

**CITY OF CEDARBURG
COMMON COUNCIL
November 8, 2010**

**CC20101108-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, November 8, 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 Chris Reimer, Ron Reimer, Art Filter, Paul Radtke, Michael Maher, Kip Kinzel, Bob Loomis

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, Police Chief Tom Frank, Captain Glenn Lindberg, Building Inspector Mike Baier, Wastewater Superintendent Ron Clish, Secretary II Judy Guse, Administrative Secretary Darla Drumel, Accountant II/Accounts Receivable Kathy Huebl, Deputy City Clerk Amy Kletzien, 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 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 Filter, seconded by Council Member R. Reimer, to approve the minutes of the October 25, 2010 meeting. Motion carried without a negative vote.

COMMENTS & SUGGESTIONS FROM CITIZENS

A resident stated that Waste Management Employee Michael Smith is living "It's a Wonderful Life."

Cathy Smith, W66 N532 Madison Avenue, stated on behalf of the students at Webster Transitional School, Michael is their hero. The students took time during their lunch hour to sign a message for him. They all know him for his smile and it shows that he shares his heart with everyone. She thanked him for being that hero.

Connie Reilly, W52 N242 Pierce Avenue, presented a T-shirt to Michael Smith.

Mary Broad, W69 N521 Margie Lane, stated that in her experience Michael has raised the bar in terms of expressing consistent love and goodness wherever he goes. She thanked Michael for being a blessing to the community.

Ben Barela, N70 W7488 Bridge Rd., stated that Michael is an exemplary citizen.

A resident thanked Michael for his wonderful care, thoughts, prayers, and smiles that he gives to the community.

Michael Smith introduced his family in attendance: his wife Desire Smith, daughters Shanise and Michelle, granddaughter Ariana, and his daughter Paris and Melvin (future son-in-law).

Tim Radtke, 1535 Whitetail Lane, Cedarburg, explained how his son Jimmy used to wait every Monday for Michael to come with his truck when he was younger. Michael would let Jimmy ride in the truck in their cul-de-sac when they lived in the City and they formed a bond. Jimmy became ill and was hospitalized for 28 days at Children's Hospital with an undiagnosed illness when he was in first grade. Jimmy's condition continued to deteriorate and it was a very difficult time for the family. Michael made an unsolicited visit to the hospital with a big smile and a die cast garbage truck. Jimmy was very weak and Michael laid the truck on Jimmy's lap and visited with him. Two days after Michael's visit, Jimmy went home.

Dan Loupee, N17 W5345 Garfield Ct., stated that Michael is a true example of a Christian who emphasizes the love of Christ to everyone he meets. It is rare to meet someone so real. He has glorified the Lord and you can see the lives he has touched. He thanked Michael on behalf of all the brothers and sisters in attendance.

Mary Broad, W69 N521 Margie Lane, stated that Michael has an amazing voice and he is very talented as a choir director in his church. His church is a precious place and she encouraged people to visit Miracle Tabernacle Church on 45th and Lisbon Ave. in Milwaukee.

Danna Hoffmann, N97 W6231 Bristol Lane, thanked Michael for saving her former neighbor's life.

Karen Hughes, W60 N624 Jefferson Ave., stated that Michael is a very sweet spirit in her and her husband's lives. Michael does his work very quietly and anonymously and he makes a difference.

Kelsea Ziemer, W74 N5448 Georgetown Drive, stated that her grandfather read about Michael and told her that it was a wonderful thing that Michael did. She stated that she has never heard anything more true.

Michael Smith's granddaughter expressed pride in her grandfather.

Dorothy Stauske, W74 N847 Tower Ave., stated that she is the catalyst to this event and Michael is her guardian angel.

Peggy Jacobs-Jacques, N63 W5805 Columbia Road, stated that the community all knows and loves Michael; however, she emailed the newspaper article to her brother in Phoenix, Arizona so his story

would go nationwide. She thanked Michael for his smiling face and his ability to lift a person's spirit.

Ross Rintelman, 1499 Granville Road, read about Michael in the newspaper and thanked him for his work in Cedarburg.

Paris Lightner, Milwaukee, thanked the City of Cedarburg for the recognition given to her father.

Cat Dolls, W66 N670 Madison Avenue, encouraged Michael to remember his roots if other opportunities arise.

CONSIDER ISSUING A CERTIFICATE OF APPRECIATION TO MICHAEL SMITH FOR HIS LIFESAVING EFFORTS

Motion made by Council Member Loomis, seconded by Council Member Filter, to issue a Certificate of Appreciation to Michael Smith for his life saving efforts.

Council Member Radtke stated that Jimmy Radtke is his nephew and he shares this story often. This is the type of people that live in Cedarburg. Michael is exemplary and has a wonderful impact on the community. Council Member Radtke has been on the Council for six years and he has never seen this many people attend a meeting for any reason.

Council Member Filter thanked Michael for doing a wonderful job. Waste Management should be proud of his work and goodwill that he gives to Cedarburg.

Council Member C. Reimer stated that Michael's name has come up before from the citizens of Cedarburg. In particular when the City was reviewing the Waste Management contract, the Common Council agreed that wherever the contract went, Michael had to go with it. On a personal note when he and his wife Lisa moved to Cedarburg, Michael walked up to his garage to help him with some debris from a basement remodeling project without knowing him. He thanked Michael and stated that he is an asset to the world and Cedarburg.

Motion carried without a negative vote.

Mayor Myers presented the Certificate of Appreciation to Michael for his outstanding service and the relationships he has built with his customers, which enabled him to recognize and respond to a life-threatening situation on September 30, 2010 and for his superior job performance over the past 12 years in the City of Cedarburg.

Michael Smith thanked God, the City and citizens of Cedarburg, and Waste Management for this recognition. He works hard to give the citizens of Cedarburg the best service they have ever had. He asks God to use him in service to help in any situation that may come about in the City of Cedarburg. He begins each day looking forward to having a great day. He loves doing his job and the people in Cedarburg. God is his life and praises Him for speaking to his mind to look back again at Dorothy. If the spirit of God would not have spoke to his mind, she may not be here today. The doctor's said that his quick response saved her life. He puts his soul and life and love out in the

community to do whatever good that he can and to help in any way possible. He sees love in the community and he wants to share the love that God has given him. Michael stated that he is grateful for the recognition by so many people of different ages from young and old alike. He loves everyone in the City of Cedarburg. God is his life and he is happy to share the love of God with the community. He thanked the community and expressed love for everyone.

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member C. Reimer, seconded by Council Member Loomis, to adjourn to closed session at 7:30 p.m. pursuant to Wis. State Statutes 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 labor negotiations. Approval of closed session minutes of October 11, 2010. Motion carried without a negative vote.

RECONVENE TO OPEN SESSION

Motion made by Council Member Loomis, seconded by Council Member Kinzel, to adjourn to open session at 8:10 p.m. Motion carried without a negative vote.

FURTHER CONSIDERATION OF THE PROPOSED 2011 BUDGET

City Administrator/Treasurer Mertes reviewed the changes to the draft budget document since the October 25 Council meeting.

- Reduced City Hall exchange server in the Capital Budget by \$6,300.
- Reduced the dispatch computer equipment by \$9,300.
- Added the park pavilion roof repairs for \$17,300.
- Added the tree inventory for \$5,040.
- Eliminated the dispatch furniture in the Capital Improvement Budget by \$16,985.

After meeting with Mayor Myers, she explained that the tax levy for 2011 will remain at \$6.49 per \$1,000. The School District is going up .18 per \$1,000 and MATC is going down .06 per \$1,000. These changes include:

- The contracted position for the Planning Department was reduced to \$35,000.
- The new hire for the Public Works employee that is retiring at the end of 2010 will be delayed until July 1, 2011. The Public Works and Parks & Forestry Budgets were reduced to reflect this change by \$22,700.
- The sign replacement budget was reduced by \$7,000, which was part of the fund balance use.
- An Employee Assistance Program through Aurora Health will be added.
- Roof Repair on the Community Gym, as a result of the Energy Audit, was changed to a use of fund balance because it is a longer term item.
- The Clerk's office postage was reduced.
- The Police Department natural gas account was reduced by \$700.

In answer to Council Member Loomis' question, City Administrator/Treasurer Mertes stated that \$86,000 of the fund balance is being used. The estimated unreserved fund balance will be \$1.4 million at the end of next year and the policy requires \$1.3 - \$1.95 million.

In answer to Council Member Loomis' question, Director Wiza stated that a delay in hiring a Public Works person in July will have an affect on the plowing routes, pool preparation, or if another Public Works employee is off work.

Council Member Filter asked if it was possible to hire a part-time person with a pool certification to get the pool running in the spring. City Administrator/Treasurer Mertes stated that another employee is trained to work on the pool.

Mayor Myers confirmed with City Administrator/Treasurer Mertes that Superintendent Boerner was not expecting a new public works employee next year, so he will compromise by hiring a new person in summer when they are needed most.

Council Member Loomis asked if a comparison was done on the police cars for maintaining them vs. replacing them, as to whether it makes economic sense to replace them at this time.

Police Chief Frank stated that Captain Lindberg reviewed the costs in keeping the police cars too long. He opined that they are getting to the point that they are unsafe. One car is parked and is only used when a car is in the shop because of the miles and hours that are on the car. All three cars are at that point. Typically, the resale is good on these vehicles because there is a market for full size vehicles.

Mayor Myers asked why the vehicles are considered unsafe if routine maintenance is being done the vehicles. He does not consider a vehicle with over 100,000 miles to be unsafe if they are maintained.

Police Chief Frank stated that police cars see a different type of use than a family vehicle. Police cars are driven harder and brakes need replacement at a much lower than average mileage than a family vehicle. The officers are cornering hard, braking hard and pulling out into traffic to stop vehicles with the police cars. The suspension on these vehicles become loose and they do not replace these parts unless they are broken.

In answer to Council Member C. Reimer's question, Police Chief Frank stated that three police cars have seen better days and should be replaced.

Council Member Radtke discussed replacing the vacant police officer position. He does not see the City's needs being met with mutual aid and the Sheriff's Department. After talking to Police Chief Frank and Captain Lindberg, he agrees that the position should be filled to alleviate the stress caused by covering shifts during training and excessive overtime required by officers. He agreed that there is an inequity by paying for sheriff's services; however, everyone in the County is doing the same thing and it will not change in the near future. He stated that the Sheriff's Department will continue to have three officers available and will not hire another officer to help Cedarburg.

Chief Frank stated there is a need to replace the retired officer because the department has been at this level since 2001. From a law enforcement standpoint, the City has gotten busier. The department has been more active with training, tourism has increased especially during festivals, and the demand for overtime has increased. The loss of an officer will result in a reduction in services by causing longer response times and less preventative patrol.

In answer to Council Member Filter's question, Chief Frank stated that the police contract requires a seven person minimum. Every day the department needs a total of seven officers for all three shifts. On a good day with a 20 officer department, if 13 officers are scheduled, it means that no one is at school, no one called in sick, and no one is on family medical leave, etc. As these things occur, the staffing levels go down and instead of having 10 officers there will only be 9 making one shift short. The staffing minimum means that there will always be 7 officers scheduled for the day and if someone calls in sick, they will pay overtime to get to the minimum. The response time is affected when an officer is out for some reason and the remaining officers cannot leave a situation, then another community is called for assistance to get to the second call.

Council Member Radtke stated that not all officers want to work overtime. Chief Frank agreed that there is more overtime than some officers want to work, especially in the summer.

Council Member Radtke also expressed concern for not hiring a public works person until July 31. Some of his constituents have expressed concerns about park maintenance.

Council Member Maher agreed and shares the same concerns about not hiring another officer. He questioned creating an eligibility list for only a possible hire because it costs money.

Mayor Myers and Chief Frank discussed creating the eligibility list in case he lost another officer. The list is good for two years and that was presented to the Council.

Chief Frank stated that the eligibility list will be good through January 2013. He appreciates being able to create the eligibility list because he may have a retirement next year. Going through this process now will save 6 – 7 months in the hiring process for a replacement if approved. With an eligibility list an officer could be hired within a couple of weeks. Once an officer is hired, it requires 14 – 16 weeks of training to work in the field.

Council Member Maher suggested that Officer Fitting be given a work station to conduct car seat checks.

Council Member R. Reimer suggested that the City of Cedarburg work with the Sheriff's Department for back up if needed in lieu of the amount that is paid for their services.

Council Member Radtke stated that having the County Sheriff's Department on call may not have a reasonable response time to meet what the citizens of Cedarburg expect for service. The officer would most likely serve in a support role only.

Mayor Myers stated that in today's economy every community's budget is squeezed and they need to work together. The City cannot keep raising taxes which requires thinking in a new direction.

Council Member Kinzel stated that this economy requires people to make adjustments and to do with less.

Council Member Loomis stated that house values are not appreciating right now. Once growth occurs, the City will be able to afford more and a police officer can be hired.

Council Member Radtke opined that if the Mayor and Council continue to hold taxes and items are continually cut from the budget that eventually the City will suffer.

Mayor Myers stated that the City pays \$600,000 to the Sheriff's Department for service and we should call them if needed.

In answer to Council Member Radtke's question, Chief Frank stated that if the County is called to Cedarburg, they will do their best to stabilize a situation until a Cedarburg officer arrives.

Motion made by Council Member Radtke, seconded by Council Member Maher, to authorize hiring a police officer.

In answer to Council Member Radtke's question, the Police Department has paid \$4,000 in overtime since the end of June when Officer Van Dinter retired.

In answer to Council Member Kinzel's question, City Administrator/Treasurer Mertes stated that \$11,000 added to the levy equates to a .01 increase (\$250 on a \$250,000 home) and if an officer were added to the budget it would add .08 to the levy.

Council Member R. Reimer stated that the City should consider using the Sheriff's Department for services when needed.

Mayor Myers stated that the City does not use mutual aid on a regular basis and the City should try something new.

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

The motion to hire a new officer failed with Council Members R. Reimer, Maher and Radtke in favor and Council Members C. Reimer, Filter, Kinzel and Loomis opposed.

Council Member Maher thanked City Administrator/Treasurer Mertes and staff for their work on a very challenging budget. After having many of his questions answered by City Administrator/Treasurer Mertes, he narrowed his questions and comments to the following:

- Page 2 of the budget document lists four budget development guidelines to avoid. He expressed concern for the Library having to use fund balance to support re-occurring expenses (guideline 3). He requested that the next mediation session include discussion on a library agreement.

- Page 10 of the budget states that the signs supplies and parts account was increased \$18,000 to begin the mandated sign replacement. He opined that this money could be better spent in other areas.

City Administrator/Treasurer Mertes and City Attorney Vance stated that the amount was reduced to \$9,000 because of liability concerns.

Director Wiza stated that because it has been federally mandated to have reflective signs, the City could be held negligent. Signs that are worn out are being replaced first.

Mayor Myers stated he will send a letter to Representative Sensenbrenner opposing the identifying street name sign replacement mandate. He agrees that road safety signs should be reflective.

- Page 12, first paragraph, City Administrator/Treasurer Mertes will include further explanation on the expenditures in the budget document.

Under the Stormwater improvements, Council Member Maher is encouraged that this work will help his constituents on Hamilton Road, who are experiencing drainage problems.

- Page 14, regarding the Dam work, he suggested that the City be proactive and learn from Grafton's experience.
- Page 72, regarding the City Hall Complex, it states that the Building Inspector serves the building maintenance and repair needs of City Hall, Lincoln Building and the Community Center Gym. Costs associated with the Library, Fire Station, Police Station maintenance and repair costs are located in their own budgets. Council Member Maher suggested including all City properties maintenance to be overseen by the Building Inspector in the future.
- Page 122, regarding Long-Term Objectives, he questioned whether a part-time Planner will meet these objectives when development increases.

Council Member Radtke also expressed concerns about the part-time Planner decision.

Mayor Myers stated that the City had a part-time Planner when he began serving the City and he accomplished many projects in two days when the City was experiencing growth.

Council Member Kinzel stated that contractors can be used, if needed, and all decisions are correctable.

- In regard to Summer Sounds, he requested that the City find a way to cover the costs of refuse collection for the events. Summer Sounds showcases the City and is run by volunteers. He opined that the City should pay for this service, if it can be done without raising the tax rate.

Motion made by Council Member Maher, seconded by Council Member Radtke, to include \$1,300 for refuse collection at the Summer Sounds events without raising the tax rate by reducing other expenses as necessary. Motion carried without a negative vote.

Motion made by Council Member Radtke to fill the public works position as soon as possible. Motion failed for lack of a second to his motion.

CONSIDER ORDINANCE NO. 2010-17 LEVYING PROPERTY TAXES ON THE GENERAL, DEBT SERVICE, SPECIAL REVENUE, AND CAPITAL IMPROVEMENT FUNDS FOR FISCAL YEAR 2011

Motion made by Council Member Loomis, seconded by Council Member C. Reimer, to adopt Ordinance No. 2010-17 levying property taxes on the General, Debt Service, Special Revenue, and Capital Improvement funds for fiscal year 2011, reflecting the changes made in the consideration of the proposed 2011 Budget. Motion carried on a roll call vote with Council Members C. Reimer, R. Reimer, Filter, Maher, Kinzel and Loomis in favor and Council Member Radtke opposed.

CONSIDER ORDINANCE NO. 2010-18 APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE GOVERNMENT AND ADMINISTRATION OF THE CITY OF CEDARBURG FOR FISCAL YEAR 2011

Motion made by Council Member C. Reimer, seconded by Council Member Loomis, to adopt Ordinance No. 2010-18 appropriating the necessary funds for the operation of the Government and Administration of the City of Cedarburg for fiscal year 2011, reflecting the changes made in the consideration of the proposed 2011 Budget. Motion carried on a roll call vote with Council Members C. Reimer, R. Reimer, Filter, Maher, Kinzel and Loomis in favor and Council Member Radtke opposed.

CONSIDER ORDINANCE NO. 2010-19 APPROPRIATING THE NECESSARY FUNDS FOR THE 2011 CAPITAL IMPROVEMENT BUDGET

Motion made by Council Member Loomis, seconded by Council Member Kinzel, to adopt Ordinance No. 2010-19 appropriating the necessary funds for the 2011 Capital Improvement Budget, reflecting the changes made in the consideration of the proposed 2011 Budget. Motion carried on a roll call vote with Council Members C. Reimer, R. Reimer, Filter, Maher, Kinzel and Loomis in favor and Council Member Radtke opposed.

CONSIDER ORDINANCE NO. 2010-20 ESTABLISHING THE USER CHARGE SCHEDULE AND APPROPRIATING THE NECESSARY FUNDS FOR THE SEWERAGE FUND FOR THE OPERATION OF THE WASTEWATER TREATMENT PLANT FOR FISCAL YEAR 2011

Motion made by Council Member C. Reimer, seconded by Council Member Loomis, to adopt Ordinance No. 2010-20 establishing the user charge schedule and appropriating the necessary funds for the Sewerage Fund for the operation of the Wastewater Treatment Plant for fiscal year 2011.

Motion carried on a roll call vote with Council Members C. Reimer, R. Reimer, Radtke, Maher, Kinzel and Loomis in favor and Council Member Filter opposed.

CONSIDER ORDINANCE NO. 2010-21 APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE SPECIAL REVENUE FUNDS AND ADOPTING THE INDICATED BUDGETS FOR FISCAL YEAR 2011

Motion made by Council Member Kinzel, seconded by Council Member C. Reimer, to adopt Ordinance No. 2010-21 appropriating the necessary funds for the operation of the Special Revenue Funds and adopting the indicated budgets for fiscal year 2011. Motion carried unanimously on a roll call vote.

CONSIDER ORDINANCE NO. 2010-22 AMENDING SEC. 15-1-101(b) OF THE CODE OF ORDINANCES PERTAINING TO ELECTRICAL PERMIT FEES

Motion made by Council Member C. Reimer, seconded by Council Member R. Reimer, to adopt Ordinance No. 2010-22 amending Sec. 15-1-101(b) of the Code of Ordinances pertaining to electrical permit fees. Motion carried with Council Members C. Reimer, R. Reimer, Filter, Maher, Kinzel and Loomis in favor and Council Member Radtke opposed.

CONSIDER AWARD OF ENGINEERING DESIGN CONTRACT FOR THE 2011 STREET AND UTILITY PROJECT

Motion made by Council Member R. Reimer, seconded by Council Member C. Reimer, to award the engineering design contract for the 2011 Street and Utility Project to Kapur and Associates with the lowest overall fee of \$34,200. Motion carried unanimously on a roll call vote.

LICENSE APPLICATIONS

Motion made by Council Member Kinzel, seconded by Council Member Loomis, to approve new Operator's License applications for the period ending June 30, 2011 for Kimberly L. Doran and Daniel A. Gehrke. Motion carried without a negative vote.

The operator license application for Jan A. Mlodzik was not approved based on the recommendation of Police Chief Frank.

POSSIBLE DISCUSSION AND CONSIDERATION OF TENTATIVE AGREEMENT WITH THE PUBLIC WORKS AND WASTEWATER UNION

Motion made by Council Member Loomis, seconded by Council Member Kinzel, to approve a tentative labor agreement with the Public Works and Wastewater Union. Motion carried without a negative vote.

CITY ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes stated that the Quarterly Financial Report was distributed.

COMMENTS & SUGGESTIONS BY CITIZENS - None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Radtke congratulated the Police Department for seizing a car in a drug violation.

Council Member Maher stated that he understood the next mediation session is going to focus on the Prochnow Landfill; however, he requested that some time be dedicated to discuss a Joint Library Agreement.

Council Member Filter asked if Summer Sounds could omit selling items in glass bottles.

Council Member Loomis commended City Administrator/Treasurer Mertes and staff on the great job they did on the budget.

MAYOR'S REPORT

Mayor Myers also thanked City Administrator/Treasurer Mertes and staff on a well done budget in an understandable format.

Mayor Myers stated that he has been talking to the Cedarburg Postmaster about changing the City addressing system to non-grid numbers. He will put this item on the next agenda for resolution.

ADJOURNMENT

Motion made by Council Member C. Reimer, seconded by Council Member Filter, to adjourn the meeting at 9:35 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk