

**CITY OF CEDARBURG
COMMON COUNCIL
PLAN COMMISSION
February 25, 2008**

CC20080225-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, and the Plan Commission of the City of Cedarburg, Wisconsin was held on Monday, February 25, 2008 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Council President Robert Loomis called the meeting to order at 7:00 p.m. The meeting began with a moment of silence followed by the Pledge of Allegiance.

Roll Call: Present - Common Council – Council Members Chris Reimer, Steven Glamm, Haly Besaw, Paul Radtke, Sandra Beck, Kip Kinzel, Robert Loomis

Plan Commission - Members Mark Burgoyne, Brook Brown, Keith Kaiman

Excused - Mayor Gregory Myers, Plan Commission Members James Schara, Joe Emmerich

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, City Planner Jon Censky, City Clerk Constance McHugh, Director of Parks and Recreation Mikko Hilvo, Parks and Forestry Superintendent Kevin Westphal, 3rd District Candidate Noel Jepson, 5th District Candidate Patricia Thome, 7th District Write-in Candidate Amy Goyette, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Council President Loomis' 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.

Council Member Loomis said that as Acting Mayor he will retain his right to vote as 7th District Council Member.

MAYOR'S APPOINTMENTS - None

PUBLIC HEARING - CONSIDER ORDINANCE 2008-06 ADOPTING THE CITY OF CEDARBURG SMART GROWTH COMPREHENSIVE LAND USE PLAN – 2025

Council President Loomis declared the public hearing open at 7:02 p.m. on Ordinance No. 2008-06 adopting the City of Cedarburg Smart Growth Comprehensive Land Use Plan – 2025. City Clerk McHugh verified that proper legal notice had been given with publication in the *News Graphic* on January 17, 2008.

City Planner Censky said that in 1999 the State Legislature adopted the Smart Growth law requiring that all communities adopt a Smart Growth Plan by January 1, 2010. All future land use decisions must be consistent with the Plan adopted by the Council. Planner Censky said that over the last few years the Plan Commission has been working on the Smart Growth Comprehensive Land Use Plan, which addresses all nine elements of the Smart Growth law and contains goals, objectives and policies which will guide the City's growth through the year 2025. This process began in 2000 when the Common Council established the Cedarburg Blue Ribbon Visioning Committee. The Visioning Committee held several workshops and forums and mailed a survey to all residents and businesses in the community. More than 1,100 responses were received. The work done by the Blue Ribbon Visioning Committee provides the vision and basis of the Smart Growth Comprehensive Land Use Plan - 2025. The Plan Commission unanimously voted to approve Resolution No. 2008-01 recommending the adoption of the Smart Growth Land Use Plan – 2025 by the Council.

Planner Censky gave a brief summary of the nine elements of the plan, which are addressed by chapters in the Plan.

Chapter 1 – Issues and Opportunities. This chapter contains background information and history about Cedarburg as well as demographic trends, economic characteristics, and population and household projections. Planner Censky said that this Plan promotes slow controlled growth at a rate of 1 to 1.5%, which will result in a population of approximately 15,600 by 2025. This is the rate of growth that was recommended by the Blue Ribbon Visioning Committee. The chapter ends with goals and objectives to support the future needs of the City.

Chapter 2 – Housing Element. This chapter includes an inventory of the existing housing stock in the City, the occupancy rate compared to the County and State, and the future housing demand. To meet the projected population of 15,600 an average of approximately 74 new dwelling units will be needed each year. This chapter concludes with a set of goals and objectives to ensure that an adequate supply of housing will be available to meet the needs of the community.

Chapter 3 – Transportation Element. This chapter includes information on the transportation system in the City, a facility inventory, and transportation issues identified by the City. The Plan promotes a multi-model transportation system where sidewalks and bike trails are an imperative part of that system. The goals and objectives of this chapter are designed to ensure that a safe and effective multi-model transportation system is achieved and maintained.

Chapter 4 – Utilities and Community Facilities Element. This chapter contains a public utilities inventory, an analysis of the needs of the public utilities, an inventory of community facilities and services, and information regarding public and parochial schools in the City.

Chapter 5 – Agricultural, Natural and Historical Resources. This chapter provides information on agricultural, natural and historical resources in the City. It also contains a section on historic preservation planning, inventory, and analysis.

Chapter 6 – Economic Development Element. This chapter provides a variety of information on the economic aspects of the community. This chapter was reviewed by both the ad hoc Downtown Master Plan Committee and the Economic Development Board. City Planner Censky said that this chapter recognizes the importance of the downtown area being a vibrant part of the community.

This chapter supports the continued dialogues with the Town of Cedarburg to make sure that what is done in the Town does not negatively impact the City. It emphasizes that any development or redevelopment that is done should reflect the character of the community. This chapter also discusses the reasons for retaining existing businesses and attracting new businesses.

Chapter 7 – Intergovernmental Cooperation Element. This chapter contains an inventory of existing intergovernmental agreements with other communities and agencies, an analysis of the intergovernmental agreements and other working relationships, and existing or potential conflicts/opportunities with other governmental units and actions to resolve them.

Chapter 8 – Land Use Element. This chapter contains the Land Use Plan, which is the official statement of the City of Cedarburg, setting forth major objectives concerning its desirable physical development. This chapter will probably be referred to the most when the Plan is implemented. This chapter also encourages continued dialogues with the Town of Cedarburg. It identifies sites for possible redevelopment in the future. Planner Censky said that the Land Use Plan is not intended to be considered rigid and unchangeable, but rather is viewed as a flexible guide to help City officials review development proposals.

Chapter 9 – Implementation. This chapter summarizes the goals and objectives of the Plan and assigns tasks regarding implementation to staff and committees. It also contains a process by which the Plan can be changed or amended.

Plan Commission Member Mark Burgoyne said that this Plan is a work of love that has been evolving for a long time. He said that it is a very comprehensive document and represents the community well. He said that it is a good plan that continues the direction of the Blue Ribbon Visioning Committee, which recommended a growth rate of 1 to 1.5% each year. He said this rate of growth has been consistent over the last 30 years.

Council Member Beck said that the Plan Commission spent many, many hours on this Plan. She said that the input from staff and the Plan Commission has been phenomenal. She said that it is really hard to understand how much work went into this Plan. She also said that she is proud of the Plan Commission and staff for their work on the Plan.

Council Member Radtke thanked staff and the Plan Commission for taking the time to prepare this plan, which he knows took a lot of effort. He said that there are a lot of things happening on Washington Avenue on the south side of town and there is a lot of industrial area to the west of this section. He asked if this Plan could possibly hinder the City from changing the land use in this area if there is something that would better fit into this area in the future.

Planner Censky said that State law recognizes that changes will occur. He said that changes to the Land Use Plan can be made and the Plan contains a section defining the process that is to be followed should there be changes.

Council Member Radtke asked if the Town of Cedarburg must adopt such a plan.

Planner Censky said that the Town must adopt a Comprehensive Land Use Plan, but has not done so yet.

Council Member Loomis said that the anticipated growth rate of 1 to 1.5% per year is the foundation of the Plan. He asked how likely the City is to achieve this rate if annexations are blocked by the Town.

Planner Censky said that it is assumed that the City will achieve the growth rate and population increase based on development or redevelopment of existing land in the City.

Council Member Beck said that there will be a lot of residential development in the business park north of the City. She asked if this would result in growth that exceeds 1 to 1.5% per year.

Planner Censky said that the rate of growth may exceed 1 to 1.5% in any given year, but the overall average is expected to be within this range.

Council Member Glamm thanked staff and the Plan Commission for their expertise in this matter and said that he does not think the Legislature needed to mandate this. He said that he is proud of what was put together by staff and the Plan Commission. He said that the City was once asked by the County to join a consortium for this purpose. He said that the City made the right decision to do the work on its own.

There were no further comments from members of the public.

Motion made by Council Member Glamm, seconded by Council Member Besaw, to close the public hearing at 7:31 p.m. Motion carried without a negative vote.

Motion made by Council Member Glamm, seconded by Council Member Besaw, to adopt Ordinance No. 2008-06 adopting the City of Cedarburg Smart Growth Comprehensive Land Use Plan – 2025. Motion carried without a negative vote.

Council Member Loomis thanked the Plan Commission and staff for the great job they did on the Plan.

APPROVAL OF MINUTES

Motion made by Council Member Kinzel, seconded by Council Member Reimer, to approve the minutes of the February 11, 2008 meeting.

Council Member Radtke said that the sentence on page 6 stating that “Council Member Radtke confirmed that the City could add 2,000 sq. ft to the plan for \$6.9 million” should read that “Council Member Radtke said that he did not see a problem with possibly adding 2,000 sq. ft. to the plan, but he has other concerns that he would like addressed.”

Council Member Radtke said that the sentence stating “Council Member Radtke stated that the figures appear to be very conservative and he approved of the plan with the addition, which will enable people to stay and read at the library” was not made by him. Council Member Kinzel said that he made this comment.

It was the consensus of the Council that the words “Council Member Myers” on page 7 of the minutes be changed to “Mayor Myers.”

The motion to approve the minutes as corrected carried with Council Member Glamm abstaining.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

CONSIDER AMENDING POLICY CC-7 RE: SNOW AND ICE CONTROL

Director Wiza said that staff is recommending changes be made to the Snow and Ice Control Policy. The major change involves the section that states “only City of Cedarburg trucks will be used to haul snow from the downtown area unless the Public Works Superintendent determines that the amount of snow or inadequacy of equipment is such that independent truckers are necessary to accomplish the task within reasonable time.” He said that the reality is that the City trucks are setup for snowplowing and are not very good at hauling snow. The trucks have to be dismantled, including removing the plows, and reassembled as dump trucks in order to remove snow. He said that renting out larger capacity trucks would work better because they can usually carry three times as much snow as City trucks. He said that this is a much more efficient way of dealing with snow. He recommended that the language be changed to read “when hauling accumulated snow from the downtown area, the Public Works Superintendent may elect to solicit the services of independent truckers to expedite the operation.” He said that this change was also recommended by the Public Works Commission.

Council Member Besaw asked how the previous language came into existence.

Public Works Commission Member Noel Jepson said that a previous Council was very concerned that only City equipment be used for snow removal.

Council Member Beck said that Public Works Commission talked about where the money would come from to pay for this. It was decided that savings would come from a lesser amount of time spent changing over the trucks. She said the Council needs to give the Public Works crew all the help it can.

Motion made by Council Member Beck, seconded by Member Reimer, to approve amended Policy CC-7 re: Snow and Ice Control. Motion carried without a negative vote.

DISCUSS CONSIDERATIONS FOR THE UPCOMING REFUSE AND RECYCLING CONTRACT

Director Wiza said that the current refuse and recycling contract expires on December 31, 2008. He said that it is advisable to have something in place by budget time.

Director Wiza said that this matter was discussed by the Public Works Commission. He said that the sense is that the public in general is very happy with the level of service provided by Waste Management. He said that one option would be to talk to representatives of Waste Management to see what they propose or to determine if they would be willing to extend the contract. He said that it is the feeling of the Public Works Commission that it is best to pursue this option. If this option does not produce the desired results, staff can bid out the contract or pursue other options.

Council Member Besaw said that she has been getting a lot of complaints about collection, which could be the result of a change in drivers. She said that Michael Smith no longer collects materials in her neighborhood. She said that she has received complaints about garbage being spewed in the streets, items not being picked up, and some homes not receiving collection. She said that to resolve this staff should go out to bid or pursue other options.

Council Member Loomis said that he is thrilled with the service, mainly because Mr. Smith is the driver in his District. He said that he knows of at least one other party that may be interested in providing this service. He suggested that before the Council commits with Waste Management a bid should be obtained from this company.

Council Member Beck said that this is the first she has heard of problems associated with refuse and recycling collection. She suggested that these issues be documented.

Council Member Besaw said that often times people do not report the problems right away and she hears them after the fact.

Director Wiza said that he is not opposed to bidding out; however, the City could get a lot worse service.

Council Member Glamm said that the devil you know is sometimes better than the devil you don't know. He said that it is his recollection that the last time this service was put out to bid only one other company bid on it, and that company was from Sheboygan. He suggested the complaints be used as an opportunity to get better service.

Council Member Radtke said that it probably would not hurt to mention to Waste Management that the City may be looking around for other service providers.

Council Member Reimer said that he is not opposed to opening this up to other bidders; but said that his constituents are happy with the level of service provided by Waste Management.

Mr. Jepson said that the Public Works Commission felt it is appropriate not to foreclose any opportunities. This is the approach that has been taken in the past. He said that the Commission has never foreclosed the opportunity to go out for bids.

Director Wiza said that staff is also recommending that the City discontinue offering 2-yard dumpster service. Currently, the City has a limited number customers with 2-yard dumpsters. The customers rent the dumpsters from Waste Management and pay the City for pickup. He said that this has become administratively cumbersome for staff, and sometimes staff gets caught in the middle of service disputes. For example, if a dumpster on private property does not get picked up because cars were parked in front of it or it was plowed in with snow, the City will get the complaint but does not have any control over the situation. Or sometimes people will pay the City for the service but won't pay Waste Management for the dumpster rental.

Director Wiza said that the Public Works Commission, on a three to two vote, recommended that 2-yard dumpster service not be included in the new refuse and recycling contract and that the City contact the current parties that use this service to let them know this service will no longer be

provided. These businesses will also be provided with a list of vendors they can contract with for this service.

Council Member Beck asked if the parties can contract directly with Waste Management for this service and if the price will differ from what is being charged now.

Director Wiza said that parties can contract directly with Waste Management. He said that he does not think the price will be different but he can not say for sure.

Mr. Jepson said that this practice has been in existence for many years and there will likely be some complaints if it is discontinued. He said that at one time the City offered 4-yard dumpster service also. He said that he doesn't know why the 2-yard service was not cut back.

Council Member Beck said that she does not want to cut-off people who pay for the service. She said that she can see the administrative problems associated with this service but feels the service should be extended if possible.

Council Member Kinzel said that it seems like this is a rather odd thing for the City to be doing.

Council Member Reimer said that this is not really a service but a preferred alternative.

Motion made by Council Member Kinzel, seconded by Council Member Reimer, to eliminate 2-yard dumpster service. Motion carried with Council Members Reimer, Glamm, Besaw, Loomis, Radtke and Kinzel voting in favor and Council Member Beck opposed.

CONSIDER AMENDING POLICY FC-2 RE: DEBT POLICY AND CONSIDER AMENDING POLICY FC-3 RE: CAPITAL IMPROVEMENT BUDGET POLICY; AND ACTION THEREON

Motion made by Council Member Glamm, seconded by Council Member Radtke, to approve amended Policy FC-2 re: Debt Policy. Motion carried without a negative vote.

Motion made by Council Member Glamm, seconded by Council Member Beck, to approve amended Policy FC-3 re: Capital Improvement Budget Policy. Motion carried without a negative vote.

CONSIDER PURCHASE OF COMMERCIAL ZERO TURN MOWER BY PARKS AND FORESTRY DEPARTMENT

Director Hilvo said that the Parks and Forestry Department has a need for a commercial zero turn mower that can cut grass quickly with great maneuverability. The Department recently had a bid opening for a new John Deer mower/snowblower to replace an older unit under the 2008 Capital Improvement Fund budget. The successful bidder gave the City such a high trade-in value for the old unit that the purchase of the mower/snowblower came in \$20,000 under budget. He said the savings could be used for the purchase of a new zero turn mower. Director Hilvo said that a zero turn mower costs \$12,700. The bidder was asked by staff to provide a trade-in value for another older machine in the fleet that could be used toward the purchase of a zero turn mower. The bidder will give the City \$6,500 for the trade-in of the 2000 Ransomes. The net cost of the zero turn

mower is \$6,200. Director Hilvo said that this situation will allow the City to purchase two new machines while staying approximately \$13,800 under budget.

Parks and Forestry Superintendent Westphal said that the vendor is actively seeking the City's business by giving good trade-in values on the existing equipment. He said that this will allow the City to purchase two new pieces and get rid of two older pieces and still be almost \$14,000 under budget.

Motion made by Council Member Besaw, seconded by Council Member Kinzel, to approve the purchase of a commercial zero turn mower from Mid-State Equipment in the amount of \$6,200. Motion carried on a roll call vote.

Parks and Forestry Superintendent Westphal thanked the Council for its continued support in terms of equipment purchases for the Department and for replacing equipment while it still has value.

LICENSE APPLICATIONS

Motion made by Council Member Besaw, seconded by Council Member Kinzel, to authorize the issuance of a Class "A" beer license to Speedway SuperAmerica LLC, dba Speedway #4203, W63 N121 Washington Avenue. Motion carried without a negative vote.

CITY ADMINISTRATOR'S REPORT - None

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

REPORTS & COMMENTS BY COUNCIL MEMBERS

Council Member Loomis said that he and Council Member Besaw attended the informational meeting on the proposed roundabouts at the Wauwatosa/Western Road and Wauwatosa/Bridge Road intersections. As a result of that meeting, he asked Director Wiza to put the matter before the Public Works Commission for their input. He also asked that this matter be placed on the agenda of the March 31, 2008 Council meeting.

Council Member Besaw suggested that the brochures that were available at that meeting be available at City Hall.

Council Member Besaw said that she and Council Member Radtke attended the Emergency Government banquet, which was very nice.

Council Member Loomis commented that the City crews have done a great job with the snow cleanup. He said that he has been very impressed with the job that has been done.

MAYOR'S REPORT - None

ADJOURNMENT- CLOSED SESSION

Motion made by Council Member Reimer, seconded by Council Member Radtke, to adjourn into closed session at 8:13 p.m. pursuant to Wis. Stats. 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)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, more specifically, compensation for certain non-represented employees. Approval of closed session minutes of 02/11/08. Motion carried without a negative vote. Meeting reconvened into open session at 8:31 p.m.

CONSIDER COMPENSATION FOR CERTAIN NON-REPRESENTED EMPLOYEES

Motion made by Council Member Glamm, seconded by Council Member Kinzel, that effective February 10, 2008 the Library Director's salary be increased to \$56,427, the Recreation Supervisor's salary be increased to \$32,000, the Superintendent of Public Works salary be increased to \$59,500, the Deputy Clerk's salary be increased to \$40,000, and the Police Captain's salary be increased to \$74,700, based on comparables, performance, and longevity in some cases. Motion carried without a negative vote.

Motion made by Council Member Glamm, seconded by Council Member Kinzel, to approve a one-time \$1,200 bonus for the City Administrator/Treasurer based on outstanding performance in union negotiations, particularly gathering HSA information and dissemination of that information that resulted in significant savings to the City. Motion carried without a negative vote.

ADJOURNMENT

Motion made by Council Member Glamm, seconded by Council Member Kinzel, to adjourn the meeting at 8:33 p.m. Motion carried without a negative vote.

Constance K. McHugh, CMC
City Clerk