

**CITY OF CEDARBURG
COMMONCOUNCIL
August 27, 2007**

CC20070827-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, August 27, 2007 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Myers 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 – Mayor Gregory P. Myers, Council Members Chris Reimer, Haly Besaw, Paul Radtke, Sandra Beck, Robert Loomis

Excused - Council Members Steven Glamm and Kip Kinzel

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, Light and Water General Manager Dale Lythjohan, City Planner Jonathan Censky, City Clerk Constance McHugh, Patrick Fleming of WisDOT, David Tapia of SEH Inc, John Stilp, Vice President of the Mequon MATC campus, Angela Rester, President of the MATC Foundation, Lisa Curtis from the News Graphic, citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor Myers' 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 had 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.

MAYOR'S APPOINTMENTS – None

**PRESENTATION BY WISCONSIN DEPARTMENT OF TRANSPORTATION (WisDOT)
REGARDING ROUNDABOUTS AT THE WAUWATOSA ROAD INTERSECTIONS**

Director Wiza introduced Pat Fleming of the WisDOT and Dave Tapia of SEH Inc., who were present to discuss the possibility of roundabouts at the Wauwatosa Road intersections.

Mr. Tapia said that he appeared before the Common Council 1½-2 years ago to discuss the design of the intersections at Wauwatosa and Western Roads and Wauwatosa and Bridge Roads. The original intent was to design for signalized intersections. During the design process, right lane turns were added at both intersections. Given the high cost of relocating an electrical substation owned by WE Energies at the northwest quadrant of Wauwatosa and Bridge Road it was determined that the potential exists for roundabouts at these intersections.

Mr. Fleming distributed a handout regarding roundabouts and said that he has four DVDs on this subject that are available to the Common Council, staff, and interested parties. Mr. Fleming said that roundabouts are designed to provide safe and efficient traffic flow. He said that studies have

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shown that roundabouts provide a 30-40% reduction in pedestrian crashes, a 76% reduction in injury crashes, and a 90% reduction in fatal crashes. Some of the benefits of roundabouts are slower speeds, less delays, fewer conflict points, lower accident severity, and a reduction in the number of crashes at intersections. Mr. Fleming said that roundabouts are built as an alternative to major intersections primarily for safety reasons. He said that roundabouts can be safer than signalized intersections. Mr. Fleming showed a video demonstrating the use of roundabouts in Kansas.

Council Member Besaw said that it is really frustrating trying to turn out of Webster Middle School onto Wauwatosa Road. She asked how roundabouts would solve this problem.

Council Member Loomis said that it seems like there could be more through traffic because of roundabouts and that queuing at Webster Middle School could increase if roundabouts are installed.

Director Wiza said that Council Member Besaw brings up a good point. He said that this issue, as well as others, will need to be addressed.

Council Member Loomis said that the speed limit on Wauwatosa Road south of Western Avenue is 45 mph while the speed limit north of Western Avenue is 35 mph. He asked how this would be addressed.

Mr. Tapia said that this is definitely something that would have to be studied. He said that perhaps a speed limit in between the two current speed limits could be assigned to the area.

Council Member Loomis said that a large subdivision will be built at the southwest corner of Wauwatosa and Western Roads and that there will be many children crossing the intersection to get to school. He said that he has a safety concern if there are no signals.

Mr. Fleming said that a similar situation exists in Howard, WI, where a roundabout is located near a school. This community uses a traffic guard. He said that traffic guards work well at roundabouts.

Council Member Loomis said that a traffic guard is not necessary at a signalized intersection.

Council Member Radtke said that the primary concern at these two intersections is safety of children, not high speed accidents. He said that he is concerned about children having to cross at intersections where cars do not have to stop.

Mr. Fleming said that the presence of pedestrians at intersections is a signal to drivers to slow down. He said that cars in a roundabout must yield to pedestrians. He also said that typically the distance to cross an intersection is less in a roundabout. Mr. Fleming said that nationwide roundabouts result in a 40% reduction in pedestrian crashes.

Director Wiza said that some of the comments that were mentioned tonight should be looked at in more detail, such as whether roundabouts would make the traffic situation at Webster Middle School worse. He said that he has not had a chance to analyze roundabouts.

Council Member Loomis said that he would be more comfortable if Director Wiza analyzed this concept better. Council Member Beck suggested that Police Chief Frank provide input on the

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matter as well. Council Member Radtke asked that the Council be provided with examples of existing roundabouts that are similar to the ones be proposed at these intersections.

Mayor Myers suggested that Director Wiza meet with representatives of the WisDOT and the design consultant to come up with a resolution that addresses the concerns mentioned at this meeting. He thanked Mr. Fleming and Mr. Tapia for their presentation.

APPROVAL OF MINUTES

Motion made by Council Member Reimer, seconded by Council Member Beck, to approve the minutes of the July 30, 2007 meeting. Motion carried without a negative vote with Council Members Glamm and Kinzel excused.

REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES

Council Member Radtke said that the Economic Development Board met a few weeks ago. Representatives from Ehlers and Associates looked at a few scenarios regarding the development of the City's business park. One of the things Ehlers looked at was what if the business park was developed right away. The assessed value of the Business Park would then need to be \$10 million, as opposed to \$18 million. The downside is that this scenario is assuming that the residential development does go in.

Council Member Besaw commended Wastewater Superintendent Clish and his staff for coming up with an innovate approach to saving money. The lowest quote for replacing the deteriorating aeration covers over the oxidation ditches was \$12,000. Wastewater personnel asked to be allowed to attempt to do the work. Personnel bonded the fiberglass and repainted the covers for \$1,900.

Council Member Besaw said that she would like an update on the K-9 dog at the next Council meeting.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Ellen Kellen, N46 W5881 Spring Street, said that she is glad to hear that the K-9 dog will be back on the agenda.

CONSIDER REQUEST FROM LEGACY SCRAPBOOKS, LLC TO MODIFY THE COLLATERAL FOR ITS REVOLVING LOAN FUND (RLF) DUE TO AN OWNERSHIP CHANGE

City Administrator/Treasurer Mertes said that Kim and Mark Juodawlakis have sold their interest in Legacy Scrapbooks to Colleen and John Eggleston. The Juodawlakis' would like to be released from their personal obligation. The City has first position on the inventory and fixtures and equipment of the business valued at \$142,876 for a loan balance of \$32,953. The satisfaction for the Eggleston's mortgage was not recorded because of the change in ownership. She said that the ad hoc Revolving Loan Fund Committee recommended that the Council release the recording of the satisfaction for the Eggleston's mortgage and the personal guarantee of the Juodawlakis'.

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Motion made by Council Member Loomis, seconded by Council Member Besaw, to release the recording of the satisfaction for the Eggleston's and the personal guarantee of the Juodawlkis'. Motion carried without a negative vote with Council Members Glamm and Kinzel excused.

DISCUSSION OF PROCEDURE FOR THE CITY TO LEAVE THE MILWAUKEE AREA TECHNICAL COLLEGE (MATC) DISTRICT

Mayor Myers said that he requested that this matter be placed on the agenda of this meeting because of the growing concerns about the lack of representation by Ozaukee County on the MATC Board and the large tax increases from the district over the last several years. He said that he would like to get a sense of the Council as to whether the City should consider leaving the MATC district.

Council Member Beck asked whether Cedarburg residents would be able to attend MATC if the City pulled out of the district.

Council Member Radtke said that it is his understanding that residents of Cedarburg can attend any technical college in the State.

City Attorney Vance said that the governing body of a county, municipality, or school district may file a petition requesting that its territory be detached from the district in which it lies and attached to a district to which such territory is contiguous. The petition would then go to the State Technical Colleges Board for a vote.

Mayor Myers suggested that the ad hoc City/School Committee meet to discuss this issue.

Council Member Loomis said that this is a good idea because this amounts to taxation without representation. He said that residents have no regress at the ballot box.

John Stilp, Vice President of the Mequon campus of MATC, said that he has met with the Cedarburg School District about this issue and is willing to answer any questions the Council may have.

Mayor Myers said that he has heard concerns from several people about the fact there is no representative from Ozaukee County on the MATC Board.

