

**CITY OF CEDARBURG  
COMMON COUNCIL  
January 28, 2008**

**CC20080128-1**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, January 28, 2008 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 Steven Glamm

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, City Clerk Constance McHugh, City Planner Jon Censky, Parks and Recreation Director Mikko Hilvo, City Forester Kevin Westphal, Library Director Mary Marquardt, 3<sup>rd</sup> District Alderperson candidate Noel Jepson, 5<sup>th</sup> District Alderperson candidates Michael Maher, John Pretty, and Patricia Thome, 7<sup>th</sup> District Write-in candidate Amy Goyette, Landmarks Commission appointee Tomi Fay Forbes, Brian Dubis of RA Smith & Associates, Inc., interested 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 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**

Motion made by Council Member Beck, seconded by Council Member Radtke, to appoint Tomi Fay Forbes as a member of the Landmarks Commission, term to expire April 30, 2010. Motion carried without a negative vote with Council Member Glamm excused. City Clerk McHugh administered the oath of office to Ms. Forbes.

**APPROVAL OF MINUTES**

Motion made by Council Member Reimer, seconded by Council Member Loomis, to approve the minutes of the January 14, 2008 meeting. Motion carried without a negative vote with Council Member Glamm excused.

**PLAN COMMISSION: SMART GROWTH COMPREHENSIVE LAND USE PLAN – 2025**

City Planner Censky said that the Plan Commission recommended that the Council adopt the Smart Growth Comprehensive Land Use Plan – 2025. A public hearing before the Council on the plan has been scheduled for February 25, 2008. The plan has nine separate chapters that address the nine elements of the Smart Growth law. The plan sets out goals, objectives, and policies that will guide development in the City through 2025. Copies of the plan were distributed to Council Members prior to the meeting.

Planner Censky said that copies of the plan are available at the Library, City Hall, and on the City's website. He encouraged everyone to review the plan prior to the public hearing on February 25<sup>th</sup> and call him with any questions. No action is necessary at this point.

Council Member Beck said that it was a monumental effort by staff and the Plan Commission to get to this point. She thanked staff for their efforts in preparing the plan.

**COMMENTS AND SUGGESTIONS FROM CITIZENS - None**

**CONSIDER ORDINANCE NO. 2008-05 AMENDING SECTION 10-1-11(b) OF THE CODE OF ORDINANCES TO ESTABLISH THE SPEED LIMIT ON BRIDGE ROAD FROM WAUWATOSA ROAD TO THE WESTERLY CITY LIMITS**

Motion made by Council Member Beck, seconded by Council Member Reimer, to adopt Ordinance No. 2008-05 amending section 10-1-11(b) of the Code of Ordinances to establish the speed limit on Bridge Road from Wauwatosa Road to the westerly city limits. Motion carried without a negative vote with Council Member Glamm excused.

**CONSIDER IMPLEMENTATION OF A CITY-WIDE WEB BASED GIS SYSTEM AND CLARIFICATION OF COSTS ASSOCIATED WITH SUCH SYSTEM**

Brian Dubis of R.A. Smith and Associates, Inc. explained that GIS stands for Geographic Information System and is technology that uses spatial data to represent data in the City. A GIS system coordinates data, is able to keep track of utility systems, can provide enhancements to 911 systems, and provides data sharing among departments.

Mr. Dubis said that R.A. Smith & Associates formed a GIS consortium of local municipalities to provide GIS services to municipalities that would otherwise have a hard time allocating the necessary resources to build and maintain such a system. There will be a consolidation of costs because of the sharing among the many municipalities in the consortium. Because the system is web-based, the purchase of additional hardware and software by the City is not necessary. R.A. Smith would be hosting the City's data. Mr. Dubis said that the consortium is offering a GIS system at a very low cost of \$5,000. Normally such a system would cost approximately \$175,000. Additional modules would cost extra.

City Administrator/Treasurer Mertes said that the 2008 budget includes \$5,000 for a GIS system; however when original discussions took place it was understood that it would cost \$5,000 in start-up costs, \$750 for annual hosting and maintenance, and \$250 for enhancements or modules. She said that staff recently found out that modules could cost up to \$5,000 each.

