

**CITY OF CEDARBURG
COMMON COUNCIL
June 9, 2008**

CC20080609-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, June 9, 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, Noel Jepson, Paul Radtke, Michael Maher, Kip Kinzel, Amy Goyette

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Deputy City Clerk Amy Kletzien, Director of Engineering and Public Works Tom Wiza, City Planner Jon Censky, City Assessor Cathy Timm, Library Director Mary Marquardt, Deputy Treasurer/Payroll Officer Kelly Livingston, Economic Development Coordinator Linda Skalecki, Joint Library Board Member Steve Ruggieri, Sewerage Commissioner Kristofor Hanson, Public Works Commissioner Ronald Reimer, Michael Harrigan of Ehlers & Associates, 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.

MAYOR'S APPOINTMENTS

Motion made by Council Member Reimer, seconded by Council Member Jepson, to appoint the following:

- Steve Ruggieri to the Joint Library Board, term to expire June 30, 2011
- Ronald Reimer to the Public Works Commission, term to expire April 30, 2009
- Kristofor Hanson to the Sewerage Commission, term to expire April 30, 2010

Motion carried without a negative vote.

Deputy City Clerk Kletzien administered the oaths of office.

INTRODUCTIONS

City Administrator/Treasurer Mertes introduced Community Development Coordinator Linda Skalecki and Deputy Treasurer/Payroll Officer Kelly Livingston. Mayor Myers and the Common Council welcomed Ms. Skalecki and Ms. Livingston to the City.

APPROVAL OF MINUTES

Motion made by Council Member Kinzel, seconded by Council Member Glamm, to approve the minutes of the May 12, 2008 meeting. Motion carried without a negative vote.

REPORTS OF BOARDS, COMMISSIONS & COMMITTEES - None

COMMENTS & SUGGESTIONS FROM CITIZENS - None

CONSIDER AWARD OF CONTRACT FOR ASSESSING OF COMMERCIAL REAL ESTATE AND PERSONAL PROPERTY

City Assessor Timm stated that the City has contracted with Value Solutions to help with Commercial and Personal Property assessments the last two years and this contract ended at the adjournment of the 2008 Board of Review. She stated that the new contract is for three years and includes maintenance and a commercial revaluation beginning in June 2008 and concluding on the 30th day of the month at the adjournment of the 2011 Board of Review.

City Assessor Timm explained that the previous two-year contract cost \$12,000/year; whereas, the new contract charges will be \$13,500 for 2009, \$14,000 for 2010, and \$14,500 for 2011. The cost for the revaluation is budgeted on an annual basis.

In answer to Council Member Radtke's question, City Assessor Timm stated she was very pleased with the contractor's past performance.

In answer to Council Member Jepson's question, City Assessor Timm stated that Perry Nell will be in the office on Wednesdays at City Hall.

In answer to Council Member Reimer's question, City Assessor Timm stated that the Market Drive software is new, but it is very similar to the Marshall and Swift software and it should be an easy transition.

Motion made by Council Member Glamm, seconded by Council Member Radtke, to award the contract for the assessing of commercial real estate and personal property to Value Solutions. Motion carried unanimously on a roll call vote.

CONSIDER RESOLUTION NO. 2008-19 AUTHORIZING THE CITY OF CEDARBURG, WISCONSIN TO BORROW THE SUM OF \$3,180,000 BY ISSUING GENERAL OBLIGATION REFUNDING BONDS PURSUANT TO SECTION 67.04 OF THE WISCONSIN STATUTES AND AUTHORIZING THE SALE OF THE BONDS

Michael Harrigan of Ehlers & Associates explained that the Council authorized his firm to solicit bids for the refunding of the 1999 bond issue at the May 12, 2008 Common Council meeting. He distributed folders which explained the sale results and the proposed Resolution to complete the transaction.

Mr. Harrigan explained that 10 bids were received with the lowest bid from Bankers' Bank in Madison, WI with an interest rate of 3.0746% and the highest bid coming in with an interest rate of 3.6223%. This low bid reduced the size of the issue by \$5,000 for a final net issue size of \$3,175,000.

Mr. Harrigan stated that the planned issue was expected to save the City approximately \$73,844 and as a result of the current low bid the City was able to save \$101,343 after all costs, which exceeded the target.

Mr. Harrigan explained that the City's credit rating of A1 was given when the bond issue went to market as part of the process. He stated that pages 6 and 7 of the report reflect the City's solid track record in maintaining a solid credit rating, which resulted in 10 bids. Typically a bond issue will result in 4-6 bids. He opined that the market responded well to the City's higher credit rating.

Council Member Jepson stated that the City gained 33% more than expected in this transaction.

Mr. Harrigan reviewed the various sections of the proposed resolution and stated that Ehlers & Associates will arrange for a call on the bonds tomorrow morning if the Council approves the resolution this evening.

Council Member Radtke thanked Mr. Harrigan and Ehlers & Associates for their pro-active approach by alerting the City to this process, resulting in a \$100,000 savings.

Motion made by Council Member Radtke, seconded by Council Member Reimer, to adopt Resolution No. 2008-19 authorizing the City of Cedarburg, Wisconsin to borrow the sum of \$3,175,000 by issuing General Obligation Refunding Bonds pursuant to section 67.04 of the Wisconsin Statutes and authorizing the sale of the bonds. Motion carried unanimously on a roll call vote.

CONSIDER ORDINANCE NO. 2008-08 ELIMINATING THE PARKING PROHIBITION ON THE NORTH SIDE OF ZEUNERT STREET

Director Wiza explained that Steve Richardson, owner of the Subway sandwich shop, has requested that the City allow parking on the north side of Zeunert Street since vacation of the Russ Darrow Dealership to allow for additional on-street parking for the local retailers. He stated that parking was eliminated in 1998 to accommodate the large car carriers which unloaded in the street.

In answer to Council Member Goyette's question, Director Wiza stated that the paint on the curb face will be left to wear off naturally and the \$250 will be used to remove the "No Parking" signs and painting parking stall lines on the road.

Council Member Reimer asked if any business has expressed interest in the Russ Darrow site.

Director Wiza stated that no one has expressed interest to-date. He opined that restrictions can be revised later, if they are required by a new tenant in the future.

Council Member Jepson stated that the Public Works Commission favored the current change and will be open to any possible restrictions from a new tenant in the future.

Council Member Kinzel stated the City needs to do what it can to support local businesses.

Motion made by Council Member Kinzel, seconded by Council Member Goyette, to adopt Ordinance No. 2008-08 eliminating the parking prohibition on the north side of Zeunert Street. Motion carried without a negative vote.

CONSIDER CERTIFIED SURVEY MAP FOR THE MERCURY MARINE SITE AT W66 N598 MADISON AVENUE

City Planner Censky explained that Mercury Marine, Inc. has requested approval of the Certified Survey Map (CSM) for the property located at W66 N598 Madison Avenue. The purpose of this CSM is to establish the legal boundary and description of the property to serve as the basis for the preparation of the detailed site plan for the future Cedarburg Public Library. It is also needed for the dedication of the ultimate public road right-of-way along St. John Avenue, as that stretch of right-of-way was never dedicated in the past. This CSM will serve to define the platting details associated with the Mercury Marine site.

Motion made by Council Member Kinzel, seconded by Council Member Glamm, to approve the Certified Survey Map for the Mercury Marine site at W66 N598 Madison Avenue. Motion carried without a negative vote.

CONSIDER BUDGET CALENDAR FOR 2009

City Administrator/Treasurer Mertes explained that she is proposing the same schedule as last year, with a special meeting on Monday, October 20 for individual department presentations.

In answer to Council Member Reimer's questions, City Administrator/Treasurer Mertes stated that the special meeting may be held in the Council Chambers rather than room 2 in the lower level as proposed.

Mayor Myers stated that it is important to hold meetings in October and early November in order to allow ample time for discussion and staff preparation. The final figures should be completed for the County by Thanksgiving.

Motion made by Council Member Reimer, seconded by Council Member Jepson, to approve the budget calendar for 2009. Motion carried without a negative vote.

REVIEW AND CERTIFY CODE OF ETHICS

Mayor Myers presented the Code of Ethics to the Common Council Members for review.

Motion made by Council Member Kinzel, seconded by Council Member Reimer, to confirm that all of the Common Council Members need to understand and follow the Code of Ethics. Motion carried without a negative vote.

LICENSE APPLICATIONS

Motion made by Council Member Glamm, seconded by Council Member Kinzel, to authorize issuance of premises licenses for the period ending June 30, 2009 to:

Class B Intoxicating Liquor & Fermented Malt Beverage License

Cedarburg Cultural Center, Inc.
(Cultural Center)
Matthew G. Brockmeier – agent
W62 N546 Washington Avenue

Pollo Loco, LLC
(Pollo Loco Lounge – Cedarburg Family Restaurant)
Jose M. Esparza – agent
W61 N514 Washington Avenue

Class B Fermented Malt Beverage License

Sal's Pizza, LLC
(Sal's Pizza)
Drew Roberts – agent
W63 N635 Washington Avenue

Class C Wine License

Sal's Pizza, LLC
(Sal's Pizza)
Drew Roberts – agent
W63 N635 Washington Avenue

Motion carried without a negative vote.

Motion made by Council Member Glamm, seconded by Council Member Reimer, to authorize issuance of renewal Operator's Licenses for period ending June 30, 2009 to:

Michelle M. Spring
Ashley E. Sudbrink
Joseph M. Buth
Julie K. Engbring

Gina M. Creegan
David A. Frey
Benjamin S. Clithero
Mark D. Wertschnig

Audrey L. Krick
Arthur E. Filter
Julie A. Schlabach
Christine M. Habich
Sarah Hyde
David L. Polzin
Dawn L. Hildebrand
Terri J. Heidtke
Lori A. Guyant
Steve R. Sievers
Sharleen M. Pokora
William E. Raymond
Wendy A. Kickbush
Jeff M. Theisen
Jacob J.P. Banas
Randall H. Kison
Patrick D. Yunke
Daniel W. Kropidlowski
Diane M. Schneeberger
Judi K. Even
Nathan E. Ford
Michael W. Mohr

Thomas E. Frank
Matthew G. Brockmeier
Daniel M. Burbach
Richard D. Dickmann
Connie D. Kimball
Christopher R. Bumpke
Larry A. Gergens
Joseph P. Willbrandt
Elizabeth F. Riley
Patrick R. Riley
Jason U. Collins
Denise M. Beno
Kevin J. Bachmann
Joey M. Baumle
Bryan E. Taylor
Sara M. Yunke
John A. Lutz
Jennifer A. Halleman
Suzanne V. Ernst
Jeanne Venturini
Melinda A. Slutzky
Kara J. Racine

Motion carried without a negative vote.

Motion made by Council Member Kinzel, seconded by Council Member Reimer, to authorize issuance of new Operator's Licenses for period ending June 30, 2009 to:

Brandon T. Moore
Jacob L. Thomas

Lupe M. Duenas
Adam C. Buth

Motion carried without a negative vote.

CITY ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes stated that the Cedarburg Police Department is now able to provide replacement titles, registration transfers, registration renewals and the issuance of license plates, including regular automobile plates, light truck plates and motorcycle plates as of June 4, 2008.

COMMENTS & SUGGESTIONS BY CITIZENS - None

REPORTS & COMMENTS BY COUNCIL MEMBERS

Council Member Jepson stated that he had a wonderful experience during his visit at the Senior Center. He is visiting all City departments to familiarize himself with their duties.

Council Member Reimer asked Director Wiza for an update on the level of Cedar Creek, as a result of the recent storms and flash flood warnings.

Director Wiza stated that the creek is at flood stage, similar to the historical levels reached in 2004. Bags and sand are available; however, the creek is expected to crest overnight and the City crew is not actively doing anything at this time.

MAYOR'S REPORT

Mayor Myers issued a Memorial Day Proclamation to proclaim May 26, 2008 as a day to gather and demonstrate our unity and to remember those who have been lost in defense of our freedom. He extended an invitation for all to attend next year's event.

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Glamm, seconded by Council Member Radtke, to adjourn to closed session at 8:40 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 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 Town of Cedarburg, the Amcast Site, and a possible contract extension for refuse and recycling collection. Approval of closed session minutes of May 12, 2008. The meeting did not reconvene to open session.

ADJOURNMENT

Motion made by Council Member Radtke, seconded by Council Member Goyette, to adjourn the meeting at 9:10 p.m. Motion carried without a negative vote.

Amy D. Kletzien, CMC
Deputy City Clerk