

**CITY OF CEDARBURG
COMMON COUNCIL
May 13, 2019**

**CC20190513-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, May 13, 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 - Mayor Michael O'Keefe, Council Members Sherry Bublitz, 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, City Clerk Constance McHugh, Director of Engineering and Public Works Tom Wiza, Senior Center Director Carol LaFontaine, Paul Frantz of Baker Tilly Virchow Krause, LLP, 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 April 29, 2019 meeting as presented. Motion carried without a negative vote.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Rick Bauzenberger, W56 N1176 James Circle, said that he distributed a letter to the Mayor and Common Council regarding private roads. He asked that the letter become part of the public record and is attached to these minutes. He asked for a future public discussion at a Council meeting with fellow residents.

Marilyn Axt, W66 N605 Madison Avenue, explained that the City is putting a hardship on her in the winter time with the High School children parking on Madison Avenue. When the City plows Victoria Ct. all the snow gets pushed on the Boulevard and people living on Victoria Ct. do not get any plow-over. As a result, a large amount of snow gets plowed behind her driveway with as much as three feet while her neighbor gets very little. At the end of January, she strained her back trying to open up her driveway resulting in nine weeks of physical therapy and chiropractic work. The last time she asked for restricted parking on Madison Avenue, the Common Council listened to a person that was not a homeowner and had up to seven cars. Another neighbor was concerned about parking for her Artist Guild. She has lived in her home for 46 years and expressed concern for this practice for the remaining years in her home.

PRESENTATIONS

CONSIDER RESOLUTION NO. 2019-07 COMMENDING SENIOR CENTER DIRECTOR CAROL LAFONTAINE FOR HER YEARS OF SERVICE TO THE CITY; AND ACTION THEREON

Motion made by Council Member Thome, seconded by Council Member Arnett, to adopt Resolution No. 2019-07 commending Senior Center Director Carol LaFontaine for her years of service to the City. Motion carried without a negative vote.

Mayor O'Keefe and the Common Council presented Resolution No. 2019-07 commending Senior Center Director Carol LaFontaine for her years of service to the City.

PRESENTATION OF THE 2019 AUDIT REPORT; AND ACTION THEREON

Paul Frantz of Baker Tilly Virchow Krause, LLP presented the results of the 2018 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, 2018.

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 2018 and does a good job of summarizing this in plain English

○ **Financial Highlights – Governmental Funds**

- General Fund – Revenues were \$8,497,887 compared to expenditures of \$8,849,656.
- Other Sources – Transfer of \$729,851.
- End of Year Fund Balance - \$2,836,152.
 - Fund Balance consist of Non-spendable (prepaid item) \$258,492, Assigned (for future years use) \$340,222, and Unassigned \$2,237,438.
- 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 24%.
- Budgetary Compliance – The City budged to use \$510,059 of fund balance. The City added \$378,082 for a positive difference of \$888,141.
- Capital Improvement Fund Balance - \$807,662.
- TID No. 4 District - \$2,796,227.

- Debt Service Fund - \$176,455.
 - Non-major Government Funds - \$2,513,407.
 - Proprietary Funds – Unrestricted and Restricted Cash Balance – Light & Water Utility Operating Income - \$1,728,304 with a Net position at the end of the year of \$45,342,132. Fund Balance and Net Position are not the same. The available cash in the utilities is \$8,512,417. The Sewer Utility has available cash of \$6,104,610.
 - Long-Term Debt is \$20,562,742. The City has the ability to borrow up to 5% of the equalized value, which is \$67,373,260 with the capacity to borrow an additional \$47,157,803.
- **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 information points on new accounting standards that are coming down the line.
 - Required communication to those charged with governance – lists any new accounting principles 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. Mr. Frantz stated that the City is very lucky to have City Administrator/Treasurer Mertes. He cannot communicate this to every client. He thanked her for making the audit process go smooth. 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 confirmed that the same material weakness was on last year's audit. In regard to auditing the controls against cyber security, Mr. Frantz explained that they do a risk-based audit, identifying the areas of risk, and nothing came through as a level of concern that needs to be communicated to the Council.

Council Member Thome and Mayor O'Keefe commended and thanked City Administrator/Treasurer Mertes for her work.

NEW BUSINESS

CONSIDER BIDS RECEIVED FOR THE 2019 ASPHALT REPAIR PROGRAM; AND ACTION THEREON

Director Wiza explained that staff advertised for and received bids for the 2019 asphalt repair program. This year's program involves the resurfacing of the southbound lane of Washington

Avenue between Evergreen Boulevard and Fair Street. The surface asphalt layer has deteriorated in this area, and the best fix is to mill and overlay the top two inches of asphalt.

Three bids were received for the work, which were very competitive and well below the estimate. He recommended awarding the 2019 asphalt pavement repair contract to Parking Lot Maintenance, Inc. based on their low unit price bid of \$23,269. He also explained that \$50,000 was budgeted for the asphalt repair contract and requested authorization to expand the areas to be resurfaced at the unit price bid, not-to exceed a total of \$45,000.

Council Member Arnett expressed concern for the Town of Cedarburg carrying fully loaded trucks of salt through the City adding wear to the City streets; whereas, the City is not allowed to run septic trucks on Town roads.

Council Member Verhaalen was in favor of extending the asphalt repair program to \$45,000, as this amount was budgeted and one of the City's primary responsibilities is the roads.

Motion made by Council Member Verhaalen, seconded by Council Member Thome, to award the bid for the 2019 Asphalt Repair program to Parking Lot Maintenance, Inc. in an amount not-to-exceed \$45,000. Motion carried without a negative vote.

CONSIDER CLOSING PORTLAND ROAD BETWEEN MILL STREET AND HILBERT AVENUE FROM 5:00 A.M. TO 2:00 P.M. ON JULY 27, 2019 FOR THE WISCONSIN WOMEN CYCLING – 2019 WISCONSIN BIKE FESTIVAL & CENTURY RIDES AND DEMONSTRATIONS; AND ACTION THEREON

Council Member Verhaalen requested that the residents be able to exit and return to their homes during the event. He also asked that any exhibits remain off of the street.

Council Member Arnett recalled that event people are available to respond to any of the neighbors' concerns during the day. This event has been happening for seven years and he does not recall any problems.

In answer to Council Member Chivinski's question, City Administrator/Treasurer Mertes said that Emergency Management is notified and is involved in the traffic control.

Council Member Burkart said that this is the same weekend as the Architectural Tour. It is their 15th anniversary and they are expanding the tour. She asked that the Public Works Department consider some additional signage.

BJ Homayouni reminded the Common Council that dialysis patients need to get to the Ye Olde Pharmacy building on Mill Street. The Common Council said that Portland Road will be closed from Mill Street to Hilbert Avenue only.

Motion made by Council Member Arnett, seconded by Council Member Galbraith, to approve closing Portland Road between Mill Street and Hilbert Avenue from 5:00 a.m. to 2:00 p.m. on July 27, 2019 for the Wisconsin Women Cycling – 2019 Wisconsin Bike Festival & Century Rides and demonstrations. Motion carried without a negative vote.

**CONSIDER APPOINTMENT OF STEVEN JACOMET AS AGENT FOR WALGREENS
#13620 AT W62 N190 WASHINGTON AVENUE; AND ACTION THEREON**

Motion made by Council Member Thome, seconded by Council Member Burkart, to approve the appointment of Steven Jacomet as agent for Walgreens #13620 at W62 N190 Washington Avenue. Motion carried without a negative vote.

**CONSIDER MAYOR O'KEEFE'S APPOINTMENT TO THE LIBRARY BOARD; AND
ACTION THEREON**

Mayor O'Keefe's appointment to the Library Board will be submitted at the next Common Council meeting.

**CONSIDER MAYOR O'KEEFE'S COUNCIL MEMBER APPOINTMENTS; AND ACTION
THEREON**

Motion made by Council Member Thome, seconded by Council Member Chivinski, to approve Mayor O'Keefe's Council Member appointments for 2019-2020 as listed:

Council Member Sherry Bublit (1st District)

Personnel Committee
Festivals Committee Liaison
Mid-Moraine Legislative Committee (alternate)

Council Member Jack Arnett (2nd District)

Economic Development Board, Chair
Community Development Authority
Ad hoc Debt/Investment Advisory Committee

Council Member Kristin Burkart (3rd District)

Public Works and Sewerage Commission
Mid-Moraine Legislative Committee
Ad hoc Debt/Investment Advisory Committee

Council Member Rick Verhaalen (4th District)

Parks, Recreation and Forestry Board
Public Art Committee

Council Member Garan Chivinski (5th District)

Library Board
Landmarks Commission

Council Member Patricia Thome (6th District)

(Council President)
(Plan Commission Council Representative)
Personnel Committee - Chair
Light and Water Commission

Council Member Rod Galbraith (7th District)

Personnel Committee

Ad hoc Mayor's Enhancement Award Committee

Ad hoc Debt/Investment Advisory Committee

Motion carried without a negative vote.

CONSIDER THE REQUEST OF FESTIVALS OF CEDARBURG, INC. TO EXTEND THE CLOSING HOURS OF STRAWBERRY FESTIVAL ON SATURDAY, JUNE 22, 2019 FROM 8:30 P.M. TO 9:00 P.M. AND ON SUNDAY, JUNE 23, 2019 FROM 5:00 P.M. TO 8:00 P.M. FOR THE CEDAR CREEK PARK PORTION OF THE FESTIVAL GROUNDS ONLY; AND ACTION THEREON

Director BJ Homayouni explained that Festivals is finding it necessary to look for new ways to increase revenues so that they can continue to pay for their rising costs of running the festivals. Being able to add sponsors in the park is going to drive additional revenue for them; however, they need to drive traffic to the park so the sponsors have customers to engage. Initially, they were going to hire bands but the cost was a serious consideration. Festivals is partnering with Paramount Music, who will be providing the blues music, free of cost to them. Paramount Music is a 501(c)(3) non-profit organization and have partnered with them in the past. Director Homayouni said they are hoping that having bands in the park will help them clear the pedestrian traffic away from the Washington Avenue footprint so that they can begin clean-up earlier. This may expedite getting the street cleaned and opened. Director Homayouni also explained that they have already extended hours on Saturday night for the main stage located in the Community Center parking lot and it has worked well, not only by increasing their revenue but many of the merchants take advantage to come down to enjoy the music after working a long day at their businesses. This plan has been approved by Sergeant Emmerich who is the Festival Liaison Officer.

Council Member Arnett said that the event will end earlier than Summer Sounds normally ends.

Council Member Verhaalen expressed concern for the event lasting until 8:00 p.m. on a Sunday evening. He said that he is thinking of the residents and agreed to approve it one time for Strawberry Festival to see how it is received.

Motion made by Council Member Arnett, seconded by Council Member Chivinski, to approve the request of Festivals of Cedarburg, Inc. to extend the closing hours of Strawberry Festival on Saturday, June 22, 2019 from 8:30 p.m. to 9:00 p.m. and on Sunday, June 23, 2019 from 5:00 p.m. to 8:00 p.m. for the Cedar Creek Park portion of the festival grounds only. Motion carried without a negative vote.

ORIENTATION SESSION FOR MAYOR AND COUNCIL MEMBERS/ANNUAL REVIEW AND CERTIFICATION OF CODE OF ETHICS

City Clerk McHugh, City Administrator/Treasurer Mertes and City Attorney Herbrand presented orientation material to the Mayor and Council Members. Included were City policies, Roberts Rules, and various articles from the League of Municipalities.

Motion made by Council Member Thome, seconded by Council Member Galbraith, to certify that the Council Members received, reviewed and understood the Code of Ethics. Motion carried without a negative vote.

CONSIDER LICENSE/PERMIT APPLICATIONS; AND ACTION THEREON

Motion made by Council Member Galbraith, seconded by Council Member Verhaalen, to approve the 2019-2020 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" 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. Olsen, 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, Steven Jacomet, 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 Social Stop.

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.

North 48 Inc., W62 N599 Washington Avenue, Cedarburg, WI 53012, Jordan Cole, Agent, premises to be licensed: W62 N599 Washington Avenue, known as North 48.

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.

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, Samantha Landre, 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.

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

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 53012, Judith Fergadakis, Agent, premises to be licensed: W61 N514 Washington Avenue, known as P.J. Piper Pancake House.

Le’s Pho LLC, W63 N146 Washington Avenue, Cedarburg, WI 53012, Ly Q. Le, Agent, premises to be licensed: W63 N146 Washington Avenue, known as Le’s Pho.

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.

Famous Sals of Cedarburg, Wisconsin, Inc., W63 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, 2020:

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

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

Speedway, LLC (#4203)
W63 N121 Washington Avenue

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

Walgreen Co. (#13620)
W62 N190 Washington Avenue

New Operator's Licenses for Period Ending June 30, 2020

Lance E. Berndt
Karen T. Cannon

Michael J. Kirst
Annmarie J. Oswald

Renewal Operator's Licenses for Period Ending June 30, 2020

Mark A. Adrian
Hannah C. Aronson
Nicholas L. Behling
Roger E. Behling
Lindsey J. Berndt
Karla M. Biermann
Mark A. Borden
Michael A. Bourbonais
Mary-Kay H. Bourbulas
Lois M. Bray
Ron A. Carr
Shane R. Cassidy
Joel M. Christophersen
William W. Conley
Edward J. Dettloff
Mary E. Dolezal
Thomas M. Dorsey
Jonathan P. Dunne
Cynthia M. Dzikowski
Eric W. Engstrom
Suzanne V. Ernst
Kim M. Esselmann
Judi K. Even
Arthur E. Filter
Blaine E. Gibson
Matthew W. Gifford
Paul G. Goetz
Eric E. Grassel
Dustin J. Halyburton
Michael G. Harrington
Andrew W. Heidtke
Sarah L. Hepburn
Jill Hepburn

Leslie E. Heppe
Sam D. Hoffmann
Katherine A. Jackson
Teri Jackson
Elizabeth A. Jacobson
Anne E. Johnson
Kristin V. Kamke
Charles A. Kison
Kristen M. Klug
Bruce A. Krenzke
Shirley K. Krenzke
Dylan J. Krivoshein
Thomas Krueger
Craig A. Kuske
Edmund A. Kwaterski Jr.
James D. Lake
Diane M. Lane
Kathleen A. Lanser
James A. Lee
Pamela Lidington
Dennis H. Loberger
Todd R. Luft
Karissa J. Mathias
Bradley J. Mayer
Brandon J. McCarthy
Mark T. Mentele
Jason D. Mutza
Richard H. Nielsen
Allen Parnell
Robert L. Parson
Polly H. Partain
Cynthia M. Petted
Bryan J. Price

Troy D. Reissmann
Erin A. Riley
Zachary R. Ringel
Mark D. Roberts
Terrance E. Ronsman Sr.
Ann M. Ruska
James M. Salp
Tyler T. Schemenauer
Susan E. Schrader
Mark J. Schubert
Thomas Shippen
Richard S. Siefert
Eric L. Siudak
Kyle J. Smith
Jennifer P. Smith
Neil P. Soukup
Gene Szudrowitz
David E. Taylor
Jeff M. Theisen
Scott R. Thomas
Spencer D. Thomas
Gerald E. Truchan
Lindsey Vang
Clarey B. Wamhoff
Kenneth L. Weintraub
Troy A. White
Captola R. Wolfe-Bacher
Allison E. Wray
Jeffrey A. Wrobbel
Douglas E. Yip
John E. Zarling
Gregory W. Zimmerschied
James W. Zipter

CONSIDER PAYMENT OF BILLS DATED 04/26/19 THROUGH 05/03/19, TRANSFERS FOR THE PERIOD 04/23/19 THROUGH 05/10/19; AND PAYROLL FOR THE PERIOD 04/27/19 THROUGH 05/10/19; AND ACTION THEREON

Motion made by Council Member Burkart, seconded by Council Member Thome, to approve payment of bills dated 04/26/19 through 05/03/19, transfers for the period 04/23/19 through 05/10/19; and payroll for the period 04/27/19 through 05/10/19. Motion carried with Council Member Verhaalen abstaining.

ADMINISTRATOR'S REPORT

City Administrator/Treasurer Mertes said that she offered the Clerk's position to a candidate today. The application period for the Administrative Secretary position in the Engineering and Public Works Department closed on May 10 and eleven applications were received.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Arnett said that he walked through the Arabelle and Hamilton House developments. Both developers complimented Building Inspector Baier, saying that he is thorough but reasonable and he is good for the City. Council Member Arnett congratulated Building Inspector Baier for doing a great job.

Council Member Chivinski said that he learned a lot from Building Inspector Baier and added that he does great work.

MAYOR'S REPORT - None

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Thome, seconded by Council Member Burkart, to adjourn to closed session at 8:09 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 amendment to the TID No. 3 Developer's Agreement. Approval of March 25, 2019 closed session minutes. Motion carried unanimously on a roll call vote.

RECONVENE TO OPEN SESSION

Motion made by Council Member Arnett, seconded by Council Member Thome, to reconvene to open session at 8:41 p.m. Motion carried unanimously on a roll call vote.

**CONSIDER PROPOSED AMENDMENT TO TID NO. 3 DEVELOPER'S AGREEMENT;
AND ACTION THEREON**

Motion made by Council Member Thome, seconded by Council Member Arnett, to approve the proposed amendment to TID No. 3 Developer's Agreement. Motion carried with Council Members Bublitz, Arnett, Burkart, Chivinski, Thome and Galbraith in favor and Council Member Verhaalen opposed.

ADJOURNMENT

Motion made by Council Member Burkart, seconded by Council Member Thome, to adjourn the meeting at 8:42 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk

Mayor Mike O'Keefe

May 4, 2019

Council Members:

Kristen Burkart

Patricia Thome

Jack Arnett

Garan Chivinski

Rick Verhaalen

Rod Galbraith

Sherry Bublitz

City of Cedarburg

c/o Constance McHugh, City Clerk

cmchugh@ci.cedarburg.wi.us

Re: Bad Policy

Dear Mayor and Council Members:

At the Council meeting held on April 29, Council approved a proposal for residential development which included private roads. Approving this and other development plans that include private roads is bad policy as it results in a permanent inequity in homeowner taxes and services. Homeowners living on private roads pay the same mill rate as homeowners living on public roads, but do not receive the same road maintenance, repair, and plowing services as homeowners living on public roads. And, such services are a major cost to any HOA.

Who benefits from this policy? Because of smaller setbacks and narrower roads, the developer is able to build more homes per parcel. He profits. The City obtains more tax revenue without having to provide road plowing, maintenance and repair. The City benefits. So, how do the homeowners benefit? They don't, they lose.

It's not enough to just inform buyers of homes on private roads that they are responsible for snow plowing, repair, and replacement. This City policy is unfair and inequitable to homeowners. While the City probably sees this as a low-cost way to obtain long-term tax revenue, the homeowner is left with the never-ending question: *Why do I pay the same mill rate as my neighbor living on a public road, but I have to pay for my road?*

Negotiating this type of deal with developers creates a separate class of property owner, where the property owner via its HOA ends up paying higher non-deductible dues to cover a major service that, for others, is provided for by the City at no additional cost and is tax-deductible.

I urge the City to (1) reconsider its policy to approve developer proposals that include private roads unless it is for a gated community and (2) eliminate the service inequity for those homeowners living on private roads by either assuming responsibility for the roads or providing an equitable tax rebate.

Respectfully,

Richard Bauzenberger
W56N1176 James Circle
rbauzenberger@gmail.com