Mr. Dubis clarified the costs of the system. He said that there is a one-time of \$5,000 for the application and a \$750 annual fee for hosting and maintenance. Modules cost anywhere between \$1,500 and \$5,000 each, which can be customized to meet the specific needs of the City. There is a \$250 fee for converting data into the City's system.

Mayor Myers asked if the modules are in addition to the \$5,000 one-time application fee.

Mr. Dubis said that the modules are special applications that are in addition to the core functions that are included in the application. He said that a module is a custom tool designed for a specific purpose. He stressed that the City does not have to purchase any modules and that employees will be able to use the basic functionality of the system without additional modules.

Council Member Loomis said that modules could enhance staff productivity and that cost savings would be the reason to purchase any additional modules. He suggested the Council move forward with this system.

Mayor Myers said that the Council needs to make sure that staff is getting something that can be used immediately without having to buy module after module.

Mr. Dubis explained that there is a lot of functionality built into the core application. The modules take the system beyond the basic functionality.

Council Member Loomis said that the consortium is like a big user group. He said that it is good to know there are other users with similar needs. He said that he is comfortable with the \$5,000 investment that is included in the 2008 budget.

Council Member Radtke asked the following questions: Is the data proprietary; does R.A. Smith back up the data; how much downtime there is and how does R.A. Smith guarantee the system will be up and running; and can R.A. Smith guarantee that data is being entered into the system properly?

Mr. Dubis said that the City owns all of its data, not R.A. Smith. Twice a year the City will receive a DVD with all its data on it. R.A. Smith backs up its system nightly. Mr. Dubis said that there is very limited downtime. R.A. Smith has been hosting data for at least eight years and the most downtime was overnight. In terms of entering data, Mr. Dubis said that his firm can educate staff and provide recommendations on data entry. He said that his company is here to help the City. If assistance is needed getting data into the system or converting data, R.A. Smith can do this for a \$250 charge.

Council Member Radtke said that having another company host the data for the City makes a lot of sense.

Motion made by Council Member Radtke, seconded by Council Member Beck, to approve the implementation of a GIS system by R.A. Smith & Associates, Inc. in the amount of \$5,000. Motion carried unanimously on a roll call vote with Council Member Glamm excused.

City Administrator/Treasurer Mertes said that Light and Water is interested in such a system and it may be possible to share the costs. She said that it is also possible that other consultants may be able to convert data into the system at a lower cost.

Mayor Myers suggested that this item be placed on the agenda of the next Light & Water Commission meeting.

**CONSIDER APPROVAL OF THE PURCHASE OF A 1996 GMC SAFARI 7 PASSENGER EXTENDED VAN FROM CEDARBURG LIGHT AND WATER TO BE USED BY THE PARKS AND RECREATION DEPARTMENT**

Director Hilvo said that the Parks and Forestry Department shares a vehicle with the Engineering Department; however, there is a high demand for the vehicle in the summer and often times staff from the Parks and Forestry Department must use their own personal vehicles or a vehicle from the Public Works garage, if available. He said that a vehicle is needed on a more consistent basis to pick up and transport items for the concession stand. He said that Light and Water is willing to sell a van at a cost of \$2,500. The van has 80,000 miles. Director Hilvo said that he expects his Department would put on about 5,000 miles per year. The vehicle will be used only by full-time staff.

Motion made by Council Member Kinzel, seconded by Council Member Beck, to approve the purchase of a 1996 GMC Safari 7 passenger extended van from Cedarburg Light and Water to be used by the Parks and Recreation Department in the amount of \$2,500, with funds to come from the pool equipment account, 240-555320-380.

Council Member Besaw said that she has often heard at budget meetings of the need to get rid of older vehicles because of the problems associated with them. She asked if the purchase of this van will become a nightmare.

Director Hilvo said that the van was inspected by the City Mechanic.

