

**CITY OF CEDARBURG
COMMON COUNCIL
August 31, 2009**

CC20090831-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, August 31, 2009 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 Myers, Council Members Chris Reimer, Art Filter, Paul Radtke, Michael Maher, Kip Kinzel

Excused - Council Members Ron Reimer and Robert Loomis

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, City Clerk Constance McHugh, Town Supervisor David Flowers, 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.

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

No appointments were made at this time.

APPROVAL OF MINUTES

Motion made by Council Member Kinzel, seconded by Council Member Maher, to approve the minutes of the August 10, 2009 regular meeting and the August 24, 2009 special meeting with the following corrections:

Council Member Radtke suggested that the second sentence in the last paragraph on page 3 of the August 10, 2009 minutes read: "The Town's statement saying "fences make better neighbors" is silly because Grafton and the ~~Town of Cedarburg~~ Cedarburg community are neighbors and ~~we are the Town and City are~~ one community."

Council Member Radtke suggested the second paragraph on page 11 of the August 10, 2009 minutes read: "Council Member Radtke simply wants to know what the Town agrees or disagrees with ~~in~~ on the rest of the last City proposal."

Council Member Radtke suggested that the last sentence on page 13 of the August 10, 2009 minutes read: "In answer to Council Member Radtke's question, City Attorney Vance stated that Mercury Marine and Brunswick are is liable ~~not Brunswick~~.

Motion to approve the minutes as amended carried without a negative vote with Council Members R. Reimer and Loomis excused.

REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES - None

COMMENTS AND SUGGESTIONS FROM CITIZENS

David Flowers, 668 Martin Drive, Cedarburg, said he is currently a Town Supervisor and served on the City's Sewerage Commission when he was a resident of the City. He said he is distressed that City and Town leadership are not communicating well and not moving forward together. He emphasized that he is speaking at this meeting as a citizen representing himself and his family, and not as a Town Supervisor. Mr. Flowers said leadership must try something different. He said when two entities are not communicating together, issues cannot be resolved. He suggested: 1) that all thirteen members of the Common Council and Town Board meet together and work through a negotiation process; and 2) that both the Town and City need to sideline their attorneys from direct negotiations and have them take an advisory role only. He said a professional mediator could help lead everyone through this process. He asked that the Council give these ideas some thought, understanding that he makes no representation for anyone else but himself.

Terry Marthaler, N70 W6946 Bridge Road, spoke about the house at N73 W6957 Walnut Street, which is commonly referred to as the "cat" house. He said the house is a health hazard, a threat to the community, and needs to be taken care of – either torn down or cleaned up.

Ken Keith, N74 W6914 Walnut Street, said the house should be cleaned up or torn down; however, not at taxpayers' expense. He suggested the owner be required to sell some of her assets to pay for this.

Dave Orndorf, N73 W6977 Walnut Street, said the turnout at this meeting is indicative of how the neighbors feel. He said the neighbors feel let down by the County. No one has stepped up to say this situation is wrong and is horrible and should have never happened. He said it is time for the City to step in to take care of this problem. He suggested the City fund the clean up and go after the homeowners for payment. The home now has a rodent infestation. He asked that the Council either raze or clean up the property and show the community that the City cares for its residents.

Chris Anderson, N73 W7135 Walnut Street, said the Council should seriously consider cleaning the property up or tearing down the house. She said it is in the City's best interest to take care of this property.

Tina Olsen Wais, N74 W6956 Walnut Street, said she is concerned with the health hazards and rodent infestation. She said the house is an eyesore. She urged the Council to do something to get this house cleaned up.

Corinne Marthaler, N70 W6946 Bridge Road, said the neighbors would appreciate any help they can get from the Council.

Chad Meyer, N73 W7005 Walnut Street, said the neighbors are outraged with what has happened at this house. He said this situation has carried on too long and it is a shame what is happening to the street. He urged the Council to take care of this problem.

CONSIDER AUTHORIZATION FOR PAYMENT AND DEPOSIT FOR THE CLEAN UP OF THE PROPERTY AT N73 W6957 WALNUT STREET

Mayor Myers said the neighbors are absolutely right in their comments and this situation has gone on too long. He said the County attorney said this problem is not the County's responsibility and it is a shame that the City and its residents are caught up in a bureaucratic dispute. He said it is time for the City to take a leadership role to clean up the property. He agreed that taxpayers should not have to pay for the clean up.

Attorney Vance said that she is waiting to receive a final estimate from the County's attorney on the clean up costs. Preliminary estimates for the clean up of the inside of the home range between \$35,000 and \$55,000. The inside will need to be made fit for human habitation. It is estimated the clean up will take two weeks. The City has taken the position that the homeowner does have assets, but this should not slow the process down. The issue before the Council is whether the City will cover the costs for the payment of a deposit for the clean up, if the costs are not paid for by the homeowner.

Mayor Myers said he understands the frustration of the residents. He said the Council will move as fast as it can on this matter. He suggested the residents contact their County Supervisor.

Council Member C. Reimer said it appears money is slowing down the process. He said if the Council approves payment, it should speed the process along.

Mayor Myers said the City and the County agree that the homeowner should pay all costs. The issue before the Council tonight is whether the City will cover the costs if the homeowner does not pay.

Attorney Vance said the County will need to send a notice to the homeowner with a timeline and a date certain for the clean up and that the homeowner is responsible for the costs. Minimal notice is required. She said the homeowner knows this notice is coming. If the costs are not paid, the City will put a lien on the property.

Council Member C. Reimer said his daughter plays at the house next door and this house is always in the back of his mind. He said the neighbors live with this situation day after day. He urged the Council to approve payment to get this property cleaned up as fast as possible.

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to authorize payment of deposit for the clean up of the property at N73 W6957 Walnut Street if the homeowner is not willing to pay for the costs.

Council Member Radtke said he is in favor of this approach, but asked when the City can recoup the costs from the homeowner.

Attorney Vance said the City can start to recoup the costs when the property taxes are due. If the costs are not paid, the City can get an order to sell the property.

A gentleman in the audience, who did not identify himself, said it doesn't make sense to clean up the property when the house should be torn down.

Mayor Myers said the City cannot simply tear down the house. The company that is contracted to do the work will need to let the City know whether it can be made livable.

Council Member Radtke asked if the Building Inspector can visit the property and enforce the violations existing on the outside of the home.

City Administrator/Treasurer Mertes said she will instruct the Building Inspector to visit the property and look at outside Code violations.

With Council Members C. Reimer, Filter, Radtke, Maher, and Kinzel voting aye, the motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

DISCUSS ISSUES RELATED TO THE TOWN OF CEDARBURG, THE COOPERATIVE PLAN, SHARED SERVICES AGREEMENTS

Council Member C. Reimer said he agrees with Mr. Flowers' suggestion that the two governing bodies should get together to discuss the issues involving the City and Town.

Attorney Vance reminded the Council that it approved a resolution at the August 24, 2009 meeting stating it would participate in the preparation of a Cooperative Plan with the Town that would result in a permanent boundary as proposed by the Town. This resolution has been mailed to neighboring entities as required by State Statutes.

Mayor Myers said that he has been trying to do this for the last two years. He said City officials have had to read about responses to its proposals in the newspapers rather than having a direct response from the Town. He said the issues should be discussed at public meetings. Mayor Myers said very little of what the Town has been discussing should be discussed in closed session. These issues are a matter of public policy and affect everyone and should be discussed in public. Mayor Myers said the public has a right to know what the City and Town are discussing and what decisions have been arrived at and how they are arrived at. He said that he is open to anything to get the issues resolved. He said the City and Town are one community and he hopes the City and Town can remain one community in the future.

Council Member Radtke said he appreciates Mr. Flowers coming to this meeting and said he doesn't necessarily disagree with his approach; however, he doesn't have a grasp on where the Town stands on the other issues in the City's proposal. He also said any joint meetings must be done professionally so that old issues are not brought up and things don't get out of hand.

Council Member Maher agreed that meetings must take place in open session and said he hopes and encourages residents to attend the meetings to express their feelings.

Council Member Kinzel said he hopes the Council hears back from the Town on the rest of the City's proposal, including the library offer, after the September 2 Town Board meeting. He said the library is a big issue for the community and the City needs to get feedback from the Town.

Council Member Radtke asked Mr. Flowers if he could take back this information to the Town Board and get a feeling as to whether the Board is receptive to a joint meeting.

Mr. Flowers said it is his own feeling that leadership of the Town and the City should be talking together. Beyond that he said he could not comment further.

Mayor Myers said the consensus of the Common Council is that they are willing to hold a joint meeting and work in that forum, but that the Council is also waiting for a response from the Town regarding the City's counter proposal of June 8, 2009.

Council Member Filter asked Mr. Flowers to mention to the Town Board that the Council is willing to meet jointly with the Town in open session.

CONSIDER EXTENSION OF CASH FARM LEASE WITH BOB RODEN FOR 2010

Motion made by Council Member Filter, seconded by Council Member Kinzel, to approve the extension of the cash farm lease with Bob Roden for 2010. Motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

UPDATE ON THE STATUS OF THE PROPERTY AT N45 W5665 SPRING STREET

Attorney Vance provided an update on the house at N45 W5665 Spring Street, which burned down earlier in the summer. The house is a total loss. She said the home is owned by Robert and David Eggert. A raze order has been mailed to one owner and to the guardian of the other owner on August 18, 2009 and published in the *News Graphic* on August 25, 2009. The owners have 30 days to comply with the raze order. Attorney Vance said if the homeowners do not comply with the raze order, the City can go to court and get an order to raze the house. She said the Building Inspector is getting estimates to raze the house. Attorney Vance said that if the owners do not raze the property and the City pays for it, it will be an expense that the City gets nothing in return for. The property will basically be worthless because it is only 19' wide and not a buildable lot.

Director Wiza said the Public Works Department cleaned up burnt debris in the driveway. He said he isn't sure how involved the City should get in cleaning up debris in the yard.

It was the consensus of the Council that Director Wiza have the Public Works Department clean up burnt debris in the yard and that Attorney Vance is authorized to proceed with whatever actions are necessary to raze the house and get the property cleaned up.

LICENSE APPLICATIONS

Motion made by Council Member Kinzel, seconded by Council Member Filter, to authorize issuance of new Operator's Licenses for the period ending June 30, 2010 to Thomas M. Dorsey, Helen J. Curtis, and James J. Binns. Motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

CITY ADMINISTRATOR'S REPORT - None

COMMENTS AND SUGGESTIONS BY CITIZENS - None

REPORTS AND COMMENTS BY COUNCIL MEMBERS - None

MAYOR'S REPORT

Mayor Myers announced that the Personnel Committee will be meeting on Wednesday, September 2, 2009 at 7:00 p.m.

ADJOURNMENT

Motion made by Council Member Filter, seconded by Council Member Kinzel, to adjourn at 7:55 p.m. Motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

Constance K. McHugh, MMC
City Clerk