

**CITY OF CEDARBURG
COMMON COUNCIL
June 29, 2020**

**CC20200629-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, June 29, 2020, online utilizing the Zoom app. Mayor O’Keefe called the meeting to order at 7:00 p.m.

Roll Call: Present - Mayor Michael O’Keefe, Council Members Sherry Bubnitz, Jack Arnett, Patricia Thome, Barbara Lythjohan, Robert Simpson, Rick Verhaalen

Excused - Council Member Kristin Burkhardt

Also Present - Administrator Mikko Hilvo, Attorney Michael Herbrand, Planner Jon Censky, Engineering Director Tom Wiza, Clerk Tracie Sette, citizens, and members of the news media.

STATEMENT OF PUBLIC NOTICE

At Mayor O’Keefe’s request, City Clerk Tracie 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.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Citizens present were welcomed and encouraged to provide their input during the citizen comment portion of the meeting. No comments or suggestions were received.

APPROVAL OF MINUTES

A motion was made by Council Member Pat Thome to approve the June 8, 2020 Common Council minutes, seconded by Council Member Sherry Bubnitz, carried without a negative vote with Council Member Burkhardt excused.

PUBLIC HEARING

CONSIDER ORDINANCE NO. 2020-07 AMENDING THE OFFICIAL CITY MAP TO ESTABLISH A FUTURE ROAD EXTENDING FROM THE HWY. 60 BUSINESS PARK THROUGH THE BAEHMANN PROPERTY AT W74 N1204 WASHINGTON AVENUE TO CONNECT WITH HILLTOP DRIVE IN THE TOWN OF CEDARBURG; AND ACTION THEREON

Mayor O’Keefe opened the public hearing at 7:20 p.m. to consider Ordinance No. 2020-07 amending the Official City Map which establishes a future road extending from the Hwy 60 Business Park through the Baehmann property at W74 N1204 Washington Avenue to connect with Hilltop Drive in the Town of Cedarburg. Planner Jon Censky explained the need for a second access road to the Highway 60 Business Park. The Plan Commission recommended approval of

this road. Kurt Baehmann thought everything looks good and mentioned the City has been a pleasure to work with.

There were no additional comments from the public.

A motion was made by Council Member Pat Thome to close the public hearing, seconded by Council Member Sherry Bublitz, and carried without a negative vote with Burkart excused.

A motion was made by Council Member Pat Thome to approve Ordinance 2020-07 amending the Official City Map, seconded by Council Member Sherry Bublitz, and carried by roll call vote: Bublitz-aye, Arnett-aye, Verhaalen-aye, Simpson-aye, Thome-aye, Lythjohan-aye and Council Member Burkart excused.
(6-0).

NEW BUSINESS

CONSIDER ORDINANCE NO. 2020-08 AMENDING SECTION 8-4-13 OF THE CODE OF ORDINANCES TO CLARIFY CEMETERY RULES; AND ACTION THEREON

The City cleans up cemeteries on March 1 and October 1 of each year with items getting removed that do not identify with any gravestone.

A motion was made by Council Member Sherry Bublitz, seconded by Council Member Jack Arnett, to approve Ordinance 2020-08 clarifying cemetery rules. Motion carried without a negative vote with Council Member Burkart excused.

CONSIDER REQUEST FROM CEDARS III LLC, W53 N404 PARK LANE TO EXTEND THEIR PREMISE DESCRIPTION FOR 2020 TO INCLUDE THEIR OUTSIDE PROPERTY FOR SOCIAL DISTANCE EVENTS; AND ACTION THEREON

Administrator Hilvo explained the request from Cedars III to include all outside property for alcohol consumption for the remainder of the license year. After a discussion, the concern lies with alcohol consumption in the front yard which includes the parking lot. Attorney Michael Herbrand cautioned against allowing alcohol consumption in the parking lot. Mel's Pig Roast typically uses the front yard for admission and ticket sales and not alcohol consumption.

A motion was made by Council Member Sherry Bublitz to approve the Cedars III premise description for 2020 to include their outside backyard property for social distance events and to exclude the parking lot, seconded by Council Member Rick Verhaalen. Motion carried without a negative vote with Council Member Burkart excused.

CONSIDER REQUEST FROM THE CEDARBURG CULTURAL CENTER, INC. W52 N546 WASHINGTON AVENUE, TO ALLOW FOUR ADDITIONAL OUTDOOR AMPLIFIED MUSIC EVENTS IN 2020; AND ACTION THEREON

Stephanie Hayes from the Cedarburg Cultural Center explained the additional events planned for 2020 which would require additional outdoor amplified music permitting. Social distancing rules are currently in place. The City ordinance states that events must be done by 9:00 p.m.; however, the Cultural Center events will be done by 8:30 p.m. In August, the events will begin and end one hour earlier. The Cultural Center notifies all neighbors within 120 ft one week in advance of all scheduled events. No comments were made by members of the public. Attorney Michael Herbrand explained the need for a change to City Code if a permanent change is granted to the amplified music permit.

A motion was made by Council Member Jack Arnett to approve the Cultural Center request to allow four additional outdoor amplified music events in 2020, seconded by Council Member Sherry Bublitiz. Motion carried without a negative vote with Council Member Burkart excused.

CONSIDER REQUEST FROM CEDARBURG ART MUSEUM W63 N675 WASHINGTON AVE TO ALLOW TEN ADDITIONAL OUTDOOR AMPLIFIED MUSIC EVENTS IN 2020; AND ACTION THEREON

Samantha and Blaine Gibson from Cedarburg Art Museum explained the additional events for 2020 requiring additional amplified music permits. A new stage focuses sound towards the street and away from surrounding neighbors. Members of the Art Museum have spoken with neighbors who are in support of the additional events. Guidelines from the CDC will be followed. Tickets will be utilized in place of cash for food and drink. Cedarburg Police Chief Tom Frank approved of the additional events. The outdoor events will be shut down by 8:30 p.m. Additional sound proofing is currently under construction.

A motion was made by Council Member Sherry Bublitiz to approve ten additional events in 2020 for the Cedarburg Art Museum (above what the city code currently allows for beer garden outdoor events), seconded by Council Member Jack Arnett. Motion carried without a negative vote with Council Member Burkart excused.

CONSIDER REQUEST OF MICHAEL JACKSON OF C. WIESLER'S TO AMEND THE PREMISE DESCRIPTION OF ITS CLASS "B" BEER AND "CLASS B" LIQUOR LICENSE AT W61 N493 WASHINGTON AVENUE TO SERVE BEER AND LIQUOR IN AN ENCLOSED AREA IN THE PARKING LOT FOR AN EVENT TO BE HELD ON JULY 4, 2020 FOR A PARADE PARTY FROM 10:00 A.M. – 2:30 P.M.; AND ACTION THEREON

Administrator Hilvo explained the request from C. Wiesler's for the event is considered a parade party although there will be no July 4th parade this year. There were no concerns brought about by staff members.

A motion was made by Council Member Rick Verhaalen to approve the extension of the liquor license for C. Wieslers from 10:00 a.m. – 2:30 p.m. on July 4th to include their parking lot, seconded by Council Member Pat Thome. Motion carried without a negative vote with Council Member Burkart excused.

CONSIDER ISSUANCE OF A TRANSIENT ENTERTAINMENT LICENSE TO RAINBOW VALLEY RIDES, INC. FOR THE OZAUKEE COUNTY FAIR ON JULY 29 (4:00 P.M. – 10:00 P.M.), JULY 30, 31, AUGUST 1 (NOON – 10:00 P.M.), AND AUGUST 2, 2020 (NOON – 5:00 P.M.) AND THE REQUEST TO WAIVE THE REQUIREMENT FOR A CLEAN UP BOND AS REQUESTED BY AGRICULTURAL SOCIETY; AND ACTION THEREON

The annual request for a Transient Entertainment License was submitted to the City of Cedarburg. Mark Larson explained the measures to be established to keep everyone safe as they have been working with the Ozaukee/Washington Public Health Agency. This will be the first event for 2020 for Rainbow Valley Rides. They will only be bringing rides able to be cleaned and sanitized well. There will be a deep cleaning planned during the day. Current capacity allows for 12,000 in attendance; however, CDC guidelines recommend 50% capacity or 6,000 people. There will be strict crowd control measures and only two gates will be utilized. Currently 23 other fairs are taking place this summer in Wisconsin. The Ozaukee County Sheriff would like beer sales limited to 10:00 p.m. Many pros and cons for holding this event were discussed by the Council relating to Covid matters. The Police Chief and Fire Chief have concerns relating to keeping everyone safe including staff but are willing to help.

A motion was made by Council Member Jack Arnett to issue a transient license to Rainbow Valley Rides for the Ozaukee County Fair for the dates and times listed on agenda and to waive the requirement for a clean-up bond; and make recommendation to the Chief of Police and Fire Chief to recommend wearing proper PPE, seconded by Council Member Barb Lythjohan.

After consideration, Council Member Arnett amended the motion to remove the recommendation of wearing of proper PPE, amended motion seconded by Council Member Barbara Lythjohan, and carried by roll call vote: Arnett-aye, Verhaalen-aye, Simpson-aye, Lythjohan-aye, Bublitz-nay, Thome-nay and Council Member Burkart excused (4-2).

CONSIDER LICENSE/PERMIT APPLICATIONS; AND ACTION THEREON

A motion was made by Council Member Pat Thome, seconded by Council Member Sherry Bublitz, and carried without a negative vote with Council Member Burkart excused to approve the New Operator License applications for the period ending June 30, 2021 for the following:

Emily Albert
Connor Funnell
Dylan Hastings

Sophia Ladd
Mark Leonardelli
Guinevere Matheis

David Richter
Daniel Saaman
Thomas Salfer
Heather Smith

A motion was made by Council Member Rick Verhaalen to approve the renewal Operator License applications for the period ending June 30, 2021, noting the name change from John Stoltz to John Stolte for the following, seconded by Council Member Pat Thome and carried without a negative vote with Council Member Burkart excused.

Christine Curran	Jennifer Kaltenbrun	Gary Rogahn
Keri Dietrich	Lane Kassner	Neil Soukup
Brecken Dudzek	Mark Kennedy	Annette Speirs
Kimberly Eggleston	Dylan Krivoshein	John Stoltz
Daniel Gogin	Thomas Krueger	Laura Struebing
Andrew Henning	Brain Kurlinski	Stacey Wedereit
Catherine Hilgart	Stephen Ladd	Larry Weidmann
Heather Hovland	JoAnne LaVake	
Peter Jackson	Luz Martin	
Tracey Jackson	Annette Mytko-Kennedy	

CONSIDER PAYMENT OF BILLS DATED 06/04/2020 THROUGH 06/29/2020, TRANSFERS FOR THE PERIOD 06/06/2020 THROUGH 06/23/2020 AND PAYROLL PERIOD 05/31/2020 THROUGH 06/13/2020; AND ACTION THEREON

A motion was made by Council Member Rick Verhaalen to approve payment of bills dated 06/04/20 through 06/29/20, transfers for the period 06/06/20 through 06/23/20, and payroll period 05/31/20 through 06/13/20, seconded by Council Member Pat Thome and carried without a negative vote with Council Member Burkart excused.

REPORTS OF CITY OFFICERS AND DEPARTMENT HEADS

ADMINISTRATOR'S REPORT

Administrator Hilvo reported the Arrabelle TIF audit will be completed in time for the July 27, 2020 Common Council agenda. The first Fire Shared Services meeting will take place Wednesday morning (7/1/2020). The Villages of Belgium, Fredonia, and Town of Waubeka will be joining the study. An application for a FEMA grant has been submitted for approximately \$27,500 in the hopes of receiving reimbursement.

COMMUNICATIONS

COMMENTS AND SUGGESTIONS FROM CITIZENS

Jesse McHomvu, N18W6415 Carriage Trace Apt 132, Cedarburg, WI, spoke of the lack of diversity in the City of Cedarburg. She suggested low income housing could help solve diversity issues. She highlighted the perception that only wealth is allowed in our community.

Gail Skonecki, N99W6517 Aspen Ct., Cedarburg, WI, spoke on the risk to Cedarburg residents to allow parking on the north end of the City for this year's potential Ozaukee County Fair. The Fair presents its own parking challenges every year due to the sheer volume of people; however, this year the Covid virus presents new challenges and suggests no parking be allowed in city neighborhoods.

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS- None

MAYOR'S REPORT- None

ADJOURN TO CLOSED SESSION

A motion was made by Council Member Barbara Lythjohan, seconded by Council Member Jack Arnett, and passed with roll call vote: Bublitz-aye, Arnett-aye, Burkart-aye, Simpson-aye, Thome-aye, Lythjohan-aye, Verhaalen-aye, to adjourn to Closed Session at 8:39 p.m. pursuant to WI State Statute §19.85(1)(g) Considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Specifically, the City Administrator's Evaluation and approval of June 8, 2020 closed session minutes. Motion carried on a roll call vote with Council Member Bublitz, Arnett, Verhaalen, Simpson, Thome and Lythjohan voting aye and Council Member Burkart excused.

RECONVENE TO OPEN SESSION

Open session reconvened at 9:42 p.m.

ADJOURNMENT

Motion made by Council Member Jack Arnett, seconded by Council Member Sherry Bublitz, to adjourn the meeting at 9:44 p.m. Motion carried without a negative vote with Council Member Burkart excused.

Tracie Sette
City Clerk