

**CITY OF CEDARBURG
COMMON COUNCIL
November 29, 2021**

**CC20211129-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, November 29, 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, Patricia Thome, Barbara Lythjohan

Also Present - City Administrator Mikko Hilvo, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, City Clerk Tracie Sette, Finance Director/Treasurer Christy Mertes, Director of Engineering and Public Works Mike Wieser, Library Director Linda Pierschalla, Water Recycling Center Lead Operator Dennis Grulkowski, 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 Bubnitz, to approve the November 8, 2021 Common Council revised minutes as corrected in the following sentences:

- The City needs to hold the line; it is not a valid excuse that others are ~~not~~ holding the line (Page 7, sixth paragraph, second sentence).
- Council Member Arnett explained that most of the increases are for ~~the people~~ personnel (Page 7, seventh paragraph, first sentence). Motion carried without a negative.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2021-22 LEVYING PROPERTY TAXES ON THE GENERAL, DEBT SERVICE, SPECIAL REVENUE, AND CAPITAL IMPROVEMENT FUNDS FOR FISCAL YEAR 2022

Finance Director/Treasurer Mertes introduced Ordinance Nos. 2021-22, 2021-23, 2021-24, 2021-25, and 2021-26 explaining that these ordinances are required to set the tax levy and sewer rates along with budget parameters for 2022.

Motion made by Council Member Arnett, seconded by Council Member Burkart, to approve Ordinance No. 2021-22 levying property taxes on the General, Debt Service, Special Revenue, and

Capital Improvement funds for fiscal year 2022. Motion carried with Council Member Thome, Arnett, Burkart, Simpson, Bublitz, Lythjohan voting aye and Council Member Verhaalen voting nay.

**DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2021-23
APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE
GOVERNMENT AND ADMINISTRATION OF THE CITY OF CEDARBURG FOR
FISCAL YEAR 2022**

Motion made by Council Member Arnett, seconded by Council Member Thome, to adopt Ordinance No. 2021-23 appropriating the necessary funds for the operation of the government and administration of the City of Cedarburg for fiscal year 2022. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2021-24
APPROPRIATING THE NECESSARY FUNDS FOR THE 2022 CAPITAL
IMPROVEMENT BUDGET**

Motion made by Council Member Arnett, seconded by Council Member Thome, to adopt Ordinance No. 2021-24 appropriating the necessary funds for the 2022 Capital Improvement budget. Motion carried with Council Members Thome, Arnett, Burkart, Simpson, Bublitz and Lythjohan voting aye and Council Member Verhaalen voting nay.

**DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2021-25 ESTABLISHING
THE USER FEE SCHEDULE AND APPROPRIATING THE NECESSARY FUNDS FOR
THE SEWERAGE FUND FOR THE OPERATION OF THE WATER RECYCLING
CENTER FOR FISCAL YEAR 2022**

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to adopt Ordinance No. 2021-25 establishing the user fee schedule and appropriating the necessary funds for the Sewerage fund for the operation of the Water Recycling Center for Fiscal Year 2022. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2021-26
APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE
SPECIAL REVENUE FUNDS AND ADOPTING THE INDICATED BUDGETS FOR
FISCAL YEAR 2022**

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to approve Ordinance No. 2021-26 appropriating the necessary funds for the operation of the Special Revenue funds and adopting the indicated budgets for fiscal year 2022 after correcting ARAP Funds to ARPA Funds. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2021-27 AMENDING
SECTION 10-1-15(b) OF THE CODE OF ORDINANCES TO AUTHORIZE THE
PLACEMENT OF A STOP SIGN FOR WESTBOUND TRAFFIC ON QUAIL LANE AT
THE INTERSECTION WITH WASHINGTON AVENUE**

Director of Engineering and Public Works Wieser explained that the new intersection of Quail Lane at Washington Avenue will require a stop sign for westbound traffic entering onto Washington Avenue. Since Washington Avenue is considered a high volume primary arterial, a full stop sign is recommended. The Public Works and Sewerage Commission recommended a stop sign for westbound Quail Lane at Washington Avenue at their November 11, 2021 meeting.

Motion made by Council Member Burkart, seconded by Council Member Verhaalen, to approve Ordinance No. 2021-27 amending Section 10-1-15(b) of the Code of Ordinances to authorize the placement of a stop sign for westbound traffic on Quail Lane at the intersection with Washington Avenue. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2021-28 AMENDING SECTION 10-1-16(b) OF THE CODE OF ORDINANCES TO AUTHORIZE THE PLACEMENT OF YIELD SIGNS FOR NEW STREET INTERSECTIONS IN FAIRWAY VILLAGE AND HIDDEN GROVE SUBDIVISIONS

Director of Engineering and Public Works Wieser explained that for the new low volume internal street intersection in the Fairway Village Subdivision, for the Magnolia Court at Susan Lane intersection and for the Susan Court at Susan Lane intersections as par of the Hidden Grove Subdivision, staff is recommending the installation of yield signs to establish traffic control. The yield signs clearly assign who has the right-of-way, but do not require motorists to come to a full stop. The Police Department and Public Works Commission support this signage layout.

Director Wieser further addressed the concern for traffic on Susan Lane and the reasoning behind adding a speed table to this road and not adding a stop sign at Susan Court and Holly Lane. The City historically has followed the recommendations of the MUTCD (Manual on Uniform Traffic Control Devices) from the Federal Highway Administration regarding the placement of signage. The MUTCD states that a stop or yield sign should not be used for speed control because cars typically excel faster from a stop sign and it also causes a compliance issue where 30% of the traffic may not stop. A stop sign should only be placed at intersecting roads that have roughly the same traffic volume, as determined by a road study.

Council Member Bublitz has had contact with her constituents and expressed great concern for the increase in traffic and speeding on Susan Lane. She asked that a stop sign be placed at either Susan Court/Susan Ln. or Holly Lane/Susan Lane.

Council Member Lythjohan echoed Council Member Bublitz's concern. She questioned the stop sign placed at the Harrison Avenue/Bridge Road intersection with not much traffic on Harrison Avenue. Council Member Lythjohan puts value on studies; however, she agreed with Council Member Bublitz that there should be a deterrent to prevent speeding in this thoroughfare on Susan Lane.

Council Member Arnett opined that the speed table will be a good deterrent.

Director Wieser explained that a speed study was conducted by the Cedarburg Police Department on Susan Lane/Fairview Ct. and the average speed was 26.7 mph and the 85th percentile speed was 31 mph.

Council Member Thome stated that she has a hard time overruling staff and not relying on their expertise; therefore, she would agree to revisit this item if there is excessive speeding on Susan Lane going forward.

Mayor O'Keefe confirmed that the Public Works and Sewerage Commission was in favor of trying the effectiveness of the speed table first. This topic can always be revisited at a later date.

Council Member Bublitz expressed disappointment in the wording of this agenda item, as her constituents will be surprised that a stop sign was not addressed on Susan Lane. She will pass all inquiries onto City Hall for an explanation.

Council Member Simpson expressed concern for truck traffic and asked if there was a weight restriction on Susan Lane. Director Wieser explained that there is a 15,000 lb. maximum weight limit on all City streets with the exception of a direct delivery route, by using the street that touches city limits and using the shortest route. He explained that Susan Lane, beginning at Sheboygan Road and heading west, has a face-of-curb to face-of-curb width of 40 feet that comes to an S-curve and narrows to a face-of-curb to face-of-curb width of 32 feet and when it reaches Susan Court it changes from urban to rural with ditches and no curb and a width of 22 feet. This would not be a direct route for trucks to use this road. Director Wieser stated that Police Chief Frank would like to add signage for heavy trucking when money is available for the signs.

In answer to Council Member Bublitz's question, City Attorney Herbrand said that it is not possible to separate the proposed agenda item into separate votes for the Hidden Grove Subdivision and the Fairway Village Subdivision.

Motion made by Council Member Verhaalen, seconded by Council Member Burkart, to approve Ordinance No. 2021-28 amending Section 10-1-16(b) of the Code or Ordinances to authorize the placement of yield signs for new street intersection in Fairway Village and Hidden Grove Subdivisions. Motion carried with Council Members Thome, Arnett, Burkart, Verhaalen, Simpson and Lythjohan voting aye and Council Member Bublitz voting nay.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO 2021-20 CREATING NEW ALDERMANIC DISTRICT BOUNDARIES

City Clerk Sette explained that as a result of the 2020 Census, new City Aldermanic Districts have been redrawn utilizing Wisconsin Legislative Bureau standards. Those standards include keeping Wards compact, utilizing whole census blocks, composition of contiguous territory, and complying with population ranges. Ordinance No. 2021-20 is being presented for final approval tonight.

In answer to Council Member Verhaalen's question, City Attorney Herbrand explained that the redistricting will be in effect as soon as the Ordinance is published.

Motion made by Council Member Burkart, seconded by Council Member Bublitz, to adopt Ordinance No. 2021-20 creating new Aldermanic District boundaries. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON CONTRACT AWARD FOR CDBG GRANT ADA UPGRADE PROJECT

City Clerk Sette explained that Staff has been working on utilizing the CDBG grant funds for ADA projects at the City Hall Complex, Park Facilities, and Police Station. The use of funds and projects have been approved by the State. The projects are required to begin prior to the end of 2021 but can be finalized in 2022. The total cost of all the projects is \$145,705.

Motion made by Council Member Arnett, seconded by Council Member Thome, to award the CDBG contract to Dahlman Construction for Projects 1-9 (Gym Building, Police Department, Girl Scout House, Cedar Creek Park, Willowbrook Park, Centennial Park/Pool, Zeunert Park, Senior Center chairlift, and City Hall doors) and award of Project 10 (City Hall ADA water closet) to Budiac Plumbing. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON REQUEST FOR ARPA FUNDS TO REPLACE 4 SELF-CHECKOUT STATIONS AT CEDARBURG PUBLIC LIBRARY

Library Director Pierschalla explained that the original four self-checkout stations at the Library are nearing nine years old and one can no longer be repaired, leaving them with three self-checkout machines. Depending upon the year, the Library has had as many as 100,000 transactions made via self-check. Total lifetime transactions are approximately 750,000 uses. Self-check is a preferred form of transaction and has only increased during this time. The new self-checkouts have barcode readers for smartphones, which many of the patrons used with the Library app instead of carrying their card. The new self-checks also have credit card terminal mounts, allowing patrons to pay their fees/fines right from the self-check station instead of going to the desk or paying online from home. In addition, the vendor the Library is using to purchase the automated handler (outdoor automated book drop) would be the same vendor for these self-check stations and a more cost-effective annual maintenance agreement and tech support can be utilized.

Council Member Thome asked if it was typical for self-check stations to only last nine years. Director Pierschalla was uncertain of the normal lifespan for self-check stations.

Council Member Bublitz was in favor of replacing the self-check stations to aid staff, reduce COVID transmission, and added convenience for patrons.

Council Member Arnett opined that this is an effective use of ARPA funds because it will take lift a future burden off the taxpayer.

In answer to Council Member Verhaalen's question, Director Pierschalla explained that the Library absorbs the fees associated with patrons paying for their fines by credit card.

Motion made by Council Member Bublitz, seconded by Council Member Arnett, to approve the request for ARPA funds to replace four self-checkout stations at the Cedarburg Public Library. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON THE USE OF AMERICAN RESCUE PLAN (ARPA) FUNDS

In summary, ARPA Funds approved at the last Council meeting totaled \$287,090 from the 2021 allocation and \$345,000* from 2022 allocation. Total available funds from the 2021 allocation are \$320,144 and \$262,234 from the 2022 allocation. Several new projects have been added to the list

for consideration. The total funds available after allocations is \$587,379. (*This amount includes setting aside \$250,000 for a lead pipe and sewer lateral replacement program. It is not known yet if these funds are needed but it is important to reserve them for this use until further information becomes available on the program implementation and other available grants.)

Council Member Verhaalen introduced the consideration of approving \$100,000 for the Rotary All Children's Playground project. The fundraising efforts by the Friends of Parks and Recreation have stalled and they need help to complete the project. Council Member Verhaalen spoke for a friend who recently lost a child with a disability and who used the playground often. For some, the All Children's Playground is a sole source of recreation for individuals with disabilities during their lifetime and is especially important to the community.

Council Member Thome agreed, adding that Cedarburg was a pioneer in offering this park and it is unusable to a degree, at this time. For many children, this park is all they have for recreation.

Council Member Verhaalen still has contact with a family that helped initiate the All Children's Playground, who since have moved, however they still have an interest in the park. The community needs help in the final push to complete the playground.

Council Member Thome explained that the Rotary donated funds to the park when needed to secure a lower price on the equipment. The organization believes in the community to make this happen.

Mayor O'Keefe was in favor of the City contributing to the project.

Council Member Burkart stated that Parks and Recreation is the only self-funded Department, and it would be a good gesture on the part of the City to add these funds to the project.

Motion made by Council Member Arnett, seconded by Council Member Verhaalen, to approve \$100,000 of the American Rescue Plan funds for the Rotary All Children's Playground. Motion carried without a negative vote.

Council Member Burkart spoke as a member of the Economic Development Board who spearheaded a Visit Cedarburg Website. The request for funds will be used to increase the hours of the tourism coordinator to 30 hours per week for the next three years (\$31,000). The additional \$9,000 will be used by TP&D for branding, marketing, and tourism promotion.

After some discussion and concerns, it was decided to discuss this item further at the next Common Council meeting.

City Clerk Sette spoke on the request for \$25,000 to purchase Badger Book software. She explained that due to having four elections next year, including the Governor's election in November, it will be important to look at ways to improve how elections are run, reduce errors, and find ways to decrease the amount of staff time required for each election. City Clerk Sette opined that it would be an efficient change in the election process for the City.

After some discussion by the Common Council, City Clerk Sette was asked to provide additional information at the next Common Council meeting to include a cost savings amount and answers to security/safety concerns about the process and equipment.

DISCUSSION AND POSSIBLE ACTION ON MAYORAL APPOINTMENT OF ANDREW (A.J.) HESTER TO PUBLIC WORKS & SEWERAGE COMMISSION

Motion made by Council Member Arnett, seconded by Council Member Simpson, to approve the Mayoral appointment of Andrew (A.J.) Hester to the Public Works and Sewerage Commission. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON LICENSE/PERMIT APPLICATIONS

Motion made by Council Member Verhaalen, seconded by Council Member Bublitz, to approve new Operator License application for the period ending June 30, 2022 for Emily A. Pape. Motion carried without a negative vote.

CONSIDER PAYMENT OF BILLS DATED 10/30/2021 THROUGH 11/20/2021, TRANSFERS FOR THE PERIOD 11/11/2021 THROUGH 11/19/2021 AND PAYROLL FOR PERIOD 10/31/2021 THROUGH 11/13/2021; AND ACTION THEREON

Motion made by Council Member Burkart, seconded by Council Member Verhaalen, to approve payment of bills dated 10/30/2021 through 11/20/2021, transfers for the period 11/11/2021 through 11/19/2021 and payroll for period 10/31/2021 through 11/13/2021. Motion carried without a negative vote.

Director Wieser will be asked to provide an explanation to Council Member Verhaalen in response to his inquiry to a payment made to M Squared Engineering for the Fairway Village construction.

ADMINISTRATOR'S REPORT

The City Administrator's report was provided in the Council packet.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Members Thome and Bublitz thanked Accountant II Kathy Huebl for purchasing the new Common Council chairs.

MAYOR REPORT - None

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to adjourn the meeting at 8:39 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk