

**CITY OF CEDARBURG
MEETING OF COMMON COUNCIL
APRIL 17, 2018 – 7:00 P.M.**

An organizational meeting of the Common Council of the City of Cedarburg, Wisconsin, will be held on **Tuesday, April 17, 2018** at 7:00 p.m. at City Hall, W63 N645 Washington Avenue, Cedarburg, WI, in the Council Chambers.

AGENDA

1. CALL TO ORDER - Mayor Michael O'Keefe
2. MOMENT OF SILENCE
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL: Present – Common Council – Mayor Michael O'Keefe, Council Members Dan von Barga, Jack Arnett, Kristin Burkart, Rick Verhaalen, Garan Chivinski, Patricia Thome, Rodney Galbraith
5. STATEMENT OF PUBLIC NOTICE
6. APPROVAL OF MINUTES* - April 9, 2018 Meeting
7. COMMENTS AND SUGGESTIONS FROM CITIZENS** Comments from citizens on a listed agenda item will be taken when the item is addressed by the Council. At this time individuals can speak on any topic not on the agenda for up to 5 minutes, time extensions at the discretion of the Mayor. No action can be taken on items not listed except as a possible referral to committees, individuals or a future Council agenda item.
8. OATHS OF OFFICE

Mayor	-	Michael O'Keefe
1 st Aldermanic District	-	Daniel von Barga
3 rd Aldermanic District	-	Kristin Burkart
5 th Aldermanic District	-	Garan Chivinski
7 th Aldermanic District	-	Rodney Galbraith
9. ELECTION OF COMMON COUNCIL PRESIDENT
10. ELECTION OF COMMON COUNCIL REPRESENTATIVE TO PLAN COMMISSION
11. NEW BUSINESS
 - A. Introduction of Department Heads/City Staff
 - * B. Consider Resolution No. 2018-08 recognizing former Mayor Kip Kinzel; and action thereon

- * C. Consider Resolution No. 2018-09 recognizing former Council Member John Czarnecki; and action thereon
- * D. Consider Resolution No. 2018-10 recognizing former Council Member Dick Dieffenbach; and action thereon
- E. Presentation by CVMIC - Insurance Services
- * F. Orientation Session for Mayor and Council Members
- * G. Consider Resolution No. 2018-11 designating and authorizing signatures for the City of Cedarburg checking and savings accounts for the ensuing year; and action thereon
- * H. Designation of City's official newspaper for ensuing year; and action thereon
- *** I. Consider License Applications; and action thereon
 - 1. Consider approval of new Operators License applications for the period ending June 30, 2018 for Andrew J. Kirk and Angela M. Melotik

12. COMMUNICATIONS

- ** A. Comments and suggestions from citizens
- B. Comments and announcements by Council Members
- C. Mayor's Report

13. ADJOURNMENT

Individual members of various boards, committees, or commissions may attend the above meeting. It is possible that such attendance may constitute a meeting of a City board, committee or commission pursuant to State ex. rel. Badke v. Greendale Village Board, 173 Wis. 2d 553, 494 NW 2d 408 (1993). This notice does not authorize attendance at either the above meeting or the Badke Meeting, but is given solely to comply with the notice requirements of the open meeting law.

* *Information attached for Council; available through City Clerk's Office.*

** *Citizen comments should be primarily one-way, from citizen to the Council. Each citizen who wishes to speak shall be accorded one opportunity at the beginning of the meeting and one opportunity at the end of the meeting. Comments should be kept brief. If the comment expressed concerns a matter of public policy, response from the Council will be limited to seeking information or acknowledging that the citizen has been understood. It is out of order for anyone to debate with a citizen addressing the Council or for the Council to take action on a matter of public policy. The Council may direct that the concern be placed on a future agenda. Citizens will be asked to state their name and address for the record and to speak from the lectern for the purposes of recording their comments.*

*** *Information available through the Clerk's Office.*

UPON REASONABLE NOTICE, EFFORTS WILL BE MADE TO
ACCOMMODATE THE NEEDS OF INDIVIDUALS WITH DISABILITIES.
PLEASE CONTACT THE CITY CLERK'S OFFICE AT (262) 375-7606

E-MAIL: cityhall@ci.cedarburg.wi.us

04/12/17 ckm

**CITY OF CEDARBURG
COMMON COUNCIL
April 9, 2018**

**CC20180409-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, April 9, 2018, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Kinzel called the meeting to order at 7:00 p.m.

