

**CITY OF CEDARBURG  
COMMON COUNCIL  
December 21, 2020**

**CC20201221-1  
UNAPPROVED**

A special meeting of the Common Council of the City of Cedarburg, Wisconsin, was held online on Monday, December 21, 2020, utilizing the Zoom app.

Mayor O'Keefe called the meeting to order at 7:15 p.m.

Roll Call:           Present - Mayor Michael O'Keefe, Council Members Jack Arnett, Kristin Burkart, Robert Simpson, Patricia Thome, Barbara Lythjohan, Sherry Bublitz, Rick Verhaalen

Also Present - City Administrator Mikko Hilvo, Attorney Michael Herbrand, City Clerk Tracie Sette, Building Inspection Administrative Assistant Kim Esselmann and interested citizens.

**STATEMENT OF PUBLIC NOTICE**

At Mayor O'Keefe's request, City Clerk Sette 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.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** - None

**NEW BUSINESS**

**DISCUSSION AND POSSIBLE ACTION REGARDING THE 5<sup>TH</sup> DISTRICT ALDERMANIC APPOINTMENT; AND ACTION THEREON.**

On June 8, 2020, the Common Council, following City Policy, appointed Robert Simpson as 5th District Alderperson. In Cedarburg, odd numbered Districts are elected in even numbered years, and even numbered Districts are elected in odd numbered years. The 5th District seat will come up for election in 2022. The motion and action to appoint Mr. Simpson did not state or order that a special election for the 5th District be held in April 2021, to elect an alderperson to serve until the next regular election (2022). The City's written policy to fill an alderperson vacancy closely mirrors State law (Section 17.23 Wis. Stats.). That law was amended in March 2020 and became effective prior to Mr. Simpson's appointment. The new law removes any timing requirements from the appointment procedure, and merely states that a vacancy "may be filled by the Common Council, by majority vote, appointing a successor to serve for the remainder of the unexpired term or until a special election is held, as ordered by the Common Council under s. 8.50, or an office may remain vacant until an election is held." This new law would overshadow any conflicting language in the existing City policy, and states that an appointed alderperson will serve out the remaining term, unless a special election is ordered by the Common Council. No action was taken by the Council.

**CONSIDER FUNDING GARBAGE CART CHANGE FROM 96-GALLON TO 64-GALLON AT RESIDENTS REQUEST; AND ACTION THEREON**

Waste Management promised to provide a smooth rollout with the new garbage cans and assured the City that adequate information would be given to residents in a timely manner so they could obtain a smaller garbage can. Based on citizen complaints many residents did not receive the mailer or did not receive it in time to send it back to Waste Management. Waste Management refuses to waive the \$25 fee for replacing garbage cans for residents who did not send back the card. Currently, we have a list of ten (10) homes that would like the smaller can but do not think they should pay the \$25 fee. A discussion by the Common Council entailed the following points:

- If Waste Management does not waive the fee should the City pay for the residents who have requested a change?
- Should the City establish a deadline to submit a request for a replacement can?
- Should there be a process for those who have already paid the fee?

A motion was made by Council Member Verhaalen in favor of the City covering the cost of everything Waste Management does not cover regarding the exchange of 96-gallon to 64-gallon garbage bins, giving residents until January 11 to make that decision, also giving those who have already paid their fee the same time frame to request reimbursement, seconded by Council Member Simpson. Motion carried with Council Member Lythjohan abstaining.

**CONSIDER ONE GARBAGE CART PER ADDRESS IN RESIDENTIAL AREAS INSTEAD OF ONE CART PER TAX KEY; AND ACTION THEREON**

The City's new contract with Waste Management allows only one trash cart and one recycle cart per tax key resulting in one stop/pickup per tax key. The previous contract also provided for only one stop per tax key but allowed a maximum of 6 bags per stop. Since most duplexes do not generate over 3 bags per address or 6 bags per stop, the service was adequate for two units on one tax key. The new contract requires that all bags be put into one cart. Since carts are typically kept inside the garage, only one tenant will have access to the cart throughout the week. A request has been made to consider providing one cart per address or two carts per duplex which would allow each tenant to have access to their own cart. The new contract requires the resident or landlord to contract directly with Waste Management for that extra cart. The annual charge would be \$60 per garbage cart and \$24 per recycle bin for a total of \$84 per year or \$7.00 per month. For each address the City adds, the contracted cost is \$169.32 per year or \$14.11 per month. At an estimated 142 duplexes, the cost to the City to add 142 new addresses would be \$24,043.44.

No action was taken by the Common Council.

**CONSIDER CITY HALL STAFF AS LIAISON BETWEEN CITIZENS AND WASTE MANAGEMENT; AND ACTION THEREON**

With resident concerns centered around dealing with Waste Management directly, a request has been made to have one City department work with Waste Management on behalf of the residents. This would include any changes to cart size, ordering of additional carts, and payment of additional services. Waste Management currently works directly with City residents. If the City were to make a change, it would require residents to call the Public Works Department with any issues and pay the City for any added services. The City would then be billed by Waste Management for those services as part of the monthly bill. This would require a change in the contract with Waste management. Current

contract has Waste Management customer service staff handling both garbage and recycling questions, issues, and payments including any missed garbage pickups.

No action was taken by the Common Council.

**ADJOURNMENT**

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to adjourn the meeting at 8:00 p.m. Motion carried without a negative vote.

Tracie Sette  
City Clerk