

**CITY OF CEDARBURG  
COMMON COUNCIL  
February 10, 2020**

**CC20200210-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, February 10, 2020, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor O'Keefe called the meeting to order at 7:00 p.m.

Roll Call:           Present -   Mayor Michael O'Keefe, Council Members Jack Arnett, Kristin Burkart, Rick Verhaalen, Patricia Thome, Rod Galbraith

                          Excused -   Council Members Sherry Bubnitz, Garan Chivinski

                          Also Present - City Administrator Mikko Hilvo, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, Light & Water General Manager Dale Lythjohan, Fire Chief Jeff Vahsholtz, Assistant Fire Chief Bill Hintz, Fire Engineer Ed Bubnitz, Fire Captain Craig Boerner, 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. Citizens present were welcomed and encouraged to provide their input during the citizen comment portion of the meeting.

**APPROVAL OF MINUTES**

Motion made by Council Member Thome, seconded by Council Member Burkart, to approve the minutes of the January 27, 2020 meeting. Motion carried without a negative vote with Council Members Bubnitz and Chivinski excused.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** – None

**PRESENTATIONS**

**CEDARBURG FIRE DEPARTMENT, INC. PRESENTATION OF NEW FIRE TRUCK AND DONATION TO THE CITY**

Fire Chief Vahsholtz explained that he was representing Firemen's Park Inc., the fundraising entity of the Fire Department, in tonight's presentation. Fire Chief Vahsholtz explained the long history of the corporation and how their fundraising efforts have paid for the firehouse, the addition to the firehouse, and all equipment to-date. They are a very proud and hard-working group of people that have worked hard to raise funds through Firemen's Park. The equipment is chosen by an open format Truck Committee where anyone in the Department has input, following a truck replacement plan. The Committee met for nine months to discuss the purchase of the newest piece of equipment valued slightly over \$500,000. The tender truck is meant to haul water, but it is also a multi-functional piece of equipment that has an aerial ladder and can be connected to fire hydrants. The tender truck was

purchased through Pierce Manufacturing in Wisconsin. He explained that the truck was already used for an advanced fire in the Town of Cedarburg involving ten tender trucks hauling from cisterns.

Fire Chief Vahsholtz said that it was his pleasure to represent Firemen's Park Inc. and turn the piece of equipment over to the City. The next planned purchase is a \$1.5 million ladder truck.

Mayor O'Keefe and the Common Council thanked the Corporation on behalf of the City and the citizens of Cedarburg for their hard work and their generous donation to the City.

### **NEW BUSINESS**

#### **CONSIDER APPROVING A ONE-YEAR EXTENSION FOR THE PLANNED UNIT DEVELOPMENT ZONING ISSUED FOR CEDARBURG TRAILS CONDOMINIUMS AND CONSIDERATION OF AMENDED DEVELOPER AGREEMENT; AND ACTION THEREON**

City Attorney Herbrand explained that the PUD zoning for Greg James' Cedar Trail Condominium development proposed for the 5.52-acre site directly south of W68 N158 Evergreen Blvd was approved by unanimous vote on April 29, 2019. If a building permit is not issued within one year of receiving the PUD zoning, the PUD district zoning for the property shall automatically discontinue and be replaced with the zoning designation that existed prior to the rezoning. Since receiving approval, Mr. James has completed the detailed construction plans and the Development Agreement was created and approved by the Common Council. City Attorney Herbrand drafted the necessary document to transfer a portion of the adjacent City owned outlot to Mr. James. As a condition of approval, the public sewer and water facilities and the roadway are required to be installed and certified complete prior to construction commencement of the condominium structures. Mr. James advises construction of these public improvements and roadway will begin as soon as weather permits, and that building construction will follow immediately thereafter. The amended Development Agreement also requires approval.

Motion made by Council Member Thome, seconded by Council Member Arnett, to approve a one-year extension for the Planned Unit Development Zoning issued for Cedarburg Trails Condominiums and the amended Developer Agreement. Motion carried without a negative vote with Council Members Bublitz and Chivinski excused.

#### **CONSIDER ASSISTANCE OF CEDARBURG POLICE DEPARTMENT OFFICERS AND ASSETS TO MILWAUKEE POLICE DEPARTMENT TO ASSIST WITH DEMOCRATIC NATIONAL CONVENTION; AND ACTION THEREON**

City Administrator Hilvo explained, on Chief Frank's behalf, that the Milwaukee Police Department has sent out a wide area request for assistance for law enforcement agencies to provide law enforcement officers to assist their agency during the Democratic National Convention. Milwaukee has indicated that for any officers sent, all wages, benefits and mileage will be reimbursed as well as insurance protection. If the Common Council approves to send resources, only officers who are off-duty will be sent and protection staffing the City of Cedarburg will not be reduced. The documents related to this request have been reviewed by City Attorney Herbrand and he does not have any concerns.

As the Common Council discussed the opportunity, there was concern regarding the DNCs history of not paying their bills. However, fellow officers typically do not want to leave their fellow law-enforcement without help in any case.

Motion made by Council Member Arnett, seconded by Council Member Burkart, to approve assistance of the Cedarburg Police Department officers and assets to the Milwaukee Police Department to assist with the Democratic National Convention. Motion carried without a negative vote with Council Members Bublitz and Chivinski excused.

**CONSIDER ALCOHOL AND CONTROLLED SUBSTANCE POLICY (AD-22); AND ACTION THEREON**

City Administrator Hilvo explained that the City received a notification in December 2019 from CVMIC about a new Federal mandate for CDL drivers. It requires all CDL drivers to be listed in the Federal clearinghouse database. This is in addition to the State of Wisconsin driver's license reporting database that the City monitors for all employees. The new policy requires that all employees who have a CDL need to be registered with the clearinghouse. Prior to the City requesting them to register on the site, the City is required to develop an alcohol-controlled substance policy and also update the personnel manual to reflect the changes.

City Administrator Hilvo explained that the Personnel Committee met to consider Policy AD-22 to comply with a Federally mandated program of an alcohol and controlled substance policy for CDL drivers. The Policy was unanimously approved by the Personnel Committee.

Motion made by Council Member Thome, seconded by Council Member Arnett, to approve Alcohol and Controlled Substance Policy (AD-22). Motion carried without a negative vote with Council Members Bublitz and Chivinski excused.

**CONSIDER REVISION TO SECTION 2-4-a OF THE PERSONNEL MANUAL RE: DRUG/ALCOHOL TESTING (CDL); AND ACTION THEREON**

City Administrator Hilvo explained that the Personnel Committee considered and approved the revision to Section 2-4-a of the Personnel Manual to update the Drug/Alcohol Testing (CDL) to reflect the added policy (AD-22).

Motion made by Council Member Thome, seconded by Council Member Arnett, to approve the revision to Section 2-4-a of the Personnel Manual Re: Drug/Alcohol Testing (CDL). Motion carried without a negative vote with Council Members Bublitz and Chivinski excused.

**CONSIDER REQUEST OF LIME CANTINA, TO AMEND THE PREMISE DESCRIPTION OF THE CLASS "B" BEER AND "CLASS B" LIQUOR LICENSE AT W62 N550 WASHINGTON AVENUE TO SELL AND SERVE ALCOHOL OUTSIDE DURING STRAWBERRY FESTIVAL AND WINE & HARVEST FESTIVAL; AND ACTION THEREON**

City Administrator Hilvo explained that the owners of Lime Cantina are seeking permission to alter their liquor license premise description to be able to sell and serve alcohol on the street in front of the business during Strawberry Festival and Wine & Harvest Festival.

Motion made by Council Member Arnett, seconded by Council Member Galbraith, to approve the request of Lime Cantina, to amend the premise description of the Class “B” Beer and “Class B” Liquor license at W62 N550 Washington Avenue to sell and serve alcohol outside their business during Strawberry Festival and Wine & Harvest Festival. Motion carried without a negative vote with Council Members Bublitiz, and Chivinski excused.

**CONSIDER LICENSE APPLICATIONS; AND ACTION THEREON**

Motion made by Council Member Galbraith, seconded by Council Member Thome, to approve new operator license applications for period ending June 30, 2020 for Michele I. Tietz and Ethan E. Taylor. Motion carried without a negative vote with Council Members Bublitiz and Chivinski excused.

**CONSIDER PAYMENT OF BILLS DATED 1/24/20 THROUGH 01/31/20, TRANSFERS FOR THE PERIOD 01/23/20 THROUGH 02/04/20; AND PAYROLL FOR THE PERIOD 01/12/20 THROUGH 1/25/20; AND ACTION THEREON**

Motion made by Council Member Burkart, seconded by Council Member Thome, to approve payment of bills dated 1/24/20 through 1/31/20, transfers for the period 1/23/20 through 2/4/20; and payroll for the period 1/12/20 through 1/25/20. Motion carried without a negative vote with Council Member Bublitiz excused.

**ADMINISTRATOR’S REPORT**

City Administrator Hilvo learned that Cedarburg Overhead Door donated new doors at the Emergency Management garage and installed them at no charge to the City (\$14,000 value). City Administrator Hilvo will call them to thank them for their generous donation.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** - None

**COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Thome encouraged the Common Council Members to attend the Cedarburg Emergency Management and Auxiliary Police Annual Awards and Recognition Banquet on March 7, 2020.

**MAYOR’S REPORT**- None

**ADJOURNMENT – CLOSED SESSION**

Motion made by Council Member Arnett, seconded by Council Member Thome, to adjourn to closed session at 7:33 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, Highway 60

Business Park; and 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, holding tank replacement at city-owned property, and insurance claim and rental claim. Approval of January 27, 2020 closed session minutes. Motion carried on a roll call vote with Council Members Arnett, Burkart, Verhaalen, Thome and Galbraith voting aye and Council Member Bublitz and Chivinski excused.

**RECONVENE TO OPEN SESSION**

Motion made by Council Member Arnett, seconded by Council Member Thome, to reconvene to open session at 8:15 p.m. Motion carried unanimously on a roll call vote with Council Members Arnett, Burkart, Verhaalen, Thome, and Galbraith voting aye and Council Member Bublitz and Chivinski excused.

**NEW BUSINESS – CONTINUED**

**CONSIDER THE HOLDING TANK REPLACEMENT AT CITY-OWNED PROPERTY 1838 PIONEER ROAD; AND ACTION THEREON**

Motion made by Council Member Burkart, seconded by Council Member Galbraith, to postpone this item to the next Common Council meeting. Motion carried without a negative vote with Council Members Bublitz and Chivinski excused.

**CONSIDER \$26,331.42 CLAIM FROM ACUITY INSURANCE REGARDING AN INCIDENT ON NOVEMBER 25, 2019; AND ACTION THEREON**

Motion made by Council Member Thome, seconded by Council Member Burkart, to approve the \$26,331.42 claim from Acuity Insurance regarding an incident on November 25, 2019. Motion carried without a negative vote with Council Members Bublitz and Chivinski excused.

**CONSIDER \$2,920.52 CLAIM FROM ROBERT PORSCHE REGARDING AN INCIDENT ON NOVEMBER 25, 2019; AND ACTION THEREON**

Motion made by Council Member Thome, seconded by Council Member Burkart, to approve the \$2,920.52 claim from Robert Porsche regarding an incident on November 25, 2019. Motion carried without a negative vote with Council Members Bublitz and Chivinski excused.

**ADJOURNMENT**

Motion made by Council Member Arnett, seconded by Council Member Burkart, to adjourn the meeting at 8:17 p.m. Motion carried without a negative vote with Council Members Burkart and Chivinski excused.

Amy D. Kletzien, MMC/WCPC  
Deputy City Clerk