Mr. Stilp said that the nine member Board governing MATC is set up by State Statutes. The Statutes do not specify that a member must be someone from Ozaukee County, but rather there must a member from somewhere north of the City of Milwaukee, which could be as far south as Shorewood. He said that the key is to get someone from Ozaukee County to apply for vacancies on the Board.

Mayor Myers said that another concern is that the Common Council in Cedarburg works very hard to keep taxes down but year after year City residents are hit by large tax increases from MATC. He said that it seems like there are no efforts by MATC to control spending.

Mr. Stilp said that MATC offers more programs than Moraine Park Technical College. Because of the number of programs, the costs are higher. In response to Council Member Beck's question

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earlier, Mr. Stilp said that out-of-district tuition ended about 15 years ago and students in the State can go to any technical college.

Mr. Stilp further added that he has met with the five school superintendents in Ozaukee County. The superintendents said that they were generally satisfied with the services provided by MATC but have concerns about taxation without representation. Mr. Stilp said that he would like to see the State Statutes changed so that there is representation on the Board from Washington or Ozaukee Counties.

Angela Rester, President of the MATC Foundation, said that there is representation from Cedarburg on the MATC Foundation. She said that everyone is concerned about representation from Ozaukee County on the MATC Board. She said that she has spoken to State Senator Alberta Darling about this. Ms. Rester further stated that MATC does try to keep costs down; however, funding from the State has been reduced from 30% to 14%. She emphasized that MATC is one of only three technical colleges in the State that allows students to transfer credits to a four year college. She said that MATC is part of a regional community. Students from Ozaukee County attend classes at the Milwaukee, Mequon, West Allis, and Oak Creek campuses that they can't get at Moraine Park. She encouraged the Council to make an effort to be informed about all the issues.

Mayor Myers suggested that representatives of MATC make better efforts to get information out to the public as to what is being funded by MATC and what the benefits of MATC are. He also suggested that elected representatives be contacted in an effort to change the formula that determines who sits on the MATC Board. He said that all areas should have equal representation.

CONSIDER PHASING PLAN FOR THE KEUP TRAIL SUBDIVISION LOCATED ALONG THE EAST SIDE OF KEUP ROAD IMMEDIATELY NORTH AND SOUTH OF THE INTERURBAN TRAIL

City Planner Censky said that the preliminary plat for the Keup Trail Subdivision was approved by Council in January of this year. The applicant, Robert Tillman, is proposing a three-phased approach with the first phase to include the area north of the Interurban Trail, the second phase being the southern portion of the project resulting in the extension of West Oak Street to Keup Road, and the third phase to include the center area.

City Planner Censky said that Mr. Tillman appeared before the Plan Commission earlier this month requesting final plat approval for the first phase. He said that the Plan Commission took no action on the matter because the applicant failed to secure prior Council approval to phase the final platting of this subdivision in accordance with Section 13-1-34 of the Subdivision Code and because the final plat showed an additional lot in this phase that was not shown on the approved preliminary plat. According to the Code, if permitted by the Common Council, the approved preliminary plat may be final platted in phases with each phase encompassing only that portion of the approved preliminary plat which the subdivider proposes to record at one time; however, it is required that each such phase be final platted and be designated as a "phase" of the approved preliminary plat. Planner Censky said that that the applicant is before the Common Council tonight requesting approval of the phasing plan.

Council Member Beck said that in her opinion the Plan Commission had no problem with the phasing but did have a problem with the changing of the plat.

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Motion made by Council Member Beck, seconded by Council Member Reimer, that the Common Council allow the developer to phase the Keup Trail Subdivision as long as the phases are consistent with the preliminary plat approved on January 15, 2007, and that any material changes to the preliminary plat, including adding lots, must come back to the Common Council for approval. Motion carried without a negative vote with Council Members Glamm and Kinzel excused.

CONSIDER AMENDING POLICY CC-2 RE: PURCHASING

Motion made by Council Member Loomis, seconded by Council Member Besaw to approve amended Policy CC-2 Re: Purchasing. Motion carried without a negative vote with Council Members Glamm and Kinzel excused.

CONSIDER AMENDMENT OF AUGUST WEBER HAUS PREMISE DESCRIPTION DURING THE 2007 WINE AND HARVEST FESTIVAL FOR THE CLASS B BEER AND CLASS C WINE LICENSE ISSUED TO STEVEN W. BANAS, W63 N678 WASHINGTON AVENUE

Motion made by Council Member Reimer, seconded by Council Member Beck, to accept the amendment to the August Weber Haus premise description during the 2007 Wine and Harvest Festival for the Class B Beer and Class C Wine License issued to Steven W. Banas, W63 N678 Washington Avenue. Motion carried without a negative vote with Council Members Glamm and Kinzel excused. The amended premise description will allow the owner to sell beer and wine outside the August Weber Haus during the 2007 Fall Wine and Harvest Festival.

CONSIDER AMENDMENT OF SETTLER'S INN PREMISE DESCRIPTION DURING FESTIVALS FOR THE CLASS B BEER AND LIQUOR LICENSE ISSUED TO SETTLERS INN, LLC, W63 N657 WASHINGTON AVENUE

Motion made by Council Member Beck, seconded by Council Member Besaw, to accept the amendment to the Settler's Inn premise description during festivals for the Class B Beer and Liquor License issued to Settler's Inn LLC, W63 N657 Washington Avenue. Motion carried without a negative vote with Council Members Glamm and Kinzel excused. The amended premise description will allow the owners to serve alcohol beverages outside the Setter's Inn during festivals.

LICENSE APPLICATIONS

Motion made by Council Member Reimer, seconded by Council Member Besaw, to authorize issuance of a Class B combination Beer and Liquor premise license to Cedar Creek Lanes LLC, Mark Zipter, agent, at W53 N404 Park Lane for the period ending June 30, 2008. Motion carried without a negative vote with Council Members Glamm and Kinzel excused.

Motion made by Council Member Beck, seconded by Council Member Reimer, to authorize issuance of a Festival License to Festivals of Cedarburg, Inc. for the 2007 Wine and Harvest Festival to be held on September 15, 2007 from 10:00 a.m. to 6:00 p.m. and on September 16, 2007 from 10:00 a.m. to 5:00 p.m. Motion carried without a negative vote with Council Members Glamm and Kinzel excused.

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Motion made by Council Member Beck, seconded by Council Member Besaw, to authorize issuance of renewal Operator's Licenses for the period ending June 30, 2008 to: Laurel J. Bath and Margery B. Potter. Motion carried without a negative vote with Council Members Glamm and Kinzel excused.

Motion made by Council Member Besaw, seconded by Council Member Reimer, to authorize issuance of new Operator's Licenses for the period ending June 30, 2008 to: Michelle L. Taylor, Myron E. Horn, Michelle M. Spring, Marcene L. Jacobs, Carson S. Cantwell, and Matthew R. Stein. Motion carried without a negative vote with Council Members Glamm and Kinzel excused.

CITY ADMINISTRATOR'S REPORT - None

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

REPORTS & COMMENTS BY COUNCIL MEMBERS

Council Member Loomis said that the *Milwaukee Journal/Sentinel* has reported recently about the woes of the Germantown business park and the fact that the taxpayers may have to foot the bill for it. He said that this goes to show that there are some risks when a community develops a business park. Council Member Loomis opined that the City has approached the City's business park prudently by phasing it. He said that the Council must be conscious of this when going through the approval process.

MAYOR'S REPORT

Mayor Myers said that there have been some questions about why the drug dog matter was not on the agenda of this meeting. He said that was because negotiations have not yet been completed with the Police Union. The Council directive was to bring the matter back to the Council when everything is in place. He said that when everything is in place the matter will be placed on an upcoming agenda.

ADJOURNMENT- CLOSED SESSION

Motion made by Council Member Besaw, seconded by Council Member Loomis, to adjourn into closed session at 8:29 p.m. pursuant to Wis. Stats. 19.85(1)(g) to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved concerning the Town of Cedarburg. Closed session minutes of 7/30/07. Motion carried without a negative vote with Council Members Glamm and Kinzel excused. Meeting did not reconvene into open session.

Constance K. McHugh, CMC
City Clerk