

**CITY OF CEDARBURG
COMMON COUNCIL
January 14, 2019**

**CC20190114-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, January 14, 2019, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Acting Mayor Thome called the meeting to order at 7:00 p.m.

Roll Call: Present - Common Council – Council Members Dan von Bargen, Jack Arnett, Rick Verhaalen, Garan Chivinski, Patricia Thome, Rod Galbraith

 Excused - Mayor Michael O’Keefe, Council Member Kristin Burkart

 Also Present - City Administrator/Treasurer Christy Mertes, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, Director of Engineering and Public Works Tom Wiza, Police Chief Tom Frank, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Acting Mayor Thome’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.

Council Member Thome stated that as Acting Mayor, she will retain her right to vote as Council Member of the 6th Aldermanic District.

APPROVAL OF MINUTES

Motion made by Council Member Galbraith, seconded by Council Member Chivinski, to approve the minutes of the December 10, 2018 meeting as presented.

Acting Mayor Thome asked that the following statement be added after the comments by Amber Psket: Council Member Thome explained that the minutes reflect the taped minutes from a presentation. Her concern is that someone only reading the minutes could assume they are a final conclusion of facts. In reality the presentation was an individual’s interpretation of articles she read.

Motion carried without a negative vote with Council Member Burkart excused.

COMMENTS AND SUGGESTIONS FROM CITIZENS

James Schmit, 1941 Ulao Pkwy, Grafton asked if the Common Council would consider changing the bow fishing ordinance to mirror the Village of Grafton and various surrounding communities’ ordinances eliminating the requirement to ask permission of homeowners within 100 yards if the following criteria is met:

1. The person is engaged in bow fishing from a boat freely floating on a navigable body of water;
2. The arrow or bolt is specific to the task of bow fishing;
3. The arrow or bolt is attached to the bow or crossbow by an appropriate cord or line not more than 100 feet in length;
4. The person discharges the arrow or bolt on a downward trajectory;
5. Any auxiliary lighting used is angled at least 45 degrees towards the water.

He added that bow fishing is beneficial in removing carp which can eradicate the fish supply. It is also beneficial to add some type of fish habitat and he provided some examples.

In answer to Council Member Galbraith's question, City Attorney Herbrand explained that staff can forward this item to a committee for further review and discussion.

Council Member Verhaalen will forward this item to the Parks, Recreation & Forestry Board for discussion at a future meeting.

NEW BUSINESS

CONSIDER AWARD OF CONTRACT TO COMPLETE THE PHASE 2 TRAFFIC IMPACT ANALYSIS FOR THE FUTURE HIGHWAY 60 BUSINESS PARK DEVELOPMENT; AND ACTION THEREON

Director Wiza explained that the engineering firm Traffic Analysis and Design, Inc. recently completed the phase 1 Traffic Impact Analysis information for the Highway 60 business park. This was submitted to the State Department of Transportation and they have provided a written response to the City. The next step would be to complete the phase 2 Traffic Impact Analysis per their parameters.

In answer to Acting Mayor Thome's question, Director Wiza explained that the Department of Transportation will tell the City where the entrance needs to be to the Business Park and may also impose further parameters.

In answer to Council Member Arnett's question, Director Wiza confirmed that the fee for the Traffic Impact Analysis is in the 2019 budget.

In answer to Council Member Verhaalen's questions, Director Wiza stated that a new analysis might have to be done if the zoning changes for the property. This traffic impact analysis should be relevant for five or six years.

Motion made by Council Member Arnett, seconded by Council Member Galbraith, to award the contract to complete the phase 2 Traffic Impact Analysis for the future Highway 60 business park development to Traffic Analysis and Design, Inc. in the amount of \$12,156. Motion carried without a negative vote with Council Member Burkart excused.

CONSIDER PAYMENT OF BILLS DATED 12/07/18 THROUGH 01/04/19, TRANSFERS FOR THE PERIOD 12/08/18 THROUGH 01/09/19; AND PAYROLL FOR THE PERIOD 12/21/18 THROUGH 01/04/19; AND ACTION THEREON

Motion made by Council Member Verhaalen, seconded by Council Member von Bargaen, to approve payment of the bills dated 12/07/18 through 01/04/19, transfers for the period 12/08/18 through 01/09/19; and payroll for the period 12/21/18 through 01/04/19. Motion carried without a negative vote with Council Member Burkart excused.

CONSIDER LICENSE APPLICATIONS; AND ACTION THEREON

Motion made by Council Member Galbraith, seconded by Council Member Arnett, to approve new Operator License applications for the period ending June 30, 2019 for Susan M. Durst, Kelly J. Langerman and David E. Taylor. Motion carried without a negative vote with Council Member Burkart excused.

ADMINISTRATOR'S REPORT - None

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Arnett requested that all City personnel use the new branding material when ordering any new Cedarburg identifiable items.

MAYOR'S REPORT - None

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Arnett, seconded by Council Member von Bargaen, to adjourn to closed session at 7:25 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 discuss negotiations with the Cedarburg Police Officers' Association, Local 223 and consider cellular tower leases for location on the monopole constructed on Western Avenue. Approval of December 10, 2018 closed session minutes. Motion carried on a roll call vote with Council Members von Bargaen, Arnett, Verhaalen, Chivinski, Thome, and Galbraith voting aye and Council Member Burkart excused.

RECONVENE TO OPEN SESSION

Motion made by Council Member Arnett, seconded by Council Member Galbraith, to reconvene to open session at 7:51 p.m. Motion carried on a roll call vote with Council Members von Bargaen, Arnett, Verhaalen, Chivinski, Thome, and Galbraith voting aye and Council Member Burkart excused.

DISCUSSION REGARDING AN AGREEMENT BETWEEN THE CITY OF CEDARBURG AND THE CEDARBURG POLICE OFFICERS' ASSOCIATION, LOCAL 223, AND CONSIDERATION OF RESOLUTION NO. 2019-01 RATIFYING THE AGREEMENT; AND ACTION THEREON

Motion made by Council Member Galbraith, seconded by Council Member Chivinski, to approve the Agreement between the City of Cedarburg and the Cedarburg Police Officers' Association, Local 223, and to adopt Resolution No. 2019-01 ratifying the Agreement. Motion carried without a negative vote with Council Member Burkart excused.

CONSIDER CELLULAR TOWER LEASES WITH MAGNUM COMMUNICATIONS, INC. AND VERIZON WIRELESS FOR LOCATION ON THE MONOPOLE CONSTRUCTED ON WESTERN AVENUE; AND ACTION THEREON

Motion made by Council Member Arnett, seconded by Council Member Chivinski, to approve the cellular tower lease with Verizon Wireless for location on the monopole constructed on Western Avenue subject to the review of the engineering and exhibits by staff, SEH and City Attorney Herbrand. Motion carried without a negative vote with Council Member Burkart excused.

Motion made by Council Member von Bargaen, seconded by Council Member Chivinski, to approve the cellular tower lease with Magnum Communications, Inc. for location on the monopole constructed on Western Avenue subject to the review of the engineering and exhibits by staff, SEH, and City Attorney Herbrand. Motion carried without a negative vote with Council Member Burkart excused.

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member von Bargaen, to adjourn the meeting at 7:53 p.m. Motion carried without a negative vote and Council Member Burkart excused.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk