

**CITY OF CEDARBURG
COMMON COUNCIL
June 11, 2018**

**CC20180611-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, June 11, 2018, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor O'Keefe called the meeting to order at 7:00 p.m.

Roll Call: Present - Common Council – Mayor Michael O'Keefe, Council Members Dan von Bargen, Jack Arnett, Kristin Burkart, Rick Verhaalen, Garan Chivinski, Patricia Thome, Rod Galbraith

Also Present - City Administrator/Treasurer Christy Mertes, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, Police Chief Tom Frank, Director of Engineering and Public Works Tom Wiza, City Planner Jon Censky, Library Director Linda Pierschalla, Library Board Members Sue Karlman, Debra Goeks, Sherry Bublitz and DeWayna Cherrington, Todd Taves from Ehlers & Associates, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor O'Keefe'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 Thome, seconded by Council Member Galbraith, to approve the minutes of the May 14, 2018 meeting as presented. Motion carried without a negative vote.

COMMENTS AND SUGGESTIONS FROM CITIZENS – None

PUBLIC HEARINGS

CONSIDER RESOLUTION NO. 2018-17 TO AMEND THE COMPREHENSIVE LAND USE PLAN – 2025 FOR THE TWO PARCELS AT THE NORTHEAST CORNER OF EVERGREEN BLVD. AND PIONEER ROAD FROM THE HIGH MEDIUM DENSITY RESIDENTIAL CLASSIFICATION TO THE OFFICE CLASSIFICATION; AND ACTION THEREON

Mayor O'Keefe opened the public hearing at 7:02 p.m. to consider Resolution No. 2018-17 to amend the Comprehensive Land Use Plan – 2025 for the two parcels at the northeast corner of Evergreen Blvd. and Pioneer Road from the High Medium Density Residential classification to the Office Classification.

Planner Censky stated that considering Resolution No. 2018-17 and Ordinance No. 2018-08 paves the way to bring the plans forward for a proposed orthodontics clinic. Before any land use decision

can be made, State law requires that the Comprehensive Land Use Plan and the zoning must be consistent with each other and that these documents reflect the use being proposed. Accordingly, the first step in this process is to amend the Land Use Plan from the High-Medium Density Residential (5.2 to 10.8 units per acre) classification to the Office classification. The second step in this process is to rezone the site from Rd-1 Two-Family District to the B-4 Office and Service District. The Plan Commission recommended approval by unanimous vote on April 11, 2018.

John Birkholz, N55 W6079 Portland Road, stated that he supports the proposed rezoning on Portland Road and his neighbor also agrees.

Motion made by Council Member Thome, seconded by Council Member von Bargen, to close the public hearing at 7:06 p.m. Motion carried without a negative vote.

Motion made by Council Member Arnett, seconded by Council Member Thome, to adopt Resolution No. 2018-17 to amend the Comprehensive Land Use Plan – 2025 for the two parcels at the northeast corner of Evergreen Blvd. and Pioneer Road from the High Medium Density Residential classification to the Office classification. Motion carried without a negative vote.

CONSIDER ORDINANCE NO. 2018-08 TO REZONE THE ABOVE PROPERTIES FROM RD-1 TWO FAMILY RESIDENTIAL DISTRICT TO B-4 OFFICE AND SERVICE DISTRICT; AND ACTION THEREON

Mayor O’Keefe opened the public hearing at 7:07 p.m. to consider Ordinance No. 2018-08 to rezone the above properties from RD-1 Two Family Residential District to B-4 Office and Service District.

Planner Censky stated that this ordinance will make this item and the prior item consistent and enable the proposed plan to move forward.

Motion made by Council Member Verhaalen, seconded by Council Member Chivinski, to close the public hearing at 7:08 p.m. Motion carried without a negative vote.

Motion made by Council Member Arnett, seconded by Council Member Burkart, to adopt Ordinance No. 2018-08 to rezone the above properties from RD-1 Two Family Residential District to B-4 Office and Service District. Motion carried without a negative vote.

PRESENTATION OF THE 2017 LIBRARY REPORT

Library Director Pierschalla presented the highlights of the 2017 Annual Library Report that is submitted to the Wisconsin Department of Public Instruction and the Cedarburg Library Board.

The Mission Statement that was developed by the Library Board of Trustees is: The Cedarburg Public Library provides information and resources to all citizens of the community for their continuing recreational, educational, and cultural needs.

Did You Know?

- The Community Room is available for rental for private gatherings such as birthday parties or showers or business events.

- The Library has a hearing loop installed in the Community Room to assist those with hearing aids or hearing issues to easily hear the speaker.
- You can “book time with a Librarian” for assistance using their digital projects on your electronic device.
- The Library has free Wi-Fi and in-library laptop rental available.

Inspire, Engage, Grow

2017 brought some noted change in library usage: number of items checked out rose 2%, digital usage increased by 39%, number of people entering the building increased by 5%, public internet usage went down 20% and Wi-Fi usage increased 37%, study room reservations increased 29%, program attendance by kids remained flat and adult program attendance went up 55%. This data tells us the Library is being used in ways other than the traditional role. While residents still check out books and other material, they see an increase in group collaboration projects as well as people coming alone to do work related to their jobs, schools, or personal research. In 2017, they used the funding they received from two different grant resources (Greater Foundation - \$7,000 and Friends of the Library - \$6,000) and responded to the requests they received from their 2016 technology survey. They purchased Adobe Creative Cloud software for the public to use along with funding to pay an instructor to teach more advanced classes using the software. They used the grant to buy equipment ranging from drones that can be coded during their summer activities to a new 3D printer to replace their old one.

2017 Service Benchmarks

- 197,786 items were checked out in 2017, compared to 196,411 in 2016.
- 8,618 residents registered for Library cards, compared to 8,787 in 2016.
- 3,674 non-residents registered for a card, compared to 3,731 in 2016.
- Total Library card holders of 12,292, compared to 12,518 in 2016.
- 13,091 research questions were answered.
- 128,910 people entered the Library (actual gate count).
- 50,937 Wi-Fi logins, compared to 47,822 in 2016.
- The number of physical materials checked out increased by 2%, the number of digital materials checked out increased by 39%.
- Program attendance increased (Youth – 8,229 in 2017 compared to 7,655 in 2016. Adult – 2,525 in 2017 compared to 1,431 in 2016).

Return on Investment

- The per capita expenditure for library service from the City budget is \$61.60.
- Average Cedarburg family of four pays \$246/year, or \$20.50/mo. for library service.
- Average use by a family in one month of usage provided a savings of \$611.

Looking Forward

- The Library Board developed the following Technology Vision Statement:
 - The CPL Board of Trustees is committed to supporting, updating, and funding technology in three broad areas:
 - Leading edge “innovative” technology that attracts current and new users and makes CPL an important part of the regional technology hub.
 - The behind-the-scenes “infrastructure” that staff rely on for library operations.

- The practical “daily use” technology that enjoys frequent use and high levels of public engagement.

2017 Outcome Goals Accomplished

- Adobe Creative Suite is available.
- Digital Conversion Lab allows people to convert old family slides and film to digital format and save to USB drives.
- Virtual Reality Equipment was purchased to use for programs, classes and events. Collaborated with high school students and clients of Portal Industries.
- Microsoft Software Classes have been taught by a staff member.
- Coding and Design Classes will be implemented this summer. Educational programs and games for all ages will be taught by a staff member.
- Drones will be part of the coding classes and will be used this summer.

CPL Radio

- The radio station has been very successful and can be listened to from your computer or smart phone via SoundCloud. It is one of very few library internet radio stations. One of the library’s staff members was asked to be on a panel at a State conference.

Monarch Library System

- 2017 brought the change from the two county Eastern Shores Library System to the current four county Monarch Library System that includes the 31 public libraries in Dodge, Ozaukee, Sheboygan and Washington counties and Lakeland College.
- Cedarburg residents have access via the Monarch Catalog to over one million items that are delivered five days a week. The Library System is an excellent example of resource sharing among four counties to reduce costs and increase services.

Thank you Cedarburg Friends of the Library for the Following Contributions:

- Summer Reading Program - \$3,750
- Year Round Programs - \$2,250
- Extra copies of bestsellers - \$2,000
- Staff Support - \$1,000
- Various other projects - \$7,000

Thank you 2017 Library Board of Trustees

- Sue Karlman, Sherry Bublitz, Debra Goeks, David Moburg, DeWayna Cherrington, Todd Bugnacki and Council Member Dick Dieffenbach.

Director Pierschalla provided an overview of information about the Library and a brief history for the new Common Council members. Director Pierschalla explained that the summer reading program “Libraries Rock!” will run from June 9 – August 31.

Council Member Thome said that she enjoys the creativity of the CPL Radio.

Mayor O’Keefe said that the big argument when discussing a new library was that libraries are becoming obsolete. He thanked Director Pierschalla and stated that the Cedarburg Library has proven otherwise and remains relevant.

Council Member Arnett complimented the Library on their creative ideas and implementing various ideas from their survey including the CPL Radio, 3D printer, conversion lab and the drone. He also encouraged the Library Board members to push for a joint library agreement with the Town of Cedarburg. The Town pays for a bookmobile that does not stop in the Town of Cedarburg. It would not cost the Town of Cedarburg anymore to enter into a joint library agreement with the City. By his calculations, it could mean as much as \$100,000 in extra revenue to the Cedarburg Library that would not be sent to Mequon, Fredonia or Saukville, but would stay in the community. He encouraged them to continue to work with the Town of Cedarburg to come up with something that is best for everybody.

Council Member Chivinski thanked the Library Board for their hospitality, as he is proud and looking forward to being part of the Library Board. As a new person to the community, he watched the progress on the new Library and knew Cedarburg is the right place to raise his children. Because cities who invest at this level are really special. He is grateful to his predecessors for building the new Library and he is eager to share what is happening at the Cedarburg Public Library.

NEW BUSINESS

CONSIDER RESOLUTION NO. 2018-18 AUTHORIZING THE ISSUANCE AND SALE OF \$1,245,000 GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2018A; AND ACTION THEREON

Todd Taves of Ehlers explained that they took bids on the City's Notes this morning and five bids were received. The winning bidder was BAIRD with a true interest rate of 2.6995%. There was a two basis point spread between the winner and the second best bid, which is very narrow. The spread between the best bidder and the lowest bidder was 20 basis points. Ehlers likes to see a tight spread because it means that the pricing received is good. Mr. Taves reviewed the Sizing Worksheet showing the Presale Estimate and the Sale Results, with a Difference column. The primary difference is that the notes were purchased at bid premium, meaning the underwriters purchased them at an amount greater than their face value. The amount of the bid premium is (\$29,455), which is a credit to the City. Mr. Taves explained that because of State Statute they need to do the following: \$17,922 will need to be deposited at closing in the City's Debt Service fund. This will be used to make part of next year's interest payment. The remaining balance of \$11,533 is available to reduce the issue size. Mr. Taves added that there are some small reductions in cost of issuance vs. the estimate resulting in \$15,000. He explained that the City ends up with the same amount for projects; however, the City is issuing \$15,000 less in notes to accomplish this. Mr. Taves last comment was on the projected Debt Service, the final sales results are the actual principal amount of \$1,230,000 (\$15,000 less than authorized). Because the City is paying the higher premium rate at exchange for receiving the cash, the interest is actually higher at \$199,508 vs. \$173,219 but the City also has the \$17,922 in funds that will be deposited to the Debt Service fund to offset some of this. The important number is \$6,333, which is the estimate compared to the actual results. For reference, Ehlers shows that a taxable series 2018B, which was authorized last month, will not go to market pending closing occurring on the Amcast site.

In answer to Council Member Verhaalen's question, City Administrator/Treasurer Mertes stated that \$287,500 is earmarked for the dams. Mayor O'Keefe asked if that amount includes grants.

City Administrator/Treasurer Mertes stated that the City borrowed \$212,500 in the previous year and the total funding is \$500,000.

Council Member Verhaalen asked if the City expects any more costs related to the dams in the near future. Director Wiza stated that this money will be used for repairs. There will be ongoing costs for maintaining the dams; however, there should not be costs at this level. These are major repairs that have not been done in a while. Inspections are done every four years and any faults or flaws that are found need to be repaired.

Council Member Verhaalen stated that this is the third year that the City has borrowed for street projects. As the budgeting process approaches, he would like to avoid borrowing. Possibly the City could put an annual cost for the dams into the budget.

Council Member Arnett asked how the interest rate of 2.6995% compares to the pro forma numbers. City Administrator/Treasurer Mertes stated that the final rate is 8 basis points better than originally estimated. Todd Taves did not have the figures; however, the fact that there is a \$6,000 difference on the total principal and interest means that basis points are better than estimated.

Mayor O'Keefe asked City Administrator/Treasurer Mertes if she anticipated seeing these projects increasing the tax revenue. City Administrator/Treasurer Mertes stated that Assessor Timm's report indicate that there is \$18 million in net new construction before manufacturing, which allows for an additional \$150,000 in the tax levy.

Motion made by Council Member Arnett, seconded by Council Member Thome, to adopt Resolution No. 2018-18 authorizing the Issuance and Sale of \$1,245,000 General Obligation Promissory Notes, Series 2018A.

Council Member Galbraith understands that this borrowing was planned but he does not like borrowing money on a yearly basis to fund street projects and he will be hard pressed in the future to continue to vote for this type of management. The City needs to look at other ways to come up with funding for street projects.

Motion carried without a negative vote.

**CONSIDER RECOMMENDATION OF POLICE CHIEF TO DENY NEW OPERATOR'S
LICENSE APPLICATION OF PHILIP J. FOX; AND ACTION THEREON**

Police Chief Frank explained that he is recommending denial of the new Operator's license application for Philip J. Fox based on his arrest and conviction record for possession of THC, operating while intoxicated and operating while revoked and ignition interlock device tampering between 2015 and 2018, which all relate to license activity.

Philip Fox stated that he understood the Police Chief's concerns. He has been in restaurant work for 14 years and he has made some bad decisions and mistakes that he cannot take back. He has learned some valuable lessons. He resides in Belgium with his wife and three children (10, 8 and 2) and is the sole provider for his family. This license is a condition of his employment at the Stilt House. He said that safety and serving responsibly has always been a big concern for him. He personally made poor decisions; however, in no way has he ever let that cross the line in his

professional career. He thanked the Council for the opportunity to speak and their consideration of granting him an Operator license.

Mayor O’Keefe explained that when an Operator license is granted the person is not just given a license to bartend but a license to oversee others, it is quite a grave responsibility. His convictions are not two decades old, which is a factor.

Council Member Verhaalen agreed that his convictions are not that old and he gave Mr. Fox credit for addressing the Common Council. The Council needs to judge on actions and not on promises.

Council Member Galbraith also appreciated Mr. Fox addressing the Common Council. He has been on the other side along with Chief Frank. He stated that Mr. Fox had the opportunity after his first conviction to change his ways. Knowing that the second conviction would result in a felony, he made another bad choice. Unfortunately, those decisions weren’t that long ago and there is not enough time in between to feel he is responsible enough.

Council Member Thome thanked Mr. Fox for speaking tonight; however, the timing is an issue.

City Attorney Herbrand clarified that the City Code states that denial can be based on a felony conviction or the person is deemed a habitual law offender and that is defined by two or more offenses that are substantially related to the alcohol license within the last five years.

Motion made by Council Member Galbraith, seconded by Council Member Chivinski, to deny a new Operator’s license application for Philip J. Fox based on the recommendation of Police Chief Frank.

Council Member Arnett clarified with City Attorney Herbrand that this denial does not prohibit Mr. Fox from working at an establishment, it only prohibits him from overseeing others and he will need to work under the supervision of another licensed operator.

Motion carried without a negative vote.

CONSIDER APPLICATION OF LE’S PHO LLC, LY Q LE, AGENT, FOR A CLASS “B” BEER AND “CLASS C” WINE LICENSE FOR LE’S PHO AT W63 N146 WASHINGTON AVENUE’ AND ACTION THEREON

City Attorney Herbrand stated that this application is for a beer and wine license for Le’s Pho restaurant.

Motion made by Council Member Thome, seconded by Council Member von Bargaen, to approve the application of Le’s Pho LLC, Ly Q. Le, agent, for a Class “B” Beer and “Class C” Wine license for Le’s Pho at W63 N146 Washington Avenue. Motion carried without a negative vote.

CONSIDER AWARD OF ENGINEERING SERVICES CONTRACT TO AECOM FOR TMDL STORMWATER COMPLIANCE; AND ACTION THEREON

Director Wiza explained that the Total Maximum Daily Load (TMDL) is a new regulation established by the DNR. The DNR did extensive modeling throughout the State of Wisconsin and

watershed basins. As a result, each community has been assigned a specific TMDL for suspended solids and phosphorus, and it applies to storm water discharge as well as the wastewater plant effluent. These standards were set up as longer term goals and the City will not meet these in the next few years. To make progress in the TMDL, the DNR is requiring that communities model their storm sewer systems and storm water runoff. This will look at where the City is now relative to the standards and secondly to model what kinds of things can be done to make progress towards meeting the goals. A total of \$40,000 is budgeted for the NR216 storm water compliance. Part of that is used to fund the illicit discharge monitoring program, storm water public education and information program, and annual report preparation. The City expects ultimately to be reimbursed \$19,500 through the DNR NPS grant.

In answer to Council Member Arnett's question, Director Wiza stated that normally the City will get multiple proposals for engineering services; however, in this case AECOM is so intertwined in the modeling that they have completed it would be difficult to bring in an outside firm.

Council Member Arnett also asked if there is any technology available that would help the City meet the required phosphorus levels. Director Wiza explained that there are two tiers to meeting the required levels. The wastewater treatment could be met by spending \$30 million on a new plant and design it to meet the limits they are setting; however, the City is addressing this by trying to improve and optimize the treatment capabilities of the current plant. Whatever, the differential is the City will need to decide if we want to do pollutant trading with farmers or do adaptive management where the City does whatever we can to address the levels and work with other entities. The City can monitor Cedar Creek to see if the we are making progress and if the creek meets the water quality standards that have been set, then the City will be successful. The downside to adaptive management is spending a lot of money and time trading with farmers and still being on the hook if the standards are not met. As difficult as the wastewater side is, the storm water side is going to be a long term effort to improve the water quality.

In answer to Council Member Arnett's question, Director Wiza explained that the source of phosphorus can be lawn fertilizers, leaves, grass clippings, etc. The majority of phosphorus is coming from agriculture (78%); however, the DNR cannot regulate the farmers. They have taken the direction of regulating municipalities.

In answer to Council Member Verhaalen's question, Director Wiza stated that there are a number of different testing locations along Cedar Creek and other locations as established by the DNR and it cannot be challenged. Director Wiza stated that it will take many years and the process will evolve as they find what is working and what is not.

Motion made by Council Member Burkart, seconded by Council Member von Bargaen, to award the engineering services contract to AECOM for TMDL storm water compliance. Motion carried without a negative vote.

CONSIDER DEVELOPMENT AGREEMENT AND CERTIFIED SURVEY MAP APPROVALS FOR THE APARTMENT PROJECT ON THE PARCEL LOCATED APPROXIMATELY 506' SOUTH OF HIGHWAY 60 ON THE EAST SIDE OF SHEBOYGAN ROAD NORTH OF THE GLEN AT CEDAR CREEK; AND ACTION THEREON

Planner Censky stated that the Certified Survey Map (CSM) was required as the basis for Duey Stroebel's Cedar Place apartment complex site plan which was approved last January. Because the CSM includes dedication of right-of-way for Sheboygan Road and lands dedicated for public park purposes, this request requires Common Council approval. Staff's review of the CSM indicates that they have made the necessary adjustments to the easement widths as previously required and that it otherwise fully complies with the dimensional requirements of the RM-2 Zoning District. The Development Agreement is the contract between the City and the developer that establishes the developer's responsibilities regarding the provisions of public and private facilities, improvements, and any other agreed-upon terms. This agreement was drafted by City Attorney Mike Herbrand and Assistant City Attorney Tim Schoonenberg with input by Director Wiza along with the attorney for the applicant and it reflects their cooperative effort. Staff notes that this agreement serves to, among other things, require that as part of the first phase the public sewer and water utilities be extended to the west side of Sheboygan Road and that these utilities be extended to the property north of the site by 2021. City Planner Censky explained that as a condition of approval the Certified Survey map needs to be approved by the County and they will need to establish the location of the trail system through the site.

City Attorney Herbrand explained that the schedule of phasing is set forth in the agreement. The first phase will be completed by August 31, 2019 and the second phase will be completed by June 30, 2021. In regard to the parkland dedication, this became a proration of park fee and parkland dedication. Approximately 4.5 acres is being dedicated to the City and the balance will be given in a fee. The ultimate goal is to join the out lot with the park area of The Glen at Cedar Creek development.

Mayor O'Keefe believes that Director Hilvo is interested in having larger more useful parks in the new developments.

Council Member Verhaalen also believed that Director Hilvo is interested in a creek walk along the creek on Sheboygan Avenue.

Council Member Verhaalen expressed concern for the speed limit on Sheboygan Road. Director Wiza explained that Sheboygan Road north of Fairfield Manor subdivision is County jurisdiction; therefore, the County can establish the speed limit. The City recently reduced the speed limit to 25 up to the corporate limits. The County has left the 55 mph speed limit between our City limits and Hwy. 60. If the Council felt strongly enough about changing the speed limit they could possibly pass a resolution requesting the County to reduce their speed limit. In the longer term, there is a good chance that this segment would become City jurisdiction but it would take a jurisdictional transfer. Before this can happen the City needs to have control of both sides of the roadway. Director Wiza added that the County Highway Commissioner contacted him today asking about the CSM. They saw a preliminary plan but they have not seen the final plan and they asked if it is approved by the City that it be contingent upon the developer getting the appropriate permits from the County for the entrance and the roadway. On the CSM it notes that the public roadway is dedicated to the City of Cedarburg for public road purposes and he suggested that it be changed to be dedicated to the public for public road purposes because that will fit the County or City.

Motion made by Council Member Verhaalen, seconded by Council Member Thome, to approve the Development Agreement and Certified Survey Map for the Cedar Place project on the parcel located approximately 506' south of Highway 60 on the east side of Sheboygan Road north of the

Glen at Cedar Creek providing the County approves the CSM, the dedication of public right-of-way to the public for public road purposes, getting the required permits from the County, and that the walking path be shown on the outlot.

Mr. Stroebe stated that the walking path was not designated on the plan because he was unsure where it would attach on the south end. He will complete the walkway designation on the plan.

Council Member Arnett stated that he was in favor of splitting the park dedication into land and a fee and he was pleased to have a firm date on the development and utilities for potential further development on the north side of the City.

Motion carried without a negative vote.

CONSIDER FINAL PLAT APPROVAL FOR THE GLEN AT CEDAR CREEK ADDITION NO. 1; AND ACTION THEREON

Planner Censky explained that this phase will consist of 23 lots ranging in size from 11,526 sq. ft. to 18,928 sq. ft. and it is the second and final phase of the 69 lot The Glen at Cedar Creek Subdivision. Regardless that there is one minor modification to Lot No. 64 and Out Lot No. 3 within the plat in terms of transferring a small portion of land between one and the other, the City agrees with the plans. Also, the Plan Commission recommended approval by unanimous vote at their June 4 meeting.

In answer to Council Member Verhaalen's question, Planner Censky said that Lot No. 64 was moved to extend and connect the walking path.

Council Member Wiza asked that in regard to the plat, the Developer shows the location of the pedestrian path to the north lot line.

Motion made by Council Member Arnett, seconded by Council Member von Barga, to approve the final plat for The Glen at Cedar Creek addition No. 1 with the condition that it show the location of the walking path extending to the north lot line. Motion carried without a negative vote.

ACCEPT AND REFER TO PLAN COMMISSION THE REZONING PETITION FROM GREG ZIMMERSCHIED OF CORNERSTONE BUILDING LLC TO REZONE THE PARCEL AT N56 W6093 PORTLAND ROAD FROM I-1 INSTITUTIONAL AND PUBLIC SERVICE DISTRICT TO B-3 CENTRAL BUSINESS DISTRICT; AND ACTION THEREON

Planner Censky stated that this is a procedural matter. The City received a petition for rezoning that requires the Common Council to refer it to the Plan Commission. After it is reviewed by the Plan Commission it will come back to the Common Council in the form of a public hearing at a later date.

Motion made by Council Member Burkart, seconded by Council Member Thome, to accept and refer the rezoning petition from Greg Zimmerschied of Cornerstone Building, LLC to rezone the parcel at N56 W6093 Portland Road from I-1 Institutional and Public Service District to B-3 Central Business to the Plan Commission.

Council Member Chivinski stated that he appreciated Mr. Birkholz' comment and support for the project.

Motion carried without a negative vote.

ACCEPT AND REFER TO PLAN COMMISSION THE REZONING PETITION GREG ZIMMERSCHIED OF CEDARBURG LAND & CATTLE LLC TO REZONE THE PARCELS AT THE CORNER OF MILL ROAD AND WASHINGTON AVENUE FROM B-3/HPD CENTRAL BUSINESS DISTRICT/HISTORIC PRESERVATION DISTRICT TO B-3/HPD/PUD CENTRAL BUSINESS DISTRICT/HISTORIC PRESERVATION DISTRICT/PLANNED UNIT DEVELOPMENT; AND ACTION THEREON

Planner Censky stated that this is also a procedural issue and the only item added is a PUD for the unified commercial project consisting of three separate buildings. This will be reviewed by the Plan Commission and referred back to the Common Council.

Motion made by Council Member Thome, seconded by Council Member Galbraith, to accept and refer the rezoning petition of Greg Zimmerschied of Cedarburg Land & Cattle LLC to rezone the parcels at the corner of Mill Road and Washington Avenue from B-3/HPD Central Business District/Historic Preservation District to B-3/HPD/PUD Central Business District/Historic Preservation District/Planned Unit Development to the Plan Commission. Motion carried without a negative vote.

CONSIDER MEMORANDUM OF UNDERSTANDING (MOU) WITH THE TOWN OF CEDARBURG TO SHARE SHORETEL PHONE SYSTEM; AND ACTION THEREON

City Administrator/Treasurer Mertes explained that the Town of Cedarburg was looking for a new phone system and in her discussions with Town Administrator Rhode they decided this was a viable option for them. The City has approximately 80 lines and the Town has 11 lines and all costs will be determined by the number of lines. Town Administrator Rhode worked with the Shoretel vendor and decided on the system. The City will see reduced costs in the base system.

Motion made by Council Member Verhaalen, seconded by Council Member Thome, to enter into a Memorandum of Understanding (MOU) with the Town of Cedarburg to share the Shoretel Phone System.

Council Member Arnett stated that he supports the Memorandum; however, he encourages the Common Council to continue to seek other ways to cooperate with the Town of Cedarburg, specifically the weight limit on Hamilton Road that prohibits septic haulers from getting to the Water Recycling Center and has reduced revenue by \$80,000/yr. According to the Town of Cedarburg website the Town carries a fully loaded salt truck down Washington Avenue as part of their snowplow route. He encourages discussion with the Town Board for possible two-way street agreements, rather than a one-way street.

In answer to Council Member Burkhart's question, Director Wiza provided a history on the weight limit restriction on Hamilton Road resulting in a decrease in revenue for septic hauling to the treatment plant.

Council Member Arnett stated that it is approximately a 6.5¢ increase on the mill rate.

In answer to Council Member Chivinski's question, City Administrator/Treasurer Mertes provided a background on past meetings with the Town of Cedarburg regarding shared service agreements.

In answer to Council Member Galbraith's question, Director Wiza explained why the City closed the receiving station on Pioneer Road. He stated that the City would maybe get \$40,000 of that revenue back, if the restriction was lifted from Hamilton Road.

Mayor O'Keefe agreed that the City should discuss the Library with the Town, as it would not cost them extra to enter into a joint agreement.

Motion carried with Council Member von Bargaen, Burkart, Verhaalen, Chivinski, Thome and Galbraith voting in favor and Council Member Arnett opposed.

CONSIDER PAYMENT OF BILLS FOR THE PERIOD 5/10/18 THROUGH 6/10/18, TRANSFERS FOR THE PERIOD 5/12/18 THROUGH 6/8/18, AND PAYROLL FOR THE PERIOD 5/6/18 THROUGH 6/2/18; AND ACTION THEREON

Motion made by Council Member Burkart, seconded by Council Member von Bargaen, to authorize payment of bills for the period 5/10/18 through 6/10/18, transfers for the period 5/12/18 through 6/8/18, and payroll for the period 5/6/18 through 6/2/18. Motion carried without a negative vote.

CONSIDER LICENSE APPLICATIONS; AND ACTION THEREON

Motion made by Council Member Galbraith, seconded by Council Member Thome, to approve new Operators License applications for the period ending June 30, 2018 for Carol A. Ameen, Anne E. Johnson, Judy A. Mattias, Lynda K. Wachter, and Amy L. Whitney. Motion carried without a negative vote.

Motion made by Council Member Galbraith, seconded by Council Member Thome, to approve the new and renewal Operator License applications for the period June 1, 2018 through June 30, 2019 as listed:

New Operator License applications for the period ending June 30, 2019 for:

Lucas A. Allen	Cynthia M. Dzikowski	Craig A. Kuske
Mark A. Borden	Michelle L. Pries	Annette M. Mytko-Kennedy
Ron A. Carr	Sarah N. Jellen	Sara K. Newhauser
Adam S. Dykema	Justyn J. Krueger	Kaitlin K. Sheffield

Renewal Operator License applications for the period ending June 30, 2019 for:

Walter H. Alverson	Catherine A. Hilgart	Emily A. Pape
Kevin J. Bachmann	Elizabeth N. Hoffman	Polly H. Partain
Stephanie J. Baldwin	Matthew C. Jackson	Maureen M. Peck
Sam A. Barnhart	Elizabeth A. Jacobson	Christine L. Pope
Patricia M. Bartlein	Anne E. Johnson	Martha K. Ray

Dena C. Baule
Joey M. Baumle
Karla M. Biermann
Chad M. Bowen
Daniel A. Brisley
Jody L. Brzezinski
Annette L. Chiddister-Woods
Steven F. Danner
Eva M. Danner
Chad A. Doedens
Tricia A. Dooley
Kimberly R. Eggleston
Arthur E. Filter
Christina N. Gabrielson
Jeanette L. Gabrys
Dan J. Gogin
Steven R. Gratz
H. Michael Hagerman
Carina R. Heckert
Gina A. Heidemann
Jeannie N. Heins
Alexander J. Hildebrand

Lori E. Josephson
Gregory J. Jourdain
MaryLee Katzka
Mark A. Kennedy
Kristen M. Klug
Stacy J. Kowalkowski
Mark C. Kowalkowski
Aida A. Kozic
Bruce A. Krenzke
Shirley K. Krenzke
Angela M. Kroner
Thomas W. Krueger
Pamela S. LaBouve
Kathleen A. Lanser
Cynthia M. Larson
Mark E. Larson
James A. Lee
Todd R. Luft
David Magnusson Jr.
Joseph K. Meador
Paul V. Micha
Chris C. Nelson

Sheridan P. Riley
Terrance E. Ronsman
Caryn M. Sager
Deborah A. Sajdak
Nicholas W. Schultz
Jennifer P. Smith
Jean M. Snow-Lambo
Neil P. Soukup
Ann M. Speirs
Laura M. Struebing
Gene Szudrowitz
Michelle L. Taraboi
Kerry K. Tharp
Brian C. Tiegs
Jerry E. Truchan
Lynda K. Wachter
Stacey L. Wedereit
Larry D. Weidmann
Michelle L. Welch
John A. Welk
Amy L. Whitney
Jeffrey A. Wrobbel

Motion carried without a negative vote.

ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes explained that she will be attending a meeting on Thursday regarding the Community Development Block Program (Revolving Loan Fund). The Department of Housing and Urban Development is auditing the program and there is a new program called CLOSE that is being introduced. She will find out more and update the Common Council after the meeting.

In answer to Council Member Verhaalen's question regarding the railroad crossing on Pioneer Road, Director Wiza believes it will remain the way it is, which was recently repaired poorly by the railroad.

Council Member Arnett stated that it could be construed as a dangerous situation when cars swerve over to the better lane and asked if the City could file a complaint.

Director Wiza stated that it is a difficult process to file a complaint and a "bump" sign has been put on the street. He stated that the trains and semi-trailers may simply lower the tracks by running over them and cause the tracks to drop incrementally over time.

In answer to Council Member Burkhart's question, Director Wiza stated that the work on Evergreen Blvd will involve trenching along the curb line and installing an under drain to eliminate the excess water. The machine required to do this work should be delivered at the end of the month. It may require a small detour but it should not take too long to complete.

City Administrator/Treasurer Mertes stated that the fire inspection report is available if anyone wants to review it.

COMMENTS AND SUGGESTIONS FROM CITIZENS – None

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Arnett questioned an item on the Building Inspector's report regarding the total value involving two large amounts. City Administrator/Treasurer Mertes will talk to Building Inspector Baier and verify the source.

Council Member Chivinski thanked City Administrator/Treasurer Mertes for setting up the meeting with Judy Jepson to view her collection. He also enjoyed the branding event, as it crystalized a lot of what the City does.

MAYOR'S REPORT - None

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Thome, seconded by Council Member Galbraith, to adjourn to closed session at 8:45 p.m. pursuant to State Statutes 19.85(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session, more specifically, to consider the possible purchase of a parcel of land that is a portion of N69 W5269 Columbia Road for construction of a sanitary sewer pump station. Approval of May 14, 2018 closed session minutes. Motion carried on a roll call vote with Council Members von Bargaen, Arnett, Burkart, Verhaalen, Chivinski, Thome, and Galbraith voting in favor.

RECONVENE TO OPEN SESSION

Motion made by Council Member Arnett, seconded by Council Member Galbraith, to reconvene to open session at 9:20 p.m. Motion carried on a roll call vote with Council Members von Bargaen, Arnett, Burkart, Verhaalen, Chivinski, Thome, and Galbraith voting in favor.

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Burkart, to adjourn the meeting at 9:21 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk