

**CITY OF CEDARBURG  
COMMON COUNCIL  
FEBRUARY 26, 2024**

A meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, February 26, 2024, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers, and online utilizing the Zoom app.

Acting Mayor Kristin 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 - Council Members Jim Fitzpatrick, Kristin Burkart, Patricia Thome, Kevin Curley, Mark Mueller, Melissa Bitter

Excused - Mayor Michael O’Keefe, Council Member Robert Simpson

Also Present - City Administrator Mikko Hilvo, Attorney Michael Herbrand, City Clerk Tracie Sette, Engineering and Public Works Director Michael Wieser, Water Recycling Center Superintendent Dennis Grulkowski, City Forester Kevin Westphal, Light & Water General Manager Ben Collins, interested citizens and news media.

**STATEMENT OF PUBLIC NOTICE**

At Acting Mayor Burkart’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.

Acting Mayor Burkart announced that she will retain her right to vote in the third District.

**COMMENTS AND SUGGESTIONS FROM CITIZENS**

Terry King – W63N762 Sheboygan Rd. – Inquired about the timeline of meeting postings

Jason Deutsch – N115W6839 Cabot Ct. – Expressed concerns with new development in the Business Park on Hwy 60 and the proximity to his neighborhood.

Peter Eisenhauer – W66N529 Madison Ave. – Inquired about storm drain filters and general cleanup around the Fox Run development.

**NEW BUSINESS**

**ENVIRONMENTAL UPDATE ON FOX RUN DEVELOPMENT**

Attorney Jacques Condon, Kapur Engineer Travis Peterson, and P2 Developers Bob and James Bach presented an overview of the environmental work that has been completed at the Western Road development site. Three hundred fifty loads of soil were removed from the site. The buildings have been constructed four (4) feet higher than an average development and there are no basements to avoid contact with any groundwater. A vapor barrier has been installed below the buildings to prevent potential vapors from seeping through the ground. Both passive and active mitigation systems have been installed as preventive measures. The passive system directs any potential vapors outside. The active system is similar to household radon systems, actively directing the venting to the outside. The DNR suggested activating some of the mitigation systems to which the developer has complied. Air quality test results for DNR mandated 24-hour tests have confirmed no detects have been found.

P2 Development will continue to monitor air quality and complete pressure field extension testing along with any additional tests the DNR requires.

**DISCUSSION AND POSSIBLE ACTION ON REVISED PUBLIC WORKS POLICIES PW-2 SPECIAL ASSESSMENT METHODS, PW-3 ENGINEERING SERVICES FOR PUBLIC WORKS CONSTRUCTION PROJECTS, PW-5 SUMP PUMP AND DOWNSPOUT DISCHARGE, PW-6 YARD WASTE, PW-7 DEFECTIVE SIDEWALK REPLACEMENT, PW-9 MAILBOX REPLACEMENT**

The Engineering Staff brought the following updated policies to the Public Works and Sewerage Commission: PW-2 Special Assessment Methods, PW-3 Public Works Construction Projects, PW-5 Sump Pump and Downspout Discharge, PW-6 Yard Waste Disposal, PW-7 Defective Sidewalk Repair/Replacement, and PW-9 Mailbox Replacement. The Commission recommended the Council approve the updated policies.

A motion was made by Council Member Fitzpatrick, seconded by Council Member Bitter, to approve the updated policies PW-2, PW-3, PW-5, PW-6, PW-7 and PW-9. Motion carried without a negative vote with Council Member Simpson excused.

**DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2024-03 AMENDING SECTION 10-1- 34(A)(5) OF THE CODE OF ORDINANCES TO CREATE LOADING ZONE PARKING RESTRICTIONS ON THE EAST SIDE OF HANOVER AVENUE FROM A POINT 407 FEET SOUTH OF THE SOUTH CURB LINE OF WESTERN ROAD FOR 50 FEET**

P2 Property Management requested the City create a loading zone designation at the front entrance of the Fox Run development, on the east side of Hanover Avenue, south of Western Road. This will aid in providing space for people moving into the new apartments as well as space for delivery trucks.

A motion was made by Council Member Fitzpatrick, seconded by Council Member Bitter, to approve Ordinance No. 2024-03 creating a loading zone for the Fox Run Development. Motion carried without a negative vote with Council Member Simpson excused.

**DISCUSSION AND POSSIBLE ACTION ON AWARD OF CONTRACT FOR THE SOUTH WASHINGTON AVENUE DESIGN ALTERNATIVES PROJECT**

Proposals were requested from five (5) engineering consulting firms for the South Washington Design Alternatives project. A detailed Request for Proposal (RFP) was sent to each firm, and the scope of work has been well defined. Two (2) firms submitted responsive proposals and the lowest overall fee for service was submitted by Kapur & Associates.

A motion was made by Council Member Fitzpatrick, seconded by Council Member Thome, to award the South Washington Design Alternatives project to Kapur and Associates, not to exceed \$12,000. Motion carried without a negative vote with Council Member Simpson excused.

**DISCUSSION AND POSSIBLE ACTION ON PRIVATE LEAD SERVICE LINE REPLACEMENT LOAN AGREEMENT**

Attorney Herbrand explained the details of the proposed Private Lead Service Line Replacement Loan Agreement. There will be information distributed to all homes that are affected by the Lead Service Replacement project.

A motion was made by Council Member Mueller, seconded by Council Member Thome, to approve the Private Lead Service Line Replacement Loan Agreement. Motion carried without a negative vote with Council Member Simpson excused.

**DISCUSSION AND POSSIBLE ACTION ON CITY PLANNER POSITION**

The Personnel Committee requested to review the City Planner/Economic Development Director position that was approved at the January 29, 2024 Council Meeting. After further discussion at the committee level, it was recommended that the position title remain as City Planner yet have secondary duties related to economic development and grant writing. Economic development will remain as a responsibility of the Administrator.

A motion was made by Council Member Thome, seconded by Council Member Curley, to approve the updated City Planner position title as presented. Motion carried without a negative vote with Council Member Simpson excused.

**DISCUSSION AND POSSIBLE ACTION ON APPOINTMENT OF JEN GERBER AS SUCCESSOR AGENT FOR THE CEDARBURG ART MUSEUM & SOCIETY LOCATED AT W67N857 WASHINGTON AVENUE**

A motion was made by Council Member Thome, seconded by Council Member Mueller, to approve the appointment of Jen Gerber as Successor Agent for the Cedarburg Art Museum. Motion carried without a negative vote with Council Member Simpson excused.

**DISCUSSION AND POSSIBLE ACTION ON APPOINTMENT OF TIMOTHY LARSON TO PUBLIC WORKS & SEWERAGE COMMISSION**

A motion was made by Council Member Curley, seconded by Council Member Mueller, to appoint Timothy Larson to the Public Works and Sewerage Commission. Motion carried without a negative vote with Council Member Simpson excused.

**CONSENT AGENDA:**

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

- January 29, 2024 & February 12, 2024 Common Council meeting minutes
- New 2023-2024 Operator Licenses for period ending June 30, 2024 for Benjamin Schaezner and Emily Gengler
- Payment of bills dated 02/03/2024 through 02/16/2024, transfer list dated 02/07/2024 through 02/23/2024, and payroll from 02/04/2023 through 02/17/2024

**ADMINISTRATOR'S REPORT**

Administrator Hilvo explained that a meeting took place between the EPA, DNR, and Drake Consulting. A new developers agreement may be drafted and brought to the Common Council for approval this spring. The EPA has many steps to take before any cleanup may happen. The estimated timetable for cleanup to begin is approximately 2030, contingent upon DNR funding.

**CITY CLERK'S REPORT**

Clerk Sette provided a short summary of the February election. There were 367 total voters representing a 16% turnout. This was the first use of the new Badger Book printers. Overall, it went very smoothly.

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Curley commented that the MLK Celebration was a successful event and well attended.

**MAYOR'S REPORT** - None

**ADJOURN TO CLOSED SESSION**

A motion was made by Council Member Thome, seconded by Council Member Bitter, to adjourn to closed session at 8:26 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 were two (2) potential property purchases. 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**

The meeting reconvened to open session at 9:26 p.m.

**ADJOURNMENT**

A motion was made by Council Member Mueller, seconded by Council Member Fitzpatrick, to adjourn the meeting at 9:27 p.m. Motion carried without a negative vote with Council Member Simpson excused.

Tracie Sette  
City Clerk