

**CITY OF CEDARBURG
COMMON COUNCIL
September 11, 2023**

**CC20230911-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, September 11, 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 (via zoom), Kevin Curley, Robert Simpson, Patricia Thome

Excused - Mark Mueller

Also Present - City Administrator Mikko Hilvo, Deputy City Clerk Amy Kletzien, Police Chief Michael Mc Nerney, City Planner Jon Censky, Attorney Michael Herbrand, 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

NEW BUSINESS

DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2023-15 HONORING RETIRED SERGEANT BRIAN EMMRICH

Motion made by Council Member Thome, seconded by Council Member Simpson, to adopt Resolution No. 2023-15 honoring retired Sergeant Brian Emmrich. Motion carried without a negative vote with Council Member Mueller excused.

CONSIDER APPROVAL OF A CLASS “A” FERMENTED MALT BEVERAGE AND “CLASS A” INTOXICATING LIQUOR (OFF-PREMISE CONSUMPTION ONLY) LICENSE FOR DAKOTA CREEK, LLC, N70W5266 COLUMBIA ROAD, CEDARBURG, WI 53012, BRENDAN RYAN, AGENT, PREMISES TO BE LICENSED: N70W5336 BRIDGE ROAD, KNOWN AS BOTTLES ON BRIDGE

Motion made by Council Member Curley, seconded by Council Member Simpson, to approve a Class “A” fermented malt beverage and “Class A” intoxicating liquor (off-premise consumption only) license for Dakota Creek, LLC, N70W5266 Columbia Road, Cedarburg, WI 53012, Brendan Ryan, agent, premises to be licensed: N70W5336 Bridge Road, known as: Bottles on Bridge. Motion carried without a negative vote with Council Member Mueller excused.

DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF HOLDING COUNTRY IN THE BURG EACH YEAR ON THE FRIDAY AND SATURDAY BEFORE LABOR DAY WEEKEND

City Administrator Hilvo explained that Country in the Burg (CITB) has proven to be a very advantageous event for the City. The event raises money for charity while also providing a huge benefit to the City's local economy. Country in the Burg would like to hold this event on Friday and Saturday on the weekend prior to Labor Day weekend each year.

Alex Uhan addressed the Common Council with this request. He stated that the event brought in visitors from 27 states and three countries this year. Country in the Burg has given back \$240,000 to 16 different charities over the past three years. He explained that by knowing that the event can be held each year, will help him book future performers farther out than one year.

Attorney Herbrand confirmed that an application and permits should still be issued each year, however, this will afford him the opportunity to plan farther out than one year.

Alex Uhan stated that he met with Sergeant Fitting to view the police reports after Country in the Burg this year and it was the best in terms of any incidents. Mr. Uhan stated that he is willing to meet with the Common Council after each event for a post-debriefing to address any problems or concerns.

Motion made by Council Member Thome, seconded by Council Member Fitzpatrick, to approve of holding Country in the Burg each year on the Friday and Saturday before Labor Day weekend in Cedar Creek Park with an annual post de-briefing with the Common Council after the event. Motion carried without a negative vote with Council Member Mueller excused.

DISCUSSION AND POSSIBLE ACTION ON A CONCEPT PLAN APPROVAL OF THE MANDEL GROUP'S LATEST MULTI-FAMILY DEVELOPMENT PLANS FOR THE 17-ACRE WIRTH SITE AT THE SOUTHEAST CORNER OF HIGHWAY 60 AND SHEBOYGAN ROAD

Planner Censky reminded the Common Council that the Mandell Group was before the Council in July 2022, seeking consultation for a proposed multi-family development on the vacant site located at the southeast corner of State Highway 60 and Sheboygan Road. Those plans were thoroughly discussed by the Common Council, with input received from area residents, and the result was that there was not sufficient support for the project for the applicant to proceed ahead. He further explained that the Plan Commission then held a land use discussion for this site on January 3, 2023 to determine the best and most appropriate uses for the Wirth property. Based on that discussion, the applicant modified his plans and appeared before the Plan Commission on February 6, 2023, for concept review and again left without a positive recommendation. The Plan Commission then invited a real estate expert on land use to discuss the economic realities of commercial uses vs. residential use of the Wirth property and that expert opined that based on the current market, the Wirth property would be best suited for multi-family use. The Commission followed up with another land use discussion at their July 11 meeting and felt they could support a mixed-use project consisting of three-story buildings with commercial on the first floor at the corner and along Sheboygan Road transitioning down to two-story townhomes as one heads east into the site. Based on that feedback, the applicant revised his plans again and is now seeking consultation on the latest plan revision as presented this evening.

Phil Aiello presented the current plan for the property along with statistics regarding the schools and traffic, all of which presented well within the current structure.

Joel Aeacki explained the strategy of the layout for the 207 units along with the retail space, parking, event space, and activity zones. There will be entrances on State Hwy 60 and Sheboygan Road. They surveyed buildings in Cedarburg as the basis for the spirit of the architecture using quality materials. They want to create a sense of place as a reflection of the community.

John Bieberitz explained how the traffic analysis was done and that it showed there will not be a significant amount of additional traffic from this development and Stonewall Farms that would cause any meaningful problems. An additional traffic analysis update was done and will be presented in a couple of weeks.

In answer to Council Member Simpson's question, Mr. Bieberitz explained that the City will need to make a request to the County to lower the speed limit on Sheboygan Road.

Council Member Burkart expressed concern for unsustainable growth affecting the schools and traffic in the City. She opined that the City is getting away from its small town atmosphere and should not build more apartments because we can.

Mayor O'Keefe expressed support for the development stating that it is an ideal development and that residents will likely use Hwy 60 most often. The Mandel Group has met with the City several times and has reduced the number of units, added retail space, and used the wetlands to enhance the project with activity zones creating a very nice development.

In answer to Council Member Fitzpatrick's concern, Mr. Aiello explained that the Mandel Group will be able to finance the project within today's increased costs and financing. They could not build their last five developments fast enough, with the Oconomowoc project filling occupancy within 79 days of finishing the project, adding that apartments are in high demand.

Council Member Thome expressed appreciation for the Mandel Group's efforts and confidence in their ability to create a nice development; however, she would like to see a better mix of townhomes.

In answer to Council Member Curley's question, Mr. Aiello explained that the parking will not add height to the two story apartments.

Mayor O'Keefe opened the meeting to public comment.

Kurt Thomas, N118W5523 Lucas Ct., expressed favor for the retail space added to the development.

Cathy Czech, N119W5835 James Circle, expressed many concerns involving increased traffic, stress on the schools, stress on municipal services and safety, water runoff, City resources, downtown parking, use of nearby private roads for exercise and dog walking, and the long range success of multiple multi-family developments in Cedarburg. She asked to put the brakes on this development.

David Newell, N111 W5921 Carolyn Ct., opposed the development for two uncontrollable problems; additional traffic and motorists using other roads in place of the main arterial roads and possibly driving through neighborhoods. He asked that limits be considered.

Jim Nicoud, N119W5826 James Cir., would like to see the development be 170 units with a better mix of apartments and townhomes.

Connie Kincaide, N75W7255 Linden Street, spoke as an individual resident of Cedarburg. She would like to see more detail regarding the increase in school age children, along with bussing and safety. The high cost of luxury apartments being built in Cedarburg concerns her and opined that people are being priced out of Cedarburg. She would like to see a better balance in housing.

Tom Czech, N119W5835 James Circle, expressed concern for the \$2100 rents being based on a median income of \$120,000 and the median income in Cedarburg is \$80,000. He questioned the economics of the proposed development and asked if the rents were based on lower interest rates. Mr. Aiello said that the market can bear the \$2100 rent.

Discussion continued between the Mayor and Common Council and the following points were made:

- The infrastructure was planned for growth and is oversized.
- Need to balance tax base with sustainable growth.
- Less apartments and more townhomes are desired.
- Where is the tipping point for too many apartments.
- Desire to see the updated traffic analysis available in two weeks.

It was the consensus of the Common Council to take more time to gather understandable information and talk with their constituents about the development before making a decision.

City Administrator Hilvo will put the development plans on the City website stating that the Common Council is looking for input from residents and it will also be sent to those residents who have requested this type of information.

Motion made by Council Member Fitzpatrick, seconded by Council Member Thome, to postpone action on a concept plan approval of the Mandel Group's latest multi-family development plans for the 17-acre Wirth site at the southeast corner of Highway 60 and Sheboygan Road to the October 9 Common Council meeting.

Mayor O'Keefe stated that he will not be at this meeting.

Motion was amended by Council Member Fitzpatrick, seconded by Council Member Thome, to postpone additional review and possible approval of the Mandel Groups development plans to the October 30, 2023 Common Council meeting. Motion carried without a negative vote with Council Member 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

City Administrator Hilvo explained that the Library Board gave their approval of a new ordinance to allow up to (2) members of the Library Board to be non-residents of the City of Cedarburg. This new ordinance mirrors what is written in Wisconsin State Statutes regarding Library Boards and will allow for the Cedarburg School District Administrator or his representative to be appointed to the Library Board. Motion made by Council Member Fitzpatrick, seconded by Council Member Simpson, to

approve Ordinance No. 2023-11 amending Section 2-4-3(b) of the City of Cedarburg Municipal Code related to the Library Board. Motion carried without a negative vote with Council Member Mueller excused.

DISCUSSION AND POSSIBLE ACTION ON MAYORAL APPOINTMENT TO THE LIBRARY BOARD

Motion made by Council Member Fitzpatrick, seconded by Council Member Thome, to approve the Mayoral appointment of School Superintendent Jeridon Clark to the Library Board. Motion carried without a negative vote with Council Member Mueller excused.

CONSENT AGENDA

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

- Approval of August 28, 2023 Council meeting minutes
- Approval of new and renewal 2023-2024 operator licenses for:

Anders J. Dowd
Jennifer A. Olsen

Wendy Porterfield
Tierra L. Ryan

Brittany L. Schmidt
Carrie A. Wolf

- Payment of bills dated 8/21/23 through 9/01/23 and payroll for period 8/20/23 through 9/02/23.

Motion carried without a negative vote with Council Member Mueller excused.

CITY ADMINISTRATOR'S REPORT

City Administrator Hilvo explained that Council Member districts are being added to the Common Council agenda items to provide clarification, as to which district the item concerns. Also, the draft Common Council agenda that is available after the staff meeting, on the Monday prior to the meeting, will be sent to the Common Council Members to provide more preparation time with the understanding that items may be added or dropped after the initial draft agenda is distributed.

COMMENTS AND SUGGESTIONS FROM CITIZENS – None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Curley explained that the Economic Development Board learned at their last meeting that Dairy Queen has closed permanently. The Board continues to look at ways to enhance and draw attention to South Washington Avenue.

Common Council Simpson thanked first responders for their work, especially on the anniversary of 911.

MAYOR REPORT

Mayor O'Keefe presented a Proclamation acknowledging National Rail Safety Week.

ADJOURNMENT

Motion made by Council Member Fitzpatrick, seconded by Council Member Curley, to adjourn the meeting at 9:36 p.m. Motion carried without a negative vote with Council Member Mueller excused.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk