

**CITY OF CEDARBURG
COMMON COUNCIL
January 12, 2009**

CC20090112-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, January 12, 2009 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 Myers, Council Members Chris Reimer, Steve Glamm, Paul Radtke, Michael Maher, Kip Kinzel

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, City Planner Jon Censky, Assistant City Engineer Roger Ahles, City Clerk Constance McHugh, 3rd District Candidates: Art Filter and William Bujanovich; 7th District Candidates: Christine Stransky, Scott Hill, Bradley Jonen, Joe Emmerich, and Bob Loomis; 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.

APPROVAL OF MINUTES

Motion made by Council Member Reimer, seconded by Council Member Maher, to approve the minutes of the December 8, 2008 meeting. Motion carried without a negative vote.

REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES - None

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

CONSIDER APPOINTMENTS TO FILL THE 3RD AND 7TH DISTRICT COUNCIL MEMBER VACANCIES

Council Member Glamm raised the possibility of the Council not making appointments to the 3rd and 7th District Council Member vacancies due to the timing of the appointments, and instead carrying on until the voters can fill the seats at the April election. He asked for the thoughts of other Council Members on this. He said that in the 3rd District everyone that applied to fill the vacancy is on the ballot; however, this is not the case in the 7th District.

Council Member Kinzel said he does not disagree with Council Member Glamm; but expressed concern about not being able to hold meetings if all Council Members cannot be present and there is not a quorum.

Council Member Radtke said people did apply for the vacancies; therefore, the Council should go through the process of making appointments. Council Members Reimer and Maher agreed.

Council Member Radtke said he would abstain from discussing and voting on the 3rd District appointment due to a conflict.

William M. Bujanovich, W61 N459 Washington Avenue, and Arthur E. Filter, W64 N393 Madison Avenue, were interviewed by the Council and provided answers to questions submitted to them prior to the meeting.

Council Member Glamm moved to nominate Mr. Filter to fill the 3rd District Council Member vacancy.

There were no other nominations.

With Council Members Reimer, Glamm, Maher, and Kinzel voting aye and Council Member Radtke abstaining, the motion carried and Mr. Filter was selected to fill the 3rd District Council Member vacancy.

Joe Emmerich, W75 N717 Tower Avenue, Scott Hill, N106 W7042 Dayton Street, and Bradley Jone, W71 N676 Harrison Avenue, were interviewed by the Council and provided answers to questions submitted to them prior to the meeting. Christine Stransky, N106 W7016 Dayton Street, was present but withdrew from the process.

Council Member Kinzel moved to nominate Mr. Emmerich to fill the 7th District Council Member vacancy.

Council Member Maher moved to nominate Mr. Hill to fill the 7th District Council Member vacancy.

With Council Members Reimer, Glamm, Radtke, and Kinzel voting for Mr. Emmerich on paper ballots and Council Member Maher voting for Mr. Hill, Mr. Emmerich was selected to fill the 7th District Council Member vacancy.

Mayor Myers thanked everyone who applied for the appointments and participated in the process.

OATHS OF OFFICE: COUNCIL MEMBER 3RD ALDERMANIC DISTRICT AND COUNCIL MEMBER 7TH ALDERMANIC DISTRICT

City Clerk McHugh administered the oath of office to Council Members Filter and Emmerich and the two new Council Members were seated.

AGREE TO PAY FIVE YEARS' TAXES ON ANNEXATION OF A .903 ACRE PARCEL IN THE TOWN OF CEDARBURG PURSUANT TO WIS. STAT. 66.0217(14)(a)

Motion made by Council Member Glamm, seconded by Council Member Kinzel, to pay five years' taxes to the Town of Cedarburg on the annexation of a .903 parcel of land at the northeast corner of

Pioneer Road and Evergreen Blvd. pursuant to State Statutes 66.0217(14)(a). Motion carried without a negative vote.

CONSIDER ORDINANCE NO. 2009-01 ANNEXING A .903 ACRE PARCEL IN THE TOWN OF CEDARBURG LOCATED AT THE NORTHEAST CORNER OF PIONEER ROAD AND EVERGREEN BLVD.

Motion made by Council Member Kinzel, seconded by Council Member Radtke, to adopt Ordinance 2009-01 annexing a .903 acre parcel in the Town of Cedarburg located at the northeast corner of Pioneer Road and Evergreen Blvd. to the City. Motion carried without a negative vote.

CONSIDER REQUEST FROM WE ENERGIES TO GRANT AN EASEMENT TO INSTALL A GAS SERVICE THROUGH CITY-OWNED PROPERTY AT N49 W6411 WESTERN AVENUE

Motion made by Council Member Reimer, seconded by Council Member Glamm, to grant an easement to install a gas service through City-owned property at N49 W6411 Western Avenue. Motion carried without a negative vote.

LICENSE APPLICATIONS

Motion made by Council Member Radtke, seconded by Council Member Kinzel, to authorize issuance of new Operator's Licenses for the period ending June 30, 2009 to Sam J. McElligott and Sarah E. Sellnow. Motion carried without a negative vote.

Motion made by Council Member Glamm, seconded by Council Member Reimer, to cancel the following Operators' License for failure to pick up: Todd Hopp, Kyle Fyock, Christine Grimm, Sam Michelson, Tim Olson, and Joel Smith. Motion carried without a negative vote.

Motion made by Council Member Filter, seconded by Council Member Emmerich, to authorize issuance of a Horse and Carriage License to Sid Prom, Paradise Ranch, 2408 Spring Hill Drive, Cedarburg, WI. Motion carried without a negative vote.

Motion made by Council Member Glamm, seconded by Council Member Reimer, to authorize issuance of a Festival license to the Festivals of Cedarburg for the Winter Festival to be held on February 7, 2009 from 8:00 a.m. to 8:00 p.m. and on February 8, 2009 from 10:00 a.m. to 4:00 p.m. Motion carried without a negative vote.

CITY ADMINISTRATOR'S REPORT - None

COMMENTS AND SUGGESTIONS BY CITIZENS - None

REPORTS AND COMMENTS BY COUNCIL MEMBERS

Council Member Glamm said that he would like to compliment staff on snow removal efforts. He said he was pleased with the overall results of snow removal efforts during recent storms.

MAYOR'S REPORT

Mayor Myers issued proclamations honoring the Cedarburg Women's Club 100th Anniversary and recognizing January 12 – 16, 2009 as School Crossing Guard Week.

ADJOURNMENT- CLOSED SESSION

Motion made by Council Member Reimer, seconded by Council Member Kinzel, to adjourn to closed session at 8:02 p.m. pursuant to Wisconsin 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 and 19.85(1)(e) to deliberate or negotiate the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, specifically the 2008 Street & Utility Project contract, and 19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data for non-representing employees of the City. Approval of closed session minutes of 09/29/08. Motion carried without a negative vote. The meeting reconvened into open session at 8:20 p.m.

CONSIDER SALARY AND WAGE ADJUSTMENTS FOR NON-REPRESENTED EMPLOYEES OF THE CITY

Motion made by Council Member Kinzel, seconded by Council Member Reimer, to approve a 3% salary and wage increase for non-represented employees of the City, effective January 1, 2009. Motion carried unanimously on a roll call vote.

ADJOURNMENT

Motion made by Council Member Filter, seconded by Council Member Radtke, to adjourn at 8:22 p.m. Motion carried without a negative vote.

Constance K. McHugh, CMC
City Clerk