

**CITY OF CEDARBURG
COMMON COUNCIL
March 31, 2008**

CC20080331-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, March 31, 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, Steve Glamm, Haly Besaw, Paul Radtke, Sandra Beck, Kip Kinzel, Robert Loomis

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Deputy City Clerk Amy Kletzien, Director of Engineering & Public Works Tom Wiza, Police Chief Tom Frank, Parks, Recreation & Forestry Director Mikko Hilvo, Fire Chief Rich Van Dinter, Cedarburg Festivals President Pat Niles, 3rd District Candidate Noel Jepson, 5th District Candidates Michael Maher and Patricia Thome, 7th District Write-in Candidate Amy Goyette, Mohammed Hossain of WisDOT, Todd Sanders of SEH, 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.

PRESENTATION – OZAUKEE COUNTY ECONOMIC DEVELOPMENT CORPORATION EXECUTIVE DIRECTOR KATHLEEN CADY SCHILLING

Ms. Schilling reviewed the Corporation's Initial Core Services and Measurements and highlighted their accomplishments as follows:

- Business Retention – Assist in the growth of the County's economic climate by helping retain and expand existing businesses.
 - A full-time Executive Director met with over 100 businesses over the past 12 months. Executive Director worked with over 20 businesses in the County considering relocation or expansion issues.
 - The OED Website has recently been updated and as part of continuing updates will look to develop a new survey.
 - A quarterly electronic newsletter is in development.
 - Nine presentations have been given in 2007 to Chambers, Rotaries, etc.

- Approximately 10 contacts monthly – OED hopes that through its increased marketing and through additional presentations and networking to increase this number by the end of the year.
- Business Attraction and Marketing – Develop and implement programs that work to attract businesses to Ozaukee County through relocation or start-ups.
 - A marketing firm has been hired to improve awareness of OED and its role as the first responder. A new logo has been created and the Website was updated to provide easier access to information.
 - OED has met with all governmental units within the past year to discuss economic development opportunities.
 - The marketing firm will be updating the current Website. Current hits average 154 visits per month.
 - The Milwaukee 7 Website provides demographic information – site specific, working to increase awareness and knowledge of site.
 - Approximately 19 contracts monthly – OCEDC hopes that through its increased marketing, additional presentations and enhanced networking, along with future collaborative referrals from the Milwaukee 7 regional efforts, to increase this number by next year.
- Business Financing and Business Programs - Market the County's Revolving Loan Fund Program to increase activity, work with other regional providers to create business programs within Ozaukee County.
 - Executive Director has spoken with 68 businesses about the RLF programs within the County. Four successful loans were completed – two to Ozaukee County, one to the City of Port Washington and one to the City of Cedarburg.
 - Two First Steps programs will be run in 2007. The first ran in February with 11 participants. The second ran August 28, 2007; the Fast Trac program had 16 participants complete with business plan development program.
 - Reviewed Economic Development Elements of Comprehensive Plan and provided feedback.
- Positioning Ozaukee County in the Region – Promote Ozaukee County to the Milwaukee 7 Regional Economic Development Initiative.
 - Attends Milwaukee 7, Regional Economic Partnership, 10 County Department of Commerce Economic Development Alliance Meetings, sits on the Milwaukee 7 Next Generation Manufacturing Committee.
 - Participated in the Milwaukee 7 Bio-Tech Call Program for Ozaukee County, contacted five businesses and four business visits occurred. Expect to participate in the Financial Services Call Program in the summer of 2008.
- Financial/Administrative – Ensuring future visibility for the organization.
 - Acquire funding for organization
 - \$100,000 County Government Funds received in 2007.
 - Raised \$21,000 in business contributions in 2007. Hope to raise \$25,000 in 2008.
 - Raised \$12,500 from local governmental units.

