

**CITY OF CEDARBURG
COMMON COUNCIL
September 9, 2013**

**CC20130909-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, September 9, 2013 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Kinzel called the meeting to order at 7:00 p.m. The meeting began with a moment of silence followed by the Pledge of Allegiance.

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

Excused - Council Member Ron Reimer

Also Present - City Administrator/Treasurer Christy Mertes, City Attorney Kaye Vance, Director of Engineering and Public Works Tom Wiza, Deputy City Clerk Amy Kletzien, Library Board President Sue Karlman, Library Board Member Steve Ruggieri, 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 O’Keefe, seconded by Council Member C. Reimer, to approve the minutes of the August 26, 2013 Council meeting. Motion carried without a negative vote with Council Member R. Reimer excused.

COMMENTS & SUGGESTIONS FROM CITIZENS – None

PUBLIC HEARING – CONSIDER ORDINANCE NO. 2013-22 AMENDING SEC. 13-1-63(d) OF THE ZONING CODE TO INCLUDE COLUMBARIUM AS A CONDITIONAL USE IN THE I-1 INSTITUTIONAL AND PUBLIC SERVICE DISTRICT

Mayor Kinzel declared the public hearing open to consider Ordinance No. 2013-22 amending Sec. 13-1-63(d) of the Zoning Code to include Columbarium as a Conditional Use in the I-1 Institutional and Public Service District at 7:03 p.m.

Pastor Janis J. Kinens, W61 N658 Mequon Ave., addressed Advent Lutheran Church’s request for a Zoning Code change to include a Columbarium as a Conditional Use. He explained that some people have suggested that a columbarium will be depressing and keep people from coming to Cedarburg. He stated that the exact opposite is true and that the Memorial Prayer Garden in the center of Cedarburg will be in time a well-known destination for locals and visitors.

Pastor Kinens clarified that a columbarium is not a mausoleum nor is it a cemetery. It is a structure that holds human ashes, not human remains. The difference is a technical one and a legal one, and an important one, which is why you can scatter ashes on your own property or anywhere else as long as you have permission from the owner of the property. And you cannot do that with human remains anywhere except in a cemetery.

Advent Lutheran Church has been at the very center of, and in the heart of Cedarburg for 109 years, 105 of them at their present location. They have always believed that they were located there for a reason, and that is to be of service not only to their membership which currently numbers around 800 but to the community at large; therefore, they have always supported community events and festivals.

Pastor Kinens explained that Advent Lutheran Church supports Cedarburg merchants and businesses because they believe in the community and want what is best for all.

The Church's ministry, Mr. Bob's Under the Bridge, touches with healing grace the poorest of Milwaukee's poor. Their monthly lunch program for the poor feeds approximately 400 people every week at Cross Lutheran Church on 15th and Walnut. As a result, Cedarburg is known as a place where people have compassion and care about those who are less fortunate.

Pastor Kinens recently spoke with Bill Roebken and Jolly Wittenberg (members of founding families of Cedarburg) when they returned to Cedarburg for the Golden Bulldogs celebration. Bill and Jolly were born and raised in Cedarburg; however, they have been life-long residents of Texas. When Bill looked at the Prayer Garden he thought it was beautiful and will consider being a part of the columbarium because it feels like they were coming home to Cedarburg.

Pastor Kinens read three letters from Jane and Dennis Hockerman, St. Francis Borgia Catholic Church and Ann Rintelman Tice who were all in favor of the columbarium in downtown Cedarburg.

In answer to Council Member C. Reimer's question, Pastor Kinens stated that the State does not regulate columbaria unless they are in a cemetery. As a result, there is not a legal opinion to be given.

Doreen Lettau, N78 W8060 Topview Trail, has been working on the Prayer Garden for three years with Advent Lutheran Church. She submitted two petitions with a total of 144 signatures (83 City of Cedarburg residents and 61 stakeholders) of people who embrace the prayer garden and columbarium and ask the Common Council to consider and grant approval to Advent Lutheran Church for the Columbarium/Prayer Garden. She is one person on the five member committee who manages the prayer garden making it a very stable and sound organization in terms of management. The church plans to start with 48 niches and could grow to 156 niches. The church has revised the project to a manageable level.

In answer to Council Member Yip's questions, Ms. Lettau explained that the church will submit any plans to expand the columbarium to the Landmarks Commission and Plan Commission in the future if they want to make any changes. The church has sold 28 niches over a three year period. It is not a process for everyone and will be introduced slow and tasteful. She added that this plan is very different from the first plan with 588 niches.

Nancy Pipkorn, N66 W6466 Cleveland Street, stated that she expressed concern to the Plan Commission on July 1 about ignoring the City Attorney's opinion that a columbarium was a cemetery under State regulations and the Statutes define human remains as a body that has been cremated. The word "cremains" is not in any State Statute. It is the City Attorney's opinion that human remains are placed in a columbarium niche. She further explained that St. John's Military Academy in Delafield, in regard to their columbarium, states: "The Columbarium is sanctioned and approved as a cemetery according to Wisconsin law and thereby protected by the rules and regulations that govern them." She has a hard time believing that no one regulates a columbarium.

Ms. Pipkorn would appreciate a stronger answer from the State. The prayer garden sounds wonderful; however, she quoted Plan Commission Brown's recommendation "The City should consider future implications and make a decision for the benefit of all citizens of Cedarburg." Ms. Pipkorn added that the project should be tweaked in regard to size and location; possibly construct it at Immanuel Cemetery where it would offer privacy and serenity. She stated that it is not appropriate to make this a public project because it is a church congregation with church property and should be a church family place of rest.

Ann Denk, W62 N598 Washington Avenue, explained that her family resides in Cedarburg and they have been in business in the Historic District for 25 years. In addition they are a building owner in downtown Cedarburg. They have a vested interest and are privileged to be on the front lines and hear the concerns from other businesses. Ms. Denk stated that the addition of a prayer garden is a beautiful enhancement to the Advent property and the downtown district. However, the challenge occurs with the addition of a columbarium to this area. The reaction of the public and some business owners are uncomfortable with the use of the garden as a cemetery. There is concern for the deceased and their families.

Ms. Denk understands that there are differing opinions as to whether the addition of a columbarium at this site falls under the legal definition of a cemetery; however, it is clear that the City Attorney has researched this matter and made her legal determination. She asked the Council to protect the City and act in a legally responsible manner of accepting her recommendation.

Ms. Denk asked that the church explore other options to place the columbarium inside or at another location. It does not belong downtown within 15 to 20 feet from the main street of the historic downtown where 10,000 – 11,000 vehicles travel each day. She heard a comment that the church would be invading public space and changing the mood in the area. No one is asking Advent Church not to plan for the future with a columbarium, just not at this location. If a columbarium is added as a Conditional Use, other churches may want to add a columbarium and there would be multiple structures in the downtown.

Ms. Denk stated that she does not know of one person who believes that the ashes which remain after cremation of a loved one are no longer their remains. It does not matter if they are called remains or cremains; she believes there is no difference. In all cases, they are the remains of loved ones. Statute 157.061(2) Cemeteries (8) states that "Human remains mean the body of a deceased individual that is in any stage of decomposition or has been cremated." For the church to ask not to apply the law because they are cremains and not remains seem unreasonable and unlawful.

Ms. Denk stated that there is no historical record of a columbarium at this location, so they are not recreating a historical part of Cedarburg. In this case, the church is located in the heart of the

historic downtown and may limit the options for a columbarium outside in the prayer garden. Having lived in the City for over 25 years, there have been many building owners and business owners who have had to revise their desires to fit into the best decision for the community and not just that of their own interest.

Ms. Denk believes that a healthy business district is the heart of a healthy city and one must evaluate any and all decisions regarding the City's future with this at the forefront.

Ms. Denk offered her research in response to Mr. Kinens comparatives 1) Crossroads Church has a columbarium located on 11 acres of rural land in Mequon as compared to less than a half-acre total for Advent Church, 2) The First Congregational Church in Port Washington is located four full blocks from the downtown district (nearly twice the distance from our downtown to Zur Ruhe cemetery), 3) regarding justification for qualifying as a cemetery, she questioned how many have been considered for an immediate downtown location. In an area with public space framing three sides and a distance of one to two feet and not more than ten to fifteen feet on any of the three sides, and 4) in regard to the Wisconsin Department of Safety and Professional Services as supporting Advent Church's position, she is curious that they will not make the same statement to the City Attorney.

Ms. Denk said that many citizens and businesses were not aware of the columbarium project when initially asked. Her experience was that 80% of the Cedarburg citizens were unaware of the plans for a columbarium in downtown Cedarburg and were shocked. Pastor Kinens article in the News Graphic on September 5 only mentioned a prayer garden.

Respectfully, Ms. Denk asked the Council to remember that Advent Church is only one business serving its parishioners as opposed to the many concerned citizens and multiple businesses who feel that adding a columbarium to the heart of the downtown is not a positive for our community. She stated that she has a petition with over 100 signatures of citizens, businesses, and visitors who are opposed to the columbarium at this location. Additionally, she is aware of 24 businesses and citizens who are opposed but are concerned of possible repercussions and therefore are unwilling or unable to come forward. These people include downtown businesses, citizens, city officials, and Advent parishioners.

Ms. Denk asked the Council Members to take emotion out of their decision and asked the Council to vote against this very distinct change in acceptable land use for the historic downtown and to stand behind the City's legal counsel. Ms. Denk asked the Council Members to vote to the facts, laws, and concerns of the businesses, citizens and visitors.

Jim Lillie, W61 N507 Washington Avenue, stated that there were very few business owners at tonight's meeting who are against this project because they fear that the church may not visit their businesses. He spoke with more than 50 people in the last couple months (three did not have a viewpoint, one was in favor, and the balance thought it was an inappropriate location). If this is allowed, the church (knowingly or not) would be forcing the local citizens and tourists to be a part of funerals and the mourning process just because of the location. He also feared that people would be sitting on remains, due to the lack of seating space in the downtown area. Mr. Lillie stated that if the zoning change is allowed, it will open the flood gates for other churches to request columbarium's or even pet stores to make a similar request. He stated that the church should be bringing people together instead of dividing them.

Paul Rushing, W62 N799 Sheboygan Road, stated that he has a front line view of the prayer garden/columbarium project, while being involved in the building of it. He has explained the project to approximately 250 people. Some of whom are puzzled; however, once he explains it the public is in favor. This could be a positive attraction and would bring people from different parts of the country to Cedarburg. Advent Church is an inclusive church and fear is not an option. The columbarium would be a stone cabinet for cremains that would be double sealed. The distance from the columbarium to the street is 58 feet. He stated that Crossroads Presbyterian Church has two columbariums which are 197 feet from one and 198 feet to the other, rather than 250 feet as reported. The focus is not about fear but of a joyful thing and he asked the Common Council to approve the zoning change for good reason.

Katy Rodberg, W62 N816 Arbor Drive, stated that her father died when she was young and was buried in a cemetery near a playground where she played. She questioned why death is treated negatively. Her daughter thought it would be nice to buy a niche in the columbarium to bring the grandchildren to visit a loved one. Ms. Rodberg has lived in Cedarburg for 19 years and is part of the business community and understands the concerns of the taxpayers; however, she believes that a church is open to all people and is not limited by four walls. The church welcomes everyone. She asked the Common Council to consider this proposal so it can be a joyful place for future generations.

Susan Baumann, N76 W7925 Topview Trail, stated that Cedarburg is where the past, present and future meet. Cedarburg has worked hard to keep the past in the present. Her father was the owner of a hardware store in Cedarburg. She explained that it would be an honor to have the columbarium in downtown Cedarburg.

Pam Gergens, W75 N868 Tower Avenue, stated that she graduated from law school in 1995 and lived in downtown Milwaukee before returning to Cedarburg. She explained the differences between a mausoleum in a cemetery and a columbarium. In the end, she opined that the proposed columbarium is within the limits of the law. She asked the Common Council to think of it as a final resting place by noting the distinction between a mausoleum, columbarium and a cemetery.

Karen Johnson, N68 W5671 Bridge Commons Ct., is a resident and visitor of Cedarburg for 35 years. Her husband is buried at Zur Ruhe Cemetery. She feels comfortable going to the cemetery without a marching band going by. She opined that the columbarium is a cemetery because it has the deceased name on the niche. She stated that it would be more appropriate to have the columbarium inside the church where a person could visit a loved one anytime and not be interrupted by a festival. Ms. Johnson believes that a sign will be an issue in the near future as people will not know what the prayer garden and columbarium is, which will draw more attention. She urged the Common Council to question whether this is an appropriate placement for a columbarium.

Ed Downey, 10931 Ridgefield Ct., stated that he has traveled the east coast and Europe where cemeteries are located downtown and are a big attraction. Zur Ruhe is sold out and Immanuel Cemetery has opened their last available section. Area community cemeteries are also being filled and Cedarburg residents do not want to be buried in Milwaukee. He asked the Common Council to look beyond and into the future. People are cremated all the time and it can be a beautiful option to have the columbarium available. He asked the Common Council to look long and hard at their decision because their constituents may not have a place to bury their loved ones in Cedarburg.

Attorney Karl Schefft, N58 W6212 Columbia Road, stated that he has a business that pays taxes and he is opposed to the columbarium at Advent Church. He mentioned the recent article in the News Graphic by Pastor Kinens and the fact that he only wrote about the prayer garden and not the columbarium. He stated that the church does not pay property taxes to the City. He questioned who will pay the costs for a lawsuit if the columbarium is placed downtown? Attorney Schefft explained that he has been practicing law for 29 years and he is offended that the City would not listen to their City Attorney whose opinion states, "No cemetery can be established within 250 feet of any habitable dwelling, publically owned building, or school." She also makes it clear that a cemetery is what this would be under State Statutes. He stated that the City should not be a test case for a columbarium in the downtown area. It is not the duty of the Common Council to determine if this is the right place for a columbarium. The Council cannot go against State Statute and he urged them to vote against the zoning change. There are many churches in the City who may also want a columbarium. Attorney Schefft also stated that the church has a vested interest in this project for selling approximately 500 niches at approximately \$2,500. He further urged the Common Council to listen to the people who pay taxes.

Deb Spiering, W61 N673 Mequon Avenue, spoke as a Cedarburg resident who has enjoyed living in this beautiful City. She expressed her belief that the presence of churches (Advent, St. Francis, Immanuel and others) have enhanced and added to the charm of the City. If the columbarium were located anywhere else except downtown it would not be an issue. She has heard from the merchants that it is inappropriate for the columbarium to be in the historic shopping district. Ms. Spiering reminded the Council that Advent Church has been in its current location since 1908. She questioned whether the church should be penalized and not be allowed to serve their members because of the location of area businesses. Should area businesses be penalized for their ideas to serve the merchants? She stated that the City should not only cater to tourists but respect the needs and wishes of the residents of Cedarburg. Ms. Spiering believes the residents and merchants can coexist with the beautiful and tasteful prayer garden and columbarium which will only enhance the downtown.

Natasha Loos, W62 N590 Washington Avenue, is the owner of Cedarburg Toy Co. She stated that this issue is an emotional one and it is wonderful to see the involvement in the decision process. She assured Pastor Kinens that she enjoys working with him and she does not want to jeopardize their relationship. Ms. Loos stated that she does not want to see people crying in downtown Cedarburg. She would like them to be able to express their emotions in private because it will affect the mood in downtown Cedarburg. Ms. Loos is grateful to have a business in downtown with so many wonderful supporters of her store. She wants to find a common ground and make the project work for everyone without hard feelings.

Ruth Cook, W64 N649 Hanover Avenue, stated that she is a resident of Cedarburg and is not a member of Advent Church. She raised several questions about the columbarium: If the columbarium is allowed downtown at Advent Church will the other churches want a columbarium on their property? How will the columbarium be regulated and what if they want additional niches? What if the church property is sold in the future and the new owners do not want the responsibility of the columbarium? She suggested that the decision be delayed until better guidelines are in place.

David Kukla, 738 Horns Corners Road, stated that he is a member of Advent Church. He cited several cities where headstones and cemeteries are in the midst of a thriving city. People enjoy visiting cemeteries where famous people are buried. It is a tradition in this country and especially

on the east coast, this is the lifeblood of their communities. Mr. Kukla was baffled by Brook Browns opposition as a Plan Commission Member. He stated that Mr. Brown is a retired teacher from Homestead High School where the Frank family has a cemetery on the school grounds. He questioned whether the opposition to the columbarium was based on fear or facts? Mr. Kukla stated that there is no legal reason to vote against the Code change to allow the columbarium at Advent Church.

Pam Gergens, W75 N868 Tower Avenue, stated that she endorsed the columbarium because it is a beautiful place for individuals to gather to rest and enjoy. She does not believe it is any different than the mourning that occurs at churches many times throughout the year. Ms. Gergens stated that Advent Church should not be penalized because they are located on the main street.

Sandy Beck, N67 W5409 Columbia Road, stated that the Common Council has a tough decision to make. The main issue is what is best for downtown Cedarburg and will it enhance the area. She asked the Common Council to remember who they represent and who they answer to in regard to the appropriateness of the columbarium in this location. She asked the people who were in the audience and were opposed to the columbarium to raise their hands to show the Council the division in the audience.

Kent Wuebben, 233 W. Maple Street, Grafton, WI, stated that he is a member of Advent Church. He stated that cemeteries and memorials are a part of New York City and are located in the root of their community. He asked who will tell the story of Cedarburg and stated that empty store fronts will not tell the story. Mr. Wuebben stated that the columbarium would be a great addition to downtown Cedarburg.

Brook Brown, N25 W5060 Hamilton Road, stated that he did an internet search and found that there were no columbaria located in the downtown of large cities. They are inside buildings and churches. Delafield has a columbarium located blocks away from their downtown inside a building in respect for the deceased. There is a reason that no City has built a columbarium in their downtown. It may be a legal reason as expressed by City Attorney Vance, it may just be common sense, or it may just be an inappropriate issue.

Kathy Duret, 2300 Maple Road, Grafton, WI, stated that she is a member of Advent Church. She supports the City of Cedarburg heavily. She stated that no one will be in the ground. The cremains will be above ground and will be double sealed. Ms. Duret commented that it would be very respectful to have them in a columbarium within the prayer garden to celebrate the person's life. There are many cemeteries located in small, medium and large towns all over America and the world that are treasured. This would be a wonderful addition to Cedarburg where people can visit the columbarium 24 hours; whereas, if they were located in the church the visiting time would be limited. The cemeteries are filling and founding fathers and families will not be able to rest in Cedarburg. Ms. Duret stated that the columbarium is very dignified and tasteful and she asked the Council to embrace this concept.

Pastor Kinens assured the businesses owners that he will continue to shop in their stores. He stated that he along with City Attorney Vance contacted Angela Hellenbrand from the Wisconsin Department of Safety and Professional Services and she sent a letter regarding the conversation. It stated, "Thank you for your inquiry, unfortunately because it may constitute what is known as a practice question, I am unable to provide a substantive response. Credential holders are responsible

for their own professional practice and for compliance with the law.” They do not want to give a legal opinion because there is no law governing columbaria anywhere in the State of Wisconsin, as of now. In answer to the concerns if the church is sold, their policies and procedures states that in the event the columbarium should cease to exist its disposition will be resolved in accordance with procedures ending with the committee in concert with the church council attempting to locate and notify surviving subscribers, designated persons, heirs or other parties with an official interest as to the new location and of any rights to which they may be entitled. In the event no one is found, the ashes can be reverently scattered. There is no downside or danger to abandoning a columbarium. He finished by saying that he appreciates the pros and cons voiced at the meeting. He also expressed disappointment for the opposition expressed three years after a very public conversation. Pastor Kinens stated that the columbarium will enhance business in Cedarburg.

Karen Johnson, N68 W5671 Bridge Common Ct., stated that the reference made to cemeteries and churches in other cities are historic and ancient history type churches. Today, modern cemeteries are being discussed such as the columbarium. She does not want Cedarburg to be the community that writes the guidelines for columbarium and suggested following the City Attorney’s recommendation to not approve the columbarium.

Motion made by Council Member Radtke, seconded by Council Member C. Reimer, to close the Public Hearing at 8:39 p.m. Motion carried without a negative vote with Council Member R. Reimer excused

Council Member O’Keefe congratulated Pastor Kinens, Paul Rushing and everyone involved with the prayer garden in creating a fantastic space. However, he expressed concern for setting a precedent because there are so many churches in Cedarburg as well as statutory restrictions. Council Member O’Keefe visited Washington, DC and when he visited Arlington National Cemetery and the Tomb of the Unknown he noticed an incredible hush, reverence and respect. He does not know if a columbarium located in the City’s vibrant downtown is appropriate. The City needs to consider what the vision is for the downtown. He expressed concern for locating a columbarium within feet of a festival and parades.

Council Member Yip stated that he asked the businesses and constituents in his district what they thought of the columbarium. Of the people he spoke with 33% approved, 26% were neutral, and 40% disapproved. The biggest concern is that the Council should listen to the City Attorney. Other comments came from people who travel that have never seen a cemetery downtown. It was questioned whether they built the prayer garden on the easement for the creek walk. Generally, people are in favor of the prayer garden but feel the columbarium is inappropriate. Of the businesses he spoke with (from Bridge Road to Columbia Rd.) 8% approved, 13% were neutral, and 79% disapproved. Some of the concerns included: if there is a service during the day, it could make shoppers feel uncomfortable; not the message people want to send about cemeteries; a legal opinion is needed from the State or City; merchants are afraid to voice their opinion because their customers are members of Advent Church; a columbarium downtown is strange; it is setting a precedent for all of the churches to do the same thing; many thought the prayer garden is okay but it is not the appropriate place for the columbarium and services; tourists won’t walk past that area if there is a funeral going on; morbid for the business district; the columbarium would be ok to have in the church; the merchants work hard for a light festivity downtown; will there need to be additional security for the columbarium during festivals because people will be sitting on it, etc.; it does not add to the ambience in downtown; opposed to the City incurring legal expenses on the

columbarium; not an appropriate place if services are in the public view; prefer it is not located on the main street in the middle of the retail district; an absurd concept; fear of congregation members not shopping in their stores; too much public activity in the area will turn people off and go against the retail market that is being created; a congregation member wants to keep it separate and look at the community as a whole; could be abused by people and is not appropriate for tourists and locals; and it is not appropriate in the busy downtown area. Council Member Yip stated that from these comments he received a clear message from his constituents.

In answer to Council Member C. Reimer's question, City Attorney Vance stated that her opinion has not changed and clarified that it is just an opinion.

Council Member C. Reimer lived in U.S. cities and in Europe where cemeteries were present and they never bothered him. He opined that the columbarium and prayer garden were beautiful; however, it does not matter what he thinks because it starts and stops with Attorney Vance's opinion. He stated that he does not feel comfortable putting the City taxpayers at risk and not following the City's legal counsel.

Council Member Radtke expressed concern for the fear of people to come forward with their opinion. It is a very sensitive and difficult decision for everyone involved. Both points of view have been well worded; however, in the long term he believes the people of Cedarburg will not act on their disagreements with each other because that is not what Cedarburg is all about. Council Member Radtke stated he has heard that people would not object to the columbarium being located indoors or somewhere else further from downtown. All things being equal, that alone requires a Conditional Use and that is what the Council is considering. The Council is not voting on the right for Advent Church to have a Columbarium in this location, the Council is only voting on the right to petition to have it at this location. Each petitioner in this district would have to go through the same process.

Motion made by Council Member Radtke to adopt Ordinance No. 2013-22 amending Sec. 13-1-63(d) of the Zoning Code to include Columbarium as a Conditional Use in the I-1 Institutional and Public Service District. Motion died for lack of a second motion.

Council Member Filter stated that he received many phone calls, mostly from business people. He encouraged these people to attend tonight's meeting and four or five of the individuals stated that they were apprehensive because they would feel persona non grata and this troubled him.

Council Member Maher stated that his first opinion was why it could not be done. However, as a Council Member he represents the City as a whole and while talking to people in the community reasons became clear to oppose the columbarium in its proposed location. The issue is very compelling on both sides and it is a tough decision.

UNFINISHED BUSINESS

CONSIDER DISPOSITION OF THE EXISTING LIBRARY BUILDING

Mayor Kinzel stated that the Common Council has options to consider. The City has received an offer from a business owner who is willing to pay more than the appraised value to purchase the building. They have 25 employees and this may add to the activity downtown. If the City market's

the property it may receive more than one interested party. The other option is to keep the property as City property and possibly lease the building. If the Common Council is unsure, he suggested allowing two weeks for individuals and businesses to submit a proposal for the Common Council to consider at a future meeting.

City Attorney Vance stated that the City needs to market the property to anyone for public policy reasons.

Council Member C. Reimer stated the building is in a great location and knows there is interest from non-profit and for profit businesses, including the Jepson collection and a pre-school.

Council Member Radtke stated that the number of restrooms may be an issue if more than one business is located in the building, such as the Jepson collection and a preschool. He is open to looking at proposals, including numbers, of any offers for purchase or use of the building.

Council Member C. Reimer suggested a special meeting to review a presentation from each interested party.

Council Member Radtke stated that \$660,000 of taxpayer money needs to be considered in the decision.

Mayor Kinzel suggested an ad be placed in the *News Graphic* to market the property.

Council Member Radtke stated that the City needs a plan that will fit the entire building.

Council Member C. Reimer stated that the Council needs to consider what the occupant will bring to the community.

Council Member Maher stated that the Town of Cedarburg needs to be considered in the decision.

City Attorney Vance stated that City Clerk McHugh will contact each Council Member regarding the date for a special meeting to consider proposals for the old Library building.

Mayor Kinzel suggested that the meeting be held the week prior to the budget meeting.

In answer to Economic Development Coordinator Sheffield, Mayor Kinzel stated that the City will put an ad in the *News Graphic* stating the criteria for proposals on the Library building.

NEW BUSINESS

CONSIDER APPLICATION FROM SILVAS, INC., MARTHA I. GARCIA, AGENT, FOR A CLASS "B" BEER AND "CLASS B" LIQUOR LICENSE FOR LAS FAJITAS RESTAURANT, W63 N146 WASHINGTON AVENUE

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to approve the application from Silvas, Inc., Martha I. Garcia, Agent, for a Class "B" Beer and "Class B" Liquor license for Las Fajitas Restaurant, W63 N146 Washington Avenue. Motion carried without a negative vote with Council Member R. Reimer excused.

CONSIDER REQUEST OF KEITH REID OF STILTHOUSE INC., TO AMEND THE PREMISES DESCRIPTION OF THE STILTHOUSE GASTROPUB AT W62 N630 WASHINGTON AVENUE TO SELL/SERVE BEER AND WINE OUTSIDE IN FRONT OF THE BUSINESS DURING FESTIVALS

Motion made by Council Member C. Reimer, seconded by Council Member O'Keefe, to amend the premises description of the Stilthouse Gastropub at W62 N 630 Washington Avenue to sell/serve beer and wine outside in front of the business during festivals contingent upon receiving all necessary licenses and meeting all necessary sanitation requirements. Motion carried without a negative vote with Council Member R. Reimer excused.

CONSIDER REQUEST OF MICHAEL JACKSON OF C. WIESLER'S TO AMEND THE PREMISE DESCRIPTION OF ITS CLASS "B" BEER AND "CLASS B" LIQUOR LICENSE AT W61 N493 WASHINGTON AVENUE TO SERVE BEER AND LIQUOR IN AN ENCLOSED AREA IN THE PARKING LOT FOR AN EVENT WITH MUSIC TO BE HELD ON OCTOBER 26, 2013

Motion made by Council Member C. Reimer, seconded by Council Member Radtke, to amend the premise description of C. Wiesler's Class "B" Beer and "Class B" Liquor license at W61 N493 Washington Avenue to serve beer and liquor in an enclosed area in the parking lot for an event with music to be held on October 26, 2013. Motion carried without a negative vote with Council Member R. Reimer excused.

CONSIDER CERTIFIED SURVEY MAP (CSM) TO COMBINE FOUR PARCELS AT THE NORTHWEST CORNER OF WASHINGTON AVENUE AND LINCOLN BLVD. AND CONSIDER DEVELOPMENT AGREEMENT RE: COMMERCE BANKING CENTER COMMERCIAL CONDOMINIUM AT W61 N301-05 WASHINGTON AVENUE

Motion made by Council Member Radtke, seconded by Council Member C. Reimer, to accept the Certified Survey Map (CSM) to combine four parcels at the northwest corner of Washington Avenue and Lincoln Blvd. and the Development Agreement Re: Commerce Banking Center Commercial Condominium at W61 N301-05 Washington Avenue subject to the final review from the City Attorney.

In answer to Council Member Filter's question, Director Wiza explained that there will be a double southbound lane at this corner to facilitate the traffic. It is appropriate to put a left turn arrow at this intersection to coincide with the left turn arrow when traveling north. This road work is beyond the scope of the developer and the City is willing to take responsibility for this work.

Council Member C. Reimer stated that this road addition will be beneficial for the City.

Director Wiza stated that Commerce Bank is dedicating a significant portion for the right-of-way.

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

CONSIDER CONDOMINIUM PLAT, BYLAWS AND DECLARATION FOR THE COMMERCE BANKING CENTER COMMERCIAL CONDOMINIUM AT W61 N301-05 WASHINGTON AVENUE

Motion made by Council Member Radtke, seconded by Council Member C. Reimer, to accept the condominium plat, bylaws and declaration for the Commerce Banking Center Commercial Condominium at W61 N301-05 Washington Avenue. Motion carried without a negative vote with Council Member R. Reimer excused.

CONSIDER PAYMENT OF BILLS FOR THE PERIOD 8/8/13 THROUGH 8/29/13, ACH TRANSFERS FOR THE PERIOD 8/24/13 THROUGH 9/6/13 AND PAYROLL FOR THE PERIOD 8/8/13 THROUGH 8/31/13

Motion made by Council Member C. Reimer, seconded by Council Member Yip, to approve payment of bills for the period 8/8/13 through 8/29/13, ACH transfers for the period 8/24/13 through 9/6/13 and payroll for the period 8/8/13 through 8/31/13. Motion carried without a negative vote with Council Member R. Reimer excused.

CONSIDER LICENSE APPLICATIONS

Motion made by Council Member Radtke, seconded by Council Member O'Keefe to approve a new Operator's License application for the period ending June 30, 2014 for Annika L. Ferber and a renewal Operator's License application for the period ending June 30, 2014 for David J. Polacek and to issue a Festival Celebration Permit to Festivals of Cedarburg, Inc. for Oktoberfest to be held on October 12, 2013 from 10:00 a.m. to 8:00 p.m. and October 13, 2013 from 10:00 a.m. to 5:00 p.m. Motion carried without a negative vote with Council Member R. Reimer excused.

LIBRARY FUNDRAISING UPDATE AND LIBRARY BUILDING UPDATE

City Administrator/Treasurer Mertes stated that an updated spreadsheet was included in the packet.

Council Member Maher stated that only \$4,000 has been spent out of the contingency amount of \$350,000.

The Friends of the Library updated their amount to \$293,942 at their last meeting.

CITY ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes stated that Director Wiza has bid the refuse and recycling contract.

Department Heads saw a preview of the City's new website at the September 3 staff meeting.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Filter thanked Mayor Kinzel, City Clerk McHugh, Deputy Clerk Kletzien, and Accountant II Huebl for working with him and Council Member O'Keefe in planning and executing the Mid-Moraine Municipal Association dinner meeting on August 28 at the Columbia/St. Mary's Center and Curling Building at the Ozaukee County Fairgrounds. It was a very successful event and showcased the City.

MAYOR'S REPORT - None

ADJOURNMENT

Motion made by Council Member Filter, seconded by Council Member Yip, to adjourn the meeting at 9:25 p.m. Motion carried without a negative vote with Council Member R. Reimer excused.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk