

**CITY OF CEDARBURG  
COMMON COUNCIL  
June 27, 2016**

**CC20160627-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, June 27, 2016, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Kip Kinzel called the meeting to order at 7:00 p.m.

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

Also Present - City Administrator/Treasurer Christy Mertes, Public Works Tom Wiza, City Clerk Constance McHugh, Wastewater Treatment Plant Superintendent Eric Hackert, City Attorney Michael Herbrand, Economic Development Coordinator Mary Sheffield, Economic Development Board Members Peter Welch, Greg Zimmerschied, Joe Kassander, Jim Pape and Eric Stelter, Michael Lindner of Hotel R&D, LLC; 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 June 13, 2016 meeting. Motion carried unanimously.

**CONSIDER RECOMMENDATION OF THE ECONOMIC DEVELOPMENT BOARD THAT PERMITS NOT BE PROVIDED TO FOOD TRUCKS ON PUBLIC PROPERTY**

Economic Development Coordinator Sheffield said the Economic Development Board discussed food trucks in the City. The Board, with the exception of Chairman Peter Welch, voted in favor of recommending to the Council that permits not be provided to food trucks in the City. Member Eric Stelter was not present during this portion of the meeting therefore did not vote on the recommendation.

Ms. Sheffield said the Economic Development Board felt that food trucks compete with the brick and mortar restaurants in the City, do not pay taxes, do not contribute to the community, take up valuable parking spaces, and are only in the City during peak times of the year. Positives of food trucks are that they add vibrancy to the City, add food choices, may bring in visitors to the City, and may eventually lead to the owners of the food trucks to open restaurants in the City. Suggestions

from the Economic Development Board include grouping the food trucks in a central parking lot in the City and increasing the permit fee.

Former Council Member Michael Maher, 397 W. Thornapple Lane, Grafton addressed points made at the May 31, 2016 meeting of the Economic Development Board. One comment that was made was restaurants in the City are fragile and there is much competition in the restaurant business. Mr. Maher said this was known long before food trucks became popular. He said competition is good for any business and means more choices for the consumer. Mr. Maher said it is not true that food trucks do not pay taxes as food truck owners pay gas tax, sales tax on food purchases and truck maintenance and income taxes on income earned. In terms of the City not enforcing the ordinance requiring sellers to move every 10 minutes, Mr. Maher asked if sellers at the Festivals and Summer Sounds follow this. In terms of the fee, the Council can revisit this during the 2017 budget process. A comment was made at the meeting that it would be a good idea to get opinions on the trucks from the restaurants in downtown. Mr. Maher questioned whether Java House and Fiddleheads were asked when Starbucks opened or whether the Chocolate Factory was consulted when Subway opened. Regarding the comment made that food trucks do not go with the core values of the community, Mr. Maher said he has no response to this.

Mr. Maher said the recommendation of the Economic Development Board to ban food trucks is the most disappointing recommendation he has seen. It amounts to economic discouragement. He suggested the Council listen to its constituents and review the ordinances in other communities.

Natasha Loos, owner of Cedarburg Toys at W62 N583 Washington Avenue, suggested the Council consider a common sense ordinance to deal with food trucks without a full ban on them. She said she eats at all the restaurants in the City and at the food trucks. She said the food trucks do not deter business and actually bring business to the City. She said it is a special treat when they come to town. Parking is not a problem. She said the City has two food trucks currently, and the owners of both have connections to the City.

Tom Kubala, N67 W5475 Columbia Road, said his business employs 25 people in the City. He said his younger staff was dismayed to hear the City may restrict food trucks. He said his employees do not always have the time to spend an hour and a half at local restaurants for lunch. Some find restaurants expensive. The food trucks are a great alternative and are not in competition with the restaurants. He urged the Council to keep the food trucks in Cedarburg.

Joan Dorsey, owner of Settlers Inn at W63 N657 Washington Avenue, said the Council needs to hear the other side of the story. She said she has nothing against food trucks, but Cedarburg already has good food places. She estimated there are 30 food establishments from Highway 60 to Pioneer Road. She said her prices are not higher than the food trucks and it normally does not take an hour and a half to eat at her restaurant. She said the food trucks bring in people at the expense of food establishments. She said her restaurant pays all the taxes described by Mr. Maher, in addition to property taxes.

Vince Micha, an employee at Kubala Washatko Architects, said he eats at Settlers Inn and other restaurants but wants a variety. He said it is exciting to see pedestrians on the streets. He said he has seen the success of businesses in other communities because of the food trucks. He said this can happen here.

Chris Borg, N57 W6524 Center Street, said it is unfair that the brick and mortar restaurants have to compete with food trucks. He said it is not fair to ask restaurants to pay property taxes while food trucks do not. He said allowing food trucks will change the character of the community. He predicted the City will lose food establishments because of the food trucks.

Peter Schalk said he is the owner of the Blue Cow Creperie food truck. He said food trucks are an asset to the community. Consumers are grateful for the variety. His food truck is in the City once a week for about four hours. He tries not to infringe on the parking for other restaurants.

Peter Olds, co-owner of North 48 and PJ Piper Restaurant, said food trucks are a great asset. He said food trucks have his full support and his customers enjoy them.

Shannan Meyer, N73 W7005 Walnut Street, expressed her frustration with the City in trying to ban food trucks. She said these trucks do not take away sales from other restaurants. She said she has never gone to a food truck when her intention has been to go to a restaurant downtown. Food trucks are a great way to meet friends and family and pick up items to go. She said she picks up orders for others at her place of employment and often shops in stores while waiting. She said the Council needs to realize how popular food trucks are. She encouraged the Council to think outside the box.

Ryan Krippendorf, N87 W6891 Evergreen Court, said he is disappointed in the recommendation of the Economic Development Board. He said Wednesday night is food truck night in Plymouth and the event is always packed with people. He said he thinks the food trucks boost economic development. He said the last time he visited a food truck he ended up buying a lot of items at a nearby bakery. While he realizes there are pros and cons of the food trucks, he said banning food trucks is not moving in the right direction. He said allowing food trucks to come to the City one night a week is a compromise.

Steve Bicek, N32 W6501 Palmetto Court, said he talked to the Village President in Thiensville where it has been rumored that the Village Board banned food trucks. Village President Van Mobley indicated the Village has not banned food trucks and has not changed its ordinance. He said he likes the spontaneity of food trucks and the multiple choices that food trucks provide. He is against banning food trucks.

Peter Welch, Chairman of the Economic Development Board, said the Economic Development Board has an obligation to make suggestions to the Common Council on ways to improve the City as a whole. He said the Board must think of the long term economic success of the community. He said this issue is a matter of short term gains versus long term stability. He said the question is do we want to include food trucks as part of the fabric of the community. He said some members of the Economic Development Board feel the food trucks are too transient to fit into the fabric of the community. While he did not vote in favor of the recommendation of the Board, it is necessary that the recommendation come to the Council for discussion.

Eric Stelter, owner of Bella Lei Salon and member of the Economic Development Board, said as a business owner he employs 40 employees. He said his staff was upset at learning they may lose the opportunity of visiting the food trucks. His employees sometimes only have 10-15 minutes between clients to get lunch. He opined that only the strongest and fittest businesses will survive and the

best product will win. Consumers will be winners. If the City starts governing what businesses should be permitted, he questioned where it ends.

Siobhan Mesenbourg, co-owner of Yellow Bellies food truck, said her truck is not in the City to take away business from restaurants. She said her following actually helps businesses in the City.

Tom Shippen, co-owner of North 48, said an estimate to install a kitchen in his bar was \$250,000. He said he is not willing to spend that amount for a kitchen. Food trucks in the City provide a great product and opportunity. He encouraged the food trucks to park in front of his establishment. He urged the Council to keep the trucks in the community.

Chairman Welch suggested people attend the Economic Development Board meetings. He said the more feedback from residents and businesses the better.

Mayor Kinzel said arguments can be made on both sides. He thanked those in attendance for their comments. He said the Council needs input from the community.

Council Member Thome said she is the Council representative on the Economic Development Board. She said it is important the Board and Council hear input on these topics. She said she voted in favor of the recommendation and wanted it to come to the Council for discussion. She said if food trucks are eliminated a certain business type is also eliminated. She said she has been told by many people there is a compromise. Perhaps there can be a limit on the number of days per year the trucks are allowed, or a group location off Washington Avenue would be a compromise.

Council Member Verhaalen asked why the food trucks selected to come to Cedarburg.

Michael Mesenbourg, co-owner of Yellow Bellies food truck, said owners of the business called Weeds saw them at Summer Sounds and asked them to park in front of their business. It is the intent of him and his wife to open a restaurant and the food truck is a good way to reach out to customers in several communities. This is the fourth year Yellow Bellies has been in Cedarburg.

Mr. Schalk said he lived in Cedarburg for many years and owning a food truck is something on his bucket list. This is the second year he has been in the City. He reminded the Council that food trucks must pay for permits in all communities they go to, pay the State for a permit, and are required to have inspections.

Council Member Arnett said it seems like this is an issue of fairness versus variety. He said he does not think this is a zero sum game. He said food trucks do attract people from other communities and also keep people in town. He said there should be a compromise to allow the food trucks while providing protections to businesses. He would like to see a compromise worked out with common sense protections to businesses.

Council Member Czarnecki said food trucks are a zero sum game. He said the food trucks are here when it is most advantageous to them. He asked what happens if many trucks such as dress trucks, haircut trucks, or toy trucks start coming to town. If the restaurants in the City feel it is problem, then it is a problem. He said the food trucks take away business from the restaurants that are here year round and pay property taxes and employees. He said vitality is lost if restaurants close.

Council Member Dieffenbach questioned if it would be possible that any action the Council may take now or in the future impact food truck owners after their current permits expire. He said he went to many businesses asking about food trucks and only heard two people that were against them. He said the Council may need to find a place for the food trucks as they distract from downtown when parked on Washington Avenue. He suggested that a decision not be made tonight and ordinances in other communities be reviewed.

Attorney Herbrand said it would be advisable to not impact current license holders if there are decisions or ordinance changes made.

Council Member O'Keefe said he agrees with Council Member Dieffenbach. He said he is surprised by the enthusiasm for food trucks. He stopped in at the Chocolate Factory and was informed they are in favor of food trucks. He said food trucks can be welcomed competition and may encourage restaurants to freshen up their menus. Council Member O'Keefe said he is not sure the food trucks are a zero sum game. He said people may find other restaurants to seek out when visiting the food trucks. He said it seems like some sort of compromise can be worked out such as increasing the permit fee, perhaps locating off Washington Avenue, or protections regarding parking distance to existing restaurants.

Mayor Kinzel said food trucks do bring people and variety to the City along with adding vibrancy. He said it would be horrible to ban them outright. The Council needs to think about this.

Council Member Regenfuss said he has heard from people on both sides of the issue. He is not convinced it is a zero sum game or that the problems are well defined.

Ms. Loos suggested a committee be formed with people who are not pro-food truck and the owners of the food trucks to find a compromise.

It was the consensus of the Council that this matter be sent back to the Economic Development Board for further discussion with the goal of a possible compromise and ordinance revisions.

Greg Zimmerschied, member of the Economic Development Board, said Board members are present at this meeting and have heard the comments and suggestions made. He said there is probably nothing more the Economic Development Board can hear on the matter. The Economic Development Board generally does not draft ordinances and may need legal counsel to assist with this.

Council Member Czarnecki suggested the Economic Development Board bring back points in terms of what they want to see changed in the ordinance.

Council Member Verhaalen suggested any ordinance revisions could also address other goods that could be sold out of trucks.

Council Member Arnett said the Economic Development Board could review and make suggestions in terms of the permit fee charged, requiring periodic movement of the trucks, the distance trucks must be parked from other restaurants, the days of the week trucks should be permitted, the

number of times per year food trucks are allowed, and the number of trucks allowed. Attorney Herbrand could assist with filling in the details of the ordinance.

**CONSIDER ORDINANCE NO. 2016-08 AMENDING SECTION 10-1-28(c) OF THE CODE OF ORDINANCES TO ESTABLISH TWO HOUR PARKING ON THE EAST SIDE OF MADISON AVENUE BEGINNING 80 FEET NORTH OF THE NORTHERLY RIGHT-OF-WAY OF VICTORIA BOULEVARD, AND EXTENDING 40 FEET TO THE NORTH**

Director Wiza said Mr. Sandy Scaccia, President of Norstar, appeared before the Public Works and Sewerage Commission to request some limited parking restrictions directly in front of the business. Norstar has experienced some problems getting delivery trucks in and out of their loading dock area on Madison Avenue when the street is parked full. High school students find it a convenient place to park. Mr. Scaccia is requesting that two parking spaces directly adjacent to their driveway be posted for two hour parking Monday through Friday.

Motion made by Council Member Dieffenbach, seconded by Council Member Arnett, to adopt Ordinance No. 2016-08 amending Section 10-1-28(c) of the Code of Ordinances to establish two hour parking on the east side of Madison Avenue beginning 80 feet north of the northerly right-of-way of Victoria Boulevard, and extending 40 feet to the north. Motion carried unanimously.

Marilyn Axt, W66 N605 Madison Avenue, said students are parking in front of the Kelch (Norstar) business and on the street in several nearby neighborhoods and this should be addressed.

Mayor Kinzel said this is a separate issue and cannot be discussed at this meeting as it is not on the agenda.

**UPDATE AND DISCUSSION ON DAM ISSUES IN THE CITY**

Director Wiza said due to turnover among Council Members and the Economic Development Board's interest in the dams in the City, he suggested issues related to the dams be discussed. He said no action is necessary tonight.

Director Wiza reminded the Council there are three dams in the City. The City owns the Woolen Mills and Columbia Mills dams. The Ruck dam is privately owned by the Landmarks Preservation Society. The City has been asked to take ownership of this dam.

Director Wiza said the City owns the Woolen Mills spillway. Easements would be needed to make repairs to this dam as the Cedar Creek Settlement owns the mill race. The City owns the Columbia Mills spillway and raceway but does not own the land on either side of the dam. The Wisconsin Department of Natural Resources (DNR) has jurisdiction over all dams in the State. The dams are governed by NR 333 of the Administrative Code.

Director Wiza said spillway capacity is an issue with the dams. All three dams are very old and are not built to current NR 333 standards, which addresses capacity requirements. Graef was retained to inspect the dams and issued a report identifying the deficiencies at the Columbia Mills dam. In a letter from the DNR dated October 14, 2014, the DNR stated the following deficiencies must be corrected by the dates given:

Millrace concrete repairs	September 30, 2017
Repair deteriorated concrete on the right abutment wall	September 30, 2017
Stabilize left downstream bank to protect mill race	September 30, 2017

A similar schedule was set for the Woolen Mills dam with a compliance date of September 2016. This was appealed, and the DNR indicated the maintenance repairs must be completed by September 2017.

In addition, the DNR sent a letter stating the spillway capacity of the Woolen Mills dam must be brought into compliance with NR 333 within 10 years of the letter, which was dated August 18, 2014. The City has never received approval for alternative spillway capacities – the DNR has only said they would consider alternatives. Director Wiza said the Council needs to decide what will be done with the dams. The challenge with repairs is the current creek clean-up work that is being done. He said he would like to request one more year for the maintenance repairs to be done.

Director Wiza said the DNR preference is to remove the dams; however, most residents want the dams to remain. He said there is a risk of removal if repairs are not done on schedule. He suggested this fall a consultant be retained to put plans together to submit to the DNR for approval.

Mr. Zimmerschied said the Economic Development Board has discussed the dams because of the economic importance to the City. He said the Board has no issue with what the City has done but has proposed an alternative – that a contingent be sent to Madison to ask for relief from NR 333. Board Member DJ Burns thinks there is an opportunity to ask for relief.

Director Wiza said he has no problem with this approach but stated NR 333 is an Administrative Code requirement and does not know if it is realistic to think relief would be provided. It may give the City more time and more leeway in terms of alternate capacities. Director Wiza said it may make sense to pursue the maintenance work separately from the spillway capacity work.

Council Member O’Keefe suggested an advocate be hired to go to Madison on behalf of the City.

Director Wiza said this may be helpful in terms of the spillway capacity but most likely would not help in terms of maintenance work. He said the City needs relief from the September 2017 deadline for maintenance work.

Mr. Welch said the Economic Development Board agrees with approaching representatives in Madison about this. He said he would be willing to help in any way he can.

Council Member Thome said she likes the idea of having an advocate.

Mayor Kinzel said it helps to have members of the community involved.

Attorney Herbrand said it will be necessary to have engineering to go along with this.

Director Wiza said Graef has developed an analysis of the alternative spillway capacities. He said it may be beneficial to the City to start planning for the maintenance repairs and deal with the spillway changes separately.

It was the consensus of the Council that work to address the required maintenance repairs begin and State representatives be contacted regarding the deadlines and other work related to spillway capacity.

**CONSIDER RETAINING ENGINEERING CONSULTANT FOR ASSISTANCE WITH WPDES PERMIT APPEAL**

Director Wiza said when the City retained Attorney Art Harrington of Godfrey & Kahn to file an appeal of the proposed WPDES permit for the wastewater treatment plant, it was noted that some limited assistance from an engineering consultant would also be required. Attorney Harrington has a good working relationship with Symbiont from the Grafton appeal therefore staff asked for a proposal from them. It is recommended that Symbiont be retained to assist with the appeal, in an amount not to exceed \$3,000.

Motion made by Council Member Czarnecki, seconded by Council Member O'Keefe to accept the proposal from Symbiont in an amount not to exceed \$3,000 without further authorization. Motion carried unanimously.

**CONSIDER ISSUANCE OF A CHANGE ORDER TO DORNER, INC. TO REPLACE 550 FEET OF EXISTING STORM SEWER IN BRIDGE ROAD**

Director Wiza said Dorner, Inc. was awarded the 2016 Street & Utility contract, which includes the reconstruction of Bridge Road from Columbia Road to Mequon Avenue. While replacing the existing sanitary sewer just west of the Columbia/Bridge intersection, the contractor began running into the existing 18" diameter storm sewer which should have been 6 or 8 feet away and parallel based on the manhole locations. Apparently due to the shallow bedrock, the existing storm sewer was laid in a serpentine alignment, and not in straight line segments between manholes, which is standard practice. To make matters worse, the pipe is in 3 foot sections of non-reinforced concrete which are brittle and unstable.

Director Wiza said he is requesting a change order be issued to Dorner, Inc. for approximately \$95,000, which would cover the cost of replacing 1,068 feet of 18" diameter reinforced concrete storm sewer and four to five manholes.

Motion made by Council Member Arnett, seconded by Council Member Czarnecki, to issue a change order to Dorner, Inc. for replacement of the pipe at a length to be determined by Director Wiza at \$74 per foot and to replace necessary manholes. Motion carried unanimously.

**CONSIDER HOTEL FEASIBILITY STUDY AND PRELIMINARY CONCLUSIONS**

Michael Lindner of Hotel R&D, Inc. presented preliminary conclusions of the hotel feasibility study. He said based on initial fieldwork and analysis, it is determined that Cedarburg can support a new modern lodging development. The City is known for its family-oriented festivals and other visitors and has a gap in the type of accommodation that caters to a large percentage of these visitors. In addition, there are two corporate demand generators within three miles: St. Mary's Hospital and Concordia University. He said the most successful property would be a midscale to upper midscale level of hotel. A luxury property would likely not work and would impact the inns

in the City. The most suitable location for a hotel would be on Pioneer Road because it is a gateway into the community. Mr. Lindner said he is looking for direction from the Council as to whether the final phase of the study should be completed. The amount to complete the study is \$3,500.

Council Member Arnett said it is fair to conclude that a midscale or upper midscale hotel would be feasible in Cedarburg.

Mr. Borg asked if a hotel along Pioneer Road is really something that is desired. He said one hotel will lead to another hotel and gas stations. He questioned if the Council really wants to turn this area into something similar to what is at highways 43 and 60 are in Grafton. He said a hotel will result in the loss of charm in Cedarburg. He suggested that a boutique hotel such as the CopperLeaf in Appleton be looked at.

Mr. Lindner said a boutique hotel will have an impact on the inns in the City. He said the community invites people and families to the area that will not stay at the inns. These families are basically being directed to stay elsewhere.

Mayor Kinzel disagrees that a hotel will harm the ambience of the community. Council Member Verhaalen also disagreed with Mr. Borg and said a hotel will not ruin Cedarburg.

Mr. Lindner said the Council should decide whether to finish the report at this time or wait until an interested developer steps forward. He said an interested developer could be charged for the report.

Mayor Kinzel agreed with statements made in an email from Council Member Arnett. If the Council feels a hotel off the upper midscale list could work, then the study should be continued and the additional \$3,500 should be spent to get the report.

Council Member Arnett suggested moving ahead with the study. He said he likes the idea of being paid back from the developer if a report is provided to one.

Motion made by Council Member Arnett, seconded by Council Member Czarnecki, that Mr. Lindner of Hotel R&D, Inc. complete the hotel feasibility study in an amount not to exceed \$3,500. With Council Members Czarnecki, Arnett, Verhaalen, Regenfuss, Thome and O'Keefe voting aye and Council Member Dieffenbach voting nay, the motion carried.

**DISCUSS AND APPROVE PRELIMINARY BUDGET PARAMETERS, INCLUDING OPERATING EXPENDITURES AND/OR TAX LEVY, GROWTH TARGETS FOR DEVELOPMENT OF THE PROPOSED 2017 BUDGET**

City Administrator/Treasurer Mertes said annually the Council sets the parameters for staff to follow during the development of the budget. Usually the expectation is that the tax rate should be held at the same rate as the previous year. With the estimated assessed value, before commercial numbers are complete, there is room for a tax levy increase of \$110,000 before the tax rate would increase.

It was the consensus of the Council that the goal should be a 0% tax rate increase.

Council Member Dieffenbach said he would like to see a list of excess City property that could generate cash. The Council should discuss this during budget deliberations.

**CONSIDER BUDGET CALENDAR FOR 2017**

City Administrator/Treasurer Mertes said the proposed budget calendar for the 2017 budget is the same as last year. The budget will be distributed to the Council on October 6 with the public hearing/budget presentation at the October 31 meeting. It may be necessary to add dates in October for budget deliberations if necessary. The budget is scheduled to be adopted on November 28, if numbers are received by the State and all goes well the approval could be moved to November 14.

**PRESENT STRATEGIC WORK PLAN**

City Administrator/Treasurer Mertes said the goals and objectives of the Strategic Plan have been updated. The goals and objectives typically come from staff and various boards, committees and commissions. She encouraged Council Members to review the plan and provide suggestions to her. The Strategic Plan will be a separate item for discussion at a future meeting.

**PAYMENT OF BILLS**

Motion made by Council Member Czarnecki, seconded by Council Member O'Keefe, to approve the payment of the bills for the period 06/10/16 through 06/23/16, ACH transfers for the period 06/11/16 through 06/24/16, and payroll for the period 06/05/16 through 06/18/16. The motion carried unanimously.

Council Member Dieffenbach said the City just purchased a new street sweeper in the amount of \$233,000. He said there needs to be an effort to make this piece of equipment a revenue source. He suggested the other communities and the school district be approached to see if there is interest in sharing this piece of equipment. He said there needs to be more cooperation with other units of government.

**LICENSE APPLICATIONS**

Motion made by Council Member O'Keefe, seconded by Council Member Czarnecki, to authorize the issuance of new Operator licenses for the period ending June 30, 2017 to:

William W. Conley	Samuel P. Richison
Eric P. Fahrendorf	Michael N. Russo
Zachariah R. Ladd	Caryn M. Sager
Nathan A. Micha	Leah K. Schlageter
Samantha Moyer	Nathan W. Steele

Motion carried unanimously.

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to authorize the issuance of renewal Operator licenses for the period ending June 30, 2017:

Blaine E. Gibson  
Robert A. Kitzerow  
Alexis M. McFadden

Lindsey A. Priaulx  
John C. Wallus  
Joseph P. Willbrandt

Motion carried unanimously.

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to approve the issuance of a Festival Celebration Permit to Festivals of Cedarburg, Inc., for Wine & Harvest Festival to be held on September 17, 2016 from 10:00 a.m. to 8:30 p.m. and September 18, 2016 from 10:00 a.m. to 5:00 p.m. Motion carried unanimously.

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to approve the issuance of a Festival Celebration Permit to Festivals of Cedarburg, Inc., for Oktoberfest to be held on October 8, 2016 from 11:00 a.m. to 8:00 p.m. and October 9, 2016 from 10:00 a.m. to 5:00 p.m. Motion carried unanimously.

### **CITY ADMINISTRATOR'S REPORT**

City Administrator/Treasurer Mertes said she and Mayor Kinzel had breakfast to meet with the new Town of Cedarburg Administrator Tim Rhode and Town Board Chairman Dave Valentine last week.

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

Council Member Dieffenbach said Council Members missed the opportunity to gather with other elected officials last week at a party given by County Board Chairman Lee Schlenvogt.

Council Member Dieffenbach distributed stress relief balls from HeartSafe Wisconsin.

Council Member Regenfuss said he has received calls about the number of dogs in Cedar Creek Park during Summer Sounds.

### **ADJOURNMENT – CLOSED SESSION**

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to adjourn to closed session at 10:13 p.m. pursuant to State Statutes 19.85(1)(g) to confer with legal counsel 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 specially, to discuss the Lisa Corner claim against the City for snowplow damage to a vehicle that occurred on January 7, 2016 and 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 response require a closed session, more specifically, to consider the possible sale of a City-owned property on Pioneer Road. With Council Members Czarnecki, Arnett, Dieffenbach, Verhaalen, Regenfuss, Thome and O'Keefe voting aye, the motion carried on a roll call vote. Approval of closed session minutes of June 13, 2016.

**RECONVENE TO OPEN SESSION**

Motion made by Council Member O'Keefe, seconded by Council Member Dieffenbach, to reconvene to open session at 10:30 p.m. Motion carried unanimously.

**CONSIDER THE LISA CORNER CLAIM AGAINST THE CITY FOR SNOWPLOW DAMAGE TO A VEHICLE THAT OCCURRED ON JANUARY 7, 2016**

Motion made by Council Member Thome, seconded by Council Member Arnett, to approve a settlement in the amount of \$9,000 in the Lisa Corner claim against the City for snowplow damage to a vehicle. Motion carried unanimously.

**ADJOURNMENT**

Motion made by Council Member Dieffenbach, seconded by Council Member Arnett, to adjourn the meeting at 10:32 p.m. Motion carried unanimously.

Constance K. McHugh, MMC/WCPC  
City Clerk