

**CITY OF CEDARBURG
COMMON COUNCIL
May 24, 2021**

**CC20210524-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held online on Monday, May 24, 2021, utilizing the Zoom app.

Mayor O’Keefe called the meeting to order at 7:00 p.m.

Roll Call: Present - Mayor Michael O’Keefe, Council Members Jack Arnett, Patricia Thome, Barbara Lythjohan, Sherry Bublitz, Rick Verhaalen (joined at 8:00 p.m.), Robert Simpson, Kristin Burkart

Also Present - City Administrator Mikko Hilvo, Attorney Michael Herbrand, City Clerk Tracie Sette, Engineering & Public Works Director Mike Wieser, City Planner Jon Censky, news media and interested citizens.

STATEMENT OF PUBLIC NOTICE

At Mayor O’Keefe’s request, City Clerk Sette 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.

COMMENTS AND SUGGESTIONS FROM CITIZENS – None

PUBLIC HEARINGS

Mayor O’Keefe opened the first Public Hearing at 7:05 p.m. regarding the application for Community Development Block Grant-Public Facilities Program Funds. The public was invited to attend to learn about ADA improvements proposed to city properties and provide comments on the proposed improvements. Administrator Hilvo provided an overview of the Community Development Block Grant (CDBG) program. He explained the funds are available for Public Facilities and summarized the community needs. He further explained the activities proposed in the CDBG application. Administrator Hilvo went on to explain there would be no residential or business displacement as a result of the proposed CDBG activities. Mayor O’Keefe opened the discussion to Council Members and the public.

In answer to Council Member Thome’s question, Administrator Hilvo responded that accessible toilets are included in the quotes for the ADA upgrades to City public facilities.

A motion was made by Council Member Thome to close the public hearing at 7:13 p.m., seconded by Council Member Bublitz. Motion carried unanimously by roll call vote with Council Member Simpson and Council Member Verhaalen absent for the vote. (5-0)

Mayor O’Keefe opened the second Public Hearing at 7:14 p.m. regarding the application for Community Development Block Grant-Public Facilities Program Funds. For this Public Hearing, the

public was invited to learn about improvements proposed to the Cedarburg Senior Center and provide comments on the proposed improvements. The Mayor is in support of bringing the City facilities up to ADA standards.

A motion was made by Council Member Thome, seconded by Council Member Lythjohan to close the Public Hearing at 7:18 p.m. Motion carried unanimously on a roll call vote with Council Member Verhaalen absent for the vote. (6-0).

APPROVAL OF MINUTES

A motion was made by Council Member Thome, seconded by Council Member Bublitz to approve the May 10 and May 17, 2021 Common Council minutes. Motion carried without a negative vote with Council Member Verhaalen absent for the vote.

NEW BUSINESS

CONSIDER JULY 4TH PARADE PROPOSAL FROM CHAMBER OF COMMERCE; AND ACTION THEREON

Maggie Dobson, Executive Director of Cedarburg Chamber of Commerce explained the 2021 July 4th parade proposal. Due to continuing COVID 19 concerns, the Chamber plans to lengthen the parade to allow for social distancing. They will also limit the ability of chairs to be placed along the parade route ahead of time to begin at 8:00 a.m. on July 4th. They will allow candy to be distributed from the floats.

Council Members Arnett, Thome and Bublitz support this event since it will be held entirely outdoors. The Chamber of Commerce feels strongly about not allowing parade goers to gather the prior evening to place chairs along the route. The ordinance allowing early reservation spots along the parade route will be addressed at the June 14, 2021 Council Meeting.

Council Member Arnett motioned to approve the July 4th parade proposal from the Chamber of Commerce as noted subject to changing the ordinance and discussing the parade permit at the June 14 Council Meeting, seconded by Council Member Bublitz. Motion carried without a negative vote.

CONSIDER REQUEST FROM THE AMERICAN LEGION AUXILIARY TO CLOSE HILBERT AVENUE BETWEEN PORTLAND ROAD & SPRING STREET FOR A CAR SHOW/VENDOR EVENT ON JUNE 12, 2021 FROM 7:00 A.M. – 6:00 P.M.; AND ACTION THEREON

Carol Szudrowitz, W55 N865 Cedar Ridge Drive, thanked the Council for their consideration to allow the American Legion Auxiliary to close Hilbert Avenue for the Car Show.

Council Member Arnett motioned to approve the request from the American Legion Auxiliary to close Hilbert Avenue between Portland Road and Spring Street for a Car Show/Vendor Event on June 12, 2021 from 7:00 a.m. – 6:00 p.m., seconded by Council Member Burkart. Motion passed without a negative vote.

CONSIDER MAYOR O'KEEFE'S APPOINTMENTS TO VARIOUS BOARDS, COMMITTEES, AND COMMISSIONS; AND ACTION THEREON

The Mayor will address additional appointees at the June 14 Council meeting.

CONSIDER 2020 COMPLIANCE MAINTENANCE ANNUAL REPORT (CMAR) FOR THE WASTEWATER TREATMENT PLANT AND RESOLUTION NO 2021-09 ACCEPTING THE REPORT; AND ACTION THEREON

The Compliance Maintenance Annual Report (CMAR) is a DNR 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. In 2020, no points were deducted from any categories in the report. No action for improvement in the system is needed.

Lead Operator Dennis Grulkowski presented the report and explained how the Water Recycling Center has, on occasion, exceeded the daily average flow rate. The plant continues to work towards reducing phosphorus levels. Lead Operator Grulkowski explained how phosphorus is regulated by the State of Wisconsin yet guided by the Environmental Protection Agency (EPA). The City may consider partnering with Cedar Creek Farmers to help reduce phosphorus levels. The City received an excellent score from the Wisconsin Department of Natural Resources, however, it is not known if this score is sustainable for the future.

A motion was made by Council Member Thome to accept the CMAR report and approve Resolution No. 2021-09, seconded by Council Member Lythjohan. Motion carried without a negative vote.

CONSIDER APPROVAL OF PROFESSIONAL SERVICES CONTRACT AMENDMENT WITH CONCORD GROUP FOR PROJECT MANAGEMENT THROUGH THE REMAINDER OF THE HWY 60 BUSINESS PARK DEVELOPMENT; AND ACTION THEREON

The Concord Group has been assisting the City with project coordination and scheduling throughout the Hwy 60 Business Park design phase. The Concord group will continue to assist in coordinating construction activities and consulting with on-going DOT discussions. In the recent past, there have been many additional services provided along with meetings attended by the Concord Group which exceeded the contractual amount. These extra services prompted an amendment to their contract in the amount of \$13,600.

The Council discussed the level of comfort Director of Engineering Wieser has with the additional amount. He stated the additional sets of documents, spec books, plan books, grading plans, and field work all contributed to a justifiable increase to the Concord Group contract.

A motion was made by Council Member Bublitz to approve the professional services contract amendment with Concord Group for project management through the remainder of the Hwy 60 Business Park development in the amount of \$13,600, seconded by Council Member Lythjohan. Motion carried without a negative vote.

CONSIDER APPROVAL OF ENGINEERING SERVICES CONTRACT AMENDMENT WITH RA SMITH FOR THE HWY 60 BUSINESS PARK FOR ADDITIONAL SERVICES TO DATE AND SECONDARY ACCESS CONCEPTUAL LAYOUT ANALYSIS; AND ACTION THEREON

RA Smith is currently under contract with the City to complete the Business Park engineering design. Throughout the design process many additional tasks have arisen that were performed by RA Smith to keep the project moving forward, however, that has led to some cost overages. Most of the added cost came from the additional tasks as listed below:

- 3 sets of Bid Documents vs. one set
- Incorporating WILO grading plan into the business park grading plan
- WILO building pad certification
- Additional construction services performed for Phase 1
- Additional coordination with DOT
- Additional coordination meetings with WILO and other entities

The present contract amendment also includes secondary connection planning to Hilltop Drive and conceptual layouts to CTH I. This amendment does not include final design of the secondary access.

Council Member Thome feels comfortable with the additional contract amount RA Smith is requiring due to their long history with the City.

A motion was made by Council Member Bublitz to approve the engineering services contract amendment for \$96,000 with RA Smith for the Hwy 60 Business Park for additional services to date and secondary access conceptual layout analysis, seconded by Council Member Burkart. Motion carried without a negative vote.

DISCUSSION ON SPECIAL COUNCIL MEETING ON JUNE 21 TO SET THE 2022 BUDGET PARAMETERS; AND ACTION THEREON

Administrator Hilvo explained to the Council the need to discuss the 2022 preliminary budget in the month of June. He further explained a special meeting could be held or the budget discussions could be included in the June 28 Council meeting.

Council Member Bublitz requested budget documents from Department Heads be sent ahead of time to the Council for review, thereby, attempting to keep the meeting to a reasonable length.

No action was taken by the Council.

CONSIDER PAYMENT OF BILLS DATED 05/01/2021 THROUGH 05/14/2021, TRANSFERS FOR THE PERIOD 05/01/2021 THROUGH 05/21/2021 AND PAYROLL FOR PERIOD 05/02/2021 THROUGH 05/15/2021; AND ACTION THEREON

A motion was made by Council Member Burkart to pay the bills dated 05/01/2021 through 05/14/2021, transfers for the period 05/01/2021 through 05/21/2021, and payroll for period 05/02/2021

through 05/15/2021. Motion was seconded by Council Member Thome. Motion carried without a negative.

CONSIDER LICENSE APPLICATIONS; AND ACTION THEREON

A motion was made by Council Member Verhaalen and seconded by Council Member Bublitz to approve the new Operator's License applications for the period ending June 30, 2021 for Paige M. Kleinhans and Jakob I. Rynearson. Motion carried without a negative vote.

A motion was made by Council Member Lythjohan and seconded by Council Member Thome to approve the new Operator's License applications for the period ending June 30, 2022 for Pamela J. Helf and Natalie J. Heinrich. Motion carried without a negative vote.

A motion was made by Council Member Burkart and seconded by Council Member Verhaalen to approve the renewal Operator's Licenses for the period ending June 30, 2022 for the following:

Carol A. Ameen	H. Michael Hagerman	Cynthia M. Larson
Stephanie J.L. Baldwin	Michael G. Harrington	Mark E. Larson
Joey M. Baumle	Jake Hebda	Jason D. Mutza
Marcene L. Beischer	Sarah L. Hepburn	Jamie N. Nevins
Michael A. Bourbonais	Jill Hepburn	Nicholas M. Nevins
Mark S. Brock	Leslie E. Heppe	Constance J. Niebauer
Jonathan M. Brumwell	Elizabeth D. Hoffman	Annmarie J. Oswald
Jody L. Brzezinski	B.J. Homayouni	Robert L. Parson
Daniel M. Burbach	Madissen M. Homayouni	Michael J. Reimer
Karen T. Cannon	Payman Homayouni	Erin A. Riley
Ron A. Carr	Susan E. Hoppe	Jakob I. Rynearson
Shane R. Cassidy	Brian M. Jackson	Deborah A. Sajdak
Callen L. Cummings	Katherine A. Jackson	James M. Salp
Christine M. Curran	Teri L. Jackson	Jake J. Shanovich
Eva M. Danner	Christine M. Jackson	Jean Snow Lambo
Edward J. Dettloff	Elizabeth A. Jacobson	Michelle L. Taraboi
Gerald C. Driscoll	Anne E. Johnson	Ethan E. Taylor
Jonathan P. Dunne	MaryLee Katzka	Kerry K. Tharp
Mallory C. Fox	Randall H. Kison	Robert R. Vanderloop
Christina Gabrielson	Paige M. Kleinhans	Clarey B. Wamhoff
Jeanette L. Gabrys	Audrey L. Krick	Michelle Welch
Blaine E. Gibson	Angela M. Kroner	John A. Welk
Eric E. Grassel	Samantha J. Landre	Amy L. Whitney
Angela L. Habermann	Diane M. Lane	Stephen R. Wilson
Christine M. Habich	Kathleen A. Lanser	James W. Zipter

ADMINISTRATOR'S REPORT

In addition to the Administrator's report included in the packet, Administrator Hilvo expressed sympathy at the passing of Karrie Suhr who worked as the Pool Manager for the City for 35 years.

COMMENTS AND SUGGESTIONS FROM CITIZENS – None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Thome inquired about the new electronic book bike at the Library.

MAYOR'S REPORT – None

ADJOURNMENT - CLOSED SESSION

A motion was made by Council Member Thome and seconded by Council Member Burkart, at 8:22 p.m., to adjourn to closed session pursuant to State Statute 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. Specifically discussed was a possible boundary agreement between the City of Cedarburg and the Town of Cedarburg and an application to alter a highway on a line between the Town of Cedarburg and the City of Cedarburg relating to the connection of Forward Way to Hilltop Drive and related intergovernmental agreement. Motion carried on a roll call vote with Council Members Bublitiz, Arnett, Verhaalen, Thome, Lythjohan, Simpson and Burkart voting aye. (7-0)

RECONVENE TO OPEN SESSION

Open session reconvened at 9:14 p.m.

CONSIDER RESOLUTION NO. 2021-10 AUTHORIZING THE APPLICATION TO ALTER A HIGHWAY ON A LINE BETWEEN THE TOWN OF CEDARBURG AND THE CITY OF CEDARBURG; AND ACTION THEREON

A motion was made by Council Member Arnett to approve Resolution No. 2021-10 authorizing the application to alter a highway on a line between the Town of Cedarburg and the City of Cedarburg, seconded by Council Member Thome. Motion carried without a negative vote.

ADJOURNMENT

A motion made by Council Member Arnett and seconded by Council Member Bublitiz to adjourn the meeting at 9:19 p.m. Motion carried without a negative vote.

Tracie Sette
City Clerk