

**CITY OF CEDARBURG  
COMMON COUNCIL  
SEPTEMBER 26, 2022**

A meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, September 26, 2022, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers, and online utilizing the Zoom app.

Mayor Michael O’Keefe called the meeting to order at 7:00 p.m. A moment of silence was observed, and the Pledge of Allegiance was recited.

Roll Call: Present - Mayor Michael O’Keefe, Council Members Jack Arnett, Kristin Burkart, Patricia Thome, Angus Forbes, Robert Simpson (7:09 p.m.), Rick Verhaalen

Excused - Council Member Sherry Bublitz

Also Present - City Administrator Mikko Hilvo, Attorney Michael Herbrand, City Clerk Tracie Sette, City Planner Jon Censky and news media.

**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 HEARING**

The Public Hearing was opened by Mayor O’Keefe at 7:03 p.m. to discuss a zoning change to the City of Cedarburg Zoning Code regarding vision triangles. Planner Censky explained that a vision triangle is a requirement that prohibits obstructions, such as structures, parking, or vegetation, within a triangular shaped area located at the street corner on all corner lots at all intersecting street or alley rights-of-way located throughout the City. The intent of this open space requirement is to provide a clear line of sight for traffic proceeding through intersections. At the August 1, 2022, Plan Commission meeting, Commissioners discussed whether the vision triangle requirement was necessary at controlled intersections in the downtown business district as these are where one must stop and make sure it is clear and safe before proceeding ahead.

There were no citizens present at the public hearing.

A motion was made by Council Member Thome, seconded by Council Member Verhaalen, to close the Public Hearing at 7:21 p.m. Motion carried on a roll call vote with Council Members Arnett,

Simpson, Thome, Forbes, Burkert and Verhaalen voting in favor with Council Member Bublitz excused.

### **NEW BUSINESS**

#### **DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2022-15 AMENDING SECTION 13-1-80(A) TRAFFIC VISIBILITY, OF THE ZONING CODE REGARDING THE VISION TRIANGLE CLEARANCE SPACE AT CORNERS WITHIN THE B-3 CENTRAL BUSINESS DISTRICT**

The Council Members discussed the pros and cons of approving Ordinance 2022-15 which would allow the Plan Commission a certain amount of flexibility when applying the vision triangle in the B3-Central Business District.

A motion was made by Council Member Thome, seconded by Council Member Arnett, to approve Ordinance No. 2022-15 amending Section 13-1-80(a) Traffic Visibility of the Zoning Code regarding the vision triangle clearance space at corners within the B-3 Central Business District. Motion carried (4-2) on a roll call vote with Council Members Arnett, Simpson, Thome and Forbes voting in favor, Council Members Burkart and Verhaalen voting against, and Council Member Bublitz excused.

#### **DISCUSSION AND POSSIBLE ACTION ON REVISED CITY FEES FOR 2023**

As the operational and supply costs continue to increase, the City is recommending increasing fees in several departments. To determine the new fees, staff reviewed fee schedules of surrounding municipalities and reviewed Statewide norms. The result is the listing of fee increases (below).

<u>2023 Fees</u>	<u>2022</u>	<u>2023 Recommended</u>
Winter Parking Fees (start 12/1/22)	\$11	\$20
Operator License -New (Bartender's License)	\$45	\$50
Operator License – Renew (Bartender's License)	\$35	\$40
Special Assessment Letters		
Standard Letter	\$35	\$45
Rush Letter	\$55	\$65
Completed Letter	\$20	\$30
Cemetery Plots	\$600	\$750
Opening/Closing Grave	\$300	\$350
Monument Permit Fee	\$50	\$75
Transfer of Deed Fee	\$25	\$50
Parades/Walk/Run	\$0.00	\$25
Per 1000 gal WRC	\$8.55	\$10

A motion was made by Council Member Arnett, seconded by Council Member Forbes, to approve the Revised City Fees for 2023 with the exception of the Building Permit Fees which will be brought to a future Council Meeting for approval. Motion carried without a negative vote with Council Member Bublitz excused.

**DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO 2022-23 HONORING CURT WITYNSKI AND GAIL SUMI**

Two long-time League of Wisconsin Municipalities staff members, Curt Witynski, Deputy Executive Director & Gail Sumi, Member Engagement & Communications Director are both retiring at the end of the year. The Council wished to honor them by approving Resolution No. 2022-23.

A motion was made by Council Member Verhaalen, seconded by Council Member Thome, to approve Resolution 2022-23 honoring Curt Witynski and Gail Sumi. Motion carried without a negative vote with Council Member Bublitz excused.

**DISCUSSION AND POSSIBLE ACTION ON MAYORAL APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES**

A motion was made by Council Member Burkart, seconded by Council Member Forbes, to approve the Mayoral appointments (as listed below) with one change: the appointment of Tim Voeller to the Finance Committee instead of Economic Development Board. Motion carried without a negative vote with Council Member Bublitz excused.

<b>BOARD OF REVIEW:</b>	Daniel Salzman	Timothy Voeller - alternate
<b>DIVERSITY (DEI) COMMITTEE:</b>	Phil Bail	
<b>ECONOMIC DEVELOPMENT BOARD:</b>	Mark Roller	Timothy Voeller
<b>LIGHT &amp; WATER COMMISSION:</b>	Timothy Larson	David Pagel
<b>PARKS, RECREATION &amp; FORESTRY BOARD:</b>	Becky Hughes	

**DISCUSSION AND POSSIBLE ACTION ON 2023 STRATEGIC PLAN**

The City's strategic plan serves as a roadmap and is used to prioritize initiatives, resources, goals, department operations, and projects for future years. Through committee and staff meetings, the strategic plan has been updated for Council review.

A motion was made by Council Member Burkart, seconded by Council Member Forbes, to approve the 2023 Strategic Plan. Motion carried without a negative vote with Council Member Bublitz excused.

**DISCUSSION ON A POSSIBLE ORDINANCE RELATING TO PANHANDLING**

A discussion ensued about whether or not to create an ordinance to address panhandling within the City. After a discussion, Council Members decided not to pursue an ordinance until panhandling becomes a larger issue.

**DISCUSSION AND POSSIBLE ACTION ON RELEASE OF DEVELOPER'S AGREEMENT FOR COMMERCE STATE BANK**

Commerce State Bank will be sold to Summit Credit Union. Related to that sale, Commerce State Bank is requesting the City agree that it has met all requirements as outlined in the Developer's Agreement with the City, signed in November of 2013, and to release the agreement which is recorded against the bank property.

A motion was made by Council Member Verhaalen, seconded by Council Member Simpson, to approve the Release of Developer's Agreement for Commerce State Bank. Motion carried without a negative vote with Council Member Bublitz excused.

**DISCUSSION AND POSSIBLE ACTION ON IMMANUEL CEMETERY RENTAL HOUSE**

It has been determined the current renters of the Immanuel Cemetery House are planning to vacate the house. The City has the option to either fix the property, find a new tenant and continue to lease the property, or cease renting the property and eventually raze the building to clear additional area for new grave sites. After a discussion, the Council agreed to keep the property, continue renting, and perhaps utilize a management company. Council Members Arnett and Burkart will tour the property to assess future potential rent and repairs.

**DISCUSSION AND POSSIBLE ACTION ON DISTRICT 1 ALDERPERSON VACANCY**

Council Member Bublitz will be resigning from the Council at the end of October as she will be moving out of District 1. The Council will decide how to proceed with the vacancy at the next meeting.

**CONSENT AGENDA:**

- **APPROVAL OF SEPTEMBER 12, 2022 COMMON COUNCIL MEETING MINUTES**
- **CONSIDER APPROVAL OF NEW AND RENEWAL 2022-2023 OPERATOR LICENSES FOR PERIOD ENDING JUNE 30, 2023 FOR:**
  - Blake D. Klug, Benjamin A. Kraft, and Katrina M. Wendtland
- **DISCUSSION AND POSSIBLE ACTION ON PAYMENT OF BILLS DATED 9/09/2022 THROUGH 9/16/2022, TRANSFERS FOR THE PERIOD 9/09/2022 THROUGH 9/23/2022 AND PAYROLL FOR PERIOD 9/04/2022 THROUGH 9/17/2022**

A motion was made by Council Member Thome, seconded by Council Member Arnett, to approve the consent agenda. Motion carried without a negative vote.

**ADMINISTRATOR'S REPORT**- None

**COMMENTS AND SUGGESTIONS FROM CITIZENS** – None

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS** - None

**MAYOR'S REPORT**

Mayor O’Keefe recognized the Clerk’s Office for diligence in Election work relating to the fraudulent ballot case from the November 2020 Election which resulted in a conviction.

**ADJOURNMENT TO CLOSED SESSION**

A motion was made by Council Member Thome, seconded by Council Member Simpson, to adjourn to Closed Session at 8:25 p.m. pursuant to State Statute 19.85(e) to deliberate or negotiate the purchase 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 purchase offer for the Hwy 60 Business Park Lot 1 and the Cell Tower Lease at Pleasant Valley Park. Motion carried on a roll call vote with Council Members Arnett, Burkart, Verhaalen, Thome, Simpson and Forbes voting aye, and Council Member Bublitz excused.

**RECONVENE TO OPEN SESSION**

Open session resumed at 8:44 p.m.

**NEW BUSINESS – CONTINUED**

**DISCUSSION AND POSSIBLE ACTION ON HWY 60 BUSINESS PARK LOT 1 PURCHASE OFFER**

No action was taken by the Council.

**DISCUSSION AND POSSIBLE ACTION ON CELL TOWER LEASE AT PLEASANT VALLEY PARK**

A motion was made by Council Member Arnett, seconded by Council Member Simpson, to approve the Cell Tower Lease at Pleasant Valley Park subject to final approval and review by the City Attorney and City Administrator as well as subject to approval by the Town of Cedarburg. Motion carried without a negative vote with Council Member Bublitz excused.

**ADJOURNMENT**

A motion was made by Council Member Arnett, seconded by Council Member Forbes, to adjourn the meeting at 8:53 p.m. Motion carried without a negative vote with Council Member Bublitz excused.

Tracie Sette  
City Clerk