; 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 Dieffenbach, to approve the minutes of the March 12, 2018 meeting. Motion carried unanimously Aldermanic District 5 vacant.

**ACCEPT AND REFER TO PLAN COMMISSION THE REZONING PETITION FROM S. DUANE STROBEL, JR./ALLISON MANTEL, D.D.S., MS TO REZONE THE TWO PARCELS AT THE NORTHEAST CORNER OF EVERGREEN BOULEVARD AND PIONEER ROAD FROM RD-1 TWO FAMILY RESIDENTIAL DISTRICT TO B-4 OFFICE AND SERVICE DISTRICT**

Motion made by Council Member Arnett, seconded by Council Member Czarnecki, to accept and refer to the Plan Commission the rezoning petition from S. Duane Stroebel, Jr./Allison Mantel, D.D.S., MS to rezone the two parcels at the northeast corner of Evergreen Boulevard and Pioneer

Road from RD-1 Two Family Residential District to B-4 Office and Service District. Motion carried unanimously with Aldermanic District 5 vacant.

**PRESENTATION OF THE 2017 ANNUAL FINANCIAL REPORT**

City Administrator/Treasurer Mertes highlighted the 2017 annual financial report. The report shows the budgeted use of \$181,422 of fund balance in the General Fund. Actual figures show revenues were \$8,997 over expenditures. There was a \$1.2 million use of fund balance in the Capital Improvement Fund. Total spending for the Public Works garage was \$8,546,000. The amount budgeted was \$8,600,000. The fund balance in the street improvements and storm water improvements accounts in 2018 is expected to be in the negative. Figures in the report may change slightly depending upon the audit, which will be presented to the Council in May.

Council Member Dieffenbach thanked City Administrator/Treasurer Mertes for the excellent job done on the annual report. He said there seems to be a large variance for moving into the new Public Works facility.

City Administrator/Treasurer Mertes said occasionally a line item or two may be over expended in a department; however, the department head will then make sure to under spend in other accounts in the department.

**CONSIDER ALLOCATING FUNDS TOWARD THE PRELIMINARY DESIGN OF A BUSINESS PARK ON HIGHWAY 60, INCLUDING ACCEPTANCE OF PROPOSAL TO COMPLETE TRAFFIC IMPACT ANALYSIS**

Director Wiza said staff would like direction on how to approach development of the proposed business park on Highway 60. He estimated the overall cost to build the park to be \$7 million, and the engineering design could be a \$300,000 undertaking. The question of how to fund this also exists, as nothing is included in the 2018 budget.

Council Member Czarnecki suggested that it be determined what work needs to be done and determine what the design costs are. The Council can then talk about how to fund it.

Director Wiza said a preliminary plan was prepared by Ruekert Mielke several years ago. One option would be to have Ruekert Mielke develop a scope of the project and provide estimates. Staff could also prepare a Request for Proposals (RFP) to send to engineering firms.

Director Wiza said a traffic impact analysis was done in 2006. This also needs to be updated. He received a proposal from Traffic Analysis and Design to do this in the amount of \$5,470. He said staff needs direction to move ahead.

Council Member Czarnecki said there will be a new Council in a few weeks and it may be beneficial for the Council to know what the design costs are. Council Member O'Keefe agreed. Council Members Czarnecki, Thome and Verhaalen stated they felt the Council should hold off on the traffic impact analysis at this time.

Director Wiza again asked if staff should prepare an RFP for engineering services or have Ruekert Mielke revise their previous proposal.

Council Member Czarnecki said there may be too many variables in terms of the project at this time so maybe the Council should hold off.

**CONSIDER BIDS RECEIVED FOR THE 2018 STREET AND UTILITY PROJECT**

Director Wiza said staff received bids for the 2018 Street and Utility construction project. The low bid was from Vinton Construction Company, Inc. in the amount of \$1,337,502.25. The project this year is heavily weighted toward street reconstruction, with some storm sewer work. There is very minimal sanitary sewer and water utility work involved. Given that the street budget had to pick up the full cost of engineering services, preconstruction tree pruning, and soil borings, staff recommends adding to the planned capital borrowing in the amount of \$45,000 for streets and \$55,000 for storm sewer.

Council Member Dieffenbach said Evergreen Boulevard is in bad shape. He asked if this project includes Evergreen Boulevard. Director Wiza said the Public Works Department will be renting equipment to install under drains to drain water under the street. This will be done independent of this project.

Motion made by Council Member O'Keefe, seconded by Council Member Dieffenbach, to award the 2018 Street and Utility Construction contract to Vinton Construction Company, Inc. in the amount of \$1,337,502.25, with the additional capital borrowing in the amount of \$100,000. Motion carried unanimously with Aldermanic District 5 vacant.

**CONSIDER WRITING OFF UNCOLLECTIBLE RECEIVABLES IN THE RISK MANAGEMENT FUND**

City Administrator/Treasurer Mertes said there were two traffic accidents that caused damage to traffic signals, one in 2011 and one in 2013, in the amounts of \$3,726.17 and \$2,534.25 respectively. The responsible parties did not have insurance to cover the damage and never made arrangements to pay the bills. Last year, in working with the Police Department, it was determined these invoices were uncollectible. They were processed through the court system but were not ordered to pay for the damage caused. According to Policy FC-9, any invoice over \$2,000 may only be written off with the approval of the Common Council.

Motion made by Council Member Czarnecki, seconded by Council Member Arnett, to write off outstanding invoices 10288 (\$2,534.25) and 8937 (\$3,726.17). Motion carried unanimously with Aldermanic District 5 vacant.

**CONSIDER ORDINANCE NO. 2018-04 AMENDING SEC. 11-2-7 OF THE MUNICIPAL CODE PERTAINING TO THE PLACEMENT OF CHAIRS IN ADVANCE OF THE ANNUAL 4<sup>TH</sup> OF JULY PARADE**

An ordinance has been drafted to codify the long standing policy that allows placement of chairs and other items on Washington Avenue sidewalks no earlier than 7 p.m. on the night before the 4<sup>th</sup> of July parade.

Council Member Czarnecki moved to postpone consideration of this ordinance until the April 30, 2018 Council meeting so that the newly elected Council Member in District 5 can weigh in on the matter. The motion was seconded by Council Member Verhaalen.

Council Member Dieffenbach suggested the ordinance apply to all parades in the City, not just the July 4<sup>th</sup> parade. Council Member Verhaalen suggested the ordinance address the use of chalk on sidewalks. He would also like to hear what Chief Frank has to say about the ordinance.

Maggie Dobson of the Chamber of Commerce agreed that placement of chairs on the Washington Avenue sidewalk has become an issue for some businesses the day before the parade. She said if an ordinance is adopted regulating the placement of chairs, it should be enforced.

With Council Members Czarnecki, Arnett, Verhaalen, Thome and O'Keefe voting aye, Council Member Dieffenbach voting nay, and Aldermanic District 5 vacant, the motion to postpone consideration of the ordinance carried.

**PAYMENT OF BILLS**

Motion made by Council Member Dieffenbach, seconded by Council Member O'Keefe, to approve the payment of the bills for the period 03/09/18 through 03/16/18, transfers for the period 03/09/18 through 03/17/18, and payroll for the period 02/25/18 through 03/10/18. Motion carried with Aldermanic District 5 vacant.

**LICENSE APPLICATIONS**

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to authorize the issuance of a new Operators license for the period ending June 30, 2018 to Chad M. Bowen. Motion carried with Aldermanic District 5 vacant.

**REVIEW OF 2017 ANNUAL STORMWATER COMPLIANCE REPORT**

As required by the Department of Natural Resources (DNR), Director Wiza summarized the 2017 annual Stormwater Compliance report that he will be submitting. The sections highlighted included:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Pollutant Control

- Post-Construction Storm Water Management
- Pollution Prevention; and
- Storm Sewer System Map

Mayor Kinzel and the Council thanked Director Wiza for his review of the 2017 annual Stormwater Compliance report.

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Arnett encouraged departing Council Members to share their list of unfinished business with incoming Council Members.

**MAYOR'S REPORT**

Mayor Kinzel issued proclamations for Municipal Treasurer's Week, April 15-21, 2018 and Arbor Day, April 27, 2018.

Council Member Dieffenbach recognized Kathy Huebl, Accountant II, from the Treasurer's Office.

**ADJOURNMENT**

Motion made by Council Member Dieffenbach, seconded by Council Member Arnett, to adjourn the meeting at 8:08 p.m. Motion carried with Aldermanic District 5 vacant.

Constance K. McHugh, MMC/WCPC  
City Clerk