

**CITY OF CEDARBURG
COMMON COUNCIL
September 13, 2010**

**CC20100913-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, September 13, 2010 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, Ron Reimer, Art Filter, Paul Radtke, Michael Maher, Kip Kinzel, Bob Loomis

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

STATEMENT OF PUBLIC NOTICE

At Mayor Myer's 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 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, COMMITTEES, AND COMMISSIONS

Motion made by Council Member Loomis, seconded by Council Member Kinzel, to confirm the Mayoral appointment of Charles Bradburn to the Light & Water Commission. Motion carried without a negative vote.

Deputy City Clerk Kletzien administered the oath of office to Mr. Bradburn.

PUBLIC HEARING – CONSIDER ORDINANCE NO. 2010-13 REZONING W60 N1067 SHEBOYGAN ROAD AND A 4.43 ACRE SITE AT W60 N1085 SHEBOYGAN ROAD FROM A-1 AGRICULTURAL DISTRICT TO RS-3 SINGLE FAMILY DISTRICT

Mayor Myers declared the public hearing open at 7:05 p.m. on proposed Ordinance No. 2010-13 rezoning W60 N1067 Sheboygan Road and a 4.43 acre site at W60 N1085 Sheboygan Road from A-1 Agricultural District to Rs-3 Single Family District. Deputy City Clerk Kletzien verified that proper legal notice had been given with publication in the *News Graphic* on August 17 and August 24, 2010.

City Planner Censky explained that this rezoning request is related to Mr. Halloran's land division request. The A-1 Agricultural District was applied as temporary zoning over the entire Halloran property when it was annexed this past summer. Tonight's action will apply permanent residential zoning over only the 4.43 acre site at W60 N1085 Sheboygan Road and the adjacent parcel at W60 N1067 Sheboygan Road. The back 10 acres will continue under the A-1 Agricultural District. Since this site is immediately adjacent to and north of the Fairfield Manor Subdivision, which is zoned Rs-3 Single-Family Residential District, the Plan Commission voted in favor of applying the same zoning on this property. The Rs-3 District is consistent with the land use classification shown on the Smart Growth Comprehensive Land Use Plan-2025.

Mr. Halloran plans to continue farming the vacant 10-acre parcel and use the existing agricultural buildings located on the 4.43 acre parcel to support that farming operation. By applying the residential zoning district to the 4.43 acre site, the existing agricultural buildings and the continued use of the building will be rendered non-conforming; therefore, will be subject to the limitations as set forth in the non-conforming section of the Zoning Code. The non-conforming buildings and the use of such buildings will be allowed to continue but they can neither be expanded or enlarged, are subject to the 50% rule, and the use cannot be resumed if it is discontinued for a period of 12 consecutive months.

James Auchter, N104 W6235 Brenton Lane, questioned whether the intent is to build residential on this property or to only change the zoning for the future.

City Planner Censky stated that Mr. Halloran's plan is to continue farming the 10-acre parcel.

James Auchter stated that he favors all residential on this property.

Motion made by Council Member C. Reimer, seconded by Council Member Filter, to close the public hearing. Motion carried without a negative vote.

Motion made by Council Member Filter, seconded by Council Member R. Reimer, to approve Ordinance No. 2010-13 rezoning W60 N1067 Sheboygan Road and a 4.43 acre site at W60 N1085 Sheboygan Road from A-1 Agricultural District to Rs-3 Single Family District.

In answer to Council Member C. Reimer's question, Planner Censky stated that Holly Lane is a residential street.

Motion carried without a negative vote.

APPROVAL OF MINUTES

Motion made by Council Member R. Reimer, seconded by Council Member C. Reimer, to approve the minutes of the August 9, 2010 meeting. Motion carried without a negative vote.

COMMENTS & SUGGESTIONS FROM CITIZENS - None

CONSIDER LAND DIVISION OF THE 14.78 ACRES OF LAND LOCATED AT W60 N1085 SHEBOYGAN ROAD INTO A 10-ACRE PARCEL AND A 4.43-ACRE PARCEL

Motion made by Council Member Kinzel, seconded by Council Member C. Reimer, to approve the land division of the 14.78 acres of land located at W60 N1085 Sheboygan Road into a 10-acre parcel and a 4.43-acre parcel. Motion carried without a negative vote.

CONSIDER EXTENSION OF CASH FARM LEASE WITH BOB RODEN FOR 2011

Mayor Myers stated that the City of Cedarburg has a cash farm lease with Bob Roden for 47 acres at 6604 Highway 60 which will expire on December 31, 2010.

Motion made by Council Member Loomis, seconded by Council Member Filter, to approve the extension of the cash farm lease with Bob Roden for 2011.

Council Member Radtke inquired whether the City could use the property for temporary sports fields because the City has lost some fields due to the expansion of a cemetery. The needs are not big because the City teams are smaller; however, it would be advantageous to have additional practice fields.

Director Wiza stated that it is possible because there is a good foot of top soil on the property; however, it may need to be graded. Parking would also need to be considered. The property is a 60 acre parcel and 47 acres are farmable. A portion could be segregated off for practice fields. This can be discussed at a Parks, Recreation & Forestry Board meeting.

Council Member R. Reimer asked Director Hilvo to investigate the costs involved in creating fields on the property.

Motion carried without a negative vote.

CONSIDER ADVERTISING PROGRAM AT THE COMMUNITY CENTER GYM

Director Hilvo stated that the Parks, Recreation and Forestry Department is looking for funding to help with the cost of printing the Fall/Winter/Spring Recreation Guide. The Summer Guide is partially funded by four sponsorships in the lobby of the Community Pool over the summer. Similarly, the department is looking to place four signs (18" x 24") in the Community Center Gym on one of the walls for businesses that help sponsor the guide at \$500 each. For 2010, two signs will be placed in the gym from mid-September through the end of March. All signs are to be uniform and placed in the same location each year in order to prevent drilling of new holes on the gym walls. The signage is to be "Family Friendly" and has to be approved by the Director of Parks, Recreation & Forestry.

In answer to Council Member C. Reimer's question, Director Hilvo stated the signs will be placed near the scoreboard and are made of plastic and will not break easily.

In answer to Council Member Filter's question, Director Hilvo stated that the advertisements are printed at no charge by Landmark Printing.

Motion made by Council Member Radtke, seconded by Council Member C. Reimer, to approve an advertising program at the Community Center Gym. Motion carried without a negative vote.

The Common Council commended Director Hilvo for developing the program.

CONSIDER ORDINANCE NO. 2010-14 AMENDING SEC. 11-1-1 OF THE MUNICIPAL CODE RELATING TO OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE

Police Chief Frank stated that this is a housekeeping issue to properly identify State Statutes that have changed over the years and to better label them for identification purposes. This action will also benefit the records software with Ozaukee County.

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to adopt Ordinance No. 2010-14 amending Sec. 11-1-1 of the Municipal Code relating to offenses against State laws subject to forfeiture. Motion carried without a negative vote.

CONSIDER REQUEST OF STEVEN BANAS TO AMEND THE PREMISE DESCRIPTION OF THE AUGUST WEBER HAUS AT W63 N678 WASHINGTON AVENUE TO SELL/SERVE ALCOHOL ON THE STREET IN FRONT OF THE BUSINESS DURING STRAWBERRY AND WINE & HARVEST FESTIVALS

Motion made by Council Member Kinzel, seconded by Council Member Maher, to amend the premise description of The August Weber Haus at W63 N678 Washington Avenue to sell/serve alcohol on the street in front of the business during Strawberry and Wine & Harvest Festivals.

In answer to Council Member Filter's question, Steve Banas stated that they have discussed this with Festivals and they will be renting the space in front of their business.

Council Member Filter stated that the rental helps to support advertising for the Festival.

Council Member Radtke stated that he has been attending Festival Committee meetings and this was discussed because The August Weber Haus may lose space on the side of their business.

Council Member Radtke stated that the Council needs to address some Festival issues on a future agenda.

Motion carried without a negative vote.

CONSIDER THE OPTION OF OUTSOURCING PAYROLL FUNCTIONS TO ADP

City Administrator/Treasurer Mertes stated that with the reduction of staffing in the Clerk's Office she is proposing that the City outsource payroll and reorganize the duties between the Treasurer's

Office and the Clerk's Office. The cost of outsourcing is less than the savings from not replacing the part-time position in the Clerk's Office and will allow additional reporting opportunities for the Payroll Officer, City Administrator, and all City employees. Outsourcing payroll will also improve efficiency in payroll and tax reporting. City Administrator/Treasurer Mertes stated that it will be most cost effective to have all employees participate in direct deposit. A list of benefits and disadvantages was provided to the Common Council. In the future, newsletters, notices and the Employee Handbook can be added to the program for easy access by City employees.

Council Member Filter stated that he is familiar with an automated payroll process and it is very user friendly.

In answer to Council Member Filter's question, City Administrator/Treasurer Mertes stated that the City will not need to purchase additional computers. The Public Works employees will be able to access a computer in the lunchroom or their supervisor's office. Deputy Treasurer Livingston can print any payroll information that is requested by an employee.

Council Member C. Reimer suggested that City Administrator/Treasurer Mertes consider a charge back from departments for cleaner accounting.

In answer to Council Member C. Reimer's question, City Administrator/Treasurer Mertes stated that the Light & Water payroll software is supported by WPPI and it would not be feasible to include their payroll in the automated process at this time. Cedarburg Light & Water will look into outsourcing their payroll in the future depending upon the City's experience.

City Administrator/Treasurer Mertes stated that ADP is offering two months at no charge during the transition period.

In answer to Mayor Myers' question, City Administrator/Treasurer Mertes stated that ADP will convert the City's payroll files to provide W-2's at the end of this year. ADP will work with the City's accounting software provider to convert expenditure data for downloading.

In answer to Council Member Radtke's questions, City Administrator/Treasurer Mertes will ask ADP to assist with CDL DOT monitoring and drug testing. In regard to the City's time commitment to the process, the time devoted to payroll should be reduced from two weeks per month to one week because there will still be some payroll work to be completed by the City.

City Administrator/Treasurer Mertes stated that pay rate changes will be easier to enter and it will not require closing a month prior to entering the data. Updates may be entered at any time with effective dates.

Motion made by Council Member Loomis, seconded by Council Member Kinzel, to approve outsourcing payroll functions to ADP. Motion carried unanimously on a roll call vote.

CONSIDER FLEET SAFETY POLICY

City Administrator/Treasurer Mertes stated that the purpose of the Fleet Safety Policy is to prevent vehicle accidents and promote safe driving practices while maintaining City of Cedarburg vehicles and heavy equipment in proper operating condition. The Policy will apply to all City of Cedarburg full-time, part-time, seasonal and volunteer employees.

The United Safety Committee began working on a Fleet Policy in 2006. The Committee worked closely with Bruce Stenz, CVMIC Loss Control Specialist, during the process.

Council Member C. Reimer stated that he approves of the fleet policy and has implemented a similar policy elsewhere. He suggested a change to page 7, section 3, the last sentence before the bullet points be changed to: Failure to meet these review criteria will result in the applicant's rejection or inability to operate a vehicle in the course of their duties.

He stated that the employee can still be given the job but they cannot operate the vehicles.

City Attorney Vance stated that there is also contract language that addresses this issue.

In answer to Council Member R. Reimer's question, City Administrator/Treasurer Mertes stated that the Fleet Policy will have a positive impact on the City's insurance premiums.

Mayor Myers suggested that Council Member C. Reimer be included in future Safety Committee meetings, as he is familiar with risk control.

Council Member Filter opined that an employee should have a CDL license prior to employment or within a reasonable amount of time after employment.

Motion made by Council Member Filter, seconded by Council Member Kinzel, to adopt the proposed Fleet Safety Policy as amended. Motion carried without a negative vote.

LICENSE APPLICATIONS

Motion made by Council Member Kinzel, seconded by Council Member C. Reimer, to approve new Operator's Licenses applications for the period ending June 30, 2011 for: Andrew P. Miller, Nicholas J. Jacoby, Nicole M. Beyer, Captola R. Wolfe-Bacher. Motion carried without a negative vote.

CITY ADMINISTRATOR'S REPORT - None

COMMENTS & SUGGESTIONS BY CITIZENS - None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member R. Reimer commended Sgt. Richard Leach on the Lifetime Achievement Award that he received from The Wisconsin Narcotic Officer's Association (WNOA) this past week.

Council Member Loomis stated that a constituent commended the Common Council for their proactive approach and support for the Emerald Ash Borer program. Another constituent has requested that an additional day and time is added during the week for citizens to take yard waste to the Public Works garage.

MAYOR'S REPORT

Mayor Myers encouraged the Council Members to view the award winning properties of the Mayor's Community Enhancement Awards which were presented at a ceremony on Sunday, September 12.

Mayor Myers stated that there is a willingness from the Village of Grafton to work together on some services and programs and he will update the Common Council on September 27.

Mayor Myers said he will not be present at the October 11 Council meeting.

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Filter, seconded by Council Member Kinzel, to adjourn to closed session at 7:45 p.m. pursuant to Wis. Stat. 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 and 19.85(1)(e) to deliberate or negotiate the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, particularly collective bargaining, specific employee and personnel matters. Approval of closed session minutes of July 12, 2010. Motion carried without a negative vote. The meeting did not reconvene to open session.

ADJOURNMENT

Motion made by Council Member Filter, seconded by Council Member Kinzel, to adjourn the meeting at 9:43 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk