

**CITY OF CEDARBURG
COMMON COUNCIL
August 31, 2020**

**CC20200831-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held online on Monday, August 31, 2020, 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 Bublitz, Jack Arnett, Kristin Burkart, Rick Verhaalen, Robert Simpson, Barbara Lythjohan and Patricia Thome available via cell phone.

Also Present - City Administrator Mikko Hilvo, City Attorney Michael Herbrand, City Clerk Tracie Sette, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor O'Keefe'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.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

APPROVAL OF MINUTES

Motion made by Council Member Thome, seconded by Council Member Bublitz, to approve the August 10 and August 17, 2020 Common Council minutes. Motion carried without a negative vote.

NEW BUSINESS

CONSIDER APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH THE WISCONSIN DEPARTMENT OF TRANSPORTATION FOR HWY 60 BUSINESS PARK INTERSECTION IMPROVEMENTS; AND ACTION THEREON

Given that our Business Park will have direct access on Highway 60, the State is able to dictate the level of improvements required to create a safe intersection. Therefore, the State has drafted a Memorandum of Understanding which lays out the required improvements and implementation schedule. The improvements will be based on the revised Traffic Impact Analysis, which reflects the fact that the Baehmann development will no longer connect to the Business Park. The required intersection improvements have been reduced but are still substantial and costly.

Motion made by Council Member Bublitz, seconded by Council Member Lythjohan, to approve the Memorandum of Understanding with the Wisconsin Department of Transportation for Hwy 60 Business Park intersection improvements. Motion carried without a negative vote.

CONSIDER APPROVAL OF CERTIFIED SURVEY MAP FOR THE HWY 60 BUSINESS PARK; AND ACTION THEREON

This Certified Survey Map (CSM) will serve to divide the 59-acre Business Park into four separate parcels of 20-acres, 6.1-acres, 3.1-acres, and 26.3-acres in size. The 20-acre parcel at the southwest corner of the main entrance to the Business Park will serve the current and future needs of the Wilo Company, the 3.1-acre site, at the southeast corner of the entrance, is needed to create the south lot line of the parcel where the future utility easements will be located and both the 6.1-acre and the 26.3-acre parcels will be available for future land sales. The CSM will also serve to establish the location of future utility easements and identifies existing utility easements that no longer serve a purpose and will be vacated. Finally, since this CSM serves to dedicate the required public road right-of-way for State Highway 60 and for the City's Business Park roadway. This will be a very active easement and needs to be a stand-alone parcel.

Motion made by Council Member Burkart, seconded by Council Member Arnett, to approve the Certified Survey Map for the Hwy 60 Business Park. Motion carried without a negative vote.

CONSIDER APPROVAL OF PROFESSIONAL SERVICES CONTRACT WITH R.A. SMITH FOR HWY 60 BUSINESS PARK INTERSECTION DESIGN AND CONSTRUCTION RELATED SERVICES ASSOCIATED WITH THE GRADING CONTRACT; AND ACTION THEREON

R A Smith is currently under contract with the City to complete the Business Park engineering design. When we awarded the contract, the scope did not include any construction phase services, and they were only asked to provide a "schematic design" for the highway 60 Business Park intersection.

Things have progressed; the grading is now underway, and the required intersection geometrics have been dictated by WIS DOT. The present contract amendment includes construction staking for the grading contract, attendance at all site meetings, complete design for the Hwy 60 intersection, and an allowance for the water booster pump station Public Service Commission submission.

Unlike the Concord Group proposal, which runs through the duration of the Business Park project, R A Smith's work has been broken up into phases, and we will be bringing forth one more contract amendment in December for construction inspection, construction staking, and record drawings for the utility construction to take place

Motion made by Council Member Pubnitz, seconded by Council Member Lythjohan, to approve the professional services contract with R.A. Smith for Hwy 60 Business Park intersection design and construction related services associated with the grading contract. Motion carried without a negative vote.

CONSIDER APPROVAL OF PROFESSIONAL SERVICES CONTRACT WITH THE CONCORD GROUP FOR PROJECT MANAGEMENT SERVICES THROUGH THE REMAINDER OF THE HWY 60 BUSINESS PARK PROJECT; AND ACTION THEREON

The Concord Group has been assisting the City with project coordination and scheduling throughout

the Hwy 60 Business Park design phase. Their role has been somewhat limited to this point, but it is expected to expand significantly due to City staffing changes at the end of the year.

As the infrastructure construction ramps up in 2021, the Concord Group will review and make recommendations on all Business Park contractor progress payments, issue change orders as required, and coordinate construction activities to assure completion within project timelines.

Motion made by Council Member Arnett, seconded by Council Member Thome, to approve the professional services contract with the Concord Group for project management services through the remainder of the Hwy 60 Business Park project. Motion carried without a negative vote.

CONSIDER MAYOR'S APPOINTMENTS TO POLICE & FIRE COMMISSION, COMMUNITY DEVELOPMENT AUTHORITY, DIVERSITY COMMITTEE, AND COMMON COUNCIL REPRESENTATIVES TO VARIOUS BOARDS; AND ACTION THEREON

Motion made by Council Member Thome, seconded by Council Member Lythjohan, to approve the Mayor's appointments as follows:

Community Development Authority – 4-year term

Dale Lythjohan	(09/2024)
Eric Stelter	(09/2024)
Greg Hayry	(09/2021)

Diversity Committee – 2-year term

Rev. John Norquist	(5/2021)
Hayden Knight	(5/2021)
Amit Kaul	(5/2021)
Erica Turner	(5/2022)
Blaine Gibson	(5/2022)
Dr. Joyce Caldwell	(5/2022)
Kayla Stoflet (1 st Alternate)	(5/2021)

Police & Fire Commission – 5-year term

Stacey Tolomeo	(4/2025)
Terry Zimmerman	(4/2022)

Council Member Kristin Burkart
Festivals Committee
Economic Development Board

Council Member Sherry Bublitz
Diversity Committee

Motion carried without a negative vote.

DISCUSS TIMEFRAME FOR ALLOWING DIRECT SELLERS PERMITS; AND ACTION THEREON

The City of Cedarburg does not have an issue with resuming direct seller permitting in the city. City residents may post a ‘no soliciting’ sign at their residence. Cedarburg Police may enforce ‘No soliciting’ ordinance with tickets if direct sellers do not obey the ordinance. A discussion ensued regarding the pros and cons of allowing direct selling in the city with the current Covid crisis.

Motion made by Council Member Burkart to extend the timeframe of not allowing the issuance of Direct Sellers permits until the Ozaukee County COVID-19 Risk Status changes from red to yellow (for all four categories: Burden, Trajectory, Case Status, Overall Risk) and the Council will revisit the topic in six weeks, seconded by Council Member Thome. Motion carried by roll call vote with Council Members Burkart, Verhaalen, Simpson, Bublitiz, and Thome voting aye, and Council Members Arnett and Lythjohan voting nay (5-2).

CONSIDER LICENSE APPLICATIONS; AND ACTION THEREON

Motion made by Council Member Bublitiz, seconded by Council Member Burkart, to approve new Operator License applications for the period ending June 30, 2021 for Brian E. Boettcher and Emily F. Riebe. Motion carried without a negative vote.

Motion made by Council Member Arnett, seconded by Council Member Thome, to approve application for Union House-Cedarburg LLC, W62 N559 Washington Avenue, Christopher M. Homayouni, agent, known as Union House Cedarburg for Class “B: fermented malt beverage and “Class B” intoxicating liquor (on or off-premise consumption) license for the period ending June 30, 2021 subject to the surrendering of the Class B license from JJ’s. Motion carried without a negative vote.

CONSIDER PAYMENT OF BILLS DATED 08/03/20 THROUGH 08/21/20, TRANSFERS FOR THE PERIOD 08/05/20 THROUGH 08/28/20 AND PAYROLL PERIOD 07/26/20 THROUGH 08/08/20 AND 08/09/20 THROUGH 08/22/20; AND ACTION THEREON

Motion made by Council Member Bublitiz, seconded by Council Member Lythjohan, to approve payment of bills dated 08/03/20 through 08/21/20, transfers for the period 08/05/20 through 08/28/20 and payroll period 07/26/20 through 08/08/20 and 08/09/20 through 08/22/20. Motion carried without a negative vote.

ADMINISTRATOR’S REPORT

Administrator Hilvo summarized the Administrator’s report distributed in the Council packet.

COMMENTS AND SUGGESTIONS FROM CITIZENS – None

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Lythjohan expressed a concern from one of her constituents regarding lines at the August election. The hope is for shorter lines at the November election. Perhaps a clean pen may be distributed to each voter to keep.

Council Member Bublitz spoke with Superintendent Todd Bugnacki and was informed there will not be an increase in taxes due to the school referendum.

Council Member Thome expressed appreciation for all Fire Department volunteers. The Fire Department did a beautiful job on the awards ceremony.

MAYOR'S REPORT - None

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Thome, seconded by Council Member Arnett, to adjourn to closed session at 8:09 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, Items 12B, 12C, and 12D. Approval of June 29, 2020 and August 10, 2020 closed session minutes. Motion carried on a roll call vote with Council Member Bublitz, Arnett, Burkart, Verhaalen, Simpson, Thome, and Lythjohan voting aye.

RECONVENE TO OPEN SESSION

Motion made by Council Member Thome, seconded by Council Member Bublitz, to reconvene to open session at 8:27 p.m. Motion carried on a roll call vote with Council Members Bublitz, Arnett, Burkart, Verhaalen, Simpson, Thome, and Lythjohan voting aye.

NEW BUSINESS

CONSIDER APPROVAL OF HWY 60 BUSINESS PARK LISTING AGREEMENT; AND ACTION THEREON

Motion made by Council Member Burkart, seconded by Council Member Bublitz, to approve the Hwy 60 Business Park listing agreement with the additional amendment that Wilo is exempt. Motion carried without a negative vote.

CONSIDER FIRST AMENDMENT TO THE WILO DEVELOPMENT AGREEMENT; AND ACTION THEREON

Motion made by Council Member Thome, seconded by Council Member Bublitz, to table this item until the next Common Council meeting. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION TO TERMINATE THE AMENDED TOWER LAND
LEASE AGREEMENT WITH NEXTEL AND/OR ITS SUCCESSORS AND ASSIGNS
(SPRINT/NEXTEL); AND ACTION THEREON**

Motion made by Council Member Lythjohan, seconded by Council Member Thome, to terminate the Sprint/Nextel lease on the Western Road Tower. Motion carried without a negative vote.

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to adjourn the meeting at 8:32 p.m. Motion carried without a negative vote.

Tracie Sette
City Clerk