

**CITY OF CEDARBURG
COMMON COUNCIL
January 14, 2008**

CC20080114-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, January 14, 2008 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 Chris Reimer, Steve Glamm, Haly Besaw, Paul Radtke, Sandra Beck, Kip Kinzel, Robert Loomis

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, City Clerk Constance McHugh, Deputy City Clerk Amy Kletzien, Director of Engineering and Public Works Tom Wiza, City Planner Jon Censky, Police Chief Tom Frank, Public Works Superintendent Jeff Boerner, Parks & Forestry Superintendent Kevin Westphal, 5th District Candidates Michael Maher, John Pretty and Patricia Thome, 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 had 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' APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES – None

PRESENTATION BY WISCONSIN DOT OF PROPOSED WAUWATOSA/WESTERN AND WAUWATOSA/BRIDGE ROAD INTERSECTION IMPROVEMENTS

Director Wiza stated that the proposed changes to Wauwatosa/Western and Wauwatosa/Bridge Road intersection improvements have evolved over the years and representatives from the Wisconsin Department of Transportation and SEH will present an update on the current proposal for these intersections.

Project Manager Todd Sanders of SEH stated that as was discussed at the August 27, 2007 Common Council meeting, SEH and WisDOT are proposing single lane roundabouts at the intersections of Wauwatosa Road (STH 181)/Bridge Street and Wauwatosa Road (STH 181)/Western Road. The decision to implement roundabouts at Bridge Street and Western Road in place of a signalized intersection at Western Road and a 4-way stop at Bridge Street was based on

impacts to utilities, right-of-way, park land, safety, and construction costs which are summarized in a handout to the Common Council. At the August 27, 2007 Council meeting, the Council indicated that there were concerns on how the driveways to the school would operate. A traffic study was conducted, and the results were presented by Chad Harings of SEH.

Mr. Harings showed a simulation of the actual traffic pattern that is projected for 2028 with a 4-way stop at Bridge Street and a signaled intersection at Western Road and Wauwatosa Road along with a yield or stop sign on the right lane going north at the signaled intersection. The simulation showed a back up in the school driveway; whereas, the roundabouts are believed to reduce this backup entirely by allowing an easier flow on Wauwatosa Road. He pointed out that a table in the handout simulates the time of traffic and supports this belief.

Director Wiza stated that if the left turn lane going out of the school is too congested, the driver may turn right, go around the roundabout on Bridge and Wauwatosa Roads, and head south from that point. He stated that a right turn only policy could be implemented for exiting the school driveway or some other option to create a path of least resistance.

In answer to Council Member Loomis' question, Director Wiza stated that he does not have much experience with roundabouts; however, the DOT has a lot of data that supports the tendency to move traffic in a steady flow. Director Wiza stated that issues will be present with any option and even though he is not a strong advocate of roundabouts, he is not opposed. Roundabouts would be an improvement over four-way stops.

In answer to Council Member Besaw's question, the SEH representative stated that the Bridge and Wauwatosa Road intersection does not meet the required warrant for a signaled intersection. There are Federal guidelines that need to be followed in the State, in regard to a number of thresholds.

In answer to Council Member Glamm's question, Mr. Hossain stated that roundabouts do not need to meet any thresholds.

In answer to Council Member Radtke's question, Mr. Hossain stated that he did not know what population figure was used for 2028. The population was based on a demand model and the population along with traffic projections comes from the DOT central office.

In answer to Council Member Reimer's question, Mr. Hossain stated that the new planned developments within the City were considered in the model.

In answer to Council Member Loomis' question, Mr. Hossain stated that the planned speed limit between Bridge Road and Western Road will remain at 35 mph; however, cars will need to slow down to 15- 20 mph to enter into the single-lane roundabouts.

Mr. Hossain stated that they are planning to build the roundabouts in 2011.

In answer to Mayor Myers' question, Mr. Hossain stated that the property acquisitions will be less with roundabouts than they would be with traffic signals at the intersections.

In answer to Council Member Glamm's questions, Mr. Hossain stated that:

- In his experience, most people are opposed to roundabouts in the beginning, but once they use them they enjoy the free flowing traffic.
- The closest roundabout to Cedarburg is located in West Bend, but there will be more coming to the area. Brown County is a big advocate for roundabouts.
- The roundabouts are graded to the outside and this makes it easier for plowing in the winter.
- The DOT is working with Mequon to build a roundabout at the Highland Road and Wauwatosa Road intersection.

In answer to Council Member Loomis' question, Director Wiza stated the next step will be an informational meeting for the public. The DOT wants to hold a meeting soon to begin work on the final design for the project to be completed in 2011.

Council Member Loomis asked for the public meeting to be held soon with diagrams of the design, as it is hard to visualize this evening.

Mr. Hossain stated that a preliminary layout design will be provided but it may change some. A video will be shown at the meeting to show how a roundabout works.

Director Wiza stated the City is pushing for a connection to a pedestrian walkway at the two intersections with sidewalks on both sides of Western Road and the east side of Wauwatosa Road.

Council Member Loomis agreed and added that he has pedestrian concerns at Bridge and Wauwatosa Roads with the new developments. This area will also need to be addressed. He stated that there will be increased costs if crossing guards are needed at the intersections.

Council Member Besaw stated that bus service is provided for students on the west side of Wauwatosa Road because it is not safe to cross this road. She added that it is very difficult for parents to drop off their children at Webster Transitional School.

Council Member Radtke stated he would like to see a computer simulation showing the traffic flow if there were signal lights at both intersections.

Mr. Hossain stated that they need a consensus to move forward as it will take two years to acquire the necessary land for the project. The DOT needs to know by March 2008, whether or not roundabouts will be used. The construction of roundabouts at Western Road will avoid having to pay the relocation costs for the natural gas substation, a compensable utility. The preliminary estimate to relocate the gas main is \$550,000.

Council Member Loomis stated that traffic at Webster School and pedestrian safety will be a big issue.

Council Member Reimer asked that the DOT provide the City with the percentage of increase in traffic that is needed to warrant traffic signals.

Mr. Hossain stated that it is not that easy to provide this information because it involves many different criteria.

Council Member Besaw asked if the roundabout would meet the criteria to eliminate busing from the west side of Wauwatosa Road.

Director Wiza stated that unless sidewalks are installed, busing will need to continue.

Mr. Hossain stated that he will try to obtain a video showing the traffic and pedestrian flow near a school in Brown County that is located near a roundabout.

Council Member Loomis stated that school officials should be present at the upcoming informational meeting.

Mr. Hossain stated that signal lights would be more costly than roundabouts and would not be conducive to the planned 3-lane roadway for the project length. He asked for help from the Common Council to get the project done in a timely manner.

Mayor Myers stated that the DOT should work with Director Wiza on the project and instructed him to bring any concerns to the Common Council.

Todd Sanders of SEH stated if the Council Members have any questions that are not answered in the handout; they should call SEH at the number provided.

APPROVAL OF MINUTES

Motion made by Council Member Beck, seconded by Council Member Reimer, to approve the minutes of the December 10, 2007 meeting. Motion carried without a negative vote with Council Member Glamm abstaining.

REPORTS OF BOARDS, COMMISSIONS & COMMITTEES - None

COMMENTS & SUGGESTIONS FROM CITIZENS

Art Filter, W64 N393 Madison Avenue, stated he would be remiss if he did not speak on the term limit issue because he was on the Common Council when the term limits were enacted. An advisory referendum passed in November 1994, with more than 60% of voters in favor of term limits. At the time, he was opposed to term limits along with Mayor Kuerschner. Mayor Kuerschner vetoed the term limits and the Common Council overrode his veto. Mr. Filter stated that he changed his position after the citizens of Cedarburg voted in favor of term limits. He stated that he was vexed and troubled that this Council would change this precedent without going to the voters.

UNFINISHED BUSINESS – None

CONSIDER RFP FOR THE MARKETING AND DEVELOPMENT SERVICES FOR THE CEDARBURG HIGH-TECH BUSINESS PARK

City Planner Censky stated that this recommendation to begin marketing the City's High-Tech Business Park came from the Economic Development Board at their December 6, 2007 meeting. The Board wants to create development interest prior to groundbreaking. The Economic Development Board understands that the Business Park is in the second phase of TID No. 2 and that actual development will not be underway for several years, but they want the City to actively market it now to help ensure its success. Their belief is that businesses plan well in advance for their needs and if the City does not begin recruiting and convincing businesses to consider Cedarburg's business park now, the City will stand the chance of losing potential development to other communities. Accordingly, the Board has drafted a RFP for Council's consideration and proposes to send it out to select contacts.

Council Member Radtke stated that RFPs were sent once before and the City only received interest from one company. Recently, more interest has been expressed and this is the reason for sending the RFPs at this time.

Planner Censky stated that more interest is being shown, possibly because the City has started TID No. 2 and this shows the City's commitment to the project.

Council Member Loomis stated that the Board did a very good job of creating the RFP.

Motion made by Council Member Radtke, seconded by Council Member Loomis, to accept and send out the RFP for marketing and development services for the Cedarburg High-Tech Business Park.

Council Member Besaw asked why it is being called a High-Tech Business Park.

Council Member Radtke stated the name reflects the goal of the park as opposed to an industrial business park.

Motion carried without a negative vote.

CONSIDER VOLUNTEER LANDSCAPING PROGRAM ON THE BOULEVARD MEDIAN AT VICTORIA COURT

Parks & Forestry Superintendent Westphal stated there are two boulevards on Victoria Ct. The boulevard to the east is already being maintained by resident Deborah Lengling and the boulevard to the west is currently grass and spruce trees. He stated that First Immanuel Lutheran School Principal Robert Eberhart and resident Deborah Lengling approached him with the idea of doing a volunteer landscaping project on the west boulevard median. The project would be completed through the efforts of students from First Immanuel Lutheran School under the direction of Mr. Eberhart and Mrs. Lengling. Director Westphal stated that the intent of this project is to beautify the boulevard area on Victoria Ct. and provide an ongoing educational tool for the students.

Students will learn about plant identification, selection, planting, maintenance, and sustainable turf maintenance. The Park & Forestry Board voted to approve this project on December 5, 2007.

Superintendent Westphal stated that the City contribution would consist of his time to assist with the initial planting, provide a dump truck to deliver donated materials, and purchasing of the plant material at a cost not to exceed \$1,000 to be paid through the Park & Forestry Operating Budget. Deborah Lengling would provide many smaller plants and her time. Principal Eberhart is familiar with landscaping and is enthusiastic about the project.

Motion made by Council Member Glamm, seconded by Council Member Besaw, to approve the volunteer landscaping program on the boulevard median at Victoria Ct.

Council Member Besaw stated that Deborah Lengling has a good reputation and she thanked her for taking on this project.

Council Member Reimer asked if the children will be properly supervised and will be required to wear vests while working in the median.

Deborah Lengling stated that they would like to barricade the street, similar to St. Francis Borgia on Hamilton Rd., when the children are working in the median. She also stated that if the First Immanuel Principal would leave his position, he would leave instructions and provisions for the next principal to continue and carry on the project.

Motion carried without a negative vote.

CONSIDER THE GRANTING OF A PERMANENT EASEMENT FOR STREET TREE PLANTING AT W65 N527 ST. JOHN AVENUE

Parks & Forestry Superintendent Westphal stated that while preparing to mark the curb for tree replacement at W65 N527 St. John Avenue, prior to stump grinding, he noticed that Digger's Hotline markers indicated that an underground gas main ran directly underneath the stump in the center of the tree terrace. After exposing the gas main, it was discovered that the main was only twenty-one inches below grade. At that depth, it was unsafe to replace the tree.

Superintendent Westphal stated that he could not replace the tree and Mr. Wilde asked him if there was any alternative that would get him a replacement tree. He thought of an easement and Mr. Wilde asked him to pursue the idea. Superintendent Westphal stated that an easement was granted on Washington Avenue where the terrace was too small and the tree was too close to the sidewalk.

The Parks & Forestry Board voted to approve the creation of a tree planting easement at this address at their December 5, 2007 meeting.

In answer to Council Member Radtke's question, Superintendent Westphal stated that the City would be responsible for the tree even though it will be located inside of the sidewalk.

In answer to Council Member Reimer's question, Superintendent Westphal stated that it will not be difficult to reach the tree for maintenance.

Motion made by Council Member Glamm, seconded by Council Member Loomis, to grant a permanent Tree Planting easement at W65 N527 St. John Avenue based upon the terms that are consistent with the excerpt from the 2008 Draft of the Cedarburg Tree and Shrub Ordinance as follows:

(e) Easements to Plant Trees on Private Property. Where conditions exist that planting in the tree terrace is not practical either because of narrow width (less than 3') or where the location of underground utilities prevents tree planting; legal steps may be taken to obtain easement rights to plant on private property within ten feet (10') of the boundary of a public area.

(1) Such easements should contain provisions granting the City permission to select, plant, maintain, remove and replace such trees under the direction of the City Forester.

(2) Such easements shall be in writing, executed and acknowledged by such property owners, and shall be recorded and registered.

(3) Such easements, when obtained, shall then thereafter be public areas insofar as the trees situated thereon are concerned.

Council Member Beck stated that a tree was removed in front of her house a couple of years ago and it was not replaced, she expressed concern for setting a precedent.

Superintendent Westphal stated that a possible easement will be considered on a case-by-case basis.

Council Member Beck stated that the City takes down many trees and questioned how the special placements will be maintained.

Superintendent Westphal stated that this should not be a common occurrence and it will only be considered if the homeowner expresses concern.

Council Member Beck asked why she was not considered for a tree replacement when the previous tree was cut down.

Superintendent Westphal stated that a gas main runs down the middle of the terrace in front of her house. This happened the first week he was on the job and he didn't think he had any options for replacement at the time. He stated that a stump needs to be ground in front of her home and he will reassess whether or not a new tree can be planted, based on where the utility line is located exactly.

Council Member Radtke stated that each easement needs to have a legitimate concern.

Motion carried without a negative vote.

CONSIDER ORDINANCE NO. 2008-01 AMENDING SECTION 10-1-16(B) OF THE MUNICIPAL CODE TO ADD YIELD SIGNS ON MONTGOMERY AVENUE AT THE INTERSECTION WITH CHATHAM STREET

Motion made by Council Member Glamm, seconded by Council Member Beck, to adopt Ordinance No. 2008-01 amending Section 10-1-16(B) of the Municipal Code to add yield signs on Montgomery Avenue at the intersection with Chatham Street. Motion carried without a negative vote.

CONSIDER CHARTER ORDINANCE NO. 2008-02 MODIFYING TERM LIMITS FOR MAYOR AND COUNCIL MEMBERS AND CONSIDER CHARTER ORDINANCE NO. 2008-03 REPEALING TERM LIMITS FOR MAYOR AND COUNCIL MEMBERS

Mayor Myers introduced this item and stated that the two Ordinances could be considered at the same time. He stated that five affirmative votes are needed to pass a charter ordinance, which results in a 60 day waiting period before it takes effect. Mayor Myers stated that Council Member Besaw inquired into changing the term limits in November, but no action was taken because the charter ordinance would not have been in effect before the date for filing nomination papers. Mayor Myers stated that of the 60% of the voters who were in favor of term limits, no one decided to run for the 7th Aldermanic District. He questioned whether this is a legitimate concern of the citizens today. Mayor Myers stated he is opposed to term limits at this level of government. Today's Council Members only receive \$2,400/year and they are providing a municipal service with no added benefits such as pension or health insurance because they care for the community. He stated that term limits should have been repealed a long time ago because he decided to run within two hours of the deadline for filing nomination papers to run for Council Member, due to the fact that no one offered to run in his district after Al Lorge filed for non-candidacy a few years back.

Council Member Loomis stated he would recuse himself from voting because it would not be appropriate. He stated that he distributed a newsletter to everyone in his district and no one came forward. When no one from his district of 1,700 constituents came forward, he felt obligated to fill the position if it was at all possible. Council Member Loomis stated that he received several calls from people who wished he could run again.

Mayor Myers stated that Council Member Loomis should be able to vote.

Council Member Beck stated that Council Member Loomis should not vote.

City Attorney Vance stated that it is a personal choice. Council Member Loomis has a legal right to vote and he is choosing not to.

In answer to Council Member Besaw's question, City Attorney Vance stated that persons wishing to run a write-in campaign need to file an EB-1 form to show intent and their willingness to be a write-in candidate.

Council Member Beck stated that bringing this item forward in the middle of the election is wrong. The Council is not talking about term limits; it is being discussed so one person can stay on the

Council and this is a misuse of authority. She opined that it is wrong and unfair to change the rules in the middle of an election. Council Member Beck stated that term limits should be discussed at another time. She stated that the election should play out and to let the new Common Council decide if they want to address term limits. Council Member Beck did, however, have a proposal to consider the following change: No person shall be eligible to be elected to the office of Council Member in an aldermanic district if that person previously held such office for four (4) or more consecutive terms, unless one full term or more has elapsed since that person held office of Council Member. This would allow the new Common Council to appoint Council Member Loomis if they choose.

Council Member Besaw stated that she ran for election three times and lost one race. She is passionate about her position as Council Member and so is Council Member Loomis. She is disappointed that no one came forward in the 7th District and she feared that the person filling the position may not care as much.

Council Member Beck stated that it should be the people's choice and the Common Council should not be skewing an election.

Council Member Radtke stated that he believes in term limits and they have their place. He stated that something needs to be changed because people did have an opportunity to file papers to run and at this point, he does not have a problem changing the ordinance now in such way that would allow Council Member Loomis to have the ability to run or be appointed.

Council Member Kinzel agreed with Mayor Myers that term limits are not necessary at this level of government. People should have the choice to re-elect someone if they choose. Council Member Kinzel stated that if the Council believes in their position then timing should not be an issue. He stated that he would be in favor of modifying the Ordinance to allow a write-in campaign because no one has stepped forward in the 7th District.

Council Member Glamm understands that there was a referendum that supported term limits because the public felt it was a good idea. Term limits were enacted to ensure turnover on a Common Council to make sure that a good old boy network doesn't develop and the same people are making the decisions. In the five years that he has been on the Council, there has been a turnover of seven people. Council Members Fazio, Besaw, and Miller defeated incumbents and the races are small enough that if you want the position bad enough you can beat an incumbent. He stated that term limits serve very little purpose at this level. Council Member Glamm discussed the lack of interest from the community during the budget hearings and other important issues. People are not applying for the non-elected jobs because there have been open positions on the agenda for months. To keep someone from serving that is good at the job does not make sense to Council Member Glamm. He understands that it is a timing issue and a fairness issue. If Council Member Loomis wages a write-in campaign, it does not stop anyone else from running a write-in campaign also. The alternative is that six people who do not live in the 7th District would appoint their representative. He questioned which alternative was better and what elections are supposed to do. He opined that the 7th District voters should make the decision. He did not agree with the option to be a candidate if there was no other candidate.

In answer to Council Member Besaw's question, City Attorney Vance stated that the discussion on repealing term limits can be brought up again at anytime and the 60 days would start then.

Council Member Reimer stated that term limits do not apply at the local level. He has run unopposed two times and believes that people are not educated on local government. The current Council Members care and want to be involved and he wants to repeal term limits.

Council Member Beck stated that she has never believed in term limits. If she had to vote for Council Member Loomis, she would because he is a good person. Council Member Beck questioned whether it would be fair for her to jump back into the race for those that have come forward for this election. It is not about term limits at this point.

Mayor Myers questioned whether it would not be fair to her or her constituents to have a choice?

Council Member Kinzel stated that this is a matter of what the people really want. He stated that it may be argued that this is a timing issue; however, every issue that is presented to the Council is a timing issue. It is brought up because there is an issue.

City Attorney Vance clarified the Charter Ordinance procedure and stated that if within 60 days, a petition signed by electors of the City equal to and not less than 7% of the votes cast for Governor, may file a petition and have the Charter Ordinance put to a referendum that must be approved by the majority of voting electors. If no one files a petition, then the Charter Ordinance takes effect.

Motion made by Council Member Glamm, seconded by Council Member Kinzel, to adopt Ordinance No. 2008-03 repealing term limits for the Mayor and Council Members.

Keith Kaiman of Cedarburg stated that he was on the Council at the time that term limits were passed. It was not an easy passage because term limits are not an easy call for many of the reasons expressed by the Council. He stated that there was a groundswell of public support for municipal term limits and it became very clear during the election. This referendum was supposed to be a binding referendum, but due to some technicalities it became a non-binding referendum. The Council was not obligated to honor the vote of over 60% of the voters. The referendum was very specific to three 2-year terms for Council Members. A majority of the Council voted in favor of term limits by a Charter Ordinance. At that time Mayor Kuerschner vetoed the term limits because he did not believe in them. Council Member Filter and Council Member Hammen did not support the term limits personally but in an act of courage voted with the majority to override Mayor Kuerschner's veto to pass the term limit ordinance.

Mayor Myers and City Attorney Vance stated that the history shows that Keith Kaiman was not on the Council at this time.

In answer to Keith Kaiman's question, Mayor Myers stated that 60% of the voters were in favor of term limits.

Keith Kaiman stated that the facts are the Council did approve the charter ordinance, it was vetoed by the Mayor Kuerschner, and the Mayor's veto was overridden. The veto was overridden by

Council Members that did not personally believe in terms limits but voted in favor because of the referendum vote. He stated that he wanted to provide this information because it was not presented in the Council Member packets.

Mayor Myers stated that Council Members Hammen, Dieffenbach, Wood, Lorge and Keller voted in favor of term limits. Council Members Dieffenbach and Lorge were going off the Council. Mayor Myers said he replaced Council Member Lorge, who chose not to run again. He said he went out to collect signatures at the last minute to fill his seat.

City Attorney Vance stated that what actually happened was that there was a petition at a time when term limits were popular, and the petition covered Federal, State and Municipal Government and that is why it was not a legal direct legislation petition. It was not a technicality. There was a referendum, the Ordinance was put before the Council, Council Member Filter was the only member to vote no, Mayor Kuerschner vetoed it, and then at the next meeting the Council voted to override the veto. Then Council Member Filter voted with the majority.

Keith Kaiman stated this history was not included in everyone's packet and for whatever reason the official newspaper has not brought this issue to the attention of the people.

Council Member Besaw stated that an article was in the *Milwaukee Journal Sentinel* and it is the City's official newspaper along with the *News Graphic*.

Keith Kaiman argued that the term limits came from the people and that the City has enough time to put out another referendum on the ballot. He asked why the Council would burden themselves with this decision when the people can be asked again. The main point is to not change an election process during an election. He stated that the system works fine and this cycle works fine too. He stated that a write-in campaign can still materialize for the 7th District.

Randy Miller, W52 N346 Pierce Avenue, stated that there is not a huge level between City and County Government and a non-binding referendum did pass for term limits at the County level. He stated the people do understand and are looking for that short term. Randy Miller stated he would like to see some committees have term limits. He stated that he does a lot of volunteer work and it is hard to get people to come forward, but when you actually ask people, they will come forward. Mr. Miller stated that he actually asked Paul Radtke to consider running in the 4th District. He stated that the Council needs to let the process actually run its course. He opined that making a change now in mid-stream is a bad precedent.

Council Member Glamm did not agree with the reference that this issue does not pass the smell test and it is unfair. It had not entered into his decision making that he is trying to benefit one person over another. In fact, the solution that Council Member Beck proposed would smell because it would give one candidate or one incumbent an opportunity that the other incumbent would not enjoy. He understands that the referendum was passed 11 years ago and he understood that term limits sound wonderful in theory. However, everyone that voted in favor of term limits are assuming that someone else will run for office. Now we don't have candidates or people that are interested. He stated that he was perplexed that people would raise the issue that it does not smell right or look good. This charge goes to his competence and the oath he took in office.

Council Member Kinzel stated he did not agree with this being a timing issue. Either the Council is making a good decision or a bad decision.

Mayor Myers stated that anyone who thinks this may be cronyism, doesn't understand the facts. Council Member Loomis wrote a newsletter to all of his constituents and made phone calls urging people to come forward. He stated that this is not some scheme to keep Council Member Loomis in office. Council Member Loomis is ready to leave office, but he is also a very dedicated public servant and he does not want to see all of the work he has done to go for naught by someone who organizes a write-in campaign a few days before the election because they did not want to do all the work and get their thoughts out to the public. This is dealing with the issue as to how the residents are best served by their elected representatives. It is what is good for the City and it is not personal. He said repealing the term limit ordinance would be good for the City.

In answer to Council Member Kinzel's question, City Attorney Vance stated that anyone can still run as a write-in against Council Member Loomis.

Mayor Myers stated that repealing term limits does not put Council Member Loomis back into office; he still has to run a campaign or decide if he wants to run as a write in.

In answer to Council Member Reimer's question, City Attorney Vance stated that it has never happened that someone is not written in as a write in on the ballot during an election. If no one is written in, then the Council will need to appoint someone.

Council Member Besaw stated she is concerned about appearance, but it is deeper than this. She made phone calls to encourage people to run in the third district and no one was interested.

Council Member Beck stated it is not about appearances, it is about whether she would decide to run now. It wouldn't be fair to the candidates that spent their time and money running their campaign.

Motion made by Council Member Beck, seconded by Council Member Besaw, to call the question. Motion carried without a negative vote.

Motion to adopt Ordinance No. 2008-03 repealing term limits for Mayor and Council Members failed with Council Members Reimer, Glamm, Besaw and Kinzel in favor, Council Members Radtke and Beck opposed, and Council Member Loomis abstaining.

Council Member Radtke has no problem with Council Member Loomis having the ability to maintain his seat because no one has showed interest in the 7th District. He does not have a problem amending the ordinance in order for that to occur. He is not certain how the amendment should be worded in lieu of this evening's discussion.

Council Member Glamm stated that Ordinance No. 2008-02 is too cumbersome and ambiguous. Either the Council stands by term limits or it doesn't.

LICENSE APPLICATIONS

Motion made by Council Member Reimer, seconded by Council Member Beck, to authorize issuance of a Festival License to Festivals of Cedarburg for the Winter Festival to be held on February 9, 2008 from 8:00 a.m. to 10:00 p.m. and on February 10, 2008 from 8:00 a.m. to 4:00 p.m. Motion carried without a negative vote.

Motion made by Council Member Kinzel, seconded by Council Member Beck, to authorize issuance of a Cigarette License to Richard C. Buser, dba Stonewall Pub, W62 N550 Washington Avenue. Motion carried without a negative vote.

Motion made by Council Member Reimer, seconded by Council Member Glamm, to authorize issuance of a Horse and Carriage License to Margaret L. Farrington, Cedarburg Carriage Company, 2485 Hillcrest Road, Saukville, Wisconsin. Motion carried without a negative vote.

Motion made by Council Member Reimer, seconded by Council Member Kinzel, 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 Kinzel, seconded by Council Member Reimer, to authorize issuance of new Operators' Licenses for the period ending June 30, 2008 to Bryan E. Taylor and Sheridan Riley. Motion carried without a negative vote.

CITY ADMINISTRATOR'S REPORT - None

COMMENTS & SUGGESTIONS BY CITIZENS - None

REPORTS & COMMENTS BY COUNCIL MEMBERS - None

MAYOR'S REPORT - None

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Loomis, seconded by Council Member Besaw, to adjourn to closed session at 9:02 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 concerning the Town of Cedarburg, 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, and 19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, more specifically union negotiations; wages, benefits, and evaluation data for non-represented employees; filling a vacancy in the Treasurer's Department; and matters concerning Cedar Creek. Approval of closed session minutes of 12/10/07. Meeting reconvened into open session at 9:48 p.m.

CONSIDER RESOLUTION NO. 2008-01 ACCEPTING THE CONTRACT WITH THE DEPARTMENT OF PUBLIC WORKS AND WASTEWATER DEPARTMENT – LOCAL 108, AFSCME, AFL-CIO FOR THE PERIOD OF 1/1/08 THROUGH 12/31/10; RESOLUTION NO. 2008-02 ACCEPTING THE CONTRACT WITH THE CEDARBURG CLERICAL EMPLOYEES’ ASSOCIATION, LOCAL 817, THE LABOR ASSOCIATION OF WISCONSIN, FOR THE PERIOD 1/1/08 THROUGH 12/31/10; AND RESOLUTION NO. 2008-03 ACCEPTING THE CONTRACT WITH THE CEDARBURG PUBLIC LIBRARY EMPLOYEES’ ASSOCIATION, LOCAL 806, THE LABOR ASSOCIATION OF WISCONSIN FOR THE PERIOD OF 1/1/08 THROUGH 12/31/10

Motion made by Council Member Glamm, seconded by Council Member Besaw, to adopt Resolution No. 2008-01 accepting the contract with the Department of Public Works and Wastewater Department – Local 108, AFSCME, AFL-CIO for the period of 1/1/08 through 12/31/10; Resolution No. 2008-02 accepting the contract with the Cedarburg Clerical Employees’ Association, Local 817, the Labor Association of Wisconsin, for the period 1/1/08 through 12/31/10; and Resolution No. 2008-03 accepting the contract with the Cedarburg Public Library Employees’ Association, Local 806, the Labor Association of Wisconsin for the period of 1/1/08 through 12/31/10. Motion carried unanimously on a roll call vote.

CONSIDER SALARY ADJUSTMENTS FOR NON-REPRESENTED EMPLOYEES OF THE CITY

Motion made by Council Member Loomis, seconded by Council Member Besaw, to approve a 3% wage increase for non-represented employees of the City, effective as of January 1, 2008. Motion carried unanimously on a roll call vote.

CONSIDER ORDINANCE NO. 2008-04 AMENDING ORDINANCE NO. 2007-32 ESTABLISHING THE 2008 SALARY FOR THE POLICE CAPTAIN

Motion made by Council Member Loomis, seconded by Council Member Kinzel, to adopt Ordinance No. 2008-04 amending Ordinance No. 2007-32 establishing the 2008 salary for the Police Captain with a 3% wage increase, effective as of January 1, 2008. Motion carried unanimously on a roll call vote.

CONSIDER PLAN FOR FILLING A VACANCY IN THE TREASURER’S DEPARTMENT

City Administrator/Treasurer Mertes proposed hiring a Deputy Treasurer/Payroll Officer to help with confidential matters such as union negotiations.

Motion made by Council Member Radtke, seconded by Council Member Kinzel, to approve hiring a Deputy Treasurer/Payroll Officer. Motion carried without a negative vote.

Council Member Loomis stated that the City is not adding a new position, but simply reorganizing.

ADJOURNMENT

Motion made by Council Member Reimer, seconded by Council Member Kinzel, to adjourn the meeting at 9:55 p.m. Motion carried without a negative vote.

Amy D. Kletzien, CMC
Deputy City Clerk