

**CITY OF CEDARBURG
COMMON COUNCIL
April 18, 2017**

**CC20170418-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Tuesday, April 18, 2017, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Acting Mayor O'Keefe called the meeting to order at 7:00 p.m.

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

Excused - Mayor Kip Kinzel

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

STATEMENT OF PUBLIC NOTICE

At Acting 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.

Council Member O'Keefe stated that as Acting Mayor, he retains his right to vote as Council Member of the 7th Aldermanic District.

APPROVAL OF MINUTES

Motion made by Council Member Thome, seconded by Council Member O'Keefe, to approve the minutes from the March 27, 2017 meeting. Motion carried without a negative vote.

COMMENTS & SUGGESTIONS FROM CITIZENS - None

OATHS OF OFFICE

Deputy City Clerk Kletzien administered the oaths of office to Council Members Jack Arnett (2nd Aldermanic District), Rick Verhaalen, (4th Aldermanic District), and Patricia Thome (6th Aldermanic District).

ELECTION OF COMMON COUNCIL PRESIDENT

Council Member Thome nominated Council Member O'Keefe as Council President. The nomination was seconded by Council Member Czarnecki.

Motion made by Council Member Arnett, seconded by Council Member Dieffenbach, to close the nominations. Motion carried without a negative vote.

With Council Members Czarnecki, Arnett, Dieffenbach, Verhaalen, Regenfuss, Thome and O'Keefe voting for Council Member O'Keefe, Council Member O'Keefe was elected as Council President.

ELECTION OF COMMON COUNCIL REPRESENTATIVE TO PLAN COMMISSION

Council Member Thome nominated Council Member Czarnecki as Council Representative to the Plan Commission. The nomination was seconded by Council Member Arnett.

Motion made by Council Member Dieffenbach, seconded by Council Member Czarnecki, to close the nominations. Motion carried without a negative vote.

With Council Members Czarnecki, Arnett, Dieffenbach, Verhaalen, Regenfuss, Thome, and O'Keefe voting for Council Member Czarnecki, Council Member Czarnecki was elected as the Common Council Representative to the Plan Commission.

UNFINISHED BUSINESS

CONSIDER ORDINANCE NO. 2017-05 CREATING SEC. 7-18 OF THE CODE OF ORDINANCES: REGULATION OF MOBILE VENDORS AND MOBILE FOOD ESTABLISHMENTS; AND ACTION THEREON

City Attorney Herbrand explained that this is a revised Ordinance based upon discussion at the last Common Council meeting. The current revisions include: expanded to include all mobile vendors, exempted home parties or catering events, removed the limitation on the number of trucks, and finally there are locational restrictions (a portion of Mill Road and Portland Road).

In answer to Council Member Czarnecki's question, City Attorney Herbrand stated the location was determined by Planner Censky in conjunction with City Administrator/Treasurer Mertes and him. This may have been determined by the fact that the Common Council wanted the trucks located off Washington Avenue and parking is already an issue on some streets off Washington Avenue.

In answer to Council Member Dieffenbach's question, City Attorney Herbrand explained that trucks would be allowed on Mill Street between Hanover Avenue and east to the Cultural Center.

In answer to Council Member Verhaalen's question, City Attorney Herbrand stated that this area was chosen because it would be conducive to trucks.

City Attorney Herbrand added that trucks would be allowed on all private commercial property with no locational restrictions. A \$100 license fee is being proposed. And finally, one direct seller permit has been issued under the old ordinance to Yellow Bellies and he proposes that this new ordinance would be effective January 1, 2018.

Council Member Czarnecki was in favor of banning food trucks from all City streets because it is still a competitive advantage to be on the road.

Council Member Verhaalen agreed because he received a call from a restaurant owner stating that people who are walking the streets are stopping and turning around to go to the food truck. This creates another barrier.

Council Member Regenfuss was not in favor of food trucks on Mill Street because they would still be too visible to tourists.

In answer to Council Member Verhaalen's question, City Attorney Herbrand stated that parking on Portland Road would be allowed outside the times for Summer Sounds. Licenses would exclude the Friday nights of Summer Sounds.

Council Member Czarnecki asked if there was a consensus to keep the trucks off City streets.

Council Member Thome stated that she did not want to ban food trucks from City streets; only Washington Avenue. She confirmed with City Attorney Herbrand that any food trucks parking on Portland Road on Friday nights would need to be contractually involved with Summer Sounds to participate.

Director Hilvo brought attention to other activities that occur in the area of Portland Road such as a planned bike festival. He does not want food trucks competing against those venues. Also the concession stand for softball is important to the City. He suggested that the permit be restricted for these events.

City Attorney Herbrand stated that it would be tricky to draft for every single event. Would softball games be an event that would eliminate food trucks?

Council Member Thome suggested omitting Portland Road except for contracting with Summer Sounds.

Festivals Director Homayouni stated that Festivals is running on very low revenue right now and anyone competing outside the footprint would add to this problem.

City Attorney Herbrand stated that the current proposal states that Festival participation is not allowed with the permit. Festivals has control over the footprint.

Director Homayouni stated that they do not close the street for Winter Festival and the event already loses money (approximately \$37,000). The festival is held primarily to give an economic boost to the Cedarburg Merchants during a slow time of the year. They have a food booth during Winter Festival, Oktoberfest and Cedar Brew Fest in April. Any competition during these events could be more detrimental for them.

In answer to Council Member Dieffenbach's question, Council Member Czarnecki explained that banning them from all public streets would clean up the situation. Food trucks on the street create

an unfair advantage to the commercial buildings that need to abide by certain rules. He is okay with Food Trucks vending on commercial property.

In response to discussion by the Council Members, City Attorney Herbrand stated that he could make sure that it is clearly defined that food trucks would be allowed in parking lots, such as private non-residential (i.e., Cultural Center) with their permission.

Council Member Thome stated she still believes food trucks would add vitality and would bring people into the City. It would bring people who would not necessarily eat in a restaurant. She would like to have a spot where food trucks could park.

Council Member Arnett stated he agreed with Council Member Thome and is not in favor of an outright ban. He understood the unfair advantage argument on Washington Avenue as well. He agrees with the concerns expressed by the Council on Mill Street in regard to too many food trucks and the future business that will be located on the corner of Mill Street and Washington Avenue; along with the concerns on Portland Road.

Amy Radtke, W54 N254 Van Buren Drive, stated that she would not be opposed to food trucks on City streets. She suggested that food trucks be allowed on the street by the Cedarburg High School. Students are only allowed thirty minutes for lunch and they are not allowed to leave the parking lot in their car during the day. Food trucks would provide another option for the students.

Council Member Dieffenbach stated that he represents this district and years ago students ate lunch at their car and left garbage behind on Evergreen Blvd. and that is why the privilege was taken away. The neighbors would not like this to happen again.

In answer to Council Member Dieffenbach's question, City Attorney Herbrand explained that a Direct Sellers permit refers to the current transient merchant license that allows people to sell door-to-door.

In answer to Council Member Regenfuss' question, City Attorney Herbrand's latest understanding is that the Council did not want to limit the number of food truck vendors.

The pros and cons of limiting the number of food trucks were discussed. It was expressed that food trucks would self-regulate.

Steve Leonard, N91 W5939 Dorchester Drive, stated that there is a current ordinance that regulates Direct Sellers stating that the licensee has to move every 15 minutes and they cannot return within 100 feet of a previous position within four hours. He was told that this was not enforced because the Police Chief had a conversation with a previous mayor and the decision was made to enforce this time limit on carts only and not vehicles, as written. Those vendors who come here have a history with no resistance. He stated that food truck websites indicate that trucks are anxious to come to Cedarburg.

City Attorney Herbrand stated the Council is discussing food trucks tonight because the City is trying to clarify the difference between a direct seller and a food truck vendor.

Council Member Arnett stated that the current ordinance is inadequate and encouraged the Common Council to move forward.

Mr. Leonard stated that he has reviewed the history of the Direct Seller's permit that was initiated in 1978. He did not see any Plan Commission details leading up to this permit; however, the Common Council minutes spoke about the carts and wagons coming to the City vying for business in Cedarburg. He stated that the current ordinance should be enforced.

In answer to Council Member O'Keefe's question, City Attorney Herbrand stated that the proposed Ordinance would supersede what is currently in the Code. Because the Direct Seller permit is currently being used for food truck vendors, he proposed that the new ordinance take effect on January 1, 2018, which would provide a clear line on who is a food vendor and who is a direct seller with a new set of rules.

Mr. Leonard hears that the current ordinance is not sufficient; however, he felt that if the current ordinance was enforced it would be adequate. He said that he is not sure that they should be banned. There is a use for them somewhere and some time.

Mr. Leonard presented a sign, "Support Your Local Business 4-18," and spoke about the proposed ordinance. He questioned Sec. 7-18-3(b) *Any Mobile Food Vendor or Mobile Food Establishment acting by, through or under Summer Sounds at Cedar Creek Park organized by Cedarburg Music Festivals* by asking if this regulates mobile food vendors at Cedar Creek Park or away from Cedar Creek Park. He would like the language tightened to not allow a food truck operating under Summer Sounds to post elsewhere in the City.

Mr. Leonard also questioned Sec. 7-18-6 regarding location restrictions. As described it does not match the overlay between the description and the map. The area has food trucks allowed in No Parking zones along with two and one hour zones. He questioned whether the parking restrictions will be changed to match the accommodations for food trucks.

Mr. Leonard addressed fairness and stated that he would not be allowed to post his "Support Your Local Business 4-18" sign in front of a current business. However, a food truck can have whatever signage they wish to have on their trucks. Current business owners are limited by the City of Cedarburg Sign Code that protects the historic district. This Ordinance disfavors Cedarburg businesses to assist people coming from out of town. This is a detriment to the Community and historic district. He stated that a reasonable compromise would allow trucks in certain situations that are specified such as the fairgrounds, festivals, Summer Sounds, etc. Even this will give the food trucks access to a huge amount of the business revenue in a very revenue sensitive period. He reiterated what the Economic Development Board said that food trucks are bad for Cedarburg businesses and economics and the City decided otherwise. The Economic Development Board brought other ideas forward and the Council is considering going even further than their proposal. Food trucks will be taking money out of the pockets of businesses that are here year round. Mr. Leonard is against allowing non-citizens of Cedarburg speak on this topic. He felt that people living outside of Cedarburg should not be allowed to tell Cedarburg people what to do. There is a process if they have added value. He stated that there is a place for food trucks but not on a daily basis.

Joan Dorsey, W65 N705 St. John Avenue, is the owner of Settler's Inn for 24 years. She spoke in regard to the current ordinance and the history of hot dog carts in the City. Previous to hot dog carts in Cedarburg, Settler's Inn had a good business of offering Chicago style hot dogs and once the cart came in their business dropped off and they no longer offer them because they could not compete. She thought the same thing might happen with food trucks. She expressed concern about not limiting the number of food truck vendors. The City has no idea how many people will apply the first year. Another concern is allowing food trucks on private commercial property. Providing the property to the north of their business is still zoned commercial, she could have a food truck parked four feet from her north entrance. On Cleveland Street, to the south of her business is a parking lot for the JAVA House and the resale store that could allow a food truck. This could directly involve Settler's Inn in two instances. Joan Dorsey expressed concern for the \$100 fee and questioned the amount. All her license fees have increased and she felt that \$100 was too low. She added that if the Ordinance does not take effect until 2018, Cedarburg businesses will have to get through another summer and fall of food trucks and she asked that the current law be enforced.

Jack Barta, W59 N910 Sheboygan Road, was encouraged by his neighbor to speak tonight. He questioned whether any data was available from business owners stating how much business they lose when food trucks are in the City. He questioned why Cedarburg needs outside vendors. He thought the Council was spending a lot of time on this issue and the decision should be easier for the Common Council to decide.

Shannon Whitworth, W59 N965 Essex Drive, was also encouraged to attend tonight's meeting. He took the time to listen to everyone and appreciated the discussion that has taken place. He asked the Common Council what the incentive or gain is for a brick and mortar restaurant in Cedarburg who has a tight margin, pays taxes or has a lease, has regulations regarding signage, liquor sales, occupancy, etc. Restaurants live on extremely tight margins even in the best of times. Business tends to be slow in winter in Cedarburg and the businesses rely on summertime to make up the lost revenue. It also seems that the businesses are being put into direct competition with vendors who are not required to practice under the same rules as the brick and mortar restaurants. He is in favor of options and choices; however, he has not heard a discussion on what is being done to keep the current people in Cedarburg. He is in favor of the proposed Arabelle Development and bringing the right people to Cedarburg, however, we should also want the right people to stay. He asked the Common Council how this conversation will reach that goal.

Christin Leonard, W61 N502A Washington Avenue, has attended many meetings on this topic. He would have appreciated a forum where interested parties could have a debate and make decisions. This topic is very important to his business. It is also a nationwide issue that he has been following. He is surprised the debate has reached this far because food trucks do not meet the ambience that Cedarburg projects. He said that food trucks are essentially signs that do not meet the current Sign Code for brick and mortar businesses. What he sells is based on what he can communicate to the foot traffic that passes in front of his store. He is very restricted on what is allowed. After listening to the dialog he feels as though he is being discriminated against as a brick and mortar business because he has so many rules and no one has talked about how the trucks will look. The food trucks from out of town will be competing for the same customers that he tries to bring into his restaurant. They will have an inherent advantage with their signs because they are bright and colorful and their lettering is large with their menu displayed prominently. He cannot have his phone number or

website anywhere on the front of his restaurant. He would like a chance to discuss this issue with other business owners to come up with a reasonable solution.

Chris Morton, N56 W6339 Center Street, stated that he has been in business for 28 years. Summer Sounds is a fantastic venue for the community; however, it is 11 or 12 Friday nights that are cut in half for his business. Friday is his biggest day and that is a lot of money. Bringing food trucks into the City would add to this competition. The Art Museum has an event on Thursday nights with a food truck which is two blocks north, food trucks on Mill Street would be one block south, Yellow Bellies parks on Washington Avenue and he is surrounded by competition and it eats into business and it is hard to compete with.

Mike Maher, 397 W. Thornapple Lane, Grafton, stated that he took offense to a comment from Steven Leonard. He was a resident of Cedarburg for 12 years, a Council Member for four terms, his children are in the Cedarburg School District, he serves on the Cedarburg Education Foundation, and is a member of the Thorson PTO. He is still a member of this community and his comment was ridiculous. He said this issue began on May 31, 2016 and the Common Council needs to make a decision.

Motion made by Council Member Czarnecki to ban mobile food vendors in the City of Cedarburg.

City Attorney Herbrand suggested that he come back one more time with a revised ordinance because it easy to ban food trucks but Summer Sounds and Festivals should be addressed and how the ban might work.

Council Member Czarnecki stated that his motion was made to start discussion and possibly making amendments for what the Council wants to allow. He asked that a decision be made.

City Attorney Herbrand stated that an ordinance will help the Police Department and staff to understand exactly what a ban means. Points have been made on both sides and staff is looking for direction. If the Council decides on yes but for those exceptions, he will come forth with an ordinance that states what is or is not allowed.

Council Member Arnett stated it was important to get it right rather than force a decision tonight. He is in favor of another meeting and unfortunately it is the process.

Council Member Verhaalen seconded the motion to ban mobile food trucks.

City Attorney Herbrand asked if the Council wanted to revise the existing ordinance to ban mobile food vendors and food trucks on any public and private property.

Council Member Czarnecki said yes; however amendments can be made.

Council Member O'Keefe was not in favor of throwing out all the work put forth by City Attorney Herbrand. It is a workable ordinance that can be tweaked. He did not agree with banning food trucks and then adding things back in. The present proposed Ordinance is a good template to work from.

Council Member Verhaalen expressed that the exemptions in Sec. 7-18-3 are valid and would not require a permit.

In answer to Council Member Thome's question, Council Member Verhaalen stated that exemption (f) would allow food trucks on private property.

Council Member Arnett sensed that there was a consensus to allow food trucks on private property and he suggested amending the current Ordinance.

Council Member Thome stated that Christian Leonard made a good point in regard to signage restrictions and this is an issue. She eats at area restaurants and she may not be a fan of mobile food trucks; however, she has had many people approach her who are looking for variety. She wants the right decision made and this may take longer. She does not want to take away all options from the Community. She wants the Cultural Center, Art Museum and others to have the opportunity to use food trucks.

Motion failed with Council Members Czarnecki, Verhaalen and Dieffenbach voting in favor and Council Members Arnett, O'Keefe, Regenfuss and Thome opposed.

Council Member Arnett stated that his constituents want the option of mobile food trucks. He will compromise and take them off the public streets but allow them on private property per the provisions provided in the proposed Ordinance. This can always be revisited.

Council Member Thome stated that she cannot see the Plan Commission allowing someone to park a food truck on their lawn.

City Attorney Herbrand stated that it could be added that a food truck must be parked on a paved surface.

Council Member Arnett stated that food trucks are social media driven and they will bring people to Cedarburg. He stated that all delivery trucks have signs and the food trucks are not parked that long, it is a temporary issue.

Council Member Regenfuss suggested limiting the number of permits to five.

Council Member Arnett suggested that the ordinance be effective immediately and to allow the one permit that was issued to continue under the old rules or refund their money and have them apply for a new permit.

After discussion, it was decided not to limit the number of food trucks at this time.

Motion made by Council Member Arnett, seconded by Council Member Thome, to adopt Ordinance No. 2017-05 creating Sec. 7-18 of the Code of Ordinances: Regulation of Mobile Vendors and Mobile Food Establishments as amended by the Common Council to include the following:

- Mobile vendors and mobile food establishments are prohibited on public streets;
- Ordinance will be in effect upon posting and publication;

- Redefine ordinance to allow trucks on non-residential private property with the permission of the owner;
- Fee is \$100 annually;
- Exemptions from license and location requirements would apply under all those listed under 7-18-3 (Trucks are prohibited anywhere within the City during Festivals except for those allowed by Festivals within the footprint).

Motion carried with Council Members Arnett, Regenfuss, Thome, and O'Keefe voting in favor and Council Members Czarnecki, Dieffenbach, and Verhaalen opposed.

NEW BUSINESS

CONSIDER AWARD OF CONTRACT FOR THE CONCRETE SIDEWALK PROGRAM; AND ACTION THEREON

Director Wiza explained that two bids were received for the 2017 concrete sidewalk sawing program. The low bid was received from Hardrock Concrete Cutters, Inc. of Wheeling, IL in the amount of \$10,726.00. The second bidder was Safe Step, LLC at \$14,993.18.

The City has not previously worked with Hard Rock Concrete Cutters, but they met with the Superintendent and the equipment they propose to use and their plan of action look good. They anticipate that the work will take one week to complete.

Director Wiza stated that the City has done small sidewalk sawing projects in the past, but this year the City will not have a remove and replace sidewalk contract. The cost to saw a slab typically runs about 40% of the remove and replace cost, and this was in-part a cost savings measure. He intends to bid out a conventional remove/replace sidewalk program next year. Staff is recommending this award along with the Public Works and Sewerage Commission.

In answer to Council Member Czarnecki's question, Director Wiza explained that sawing consists of using a sawblade to bevel the edge of the walk and gradually taper it to an even slab.

In answer to Council Member Verhaalen's question, Director Wiza stated that it will taper a slab from five inches thick to 4 inches thick. Often times sawing is done on sidewalk sections near street trees whose roots have upheaved the concrete. When the tree dies, the concrete slab is replaced.

In answer to Council Member O'Keefe's question, Director Wiza explained that there is a list of good candidates this year and this does not always happen. He could mix some sawing in with next year's replacement program.

In answer to Council Member Verhaalen's question, Director Wiza does not know anyone who has used this company.

In answer to Council Member O'Keefe's question, Director Wiza stated that the cost difference is \$68 for sawing compared to \$170 to replace a section of sidewalk.

In answer to Council Member Thome's question, Director Wiza stated that the City does do some mud jacking.

Motion made by Council Member Dieffenbach, seconded by Council Member Czarnecki, to award the contract for the concrete sidewalk program to Hardrock Concrete Cutters, Inc. in the amount of \$10,726.00 Motion carried without a negative vote.

REVIEW OF 2016 ANNUAL REPORT FOR NR216 MUNICIPAL STORMWATER COMPLIANCE; AND ACTION THEREON

Director of Engineering and Public Works Wiza explained that as part of the City's NR216 stormwater permit, the City must prepare an annual compliance report for submission to the DNR which documents our storm water program accomplishments. As in previous years, AECOM has been retained to assist in compiling the necessary information and performing the required water quality testing.

Director Wiza stated that the DNR requires that the report be reviewed with the governing body. Because the document is very lengthy, Director Wiza passed around the bound report copies at the meeting and provided the following review:

Permit Conditions Imposed on the City:

- Implement a storm water public education and outreach program – accomplished with Cedar Post articles brochures and commercials.
- Must inform the public of activities required under the permit – accomplished through the City website and Engineering Department brochures.
- Maintain a program to detect and remove illicit discharges – AECOM assists with dry weather sampling at outfalls.
- Enforce erosion and sediment control for construction sites.
- Monitor post construction water quality controls – best management practices checked/ponds.
- Continue a pollution prevention program.
- Achieve compliance with target of 40% suspended solids reduction.
- Maintain and update the City storm sewer mapping – the GIS mapping is current.

Annual Accomplishments:

- Cleaned virtually all catch basin sumps as well as six hydrodynamic separators (approximately 100 tons were removed that would have gone into Cedar Creek).
- Issued thirty-seven erosion control permits and three storm water management permits.
- Provided a full display rack of storm water related information brochures at City Hall.
- Published storm water articles in the Spring and Fall Cedar Post issues.
- Maintained and updated a storm water webpage.
- Provided the rotating display rack with storm water literature to the County Fair.
- Assisted AECOM with illicit discharge investigations.
- Swept downtown streets weekly and residential streets monthly.
- Collected and disposed of approximately 120 tons of street sweepings.
- Collected and composted approximately 1,366 tons of leaves, brush and yard waste.

- Collected and recycled (or burned) 2,720 gallons of used motor oil.
- Installed 26 new catch basins with two foot sumps which incorporate the “Dump No Waste Drains to Stream” logo on the cast iron curb head.
- Updated storm sewer mapping on GIS.
- Participated in the Sweetwater “Respect Our Waters” program for metropolitan Milwaukee.

CONSIDER REQUEST OF SCOTT SIDNEY OF THE JAVA HOUSE CAFÉ & MICRO ROASTER, LLC TO AMEND THE PREMISE DESCRIPTION OF THE CLASS “B” BEER AND “CLASS C” WINE LICENSE OF THE JAVA HOUSE, W63 N653 WASHINGTON AVENUE, TO SELL AND SERVE BEER AND WINE OUTSIDE OF THEIR PREMISES DURING STRAWBERRY AND WINE AND HARVEST FESTIVALS; AND ACTION THEREON

Request was withdrawn.

CONSIDER REQUEST TO FILL VACANT PARKS DEPARTMENT CREW PERSON POSITION; AND ACTION THEREON

Director Hilvo explained that due to the recent retirement of Crewperson Jim Grube, he would like to fill the position as soon as possible to maintain a three person crew in the Department.

Motion made by Council Member Dieffenbach, seconded by Council Member Regenfuss, to approve filling the vacant Parks Department Crew Person position. Motion carried without a negative vote.

DESIGNATION OF CITY’S OFFICIAL NEWSPAPER FOR ENSUING YEAR; AND ACTION THEREON

City Administrator/Treasurer Mertes explained that the City is required to designate a newspaper for the publication of Council proceedings and other legal notices each year.

In answer to Council Member Dieffenbach’s question, City Attorney Herbrand stated that the proposed legislation will provide a cost savings to municipalities; however, official actions will still need to be published.

Motion made by Council Member Czarnecki, seconded by Council Member Thome, to designate the *News Graphic* as the official newspaper for the ensuing year. Motion carried without a negative vote.

CONSIDER RESOLUTION NO. 2017-06: 2016 BUDGET AMENDMENT TRANSFERRING FUNDS FROM PUBLIC WORKS TO PUBLIC SAFETY, CULTURE & RECREATION, CONSERVATION AND DEVELOPMENT AND TRANSFERS OUT; AND ACTION THEREON

City Administrator/Treasurer Mertes explained that this action is a year-end procedure to balance the budget to actual numbers. The Public Works and Parks and Forestry side transfer is an annual adjustment between tree work and planting vs. storm sewer work. The remaining changes are due

to an accounting change from the recent audit and their preference for recording. Deposit accounts for the fuel system, recycling gate and card system, senior center tours, and fire alarm monitoring have been eliminated so the City will need to start budgeting for these items. The Trust and Agency accounts (Library donations, Senior Center and van, and Parks) have been moved out to the General Fund or Special Revenue programs because the auditors did not feel they qualified for this description. The Fire Department's retirement plan is the only item left in the Trust and Agency Fund. Moving some of these accounts caused certain areas to be over budget. Transfers out were over budget due to the additional funding necessary to support the swimming pool operation of \$13,503.

Council Member Regenfuss clarified that the General Government was over budget for the year due to the unrealized loss from the change in market value of the US Bank investments.

In answer to Council Member Dieffenbach's question, City Administrator/Treasurer Mertes explained that these changes made a lot of extra work for the Department; however, the audit will be much easier for 2017 because the changes will be implemented. She agreed that the re-designation and reclassification of the Trust and Agency accounts as operative funds is positive; however, they will still need to be recorded separately because people are donating money for a certain use.

Motion made by Council Member Dieffenbach, seconded by Council Member Arnett, to adopt Resolution No. 2017-06: 2016 budget amendment transferring funds from Public Works to Public Safety, Culture & Recreation, Conservation and Development and transfers out. Motion carried without a negative vote.

CONSIDER ORDINANCE NO. 2017-11 INCREASING THE ALLOCATED FUNDS IN THE GENERAL FUND; AND ACTION THEREON

City Administrator/Treasurer Mertes explained that this item is also a result from the audit. In 2015, there were some projects and purchases that were not completed so Department Heads did a purchase order to carry the funds over to the new year when the project was finished. The auditors requested that these transactions be done by ordinance and to have them approved by the Common Council. City Administrator/Treasurer Mertes will be presenting the 2016 encumbrances that were carried over to 2017 at the next meeting.

Motion made by Council Member Dieffenbach, seconded by Council Member Arnett, to adopt Ordinance No. 2017-11 increasing the allocated funds in the General Fund. Motion carried without a negative vote.

CONSIDER PAYMENT OF BILLS FOR THE PERIOD 03/22/17 THROUGH 04/11/17, TRANSFERS FOR THE PERIOD 03/26/17 THROUGH 04/08/17, AND PAYROLL FOR THE PERIOD 03/12/17 THROUGH 04/08/17; AND ACTION THEREON

Motion made by Council Member Regenfuss, seconded by Council Member Czarnecki, to approve payment of bills for the period 3/22/17 through 4/11/17, transfers for the period 3/26/17 through 4/8/17, and payroll for the period 3/12/17 through 4/8/17. Motion carried without a negative vote.

CONSIDER LICENSE APPLICATIONS

AUTHORIZE ISSUANCE OF A FESTIVAL CELEBRATION PERMIT TO FESTIVALS OF CEDARBURG, INC., FOR STRAWBERRY FESTIVAL TO BE HELD ON SATURDAY, JUNE 24, 2017 FROM 10:00 A.M. – 6:00 P.M. AND ON SUNDAY JUNE 25, 2017 FROM 10:00 A.M. TO 5:00 P.M.

Festivals Director Homayouni asked for a correction to be made to the licensing hours on Saturday, June 24, 2017 from 10:00 a.m. – 6:00 p.m. to 10:00 a.m. – 8:30 p.m.

Motion made by Council Member Czarnecki, seconded by Council Member Arnett, to approve the issuance of a Festival Celebration Permit to Festivals of Cedarburg, Inc. for Strawberry Festival to be held on Saturday, June 24, 2017 from 10:00 a.m. – 8:30 p.m. and on Sunday June 25, 2017 from 10:00 a.m. to 5:00 p.m. Motion carried without a negative vote.

AUTHORIZE ISSUANCE OF A FESTIVAL CELEBRATION PERMIT TO FESTIVALS OF CEDARBURG, INC., FOR WINE AND HARVEST FESTIVAL TO BE HELD ON SATURDAY, SEPTEMBER 16, 2017 FROM 10:00 A.M. TO 8:30 P.M. AND ON SUNDAY, SEPTEMBER 17, 2017 FROM 10:00 A.M. TO 5:00 P.M.

Motion made by Council Member Czarnecki, seconded by Council Member Arnett, to approve the issuance of a Festival Celebration Permit to Festivals of Cedarburg, Inc. for Wine and Harvest Festival to be held on Saturday, September 16, 2017 from 10:00 a.m. to 8:30 p.m. and on Sunday, September 17, 2017 from 10:00 a.m. to 5:00 p.m. Motion carried without a negative vote.

AUTHORIZE ISSUANCE OF A FESTIVAL CELEBRATION PERMIT TO FESTIVALS OF CEDARBURG, INC., FOR OKTOBERFEST TO BE HELD ON SATURDAY, OCTOBER 14, 2017 FROM 11:00 A.M. TO 8:00 P.M. AND SUNDAY, OCTOBER 15, 2017 FROM 10:00 A.M. TO 5:00 P.M.

Motion made by Council Member Czarnecki, seconded by Council Member Arnett, to approve the issuance of a Festival Celebration Permit to Festivals of Cedarburg, Inc. for Oktoberfest to be held on Saturday, October 14, 2017 from 11:00 a.m. to 8:00 p.m. and Sunday, October 15, 2017 from 10:00 a.m. to 5:00 p.m. Motion carried without a negative vote.

ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes reminded the Common Council of two meetings next week (a regular Common Council meeting on Monday, April 24 and a Joint Common Council and Community Development Authority meeting on Tuesday, April 25).

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Dieffenbach stated that TP&D came forward and paid for the painting of 10 trash cans.

Council Member Verhaalen encouraged the Common Council to stop by or participate in a Mel's Charity bowling event at Cedar's III on May 13, as he is sponsoring two teams.

Council Member Czarnecki requested a review of the procedure for contacting the City Attorney at the next Common Council meeting.

Council Member Verhaalen asked that the City lean on Mercury Marine to complete the restoration of Behling Field. The baseball season has been pushed to start late on June 1 and there is a lot of work to be done. If there is reason for the delay, the City should know what that is. This is a revenue source for Parks and Recreation and it is unacceptable that the City will lose revenue and possibly lose teams.

Council Member O'Keefe stated that the Public Works recycling drop-off is working well. Director Wiza stated that 700 cards have been sold to-date.

MAYOR'S REPORT

Acting Mayor O'Keefe presented a Proclamation issued by Mayor Kinzel in honor of Arbor Day, April 28, 2017.

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Thome, seconded by Council Member Czarnecki, to adjourn to closed session at 9:28 p.m. pursuant to State Statutes 19.85(1)(e) to deliberate or negotiate the purchase 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 discuss possible negotiations with BMO Harris Bank for the purchase of property on Columbia Road. Approval of closed session minutes of March 27, 2017. Motion carried unanimously on a roll call vote.

RECONVENE TO OPEN SESSION

Motion made by Council Member Dieffenbach, seconded by Council Member Thome, to reconvene to open session at 9:59 p.m. Motion carried unanimously on a roll call vote.

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Thome, to adjourn the meeting at 9:59 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk