

**CITY OF CEDARBURG  
COMMON COUNCIL  
September 28, 2020**

**CC20200928-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held online on Monday, September 28, 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, Patricia Thome, Barbara Lythjohan

Also Present - City Administrator Mikko Hilvo, City Attorney Michael Herbrand, City Clerk Tracie Sette, Director of Engineering and Public Works Tom Wiza, Assistant Engineer Mike Wieser, Assessor Cathy Timm, Finance Director/Treasurer Christy Mertes and 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**

Eric Hofhine, N64 W5782 Columbia Road, has been the chair of the Board of Review for the past 18 years. He strongly encouraged the Council to replace outgoing Assessor Cathy Timm with another full-time assessor rather than contracting with an appraisal service. He feels the City of Cedarburg is unique in the structure of assessments and cannot be quantified by an outside source.

**APPROVAL OF MINUTES**

Motion made by Council Member Thome, seconded by Council Member Bublitz, to approve the September 14, 2020 Common Council minutes. Motion carried without a negative vote.

**NEW BUSINESS**

**CONSIDER RESOLUTION NO. 2020-19 FOR ASSESSOR CATHY TIMM'S RETIREMENT;  
AND ACTION THEREON**

The Mayor expressed his thanks to Cathy Timm for her exemplary years of service.

Motion made by Council Member Thome, seconded by Council Member Arnett, to approve Resolution No. 2020-19 honoring Assessor Cathy Timm on her retirement. Motion carried without a negative vote.

**CONSIDER REQUEST FROM NORTH 48 FOR A PEDAL TAVERN OPERATION; AND ACTION THEREON**

Jordan Cole from North 48 is requesting permission to operate a pedal tavern in Cedarburg beginning in 2021. The operation consists of a quadrivehicle to be rented from Pedal Tavern MKE by North 48. The customers may bring alcohol on the vehicle and will only be able to consume it while remaining on the vehicle. No beverages will be sold on the vehicle. A State law was changed several years ago to accommodate this type of business; however, if the Council approves it the City of Cedarburg will need to create an ordinance regulating the use. A discussion ensued regarding travel through residential neighborhoods, operating times, route, and potential number of permits allowed.

Motion made by Council Member Bublitz to approve the request (in concept) of a Pedal Tavern and was seconded by Council Member Thome. Motion carried without a negative vote.

**CONSIDER RESOLUTION NO. 2020-20 URBAN FORESTRY GRANT; AND ACTION THEREON**

Motion made by Council Member Bublitz, seconded by Council Member Thome, to approve Resolution No. 2020-20 Urban Forestry Grant. Motion carried without a negative vote.

**CONSIDER APPROVAL OF AMENDED CERTIFIED SURVEY MAP FOR HWY 60 BUSINESS PARK AND NAMING OF BUSINESS PARK ROAD TO FORWARD WAY; AND ACTION THEREON**

A Certified Survey Map for the HWY 60 Business Park was approved by the Common Council at the August 31, 2020 meeting. Since that time, several issues have arisen that require an amendment. Wilo requested specific language be added to further explain the use and restrictions imposed by the dedicated utility easements. Also, the Wisconsin Department of Transportation demanded the dedication of an additional 10-feet of road right-of-way for HWY 60. One final change on the CSM is the addition of "Forward Way" as the street name.

Motion made by Council Member Arnett to approve the CSM with the addition of easement language and the naming of Forward Way and was seconded by Council Member Thome. Motion carried without a negative vote.

**CONSIDER MAYORAL APPOINTMENTS FOR LANDMARK COMMISSION, FINANCE COMMITTEE, AND LIGHT AND WATER COMMISSION; AND ACTION THEREON**

Motion made by Council Member Verhaalen, seconded by Council Member Bublitz, to approve Mayor O'Keefe's appointments to the Light & Water Commission and Finance Committee as follows with the addition of Mike Bradburn on the Finance Committee and Council Member Jack Arnett:

**Light & Water Commission – 3-year term**

Joseph Dorr	(09/2023)
Blaine Hilgendorf	(09/2023)

**Finance Committee – 2-year term**

Jesus Torres	(5/2021)
Garth Cole	(5/2021)
Al Lorge	(5/2022)
Bob Loomis	(5/2022)
Mary Kay Bourboulas	(5/2022)
Mike Bradburn	(5/2021)

Council Member Jack Arnett  
Finance Committee

Motion carried without a negative vote.

**CONSIDER OVERVIEW OF 2021 BUDGET**

Administrator Hilvo provided an overview of the 2021 Budget. He summarized the budget variances for each department listed on page 33 and 34 in the Council packet. A discussion occurred whether to replace all signs with the older branding design in 2021 or slowly replace them as needed over the next few years. Council Members also discussed the benefits of maintaining a healthy fund balance and thereby maintaining the City's high credit rating. The Council discussed the delicate balance of maintaining city services together with the cumulative effect of multiple increases to the budget. A city-wide assessment reevaluation was also brought up as something to keep in mind in the next couple years.

**CONSIDER TITLE CHANGE FOR DEPUTY TREASURER/PAYROLL TO DEPUTY TREASURER/HUMAN RESOURCES; AND ACTION THEREON**

Administrator Hilvo explained that the Deputy Treasurer along with the Administrator, is responsible for the human resource functions for the City. A title change more accurately reflects this position.

Council Member Publitz motioned to approve the title change from Deputy Treasurer/Payroll to Deputy Treasurer/Human Resources and was seconded by Council Member Thome. Motion passed without a negative vote.

**CONSIDER ELIMINATION OF LONGEVITY PAY; AND ACTION THEREON**

For the last two years the City has been evaluating employee wages and benefits to remain competitive with surrounding communities. Part of the evaluation process showed one benefit provided to City employees that other communities do not provide or only provide a capped amount, is longevity pay. The rest of the City benefits are comparable and the salaries that are below market value will be increased in 2021. With the elimination of longevity pay the City will continue to be competitive with employee wages and benefits. Longevity pay for Cedarburg Police Officers belonging to the union will not change per the union contract. A larger discussion occurred regarding health insurance benefits provided by the City and what that larger picture looks like. This is an item the Personnel Committee will need to address.

A motion was made by Council Member Verhaalen to eliminate longevity pay beginning in 2021 and

was seconded by Council Member Bublitz. The motion carried on a roll call vote with Council Members Bublitz, Arnett, Verhaalen, Thome, and Lythjohan voting aye, and Council Members Simpson and Burkart voting nay (5-2).

**CONSIDER BIDS RECEIVED FOR THE 2020 ASPHALT PAVEMENT REPAIR PROGRAM;  
AND ACTION THEREON**

Staff advertised and received bids for the 2020 Asphalt Pavement Repair Program. This year's program involves the resurfacing of approximately 1,235 feet of the southbound lane and approximately 335 feet of the northbound lane of Washington Avenue between Hamilton Road and Lincoln Boulevard. The surface layer of asphalt has deteriorated in this area, and the best fix is to mill and overlay the top 3-inches of asphalt. Four bids were received for the work which were very competitive and well below the estimate. The lowest responsive bid was submitted by Stark Pavement Corporation in the amount of \$43,427.50. Staff recommended awarding the 2020 Asphalt Pavement Repair contract to Stark Pavement Corporation. Staff also requested authorization to expand areas to be resurfaced at the unit price bid, not-to-exceed a total of \$55,000.

A motion was made by Council Member Arnett to approve the asphalt repair contract by Stark Pavement Corporation in an amount not to exceed \$55,000 and was seconded by Council Member Verhaalen. Motion passed without a negative vote.

**CONSIDER AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE  
DUNSTONE SINGLE FAMILY DEVELOPMENT-WEBSTER AVENUE; AND ACTION  
THEREON**

Sara Dunstone (Linmar Property Group) is requesting a time extension until December 2021 to complete required improvements to Webster Avenue. This includes the extension of sanitary sewer, watermain, storm sewer, and road improvements along the frontage of two parcels created by CSM in 2019. Per the development agreement, these improvements were to be completed by December 31, 2020; however, delays have been experienced due to Covid-19.

A motion was made by Council Member Burkart to approve an amendment to the development agreement for the Dunstone Single Family Development-Webster Avenue and was seconded by Council Member Bublitz. Motion passed without a negative vote.

**CONSIDER LICENSE/PERMIT APPLICATIONS; AND ACTION THEREON**

Motion made by Council Member Thome, seconded by Council Member Burkart, to approve new Operator License applications for the period ending June 30, 2021 for Jaclyn C. Bodi and Joseph M. Buth. Motion carried without a negative vote.

**CONSIDER PAYMENT OF BILLS DATED 09/05/20 THROUGH 09/18/20, TRANSFERS FOR  
THE PERIOD 09/12/20 THROUGH 09/25/2020 AND PAYROLL PERIOD 09/06/20 THROUGH  
09/19/20; AND ACTION THEREON**

Motion made by Council Member Bublitz, seconded by Council Member Burkart, to approve payment of bills dated 09/05/20 through 09/18/20, transfers for the period 09/12/20 through 09/25/20 and payroll for the period 09/06/20 through 09/19/20. Motion carried without a negative vote.

**ADMINISTRATOR'S REPORT**

Administrator Hilvo wished to thank Assessor Cathy Timm for her many years of service. There were no additions to the Administrator's report.

**COMMENTS AND SUGGESTIONS FROM CITIZENS**

Eric Hofhine spoke again wishing to recommend the Council replace Assessor Cathy Timm with a full-time assessor. He recommended against the City contracting with an assessment company.

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Arnett mentioned the City will take possession of the Zarling parcel located on Pioneer Road. He would like the City to research what this property could be used for during the interim. Perhaps the Park, Recreation and Forestry Board may address this topic at a future meeting.

Council Member Bublitz would like the Council to address the noise ordinance next year, particularly for live music venues along Washington Avenue. There have been complaints from citizens living close to Washington Avenue. Administrator Hilvo will address volume control with these groups for the remainder of this year.

**MAYOR REPORT**

The Mayor reminded the Common Council of the Endowment of the Arts read kickoff of the book Lab Girl beginning October 7, 2020.

**ADJOURN TO CLOSED SESSION**

Motion made by Council Member Thome, seconded by Council Member Arnett, to adjourn to closed session at 8:47 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 11B, 11C, 11D, 11E, 11F, and 11G. Approval of closed session minutes from August 31, 2020 meeting. Motion carried on a roll call vote with Council Members Bublitz, Arnett, Verhaalen, Simpson, Thome, Burkart 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 10:13 p.m. Motion carried on a roll call vote with Council Members Bublitz, Arnett, Verhaalen, Simpson, Thome, Burkart and Lythjohan voting aye.

**NEW BUSINESS – CONTINUED**

**CONSIDER APPROVAL OF ASSESSOR SERVICES CONTRACT; AND ACTION THEREON**

A motion was made by Council Member Arnett to approve Assessor Services Contract with Grotta Appraisals and was seconded by Council Member Lythjohan. Motion passed without a negative vote.

**DISCUSS CONTRACT WITH ASSOCIATED BENEFITS AND RISK CONSULTING FIRM; AND ACTION THEREON**

A motion was made by Council Member Burkart to terminate the City's contract with Associated Benefits and Risk Consulting Firm and was seconded by Council Member Bublitz. Motion passed without a negative vote.

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

A motion was made by Council Member Arnett to approve the first amendment to the Wilo Development Agreement and was seconded by Council Member Thome. Motion passed without a negative vote.

**APPROVE SETTLEMENT WITH THE DORIAN RETTMANN TRUST FOR ACQUISITION OF THE HWY 60 BUSINESS PARK UTILITY EASEMENT; AND ACTION THEREON**

A motion was made by Council Member Burkart to approve the settlement with Dorian Rettmann Trust for acquisition of the Hwy 60 Business Park Utility Easement and was seconded by Council Member Barbara Lythjohan. Motion passed without a negative vote.

**CONSIDER APPROVAL OF ADMINISTRATOR'S CONTRACT; AND ACTION THEREON**

A motion was made by Council Member Thome to approve the Administrator's Contract and was seconded by Council Member Bublitz. Motion passed without a negative vote.

**ADJOURNMENT**

Motion made by Council Member Arnett, seconded by Council Member Thome, to adjourn the meeting at 10:18 p.m. Motion carried without a negative vote.

Tracie Sette  
City Clerk