

**CITY OF CEDARBURG  
COMMON COUNCIL  
August 28, 2017**

**CC20170828-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, August 28, 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 John Czarnecki, Jack Arnett, Dick Dieffenbach, Rick Verhaalen, Mitch Regenfuss, Patricia Thome, Mike O'Keefe

Also Present - City Administrator/Treasurer Christy Mertes, Director of Public Works and Engineering Tom Wiza, Police Chief Tom Frank, City Clerk Constance McHugh, Wastewater Superintendent Erick Hackert, City Attorney Michael Herbrand, Economic Development Coordinator Mary Sheffield; 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**

Council Member Thome said she does not remember making the following statement on page 5 of the August 11, 2017 minutes: "Council Member Thome stated that possibly the Public Works facility could be tied to the system, similar to the Library camera that is in use". She asked that Deputy Clerk Kletzien verify this.

Motion made by Council Member Thome, seconded by Council Member Dieffenbach, to approve the minutes of the August 14, 2018 Common Council meeting. Motion carried unanimously.

**CONSIDER RECOMMENDATION OF POLICE CHIEF TO DENY NEW OPERATOR LICENSE APPLICATION OF FAITH Y. SUMMERFIELD**

Chief Frank said that he is recommending the Council deny the application of Faith Y. Summerfield for a bartender license based on her arrest and conviction record, which includes operating while intoxicated, possession of drug paraphernalia, and several citations for operating after revocation.

Ms. Summerfield said she realizes she made a lot of mistakes but the last offense was eight years ago. She asked the Council to reconsider her application.

Motion made by Council Member O'Keefe, seconded by Council Member Czarnecki, to deny the operator license application of Faith Y. Summerfield based on the recommendation of Chief Frank. Motion carried with Council Members Czarnecki, Dieffenbach, Verhaalen, Regenfuss, Thome and O'Keefe voting aye and Council Member Arnett abstaining.

**CONSIDER APPLICATION OF AT JJ'S, LLC, W62 N559 WASHINGTON AVENUE, CEDARBURG, WI, 53012, AMBUR VANCE, AGENT, PREMISES TO BE LICENSED: W62 N559 WASHINGTON AVENUE, KNOWN AS AT JJ'S, FOR A CLASS "B" BEER AND "CLASS B" LIQUOR LICENSE**

Motion made by Council Member Verhaalen, seconded by Council Member Thome, to approve the application of AT JJ's LLC, Ambur Vance, agent, for a Class "B" beer and "Class B" liquor license for AT JJ's, W62 N559 Washington Avenue, conditioned upon the surrender of the current license by licensee Sheila Rzentkowski. Motion carried unanimously.

**CONSIDER REQUEST TO FILL WASTEWATER TREATMENT OPERATOR POSITION**

Superintendent Hackert said there is an operator vacancy due to a recent resignation. He is requesting authorization to fill this vacancy.

Council Member Arnett inquired about the rate of pay. He suggested exploring the possibility of increasing the hourly rate. Superintendent Hackert said the starting rate of pay for an operator is \$23 per hour up to \$27 per hour. The range for advanced operators is \$25-\$30 per hour. He said the hourly rate was recently raised; however, there has not been an increase in applicants. He is reviewing the requirement that operators live within a 20 minute radius.

Council Member Arnett suggested Superintendent Hackert consider ways to attract applicants and retain employees and present them to the Council for consideration.

Motion made by Council Member Dieffenbach, seconded by Council Member Arnett, to authorize the hiring of a Wastewater Operator to fill a vacancy due to a recent resignation. Motion carried unanimously.

**PAYMENT OF BILLS**

Motion made by Council Member Czarnecki, seconded by Council Member Thome, to approve the payment of the bills for the period 08/02/17 through 08/17/17, transfers for the period 08/12/17 through 08/22/17, and payroll for the period 07/30/17 through 08/12/17. Motion carried unanimously.

**DISCUSS INFRASTRUCTURE REQUIREMENTS AND TIMING OF FUTURE HIGHWAY 60 BUSINESS PARK DEVELOPMENT**

Director Wiza said in 1998 the City of Cedarburg acquired the 60 acre Kohlwey farm on Highway 60 with the intent of ultimately developing a second business park. The main challenge for this site at the time was that municipal sewer and water were virtually unavailable.

In 2007 the City created TID No. 2 as a means to fund the required infrastructure, but due to the downturn in the economy, nothing more than preliminary engineering was completed. This turned out to be a blessing of sorts, as many other communities struggled with failing TIF's, where major municipal borrowings for constructed infrastructure produced no increment.

Director Wiza discussed the infrastructure that has been built. In the last ten years, significant progress has been made to extend sewer and water closer to the Business Park site. The City completed construction of the Sheboygan Road regional sewer lift station, including sewer and water main crossings under Cedar Creek. Cedarburg Light & Water completed an essential 12" diameter water main loop in Susan Lane with the Fairfield Manor West Subdivision, and also extended 12" water main in Sheboygan Road to the south line of The Glen at Cedar Creek Subdivision.

Through a development agreement, the City required Cornerstone Development to further extend sewer and water to the north line of The Glen at Cedar Creek Subdivision, with appropriate oversizing credits issued for the 21" diameter sanitary sewer and 12" diameter water mains.

If approved, proposed multifamily development plans submitted by Duey Stroebel will further extend the sewer and water mains another 660 feet north along Sheboygan Road. Once the Stroebel site is built out, the City will have some viable options to complete the final leg of the Business Park utilities. Assuming the Stroebel proposal is completed, he estimated it would cost about \$750,000 to fund the remaining infrastructure.

Council Member Dieffenbach asked if the land is of interest to anyone. Director Wiza said it is possible another entity may be interested in purchasing it, but the right buyer would need to be found. He said typically developers partner with municipalities on projects of this nature.

Council Member Arnett said the Economic Development Board asked that this matter be discussed at the Council level. He said there must be another entity, such as the Community Development Authority (CDA), that can take the lead on this. Also to be determined is who the City is looking to attract to the Business Park.

Council Member Regenfuss suggested a backwards approach be taken. This would involve determining options or a plan as to what can be done with the site and how much it will cost.

Council Member Czarnecki said he and Planner Censky did a preliminary sketch of what the site can be used for. The sketch was shown to two developers to obtain their opinions. Both said they were not interested in this site at this time. He said generally developers want a site that is ready to go in terms of utilities. This site is hard to market. He said a competitive advantage is needed to attract companies to the Business Park.

Council Member Thome said there are certain steps the Council must get to first in order to prepare itself for opportunities.

Council Member Arnett asked how the CDA could be involved.

Council Member Czarnecki said neither the Economic Development Board nor CDA has experience in development. He suggested an ad hoc group with expertise sketch out a basic plan.

Council Member Dieffenbach said the land is an asset sitting there doing nothing and suggested it may be necessary to get rid of it. He also suggested talking to people from Forward Cedarburg, who developed the first business park, to see if there is any interest by this group.

Attorney Herbrand said there is interest in moving development along and suggested staff and possibly experts discuss this and bring back to the Council recommendations on how to move forward. Ehlers could assist with the TID pro-forma.

Council Member Arnett suggested Economic Development Board and CDA members be asked if they would be willing to donate time on this.

Council Members Thome, Arnett, and Czarnecki agreed to get together to begin to formulate a plan for the Highway 60 Business Park.

### **LICENSE APPLICATIONS**

Motion made by Council Member Czarnecki, seconded by Council Member Arnett, to authorize the issuance of new Operators licenses for the period ending June 30, 2018 to Paige M. Kleinhans, John L. Pryor, and Sandra J. Tietyen. Motion carried unanimously.

### **COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Arnett said the Branding Committee received 15 replies to the RFP. The Committee is in the process of finalizing the list of applicants the Committee would like to meet with in person.

Council Member Thome said the Greater Cedarburg Foundation Gala will be held on September 23.

### **CLOSED SESSION**

Motion made by Council Member O'Keefe, seconded by Council Member Arnett, to adjourn to closed session at 8:09 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 08/14/17 closed session minutes. Motion carried on a roll call vote with Council Members Czarnecki, Arnett, Dieffenbach, Verhaalen, Regenfuss, Thome and O'Keefe voting aye.

### **RECONVENE TO OPEN SESSION**

Motion made by Council Member Verhaalen, seconded by Council Member O'Keefe, to reconvene to open session at 9:34 p.m. Motion carried on a roll call vote with Council Members Czarnecki, Arnett, Dieffenbach, Verhaalen, Regenfuss, Thome and O'Keefe voting aye.

**CONSIDER DEVELOPER'S AGREEMENT FOR THE AMCAST PROPERTY**

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to approve a Developer's Agreement with Oliver Fiontar, LLC for the redevelopment of the Amcast property, contingent upon the developer, DJ Burns, entering into a marital property agreement that he will not divest his marital property to his wife. Motion carried on a roll call vote with Council Members O'Keefe, Thome, Regenfuss, and Arnett voting aye and Council Members Verhaalen, Dieffenbach, and Czarnecki voting nay.

**ADJOURNMENT**

Motion made by Council Member Thome, seconded by Council Member O'Keefe, to adjourn the meeting at 9:40 p.m. Motion carried unanimously.

Constance K. McHugh, MMC/WCPC  
City Clerk