

**CITY OF CEDARBURG  
COMMON COUNCIL  
October 11, 2010**

**CC20101011-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, October 11, 2010 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Council President Kinzel 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 – Council Members Chris Reimer, Art Filter, Paul Radtke, Michael Maher, Kip Kinzel, Bob Loomis

Excused - Mayor Gregory P. Myers, Council Member Ron Reimer

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, Police Chief Tom Frank, Fire Chief Rich Van Dinter, City Clerk Constance McHugh, City Assessor Cathy Timm, Library Director Mary Marquardt, Building Inspector Mike Baier, Wastewater Superintendent Ron Clish, Parks, Forestry and Recreation Director Mikko Hilvo, Senior Center Director Carol LaFontaine, Accountant II/Accounts Receivable Kathy Huebl, Public Works Superintendent Jeff Boerner, Parks & Forestry Superintendent Kevin Westphal, Emergency Management Director Kevin Runkel, Emergency Management Deputy Director Frank Even, Deputy City Clerk Amy Kletzien, interested citizens and news media

**STATEMENT OF PUBLIC NOTICE**

At Council President Kinzel's 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.

Council President Kinzel stated that as Acting Mayor he will retain his right to vote as Council Member of the 6<sup>th</sup> Aldermanic District.

**PUBLIC HEARING – CONSIDER RESOLUTION NO. 2010-16: A FINAL RESOLUTION PLACING DEFERRED CHARGES ON TOWN OF CEDARBURG PROPERTIES RESULTING FROM THE WESTERN ROAD SANITARY SEWER AND WATER EXTENSION**

Acting Mayor Kinzel declared the public hearing open to consider Resolution No. 2010-16 at 7:02 p.m. Deputy City Clerk Kletzien verified that proper legal notice had been given with publication in the *News Graphic* on September 23, 2010.

Director Wiza stated that this is the final resolution allocating the costs of the sanitary sewer project. The charges are for the Western Road sanitary sewer and water extension from Wauwatosa Road to a point 630 feet east. This work was done in anticipation of the round-a-bout construction scheduled for 2012. Costs for the sewer and water project totaling \$96,339.99 have been allocated equally to the six Town properties on Western Road, as each now has the ability to connect to municipal utilities in the event they would choose to annex. The standard 15% allowance for engineering, construction inspection, and project administration has been included.

Council Member Radtke confirmed that if one of the property owner's has a failing system the City will be prepared to extend services if they annex.

Director Wiza stated that the City wanted to do this work in advance of the State's planned construction in 2012.

Motion made by Council Member Filter, seconded by Council Member Loomis, to close the public hearing at 7:14 p.m. to consider Resolution No. 2010-16: A final resolution placing deferred charges on Town of Cedarburg properties resulting from the Western Road sanitary sewer and water extension. Motion carried without a negative vote with Council Member R. Reimer excused.

Motion made by Council Member C. Reimer, seconded by Council Member Loomis, to adopt Resolution No. 2010-16. Motion carried without a negative vote with Council Member R. Reimer excused.

### **PUBLIC HEARING – PRESENTATION OF THE 2011 CITY BUDGET**

Acting Mayor Kinzel declared the public hearing open on the proposed 2011 budget at 7:15 p.m. Deputy City Clerk Kletzien verified that proper legal notice had been given with publication in the *News Graphic* on September 23, 2010.

City Administrator/Treasurer Mertes presented the proposed 2011 City budget. Highlights of the budget are:

#### **Value and Tax Levy**

- The total assessed value for 2010 is \$1.154 billion, an increase of .4% or \$4.1 million.
- The equalized value decreased from \$1.2 billion to \$1.17 billion, a 2.8% or \$34 million decrease.
- The proposed tax levy is \$7,547,170.
- Growth has only allowed for an increase in the levy of \$26,460 or .35%.
- The proposed tax levy of \$7,547,170 consists of \$5,158,716 for the General Fund, \$1,080,000 for the Capital Improvement Fund, \$428,454 for the Special Revenue Fund, and \$880,000 for the Debt Service Fund. This is a 1.0% levy increase from 2010.
- The equalized tax rate is \$6.45/\$1,000, which is a .25 or 3.9% increase.
- The proposed assessed tax rate is \$6.54/\$1,000 of value, an increase of .05/\$1,000 or .8% increase. This equates to a \$12.50 increase in taxes on a home assessed at \$250,000.
- The total budgeted revenues are \$15 million and the total budgeted expenditures are \$16.5 million. The expenditures are higher than revenues due to the pre-funding of capital

projects. Capital expenditures for street and stormwater projects, vehicles and equipment are included.

- The budget reflects a 0% wage increase for employees which equates to a 1.5% increase because of the four furlough days in 2010.
- There will be a 12% increase in health insurance and a 5.8% increase in dental insurance for a total increase of \$41,344 in medical insurance costs.
- Workers' compensation increased by 29.5% due to an experience modification factor increase from .9 to 1.11 and an 8.8% rate increase.
- The proposed budget includes staffing level changes in three departments.
- Utility rate increases budgeted are 5% for electric and 7% for water.

### **General Fund**

- The tax levy decreased by 2.4% to \$5.1 million.
- The general fund is 68% of the total levy.
- The budgeted expenditures are \$75,500 over revenues due to sign replacements of \$18,000 for the next five years because of a State mandated retro-reflectivity requirement, contingency reserve of \$10,000, and \$47,500 in health insurance savings from the October 2010 premium holiday.
- The total revenues of \$7.7 million are decreasing by \$46,172 or .6%.
- State and Federal intergovernmental revenues are down 1.38% due to a decrease in the expenditure restraint program and computer aid.
- Regulation and compliance, which is permit and license fees, are increasing 7.9% due to cable TV franchise fees.
  - Fees were reviewed by departments in comparison to neighboring communities. As a result, Building Inspection is recommending an increase in the State seal and minimum electrical permit fees from \$30 to \$35. The State seal is required by the State for new home construction. The stickers are purchased from the State and will cost \$31 in 2011.
- Law and Ordinance violations revenue is increasing 4.76% for departmental charges such as DOT services offered at the Police Station.
- Public charges for services are increasing 2.4% for departmental charges such as appliance pick up, park rentals, and Senior Center fees.
- Intergovernmental charges for services are increasing 2.9%. These charges are the Town shared service agreement for the Fire Department, Mequon payment for Pioneer Road property police protection, and the School District's payment of one-half of the parochial and all of the public school crossing guards.
- Commercial revenues are down 4.8%. These revenues include interest revenue and rent of City property. Interest rates have not changed, remain low. Rent was reviewed last in 2008 for the 2009 budget year.
- Property taxes are down 2.4% due to the need to fund debt service and capital. The Light & Water payment in lieu of taxes is increasing due to the increase in the City's assessment ratio and their increased value. An increase of 12.9%
- Total expenditures are \$7.8 million, which is down .2%.
- Salary increase of 1.5% due to four furlough days taken in 2010.

General Fund – Department changes include:

- Mayor – Increase in telephone for cell phone service and printing/mailing of newsletters.
- Labor Relations Counsel – Union negotiations budgeted for 2010, assuming they will be complete or carry over in 2011 along with funding.
- City Clerk’s Office – Not replacing part-time position, increase in repair and maintenance due to postage meter, and decrease in postage.
- Elections – Expenditures are down due to half the elections in 2011, from four to two.
- Assessor’s Office – Increase in health insurance due to an employee adding coverage.
- Treasurer’s Office – Increase in health insurance due to change in coverage for an employee and increase in professional services for contracting out the payroll service.
- City Hall Complex – The salaries and benefits have been adjusted to the actual expenditures. The repair and maintenance budget was reduced for 2010 to offset other budget increases. Amount will remain at the same level for 2011 and will budget major projects over two years or in the Capital Improvements as allowed. Utilities were reduced slightly to reflect actual costs.
- Fire Department – The department is asking for the same amount in operating expense (which was cut 5% for 2010) but adding a new line item for building maintenance in the amount of \$9,000.
- Engineering/Public Works Administration – Increase in professional services to reflect actual costs, increasing \$2,000, adding funding back in budget for maps and dues.
- Street Maintenance – Increase in signs for State mandated retro-reflectivity compliance, \$18,000 to be completed over five years.
- Solid Waste Collection – Increase is for garbage collection and fuel surcharge contracted increase.
- Recycling – Increase in contracted services line item due to Waste Management contract increase.
- Senior Center – No changes. Update on operations is that attendance and van rider-ship is down and they are charging City resident rates and non-resident rates.
- Parks & Forestry – Increase due to funding for Emerald Ash Borer. (2010 funds came from City Hall Complex Repair & Maintenance Budget).

**Capital Improvements**

- The Capital Improvement Fund levy is \$1,080,000, reflecting a 9.1% increase. This is 14% of the total levy.
- Revenues total \$2,577,295.
- Expenditures total \$4,412,795 and include the following:
  - General Government - City Hall file servers at \$30,000, General Fund fund balance transfer last two years.
  - Lincoln Center – Lift chair for Senior Center, \$70,000 funded through donations.
  - Police Department - \$159,720 for three squad cars from the equipment replacement reserve.
  - Fire Department - \$11,000 to replace boiler in station 3 that is cracked and leaking and \$3,000 to replace bricks on station 3 that were damaged from roof water leak.
  - Emergency Management - \$50,000 for a communications vehicle.
  - Public Works expenditures are \$195,000 for equipment to replace a skid steer for \$45,000 and wheel loader with plow and wing for \$150,000.

- \$330,000 for street improvements to Hamilton, Hilbert, and portions of Glenwood Drive and Lexington Street.
- \$112,280 for Stormwater improvements on Hamilton, lining of Wilshire Pond outlet pipe and consulting and engineering.
- \$30,000 for the alley between Johnson and Hilbert.
- Library building expenditures are \$500,000, if cleanup is complete.
- Parks, Recreation & Forestry equipment - \$101,000 for two tractor mowers and a boom flail mower attachment to cut ditches. Attachment to also be used by public works crew.
- Park Improvements - \$30,000 for Zeunert path addition, impact fees funding.
- Cedar Creek Walkway - \$200,000 for Phase D, donations and grant funding.
- \$1,180,795 for Mercury Marine Plant II clean up, remediation funding from two outstanding HUD grants and a \$1 million DNR Brownfields Ready for Reuse loan.
- Prochnow landfill remediation - \$350,000 from the Environmental Reserve Account.
- Dam repairs - \$20,000 for DNR mandated inspection and repairs on the Woolen Mill dam. The DNR labeled the dam a significant hazard and are requiring a professional engineer to inspect the dam and submit inspection report to the DNR every 3-4 years, same for the Columbia Mills dam in 2014, inspection will also be done by the DNR every other time.
- Transfer out of library impact fees to debt service - \$40,000.

#### **Sewer Utility**

- User charges will be kept the same as 2010.
  - Flow Rate per 1,000 gallons - \$4.76.
  - Monthly connection fee - \$12.
  - Holding tank hauler rate per 1,000 gallons - \$7.72.
  - Septic tank hauler rate per 1,000 gallons - \$41.58.
- Operating Revenues budgeted to decrease 2.3% - \$2,283,379.
- Operating Expenses increasing 2.1% - \$2,590,574.
  - Net loss of \$282,195.
  - On a cash basis, net gain of \$82,369.
- Capital projects - \$334,000 funded through replacement funds or unrestricted funds.
- The collection system projects coincide with the street projects in capital, total \$225,000.
- Equipment replacements included total \$91,500, unrestricted funded projects total \$17,500.
- \$196,500 is budgeted to be allocated to equipment replacement reserve and \$300,000 to collection system reconstruction fund.

#### **Debt Service**

- The levy is going up 14.4%.
- Represents 12% of total levy.
- \$6,650,000 remains in outstanding debt.
- Is 11.4% of statutory limit and 14.2% of City policy.

#### **Special Revenue Funds**

- Cemetery - revenues are increasing 8.2% or \$1,900, due to an expected increase in cremain burials. Expenditures are decreasing 10.2% due to a decrease in professional service.

Contracted service only to be used at Zur Ruhe Cemetery. Increase in part-time salaries for maintenance at Immanuel Heritage Cemetery.

- Room Tax – budget remains the same with no expected increase in tourism. The expenditure was reduced by \$1,500 for transfer to General Fund in 2010 for flower basket watering.
- Recreation Programs – program revenues are down 34%, \$57,126 is due to summer/winter recreation fees. Also, transfer from other funds in 2010 was one-time revenue to combine all programs into one – youth basketball, youth football, and youth center. Program expenditures are down 21.4%, or \$33,665, due to reduced part-time seasonal staffing, supplies and expenses and operating supplies due to changes in programs.
- Swimming Pool – pool City contribution increasing due to 2010 use of fund balance. Pass revenue declining, budgeted \$15,000 less for year, admissions up \$6,000. Expenditures down 3.8%, utilities reduced along with equipment and uniforms. Operating supplies increased \$3,765.
- Park Subdivider Deposit Fund - \$30,000 transfer to Capital Improvements for Zeunert Park path (from impact fees for park).
- Library – without the Town contribution, revenues are down 1.1% due to the County contribution. Expenditures are increasing .4%, personnel expenditures are increasing 2% and other operating expenditures are decreasing 4.5%, technology is being reduced by \$5,500. Includes a budgeted use of fund balance, \$68,669. The following budget changes took place in 2010 – closed on Sundays, reduced weekday hours Monday-Thursday from 12 to 10 hours per day, reduced hours aides work front desk, reduced hours pages shelve materials, cancelled subscriptions to five databases and 22 magazines and newspapers and will continue in 2011. Additional changes in the budget included decreased budget for books, dvds and audios by \$12,875 (600 books and 175 books on cd or dvd), discounted lease of one copy machine, cancelled carpet cleaning, eliminated funds for unexpected maintenance costs, decreased office and computer supplies and printing and postage budgets by \$1,700, and eliminated funds for summer reading program performers, products and prizes which will be funded by the Friends of the Library.

### **Internal Service**

- Total Revenues - \$293,992.
- Total Expenditures - \$310,092.
- Budgeted use of fund balance. If claims come in under budget for the year it won't be necessary.

### **Unfunded Items/Parks & Forestry**

- Re-roof three park buildings - \$17,300 (Cedar Creek Park Pavilion, Centennial park and Willowbrook Park restrooms).
- Update street tree inventory - \$6,020. The total cost is \$9,040 and will be partially funded by an urban forestry grant.
- Contracted street tree pruning – would like to have a six year pruning cycle plan in place where 1,200 trees are pruned per year. With current staffing, about ½ of this amount are pruned in a year.

- Boulevard landscaping - \$3,320. Landscaping project at Lincoln Blvd. and Washington Ave. Possibly fund through donations.
- Prairie grass establishment - \$6,000. Project at Fischer Park Hill. Possibly fund through donations.

**Postponed Item**

- Fire Department – carpet replacement delayed to 2012 to allow for boiler replacement in 2011.

Council Member Filter confirmed that if this budget is approved, there will be a \$12.50 increase in taxes on a home assessed at \$250,000.

In answer to Council Member Radtke's question, Police Chief Frank stated that the Police Department did not replace one scheduled vehicle and there are three replacements due in 2011.

In answer to Council Member Filter's question, City Administrator/Treasurer Mertes stated the unfunded prairie grass project is for the steep slope on the south side of Fischer Park Hill that cannot be mowed.

Council Member Loomis thanked City Administrator/Treasurer Mertes for a well done budget presentation.

There were no questions from the public.

In answer to Council Member Loomis' question, Police Chief Frank stated that the console needs to be replaced because three computers have been running since 2000. The furniture should be replaced at the same time for a \$7,000 savings and to eliminate any interruption in service later. Six employees are sharing two work stations and the furniture needs to be replaced for ergonomic reasons.

In answer to Council Member Loomis' question, Director Wiza stated that the street maintenance allowance is the same level as last year. The budget allows \$80,000 for needed repairs and it is a challenge to keep the roads updated, especially since the asphalt costs have increased from \$25 to \$60/ton.

Council Member Radtke stated that it will be difficult to keep the tax rate flat because of State mandates and necessary projects. He stated that the park shelters are in terrible shape and the Council should consider funding the repairs.

In answer to Council Member Radtke's question, Superintendent Westphal explained that he wants to initiate a street tree pruning cycle to care for the 7,000 street trees in the City. The City needs to prune 1,200 trees per year and right now the City is only pruning 600 per year in-between snow storms. He would like to create a fund to allow for a contractor to complete the remaining work in April. The forestry crew is doing many service requests right now which causes them to zig zag in different areas and not work efficiently. If a cycle is established, it will eliminate many of the service requests.

In answer to Council Member Kinzel's question, Director Hilvo stated that the park shelter structures may be compromised if the repairs are not done, especially the Cedar Creek park shelter.

Council Member C. Reimer stated that the Department Heads have been asked to hold off on vehicle and equipment replacements as much as possible. He asked them to take another look at their needs without risking safety.

In answer to Council Member Maher's question, City Administrator/Treasurer Mertes stated that not all the Capital Improvement projects that were postponed last year have been included in this year's budget. The budget was re-evaluated and some projects were moved to another year.

Motion made by Council Member Radtke, seconded by Council Member Filter, to close the public hearing on the proposed 2011 budget presentation at 8:00 p.m.. Motion carried without a negative vote with Council Member R. Reimer excused.

### **APPROVAL OF MINUTES**

Motion made by Council Member C. Reimer, seconded by Council Member Kinzel, to approve the minutes of the September 13 and September 28, 2010 meetings of the Common Council. Motion carried without a negative vote with Council Member R. Reimer excused.

### **COMMENTS & SUGGESTIONS FROM CITIZENS**

Haley Besaw, W63 N346 Hillcrest Avenue, stated that the Retzlaff development was approved when she served on the Common Council. She said that there was specific discussion on the park and the project would not have been approved without the park. She has learned that the money earmarked for this park has been diverted and used in other areas. Ms. Besaw stated that she was disappointed and respectfully requested that the Council look into developing a park in this subdivision.

Ms. Besaw addressed the renaming of Hillcrest Park and requested that it not be changed. She lives near the park and it is a landmark in the neighborhood that people use as a reference for directions.

### **CONSIDER REQUEST OF KEVIN TAYLOR OF CEDARS III BOWLING CENTER FOR RECONSIDERATION OF THE CONDITION THAT WAS PLACED ON THE APPROVAL OF THE OUTDOOR ALCOHOL BEVERAGE LICENSE THAT A 7' HIGH STOCKADE STYLE FENCE BE PLACED ALONG THE NORTH SIDE OF THE DECK**

Since completing the deck with the attached stockade fence, the applicant finds that their scenic view of Cedar Creek is blocked for those inside the bowling alley/restaurant. Mr. Taylor is, therefore, asking for reconsideration of the 7' high fence and instead proposes extending the 4' high rail fence from the east side of the deck to the north side. He stated that he would be willing to install a fence along the north property line.

Kirk Drees, W53 N424 Park Circle, stated that the Common Council agreed to the deck contingent upon the 7' high fence to reduce the noise and provide privacy to the nearby homes. He has lived in

his home for 16 years and the business owners do not realize the neighbors concerns. The fence to the north allows privacy for the neighbors and the east side railing has an unobstructed view of Cedar Creek. He asked the Common Council to stand by their agreement from May 2010.

In answer to Council Member C. Reimer's question, Mr. Drees stated that the fence is working in cutting down the noise on the deck. He stated that people are out on the deck after the established hours to smoke and there is noise. He is not anti-business and stated that everyone needs to cooperate. He asked that the fence remain in place.

Owner Kevin Taylor stated that there is no restriction on time for smoking on the deck. He opined that the 7' fence is hideous; however, he does not want it to be a major issue with the neighbors and it can remain as is because he understands the need to coexist with the neighbors.

In answer to Council Member Kinzel's question, Mr. Drees stated that it would not be practicable to put the fence on the property line because it would need to be 15' tall for total privacy. He asked that the current fence remain as approved in May by the Common Council.

Council Member Radtke stated that the owners did a phenomenal job and he was glad that the owners invested in the City. He opined that there is a beautiful view and the outdoor noise is an unintended consequence of the smoking ban.

Council Member Maher agreed with Council Member Radtke and stated that he spoke with Mr. Drees about the fence. There is a fine line having to satisfy the residents and the business and the fence satisfies the needs to both parties.

In answer to Council Member Loomis' question, Building Inspector Baier stated that commercial fences are allowed up to 8' according to the Code.

Mr. Drees opined that the deck is 900 sq. ft. and that the time patrons spend on the deck is not restricted in relation to smoking. He has already compromised and the fence helps.

Several Council Members asked if the fence could be angled to allow a better view of the creek and it was determined that it would jeopardize the privacy of the neighbors.

Motion made by Council Member Filter, seconded by Council Member Loomis, to take any compromising plan for review to the Plan Commission.

Kevin Taylor stated that the Cedars III does not want to cause problems with the neighbors.

Mr. Drees stated that he is not anti-Cedars and he would be willing to consider something that may work that maintains their privacy.

No vote was taken on the motion. It was the consensus of the Common Council for Cedars III to take any compromising plan that might be agreeable to the neighbors to the Plan Commission for review.

**CONSIDER REQUEST TO RENAME HILLCREST PARK**

Parks, Forestry and Recreation Director Hilvo stated that he received a request from Ann Wick to rename Hillcrest Park to honor her mother, Rita Bert.

Ann Wick stated that her family will be celebrating her mother's 80<sup>th</sup> birthday in November and they wanted to recognize her dedication to the City for the past 58 years. Ms. Wick read a list of Rita Bert's many contributions to the Community including her role as Ms. Claus since 1974. Ms. Wick stated that her mother loves Cedarburg and is a true ambassador to the community. Ms. Wick is one of the oldest original residents in the neighborhood and the family thought it would be a wonderful surprise to have the park named in her honor.

Council Member Loomis stated that Ms. Bert has an incredible list of accomplishments and he asked if Ms. Wick contacted any of the neighbors with her idea.

Ms. Wick stated that she wanted to keep the idea a surprise until November 7 when they celebrate Ms. Bert's birthday at the Cultural Center. She did not mean to slight the neighbors by not discussing it with them before tonight.

Director Hilvo stated that Ms. Bert is extremely deserving; however, he received a phone call from a long time resident on Hillcrest Avenue who thought it was inappropriate to rename the park.

In answer to Council Member Filter's question, Director Hilvo stated that the family will pay \$1,200 for one sign in the park.

Council Member Filter explained that he received two calls (one in favor and one opposed) without knowing anything about proposal. He asked if there should be a petition for this request.

Ms. Wick stated that she has a petition with 40 signatures from citizens and businesses (no neighbors) because she wanted to keep it a secret from her mother.

Council Member Radtke stated that the Parks, Forestry and Recreation Board voted 3 – 3 to rename the park. He believes that Ms. Bert deserves the honor; however, he questioned whether the City was rushing through the park renaming process without more consideration. How will future requests be handled? He suggested looking at the legacy bench and tree programs.

Council Member Loomis stated that Maple Manor Park was renamed to Wegman Park in his neighborhood and initially he was against it; however, heirs of the Wegman's circulated information and talked to neighbors for their support to rename the park. He encouraged Ms. Wick to talk to the neighbors of Hillcrest Park.

Council Member Filter stated that Ms. Bert is very deserving of the designation; however, the neighbors should have a say.

The Council postponed any action until the October 25 Common Council meeting.

**CONSIDER ORDINANCE NO. 2010-15 AMENDING SEC. 10-1-16(b) OF THE CODE OF ORDINANCES TO PLACE A YIELD SIGN ON WILSHIRE DRIVE AT THE INTERSECTION WITH PARK LANE**

Director Wiza stated that a resident requested that the City install traffic control signage on Wilshire Drive at Park Lane. The Public Works Commission recommended the adoption of Ordinance No. 2010-15 at their October 7 meeting establishing a yield sign for Wilshire Drive traffic at Park Lane.

In answer to Council Member Filter's question, Police Chief Frank agreed to the yield sign at this intersection.

Motion made by Council Member Filter, seconded by Council Member Kinzel, to adopt Ordinance No. 2010-15 amending Sec. 10-1-16(b) of the Code of Ordinances to place a yield sign on Wilshire Drive at the Intersection with Park Lane. Motion carried without a negative vote with Council Member R. Reimer excused.

**CONSIDER BIDS RECEIVED FOR THE 2010 ASPHALT PAVEMENT REPAIR PROJECT**

Director Wiza stated that the Engineering and Public Works Department has budgeted approximately \$80,000 each year for these types of projects. Approximately one-half of the allotted amount will be used on this project for asphalt pavement repairs on Keup Road between Georgetown Drive and Columbia Road, and on Evergreen Boulevard between Bridge Road and Walnut Street. A total of two bids were received and he recommends Poblocki Paving in the amount of \$37,802.40 on the basis of their low bid.

Motion made by Council Member C. Reimer, seconded by Council Member Kinzel, to award the bid for the 2010 Asphalt Pavement Repair Project to Poblocki Paving in an amount not to exceed \$37,802.40. Motion carried unanimously on a roll call vote with Council Member R. Reimer excused.

**CONSIDER STATUS OF THE JOINT CEDARBURG LIBRARY**

Council Member Maher stated that he embarked on the process to form a Joint Library Board after mediation on September 28 when the Town of Cedarburg indicated that they were willing to work with the City. He contacted the Eastern Shores Library System and they explained the process as outlined below:

Process to form a Joint Library

- A. Library plan or agreement is formed which addresses the following:
  1. The names of the municipalities that will be members of the joint public library.
  2. The statutory authority under which the joint library will be established.
  3. The size of the joint library board and proportionate distribution of the members among the participating municipalities.

4. The method by which a school district representative shall be appointed.
  5. The initial terms of office which will be assigned to each board member.
  6. The municipality to be designated as the fiscal agent for the library, that will handle the payroll and benefit administration for library staff, pay library insurance costs, and handle library financial record-keeping and auditing.
  7. The disposition of existing and future assets of the joint library in case of dissolution of the joint library.
  8. The method by which annual budgets will be formulated and costs apportioned among the participating municipalities.
  9. The method by which library board appointments will be re-apportioned with each federal decennial census.
- B. The plan is approved by the participating municipalities.
- C. The plan is submitted to the Division for Libraries, Technology, and Community Learning for an opinion regarding the desirability and feasibility of the plan. The Division's opinion will be contingent upon the following conditions:
- a. The joint library will be established under the appropriate provisions of Chapter 43 of the Wisconsin Statutes.
  - b. A librarian who is eligible for the appropriate grade level of Wisconsin public librarian certification from the Department of Public Instruction will be appointed to administer the library.
  - c. The establishment of the joint library agrees with the long-range plan for library service in the community.
  - d. The municipalities' party to the joint library agreement will make a long term commitment to provide adequate financial support for the library.
  - e. The joint library will be a member of a public library system.
- D. The plan is submitted to the Ozaukee County Board of Supervisors for approval.
- E. Draw up legal joint library agreement incorporating provisions of the plan.
- F. Submit final plan and joint library agreement to municipalities for action and appointment of library board members.

Since this process began, the Town Board has indicated that they will pay the amount required to the County to be exempt from the Library tax because there is not enough time prior to the deadline of November 1, 2010 to form a Joint Library Board. Council Member Maher stated that he intends to pursue a long-term agreement and wants to get it in place as soon as possible. He also distributed a draft agreement for review by the Common Council.

In answer to Council Member Kinzel's question, Council Member Maher explained that the process is lengthy because they need to start from scratch since the Joint Library Board was dissolved last year.

In answer to Council Member Filter's question, this draft agreement is similar to the initial agreement from 1984 except for some added provisions that were discussed in mediation.

Council Member Loomis commended Council Member Maher for his work on the formation of a Joint Library Board agreement; however, the process needs to be done quickly because the Town agreed to pay the City for Library services for 2011 during mediation. He stated that the City should propose a one-year agreement for the Town to pay \$201,494 and the City to pay \$428,454 for a Joint Library in 2011, while working on the agreement and going through the process required by the Eastern Shores Library System.

Council Member Maher stated that there needs to be a Joint Library Board and the process will not go quickly.

City Attorney Vance stated that it would work if the Town agrees to the offer. The County needs to know what route the Town is taking prior to November 1.

Council Member Radtke confirmed that if the Town pays the County to be exempt from the County Library Tax their portion would be \$201,494 and the Cedarburg Library would only get a portion of that payment.

Council Member Loomis suggested sending a letter to the Town as soon as possible.

Council Member Maher warned that asking the Town for a one-year temporary agreement may jeopardize the effort for a long-term agreement.

Council Members Kinzel and Filter expressed concern for the 2011 Library budget.

Council Member C. Reimer opined that a one-year offer for an agreement would not harm the process and possibly the City will not lose \$80,000.

Library Director Marquardt stated that the City and Town were told by a committee of the Eastern Shores Library System that it is too late to become a Joint Library this year. They do not want the same issue as last October and it can be reviewed again next July.

In answer to Council Member Loomis' question, City Attorney Vance stated that in order to form a Joint Library Board there is a framework made up of the City, Town, Division of Libraries, Technology, and Community Learning, County Board, and the administrative steps. She opined that it would be acceptable to ask for a continuation of a long standing agreement subject to revision.

Motion made by Council Member Loomis, seconded by Council Member C. Reimer, to offer a one year Library agreement to the Town of Cedarburg, similar to last year, and for the City to pay \$428,454 and the Town to pay \$201,494.

Council Member Maher opined that this will put him in a compromising position and will put a long-term joint Library Board agreement at risk, based on the last Town Board meeting.

Council Member Loomis stated the only people who will lose will be the Library patrons and he wants to make an effort to agree.

Council Member Maher explained that the City and Town cannot extend an agreement that does not exist and a new agreement needs to be worked out.

City Attorney Vance stated that the proposed draft agreement is based on what the Division of Libraries requires to become a Joint Library Board.

Director Marquardt stated that the proposed agreement is very similar to the agreement drafted in 1984. One difference is that the new agreement will remain in effect unless any party gives written notice 6 month prior to the next calendar year. The 1984 agreement was in effect until one party gave written notice.

Council Member Loomis expressed concern for the difference in Scenario A and Scenario B and the affect it has on the maintenance of effort for the Library. It would be beneficial to have the Town pay \$201,494 rather than the amount to be exempt from the County Library Tax as a libraried community (\$177,498) for a long-term agreement.

Council Member C. Reimer opined that he is willing to increase taxes if we get an agreement with the Town.

Council Member Maher opined that the motion should not be based on last year's agreement because the situation has changed. We do not have a Joint Library Board.

In answer to Council Member Loomis, City Attorney Vance stated that an agreement can be reached sooner; however, it will also depend on the opinion of the County and the Division of Libraries.

Director Marquardt stated that the process to form a Joint library is from the Wisconsin State Statutes.

The motion was amended to add the proposed Joint Library Agreement for consideration by the Town of Cedarburg to commence on January 1, 2011.

Motion carried with Council Members C. Reimer, Filter, Kinzel, Radtke and Loomis in favor, Council Member Maher opposed and Council Member R. Reimer excused.

**CONSIDER TWELFTH-AMENDED AGREEMENT FOR THE OPERATION OF THE MID-MORAINÉ MUNICIPAL COURT**

City Administrator/Treasurer Mertes stated that the agreement is being amended to add the City of Mequon to the Municipal Court.

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to approve the Twelfth-Amended Agreement for the operation of the Mid-Moraine Municipal Court. Motion carried without a negative vote with Council Member R. Reimer excused.

**CONSIDER STAFF REDUCTIONS**

City Administrator/Treasurer Mertes stated that the preliminary budget document reflects decisions made by the Common Council and Personnel Committee.

Acting Mayor Kinzel stated that the Personnel Committee staffing changes are tied to the services needed by the community.

City Administrator/Treasurer Mertes stated that the vacant part-time position in the City Clerk's office will not be filled, the retired police officer will not be replaced, and the Planning Department will be covered by a part-time contracted service rather than a full-time employee.

**LICENSE APPLICATIONS**

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to approve new Operator's License application for the period ending June 30, 2011 for Michael D. Abraham, Alys C. Murphy, Jessica E. Johnson, Kyle D. Scheithauer, with the exception of Mike J. Unger who Police Chief Frank recommended be denied. Motion carried without a negative vote with Council Member R. Reimer excused.

Motion made by Council Member C. Reimer, seconded by Council Member Kinzel, to approve renewal license applications for the period ending June 30, 2011 for Scott D. Hill and Kyle S. Halleman. Motion carried without a negative vote with Council Member R. Reimer excused.

**CITY ADMINISTRATOR'S REPORT** - None

**COMMENTS & SUGGESTIONS BY CITIZENS** - None

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Radtke stated that he attended a Festival Committee meeting and there is a general concern about alcohol sales and consumption during Festivals. He asked that the Council meet with Festivals in the near future to discuss their concerns.

Council Member Loomis stated that the public works crew is doing a good job on leaves and have already been in front of his house.

**MAYOR'S REPORT**

Acting Mayor Kinzel presented a Proclamation for National Friends of Libraries Week (October 17-23, 2010).

**ADJOURNMENT – CLOSED SESSION**

Motion made by Council Member Loomis, seconded by Council Member Kinzel, to adjourn to closed session at 9:48 p.m. pursuant to Wis. Stat. 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, more specifically, to discuss negotiations with the Village of Grafton regarding shared services. Approval of closed session minutes of September 13, 2010. Motion carried without a negative vote with Council Member R. Reimer excused.

**ADJOURNMENT**

Motion made by Council Member C. Reimer, seconded by Council Member Kinzel, to adjourn the meeting at 10:14 p.m. Motion carried without a negative vote with Council Member R. Reimer excused. The meeting did not reconvene to open session.

Amy D. Kletzien, MMC/WCPC  
Deputy City Clerk