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

**CONSIDER AT&T CABINET PLACEMENT AT ZEUNERT PARK OFF HAMILTON ROAD**

Director Hilvo said that AT&T is proposing to place a cabinet in Zeunert Park off Hamilton Road. The Park and Forestry Board recommended approval of the placement of the cabinet, but had a concern that the owners of N30 W5391 Hamilton Road be contacted and asked for their input. Director Hilvo said that he spoke to the neighbors and notified them of this meeting. He said that the neighbors have no problem with the placement of the cabinet.

Council Member Radtke said that he also spoke to the neighbors about the cabinet. He said that his concern is that the placement of the cabinet will be at one of the main entrances to the park. He said that the cabinet will take up 200' to 300' of park land. He asked if the City receives anything for the placement of the cabinet.

Director Hilvo said that the City does not receive anything for allowing AT&T to place the cabinet in this location.

Mayor Myers said that AT&T is providing services to City residents.

Council Member Kinzel said that as he understands it AT&T could place the cabinet anywhere it wants and is seeking permission from the City as a courtesy.

City Attorney Vance said that AT&T has a right to place the cabinet in this location. The City has some rights to control it.

Director Wiza said that the City must try to accommodate AT&T. He said that from his standpoint he does not want to see the cabinet placed elsewhere, such as between the curb and the street. He said that there are other utility boxes at this location and that they will be surrounded by trees and landscaping. He said that it is likely that a few other cabinets will be placed in the City; however, there are a finite number of cabinets that will eventually be needed.

Motion made by Council Member Beck, seconded by Council Member Kinzel, to approve the request of AT&T to place a cabinet in Zeunert Park off Hamilton Road. Motion carried with Council Members Reimer, Besaw, Beck, Kinzel, and Loomis in favor, Council Member Radtke opposed, and Council Member Glamm excused.

**CONSIDER AMENDMENT OF ANVIL PUB AND GRILLE PREMISE DESCRIPTION DURING THE 2008 WINTER FESTIVAL FOR THE CLASS B BEER AND LIQUOR LICENSE ISSUED TO ANVIL PUB & GRILLE, LLC, N70 W6340 BRIDGE ROAD**

Motion made by Council Member Radtke, seconded by Council Member Kinzel, to accept the amendment to the Anvil Pub and Grille premise description during the 2008 Winter Festival for the Class B Beer and Liquor License issued to Anvil Pub & Grille, LLC, N70 W6340 Bridge Road, Donna Taylor, agent. Motion carried without a negative vote with Council Member Glamm excused. The amended premise description will allow the owner to sell beer and liquor outside the Anvil Pub & Grille during the 2008 Winter Festival.

**CONSIDER CEDARBURG ECONOMIC DEVELOPMENT COORDINATOR POSITION DESCRIPTION**

Council Member Radtke said that the ad hoc Downtown Master Plan Committee recently met to fine-tune the position description for the Economic Development Coordinator position. The position description was distributed to Council Members prior to the meeting. Council Member Radtke said that the position description will be used to attract people to the position.

Council Member Loomis asked who the Economic Development Coordinator will report to.

Mayor Myers said that this person will report to the Mayor and City Administrator/Treasurer. He stressed that this person will not be an employee of the City, but a part-time contractor.

Motion made by Council Member Radtke, seconded by Council Member Loomis, that the Council accept the position description for the Economic Development Coordinator as presented. Motion carried without a negative vote with Council Member Glamm excused.

**LICENSE APPLICATIONS**

Motion made by Council Member Kinzel, seconded by Council Member Reimer, to authorize the issuance of a Class "B" Beer and "Class C Wine" license to Sal's Pizza, LLC, Drew Roberts, Agent, W63 N635 Washington Avenue. Motion carried without a negative vote with Council member Glamm excused.

Motion made by Council Member Radtke, seconded by Council Member Kinzel, to authorize the issuance of a renewal Operators' licenses for the period ending June 30, 2008 to Aaron J. Schmidt and Melinda A. Slutzky. Motion carried without a negative vote with Council Member Glamm excused.

Motion made by Council Member Reimer, seconded by Council Member Besaw, to authorize issuance of new Operators' licenses for the period ending June 30, 2008 to Dominic A. Ladd and Chadwick A. Fousel. Motion carried without a negative vote with Council Member Glamm excused.

