

**CITY OF CEDARBURG
COMMON COUNCIL
January 9, 2012**

**CC20120109-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, January 9, 2012 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 C. Reimer, Art Filter, Paul Radtke, Michael Maher, Douglas Yip

Excused - Council Members Ron Reimer and Bob Loomis

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, Deputy City Clerk Amy Kletzien, Mid-Moraine Municipal Association Executive Director Mike Miller, Mid-Moraine Municipal Association President Elect David Liss, 7th Aldermanic District Candidate Michael O’Keefe, 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.

APPROVAL OF MINUTES

Motion made by Council Member Filter, seconded by Council Member Yip, to approve the minutes of the December 12, 2011 meeting. Motion carried without a negative vote.

PRESENTATION BY MIKE MILLER ON WHAT THE MID-MORaine MUNICIPAL ASSOCIATION DOES/QUESTIONS AND ANSWERS ABOUT THE ORGANIZATION

Executive Director Mike Miller of the Mid-Moraine Municipal Association stated that the group has been in existence for more than 40 years and is a well respected organization. The Association is an organization of incorporated municipalities in Ozaukee and Washington Counties within the State of Wisconsin. It was established to meet these various goals:

- Provide an exchange of information and to discuss happenings in the surrounding communities.
- Discuss problems and mutual concerns through the Legislative Committee and Dinner meetings.
- Review pertinent information through email and meetings.
- Stand together and influence the legislatures to be more responsive to the needs of the incorporated municipalities.
- Deal with matters of common interest to all.

Executive Director Miller stated that the Legislative Committee meetings are held on the second Wednesday of the month in January, February, March, April, May, September and October at the Jackson Village Hall. City of Cedarburg Council Member Art Filter is the current chairperson for the Committee. There is an average of three or four State Representatives, with as many as six or seven representatives, that attend these meetings and it is an opportunity to talk frankly. State Representative Duey Stroebel of the 60th Assembly District will discuss plans for the area at the January meeting. He encouraged stronger participation at these meetings.

The Dinner meetings are held on the fourth Wednesday of the month in January, March, May, August and October. The January meeting will be hosted by the Village of Grafton at the Milwaukee Ale House on January 25. Edward Huck (former Executive Director of the Alliance of Cities), Kathleen Thomas and Joseph Murray of Springsted will provide information and recommendation on consolidation of services that have worked and the do's and don'ts of consolidation efforts. The March meeting will be a presentation from the Assistant Secretary of Tourism. The dinner meetings consist of a half hour social from 6:00 – 6:30 p.m., dinner and a speaker, with an adjournment time at approximately 8:30 p.m.

Executive Director Mike Miller thanked the Common Council for giving him the opportunity to speak about the Mid-Moraine Municipal Association and answered questions.

In answer to Council Member Yip's question, Executive Director Miller stated that the following 14 Communities belong to the Association: Village of Belgium, City of Cedarburg, Village of Fredonia, Village of Germantown, Village of Grafton, City of Harford, Village of Jackson, Village of Kewaskum, Village of Newburg, City of Port Washington, Village of Saukville, Village of Slinger, Village of Thiensville, and the City of West Bend.

Mayor Myers stated that the Association provides very informative speakers and top-rate information. Anyone wishing to attend the meetings from the City of Cedarburg should contact Deputy City Clerk Kletzien.

Council Member Radtke stated that he was a representative to the Mid-Moraine Municipal Association at one time and he enjoyed the meetings on a regular basis.

CONSIDER REVISIONS TO POLICY PW-8, CEMETERY MONUMENTS AND MARKERS

Director Wiza stated that a recent request for a very large monument came before the Public Works Commission and the consensus was that going forward a height limit should be established to maintain some standard of uniformity in the cemeteries. The current policy has limits on the width (30 inches including the base on four foot wide single lots, 42 inches including the base on five foot single lots and for lots of other sizes, the minimum distance between the monument/marker and lot line shall be nine inches) but not the height for monuments. The Public Works Commission at its December 8 meeting recommended amending Policy PW-8 to establish a maximum allowable height of four feet for monuments on single gravesites and five feet for monuments placed over multiple lots.

In answer to Council Member C. Reimer's questions, Director Wiza stated that the City researched widths of monuments to other communities; however, they did not research height limits. The height limits are an aesthetic issue, in this case. For people who may have already made plans for a larger monument, they may appeal to the Public Works Commission.

Council Member Filter confirmed with Director Wiza that the two local monument companies were in agreement with the proposed height limits on monuments.

Motion made by Council Member Filter, seconded by Council Member Maher, to approve the revisions to Policy PW-8, Cemetery Monuments and Markers.

In answer to Council Member Yip's question, Director Wiza stated that a permit is required for monuments; however, Secretary Guse could send out copies of the new policy to monument companies in Ozaukee and Washington Counties.

Motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

CONSIDER ORDINANCE NO. 2012-01 AMENDING ORDINANCE 2011-29: 2012 SALARY ORDINANCE

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to adopt Ordinance No. 2012-01 amending Ordinance No. 2011-29: 2012 Salary Ordinance to correct an error in the hourly wage for crossing guards from \$11.51 to \$11.34 per hour. Motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

CONSIDER ORDINANCE NO. 2012-02 AMENDING SEC. 7-2-15(b) OF THE MUNICIPAL CODE OF ORDINANCES RELATING TO THE CLOSING HOURS FOR CLASS "A" AND "CLASS A" LICENSE RETAILERS

Council Member Radtke stated that he asked that an ordinance be placed on the agenda that includes hours that coincide with Act 97 which would allow Class A retail establishments to begin selling beer and intoxicating liquors at 6:00 a.m. for off-premise consumption.

Council Member Yip asked if this action would be consistent with surrounding communities.

City Attorney Vance stated that it would be beneficial to comply with State regulations for the issuance of citations.

Motion made by Council Member Radtke, seconded by Council Member C. Reimer, to adopt Ordinance No. 2012-02 amending Sec. 7-2-15(b) of the Municipal Code of Ordinances relating to the closing hours for Class "A" and "Class A" license retailers. Motion carried with Council Members C. Reimer, Radtke, Maher and Yip in favor, Council Member Filter opposed, and Council Members R. Reimer and Loomis excused.

CONSIDER RECOMMENDATION THAT CLOSING COSTS FOR REVOLVING LOAN FUND LOANS BE PAID FOR FROM THE REVOLVING LOAN FUND

City Administrator/Treasurer Mertes stated that the Common Council recently approved closing costs for the revolving loan fund loan to Kettle Moraine Appliance that are to be paid by the Fund rather than the business owner.

Council Member C. Reimer confirmed that the fund balance is approximately \$1 million. He opined that taking out the closing costs would make it easier on a new business to start and would be less of a financial burden.

City Administrator/Treasurer Mertes stated that small businesses have an average loan of \$10,000 - \$20,000 and with the fixed costs it would be beneficial to waive the closing cost fees. Only loans over \$40,000 justify the closing costs.

In answer to Council Member Radtke's question, City Administrator/Treasurer Mertes stated that waiving the fees is allowed and is done by other communities.

Motion made by Council Member C. Reimer, seconded by Council Member Yip, to approve that closing costs for Revolving Loan Fund loans be paid for from the Revolving Loan Fund. Motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

CONSIDER ADOPTING POLICY FC-10: DEFINITIONS OF FUND BALANCE

City Administrator/Treasurer Mertes stated that the Governmental Accounting Standards Board (GASB) issued GASB No. 54 requiring additional information on fund balances. This policy provides the definitions for the new terms to be used when recording fund balance. This policy was provided by Reilly, Penner and Benton.

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to adopt Policy FC-10 providing definitions of Fund Balance to meet the requirements of GASB No. 54. Motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

CONSIDER RESOLUTION NO. 2012-01: A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR/TREASURER TO ASSIGN AMOUNTS TO BE USED FOR SPECIFIC PURPOSES

Mayor Myers asked if the passage of Resolution No. 2012-01 would be a departure from the current policy.

City Administrator/Treasurer Mertes stated that it was not different than the current policy, as it is part of the current budget process.

City Administrator/Treasurer Mertes suggested and City Attorney Vance agreed that the proposed Resolution should be clarified by adding "as defined in Policy FC-10."

Mayor Myers clarified that City Administrator/Treasurer Mertes cannot reassign or move amounts without Common Council approval.

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to adopt Resolution No. 2012-01 authorizing the City Administrator/Treasurer to assign amounts to be used for specific purposes with the addition of "as defined in Policy FC-10" to the end of the first paragraph. Motion carried without a negative vote with Council Member R. Reimer and Loomis excused.

CONSIDER RESOLUTION NO. 2012-02: A RESOLUTION INDICATING THE ORDER OF FUND USAGE

City Administrator/Treasurer Mertes stated that the Government Accounting Standards Board (GASB) issued GASB No. 54 to provide easier to understand fund balance classifications. Along with the name changes comes how those funds are to be restricted. This Resolution provides the order in which the funds are to be used. The Resolution was provided by Reilly, Penner & Benton.

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to adopt Resolution No. 2012-02: A Resolution indicating the order of fund usage. Motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

CONSIDER PAYMENT OF BILLS FOR THE PERIOD 11/30/11 THROUGH 12/29/11, ACH TRANSFERS FOR THE PERIOD 12/5/11 THROUGH 1/3/12, AND PAYROLL FOR THE PERIOD 11/27/11 THROUGH 12/30/11

In answer to Council Member C. Reimer's questions, City Administrator/Treasurer Mertes stated that the payments to the Civic Band are their end of year payment for their performances during the year. The Cedarburg Police Officer's longevity goes into a trust account to offset their health insurance premiums when they retire.

Council Member Yip asked what happens if a police officer goes to work for another community.

City Administrator/Treasurer Mertes stated that she believes the money would stay in this community; however, she will need to research this.

Council Member Maher confirmed that the tax overpayments were a result of refunds for people who had too much money put into an escrow account for taxes.

Motion made by Council Member Radtke, seconded by Council Member C. Reimer, to approve payment of bills for the period 11/30/11 through 12/29/11, ACH transfers for the period 12/5/11 through 1/3/12, and payroll for the period 11/27/11 through 12/30/11. Motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

LICENSE APPLICATIONS

Motion made by Council Member Radtke, seconded by C. Reimer, to approve a new Operator's License application for the period ending June 30, 2012 for Larissa Meier. Motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

CITY ADMINISTRATOR/TREASURER'S REPORT

City Administrator/Treasurer Mertes reported that CVMIC is implementing a NeoGov program this month and the City of Cedarburg will be added in April. The program is an online application and interviewing process software that will take out the human aspect of selecting an applicant.

In answer to Council Member Yip's question, City Administrator/Treasurer Mertes stated that it is a free trial.

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Filter confirmed that the Common Council has not authorized the hiring of a police officer to-date.

MAYOR'S REPORT

Mayor Myers wished the two candidates for Mayor best wishes for their campaigns.

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to adjourn to closed session at 7:40 p.m. pursuant to Wis. Stats. 19.85(1)(e) to discuss the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, more specifically, to discuss negotiations with the Cedarburg Police Union. Approval of closed session minutes of November 14, 2011. Motion carried without a negative vote with Council Members R. Reimer and Loomis excused.

ADJOURNMENT

Motion made by Council Member Filter, seconded by Council Member Radtke, to adjourn the meeting at 7:55 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk