

**CITY OF CEDARBURG
COMMON COUNCIL
September 30, 2013**

CC20130826-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, September 30, 2013 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Kinzel called the meeting to order at 7:00 p.m.

ROLL CALL: Present - Common Council: Mayor Kip Kinzel, Council Members Chris Reimer, Ron Reimer, Art Filter, Paul Radtke, Michael Maher, Doug Yip, Mike O'Keefe

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, City Clerk Constance McHugh, Light and Water General Manager Dale Lythjohan, Public Works Superintendent Jeff Boerner, Public Works Mechanic Bill Hintz, City Planner Marty Marchek, Economic Development Coordinator Mary Sheffield, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor Kinzel's 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.

APPROVAL OF MINUTES

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to approve the minutes of the September 9, 2013 meeting as presented. Motion carried unanimously.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Patty Johnsen, N65 W6172 Tyler Street, spoke about Michael Smith, commonly referred to as the City's G-Man. She said Mr. Smith is a very caring and loving neighbor who always stepped up to the plate and the City should do the same by keeping his employer, Waste Management, as the refuse and recycling hauler. She said Mr. Smith is one of the City's proudest assets.

PRESENTATION BY ANGUS YOUNG OF THE SPACE NEEDS STUDY FOR THE PUBLIC WORKS FACILITY AND THE PROPOSED CONCEPTUAL PUBLIC WORKS FACILITY

Jeff Hazekamp and Adam Hertel of Angus Young presented a Master Plan for the future construction of a new public works facility based on the recent space needs study that was done.

Mr. Hazekamp said the scope of the space needs study was to evaluate existing operations, facilities, equipment and staffing; determine anticipated future needs; prepare a space needs/program statement; prepare site and floor plan concepts, exterior concepts as a master plan; and, prepare a project budget estimate. When doing the study, Mr. Hazekamp said his firm reviewed and evaluated existing facilities and operations, identified all on-site operations and requirements, considered current and future needs of the department, interviewed department staff, evaluated staffing and equipment, prepared a program of current and future needs, and developed a program that is based on operational requirements, current and future equipment, and department staff.

The initial floor plan that was developed is the most efficient for operations and has the smallest building area. Initial concepts were to maintain current operations and building during construction, retain one existing cold storage building, convert the existing operations building to cold storage, avoid existing storm water piping, and maintain the existing fuel system. However, it was determined that the initial floor plan was too wide for the lot and the floor plan was modified to fit the site. The revised concepts included improving the community image by screening the yard waste and recycling, screening the yard storage and salt storage, placing the operations building at the corner of the lot, and having convenient parking and entrance; and segregating the public and operations traffic.

The projected budget estimate is as follows:

Demolition	\$147,000
Site Improvements	828,000
Fueling System	185,000
Operations Building	4,422,000
Cold Storage Building	410,000
Salt Storage	118,000
Construction Contingency	183,300
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Total Construction Budget	\$6,293,300
Furniture and Equipment	\$72,900
Development Expenses	336,600
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Current Year Project Budget	\$6,732,800

The above figures are 2012 numbers. Future project budget numbers are:

2014	\$7,583,800
2015	\$7,784,000
2016	\$8,010,000
2017	\$8,265,900
2018	\$8,556,400

Council Member Radtke said the current layout of the public works facility is inefficient and ineffective and something needs to be done at some point in the future. The goals include better maintaining of equipment, increasing productivity and operational efficiencies, and safety

compliance. At the same time, the facility is located in a very public area and it is critical that the facility look nice and fit into the neighborhood.

Mayor Kinzel said the first step in this process was to determine what is needed. Now the Council needs to determine how to get the project done. He thanked Angus Young for their thorough presentation.

Council Member R. Reimer asked when this project will become a budget item.

City Administrator/Treasurer Mertes said this project will be part of the upcoming budget discussion.

Director Wiza said typically the site design occurs in one year and the construction takes place the following year. The design is planned for 2014 and construction in 2015. This will be presented in greater detail at budget time.

CONSIDER REQUEST OF FINECO LLC, DBA GRAPES AND TASTES, DAN PALS, AGENT, TO AMEND THE PREMISES DESCRIPTION OF GRAPES AND TASTES TO INCLUDE SPACE AT W63 N134 WASHINGTON AVENUE ON A TEMPORARY BASIS DUE TO A FIRE

Dan Pals, co-owner of Grapes & Tastes, reminded the Council that his business was displaced in February due to a fire. The Council amended the premise description of the liquor license so the business could operate in the lower level on a temporary basis. The second extension expires today. Mr. Pals said he anticipates moving back to the permanent location on October 12.

Motion made by Council Member C. Reimer, seconded by Council Member Filter, to grant the request of Fineco, LLC, dba Grapes and Tastes, Dan Pals, Agent to amend the premises description of Grapes and Tastes to include the space at W63 N134 Washington Avenue for an additional 30 days to expire October 30, 2013. Motion carried unanimously.

CONSIDER BIDS FOR REFUSE AND RECYCLING COLLECTION

Director Wiza said the present refuse and recycling contract is set to expire on December 31, 2013. Staff solicited proposals from Waste Management and Advanced Disposal (formerly Veolia) for a new seven year contract running through December 31, 2020. Two options were solicited: the status quo option with collection of 6-32 gallon containers or bags of refuse per week and bi-weekly recycling pickup with carts, as well as an all cart option, where refuse would be picked up weekly in 64 or 96 gallon carts, with bi-weekly recycling pickup using carts.

Director Wiza said Waste Management came back with a slightly lower price for the status quo option at a cost of \$586,344 for 2014 plus any applicable fuel surcharge. Advanced Disposal had the overall low price with the all-cart option at \$541,906 for 2014, plus any applicable fuel surcharge.

Director Wiza reminded the Council that this is a service contract and the Council is not required to accept the low bid. The Public Works and Sewerage Commission at its September 12 meeting

recommended entering into a new seven year refuse and recycling contract with Waste Management to continue the present service level with weekly pickup of 6-32 gallon refuse containers or bags and bi-weekly pickup of 64 or 96 gallon recycling carts.

Council Member Yip asked Director Wiza if he has received any feedback from residents as to whether they would prefer a 64 gallon cart or a 96 gallon cart.

Director Wiza said he has not received any feedback on this. Feedback he has received is to keep the status quo.

Council Member R. Reimer said the problem with going with an automated system is that any materials left outside the containers will not be collected. He said no one in his district that he talked to was in favor of an automated system for refuse collection.

Council Member Radtke made a motion to enter into a new seven year refuse and recycling contract with Waste Management to continue the present service level with weekly pickup of 6-32 gallon refuse containers or bags and bi-weekly pickup of a 64 or 96 gallon recycling cart. The motion was seconded by Council Member R. Reimer.

Council Member Paul Radtke said it will cost less than 80 cents a month for residents to be able to push out to the road as much garbage as they want.

Jason Johnson of Advanced Disposal said his company also focuses on service. He said the City is halfway towards using an automated system as recycling carts are currently used. The City currently allows 6-32 gallon bags to be picked up. A 96 gallon container is half of that. He said rarely do people put out this much garbage. The proposal from Advanced Disposal would save the taxpayers almost a quarter of a million dollars over seven years. His proposal also would not trigger the fuel surcharge at this time.

Council Member Radtke said that his comments are not an indication of the work done by Advanced Disposal. He said he would rather pay \$10 a year to have the ability to throw out more garbage and his constituents say the same thing.

Motion carried unanimously.

CONSIDER AWARD OF CONTRACT FOR GROUTING OF THE WOOLEN MILLS DAM TO ADDRESS SEEPAGE ISSUES

Director Wiza said two time and material proposals were received for the grouting of the Woolen Mills dam. J. F. Brennan estimated the work at \$37,750 and DeNovo Corporation estimated the cost at \$70,000 to \$100,000. He recommended the Council award the contract to J. F. Brennan. This is the same firm that did the dive inspection of the dam.

Motion made by Council Member C. Reimer, seconded by Council Member O'Keefe, to award the contract for the grouting of the Woolen Mills dam to J. F. Brennan at an estimated cost of \$37,750. Motion carried unanimously.

CONSIDER AWARD OF ENGINEERING STUDY TO EVALUATE THE NEED FOR LEFT TURN ARROWS ON PIONEER ROAD AT WASHINGTON AVENUE

Director Wiza said an officer at the Police Department suggested he consider the installation of left turn arrows on the Pioneer Road traffic signals at Washington Avenue. There have been a few recent traffic accidents at this intersection and the officer felt that turn arrows might help.

The installation of turn arrows would significantly change the operation of the intersection, and therefore the initial step would be to take traffic counts and model the signal operation. This will determine if the turn arrows are warranted, if the left lanes should be dedicated turn lanes, and how the arrows should operate. Staff and the Public Works and Sewerage Commission recommend the traffic study be awarded to Traffic Analysis and Design, Inc., in the amount of \$4,968. This amount is not budgeted.

A few Council Members questioned the need for the study when it is likely to indicate that left turn arrows are warranted.

Director Wiza said he will inquire as to whether there can be a cost savings by going directly into design.

Council Member C. Reimer suggested Director Wiza find out when the accidents occurred, and if they were during festivals.

Director Wiza said there were two accidents and he does not believe they were during festivals. The Police Chief said it is his opinion the accidents were not caused solely by a lack of turn signals, but other factors were involved.

Council Member Radtke said he does not want to see a dedicated left turn lane. He asked if the study would be done after the roundabouts on Wauwatosa Road are completed.

Director Wiza said the study would be done after the roundabouts are done. If there is a left turn signal usually there needs to be a dedicated lane. He said the study will determine if a dedicated left turn lane is warranted

It was the consensus of the Council to include the costs of this study in the 2014 budget as funds are not included in the 2013 budget.

CONSIDER FINAL PLAT, DEVELOPMENT AGREEMENT, STORMWATER POND MANAGEMENT AGREEMENT, AND PROTECTIVE COVENANTS AND RESTRICTIONS FOR THE 10.6 ACRE RIECHER'S SUBDIVISION LOCATED AT W60 N1052 SHEBOYGAN ROAD

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to approve the Riecher's subdivision final plat subject to technical corrections and any requirements of the State, approve the Development Agreement, approve the Stormwater Pond Management Agreement, and the Protective Covenants and Restrictions for the 10.6 acre subdivision located at W60 N1052 Sheboygan Road. Motion carried unanimously.

CONSIDER WPPI TRUST TERMINATION AGREEMENT

City Administrator/Treasurer Mertes said the WPPI Trust is dissolving at the end of 2013. The proposed agreement, reviewed by Attorney Vance and members of the Trust, accomplishes this. The health insurance plan will no longer exist after December 31, 2013 and any excess funds of the Trust will be distributed to the remaining members. The disbursement may come in a partial premium savings in December 2013 and/or a payment to the City's new health insurance provider in 2014. The agreement for that payment will be brought to the Council by the end of 2013 or January 2014.

Motion made by Council Member C. Reimer, seconded by Council Member Filter, to approve the WPPI Trust Termination Agreement. Motion carried unanimously.

CONSIDER APPOINTMENT OF CITY REPRESENTATIVE ON THE JOINT REVIEW BOARD FOR TID #3

State law provides that a city attempting to create a tax incremental district must convene a temporary Joint Review Board which must include a member chosen by the Cedarburg School District, a member chosen by MATC, a member chosen by Ozaukee County, a member chosen by the City of Cedarburg, and a public member chosen by all of the members.

Council Member Yip said that it may be premature to appoint someone to the Joint Review Board. He said he received 5 calls in one day from residents saying there is not enough information available about the proposed TID. He said the Council needs to provide the public with more information. He said most of his constituents do not want TID #3.

Council Member Filter said the appointment should be postponed until after the developer's agreement is approved. He said the Council needs to decide if it wants this TID.

Planner Marchek said the Joint Review Board will likely meet a few times. Members need to be appointed and educated and eventually make a decision. The Joint Review Board will meet as many times as necessary in order to make a recommendation to the Council.

Council Member R. Reimer said appointing someone facilitates proceeding ahead with the TID.

Planner Marchek said the appointment of a City representative on the Joint Review Board is a necessary step in proceeding with the TID.

Mayor Kinzel said the City's appointment of a representative to the Joint Review Board does not commit the City to anything, nor is it approval of TID #3. He said it is no different than any other appointments he makes.

Council Member Filter made a motion to postpone the appointment until the Council decides whether or not to proceed with TID #3. The motion was seconded by Council Member Yip.

Council Member C. Reimer said he would recuse himself because of his position on the School Board.

With Council Members R. Reimer, Filter, Yip and O'Keefe voting in favor, Council Members Radtke and Maher voting against, and Council Member C. Reimer abstaining, the motion carried.

PAYMENT OF BILLS

Motion made by Council Member Yip, seconded by Council Member O'Keefe, to approve payment of bills for the period 09/01/13 through 09/20/13, ACH transfers for the period 09/07/13 through 09/25/13, and payroll for the period 9/01/13 through 9/14/13. Motion carried unanimously.

LICENSE APPLICATIONS

Motion made by Council Member R. Reimer, seconded by Council Member Yip, to authorize the issuance of new Operator's licenses for the period ending June 30, 2014 to: Joanna B. Chartrand and Michael E. Hubbard. Motion carried unanimously.

Motion made by Council Member R. Reimer, seconded by Council Member C. Reimer to authorize the issuance of renewal Operator's licenses for the period ending June 30, 2014 to: Lys M. Buck, Abigail M. Kohal, and Keith M. Reid. Motion carried unanimously. The Council did not approve the renewal application of Steven K. Steinhaus.

Motion made by Council Member Radtke, seconded by Council Member Maher, to issue a Horse and Carriage license to Jody and Mike Schulz, Kettle Moraine Carriages, Inc., N612 Forest View Road, Kewaskum, WI.

Jody Schulz, owner, said she will initially be using the license to provide a horse and carriage ride on October 12 for a wedding, but will also be working with Festivals to provide rides in the future. The route on October 12 will be from Alliance Church in Mequon, through downtown Cedarburg to Covered Bridge Road, and back.

City Clerk McHugh said Police Chief Frank has approved the route and will inspect the equipment on October 12.

Motion carried unanimously.

LIBRARY FUNDRAISING UPDATE AND LIBRARY BUILDING UPDATE

Council Member Maher said since the Friends of the Library only meets quarterly, there is no fund raising report at this time.

He said that as of today \$16,000 has been spent from the contingency account for the library project. The contingency account has \$250,000 budgeted.

CITY ADMINISTRATOR/TREASURER'S REPORT

City Administrator/Treasurer Mertes said she has received quotes for health insurance for 2014. The Personnel Committee will be reviewing the quotes at its meeting on October 2.

Council Member Filter asked if the City can receive money back from Time Warner if the City does not use the public access channel.

City Administrator/Treasurer Mertes said this channel is provided free of charge and Time Warner would not return money to the City if it is not used.

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Filter said the grass cutting at Immanuel Cemetery has been very well done this year.

MAYOR'S REPORT

Mayor Kinzel reminded the Council of the special meeting on October 8, 2013 at 7:00 p.m. to discuss the disposition of the current library site.

ADJOURNMENT - CLOSED SESSION

Motion made by Council Member C. Reimer, seconded by Council Member O'Keefe, to adjourn to closed session at 9:00 p.m. pursuant to State Statutes 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, more specifically, to consider a proposed developer's agreement regarding TID #3 and to discuss the Prochnow Landfill. Approval of closed session minutes of August 26, 2013. Motion carried unanimously.

ADJOURNMENT

Motion made by Council Member R. Reimer, seconded by Council Member Radtke, to adjourn the meeting at 10:10 p.m. Motion carried unanimously. The meeting did not reconvene to open session.

Constance K. McHugh, MMC/WCPC
City Clerk