Motion made by Council Member Beck, seconded by Council Member Kinzel, to authorize the cancellation of Operators' licenses for the period ending June 30, 2008 for the following individuals: Stephen Smith; Brian Smith; Ellen Schlabach; Kathryn Peterson; Helen Komans; Jessica Kay Bogard; Marissa Mercado. Motion carried without a negative vote with Council Member Glamm excused.

**CONSIDER AWARD OF CONTRACT TO ENGBERG ANDERSON DESIGN PARTNERSHIP FOR PRELIMINARY ARCHITECTURAL SERVICES ASSOCIATED WITH THE NEW LIBRARY**

Director Wiza said that although the City has not received the final record of decision from the EPA regarding the Mercury Marine site, the City is under pressure to keep the process for the building of a new library moving along. He said that staff recommends awarding the contract for the schematic design and preliminary architectural services associated with the new library to Engberg Anderson Design Partnership in the amount of \$61,030. Funds would come from library impact fees.

Director Wiza said that since Engberg Anderson has already been working on this portion of the project and expects to complete it by February 4, 2008, the Council may want to consider awarding the contract for design development to Engberg Anderson in the amount of \$81,700 to keep the process moving along. Again, the funds for this would come from library impact fees.

City Attorney Vance said that the EPA decision is expected this week.

Motion made by Council Member Loomis, seconded by Council Member Besaw, to award the contract for the schematic design and preliminary architectural services associated with the new library to Engberg Anderson Design Partnership in the amount of \$61,030, subject to a satisfactory review of the contract documents by Attorney Vance, and to award the design development to Engberg Anderson Design Partnership in the amount of \$81,700, subject to a satisfactory review of the contract documents by Attorney Vance and a favorable decision from the EPA regarding the site. Motion carried unanimously on a roll call vote with Council Member Glamm excused.

**CONSIDER AWARD OF CONTRACT TO CONSTRUCTION MANAGEMENT GROUP, INC. FOR PRECONSTRUCTION PHASE SERVICES ASSOCIATED WITH THE NEW LIBRARY**

Motion made by Council Member Kinzel, seconded by Council Member Reimer, to award the contract for preconstruction management services for the new library to Construction Management Group, Inc., in the amount of \$12,800, with funds to come from the library fund balance. Motion carried unanimously on a roll call vote with Council Member Glamm excused.

**CITY ADMINISTRATOR'S REPORT** - None

**COMMENTS AND SUGGESTIONS FROM CITIZENS** - None

**REPORTS & COMMENTS BY COUNCIL MEMBERS** - None

Council Member Besaw said that the recent passing of Beverly Boerger is a sad loss for the community. She thanked the Boerger family for all they have done for the community.

**MAYOR'S REPORT**

Mayor Myers reminded everyone that the ad hoc Library Architectural Design Committee will meet at 7:00 p.m. on Wednesday, January 30, 2008 at City Hall.

**ADJOURNMENT- CLOSED SESSION**

Motion made by Council Member Loomis, seconded by Council Member Radtke, to adjourn into closed session at 7:55 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 union negotiations. Approval of closed session minutes of 01/14/08. Motion carried without a negative vote with Council Member Glamm excused. Meeting reconvened into open session at 8:15 p.m.

**DISCUSSION OF STATUS OF UNION NEGOTIATIONS WITH THE POLICE AND POLICE DISPATCHERS UNIONS**

Mayor Myers said that the City made a fair offer to the Police union that was turned down by the membership on January 18, 2008. The Common Council authorized staff to present two proposals to the union that are in-line with what other unions in the City were offered and settled on. He said staff and the Council will go from there.

Council Member Loomis said that he is disappointed that the tentative agreement that was reached was turned down by the membership. He said that the proposal was a fair and generous one.

**ADJOURNMENT**

Motion made by Council Member Radtke, seconded by Council Member Reimer, to adjourn the meeting at 8:17 p.m. Motion carried without a negative vote with Council Member Glamm excused.

Constance K. McHugh, CMC  
City Clerk