ROLL CALL: Present - Common Council – Mayor Kip Kinzel, Council Members John Czarnecki, Jack Arnett, Dick Dieffenbach, Rick Verhaalen, Patricia Thome, Mike O’Keefe

Vacant - Aldermanic District 5

Also Present - City Administrator/Treasurer Christy Mertes, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, Police Chief Tom Frank, Fire Chief Jeff Vahsholtz, 3rd District Alderperson elect Kristin Burkart, 5th District Alderperson elect Garan Chivinski 7th District Alderperson elect Rod Galbraith, 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 Arnett, seconded by Council Member Thome, to approve the minutes of the March 26, 2018 meeting as presented. Motion carried without a negative vote with Aldermanic District 5 vacant.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

NEW BUSINESS

CONSIDER RECOMMENDATION OF POLICE CHIEF TO DENY NEW OPERATOR’S LICENSE APPLICATION OF NICHOLAS P. KOCH; AND ACTION THEREON

Police Chief Frank explained that he was recommending denial of a new Operator’s license application for Nicholas P. Koch based on his arrest and conviction record for operating while intoxicated, arrests for operating while suspended, and failure to pay forfeitures. Nicholas Koch was not present.

Motion made by Council Member Czarnecki, seconded by Council Member O’Keefe, to deny a new Operator’s license application for Nicholas P. Koch based on the recommendation of Police Chief Frank. Motion carried without a negative vote with Aldermanic District 5 vacant.

CONSIDER AGREEMENT GOVERNING OPERATION OF THE P25 PHASE 2 RADIO SYSTEM BETWEEN OZAUKEE COUNTY AND PARTICIPATING USERS

Fire Chief Vahsholtz explained that the public safety shared radio system in Ozaukee County is outdated and in need of replacement. Ozaukee County has agreed to purchase the new radio system backbone, all current dispatch consoles, along with vehicle and portable radios for all current users. The City will agree to maintain what is received for a period of 10 years. This is the same system that the City is currently using.

In answer to Mayor Kinzel's question, Police Chief Frank and Fire Chief Vahsholtz stated that they are both comfortable with the arrangement and equipment.

Motion made by Council Member Thome, seconded by Council Member Dieffenbach, to approve the agreement governing operation of the P25 Phase 2 Radio System between Ozaukee County and participating users. Motion carried without a negative vote with Aldermanic District 5 vacant.

CONSIDER EXPANDED OUTDOOR ALCOHOL BEVERAGE LICENSE FOR THE STILT HOUSE AT W62 N630 WASHINGTON AVENUE; AND ACTION THEREON

Gordon Goggin explained that he obtained approval from the owners of the property to extend his current outdoor serving area to the north of the current outdoor area. It is a 20'x20' fenced addition going all the way to the Creek towards the bridge.

Motion made by Council Member Czarnecki, seconded by Council Member Arnett, to approve the expanded Outdoor Alcohol Beverage License for the Stilt House at W62 N630 Washington Avenue. Motion carried without a negative vote with Aldermanic District 5 vacant.

CONSIDER APPLICATION OF BRANDYWINE LLC, ANDREW C. WILSON, AGENT, FOR A CLASS "B" BEER AND "CLASS C" WINE LICENSE FOR BRANDYWINE AT W61 N480 WASHINGTON AVENUE; AND ACTION THEREON

Brandywine plans on opening in June in the former General Store location and is applying for a Class "B" Beer and "Class C" Wine license at W61 N480 Washington Avenue.

Motion made by Council Member Arnett, seconded by Council Member Czarnecki, to approve the application of Brandywine LLC, Andrew C. Wilson, Agent, for a Class "B" Beer and "Class C" Wine license for Brandywine at W61 N480 Washington Avenue. Motion carried without a negative vote with Aldermanic District 5 vacant.

CONSIDER APPLICATION OF FAMOUS SALS OF CEDARBURG, WI, INC., BEKIM ELMAZI, AGENT, FOR A CLASS "B" BEER AND "CLASS C" WINE LICENSE FOR SAL'S FAMOUS PIZZA AT W63 N635 WASHINGTON AVENUE; AND ACTION THEREON

Sal's Pizza is under new ownership and is applying for a Class "B" Beer and "Class C" Wine license.

Motion made by Council Member O'Keefe, seconded by Council Member Czarnecki, to approve the application for Famous Sals of Cedarburg, WI, Inc., Bekim Elmazi, Agent, for a Class "B" Beer and "Class C" Wine license for Sal's Famous Pizza at W63 N635 Washington Avenue. Motion carried without a negative vote with Aldermanic District 5 vacant.

CONSIDER ORDINANCE NO. 2018-05 AMENDING SEC. 7-2-21 OF THE CODE OF ORDINANCES RELATING TO THE PROCEDURE UPON APPLICATION OF AN OPERATOR'S LICENSE; AND ACTION THEREON

Deputy Clerk Kletzien explained that anytime a bartender applies for an Operator license with a one year or more non-consecutive lapse in their renewal, they are required by the City Code to have their photograph and fingerprints redone at the Police Station. Police Chief Frank agreed to extend that period to ten years, as fingerprints do not change.

Motion made by Council Member Arnett, seconded by Council Member Czarnecki, to adopt Ordinance No. 2018-05 amending Sec. 7-2-21 of the Code of Ordinances relating to the procedure upon application of an Operator's license. Motion carried without a negative vote with Aldermanic District 5 vacant.

CONSIDER ORDINANCE NO. 2018-06 AMENDING SECTIONS 11-2-1 AND 11-2-3 OF THE CODE OF ORDINANCES REGULATING BOW AND CROSSBOW HUNTING AND FISHING IN THE CITY

Police Chief Frank explained that an individual approached him about bow fishing on Cedar Creek. An ordinance has been drafted regulating bow and crossbow hunting and fishing in the City. A change in State Statutes a few years ago permit bow hunting in cities and villages. The City Code was never updated to reflect his change.

In answer to Council Member Dieffenbach's question, City Attorney Herbrand explained that State law pre-empts local ordinances and the City cannot make the ordinance more restrictive.

Motion made by Council Member Verhaalen, seconded by Council Member Arnett, to adopt Ordinance No. 2018-06 amending Sections 11-2-1 and 11-2-3 of the Code of Ordinances regulating bow and crossbow hunting and fishing in the City. Motion carried with Council Member Czarnecki, Arnett, Verhaalen, Thome and O'Keefe voting in favor, Council Member Dieffenbach opposed, and Aldermanic District 5 vacant.

CONSIDER LEGAL SERVICE AGREEMENT WITH ATTORNEY MICHAEL HERBRAND; AND ACTION THEREON

City Attorney Herbrand explained that his current legal service agreement expires on April 30, 2018. A new three year term would be in effect from May 1, 2018 through April 30, 2021. For continuity, the existing and proposed agreements are identical with the exception of the hourly rates. The new hourly rate is an increase of approximately 2.6% over the prior agreement, for the year 2018 through April 30, 2019. The rates for May 1, 2019 through April 30, 2021 are then locked for that two-year term. Attendance at Common Council meetings will remain capped at

\$320. To save fees, his firm will not be attending all of the Plan Commission meetings, as in the past. They will attend only when needed.

Motion made by Council Member Verhaalen, seconded by Council Member O'Keefe, to approve the legal services agreement with Houseman & Feind, LLP for the period May 1, 2018 through April 30, 2021. Motion carried without a negative vote with Aldermanic District 5 vacant.

CONSIDER PAYMENT OF BILLS FOR THE PERIOD 03/23/18 THROUGH 03/30/18, TRANSFERS FOR THE PERIOD 03/20/18 THROUGH 04/08/18, AND PAYROLL FOR THE PERIOD 03/11/18 THROUGH 03/24/18 AND ACTION THEREON

Motion made by Council Member Dieffenbach, seconded by Council Member Arnett, to approve payment of bills for the period 03/23/18 through 03/30/18, transfers for the period 03/20/18 through 04/08/18, and payroll for the period 03/11/18 through 03/24/18. Motion carried without a negative vote with Aldermanic District 5 vacant.

CONSIDER LICENSE APPLICATIONS; AND ACTION THEREON

Motion made by Council Member O'Keefe, seconded by Council Member Thome, to approve new Operators License applications for the period ending June 30, 2018 for Catherine Davis and Adam J. Leiphart. Motion carried without a negative vote with Aldermanic District 5 vacant.

ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes provided a copy of the Fire Inspection report as requested by the Common Council. She explained that the current system is not integrated to print with the regular Building Inspection reports. There were 402 inspections. All business are inspected twice per year.

Council Member Dieffenbach confirmed with City Administrator/Treasurer Mertes that the assessment letters will be mailed this week.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Arnett explained that he serves on the Economic Development Board and they are looking for beautification ideas. Mayor Kinzel suggested new entrance signs.

The branding firm will be in the City this week to meet with the branding group.

Council Member Arnett stated that the new Common Council will be addressing the placement of parade chairs prior to the parade as one of their first issues. He suggested that they talk with their neighbors and constituents for ideas prior to the meeting.

MAYOR'S REPORT - None

ADJOURNMENT

Motion made by Council Member O’Keefe , seconded by Council Member Czarnecki, to adjourn the meeting at 7:22 p.m. Motion carried without a negative vote with Aldermanic District 5 vacant.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk

RESOLUTION NO. 2018-08

A Resolution Honoring Mayor Kip Kinzel

WHEREAS, Kip Kinzel has completed two terms as Mayor for the City of Cedarburg, Wisconsin; and

WHEREAS, during his 6-year tenure, Kip Kinzel has conscientiously and capably served the City of Cedarburg and its citizens in a variety of capacities:

Joint Review Board 2017-2018

Chair, Plan Commission 2012–2018

Chair, Public Works Commission 2012-2018

Community Development Authority 2015-2018

ad hoc Cedar Creek Cleanup Committee 2014-2018

WHEREAS, Kip Kinzel represented the City of Cedarburg with distinguished and outstanding service since 2002, serving first as a Council Member and sitting on numerous Boards, Commissions and Committees prior to becoming Mayor in 2012; and

WHEREAS, Kip Kinzel was influential in the completion of significant projects including the creation of TID Nos. 3, 4 and 5, engaging in discussions with neighboring communities regarding shared services, combining various Boards, Commission and Committees for efficiency, adopting Electronic Communication, City-wide Energy Management, and EAP policies, Personnel Manual revisions due to Act 10, selecting a new health insurance provider, selecting a telephone replacement system, selecting a City Attorney, authorizing the sale of the former library building, creating a Public Art Commission, Community Development Authority, and ad hoc Cedar Creek Cleanup Committee, constructing a new Public Works facility, constructing a regional lift station, rezoning and Land Use Plan Use amendment for the former St. Francis Borgia property to allow for future re-development, adopting the Comprehensive Park and Open Space Plan, establishing regulation of Mobile Vendors & Mobile Food Establishments, and constructing a monopole; and

WHEREAS, Kip Kinzel was instrumental in holding the City tax rate level for two out of six years in office; facilitating two annexations; approving two Revolving Loan Fund loans; advocating for the downtown business owners; hosting a Mayor's Enhancement Award event and four Mayor's Business Forums; and

WHEREAS, the leadership of Kip Kinzel has been a positive influence for the good in the growth and progress of this community, earning him the great respect of his constituents, the Common Council and city staff.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Cedarburg hereby joins the citizens of the City of Cedarburg and city staff in expressing their sincere appreciation to Kip Kinzel for his commendable public service and his many contributions to the cause of representative local government.

