

**CITY OF CEDARBURG
COMMON COUNCIL
OCTOBER 30, 2023**

A meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, October 30, 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, Police Chief Michael McNerney, Engineering and Public Works Director Michael Wieser, 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

CEDARBURG SCHOOL DISTRICT PRESENTATION ON ENROLLMENT TRENDS

The Business Director of the Cedarburg School District, Ben Irwin, presented enrollment trends for each school building within the Cedarburg School District. Capacity for each building is typically four (4) sections per grade, with Parkview Elementary and Thorson Elementary having smaller footprints and smaller enrollment. The secondary buildings, Webster Middle School and Cedarburg High School, have capacity to take on additional students if needed. The enrollment trends have been stable over the last couple of years but have increased slightly in recent years due to the pandemic. Additional students moving to Cedarburg would help balance the effect of smaller families. The team plans to do an updated study in the next year or two to assess future trends and adjust capacity based on recent data.

MANDEL GROUP PRESENTATION ON PROPOSED DEVELOPMENT

The Mandel Group shared its plan for a high quality, highly amenitized, market rate multi-family apartment community that has gone through multiple changes, eventually settling on a design featuring 207 apartments and 9,500 square feet of retail on the ground floor. The Group presented its site planning and architecture for the project, which includes a third of the site dedicated to wetlands, and features play spaces, interconnected paths, and green space to enhance the topography. The plan is still in its first pass and will be refined in subsequent rounds with the Plan Commission.

The Council discussed the assessed value of the site, which was stated to be \$31 million, leading to annual taxes of \$478,000 to be distributed among various taxing authorities. Concerns about population growth were addressed, revealing that the actual growth of the City had been less than projected in the Smart Growth Plan. The 2020 census showed a population of 12,121. The impact of development on the character and charm of Cedarburg was also discussed, with examples of municipalities that have successfully grown while retaining their identity. The Mandel Group presented data on the housing market, noting the high demand for apartments and that the proposed development would not significantly alter the balance of owner-occupied to rental homes. The average rent for the proposed apartments was given as approximately \$2,200, and it was noted that this would likely attract a higher income demographic. Concerns about affordability were acknowledged, but it was pointed out that people often move from less expensive housing to more expensive homes, creating opportunities for new affordable housing.

Concerns were also raised about student transportation as well as the impact the proposed development would have on traffic, schools, and emergency services. The Council expressed concerns about the size of school classes and the need for high-density housing to be more centrally located. The discussion further explored traffic and speeding issues on Sheboygan Road. The Council expressed appreciation for the work of the Planning Commission, yet voiced concerns about traffic issues in the area, suggesting a pause is needed to assess the impact of current developments. The Council emphasized the importance of maintaining the City's unique atmosphere and the need to support local businesses, while acknowledging the need for development in the area.

The following public comments were made:

- Paul Rushing-W62N799 Sheboygan Rd: supportive of the project if contingencies were in place
- Sherry Bublitz-W66N670 Madison Ave: the public is not in support of this project
- Richard Didier-W60N859 Sheboygan Rd: not in support of the project due to traffic concerns
- Carrie Kelley-W61N839 Sheboygan Rd: not in support of the project due to traffic concerns
- Cathy Czech-N119W5835 James Cir: not in support of the project
- Jullane Jackson-W74N755 Spruce Ave: not in support due to added population
- Tamara Oda-W60N914 Arbor Dr: not in support of project
- Deborah Kaylor-N95W5750 Dorchester Dr: not in support of high density housing
- Mark King-W62N775 Sheboygan Rd: not in support due to too many other current developments
- Kate Myers-W64N201 Fairfield St: supports project with increased tax base, beautiful entrance to the City

- Steve Leonard-N91W5939 Dorchester Dr: not in support of project due to so many current developments
- Terry King-W63N762 Sheboygan Rd: not in support of project due to added population
- Pam Matar-W56N1172 James Cir: not in support due to traffic concerns
- William Mrotek-N93W5743 Dorchester Dr-not in support due to added population, traffic concerns
- Lynda Johnson-W62N780 Sheboygan Rd: not in support of project, not the right time for it
- Kate Erickson-W60N892 Glenwood Dr: not in support due to crowding in school system
- Connie Kincaide-N75W7255 Linden St: not in support due to traffic and school concerns
- Thomas Robel-W64N762 Washington Ave: not in support, too much progress too fast

Chief McNerney conducted a speed study on October 24 – 26. The study recorded the speed and number of cars on Sheboygan Road between Washington Avenue and Willowbrooke Dr. The study showed an average speed of 28.4 mph with an average of 3,488 cars per day.

Council Member Fitzpatrick spoke in support of the Mandel project citing the traffic study results, added tax base for the City, and the fact that ‘small town charm’ is very subjective.

The remainder of the Council spoke against the project citing the following:

- The City is approaching a tipping point for multifamily developments
- Potential traffic issues on Sheboygan Road
- The need to represent the opinions of constituents
- Interested in having more townhomes than apartments

In conclusion to the feedback received from concerned residents and the Common Council, Mandel Group CEO, Phil Aiello, withdrew the Mandel proposal, thanking everyone for their feedback.

UNFINISHED BUSINESS

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

No formal action was taken by the Common Council.

NEW BUSINESS

DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF AN ENGINEERING DESIGN CONTRACT FOR THE 2024 STREET AND UTILITY PROJECT

Cedarburg Light & Water will most likely replace lead water services as part of the 2024 Street and Utility Project. It was decided to forgo the typical RFP process for the engineering design and obtain a price from RA Smith since they have completed the engineering for the past two lead service replacement projects. RA Smith submitted a total price of \$39,000 for the engineering design on the 2024 Street and Utility Project. The cost of the lead service replacement design is part of a separate

contract with Cedarburg Light & Water. The average cost submitted for the engineering design of the 2022 and 2023 projects was \$40,544 and \$40,002 respectively. The average cost of engineering per foot of road reconstructed for the 2022 and 2023 projects was \$7.85/ft and \$9.72/ft respectively. The cost of engineering per foot of road to be reconstructed for this proposed project is \$6.94/ft for a total cost of \$39,000.

A motion was made by Council Member Thome, seconded by Council Member Mueller, to award the 2024 Street and Utility project engineering design contract to RA Smith, in the amount not to exceed \$39,000. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON OZAUKEE COUNTY EMERGENCY COMMUNICATIONS AND DISPATCH SERVICES AGREEMENT

The Common Council made a motion to approve the transfer of Dispatch Services to Ozaukee County at the October 9th meeting. Police Chief McNerney and Administrator Hilvo met with the Ozaukee County Administrator and Sheriff on October 12th to discuss the procedures to make the transfer on January 1, 2024. Chief McNerney will continue to work with Sheriff Knowles to ensure a smooth transition of dispatch services to the County.

A motion was made by Council Member Thome, seconded by Council Member Burkart, to approve the Ozaukee County Emergency Communications and Dispatch Services Agreement. Motion carried with Council Members Thome, Fitzpatrick, Curley, Burkart, Mueller and Bitter voting aye and Council Member Simpson voting nay.

DISCUSSION AND POSSIBLE ACTION ON REVIEW OF 2024 PROPOSED CITY BUDGET

Administrator Hilvo summarized the 2024 proposed budget, with a tax rate of \$6.06 and allocations for various projects, including improvements to Fire & EMS, street projects, a new filtration system for the pool, and a public safety building facility study. The General Fund will support a surcharge to continue providing the State Health Insurance Plan to City employees.

No formal action was taken by the Common Council.

DISCUSSION AND POSSIBLE ACTION ON THE 2024 STRATEGIC PLAN

Administrator Hilvo provided a summary of the 2024 Strategic Plan. No official action was taken by the Common Council.

CONSENT AGENDA:

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

- October 9, 2023 Common Council meeting minutes
- New 2023-2024 Operator Licenses for period ending June 30, 2024 for Christopher Ernster, Kaitlyn M. Ruppert, Barbara J. Soto, Dante Threats

- Payment of bills dated 10/01/2023 through 10/24/2023, transfers for the period 10/07/2023 through 10/26/2023, and payroll for period 10/01/2023 through 10/14/2023

ADMINISTRATOR'S REPORT

Administrator Hilvo explained that he continues to work with environmental consultants to oversee the Amcast site. Attorney Herbrand will be scheduling a meeting with the DNR.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Connie Kincaide thanked the Council for allowing citizen input about the Mandel proposal. She also mentioned an event taking place on November 10, 2023, at the American Legion Hall to honor our Veterans.

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Burkart reiterated the November 10, 2023 event to honor our Veterans.

Council Member Curley is looking forward to hearing any updates on the Amcast site.

MAYOR'S REPORT

Mayor O'Keefe summarized the Proclamation to change batteries in smoke detectors and turning the clocks back on November 5, 2023.

ADJOURN TO CLOSED SESSION

A motion was made by Council Member Fitzpatrick, seconded by Council Member Burkart, to adjourn to closed session at 10:20 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 conducting other specified public business whenever competitive or bargaining reasons require a closed session. More specifically discussed was a proposed First Amendment and Assignment of Agreement for the purchase and sale of property with Jackson Distribution and Warehouse, LLC. Motion carried on a roll call vote with Council Members Bitter, Fitzpatrick, Burkart, Curley, Simpson, Thome, and Mueller voting aye.

RECONVENE TO OPEN SESSION

The meeting was reconvened to open session at 10:28 p.m.

DISCUSSION AND POSSIBLE ACTION ON PROPOSED FIRST AMENDMENT AND ASSIGNMENT OF AGREEMENT FOR PURCHASE AND SALE OF PROPERTY WITH JACKSON DISTRIBUTION AND WAREHOUSE, LLC

A motion was made by Council Member Burkart, seconded by Council Member Mueller, to approve the proposed First Amendment and Assignment of Agreement for purchase and sale of property with Jackson Distribution and Warehouse, LLC. Motion carried without a negative vote.

ADJOURNMENT

A motion was made by Council Member Mueller, seconded by Council Member Burkart, to adjourn the meeting at 10:30 p.m. Motion carried without a negative vote.

Tracie Sette
City Clerk