

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

**CC20231113-1
UNAPPROVED**

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

Roll Call: Present - Mayor Michael O’Keefe, Council Members Melissa Bitter, Jim Fitzpatrick, Kristin Burkart, Kevin Curley, Robert Simpson (7:26 p.m.), Patricia Thome, Mark Mueller

Also Present - City Administrator Mikko Hilvo, Deputy City Clerk Amy Kletzien, Director of Engineering and Public Works Mike Wieser, City Planner Jon Censky, 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

Mike Loberg, N37W5664 Hamilton Road, expressed concern about trespassing and the lack of security on the Amcast property. He also questioned the money that has been spent on this TID and the lack of documentation. He wants to know why the Community Development Board has not requested more information.

Connie Kincaide, N75W7255 Linden Street, extended a thank you to the Common Council and Mayor for sharing the word for the Veteran’s procession. It was a great event.

PUBLIC HEARING - TO DISCUSS THE PROPOSED 2024 CITY BUDGET

Mayor O’Keefe called the public hearing open at 7:08 p.m.

City Administrator Hilvo explained that the proposed tax rate is increasing by \$0.08/\$1,000. The average property value went up from \$392,200 to \$406,600. The levy limit allows for an increase of \$367,374. This amount also qualifies the City to receive future expenditure restraint funding. The 2024 budget will utilize \$236,263 of Debt Service Fund Balance, \$809,363 of Capital Improvement Fund Balance, and \$216,170 of General Fund Balance. With the proposed increases and the utilization of fund balances the tax levy for 2024 is increasing by \$424,840 (3.7%) from 2023.

General Fund changes from 2023:

- Expenditures:
 - General Government decreased by (\$98,722)

- Police increased by \$114,132
- Engineering/Public Works decreased by (\$19,435)
- Parks, Recreation & Forestry increased by \$58,329
- Fire and EMS* increased by \$79,319
- Library* increased by \$26,221
- (*Special Revenue Funds)

- Individual Departmental increases and decreases were presented on pages 7, 8, and 9 of the material.

- Revenues:

- Property Taxes increased \$790; 0.01%
- Commercial Revenues increased \$212,269; 86.47%
- Intergovernmental Revenue increased \$220,904; 15.31%
- Law and Order Violations decreased (\$14,052); (14.80%)
- Regulation and Compliance decreased (7,885); (2.10%)
- Public Charges for Services increased \$3,770; 3.74%
- Intergovernmental Charges decreased (\$10,450); (15.20%)
- Other Services increased \$20,000; 100%

- Use of Fund Balance for 2024:

The total estimated Fund Balance at the end of 2023 is \$3,777,536; minimum required unassigned fund balance per City policy is \$2,140,205; maximum unassigned Fund Balance per City policy is \$3,745,359. The Council approved use of Fund Balance of \$216,170 for 2024. Proposed ending Fund Balance in 2024 is \$3,561,370. Proposed (unassigned) Fund Balance in 2024 is \$1,818,143.

Capital Improvement Fund – Five (5) Year Funding Plan:

- The levy increased by \$200,000 for 2024 (11.63%);
- The Capital Improvement Fund levy is 19.41% of the total levy;
- Street Improvements make up majority of the Capital Improvement projects with an estimated 2024 allocation of \$1,140,000;
- An estimated use of Capital Improvement Fund Balance of \$809,363 for the Pool, Library, and Fire Department building improvements along with dam repairs, DPW equipment purchase and Prochnow Landfill management.
- Estimated ending Fund Balance after 2024: \$290,043.

Debt Service:

- The debt service levy increases \$69,008 for a total levy of \$1,434,055.
- Equalized Tax Rate is \$0.64/\$1,000 of value (based on current debt).
- The City has \$21,625,000 in outstanding debt at the end of 2023.
- The Tax Levy funded debt is \$20,940,000.
- The City is utilizing \$236,263 of Debt Service Fund Balance in 2024.
 - A chart of current debt was provided.

Special Revenue Funds:

- Cemetery has an estimated current Fund Balance of \$281,477. The budgeted use of Fund Balance in 2024 is \$59,706 with an estimated end of the year balance of \$221,771;

- Recreation Programs Fund has an estimated balance of \$209,570 at the end of 2023. The estimated use of Fund Balance for 2024 is \$19,800. The estimated ending Fund Balance in 2024 is \$189,274;
- Community Pool is proposed to have no increase in the levy. The estimated Fund Balance is \$72,309 for 2023.
- Fire & EMS Fund is increasing by \$72,772 to assist for Paid-on-Call staffing in 2024. A referendum is planned for April 2024 to increase funding for additional full-time FF/Paramedics.
- Library Levy is increasing by \$23,356. The amount levied will be \$794,550. The budgeted Fund Balance at the end of 2024 is \$75,842.

Internal Service – Risk Management: Update:

- Accounts for all insurance costs of the City.
- Revenues are transfers from other funds, dividend income and insurance and wage recoveries.
- Expenditures are premiums and claims and legal fees associated with claims.

Water Recycling Center:

- The Water Recycling Center is not supported by taxes but user fees.
- New rates were established for 2023 to help fund the collection and equipment replacement funds, the Adaptive Management plan, and to help reduce borrowing in the future for a new plant.
- The flow rate charge will remain the same at \$10.00/1,000 gallons.
- The holding tank and septage hauler fees remain the same at \$9.25/1,000 gallons and \$51.00/1,000 gallons respectively.
- The monthly connection fee remains the same at \$15/month.
- Total Revenues: \$3,973,908; increasing by \$61,160.
- Total Expenditures: \$3,222,067.
- Projected Fund Balance at the end of 2024 is \$7,590,658.

ARPA Funds:

- Available funds to be allocated are \$19,009.95 by the end of 2024 and spent by the end of 2026.

City Administrator Hilvo answered questions from the Common Council.

Council Member Curley commended City Administrator Hilvo for a responsible budget with only an \$0.08/\$1,000 increase.

Mayor O’Keefe agreed with Council Member Curley and is in favor of the emphasis on safety and roads.

Council Member Fitzpatrick questioned the substantial increase in the Recreation program Fund Balance and expressed concern for the recreation programs funding the extra Fund Balance. City Administrator Hilvo explained that the fees are set using minimum participation and when there is more participation the fund grows. These funds can be used to start a new program or improve current programs.

City Administrator Hilvo answered questions from the public.

Connie Kincaide, N75W7255 Linden Street, asked what the process is for donations made to the City. City Administrator Hilvo explained that donations are not tax exempt and go into the General Fund. He explained that it is best to donate to Friends groups (Library, Parks and Recreation, K-9, and Cedarburg Green) that have been set up. City Administrator Hilvo explained that individual boards, commissions, and committees do not have budgets and do not receive funding.

Council Member Thome recognized the tremendous amount of work put into this budget and extended a thank you to all involved in putting this budget together.

Motion made by Council Member Burkart, seconded by Council Member Curley, to close the public hearing at 7:42 p.m.

NEW BUSINESS

DISCUSSION AND POSSIBLE ACTION ON PROPOSED 2024 CITY BUDGET

City Administrator Hilvo thanked Department Heads and Staff for their contributions to this budget; with special recognition given to Finance Director/Treasurer Livingston and Deputy Treasurer Hartjes.

Motion made by Council Member Curley, seconded by Council Member Simpson, to approve the proposed 2024 City Budget. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON STONELAKE DEVELOPERS' AGREEMENT

Planner Censky explained that City Engineer Wieser has been working with Mr. Caliendo's engineer on the follow-up engineering plans for the Stonelake Development ever since the zoning for that project was approved. Now that those plans are nearly complete, Mr. Caliendo is seeking approval of the Development Agreement and the condominium documents for the first phase, public portion of this project. Planner Censky explained that the public portion consists of the extension of the public utilities (i.e. sewer and water facilities) and the public road extending from the entrance off Susan Lane to a point where it loops around the south end of the quarry and then north along the east property line to the point where the road intersects the future extension to Sheboygan Road.

City Attorney Herbrand added that this agreement and the condominium documents are slightly unique in that it includes the preservation of the woods, disclosure of private roads, and use of the quarry. The quarry may only be used by the Condo Association and is not public.

Motion made by Council Member Thome, seconded by Council Member Burkart, to approve the Stonelake Developer's Agreement. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF CONDO DOCUMENTS FOR STONELAKE DEVELOPMENT

Planner Censky explained that Mr. Caliendo is also requesting approval of the Condominium Plat and associated documents for the first phase of this project. These documents were drafted in accordance with Wis. State Statutes, Chapter 703 *Condominiums*, and serve as the master deed or bylaws that affect and define the rights and obligations of co-owners of these condominium townhomes. Upon its approval and execution, this document will be recorded in the Ozaukee County Register of Deeds Office.

Rob Vanden Noven, W68N1068 Kensington Avenue, expressed concern about the possibility of additional trees being removed when they should not be, per the current agreement. Mr. Caliendo explained that the area will be identified with orange fencing. Mr. Vanden Noven stated that the delineated area with fencing is acceptable.

Mayor O'Keefe commended the Developer for changing their design to save as many trees as possible.

Motion made by Council Member Thome, seconded by Council Member Mueller, to approve the condominium documents for the Stonelake Development subject to final review by the City Attorney and City Staff. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF AN ENGINEERING DESIGN CONTRACT FOR THE WILLOWBROOKE PARK POND RETROFIT

Director Wieser explained that the City received an Urban Non-Point Source and Stormwater Management Construction grant from the Wisconsin DNR for the Willowbrooke Park Pond Retrofit project in late 2022. This was a 50/50 grant that totaled \$61,250 for design and construction of the project. AECOM assisted the City with the grant application.

AECOM has submitted a proposal for the design of the Willowbrooke Park Pond Retrofit project including topographic and bathymetric survey, stormwater modeling and design, projection of construction documents (plans and specifications), permitting, and project meetings. AECOM's submitted cost is on a time and material basis with a not-to-exceed price of \$43,000. The construction of this project must be completed by the end of 2024 to receive the grant money.

Motion made by Council Member Burkart, seconded by Council Member Fitzpatrick, to approve the engineering design contract for the Willowbrooke Park pond retrofit to AECOM in an amount not to exceed \$43,000. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2023-23 REMOVING WEIGHTS, MEASURES, AND FILMING PERMIT FEES FROM CITY CODE TO PLACE ON NEW FEE SCHEDULE

City Administrator Hilvo explained that approval of Ordinance No. 2023-23 is part of the ongoing charges to be placed on a new fee schedule.

Motion made by Council Member Burkart, seconded by Council Member Fitzpatrick, to approve Ordinance No. 2023-23 removing Weights & Measures, and Filming Permit fees from the City Code to be placed in a new fee schedule. Motion carried without a negative vote.

CONSENT AGENDA

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

- Approval of October 30, 2023 Council meeting minutes.
- Payment of bills dated 10/27/23 through 11/03/23, transfers from 11/01/23 through 11/03/2023, and payroll for period 10/15/23 through 10/28/23.

Motion carried without a negative vote.

CITY ADMINISTRATOR'S REPORT

There were no additions to the report submitted in the packet.

COMMENTS AND SUGGESTIONS FROM CITIZENS – None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Burkart expressed gratitude for the Veterans Parade that took place on Friday, between all the schools, with the participation of 80 cars and more than 100 veterans; adding that she is proud to be a Cedarburg Veteran and it was a great testament of this community.

MAYOR REPORT

Mayor O'Keefe explained that the Joint Review Board met to review the TIDs and three of them are scheduled to close early. The City is only using 1.9% of a possible 12% funding availability on TIDs.

ADJOURN TO CLOSED SESSION

Motion made by Council Member Thome, seconded by Council Member Curley, to adjourn to closed session at 8:08 p.m. pursuant to State Statute 19.85(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conduction other specified public business whenever competitive or bargaining reasons require a closed session, more specifically, to discuss items 12.B. and 12.D. and pursuant to State Statutes 19.85(1)(g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, more specifically, to discuss item 12.C. Motion carried on a roll call vote with Council Members Bitter, Fitzpatrick, Burkart, Curley, 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 10:04 p.m. Motion carried on a roll call vote with Council Members Bitter, Fitzpatrick, Burkart, Curley, Simpson, Thome and Mueller voting aye.

ADJOURNMENT

Motion made by Council Member Mueller, seconded by Council Member Burkart, to adjourn the meeting at 10:05 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk