

**CITY OF CEDARBURG
COMMON COUNCIL
May 14, 2018**

**CC20180514-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, May 14, 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, City Clerk Constance McHugh, Water Recycling Center Superintendent Eric Hackert, Director of Parks, Forestry and Recreation Mikko Hilvo, Cedarburg School Superintendent Todd Bugnacki, Director of Business Services Ben Irwin, Director of Buildings and Grounds John Koster, School Board Member Kevin Kennedy, Mike Groth of Groth Design Group, 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 Arnett, to approve the minutes of the April 30, 2018 meeting as presented. Motion carried without a negative vote.

COMMENTS AND SUGGESTIONS FROM CITIZENS – None

PRESENTATIONS

PRESENTATION OF THE 2017 AUDIT REPORT; AND DIRECTION THEREON

Paul Frantz of Baker Tilly Virchow Krause, LLP presented the results of the 2017 City audit.

Audit Objective

The objective of the audit is to express their opinion on the financial statements of the City of Cedarburg as of December 31, 2017.

Financial Statements

- **Audit Opinion**

After tonight's review they will issue an opinion based on the Council's recommendation and approval. An unmodified opinion is the highest level of assurance that the City can receive from the external auditors. It means that the financial statement document has all accounting principles applied consistently between years, in allowance of generally accepted accounting principles. This is the ultimate outcome that you are looking for when receiving an audit.

○ **Management's Discussion and Analysis**

This is a good comparative. It is a narrative written by management that talks about the activity that took place in 2017 and does a good job of summarizing this in plain English.

○ **Financial Highlights – Governmental Funds**

- General Fund – Revenues were \$8,011,152 compared to expenditures of \$8,635,823
- Other Sources – Transfer of \$636,761
- Change in Fund Balance - \$12,090
- End of Year Fund Balance - \$2,458,070
 - Fund Balance consists of Non-spendable (prepaid item) \$142,753, Assigned (for future years use) \$627,008, and Unassigned \$1,688,309
- Health of General Fund Reserves – They recommend a range of unassigned fund balance of 10 – 25% of the budgeted expenditures of the subsequent year. The City has a healthy 19%.
- Budgetary Compliance – The City budgeted to use \$181,422 of fund balance. The City added \$12,090 for a positive difference of \$193,512
- Capital Improvement Fund Balance - \$695,794
- Debt Service Fund Balance - \$43,212
- Non-major Government Funds - \$2,073,684
- Proprietary Funds – Unrestricted and Restricted Cash Balance – Light & Water Utility Operating Income - \$1,642,935 with a Net Position at the end of the year of \$42,734,489. Fund Balance and Net Position are not the same. The available cash in the utilities is \$7,155,103. The Sewer Utility almost broke even with an operating loss of \$1,798 with available cash of \$5,607,086 with Restricted Cash of \$2,749,108. The Internal Service Fund balance - \$1,000,388.
- Long-Term Debt is \$16,597,559. The City has the ability to borrow up to 5% of the equalized value, which is \$65,457,365 with the capacity to borrow an additional \$48,859,806.

Communication Letter

- One material weakness was identified: Internal controls over financial reporting. This is a very common material weakness that is given to 90 – 95% of their clients. This means that the City does not have a CPA that specializes in governmental accounting on staff to prepare the financial statement document. There is a cost benefit to this and the City has chosen to outsource this function. They receive cooperation and have limited journal entries. The City has good solid individuals in place making good decisions and keeping the Council up-to-date.
- Two-way communication regarding the audit – looking for feedback from the Common Council.

- Other comments and recommendations – recommendations were made to management to develop a plan to address some informational points on new accounting standards that are coming down the line.
- Required communication to those charged with governance – lists any new accounting policies that were adopted during the course of the year along with accounting estimates that were evaluated and used by management. This communication also indicates that they did not have any disagreements with management during the audit. Lastly, they list the non-services that they provided for the City and declare their independence.

In answer to Council Member Arnett's questions, Mr. Frantz explained that they do a risk-based audit approach and nothing came through as a level of concern that needs to be communicated to the Council. There is a good segregation of duties over the transaction cycles. In regard to the net pension liability, Mr. Frantz said that number is based on an actuarial study and is not intended for the Council as decision makers to have to evaluate how to address this liability in the future. The funded pension in Wisconsin is in great shape.

In answer to Council Member Burkart's question, Mr. Frantz confirmed that the City received the highest level of assurance that an auditor can give to a client.

Mayor O'Keefe and the Common Council thanked City Administrator/Treasurer Mertes for her work preparing for the audit.

PRESENTATION BY CEDARBURG SCHOOL DISTRICT ON THE LONG RANGE MASTER PLAN FOR THE SCHOOL DISTRICT

Superintendent Todd Bugnacki explained that over the last three years, the Cedarburg School District (CSD) has examined instructional and facility needs to maintain the District's high academic standards. Through the development of a Long Range Master Plan (LRMP), the District identified planning for anticipated enrollment growth, supporting teaching and learning and improving safety and security as the top priorities to address. The Board took a huge step forward, a few weeks ago, by engaging all of its constituents by sending out a survey to all those served by the Cedarburg School system asking them for their input. It is looking for guidance in making future decisions. Recently, the Board directed the administrative team to engage with focus groups and listening sessions. Thirty plus focus groups were conducted with over 485 participants (including alumni, business leaders, community members, parents, teachers and students).

The results are as follows:

Needs: The top three priorities for this Long Range Master Plan are:

- Addressing enrollment and capacity
 - Within District boundaries, 16 new subdivisions/developments have been approved or proposed. That equates to 575 new homes. Coupled with regular growth, the District could experience an increase of 250-350 kids in the next seven years.
- Improved Teaching and Learning Environments
 - Their commitment to students is to ensure that every student graduates from high school well-prepared and future-ready. Thus, the goal of the District is to optimize student achievement by designing learning experiences responsive to future job markets, by incorporation: project based and real life applications;

engineering and design principles and departments (like art and engineering) that foster student collaboration; critical thinking; and problem solving skills.

- Safety and Security
 - The safety and security of the students, staff and community is always a priority. Upon conducting a variety of security assessments, the District looks to make multiple improvements from traffic control to building security and everything in between. The Cedarburg School District is committed to providing the safest environment possible.

Capacity & Enrollment:

- School Capacity
 - All but one of the schools are currently operating at/over capacity, creating operational challenges. As a result, schools are using spaces and rooms for functions other than their intended purposes, including using hallways and storage spaces for instruction.
- Enrollment Growth
 - The District is anticipating steady growth that could total more than 350 additional students by the 2025-2026 school year.

Potential Solutions:

- To address the top three priority needs the District has worked with architectural and construction consultants to create a solution. This potential solution not only solves growth concerns; improves teaching and learning, and addresses safety and security, but it also addresses the majority of concerns that were expressed in the community focus groups.

Financial Background

- \$72.3 million is the estimated cost of these potential solutions. (The estimated interest rate is 4.25% over 20 years).
- The estimated tax increase would be .98 cents per \$1,000 of home value.
- The District will be paying off debt obligations from past projects, which will assist in reducing the potential tax impact on the community and still keep rates below where it was in 2013.

In closing, Superintendent Bugnacki explained that the surveys are due by June 1 and he encouraged everyone to participate. He expressed appreciation for taking the time to listen to his presentation and the ongoing collaboration between the City and the School District.

In answer to Council Member Verhaalen's question, Superintendent Bugnacki explained that the 4K (1/2 day) program was started two years ago and the enrollment is 146 students.

In answer to Council Member Burkart's question, Superintendent Bugnacki explained that the outdoor classrooms incorporate the natural areas adjacent to the schools by rectifying grading differences.

Council Member Thome stated that the School District is not addressing needs that are a result of poor maintenance on the buildings. The buildings are in great condition and can be attributed to all those responsible. Superintendent Bugnacki confirmed that this is not a result of neglect of maintenance. They have been good stewards of taxpayer dollars and maintained the facilities. He clarified that the survey includes the desire to address the immediate needs and there is no intention

of coming back to the public and asking for additional support for another phase. Phase one will address the immediate needs; however, the master plan reaches out 35- 40 years.

Mayor O’Keefe thanked the School District for doing an outstanding job and being a great asset to the community.

NEW BUSINESS

CONSIDER RESOLUTION NO. 2018-12 PROVIDING FOR THE SALE OF APPROXIMATELY \$1,245,000 GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2018A; AND ACTION THEREON

Maureen Holsen of Ehlers & Associates explained that they are the City’s Municipal Advisor and they help the City with current and long range financial planning. They have been assisting the City in evaluating the 2018 financial options for paying for the 2018 capital projects that were approved in the budget and also an obligation the City has to provide developer assistance related to TID #4.

One of the borrowings (TID#4) will be pending and the borrowing for capital projects will go forward on a sales schedule. Both of the borrowings will be done through a competitive sale process involving bids. The lowest bidder will be the final sale results.

Maureen Holsen brought attention to the Pre-Sale Report related to Resolution No. 2018-12 and reviewed some of the exhibits, specifically the sizing worksheet. G.O. Notes Series 2018A will be a tax-exempt issue in the amount of \$1,245,000 over a 10 year term and are for public purposes. These will be presented at the June 11 Common Council meeting with a plan closing date of June 28, 2018.

G.O. Bonds Series 2018B is a taxable issue in the amount of \$3,425,000 over a 20 year term for a developer incentive related to TID #4. No date will be set for either the closing or the sale because the land acquisition by the developer is still pending.

Maureen Holsen also reviewed the tax impact as a result of the borrowing. The existing debt levy for 2018 is \$1,656,474 with a tax rate of \$1.22 specific to the debt service. With the two additional borrowings, she outlined a table showing the estimated revenue that the City anticipates will be available in TID #4 to offset a portion of the 2018B issue. With the existing debt service payments along with the new borrowings the projected debt service levy and the projected debt service tax rate were outlined in a table. Both payments will start in 2019 with a tax rate of \$1.54 per \$1,000.

Finally, Maureen Holsen reviewed a 5 year trend in municipal bond indices. This shows that rates have been steadily rising since December 2017; therefore, they have been conservative in their estimates in the presale report. Over the five year term, interest rates are in-line with what the average has been but they have been historically low comparatively over this time period.

In answer to Council Member Arnett’s questions, City Administrator/Treasurer Mertes explained there are funds available of \$287,500 from a previous borrowing and the cash applied is money that was set aside in the budget for the street improvements.

In answer to Mayor O'Keefe's question, City Administrator/Treasurer Mertes said that the DNR grant for repairs is not included.

Council Member Arnett asked why the City is paying for a rating from Moody's Investor's Service twice and so close together at \$12,000 each. Maureen Holsen explained that a new rating needs to be done for each issue. Council Member Arnett asked if Ehler's would be able to negotiate a discount. Ms. Holsen stated that it will depend on the timing of the two borrowings, whether or not they can negotiate these fees. After some discussion Ms. Holsen agreed to reach out for discounted fees from Moody's.

In answer to Council Member Verhaalen's question, City Administrator/Treasurer Mertes stated that this is the second or third year in a row that the City has borrowed for street projects. The City depleted all their reserves for capital projects.

In answer to Mayor O'Keefe's question regarding the number of different agenda items relating to the borrowing, Maureen Holsen explained that there are different statutory requirements for borrowing purposes and authorization needs to be shown for each specific purpose as required by Quarles and Brady. Agenda items B, C and D are related to the Series 2018B G.O. Bonds.

City Administrator/Treasurer Mertes confirmed for Council Member Galbraith that the tax increase will be approximately \$75 on a \$260,000 home for this borrowing.

In answer to Council Member Verhaalen, Maureen Holsen explained that the benefit of approving the authorization resolution tonight for the TID #4 borrowing will save time and create less delay in the sale process.

In answer to Council Member Verhaalen's question, City Administrator/Treasurer Mertes stated that in order to stop borrowing for street projects each year, the City will need to raise the tax rate and growth will help also. Because of the levy limit, the City will not be able to levy what is needed; however, the City could raise the levy each year to try and catch up. One benefit to spending is that the City receives more State transportation aids in return.

Motion made by Council Member Arnett, seconded by Council Member Thome, to adopt Resolution No. 2018-12 providing for the sale of approximately \$1,245,000 General Obligation Promissory Notes, Series 2018A. Motion carried without a negative vote.

CONSIDER INITIAL RESOLUTION NO. 2018-13 AUTHORIZING GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$3,425,000 FOR COMMUNITY DEVELOPMENT PROJECTS IN TAX INCREMENTAL DISTRICT NO. 4; AND ACTION THEREON

Motion made by Council Member Thome, seconded by Council Member von Bargaen, to adopt Resolution No. 2018-13 authorizing General Obligation Bonds in an amount not to exceed \$3,425,000 for Community Development projects in Tax Incremental District No. 4. Motion carried with Council Members von Bargaen, Arnett, Burkart, Chivinski, Thome and Galbraith in favor and Council Member Verhaalen opposed.

CONSIDER RESOLUTION NO. 2018-14 DIRECTING PUBLICATION OF NOTICE TO ELECTORS; AND ACTION THEREON

Motion made by Council Member Thome, seconded by Council Member Arnett, to adopt Resolution No. 2018-14 directing publication of Notice to Electors. Motion carried without a negative vote.

CONSIDER RESOLUTION NO. 2018-15 PROVIDING FOR THE SALE OF NOT TO EXCEED \$3,425,000 TAXABLE GENERAL OBLIGATION COMMUNITY DEVELOPMENT BONDS, SERIES 2018B; AND ACTION THEREON

Motion made by Council Member Arnett, seconded by Council Member Thome, to adopt Resolution No. 2018-15 providing for the sale of not to exceed \$3,425,000 taxable General Obligation Community Development Bonds, Series 2018B. Motion carried with Council Members von Bargen, Arnett, Burkart, Chivinski, Thome and Galbraith voting in favor and Council Member Verhaalen opposed.

CONSIDER RECOMMENDATION OF POLICE CHIEF TO DENY NEW OPERATOR'S LICENSE APPLICATION OF CHRISTOPHER R. HALL; AND ACTION THEREON

Police Chief Frank explained that he recommends denial of the new operator's license application of Christopher Hall based on a 2010 felony conviction on a property offense and a 2012 underage drinking conviction, where he was uncooperative in both instances. Christopher Hall was not present to answer questions.

Motion made by Council Member Burkart, seconded by Council Member Galbraith, to deny the new Operator's License application for Christopher R. Hall based on Police Chief Frank's recommendation. Motion carried without a negative vote.

CONSIDER REQUEST TO BEGIN THE PROCESS TO HIRE A POLICE OFFICER DUE TO AN ANTICIPATED RETIREMENT; AND ACTION THEREON

Police Chief Frank explained that with an officer's anticipated retirement in October, the Cedarburg Police Department will be one officer position below the usual staffing level of 20. He requested permission to begin the process to hire a patrol officer. The process to hire an officer will run 6 to 9 months in length.

In answer to Council Member Verhaalen's question, Chief Frank explained that two officers were hired from the last list and a new list will need to be created.

In answer to Council Member Arnett's question, Chief Frank explained that the job opening is posted at Technical colleges, in the Wisconsin State Journal, the Law Enforcement Bulletin, and on Governmentjobs.com through NeoGov.

Chief Frank explained that the Department sees a lot of interest for this job. The standards are set high where the applicant needs to be certified or be eligible for certification. The Department received 90 applications for the last opening.

Motion made by Council Member Arnett, seconded by Council Member von Bargaen, to authorize Chief Frank to begin the process to hire a Police Officer due to an anticipated retirement. Motion carried without a negative vote.

CONSIDER 2017 COMPLIANCE MAINTENANCE ANNUAL REPORT (CMAR) FOR THE WASTEWATER TREATMENT PLANT AND RESOLUTION NO. 2018-16 ACCEPTING THE REPORT; AND ACTION THEREON

Superintendent Hackert explained that the Compliance Maintenance Report is an annual summary report used to determine the effectiveness of the sewerage system to meet DNR permit limits and to indicate areas of the system that may need improvement. It covers all aspects of discharge and all of the areas that it is approved to discharge through the State. It also looks at the biosolids that are removed from the plant and then hauled to Green Bay and to a tank in Hartford (within the last 2 months). Staffing is reviewed and whether they have enough certified operators. The requirement is two and the City currently has three certified operators. Financing is reviewed, to be certain there is enough money in the replacement funds for the collection system and equipment, as well as operating costs. It also looks as to whether the plant does repairs. Superintendent Hackert explained that the Water Recycling Center is also tied into the Street and Utility projects each year. They have 10 years of projects planned and they need to coordinate with the City's street projects. In 2017, no points were deducted from any categories in the report. No action for improvement in the system is needed. This was accomplished with a lot of extra work from staff because the Water Recycling Center was short four employees out of six for a good portion of 2017. There are two new employees with this job being their first career job in wastewater and they have been training all year. In October 2017 he was able to bring in two operators with experience.

Council Member Verhaalen asked how the plant differentiates drop off loads between holding tanks and septic tanks. Superintendent Hackert explained that a form is required asking that question along with a permit and fee. Also, the plant randomly samples the loads. Superintendent Hackert explained the difference between a holding tank and a septic tank. The fees are higher for septic loads based on their cost to treat it.

Council Member von Bargaen stated that he appreciates the kind welcome and the Public Works staff. He was impressed with the Department's accomplishments with a low staff.

Motion made by Council Member von Bargaen, seconded by Council Member Thome, to accept the 2017 Compliance Maintenance Annual Report (CMAR) for the Wastewater Treatment Plant and adopt Resolution No. 2018-16 accepting the report. Motion carried without a negative vote.

Council Member Arnett thanked the Department for making an old Chevy run like a Corvette with half the number of drivers.

CONSIDER PROCESS/POLICY WHEN "CLASS B: LIQUOR LICENSES BECOME AVAILABLE; AND ACTION THEREON

At the request of Council Member Arnett, the Clerk's Office has been keeping a "waiting list" for those interested in obtaining a liquor license. His idea is to reach out to these individuals when a license becomes available.

Council Member Verhaalen thought it was more appropriate to call it a notification list rather than a waiting list.

City Clerk McHugh stated that a license will become available on July 1 and two people are on the notification list. She is looking for direction or guidance on handling the license when it becomes available.

In answer to Council Member Verhaalen's question regarding notifying the building owner when a license is available, City Clerk McHugh explained that this does not happen often that a license becomes available. In this case, Silver Creek Brewery will not require a Class B Liquor license any longer from the City to operate. A change was made by 2011 Wis. Act 32, allowing a brewery to sell fermented malt beverages at retail without having to obtain a municipal beer license; a brewery that held a liquor license as of June 1, 2011 may continue to sell intoxicating liquor without a municipal liquor license; a brewery may not sell intoxicating liquor unless it has been "grandfathered in" to sell intoxicating liquor at the brewery premises under sec. 125.29(3)(h), Wis Stats. without a municipal license.

In answer to Mayor O'Keefe and Council Member Arnett's questions, City Clerk McHugh explained that the Clerk's Office has not notified or advertised any available licenses in the past because there was not a big demand.

In answer to Council Member Thome's question, City Attorney Herbrand stated that he does not know how other communities handle an available license and City Clerk McHugh is looking for the Council's direction. He encouraged a simple notification list that does not mandate the Common Council to anything. If people want to be on the list they can seek out the Clerk with nothing beyond that. When a license might become available they could receive a letter. City Clerk McHugh was in favor of calling the people and talking to them.

City Attorney Herbrand explained that the Common Council has a fair amount of discretion in granting new licenses and he thought they should keep that discretion. He understands that businesses will want to be aware.

Council Member Arnett thought the more publicity about an available license would be better. He suggested putting a notification on the City website and to have a business renew their intentions annually.

Council Member Verhaalen stated that interested businesses would probably inquire on the status occasionally.

Council Member Burkart stated that once the City begins advertising they should be certain to follow the same procedure every time.

City Clerk McHugh stated that the website currently asks interested parties to contact the Clerk's Office and two businesses have done that.

Council Member Galbraith stated that by posting the availability of a license on the website this puts the burden back on those that want to apply for the license and that way the City would not miss anyone.

City Clerk McHugh did not believe that businesses would check the City website each day for the availability of a liquor license. There is a 15 day waiting period between the time the license is applied for and the Common Council can act on it.

Council Member Verhaalen suggested a 30 day minimum to allow more time for businesses to apply.

City Clerk McHugh explained that a prospective tenant of Gus Wirth has applied for the Combination Class B Liquor license, as of last Friday.

Gus Wirth, N48 W6000 Spring Street, stated that originally a license was kept with a building. The last time a license was available he came with a request for a restaurant that would be operating in 30 days or he was going to apply for the license. That license was issued to someone who had not previously asked for a license and was operating under a Class "B" beer and "Class C" wine license. Mexican restaurants need margaritas and need a full license. The new applicants will also need a liquor license to operate as a restaurant. A different Common Council at the time, broke the habit of keeping the license with a building. This new process caused pressure on himself and City Clerk McHugh. He thought the City had the correct number of liquor licenses available but he believes it was disrupted and that is causing the pressure.

In answer to Council Member Chivinski's question, City Attorney Herbrand did not believe it was a change in policy in granting a liquor license; however, the question was should the license stay with a building that may not have an immediate viable tenant or should it go to another operating business. The action item tonight, is not necessarily to look at history or to look at one particular applicant, it is to look at the process going forward.

In answer to Council Member Thome's question, City Attorney Hebrand stated that years ago landlords would hold a license to protect it and keep it with the building. This is probably slowly changing with times because of liability.

City Clerk McHugh explained that a license is issued to a particular person for a particular premise. It does not always go automatically to a building. When the tenant left the building on the corner of Washington Avenue and Western Road, the license did not automatically stay at that location.

In answer to Council Member Verhaalen's question regarding the preferred method of contacting the people on the waiting list, City Clerk McHugh stated that she would prefer calling them and talking to them if the Common Council authorizes it.

Council Member Verhaalen stated that the people on the waiting list should be informed that they will be contacted by phone when there is an available license. At that point City Clerk McHugh will tell the interested business that they should apply by a certain date and give them the date that the license will be considered by the Common Council.

Council Member Burkart expressed concern for a bar/restaurant that would want to sell their established business and would have to be concerned about losing the license. It was explained that the Common Council always has the discretion over the license and who it is issued to.

In answer to Council Member von Bargaen's question regarding the timing issue of a license in certain cases, City Clerk McHugh explained that the Code states that a business must operate so many days within a 30 day period. However, there can be an exception if it involves remodeling or something else along those lines.

Motion made by Council Member Galbraith, seconded by Council Member Thome, to authorize the City Clerk to notify the interested parties on the notification list for a liquor license by calling them.

Council Member Arnett advocated that the City also send a letter to those interested as evidence that there has been contact and to post it on the website.

Council Member Galbraith amended the motion to post the availability of a license on the website. Council Member Thome agreed to the amendment.

Council Member Arnett made a motion to amend the original motion to add a letter as part of the notification process along with a phone call when a license is available. Motion was seconded by Council Member Chivinski. Motion carried with Council Members von Bargaen, Arnett, Burkart, Chivinski and Galbraith in favor and Council Members Verhaalen and Thome opposed.

Motion carried on the original motion as amended without a negative vote.

CONSIDER REQUEST FOR FUNDS TO ADD POWER TO CEDAR CREEK PARK FOR SUMMER SOUNDS; AND ACTION THEREON

John Wallace, Co-President of Summer Sounds, explained that Summer Sounds is 100% volunteer driven and 100% funded by sponsors and the revenue generated in the park. They are a low maintenance addition to the City. The event has grown in popularity and as the park continues to expand with the new band shell, he is requesting on behalf of Summer Sounds and other users for additional power. It is toward the back part of the park where they are currently operating under a single power pedestal and they are blowing fuses every night and are having to use long extension cords. A portion of their revenue is generated by the vendors and they are important to the event; therefore, it is important to make it easier and safer for those vendors. He asked for \$1,160 to add a portable adapter for events in the park that require power. John Wallace had this conversation with Director Hilvo and this money is not in his budget.

In answer to Council Member Verhaalen's question, John Wallace explained that he is asking for a one-time cost of \$1,160.

In answer to Council Member Galbraith's questions, Director Hilvo said that the Parks Department pays for the cost of the electricity in the park. John Wallace explained that Summer Sounds receives a vendor fee and that revenue goes to Summer Sounds and not the City.

In answer to Council Member Verhaalen's question, Police Chief Frank stated that there have not been any additional safety related costs due to Summer Sounds. They send officers on walks through the park that are working that shift and have not needed to add any extra officers.

Council Member Galbraith stated that there is a need for police presence and there has to be more burden on the Police Department as the events grow in popularity. He expressed concern for the

taxpayers after listening to several requests this evening. In this case, the City is providing power and funds for Summer Sounds and at what point does the taxpayer not have to pay for this.

In answer to Council Member Thome's question, Director Hilvo stated that the cost amounts to \$1,400 per year for his Department. The electrical costs are minute.

Council Member Verhaalen stated that Summer Sounds bring people to the City and it is an indirect gain for the City.

John Wallace argued that Summer Sounds is the lowest maintenance event that occurs in the City. He does not want to diminish that there is a cost to what they do; however, the cost relative to the gain that the City experiences on those Friday nights is minimal. They are a stand-alone organization of all volunteers. They do not intend to make the event any bigger than it is right now. There are infrastructure constraints that prohibit further growth of the event. He stated that Summer Sounds brings people to Cedarburg from out of town and they are spending money in the City. There is value to their event and their request would make the park more usable in the future.

In answer to Council Member Verhaalen's question, John Wallace stated that there are approximately 12 vendors at each event. Council Member Verhaalen said that it would cost each vendor approximately \$92 to split the cost of his request.

Council Member Galbraith stated that there is an indirect benefit to the businesses in the City and this keeps the tax base down.

Council Member Verhaalen explained that different costs have been covered by the City before this request. Most recently, a request for a modification to the band shell for the bands to back up to the stage.

John Wallace understands that there are costs involved in Summer Sounds but when you look at 10 weeks with approximately 5,000 attendees for the last 16 years, it would be a disproportionate amount that the City has contributed.

Mayor O'Keefe stated that people live in Cedarburg because it is a special place and Summer Sounds is a part of this. Summer Sounds has grown and been nurtured and is very close to being self-sufficient. Occasionally, he is asked why the City doesn't do more for Summer Sounds. The City does maintain the park and it is heavily used and needs maintenance.

In answer to Mayor O'Keefe's question, John Wallace said that they pay the soccer club to clean the park at 6:00 a.m. on Saturday mornings.

Council Member Burkart stated that Summer Sounds adds to the City and is in favor of helping. She asked if the additional power would add noise. John Wallace explained that people will not know it is there because it is only extending the current power structure with a portable unit.

In answer to Council Member Verhaalen's question, Director Hilvo explained that if the City is buying the unit then the City will have control of its use.

Director Hilvo pointed out that he has a very tight budget that he uses to make many things happen; however, he is asking that it not be taken out of his budget.

Council Member Thome stated that she understands how hard it is get supporters and she appreciates what Summer Sounds does.

Motion made by Council Member Thome, seconded by Council Member von Bargen, to approve the request for funds to add power at Cedar Creek Park for Summer Sounds from the Contingency Reserve Fund.

Council Member Arnett said that this would amount to 12¢ per citizen for ten concerts.

Council Member Chivinski stated that Summer Sounds is great for the City. Unfortunately the City does have limited resources and that is where the healthy skepticism comes from.

John Wallace said that Summer Sounds may not do enough to communicate to the City and the questions have been good. They will work to keep the City informed because these events really contribute to the community.

Motion carried without a negative vote.

CONSIDER QUOTE RECEIVED FOR CONSTRUCTION OF THE PRAIRIE VIEW PARK SHELTER; AND ACTION THEREON

Director Hilvo stated that this project was bid out with no response. The shelter has been delivered to Prairie View Park and he needed to find a contractor to do the work. He reached out to two contractors and Dahlman Construction expressed interest for a cost of \$85,920. The cost of the shelter was \$60,000 with a budget of \$180,000 for the project resulting in an approximate savings of \$30,000 that can be used for landscaping. Director Hilvo explained that there may be an issue with the process after talking to City Attorney Herbrand. Technically, according to the League of Municipalities if there is a no bid situation a community is probably required to re-advertise for bids. It is not an option for a City or Village to negotiate contracts when State Law requires the project to be let by competitive bidding. He did not negotiate with any vendor and was given a quote by Dahlman Construction. Director Hilvo continued to explain that the City followed the proper bidding procedure and it is a simple shelter project. He is concerned that it will take another 4-6 weeks to bid the project again whereas; he could start now and have it done by the end of June to enjoy for the summer.

City Attorney Herbrand explained that there is no clear law in this situation.

Council Member Arnett stated that this is an \$80,000 project and the City has gone through all of the procedures with no bids. There is a company willing to do the work. The damages would only be construction profits of 10% of \$80,000 and it would cost more for a company to sue the City. He opined that there was no meaningful risk in going ahead with the project.

In answer to Council Member Thome's question, Director Hilvo said that there are safety issues and structural issues if the shelter remains there unfinished for a long period of time. It is a kit and can

be finished by the end of June if it is started this week. If the project is delayed they may have to move the kit indoors to protect it prior to being built.

Mayor O'Keefe was comfortable that the quote to build it came in under budget. Director Hilvo stated that preliminary estimates indicated that it may cost \$95,000.

Council Member Burkart recalled that Director Wiza was only able to get one bid on a recent project.

Council Member Chivinski stated that he had difficulty finding someone to do a project at his home; however, as a risk manager you always want to worry about setting a precedent especially if the market changes but he agreed with Council Member Arnett's approach in this situation.

Motion made by Council Member Arnett, seconded by Council Member Thome, to accept the quote received for construction of the Prairie View park shelter in the amount of \$85,920. Motion carried without a negative vote.

ANNUAL REVIEW AND CERTIFICATION OF CODE OF ETHICS

The Common Council reviewed and certified the Code of Ethics.

CONSIDER PAYMENT OF BILLS DATED 04/26/18, TRANSFERS FOR THE PERIOD 04/28/18 THROUGH 05/11/18, AND PAYROLL FOR THE PERIOD 04/22/18 THROUGH 05/05/18 AND ACTION THEREON

Motion made by Council Member Verhaalen, seconded by Council Member Thome, to approve payment of bills dated 04/26/18, transfers for the period 04/28/18 through 05/11/18, and payroll for the period 04/22/18 through 05/05/18. Motion carried without a negative vote.

CONSIDER LICENSE APPLICATIONS; AND ACTION THEREON

Motion made by Council Member Thome, seconded by Council Member Galbraith, to approve new Operators License applications for the period ending June 30, 2018 for Bryce M. Burke and Angela M. Bushee. Motion carried without a negative vote.

Motion made by Council Member Thome, seconded by Council Member Burkart, to approve the 2018-2019 alcohol, operator, and cigarette licenses as listed:

Class "A" Fermented Malt Beverage and "Class A" Cider Only (Off-Premise Consumption Only):

Speedway LLC, PO Box 1580, Springfield, OH 45501, Michael R. Weber, Agent, premises to be licensed: W63 N121 Washington Avenue, known as Speedway 4203.

"Class A" Intoxicating Liquor (Off-Premise Consumption Only):

The Shinery Neenah LLC, 4301 W. Wisconsin Avenue, Appleton, WI 54913, Elizabeth Reissmann, Agent, premises to be licensed: W63 N706 Washington Avenue, known as The Shinery.

Class “A” Fermented Malt Beverage and “Class A” Intoxicating Liquor (Off-Premise Consumption Only):

Bonus Inc., dba Olsen’s Piggly Wiggly, W61 N286 Washington Avenue, Cedarburg, WI 53012, Ryan L. Olson, Agent, premises to be licensed: W61 N286 Washington Avenue, known as **Olsen’s Piggly Wiggly**.

Toto’s Inc., 4600 W. Brown Deer Road, Brown Deer, WI 53223, Krystal L. Poppe, Agent, premises to be licensed: W63 N157 Washington Avenue, known as **Otto’s Wine and Spirits**.

Super Sales USA Inc., PO Box 493, Cedarburg, WI 53012, Douglas Gall, Agent, premises to be licensed: W62 N174 Washington Avenue, known as **Citgo Super Sales Cedarburg**.

Wisconsin CVS Pharmacy, LLC, One CVS Drive, M/C 1160, Woonsocket, RI 02895, Dione Jeffrey, Agent, premises to be licensed: W63 N152 Washington Avenue, known as **CVS Pharmacy #8775**.

Walgreen Co., P.O. Box 901, Deerfield, IL 60015, Brett D. Zingsheim, Agent, premises to be licensed: W62 N190 Washington Avenue, known as **Walgreens #13620**.

Class “B” Fermented Malt Beverage and “Class B” Intoxicating Liquor (On or Off-Premise Consumption):

Ernie’s Wine Bar LLC, N49 W5471 Portland Road, Cedarburg, WI 53012, Benjamin M. Grade, Agent, premises to be licensed: N49 W5471 Portland Road, known as **Ernie’s Wine Bar**.

Stagecoach 520 LLC, W61 N520 Washington Avenue, Cedarburg, WI 53012, Anne M. Conley, Agent, premises to be licensed: W61 N520 Washington Avenue, known as **Stagecoach Inn/The Five 20 Pub**.

RCB Group Inc., W63 N699 Washington Avenue, Cedarburg, WI 53012, Richard C. Buser, Agent, premises to be licensed: W63 N699 Washington Avenue, known as **Maxwell’s**.

C. Wieslers Inc., W61 N493 Washington Avenue, Cedarburg, WI 53012, Mike G. Jackson, Agent, premises to be licensed: W61 N493 Washington Avenue, known as **C. Wieslers**.

Kowloon Chinese Restaurant Inc., W63 N145 Washington Avenue, Cedarburg, WI 53012, Henry A. Liang, Agent, premises to be licensed: W63 N145 Washington Avenue, known as **Kowloon Chinese Restaurant**.

Fineco LLC, W63 N140 Washington Avenue, Cedarburg, WI 53012, Daniel S. Pals, Agent, premises to be licensed: W63 N140 Washington Avenue, known as **Grapes and Tastes**.

North 48 Inc., W62 N599 Washington Avenue, Cedarburg, WI 53012, Peter A. Olds, Agent, premises to be licensed: W62 N599 Washington Avenue, known as **North 48**.

Morton’s Wisconsin LLC, N56 W6339 Center Street, Cedarburg, WI 53012, Chris Morton, Agent, premises to be licensed: N56 W6339 Center Street, known as **Mortons Wisconsin Inn**.

Thomas Restaurant, LLC, W63 N688 Washington Avenue, Cedarburg, WI 53012, Nicole Thomas, Agent, premises to be licensed: W63 N688 Washington Avenue, known as **Tomaso’s**.

L&G Express Bar LLC, N50 W5586 Portland Road, Cedarburg, WI 53012, Larry D. Weidmann, Agent, premises to be licensed: N50 W5586 Portland Road, known as **L&G Express Bar.**

Peter Wollner Post No. 288 of the American Legion, W57 N481 Hilbert Avenue, Cedarburg, WI 53012, James A. Lee, Agent, premises to be licensed: W57 N481 Hilbert Avenue, known as **Peter Wollner Post No. 288 of the American Legion.**

Cedarburg Cultural Center Inc., W62 N546 Washington Avenue, Cedarburg, WI 53012, Stephanie Hayes, Agent, premises to be licensed: W62 N546 Washington Avenue, known as **Cedarburg Cultural Center.**

RCB Group Inc., W62 N550 Washington Avenue, Cedarburg, WI 53012, Richard C. Buser, Agent, premises to be licensed: W62 N550 Washington Avenue, known as **The Stonewall Pub.**

Cedars III LLC, W53 N404 Park Lane, Cedarburg, WI 53012, Michael F. Kowalkowski, Agent, premises to be licensed: W53 N404 Park Lane, known as **Cedars III.**

MacBeebs LLC, Owned by Catherine Heebner, 3041 N. 75th Street, Milwaukee, WI 53210, Catherine Heebner, Agent, premises to be licensed: W62 N238 Washington Avenue, known as **Farmstead.**

Anvil Pub & Grille LLC, N70 W6340 Bridge Road, Cedarburg, WI 53012, Donna M. Taylor, Agent, premises to be licensed: N70 W6340 Bridge Road, known as **Anvil Pub & Grille.**

Settlers Inn LLC, W63 N657 Washington Avenue, Cedarburg, WI 53012, Joan D. Dorsey, Agent, premises to be licensed: W63 N657 Washington Avenue, known as **Settlers Inn.**

AT JJ's LLC, W62 N559 Washington Avenue, Cedarburg, WI 53012, Ambur A. Vance, Agent, premises to be licensed: W62 N559 Washington Avenue, known as **AT JJ's.**

Cedarburg Art Museum & Society, Inc., W63 N675 Washington Avenue, Cedarburg, WI 53012, Pamela Caserta Hugdahl, Agent, premises to be licensed: W63 N675 Washington Avenue, known as **Cedarburg Art Museum.**

Phoa Brothers, Inc., W62 N547 Washington Avenue, Cedarburg, WI 53012, Jimmy Phoa, Agent, premises to be licensed: W62 N547 Washington Avenue, known as **New Fortune.**

GG & KR LLC, W62 N630 Washington Avenue, Cedarburg, WI 53012, Gordon M. Goggin, Agent, premises to be licensed: W62 N630 Washington Avenue, known as **The Stilt House.**

Class "B" Fermented Malt Beverage (On or Off-Premise Consumption) and "Class C" Wine (On-Premise Consumption):

Morales Restaurants LLC, 2550 Country Aire Drive, Cedarburg, WI 53012, Debra A. McQuaid, Agent, premises to be licensed: W63 N674 Washington Avenue, known as **Vintage Café & City Deli.**

Donna M. Taylor, 1441 Keup Road, Grafton, WI 53024, premises to be licensed: N70 W6340 Bridge Road, known as **Cream & Crepe Café.**

P.J. Piper LLC, W61 N514 Washington Avenue, Cedarburg, WI 53024, Judith Fergadakis, Agent, premises to be licensed: W61 N514 Washington Avenue, known as **P.J. Piper Pancake House.**

Brandywine LLC, W61 N480 Washington Avenue, Cedarburg, WI 53012, Andrew C. Wilson, Agent, premises to be licensed: W61 N480 Washington Avenue, known as **Brandywine.**

J.L. Joyce Enterprises Inc., W63 N144 Washington Avenue, Cedarburg, WI 53024, James P. Joyce, Agent, premises to be licensed: W63 N144 Washington Avenue, known as **Jim's Grille.**

Otte Restaurants LLC, W63 N540 Hanover Avenue, Cedarburg, WI 53012, John M. Otte, Agent, premises to be licensed: W63 N540 Hanover Avenue, known as **Romano's Pizzeria.**

Two Crafty Chicks LLC, W61 N506 Washington Avenue, Cedarburg, WI 53012, Kathleen Hartzheim, Agent, premises to be licensed: W61 N506 Washington Avenue, known as **Thirsty Hammer Workshop.**

Java House Café & Micro Roaster LLC, W63 N653 Washington Avenue, Cedarburg, WI 53012, Scott A. Sidney, Agent, premises to be licensed: W63 N653 Washington Avenue, known as **Java House Café & Micro Roaster.**

Famous Sals of Cedarburg, Wisconsin, Inc., W61 N635 Washington Avenue, Cedarburg, WI 53012, Bekim Elmazi, Agent, premises to be licensed: W63 N635 Washington Avenue, known as **Sals Famous Pizza.**

Baehmann's Golf Center Inc., W73 N1122 Washington Avenue, Cedarburg, WI 53012, Kurt Baehmann, Agent, premises to be licensed: W73 N1122 Washington Avenue, known as **Baehmann's Golf Center.**

"Class B" Winery License (On or Off-Premise Consumption):

Wollersheim Winery Inc., 7876 Hwy 188, PO Box 87, Prairie Du Sac, WI 53578, Constance J. Niebauer, Agent, premises to be licensed: N70 W6340 Bridge Road, known as **Cedar Creek Winery.**

The Chiselled Grape Winery LLC, W64 N713 Washington Avenue, Cedarburg, WI 53012, Harald Tomesch, Agent, premises to be licensed: W64 N713 Washington Avenue, known as **The Chiselled Grape Winery.**

Cigarette Licenses for Period Ending June 30, 2019:

Bonus Inc. (Olsen's Piggly Wiggly)
W61 N286 Washington Avenue

Super Sales USA, Inc. (Citgo)
W62 N174 Washington Avenue

Fineco, LLC (Grapes & Tastes)
W63 N140 Washington Avenue

Toto's Inc. (Otto's Wine & Spirits)
W63 N157 Washington Avenue

Speedway, LLC (#4203)
W63 N121 Washington Avenue

Walgreen Co. (#13620)
W62 N190 Washington Avenue

New Operator's Licenses for Period Ending June 30, 2019

Dawn M. Brooks	Brian A. Kurlinski
Bryce M. Burke	William A. Langholz
Dylan J. Krivoshein	Robert R. Vanderloop

Renewal Operator's Licenses for Period Ending June 30, 2019

Hannah C. Aronson	Paul G. Goetz	Sheryl L. Pals
Deborah Bath	Eric E. Grassel	Allen W. Parnell
Teia J. Batiansila	Jeremy M. Gruenweller	David J. Polacek
Roger E. Behling	David B. Haberman	Bryan J. Price
Nicholas L. Behling	Angela L. Habermann	John L. Pryor
Tyler J. Bell	Christine M. Habich	Ronald H. Reimer
Lindsey J. Berndt	Dustin J. Halyburton	Patrice J. Renfrow
Michael C. Besaw	Andrew W. Heidtke	John W. Riege
Wendy S. Bolz	Jill Hepburn	Erin A. Riley
Michael Bourbonais	Sarah L. Hepburn	Elizabeth F. Riley
Nicholas A. Boylen	Leslie E. Heppe	Zachary R. Ringel
Lois M. Bray	James M. Hintz	Mark D. Roberts
Dawn M. Brooks	Sam D. Hoffmann	Ann M. Ruska
Daniel M. Burbach	Teri L. Jackson	James M. Salp
Elizabeth M. Bursten	Brian M. Jackson	Tyler T. Schemenauer
Pamela M. Caserta Hugdahl	Katherine A. Jackson	Tori L. Schone
Shane R. Cassidy	Dennis F. Jaeger	Sherri A. Scofield
Joel M. Christophersen	Kristin V. Kamke	Thomas J. Shippen
Jordan Z. Cole	Charles A. Kison	Richard S. Siefert
William W. Conley	Randall H. Kison	Eric L. Siudak
Callen L. Cummings	Jake E. Krajenka	John M. Striepling
Megan T. Czisny	Edmund A. Kwaterski Jr.	Kim K. Stroessner
Benjamin J. Dereszynski	James D. Lake	Jeff M. Theisen
Edward J. Dettloff	Diane M. Lane	Jodie E. Thierfelder
Shirley A. DeVona	James J. Levine	Scott R. Thomas
Keri L. Dietrich	Pamela A. Lidington	Spencer D. Thomas
Mary E. Dolezal	Dennis H. Loberger	Sandra J. Tietzen
Monica J. Dorsey	Craig E. Lowdermilk	Kelly E. Timple
Thomas M. Dorsey	Karissa J. Mathias	David L. Vahsholtz
Shelley M. Doxtator	Bradley J. Mayer	Richard L. von Trebra
Jonathan P. Dunne	Brandon J. McCarthy	Jessica M. Wallace
Eric W. Engstrom	Saul Benjamin Morales McQuaid	Clarey Wamhoff
Suzanne V. Ernst	Carrie G. Mueller	Kenneth L. Weintraub
Jacqueline J. Ertl	Jason D. Mutza	Patrick R. Weyer
Kim M. Esselmann	Sharon L. Nelson	Troy A. White
Judi K. Even	Jamie N. Nevins	Allison E. Wray
Blaine E. Gibson	Richard H. Nielsen	John E. Zarling
Matthew W. Gifford	Daniel S. Pals	James W. Zipter

Motion carried without a negative vote.

UNFINISHED BUSINESS

CONSIDER ORDINANCE NO. 2018-04 AMENDING SEC. 11-2-7 OF THE MUNICIPAL CODE PERTAINING TO THE PLACEMENT OF CHAIRS IN ADVANCE OF THE ANNUAL 4TH OF JULY PARADE; AND ACTION THEREON

Council Member Verhaalen suggested that chairs not be allowed to be set out before 7 a.m. on the Fourth of July.

Police Chief Frank reviewed the history of chairs being set out for this event. In 2001 they experienced many people placing their chairs out two days before the parade. By the morning of July 3rd, most of the downtown area was lined with chairs which created a serious public safety concern. People trying to park downtown to do business were finding it difficult to access the sidewalks. After working with the City Attorney at the time, an Administrative rule was proposed in 2002 to not allow any chairs along the curb until 7:00 p.m. on July 3rd when many of the businesses were closed. This worked well; however, there is still a party before the fourth downtown as people start gathering around noon – 3 p.m. to stake out their area for their chairs at 7 p.m. By 5 p.m. the streets are lined with people, there is a festive mood, he needs to assign at least two officers on overtime to police the street and remind people not to set out chairs before 7 p.m. For the most part, people listen because they understand the public safety concern.

Council Member Galbraith asked Police Chief Frank what time they begin closing the road for the parade on the fourth. Police Chief Frank stated that this is done by 9 a.m. for the parade to start at 10 a.m. Auxiliary Police help with the event and pull people from other areas of the County because the event is so large.

Police Chief Frank expressed concern for setting a 7:00 a.m. time for putting out chairs because this may cause people to gather at 3 a.m. to set chairs out. He thought people would be angrier with officers asking them not to set out chairs at this time and it may be more confrontational.

In answer to Council Member Galbraith's question, City Attorney Herbrand stated that there is a current ordinance that the Council is being asked to amend in this situation allowing people to set their chairs out at 7 p.m.

Council Member Burkart stated that she talked to many residents and businesses and it is a 1/3 split in opinion. One-third believe it is tradition to set up beforehand, one-third does not want chairs out before 7 p.m. and one-third want to set up chairs the day of the parade. She believed there are issues with all of these scenarios. She asked if there were any issues of disorderly conduct on July 3 and Police Chief Frank said there is not. He stated that there are some open intoxicants and they handle it by asking people to dump it out. The Police Department does not want to be heavy handed because it is a nice event. For the most part, people do listen to the officers. Only a few times, did the Department have to cut cables from trees.

In answer to Mayor O'Keefe's question, Police Chief Frank stated that there are very few disputes that involve the officers. Spots cannot be reserved on a public sidewalk with chalk or duct tape and officers tell people this.

Council Member Verhaalen expressed concern for people setting up canopies that go into the road.

Superintendent Hackert stated that the City employees are still working on July 3rd and it is very difficult to get a truck down Spring Street and continue working safely in some areas.

Gus Wirth lives on Spring Street and viewed this as a good problem.

Council Member Verhaalen was directed by a citizen to look at the Travers City, MI website in regard to their festivals and in 2017 it stated that they will post a policy when they come up with one.

Gus Wirth stated that there is a lot of shadow industry that is going on that benefit many non-profit organizations. He does not oppose this type of traffic.

In answer to Mayor O'Keefe's question, Police Chief Frank opined that people will be out hours before anytime that is set by the Common Council because the parade is so popular.

Council Member von Barga summarized a lengthy email from a constituent suggesting that the City ask people to refrain from attempting to reserve any space before 5 p.m. and allowing each person to take a seat at a space to be reserved and bring one or two additional chairs to be placed and left overnight. Eliminating chalk and duct tape might eliminate any hard feelings also.

Deb Spiering, W61 N673 Mequon Avenue, works at a downtown business. She thought that 7:00 p.m. was a good time; however, she does not always see it being enforced. People start gathering already in the morning before she gets to work and as the day progresses it is hard to conduct business. It sends a bad message to people that are trying to shop in Cedarburg. It would be helpful to enforce the 7 p.m. time.

Gina Stupek, W55 N253 Van Buren Drive, is a July 3rd event partaker and she has never had a situation where someone was disrespectful to other people or the officers. They have met new friends and it has always been a very positive experience in Cedarburg on July 3. She needs to get her children to areas before the parade and it would make it more difficult to have a rush of people setting out chairs in the morning. It would also make it more difficult to enjoy the rest of the festivities all day long if it starts earlier. It is hard to fix something that is not broken.

Council Member Thome believes that changing the time to early morning for chairs would cause a problem for all of the entities that must be out there to prepare for the parade that morning. After listening, she requested that the City try to be more forceful in regard to enforcing the obvious things. We should keep doing what we are doing with a little more force.

Council Member Arnett stated that no plan will be perfect and some people will be unhappy. This is a good problem to have and it is a popular event that is part of the fabric of Cedarburg. He advocated that Ordinance No. 2018-04 be adopted with the 7 p.m. rule as written. He would like to see volunteers distribute flyers that say "No chalk, no tape, be nice to each other." He thought that the conflict primarily comes from chalking and taping.

In answer to Council Member Galbraith's question in regard to liability and not adopting the ordinance and letting the Police Department enforce the policy, City Attorney Herbrand stated that the ordinance as amended still states that you cannot block or obstruct the sidewalk. The City

would only create liability for creating a known hazard such as placing a chair in the street. If anything it gives the Police Department something to enforce. The prior policy created a gray area. Council Member Chivinski was in favor of a clear statement that leaves no room for confrontation.

Police Chief Frank said that he was comfortable with the ordinance as written.

Motion made by Council Member Galbraith, seconded by Council Member Arnett, to adopt Ordinance No. 2018-04 amending Sec. 11-2-7 of the Municipal Code pertaining to the placement of chairs in advance of the annual 4th of July Parade.

Council Member Arnett said that he would reach out to volunteers to educate people more about chalking and taping. He complimented Chief Frank for how he handles this event with a light touch.

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

CONSIDER MAYOR O'KEEFE'S APPOINTMENT TO THE PLAN COMMISSION (EXP. 04/30/20); AND ACTION THEREON

Mayor O'Keefe submitted Sid Strautmanis as his appointment to the Plan Commission. He is an architect and has experience with historic buildings.

Motion made by Council Member Thome, seconded by Council Member Arnett, to confirm Mayor O'Keefe's appointment of Sid Strautmanis to the Plan Commission (Exp. 04/30/20). Motion carried without a negative vote.

ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes presented the 2018 First Quarter Financial Report and asked the Common Council to contact her with any questions or suggestions on the document.

Judy Jepson extended an invitation to the Common Council members to view her collection before it is transferred to the Cedarburg History Museum for display and the City for storage.

Council Member Arnett stated that US Bank is earning the same as the State pool and questioned whether they were supposed to be ½ percent higher and asked City Administrator/Treasurer Mertes to review this.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Thome encouraged the Council Members to attend the civic event for the Greater Cedarburg Foundation on May 17 at the Cultural Center at 7 p.m.

Council Member Arnett encouraged the Council Members to RSVP and attend the Brand Strengthening Presentation on May 21 at 5:30 p.m.

MAYOR'S REPORT

Mayor O'Keefe issued a Proclamation for Older Americans Month.

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Thome, seconded by Council Member von Bargaen, to adjourn to closed session at 9:47 p.m. pursuant to State Statutes 19.85(1)(g) to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the Council with respect to litigation in which it is or is likely to become involved, more specifically, to discuss Ozaukee County Case Number 2017CV000469 Steven W. Banas et al vs. City of Cedarburg et al, and 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 cellular tower leases for location on the recently constructed monopole on Western Avenue. Approval of February 12, 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 Thome, seconded by Council Member Verhaalen, to reconvene to open session at 10:19 p.m. Motion carried on a roll call vote with Council Member von Bargaen, Arnett, Burkart, Verhaalen, Chivinski, Thome and Galbraith voting in favor.

ADJOURNMENT

Motion made by Council Member Verhaalen, seconded by Council Member Thome, to adjourn the meeting at 10:19 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk