

**CITY OF CEDARBURG
COMMON COUNCIL
JUNE 26, 2023**

**CC20230626-1
UNAPPROVED**

A meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, June 26, 2023, 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 Jim Fitzpatrick, Kristin Burkart, Patricia Thome, Robert Simpson, Kevin Curley, Mark Mueller, Melissa Bitter

Also Present - City Administrator Mikko Hilvo, Attorney Michael Herbrand, City Clerk Tracie Sette, Director of Engineering and Public Works Michael Wieser, Finance Director Kelly Livingston, Fire Chief Jeffrey Vahsholtz, Paul Franz of Baker Tilley, interested citizens 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

PRESENTATIONS

ANNUAL AUDIT PRESENTATION BY BAKER TILLEY

The 2022 annual audit was presented by Paul Franz of Baker Tilley. He presented the Financial Statements with an unmodified opinion which is the highest-level assurance from the auditor. All appropriate disclosures have been properly reflected in the financial statements. The current General Fund balance is calculated to be 15% which is well within the recommended range of 10-25%.

He provided a brief summary of the operating revenues and expenses of the Light & Water and Sewer Utilities.

An explanation was provided regarding the acceptable level of statutory debt the City is allowed by law. Currently the City is operating at 20% of the allowable level of debt which is considered very low.

2022 CEDARBURG FIRE DEPARTMENT ANNUAL REPORT

Fire Chief Vahsholtz provided the annual report by highlighting the following accomplishments:

- There are a total of 68 active members ranging from under 1 year of service to 40 years of service and over.
- The CFD responded to a total of 1,480 incidents:
 - Rescue call total was 1,216
 - Fire total was 262
 - Dive Team total was 2
- Members completed 5,604 hours of training
- Recognitions: Chuck Kison was recognized and awarded for his 50 years of service. The Cedarburg American Legion recognized two members of the Department at their annual meeting. Sue Ernst was recognized as EMT of the Year, and Grant Witte was recognized as Firefighter of the Year. Kim Esselmann received the Meritorious Service Award, which is the highest award a member may receive.
- Equipment: Command 168 was purchased for \$67,000 and Engine 163 purchased for \$685,000 by Cedarburg Fireman's Park Incorporated and donated back to the City of Cedarburg. No tax dollars were utilized for these purchases.
- Inspections: 287 semi-annual safety inspections were performed in the City and 187 semi-annual safety inspections conducted in the Town
- Department Accomplishments: Response times have decreased to 6 minutes 58 seconds. The Department contracted with Southern Ozaukee Fire Department for paramedic intercept services. Twelve (12) new members have been recruited.

NEW BUSINESS

DISCUSSION AND POSSIBLE ACTION ON CHARGING AN ANNUAL FEE FOR ACCESS CARDS TO THE DPW YARD WASTE FACILITY

In October 2022 the DPW Yard Waste Facility suffered a motherboard failure to the access card system. Since then, the yard has been left open to allow access for City residents. The system has now been repaired and approximately 3,000 new access cards will need to be issued.

Currently, residents are charged a \$30 one-time fee to receive an access card to the Yard Waste Facility. There are no recurring costs unless the card is lost. Staff estimates the cost of annual maintenance of the Yard Waste Facility to be about \$40,000. The Council discussed the possibility of creating an annual fee to help pay for maintenance and repairs.

Council Member Thome recalled, at previous Public Works & Sewerage meetings, discussions relating to the (then) new Public Works Facility and the promise to residents of no increase in fees until the building is paid for. The Council agreed to stand behind that promise.

A motion was made by Council Member Burkart, seconded by Council Member Fitzpatrick, to deny charging an annual fee for access cards for the DPW Yard Waste Facility, and furthermore, current card holders won't be charged to reactivate their cards. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON ART OF JOY REQUEST TO CONTINUE HAVING YARN ART LOCATED ON A CITY TREE IN FRONT OF THEIR BUSINESS

In January of 2023 the Public Art Committee approved Yarn Art on a City tree in front of Art of Joy as a temporary art installation. The installation was done in March of 2023. Temporary art installations such as this have been approved in the past but only because they were temporary. This installation was approved for a period of one month from the date of installation. The artist has continued to keep it in good condition, and a request has been made by Art of Joy to continue to keep it up.

A discussion ensued and it was the consensus of the Council to not set a precedent by allowing one business to have yarn art in City trees.

A motion was made by Council Member Burkart, seconded by Council Member Mueller, to deny the request from Art of Joy to continue having yarn art located on a City tree in front of their business. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON RENAMING OF TOPVIEW PARK TO RETZLAFF FAMILY PARK

The Topview Trails Homeowners Association is requesting to rename Topview Park to Retzlaff Family Park in honor of the family that farmed the land prior to it becoming their subdivision.

A motion was made by Council Member Mueller, seconded by Council Member Simpson, to rename Topview Park to Retzlaff Family Park. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2023-07 RENAMING THE DIVERSITY COMMITTEE TO THE DIVERSITY, EQUITY, AND INCLUSION COMMITTEE

Administrator Hilvo explained that the Diversity Committee approached the City, requesting a chance to meet before the Council takes any action on renaming.

The Mayor asked that the Council also consider the appropriateness of the Diversity Committee as a City committee. He suggested the Diversity Committee may be able to accomplish more if it were to become a non-profit (5013c) organization.

A motion was made by Council Member Burkart, seconded by Council Member Mueller, to postpone to a future meeting, Ordinance No. 2023-07 renaming the Diversity Committee, also to include a discussion on whether the Diversity Committee should be a City committee. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2023-08 REVISING THE WEIGHTS AND MEASURES REGULATIONS

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) implemented an adjustment to weights and measures inspections as well as the contract fee for 2023. This is the first time a change has been made since 2003. The yearly contract fee will now be \$2,250, and the inspections will be biennial instead of annual. Due to this change, the Clerk's office restructured the

ordinance, which allows for the City to recover costs by billing the businesses that receive the inspections.

A motion was made by Council Member Burkart, seconded by Council Member Thome, to approve Ordinance No. 2023-08 revising the Weights and Measures regulations. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON MOU AGREEMENT BETWEEN WISCONSIN ELECTIONS COMMISSION AND THE CITY TO RECEIVE A SUBGRANT FOR ABSENTEE BALLOT PARTIAL REIMBURSEMENT

The bipartisan Elections Commission unanimously directed the creation of new absentee ballot envelope designs in order to ensure compliance with the law. The old envelope designs do not conform with guidance from recent court orders and do not fully comply with all statutory requirements. Furthermore, the old envelope designs do not incorporate design features (adopted in other states) that make them easily identifiable to the U.S. Postal Service. For these reasons, the Commission, on April 28 and again on June 1, unanimously determined that the current EL-120 and EL-122 shall not be used in 2024.

To partially offset the cost of adopting new envelope designs, the WEC will disburse up to \$600,000 of Federal funds through the approved 2023 Absentee Ballot Envelope Subgrant Program. Each jurisdiction may receive an award calculated proportionally based on their estimated January 1, 2022, voting age population as determined by the Department of Administration Demographic Services Center. For the City, this equates to a partial reimbursement of approximately \$1,200.

A motion was made by Council Member Curley, seconded by Council Member Mueller, to approve the Memorandum of Understanding between the Wisconsin Elections Commission and the City to receive a subgrant for absentee ballot partial reimbursement. Motion carried without a negative vote.

CONSENT AGENDA:

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

- June 12, 2023 Common Council meeting minutes
- New and renewal 2023-2024 Operator Licenses for period ending June 30, 2024 for:

Amy L. Swanson
Andrea C. Simon
Anne M. Helmbrecht
Caitlin B. Armstrong
Corinne R. Kaminsky
Gabriella G. Fernald
Jennifer L. Richter
Jennifer R Herklotz
John C. Wallus
Kristen M. Klug

Mark A. Kennedy
Paula J Gilson
Rob J. Kaminsky
Sandra L. Campeau
Scott R. Gazaszewski
Terry L. Clark-Bauman
Thomas M. Dorsey
Ty J. Cramer
Zachery R. Lewis-Grill

- Payment of bills dated 06/07/2023 through 06/16/2023, transfers for the period 06/06/2023 through 06/20/2023, and payroll for period 05/28/2023 through 06/10/2023

ADMINISTRATOR'S REPORT

Administrator Hilvo's report was included in the Council packet.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Mueller enjoyed seeing the Berry Big Run taking place this past weekend.

MAYOR'S REPORT

The Mayor commented on the fantastic attendance at Strawberry Festival this past weekend.

ADJOURN TO CLOSED SESSION

A motion was made by Council Member Thome, seconded by Council Member Burkart, to adjourn to closed session at 7:58 p.m. pursuant to State Statute 19.85 (1)(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 discussed was approval of closed session minutes from the June 12, 2023 Council meeting and a possible amendment to the Developers Agreement for Amcast. Motion carried on a roll call vote with Council Members Bitter, Fitzpatrick, Curley, Simpson, Thome, Mueller, and Burkart voting in favor.

RECONVENE TO OPEN SESSION

Open Session reconvened at 9:20 p.m.

ADJOURNMENT

A motion was made by Council Member Mueller, seconded by Council Member Burkart, to adjourn the meeting at 9:21 p.m. Motion carried without a negative vote.

Tracie Sette
City Clerk