

**CITY OF CEDARBURG
COMMON COUNCIL
January 14, 2013**

**CC20130114-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, January 14, 2013 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Kinzel called the meeting to order at 7:00 p.m. The meeting began with a moment of silence followed by the Pledge of Allegiance.

Roll Call: Present - Common Council – Mayor Kip Kinzel, Council Members Art Filter, Paul Radtke, Michael Maher, Douglas Yip, Mike O’Keefe

Excused - Council Members Ron Reimer, Chris Reimer

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Deputy City Clerk Amy Kletzien, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor Kinzel’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.

APPROVAL OF MINUTES

Motion made by Council Member Filter, seconded by Council Member Yip, to approve the minutes of the December 10, 2012 meeting. Motion carried without a negative vote.

PUBLIC HEARING – CONSIDER ORDINANCE NO. 2013-01 REZONING W76 N627 WAUWATOSA ROAD (REDEEMER CHURCH) AND W78 N631 WAUWATOSA ROAD (PARSONAGE) FROM TEMPORARY I-1 INSTITUTIONAL AND PUBLIC SERVICE DISTRICT TO PERMANENT I-1 INSTITUTIONAL AND PUBLIC SERVICE DISTRICT

Mayor Kinzel declared the public hearing open to consider Ordinance No. 2013-01 rezoning W76 N627 Wauwatosa Road (Redeemer Church) and W78 N631 Wauwatosa Road (parsonage) from temporary I-1 Institutional and Public Service District to permanent I-1 Institutional and Public Service District at 7:03 p.m. Proper legal notice had been given.

Mayor Kinzel stated that Redeemer Evangelical Lutheran Church and its parsonage were annexed to the City on November 26, 2012. At that time, temporary I-1 Institutional and Public Service District was applied to the parcel. The Plan Commission recommended that permanent

I-1 Institutional and Public Service District be applied to this site at their November 5, 2012 meeting.

There was no public comment.

Motion made by Council Member Yip, seconded by Council Member Maher, to close the public hearing at 7:10 p.m.

Motion made by Council Member Filter, seconded by Council Member Radtke, to adopt Ordinance No. 2013-01 rezoning W76 N627 Wauwatosa Road (Redeemer Church) and W78 N631 Wauwatosa Road (parsonage) from temporary I-1 Institutional and Public Service District to permanent I-1 Institutional and Public Service District. Motion carried without a negative vote with Council Members C. Reimer and R. Reimer excused.

CONSIDER THE IYQ, LLC (BIRCHWOOD EQUIPMENT) REVOLVING LOAN FUND (RLF) LOAN AND A CHANGE REQUEST FROM TRI CITY NATIONAL BANK FOR AN INTER-CREDITOR AGREEMENT WITH THE CITY OF CEDARBURG

City Administrator/Treasurer Mertes stated the IYQ, LLC has applied for a revolving line of credit with Tri City National Bank. The bank needs to have collateral from Birchwood Equipment to approve, which means a first position on the inventory, equipment and assets of the business. The inter-creditor agreement would allow Tri City National Bank to move ahead of the City's standing for the collateral (inventory) of Birchwood Equipment.

The ad hoc Debt/Investment Advisory Committee unanimously recommended approval on January 2, 2013.

In answer to Council Member Radtke's question, City Administrator/Treasurer Mertes stated that the City was already in the second position for the building and now the City would be in the second position for inventory.

Council Member Yip stated that Birchwood Equipment has \$3 million in inventory and any first debt that the bank would assume would be on any portion used of the \$150,000. The Committee felt the City was in a good position and felt safe with the inventory turnover. This program is funded through State funds from the Community Development Block Grant Program (CDBG). The City would be slightly increasing risk of RLF funds by taking second position on inventory.

Joe Porter of Tri City Bank clarified that the City's position is second to the bank for funds for the building for IYQ, LLC. To add additional monies, they need to collateralize it and is subject only to the \$150,000 for inventory between the three stores. He assured that Birchwood has not used the full loan in the past because it is cyclical and goes up and down. Technically it is not a change of plans it is just another option for the business.

In answer to Council Member O'Keefe's question, Joe Porter stated that the building is worth \$1,430,000. He stated that the appraisal did not give full credit for the rental portion.

Motion made by Council Member Yip, seconded by Council Member Maher, to accept the IYQ, LLC (Birchwood Equipment) Revolving Loan Fund (RLF) loan and change request from Tri City National Bank for an inter-creditor agreement with the City of Cedarburg. Motion carried without a negative vote with Council Members C. Reimer and R. Reimer excused.

CONSIDER RESOLUTION NO. 2013-01 DESIGNATING LIGHT & WATER CHECKING AND SAVINGS ACCOUNTS FOR ENSUING YEAR

Motion made by Council Member Radtke, seconded by Council Member Yip, to adopt Resolution No. 2013-01 designating Light & Water checking and savings accounts for ensuing year. Motion carried without a negative vote with Council Members C. Reimer and R. Reimer excused.

CONSIDER PAYMENT OF BILLS FOR THE PERIOD 12/06/12 THROUGH 01/04/13, ACH TRANSFERS FOR THE PERIOD 12/06/12 THROUGH 1/11/13, AND PAYROLL FOR THE PERIOD 11/25/12 THROUGH 1/5/13

Motion made by Council Member Radtke, seconded by Council Member O'Keefe to approve payment of bills for the period 12/06/12 through 1/4/13, ACH transfers for the period 12/06/12 through 1/11/13, and payroll for the period 11/25/12 through 1/5/13. Motion carried without a negative vote with Council Members C. Reimer and R. Reimer excused.

CONSIDER LICENSE APPLICATIONS

Motion made by Council Member O'Keefe, seconded by Council Member Radtke, to approve new Operator's License applications for the period ending June 30, 2013 for Scott A. Kania and Jennifer L. Mohny. Motion carried without a negative vote with Council Members C. Reimer and R. Reimer excused.

CITY ADMINISTRATOR/TREASURER'S REPORT

City Administrator/Treasurer Mertes stated that she attended the second county-wide Dispatch Task Force meeting in Mequon last week and it appears that it will be a very long process.

The City received a letter last week from the DNR approving the City's 1996 amendment to the sewer service area. The 2007 extraterritorial amendment has not been approved yet.

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Filter requested that Public Works salt the full parking lot and sidewalks prior to the employees arriving for work.

Council Member O'Keefe reported that he attended the Festivals Committee meeting with Council Member Radtke. The Committee is looking into reports of increased alcohol consumption at the Festivals.

MAYOR'S REPORT

Mayor Kinzel invited the Council to attend the ribbon cutting for the ice rink on Saturday, January 19 at 2:00 p.m.

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Filter, seconded by Council Member Radtke, to adjourn to closed session at 7:22 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 specifically to discuss the tourist rooming houses located at W61 N806 Sheboygan road and W61 N814 Sheboygan Road. Approval of closed session minutes of November 26, 2012. Meeting did not reconvene to open session. Motion carried without a negative vote with Council Members C. Reimer and R. Reimer excused.

ADJOURNMENT

Motion made by Council Member Filter, seconded by Council Member Radtke, to adjourn the meeting at 7:40 p.m. Motion carried without a negative vote with Council Members C. Reimer and R. Reimer excused.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk