

**CITY OF CEDARBURG  
COMMON COUNCIL  
September 12, 2022**

**CC20220912-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, September 12, 2022 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 Bublitz, Jack Arnett, Kristin Burkart, Rick Verhaalen, Robert Simpson, Patricia Thome, Angus Forbes

Also Present - City Administrator Mikko Hilvo, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, 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

**NEW BUSINESS**

**DISCUSSION AND POSSIBLE ACTION ON 2023 COUNTRY IN THE BURG TO BE HELD AUGUST 25-26, 2023**

Alex Uhan provided an overview of this year’s event stating that 8,000 people (from 27 States) and six artists attended and participated in Country in the Burg. The decibel level never went over 90 and the Police Department stated that the event went as good or better than the year before. Alex Uhan asked the Common Council to approve another year of Country in the Burg to be held August 25-26, 2023.

The Common Council Members expressed their approval of the event, benefits to the City, and how well it is run.

Discussion ensued on the bass vibration that is felt in the area. Alex Uhan explained that it is difficult to control the bass for certain songs and he will continue to monitor it and have conversations with the artists.

Motion made by Council Member Arnett, seconded by Council Member Simpson, to approve the 2023 Country in the Burg to be held on August 25 and 26, 2023. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION TO ALLOW THE CITY ADMINISTRATOR TO SIGN THE OZAUKEE COUNTY EMS SUBRECIPIENT AGREEMENT FOR THE UTILIZATION OF ARPA FUNDS FOR FIRE/EMS SERVICES**

City Administrator Hilvo stated that more time is needed for additional discussions with the County.

Motion made by Council Member Burkart, seconded by Council Member Thome, to postpone discussion and possible action to allow the City Administrator to sign the Ozaukee County EMS Subrecipient agreement for the utilization of ARPA funds for Fire/EMS Services. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON AWARD OF CONTRACT FOR THE CEDARBURG LEAD SERVICE REPLACEMENT PROGRAM PHASE 2**

Director Wieser explained that the City was awarded \$600,000 in Safe Drinking Water Loan Program Funds through the DNR. The Phase I Lead Service Replacement Program replaced approximately 120 lead services and used approximately \$480,000 of the DNR funds. In order to utilize the entirety of the DNR funds, Cedarburg Light & Water along with R.A. Smith advertised and received bids for the Cedarburg Lead Service Replacement Program Phase 2. The contract entails the replacement of 48 lead water services from the right-of-way to the house on Washington Avenue, Franklin Avenue and on Madison Avenue.

Three bids were received with the low bid being submitted by Korf Plumbing LLC for \$261,968.65, which is below the Engineer's estimate. Cedarburg Light & Water verified that Korf Plumbing has done this work in the past and can successfully complete a project of this size. Cedarburg Light & Water will plan to use the remaining DNR funds along with up to \$150,000 of pre allocated ARPA funds.

Council Member Arnett suggested reducing the project to avoid using ARPA Funds and it was determined that the project was too far along to make any changes.

Motion made by Council Member Thome, seconded by Council Member Bublitz, to award the contract for the Cedarburg Lead Service Replacement Program Phase 2 to Korf Plumbing LLC in an amount not to exceed \$261,968.65. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CEDARBURG AND THE TOWN OF CEDARBURG REGARDING THE RECONSTRUCTION, MAINTENANCE, AND REPAIRS OF SHERMAN ROAD**

Director Wieser explained that in order to take advantage of favorable pricing, the Town of Cedarburg moved the resurfacing of Sherman Road from Horns Corners Road to Wauwatosa Road to 2022. Sherman Road from just west of Stony Kettle Drive to Wauwatosa Road is a shared portion of roadway. Adding Sherman Road to 2022 will save an estimated 40% in paving costs versus completing the project in 2023, as was planned. City and Town staff completed an Intergovernmental Agreement for the pulverizing and relay of asphalt on Sherman Road which lays out construction cost sharing and maintenance responsibilities of each party. The City will be responsible for the

construction costs on Sherman Road along the frontage of City properties which is estimated to be \$80,000. The Town Board approved this Intergovernmental Agreement at their September 7 Town Board meeting.

Motion made by Council Member Bublitz, seconded by Council Member Simpson, to approve an Intergovernmental Agreement between the City of Cedarburg and the Town of Cedarburg regarding the reconstruction, maintenance, and repairs of Sherman Road. Motion carried without a negative vote.

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

City Administrator Hilvo explained that the City has rented out the Immanuel Cemetery House to the same family since January 1, 2006 on a month to month basis. The monthly rent amount has remained the same at \$995/month. The City is responsible for maintenance of the house and property. Staff has discussed the future maintenance of the house and most recently Building Inspector Thoma did a walk through of the house to look at any issues that might need to be addressed. He found that the smoke detectors were missing, and the roof is leaking. He has installed new smoke detectors and received a quote for the roof repairs at approximately \$22,000. No additional repairs are needed at this time. The previous Building Inspector did inform the family early this year that the City might not continue to rent out the property since the future repair costs outweigh the rental fees received for the property. Through further discussions, the family understands the situation but would continue to rent as long as the City would agree to doing so.

The Common Council discussed to following options:

- Fix the roof (\$22,000) and continue to rent the property at \$995/month. Staff would recommend a slight increase to the rent to help offset the cost of the repairs and any other future repairs to the house. The revenue would be \$11,940 (additional if the rent is increased.)
- Do minor patching of the problem areas on the roof and continue to rent the property until June 1, 2023. This would allow the tenant ample time to find a new place to live. Minor repairs to the roof would be covered as part of the regular repair and maintenance costs for the house. An additional cost for demolition of house would be between \$25,000 - \$30,000. This would need to be done in the Fall of 2023 or at the latest Spring of 2024. The revenue would be 6 months of rent in 2023 at the current \$995/month rate: \$5970. This is a decrease of \$5970 from the 2022 budgeted amount.

Motion made by Council Member Bublitz, seconded by Council Member Thome, to investigate the possibility of repairing the roof vs. replacing it, negotiate a one year lease, and increase rent to \$1,050/month with the understanding that the rent may increase again next year.

Motion was amended by Council Member Bublitz, seconded by Council Member Thome, to add that the roof repair will be subject to a one year lease. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON MAYORAL APPOINTMENTS TO COMMUNITY DEVELOPMENT AUTHORITY**

Motion made by Council Member Thome, seconded by Council Member Bublitz, to approve the Mayoral appointment of Eric Arvold to the Community Development Authority. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON A PROCLAMATION FOR PARTS BADGER – A 2022 OZAUKEE COUNTY BUSINESS OF THE YEAR WINNER**

Motion made by Council Member Arnett, seconded by Council Member Simpson, to award a Proclamation to PartsBadger as the 2022 Ozaukee County Business of the year recipient. Motion carried without a negative vote.

**CONSENT AGENDA**

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to approve the following consent agenda items. Motion carried without a negative vote.

- August 29, 2022 Common Council meeting minutes and August 29, 2022 Joint Common Council/Plan Commission meeting minutes.
- New and renewal 2022-2023 Operator Licenses for Carolyn A. Noori and Jennifer Richter.
- Payment of bills dated 8/26/22 through 9/02/22, transfers for the period 8/27/22 through 9/09/22 and payroll for period 8/21/22 through 9/03/22.
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**CITY ADMINISTRATOR'S REPORT**

City Administrator Hilvo will be attending a National Conference next week.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** - None

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Thome attended the Annual Fire Department's Award Ceremony and expressed appreciation for the time and energy that is given by the volunteers.

Council Member Burkart commended the Parks, Recreation and Forestry Department for their efforts in making Conquer the Burg a success. She also thanked the American Legion for their contributions to the City.

Council Member Bublitz announced that she has purchased a new house outside of her current district and she will be vacating her position as 1<sup>st</sup> Aldermanic District Council Member at the end of October.

**MAYOR REPORT** – None

**ADJOURN – CLOSED SESSION**

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to adjourn to closed session at 8:03 p.m. pursuant to State Statutes 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, more specifically to be discussed is the Hwy. 60 Business Park Lot 1 purchase offer and the TID #4 Developer Agreement; and pursuant to State Statute 19.85(1)(c) to consider employment, promotion, compensation, or performance evaluation data of a public employee over which the governmental body has jurisdiction or exercises responsibility, more specifically to be discussed is the City Administrator evaluation and compensation. Approval of the July 25, 2022 and August 29, 2022 closed session minutes. Motion carried on a roll call vote with Council Members Bublitz, Arnett, Burkart, Verhaalen, Simpson, Thome, and Forbes voting aye.

**RECONVENE TO OPEN SESSION**

Motion made by Council Member Bublitz, seconded by Council Member Simpson, to reconvene to open session at 9:47 p.m. Motion carried on a roll call vote with Council Members Bublitz, Arnett, Burkart, Verhaalen, Simpson, Thome, and Forbes voting aye.

**NEW BUSINESS – CONTINUED**

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

No discussion took place.

**DISCUSSION AND POSSIBLE ACTION ON CITY ADMINISTRATOR EVALUATION AND COMPENSATION**

Motion made by Council Member Bublitz, seconded by Council Member Burkart, to approve the City Administrator evaluation and compensation as discussed in closed session. Motion carried without a negative vote.

**ADJOURNMENT**

Motion made by Council Member Arnett, seconded by Council Member Forbes, to adjourn the meeting at 9:59 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC  
Deputy City Clerk