

**CITY OF CEDARBURG
COMMON COUNCIL
July 10, 2017**

**CC20170710-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, July 10, 2017, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Kinzel called the meeting to order at 7:00 p.m.

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

Excused - Council Member John Czarnecki

Also Present - City Administrator/Treasurer Christy Mertes, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, Director of Engineering and Public Works Tom Wiza, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor 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.

APPROVAL OF MINUTES

Motion made by Council Member Thome, seconded by Council Member Dieffenbach, to approve the minutes from the June 26, 2017 meeting. Motion carried without a negative vote with Council Member Czarnecki excused.

COMMENTS & SUGGESTIONS FROM CITIZENS - None

NEW BUSINESS

CONSIDER ISSUANCE OF A TRANSIENT ENTERTAINMENT LICENSE TO RAINBOW VALLEY RIDES, INC. FOR THE OZAUKEE COUNTY FAIR ON AUGUST 2 (1:00 P.M. TO 11:00 PM), AUGUST 3, 4, & 5 (10:00 A.M. TO 11:00 PM), AND AUGUST 6, 2017 (10:00 A.M. TO 7:00 P.M.) AND THE REQUEST TO WAIVE THE REQUIREMENT FOR A CLEAN UP BOND AS REQUESTED BY AGRICULTURAL SOCIETY; AND ACTION THEREON

Rainbow Valley Rides, Inc. has applied for a Transient Entertainment License for the Ozaukee County Fair. A request has been received from the Ozaukee County Agricultural Society to waive the requirement of a clean-up bond. According to Sec. 7-6-1(d)(3) of the Municipal Code, the Council has the option to waive this requirement, which has been done for the past twenty-two years.

Motion made by Council Member Verhaalen, seconded by Council Member O'Keefe, to approve the issuance of a Transient Entertainment license to Rainbow Valley Rides, Inc. for the Ozaukee County Fair on August 2 (1:00 p.m. to 11:00 p.m.), August 3, 4, 5 (10:00 a.m. to 11:00 p.m.), and August 6, 2017 (10:00 a.m. to 7:00 p.m.) and the request to waive the requirement for a clean-up bond as requested by the Agricultural Society. Motion carried without a negative vote with Council Member Czarnecki excused.

CONSIDER AGREEMENT WITH SHORT ELLIOT HENDRICKSON INC. FOR DESIGN, CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES ASSOCIATED WITH THE COMMUNICATIONS MONOPOLE; AND ACTION THEREON

Director Wiza explained that in March 2017 the Council authorized SEH to proceed with design of the Western Road communications monopole. To expedite the process, the Common Council authorized a not-to-exceed amount of \$28,700, which was the amount of the line item for "design" listed in the project cost estimate. Since then SEH has submitted a detailed engineering service proposal which includes the design, bidding, construction administration, and inspection. Because the amount of this proposal (\$30,000) is slightly more than the amount previously approved, staff is bringing back the now detailed proposal for approval.

In answer to Council Member Dieffenbach's question, Director Wiza explained that construction will start this fall.

Motion made by Council Member Regenfuss, seconded by Council Member Thome, to approve the agreement with Short Elliot Hendrickson Inc. for design, construction administration and inspection services associated with the communications monopole. Motion carried without a negative vote with Council Member Czarnecki excused.

CONSIDER REQUEST OF THE FRIENDS OF THE CEDARBURG LIBRARY TO WAIVE LIQUOR LIABILITY INSURANCE REQUIREMENT FOR EVENT TO BE HELD ON JULY 13, 2017; AND ACTION THEREON

Council Member Dieffenbach explained that he initiated this request on behalf of the Friends of the Cedarburg Library; however, after further investigation realized that it was not doable under the current policy. He stated that this should be allowed in the future because it is a member's only night and there is no charge for the wine. He would appreciate further review of the policy for future events. He stated that the Friends of the Library work hard to raise as much as \$600,000 in book sales to help the Library and it would not be cost efficient to purchase liquor liability for this one event. No action was taken.

CONSIDER PAYMENT OF BILLS FOR THE PERIOD 06/23/17 THROUGH 06/30/17, TRANSFERS FOR THE PERIOD 06/24/17 THROUGH 07/07/17, AND PAYROLL FOR THE PERIOD 06/18/17 THROUGH 07/01/17; AND ACTION THEREON

Motion made by Council Member Arnett, seconded by Council Member O'Keefe, to approve payment of bills for the period 06/23/17 through 06/30/17, transfers for the period 06/24/17 through 07/07/17, and payroll for the period 06/18/17 through 07/01/17.

In answer to Council Member Dieffenbach's question, City Administrator/Treasurer Mertes explained that the \$42,000 for foundation repair by Oostburg Concrete Products is for the Fire Department retaining wall.

Council Member Verhaalen asked if the payment to Ramboll Environmental, shown on page 9, was to satisfy DNR reporting on the Prochnow property. City Administrator/Treasurer Mertes confirmed that it was.

Motion carried without a negative vote with Council Member Czarnecki excused.

CONSIDER LICENSE APPLICATIONS; AND ACTION THEREON

Motion made by Council Member Arnett, seconded by Council Member Thome, to approve new Operators License applications for the period ending June 30, 2018 for Antoinette L. Dunst, Vita Marie Ferrara, Jennifer Ann Jahn, David R. Kellner, Alexander J. Knaus, Robert M. Nash, Jamie Nevins, Andrea J. Patnode, and Lauren Siegesmund. Motion carried without a negative vote with Council Member Czarnecki excused.

Motion made by Council Member O'Keefe, seconded by Council Member Arnett, to approve renewal Operators License applications for the period ending June 30, 2018 for John O. Baker, Dixie K. Borzick, Evan N. Bray, Lois M. Bray, Richard L. Carlson, Benjamin S. Clithero, Edward J. Dettloff, Deborah A. Dunne, Ronald R. Ernst, LeRoy C. Haeuser, Lori A. Haeuser, Mark Hilgendorf, Madeline Houdek, Gregory J. Jourdain, Robert A. Kitzerow, Christine A. Krause, Craig E. Lowdermilk, Neal Maciejewski, Niall M. McCue, Jacki L. Moegenburg, Sheridan P. Riley, Richard J. Roden, Robert J. Roden, Kyle D. Scheithauer, Kari S. Schwartz, Thomas J. Shippen and Warren D. Seifert. Motion carried without a negative vote with Council Member Czarnecki excused.

ADMINISTRATOR'S REPORT - None

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Dieffenbach explained that he has received calls regarding the change in pick up days for refuse in parts of the City. It is difficult to pick up refuse on a Friday near the Fairgrounds when there are parking restrictions and sometimes it is not picked up until the following Monday. He asked that the routes be reviewed again.

Council Member Arnett explained that the second Branding Committee meeting was held today. The group approved the RFP and will mail them by July 15 for return by August 15. The Committee plans to choose a firm by September 15.

In answer to Council Member O'Keefe's question, Council Member Arnett stated that the RFP was modeled from another community.

MAYOR'S REPORT - None

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Thome, seconded by Council Member O'Keefe, to adjourn to closed session at 7:17 p.m. pursuant to State Statutes 19.85(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session, more specifically, to consider a Developer's Agreement regarding the redevelopment of the Amcast property. Approval of closed session minutes of 05/08/17. Motion carried unanimously on a roll call vote with Council Member Czarnecki excused.

RECONVENE TO OPEN SESSION

Motion made by Council Member Dieffenbach, seconded by Council Member Arnett, to reconvene to open session at 9:13 p.m. Motion carried unanimously on a roll call vote with Council Member Czarnecki excused.

CONSIDER DEVELOPER'S AGREEMENT FOR THE AMCAST PROPERTY; AND ACTION THEREON

No action was taken.

ADJOURNMENT

Motion made by Council Member Dieffenbach, seconded by Council Member Arnett, to adjourn the meeting at 9:13 p.m. Motion carried without a negative vote with Council Member Czarnecki excused.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk