

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

**CC20090923-1
UNAPPROVED**

A special meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Wednesday, September 23, 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, Ron Reimer, Art Filter, Paul Radtke, Michael Maher, Kip Kinzel, Robert Loomis

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Parks, Recreation and Forestry Director Mikko Hilvo, Director of Engineering and Public Works Tom Wiza, Light & Water General Manager Dale Lythjohan, Senior Center Director Carol LaFontaine, Library Director Mary Marquardt, Library Board Members Jean Clement, Debra Goeks and Vonna Pitel, Deputy City Clerk Amy Kletzien, 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 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 Member R. Reimer moved to amend the agenda by removing the deliberation or negotiation on the proposed Shared Services Agreement between the City of Cedarburg and the Town of Cedarburg from agenda item IV. a. Closed Session, and placing it as part of agenda item IV. b. A. Unfinished Business: this leaving the 19.85(1)(g) portion of the Closed Session intact. Mayor Myers and the Common Council agreed to the amendment.

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member R. Reimer, seconded by Council Member Kinzel, to adjourn to closed session at 7:03 p.m. pursuant to Wisconsin State Statutes 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. Motion carried without a negative vote. Meeting reconvened to open session at 7:08 p.m.

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

Council Member Kinzel addressed some of the statements in the Town's letter dated September 18, 2009. Stating that "We are all neighbors within a greater community" is empty rhetoric. The Town is disregarding their past with the City by drastically trying to change past practice. He stated the Town should be paying their share to keep the Library and other shared services operating at its current level. The Town's proposal to pay for shared services based on a user system will work for self-sustaining programs, but it will not contribute anything towards the buildings, grounds, and staff needed to continue at the current level. Council Member Kinzel stated their "one community" statement is hollow.

Council Member Kinzel referenced the Town's statement to "do away with the divisive practices of labeling our youth either resident or non-resident and giving special benefits to some and not others." He stated this system is set up for the purpose of taxpaying citizens to the City and non-taxpaying citizens. Council Member Kinzel stated that the Town's letter insults the City's intelligence and is steering towards a divorce.

In regard to the School District property, Council Member Kinzel stated that the comment is not relevant to the Parks and Recreation programming. In response to the Town's statement that the coming years will likely pose significant budget challenges for all local governments does not coincide with wanting to form their own recreation programs and building a sports complex. In the meantime, the City will be on the hook for all recreation costs until their complex is built.

Council Member Kinzel stated there will not be a reduction in administrative time and costs because tabulating quarterly residency reports for the senior center and recreation activities will no longer be necessary. Their statement is false because this information is part of a general process by the administration.

Finally, Council Member Kinzel opined that the Town's statement that their continued participation in a Joint Library is also financially advantageous for City residents is a hollow statement based on their proposal. If the Town does not agree to support the current level of service at the Library, the hours of operation and staffing will suffer and will affect the Town residents.

In answer to Council Member C. Reimer's questions, Director Hilvo stated if the City adds operating and capital costs to registration fees for activities, the fees would be too high and discourage participation. In regard to the baseball fields, Director Hilvo stated six fields are owned by the City, one field at Parkview School is maintained by the City, two fields at Webster School are maintained jointly by the City and School District and were developed jointly by Mayor Myers and Superintendent Herrick, and one field is owned by a private school and maintained by the City.

In answer to Council Member C. Reimer's question, Senior Center Director LaFontaine stated right now the Center's fees are fair and equal to the Village of Grafton and City of Port Washington Centers. The Senior Center is charging the maximum amount at this time for programs.

Council Member R. Reimer questioned if the fees go to a user based system, who will pay for the lights to be turned on? He questioned whether the Town was being rude or naïve.

Council Member Radtke said that the Town is expecting to receive City services at no additional costs other than a user fee. They are extorting the City by threatening to pull out of the Joint Library agreement.

Mayor Myers stated the Town is extorting their taxpayers by paying the County for Library services.

Council Member Radtke stated that the Town is hurting the entire community and for what purpose? It should be an easy agreement to remain unified. He opined that the Town does not want to get along with the City. It appears the Town wants to incorporate rather than doing programs together. Council Member Radkte expressed concern for using the legal system to obtain land for a sports center. Finally, he stated the Town is not thinking about the Festivals, parades, and various celebrations that are shared by the entire community and it appears that the Town does not have their residents' best interest in mind.

Council Member Filter stated the finances of the Joint Library Board are governed by Wisconsin State Statutes and it appears the Town wants more control.

Council Member Radtke stated the Town's offer will hurt both communities and it is very upsetting. He cannot believe the City and Town will split on his watch.

Council Member Maher stated that a user based system would jeopardize the community's quality of life. He questioned the Town's logic to cut money from their budget only to pass the costs onto the City. He also questioned the duplication of services by creating their own Parks and Recreation Department. Council Member Maher opined the Sports Complex is not necessary for the children's benefit because they are happy to play anywhere for the love of the game. The Sports Complex would be for the parents to show-off. It would be much more productive to put their money into the existing City programs.

Mayor Myers stated the children in the Cedarburg School system will not want to play in different leagues and programs, if the City and Town were divided. He added that the Town's proposed Library agreement will hurt everyone and their offer was very disappointing. He thought that the City and Town were making progress before he received the latest proposal.

Council Member Loomis echoed the emotion and sentiments of all the Council Members. He was shocked at the last proposal and truly expected to receive a similar proposal to the March 2009 offer because the City and Town seemed to be making progress. In light of the Town's proposal, Council Member Loomis stated the City needed to take the next step by holding a joint meeting with the Town to try and salvage, at least, the Library agreement. He opined that any hope for a permanent boundary agreement would need mediation. Council Member Loomis suggested using a high profile person such as retired Judge McCormick because he would be impartial.

Council Member Loomis distributed a draft letter for the Common Council to consider sending to the Town of Cedarburg.

Council Member C. Reimer said the Common Council should leave no stone unturned in trying to reach an agreement with the Town.

Council Member Maher stated it was hard to understand the Town's logic and suggested a face-to-face meeting.

Mayor Myers stated he was unwilling to send Council Member Loomis' letter to the Town. He will not agree to a permanent boundary agreement under their terms. It is not fair to pay the County for Library services that should be paid to the City. The City keeps getting slapped in the face. There needs to be a good faith effort before mediation is considered. All agreements are dead at this point. Mayor Myers stated he may be in favor of a face-to-face meeting at some point.

Council Member R. Reimer agreed if the City and Town is a common community, there should not be a need for mediation.

City Attorney Vance stated the benefit of mediation is for a neutral person to figure out what the Town is thinking.

Mayor Myers strongly disagreed with mediation at this point.

Council Member C. Reimer asked the Common Council to strike all offers except for the Library agreement, as a last ditch effort for cooperation in this one area.

Council Member Radtke said this should be an easy agreement.

Mayor Myers stated the City is getting nothing for their concessions.

City Administrator/Treasurer Mertes stated if the Town pays the Library tax to the County, other communities benefit.

In answer to Council Member Filter's question, City Administrator/Treasurer Mertes said children in the Cedarburg School District pay resident fees for recreation programs.

Council Member Radtke stated the Town is intentionally choosing not to participate within an established guideline.

Council Member Kinzel said the City should ask the Town to pay the City the amount equal to that required to maintain the exemption from the County Library Tax. This way the Jt. Library Board will not be harmed and the Town residents will not be paying anything extra.

Council Member Loomis suggested a face-to-face meeting. The Library will suffer without an agreement and he wants this last chance to salvage the agreement with the Town.

Council Member C. Reimer suggested separating the Library agreement.

Mayor Myers suggested resending the original proposal from March for a shared services agreement with the Town.

Council Member Loomis stated a face-to-face meeting is needed and recommended the City make an offer to extend the existing Library agreement for one year.

Library Director Marquardt rephrased the proposal using State Statutes, which states that the City is the fiscal agent. Since the Library must receive from its municipalities an appropriation, in an amount that is at least equal to the average of the three previous years in order for the library to be a member of the Library System, the City will need to increase the appropriation to the Library by \$10,869. Additionally, the money paid to be exempt from the County Library tax is disbursed to Ozaukee, Sheboygan and Washington Counties. The bookmobile will receive \$25,000 to serve outlying areas.

Senior Center Director LaFontaine spoke on behalf of the Senior Center. She stated that the center is unique and it shares programs with Grafton and Port Washington. The need to charge higher fees in Cedarburg would force the other communities not to share. Some programs are funded by charities and businesses and most programs are not filled past capacity by City residents – non-resident participation is needed to pay for some classes. A quality full-time Senior Center would have a difficult time being self-funded. Mequon tried this route and it was difficult. The City would need to fundraise for the salary of 1.3 full-time employees for the Cedarburg Senior Center. Director LaFontaine does not have support staff to help with programming and bookkeeping.

In answer to Council Member R. Reimer's question, City Attorney Vance stated that the City of Cedarburg cannot segregate participation at the Center.

Council Member C. Reimer stated that closing the Senior Center would be a prejudice against senior citizens because they do not use other city amenities. Older adults pay taxes their whole life and the City would be taking the one thing available to senior citizens that provide interaction and education.

Council Member Kinzel stated the Town's offer to pay a user based fee will not work.

Council Member Radtke stated a user fee will not fund the services.

Mayor Myers stated the Town is reluctant to pay for important services; however, they are paying huge legal fees.

City Administrator/Treasurer Mertes said you cannot make the Senior Center self-supporting and base it on user fees because it will not cover the overhead or infrastructure.

Council Member Loomis questioned whether the Common Council should meet with the Town before October 7. He suggested sending his draft letter to the Town with some changes to paragraphs one, two, and three and asked for feedback from the Common Council.

Council Member Radtke agreed with Council Member C. Reimer to send the Jt. Library Board agreement separately.

Council Member Loomis recommended a joint meeting with the Town of Cedarburg on Monday, September 28. He agreed with discussing two separate agreements for the Library and the other shared services.

Council Member Filter stated that agreements need to be salvaged for the recreation and senior Center programs before a border agreement can be considered.

Motion made by Council Member C. Reimer to send a letter on Thursday, September 24 to the Town of Cedarburg for a Library agreement by offering to extend the current agreement for one year by paying the amount equal to that required to maintain the exemption from the County Library Tax to the City. Motion was seconded by Council Member Filter.

Council Member Radtke agreed the Council needs to reach out one more time with a clear offer for the Library agreement to be extended.

Council Member Kinzel opined if the Town does not support a separate Library agreement, it will be clear they will not come to an agreement on the remaining shared services.

Motion carried without a negative vote.

Council Member Maher stated he wants a face-to-face meeting with the Town to hear their logic and know where the City stands for next year's budget.

Council Member C. Reimer stated the City should wait at least a week to request a joint meeting so it does not cloud the Library agreement issue. He wants to keep the Library agreement separate.

Council Member Maher agrees and stated that the same logic for the Library can be used for the recreation and senior center agreements. These programs add to the quality of life and it is good to have these programs available.

Mayor Myers stated the Town Board has a meeting scheduled prior to the due date for the Library agreement.

Council Member Maher asked if the paper could publicize a joint meeting between the Town and City to inform the citizens.

Council Member Loomis stated the Town's decision on the Library agreement is critical. Communication needs to reach the citizens advising them of the significant cut that will be required in the level of service at the Library if the Town does not participate. He wants to reach a reasonable accord for everyone in the greater Cedarburg area.

Council Member Maher stated the feedback from his constituents on the letters between the Town and City has not been favorable.

Council Member C. Reimer said many people have talked to him about the City and Town letters.

Mayor Myers stated it is important to keep the public informed.

Council Member Kinzel stated that a face-to-face meeting on the recreation and senior center agreements can be scheduled after a decision is made on the Library agreement.

Mayor Myers directed City Administrator/Treasurer Mertes to send the draft letter on the Library Agreement Proposal to the Common Council and Mayor for approval before forwarding it to the Town of Cedarburg.

City Administrator/Treasurer Mertes asked what fee should be collected for the basketball program, since registration forms will be in the schools on September 28 before the Town and City come to an agreement on recreation services.

Mayor Myers stated the City should charge the normal fee and note that they may change subject to the action by the Town Board.

Director Hilvo said that the recreation brochure states that fees are subject to change.

In answer to Council Member C. Reimer's question, Director Hilvo stated that the Town participation fee is normally \$65.

Council Member Loomis opined if the Town does not participate in the Library agreement, then it is unlikely they will participate in the recreation and senior center programs.

Council Member Radtke stated only five years ago Supervisor Valentine expressed praise for the City and Town's relationship and now it has come to this point.

Council Member Maher asked to schedule a face-to-face meeting with the Town one week after they receive the Jt. Library proposal from the City.

Council Member C. Reimer asked to wait until the Town makes a decision.

Council Member Loomis stated the City and Town need to meet. Council Member Radtke agreed.

Mayor Myers opined that a face-to-face meeting would muck up the Library issue.

Motion made by Council Member C. Reimer to have no communication with the Town of Cedarburg until October 8. Motion failed for lack of a second.

Mayor Myers stated the City needs a show of good faith from the Town of Cedarburg.

Council Member Loomis stated a lot is riding on this offer. He asked if the City needs to spell out that all agreements are dead if the Library agreement fails.

ADJOURNMENT

Motion made by Council Member Filter, seconded by Council Member Kinzel, to adjourn the meeting at 8:20 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC
Deputy City Clerk