- Additional OED Accomplishments
 - Workforce – In cooperation with several partners, OED developed and sponsored a seminar in May focused on improving the workforce in Ozaukee County by creating better connections between businesses and educational institutions.
 - Continued partnership with Workforce 2010 for its youth apprenticeship program.
 - OED was a partner in the first Manufacturing Career Expo held at Port Washington High School which highlighted the Manufacturing industry and the careers and salaries available within the industry.
 - Partnerships – OED developed a partnership with the Ozaukee/Northshore Inventors and Entrepreneurs Forum.
 - OED continues to partner with Economic Development for Grafton Enrichment (EDGE).
 - Internal Accomplishments – OED developed a Code of Ethics for local Ozaukee County communities to provide guidelines for governments working with local businesses who are considering relocation within the County.
 - OED revised and created a new strategic plan that outlines the organization's goals, implementation strategies and measurements for 2008 through 2010.
 - OED has hired Henke & Associates to develop a logo for OCEDC, revise the current website and develop marketing strategies to improve awareness of OED and its programs. The project was complete in February of 2008.

Ms. Schilling ended her presentation by outlining the Ozaukee Economic Development Strategic Plan and taking questions.

MAYOR'S APPOINTMENTS

Motion made by Council Member Reimer, seconded by Council Member Beck, to appoint John L. Batiste as an alternate member of the Board of Review, term to expire April 30, 2012. Motion carried without a negative vote. Deputy City Clerk Kletzien administered the oath of office to Mr. Batiste.

APPROVAL OF MINUTES

Motion made by Council Member Beck, seconded by Council Member Glamm, to approve the minutes of the March 10, 2008 meeting. Motion carried without a negative vote.

REPORTS OF BOARDS, COMMISSIONS & COMMITTEES - None

COMMENTS & SUGGESTIONS FROM CITIZENS

Noel Jepson, W61 N358 Washington Avenue, extended a thank you to the three outgoing members of the Common Council for all of their efforts in representing their constituents and for all of their hard work on behalf of the City. He stated that Council Members Loomis, Besaw and Beck all served with dedication and distinction. Mr. Jepson extended a special thank you to Council Member Besaw for representing his district so well and always doing what needed to be done.

Kit Keller, W62 N799 Sheboygan Rd., stated that as a pedestrian and bicyclist she was addressing the Common Council in favor of roundabouts on Wauwatosa Road. She stated that studies indicate that roundabouts can work well but they take some time for motorists and pedestrians to become familiar with using. The roundabouts will reduce vehicle speed and slow downs in traffic and lower the number of vehicle and pedestrian accidents.

FORMULATE CITY RESPONSE TO D.O.T. PROPOSAL TO PROCEED WITH ROUNDABOUT INTERSECTION DESIGNS AT THE WAUWATOSA/WESTERN AND WAUWATOSA/BRIDGE ROAD INTERSECTIONS

Director Wiza stated that the State Department of Transportation has proposed roundabout intersection designs at the Western and Bridge Road intersections with Wauwatosa Road. The DOT has begun to make a major shift away from signalized intersections to roundabouts where practical. In addition, the State has discovered that a major natural gas regulator station at the northwest corner of Wauwatosa Rd. and Western Rd. would have to be relocated to accommodate a signalized intersection.

Director Wiza stated that Mohammed Hossain of WisDOT and Todd Sanders of SEH were present to answer any questions. In response to Council Member Loomis' request, the Common Council watched a DVD entitled "All about Wisconsin Roundabouts" before any further discussion.

After the presentation, Director Wiza stated that single lane roundabouts are being proposed on Wauwatosa Road.

In answer to Mayor Myers' question, Director Wiza stated the negative aspects of the project may be that roundabouts are not very common and there is a learning curve before people are comfortable with them. Generally, roundabouts are accepted after awhile.

In answer to Mayor Myers' questions, Mohammed Hossain stated that the DOT will take care of any mitigation involving the wetlands on the southwest corner of Wauwatosa Road and Western Road.

In answer to Council Member Loomis' question, Mohammed Hossain stated that the footprint will be smaller with the roundabout at Wauwatosa/Western Roads than a signalized intersection and it is necessary because of the compensable utility located on the northwest corner.

In answer to Council Member Beck's question, Mohammed Hossain stated that the DOT recommends crossing guards at the Wauwatosa/Bridge Road intersection to facilitate pedestrian traffic from the new subdivision. The roundabout will lower vehicle speed and prevent accidents. The placement of the cross walks will encourage drivers to look ahead for pedestrians.

In answer to Council Member Loomis' question, Todd Sanders presented a 2028 Delay Summary that indicated there may be a 51 second delay when turning left out of Webster Transitional School but traffic would continue more evenly through the roundabouts vs. stopping at signals in either direction.

Council Member Radtke expressed concern for being “sold something” in regard to the roundabouts. He wants to do what is best for the City and would have liked to see a signal simulation to aid in his decision.

Mohammed Hossain stated that Federal Guidelines do not meet the criteria for a signal at Wauwatosa/Bridge Roads and roundabouts at two intersections will be advantageous to the City. The WisDOT wants to move forward with this project because they are on a tight time frame and there is a design criterion to follow.

In answer to Council Member Radtke’s question, Mohammed Hossain stated that the roundabouts will help the traffic flow coming out of Webster Transitional School with a maximum six vehicle wait.

In answer to Council Member Besaw’s question, Director Wiza stated that he spoke with John Koster from the School District in regard to opening the east/west road between the High School and the Middle School to through traffic. Mr. Koster indicated that he will talk to Superintendent Herrick but is doubtful that he will agree to open the road.

Council Member Loomis stated that it appears that a signal at Western Road could further delay a left hand turn out of Webster Transitional School.

Council Member Glamm stated that a backup at Webster Transitional School is problematic for only 20 minutes out of a 24 hour day. After viewing the roundabout simulation on the DVD, it appears that a person will not have to stop and wait as often because the flow should be more constant. He added that a roundabout right outside the school entrance may be helpful.

Mohammed Hossain stated that it would not be possible because it would be outside a driveway (rather than the standard intersection) and it would set a bad precedent.

Council Member Glamm opined that the Council should be bold and adopt the roundabout intersection design.

Council Member Reimer agreed with Council Member Glamm and stated that he received a few calls from constituents who were in favor of roundabouts. He had the opportunity to witness the traffic flow of roundabouts in Brown County and he is in favor of having them in Cedarburg.

In answer to Council Member Loomis’ question, Mohammed Hossain stated that the speed going into a roundabout is 15 mph.

In answer to Council Member Loomis’ question, Police Chief Frank stated that he is in favor of the roundabouts. He met with Kit Keller prior to this meeting and pointed out that the DVD showed some valid points in favor of the roundabouts.

Fire Chief Van Dinter stated that the slowing of traffic in the roundabouts will be favorable on Wauwatosa Road because there will be fewer accidents.

Motion made by Council Member Loomis, seconded by Council Member Glamm, to reaffirm Resolution No. 2003-38; however, if signalized intersections are not feasible or cost effective the Council will agree to single-lane roundabouts at the Wauwatosa/Bridge and Wauwatosa/Western Road intersections.

John Batiste, N78 W7064 Oak Street, stated that the City should be concerned with pedestrian traffic at these intersections. A vehicle traveling at 15 – 20 mph can do damage to a person and the City should consider crossing guards.

Chief Frank stated that the department reviews all the intersections and there are currently 13 intersections with guards. Guards will be used at the roundabouts if needed.

In answer to Mayor Myers' question, Mohammed Hossain stated that the roundabout crossings are well marked with zebra stripes.

Chief Frank stated that the middle island helps the pedestrian because they only need to look in one direction beyond the island before crossing.

Motion carried without a negative vote.

In answer to Mayor Myers' question, Mohammed Hossain stated that construction will start in 2011.

CONSIDER AUTHORIZING CITY PARTICIPATION IN A COUNTY-WIDE STORMWATER INFORMATION AND EDUCATION PROGRAM TO COMPLY WITH CEDARBURG'S NR216 PERMIT

Director Wiza stated that one requirement of the City's NR216 storm water permit is that the City implement a public information and education (I&E) program. Staff has attempted to comply with this requirement by placing storm water related articles in the City newsletter and setting up a storm water information kiosk at City Hall, but the DNR is asking the City to do more. To address this, Ozaukee County communities are looking to jointly applying for a 70% DNR grant which would fund a County-wide I&E Program that would satisfy the DNR. Director Wiza stated that it would be beneficial for the City to participate in this joint project for approximately \$2,000 - \$3,000 rather than hiring Earth Tech to develop a compliant program for Cedarburg.

Motion made by Council Member Glamm, seconded by Council Member Besaw, to authorize City participation in a County-wide Stormwater Information and Education Program to comply with Cedarburg's NR216 permit. Motion carried without a negative vote.

CONSIDER ENGINEERING DESIGN CONTRACT AMENDEMENT WITH CRISPELL SNYDER FOR THE 2008 STREET AND UTILITY PROJECT

Director Wiza stated that as the design has progressed on the 2008 Street and Utility Project, several changes and/or additions to the original scope of work have developed. Due to ongoing water main breaks at the Woodmere Apartments, Light & Water has decided to relay approximately 1,000 feet

of existing main that was not in the original design. It has also been discovered that more field survey work will be required to re-grade the drainage ditch south of the intersection of Concord Street and Taunton Avenue, as it is not deep enough to receive the proposed storm water. Finally, a short segment of storm sewer in Jackson Street at Westlawn Avenue will need upsizing. The additions to this project will cost approximately \$7,800. Director Wiza stated that Crispell Snyder's pricing has been very reasonable compared to other consultants, and their original design proposal was \$15,000 below the closest competitor. This additional work will fit within the set budget.

In answer to Council Member Reimer's question, Director Wiza stated that Cedarburg Light & Water will be paying \$2,900 and the City will be paying \$4,900 of the \$7,800 for the additional work.

Motion made by Council Member Beck, seconded by Council Member Reimer, to accept the engineering design contract amendment with Crispell-Snyder for the 2008 Street and Utility Project. Motion carried unanimously on a roll call vote.

CONSIDER AMENDING POLICY PR-4 RE: RENTAL OF COMMUNITY CENTER FACILITIES

Parks, Recreation and Forestry Director Hilvo stated that this amendment is a correction to an earlier revision that should have included the rental of the front lawn at \$100 a day. The charge of \$75/day has not been changed in five years.

Motion made by Council Member Kinzel, seconded by Council Member Beck, to amend Policy PR-4 Re: Rental of Community Center Facilities. Motion carried without a negative vote.

CONSIDER CLOSING PORTLAND ROAD FOR THE CEDARBURG GERMAN FESTIVAL ON JULY 19-20, 2008

Director Hilvo stated that the Cedarburg Festivals are planning a 1st Annual German Festival as an umbrella group under Cedarburg Festivals. The Festival is planned for July 19-20, 2008 in Cedar Creek Park. The purpose of the Festival is to highlight the German heritage of Cedarburg, and attract people to Cedarburg and to raise funds for the Cultural Center for a permanent German Exhibit. Director Hilvo explained that in order to keep the Festival attendees safe the group is requesting to close Portland Road from Columbia Road to Hilbert Avenue. Part of Mill Street will be closed as well (from midway between Mill Street to Portland Road) to allow access to the Dialysis Center. Port Washington State Bank and the Cultural Center will be part of this Festival and have approved the use of their parking lots for this event. There will not be any tents or structures on Portland Road in order to leave room for emergency vehicles in the event of an emergency. Fire Chief Van Dinter and Police Chief Frank have reviewed the plan and approved the street closing.

Council Member Beck expressed concern for the people who live on Portland Road and questioned their accessibility to their homes.

Director Hilvo stated that the proposed time for the German Festival is Saturday from 10:00 a.m. – 9:00 p.m. and Sunday from 10:00 a.m. – 6:00 p.m.

Council Member Besaw asked if these people could park in the American Legion parking lot during the Festival.

Director Hilvo agreed to contact the American Legion in regard to parking for the neighbors living on Portland Road.

Council Member Beck stated that she is in favor of the closure for this year only and recommended that her successor in District 5 should review the closure in 2009.

Motion made by Council Member Radtke, seconded by Council Member Reimer, to close Portland Road for the Cedarburg German Festival on July 19-20, 2008.

In answer to Council Member Radtke's question, Festivals President Niles stated that they have not contacted the people living along Portland Road to-date. He stated that these residents could be given a permit to access their driveways from a guard at Mill Street during the festival.

Council Member Radtke amended his motion to close Portland Road for the Cedarburg German Festival on July 19-20, 2008 with the understanding that the German Festival Committee work with the residents on Portland Road to allow access to their driveways during the event. Council Member Reimer agreed to the amendment. Motion carried without a negative vote.

CONSIDER RESOLUTION NO. 2008-10 RECOGNIZING COUNCIL MEMBER HALIEN R. BESAW

Motion made by Council Member Glamm, seconded by Council Member Radtke, to adopt Resolution No. 2008-10 recognizing Council Member Halien R. Besaw. Motion carried without a negative vote.

CONSIDER RESOLUTION NO. 2008-11 RECOGNIZING COUNCIL MEMBER SANDRA M. BECK

Motion made by Council Member Loomis, seconded by Council Member Besaw, to adopt Resolution No. 2008-11 recognizing Council Member Sandra M. Beck. Motion carried without a negative vote.

CONSIDER RESOLUTION NO. 2008-12 RECOGNIZING COUNCIL MEMBER ROBERT S. LOOMIS

Motion made by Council Member Beck, seconded by Council Member Kinzel, to adopt Resolution No. 2008-12 recognizing Council Member Robert S. Loomis. Motion carried without a negative vote.

Council Member Glamm stated that it was a pleasure working with Council Members Besaw, Beck and Loomis and that the Community was very well served by these individuals.

Mayor Myers stated that it was an honor and a privilege to work with Council Members Besaw, Beck and Loomis. They made his job easier and he appreciates their service to the City.

Council Member Kinzel thanked the outgoing Council Members for their guidance when he was newly elected.

Council Member Radtke commended each Council Member for bringing their strengths to the Council. Council Member Besaw always represented her constituents well, Council Member Beck always exhibited dedication and courage, and Council Member Loomis was a "poster child" for him because he taught him so much. It will be a loss for the City not to have them as representatives.

Council Member Reimer stated that Council Members Besaw, Beck and Loomis have been very dedicated to their constituents and he thanked them for setting a good example.

Council Member Loomis stated that he has thoroughly enjoyed his term as a Council Member. He added that it has been a pleasure working with staff and that the City is fortunate to have such a fine staff.

Council Member Beck stated that she enjoyed her term as a Council Member because she met so many people and made many friends including city staff.

Council Member Besaw stated that the Council and city staff is an amazing group of people. She thanked her constituents for letting her serve and represent them.

Mayor Myers stated that this Council will meet one more time on April 15, prior to the new Council taking over. Council Member Beck will be excused from this meeting.

CONSIDER RESOLUTION NO. 2008-13 TEMPORARILY CHANGING THE ROAD CLOSURES FOR THE CEDARBURG CYCLING CLASSIC TO BE HELD ON JULY 22, 2008 DUE TO ROAD CONSTRUCTION

Pat Niles of Festivals of Cedarburg stated that due to road construction on Cleveland Street and Evergreen Boulevard the group is requesting a temporary change in the route for the Cedarburg Cycling Classic 2008. He stated that the proposed route is not perfect; however, it is their mission to keep the event downtown. The Festivals Committee worked with the Police and Fire Departments before submitting this plan.

In answer to Council Member Reimer's question, Pat Niles stated that the event will be held on Tuesday, July 22, 2008.

Council Member Besaw stated that she has received a lot of positive feedback on the Cycling event. She asked if the contract will be renewed after its expiration in 2009.

Pat Niles stated that Cedarburg Festivals does have the option to renew with the ICC and the community enjoys the event.

Fire Chief Van Dinter commented that he wants the Common Council to be aware that closing Mill Street and Western Road does pose some problems because it slows down the response time of emergency personnel to the south and west sides of Cedarburg. He stated that he will make sure the community is covered by placing two volunteer crews on the south and west for four hours during the race. Fire Chief Van Dinter stated that it is difficult to plan for the hours of the event because there were 16 emergency calls during Strawberry Festival and no calls during the last Wine & Harvest Festival.

In answer to Mayor Myers' question, Fire Chief Van Dinter stated that the ICC provides a doctor and an ambulance for their participants.

Pat Niles stated that the Festivals Committee will continue communicating with Fire Chief Van Dinter in regard to the event and meeting the needs of the department.

Motion made by Council Member Beck, seconded by Council Member Loomis, to adopt Resolution No. 2008-13 temporarily changing the road closures for the Cedarburg Cycling Classic to be held on July 22, 2008 due to road construction. Motion carried without a negative vote.

CONSIDER RESOLUTION NO. 2008-14 TRANSFERRING FUNDS FROM GENERAL GOVERNMENT AND PUBLIC SAFETY TO PUBLIC WORKS

Motion made by Council Member Besaw, seconded by Council Member Glamm, to adopt Resolution No. 2008-14 transferring funds from General Government and Public Safety to Public Works. Motion carried unanimously on a roll call vote.

CONSIDER ANNUAL COMPENSATION FOR MAYOR AND COUNCIL MEMBERS

Council Member Loomis asked to have the salaries for Council Members and Mayor reviewed for a possible change effective with terms starting April 2009. Previous Council salaries were \$3,000/year. In November 2002, the Common Council reduced their salaries by 20% for terms beginning April 2003 to \$2,400 for the Council and \$6,000 for Mayor Myers in response to a recession and a tight budget.

Council Member Loomis provided a list of comparables from surrounding communities and suggested that the compensation be reinstated and increased for the terms beginning in April 2009 because this year's budget has been set.

Motion made by Council Member Loomis, seconded by Council Member Besaw, to change the Common Council annual salary to \$3,500 and the Mayor's annual salary to \$7,000 effective with terms starting April 2009.

Council Member Glamm stated that he appreciated the sentiment; however, the economy appears to be heading in a down turn. He suggested that the Common Council and Mayor's compensation be reviewed during the 2009 budget process.

Council Members Radtke and Kinzel also expressed appreciation but opined that other items may be needed in the next budget and should be reviewed at that time.

Council Member Reimer agreed and stated that items such as defibrillators may be more an important item to take from the unfunded list.

Motion failed on a roll call vote with Council Members Besaw and Loomis in favor and Council Members Reimer, Glamm, Radtke, Beck and Kinzel opposed.

LICENSE APPLICATIONS

Motion made by Council Member Beck, seconded by Council Member Reimer, to authorize issuance of new Operators' Licenses for the period ending July 30, 2008 to: Judy M. Thill, Tonya M. Kleppin, Kyle L. Fyock, Kristin J. Nelson, Carolyn L. Frymark, DeAnna G. Ratliff, Robert J. Gaulin, Jeffrey D. Fischer and Stephen A. Millay. Motion carried without a negative vote.

CITY ADMINISTRATOR'S REPORT - None

COMMENTS & SUGGESTIONS BY CITIZENS - None

REPORTS & COMMENTS BY COUNCIL MEMBERS - None

MAYOR'S REPORT

Mayor Myers issued the following proclamations:

- Arbor Day Proclamation – April 25, 2008
- National Telecommunicator's Week–April 13-19, 2008
- National Volunteer Week – April 27–May 3, 2008
- Administrative Professionals Week – April 20–26, 2008

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Reimer, seconded by Council Member Radtke, to adjourn to closed session at 8:53 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 and 19.85(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session concerning the Town of Cedarburg, the Prochnow Landfill and the Amcast site. Approval of closed session minutes of 03/10/08. Meeting did not reconvene into open session.

ADJOURNMENT

Motion made by Council Member Beck, seconded by Council Member Radtke, to adjourn the meeting at 9:20 p.m. Motion carried without a negative vote.

Amy D. Kletzien, CMC
Deputy City Clerk