

**CITY OF CEDARBURG
COMMON COUNCIL
December 10, 2007**

**CC20071210-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, December 10, 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, Kip Kinzel, Robert Loomis

Excused - Council Member Steve Glamm

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Deputy City Clerk Amy Kletzien, Director of Engineering and Public Works Tom Wiza, City Planner Jon Censky, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor Myers' request, Deputy City Clerk Kletzien 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.

CONSIDER MAYOR MYERS' APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES – None

APPROVAL OF MINUTES

Motion made by Council Member Besaw, seconded by Council Member Kinzel, to approve the minutes of the November 26, 2007 meeting as corrected. Council Member Radtke requested an addition to page 7, to include the following comment, in a second paragraph after Council Member Beck's comments: Council Member Radtke stated that he received numerous calls opposing the proposed PUD amendment and a couple of calls in favor of the development. Motion carried without a negative vote with Council Member Glamm excused.

REPORTS OF BOARDS, COMMISSIONS & COMMITTEES - None

COMMENTS & SUGGESTIONS FROM CITIZENS

UNFINISHED BUSINESS – None

CONSIDER AWARD OF ENGINEERING DESIGN SERVICE CONTRACT FOR THE 2008 STREET AND UTILITY PROJECT

Director Wiza explained that staff requested engineering proposals from four consulting firms for design of the 2008 Street and Utility Project. The firm with the lowest overall design fee is Crispell-Snyder, Inc. Crispell-Snyder has successfully completed similar projects for the City in the past and is well qualified for this project.

Motion made by Council Member Beck, seconded by Council Member Reimer, to award the Engineering Design Service Contract for the 2008 Street and Utility Project to Crispell-Snyder, Inc. in the amount of \$34,120.

Council Member Besaw inquired as to why Crispell-Snyder's proposal was much lower than the three other bids.

Director Wiza explained that a detailed Request for Proposal was sent to each firm, and the scope has been well defined. He stated that he would be concerned if Crispell-Snyder had not done previous work for the City.

In answer to Council Member Loomis' question, Director Wiza stated this project is well within budget and is split proportionately between the Streets Capital Budget, the Sanitary Sewer Collection System Reconstruction Fund, the Storm Water Capital Fund, and Cedarburg Light & Water.

Motion carried unanimously on a roll call vote with Council Member Glamm excused.

CONSIDER ORDINANCE NO. 2007-28 APPROVING THE ATTACHMENT OF TERRITORY INTO THE CITY OF CEDARBURG FROM THE VILLAGE OF GRAFTON OWNED BY KEUP ESTATES, LLC

Planner Censky stated that this 50' wide strip of land was originally intended to support the future extension of Falls Road in the Village of Grafton to Keup Road so that direct access could be provided to their downtown commercial district. With the creation of the Keup Trail Subdivision where indirect access was provided to Falls Road via the West Oak Street connection, the Falls Road extension became unnecessary and the 50' wide strip of land was purchased by Keup Estates, LLC to be made part of that subdivision. Accordingly, this attachment serves to complete the platting process for this subdivision.

Motion made by Council Member Kinzel, seconded by Council Member Loomis, to adopt Ordinance No. 2007-28 approving the attachment of territory into the City of Cedarburg from the Village of Grafton owned by Keup Estates, LLC. Motion carried without a negative vote with Council Member Glamm excused.

CONSIDER PROFESSIONAL SERVICES CONTRACT WITH MARTIN R. MARCHEK FOR COMMUNITY PLANNING SERVICES FOR THE PERIOD JANUARY 1, 2008 THROUGH DECEMBER 31, 2010

Marty Marchek's existing contract with the City of Cedarburg expires December 31, 2007. Since Mr. Marchek has provided planning services for the City over the past 20 plus years, his knowledge and expertise is extremely valuable and this new contract will allow the City to use his services on an as needed basis for the next three years.

Motion made by Council Member Loomis, seconded by Council Member Kinzel, to renew the professional services contract with Martin R. Marchek for community planning support services for the period January 1, 2008 through December 31, 2010 at \$45 per hour.

In answer to Council Member Loomis' question, City Administrator/Treasurer Mertes explained that there are encumbered funds of \$11,596 set aside for the Comprehensive Plan and that \$5,186 was expended in 2007.

In answer to Council Member Beck's question, City Planner Censky stated that these funds are used as needed and that 50% of the project costs will be covered by a Smart Growth Grant.

In answer to Council Member Radtke's question, City Administrator/Treasurer Mertes stated that the contract does not require the City to use a minimum dollar amount of professional services by Martin R. Marchek during this time period.

Motion carried unanimously on a roll call vote with Council Member Glamm excused.

CONSIDER ORDINANCE NO. 2007-29 CREATING SEC. 10-1-58 OF THE MUNICIPAL CODE ESTABLISHING A FEE FOR CHILD SAFETY SEAT INSPECTIONS FOR NON-RESIDENTS

Motion made by Council Member Loomis, seconded by Council Member Beck, to adopt Ordinance No. 2007-20 creating Sec. 10-1-58 of the Municipal Code establishing a fee for child safety seat inspections for non-residents.

Council Member Radtke stated he would vote against this proposed Ordinance because he would not want to turn anyone away from this valuable service.

Council Member Besaw stated she is opposed to the Ordinance because the City should extend this service if someone needs help.

In answer to Mayor Myers' questions, City Administrator Treasurer Mertes stated that the \$10 fee would not pay for the service in full and no other department offers this service that she is aware of.

Council Member Beck opined that this \$10 fee is reasonable.

Council Member Kinzel stated that someone may not use this valuable service if the City charges \$10.

Council Member Reimer stated that someone's financial situation may deter them from using this important service.

Motion failed with Council Members Kinzel, Radtke, Reimer and Besaw opposed and Council Members Beck and Loomis in favor with Council Member Glamm excused.

CONSIDER ORDINANCE NO. 2007-30 AMENDING SEC. 3-6-3 TO 3-6-9 OF THE MUNICIPAL CODE ADJUSTING THE IMPACT FEES FOR SWIMMING POOL FACILITIES, RESERVE CAPACITY AT THE WASTEWATER TREATMENT PLANT, BIOSOLIDS MANAGEMENT FACILITY, LIBRARY FACILITY, POLICE DEPARTMENT FACILITY, PARK FACILITIES, AND WATER SUPPLY FACILITIES; AND ORDINANCE NO. 2007-31 AMENDING SEC. 9-2-6(c) UPDATING AND ADJUSTING THE SANITARY SEWER CONNECTION FEE BASED ON THE CONSTRUCTION COST INDEX PUBLISHED IN THE ENGINEERING NEWS RECORD AND CALCULATED BASED ON THE ANNUAL INCREASE IN THE CCI INDICES.

Motion made by Council Member Loomis, seconded by Council Member Besaw, to adopt Ordinance No. 2007-30 amending Sec. 3-6-3 to 3-6-9 of the Municipal Code adjusting the impact fees for swimming pool facilities, reserve capacity at the Wastewater Treatment Plant, biosolids management facility, Library facility, Police Department facility, park facilities, and water supply facilities; and Ordinance No. 2007-31 amending Sec.9-2-6(c) updating and adjusting the sanitary sewer connection fee based on the Construction Cost Index published in the Engineering News Record and calculated based on the annual increase in the CCI Indices.

In answer to Council Member Radtke's question, Director Wiza stated that the adjustment to the sanitary sewer connection fee is based on the Construction Cost Index in the Engineering News Record and calculated based on the annual increase of 2.55% for 2007 in the CCI Indices.

Motion carried without a negative vote with Council Member Glamm excused.

CONSIDER ORDINANCE NO. 2007-32 AMENDING ORDINANCE NOS. 2006-42, 2007-08, AND 2007-17 ESTABLISHING 2008 PAY RANGES FOR NON-REPRESENTED EMPLOYEES

Motion made by Council Member Loomis, seconded by Council Member Besaw, to adopt Ordinance No. 2007-32 amending Ordinance Nos. 2006-42, 2007-08, and 2007-17 establishing the 2008 pay ranges for non-represented employees.

In answer to Council Member Beck's question, City Administrator/Treasurer Mertes stated that the pay ranges have been increased by three percent.

In answer to Council Member Radtke's question, City Administrator/Treasurer Mertes stated that this Ordinance is only setting the pay ranges and is not setting the salaries for non-represented employees.

Motion carried unanimously on a roll call vote with Council Member Glamm excused.

CONSIDER ORDINANCE NO. 2007-33 AMENDING SECTION 7-12-1(c)(2) OF THE MUNICIPAL CODE PERTAINING TO HOURS OF OPERATION FOR HORSE AND CARRIAGE RIDES

Sid Prom of Paradise Ranch is requesting a change to the hours of operation for horse and carriage rides within the City. This change would extend the hours of operation between 10:00 a.m. to 10:00 p.m. throughout the year.

Motion made by Council Member Loomis, seconded by Council Member Reimer, to adopt Ordinance No. 2007-33 amending Section 7-12-1(c)(2) of the Municipal Code pertaining to hours of operation for Horse and Carriage rides.

In answer to Council Member Reimer's question, Planner Censky stated that this motion is only approving the change in hours.

Council Member Beck expressed concern for the extended hours and asked if these can be changed if problems arise. City Attorney Vance stated that changes can always be made to an ordinance if problems arise.

Mayor Myers stated he was in favor of the extended hours for Horse and Carriage rides in the City. He stated that this business adds to the ambiance of Cedarburg and will offer visitors the opportunity to view the City lights. It also supports the downtown merchants and is a great addition to the City's offerings. Mayor Myers stated that horse and carriage rides are offered in Chicago and New York and Cedarburg should be able to support this endeavor also.

Council Member Radtke stated he would support the hours as-long-as changes can be made if necessary.

Council Member Beck stated she is in favor of the motion as-long-as the Ordinance can be revisited if needed.

Motion carried without a negative vote with Council Member Glamm excused.

CONSIDER EPA RECORD OF DECISION RE: PLANT NO. 2 SITE

This item was not discussed because the record of decision was not received to-date.

CONSIDER APPOINTMENT OF ELECTION OFFICIALS FOR THE PERIOD 1/1/08 THROUGH 12/31/09

Motion made by Council Member Reimer, seconded by Council Member Radtke, to grant the appointment of election officials for the period January 1, 2008 through December 31, 2009. Motion carried without a negative vote with Council Member Glamm excused.

LICENSE APPLICATIONS

Motion made by Council Member Beck, seconded by Council Member Kinzel, to authorize issuance of a Class B Beer and Liquor License to Richard C. Buser, W62 N550 Washington Avenue, d/b/a Stonewall Pub for the period ending June 30, 2008. Motion carried without a negative vote with Council Member Glamm excused.

CITY ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes stated that the City tax bills will be mailed on Thursday, December 13, 2007.

COMMENTS & SUGGESTIONS BY CITIZENS - None

REPORTS & COMMENTS BY COUNCIL MEMBERS - None

MAYOR'S REPORT

Mayor Myers stated that this is the last Common Council meeting for 2007.

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Beck, seconded by Council Member Reimer, to adjourn to closed session at 7:23 p.m. pursuant to Wisconsin State Statutes 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 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 union negotiations and benefits for non-represented employees. Approval of closed session minutes of 11/26/07.

Motion made by Council Member Radtke, seconded by Council Member Reimer, to adjourn at 7:55 p.m. Motion carried without a negative vote with Council Member Glamm excused. The meeting did not reconvene into open session

Amy D. Kletzien, CMC
Deputy City Clerk