

**CITY OF CEDARBURG
COMMON COUNCIL
June 11, 2012**

**CC20120611-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, June 11, 2012 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 Chris Reimer, Ron Reimer, Art Filter, Paul Radtke, Michael Maher, Douglas Yip, Mike O’Keefe

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, City Clerk Constance McHugh, Deputy City Clerk Amy Kletzien, County Supervisor Kathie Geracie, Parks, Recreation and Forestry Director Mikko Hilvo, WWTP Superintendent Ron Clish, Economic Development Coordinator Mary Sheffield, ad hoc Creek Walk Committee Members Steve Banas and Paul Rushing, 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 C. Reimer, seconded by Council Member Yip, to approve the minutes of the May 14, 2012 meeting. Motion carried without a negative vote.

PUBLIC HEARING: CONSIDER ORDINANCE NO. 2012-06 AMENDING SEC. 13-1-55(d) OF THE ZONING CODE TO ALLOW VEHICLE DETAILING AS A CONDITIONAL USE IN THE B-3 CENTRAL BUSINESS DISTRICT

Mayor Kinzel declared the public hearing open to consider Ordinance No. 2012-06 amending Sec. 13-1-55(d) of the Zoning Code to allow vehicle detailing as a Conditional Use in the B-3 Central Business District at 7:02 p.m. Proper legal notice had been given with publication in the *News Graphic* on May 24 and 31, 2012.

Mayor Kinzel stated that Joshua Samson, d/b/a Samson’s Extreme Auto Detailing has requested that “Vehicle Detailing” be added to the list of Conditional Uses allowed in the B-3 Central Business District. The business would operate in a two-stall detached garage behind the building at W63 N684 Washington Avenue with a commercial lower level and residential units above. The owner will be using a waterless method to clean the vehicles on an appointment-only basis. The Plan Commission

voted to recommend the addition of "Vehicle Detailing" as a Conditional Use to the B-3 Central Business District Zoning Code at their June 4 meeting.

In answer to Council Member Radtke's questions, Mayor Kinzel stated that the Council has the right to revoke a Conditional Use at anytime if the business is not meeting the conditions. The Council may also place any restrictions on the business as necessary. He opined that the proposed waterless method is appropriate at this location.

Council Member R. Reimer suggested that auto be added in front of vehicle detailing.

In answer to Council Member C. Reimer's question, Mayor Kinzel stated that this part of the B-3 zoning is in the Historic District.

City Attorney Vance clarified that there will not be any changes to the building.

There was no public comment.

Motion made by Council Member Radtke, seconded by Council Member Yip, to close the Public Hearing at 7:10 p.m. Motion carried without a negative vote.

Motion made by Council Member Filter, seconded by Council Member Radtke, to adopt Ordinance No. 2012-06 amending Sec. 13-1-55(d) of the Zoning Code to allow auto vehicle detailing as a Conditional Use in the B-3 Central Business District. Motion carried without a negative vote.

PUBLIC HEARING: CONSIDER REQUEST OF JOSHUA SAMSON FOR A CONDITIONAL USE PERMIT TO OPERATE A VEHICLE DETAILING BUSINESS AT W63 N684 WASHINGTON AVENUE

Mayor Kinzel declared the public hearing open to consider request of Joshua Samson for a Conditional Use permit to operate a vehicle detailing business at W63 N684 Washington Avenue at 7:15 p.m. Proper legal notice had been given with publication in the *News Graphic* on May 24 and 31, 2012.

Joshua Samson stated that he intends to provide internships to high school students, which will benefit the community. The merchants will also benefit from his drop and shop business. He informed the Council that there will not be any noise because all of the work is done by hand and no machinery is used. The product is all organic and water based. No water will be going into the creek.

Shane Samson explained that the waterless system was developed about 15 years ago in the southwest and it has been a widely accepted eco-friendly and biodegradable product.

In answer to Council Member C. Reimer's questions, Joshua Samson stated that he has used it on a personal scale and they are building a relationship with the Cedarburg Auto Park. There is no drain in the building and they work on a concrete slab inside the garage located north of the former Car Maid building.

In answer to Council Member Yip's question, Joshua Samson said the detergent and wetting agents in the products combine and soften and emulsify surface grime (hazes up and is then wiped off), while a specific blend of fluids and lubricants attach a microscopic layer of protection to the surface.

In answer to Council Member Maher's question, Joshua Samson stated that there are no residual products to dispose of and he will have some products available for retail sales.

In answer to Council Member Yip's question, Joshua Samson said that their services will not include any painting. They will offer the waterless wash, wax, sealer, vacuuming and steam carpet cleaning in the autos.

There was no public comment

Motion made by Council Member Radtke, seconded by Council Member Maher, to close the Public Hearing at 7:30 p.m.

Council Member Radtke opined that the business is a worthwhile endeavor that does not have any noise or odor associated with the work.

Motion made by Council Member Radtke, seconded by Council Member Filter, to approve the request of Joshua Samson for a Conditional Use permit to operate a vehicle detailing business at W63 N684 Washington Avenue.

In answer to Council Member Yip and C. Reimer's questions, City Attorney Vance stated that a Conditional Use can always be revisited if it is creating a nuisance.

Motion carried without a negative vote.

INTRODUCTION OF COUNTY SUPERVISOR KATHY GERACIE

County Supervisor Kathy Geracie introduced herself to the Common Council as the Vice-Chair of the Ozaukee County Board. The County Board recognizes that it is important to reach out and increase communication to all of the municipalities that they represent; therefore, she will be attending the City's Common Council meetings on a regular basis. She encouraged the Council Members to call her at anytime with questions or concerns.

County Supervisor Kathy Geracie has been the point person for the new building and improvements being made at the Ozaukee County Fairgrounds. She expressed excitement for the project and offered a tour to the Council Members, if they wish to contact her at a later date.

The Ozaukee County Board will be holding a State of the County Address in late August or early September.

PROGRESS REPORT ON THE CREEK WALK FROM THE CREEK WALK COMMITTEE

Architect Rushing introduced Steve Banas and Economic Development Coordinator Mary Sheffield in joining in the presentation to the Common Council.

Architect Rushing stated that great progress has been made on the Creek Walk in the last year. They are currently on the cusp of completing the next section south of the Columbia Road Bridge. The drawings have been approved and the funding is arranged, allowing the project to be completed before fall.

Steve Banas stated that the landowners between Advent Church and the August Weber Haus have been invited to open meetings to present their questions and concerns about the project. He stated that no commitments were given and the meetings only involved frank and honest discussions. They are giving the landowners an opportunity to become comfortable with the project through these discussions. The committee is very encouraged by the progress being made.

In answer to Council Member Maher's question, Architect Rushing stated that the Committee is not seeking to convert the landowners on their position; they are only listening to the landowners. The ad hoc Creekwalk Committee is only an advisory board and only the Common Council has authority over the project. Reactions have been honest and open and he is encouraged by the progress. He is beginning the design process based on the landowner's comments. They are only schematic and may be changed at anytime. The Committee wants to keep the landowners involved during the process.

In answer to Council Member Maher's question, Director Wiza stated that the final elements needed to complete the south section of the Creekwalk with the DNR and State Historical Society is underway.

Economic Development Coordinator Sheffield commented on the middle section of the Creekwalk. She stated that any help from the Common Council would be appreciated. The Plein Air event will have artists on the finished sections of the Creekwalk and The August Weber Haus will have their area open behind their restaurant during Strawberry Festival. Plans are being made to market the areas of the Creekwalk that is finished. The ad hoc Downtown Master Plan Committee is suggesting some landscaping and lighting improvements to the sections that are completed in the 2013 budget process.

Council Member Yip requested a report from the last three meetings of the ad hoc Cedar Creek Walkway Committee be distributed to the Council Members to aid them in their understanding of the progress being made between the Committee and the landowners in this section. Economic Development Coordinator Sheffield stated that she would send them the minutes from the last three meetings for their review.

CONSIDER AUTHORIZING FUNDS FOR ZEUNERT TENNIS COURT REPAIRS

Director Hilvo explained that the Zeunert Park tennis courts have not been opened this season due to several large cracks in the surface that make the courts unsafe to play on. He has received a quote for \$7,645 to patch the cracks with a one year warranty which will allow a couple more years of play on them (depending on the winter weather) until the City will have to entirely redo the courts. It will cost approximately \$70,000 - \$80,000 to do a complete resurfacing in the near future. The \$16,000 option is for patching the entire surface and would only last a couple of years also.

In answer to Council Member R. Reimer's question, Director Hilvo explained that Munson, Inc. will fill, seal and color only the cracked surface areas for \$7,645.

In answer to Council Member C. Reimer's questions, Director Hilvo stated that the Zeunert court could open in July after the work is completed. He is recommending the patching option at \$7,645 at this time. The funds can be used from the sale of old bleachers and the savings from the purchase of new bleachers.

Motion made by Council Member Filter, seconded by Council Member C. Reimer, to repair the Zeunert Park tennis courts for an amount not to exceed \$7,645.

Council Member Radtke stated that he is in favor of repairing the Zeunert Park tennis courts now and to have them resurfaced in the future because they are utilized by many citizens and the School District courts are not always available.

In answer to Council Member Yip's question, City Administrator/Treasurer Mertes stated that the future repairs to the Zeunert Park tennis courts will be in the Capital Plan for 2013 or 2014.

Mayor Kinzel suggested working with the School District to resurface the City courts at the same time as the school courts to obtain a better price. The tennis courts are an important part of the park system.

Motion carried unanimously on a roll call vote.

CONSIDER REQUEST TO REMOVE SKATE PARK AND DISCUSS POSSIBLE JOINT SKATE PARK WITH THE VILLAGE OF GRAFTON

Director Hilvo stated that the current skate park equipment is old and in need of repairs. He has seen a drastic drop in the use of the facility by local families and skaters but an increase in vandalism to the equipment, fence, and area surrounding the park. Also each year the department receives calls from neighbors about excessive noise and foul language at the park. Director Hilvo recommended that the City work with the Village of Grafton in regards to creating a joint skate park that will serve both communities. The Village of Grafton has already found a location in Lime Kiln Park, which is near the border of Grafton and Cedarburg and away from residential areas. The Cedarburg Parks and Recreation Department would work with Grafton to fix up the City's equipment and place it at Lime Kiln Park, if they agree. He suggested possible fundraising efforts in the future to establish a fund for the skate park to eliminate taxpayer funding.

In answer to Council Member Yip's question, Police Chief Frank stated that they have received complaints from the residents on Hilbert Avenue, especially late at night.

Council Member Radtke stated that numerous complaints were received when the park first opened. The noise travels two blocks away and even as far as his house. He stated that perhaps neighbors are tired of calling because there have not been any changes. He opined that the park should be closed at 6:00 p.m. Since the park opened, the City has gone through two fences and the equipment is getting old. Council Member Radtke supported the proposed plan with the Village of Grafton.

Council Member C. Reimer stated that he conducts business at Cedar Springs/Gardens and it has been a concern of the facility and family members that they hear swearing at the skate park.

Council Member Maher opposed moving the park to Grafton. He stated that he passes the park 4 – 5 times a week and it is being used. He believed that complaints come from every park and it is not fair to single out the skate park. Council Member Maher opined that the presence of a skate park in Cedarburg is a quality of life issue and it does not matter to the children what the equipment looks like.

Council Member Radtke stated that the skate park is not monitored like other parks and loud noise carries to the neighbors late in the evening.

Council Member Filter opined that the park is monitored and that children need a place to network.

Council Member Radtke stated that he was in favor of a joint park in an open area. It is also inconvenient for the public works facility to have the park in this location.

In answer to Council Member Maher's question, City Administrator/Treasurer Mertes stated that the area may be used for the expansion of the Department of Public Works garage.

Council Member O'Keefe stated that the Department of Public Works area is too congested.

Council Member R. Reimer stated that the Cedar Pointe subdivision residents were opposed to placing the skate park in their neighborhood when it was first proposed. The skate park is good for the community; however, no one wants the noise near their home.

In answer to Council Member C. Reimer's question, Police Chief Frank stated that the department receives many minor calls about the skate park more often than other parks. He will provide the statistics to the Council Members.

In answer to Mayor Kinzel's question, Director Hilvo stated that he is in favor of helping the private group in Grafton kick-start their park with the donation of the City's equipment and to help them fundraise for the future operation and maintenance of the park.

Motion made by Council Member Radtke, seconded by Council Member O'Keefe, to discuss a possible joint skate park with the Village of Grafton and donating the City's equipment. If the Village of Grafton is not in favor of a joint effort, the City's skate park will remain open and be revisited by the Council.

In answer to Council Member R. Reimer's question, Director Hilvo stated that the City plans on making an offer to donate the City's equipment and create a future partnership in this area with the Village of Grafton, if the Common Council approves this action. If the Village of Grafton is not interested in the equipment or a joint park, Cedarburg's skate park will remain open and the matter will be revisited by the Common Council.

Council Member C. Reimer confirmed that the Council is not deciding tonight on how the skate park property will be used in the future.

Motion carried with Council Members C. Reimer, R. Reimer, Filter, Radtke and O'Keefe voting in favor and Council Members Maher and Yip opposed.

CONSIDER AWARD OF CONTRACT FOR THE GARFIELD LIFT STATION FORCE MAIN BYPASS PROJECT

Director Wiza stated that staff advertised and received bids for the Garfield Lift Station force main bypass project. Six bids were received and the lowest responsive bid was received from Woleske Construction in the amount of \$188,732. Woleske Construction has successfully completed similar projects for Cedarburg in the past.

Director Wiza explained that the Sewerage Commission met on May 15 and recommended award of the Garfield Lift Station bypass contract to Woleske Construction.

In regard to the budgetary impact, Director Wiza said that the City had budgeted \$140,000 and the lowest bid came in at \$188,732. The difference can be attributed to the fact that the DNR required the City to have a bar screen which requires a concrete distribution channel on the aeration ditch. This addition to the project requires access stairs, railings, and grading along with the bar screen. Director Wiza opined that the City received a good price and design will allow operational flexibility in distributing the flow to various channels on the aeration ditch.

In answer to Council Member C. Reimer's question, Director Wiza and City Administrator/Treasurer Mertes stated that the difference (\$48,732) would come from the Collection System Reconstruction Fund.

In answer to Council Member Yip's question, Director Wiza stated that he does not disagree with the DNR's need for a bar screen being added to the project.

In answer to Council Member C. Reimer's question, Director Wiza said that there will not be an operational expense to the addition of the bar screen. It is used very infrequently; however, it will prevent any pollution from entering the stream.

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to award the contract for the Garfield Lift Station force main bypass project to Woleske Construction in an amount not to exceed \$188,732. Motion carried unanimously on a roll call vote.

CONSIDER SLUDGE HAULING AGREEMENT EXTENSION WITH VEOLIA

Director Wiza stated the City had a 15-year contract with Veolia to haul all of the City's liquid sludge from the digesters and spread it on farm fields. Veolia's contract covers taking care of permitting the fields, hauling, and storage during the winter months. The City's million gallon tank located on an off-site location included a provision to amortize the tank at the end of the 15-year contract. Going forward, the City has an opportunity to get a reduction in the fee.

Superintendent Clish stated that only two viable companies were able to haul for the City (Veolia and SuperNova). Veolia has only increased their prices once in the past six years. The original contract stated that the City needed to haul 4.5 million gallons per year. If that amount is not met, they have the right to charge the City for the difference and they have only charged the City once in the past eight years. Veolia's proposal will result in a 35% reduction in the hauling rate, which will amount to a savings in the sludge hauling budget of approximately \$130,000 in 2013.

In answer to Council Member C. Reimer's questions, Superintendent Clish stated that Veolia has multiple options in disposing of the sludge; whereas, the other companies did not have additional sources. Veolia does all of the paperwork for the fields and approval from the DNR. The 4.5 million gallon restriction was removed from the new contract along with the 2% solids requirements. The 2% solids cannot be produced by Cedarburg, the average is 1.7%. Veolia can adjust their prices on an annual basis based on the CPI.

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to approve the sludge hauling agreement extension with Veolia. Motion carried without a negative vote.

**CONSIDER APPLICATION FROM FINECO LLC, DANIEL S. PALS, AGENT, FOR A
“CLASS B” LIQUOR AND CLASS “B” BEER LICENSE FOR GRAPES & TASTES, W63
N140 WASHINGTON AVENUE**

City Clerk McHugh stated that this liquor license does not meet one of the few exceptions allowed to make a transfer. The new owner mistakenly applied for a renewal license; however, they needed to apply for a new license.

In answer to Council Member C. Reimer’s question, owner Daniel Pals stated that it is their intention to keep the business basically the same. They plan on introducing more Wisconsin products and hosting tasting events.

In answer to Council Member C. Reimer’s questions, Mr. Pals explained that they have a small bar with six seats, four comfortable chairs, and five tables with a total of 20 chairs. They need a Class B Combination license to provide a place for private events and fund raisers involving larger tasting events which encourages customers to take wine home.

City Attorney Vance explained that the Class B Liquor licenses are limited to 23 for the City of Cedarburg. There is presently one available, in addition to this license.

Mayor Kinzel stated that he was opposed to the previous owner receiving the last Class B Liquor license at the time. Now there is one additional license available and it is uncertain what types of business may want to come to Cedarburg. The City needs to be protective of this type of license until the limit is increased.

Council Member Radtke is in favor of granting this license because it is for an existing business. It may have been a mistake the first time; however, he does not want to take this license away from someone who was expecting to have one from the previous owner.

Council Member Maher shares the same opinion as Mayor Kinzel. He asked if the business could operate with a Class “B” Beer and a “Class C” Wine license.

City Clerk McHugh stated that a wine license is only available to restaurants where at least 50% of the gross receipts come from food sales. Originally the business had a Class A license and it only allowed two-3oz. samples of wine and the business wanted to sell wine by the glass and offer more samples; thereby, they applied for and received a “Class B” Liquor license.

In answer to Council Member Yip’s question, City Attorney Vance stated that the previous owner did hold a “Class B” liquor license; however, the key element here is the limited number of these licenses.

Mr. Pals stated that once a month the business offers a wine tasting with 1 oz. samples of 10 different wines, which amounts to two glasses of wine. In this case, a “Class B” liquor license is required.

Council Member Filter asked Mr. Pals if he is aware that if he sells his business that the new owner will not automatically be entitled to the “Class B” liquor license if granted. Mr. Pals stated that he understood.

Motion made by Council Member Radtke, seconded by Council Member Filter, to approve the application from Fineco LLC, Daniel S. Pals, agent, for a "Class B" Liquor and Class "B" Beer license for Grapes & Tastes, W63 N140 Washington Avenue. Motion carried without a negative vote.

CONSIDER REQUEST OF THE POLICE CHIEF TO FILL THE ADMINISTRATIVE ASSISTANT POSITION

Police Chief Frank stated that Jacquelyn Dekker, the current Police Administrative Assistant has announced her retirement effective August 17, 2012. He is seeking permission to proceed with the hiring process to find a replacement for the position because it is a very vital position for his department.

Motion made by Council Member Filter, seconded by Council Member Radtke, to approve the request of Police Chief Frank to fill the Administrative Assistant position. Motion carried without a negative vote.

Council Member O'Keefe asked Chief Frank to extend a thank you to Ms. Dekker for her work on the annual budget and the other important aspects of her position.

CONSIDER RESCINDING PRIOR MAYORAL PROCLAMATION PROCLAIMING THE CITY TO BE A THIRD CLASS CITY

City Attorney Vance explained that the City was notified that a Third Class City is required to have a Master Plumber approve all home plumbing inspections.

Mayor Kinzel stated that Building Inspector Baier does not meet this requirement and it would be very cost prohibitive.

In answer to Council Member C. Reimer's question, City Attorney Vance explained that if the Proclamation proclaiming the City to be a Third Class City is rescinded it will move the City's Extraterritorial Review area to 1.5 miles and that the City does not need to go any further.

Director Wiza confirmed that the 1.5 mile extraterritorial plat review is sufficient because all of the proposed future sewer service areas fall within this boundary. He stated that the City of Cedarburg is the only Third Class City in Ozaukee County and it would be consistent with area communities to revert back to a Fourth Class City.

Mayor Kinzel stated that it would cost a fair amount of money to keep this classification, which the City does not use.

Council Member C. Reimer explained that the Plan Commission never objected to anything in their three mile extraterritorial authority. There would not be any historical benefit to remain a Third Class City.

In answer to Council Member Radtke's question, Director Wiza confirmed that if the City's boundaries change, the 1.5 mile extraterritorial area moves out also.

Council Member R. Reimer contacted the League of Municipalities and they were also unaware of the Master Plumber requirement for a Third Class City. He said that in regard to Library Boards, Fourth Class City Library Boards should consist of seven members while Library Boards in City's of the second and third class consist of nine. Also, shared revenue is based on community size and not the class of City, making this a non-event.

City Attorney Vance stated that the City changed the size of the Library Board to seven by Ordinance, which is allowable.

Motion made by Council Member R. Reimer to rescind the prior Mayoral Proclamation proclaiming the City a Third Class City and to issue a new Proclamation claiming the City of Cedarburg a Fourth Class City. Motion was seconded by Council Member C. Reimer and carried without a negative vote.

The Common Council took a break from 8:40 p.m. – 8:45 p.m.

CONSIDER ISSUANCE OF A TRANSIENT ENTERTAINMENT LICENSE TO RAINBOW VALLEY RIDES, INC. FOR THE OZAUKEE COUNTY FAIR ON AUGUST 1 (4 P.M. TO 11:00 P.M.), AUGUST 2, 3, & 4 (10:00 A.M. TO 11:00 P.M.), AND AUGUST 5, 2012 (10:00 A.M. TO 7:00 P.M.) AND REQUEST TO WAIVE THE REQUIREMENT FOR A CLEAN UP BOND AS REQUESTED BY AGRICULTURAL SOCIETY

Motion made by Council Member Filter, seconded by Council Member O'Keefe, to approve the issuance of a Transient Entertainment License to Rainbow Valley Rides, Inc. for the Ozaukee County Fair on August 1 (4 p.m. to 11 p.m.), August 2, 3, & 4 (10 a.m. to 11 p.m.) and August 5, 2012 (10 a.m. to 7 p.m.) and request to waive the requirements for a clean up bond as requested by the Agricultural Society.

Council Member Filter stated that Rainbow Valley is a very responsible company.

Council Member C. Reimer, confirmed with Chief Frank that he receives a list of employees for Rainbow Valley Rides to review prior to the fair starting.

In answer to Mayor Kinzel's question, Chief Frank stated that he also receives a daily list of any changes in personnel during the fair.

Motion carried without a negative vote.

CONSIDER APPLICATION FOR AN OUTDOOR ALCOHOL BEVERAGE LICENSE FOR PIGMENTS ART STUDIO AND CAFÉ, N61 W6321 TURNER STREET

Owner Chris Hesse passed out a new menu of food that is available at Pigments Art Studio and Café. She explained that they currently have licenses to sell alcohol beverages inside their business and outside during festivals. They are requesting to sell outside in a fenced-in art garden on the property east of the building.

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to approve the application for an Outdoor Alcohol Beverage License for Pigments Art Studio and Café, N61 W6321 Turner Street. Motion carried without a negative vote.

CONSIDER APPROVAL OF A NEW LOAN PROGRAM FOR ECONOMIC DEVELOPMENT IN THE CITY

City Administrator/Treasurer Mertes stated that she met with representatives of Port Washington State Bank to discuss a loan program similar to one being offered in the Village of Grafton. The similar type of requirements for the Revolving Loan Fund would apply to this new program. Job creation is an incentive for the program but not a requirement since funds could be used for building improvements. The details of this program include loan amounts from \$5,000 to \$50,000 for up to ten years at 1% interest. The bank's loan approval process will take approximately 15 days.

In answer to Council Member C. Reimer's question, City Administrator/Treasurer Mertes stated that the City has no liability; however, they are involved in the review process. The bank will underwrite the entire loan. She said that this program will benefit smaller businesses by offering a 1% interest rate, rather than a 2% interest rate through the Revolving Loan Fund.

Economic Development Coordinator Sheffield opined that this is a great program, especially since there is discussion of a County-wide consolidation of the Revolving Loan Fund.

City Administrator/Treasurer Mertes stated that Port Washington State Bank has set aside \$350,000 for this program.

Motion made by Council Member R. Reimer, seconded by Council Member C. Reimer, to approve a new loan program for economic development in the City contingent on a review of the program by City Attorney Vance. Motion carried without a negative vote.

CONSIDER ORDINANCE NO. 2012-07 DISSOLVING THE DESIGN REVIEW BOARD AND COMBINING ITS DUTIES WITH THE PLAN COMMISSION AND AMENDING OTHER PROVISIONS REGARDING THE PLAN COMMISSION

Mayor Kinzel stated that he is proposing this consolidation of the Design Review Board and the Plan Commission to make it easier for businesses. This will streamline the process and create more efficient and effective government. He stated that Building Inspector Baier relies on the same strict Code that the Design Review Board follows and that he may use his discretion to forward any requests to the Plan Commission or Common Council and the Landmarks Commission if it involves a downtown business, when needed. He stated that the Ordinance should be revised to include the Landmarks Commission.

City Attorney Vance stated that the Landmarks ordinance can be revised.

Council Member R. Reimer stated that the Building Code will need to be changed.

Council Member Yip explained that he is not against more efficient government; however, it is important to have citizen involvement. He expressed concern for eliminating approximately 14 citizens in this consolidation process.

Motion made by Council Member R. Reimer, seconded by Council Member Filter, to approve Ordinance No. 2012-07 dissolving the Design Review Board and combining its duties with the Plan

Commission and amending other provisions regarding the Plan Commission taking into account the changes that are mandated by our Historic District agreement relative to signs.

Mayor Kinzel stated that he discussed this consolidation with City Staff and it makes sense. He is a huge proponent of efficient government and helping economic development. He stated that the City's strict review of new businesses can be detrimental and it is not his intention to lower the City's standards in any way. He does not want to burden new businesses with jumping through so many hoops.

In answer to Council Member Yip's question, Economic Development Coordinator Sheffield stated that developer's have more concerns about the City's approval/review process.

Council Member C. Reimer suggested that alternates be appointed to the remaining committees with the 14 people that will be eliminated; thereby, avoiding having to cancel a meeting due to a lack of quorum.

Mayor Kinzel stated that there has been cause to cancel meetings due to a lack of a quorum or business and it is his intention to make the committees more productive. He wants to keep anyone involved who wants be involved and he will review the willingness of the members for placement.

City Attorney Vance stated that when reviewing the Landmarks designation it stated that sign review in the Historic District should go to the Landmarks Commission. She opined that it should be included in the Code for the Landmarks Commission to review signs in the Historic District.

Economic Development Coordinator Sheffield clarified that Building Inspector Baier is able to approve Design Review Board items if it falls outside of the Historic District; however, if it falls inside the Historic District it must go to the Landmarks Commission.

Greg Zimmerschied stated that the Code is very complete and specific; however, the Design Review Board took it too far by wanting to change logos, designs and colors. He believes that the Building Inspector could approve 95% of the signs, historic or otherwise, if he relies on the Sign Code. He said that he heard from a merchant that the Design Review Board cost him \$700 because they did not like the color of the sign.

Council Member R. Reimer stated that the Design Review Board was given the prerogative to make artistic decisions and in this case, Chapter 15 will need to be rewritten to remove this.

Council Member Radtke stated that staff spends quite a bit of time making certain that there is a quorum for meetings.

City Clerk McHugh stated that some of the ordinances will have to be rewritten to allow alternates on committees.

In answer to Judy Jepson's question, Mayor Kinzel stated that he will appoint a knowledgeable person to serve on the Landmarks Commission for sign review.

Motion carried with Council Members C. Reimer, R. Reimer, Filter, Radtke, Maher and O'Keefe in favor and Council Member Yip opposed.

CONSIDER ORDINANCE NO. 2012-08 COMBINING THE PUBLIC WORKS COMMISSION AND THE SEWERAGE COMMISSION

Motion made by Council Member R. Reimer, seconded by Council Member Filter, to adopt Ordinance No. 2012-08 combining the Public Works Commission and the Sewerage Commission.

Council Member Filter stated that he has been on the Sewerage Commission for about twenty years and many times they did not have a quorum. He stated that Bob Dries is very knowledgeable on the Sewerage Commission.

Director Wiza stated that in regard to efficiency, the Annual Street Utility Project needs to go through the Public Works Commission and Sewerage Commission to develop the scope of the project. Some times it takes a month and a half to get through all of meetings in the fall and spring to accomplish what is required. He is in favor of having more items to discuss on an agenda and to get them to the Common Council sooner for greater efficiency.

In answer to Council Member Yip's question, Director Wiza stated that one-third of the items are jointly addressed by the two commissions. This change will require a learning curve and he is confident that it can be accomplished.

In answer to Council Member Yip's question, Mayor Kinzel stated that he would like recommendations of commissioners who would serve well on this combined commission.

Motion carried without a negative vote.

CONSIDER ORDINANCE NO. 2012-09 DISSOLVING THE PUBLIC ART COMMITTEE

Motion made by Council Member Radtke, seconded by Council Member C. Reimer, to adopt Ordinance No. 2012-09 dissolving the Public Art Committee. Motion carried without a negative vote.

Council Member R. Reimer recommended that a form letter be mailed to board, committee and commission members who are involved in these changes.

Council Member Kinzel stated that he has started this process and he will also be consolidating the ad hoc committees.

CONSIDER MAYOR KINZEL'S COUNCIL MEMBER APPOINTMENTS

Motion made by Council Member C. Reimer, seconded by Council Member R. Reimer, to approve Mayor Kinzel's Council Member appointments as follows:

Council Member Chris Reimer (1st District)

Personnel Committee
Ad hoc Debt/Investment Advisory Committee
(Plan Commission Rep.)

Council Member Ron 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 President)
Personnel Committee
Economic Development Board
Ad hoc Creek Walk Committee

Council Member Michael Maher (5th District)
Library Board
Landmarks Committee

Council Member Douglas Yip (6th District)
Personnel Committee
Ad hoc Mayor's Enhancement Award Committee
Ad hoc Debt/Investment Advisory Committee

Council Member Mike O'Keefe (7th District)
Parks, Recreation & Forestry Board
Mid-Moraine Legislative Committee (Alternate)
Festival Committee Liaison

Motion carried without a negative vote.

CONSIDER PAYMENT OF BILLS FOR THE PERIOD 5/11/12 THROUGH 5/31/12, ACH TRANSFERS FOR THE PERIOD 5/11/12 THROUGH 6/6/12, AND PAYROLL FOR THE PERIOD 4/29/12 THROUGH 5/12/12

Motion made by Council Member C. Reimer, seconded by Council Member Yip, to approve the payment of bills for the period 5/11/12 through 5/31/12, ACH transfers for the period 5/11/12 through 6/6/12, and payroll for the period 4/29/12 through 5/12/12. Motion carried without a negative vote.

CONSIDER NEW OPERATOR'S LICENSE APPLICATIONS FOR THE PERIOD ENDING JUNE 30, 2012

Motion made by Council Member Filter, seconded by Council Member Radtke, to approve new Operator's License applications for the period ending June 30, 2012 for James D. Hintz and Craig E. Lowdermilk. Motion carried without a negative vote.

AUTHORIZE ISSUANCE OF 2012-2013 ALCOHOL, OPERATOR, AND CIGARETTE LICENSES

Motion made by Council Member R. Reimer, seconded by Council Member Radtke, to authorize the issuance of 2012-2013 alcohol, operator and cigarette licenses (as shown below) with the exception of the renewal application for Easy Street Pub and Grill LLC based on Police Chief Frank's recommendation. Motion carried with Council Members C. Reimer, R. Reimer, Filter, Radtke, Maher and O'Keefe in favor and Council Member Yip abstaining.

Authorize issuance of premises licenses for the period ending June 30, 2013:

"CLASS B" LIQUOR AND CLASS "B" BEER RETAILER'S LICENSE

Jose J. Herrera
(Jalisco Restaurant)
W63 N146 Washington Avenue

Steven W. Banas
(August Weber Haus)
W63 N678 Washington Avenue

Authorize issuance of cigarette license for period ending June 30, 2013:

Fineco, LLC (Grapes & Tastes)
W63 N140 Washington Avenue

Authorize issuance of renewal Operator's License for period ending June 30, 2013:

Stephanie J. Baldwin
Craig E. Lowdermilk
Denise M. Beno
Neil P. Soukup
Christopher R. Bumpke
Randall H. Kison
Chris R. Velnetske
Richard D. Dickmann
Douglas E. Yip
Keith Michael Reid
Benjamin S. Clithero
Jenessa J. Freck
Edmund A. Kwaterski Jr.
Gerald E. Walker
Kenneth L. Weintraub
Jason U. Collins
Megan T. Czisny
Cassandra R.A. Duesing
Adam C. Buth
Trevor E. Timm

Christine L. Pope
Margery B. Potter
Larissa A. Meier
David L. Polzin
Daniel M. Burbach
Christine M. Habich
Hadley W. Pape
Eric T. Gutbrod
Dennis F. Jaeger
Colleen A. Sekas
Daniel M. Deuster
James D. Hintz
John W. Riege
Kathryn C. Didier
Spencer D. Thomas
James M. Salp
James C. Hoberg
Joseph P. Willbrandt
Nick J. Moran
Michael C. Besaw

Authorize issuance of new Operator's License for period ending June 30, 2013:

Angela L. Habermann Janice C. Fogle
Madeline R. Crass

Police Chief Frank stated that he did not recommend denial of Mr. Brush's application based on a second offense, but rather the high blood alcohol content of .392 for this pending offense.

City Attorney Vance stated that because this is a renewal the Council can look at the .392 blood alcohol level as evidence related to serving alcohol.

Council Member C. Reimer brought attention to a letter submitted by Daniel Brush and the steps he is taking to show that it will not happen again. In answer to Council Member C. Reimer's question, Police Chief Frank stated that he will stand by his denial.

City Attorney Vance stated that Easy Street Pub & Grill can keep their license; however, she recommends that there be a change of agent. This will prohibit Mr. Brush from serving without an approved agent or operator on the premise.

In answer to Mayor Kinzel's question, Daniel Brush stated that it would be a hardship to change agents. He stated that it has been eight years since his first offense and he was not pulled over. He does not consume alcohol at Easy Street Pub & Grill. He stated that he has invested a lot of money to upgrade the business and to add new flavor to the community. The business is his life and it would be a drastic change to his family. His wife works 50 hours a week for another employer. Mr. Brush has made steps to live an alcohol free life and he asked the Council to consider this by imposing any conditions necessary for him to continue as agent for Easy Street Pub & Grill.

The Common Council questioned the possible outcome of Mr. Brush's pending offense. Council Member O'Keefe stated that a blood draw is very accurate and that .392 is five times the legal limit.

City Attorney Vance stated that the same standards apply for all agents and operators at the time of renewal.

Mayor Kinzel stated that it is up to the Common Council to approve or deny this license.

Police Chief Frank stated that Daniel Brush has agreed to absolute sobriety and voluntarily appears at the Police Station daily for testing.

Council Member Radtke understands that mistakes are made; however, the .392 intoxication level is extremely high. He questioned where the line should be drawn and the fact that the Common Council has always based their decisions on the recommendation of the Police Chief. How would the Council deny a license in the future?

Council Member Maher stated that he recalled a similar situation for the denial of an operator's license that had financial implications.

City Attorney Vance stated that the Common Council needs to base their decision on what they know today and that Daniel Brush has the right to an appeal if he chooses. He would remain agent until that time or until a quasi-judicial revocation hearing is scheduled.

City Clerk McHugh stated that Mr. Brush may submit a new application with a new agent for consideration.

City Attorney Vance stated that a special Common Council meeting would need to be scheduled for the new application.

Motion made by Council Member O'Keefe, seconded by Council Member Radtke, to deny the "Class B" liquor license renewal for Easy Street Pub & Grill with Daniel Brush as agent based on Police Chief Frank's recommendation for denial based on a second OWI arrest with an extremely high blood alcohol content of .392. Motion carried without a negative vote.

CONSIDER AWARD OF GEOTECHNICAL AND ENVIRONMENTAL SERVICES CONTRACTS ASSOCIATED WITH THE HANOVER LIBRARY SITE

Director Wiza stated Engberg Anderson obtained four proposals for geotechnical services and two different environmental proposals. On both services, a low bid was received from PSI and they are recommending the award to this company.

Motion made by Council Member Maher, seconded by Council Member Filter, to award the geotechnical and environmental services contracts associated with the Hanover Library site to PSI based on Engberg Anderson's recommendation.

Council Member R. Reimer expressed concern for the Library Board not taking action on this item, as the Library Board are the managers of this project.

Council Member Maher stated that the Library Board is informed and they agree with Engberg Anderson's recommendation.

City Administrator/Treasurer Mertes stated that this is being presented to the Common Council tonight to prevent further delays in the project.

Director Wiza stated that it was in Engberg Anderson's proposal that they would have these sub-services included. This was received on June 6 and there is only one Council meeting scheduled in June.

Motion carried without a negative vote.

CITY ADMINISTRATOR/TREASURER'S REPORT

City Administrator/Treasurer Mertes advised the Council that she will be on vacation between June 15 - June 24, 2012.

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Filter recognized City Clerk McHugh and staff for their hard work and extra hours spent on the elections this year. He also asked that the dumping of grass clippings on the 400 block of the Interurban Trail be addressed.

Council Member C. Reimer asked that City Administrator/Treasurer Mertes look into the graffiti on a commercial building along the trail near Center Street.

Council Member Radtke stated that he heard from the owners of a new appliance store that Economic Development Coordinator Sheffield was very pleasant to work with and as a result his project was not as difficult as anticipated.

MAYOR'S REPORT

Mayor Kinzel invited and encouraged the Council Members to join him at the Chamber's strawberry shortcake booth during Strawberry Festival from 9:30 a.m. – noon.

ADJOURNMENT

Motion made by Council Member C. Reimer, seconded by Council Member Filter, to adjourn the meeting at 10:00 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk