

**CITY OF CEDARBURG
COMMON COUNCIL
June 11, 2007**

CC20070611-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, June 11, 2007 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, Steven Glamm, Haly Besaw, Paul Radtke, Sandra Beck, Kip Kinzel, Robert Loomis

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, City Clerk Constance McHugh, Deputy City Clerk Amy Kletzien, Library Director Mary Marquardt, Director of Engineering and Public Works Tom Wiza, WWTP Superintendent Ron Clish, Police Chief Thomas Frank, Police Sgt. Larry Slamann of the City of Glendale, Library Board Members Sue Karlman and Elizabeth Bryde, Park and Forestry Board Members Lynne Buehler and Susan Mongoven, Children’s Librarian Katie Kiekhaefer, 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.

INTRODUCTION OF CITY CLERK CONSTANCE MCHUGH

Mayor Myers’ introduced City Clerk Constance McHugh and welcomed her to the City. The oath of office was administered to City Clerk McHugh by Deputy City Clerk Kletzien.

INTRODUCTION OF CHILDREN’S LIBRARIAN KATIE KIEKHAEFER

Library Director Marquardt introduced and the Council welcomed new city employee and Children’s Librarian Katie Kiekhaefer.

CONSIDER MAYOR MYERS’ ANNUAL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Motion made by Council Member Radtke, seconded by Council Member Glamm, to appoint Daniel Unertl as a member of the Leisure Services Commission, term to expire April 30, 2009, and Sue Karlman and Liz Bryde as members of the Jt. Library Board, terms to expire June 30, 2010. Motion carried without a negative vote. The oath of office was given to the new appointees by Deputy City Clerk Kletzien.

APPROVAL OF MINUTES

Motion made by Council Member Reimer, seconded by Council Member Loomis, to approve the minutes from the May 14, 2007 meeting. Motion carried without a negative vote.

REPORTS OF BOARDS, COMMISSIONS & COMMITTEES

Council Member Radtke stated that the ad hoc Downtown Master Plan Committee will be ready to present the Committee's recommendations to the Common Council by mid-summer.

COMMENTS & SUGGESTIONS FROM CITIZENS – None

UNFINISHED BUSINESS - None

CONSIDER PURCHASE OF K-9 DOG FOR POLICE DEPARTMENT

Police Chief Frank stated that the Cedarburg Police Department asked the Common Council to approve a fundraising effort by the officers for a Police K-9 unit in December 2006. To date, \$60,000 has been raised with an additional \$6,500 due in pledges. The intended use of the K-9 unit is for detecting narcotics and aiding in the search and rescue of people.

Sgt. Larry Slamann from the City of Glendale provided an overview of their K-9 unit. He stated that the program was initiated after an officer was fatally wounded in an armed robbery. Sgt. Slamann stated that the K-9 is a tool for the officers and is not a pet. The City of Glendale purchased a Belgian Malinois named Kodee from Southern Police Canine, Inc., Spring Hope, NC, for narcotics and patrol work. After Officer Slamann was appointed as the Department's first Canine Handler, he traveled to the Southern Police Canine facility for six weeks of training. The Glendale K-9 has aided Ozaukee, Sheboygan, Waukesha, Washington and Milwaukee Counties upon request.

Sgt. Larry Slamann stated numerous events when the K-9 was invaluable to apprehending a suspect or finding a missing person. Sgt. Slamann stated that Kodee and a vehicle were purchased through private donations and \$13,000 remains in the fund since its inception 8 years ago. Sgt. Slamann is not afraid to take the K-9 in front of children and does many demonstrations. The K-9 has been a great public relations tool for the Glendale Police Department. Sgt. Slamann stated that the K-9 is a tool and needs to be trained on a daily basis. When Kodee is done being a tool for the department he will transition to being his pet.

In answer to Council Member Besaw's questions, Sgt. Slamann stated that as a supervisor he does not receive overtime; however, he did receive overtime when he was an officer and is now compensated approximately 15 hours a year for maintenance of the K-9. He stated that care and training the K-9 requires commitment. He has a vehicle to take home with him because he is on call 24 hours a day.

Council Member Loomis expressed concerns for a K-9s loss of proficiency, if trained for more than one task and the reasons for Ozaukee County Sheriffs Department dropping their program.

Sgt. Slamann stated if a K-9 is not continually trained it will become less proficient. He devotes approximately 5-10 minutes during his shift for that purpose. Reasons why Ozaukee County dropped their program could not be answered but it may be helpful to see their training records.

In answer to Council Member Reimer's questions, Sgt. Slamann stated the City of Glendale has benefited greatly in terms of narcotic searches and arrests. In terms of comparing the two communities, he stated that Glendale's K-9 was involved in the exercise at Cedarburg High School and also is involved at Nicolet High School. The goal is to stop drug activity at the schools.

Council Member Besaw verified with Sgt. Slamann that the City of Cedarburg would receive approximately 80% of cash or seized property resulting from any drug confiscation. The City of Glendale usually spends their portion of any asset forfeiture on equipment.

In answer to Council Member Radtke's question, Sgt. Slamann stated that a K-9 unit belongs on second shift (3 p.m. – 11 p.m. – and at times until 3 a.m.) because it is the busiest shift.

Sgt. Slamann reiterated that the K-9 is a tool for the Police Department and he never puts the dog in a situation to be sued.

Council Member Glamm confirmed with Sgt. Slamann that there were no alerts at Cedarburg High School when the K-9s walked around the property. Council Member Glamm opined that the City of Glendale and the City of Cedarburg are very different and cannot be used as a comparison.

In answer to Mayor Myers' question, Sgt. Slamann stated that his day is very normal with the exception of feeding the dog at 4:45 a.m. because the K-9 does not work efficiently on a full stomach and a short time period for training during the day.

Sgt. Slamann stated it is impossible to have the K-9 at every traffic stop and is usually called only if there is a reason. The K-9s most important job is to prevent loss of life. Chief Frank stated that the K-9 will not be used to sniff every car in the City.

In answer to Council Member Reimer's question, Sgt. Slamann stated the K-9 should only have one handler and it would not work to share the dog with a neighboring community.

Council Member Besaw surveyed other Communities with a K-9 unit and offered the following information:

- The Village of Brown Deer has had a successful K-9 unit since 1980.
- A K-9 unit in a community will deter drug activity.
- It's important for the Police Chief to support the program.
- CVMIC has policies in place for K-9 units.
- Offers financial benefits to the community.
- Overtime is minimal compared to benefits.
- Supported by a Federal DEA Special agent residing in Cedarburg.
- This investment will show the community that we care and will create strong public relations.
- Dogs can do a search in 20 minutes compared to an 8 hour search by officers.

- Benefits outweigh the cost and risk factors.
- Cedarburg and surrounding communities will benefit through mutual aid and another K-9 unit.

Council Member Besaw stated that her daughter found a drug pipe behind a school in her neighborhood and she supports a K-9 unit in Cedarburg.

In answer to Mayor Myers' question, Sgt. Slamann stated that before his K-9 does any work for another community he has them sign a waiver for that community's insurance to cover any actions.

Council Member Loomis stated that based on Attorney Stadler's memo he could only support the K-9 unit if the following criteria is met:

- Union and FLSA agreement
- Proper selection criteria
- Proof of a self supporting program
- Annual measure of effectiveness of the program.

Attorney Stadler stated he provided a memo to educate the community on the legal rights and responsibilities of a K-9 unit and to help the Common Council weigh the effectiveness vs. cost of the program.

Attorney Stadler stated that the officer responsible for the K-9 will need to be compensated according to the guidelines of FLSA. If the Department of Labor finds any violations, the community can be fined for double the known damages and for the recovery of attorney fees. He stated that some of this can be handled through policies but the union also needs to agree with the policy.

In answer to Council Member Besaw's question, Attorney Stadler stated he could work with Chief Frank to develop a realistic and balanced policy for a K-9 unit.

Council Member Besaw expressed her trust in Chief Frank to monitor the program and not allow any abuse of overtime.

Mayor Myers and Council Member Loomis agreed that four items need to be in place before considering the purchase of a K-9 unit.

Chief Frank stated that the fundraising amount collected to-date will cover the cost of overtime, based on the average overtime from surrounding K-9 unit communities.

Council Member Beck asked how the officer's time would be covered in Cedarburg if he were away for six weeks of training for the K-9. Chief Frank stated the department has 11 man groups and seven is the minimum requirement per shift. This difference allows for variances in the officers schedules.

Council Member Glamm questioned whether the City of Cedarburg truly needs a K-9 unit. Based on his related work experience, he doesn't believe there are any major drug dealers in Cedarburg.

The City may have drug usage problems but he understands that the dog will not be used for simple possession arrests and there were no hits during the sweep at Cedarburg High School.

Council Member Glamm stated that the City of Glendale is situated next to I-43 and cannot be compared to the City of Cedarburg. He opined that the City of Cedarburg is not at the point where a K-9 unit is necessary.

Mayor Myers opened the discussion for public comment.

A citizen opined that if any money spent saves the life of one child – it is well spent.

Sgt. Slamann stated that through good police work, the department eventually finds the dealer through investigations after arrests for small possessions of drugs.

In answer to a citizen's question, Attorney Stadler stated that the K-9 handler position needs to be set up according to the guidelines of the Department of Labor in regard to overtime expenses.

A citizen questioned the police department's current statistics and procedure of drug searches, based on the fact that nothing was done when her family reported someone for using drugs and the suspect was not held.

Chief Frank stated that the department needs probable cause for a judge to sign a search warrant and that does not include hearsay.

Motion made by Council Member Besaw, to prepare for the purchase of a K-9 by creating a policy for managing the K-9 unit, prepare guidelines for the selection process of the handler, and to successfully negotiate the arrangement with the union for presentation to the Common Council at a future meeting for approval.

Council Member Loomis stated that it appears the program has community support, support from the Police Chief and the required funding for the program. He opined that the Common Council needs to review the program annually with the possibility of ending the program if it is not successful.

In answer to Chief Frank's question, Attorney Stadler stated that any Police & Fire Commission recommendations in regard to the K-9 unit should be reviewed by the Common Council.

Council Member Kinzel stated he was in favor of the K-9 unit and agreed that the Common Council should review the program annually.

Mayor Myers requested that the policy include an annual review of the detail costs associated with the K-9 to be presented to the Common Council for approval.

Council Member Beck stated that she knows of many people in Cedarburg who are not in favor of a K-9 unit.

In answer to Council Member Beck's question, Chief Frank stated the department has raised enough money to support the K-9 unit for 5 years, including overtime.

In answer to Mayor Myers' question, Chief Frank stated that the average squad car only lasts three years because it is driven by multiple officers. The K9 vehicle should last for 7 – 8 years because it will only be used by the K-9 handler.

Council Member Radtke stated that the majority of his constituents are in favor of a K-9 unit.

Motion was seconded by Council Member Loomis, and carried on a roll call vote for conditional approval of a K-9 unit with Council Members Reimer, Besaw, Radtke, Kinzel and Loomis in favor and Council Members Glamm and Beck opposed.

CONSIDER REQUEST FROM LEGACY SCRAPBOOKS, LLC TO MODIFY THE COLLATERAL FOR ITS REVOLVING LOAN FUND (RFL) LOAN

John Meland of SEWRPC stated the City of Cedarburg provided a loan to Legacy Scrapbooks in May 2004 to assist with the start-up of a craft and hobby store. At that time, the Revolving Loan Fund loan (\$80,000) was secured with a first general business security interest in the assets of Legacy Scrapbooks, a third mortgage on both owners' homes, and the unlimited guarantees of both owners. The company has successfully established a profitable business operation and is current on all loan payments with the City through June 1, 2007.

John Meland stated that due to the performance on this loan and the substantially reduced loan balance of \$34,526, the company is requesting that the City release its mortgages, based on performance and payback, on the owners' residences. The City would retain its first security interest in the Company's business assets and the owners' unlimited guarantees.

Council Member Loomis stated he was in favor of releasing the owners' mortgages because they have been successful and are a valuable business.

Motion made by Council Member Glamm, seconded by Council Member Besaw, to modify the collateral for its Revolving Loan Fund loan to Legacy Scrapbooks, LLC.

In answer to Council Member Radtke's question in regard to the resale value of their assets if Legacy Scrapbooks should default, John Meland stated that the company has \$142,876 in business assets for a \$34,526 loan and he didn't see that as a concern.

Motion carried without a negative vote.

CONSIDER BIDS RECEIVED FOR CENTENNIAL PARK PONDS DREDGING AND UPGRADING

Director Wiza stated the dredging and upgrading of the Centennial Park Ponds has been an identified project since 1997. The project was delayed last year for several reasons; however, this year the project is on track. Staff advertised and received bids for the Centennial Parks Ponds dredging and upgrading. A total of four bids were received, with the low bid coming from

Buteyn-Peterson, Inc. in the amount of \$420,463.50, which is under the budgeted amount of \$500,000. Director Wiza stated the project is on a tight time frame and should begin by the end of June with final completion by the end of October. The project will require that 25,000 cubic yards of sediment be removed from the ponds and disposed of on an unbuildable portion of the former Kohlwey property. One final permit is needed for this disposal plan.

In answer to Council Member Reimer's question, Director Wiza stated that the project will be contained and should not interfere with the use of the Community Pool. The dredging may emit some odor when removing the island and four feet of sediment.

Council Member Loomis confirmed with Director Wiza that the pond no longer operates as a stormwater pond and there is an excessive amount of aquatic growth due to the sediment. Removal of the island and constructing a wider edge along the outside of the pond will help eliminate the goose problem in Centennial Park. The City will benefit for approximately 30 years after the work is complete.

In answer to Council Member Reimer's question, Director Wiza stated it would cost an additional \$20,000-\$30,000 if the project is delayed into the fall and the conditions won't be as favorable.

Council Member Beck stated this project has been an issue as long as she has been on the Council. The project needs to be done, especially since all of the elements of the project are finally together.

Motion made by Council Member Beck, seconded by Council Member Besaw, to award the contract for the Centennial Park Ponds dredging and upgrading to Buteyn-Peterson, Inc. in an amount not to exceed \$420,463.50 to be completed under the current timeline.

Mayor Myers opened the discussion for public comment.

In answer to Park & Forestry Board Member Buehler's question, Director Wiza stated that he is optimistic that the DNR will issue the final permit for disposition of the sludge, due to the great effort and coordination of the current plan.

Parks and Forestry Board Member Mongoven stated she has been on the Board for 2 years and first heard of this project in June 2006 and at that time it was going to be a fall project. She expressed concern for disrupting the activity at the All Children's Playground and the Community Pool due to the odors and the equipment. It was Member Mongoven's opinion that it would be irresponsible for the City to start the project before August 27. The pool is only open for 87 days and this is a big part of the summer for many of the children. She asked the Common Council to consider delaying the project until fall because it is unfair to the community.

Director Wiza agreed that the project will have an impact regardless of when it is started. The playground will not be disrupted and his children will be attending the pool during the project. It would be difficult to move 1500 truckloads of sediment during the school year, if it were done in the fall.

Parks and Forestry Board Member Mongoven asked if crossing guards could be available for children going to the pool this summer.

Director Wiza stated that the stop sign at Evergreen Blvd. and Pine Street will allow children to cross the street safely.

Mayor Myers stated he would speak with the Police Department to enforce obeying the stop signs and the movement of trucks through the area.

Council Member Kinzel stated he understands that the project needs to be done this summer and he urged parents to be aware of their children's route to the pool. The City will benefit for thirty years after this project is complete.

Parks and Forestry Board Member Buehler stated the odor caused by the project will affect the attendance at the pool and she urged the Common Council to delay the project until fall. She also expressed concern for curious children getting into the pond.

Director Wiza stated that there are different risks at all times of the year for this project.

In answer to Council Member Loomis' question, Director Wiza stated that the City cannot issue a conditional contract to start in the fall. The City would need to start over in the bid and permit process.

Director Wiza stated that the project was discussed at the Park & Forestry Board for the members input on the design only and he does not recommend postponing this project.

Council Member Reimer opined that this project will inhibit the citizens' use of the park and pool this summer.

Motion made by Council Member Beck, seconded by Council Member Besaw, to call the question.

The motion to award the contract for the Centennial Park Ponds dredging and upgrading to Buteyn-Peterson, Inc. in the amount not to exceed \$420,463.50 to be completed under the current timeline carried on a roll call vote with Council Members Glamm, Besaw, Radtke, Beck, Kinzel and Loomis in favor and Council Member Reimer opposed.

CONSIDER RESOLUTION NO. 2007-28 RESOLVING THAT THE BUILDINGS AND OTHER PROPERTY BELONGING TO THE CITY BE INSURED IN THE LOCAL GOVERNMENT PROPERTY INSURANCE FUND, UNDER CHAPTER 605, WIS. STATS.

Motion made by Council Member Glamm, seconded by Council Member Besaw, to adopt Resolution No. 2007-28 resolving that the buildings and other property belonging to the City be insured in the Local Government Property Insurance Fund, under Chapter 605, Wis. Statutes. Motion carried without a negative vote.

CONSIDER BUDGET CALENDAR FOR 2008

The Council reviewed the 2007 proposed budget process calendar. Administrator/Treasurer Mertes proposed that a special Council meeting be held on October 15th or 22nd for the individual department budget presentations and a review of the unfunded list in lieu of the two meetings held the past two years.

Council Members Radtke and Besaw expressed concern for holding the department budget presentations and review of the unfunded list in one evening.

After some discussion, it was the consensus of the Common Council to hold a special meeting on October 22nd for department budget presentations.

Motion made by Council Member Kinzel, seconded by Council Member Loomis, to adopt the budget calendar for 2008, contingent upon adding an additional meeting for presentations if needed.

Motion carried without a negative vote.

CONSIDER RESOLUTION NO. 2007-29 DESIGNATING DEPOSITORIES AND AUTHORIZING SIGNATURES FOR THE CITY OF CEDARBURG CHECKING AND SAVINGS ACCOUNTS

Motion made by Council Member Radtke, seconded by Council Member Besaw, to adopt Resolution No. 2007-39 designating depositories and authorizing signatures for the City of Cedarburg checking and savings accounts. Motion carried without a negative vote.

CONSIDER RESOLUTUION NO. 2007-30 DESIGNATING DEPOSITORIES AND AUTHORIZING SIGNATURES FOR THE LIGHT & WATER UTILITY CHECKING AND SAVINGS ACCOUNTS

Motion made by Council Member Kinzel, seconded by Council Member Reimer, to adopt Resolution No. 2007-30 designating depositories and authorizing signatures for the Light & Water Utility checking and savings accounts. Motion carried without a negative vote.

CONSIDER 2006 COMPLIANCE MAINTENANCE ANNUAL REPORT FOR WASTEWATER TREATMENT PLANT; RESOLUTION NO. 2007-31 ACCEPTING REPORT

Motion made by Council Member Glamm, seconded by Council Member Loomis, to adopt Resolution No. 2007-31 accepting the 2006 Compliance Maintenance Annual Report for the Wastewater Treatment Plant.

Mayor Myers commended Superintendent Clish for his performance at the Wastewater Treatment Plant, resulting in a very impressive report.

Motion carried without a negative vote.

LICENSE APPLICATIONS

Motion made by Council Member Reimer, seconded by Council Member Besaw, to authorize issuance of a Festival License to Festivals of Cedarburg, Inc. for Strawberry Festival to be held on June 23, 2007 from 10:00 a.m. until 6:00 p.m. and on June 24, 2007 from 10:00 a.m. until 5:00 p.m. Motion carried without a negative vote.

Motion made by Council Member Besaw, seconded by Council Member Kinzel, to authorize issuance of a Festival License to Festivals of Cedarburg, Inc. for the Cedarburg Cycling Classic on July 24, 2007 from 9:00 a.m. to 8:30 p.m. and to waive the Festival Celebration Permit fee for the event. Motion carried without a negative vote.

President Patrick Niles of Cedarburg Festivals confirmed that the Festival Committee has agreed to reimburse the City for any labor costs associated with the event.

Motion made by Council Member Glamm, seconded by Council Member Kinzel, to authorize issuance of premises licenses for the period ending June 30, 2008 to:

Class B Intoxicating Liquor & Fermented Malt Beverage License

Thomas Restaurant, Inc.
(agent - Raymond Thomas)
W63 N688 Washington Ave.

Peter Wollner Post #288
American Legion
Gene Szudrowitz – agent
W57 N481 Hilbert Avenue

Cedarburg Cultural Center, Inc.
Matthew G. Brockmeier - agent
W62 N546 Washington Avenue

Authorize issuance of renewal Operator's License for period ending June 30, 2008 to:

Stephanie J. Baldwin
Courtney M. Wendorf
Scott R. Lees
Jason U. Collins
Lynn Hatleback
Gerald E. Walker
Roxanne L. Gresch
Richard S. Siefert
Thomas L. Ingram
Kim M. Fisher-Isaacs
James A. Lee
Melissa M. Mann
Donna M. Hollis-Booth
Christopher A. Massie
Monica Hoffman
Gina Creegan
Christopher R. Bumpke
Lori J. Hosseini
Audrey L. Derocher

Judy V. Schoenfeldt
Hadley W. Pape
Gene Szudrowitz
Jeffrey P. Enright
Arthur E. Filter
David A. Kintzele
Nicole A. Schemenauer
Deborah J. Downing
Richard J. Kastelic
Steve R. Sievers
Joseph P. Willbrandt
Karen M. Nelson
Christine M. Jackson
Thomas E. Frank
Ashley Sudbrink
Randall H. Kison
Darren M. Bergelin
Helen C. Komans
Sarah M. Hyde

Terry L. Kison
Matthew C. Pipkorn
Brett T. Schemenauer
Lisa M. Kison
Dennis R. Loehndorf
Henry G. Retzlaff
Richard L. Carlson
Mark D. Wertschnig
Florence J. Meisnest
Emily E. Acterberg
Christine M. Habich
Richard D. Dickmann
Connie D. Kimball

James C. Hoberg
Marie Caputa
William E. Raymond
Tara Sommersberger
Frieda C. Carlson
Claudia A. Connor
Roger E. Behling
Robert S. Batty
Lori Guyant
Martha I. Garcia
Joey M. Baumle
Daniel M. Burbach
David Polzin

Authorize issuance of new Operator's License for period ending June 30, 2008:

Joseph Zuba
Mark A. Kennedy
Jeff M. Theisen

Elaine R. Schieble
Greg C.A. Lyon
**Bethany S. Dykstra

**Contingent upon completion of a Beverage Server Training course.

Motion carried without a negative vote.

CITY ADMINISTRATOR'S REPORT

The Cedarburg Community Pool's attendance was approximately 300 people on opening day.

COMMENTS & SUGGESTIONS BY CITIZENS - None

REPORTS & COMMENTS BY COUNCIL MEMBERS

Council Member Beck reported that she attended the last Cedarburg Town Board meeting along with Council Member Radtke and Director of Engineering and Public Works Wiza.

Council Member Loomis commended Director Wiza for the quick response to a constituent request to darken the yellow line on Bridge Road.

Council Member Reimer commended the Police Department for handling five citizen requests from his constituents.

MAYOR'S REPORT

Mayor Myers informed the Common Council of City Administrator/Treasurer Mertes' recertification as a Municipal Treasurer of Wisconsin.

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Reimer, seconded by Council Member Besaw, to adjourn to closed session at 9:30 p.m. pursuant to Wis. Stat. 19.85(1)(g) to confer with legal counsel for the governmental body 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, specifically the Zur Ruhe Cemetery. Closed session minutes of April 30, 2007. Meeting did not reconvene to open session

Amy D. Kletzien, CMC
Deputy City Clerk