

**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