

**CITY OF CEDARBURG
COMMON COUNCIL
January 8, 2024**

**CC20240108-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, January 8, 2024 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 until 7:54 p.m. when arrived in person), Jim Fitzpatrick, Kristin Burkart, Kevin Curley, Patricia Thome, Mark Mueller

Excused - Council Member Robert Simpson

Also Present - City Administrator Mikko Hilvo, Deputy City Clerk Amy Kletzien, City Clerk Tracie Sette, City Attorney Michael Herbrand, Fire Chief Jeff Vahsholtz, Fire Inspector Blake Karnitz, 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. 2024-02 HONORING DEPUTY CITY CLERK AMY KLETZIEN ON HER RETIREMENT

Motion made by Council Member Thome, seconded by Council Member Mueller, to adopt Resolution No. 2024-02 honoring Deputy City Clerk Amy Kletzien on her retirement. Motion carried without a negative vote with Council Member Simpson excused.

City Clerk Sette added her sentiment and appreciation for working with Deputy Clerk Kletzien the past 3.5 years.

PRESENTATION, DISCUSSION, AND POSSIBLE ACTION ON A BIKE RACE WITHIN THE DOWNTOWN BUSINESS DISTRICT TO BE HELD ON JUNE 18, 2024

Todd Bugnacki spoke for the “Tour of America’s Dairyland (ToAD)” and Tom Stanton spoke for Mel’s Charities as a sponsor explaining that local cycling enthusiasts are working to bring the cycling series to Cedarburg for a one-day race through the south end of the downtown business district. ToAD is the largest competitive road cycling series in the U.S. It hosts 11 straight days of racing throughout

Southeast Wisconsin. The tour started in 2009 and extends the legacy of multi-day bike racing that first started in Wisconsin in 1969. They have been in discussion with the City staff, civic leaders, and community members for the better part of a year in determining the route and the logistics of the event. The two dates that are currently available are June 18 and June 19, 2024. With those dates being the same week of Strawberry Festival, it was determined that the earlier date of Tuesday, June 18 would work better for the City as set up typically begins Wednesday of that week for the festival. The event, including city expenses for Public Works, Police, and Fire services will be covered by the event organizers through sponsorships and donations.

This is a free event for all spectators with no cost to taxpayers. The goal of the event is to showcase our community to a world audience that highlights competitive cycling, while providing civic engagement and economic stimulus.

The one-day event will require closure of several streets in and near downtown from 8:00 a.m. – 10:00 p.m. on the day of the race. The route will include Western Road, Evergreen Blvd., Center Street, and Washington Avenue.

Discussion ensued on the route, insurance, timing of the event in relation to Strawberry Festival, medical responsibilities, notice of “bike race ahead” signs, and pedestrian and vehicle crossing capabilities; and it was the consensus of the Common Council to allow a bike race within the downtown business district to be held on June 18, 2024. In the meantime Council Members will speak to constituents and letters will be sent to businesses and residents affected by the race. This item will be presented at the next Common Council meeting for final approval.

DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2024-01, “RESOLUTION AUTHORIZING A REFERENDUM FOR THE CITY OF CEDARBURG TO ALLOW THE CITY TO EXCEED THE STATE IMPOSED LEVY LIMIT FOR HIRING & RETAINING ADDITIONAL FIRE DEPARTMENT PERSONNEL BEGINNING WITH THE 2024 LEVY (COLLECTED IN 2025) AND ON AN ONGOING BASIS.”

City Administrator Hilvo explained that the Town/City Fire/EMS Committee met December 27, 2023 to receive the results of the survey and unanimously recommended to the Town Board and Common Council to place a referendum question on the April ballot. If approved, the referendum would initiate the Town/City to levy for implementation of the plan that was developed by the Cedarburg Fire Department staff and adopted as part of the 10-year shared services agreement. Without such approval, the plan will be paused and funding for the positions that are currently being funded by County ARPA funds would require the City to fund through our annual levy. The staffing plan was reviewed.

Funding the necessary changes to the Department will require approximately an additional \$2,015,658 for its annual operating budget based on the following funding formula:

- ✓ Compensating volunteers for responding to calls for service
 - ✓ Funding 12 additional full-time emergency response positions (such as firefighter-paramedics)
 - ✓ Transitioning the Fire Chief role into a full-time position
 - ✓ Improving to a paramedic-level service (which allows staff to administer a wider range of medications and perform additional emergency procedures).
- (This investment will allow the Cedarburg Fire Department to recruit and retain members without requiring taxpayers to fund a full-time staffing model. It would ensure four people are

on duty in-station at any time, allowing immediate responses when an emergency call comes in – reducing response times and improving the quality of service.

