

**CITY OF CEDARBURG
COMMON COUNCIL
February 13, 2023**

**CC20230213-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, February 13, 2023 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. A moment of silence was observed in memory of Kim Esselman, and the Pledge of Allegiance was recited.

Roll Call: Present - Mayor Michael O’Keefe, Council Members Melissa Bitter, Jack Arnett, Kristin Burkart, Rick Verhaalen, Robert Simpson, Patricia Thome, Mark Mueller

Also Present - City Administrator Mikko Hilvo, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, Director of Engineering and Public Works Mike Wieser, City Planner Jon Censky, Fire Chief Jeff Vahsholtz, 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 THE CONCEPT REVIEW OF A PROPOSED REDEVELOPMENT PLAN FOR THE 4.4-ACRE FORMER AMCAST SITE LOCATED SOUTHEAST OF THE OFFICE BUILDING AT THE CORNER OF HAMILTON ROAD AND JOHNSON AVENUE

Planner Censky explained that Bob Bach is seeking feedback on his concept plan for the redevelopment of the Amcast site located adjacent to and south of the office building at the corner of Hamilton Road and Johnson Street. It is staff’s understanding that these plans are based on the ones that were used to justify the creation of the TIF by the Community Development Authority (CDA) and the Common Council in 2017. The Tax Incremental Financing District No. 4 was created for the cleanup and development of the Amcast site and D.J. Burns was contracted to complete this project. To date, Mr. Burns has partially demolished the factory building on the north side of Hamilton Road and has been working to restore the office building on the south side. He is now working with Bob Bach on plans to redevelop the area adjacent to and south of the office building, between the railroad tracks and Johnson Avenue.

Developer Bob Bach made a presentation highlighting the following:

- Drawing of the site on the south side of Hamilton Road,
- The site contains PCBs and is a superfund site that is overseen by the EPA and DNR.
- Drawing of the site showing the different depths of contamination on the site.
- The sanitary sewer system will require repair and reconstruction.
- TIF Agreement included a development on this site to create increment.

Bob Bach further explained that he is proposing an apartment complex consisting of two, three-story, 32-unit building adjacent to the railroad tracks; three, six unit, townhome style buildings and one, four-unit building located along Johnson Avenue; and a four-unit building facing Hamilton Road. Access to this project is provided from Johnson Avenue over two separate drives. The project will result in 90 units on 4.1 acres for a density of 22 units/acre.

A meeting is scheduled with the EPA and DNR on March 1, 2023 and they want to ask for permission to move some of the contaminated soil (to be contained in one area) to begin building this year. The City's approval of this concept review will show the necessity to begin the project.

In answer to Council Member Arnett's questions, Bob Bach stated that he will not be asking for additional TIF funding, a traffic study will be done, and the condominiums will be rented and not sold.

Discussion ensued with the following concerns being presented:

- Why rent will be 20% less on the Amcast development vs. the Fox Run development.
- Noise produced from the Public Works Department disturbing the residents of the development.
- Moving the contaminated soil and leaving it on the property. Once the soil is disturbed there is a risk of more problems such as run-off.
- Traffic, density, and three-story buildings being too tall.
- Would like less density. Something more unique on the property.

DJ Burns explained that the EPA may not start cleaning this superfund site until 2024 or 2025. He stated that the City asked him if anything can be done to create increment sooner on the TIF and this is an option. The soil would be moved and capped to prevent any further disruption.

Council Member Arnett explained that this is only a concept review. The reason for this process is to gather information and consensus to talk to the DNR and EPA in regard to starting a development sooner rather than later. Council Member Arnett added that there is plenty of room in the schools, Hamilton Road is the least traveled main road in the City, and this development would cover 68% of the principal and interest on the TIF. He concluded by saying that the DNR and EPA would not allow anything inappropriate in regard to the PCBs and the health of the community. He supports development on this site and added that it is a good way to move forward.

Mayor O'Keefe stated that in this instance, the City needs increment to protect the City taxpayers and he was in favor of the plan.

Council Member Thome spoke in favor of the development and it being the right use of the site.

Scott Soukup, W59N396 Hilbert Avenue, stated that when he moved to Cedarburg it was predominantly single-family homes and now he is being surrounded by development that is saturated by people and it is not fair.

Terry Wagner, N40W5792 Hamilton Road, stated that a traffic study needs to be done before making a decision. There is a tremendous amount of additional traffic with the addition of the Arabelle and Fox Run developments. He questioned why the Amcast site buildings will be 20% less expensive than the buildings in Fox Run and why they were not the same, if the City is trying to maintain what is built in Cedarburg. Terry Wagner also expressed concern for the capabilities and future of the Water Recycling Center with all of the new developments. He understands that the City needs to go ahead with Phase I and he supports that; however, the City should stop adding large developments.

Richard Patek, N116W5575 Lucas Court, expressed concern for the increase in students in the schools. He ballparked the number of additional households being added with these developments at 957 additional units. Using the ratio of .333% of households having a student in school, this would increase Westlawn's enrollment by 20% or 64 students for a total of 292 students, for a record enrollment. He asked the Council to look at the totality of increase and not the individuals.

Council Member Arnett presented figures showing that the school age population is declining. The school system had 3,125 students in 2005-06 and today the number of students is 3,108. When the School District spent \$60 million to upgrade the schools they allowed for an increase in students.

Council Member Thome stated that realistically the children are spread over the variety of schools and grades making the impact less.

Council Member Burkart stated that it is important to keep an eye on the impact that all of the developments have on the schools, as the City continues to grow.

Daniel Sampson Parsons, N69W5819 Bridge Road, (via zoom) clarified the timeline of the proposed building and questioned the possible payoff of the TID.

City Administrator Hilvo stated that much of this depends on the EPA and DNR timeline.

Council Member Arnett stated that the south portion of the development would create \$11 million in assessment and would contribute \$165,000/year in taxes.

Bob Bach stated that it is important to have the support of the Common Council on this project when meeting with the DNR and EPA to get the project started.

The Common Council was reminded that this is only a concept review and is not final. At that point a vote was taken to determine support for the project.

Council Members Arnett, Simpson, Thome, and Mueller voted in favor and Council Members Bitter, Burkart, and Verhaalen were opposed.

DISCUSSION AND POSSIBLE ACTION ON REQUEST FROM CEDARBURG CULTURAL CENTER FOR AN AMPLIFIED MUSIC/SOUND PERMIT IN AN OUTDOOR ALCOHOL BEVERAGE SEATING AREA AT W62 N546 WASHINGTON AVENUE

Motion made by Council Member Arnett, seconded by Council Member Verhaalen, to approve an Amplified Music/Sound Permit in an Outdoor Alcohol Beverage Seating Area for the Cedarburg Cultural Center at W62 N546 Washington Avenue. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON PUBLIC WORKS, PARKS, & FORESTRY WAGES

City Administrator Hilvo explained that the Public Works/Forestry Department currently has an opening for a DPW/Forestry Crew member. With surrounding communities increasing their starting wages for public works employees recently, he is requesting to increase the starting wage for a crew member from \$23.00/hr. to \$24.72/hr. With this change, the City will have several crew member positions that would require an increase in their wages as well to remain equitable with wages among all the crew positions. The following increases were being requested in addition to the increase in the starting wage for a crew member.

- Employee 1: \$25.12 to \$26.38
- Employee 2 & 3: \$24.64 to \$25.87
- Employee 4: \$23.92 to \$25.12
- Employee 5: \$29.07 to \$30.52

The current pay for crew members ranges from \$23.92 to \$32.70

The current salary range is \$47,840 (\$23/hr.) to \$68,016 (\$32.70/hr.)

City Administrator Hilvo noted that the City staff wage scale is scheduled to be revised in 2023 for the 2024 budget, as the last revision was done in 2019.

Motion made by Council Member Burkart, seconded by Council Member Simpson, to approve the adjustments to the Public Works, Parks, & Forestry wages. Motion carried without a negative vote.

CONSENT AGENDA

Motion made by Council Member Thome, seconded by Council Member Simpson, to approve the following agenda items:

- January 30, 2023 Common Council minutes
- New 2022-2023 operator licenses for the period ending June 30, 2023 for individuals who filed application with City Clerk.
- Payment of bills dated 01/27/23 through 02/03/23, transfers dated 01/26/23 through 02/10/23, and payroll for period 01/22/23 through 02/04/23.

Motion carried without a negative vote.

CITY ADMINISTRATOR'S REPORT

Building Inspection/Public Works Secretary Kim Esselmann passed away suddenly this morning and City Administrator Hilvo asked for prayers and thoughts for her family, friends, and coworkers.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS - None

MAYOR REPORT- None

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Thome, seconded by Council Member Mueller, to adjourn to closed session at 8:10 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 discussion/update on the concept of a new shared services agreement for Fire/EMS services with the Town of Cedarburg. Approval of closed session minutes from January 30, 2023. Motion carried on a roll call vote with Council Members Bitter, Arnett, Burkart, Verhaalen, Simpson, Thome, and Mueller voting aye.

RECONVENE TO OPEN SESSION

Motion made by Council Member Burkart, seconded by Council Member Thome, to reconvene to open session at 9:05 p.m. Motion carried on a roll call vote with Council Members Bitter, Arnett, Burkart, Verhaalen, Simpson, Thome, and Mueller voting aye.

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Burkart, to adjourn the meeting at 9:05 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk