

**CITY OF CEDARBURG
COMMON COUNCIL
NOVEMBER 27, 2017**

**CC20171127-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, November 27, 2017, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Kinzel called the meeting to order at 7:30 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, City Clerk Constance McHugh, City Assessor Cathy Timm, Library Director Linda Pierschalla, Planner Jon Censky, 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 Thome, seconded by Council Member Dieffenbach, to approve the minutes of the November 13, 2017 and November 14, 2017 meetings. Motion carried unanimously.

PUBLIC HEARING – CONSIDER ORDINANCE NO. 2017-24 AMENDING SEC. 13-1-56(c) OF THE ZONING CODE TO ADD “WAREHOUSING” AS A PERMITTED ACCESSORY USE IN THE B-4 OFFICE AND SERVICE DISTRICT

Mayor Kinzel opened the public hearing to consider Ordinance No. 2017-24 amending Sec. 13-1-56(c) of the Zoning Code to add “warehousing” as a permitted accessory use in the B-4 Office and Service District at 7:31 p.m.

Planner Censky said Don Voigt, owner of Energenecs at W59 N249 Cardinal Avenue, is requesting a Zoning Code text amendment to legitimize the limited warehousing use of the building. When Mr. Voigt received approval for an addition to the building in 1993, his plans included a loading dock and an open area within the building identified as equipment staging and shelving (i.e., warehousing). Unfortunately that area of the building was not interpreted as warehousing during the approval process and this subordinate use was approved and has existed since 1993. Warehousing is not listed as a permitted use, an accessory use or a conditional use in the B-4 Office and Service District; therefore, is not allowed. Mr. Voigt is now trying to sell this building. The

intent of the ordinance modification is to alleviate the problem by listing limited warehousing as an accessory use in the B-4 District.

Motion made by Council Member O’Keefe, seconded by Council Member Czarnecki, to close the public hearing at 7:35 p.m.

Motion made by Council Member Thome, seconded by Council Member Czarnecki, to adopt Ordinance No. 2017-24 amending Sec. 13-1-56(c) of the Zoning Code to add “warehousing” as a permitted accessory use in the B-4 Office and Service District. Motion carried unanimously.

CONSIDER QUOTE FROM EMC INSURANCE FOR PROPERTY INSURANCE

Tony Matera, Insurance Advisor with Ansay & Associates, was present for this discussion.

City Administrator/Treasurer said she received two quotes from Ansay & Associates for property insurance. EMC provided the lowest quote at \$29,320, which include \$5,000,000 flood coverage, which is the same level of coverage as the current provider MPIC. The EMC quote was also less than the MPIC quote. She said there could be additional savings if lower flood coverage is selected.

Mr. Matera said the EMC rate will be locked for two years. He said he would be willing to do an assessment with staff to determine the best level of flood coverage.

Motion made by Council Member Regenfuss, seconded by Council Member Czarnecki, to accept the quote of EMC for property insurance in the amount of \$29,320 and authorized City Administrator/Treasurer Mertes and staff to possibly lower the flood coverage limit after an assessment is completed. Motion carried unanimously.

CONSIDER ORDINANCE NO. 2017-25 LEVYING PROPERTY TAXES ON THE GENERAL, DEBT SERVICE, SPECIAL REVENUE, AND CAPITAL IMPROVEMENT FUNDS FOR FISCAL YEAR 2018

Motion made by Council Member Dieffenbach, seconded by Council Member Arnett, to adopt Ordinance No. 2017-25 levying property taxes on the General, Debt Service, Special Revenue, and Capital Improvements Funds for fiscal year 2018. Motion carried unanimously.

CONSIDER ORDINANCE NO. 2017-26 APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE GOVERNMENT AND ADMINISTRATION OF THE CITY OF CEDARBURG FOR FISCAL YEAR 2018/CONSIDER ORDINANCE NO. 2017-27 APPROPRIATING THE NECESSARY FUNDS FOR THE 2018 CAPITAL IMPROVEMENT BUDGET/CONSIDER ORDINANCE NO. 2017-28 ESTABLISHING THE USER CHARGE SCHEDULE AND APPROPRIATING THE NECESSARY FUNDS FOR THE SEWERAGE FUND FOR THE OPERATION OF THE WATER RECYCLING CENTER FOR FISCAL YEAR 2018/CONSIDER ORDINANCE NO. 2017-29 APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE SPECIAL REVENUE FUNDS AND ADOPTING THE INDICATED BUDGETS FOR FISCAL YEAR 2018

Motion made by Council Member Arnett, seconded by Council Member O’Keefe, to adopt the following ordinances:

- Ordinance No. 2017-26 appropriating the necessary funds for the operation of the Government and Administration of the City of Cedarburg for fiscal year 2018;
- Ordinance No. 2017-27 appropriating the necessary funds for the 2018 Capital Improvement budget;
- Ordinance No. 2017-28 establishing the user charge schedule and appropriating the necessary funds for the Sewerage Fund for the operation of the Water Recycling Center for fiscal year 2018;
- Ordinance No. 2017-29 appropriating the necessary funds for the operation of the Special Revenue Funds and adopting the indicated budgets for fiscal year 2018.

Motion carried unanimously.

CONSIDER ORDINANCE NO. 2017-30 AMENDING SEC. 5-7-1 OF THE MUNICIPAL CODE TO INCREASE FEES FOR ACCIDENT REPORTS

Motion made by Council Member Arnett, seconded by Council Member Czarnecki, to adopt Ordinance No. 2017-30 amending Sec. 5-7-1 of the Municipal Code to increase the fee for Police Department accident reports from \$1 per copy to \$2 per copy. Motion carried unanimously.

CONSIDER AWARD OF CONTRACT FOR ASSESSING OF COMMERCIAL REAL ESTATE AND PERSONAL PROPERTY

Motion made by Council Member Regenfuss, seconded by Council Member O’Keefe, to approve the contract with Valu Rite Corporation for 2018, 2019, and 2020 for valuation of commercial real estate and personnel property at a cost of \$13,500 per year. Motion carried unanimously.

PAYMENT OF BILLS

Motion made by Council Member Dieffenbach, seconded by Council Member Thome, to approve the payment of the bills for the period 11/09/17 through 11/16/17, transfers for the period 10/06/17 through 10/27/17, and payroll for the period 11/05/17 through 11/16/17. Motion carried unanimously.

Council Member Dieffenbach questioned the amount spent on lawn mowing at the cemeteries by a contractor.

LICENSE APPLICATIONS

Motion made by Council Member O’Keefe, seconded by Council Member Czarnecki, to authorize the issuance of a new Operators license for the period ending June 30, 2018 to Christopher D. Marks. Motion carried unanimously.

Motion made by Council Member O'Keefe, seconded by Council Member Arnett, to authorize the issuance of a Horse and Carriage license to Mary Jane Swedberg of Hoof Beats Express, W359 N9054 Brown Street, Oconomowoc, WI. Motion carried unanimously.

ADMINISTRATOR'S REPORT

City Administrator/Treasurer said the auditors were at City Hall last week for two days. They will be back in March to complete the audit.

She said employees are holding a Toys for Tots drive at City Hall until December 12.

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Arnett said the branding consultant will make a brief presentation to the Council at the December 11 meeting.

MAYOR'S REPORT

Mayor Kinzel encouraged everyone to admire the Christmas tree in front of City Hall when it is lit.

CLOSED SESSION

Motion made by Council Member Thome, seconded by Council Member Czarnecki, to adjourn to closed session at 7:59 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 with HSI regarding the St. Francis Borgia site. Approval of 11/13/17 and 11/14/17 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 Thome, seconded by Council Member Czarnecki, to reconvene to open session at 8:47 p.m. Motion carried on a roll call vote with Council Members Czarnecki, Arnett, Dieffenbach, Verhaalen, Regenfuss, Thome and O'Keefe voting aye.

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Verhaalen, to adjourn the meeting at 8:48 p.m. Motion carried unanimously.

Constance K. McHugh, MMC/WCPC
City Clerk