

**CITY OF CEDARBURG
COMMON COUNCIL
April 29, 2013**

CC20130429-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, April 29, 2013 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Kinzel called the meeting to order at 7:00 p.m.

ROLL CALL: Present - Common Council: Mayor Kip Kinzel, Council Members Ron Reimer, Art Filter, Paul Radtke, Michael Maher, Doug Yip, Mike O'Keefe

Excused - Council Member Chris Reimer

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, City Clerk Constance McHugh, Police Chief Tom Frank, Fire Chief Rich Van Dinter, Public Works Secretary Judy Guse, Wastewater Operator Ed Bublitz, Library Board Member Steve Ruggieri, 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 Filter, seconded by Council Member O'Keefe, to approve the minutes of the April 8, 2013 meeting as presented. Motion carried unanimously with Council Members C. Reimer excused and Council Member Radtke abstaining.

RESOLUTION NO. 2013-04 COMMENDING RETIRING WASTEWATER TREATMENT PLANT OPERATOR ED BUBLITZ FOR HIS YEARS OF SERVICE

Motion made by Council Member Filter, seconded by Council Member Radtke, to adopt Resolution No. 2013-04 commending Ed Bublitz for his 18 years of service as a Wastewater Treatment Plant Operator. Motion carried unanimously with Council Member C. Reimer excused.

2012 FIRE DEPARTMENT ANNUAL REPORT

Chief Van Dinter said the primary objective of the Fire Department is to deliver outstanding service to the community and to keep the community safe. The Department responded to a total of 1,007 calls in 2012, an increase of 36 over 2011. Rescue calls increased by 46 calls, totaling 780. Fire

calls totaled 169, which was a decrease of 1 call. Fire and rescue calls in the City totaled 730 while calls in the Town totaled 219. Neighboring departments were assisted by the Cedarburg Fire Department a total of 58 times, 9 less than in 2012. The majority of fire calls were minor or investigative in nature. The Department responded to two structure fires in 2012. Fire losses totaled approximately \$211,000. No citizens were injured due to a fire; however, two firefighters were injured in 2012 during the course of performing their duties.

The Cedarburg Fire Department, along with eight other fire departments in Ozaukee County, has implemented a predetermined response system to assist fire departments when additional resources are needed. This system is called MABAS. Of the 58 calls to neighboring departments, 25 of them used the MABAS system.

Four new members were added to the department in 2012; however, the Department lost 12 members. Membership continues to be an area of focus for the Department. There are 77 members of the Department but 70% of the members have less than 10 years of experience.

Training is always a priority for the Cedarburg Fire Department. The department logged over 7,100 hours of training in 2012. Ten young people are enrolled in the Explorer program. These individuals take the same training as regular members of the Department.

The Fire Prevention Bureau continues to promote fire safety in the community. CPR training is available. The Department continues to promote the "Change Your Clock, Change Your Battery" program.

Chief Van Dinter said that fund raising still remains a very high priority in the success of the Department. The time, energy and dedication of all members is second to none. It is through the fund raising that the department was able to purchase two new ambulances in 2012.

The Department is a leader in organizing the Ozaukee County Mass Casualty Trailer and keeping it in a ready response state.

Chief Van Dinter said that five members were recognized by the Badger Fire Firefighters Association for life saving efforts when a vehicle crashed into a pond.

Council Member Filter said the Legion and other locations have defibrillators in place. He asked if the Department inspects them.

Chief Van Dinter said the Department will inspect defibrillators if asked to do so and also does training at the Legion every two years.

Mayor Kinzel thanked Chief Van Dinter for his report. He said the volunteerism in the Department sets the standard for the community and the work of the Department does not go unnoticed. He also said it is remarkable that the Department is able to purchase its equipment without taxpayer's dollars.

April 29, 2013

Council Member Radtke asked Chief Van Dinter to pass on the thanks of the Mayor and Council to all members of the Department. He said most people do not realize how much time and effort goes into being a member of the Cedarburg Fire Department.

MAYOR KINZEL'S COUNCIL MEMBER APPOINTMENTS

Motion made by Council Member Maher, seconded by Council Member Radtke, to approve Mayor Kinzel's Council Member appointments. Motion carried unanimously with Council Member C. Reimer excused.

Council Member Chris Reimer (1st District)

(Council President)
Personnel Committee
Ad hoc Debt/Investment Advisory Committee

Council Member Ronald Reimer (2nd District)

Public Works & Sewerage Commission
Ad hoc Debt/Investment Advisory Committee

Council Member Art Filter (3rd District)

Light & Water Commission
Mid-Moraine Legislative Committee

Council Member Paul Radtke (4th District)

(Council Rep to Plan Commission)
Personnel Committee
Economic Development Board
Ad hoc Creek Walk Committee

Council Member Michael Maher (5th District)

Library Board

Council Member Douglas Yip (6th District)

Personnel Committee
Landmarks Commission
Ad hoc Mayor's Enhancement Award Committee
Ad Hoc Debt/Investment Advisory Committee

Council Member Mike O'Keefe (7th District)

Park, Recreation and Forestry Board
Community Pool Commission
Mid-Moraine Legislative Committee (Alternate)
Festival Committee Liaison

MAYOR KINZEL'S APPOINTMENTS TO BOARDS, COMMITTEES, AND COMMISSIONS

Motion made by Council Member R. Reimer, seconded by Council Member Yip, to approve Mayor Kinzel's appointments to various boards, committees, and commissions. Motion carried unanimously with Council Member C. Reimer excused.

Board of Appeals- 3 year term

Vera Brissman, Chair
Tom Mesalk, first alternate
Dick Dieffenbach (04/30/16)

Community Pool Commission – 2 year term

Lynne Buehler (04/30/15)

Economic Development Board – 3 year term

Mike Ruzicka (04/30/16)
DJ Burns (04/30/15)
John Cordio, Alternate (04/30/14)
Greg Zimmerschied, Alternate (04/30/14)
Rebecca Zuba, Alternate (04/30/14)

Landmarks Commission – Three year term

James Pape (04/30/16)
Richard Ellefson (04/30/16)
Tomi Fay Forbes (04/30/16)

Library Board- 3 year term (3 year term)

Sue Karlman (04/30/16)
Elizabeth Bryde (04/30/16)
Sherry Bublitz (04/30/16)

Parks, Recreation and Forestry Board – 2 year term

Jim Schara (04/30/15)
Dave Polacek (04/30/15)
John Lerand (04/30/15)
Scott King (04/30/15)

Plan Commission – 3 year term

Mark Burgoyne (04/30/16)
Greg Zimmerschied (04/30/16)

Board of Review – 5 year term

Jim Myers (04/30/18)

LIBRARY FUNDRAISING UPDATE AND LIBRARY BUILDING UPDATE

The spreadsheet entitled “Sources and Uses of Funds – Yearly Cash Flow” as prepared by City Administrator/Treasurer Mertes was distributed prior to the meeting.

Council Member Maher said the Friends of the Library fund raising group is meeting on May 1st. Library Director Marquardt is expecting a first quarter report at the meeting.

The Library will be closed on Friday, May 3 to allow Cedarburg Light and Water to connect the current Library’s access to electricity to a new transformer.

The Library Board will hold a special meeting on May 8 to review the bids received for the library construction project. Bids will be presented to the Council on May 13.

Library Board Member Steve Ruggieri said the steering committee of the Friends of the Library funding raising group will meet at 6:45 p.m. on May 14.

REPORT ON EFFORTS TO FIND A WAY FOR THE CHAMBER OF COMMERCE AND SUMMER SOUNDS TO CONTROL THE VENDORS IN PARKS FOR THEIR EVENTS

Attorney Vance said that both Summer Sounds and the Chamber would like the ability to issue vendor permits. She met with Chief Frank, Director Wiza, and City Clerk McHugh to discuss the Council’s previous request to find a way for these two organizations to control vendors in the park for their events.

Attorney Vance said the issuance of permits are the City’s responsibility under police powers and are one way for the City to raise money. Only the City has the authority to issue permits. When vendor permits are issued by the City, background checks are done. She said that Festivals of Cedarburg, Inc. obtains a festival permit from the City, pays a permit fee, names the City as an additional insured on its insurance, and has a definite footprint. Festivals of Cedarburg then issues permits to its vendors. Festivals of Cedarburg is covered by an ordinance, and due to the arrangement the City is not responsible for Festivals.

Council Member Maher said it should be possible to have a similar arrangement for Summer Sounds and the Chamber.

Attorney Vance said the City would need to have the same kind of relationship with these groups as it does with Festivals. She said these groups hold events in parks as opposed to blocked off streets

in the case of Festivals, and the parks are the City's responsibility. She spoke to the City's insurance carrier, CVMIC, who said such an arrangement is not impossible but not something they would recommend. One issue is that of enforcement. If the Clerk's Office issues permits the City has enforcement powers over the individuals the permits are issued to.

Council Member Radtke suggested these organizations be allowed to do what Festivals does, only in the parks.

Chief Frank said that by ordinance, the Festivals organization has the authority to create a footprint and close the streets. Summer Sounds currently does not have that authority and anyone is free to go to the park and sell goods.

Council Member R. Reimer questioned what is stopping the City from allowing these two groups to control vendors, if they are legal entities.

Attorney Vance said an ordinance would need to be drafted to allow this and other groups asking for something similar would have to be allowed to do so as well.

Council Member R. Reimer suggested staff talk to Summer Sounds and the Chamber about their willingness in taking on certain commitments such as carrying insurance and paying for the costs of police services and clean up and function in the same way as Festivals and see if they are interested in having ordinances drafted.

Council Member Radtke asked Chief Frank if Summer Sounds is staffed by the Police Department on Friday nights.

Chief Frank said there have not been many problems at Summer Sounds. He cut back on police presence on Friday nights because of lack of reimbursement and staff cuts. He does ask an officer to walk through the event three times each evening.

Council Member Maher said the Council owes it to Summer Sounds and the Chamber to be able to control their own vendors. Council Member O'Keefe agreed and said it seems reasonable to allow them to control their events.

City Clerk McHugh said that vendors no longer get Direct Sellers permits from the City because the vendors are not allowed to vend at Summer Sounds.

City Administrator/Treasurer Mertes said that CVMIC is against the City giving up control.

Council Member R. Reimer also suggested the permit structure for Festivals be looked at and these groups be modeled after the Festival permit. For example, perhaps the Festivals should share a portion of the revenue it receives from the vendors with the City.

Council Member Maher said that Summer Sounds draws 1,000 to 2,000 people each Friday night as compared to the festivals, which attract 50,000 to 60,000 each day, and should not be held to the same standards as the Festivals group.

It was the consensus of the Common Council that Summer Sounds and the Chamber be able to have some control over their events and that staff should talk to both groups to see if they are interested in providing insurance and indemnifying the City and an ordinance or ordinances creating a relationship with these organizations allowing them to control their events be drafted.

CONSIDER REVOLVING LOAN FUND (RLF) LOAN FOR K. SMITH FITNESS CEDARBURG, INC.

City Administrator/Treasurer Mertes said that one owner of Anytime Fitness is looking to buy out another owner, purchase additional equipment, and add employees. The owner is requesting an RLF loan in the amount of \$75,000. The ad hoc Debt/Investment Committee reviewed the request and recommended Council approval of the loan.

Motion made by Council member Radtke, seconded by Council Member R. Reimer, to approve an RLF loan in the amount of \$75,000 for K. Smith Fitness Cedarburg, Inc. Motion carried unanimously with Council Member C. Reimer excused.

AUTHORIZATION OF QUIT CLAIM DEED OF LAND TO THE CULTURAL CENTER

Director Wiza said the Cultural Center is seeking to put up a sign at the east side of their Mill Street driveway. It was discovered that this small parcel that serves as the driveway and parking lot is owned by the City. He said it would be appropriate to transfer ownership to the Cultural Center since they use and maintain this parcel. A Quit Claim deed is the easiest way to do this.

Motion made by Council Member Filter, seconded by Council Member Yip, to authorize the Mayor to sign a Quit Claim deed to the Cedarburg Cultural Center, Inc. Motion carried unanimously with Council Member C. Reimer excused.

CONSIDER REQUEST OF THE CEDARBURG MERCHANTS ORGANIZATION, INC. TO CLOSE CENTER STREET ON MEMORIAL DAY (MAY 27) FROM 10:00 A.M. TO 6:00 P.M. FOR EVENTS RELATING TO MEMORIAL DAY

Anna Marie Armbruster of the Cedarburg Merchants Organization said the group is presenting the Spirit of Cedarburg on Memorial Day. There will be two showings of the film "Honor Flight" at the Rivoli Theater, as well as other events and music on Center Street. Permission is being requested to close Center Street at the Washington Avenue crosswalk to the second driveway of the Washington House from 10:00 a.m. to 6:00 p.m. for safety purposes.

Motion made by Council Radtke, seconded by Council Member O'Keefe, to approve the request of the Cedarburg Merchants Organization, Inc. to close Center Street on Memorial Day from 10:00 a.m. to 6:00 p.m. for events relating to Memorial Day. Motion carried unanimously with Council Member C. Reimer excused.

CONSIDER REQUEST OF JUDI FERGADAKIS OF P.J. PIPER, LLC TO AMEND THE PREMISE DESCRIPTION OF P.J. PIPER PANCAKE HOUSE AT W61 N514 WASHINGTON AVENUE TO SELL/SERVE BEER AND WINE OUTSIDE IN FRONT OF THE BUISINESS DURING FESTIVALS

The owner of P. J. Piper Restaurant is seeking permission to sell and serve beer and wine outside in front of the business during festivals.

Council Member Filter asked Chief Frank if he has any problems with this request. Chief Frank said he did not.

Council Member Radtke said there have been some problems with alcohol consumption downtown during festivals and Festivals of Cedarburg struggles to control it. He said the City needs to stay vigilant about this. He said Festivals is trying to educate tavern owners about alcohol consumption. Council Member Radtke said the Council may need to make some tough decisions if things start to get out of hand.

Motion made by Council Member Filter, seconded by Council Member Maher, to approve the request of Judi Fergadakis of P.J. Piper, LLC to amend the premise description of P.J. Piper Pancake House at W61 N514 Washington Avenue to sell/serve beer and wine outside in front of the business during festivals. Motion carried unanimously with Council Member C. Reimer excused.

CONSIDER THE REQUEST OF DANIEL BRUSH OF EASY STREET PUB & GRILL, LLC, TO AMEND THE PREMISE DESCRIPTION OF EASY STREET PUB & GRILL AT W62 N559 WASHINGTON AVENUE TO SELL/SERVE BEER AND WINE OUTSIDE IN FRONT OF THE BUSINESS DURING FESTIVALS

Daniel Brush of Easy Street Pub & Grill is seeking permission to sell and serve beer and wine outside in front of the business during festivals.

Council Member Filter asked Chief Frank if he has any problems with this request. Chief Frank said he did not.

Motion made by Council Member O'Keefe, seconded by Council Member Yip, to approve the request of Daniel Brush of Easy Street Pub & Grill, LLC at W62 N559 Washington Avenue to sell/serve beer and wine outside in front of the business during festivals. Motion carried unanimously with Council Member C. Reimer excused.

STATUS REPORT OF EMERGENCY MANAGEMENT

Chief Frank said that since adoption of the Auxiliary Police ordinance the functions of the Auxiliary Police and Emergency Management have been separated. Both are out of the old facility. The Auxiliary Police are housed currently at the Police Station and City Administrator/Treasurer Mertes is working with Emergency Management to remodel the Western Road facility.

Council Member R. Reimer said that he has heard nothing about what is happening with Emergency Management, such as who the head of it is, who the head reports to, and oversight.

City Administrator/Treasurer Mertes said the Council is charged with appointing the head of Emergency Management. This will be done at a future meeting.

PAYMENT OF BILLS

Motion made by Council Member Filter, seconded by Council Member O'Keefe, to approve the payment of the bills for the period 4/5/13 through 4/22/13, ACH transfers for the period 4/5/13 through 4/26/13, and payroll for the period 03/31/13 through 4/13/13. Motion carried unanimously with Council Member C. Reimer.

LICENSE APPLICATIONS

Motion made by Council Member R. Reimer, seconded by Council Member O'Keefe, to authorize the issuance of new Operator's licenses to Jacob J.P. Banas, Patricia M. Bartlein, Jill A. Hepburn, Emily J. Schneeberger, Stacy A. Seatz, Abigail R. Strahlendorf, and Jason M. Westplate for the period ending June 30, 2013 and to approve 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, 2013 through October 31, 2013. Motion carried unanimously with Council Member C. Reimer excused.

CITY ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes said she will be at a training seminar on improving organization communications at CVMIC tomorrow.

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member O'Keefe commended Public Works Secretary Judy Guse for her efforts in organizing the annual Shred, Recycle and Reuse event to be held on May 1. He said this is a great event and a good way to dispose of things.

Council Member Filter thanked Mayor Kinzel for the Older Americans Month proclamation.

MAYOR'S REPORT

Mayor Kinzel issued the following proclamations:

- Municipal Clerk's Week – May 5 – 11, 2013
- Older Americans Month – May 2013
- Arbor Day – April 25, 2013

ADJOURNMENT

Motion made by Council Member Yip, seconded by Council Member Maher, to adjourn the meeting at 8:05 p.m. Motion carried unanimously.

Constance K. McHugh, MMC/WCPC
City Clerk