

**CITY OF CEDARBURG  
COMMON COUNCIL  
July 12, 2010**

**CC20100712-1**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, July 12, 2010 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 Art Filter, Paul Radtke, Michael Maher, Kip Kinzel, Robert Loomis

Excused - Council Members Chris Reimer and Ron Reimer

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Deputy City Clerk Amy Kletzien, Director of Engineering and Public Works Tom Wiza, Recreation and Forestry Director Hilvo, Police Chief Thomas Frank

**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 Radtke, seconded by Council Member Loomis, to approve the minutes of the June 28, 2010 meeting. Motion carried without a negative vote with Council Members C. Reimer and R. Reimer excused.

**COMMENTS & SUGGESTIONS FROM CITIZENS** – None

**CONSIDER TOWN OF CEDARBURG PROPOSAL DATED JUNE 25, 2010**

Council Member Loomis stated that he drafted a City counterproposal to the June 25, 2010 Town proposal by reviewing the last Town proposal from March 2009 and talking with Department Heads for Council discussion and review.

Council Member Loomis stated that it is problematic in that the Town has added Grob Field to the proposed boundary agreement since March 2009. He stated that he has serious reservations because in reality there is not much growth beyond the sewer service area and this would be a huge concession. In response to bullet point 6, the City does not agree with the proposed limits on extraterritorial authority; however, the City could agree to limit its extraterritorial authority to the City's most recently proposed sewer service area and not to exercise its extraterritorial authority within the Border Agreement Area. The Council decided to insert a second paragraph to the

counterproposal stating that the City will agree to the limits of City annexation and to add: as originally proposed by the Town in March 2009 (see attached map).

In response to bullet point 8, Council Member Loomis opined that the City could agree to the transfer of the Prochnow Landfill properties as long as the Town assumes the City's share of remediation expenses related to the Prochnow Landfill. The Council added: as originally proposed by the Town in March 2009.

Item #1 under the additional provisions, is an important point and it originates from the 2009 proposal.

Points 2, 3 and 4 relate to the recreation programs and Council Member Loomis expressed concern for the Town's decision to compete with the City of Cedarburg in flag football, baseball, and softball. The City had to lower fees for some of its programs because the Town has been trying to take the market share. Council Member Loomis is proposing that the Town take over all the programming, administration, and maintenance related to the flag football, baseball, softball, basketball (grades 6-8), lap swimming and water aerobics programs. The City could take over the programming, administration, and maintenance related to all the other existing recreation programs. This will affect staffing levels in Cedarburg and possibly the sharing of the Recreation Supervisor position with the Town. There could be an alternative to this as stated in item 3.

Council Member Loomis stated the City and Town could share recreation programs 50/50 by forming a joint commission with an equal number of City and Town representatives. Under this alternative, a sharing of costs not covered by program fees would need to be agreed upon. Director Hilvo agreed that this might be a good alternative.

Council Member Loomis stated that item #5 proposes that the Town agrees to share in the cost of running the Senior Center, Fire/EMS Dispatch, Emergency Government, and the Pleasant Valley Composte Site for ten years by sharing the costs based on usage for everything except the Pleasant Valley Compost Site, which would be 1/3 Town and 2/3 City.

City Administrator/Treasurer Mertes suggested adding the Landfill to the Pleasant Valley Compost Site.

In regard to item #6, it was also discussed that the Fire/EMS Dispatch contract expires in 2014; however, there is an early termination clause to end the contract two years earlier or in 2012. The City is proposing to share in the cost of running the Fire Department for ten years and sharing the costs based upon property values except for fire services during the term of the existing fire agreement. It is important to talk about this now.

Council Member Loomis is proposing in item #7 that the Town agrees not to take any actions, including incorporation, that limit the right of private landowners in the City's most recently proposed sewer service area, but outside the Border Agreement Area, to annex their property to the City.

Council Member Loomis opined that a permanent boundary agreement would be a tremendous concession by the City. The Common Council is facing some very tough decisions. The City is making a number of significant concessions in this proposed counterproposal.

Council Member Kinzel opined that the counterproposal is fair and it is a good next step.

Mayor Myers objected to the length of time that is being proposed for a shared services agreement. He stated that the border agreement and shared services should go hand-in-hand and be permanent.

Council Member Loomis asked if the Common Council wants to change the ten-year proposed time period to the term of the border agreement.

Mayor Myers stated that the Common Council has the option of taking two different roads. The choices are a permanent boundary agreement or a minimum of 10 years as proposed by Representative Gottlieb. Whichever the Common Council decides upon, the shared services agreement should be the same time period.

Council Member Maher stated that the agreement can be changed if both sides agree before the deadline.

Council Member Radtke expressed uncertainty on both sides agreeing. He opined that the Town wants to do less rather than more.

Council Member Loomis stated that the City should put the proposal on the table and wait for a response.

Mayor Myers opined that the addition of Grob Field to the boundary agreement is an indication that the Town does not want an agreement with the City.

Council Member Radtke stated that the City cannot be landlocked and there is a reason for extraterritorial zoning.

Council Member Loomis proposed changing the ten-year time period to the term of the boundary agreement. The Common Council agreed.

Council Member Filter opined that permanent is a long time and maybe the Council should consider a 15-year agreement.

In answer to Council Member Radtke's question, Director Wiza stated that the concession to make the extraterritorial review area smaller is not reviewing beyond what is necessary.

In response to bullet point 1, Council Member Loomis stated that the Town offered \$2 million to the City in March 2009 to give up extraterritorial review and agree to a permanent boundary agreement. He asked what the value is in giving up these rights. The City will be giving up potential property taxes and having to provide water to the Town.

Mayor Myers reminded the Common Council that the Town made the original offer of \$2 million to the City.

In answer to Council Member Loomis' question, Director Wiza stated that SEWRPC has not taken any action on the sewer service area in the Town because of the current dispute.

Council Member Loomis opined that it is an advantage to the City to come to an agreement with the Town and a critical component is sticking with the current limits.

Council Member Radtke opined that the Town will not be giving the City very much.

Council Member Loomis stated that the City will know soon if the Town is interested in an agreement.

Council Member Maher brought attention to Library Board President Karlman's concerns in regard to the length of a library agreement and the formula for the maintenance of effort.

It was the consensus of the Council to make the following change to bullet point 5: The Town will participate in the joint operation of the library with the City and reform a Joint Library Board. The City will limit annual expenditures to the amount necessary to earn exemption from the County Library Tax as long as it is compliant with the expenditure requirements of State Law. And to add point 8 under additional provisions - the Town will agree to contribute their building and land interest in the current library to the new Public Library.

Council Member Radtke does not want bullet point 2 to limit the City's Parks and Recreation Department in future programming proposals.

Council Member Loomis stated that the proposed agreement can be fine tuned by the City and Town prior to a final agreement.

The Common Council agreed to add: The Town will remain silent and withdraw objection on the City's most recently proposed sewer service area expansion - to bullet point 4.

Council Member Maher recommended adding: (as originally proposed by the Town in March 2009) after Prochnow Landfill.

It was the consensus that the Common Council review the City counterproposal to the June 25, 2010 Town proposal through the Clerk's Office before sending it to the Town.

In answer to City Attorney Vance's question, Mayor Myers and the Common Council stated that they did not want to include a purpose statement in the counterproposal.

Director Hilvo stated that the Recreation Department is hoping to run all recreation programs on City-owned facilities and the City would not be using or maintaining school district property based on the counterproposal, which will help the City out financially.

Mayor Myers stated that if changes are made, it will need to be discussed at the next Council meeting.

Council Members Kinzel and Loomis stated they will not be able to attend the July 26 Council meeting.

Motion made by Council Member Loomis, seconded by Council Member Filter, to approve the City's counterproposal as drafted, after one more review, to the Town's June 25 proposal. Motion carried without a negative vote with Council Members C. Reimer and R. Reimer excused.

City Attorney Vance asked for available dates from Council Members for the next mediation date.

Council Member Loomis is not available the second week in August (beginning August 8).

Council Member Radtke is not available the third week in August.

It was the consensus of the Council to set up a mediation meeting the first or fourth week of August, depending on Council Members C. Reimer and R. Reimer's schedules.

**RECONSIDERATION OF THE APPLICATION OF SHAUN M. SELLERS FOR AN OPERATOR'S LICENSE THAT WAS DENIED BY THE COUNCIL ON JUNE 14, 2010**

The denial of license for Shaun M. Sellers will stand, as he did not attend the Council meeting to discuss the reconsideration of his application.

**LICENSE APPLICATIONS**

Motion made by Council Member Kinzel, seconded by Council Member Radtke, to authorize issuance of:

- a 2010-2011 cigarette license to Christopher Morton/Timothy Ryan, T.J. Ryan's Tavern, W62 N599 Washington Avenue;
- new Operator's Licenses for the period ending June 30, 2011 to Daniel M. Deuster, Evan W. Omernick, Brian M. Jackson;
- renewal Operator's Licenses for the period ending June 30, 2011 to DeAnna G. Ratliff, Victoria R. Sorenson, Jeff M. Theisen, Robert J. Flom, David Frey, Judi K. Even, Pamela Leppla, Mark Roberts, Terry Kison, Lisa Kison, Dennis R. Kison, Charles A. Kison, Jacqueline A. Jones, Caryl A. Giuliani, Suzanne V. Ernst, Paul D. Jones, John E. Zarling, LeRoy C. Haeuser, Jeffrey D. Fischer, James J. Binns, Rhyann E. Talbot, Helen J. Curtis, Judy M. Thill, Michael Heebner, Neal C. Maciejewski, Deborah R. Segebrecht, Melissa M. Radtke, Stephen A. Millay.

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

**CITY ADMINISTRATOR'S REPORT**

A new Economic Development Coordinator may be hired by the end of this week.

City Administrator/Treasurer Mertes will be attending the CVMIC summer meeting and training on Thursday, July 15 and Friday, July 16.

The Treasurer's Office has started working on the internal controls that were suggested by the auditors and they will be presented at the next Personnel Committee meeting.

In answer to Council Member Maher's question, City Administrator/Treasurer Mertes stated that the replacement of outstanding checks was done at the request of the auditors.

**COMMENTS & SUGGESTIONS BY CITIZENS** - None

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS** - None

**MAYOR'S REPORT** - None

**ADJOURNMENT – CLOSED SESSION**

Motion made by Council Member Radtke, seconded by Council Member Kinzel, to adjourn to closed session at 8:15 p.m. pursuant to Wisconsin State Statutes 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 exercise responsibility and 19.85(1)(e) to deliberate or negotiate the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, specifically labor and employee negotiations. Approval of closed session minutes of March 29, 2010 and April 12, 2010. Motion carried without a negative vote with Council Members C. Reimer and R. Reimer excused.

**RECONVENE TO OPEN SESSION**

Motion made by Council Member Filter, seconded by Council Member Radtke, to reconvene to open session at 8:42 p.m. Motion carried without a negative vote with Council Members C. Reimer and R. Reimer excused.

**DISCUSS AND APPROVE PRELIMINARY BUDGET PARAMETERS, INCLUDING OPERATING EXPENDITURES AND/OR TAX LEVY, GROWTH TARGETS FOR DEVELOPMENT OF THE PROPOSED 2011 BUDGET**

Motion made by Council Member Loomis, seconded by Council Member Kinzel, to set a tax rate growth target of 0%.

Council Member Radtke would like to see a list of items that were bypassed last year that may be critical this year.

City Administrator/Treasurer Mertes stated that these items should fit into the budget because they are funded by replacement funds that are funded annually.

Council Member Radtke stated that the Parks, Recreation & Forestry Board discussed a few of the park shelters that need repair and he would like the Council to be aware of these types of items.

Council Member Maher stated that it is common sense that the parameters are set at 0%; however, the City has lost a lot of revenue and the City needs to continue at an acceptable level and it is not fair to the constituents.

Council Member Filter stated that property values have decreased and taxes have increased over the last few years.

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

**ADJOURNMENT**

Motion made by Council Member Filter, seconded by Council Member Kinzel, to adjourn the meeting at 8:48 p.m. Motion carried without a negative vote with Council Members C. Reimer and R. Reimer excused.

Amy D. Kletzien, MMC/WCPC  
Deputy City Clerk