

**CITY OF CEDARBURG
COMMON COUNCIL
July 10, 2023**

**CC20230710-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, July 10, 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, and the Pledge of Allegiance was recited.

Roll Call: Present - Mayor Michael O’Keefe, Council Members Melissa Bitter (via zoom), Jim Fitzpatrick, Kristin Burkart, Kevin Curley, Robert Simpson, Patricia Thome, Mark Mueller

Also Present - City Administrator Mikko Hilvo, Deputy City Clerk Amy Kletzien, Police Chief Michael McNerney, 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

Connie Kincaide spoke as a member of the Diversity Committee to update the Common Council on the recent Community Conversations that took place on June 26, 2023. The conversation focused on the LGBTQ Community, and it generated good feedback from the 48 attendees. She stated that the minutes of last Diversity Committee meeting have been submitted to City Administrator Hilvo and she encouraged the Common Council Members to contact her with any questions.

NEW BUSINESS

DISCUSSION AND POSSIBLE ACTION ON TRANSIENT ENTERTAINMENT LICENSE TO RAINBOW VALLEY RIDES, INC. FOR THE OZAUKEE COUNTY FAIR ON AUGUST 2 – 6, 2023 DURING THE FOLLOWING TIMES: AUGUST 2: 4:00 P.M. – 10:00 P.M.; AUGUST 3 – 5: NOON – 10:00 P.M.; AUGUST 6: NOON – 5:00 P.M.; AND THE REQUEST TO WAIVE THE REQUIREMENT FOR A CLEAN UP BOND AS REQUESTED BY THE AGRICULTURAL SOCIETY

City Administrator Hilvo explained that Rainbow Valley Rides has applied for a Transient Entertainment license for the Ozaukee County Fair. A request has also been received from the Ozaukee County Agricultural Society to waive the requirement of a clean-up bond. According to Sec. 7-7-1(d)(3) of the Municipal Code, the Council has the option to waive this requirement, which has historically been approved.

Motion made by Council Member Burkart, seconded by Council Member Simpson, to approve the transient entertainment license to Rainbow Valley Rides, Inc. for the Ozaukee County Fair on August

2 – 6, 2023 during the following times: August 2: 4:00 p.m. – 10:00 p.m.; August 3 – 5: noon – 10:00 p.m.; August 6: noon – 5:00 p.m. contingent upon review and approval of employees as submitted to the Police Chief; and the request to waive the requirement for a cleanup bond as requested by the Agricultural Society. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2023-09 ESTABLISHING A NEW FIRE/EMS SHARED SERVICES JOINT COMMITTEE WITH THE TOWN OF CEDARBURG

City Administrator Hilvo explained that the City and Town of Cedarburg recently approved a 10-year shared service agreement for Fire/EMS service provision beginning January 1, 2024. One of the components of the agreement is to establish a Fire & EMS Committee that advises on budgetary issues. The City and Town would have equal representation with two elected officials, and one resident member on the Committee. Approval of Ordinance No. 2023-09 would add language to the City Code of Ordinances establishing that Committee, allowing the Mayor to present his appointees to be confirmed by the Common Council.

Motion made by Council Member Thome, seconded by Council Member Simpson, to approve Ordinance No. 2023-09 establishing a new Joint FIRE and Emergency Medical Services Committee with the Town of Cedarburg. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2023-13 DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING FOR LEAD SERVICE LINES REPLACEMENT WITHIN THE CITY

City Administrator Hilvo explained that the Light & Water Utility is endeavoring to continue with its efforts to remove lead service lines from the water system. Funding mechanisms have changed since beginning this effort and in the latest iteration the funds must be requested by the City as a low interest loan through the State's Safe Drinking Water Loan Program. As part of the loan application, the City is required to pass a resolution declaring that it will pay for the project using funds on hand with later reimbursement by the State. This reimbursement would occur in 60 days or less.

Motion made by Council Member Thome, seconded by Council Member Mueller, to approve Resolution No. 2023-13 declaring official intent to reimburse expenditures from proceeds of borrowing for lead service lines replacement within the City. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON CLOSING PORTLAND ROAD FROM MILL STREET TO HILBERT AVENUE FOR NATIONAL NIGHT OUT EVENT HELD AT CEDAR CREEK PARK AND BEHLING FIELD BETWEEN 5:00 P.M. – 9:00 P.M. ON AUGUST 1, 2023

Police Chief McNerney explained that the Cedarburg Police Department is hosting National Night Out at Cedar Creek Park and Behling Field. National Night Out is a National event that brings the community and first responders together to build better relationships. Every Ozaukee County agency along with some State and Federal agencies will have equipment on display along with their personnel. Also, the National Guard from West Bend will be landing a Blackhawk helicopter on Behling Field for a static display. He continued to explain that because of the number of people that will be attending the event, it would be safer to close Portland Road between Mill Street and Hilbert Avenue. The event attendees will be crossing Portland Road to go between Cedar Creek Park and Behling Field for the

static displays. He recommended closing the road to allow for only pedestrian traffic from 3:00 p.m. to 10:00 p.m. on August 1, 2023. For homeowners who reside within the closure, the Department will have staff positioned at the barricades to allow them access to their residences.

Motion made by Council Member Burkart, seconded by Council Member Simpson, to approve closing Portland Road from Mill Street to Hilbert Avenue for the National Night Out event held at Cedar Creek Park and Behling Field between 5:00 p.m. – 9:00 p.m. on August 1, 2023. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON REQUEST TO HIRE A REPLACEMENT POLICE OFFICER

Police Chief McNerney stated with Sergeant Emmerich's upcoming retirement on July 20, 2023, the Department will have a vacancy in the Patrol Division that will cause them to be below the Department's authorized strength of 22 sworn personnel. He recommended hiring the one remaining candidate from the last hiring process, Vlad Melnikov on July 19, 2023 to replace Sergeant Emmrich. Mr. Melnikov has gone through the Police Academy and will be ready to start the four-month Field Training program if the Department is given permission to hire him.

Motion made by Council Member Burkart, seconded by Council Member Simpson, to approve the request to hire a replacement police officer. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON MAYORAL APPOINTMENTS TO JOINT CITY AND TOWN FIRE AND EMS COMMITTEE

Mayor O'Keefe presented Council Members Thome and Simpson, and citizen Scott Gonwa as his appointments to the Joint Fire & Emergency Medical Services Committee with the Town of Cedarburg.

Motion made by Council Member Thome, seconded by Council Member Simpson, to approve Mayor O'Keefe's appointments to the Joint Fire and Emergency Medical Services Committee. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF AMPLIFIED MUSIC/SOUND IN OUTDOOR ALCOHOL BEVERAGE SEATING AREA PERMIT FOR PERIOD ENDING 12/31/2023 FOR UNION HOUSE CEDARUBRG, W62N559 WASHINGTON AVENUE

City Administrator Hilvo explained that Union House Cedarburg has applied for an Amplified Music/Sound in Outdoor Alcohol Beverage Seating Area permit for the period ending December 31, 2023.

Council Member Thome reminded the applicant that there is a wall of apartments adjacent to the outdoor seating area and to be respectful of them by enjoying music within their area as best as possible. She stated that there is a lot of music downtown and it can be heard for quite a distance by area residents.

Discussion ensued as to the number of permits that have been issued to-date and the affects on the neighboring residents.

Council Member Curley asked that the Common Council review the Amplified Music/Sound permit along with the decibel level at a future Common Council meeting.

Attorney Woodward advised that any change to the Ordinance would need to be made after December 31, 2023 when the current permits that have been issued will expire.

Council Member Thome explained that there have been many conversations on this topic, and it has been approved as is, through the decision-making process of the Common Council.

City Administrator Hilvo suggested that any future concerns be forwarded to him for discussion and resolution.

Motion made by Council Member Burkart, seconded by Council Member Simpson, to approve the Amplified Music/Sound in Outdoor Alcohol Beverage Seating Area permit for the period ending December 31, 2023 for Union House Cedarburg, W62N559 Washington Avenue. Motion carried without a negative vote.

CONSENT AGENDA

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

- Approval of June 26, 2023 Council meeting minutes
- Approval of new and renewal 2023-2024 operator licenses for:

Rebecca E. Boppre
Ryan J. Fischer
Elizabeth A. Gust
Holly J. Hupfer

Harleigh R. Manske
Megan S. Mendizabal Phillips
Lynn A. Neumann
Kari R. Pearsall

Robert H. Bornstein
Debra L. Goelz
Dustin J. Halyburton
Catherine Frohman
Roy G. Maumee
Kari S. Midtbo Schwartz
Jeannette M. Schupp

Jamie L. Meyer
Christine L. Pope
Kyle J. Smith
Julie B. Gottfried
Linda K. Martens
Antonija Mitt

- Payment of bills dated 6/17/23 through 6/30/23, transfers from 6/21/23 through 6/30/23, and payroll for period 6/11/23 through 6/24/23.

Motion carried without a negative vote.

CITY ADMINISTRATOR'S REPORT

City Administrator Hilvo explained that he met with Developer Bob Bach and they walked the Fox Run Development site. Mr. Bach extended an invitation to the Common Council Members to contact him if they want to see the site also. They discussed concerns about the construction noise that takes place between 7:00 a.m. – 7:00 p.m. Monday through Sunday. It was decided that Mr. Bach will meet

with the crew to plan ahead and limit the noise on Sundays. Sounds barriers were discussed but they are very cost prohibitive. City Staff will be monitoring the noise on this site.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Burkart encouraged the Council Members to attend the American Legion Chicken Roast on July 30. It is a big fundraiser for them and is open to the public.

Council Member Fitzpatrick requested that the City explore the option of creating four pickleball courts where the one tennis court is located in Adlai Horn Park. This item will be discussed at the next Parks, Recreation & Forestry Board meeting.

MAYOR REPORT

Mayor O'Keefe requested that there be a discussion at a future Common Council meeting in regard to panhandling in Cedarburg.

ADJOURNMENT

Motion made by Council Member Mueller, seconded by Council Member Burkart, to adjourn the meeting at 7:34 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk