

**CITY OF CEDARBURG
COMMON COUNCIL
July 12, 2021**

**CC20210712-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, July 12, 2021 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers and online 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 Sherry Bubnitz, Jack Arnett, Kristin Burkart, Rick Verhaalen, Robert Simpson (7:15 p.m. via zoom), Patricia Thome

Excused - Council Member Barbara Lythjohan

Also Present - City Administrator Mikko Hilvo, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, Fire Chief Jeff Vahsholtz, Water Recycling Center Superintendent Eric Hackert, Water Recycling Center Lead Operator and AEMT Dennis Grulkowski, Fire Department Administrative Secretary Diana Klingler, 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. Citizen’s present were welcomed and encouraged to provide their input during the citizen comment portion of the meeting.

COMMENTS AND SUGGESTIONS FROM CITIZENS – None

APPROVAL OF MINUTES

Motion made by Council Member Thome, seconded by Council Member Burkart, to approve the June 28, 2021 Common Council minutes. Motion carried without a negative vote with Council Member Lythjohan excused.

PRESENTATION – 2020 FIRE DEPARTMENT ANNUAL REPORT

Fire Chief Vahsholtz presented the 2020 Cedarburg Fire Department Annual Report. He explained that COVID-19 changed the fire service, as they knew it, overnight. It was a full-time job just to manage the influx of new and changing information daily, which in turn meant changing their operating policies and directives. One of the few things that remained consistent and continued to come in were the calls for service to our community and its visitors and their

response. Due to the passion of their membership, they stepped up to the plate and continued to provide the help that the community asked for. Being volunteers, they did have a choice, but they chose to continue helping others in need. He could not say enough about the dedicated men and women of the Cedarburg Fire Department.

Chief Vahsholtz continued by highlighting the following accomplishments:

- There is a total of 62 active members ranging from under 1 year to 40 years and over of active service.
- The CFD responded to a total of 1,273 incidents.
 - Rescue total was 1,032; consisting of 809 incidents in the City, 215 incidents in the Town, and 8 incidents for mutual aid given.
 - Motor vehicle accidents, which are counted as part of the total EMS Rescue, consisted of 21 incidents in the City, 14 incidents in the Town and 1 incident for mutual aid given.
 - Fire total was 239; consisting of 155 incidents in the City, 51 incidents in the Town (including 1 major fire), 33 MABAS calls, and 5 incidents for mutual aid.
 - Dive Team total was 2, for the search and rescue of kayakers.
- The members completed 3,752 hours of training.
- Promotions: AEMT Lindsay Landers was promoted to Rescue Lieutenant, AEMT Brian Vahsholtz was promoted to Rescue Lieutenant, and Engine Company Captain Joey Hintz was promoted to Deputy Chief.
- Recognitions: Dave Hamann received the Meritorious Service Award, Ray Vollrath was recognized and awarded for his 50 years (honorary) of service. Firefighter Dustin Halyburton and AEMT Dennis Grulkowski were selected by the Cedarburg American Legion, Peter Wollner Post 288 to receive the Outstanding Firefighter of the Year award with AEMT Dennis Grulkowski also receiving this award from the County and the District.
- Equipment: A Tender 164 was purchased for \$500,000 by the Corporation and was donated back to the City.
- Public Education: “Birthday drive-bys” with fire apparatus and drive-thru Brat Frys.
- Inspections: 533 semi-annual safety inspections; consisting of 36 premise inspections and 23 new occupancy inspections in the City of Cedarburg and 78 in the Town of Cedarburg.
- Department Accomplishments: Worked with Wisconsin Policy Forum on their report, updated equipment and technology to keep members safe. Continue to work hard on retaining current membership and bring new members into the department.

Fire Chief Vashsholtz concluded by expressing his appreciation to all the members that stepped up during the pandemic. A member recognition and community picnic will be held on September 11 in Cedar Creek Park.

Mayor O’Keefe congratulated Dennis Grulkowski on his awards and thanked Administrative Secretary Diana Klingler and Fire Inspector Blake Karnitz for their work on the Fire Department report.

NEW BUSINESS

CONSIDER ORDINANCE NO. 2021-15 RELATING BLOCKING OF SIDEWALKS AND JULY 4TH CHAIR RESERVATION; AND ACTION THEREON

City Administrator Hilvo explained that the Common Council approved of changing the rule for setting out chairs for the Fourth of July fireworks per the Chamber of Commerce request on June 14. The new rule for the 2021 fireworks moved that date and time for reserving chairs to 8:00 a.m. the morning of the parade. Now that the parade is past, Ordinance No. 2021-15 will change the date/time back to 7:00 p.m. the evening prior to the parade.

Council Member Arnett stated that the Common Council does not need to approve this change this evening.

In answer to Council Member Bublitz's question regarding the Police Department's perspective, City Administrator Hilvo said that less law enforcement was needed than in the past; however, the extended route created complaints from residents because people sat in their yards and driveways south of Hamilton Road.

Council Member Bublitz stated that although she was in favor of returning to the previous policy on allowing chairs the night before the parade, she believes the change to setting out chairs the morning of the parade is best, based on feedback and public opinion.

Council Member Burkart would like to talk to her constituents before making a decision.

Council Member Simpson asked for the route not to be extended next year, due to the lack of space and pedestrian intrusion on private property.

Council Member Verhaalen is not in favor of the extended route. He supported the change to chair set-up allowed at 8 a.m. the day of the parade this year but questioned the loss in business for food and beverages by not allowing the early set-up in the future.

Council Member Arnett would like to do more research and talk to his constituents before making a decision.

Council Member Thome received an overwhelming response from the merchants who do not want early chair set-up allowed the night prior to the parade. She wants to listen to the merchants who are most affected by this decision.

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to postpone a decision on Ordinance No. 2021-15 to the July 26 meeting. Motion carried without a negative vote with Council Member Lythjohan excused.

DISCUSSION ON POTENTIAL USE OF AMERICAN RESCUE PLAN (ARP) FUNDS

City Administrator Hilvo explained that the City is receiving a total of \$1,214,469.24 in ARP funds. Half of the funds will be received in 2021 and the remainder in 2022. The City has received the 2021 disbursement of \$607,234.62 which has been placed in a separate bank account with Port Washington State Bank created for managing the ARP funds. The U.S. Department of Treasury has set interim final rules for the use of the funds. The funds are required to be obligated by December 31, 2024 and spent by December 31, 2026. The recommendation is to plan for the maximum impact and best use of the funds. Initial staff discussions on the use of these funds have focused on lost revenue recovery, lead pipe and failing sewer lateral replacement grant program, tourism funding, assisting local non-profits, creating a business grant program, adding broadband infrastructure and cybersecurity. Other uses should continue to be considered as we learn more about the various needs in our community. He stated that staff recommends that the City continue to research potential uses of the funds through discussions with the Common Council, City Departments, Chamber of Commerce, local non-profit groups, local businesses, and neighboring communities.

In answer to Council Member Burkart's question, City Administrator Hilvo confirmed that the City is accruing interest on the money.

In answer to Council Member Bublitz's question, City Administrator Hilvo stated that the City will be completely transparent about spending the money. There will be a lot of information gathering before deciding on a good plan.

In answer to Council Member Bublitz's question, City Administrator Hilvo confirmed that Department Heads are working on losses that occurred in their departments.

Council Member Arnett stated that the City has 3.5 years to figure out how to use this money. More guidance will be given in the future and there will be a laundry list to choose from.

Council Member Thome liked the idea of using the funds for lead pipe replacement.

In answer to Mayor O'Keefe's question, Superintendent Hackert confirmed that some of the funds may be used to help solve the treatment of high phosphorus levels. He also said that the water and sewer laterals go together. To-date, 500 connections are partially done to the curb box. It is not inexpensive to dig up yards and this is an incentive to replace lead laterals.

City Administrator Hilvo stated that all possible uses will be explored, and some may not apply to Cedarburg. He advised the Council Members to contact him or Finance Director/Treasurer Mertes with any comments or questions.

Council Member Thome suggested that façade grants for small businesses be discussed.

Council Member Arnett said that this discussion could benefit the south end of the downtown district.

City Administrator Hilvo said the Economic Development Board will discuss ARP funding at their next meeting.

DISCUSSION ON POTENTIAL NON-PROFIT APPLICATION PROCESS FOR ARP FUNDS

City Administrator Hilvo explained that COVID-19 had a large financial impact to the local non-profit organizations that have a great economic impact on our Community. All of them rely on the revenue they generate, grant funding, and donations. With the lost revenue from 2020-21 most of them have and continue to operate with minimal staff and struggle to fund valuable programming. The application process would provide the City the necessary information that will allow us to allocate ARP funds for maximum impact and best use. The Staff recommends that the City send out a non-profit request form to all City of Cedarburg non-profit organizations to evaluate the need for funding as part of the overall ARP Fund use discussions.

The Non-Profit request for potential ARP funds would include the following information:

- 1) Organization name
- 2) Address of the organization. *Must be a City of Cedarburg non-profit organization.
- 3) Organization description
- 4) Organization mission and information.
- 5) Annual economic impact to the City.
- 6) Lost revenue from 2020-2021 due to COVID-19 (Financial Statements).
- 7) Detailed description of lost revenue.
- 8) Did your organization receive any Federal or State relief funds? Please provide amounts.
- 9) Requested amount and planned use of the funds.

Council Members Verhaalen and Bublitz stated that the application should stress that available funding will be determined and prioritized by the loss to an organization because of COVID-19.

It was agreed upon that financial statements should be provided with the applications.

It was the consensus of the Common Council to send out applications to City of Cedarburg non-profit organizations to how they were affected by COVID-19.

Council Member Thome suggested that an ad hoc Committee be formed to review the applications.

CONSIDER BIDS RECEIVED FOR THE 2021 PIONEER ROAD INTERURBAN TRAIL CROSSING CONTRACT; AND ACTION THEREON

City Administrator Hilvo explained that staff advertised and received bids for the 2021 Pioneer Road Interurban Trail Crossing contract. A total of two bids were received, with the low bid was submitted by Outdoor Lighting Construction Company, Inc. for \$46,085.40, which is within the amount pledged by the private donor. The bids were very competitive with only \$265 separating the two bids and finished just below the engineer's estimate of \$50,000. Outdoor Lighting has successfully completed many projects in Cedarburg in the past.

Council Member Arnett stressed that there needs to be a sign for bikers that explains how to use the Interurban Trail crossing. He would rather see too many words rather than not enough on the sign.

Council Member Simpson explained that people do not realize that a person needs to be walking their bike in order to be a pedestrian and that bicycles needs to yield to traffic.

Council Member Burkart agreed with Council Member Arnett and expressed concern for children crossing in this area to get to the soccer park. Citywide education is needed and should happen in conjunction with this crossing.

Motion made by Council Member Arnett, seconded by Council Member Simpson, to award the 2021 Pioneer Road Interurban Trail Crossing contract to Outdoor Lighting Construction Co., Inc. based on their low unit price bid of \$46,085.40 subject to the Public Works Commission reviewing the appropriate signage on the path at this crossing. Motion carried without a negative vote with Council Member Lythjohan excused.

Council Member Thome publicly thanked the donors on behalf of the City.

CONSIDER BID FOR COAGULANT UPGRADE AT THE CEDARBURG WATER RECYCLING CENTER; AND ACTION THEREON

Superintendent Hackert explained that the Water Recycling Center is in need of replacing the current coagulant delivery system at the Center. The current system is 34 years old and beyond repair. Upgrading the system was engineered and bid out and one bid was received under the engineering estimate from August Winter for \$497,444. The WRC has worked for two years to meet the phosphorus regulations and this upgrade will help. The WRC wants to get ahead of the next permitting process with this upgrade.

Superintendent Hackert explained that the UV System will be addressed next year at approximately \$300,000.

Council Member Bublitz thanked the WRC for their continuing efforts to keep the plant going.

Superintendent Hackert explained that they are working with the Cedarburg Creek Farmers on solutions to the phosphorus issues and they have a good relationship.

Motion made by Council Member Bublitz, seconded by Council Member Thome, to award the bid for the coagulant upgrade at the Cedarburg Recycling Center to August Winter in the amount of \$497,444. Motion carried without a negative vote with Council Member Lythjohan excused.

CONSIDER LICENSE/PERMIT APPLICATIONS; AND ACTION THEREON

Motion made by Council Member Verhaalen, seconded by Council Member Bublitz, to approve new Operator License applications for the period ending June 30, 2022 for: Tyler C. Crass, Joseph A. DeGarmo, Michael J. Driscoll, Adam M. Kressmer, Amy Y. Nass, Amanda A. Scibby,

and Stacy C. Stolzman. Motion carried without a negative vote with Council Member Lythjohan excused.

Motion made by Council Member Verhaalen, seconded by Council Member Thome, to approve renewal Operator License applications for the period ending June 30, 2022 for Tamara J. Behling, Jaclyn Bodi, Hadley W. Campbell, Denisa E. Demczak, James J. Levine, Julia E. McAndrew, Nicole J. Niesing, Emily F. Riebe, Tessa Schloemer, and Jon C. Wallus. Motion carried without a negative vote with Council Member Lythjohan excused.

Motion made by Council Member Burkart, seconded by Arnett, to authorize issuance of a Festival Celebration Permit to Festivals of Cedarburg, Inc. for Wine and Harvest Festival to be held on Saturday, September 18, 2021 from 10:00 a.m. to 8:30 p.m. and on Sunday, September 19, 2021 from 10:00 a.m. to 5:00 p.m. Motion carried without a negative vote with Council Member Lythjohan excused.

CONSIDER PAYMENT OF BILLS DATED 05/15/2021 THROUGH 06/04/2021, TRANSFERS FOR THE PERIOD 05/27/2021 THROUGH 06/04/2021 AND PAYROLL FOR PERIOD 05/16/2021 THROUGH 05/29/2021; AND ACTION THEREON

Motion made by Council Member Verhaalen, seconded by Council Member Burkart, to approve payment of bills dated 05/15/21 through 06/04/21, transfers for the period 05/27/21 through 06/04/21 and payroll for period 05/16/21 through 05/29/21. Motion carried without a negative vote with Council Member Lythjohan excused.

ADMINISTRATOR'S REPORT

Gretel Pitre has been hired internally for the Senior Center Director position. There is an opening for a Senior Center Supervisor/Office Manager at \$15/hr. The Clerk's Office and Treasurer's Office are interviewing this week for their open positions.

FIRST QUARTER FINANCIAL REPORT

City Administrator Hilvo confirmed that the City is in good financial standing.

COMMENTS AND SUGGESTIONS FROM CITIZENS – None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Bublitz stated that she is a frequent user of the Interurban Trail in Cedarburg and parts need repair. She requested that the City fix the bad parts of the trail, as it brings many people to Cedarburg.

Council Member Thome said that she receives ongoing complaints from merchants about bikes and skateboards on the downtown sidewalks. She asked that the City be aware of this and do what they can to educate citizens.

MAYOR REPORT - None

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to adjourn the meeting at 8:24 p.m. Motion carried without a negative vote with Council Member Lythjohan excused.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk