

**CITY OF CEDARBURG
COMMON COUNCIL
JANUARY 28, 2019**

**CC20190128-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, January 28, 2019, 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, Garan Chivinski (arrived 7:02 p.m.), Patricia Thome, 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 Galbraith, to approve the minutes of the January 14, 2019 meeting as presented. Motion carried unanimously.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Orrin Gorelick, W56 N787 Meadow Lane, said he ran for School Board last year but was defeated. He is running again this year and his goal is to strengthen the relationship between the City and School District.

CONSIDER RESOLUTION NO. 2019-02 COMMENDING RETIRING CANINE OFFICER JAKE

This item was postponed until a later date.

CONSIDER ORDINANCE NO. 2019-01 UPDATING SEC. 15-5 OF THE MUNICIPAL CODE PERTAINING TO STANDARDS FOR ILLUMINATION AND DESIGN OF SIGNS

Planner Censky said Plan Commission members, at a recent meeting, questioned whether the City has standards regarding internal illumination and design. When advised that the only standard for internal illumination is vague as it simply states that “light shall only illuminate the immediate area of the sign” and does not address color, style or intensity, and that there were no standards regarding design, Commission members asked staff to draft standards that would address these issues and provide for more attractive signs that better fit Cedarburg.

The proposed ordinance serves to require that internally illuminated signs be constructed with an opaque and/or dark background where light shines only through the lettering and logs. It also encourages dark colored backgrounds on the sign face and discourages bright colors such as red, orange and yellow. If someone asks for a white sign with black letters the white background must be of opaque material where the background does not glow at night but is dark. With respect to design, new signs will be designed to reflect the look and use of material of the principal structure on the site.

Council Member Arnett asked if the proposed ordinance is similar to ordinances in other communities. Planner Censky said that the ordinance is similar to that of other communities, where it has proven to be successful. Mequon is an example.

Council Member Thome said she is in favor of the proposed ordinance revision because it will not preclude any businesses from using their logo.

Council Member Verhaalen asked if there is a process for exceptions to the ordinance. Planner Censky said staff makes efforts to work with applicants to make sure they are aware of City rules and regulations. If there is an impasse an applicant can appear before the Plan Commission to ask for an exception.

Motion made by Council Member Thome, seconded by Council Member von Bargen, to adopt Ordinance No. 2019-01 updating Sec. 15-5 of the Municipal Code pertaining to standards for illumination and design of signs. Motion carried unanimously.

CONSIDER ORDINANCE NO. 2019-02 UPDATING SEC. 6-2-3(g) OF THE MUNICIPAL CODE PERTAINING TO FEES FOR EXCAVATIONS OF STREETS, ALLEYS, PUBLIC WAYS AND GROUNDS

Director Wiza said the present ordinance for excavations in the street right-of-way is focused on work occurring at a single address, such as a new gas service, or replacing sewer and water laterals. It works fine in these instances; however, a recent request received from a telecommunications provider to install nearly two miles of fiber optic cable in the right-of-way and the current permitting system does not address this. The proposed ordinance also eliminates the \$100 deposit provision for excavations in the pavement. This amount of deposit does not create much of an incentive for contractors to comply with standards, but does create significant clerical work to issue deposit refund checks. The \$10,000 road bond fully addresses the guarantee function.

Motion made by Council Member Arnett, seconded by Council Member Galbraith, to adopt Ordinance no. 2019-02 updating Sec. 6-2-3(g) of the Municipal Code pertaining to fees for excavations of streets, alleys, public ways and grounds. Motion carried unanimously.

CONSIDER ORDINANCE NO. 2019-03 AMENDING TITLE 14 CHAPTER 2 OF THE MUNICIPAL CODE – STORMWATER MANAGEMENT AND CONSIDER ORDINANCE NO. 2019-04 AMENDING TITLE 15 CHAPTER 2 OF THE MUNICIPAL CODE – CONSTRUCTION SITE EROSION CONTROL

Director Wiza said the DNR requires municipalities to update their stormwater ordinances to be consistent with current State laws. The current ordinance was drafted in December 2017 but final review by the DNR requires that Sec. 14-02-07(4)(b)(2c) be removed. The erosion control ordinance also requires minor revisions. Before the City receives final grant reimbursement the two revised ordinances must be adopted.

Motion made by Council Member Thome, seconded by Council Member Burkart, to adopt Ordinance No. 2019-03 amending Title 14 of Chapter 2 of the Municipal Code pertaining to stormwater management and to adopt Ordinance No. 2019-04 amending Title 15 Chapter 2 of the Municipal Code pertaining to construction site erosion control. Motion carried unanimously.

CONSIDER THE APPOINTMENT OF JORDAN Z. COLE AS AGENT FOR NORTH 48, INC. AT W62 N599 WASHINGTON AVENUE

Motion made by Council Member Burkart, seconded by Council Member von Bargaen, to approve the appointment of Jordan Z. Cole as agent for North 48, Inc. at W62 N599 Washington Avenue. Motion carried unanimously.

CONSIDER REQUEST TO REPLACE SENIOR CENTER DIRECTOR

Motion made by Council Member von Bargaen, seconded by Council Member Thome, to approve the request to replace Senior Center Director Carol LaFontaine, who is retiring in the spring. Motion carried unanimously.

CONSIDER IMPLEMENTATION OF A HEALTH REIMBURSEMENT ACCOUNT (HRA) AND CHANGES TO THE PERSONNEL MANUAL AS NECESSARY

City Administrator/Treasurer Mertes explained that at retirement employees are paid out their accrued sick and vacation time. Implementation of a Health Reimbursement Account (HRA) would be a new benefit for employees. All accrued sick and vacation time would be paid into an HRA for regular employees and all accrued sick time would be paid into an HRA for employees in the Police Union. Veterans with full healthcare benefits are exempt from the benefit. They will continue to receive the payout directly. It was the consensus of the Personnel Committee to increase the sick payout to 57.65% of an employee's accrued balance. This covers the FICA taxes. The cost to the City would remain the same. Cedarburg Light and Water has a similar program; however, employees retiring after 20 years receive 100% payout of sick leave.

Motion made by Council Member Thome, seconded by Council Member von Bargaen, to implement a Health Reimbursement Account (HRA) plan for City employees and to approve changes to the Personnel Manual as presented. Motion carried unanimously.

PAYMENT OF BILLS

Motion made by Council Member Verhaalen, seconded by Council Member Burkart, to approve the payment of the bills for the period 01/07/19 through 01/18/19, transfers for the period 01/10/19 through 01/23/19, and payroll for the period 01/05/19 through 01/18/19. Motion carried unanimously.

LICENSE/PERMIT APPLICATIONS

Motion made by Council Member Galbraith, seconded by Council Member Thome, to approve new Operator License applications for the period ending June 30, 2019 for Antoinette L. Dunst and Lena Kazansky. Motion carried unanimously.

Motion made by Council Member Thome, seconded by Council Member Burkart, to authorize issuance of a Festival Celebration Permit to Festivals of Cedarburg, Inc., for Winter Festival to be held on Saturday, February 16, 2019 from 8:30 a.m. to 10:00 p.m. and on Sunday, February 17, 2019 from 8:30 a.m. to 4:00 p.m. Motion carried unanimously.

CITY ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes said she attended webinar training on the CDBG Close program. She will also be meeting with Kathleen Schilling of Ozaukee County Economic Development to discuss the training and a plan to move forward to return the funds.

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Burkart questioned whether, during the branding process, there was discussion of the City having one Facebook page.

Council Member Arnett said that this was exposed as a weakness. The Branding Committee met last week and will be meeting this week to discuss how to implement the plan. It is likely the City will be asked to adopt the new logo at some point.

Council Member Verhaalen suggested that revenues/income be presented to Department Heads in advance of budget preparations.

MAYOR'S REPORT

Mayor O'Keefe thanked City staff who made it in to work today in the snow storm to keep City Hall open. He also thanked the Public Works Department for their great snowplowing efforts.

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Thome, to adjourn the meeting at 7:47 p.m. Motion carried unanimously.

Constance K. McHugh, MMC/WCPC
City Clerk