Passed and adopted this 17th day of April, 2018.

Michael J. O'Keefe, Mayor

Attest:

Constance K. McHugh, City Clerk

RESOLUTION NO. 2018-09

A Resolution Honoring Council Member John Czarnecki

WHEREAS, John Czarnecki has completed four years of service as 1st District Council Member from 2014-2018 for the City of Cedarburg, Wisconsin; and

WHEREAS, John Czarnecki has conscientiously and capably served the City of Cedarburg and its citizens in a variety of capacities:

Landmarks Commission 2014-2015

Plan Commission 2016-2018

Personnel Committee 2014-2018

Public Works and Sewerage Commission 2015-2016

Ad hoc Debt/Investment Advisory Committee 2014-2018

WHEREAS, John Czarnecki brought a “common sense” approach to the Council’s decision-making and has exhibited exemplary conduct portraying a sense of fairness; and

WHEREAS, John Czarnecki, as a member of the Common Council, was influential in the completion of the following projects: Creation of TID Nos. 3, 4, and 5, creating a Public Art Commission and Community Development Authority, hiring a new City Attorney, sale of the former Library building, construction of a new Public Works facility, constructing a regional lift station, rezoning and Land Use Plan Use amendment for the former St. Francis Brogia property to allow for future re-development, adopting the Comprehensive Park and Open Space Plan, establishing regulation of Mobile Vendors & Mobile Food Establishments, and constructing a monopole; and

WHEREAS, John Czarnecki was instrumental in facilitating one annexation and approving one Revolving Loan Fund loan, and

WHEREAS, John Czarnecki, during his tenure with the City, has demonstrated and encouraged a proactive approach in dealing with municipal government issues, and citizens have greatly benefited from his commitment; and

WHEREAS, contributions by civic-minded citizens such as John Czarnecki have helped to make Cedarburg the outstanding community it is today.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Cedarburg hereby joins the citizens of the City of Cedarburg and city staff in expressing their sincere appreciation to John Czarnecki for his commendable public service and his many contributions to the cause of representative local government.

Passed and adopted this 17th day of April, 2018.

Michael J. O’Keefe, Mayor

Attest:

Constance K. McHugh, City Clerk

RESOLUTION NO. 2018-10

A Resolution Honoring Council Member Dick Dieffenbach

WHEREAS, Dick Dieffenbach has completed two years of service as 3rd District Council Member from 2016-2018 for the City of Cedarburg, Wisconsin; and

WHEREAS, Dick Dieffenbach has conscientiously and capably served the City of Cedarburg and its citizens in a variety of capacities:

Library Board 2016-2018
Ad hoc Debt/Investment Advisory Committee 2016-2018
Mid-Moraine Legislative Committee 2016-2018

WHEREAS, Dick Dieffenbach represented the City of Cedarburg with outstanding service since 1985, serving first on the Board of Review, Board of Appeals, Finance Committee and the Light & Water Commission before serving as the 2nd District Council Member and sitting on numerous Boards, Commission and Committees prior to becoming 3rd District Council Member in 2016; and

WHEREAS, Dick Dieffenbach put forth effort to keep his constituents informed and to encourage citizens' involvement and input in an open government forum; and

WHEREAS, Dick Dieffenbach, as a member of the Common Council, was influential in the completion of the following projects: Creation of TID Nos. 4 and 5, construction of a new Public Works facility, constructing a regional lift station, rezoning and Land Use Plan Use amendment for the former St. Francis Borgia property to allow for future re-development, adopting the Comprehensive Park and Open Space Plan, establishing regulation of Mobile Vendors & Mobile Food Establishments, and constructing a monopole; and

WHEREAS, Dick Dieffenbach was instrumental in approving a Revolving Loan Fund loan, and

WHEREAS, Dick Dieffenbach, during his tenure with the City, has demonstrated and encouraged a proactive approach in dealing with municipal government issues including inter-governmental cooperation between neighboring communities, and citizens have greatly benefited from his commitment; and

WHEREAS, contributions by civic-minded citizens such as Dick Dieffenbach have helped to make Cedarburg the outstanding community it is today.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Cedarburg hereby joins the citizens of the City of Cedarburg and city staff in expressing their sincere appreciation to Dick Dieffenbach for his commendable public service and his many contributions to the cause of representative local government.

Passed and adopted this 17th day of April, 2018.

Michael O'Keefe, Mayor

Attest:

Constance K. McHugh, City Clerk

RESOLUTION NO. 2018-11

A Resolution designating Depositories and Authorizing Signatures for the City of Cedarburg Checking and Savings Accounts

RESOLVED, by the Common Council of the City of Cedarburg, that the following banking institutions or their successors:

Associated Bank, Grafton Wisconsin
U.S. Bank, Cedarburg & Milwaukee, Wisconsin
BMO Harris Bank, Milwaukee & Cedarburg, Wisconsin
Local Government Investment Pool, State of Wisconsin
Cornerstone Community Bank, Grafton, Wisconsin
Partnership Bank, Cedarburg, Wisconsin
Port Washington State Bank, Cedarburg, Wisconsin
Commerce State Bank, Cedarburg & West Bend, Wisconsin
Wells Fargo, Milwaukee, Wisconsin

qualified as depositories under Chapter 34 of the Wisconsin Statutes, shall be and are hereby designated until further action as public depositories for all monies coming into the hands of the City Administrator/Treasurer of the City of Cedarburg, State of Wisconsin, and all other city officers included in the provisions of Chapter 34 of the Wisconsin Statutes.

RESOLVED FURTHER, that Port Washington State Bank, Cedarburg, Wisconsin, be designated as the working bank for May 1, 2018 through April 30, 2019 and that the Common Council and the City Administrator/Treasurer be authorized and directed to distribute the city funds.

RESOLVED FURTHER, that the City Administrator/Treasurer be hereby instructed to deposit city funds only in such institutions as may be approved by the State of Wisconsin Investment Board and are eligible to receive public funds.

RESOLVED FURTHER, that the depositories shall furnish collateral for city funds on deposit pursuant to Investment Policy FC-4.

RESOLVED FURTHER, that withdrawal or disbursement from any of the above named depositories shall be by order check, written wire transfer, telephone wire transfer, or other money transfer techniques, and, in the case of savings accounts, by savings withdrawal form, as provided in Section 66.0607 of the Wisconsin Statutes. Written and telephone wire transfers shall be in accordance with the named depositories guidelines and shall only be made by authorized personnel. In accordance therewith all order check and savings withdrawal forms, effective immediately, shall be signed by any three of the following persons:

Constance K. McHugh, City Clerk
Christine L. Mertes, City Administrator/Treasurer
Michael J. O'Keefe, Mayor or
-----, Acting Mayor

RESOLVED FURTHER, that in lieu of their personal signatures, the following signatures, which have been adopted by them as below shown:

Michael J. O'Keefe, Mayor

Constance K. McHugh, City Clerk

Christine L. Mertes, City Administrator/Treasurer

may be affixed on such order checks and savings withdrawal forms that any one of the above named depositories shall be fully warranted and protected in making payment on any other check bearing such facsimiles notwithstanding that the same may have been placed thereon without the authority of the designated person or persons.

Passed and adopted by the Common Council of the City of Cedarburg this 17th day of April, 2018.

Michael J. O'Keefe, Mayor

Attest:

Constance K. McHugh, City Clerk

Approved as to form:

Michael P. Herbrand, City Attorney

CHAPTER 5

Ethics Code

(Ord. 2004-08)

2-5-1	Declaration of Policy
2-5-2	Responsibility of Public Office
2-5-3	Dedicated Service
2-5-4	Fair and Equal Treatment
2-5-5	Conflict of Interest
2-5-6	Advisory Opinion
2-5-7	Jurisdiction and Application
2-5-8	Sanctions
2-5-9	Distribution of Ethics Code

SEC. 2-5-1 DECLARATION OF POLICY.

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office is not to be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is established in this Chapter a code of ethics for all City of Cedarburg officials and employees whether elected or appointed, paid or unpaid, including members of Council as well as boards, committees and commissions of the City (City agencies). The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City of Cedarburg and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the City.

SEC. 2-5-2 RESPONSIBILITY OF PUBLIC OFFICE.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, state and municipality, to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern.

SEC. 2-5-3 DEDICATED SERVICE.

- (a) Officials and employees should adhere to the rules of work, professionalism and performance established as the standard for their positions by the appropriate authority.
- (b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their

work.

SEC. 2-5-4 FAIR AND EQUAL TREATMENT.

- (a) **Use of Public Property.** No official or employee shall request or permit the unauthorized use of City-owned vehicles, equipment, materials or property for personal convenience or profit.
- (b) **Fundraising.** With the exception of fundraising for purposes of raising money for City departmental programming, equipment, or capital projects, which may occur subject to Council approval and all provisions of this Code and the State Statutes, the following shall be prohibited:
 - (1) No official or employee shall request or permit the use of city resources, city time or city equipment for the purpose of fundraising.
 - (2) No official or employee shall use his or her position, authority or influence, whether possessed or anticipated, to represent themselves as a city official or employee for private or public fundraising. (Ord. 2015-13)
- (b) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

SEC. 2-5-5 CONFLICT OF INTEREST.

- (a) **Financial and Personal Interest Prohibited.** No official or employee, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of or action in the performance of official duties.
- (b) **Definitions.**
 - (1) Financial Interest. Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.
 - (2) Personal Interest. Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.
 - (3) Person. Any individual or legal entity.
- (c) **Specific Conflicts Enumerated.**
 - (1) Incompatible Employment. No official or employee shall engage in or accept private employment or render service for private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties, unless otherwise permitted by law.
 - (2) Disclosure of Confidential Information. No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, nor shall such information be used to advance the financial or other private interests of the official or employee or others.

(3) Gifts and Favors.

- a. No public official or employee may use his or her public office to "obtain financial gain" or "anything of value" for the private benefit of himself or herself, for his or her immediate family, or for an organization with which he or she is associated.
- b. No person may directly or indirectly offer or give "anything of value" to a local public official or employee if it could reasonably be expected to affect that official's vote, official action or judgment, or if it could be construed as a reward for any official action or inaction on the part of the local public official or employee. No local public official or employee may accept "anything of value" tendered under such circumstances. "Anything of value" is defined as "money or property, favor, service, payment, advance, forbearance, loan or promise of future employment". Legal campaign contributions are exempt from the definitions. An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a City official or employee. This includes any discount on the price of admission, parking, or use of a box at a stadium that is tax exempt from general property taxes. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.
- c. No local public official or employee may take any official action that affects a matter in which the public official or employee, a member of his or her immediate family, or an organization with which the official or employee is associated has a substantial financial interest.
- d. No local public official or employee may use his or her office or position in any way that produces or assists in producing a substantial benefit, either directly or indirectly, for the official or employee, any members of his or her immediate family, or an organization with which the official or employee is associated.

(4) Representing Private Interests Before City Agencies or Courts. No officer or employee shall appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any City agency. However, members of the Common Council may appear before City agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations.

(d) **Contracts with the City.** No City officer or employee who, in his capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on his part shall enter into any contract with the City unless it is within the confines of Sec. 946.13

(e) **Disclosure of Interest in Legislation.**

- (1) Any member of the Common Council who has a financial interest or personal interest in any proposed legislation before the Common Council shall disclose on the records of the Common Council or the Ethics Board created by this Chapter the nature and extent of such interest.
- (2) Any other official or employee who has a financial interest or personal interest in any proposed legislative action of the Common Council or who serves on a board or committee, shall disclose the nature and extent of such interest.
- (3) If there is a conflict of interest for any official or employee, he or she must refrain from participating in any way including discussion, deliberations or action on the item.

SEC. 2-5-6 ADVISORY OPINION.

Any questions as to the interpretation of any provisions of this Code of Ethics Chapter shall be referred to the Personnel Committee serving as the Ethics Board or the City Attorney. The fact that a person seeks an advisory opinion and abides by the material facts as stated, is evidence of intent to comply with the Ethics Code.

SEC. 2-5-7 JURISDICTION AND APPLICATION.

- (a) The Personnel Committee shall have administrative jurisdiction over this Code of Ethics Chapter and shall be deemed the Ethics Board pursuant to Section 19.59 (3)(d) Wis. Stats. for that purpose. An individual may request an advisory opinion on the propriety of any matter to which he or she is or may become a party. However, the Personnel Committee has complete discretion as to whether to issue such an opinion. All requests and advisory opinions to the Ethics Board must be in writing.
- (b) The Personnel Committee may make recommendations with respect to amendments to this Code of Ethics Chapter.
- (c) Upon the sworn complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this Chapter, the Personnel Committee shall conduct an investigation of the facts of the complaint; if the investigation indicates there may be a reasonable basis for the complaint justifying further investigation, the Committee shall conduct a public hearing in accordance with the common law requirements of due process, including notice, an opportunity to be heard, an opportunity to cross-examine witnesses and to present testimony and other evidence in support of the accused's position and an opportunity to be represented by counsel or other representatives at the expense of the accused. The Committee shall make written findings of fact and issue a written decision concerning the propriety of the conduct of the subject official or employee and shall refer the matter to the Common Council for final disposition.
- (d) In the event a member of the Personnel Committee is allegedly involved in an Ethics Code violation, the Mayor, subject to the confirmation of the Common Council, shall appoint another Council Member to temporarily replace the member of the Committee who is under investigation.

SEC. 2-5-8 SANCTIONS.

A determination that an official's or employee's actions constitute improper conduct under the provisions of this Chapter may constitute a cause of suspension, removal from office or employment or other action permitted by law.

SEC. 2-5-9 DISTRIBUTION OF ETHICS CODE.

- (a) The City Clerk shall cause a copy of this Code of Ethics to be distributed to every public official and employee of the City of Cedarburg within thirty (30) days after enactment of this Chapter. Each public official and employee elected, appointed or engaged thereafter shall be furnished a copy before entering upon his duties.
- (b) Each public official, the Mayor, the Chairman of each Board, Commission or Committee and, through the City Administrator, the Head of each Department shall, between May 1 and May 31 each year, review the provisions of this Code with his fellow Council, Board, Commission, Committee members or subordinates as the case may be and certify to the City Clerk by June 15 that such annual review had been undertaken. A copy of this Ethics Code Chapter shall be continuously posted on each department bulletin board wherever situated.

CITY OF CEDARBURG

MEETING DATE: April 17, 2018

ITEM NO: 11. H.

TITLE: Consider designation of City's Official Newspaper for ensuing year; and action thereon

ISSUE SUMMARY: According to Wis. Stat. 985.06(2), cities are required to designate newspapers for the publication of Council proceedings and other city legal notices. Such newspapers must be published in the City, although a fourth class city in which there is no eligible paper published may designate a newspaper published in the county and having a general circulation in the city. Currently Cedarburg is a 4th class city.

No other newspapers have expressed an interest in becoming the City's Official Newspaper.

STAFF RECOMMENDATION: Designate *News Graphic* as the Official Newspaper. This is the same newspaper as designated last year.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:
N/A

BUDGETARY IMPACT: The cost of publications in 2017 was approximately \$4,000. A change in State law now permits municipalities to publish summaries of ordinances, rather than the entire text. This has helped to keep publishing costs down during the last several years.

ATTACHMENTS: N/A

INITIATED/REQUESTED BY: Constance McHugh, City Clerk

FOR MORE INFORMATION CONTACT: Constance McHugh, City Clerk