

**CITY OF CEDARBURG
COMMON COUNCIL
September 8, 2008**

CC20080908-1

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, September 8, 2008 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Myers 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 Gregory Myers, Council Members Steven Glamm, Noel Jepson, Paul Radtke, Michael Maher, Kip Kinzel, Amy Goyette

Economic Development Board – Brian Taffora, David Krier

Excused - Council Member Chris Reimer

Also Present - City Attorney Kaye Vance, City Administrator/Treasurer Christy Mertes, Director of Engineering and Public Works Tom Wiza, Police Chief Tom Frank, City Planner Jon Censky, Superintendent of Parks & Forestry Kevin Westphal, Parks, Recreation and Forestry Director Mikko Hilvo, Light & Water General Manager Dale Lythjohan, Economic Development Coordinator Linda Skalecki, Deputy City Clerk Amy Kletzien, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor Myers' 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 Glamm, seconded by Council Member Radtke, to approve the minutes of the August 25, 2008 meeting as amended on page 5, last paragraph, to read: The motion to accept the easements for Phase I of the Creek Walk project conditioned upon all property owners executing the most recent version of the easement document provided by the City carried with Council Members Reimer, Glamm, Radtke, Maher, and Kinzel voting in favor and Council Members Jepson, ~~Maher~~, and Goyette voting against. Motion carried without a negative vote with Council Member Reimer excused.

REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES – ECONOMIC DEVELOPMENT BOARD: CONSIDER PROPOSALS SUBMITTED IN RESPONSE TO THE RFP FOR MARKETING AND DEVELOPMENT SERVICES FOR THE CEDARBURG HIGH-TECH BUSINESS PARK

City Planner Censky stated that at the January 14, 2008 meeting, Council Members approved a RFP to market and develop the City's High-Tech Business Park. The intent is to begin marketing the

park now so that when public sewer and water facilities are available there will be development interest waiting to break ground. In response, proposals were received from two development firms with long track records, either of whom will provide high-quality professional service for the City. While each firm has already met with the Economic Development Board and provided an overview/summary of their individual proposal, the Board agreed that a similar presentation would aid the Common Council before a collective decision is made on which firm to contract with at a later date.

MLG Development

Michael Mooney and Barry Chavin represented MLG and stated that they have been involved in 18 projects with municipalities and have a great interest in working with the City of Cedarburg. MLG stated that their proposal is structured to engage MLG so that initial marketing can commence, but will not create an obligation for the City to install infrastructure.

The highlights of MLG's proposal are:

- The proposed Development Agreement will not create an obligation for the City to install any infrastructure. If, or when, MLG brings a prospect forward for consideration, the City will have an opportunity to make such a commitment.
- Termination Right: In the event the City does not install infrastructure within the next five years, the City may cancel the Development Agreement.

The MLG proposal is also designed to achieve the following goals for the City:

- To immediately begin a comprehensive and professional marketing campaign;
- To reduce City risk and increase project potential by adding MLG's business park expertise to the development equation;
- To put the land back on the tax rolls (after infrastructure is installed);
- To create a project that reflects the unique characteristics of Cedarburg;
- To ensure quality development through MLG protective covenants and covenant administration;
- To create a high-quality business environment for expanding businesses in the area as well as to attract new businesses to the area;
- To repay City capital that will be invested in the property;
- To compliment other quality development in the area.

In answer to Council Member Jepson's question, City Planner Censky stated the proposed Seven Gables Subdivision needs to begin and as development occurs, the infrastructure for that area will begin and a proposed lift station will be built that will eventually lead to the business park.

In answer to Mayor Myers' question, MLG stated that they have development rights for the corner development on Hwy I and Hwy 60 and it is on hold due to the market. They plan to start building in 6 – 8 months.

MLG stated they are willing to take the risk in the Cedarburg Business Park if the City is willing to sign an agreement. Their motivation comes from this agreement to begin marketing the property. From MLG's point of view this will be a no-fault deal for Cedarburg.

Council Member Radtke reiterated that the two firms were brought to the Common Council to look at their proposed numbers and how they will be achieved. The two proposals are very different and the Council will need to decide if they want to take a risk earlier or later in the development.

City Planner Censky stated that the MLG Development is primarily a land developer that focuses on developing land for sale to a third party. They propose to take ownership of the land with an interest free note/mortgage to the City for \$900,000 plus 40% of the net cash from land sales thereafter. MLG Development would begin paying property taxes upon the conveyance of the property and 60% of the net cash from the land sales would be paid to the City until the note is repaid.

Council Member Radtke stated that the Economic Development Board asked Mike Harrigan and Todd Taves of Ehlers & Associates to review the proposals and provide their analysis. A copy of the analysis was provided to the Council Members to help in the decision-making process.

In answer to Council Member Glamm's question, Michael Mooney stated that Cedarburg's Business Park should attract research development, engineering, and other types of white collar firms.

Barry Chavin stated that the two business parks they developed in Mequon are a direct parallel to what Cedarburg may expect.

In answer to Council Member Jepson's question, Barry Chavin opined that possibly the business park (approximately 49 acres) could be complete in 7-8 years after the infrastructure is in place.

In answer to Mayor Myers' question, Barry Chavin stated that the City will drive the building standards for the business park.

In answer to Council Member Kinzel's question, Barry Chavin stated that MLG will draft the covenant because they are very familiar with TIF districts. The City's interests are the same as MLG and this will be stated in the first line of the covenant.

In answer to Council Member Goyette's question, Barry Chavin stated the \$900,000 figure is an estimate of the purchase price for the property.

Irgens Development Partners, LLC

Geoff Hurtado and Dave Merrick represented Irgens Development Partners and stated they appreciate the opportunity to present their proposal to partner with the City and Community Development Authority of Cedarburg in the development of the 60-acre Business Park.

Their proposal is to partner with the City of Cedarburg and make the City an equity partner in the development of the Business Park. The City's equity investment consists of funding of the infrastructure through Tax Increment Financing and contribution of land at market prices. Cedarburg will receive market value for the fully improved lands plus market rate returns on each investment.

Irgens will be the developer, lessor and manager of the development under their proposal. All fees, commissions and returns are based on market rates for similar projects. The City's quality of life,

combined with Irgens Development's ability to create maximum value in the land, provides significant returns to both partners.

Geoff Hurtado stated that Irgens proposal demonstrates their strengths and abilities in:

- Overall expertise in development, construction, leasing, financing and property management;
- Development experience in business parks;
- Financial capabilities to successfully undertake this large-scale development;
- High-quality standards for development and service;
- A strong commitment to Cedarburg and other project investors.

Overall Concepts, Planning and Development, Marketing Methods, and Key Relationships were presented.

Geoff Hurtado estimated the developable acres to be 38 with a land price of \$85,000/acre. He also estimated that the annual tax revenue will be approximately \$703,494 when it is fully developed.

In answer to Council Member Jepson's question, Geoff Hurtado estimated that the park could be underway after the plan is done and before the infrastructure is in place in 5 – 6 years and could be fully developed in 10 – 12 years. The infrastructure will be done as the developments occur.

City Planner Censky stated that sewer and water utilities are not near the park and it will take time. The process is very market driven.

In answer to Council Member Glamm's question, Geoff Hurtado stated that he envisioned the tenants of the business park to be flex users which consists of both warehouse and office use.

City Planner Censky stated that tonight's presentations came from two highly qualified firms. He urged the Common Council to review both proposals along with the analysis done by Ehlers & Associates. He would like to have a joint meeting with the Economic Development Board and the Common Council in the near future.

Mayor Myers asked the Council to read all the information carefully and suggested inviting Mike Harrigan to a future meeting to answer any questions.

Council Member Jepson stated he did not feel comfortable with the differences between the two companies.

Mayor Myers stated that Mike Harrigan from Ehlers & Associates will help the Council understand the differences and suggested that he come to the next Common Council meeting. Mayor Myers stated that each company has presented a different level of risk taking.

The Economic Development Board Members were excused at this time.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Bob Loomis, W75 N729 Tower Avenue, stated he is gratified that the City is moving forward on the Cedarburg Business Park plans. He opined that it is important to receive guidance from the members of the Economic Development Board Members and to get their independent thoughts on the project as taxpayers in the City. He asked that the risk and return be weighed between the Economic Development Board Members and Ehlers & Associates.

Bob Loomis expressed gratitude to all the people that worked to make the McCain/Palin visit successful. He could not make the event; however, he heard many positive comments about the efforts of the Fire Department (who answered 18 rescue calls that day) and Emergency Government personnel (who helped with traffic control). He was impressed that people took off from work to have the event function properly. The Country saw a small town work together, which created a great impression. He thanked the Cedarburg Police Department, Public Works Department, and the many volunteers for doing a fabulous job.

Bob Loomis expressed his support for treating the Emerald Ash Borer Disease and urged the Common Council Members to be proactive in treating the threat to the City's ash trees. He looked at the analysis and determined that it will be financially better for the City to treat the trees, rather than cut down and replace diseased trees. He stated that a contractor quoted him \$200 to treat two trees on his property; whereas, it will be dramatically less to treat the City trees in-house. The bulk of the ash trees in Cedarburg (80%) are located on private property. He urged the City to inform homeowners to take action in treating their trees early. He recommended that Mayor Myers and Superintendent Westphal send a letter this week to homeowners with names of a few certified arborists who are able to treat EAB and urge them to protect their trees. He hoped this would alleviate some time and research for residents to act early.

Dennis Erovick, W67 N732 Franklin Avenue, told the Common Council that he owned a Neighborhood Electric Vehicle (NEV). The vehicle is low speed (25 mph), but it is not the same as a golf cart. The vehicles meet the same criteria as a gas powered vehicle including lights and brakes and range in cost from \$17,000 to \$100,000. The vehicles are not toys and he asked the Common Council to vote in favor of the ordinance to allow Neighborhood Electric Vehicles in the City of Cedarburg.

Economic Development Coordinator Linda Skalecki publicly thanked the countless number of people who helped run a smooth visit for Presidential Candidate John McCain and Vice-Presidential Candidate Sarah Palin in the City Cedarburg. The downtown merchants worked hard and benefited greatly from the exposure. Governor Palin stated that we are fortunate to live in this community during her speech.

UPDATE ON STATUS OF CREEK WALK EASEMENTS

Director Wiza stated that the Creek Walk project is ready to move forward because all the easements are in and the DNR has resolved the fencing issue. In answer to Council Member Jepson's question, Director Wiza stated that a preconstruction meeting is scheduled for next week.

Director Wiza stated the Creek Walk will be a phased construction with the retaining wall and concrete completed this year and the landscaping will be completed next spring. The final completion date of the Creek Walk is slated for June 30, 2009.

DISCUSS POSSIBLE ORDINANCE PERMITTING NEIGHBORHOOD ELECTRIC VEHICLES (NEVs) IN THE CITY OF CEDARBURG

Council Member Goyette requested that the Common Council address the use of Neighborhood Electric Vehicles (NEVs) in the City.

Police Chief Frank stated that he had no objections to permitting NEVs in Cedarburg.

Motion made by Council Member Jepson, seconded by Council Member Goyette, to adopt an ordinance permitting neighborhood electric vehicles in the City of Cedarburg.

Mayor Myers stated these vehicles are a new option in transportation and will most likely become more popular as they are perfected.

In answer to Council Member Maher's question, Police Chief Frank stated that there are a few 35 mph streets in Cedarburg at the north and south ends of the City. These streets are four lane roads and it will be easy for the slower vehicle to drive in the right lane and allow a vehicle to pass at normal speed.

Council Member Goyette stated the State of Wisconsin has registered 68 NEVs since 2007.

Motion carried without a negative vote with Council Member Reimer excused.

CONSIDER RESOLUTION 2008-21 APPROVING THE INSTALLATION OF DOWNTOWN HISTORIC DISTRICT SIGNS

Motion made by Council Member Kinzel, seconded by Council Member Radtke, to adopt Resolution No. 2008-21 approving the installation of Downtown Historic District signs.

In answer to Council Member Jepson's question, Economic Development Coordinator Skalecki stated that the signs will be located on the north and south bound lanes and Cedarburg exits on I-43.

Motion carried without a negative vote with Council Member Reimer excused.

CONSIDER DESIGNATING SUNDAY, OCTOBER 26, 2008 FROM 4:00 P.M. TO 7:00 P.M. AS THE DATE AND TIME FOR TRICK OR TREAT

Council Member Radtke confirmed that for the last eleven years, the City set the Sunday before Halloween from 4:00 to 7:00 p.m. as the designated Trick-or-Treat period and proposed a change in date and time for this year. He said that the change to daylight savings time has really made the period an hour earlier and Sunday evenings are a difficult time when children have to get up early for school the following day. Council Member Radtke proposed changing the date to Friday, October 31st from 5-8 p.m.

Council Member Kinzel stated that Teacher's Convention falls on October 30 and 31 this year and many families may be out of town.

Motion made by Council Member Radtke, seconded by Council Member Goyette, to designate Friday, October 31, 2008 from 6:00 – 9:00 p.m. as Trick-or-Treat.

Director Hilvo stated that 2,000 copies of the Cedarburg Park & Recreation Activity Guide have been printed with the October 26 date; however, stickers or a correction insert could be used to correct the books.

Council Member Goyette stated that the word will get out to the parents through their children.

Mayor Myers stated that historically Trick-or-Treat was scheduled from 1-4 p.m. and later it was changed to 4 – 7 p.m.

Motion carried without a negative vote with Council Member Reimer excused.

CONSIDER LOCATION OF PROPOSED SOLAR PANEL AT CEDARBURG LIGHT & WATER

General Manager Lythjohan stated that the Utility is proposing to install a tracking solar panel in the front of the utility building in the circle drive. What makes this panel unique is that it will track the sun (dawn to dusk) making sure that the panel is at a right angle to the sun at all times, allowing for the best possible production of electricity.

General Manager Lythjohan stated that H&H Electric (Solar Division) tried to find viable locations on the Light & Water site for a tracking system. Due to the number of trees in the area, and the topography of the site, H&H opined the only viable site is the one proposed on the circle drive at the Utility. Moving the system elsewhere will increase the shading factor, and make a tracking panel much less feasible. General Manager Lythjohan stated that if after 12 months the system is found to be inappropriate at this site, the Utility will move it to another site.

In answer to Council Member Goyette's question, General Manager Lythjohan stated that the panel will generate meaningful power up to one half the power usages in a home. WPPI is providing a \$25,000 grant and has the potential to earn renewable credits. General Manager Lythjohan stated that the solar panels will create awareness in energy conservation for the residents of Cedarburg. A solar panel was installed at Cedarburg High School seven years ago and now no one knows that it is there.

Council Member Radtke stated he was in favor of the concept of a solar panel but expressed concern for the need, location, and size of the panel. He stated that the panels are far from being advanced technology and would not be allowed on Cedarburg homes at this point. His main concern related to how area residents would feel two months after the installation having to look at the 30 foot high panels for an extended time period. Even though the panels are proposed for an industrial area, there are some very nice buildings and green space, such as Cedar Springs and Zeunert Park. Council Member Radtke is opposed to the proposed location. He does not want to stop the project but he would like the panels located elsewhere.

City Attorney Vance stated that solar panels are similar to windmills and are hard to regulate. The burden is on the municipality and aesthetics is not a good argument.

Council Member Jepson spoke in favor of the solar panels. The City should do whatever possible to promote alternate energy. The location was discussed with area residents and people did not express any concerns. Neighbors were more concerned about the skate park.

In answer to Council Member Glamm's question, General Manager Lythjohan stated that the High School and Middle School may consider a wind resource in the future.

Council Member Kinzel questioned whether the Utility was promoting a resource that cannot be provided to most residents because of the large number of trees in the City. He opined that the solar panels were not suited to the area.

Council Member Maher spoke in favor of the Utility installing solar panels at the proposed location. He stated that this will be an example of possibilities for the future.

Mayor Myers stated that Cedarburg Light & Water will need to return to the Common Council for final approval of this application, if it is approved by the Plan Commission.

General Manager Lythjohan stated that he came to the Common Council to find out if they considered it to be an appropriate site for the solar panel. The reality is that if it cannot go at this basic location then the Utility will scrap the idea at their office and take a look at work already done by the consultant on other possible institutional sites. The reality of the situation is that Cedarburg is a "Tree City" and as a result, it will be difficult to find a site with suitable site lines and visibility for a tracking solar panel.

City Attorney Vance stated that this decision does not have to go to the Plan Commission.

Motion made by Council Member Jepson, seconded by Council Member Maher, to approve the location of the proposed solar panel at Cedarburg Light & Water. The vote tied with Council Members Steve Glamm, Noel Jepson and Michael Maher in favor, Council Members Amy Goyette, Paul Radtke and Kip Kinzel opposed and Council Member Reimer excused. Mayor Myers carried the motion by voting in favor to approve the location of the solar panel.

DISCUSSION OF EMERALD ASH BORER PREVENTION AND CONTROL

Park & Forestry Superintendent Westphal stated that on August 4, 2008 the Wisconsin Department of Agricultural Trade and Consumer Protection (WATCP) announced that they had discovered the Emerald Ash Borer in Ozaukee County. This exotic, invasive insect is responsible for killing over 25 million ash trees in the U.S. to date. This insect represents a severe and urgent threat to Cedarburg's urban forest, approximately 20% of which is ash. Due to the close proximity of this infestation, chemical treatment is recommended to anyone in Cedarburg desiring to save their ash trees. The result of doing nothing will be the total loss of Cedarburg's ash resource within 4-5 years, perhaps sooner. This would have a devastating effect on the City landscape; increasing energy costs, lowering property values and possibly impacting tourism.

The contracted cost to remove and replace City-owned ash trees is estimated at \$1,300,120. The contracted cost to chemically treat City-owned ash trees is estimated at \$45,000 in the fall of 2008 with a follow-up application each year for an additional cost. Superintendent Westphal urged the Common Council to act now, as Emerald Ash Borer is currently in the area. He showed a sample of leaves from the Newburg area (where the beetle has been spotted) and a sample from Johnson Avenue near the Skate Park in Cedarburg. The sample from Cedarburg showed definite signs of notched feedings. Superintendent Westphal sent the leaves to Michigan and they determined that the leaves looked similar to early sightings in their area.

Superintendent Westphal stated that the Common Council has three choices:

- Wait and see – Michigan lost all of their trees using this approach because the trees died faster than expected.
- Pre-emptive removal – could create a public relations problem to remove good trees.
- Chemical treatment to prevent the loss of ash trees in the community.

The chemical treatment is 91% effective and has been the most successful in saving ash trees. Superintendent Westphal stated that time is of the essence to start treatment this fall. He recommended hiring a contractor to do all of the trees that are 12” and over for approximately \$45,000 this fall and then again in spring to inject trees that are 6” and over for approximately \$81,000. Homeowners will be contacted to notify them of the urgency to treat their ash trees early to prevent loss.

Superintendent Westphal stated that the City of Cedarburg is on the forefront for others to see what we will do and we can be an example of dead trees or a shining beacon of healthy trees.

Council Member Maher commended Superintendent Westphal for all of his research and the resources provided to the Council for review. He stated that he also did some research and found good information from UW-Madison and the UW-Extension. He researched the chemical and found that it is a non-carcinogen and is used on flea collars. Michigan did recommend the chemical treatment as early as possible to boost the tree and build up a resistance.

Council Member Goyette applauded Superintendent Westphal for bringing his concerns to the Common Council. She appreciated the proactive stance to this situation and maintaining healthy trees. Council Member Goyette also researched the chemical and learned that it is not a carcinogen and is similar to nicotine. It acts like tobacco and attaches to the receptors. The chemical will not irritate the skin.

Superintendent Westphal stated that in the spring the trees will be injected under the bark and there will be no exposure to the outside environment.

Council Member Jepson opined that the City cannot afford not to be proactive. He asked whether staff preferred to do the treatment in house or by a contractor.

Director Hilvo stated that he preferred to use a contractor because the City staff is limited and is needed in other areas. It would require one person to work full time on the trees.

In answer to Mayor Myers’ question, Superintendent Westphal stated that the manufacturer of the product could train City Staff and there would be very little room for error.

Mayor Myers stated that he preferred to save the trees and he asked Superintendent Westphal if he was confident in the effectiveness of the treatment.

Superintendent Westphal expressed confidence in the suggested method of treatment.

Council Member Goyette stated that the Federal Government initially got involved in an outbreak of EAB in Lucas County, OH in 2003 but soon ran out of money and put the burden on the owner.

Council Member Jepson suggested that the City move forward in treating the ash trees through a contractor. He asked if the City could make contact with private property owners and communicate the urgency in treatment.

Superintendent Westphal stated that hyper spectral imaging is available at a very high cost to determine where the ash trees are located.

Council Member Goyette stated that Dan O'Neal from the UW-County Extension would be willing to look at anyone's trees to determine if they have ash trees. She also stated that there may be funding available through the USDA to hold Town Hall meetings to inform residents. Council Member Goyette was in favor of sending a letter from the Mayor to all residents informing them on the disease and methods of treatment.

Council Member Radtke commended Superintendent Westphal for his passion in saving the trees in Cedarburg. He asked if the City could partner with other communities for a type of regional program.

Superintendent Westphal stated that he spoke with Mequon, Grafton, and Port Washington and all of the communities indicated that they do not plan to take any action at this point.

Superintendent Westphal stated that new treatments will probably be available soon and the City may be able to treat 1/3 of the trees each year and rotate in the future.

Motion made by Council Member Glamm, seconded by Council Member Kinzel, to authorize the treatment of City owned trees for Emerald Ash Borer for an amount not to exceed \$45,000 through a contractor. He also directed staff to return with an action plan for contacting residents on treating Emerald Ash Borer and providing names of possible contractors who are able to help.

Council Member Goyette added an amendment to include:

- Applying for an Urban Forestry Assistance Grants from the WI-DNR for EAB management & control;
- Pre-emptive removal of public ash trees located under power lines or trees in poor condition;
- City Forrester to draft an EAB Management Plan for the City of Cedarburg;
- Perform an inventory of trees in parks, cemeteries, and other City-owned properties in 2009 utilizing contracted services and grant funding;
- Development of database application to help manage the City's 7,500 street trees utilizing contracted services and grant funding.

Council Member Maher encouraged Superintendent Westphal to form a consortium with other communities in Ozaukee County.

Motion carried without a negative vote with Council Member Reimer excused.

Mayor Myers thanked Superintendent Westphal for his hard work and willingness to address this issue.

LICENSE APPLICATIONS

Motion made by Council Member Kinzel, seconded by Council Member Goyette, to authorize issuance of new Operator's Licenses for the period ending June 30, 2009 to: William R. Poull, Corey D. Lang, Joel D. Telschow, and Jane E. Smith. Motion carried without a negative vote with Council Member Reimer excused.

CITY ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes stated that the McCain/Palin campaign stop in Cedarburg was a success. All the parties involved commented on how City Staff was easy to work with.

COMMENTS AND SUGGESTIONS BY CITIZENS - None

REPORTS AND COMMENTS BY COUNCIL MEMBERS

Council Member Radtke stated that the Chamber of Commerce considered the McCain/Palin stop as a great opportunity for Cedarburg. As a result, the Chamber received quite a few requests for information on the City of Cedarburg for people who were interested in the community.

Council Member Maher commended Mayor Myers on his speech.

Mayor Myers extended a thank you to City Staff, Chief Frank, and all parties involved in the cooperative effort. Cedarburg made a great impression in the National news.

Council Member Jepson stated that this opportunity provided a boost to the local economy.

Mayor Myers asked City Administrator/Treasurer Mertes to convey his thanks to everyone involved for their hard work and willingness to make it a great event.

MAYOR'S REPORT

Mayor Myers stated that he will be appointing a group of citizens to an ad hoc Creek Walk Committee to facilitate the completion of the walkway.

ADJOURNMENT- CLOSED SESSION

Motion made by Council Member Glamm, seconded by Council Member Maher, to adjourn into closed session at 9:35 p.m. pursuant to Wisconsin 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 and 19.85(1)(e) to deliberate or

negotiate the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, specifically sewer back up matters. Approval of closed session minutes of 8/25/08. The meeting did not reconvene into open session.

ADJOURNMENT

Motion made by Council Member Glamm, seconded by Council Member Kinzel, to adjourn the meeting at 9:40 p.m. Motion carried without a negative vote with Council Member Reimer excused.

Amy D. Kletzien, CMC
Deputy City Clerk