

**CITY OF CEDARBURG  
COMMON COUNCIL  
June 26, 2017**

**CC20170626-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, June 26, 2017, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Kinzel called the meeting to order at 8:05 p.m.

ROLL CALL: Present - Common Council: Mayor Kip Kinzel, Council Members John Czarnecki, Jack Arnett, Dick Dieffenbach, Rick Verhaalen, Mitch Regenfuss, Patricia Thome, Mike O'Keefe

Also Present - City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, Police Chief Tom Frank, City Clerk Constance McHugh, Parks, Recreation and Forestry Director Mikko Hilvo, Wastewater Superintendent Eric Hackert, City Attorney Michael Herbrand; interested citizens and news media

**STATEMENT OF PUBLIC NOTICE**

At Mayor Kinzel's request, City Clerk McHugh 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 O'Keefe, seconded by Council Member Arnett, to approve the minutes of the June 12, 2017 Common Council meeting. Motion carried unanimously.

**CONSIDER RECOMMENDATION OF POLICE CHIEF TO DENY NEW OPERATOR'S LICENSE APPLICATION OF ELIZABETH P. MILLER**

Chief Frank said an application for a bartender's license was received from Elizabeth Miller. Ms. Miller has a felony conviction. State Statutes prohibits anyone with a felony from holding a license.

Attorney Herbrand said the Council has the right to deny any applicant with a felony conviction.

Motion made by Council Member O'Keefe, seconded by Council Member Czarnecki, to deny the operator's license application of Elizabeth P. Miller based on the recommendation of Chief Frank. Motion carried unanimously.

**CONSIDER REQUEST FOR COUNTRY MUSIC EVENT AT CEDAR CREEK PARK  
(COUNTRY IN THE BURG) ON AUGUST 25, 2018**

Director Hilvo said he has been working with resident Alex Uhan to hold a country music event at Cedar Creek Park on August 25, 2018 called Country in the Burg. He said from a Parks and Recreation standpoint this would be a great event for the community.

Mr. Uhan said the intent is to bring another music venue to the City on August 25, 2018. The plan calls for three major acts with an attendance of 1,500 to 2,000 persons during the first year. He is teaming with Mel's Charities to hold this ticketed event. The goal is to raise \$5,000 - \$10,000 the first year that will go to Mel's Charities.

Council Member Thome asked who would sign the artists' agreements and if liability coverage will be provided.

Mr. Uhan said the Friends of Cedarburg Parks and Recreation or Mel's Charities would sign the agreements. Director Hilvo said the insurance is something that will be worked out. He said contracts for the artists will need to be signed soon; however, efforts will not continue unless the Council approves the concept. If the Council is on board with the idea, the details will be worked out.

Council Member Czarnecki asked how many people Summer Sounds brings in on a Friday night. Council Member Regenfuss said the average is 5,000 people per night.

Attorney Herbrand said communities with these types of events typically seek reimbursement for Public Works and Public Safety involvement, approve a site plan, and require liability insurance with the municipality named as an additional insured.

Director Hilvo said the costs to the City will be covered; similar to what is done with Summer Sounds. He said a majority of the financial support will come from Mel's Charities. There will be no financial commitment from the City.

Council Member Dieffenbach said it is premature to make a decision at this time. He said he is fine with the concept, but would like to see more details.

Motion made by Council Arnett, seconded by Council Member Czarnecki, to approve holding a country music event at Cedar Creek Park on August 25, 2018, subject to reimbursement to the City of all costs, approval of the footprint by the Fire Chief and Police Chief, and appropriate liability insurance provided.

Council Member Verhaalen disclosed that he knows Tom "Mel" Stanton of Mel's Charities very well. Attorney Herbrand opined that this is not a conflict of interest.

Council Member Regenfuss said there may be a need to control the number of people that attend the event for safety reasons. Chief Frank said this is something the Fire Inspector will weigh in on.

Motion carried with Council Members Czarnecki, Arnett, Verhaalen, Regenfuss, Thome, and O’Keefe voting aye and Council Member Dieffenbach voting nay.

**CONSIDER APPLICATIONS FROM GG & KR LLC, GORDON M. GOGGIN, AGENT, KNOWN AS THE STILTHOUSE, W62 N630 WASHINGTON AVENUE, AND SKYCABLE, INC., GUS WIRTH JR., AGENT, KNOWN AS ONE FORTY SIX, W63 N146-148 WASHINGTON AVENUE, FOR CLASS “B” BEER AND “CLASS B” LIQUOR LICENSE FORMERLY HELD BY LA FAJITAS; AND ACTION THEREON**

Attorney Herbrand said a liquor license has recently become available due to the closing of La Fajitas. Two applicants have applied for the license. He said the Council has a large amount of discretion in terms of issuing this available license as long as a record is created showing the rationale for the decision.

Gordon Goggin, owner of the Stilthouse, said he currently has a beer and wine license. His establishment opened up in 2013 with the hope of someday obtaining a full liquor license. He said many guests ask for alcoholic drinks with 10% of his patrons being turned away each week. He has applied for the license to be able to serve that demographic.

Gus Wirth, owner of Echo Plaza where La Fajitas was located, said he is asking for the liquor license to replace a liquor license at the same location. He said this is a timing issue. La Fajitas closed in May; however, he has four different people who are looking at this space to open a restaurant. Two of the individuals are considering a Mexican restaurant so a liquor license is necessary because margaritas are part of the experience. This space in Echo Plaza has had a liquor license for 17 years. Mr. Wirth said typically Cedarburg keeps liquor licenses with the building.

Council Member Thome made a motion to grant the available liquor license to GG & KR LLC, Gordon M. Goggin Agent, known as the Stilthouse, W62 N630 Washington Avenue, based on the restaurant being in business for over four years and being active and thriving in the community. Motion was seconded by Council Member Czarnecki.

Council Member Arnett said if the license is granted to Mr. Goggin, there may be a vacancy in Echo Plaza. He said this is a difficult decision, as another liquor license may become available soon due to an increase in population.

Mayor Kinzel said the Council recently adopted an ordinance requiring that businesses with liquor licenses must be open a minimum of 15 days each month with a minimum of four hours each day. He said if someone is granted the license and not using it right away there will be an immediate violation of the ordinance.

Attorney Herbrand said this is a good point. He said the Council has discretion in granting this license, and does not necessarily have to grant the license.

Mr. Wirth said a new business potentially coming to town hinges on the Council’s decision.

Council Member Czarnecki said by not granting the license to Mr. Goggin, a business that took a chance on a lesser license when it opened will be penalized.

Council Member O'Keefe said if the City is able to obtain another license and a new restaurant comes to town Mr. Goggin could be penalized again.

With Council Members Czarnecki, Dieffenbach, Verhaalen, Thome, and O'Keefe voting aye and Council Members Arnett and Regenfuss voting nay, the motion to grant the liquor license to GG & KR, LLC carried.

**CONSIDER ORDINANCE NO. 2017-18 AMENDING SECTION 10-1-16(b) OF THE CODE OF ORDINANCES TO AUTHORIZE THE PLACEMENT OF YIELD SIGNS FOR WALNUT STREET AT MADISON AVENUE**

Motion made by Council Member Dieffenbach, seconded by Council Member Czarnecki, to adopt Ordinance No. 2017-18 amending Section 10-1-16(b) of the Code of Ordinances authorizing the placement of yield signs for Walnut Street at Madison Avenue. Motion carried unanimously.

**CONSIDER RELOCATION ORDER TO ACQUIRE CERTAIN LANDS AND CERTAIN PROPERTY INTERESTS FOR THE HIGHLAND DRIVE PUMP STATION**

The Highland Drive sanitary sewer pump station has a very large service area which includes presently vacant lands along Sheboygan Road and the Highway 60 corridor. This pump station needs to be replaced and enlarged in the next few years to accommodate future development. The most cost effective means to provide the additional capacity is to construct new pumping facilities on the lands immediately adjacent to the existing pump station. The property under consideration is owned by BMO Harris bank. The area proposed for pump station construction, while nicely landscaped, does not contain any buildings or facilities essential to current business operations.

Director Wiza said the relocation order would establish the City's intent to acquire this land and begin the process of talking to representatives of the bank.

Council Member Arnett asked if the bank has been contacted as a courtesy.

Attorney Herbrand said the relocation order is required by State Statute and kicks off the process of Director Wiza and City Administrator/Treasurer Mertes talking to representatives of the bank to try to reach an accord.

Motion made by Council Member Arnett, seconded by Council Member Verhaalen, to approve the relocation order to acquire certain lands and certain property interests for the Highland Drive pump station. Motion carried unanimously.

**DISCUSS AND APPROVE PRELIMINARY BUDGET PARAMETERS, INCLUDING OPERATING EXPENDITURES AND/OR TAX LEVY, GROWTH TARGETS FOR DEVELOPMENT OF THE PROPOSED 2018 BUDGET**

City Administrator/Treasurer Mertes said annually the Council sets the parameters for staff to follow during the development of the budget. Usually the expectation is that the tax rate should be held at the same rate as the previous year. The estimated assessed value, before manufacturing numbers are complete, is increasing \$29 million. This will allow the tax rate to remain the same or

even decrease. The one known loss in revenue is the expenditure restraint revenue of \$167,000 for 2018.

It was the consensus of the Council that the goal should be a decrease in the tax rate if possible.

### **CONSIDER BUDGET CALENDAR FOR 2018**

City Administrator/Treasurer Mertes said the proposed budget calendar for the 2018 budget is the same as last year. The budget will be distributed to the Council on October 5 with the public hearing/budget presentation at the October 30 meeting. It may be necessary to add dates in October for budget deliberations if necessary. This year only those departments with larger budgets and capital improvement projects will present to the Council. Others will be present for questions. The budget is scheduled to be adopted on November 27; however, if numbers are received by the State and all goes well the approval could be moved to November 13.

### **PRESENTATION OF STRATEGIC WORK PLAN**

City Administrator/Treasurer Mertes said the goals and objectives of the Strategic Plan have been updated. The goals and objectives typically come from staff and various boards, committees and commissions. She encouraged Council Members to review the plan and provide suggestions to her. Also distributed were results of a citizen survey. She asked Council Members to review the results and let her know if any items should be added to the plan based on survey responses or comments.

Council Member Dieffenbach stated staff should be looking at ways to share services with other communities or the school district. One example of this is the wash bay in the new Public Works facilities. He said this could be used by surrounding communities and the school district to generate revenue.

City Administrator/Treasurer said she met today with representatives of the Fire Department in the City and other communities to discuss sharing opportunities. In terms of the Public Works facility, staff would like the opportunity to see how things go at the facility first before determining if there are any revenue opportunities.

### **PAYMENT OF BILLS**

Motion made by Council Member Regenfuss, seconded by Council Member Czarnecki, to approve the payment of the bills for the period 6/09/17 through 06/20/17, transfers for the period 06/10/17 through 06/23/17, and payroll for the period 06/04/17 through 06/17/17. The motion carried unanimously.

### **LICENSE APPLICATIONS**

Motion made by Council Member O'Keefe, seconded by Council Member Czarnecki, to authorize the issuance of new Operators licenses for the period ending June 30, 2018 to Julie B. Gottfried, Carina R. Heckert, Alexander J. Hildebrand, Scott A. Kosidowski, Brenda L. Mueller, Jakob P. Pedersen, and Jeannette M. Schupp. Motion carried unanimously.

Motion made by Council Member O'Keefe, seconded by Council Member Czarnecki, to authorize the issuance of renewal Operators licenses for the period ending June 30, 2018 to Joey M. Baumle, Denise M. Beno, David J. Burnside, Kelly L. Dockery, Chad A. Doedens, Micah J. Drengler, Emily E. Eineichner, James D. Hintz, Madissen M. Homayouni, Michael E. Hubbard, Sam C. Kornetzke, Aida A. Kozic, Zachariah R. Ladd, Cynthia M. Larson, Mark E. Larson, Todd R. Luft, Judith A. Murphy, Karen M. Nelson, William R. Poull, Lindsey A. Priaulx, Amy B. Radtke, Melissa M. Radtke, Michael N. Russo, Caryn M. Sager, Mark J. Schubert, Nicholas W. Schultz, Matthew R. Stein, and Thane A. Storck. Motion carried unanimously.

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Dieffenbach asked if Council Members are signed up for the 4<sup>th</sup> of July parade. He was informed that the application fee for participation was paid to the Chamber.

**ADJOURNMENT**

Motion made by Council Member Czarnecki, seconded by Council Member Arnett, to adjourn the meeting at 9:17 p.m. Motion carried unanimously.

Constance K. McHugh, MMC/WCPC  
City Clerk