

**CITY OF CEDARBURG
COMMON COUNCIL
SEPTEMBER 24, 2018**

**CC20180924-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, September 24, 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 Mike O'Keefe, Council Members Dan von Bargen, Jack Arnett, Kristin Burkart, Rick Verhaalen, Patricia Thome

Excused - Council Members Garan Chivinski and Rod Galbraith

Also Present - City Administrator/Treasurer Christy Mertes, City Clerk Constance McHugh, Director of Public Works and Engineering Tom Wiza, Planner Jon Censky, City Attorney Michael Herbrand, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor O'Keefe's request, City Clerk McHugh 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 von Bargen, to approve the minutes of the September 10, 2018 meeting. Motion carried unanimously with Council Members Chivinski and Galbraith excused.

CONSIDER ORDINANCE NO. 2018-15 ANNEXING THE ONE ACRE PARCEL AT 7404 WESTERN AVENUE IN THE TOWN OF CEDARBURG TO THE CITY

Planner Censky said the Plan Commission reviewed the request to annex the parcel at 7404 Western Avenue in the Town of Cedarburg to the City and recommended approval.

Motion made by Council Member Thome, seconded by Council Member Arnett, to adopt Ordinance No. 2018-15 annexing the 1.03 acre parcel at 7404 Western Avenue in the Town of Cedarburg to the City. Motion carried unanimously with Council Members Chivinski and Galbraith excused.

CONSIDER REFERRAL OF PROPOSED ANNEXATION OF AN APPROXIMATELY ONE ACRE PARCEL OF LAND DIRECTLY SOUTH OF W76 N627 WAUWATOSA ROAD (LOT 2 CSM NO. 4010) IN THE TOWN OF CEDARBURG TO THE PLAN COMMISSION

Planner Censky said this is a request to annex a 34' wide by 1,265' long strip of land located directly south of the developing Hamilton House Senior Living facility for the purpose of receiving excess fill material and constructing a screening berm.

Motion made by Council Member Thome, seconded by Council Member Burkart, to refer the proposed annexation of an approximately one acre parcel of land directly south of W76 N627 Wauwatosa Road (Lot 2 CSM No. 4010) in the Town of Cedarburg to the Plan Commission. Motion carried unanimously with Council Members Chivinski and Galbraith excused.

Council Member Arnett said it is worth looking into whether these types of matters need to be referred to the Plan Commission as it is an additional step for applicants.

CONSIDER APPROVAL OF TWO-LOT CSM AT W59 N894 SHEBOYGAN ROAD

Planner Censky said this certified survey map (CSM) will result in two lots of 17,111 square feet and 50,226 square feet. Because this request will result in the dedication of the ultimate road right-of-way of Sheboygan Road, State law requires that it be approved by the Common Council. The Plan Commission reviewed the request and recommended approval.

Motion made by Council Member von Bargaen, seconded by Council Member Thome, to approve a two-lot CSM at W59 N894 Sheboygan Road subject to:

- A new sanitary sewer and water lateral cut into Sheboygan Road to serve Lot 1.
- The applicant drafting and recording a shared driveway/maintenance easement.
- Impact fees due be paid at the time of building permit issuance.

Motion carried unanimously with Council Members Chivinski and Galbraith excused.

CONSIDER APPROVAL OF THREE-LOT CSM AT N49 W5237 PORTLAND ROAD

Planner Censky said the applicant is seeking approval of a certified survey map which will divide the existing 2.03 acre parcel located at N49 W5237 Portland Road into three lots of 24, 892 square feet, 30,892 square feet, and 129,617 square feet. The existing home will be located on Lot 3 and future homes on Lots 1 and 2. Since this land division will result in the dedication of public right-of-way, State law requires approval by the Common Council. The Plan Commission reviewed the request and recommended approval.

Motion made by Council Member Verhaalen, seconded by Council Member von Bargaen, to approve a three-lot CSM at N49 W5237 Portland Road subject to payment of impact fees for Lots 1 and 2 at the time of building permit issuance. Motion carried unanimously.

CONSIDER FUNDING FOR HIGHWAY 60 TRAFFIC STUDY

Director Wiza said the 60 acre former Kohlwey farm on Highway 60 has long been planned for a business park. If the Council intends to move forward with the business park, the first step is to complete a traffic impact analysis (TIA), as the State will require this before any permit for Highway 60 access can be issued. The TIA will assist in defining the level of improvements that will need to be made. A proposal in the amount of \$5,470 from Traffic Analysis and Design, Inc. was received to complete phase I of the TIA. After the first phase has been completed, the State DOT will define the scope of work for the second phase of the TIA, which is estimated to cost \$10,000 to \$17,000.

Council Member Arnett said the City is receiving increased interest in this development and the economy is strong. He said the timing is right to do the TIA. Council Member Thome agreed the timing is right given the inquiries that have been made.

Motion made by Council Member Thome, seconded by Council Member Arnett, to fund the first phase of the TIA in the amount of \$5,470. Motion carried unanimously with Council Members Chivinski and Galbraith excused.

Mayor O'Keefe said this is an exciting first step to retain existing businesses and draw in new businesses.

CONSIDER BID RECEIVED FOR REPAIRS TO THE COLUMBIA AND WOOLEN MILLS DAMS

Director Wiza said staff advertised for bids for repairs to the Woolen Mills and Columbia Mills dams. The sole bid was received from JF Brennan Company, Inc. in the amount of \$1,422,000, which is almost three times the cost estimate of \$473,000. He said he is struggling with how to handle this, and it appears the best approach may be to reject the bid received; split the work scope into multiple contracts, and rebid the work with a completion date in 2019.

Motion made by Council Member Arnett, seconded by Council Member Thome, to reject the bid of JF Brennan Company, Inc. because it does not reflect the cost of the work and is beyond what is budgeted for. Motion carried unanimously with Council Members Chivinski and Galbraith excused.

PAYMENT OF BILLS

Motion made by Council Member Arnett, seconded by Council Member Thome, to approve the payment of the bills dated 09/19/18, transfers for the period 09/01/18 through 09/18/18, and payroll for the period 08/26/18 through 09/08/18. Motion carried unanimously with Council Members Chivinski and Galbraith excused.

LICENSE APPLICATIONS

Motion made by Council Member Thome, seconded by Council Member Burkart, to authorize the issuance of new Operators licenses for the period ending June 30, 2019 to Mary Kay Bourbulas and

Sherina Gold. Motion carried unanimously with Council Members Chivinski and Galbraith excused.

Motion made by Council Member Arnett, seconded by Council Member Thome, to authorize issuance of a renewal Operators license for the period ending June 30, 2019 to James L. Wendt. Motion carried unanimously with Council Members Chivinski and Galbraith excused.

CITY ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes reported on the following:

- The BMO property purchase has been completed.
- The Amcast property has transferred to Oliver Fiontar. She will be meeting with the engineering consultant and DJ Burns on Friday to discuss the payment disbursement process. Borrowing for TID No. 4 related to the project will occur at the October 29, 2018 meeting.
- The Cops and Bobbers program at Cedar Creek Park on September 22 was a success with approximately 52 participants.

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Thome said the Greater Cedarburg Foundation on September 22, 2018 was very successful.

ADJOURNMENT

Motion made by Council Member Verhaalen, seconded by Council Member Arnett, to adjourn the meeting at 7:29 p.m. Motion carried unanimously with Council Members Chivinski and Galbraith excused.

Constance K. McHugh, MMC/WCPC
City Clerk