

**CITY OF CEDARBURG  
COMMON COUNCIL  
April 25, 2016**

**CC20160425-1**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, April 25, 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, City Attorney Michael Herbrand, Economic Development Board Member DJ Burns and Economic Development Board Member/Community Development Authority Member Eric Stelter, Maureen Schiel from Ehlers, Wayne Sattler, Craig Shanks, and Richard Romero of US Bank; 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 O'Keefe, to approve the minutes of the April 19, 2016 regular meeting and April 19, 2016 organizational meeting as presented. Motion carried unanimously.

**CONSIDER RESOLUTION NO. 2016-10: RESOLUTION AWARDDING THE SALE OF \$9,705,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2016A**

Maureen Schiel of Ehlers presented the sale report for the borrowing for the Public Works facility and sanitary sewer improvements. A total of six bidders bid on the bonds, with the low bidder being Citigroup Global Markets, Inc. The interest rate is 2.1956%, approximately 1% less than estimated last month. The amount of the bonds was reduced by \$125,000 based on the bid premium received and the actual underwriting discount. The total amount of the bonds is \$9,705,000. The debt service impact on a homeowner with a home assessed value at \$260,000 will be approximately \$116 a year, which is about \$10 less than projected a month ago. The City was assigned an Aa2 rating by Moody's Investors Service. Overall, Ms. Schiel said this was a very good sale.

Council Member Dieffenbach asked how these bids compared to other issues in the area today.

Ms. Schiel said that there were no other sales in her office today; however, this is a very good sale and is consistent with another sale in her office last week.

Motion made by Council Member Regenfuss, seconded by Council Member Czarnecki, to adopt Resolution No. 2016-10: Resolution Awarding the Sale of \$9,705,000 General Obligation Corporate Purpose Bonds, Series 2016A. With Council Members Czarnecki, Arnett, Dieffenbach, Verhaalen, Regenfuss, Thome and O'Keefe voting aye, the motion carried unanimously on a roll call vote.

**CONSIDER AGREEMENTS WITH US BANK FOR INVESTMENT ADVISOR SERVICES**

City Administrator/Treasurer Mertes said RFPs for investment advisor services were sent out to local firms. Five proposals were received. The field was narrowed down to three firms, which were interviewed by the ad hoc Debt/Investment Committee. The Committee recommends the Council retain US Bank.

Council Member Dieffenbach asked what an investment advisor does for the City.

City Administrator/Treasurer Mertes said the investment advisor will help diversify investments and increase investment earnings. The investment advisor will meet with her, the ad hoc Debt/Investment Committee and the Council as needed.

Council Member Arnett said the Committee has two members, Al Lorge and Bob Loomis, who have great experience in this area. The Committee put US Bank at the top of the list. He said the City has an average of \$15 million in funds, generally making less than .6% interest. US Bank feels it can assist the City in obtaining a 1.25% rate of return while charging a fee of .15%. He said US Bank will customize a portfolio for the City.

Motion made by Council Member Arnett, seconded by Council Member Czarnecki, to approve the agreements with US Bank for investment advisor services. Motion carried unanimously.

**CONSIDER REQUEST OF TWO CRAFTY CHICKS, LLC TO AMEND THE PREMISE DESCRIPTION OF THE CLASS "B" BEER AND "CLASS C" WINE LICENSE OF BOARD AND BRUSH AT W61 N506 WASHINGTON AVENUE, TO SELL AND SERVE BEER AND WINE OUTSIDE OF THEIR PREMISES DURING STRAWBERRY AND WINE AND HARVEST FESTIVALS**

Jacqueline Ertl of Board and Brush said she and her partner are seeking to amend the premise description of their Class "B" beer and "Class C" wine license to be able to sell and serve outside the premises at two locations during festivals. Ms. Ertl said it is their intention to sell and serve alcohol in a tent just outside the door on the parking lot side and in a tent on Washington Avenue in front of the business, just south of barricade on Washington Avenue. She said they will work with Immanuel Lutheran Church next door to ensure that sales and service will remain in the easement. Attorney Herbrand suggested that Council approval be conditioned upon staff receiving approval from the Church next door.

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Holly Hupfer of Immanuel Lutheran Church said the Church does use the parking lot during festivals. She said it is difficult to maneuver vehicles in and out of the parking lot. Ms. Hupfer said the Church does not support the request to sell and serve alcohol on the side of building as the tenants only have control over 5' 5" of the parking lot. The remainder of the parking lot belongs to Immanuel Church. For the safety of the patrons and those doing parking during the festivals, she said the Church cannot support this request.

Ms. Ertl said she would be willing to withdraw the request if there are issues.

Attorney Herbrand said given the withdrawal of a portion of the request, the Council could approve the request to sell and serve beer and wine under a tent on Washington Avenue in front of the business.

Council Member O'Keefe spoke as a liaison for the Festivals Committee. He said the Committee is concerned that the sale of alcohol along Washington Avenue is getting out of hand. He said the Council may need to reexamine these extensions in the future, although this has nothing to do with the request of Board and Brush.

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to amend the premise description of the Class "B" beer and "Class C" wine licenses of Board and Brush at W61 N506 Washington Avenue, to sell and serve beer and wine outside the premises during Strawberry and Wine and Harvest Festivals under a tent on Washington Avenue in front of the business. Motion carried unanimously.

**CONSIDER AWARD OF ENGINEERING SERVICES CONTRACT FOR THE 2016 NR216 STORM WATER COMPLIANCE REPORTING**

Director Wiza said that as part of the NR216 storm water permit, the DNR requires an on-going Illicit Discharge Detection program to test for storm water pollutants in various outfalls. AECOM has provided this service to the City for the past several years and have also compiled the required annual report. Staff is recommending approval of the engineering services contract extension with AECOM in an amount not to exceed \$10,200.

Motion made by Council Member Czarnecki, seconded by Council Member Arnett, to approve the engineering services contract extension with AECOM not to exceed \$10,200 for the 2016 NR216 storm water compliance report. Motion carried unanimously.

**CONSIDER AWARD OF ENGINEERING SERVICES CONTRACT TO AECOM FOR STORM WATER MANAGEMENT PLAN UPDATE, POLLUTANT MODELLING, AND REQUIRED DNR REVISIONS TO CITY OF CEDARBURG ORDINANCE SECTIONS 14 AND 15**

Director Wiza said with assistant from AECOM, the City applied for and received a DNR storm water planning grant that covers updating the current storm water management plan, pollutant modelling, and revisions to sections 14 and 15 of the City Code. The work is required under the permit. The cost of the work is \$66,000, with the grant covering half the cost, or \$33,000.

Council Member Dieffenbach asked if the cost to the City will be paid for from the tax levy, and whether the City has received the grant payment yet.

Director Wiza said the City will need to pay the full amount and will receive a reimbursement. The costs to the City will be paid for from the tax levy.

Motion made by Council Member Thome, seconded by Council Member Czarnecki, to award the engineering services contract to AECOM for the storm water management plan update, pollutant modelling, and required DNR revisions to the City of Cedarburg Code of Ordinances sections 14 and 15 in an amount not to exceed \$66,000, with the condition that the word “not” that was left out of the cost estimate section of the contract be inserted. Motion carried unanimously.

**CONSIDER RESOLUTION NO. 2016-11 DESIGNATING AND AUTHORIZING SIGNATURES FOR THE CITY OF CEDARBURG CHECKING AND SAVINGS ACCOUNTS FOR THE ENSUING YEAR**

Motion made by Council Member O’Keefe, seconded by Council Member Thome, to adopt Resolution No. 2016-11 designating and authorizing signatures for the City of Cedarburg checking and savings accounts for the ensuing year. Motion carried unanimously.

**CONSIDER CHANGE TO THE FULL-TIME EQUIVALENT (FTE) REQUIREMENT FROM ONE FTE FOR EVERY \$20,000 BORROWED TO \$35,000 BORROWED FOR THE REVOLVING LOAN FUND PROGRAM**

City Administrator/Treasurer Mertes said that in order to possibly create more interest and eventually loans for the Revolving Loan Fund (RLF) program, an increase in the amount necessary to create one full-time equivalent (FTE) is being requested. This current requirement of one FTE for every \$20,000 borrowed has been in place since the 1990s. The ad hoc Debt/Investment Committee recommends the dollar amount be increased to \$35,000 borrowed.

Motion made by Council Member Dieffenbach, seconded by Council Member Czarnecki, to approve a change to the full-time equivalent (FTE) requirement from one FTE for every \$20,000 borrowed to \$35,000 borrowed for the Revolving Loan Fund program. Motion carried unanimously.

**CONSIDER MAYOR KINZEL’S COUNCIL MEMBER APPOINTMENTS**

Motion made by Council Member Thome, seconded by Council Member O’Keefe, to approve Mayor Kinzel’s Council Member appointments to Boards, Committees and Commissions. Motion carried unanimously.

Council Member John Czarnecki (1<sup>st</sup> District)  
(Plan Commission Rep)  
Personnel Committee  
Ad hoc Debt/Investment Advisory Committee

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Council Member Jack Arnett (2<sup>nd</sup> District)

- Personnel Committee
- Light & Water Commission
- Public Art Commission

Council Member Dick Dieffenbach (3<sup>rd</sup> District)

- Library Board
- Ad hoc Debt/Investment Advisory Committee
- Mid-Moraine Legislative Committee

Council Member Rick Verhaalen (4<sup>th</sup> District)

- Pool Commission
- Parks, Recreation and Forestry Board
- Ad hoc Mayors Enhancement Award Committee

Council Member Mitch Regenfuss (5<sup>th</sup> District)

- Community Development Authority
- Ad hoc Debt/Investment Advisory Committee
- Ad hoc Creekwalk Committee

Council Member Patricia Thome (6<sup>th</sup> District)

- Economic Development Board
- Landmarks Commission

Council Member Mike O’Keefe (7<sup>th</sup> District)

- (Council President)
- Personnel Committee
- Public Works & Sewerage Commission
- Festival Committee Liaison
- Mid-Moraine Legislative Committee (Alternate)

**CONSIDER MAYOR KINZEL’S APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Motion made by Council Member O’Keefe, seconded by Council Member Thome, to approve Mayor Kinzel’s appointments to Boards, Committees and Commissions. Motion carried unanimously.

**Board of Appeals- 3 year term**

Vera Brissman, Chair	(04/30/17)	appoint as Chair
Doug Yip (Alternate)	(04/30/19)	
Tom Mesalk	(04/30/17)	appoint as first alternate
Doug Yip	(04/30/19)	appoint as second alternate

**Board of Review – 5 year term**

Mary Kay Bourbulas (04/30/21)

**Community Pool Commission – 2 year term**

Wendy Sprenger (04/30/18)  
Doup Yip (04/30/18)  
Kim Behrenbrinker (04/30/18)

**Economic Development Board – 3 year term**

*Mayor is to appoint Chair*

Peter Welch (04/30/18) Chair

**Landmarks Commission – (3 year term)**

Tomi Faye Forbes (04/30/19)  
Jim Pape (04/30/19)  
Robert Ross (04/30/19)

**Library Board- 3 year term (3 year term)**

Sue Karlman (04/30/19)  
Sherry Bublitz (04/30/19)  
David Moburg (04/30/19)

**Parks, Recreation and Forestry Board – 2 year term**

Glenn Herold (04/30/18)  
Terry Wagner (04/30/18)

**Plan Commission – 3 year term**

Mark Burgoyne (04/30/19)  
Greg Zimmerschied (04/30/19)

**Police & Fire Commission – 5 year term**

Jim Salp (04/30/21)  
Joel Dhein (04/30/21)

**Public Art Commission – 2 year term**

Sue Schrader (04/30/18)  
Scott Sidney (04/30/18)

Paul Yank (04/30/18)

**Public Works and Sewerage Commission – 2 year term**

Bill Oakes (04/30/18)  
Sandra Beck (04/30/18)  
Charles Schumacher (04/30/18)  
Robert Dries (04/30/18)  
Gary Graham (04/30/18)  
Jim Slavin (04/30/18)  
Judy Guse (04/30/18)

Mayor Kinzel said that at this time alternates will not be appointed to the Economic Development Board. There is a current opening on the Board and the two alternates have been asked if they wish to join the Board to fill this vacancy.

**CONSIDER 2015 YEAR END FINANCIAL REPORT**

City Administrator/Treasurer Mertes presented highlights of the 2015 Year End Financial Report.

- Revenues were \$115,000 over expenditures in the General Fund.
- The Library had a deficit of \$50,000 at the end of the year which will need to be made up.
- In the Capital Improvement Fund, revenues over expenditures were \$1.7 million. This was due to a borrowing in 2015 for projects that will be completed in 2016. Interest rates are slowly increasing, resulting in more investment income.
- At the suggestion of the auditors, staff has begun writing off certain invoices.
- The Internal Services Fund had a net gain of \$52,000.
- \$22,500 has been spent on TID No. 3 thus far. There have been no revenues and no increment.

The full 2015 audit will be presented at the May 9 meeting.

The Mayor and Council thanked City Administrator/Treasurer and staff for their work on the 2015 Year End Financial Report.

**PAYMENT OF BILLS**

Motion made by Council Member O’Keefe, seconded by Council Member Thome, to approve the payment of the bills for the period 04/08/16 through 04/19/16, ACH transfers for the period 04/05/16 through 04/20/16, and payroll for the period 03/27/16 through 04/09/16. The motion carried unanimously.

**LICENSE APPLICATIONS**

Motion made by Council Member O’Keefe, seconded by Council Member Thome, to authorize the issuance of new Operator licenses for the period ending June 30, 2016 to Eric E. Grassel, Sarah J. Niewinski, Shannon M. Kolbach and Ronald H. Reimer. Motion carried unanimously.

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Motion made by Council Member Czarnecki, seconded by Council Member Arnett, to authorize the issuance of a 6-month Class “B” Beer license to C. Wiesler’s Inc., Michael G. Jackson, agent, for the Cedar Creek Park Concession Stand, N52 W5925 Portland Road, from May 1, 2016 to November 1, 2016. Motion carried unanimously.

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Verhaalen said the new band shell is looking great.

**MAYOR’S REPORT**

Mayor Kinzel issued the following proclamations:

- Poppy Month – May 2016
- Municipal Clerk’s Week – May 1-7
- May is Older Americans Month

**ADJOURNMENT**

Motion made by Council Member Dieffenbach, seconded by Council Member Thome, to adjourn the meeting at 8:11 p.m. Motion carried unanimously.

Constance K. McHugh, MMC/WCPC  
City Clerk