

**CITY OF CEDARBURG
COMMON COUNCIL
September 10, 2018**

**CC20180910-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, September 10, 2018, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor O'Keefe called the meeting to order at 7:00 p.m.

Roll Call: Present - Common Council – Mayor Michael O'Keefe, Council Members Dan von Bargen, Jack Arnett, Kristin Burkart, Rick Verhaalen, Garan Chivinski, Patricia Thome, Rod Galbraith

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

STATEMENT OF PUBLIC NOTICE

At Mayor O'Keefe'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 Chivinski, to approve the minutes of the August 27, 2018 meeting as presented. Motion carried without a negative vote.

COMMENTS AND SUGGESTIONS FROM CITIZENS

James Schmit, 1941 Ulao Pkwy, Grafton, requested that fish cribs be installed at Adlai Horn Park because many of the trees have been removed and the fish do not have a place to live. He explained the process for making an easy crib or they can be purchased. He also asked for a revision to the bow fishing ordinance eliminating the requirement to ask permission from each property owner within 100 yards of shooting because this is impractical. He suggested allowing a raised platform with a 50 foot line to shoot into the water.

Council Member Verhaalen and Mayor O'Keefe suggested that this be presented to the Parks, Recreation & Forestry Board.

PUBLIC HEARINGS

CONSIDER ORDINANCE NO. 2018-14 AMENDING SEC. 13-1-61(d) OF THE ZONING CODE TO ALLOW HAIR SALONS AS A CONDITIONAL USE IN THE M-3 BUSINESS PARK DISTRICT; AND ACTION THEREON

Mayor O'Keefe declared the public hearing open at 7:07 p.m. to consider Ordinance No. 2018-14 amending Sec. 13-1-61(d) of the Zoning Code to allow hair salons as a Conditional Use in the M-3 Business Park District.

City Planner Censky explained that Isaac and Rachelle Covert are requesting this zoning text amendment to add *Hair Salons* to the list of uses in the M-3 Business Park District to establish an approval process for Mrs. Covert to operate her hair salon business from within the building at N19 W6733 Commerce Court. When she approached the owner of the Commerce Court building, she was encouraged to pursue City approval; however, when she contacted City staff, she was informed that hair salons are not permitted in the M-3 Business Park District without a Code amendment to list them. He further explained that this district currently allows such uses as indoor athletic facilities, day care facilities, medical clinics and veterinary hospitals as conditional uses; all of which seem to have similar characteristics and/or impacts of a hair salon. Accordingly, the Plan Commission agreed that hair salons were similar in character and offered a service that could benefit other uses in the business park and recommended the change unanimously.

Motion made by Council Member Thome, seconded by Council Member Burkart, to close the public hearing at 7:15 p.m.

In answer to Council Member Arnett's question, City Planner Censky said that this business park is the only M-3 Business Park District; however, it may apply to the Hwy 60 development in the future.

In answer to Council Member Verhaalen's question, Planner Censky explained that the uses need to be listed in this district and hair salons were overlooked.

Motion made by Council Member Burkart, seconded by Council Member Thome, to adopt Ordinance No. 2018-14 amending Sec. 13-1-61(d) of the Zoning Code to allow hair salons as a Conditional Use in the M-3 Business Park District. Motion carried without a negative vote.

NEW BUSINESS

CONSIDER RESOLUTION NO. 2018-24 COMMENDING CEDARBURG OVERHEAD DOOR FOR SMALL BUSINESS OF THE YEAR AWARD; AND ACTION THEREON

Motion made by Council Member Verhaalen, seconded by Council Member Galbraith, to adopt Resolution No. 2018-24 commending Cedarburg Overhead Door for Small Business of the Year award. Motion carried without a negative vote.

CONSIDER BIDS RECEIVED FOR THE 2018 ASPHALT PAVEMENT REPAIR PROGRAM; AND ACTION THEREON

Director Wiza explained that staff advertised for and received bids for the 2018 asphalt repair program. This year's program includes asphalt repair work on Evergreen Blvd. north of Bridge Road, on Portland Road east of the railroad tracks, and the Fire Department parking lot. Only two bids were received for the work. The lowest responsive bid was submitted by Parking Lot Maintenance, Inc. in the total amount of \$137,527.50. The total amount budgeted was \$145,000 and staff recommends awarding this bid on the basis of their low unit price bid.

In answer to Council Member Arnett's question, City Administrator/Treasurer Mertes explained that the Town of Cedarburg does not pay anything towards the Fire Department building. It is fully funded by the City's capital budget.

Motion made by Council Member Verhaalen, seconded by Council Member Thome, to award the 2018 asphalt pavement repair program to Parking Lot Maintenance, Inc., based on their low bid, in an amount not to exceed \$137,527.50. Motion carried without a negative vote.

CONSIDER EXTENSION OF CASH FARM LEASE WITH RODEN ECHO VALLEY, LLC FOR 2019; AND ACTION THEREON

Director Wiza explained that the City of Cedarburg has had an annual Cash Farm Lease with Robert Roden for 47 acres at 6603 Highway 60 (former Kohlwey Farm) which dates back to 1999. While the land is eventually intended to be used for business park development, the required design, permitting, and utility extensions make 2019 construction unlikely. Additionally, Mr. Roden has agreed to increase the rent paid to \$75 per acre. Director Wiza stated that Mr. Roden has been an exceptional renter who rotates his crops, controls weeds, and does not track mud on Highway 60.

Motion made by Council Member Thome, seconded by Council Member von Bargaen, to approve the extension of the cash farm lease with Roden Echo Valley, LLC for 2019 with two equal payments of \$1,762.50 made. Motion carried without a negative vote.

CONSIDER MAYOR O'KEEFE'S REAPPOINTMENT OF JIM COUTTS AND ANDY MOSS TO THE LIGHT AND WATER COMMISSION (TERMS EXPIRE 09/30/21); AND ACTION THEREON

Motion made by Council Member Thome, seconded by Council Member Arnett, to approve Mayor O'Keefe's reappointment of Jim Coutts and Andy Moss to the Light & Water Commission (terms expire 09/30/21). Motion carried without a negative vote.

CONSIDER PAYMENT OF BILLS DATED 09/04/18, TRANSFERS FOR THE PERIOD 08/09/18 THROUGH 08/20/18; AND PAYROLL FOR THE PERIOD 08/12/18 THROUGH 08/25/18; AND ACTION THEREON

Council Member Arnett highlighted a payment to Gollnick & Sons for \$1,200 and asked if the City ever bids out this type of work. City Administrator/Treasurer Mertes explained that this was for a fallen tree and sometimes it is urgent to have the work done. The City tries to hire local businesses for this type of work.

Council Member Verhaalen asked why the phone bill for the Library is three times higher than the City's phone charges. City Administrator/Treasurer Mertes explained that the Library chose to stay with landlines when the City changed to VOIP. The City charges are for alarm and fax lines only.

Motion made by Council Member Arnett, seconded by Council Member von Bargaen, to approve payment of bills dated 09/04/18, transfers for the period 08/09/18 through 08/20/18, and payroll for the period 08/12/18 through 08/25/18. Motion carried without a negative vote.

CONSIDER LICENSE APPLICATIONS; AND ACTION THEREON

Motion made by Council Member Galbraith, seconded by Council Member Thome, to approve new Operator License applications for the period ending June 30, 2019 for Robert L. Parson and Benjamin M. Tushaus. Motion carried without a negative vote.

Motion made by Council Member Galbraith, seconded by Council Member Thome, to approve renewal Operator License applications for the period ending June 30, 2019 for Candace A. Burger and Dale G. Mueller. Motion carried without a negative vote.

ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes reported that Sandy Welch started as a part-time Administrative Assistant in the Clerk's Office and will be working Monday through Friday from 10:00 a.m. – 2:00 p.m.

City Administrator/Treasurer Mertes also reported that Judge Voiland issued a decision denying the Banas' petition regarding the August Weber Haus alcohol beverage license. The Common Council's decision to revoke the license stands. City Attorney Herbrand said that the Banas' have 45 days (until Monday, October 22) in which to begin an appeal of Judge Voiland's decision to the Court of Appeals.

Council Member Arnett asked City Administrator/Treasurer Mertes to forward the decision to the Common Council.

COMMENTS AND SUGGESTIONS FROM CITIZENS – None

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Thome stated that Lowell Levy's passing is a great loss to the community. He was a kind and generous man who was the Cedarburg City Attorney for over 30 years and a community volunteer for over 50 years.

Council Member Verhaalen reminded the Common Council to attend Mel's Pig Roast on September 30. All of the money raised stays within Ozaukee County.

Council Member Thome encouraged the Common Council to attend the Cedarburg Greater Foundation Gala on September 22.

Council Member von Barga stated that he received two complaints about dog bites and dogs being off leash. He expressed concern for seeing many dogs off leash in the City and asked if this could be addressed. City Administrator/Treasurer Mertes stated that she will talk to the Police Department and look at the Ordinance to discuss at a future Common Council meeting.

In answer to Council Member Thome's question, City Administrator/Treasurer Mertes explained that Mr. Kison did 13 inspections in August because Building Inspector Baier was on vacation.

Council Member Arnett asked the Common Council Members to thank Joe Kassander and Birchwood for improving the City entrance sign at no cost to the City.

MAYOR'S REPORT - None

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member von Barga, to adjourn the meeting at 7:35 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk