

**CITY OF CEDARBURG
COMMON COUNCIL
August 29, 2016**

**CC20160829-1
UNAPPROVED**

A special meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, August 29, 2016, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Kinzel called the meeting to order at 6:02 p.m.

ROLL CALL: Present - Common Council: Mayor Kip Kinzel, Council Members John Czarnecki, Jack Arnett, Dick Dieffenbach, Rick Verhaalen, Mitch Regenfuss

Excused - Council Members Patricia Thome and Mike O'Keefe

Also Present - Police Chief Thomas Frank, Police Officer Mike McNerney, City Clerk Constance McHugh, Assistant City Attorney Johnathan Woodward on behalf of the Police Department, Attorney Aaron Graf on behalf of the Common Council, Attorney Kate Frigo Drury on behalf of operator applicant Michael Moralez, Michael Moralez; 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.

HEARING ON POSSIBLE NON-RENEWAL OF AN OPERATOR'S LICENSE FOR MICHAEL J. MORALEZ

A hearing was held on the possible non-renewal of an operator's license for Michael J. Moralez. Police Chief Frank recommended the Council not renew the license for Mr. Moralez based on a recent conviction for having sex with a child age 16 or older on multiple occasions.

CLOSED SESSION

Motion made by Council Member Czarnecki, seconded by Council Member Arnett, to adjourn to closed session at 6:45 p.m. pursuant to State Statutes 19.85(1)(a) to deliberate concerning a case which is the subject of any judicial or quasi-judicial trial or hearing before the Common Council. Motion carried on a roll call vote with Council Members Czarnecki, Arnett, Dieffenbach, Verhaalen, and Regenfuss voting aye and Council Members Thome and O'Keefe excused.

RECONVENE TO OPEN SESSION

Motion made by Council Member Arnett, seconded by Council Member Czarnecki, to reconvene to open session at 7:09 p.m. Motion carried on a roll call vote with Council Members Czarnecki,

Arnett, Dieffenbach, Verhaalen, and Regenfuss voting aye and Council Members Thome and O'Keefe excused.

SET FORTH FINDINGS AND DECISION REGARDING RENEWAL OF OPERATOR'S LICENSE OF MICHAEL J. MORALEZ

Motion made by Council Member Regenfuss, seconded by Council Member Czarnecki, to not renew the operator's license of Michael J. Moralez based on the following findings:

- Under the Wisconsin Fair Employment Act (WFEA) the Council finds that the circumstances of the conviction substantially relate to the license at issue in that there is a risk of recidivism of exercising his position to repeat; and
- Under State Statute 125.04(5)(b) the Council also finds that Mr. Moralez is a habitual law offender in that he engaged in repeated illegal conduct.

Motion carried with Council Members Czarnecki, Arnett, Dieffenbach, Regenfuss, and Verhaalen voting aye and Council Members Thome and O'Keefe excused.

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Dieffenbach, to adjourn the meeting at 7:10 p.m. Motion carried unanimously with Council Members Thome and O'Keefe excused.

Constance K. McHugh, MMC/WCPC
City Clerk