The City's portion of this additional budget would amount to approximately \$1,292,302 and the Town's portion would be approximately \$723,356 in sustainable funding for the year 2025 (first levied on the December 2024 tax bills) and moving forward. The tax increase per \$100,000 of assessed property value for the Town of Cedarburg would be \$57 and for the City of Cedarburg it would be \$68. This additional funding is noted in Resolution No. 2024-01.

City Administrator Hilvo reviewed the survey results as shown:

- Total respondents – 1,927
- Response rate – 24%
- Response by age –
 - 65+ (52%)
 - 55-64 (20%)
 - 45-54 (13%)
 - 35-44 (10%)
 - 25-34 (4%)
 - 18-24 (1%)
- Response by Municipality
 - City of Cedarburg – 65.4%
 - Town of Cedarburg – 34.6%
- 84% of City residents and 78% of Town residents who responded to the survey stated that high-quality emergency response service was very important.
- 72% of City residents and 77% of Town residents who responded to the survey would not support budget cuts and service reductions to pay for the Fire Department staffing.
- 52% of City residents and 63% of Town residents who responded to the survey would not support a wheel tax to pay for Fire Department staffing.
- 69% of City residents and 70% of Town residents who responded to the survey favored pursuing a referendum to fund the proposed staffing plan.

City Administrator Hilvo further explained that this referendum would be a 10-year solution until 2033. Unless the State changes the levy limits or something else changes, it is likely that the City will need another referendum in 10 years.

Phil Bail, N47W8050 Parkland Rd, expressed concern for only a 24% response rate to the survey. The question based on home value could cause people to vote against the referendum. He opined that a wheel tax would be easier to pass and would include revenue from people who rent in the City. Mayor O'Keefe responded that when taxes go up, rents increase.

City Administrator Hilvo explained that he was asking for a decision tonight because the referendum question is due to the County by January 18. The referendum question needs to meet specific wording requirements by the Department of Revenue and it has been approved by them.

The Common Council asked questions and received clarification on the referendum question.

Motion made by Council Member Thome, seconded by Council Member Curley, to approve Resolution No. 2024-01 “Resolution authorizing a referendum for the City of Cedarburg to allow the City to exceed the State imposed levy limit for hiring & retaining additional Fire Department personnel beginning with the 2024 levy (collected in 2025) and on an ongoing basis.” Motion carried without a negative vote with Council Member Simpson excused.

DISCUSSION AND POSSIBLE ACTION ON MUELLER COMMUNICATIONS PROPOSAL TO THE CEDARBURG FIRE DEPARTMENT REGARDING PROVIDING PHASE III: PUBLIC EDUCATION INITIATIVE SERVICES ON A POTENTIAL OPERATING REFERENDUM

City Administrator Hilvo explained that it is important to educate the community prior to the referendum vote in April. Therefore, the Town/City Fire/EMS Committee recommended that the Town and City of Cedarburg approve the proposed scope of work with Mueller Communications regarding Phase III of the potential referendum for an amount not to exceed \$22,944. The recommendation was to exclude the third-party printing/mailing costs and to provide an additional not to exceed amount of \$7,056 for referendum education initiatives which are to be used at the discretion of the Fire Chief.

The Common Council asked questions and discussed several areas of concern for this phase. Council Member Burkart was very concerned that the mailing was eliminated and strongly suggested that a mailing be included in this phase.

Connie Kincaide, N75W77255 Linden Street, asked how the survey response rate of 24% compared to other community surveys done by Mueller Communications. City Administrator Hilvo stated that the City’s response was on the higher end. Ms. Kincaide stated that her android phone did not allow her to make comments on the survey. She stated that is an important vote for the City and Town of Cedarburg and she would be willing to go door-to-door with information.

Motion made by Council Member Burkart to approve Mueller Communications proposal to the Cedarburg Fire Department regarding providing Phase III: Public Education Initiative services on a potential operating referendum not to exceed \$22,944 and approve funding not to exceed \$7,056 for other referendum education initiatives at the discretion of the Fire Chief but must include at least one mailing in addition to the approved figures. Motion died for lack of a second motion.

Motion made by Council Member Thome, seconded by Council Member Curley, to approve funding for Mueller Communications proposal of \$22,944 and \$7,056 for other education initiatives at the discretion of the Fire Chief with a total not to exceed \$30,000 with one mailing embedded in the approved funding. Motion carried with Council Members Bitter, Fitzpatrick, Curley, Thome, and Mueller voting aye, Council Member Burkart opposed and Council Member Simpson excused.

DISCUSSION AND POSSIBLE ACTION ON CHANGE TO PREMISE DESCRIPTION FOR BLANCA’S COMMERCIAL KITCHEN TO ALLOW FOR BEER SALES ON A CONCRETE PATIO ON THE WEST END AND PARALLEL TO THE BUILDING DURING FESTIVALS ONLY

Motion made by Council Member Thome, seconded by Council Member Mueller, to allow the change to the premise description for Blanca’s Commercial Kitchen to allow for beer sales on a concrete patio

on the west end and parallel to the building during Festivals only. Motion carried without a negative vote with Council Member Simpson excused.

CONSENT AGENDA

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

- Approval of December 11, 2023 and December 18, 2023 Council meeting minutes.
- Approval of 2023-2024 operator licenses for Kacey A. Ninmann, Patrick Wise, Daron L. Jensen Jr.
- Payment of bills dated 12/07/23 through 12/29/23, transfers from 12/07/23 through 12/31/23, and payroll for period 11/26/23 through 12/9/23 and 12/10/23 through 12/23/23.

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

CITY ADMINISTRATOR'S REPORT – No additional information was provided.

ASSESSOR'S REPORT – 2023 YEAR IN REVIEW – Information was provided in the packet for Common Council review.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Connie Kincaide, N75W77255 Linden Street, extended an invitation to the Common Council to attend the next Community Conversation on January 15, at the Cedarburg Cultural Center at 6:00 p.m.

Phil Bail, N47W8050 Parkland Road, stated that he took exception to some of the wording in the Martin Luther King Jr. Day Proclamation. He explained that Martin Luther King Jr. never mentioned equity or referred to systemic racism.

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Curley explained that January 15th is also a National Day of Service. He encouraged everyone who had time on that day to do some type of community service to honor this legacy.

Council Member Burkart explained that she was at the American Legion Hall when the fire broke out across the street. She expressed gratitude for their professionalism and volunteerism, adding that she is thankful to live in Cedarburg.

Council Member Thome agreed that the volunteer Fire Department is phenomenal and so efficient.

Council Member Bitter added that the Fire Department quickly responded to a fire in her neighborhood while the family was sleeping and was spotted by a neighbor. She also agreed with Phil Bail's statements regarding the MLK Proclamation.

City Administrator Hilvo explained that the City has approved this proclamation in the past and it was authored by the Diversity Committee.

Council Member Thome supported the word equity in the MLK Proclamation and stated that the Common Council should be a non-partisan body.

MAYOR REPORT

Mayor O’Keefe presented a Proclamation in recognition of Martin Luther King Jr. Day. He requested two changes in the sixth paragraph of the Proclamation as follows: change the word equity to equality and remove the words including systemic racism, so the sentence ends after the word discrimination.

Discussion ensued over the changes and was presented as changed by Mayor O’Keefe.

ADJOURN TO CLOSED SESSION

Motion made by Council Member Fitzpatrick, seconded by Council Member Thome, to adjourn to closed session at 8:59 p.m. pursuant to State Statute 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, discussion and review of Lubner notice of claim. Motion carried on a roll call vote with Council Members Bitter, Fitzpatrick, Burkart, Curley, Thome and Mueller voting aye and Council Member Simpson excused.

RECONVENE TO OPEN SESSION

Motion made by Council Member Burkart, seconded by Council Member Fitzpatrick, to reconvene to open session at 9:04 p.m. Motion carried on a roll call vote with Council Members Bitter, Fitzpatrick, Burkart, Curley, Thome and Mueller voting aye and Council Member Simpson excused.

DISCUSSION AND POSSIBLE ACTION ON LUBNER NOTICE OF CLAIM

Motion made by Council Member Burkart, seconded by Council Member Mueller, to deny the Lubner claim. Motion carried without a negative vote with Council Member Simpson excused.

ADJOURNMENT

Motion made by Council Member Mueller, seconded by Council Member Curley, to adjourn the meeting at 9:05 p.m. Motion carried without a negative vote with Council Member Simpson excused.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk