

CC20200224-1
UNAPPROVED

City Attorney Herbrand asked that the consideration of Ordinance No. 2020-02 be postponed to the next Common Council meeting for further review.

Motion made by Council Member Galbraith, seconded by Council Member Bublitz, to postpone the consideration of Ordinance No. 2020-02 regarding composition and appointment to City Plan Commission Sec. 2-4-5(a)(b) to the March 9 Common Council meeting. Motion carried without a negative vote with Council Members Verhaalen and Burkart excused.

CONSIDER REFERRAL OF ANNEXATION PETITION OF 3.768-ACRE PARCEL OF LAND AT 6620 WEST SUSAN LANE IN THE TOWN OF CEDARBURG TO THE PLAN COMMISSION; AND ACTION THEREON

Planner Censky explained that property owners Matthew and Minal Hahm have submitted a petition for direct annexation of the 3.768-acre parcel of land at 6620 West Susan Lane property from the Town of Cedarburg into the City. According to Chapter 66 of Wisconsin State Statutes, the petition must be accepted by the Common Council and referred to the Plan Commission. At this time, it only requires the Common Council to refer it to the Plan Commission for their review and recommendation at their April 6 meeting.

Motion made by Council Member Arnett, seconded by Council Member Galbraith, to refer the annexation petition of 3.768-acre parcel of land at 6620 West Susan Lane in the Town of Cedarburg to the Plan Commission. Motion carried without a negative vote with Council Members Verhaalen and Burkart excused.

CONSIDER ACCEPTANCE OF SANITARY SEWER EASEMENT FOR THE FARMSTEAD PROPERTY AT W62 N238 WASHINGTON AVENUE

Director Wiza explained that over the years, the City has had maintenance issues with the sewer line serving the Farmstead Restaurant. The existing public sewer main runs in an easement from the Farmstead Restaurant to the sewer in Washington Avenue. The slope of the pipe is very flat, it is clay pipe, and there are localized sags in the pipe. Despite routine cleaning, several backups have occurred. To resolve the problem, Water Recycling Center staff have proposed to re-route the sewer line to Cardinal Avenue. Cardinal Avenue is much closer to the building and there is ample slope available. He further explained that the Farmstead owner has agreed to grant the necessary easement to the City at no cost, and they propose to install the sewer line as part of the 2020 Street and Utility project.

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to accept the sanitary sewer easement for the Farmstead property at W62 N238 Washington Avenue. Motion carried without a negative vote with Council Members Verhaalen and Burkart excused.

CONSIDER REQUEST TO HIRE A REPLACEMENT POLICE OFFICER; AND ACTION THEREON

Police Chief Frank explained that Officer Meyer has recently resigned his employment with the Cedarburg Police Department. As a result, he is requesting to hire one officer from the current eligibility list to replace this position on their roster.

Motion made by Council Member Bublitz, seconded by Council Member Galbraith, to approve the request to hire a replacement police officer. Motion carried without a negative vote with Council Members Verhaalen and Burkart excused.

CONSIDER REQUEST TO PROMOTE A PATROL SERGEANT TO THE RANK OF PATROL LIEUTENANT; AND ACTION THEREON

Police Chief Frank explained that he is requesting to promote one of his current patrol sergeants to the rank of lieutenant. The Department currently has four patrol sergeants who supervise patrol and one lieutenant who oversees investigations, technology, community programs and works as a detective. This additional patrol lieutenant would continue to work the same supervision of patrol assignment but would take on additional administrative assignments.

Motion made by Council Member Bublitz, seconded by Council Member Thome, to approve the request to promote a patrol sergeant to the rank of patrol lieutenant. Motion carried without a negative vote with Council Members Verhaalen and Burkart excused.

CONSIDER ORDINANCE NO. 2020-03 INCREASING THE ALLOCATED FUNDS IN THE GENERAL FUND AND CAPITAL IMPROVEMENT FUND FOR THE 2020 BUDGET; ORDINANCE NO. 2020-04 APPROPRIATING FUNDS FOR THE 2019 SWIMMING POOL OPERATIONS; ORDINANCE NO. 2020-05 APPROPRIATING ALLOCATED FUNDS IN GENERAL FUND FOR ENGINEERING PROFESSIONAL SERVICES FOR THE 2020 BUDGET; AND ACTION THEREON

City Administrator Hilvo explained that Ordinance No. 2020-03 is for the encumbrances from 2019. These are projects/purchases that were budgeted in 2019 and not completed but will be completed in 2020. He further explained that Ordinance No. 2020-04 is for the appropriation of General Fund fund balance transfer to the Swimming Pool Fund to balance the 2019 budget.

Attorney Herbrand explained that Ordinance No. 2020-05 is for the appropriation of General Fund fund balance to the Engineering Professional Services account to fund the monopole engineering services. SEH is the contractor for the construction of the monopole and for the oversight of the cell companies move onto the monopole. AT&T and Verizon equipment moves took up a majority of the original funding of \$28,000. The \$18,000 was for almost two years of work done by SEH. The additional \$15,000 funding will allow SEH to complete the last three carrier's project reviews and inspections.

Motion made by Council Member Thome, seconded by Council Member Bublitz, to adopt Ordinance No. 2020-03 Increasing the allocated funds in the General Fund and Capital Improvement Fund for the 2020 budget; Ordinance No. 2020-04 Appropriating funds for the 2019 Swimming Pool operations; and Ordinance No. 2020-05 Appropriating allocated funds in General Fund for Engineering Professional Services for the 2020 budget. Motion carried without a negative vote with Council Members Verhaalen and Burkart excused.

CONSIDER RESOLUTION NO. 2020-04 TRANSFERRING FUNDS FROM THE PARK EQUIPMENT IMPACT FEES TRANSFER TO OTHER FUNDS TO THE CAPITAL IMPROVEMENT FUND FOR THE 2019 WILLOWBROOKE PARK PROJECT;

RESOLUTION NO. 2020-05 TRANSFERRING FUNDS FROM PUBLIC WORKS TO CULTURE & RECREATION; AND ACTION THEREON

City Administrator Hilvo explained that Resolution No. 2020-04 is to allocate funds from the 2019 Park Equipment Fund into the Capital Improvement Fund budget. The Willowbrooke Park project was over budget for 2019. The budget was \$80,000, with \$97,986 expended. Donations to offset some of the overage came in at \$11,930 leaving a funding shortage of \$6,056.

City Administrator Hilvo explained that Resolution No. 2020-05 is to balance the 2019 budget. No department is to be over budget at year end. This resolution transfers funds from Storm Sewer Salaries to Parks, Recreation & Forestry Salaries and increases the budget for the Senior Center trip revenues and expenditures for 2019.

Motion made by Council Member Thome, seconded by Council Member Galbraith, to adopt Resolution No. 2020-04 Transferring funds from the Park Equipment Impact Fees Transfer to Other Funds to the Capital Improvement Fund for the 2019 Willowbrooke Park project and Resolution No. 2020-05 Transferring funds from Public Works to Culture & Recreation. Motion carried without a negative vote with Council Members Verhaalen and Bublitz excused.

CONSIDER MAYOR O'KEEFE'S APPOINTMENT OF TIMOTHY SCHELWAT TO THE BOARD OF APPEALS AS AN ALTERNATE; AND ACTION THEREON

Motion made by Council Member Bublitz, seconded by Council Member Thome, to confirm Mayor O'Keefe's appointment of Timothy Schelwat to the Board of Appeals as an alternate. Motion carried without a negative vote with Council Members Verhaalen and Burkart excused.

CONSIDER REQUEST OF CEDARBURG CULTURAL CENTER INC., TO AMEND THE PREMISE DESCRIPTION OF THE CLASS "B" BEER AND "CLASS B" LIQUOR LICENSE AT W62 N546 WASHINGTON AVENUE TO SELL AND SERVE ALCOHOL AT THE KUHEFUSS HOUSE MUSEUM (OWNED AND OPERATED BY CEDARBURG CULTURAL CENTER, INC.) AT W63 N627 WASHINGTON AVENUE; AND ACTION THEREON

Executive Director Stephanie Hayes explained that the Cultural Center wants to make the Kuhefuss House a more vibrant space by making it an extension of the Cultural Center and using it more for art classes, gallery space, music performances, etc. They are requesting to add the first floor of the Kuhefuss House to their premise description to sell and serve alcohol. Currently, their premise description only allows them to sell outside of the Kuhefuss House during Festivals.

City Attorney Herbrand explained that it is allowed because the Museum is part of the same corporate structure.

Motion made by Council Member Bublitz, seconded by Council Member Arnett, to approve the request of the Cedarburg Cultural Center, Inc., to amend the premise description of the Class "B" Beer and "Class B" Liquor license at W62 N546 Washington Avenue to sell and serve alcohol at the Kuhefuss House Museum (owned and operated by the Cedarburg Cultural Center, Inc.) at W63 N627 Washington Avenue. Motion carried without a negative vote with Council Members Verhaalen and Council Member Burkart excused.

CONSIDER REQUEST OF CEDARBURG CULTURAL CENTER TO CLOSE A PORTION OF MILL STREET FOR RE: CRAFT & RELIC EVENT; AND ACTION THEREON

Executive Director Stephanie Hayes asked for the City's help in bringing a "Mobile Marketplace" to the City. It is a Mobile Boutique Market featuring anyone selling out of their truck, van, trailer, Winnebago, etc., or anything with a set of wheels under it. Her request included:

- Authorization to allow parking on the Cultural Center side of Mill Street (north side) for the duration of the event on Saturday, August 8. The vendors would be open and selling toward the sidewalk, so pedestrians won't be in the street. This is a no parking street and will need permission from the Police Department.
- Permission to park two mobile units on Washington Avenue; one north of Mill Street and on south of Mill Street within the parking lanes.
- Additionally, they would like to have 1-2 mobile units on the west side of Portland Road near their parking lot.

A final request after talking to the organizer is to close Mill Street between Washington Avenue and the driveway to Port Washington State Bank, as done during the Wine & Harvest Festival.

Council Member Galbraith expressed concern for requesting a change at the meeting without prior notice.

Council Member Arnett expressed his support of the Cedarburg Cultural Center and was in favor of approving their requests.

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to approve the request of the Cedarburg Cultural Center to allow parking on the Cultural Center side of Mill Street (north side) for the duration of the re: Craft & Relic event on August 8, 2020 including permission to park two mobile units on Washington Avenue, 1-2 mobile units on the west side of Portland Road near the Cultural Center and closing the portion of Mill Street between Washington Avenue and the driveway of Port Washington State Bank subject to the approval of Police Chief Frank and Fire Chief Vahsholtz. Motion carried without a negative vote with Council Members Verhaalen and Bublitz

CONSIDER REQUEST OF BENJAMIN GRADE OF ERNIE'S WINE BAR TO AMEND THE PREMISE DESCRIPTION OF ITS CLASS "B" BEER AND "CLASS B" LIQUOR LICENSE AT N49 W5471 PORTLAND ROAD TO SERVE BEER AND LIQUOR IN AN ENCLOSED TENT IN THE PARKING LOT, INCLUDING A DJ, FOR AN EVENT TO BE HELD ON AUGUST 8, 2020 TO END AT 10:00 P.M.; AND ACTION THEREON

City Administrator Hilvo explained that this is a one-day request for a private family wedding. Police Chief Frank will approve the event; however, it will also be subject to Plan Commission approval for a Temporary Use application for the tent, when neighbors will be notified.

Council Member Galbraith expressed concern for additional businesses requesting private events in the future and he asked City Attorney Herbrand if this happens in other communities.

City Attorney Herbrand stated that these one-day occasional events typically do not encourage additional requests from others.

Council Member Thome appreciated that the neighbors will be notified when the Plan Commission reviews the Temporary Use application.

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to approve the request of Benjamin Grade of Ernie's Wine Bar to amend the premise description of its Class "B" Beer and "Class B" Liquor license at N49 W5471 Portland Road to serve beer and liquor in an enclosed tent in the parking lot, including a DJ, for an event to be held on August 8, 2020 to end at 10:00 p.m. with the understanding that Mr. Grade needs to apply for a Temporary Use permit for further review. Motion carried without a negative vote with Council Members Verhaalen and Burkart excused.

CONSIDER APPLICATION OF THE SHINERY NEENAH LLC, W63 N678 WASHINGTON AVENUE, FOR A "CLASS A" INTOXICATING LIQUOR (OFF-PREMISE CONSUMPTION ONLY) LICENSE; AND ACTION THEREON

Motion made by Council Member Bublitz, seconded by Council Member Galbraith, to approve application of the Shinery Neenah LLC, W63 N678 Washington Avenue, for a "Class A" Intoxicating Liquor (off-premise consumption only) license. Motion carried without a negative vote with Council Members Verhaalen and Burkart excused.

CONSIDER LICENSE APPLICATIONS; AND ACTION THEREON

Motion made by Council Member Bublitz, seconded by Council Member Galbraith, to approve new Operator License applications for the period ending June 30, 2020 for Brenda S. Jones and Pamela D. Jonasson. Motion carried without a negative vote with Council Members Verhaalen and Burkart excused.

Motion made by Council Member Bublitz, seconded by Council Member Galbraith, to grant temporary Class "B" licenses to Cedarburg Firemen's Park, Inc. for Maxwell Street Days, Firemen's Park, W55 N796 Washington Avenue, for May 24, July 12, September 6, and October 4, 2020 from 6:00 a.m. – 10:00 p.m. Motion carried without a negative vote with Council Members Verhaalen and Burkart excused.

Motion made by Council Member Bublitz, seconded by Council Member Galbraith, to grant a temporary Class "B"/"Class B" license to Cedarburg Firemen's Park, Inc. for the Ozaukee County Fair, Firemen's Park, W65 N796 Washington Avenue, for July 31, 2020 through August 4, 2020, 10:00 a.m. to 12:00 a.m. Motion carried without a negative vote with Council Members Verhaalen and Burkart excused.

CONSIDER PAYMENT OF BILLS DATED 2/7/20 THROUGH 02/14/20, TRANSFERS FOR THE PERIOD 02/04/20 THROUGH 02/20/20; AND PAYROLL FOR THE PERIOD 01/26/20 THROUGH 02/08/20; AND ACTION THEREON

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to approve payment of bills dated 2/7/20 through 2/14/20, transfers for the period 2/4/20 through 2/20/20; and payroll for the period 1/26/20 through 02/08/20. Motion carried without a negative vote with Council Members Verhaalen and Burkart excused.

ADMINISTRATOR'S REPORT

City Administrator Hilvo explained that the City website was down, due to problems with the server at CIVICPlus.

A new City Clerk will begin employment on March 9.

ADA information has been added to the City website with a request form available for anyone who may require additional services. TIF Information has also been added to the website.

City Attorney Herbrand congratulated Police Chief Frank and Attorney Woodward in winning a State Supreme Court case where a Municipal Court decision was upheld.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Arnett attended the Ladies Who Lead event sponsored by the Chamber of Commerce and US Bank. It was a very nice event that included recognition for Finance Director/Treasurer Christy Mertes for her contributions to the City of Cedarburg.

MAYOR'S REPORT- None

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Bublitz, seconded by Council Member Arnett, to adjourn to closed session at 7:45 p.m. pursuant to State Statute 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, Highway 60 Business Park; and pursuant to State Statute 19.85(1)(g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, more specifically, holding tank replacement at city-owned property. Approval of February 10, 2020 closed session minutes. Motion carried on a roll call vote with Council Members Bublitz, Arnett, Chivinski, Thome and Galbraith voting aye and Council Members Verhaalen and Burkart excused.

RECONVENE TO OPEN SESSION

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to reconvene to open session at 8:11 p.m. Motion carried unanimously on a roll call vote with Council Members Bublitz, Arnett, Chivinski, Thome, and Galbraith voting aye and Council Members Verhaalen and Burkart, excused.

NEW BUSINESS – CONTINUED

CONSIDER THE HOLDING TANK REPLACEMENT AT CITY-OWNED PROPERTY 1838 PIONEER ROAD; AND ACTION THEREON

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to approve the holding tank replacement at City-owned property 1838 Pioneer Road and retaining Ray Wollner Excavating in an amount not to exceed \$15,153. Motion carried without a negative vote with Council Members Verhaalen and Burkart excused.

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to adjourn the meeting at 8:12 p.m. Motion carried without a negative vote with Council Members Verhaalen and Burkart excused.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk