

**CITY OF CEDARBURG
COMMON COUNCIL
February 23, 2009**

CC20090223-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, February 23, 2009 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Council President Glamm 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 – Council Members Chris Reimer, Steve Glamm, Art Filter, Paul Radtke, Michael Maher, Kip Kinzel, Joe Emmerich

Excused - Mayor Gregory P. Myers

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, City Clerk Constance McHugh, 2nd District Candidate Ronald Reimer, Library Board Member Art Palleon, President of the Wisconsin Quilt History Project, Inc. Kay Walters; interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Council President Glamm’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.

Council President Glamm stated that as Acting Mayor he is retaining his right to vote as Council Member of the 2nd Aldermanic District.

APPROVAL OF MINUTES

Motion made by Council Member Reimer, seconded by Council Member Filter, to approve the minutes of the February 9, 2009 meeting. Motion carried without a negative vote.

REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES - None

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

CONSIDER REQUEST TO PHASE THE UTILITY EXTENSIONS REQUIRED IN STRUCK LANE FOR THE QUILT MUSEUM

Director Wiza said when the Quilt Museum property was annexed in 2001 there was a requirement in the pre-annexation agreement that the utilities be extended the full length of Struck Lane. Representatives of the Quilt Museum are now requesting they be allowed to complete the remaining sanitary sewer and water utility in Struck Lane in two phases. Phase II limits the continuation of

services to manhole 3 on the drawings presented, with the remainder of the work to be done in Phase III. Director Wiza said staff has reviewed this request and does not have a problem with it.

Attorney Vance suggested a separate agreement be drawn up if the Council approves the request.

In a letter to the Council, Ms. Walters said that due to the economic hardship that would result for this limited budget project and that there is a later phase proposed for the Museum, she is requesting relief from extending the utilities the full length of Struck Lane. The final portion of the work will be completed to coincide with the future barn addition.

Motion made by Council Member Radtke, seconded by Council Member Emmerich, to authorize Attorney Vance to enter into an agreement with the Wisconsin Quilt Museum that would allow the Museum to phase the installation of the required sewer and water utility extensions in Struck Lane. Motion carried without a negative vote.

CONSIDER BIDS RECEIVED FOR THE 2009 SIDEWALK REPLACEMENT PROGRAM

Motion made by Council Member Emmerich, seconded by Council Member Maher, to award the contract for the 2009 Sidewalk Replacement program to Griessmeyer Concrete in the amount of \$37,520. Motion carried unanimously on a roll call vote.

CONSIDER WELLNESS PROGRAM FOR CITY EMPLOYEES

City Administrator/Treasurer Mertes said that the City's health insurance carrier, WPPI Benefit Plan Trust, has implemented a wellness plan at the Trust level for all members to use. Included in the program are health risk assessments for employees and spouses and funding of \$10 per covered employee, funded by the Trust. This would amount to \$690 that the City could put towards a Wellness Program. No additional City funds would be expended by the Council's action to approve implementing a program. She said if the Council authorizes a Wellness Program, a committee would be formed to administer the program without additional costs to the City. The health risk assessments would be done during working hours; however, other activities would be held in the early mornings, during regularly scheduled employee meetings, or during lunch breaks.

Motion made by Council Member Filter, seconded by Council Member Radtke, to authorize the creation of a Wellness Program for City employees. Motion carried without a negative vote.

UPDATE ON PLANT NO. 2 SITE

On February 9, 2009 Mayor Myers, Attorney Vance, City Administrator/Treasurer Mertes, Director of Engineering and Public Works Wiza and Council Member Maher met with representatives from Mercury Marine, the Wisconsin DNR, and the EPA to discuss the clean up of the Plant No. 2 site. The clean up of this site will not begin until the spring of 2010 delaying the construction of the new library by approximately six months. The EPA review process is time consuming; however, the driving force of the delay in the remediation is the economy. Mercury Marine will not be able to complete the principle clean up of the property any sooner than the summer of 2010.

Attorney Vance said the construction of the new library will be delayed by six months because of this. She said that there is no need for the Council to take any action at this time.

Acting Mayor Glamm said that he has always been a champion of a newer and updated library. He said that he hopes the Council will continue to be dedicated to this cause. He said that public libraries play a greater role during tough economic times.

Library Board Member Art Palleon said he looks forward to the day that the library is a fixture the City can be proud of. He suggested that perhaps companies would be willing to do the remediation work at a lower cost due to the current economic conditions.

Acting Mayor Glamm said that Mercury Marine is responsible for the clean up of the site and has indicated it can not do the clean up before the summer of 2010. He said that once the Stimulus Package that was recently approved by Congress is fully understood, it is his hope that money for a project like the library is found.

CONSIDER ORDINANCE 2009-03 AMENDING CHAPTER 16 OF TITLE 7 OF THE CODE OF ORDINANCES PERTAINING TO WEIGHTS AND MEASURES

The ordinance pertaining to Weights and Measures has been modified to replace the City Treasurer's Office with the City Clerk's Office, which is now the entity that issues Weights and Measures licenses.

Motion made by Council Member Emmerich, seconded by Council Member Filter, to adopt Ordinance 2009-03 amending Chapter 16 of Title 7 of the Code of Ordinances pertaining to Weights and Measures. Motion carried without a negative vote.

CONSIDER ADOPTING POLICY CC-26 RE: WHISTLE BLOWING

During the 2007 audit the City's auditors recommended that the City establish a written policy which sends a clear message that misconduct will not be tolerated and encourages employees with knowledge of misconduct to report it with assurance that their actions will remain anonymous. Such a policy has been drafted, with a revised version distributed at the meeting.

Motion made by Council Member Reimer, seconded by Council Member Filter, to adopt Policy CC-26 pertaining to Whistle Blowing.

Council Member Emmerich asked if the City must adopt such a policy. He said that he has misgivings about such a policy, which he feels may affect the culture of the organization.

Attorney Vance said the policy that has been drafted is a result of a recommendation from the auditors based on the Sarbanes-Oxley Act. She said it is really an anti-retaliation policy and is meant to cover one employee who uncovers another employee who is doing something wrong.

Council Member Reimer offered an amendment to the motion that the first paragraph under the "General" section of the policy be removed, the word "reasonably" in the first paragraph under the "Procedures" section be removed, and the last two paragraphs under the "Procedures" section be removed. The amendment was accepted by Council Member Filter.

With Council Members Reimer, Filter, Radtke, Maher, Kinzel, and Acting Mayor Glamm voting in favor and Council Member Emmerich voting against, the motion as amended carried.

CONSIDER ADOPTING POLICY CC-27 RE: EMPLOYEE ELIGIBILITY VERIFICATION (I-9 FORMS)

Motion made by Council Member Maher, seconded by Council Member Emmerich, to adopt Policy CC-27 pertaining to Employee Eligibility Verification (I-9 forms). Motion carried without a negative vote.

LICENSE APPLICATIONS

Motion made by Council Member Reimer, seconded by Council Member Kinzel, to authorize issuance of new Operator's Licenses for the period ending June 30, 2009 to Mary Jo Griggs and Shelby J. Gerth. Motion carried without a negative vote.

CITY ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes said Economic Development Coordinator Linda Skalecki spoke to the Third Ward Merchants Association in Milwaukee about how Cedarburg successfully markets itself. She said the Association was impressed with how the merchants in Cedarburg get along.

The Library has received a \$125,000 donation from the estate of Ivan E. Laubenheimer. City Administrator/Treasurer Mertes said that this will not be the final payment as the estate has not been settled yet.

COMMENTS AND SUGGESTIONS BY CITIZENS - None

REPORTS AND COMMENTS BY COUNCIL MEMBERS - None

MAYOR'S REPORT

Acting Mayor Glamm said Mayor Myers issued a proclamation recognizing Eagle Scout Tyler Schultz.

ADJOURNMENT

Motion made by Council Member Maher, seconded by Council Member Emmerich, to adjourn at 7:45 p.m. Motion carried without a negative vote.

Constance K. McHugh, CMC
City Clerk