

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

**CC20231211-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, December 11, 2023 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers and online utilizing the Zoom app.

Acting Mayor Burkart 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 (via zoom), Council Members Jim Fitzpatrick, Kristin Burkart, Kevin Curley, Robert Simpson (arrived at 7:25 p.m.), Patricia Thome, Mark Mueller

Excused - Council Member Melissa Bitter

Also Present - City Administrator Mikko Hilvo, Deputy City Clerk Amy Kletzien, City Attorney Michael Herbrand, Director of Engineering and Public Works Mike Wieser, Fire Chief Jeff Vahsholtz, Fire Inspector Blake Karnitz, Light & Water General Manager Ben Collins, Water Superintendent Tim Martin, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Acting Mayor Burkart’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.

Council Member Burkart stated that as Acting Mayor, she would retain her right to vote in the third district.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

PRESENTATION

LEAD WATER SERVICE LATERAL REPLACEMENT PROGRAM PRESENTED BY BEN COLLINS, GENERAL MANAGER, CEDARBURG LIGHT & WATER

Light & Water General Manager Ben Collins provided a Lead Water Service Lateral Replacement program presentation to the Common Council detailing the following topics:

- Background and accomplishments
- Federal updates
- Changes in funding
- 2024 Lead Service Lateral Replacement program proposal

Approximately 850 properties connected to the public water system in the City of Cedarburg contain lead. The Water Utility monitors and manages lead in the public water system through periodic testing

and a water additive. The Utility meets or exceeds all current water quality standards, but there is a concern that regulating authorities will continue to lower thresholds and mandatory replacement will be imposed. The Water Utility has taken a proactive stance and has been replacing lead services for many years, with Federal and State funding available this process has and could continue to be accelerated; however, to utilize the funding certain requirements must be met and it has been the Utilities' experience that the requirements are somewhat fluid year-to-year.

NEW BUSINESS

DISCUSSION AND REVIEW OF LEAD WATER SERVICE LATERAL REPLACEMENT PROGRAM

General Manager Ben Collins explained that for 2024 Federal and State funding opportunities and processes for Lead Water Service Lateral replacements have changed and if utilized will require the re-development and implementation of a replacement program. Due to these changes and the requirements of the regulating authorities the City and Water Utility will each need to have their own programs for the replacement of private (City) and public-side (Utility) lead laterals. To date, the Utility has filed the appropriate documentation to qualify the City and Utility for low interest loans (0.25%) from the Safe Drinking Water Loan Program (SDWLP). Unfortunately, the City and Utility do not qualify for principal forgiveness as this portion of the funding is allocated based on financial need.

General Manager Collins further explained that the Utility has consulted with Boardman Clark and Baker Tilly to understand these new requirements and design a sustainable program that could persist without changes for the duration necessary to replace all lead in the public water system over the next 10-14 years.

The customers in the footprint of the 2024 Street and Utility project have been notified that the public side of lead water service from the water main in the road leading up to their property line is scheduled to be removed and replaced. The letter also explained that the Utility is working to develop a program with the City to offer residents a 20 year, 0% interest loan to assist with the mandatory removal of private-side lead water services. A diagram was enclosed showing how a typical water service enters a home. The section of water service from the curb stop in front of their front yards to the water meter is considered private property and is the homeowners responsibility. The homeowners were invited to this Council meeting to hear more about the program and the discussion with the City.

General Manager Collins explained that the interest free loan would be available through a Capital Funding program through the Utility.

Discussion was opened for public comment.

Kathleen Kirsch, N57 W5566 Sunnyside Lane, asked how and when homeowners will be notified of the charges to their tax bills? Water Superintendent Tim Martin explained once construction starts the costs will be available and the charges for the 2024 project will go on the homeowners 2025 tax bill.

Brad Chaney, N59 W5463 Edgewater Drive, asked if the charge would be deductible on tax returns and the answer is no.

Steve Vepraskas, N59 W5570 Edgewater Drive, asked if the pipes could continue to be sealed rather than replacing them. General Manager Collins and Water Superintendent Tim Martin explained that using AQUA MAG an ortho-phosphate acts as a coating to prevent lead from leaching into the water, but it is not a long-term solution and the overall goal of the EPA is to have lead pipes removed.

Dianna Olnhauser, N56 W5465 Sunnyside Lane, has lived here 27 years and does not want the City to be like Flint, Michigan. She wants the City to be proactive for the citizens of Cedarburg and future generations by continuing to replace the lead water service lines.

Discussion ensued among the Common Council Members with these general comments:

- Questions arose regarding the fair way for residents to pay for the lead pipe replacements.
- Concern for putting the burden on individual homeowners.
- Frustration over the past, current, and future funding sources.

City Administrator Hilvo stated that a funding decision needs to be made for the long term of the project.

Mayor O'Keefe appreciated the discussion this evening; however, the program needs more analysis before making a decision.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2023-36 AMENDING CHAPTER 2 OF TITLE 5 OF THE CITY FIRE PREVENTION AND PROTECTION CODE AND ORDINANCE NO. 2023-37 AMENDING CURRENT FEES FOR FIRE DEPARTMENT RESPONSE TO FALSE ALARMS

Fire Chief Vahsholtz explained that the Fire Inspection fees have not been updated since 2003, other than adding a \$15 charge for apartment complexes in 2022. As the City continues to grow, it is becoming more time consuming to conduct inspections. The full-time staff will be taking on part of these responsibilities. Along with an update to the fees, other portions of the Code were updated to reflect a new Fire Protection System Permit application. This process was previously linked with the Building Inspection permit process. Another update in Chapter 2 is the adoption of current National Fire Codes. A small section of Chapter 4, Regulation of Private Alarm Systems, includes an increase of fees for the Fire Department response to false alarms. The current fee schedule was created in 1992. Fees for false alarms need to be increased for the Fire Department to recoup expenses. In addition, the Treasurer/Finance Department is responsible for the collection of said fees and is requesting the removal of placing these fees on the tax roll as the method of payment collection. Fire Chief Vahsholtz explained that education is a better rule than a ticket and the Department works with businesses and the citizens to learn and fix a problem in many instances.

Motion made by Council Member Thome, seconded by Council Member Mueller, to adopt Ordinance No. 2023-36 amending Chapter 2 of Title 5 of the City Fire Prevention and Protection Code and Ordinance No. 2023-37 amending current fees for Fire Department response to false alarms. Motion carried without a negative vote with Council Member Bitter excused.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCES NOS. 2023-32, 2023-33 AND 2023-34 ADJUSTING IMPACT FEES BASED ON THE ANNUAL INCREASE OF THE CONSTRUCTION COST INDICES PUBLISHED IN THE ENGINEERING NEWS RECORD

Director Wieser explained that Ordinance No. 2023-32 amends Sec. 3-6-3 through 3-6-6 of the Municipal Code adjusting impact fees for library facilities, police department facilities, water supply facilities, and park facilities; Ordinance No. 2023-33 amends Sec. 14-1-84 adjusting fees in lieu of parkland and amends Sec. 14-1-100(g) adjusting the public site fees; and Ordinance No. 2023-34 amends Sec. 9-2-6(c) adjusting the sanitary sewer connection fee based on the Construction Cost Indices published in the Engineering News Record and calculated based on the annual increase in CCI Indices.

Motion made by Council Member Fitzpatrick, seconded by Council Member Thome, to adopt Ordinance No. 2023-32, 2023-33 and 2023-34 adjusting impact fees based on the annual increase of the Construction Cost Indices published in the Engineering News Record. Motion carried without a negative vote with Council Member Bitter excused.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2023-35 UPDATING THE PROPERTY TAX LEVY FOR THE GENERAL, DEBT SERVICE, SPECIAL REVENUE AND CAPITAL IMPROVEMENT FUNDS FOR THE CITY OF CEDARBURG FOR THE YEAR 2024

City Administrator Hilvo explained when Ordinance No. 2023-31 was passed, there was an incorrect amount listed for the TIF Districts. The figure, \$237,417 was an estimate. The correct amount of the TIF Districts is \$232,674. Once the correction was made, the total tax levy amount was reduced from \$1,811,190 to \$1,806,447.

Motion made by Council Member Curley, seconded by Council Member Fitzpatrick, to adopt Ordinance No. 2023-35 updating the property tax levy for the General, Debt Service, Special Revenue and Capital Improvement Funds for the City of Cedarburg for the year 2024. Motion carried without a negative vote with Council Member Bitter excused.

DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2023-20 DESIGNATING DEPOSITORIES AND AUTHORIZING SIGNATURES FOR THE CITY OF CEDARBURG LIGHT & WATER COMMISSION CHECKING AND SAVINGS ACCOUNTS

City Administrator Hilvo explained that each year a resolution must be brought before the Council for approval of the current banking institutions utilized by Cedarburg Light & Water and the City of Cedarburg. The resolution must also specify who the approved signers will be on those accounts. Resolution No. 2023-20 represents the most recent updates and requires Council approval.

Motion made by Council Member Fitzpatrick, seconded by Council Member Thome, to adopt Resolution No. 2023-20 designating depositories and authorizing signatures for the City of Cedarburg Light & Water Commission checking and savings accounts. Motion carried without a negative vote with Council Member Bitter excused.

DISCUSSION AND POSSIBLE ACTION ON MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CEDARBURG AND THE WISCONSIN ELECTIONS COMMISSION REGARDING RULES OF USAGE PERTAINING TO BADGER BOOK ELECTRONIC POLLBOOKS

City Administrator Hilvo explained that the Wisconsin Elections Commission developed the electronic poll book with software created for direct integration with WisVote, the Statewide election

management and voter registration system. The first electronic poll book was available in 2017 and currently, there are close to 300 municipalities that utilize them. This Memorandum of Understanding was created by the Wisconsin Elections Commission to gain compliance of all terms and conditions of Badger Book users including software, hardware, and training requirements. If the MOU is not approved, signed, and returned to the Elections Commission, the City will not be able to download any future elections.

Motion made by Council Member Fitzpatrick, seconded by Council Member Mueller, to approve the Memorandum of Understanding between the City of Cedarburg and the Wisconsin Elections Commission regarding rules of usage pertaining to Badger Book electronic pollbooks. Motion carried without a negative vote with Council Member Bitter excused.

DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF ELECTION INSPECTORS FOR THE 2024-2025 ELECTION CYCLE

City Administrator Hilvo explained that Election Officials are appointed by the Mayor in December of odd-numbered years to serve a two-year term as per State Statute 7.30(4)(a). The election officials on the attached list will serve for the January 1, 2024 – December 31, 2025 term. Not everyone on the list will work each election. The list includes the names provided by the Ozaukee County Republican Party and Democratic Party.

Motion made by Council Member Fitzpatrick, seconded by Council Member Thome, to approve the election inspectors for the 2024-2025 election cycle. Motion carried without a negative vote with Council Member Bitter excused.

DISCUSSION AND POSSIBLE ACTION ON HIRING A STRUCTURAL ENGINEER FOR A STRUCTURAL ANALYSIS OF THE AMCAST FACILITY NORTH

City Administrator Hilvo explained that the Common Council has requested that the City hire a structural engineer to provide a structural analysis of the North Amcast facility. Four (4) firms were contacted and two (2) firms provided a quote for the work. Ambrose Engineering and McEnroe Consulting Engineers both provided quotes with varying scope. The Ambrose Engineering quote includes a document review of previous or existing drawings and/or reports and a two-day site visit. McEnroe Consulting Engineers quote includes a three (3) hour visit and a report on the condition of the structure. Both companies will provide information on items that should be considered in the future if the building is to be reused. Ambrose Engineering would provide a more comprehensive evaluation of the remaining building; whereas, McEnroe would do a visual inspection only. The estimate for Ambrose Engineering is a lump sum fee of \$5,000 and for McEnroe it is \$2,590. These fees do not account for a presentation on the report. The additional cost for a Council meeting presentation and Q&A would be \$750 for Ambrose Engineering and an unknown amount for McEnroe Engineering.

Motion made by Council Member Mueller, seconded by Council Member Curley, to approve hiring Ambrose Engineering for a structural Analysis of the North Amcast facility in an amount not to exceed \$5,000 and \$750 for their services. Motion carried without a negative vote with Council Member Bitter excused.

DISCUSSION AND POSSIBLE ACTION ON HORSE AND CARRIAGE LICENSE TO MARY JANE SWEDBERG OF HOOF BEATS EXPRESS LLC, W359 N9054 BROWN STREET, OCONOMOWOC, WI 53066, CONTINGENT UPON THE INSPECTION

Motion made by Council Member Fitzpatrick, seconded by Council Member Simpson, to approve the Horse & Carriage license to Mary Jane Swedberg of Hoof Beats Express LLC, W359 N9054 Brown Street, Oconomowoc, WI 53066, contingent upon the inspection. Motion carried without a negative vote with Council Member Bitter excused.

DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2023-18 TO ADOPT THE MOST RECENT FEE SCHEDULE

Motion made by Council Member Fitzpatrick, seconded by Council Member Mueller, to approve Resolution No. 2023-18 to adopt the most recent fee schedule. Motion carried without a negative vote with Council Member Bitter excused.

DISCUSSION AND POSSIBLE ACTION ON USE OF AMERICAN RESCUE PLAN (ARP) FUNDS FOR AUDIO UPGRADES TO THE COUNCIL CHAMBERS

City Administrator Hilvo explained that with the continued use of Zoom for meetings, there is a need to upgrade the sound system to enable the Zoom participants to better hear the meetings. The upgrade would include a direct line from the microphones to the Zoom platform which would ensure that meeting participants would be able to clearly hear what is being said. The proposed system would require the speaker to turn on a button to talk and would go more directly via Bluetooth to the Zoom feature.

The Common Council discussed several options, cost, and the use of ARP funds for an upgrade to the sound system in the Council Chambers.

Mayor O'Keefe opined that the upgrade is important to enhance the Zoom quality for better access to City meetings. He was in favor of using ARP funds, as they were designed for this type of purchase.

Motion made by Council Member Burkart, seconded by Council Member Mueller, to approve the use of American Rescue Plan (ARP) funds for audio upgrades to the Council Chambers not to exceed \$18,981.97. Motion carried with Council Members Fitzpatrick, Burkart, Simpson, Thome, and Mueller voting in favor, Council Member Curley opposed, and Council Member Bitter excused.

CONSENT AGENDA

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

- Approval of November 21, 2023 and November 27, 2023 Council meeting minutes.
- Approval of operator license for Thomas E. Wise.
- Payment of bills dated 11/18/23 through 12/06/23, transfers from 11/16/23 through 12/06/23, and payroll for period 11/12/23 through 11/25/23.

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

CITY ADMINISTRATOR'S REPORT – No additions to report.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Connie Kincaide, N75W7255 Linden Street, stated that the meeting was easier to hear this evening via zoom after the first ten minutes. She appreciates the option to use the Zoom app.

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Thome said that one Fire Department survey has been delivered to homes. She stated that she will be requesting another copy and encouraged every adult person to request their own survey.

Council Member Curley expressed concern and is in favor of doing a culture survey among City employees to understand how all staff is feeling at work.

Council Member Burkart explained that there will be a Joint Common Council/Plan Commission meeting to address the lack of understanding for not approving the Mandel proposal.

MAYOR REPORT – None

ADJOURN TO CLOSED SESSION

Motion made by Council Member Fitzpatrick, seconded by Council Member Thome, to adjourn to closed session at 9:03 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 possible amendment to Developer's Agreement for the Amcast site. Motion carried on a roll call vote with Council Members Fitzpatrick, Burkart, Curley, Simpson, Thome and Mueller voting aye and Council Member Bitter excused.

RECONVENE TO OPEN SESSION

Motion made by Council Member Burkart, seconded by Council Member Thome, to reconvene to open session at 9:41 p.m. Motion carried on a roll call vote with Council Members Fitzpatrick, Burkart, Curley, Simpson, Thome and Mueller voting aye and Council Member Bitter excused.

ADJOURNMENT

Motion made by Council Member Mueller, seconded by Council Member Fitzpatrick, to adjourn the meeting at 9:43 p.m. Motion carried without a negative vote with Council Member Bitter excused.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk