

**CITY OF CEDARBURG  
COMMON COUNCIL  
August 14, 2023**

**CC20230814-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, August 14, 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, Jim Fitzpatrick, Kevin Curley, Robert Simpson, Patricia Thome

Excused - Council Members Kristin Burkart and Mark Mueller

Also Present - City Administrator Mikko Hilvo, Deputy City Clerk Amy Kletzien, Police Chief Michael McNerney, Fire Chief Jeff Vahsholtz, Engineering and Public Works Director Mike Weiser, Finance Director/Treasurer Kelly Livingston, Building Inspector Jeff Thoma, City Planner Jon Censky, Library Director Linda Eastwood, Library Board President DeWayna Cherrington, 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**

**PUBLIC HEARING**

**A PUBLIC HEARING ON THE CITY OF CEDARBURG ZONING CODE, M-2 GENERAL MANUFACTURING DISTRICT, TO INCLUDE HOTELS AND RESTAURANTS AS PART OF THE LIST OF APPROVED CONDITIONAL USES**

Mayor O’Keefe opened the public hearing at 7:02 p.m.

Planner Censky explained that the applicant is requesting a zoning text amendment to add restaurants and hotels to the list of uses permitted in the M-2 General Manufacturing District. The intent of this change is to establish an approval process to allow for these uses to be considered for the Pioneer Road frontage of the LaRosa site. This request evolved from past discussions coming from the Economic Development Board and a feasibility study conducted at the direction of the Common Council in 2016 to determine whether there was a market for a franchise hotel in Cedarburg. That study suggested that the City could support an upper-midscale 50-60 room hotel.

He further explained that staff has now been working with a developer interested in developing a hotel and restaurant on the LaRosa site at N144W5800 Pioneer Rd. Before the City can consider their

request, however, the M-2 District must be amended to list these uses as permitted in the District. This district currently allows certain uses other than manufacturing uses such as athletic clubs, gymnasiums, and health resorts and therefore restaurants and hotels seemed to fit the character uses listed in the M-2 District. Moreover, these uses tend to support the weekly needs of manufacturing business during the week and the needs of the community on weekends.

There was no public comment.

The Common Council and Mayor expressed support for the zoning change and adding a hotel to Cedarburg.

Motion made by Council Member Thome, seconded by Council Member Fitzpatrick, to close the public hearing at 7:10 p.m. Motion carried on a roll call vote with Council Members Bitter, Fitzpatrick, Curley, Simpson, and Thome voting in favor and Council Members Burkart and Mueller excused.

### **NEW BUSINESS**

#### **DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2023-10 TO AMEND SECTION 13-1-60(d) OF THE CITY CODE, M-2 GENERAL MANUFACTURING, TO INCLUDE HOTELS AND RESTAURANTS AS PART OF THE LIST OF APPROVED CONDITIONAL USES**

Planner Censky explained that the Plan Commission reviewed this request at their July 11 meeting and recommended adding restaurants and hotels provided they are located on a site that front an arterial road and that they be added to the list of Conditional Uses in the M-2 General Manufacturing District.

Motion made by Council Member Thome, seconded by Council Member Simpson, to approve Ordinance No. 2023-10 to amend Section 13-1-60(d) of the City Code, M-2 General Manufacturing, to include hotels and restaurants as part of the list of approved Conditional Uses. Motion carried without a negative vote with Council Member Burkart and Mueller excused.

### **OATH OF OFFICE – PATROLMAN VLADISLAV MELNIKOV**

Deputy City Clerk Kletzien administered the oath of office to Patrol Officer Vladislav Melnikov.

#### **DISCUSSION AND POSSIBLE ACTION ON AMCAST PROPERTY SAFETY AND SECURITY**

City Administrator Hilvo explained that he walked through the Amcast site with Police Chief McNerney, Fire Chief Vahsholtz, Fire Inspector Karnitz, Deputy Fire Chief Hintz, and Building Inspector Thoma on July 18, 2023 to evaluate the northern parcel for Fire/EMS and Police personnel safety, public safety, and security of the facility. Several safety and security concerns were found during the walk through and all departments provided a memo to him on their findings and recommendations. The recommendations include, among other requirements, to not allow any storage in the remaining building on the site, block all openings to the building and the underground area, clear brush around the perimeter fence, fix or replace perimeter fence to secure any openings, remove any potential access points that make it easier for people to climb over the fence, add security lighting, and add additional cameras with potential live feed to the Police Department. In the alternate to the

recommendations specifically related to the existing building, staff supports removing the entire building on the northern site. Given the current condition of the existing building, and the potential uses of the northern parcel identified by the Owner, staff question the value of the existing building on the site. Representatives of the US EPA and WDNR have indicated in prior meetings that the building can be razed from the site, subject to compliance with all applicable environmental standards and regulations. The Development Agreement with the Owner currently provides that the existing building on the northern parcel can remain at the discretion of the Owner. If removing the entire building is not feasible, then removing the second floor of the building should be considered or at minimum all access to it be removed and additional support for the structure provided.

City Administrator Hilvo provided pictures that were taken during their walk through showing many of their concerns.

Police Chief McNerney presented their history on the property for the last year, including 18 incidents of trespassing and 123 business checks.

Council Member Thome opined that it is a hazard for the Police & Fire Departments to have to walk through the building.

Council Member Curley agreed that the building is unsafe and found it remarkable that no one has been hurt to-date.

In answer to Council Member Fitzpatrick's question, City Administrator Hilvo explained that the City's concerns were forwarded to DJ Burns and his attorney and there has been no response to-date.

Council Member Simpson stated that proper fencing, added lights, and cameras would be a good start to securing the property after all the openings are closed.

Council Member Bitter suggested sending a letter to the owner siting all the problems and giving him 30 days to submit a workplan to address all of the issues.

In answer to Council Member Fitzpatrick's question, City Attorney Herbrand stated that the City has the right to address the Code enforcement issue and to determine the structural state of the building from an engineer.

Mayor O'Keefe is in favor of taking the second floor of the building down, sealing the lower level doors, and covering any open holes in the roof.

Council Member Curley expressed concern for the neighbors to this property.

Discussion continued on the state of the property and safety issues.

Mark Ernster, N37W5677 Hamilton Road, explained that he lives across the street from the property and expressed frustration for the lack of any plan for the site. He believes the building should be demolished.

Mike Loberg, N37W5664 Hamilton Road, lives adjacent to the property for 35 years. He questioned the lack of a plan for the property and expressed concern for any environmental issues associated with the site.

City Administrator Hilvo explained that the EPA and DNR will be cleaning the site.

Council Member Thome stated that it is not feasible for the City to hire a Structural Engineer to examine the property; therefore, given the poor state of the property it should be razed to prevent any City employees or trespassers from injury.

It was the consensus of the Common Council to require a workplan from the owner, to be due in 30 days, outlining the steps that will be taken to secure the building and property.

## **PRESENTATIONS**

### **TID INFORMATION UPDATE BY EHLERS PUBLIC FINANCE ADVISORS**

Harry Allen of Ehlers provided a TID information update. His presentation included the following information:

- Building Blocks: TIF Cash Flows
- Building Blocks: TID Tax Levies
- Why use TIF?
- TIF in Wisconsin
- Eligible Project Costs
- Prohibited Project Costs
- Maximum Life
- District Types
- Funding Eligible Projects: Options
- Key Dates and Details for City's Active TIDs
- TID 3 – Key Information/Projection Worksheet
- TID 4 – Key Information/Projection Worksheet
- TID 5 – Key Information/Projection Worksheet
- TID 6 – Key Information/Projection Worksheet
- TID 7 – Key Information/Projection Worksheet

In answer to Mayor O'Keefe's question, Mr. Allen explained that the TIF limit for the City of Cedarburg is 12% of the equalized value and the City is at 2% to-date.

In answer to Council Member Fitzpatrick, Mr. Allen replied that communities the same size as Cedarburg are using approximately 5 – 8% of their TIF limit to-date.

## **2022 CEDARBURG POLICE DEPARTMENT REPORT**

Police Chief McNerney presented the 2022 Annual Police Department Report to the Common Council. The following highlights were presented:

- Mission Statement – to work in partnership with the City to protect and enhance the quality of life for all who live, work, or visit our community.
- Police & Fire Commission – President Robert Carroll retired in 2022 after 23 years of service. Current members of the Commission are President Joel Dhein, Vice-President Terry Zimmerman, James Salp, Stacey Tolomeo, and Chris Hackbarth.
- Retirements – Chief Frank retired after 44 years of service, 23 years as Police Chief.

- Promotions – Police Chief Michael McNerney, Captain Joe Kell, Captain Ryan Fitting, and Sergeant Rolland Kegley.
- New Hires – Police Officers Wyatt Ecclestone and Justin Buboltz
- Commendations/Awards – Officer Steven Chojnacki (Top Gun Award, Life Saving Award, Letter of Commendation), Officer Dustin Koehler (Life Saving Award), Officer James Bailey (Life Saving Award), Officer Benjamin Buckenberger (Life Saving Award), Sergeant Brian Emmrich (Distinguished Service Award), Officer Anthony Schlice (Superior Investigative Performance Award), and Officer Jonathan Schemenauer (Letter of Commendation).
- WILEAG Accreditation – Deer Creek Innovator Award for condolence card program.
- Violent Crimes and Property Crimes
- Statistics

	<b>2021 Statistics</b>	<b>2022 Statistics</b>
Violent Crimes	7	4
Property Crimes	69	82
Felony Arrests	32	25
Misdemeanor Arrests	75	60

**Department Activity**

Reports Investigated	675	606
Calls for Service	25,805	24,920
Persons Assisted	2,605	2,765
Citizens at the Station	6,526	5,305
Telephone Calls	10,267	9,528
911 Calls	3,700	2,282
Alarms	93	130
Non Traffic Arrests	191	183
Traffic Arrests	919	1,189
Non Traffic Warnings	219	140
Traffic Warnings	3,601	3,581
Speeding	85	67
OWI	31	27
Parking Warnings	577	340
Parking Citations	499	896
Accidents	169	156

**Drug Offenses**

Tobacco Violations	12	12
Adult Alcohol Arrests	9	16
Juvenile Alcohol Arrests	1	24
Drug Arrests	39	35

- Community Policing
  - 105,850 door checks (210 found open)
  - 1,137 vacation checks
  - 71 vehicle lockouts
  - 1,153 rescue squad calls
  - 263 fire calls

- Safety Town and Safety Camp – 150 students
- Participated in National Night Out
- Home and new business visits
- School Resource Officer and School Safety Officer
- Hunter Safety
- Active Shooter Response presentations for citizens
- Active Shooter training with CSD and FIL staff
- Web site/Facebook/Tele-care/Tip App
- Community Room – 33 public meetings
- DMV Registrations – 293 (\$1,866)
- Multijurisdictional Units – Ozaukee Drug Enforcement Unit and Ozaukee Special Response Team
- Equipment – 2 marked patrol cars, marked SRO car, Safe Space, new camera system, Taser 7's, electric bike (donated by Friends of the Cedarburg Police Department)
- Training – The goal is to send each officer to a minimum of 40 hours of training annually. The new goal is 80 hours. Total training hours was 2,719.
- Support Staff – Pastor Randall Raasch, Rabbi Moshe Luchens, and twelve crossing guards at seven intersections.
- Auxiliary Unit – 20 Members
- WILEAG Accreditation

Police Chief McNerney thanked the Common Council and citizens for their support.

### **NEW BUSINESS – CONTINUED**

### **DISCUSSION AND POSSIBLE ACTION ON MONETARY COMPENSATION FOR THE AUXILIARY POLICE DURING MAJOR CITY EVENTS**

Police Chief McNerney explained that currently, the City's Auxiliary Police do not receive compensation for working at special events. The City has 20 auxiliaries serving in the unit which makes the City's program the strongest auxiliary program in Ozaukee County. If the City does not retain enough auxiliaries willing to work during special events, their posts will have to be manned by full-time certified officers. This will greatly increase the cost and put a further drain on resources at the Police Department. He recommended paying the auxiliaries \$15.00 per hour for their work at special events with the costs being passed along to the event organizers. The Department would also charge outside communities that utilize our auxiliaries for their special events. Based upon last year's hours, the total cost for the City's four major events would be \$3,026.25. This number could fluctuate a little based upon needs; however, the hours have been consistent over the years. The cost per event are as follows: Strawberry Festival - \$699.50, Ozaukee County Fair - \$247.50, Country in the Burg - \$1,027.50, and Wine & Harvest Festival - \$1,053.75. This would start in 2024 to allow event organizers time to plan for this additional cost.

Motion made by Council Member Thome, seconded by Council Member Simpson, to approve monetary compensation for the Auxiliary Police during major City events at \$15.00 per hour and allowing the discretion of Police Chief McNerney for invoicing events. Motion carried without a negative vote with Council Members Burkart and Mueller excused.

**DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2023-11 AMENDING SECTION 2-4-3(b) OF THE CITY OF CEDARBURG MUNICIPAL CODE RELATED TO THE LIBRARY BOARD**

Motion made by Council Member Fitzpatrick, seconded by Council Member Simpson, to postpone consideration of Ordinance No. 2023-11 to the next Common Council meeting. Motion carried without a negative vote with Council Members Burkart and Mueller excused.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE THE MAYORAL APPOINTMENT TO THE LIBRARY BOARD**

Motion made by Council Member Curley, seconded by Council Member Thome, to table the approval of the Mayoral appointment to the Library Board. Motion carried without a negative vote with Council Members Burkart and Mueller excused.

**DISCUSSION AND POSSIBLE ACTION ON BIDS RECEIVED FOR THE 2023 ASPHALT REPAIR PROGRAM**

Director Wieser explained that staff advertised and received bids for the 2023 Asphalt Pavement Repair Program. This year's program involves the resurfacing of approximately 2,130 square feet of the northbound lane of Washington Avenue between pine Street and Evergreen Boulevard. The surface layer of asphalt has deteriorated in this area, and the best fix is to mill and overlay the top 2-inches of asphalt.

Four bids were received for the work with the lowest responsive bid submitted by Wolf Paving in the amount of \$39,290. All of the bids were competitive and well below his estimate; therefore, he also requested authorization to expand areas to be resurfaced at the unit price bid, not-to-exceed a total of \$60,000.

Motion made by Council Member Thome, seconded by Council Member Fitzpatrick, to award the 2023 Asphalt Repair program bid to Wolf Paving in an amount not-to-exceed \$60,000 to allow expansion in the scope of the project. Motion carried without a negative vote with Council Members Burkart and Mueller excused.

**CONSENT AGENDA**

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

- Approval of July 31, 2023 Council meeting minutes
- Approval of new and renewal 2023-2024 operator licenses for:

Woody Burrell

Bonnie A. McCurley

Emma L. Larson

Mary K. Wolff

Spencer K. Lohrmann

- Payment of bills dated 7/22/23 through 8/04/23, transfers from 8/01/23 through 8/11/23, and payroll for period 7/23/23 through 8/05/23.

Motion carried without a negative vote with Council Members Burkart and Mueller excused.

**CITY ADMINISTRATOR'S REPORT**

City Administrator Hilvo and Police Chief McNerney will be attending the Ozaukee County Public Safety Committee meeting tomorrow to hear discussion on the policy analysis and final funding recommendations for the Ozaukee County EMS Grant program.

**COMMENTS AND SUGGESTIONS FROM CITIZENS**

Connie Kincaide, Linden Street, appreciated City Administrator Hilvo using the word “promise” in discussing the funding recommendations for the Ozaukee County EMS Grant program. She also thanked Police Chief McNerney for being approachable and helpful with her inquiries. Ms. Kincaide also extended her appreciation for the City’s openness and efforts in accepting her language concerns. Ms. Kincaide is an advocate for the mindful use of language in extending representation and inclusion for all citizens.

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Curley, as the representative on the Diversity Committee, extended an invitation to the Common Council Members to attend future Community Conversations. The following topics are tentative and the dates are being finalized and will be held at the Cedarburg Public Library:

- October 16, 2023 – Latino Voices
- January 15, 2024 – Intergenerational/Student Voices
- March 18, 2024 – IDD Voices
- May 20, 2024 – Law Enforcement Voices

**MAYOR REPORT** - None

**ADJOURNMENT**

Motion made by Council Member Thome, seconded by Council Member Fitzpatrick, to adjourn the meeting at 9:20 p.m. Motion carried without a negative vote with Council Members Burkart and Mueller excused.

Amy D. Kletzien, MMC/WCPC  
Deputy City Clerk