

**CITY OF CEDARBURG
COMMON COUNCIL
October 29, 2007**

CC20071029-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, October 29, 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, Director of Engineering and Public Works Tom Wiza, Police Chief Tom Frank, City Planner Jon Censky, Director of Parks and Recreation Mikko Hilvo, City Clerk Constance McHugh, citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor Myers' 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 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.

PUBLIC HEARING – PRESENTATION OF THE 2008 CITY BUDGET

Mayor Myers declared the public hearing open on the proposed 2008 budget at 7:01 p.m.

City Administrator/Treasurer Mertes presented the proposed 2008 City budget. Highlights of the budget are:

- The total assessed value for the City is \$1,128,146,476, a 1.3% increase from 2006.
- The assessment ratio is 95.72%, down from 95.89% in 2006.
- The General Fund levy is \$4,894,082, up 5.8% from 2007.
- The Capital Improvement Fund levy is \$962,000, up .7% from 2007.
- The Library Special Revenue Fund levy is \$415,616, down 1.4%.
- The Debt Service Fund levy is \$936,400, down 12.1%.
- The proposed total levy is \$7,208,098, an increase of \$141,335, or 2%.
- The State levy limit increase is 3.86%. This means the City could increase expenditures by \$125,000; however, this would increase the tax rate by \$0.11.
- The proposed assessed tax rate is \$6.39/\$1,000, an increase of \$0.05 or .8%. This will amount to a \$12.50 increase on a \$250,000 property.
- The equalized tax rate would be \$6.12/\$1,000.
- Total revenues in the overall budget are expected to be \$19.7 million, a 5.4% decrease.
- Total expenditures in the overall budget are expected to be \$21.6 million, a 1.1% increase.
- Total revenues in the General Fund budget are projected to be \$7.6 million, a 2.4% increase.

- Total expenditures in the General Fund budget are projected to be \$7.7 million, a 1.3% increase. Revenues over expenditures are estimated to be \$122,705.
- The allowable increase under the expenditure restraint program is 3.75%. An additional \$180,000 could be added to the General Fund budget and this percentage would still be met.

City Administrator/Treasurer Mertes said that the fund balance will be used to fund the following one-time items in the 2008 budget:

- Actuarial services - \$4,800.
- County charges for elections - \$3,580.
- Doors on the shed at the garage - \$4,000.
- GIS - \$5,000.
- Retaining wall at the Fire Department - \$5,500.
- Transfer to Capital Improvements for Environmental Issues - \$40,000.
- Employee Relations - \$10,000.
- Contingency Reserve - \$50,000.

The Capital Improvement budget includes:

- Total revenues of \$1.6 million.
- Total expenditures of \$2.1 million:
 - \$830,000 for streets
 - \$328,000 for DPW equipment
 - \$341,000 for Parks and Recreation
 - \$112,800 transfer to debt service
- Use of \$7,000 in fund balance for a hot mix asphalt trailer and use of \$7,150 in fund balance for engineering for the retaining wall at the Fire Department.

City Administrator/Treasurer Mertes said that she removed the ventilation system improvements at the firing range from the Capital Improvement budget. She added \$40,000 for environmental expenses for expenditures related to the dams, the Prochnow Landfill, and mediation with the Town.

The Sewer Utility Fund budget includes:

- Operating revenues of \$2.3 million.
- Operating expenses of \$2.5 million.
- No increase in sewer rates is proposed for 2008.

The Debt Service Fund budget includes:

- Total revenues of \$1,054,200.
- Total expenditures of \$1,156,382.
- Use of \$168,760 in fund balance.

The Special Revenue Fund budget for the swimming pool includes:

- Total revenues of \$349,694, an increase of 20%.
- Total expenditures of \$349,694, an increase of 11%.
- The increases are due to the City taking over the concession stand operations.

The Special Revenue Fund budget for the Library includes:

- Revenues of \$6.1 million.
- Expenditures of \$7.2 million.
- Use of \$4,490 of fund balance for building repairs.

The Internal Service budget includes:

- Total revenues of \$303,336.
- Total expenditures of \$285,891.

City Administrator/Treasurer Mertes said that the following unfunded items were added to the proposed 2008 budget:

- An additional DPW/Forestry crew person for one-half year at \$27,642.
- An \$11,724 increase in Waste Management Contract.
- \$15,000 for the salary of a part-time Economic Development Coordinator.
- An increase in Council Member salaries and FICA at \$2,584.

There were no comments from the public.

Motion made by Council Member Reimer, seconded by Council Member Besaw, to close the public hearing at 7:15 p.m. Motion carried without a negative vote.

MAYOR'S APPOINTMENTS – None

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Besaw, seconded by Council Member Radtke, to adjourn into closed session at 7:16 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, 19.85(1)(e) to deliberate or negotiate the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and 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, more specifically the Keup Road development and development agreement, union negotiations, and compensation for specific employees. Motion carried without a negative vote.

RECONVENE INTO OPEN SESSION

The meeting reconvened into open session at 7:40 p.m.

APPROVAL OF MINUTES

Motion made by Council Member Reimer, seconded by Council Member Kinzel, to approve the minutes of the October 8, 2007 and October 22, 2007 meetings. Motion carried without a negative vote.

REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES - None

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

DISCUSSION REGARDING THE PROPOSED 2008 CITY BUDGET

Council Member Loomis suggested that the Council agree on the amount the tax levy should increase. The proposed budget includes a tax levy increase of 2%. The proposed budget includes an .8% increase in the assessed tax rate; however, the tax rate would go up if more unfunded items are added to the budget.

The Council discussed the remaining items on the unfunded list.

Council Member Beck said that every year the publications at the Library should be increased. The unfunded list includes \$2,753 for publications and she thinks this is a very minor amount. She said that she asked herself whether the public would be more supportive of publications at the Library or of an increase in Common Council salaries.

Council Member Glamm stated that if the Council decides to fund the Economic Development Coordinator position the \$1,500 included in the budget for membership to the Ozaukee County Economic Development Board could be removed.

Council Member Radtke said that the budget includes \$15,000 for the part-time Economic Development Coordinator position with the expectation that the Chamber will contribute \$5,000. It is possible that other groups may possibly help fund this position. He said that he would like to see the funding at \$20,000. He said that this position will actually save the City money.

Mayor Myers said that the items that are added to the budget depend upon how much the Council wants to increase taxes. There is an approximate \$5,000 that could be added to the budget without raising the proposed tax rate that is included in the 2008 budget. If the Council is willing to increase the tax rate by \$0.06, rather than the \$0.05 increase that is included in the proposed budget, there would be an additional \$15,350 to fund more items.

Council Members Beck and Kinzel said that they believe it is not reasonable to fund both the Economic Coordinator position and the \$1,500 for the Ozaukee County Economic Development Board.

Council Member Radtke said that he thinks the membership to the Ozaukee County Economic Development is a good tool, but would rather see the money used to fund the City's Economic Development Coordinator position.

Council Member Loomis asked City Administrator/Treasurer Mertes how much the fund balance will be lowered.

City Administrator/Treasurer Mertes said that the fund balance will be lowered \$122,880 to pay for one-time items.

Mayor Myers said that he would like to see the utility vehicle for Public Works and Forestry deferred one year.

Director Wiza said that he would rather see the additional crew person funded over the purchase of the truck.

Council Member Beck said that the City does a lot for the festivals. She said that there must be some way the festivals could help the City.

Mayor Myers said that this is something that could be looked into in the future.

Council Member Loomis said that the paving of the alley between Western Road and Center Street located between Madison Avenue and St. John Avenue and the paving of the alley from Portland Road to Spring Street are not funded. He asked Director Wiza about the possibility of special assessments for this work.

Director Wiza said that special assessments are worth discussing; however, these are the last two alleys that need to be paved. He suggested that these two alleys be completed and special assessments be used for any future work on alleys. He said that the Portland Road alley is the worst of the two.

Mayor Myers suggested that a special account be set up in the Capital Improvement Fund budget for the pavement of the Portland Road alley in the amount of \$12,000. It was noted that State Transportation Aids cannot be used to fund alley improvements.

Council Member Besaw said that the amount budgeted for training seems inequitable among departments.

City Administrator/Treasurer Mertes said that training depends on the associations employees belong to and the certifications the employees may have to maintain.

City Administrator/Treasurer Mertes said that the proposed budget also includes \$2,000 for planting and removal of flowers in baskets along Washington Avenue. This request from the Tourism Promotion and Development Committee was originally \$6,140.

It was the consensus of the Council to add the following unfunded items to the proposed 2008 budget:

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- \$2,753 for Library publications.
- An additional \$5,000 for the Economic Development Coordinator position.
- \$10,000 of the requested \$22,500 for tree replacements. The \$10,000 is to come from the fund balance.
- \$12,000 to fund new asphalt for the Portland Road alley.

It was the consensus of the Council not to fund the following items at this time:

- Utility vehicle for Public Works/Forestry (\$19,000).
- Renewal energy at the Library (\$139).
- Painting of the window at Fire Station 2 (\$2,000).
- Allocation for funding a future revaluation (\$5,000).
- Public school janitorial service charges (\$3,583).
- Paving of the alley between Western and Center Streets (\$20,000).

Mayor Myers said that City Administrator/Treasurer Mertes will present the final budget to the Council on November 12th for adoption.

CONSIDER MOTION(S) TO RECONSIDER THE FOLLOWING MOTIONS MADE AT THE 10/8/07 COUNCIL MEETING: MOTION TO REJECT THE AMENDMENT TO THE PRELIMINARY PLAT FOR A 52-LOT KEUP TRAIL SUBDIVISION BASED ON THE CONFIGURATION AND MOTION TO DENY THE FINAL PLAT FOR THE 15-LOT FIRST PHASE BECAUSE IT DOES NOT COMPLY WITH THE PRELIMINARY PLAT

Motion made by Council Member Loomis, seconded by Council Member Reimer, to reconsider the motion made at the October 8, 2007 Council meeting to reject the amendment to the preliminary plat for a 52-lot Keup Trail Subdivision based on the configuration. Motion carried without a negative vote.

Motion made by Council Member Loomis, seconded by Council Member Reimer, to reconsider the motion made at the October 8, 2007 Council meeting to deny the final plat for the 15-lot first phase because it does not comply with the preliminary plat. Motion carried without a negative vote.

CONSIDER PRELIMINARY PLAT AMENDMENT AND PHASING PLAN AMENDMENT FOR THE 52-LOT KEUP TRAIL SUBDIVISION LOCATED ALONG THE EAST SIDE OF KEUP ROAD IMMEDIATELY NORTH AND SOUTH OF THE INTERURBAN TRAIL AND DEVELOPMENT AGREEMENT AND FINAL PLAT APPROVAL FOR THE 15-LOT FIRST PHASE

Motion made by Council Member Glamm, seconded by Council Member Loomis, to approve the preliminary plat amendment and phasing plan amendment for the 52-lot Keup Trail Subdivision located along the east side of Keup Road immediately north and south of the Interurban Trail and Development Agreement and Final Plat for the 15-lot first phase. Motion carried without a negative vote.

CONSIDER INSTALLATION OF A FOUNTAIN AERATION SYSTEM AND FISH STOCKING IN CENTENNIAL PONDS

Director Hilvo said the cost of the installation of a fountain aeration system and fish stocking in Centennial Ponds would cost \$16,831. Funds would come from the unused Capital funds for the Centennial Park pond dredging project.

Director Wiza said that this would be a good use of the unused funds. This project would help to maintain the quality of the ponds.

Motion made by Council Member Reimer, seconded by Council Member Loomis, to approve the installation of a fountain aeration system and fish stocking in Centennial Ponds in an amount not to exceed \$16,831.

Council Member Radtke asked if it actually pays to stock the ponds with fish.

Director Hilvo said that the ponds will be stocked on a regular basis. He said that he is working with the DNR to obtain grants for the fish stocking.

Council Member Besaw asked if goldfish could be added to the ponds.

Director Hilvo said that Bluegills and Bass will be added based on the recommendation of the DNR. The fish added must be native fish.

Council Member Beck questioned whether the Council wants people fishing from these ponds and whether it is possible that someone could fall into the ponds and drown.

Director Hilvo said that youth and senior citizens will be encouraged to fish and will be able to do so with a special permit from the DNR.

Director Wiza said that the ponds do incorporate a safety edge to prevent people from falling into them.

Council Member Loomis suggested the Council look at stocking fish in other City ponds if this successful.

Motion carried without a negative vote.

CONSIDER ORDINANCE NO. 2007-20 AMENDING SECTION 6-4-13 OF THE CITY CODE RE: APPEAL FROM DETERMINATIONS OR ORDERS

Motion by Council Member Glamm, seconded by Council Member Kinzel, to adopt Ordinance No. 2007-20 amending Section 6-4-13 of the City Code re: Appeal from Determinations or Orders. The ordinance would allow any person who receives a determination or order under Chapter 6 of the City Code to appeal the determination or order to the Park and Forestry Board rather than the Public Works Commission. Motion carried without a negative vote.

CONSIDER ORDINANCE NO. 2007-21 AMENDING SECTION 12-1-4 OF THE CITY CODE RE: SKATE FACILITY HOURS

Council Member Radtke said that he has received complaints regarding garbage at the Skate Park and the use of vulgar language. He said that the Skate Park has become a hangout for youth and neighbors are frustrated.

Council Member Kinzel said the Park and Forestry Board suggested closing the park at 8:00 p.m. instead of 9:00 p.m. in hopes that the one hour reduction will help alleviate the problems.

Council Member Loomis said that he is concerned that kids will start congregating at the tennis courts.

Motion made by Council Member Glamm, seconded by Council Member Reimer, to adopt Ordinance No. 2007-21 amending Section 12-1-4 of the City Code. The ordinance provides that the Skate Park will be closed from 8:00 p.m. to 7:00 a.m. Motion carried with Council Member Besaw opposed.

CONSIDER AMENDING POLICIES PR-1 RE: PARK RESERVATIONS AND PR-4 RE: RENTAL OF COMMUNITY CENTER FACILITIES

Motion made by Council Member Loomis, seconded by Council Member Besaw, to approve amended Policy PR-1 regarding park reservations and amended Policy PR-4 regarding rental of Community Center facilities. Amended Policy PR-1 establishes new fees for park reservations and eliminates the \$50 deposit for all park rentals. Amended Policy PR-4 establishes new fees for the rental of the Community Center facilities. Motion carried without a negative vote.

CONSIDER RESOLUTION No. 2007-36 DESIGNATING LIGHT & WATER UTILITY CHECKING AND SAVINGS ACCOUNTS FOR THE ENSUING YEAR;

Motion made by Council Member Loomis, seconded by Council Member Besaw, to approve Resolution No. 2007-36 designating Light & Water Utility Checking and Savings Accounts for the ensuing year. Motion carried without a negative vote.

LICENSE APPLICATIONS

Motion made by Council Member Besaw, seconded by Council Member Glamm, to authorize issuance of a new Operator's Licenses for the period ending June 30, 2008 to: Susan J. Lorenz, Karen L. Bergesen, and Marissa Mercado. Motion carried without a negative vote.

CITY ADMINISTRATOR'S REPORT - None

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

REPORTS & COMMENTS BY COUNCIL MEMBERS - None

MAYOR'S REPORT

A Proclamation was issued by Mayor Myers recognizing Change Your Clock, Change Your Battery Day on November 4, 2007.

ADJOURNMENT- CLOSED SESSION

Motion made by Council Member Glamm, seconded by Council Member Besaw, to adjourn into closed session at 8:34 p.m. pursuant to Wis. Stats. 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 concerning the Town of Cedarburg. Closed session minutes of 10/8/07 and 10/22/07. Motion carried without a negative vote.

Motion made by Council Member Glamm, seconded by Council Member Kinzel, to adjourn at 8:40 p.m. Motion carried without a negative vote. The meeting did not reconvene into open session.

Constance K. McHugh, CMC
City Clerk