

**CITY OF CEDARBURG
COMMON COUNCIL
November 12, 2007**

CC20071112-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, November 12, 2007 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Myers called the meeting to order at 7:02 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, Library Director Mary Marquardt, City Clerk Constance McHugh, interested 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 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.

MAYOR'S APPOINTMENTS – None

APPROVAL OF MINUTES

Motion made by Council Member Radtke, seconded by Council Member Besaw, to approve the minutes of the October 29, 2007 meeting. Motion carried without a negative vote.

REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES - None

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

CONSIDER PROPOSED 2008 BUDGET

City Administrator/Treasurer Mertes said that the proposed tax rate is increasing \$0.05, from \$6.34/\$1,000 of assessed value to \$6.39/\$1,000 of assessed value. This amounts to an .8% increase. The total tax levy is \$7,211,624, an increase of 2%. She said that the new State levy limit allows municipalities that did not levy their full allowable amount for the 2007 budget year to utilize that capacity going forward. The 2007 levy maximum was \$7,095,772, allowing the 2008 levy to be \$7,309,537, or an additional \$97,913. The maximum allowable levy would be a 3.4% increase with a 2.2% increase in the assessed tax rate, or a \$0.14 increase to \$6.48/\$1,000. City Administrator/Treasurer Mertes said that in order to qualify for the State Expenditure Restraint Program expenditures in the General Fund must not increase more than 3.3%, which amounts to an additional \$135,000 in General Fund expenditures.

Council Member Loomis said that it seems the Council has reached agreement on the 2008 budget, with the exception of the upgrade to the firing range ventilation system, which is expected to cost \$50,000. He suggested the Council discuss how this item may possibly be funded; whether it be paid for using the fund balance or whether other item(s) should be removed from the budget.

Mayor Myers said that it is his opinion that the upgrade to the ventilation system not be funded because of the uncertainty of the building that houses the firing range and the existing Library building.

Chief Frank said that the firing range cannot be used without the upgrade. He said that lead particles cannot be deposited in the environment. The firing range has been shut down since spring. Officers have trained less or have been training at the outdoor range near Fredonia. In addition to the Cedarburg Police Department, there are eight other organizations that use the firing range. Chief Frank said that using the indoor firing range saves the Department about \$5,000 a year in overtime because officers do not have to travel outside the jurisdiction to obtain firearms training.

Mayor Myers and Council Member Reimer asked about the possibility of putting a firing range at the Police Department building.

Chief Frank said that the cost to build a new firing range is estimated to be \$250,000. He said that there are also neighborhood issues relating to the location of a firing range.

Mayor Myers said that the Council needs to look long term. He said that the Council needs to know what will happen to the existing Library building. He said that it would be prudent to wait another year before spending any money on the range. He said that it may be possible to build a range jointly with another community or communities, such as Mequon. He said that the citizens of Cedarburg should not pay for the full cost of the firing range if other agencies are using it.

Council Member Beck suggested that the possibility of building a joint firing range be placed on a future agenda.

Mayor Myers said that the Council needs to do some long term-planning and look at the big picture. He said that he hopes the new Library can move forward on the Mercury Marine site; however, the City does not have an answer on this yet. He suggested that the Council start looking at building a modern firing range in the coming year.

Council Member Glamm said that this is a choice between collecting \$50,000 from constituents now to pay for the upgrade or spending \$5,000 on overtime costs in the next year while looking at options at the same time. He said that this is not the perfect solution but it buys the Council time to make a reasonable decision.

Council Member Radtke said that he is in favor of not raising the salaries of Council Members. He said that this money could be used to fund the police overtime.

Council Member Kinzel said that he agrees. He said that raising Council salaries is a bad idea in a year that the Council is raising taxes.

City Administrator/Treasurer Mertes said that an employee in the Treasurer's Office recently resigned. She said that it is unlikely that this position will need to be fully funded in 2008 because a new person will not be on staff as of January 1, 2008. She said that savings from this position could be transferred to the patrol salaries account to help offset the overtime expenses.

Mayor Myers suggested that Chief Frank work with other area Police Chiefs to come up with options for a firing range.

Motion by Council Member Besaw, seconded by Council Member Radtke, that the \$2,584 earmarked for the increase in Council Member salaries in 2008 be transferred to the patrol officers salary account and that City Administrator/Treasurer Mertes transfer funds from the salary account in the Treasurer's office to the patrol officers salary account to offset the \$5,000 in overtime costs associated with officers leaving the jurisdiction for firearms training, and that the Council look into alternatives for a firing range in 2008. Motion carried without a negative vote.

Mayor Myers said that two items on the unfunded list need to be funded in the 2008 budget. These items are \$2,933 for public school janitorial service charges for the Youth Basketball program and \$650 for public school janitorial service charges for the Lifeguard class. Representatives of the Cedarburg School District made it clear that if the City is using school facilities for City programs janitorial charges apply. Typically the School District does not staff school facilities on the weekends when the City uses the facilities.

City Administrator/Treasurer Mertes said the Special Revenue Fund for Parks and Recreation has a fund balance of \$37,943. The Youth Basketball Fund has a fund balance of \$10,753. She said that it is possible to fund these charges from these fund balances.

Motion made by Council Member Glamm, seconded by Council Member Loomis, to include in the 2008 budget the \$650 for public school janitorial service charges for the Lifeguard class, with the funds to come from the Special Revenue Fund for Parks and Recreation, and to include the \$2,933 for public school janitorial services for the Youth Basketball program, with funds to come from the Parks and Recreation Youth Basketball Fund fund balance, and that the Recreation Department look at ways of increasing fees to cover these costs and look at scheduling events at school facilities during times when custodial staff is already there. Motion carried without a negative vote.

CONSIDER ORDINANCES 2007-22, 2007-23, 2007-24, 2007-25 and 2007-26 ADOPTING THE 2008 BUDGET

Motion made by Council Member Glamm, seconded by Council Member Reimer to adopt the following ordinances adopting the 2008 budget, incorporating the motions made earlier in the meeting:

- Ordinance No. 2007-22 levying property taxes on the General, Debt Service, Special Revenue, and Capital Improvement Funds for fiscal year 2008.
- Ordinance No. 2007-23 appropriating the necessary funds for the operation of the Government and Administration of the City of Cedarburg for fiscal year 2008.
- Ordinance No. 2007-24 appropriating the necessary funds for the 2008 Capital Improvement budget.

- Ordinance No. 2007-25 establishing the user charge schedule and appropriating the necessary funds for the Sewerage Fund for the operation of the Wastewater Treatment Plant for fiscal year 2008.
- Ordinance No. 2007-26 appropriating the necessary funds for the operation of the Special Revenue Funds and adopting the indicated budgets for fiscal year 2008.

Motion carried unanimously on a roll call vote.

CONSIDER EPA RECORD OF DECISION RE: PLANT NO. 2 SITE

There was nothing to report on this matter at this time.

CONSIDER AWARD OF A PROFESSIONAL SERVICES CONTRACT TO G.J. MIESBAUER AND ASSOCIATES, INC. TO PROVIDE ASSISTANCE WITH THE EASEMENT ACQUISITION FOR PHASE I OF THE CEDAR CREEK WALKWAY

Director Wiza said that the next step of the Cedar Creek Walkway project is the acquisition of easements. The firm of G.J. Miesbauer specializes in right-of-way acquisition for municipalities and has submitted a proposal to do this work at an hourly rate of \$100 for 60 hours, not-to-exceed \$6,000.

Motion made by Council Member Loomis, seconded by Council Member Besaw, to award the contract for easement acquisition associated with Phase I of the Cedar Creek Walkway to G.J. Miesbauer at an hourly rate of \$100 for 60 hours, not-to-exceed \$6,000, with the funds to come from Park Facilities Impact Fees.

Council Member Beck said that she would vote in favor of this because the funds come from impact fees, not from taxes, and this needs to be done. She is concerned about the way the grant application actually reads. She said that the grant application states that the Creek Walk from Bridge Road to the Interurban Trail must be completed before the grant is received. If the entire project is not completed, the City may not get the grant. She said that Director Wiza will clarify with the DNR whether the City will still receive grant money if the entire walkway is not completed. She said that the easement acquisition needs to be done, but final answers are needed before the Council spends any more money.

Director Wiza said that a representative of the DNR indicated verbally that a grant extension would not be a problem if progress is being made. The representative also indicated that he didn't think the language in the grant application would be an impediment in receiving the grant. He said that these statements need to be in writing.

Motion carried unanimously on a roll call vote.

CONSIDER CONTRACT EXTENSION WITH EARTH TECH FOR ENGINEERING SERVICES ASSOCIATED WITH THE 2008 NR 216 STORMWATER PERMIT

Motion made by Council Member Glamm, seconded by Council Member Reimer to approve a contract extension with Earth Tech for engineering services associated with the 2008 NR 216

Stormwater Permit in the amount of \$19,480, with funds to come from the Capital Improvement Plan. Motion carried unanimously on a roll call vote.

CONSIDER APPROVAL OF HIRING A TEMPORARY PART-TIME EMPLOYEE IN THE TREASURER'S OFFICE

Motion made by Council Member Radtke, seconded by Council Member Kinzel, to authorize City Administrator/Treasurer Mertes to hire a temporary part-time employee in the Treasurer's Office due to the recent resignation of Lori Konkell, Payroll Officer/Accountant II. Motion carried without a negative vote.

City Administrator/Treasurer Mertes said that the temporary part-time employee will assist with tax collection and year-end tasks.

LICENSE APPLICATIONS

Motion made by Council Member Besaw, seconded by Council Member Glamm, to authorize issuance of a new Operator's License for the period ending June 30, 2008 to Julie K. Engbring. Motion carried without a negative vote.

CITY ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes said that she will be attending a WPPI Trust Board meeting in Waupun on November 13, 2007.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

REPORTS & COMMENTS BY COUNCIL MEMBERS - None

MAYOR'S REPORT

Mayor Myers wished everyone a Happy Thanksgiving.

ADJOURNMENT- CLOSED SESSION

Motion made by Council Member Radtke, seconded by Council Member Kinzel, to adjourn into closed session at 7:53 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 10/29/07. Motion carried without a negative vote.

Council Member Kinzel left the meeting at this time.

Motion made by Council Member Besaw, seconded by Council Member Radtke, to adjourn at 8:01 p.m. Motion carried without a negative vote. The meeting did not reconvene into open session.

COMMON COUNCIL
November 12, 2007

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Constance K. McHugh, CMC
City Clerk