

**CITY OF CEDARBURG
COMMON COUNCIL
January 25, 2021**

**CC20210125-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held online on Monday, January 25, 2021, 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 Jack Arnett, Kristin Burkart, Robert Simpson, Patricia Thome, Barbara Lythjohan, Sherry Bublitz, Rick Verhaalen

Also Present - City Administrator Mikko Hilvo, Attorney Michael Herbrand, City Clerk Tracie Sette, Engineering & Public Works Director Mike Wieser, Water Recycling Superintendent Eric Hackert, news media and interested citizens.

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

A motion was made by Council Member Thome, seconded by Council Member Bublitz, to approve the January 11, 2021 Common Council minutes. Motion carried without a negative vote.

NEW BUSINESS

CONSIDER ORDINANCE 2021-01 PROVIDING FOR THE ALLOWANCE OF COMMERCIAL QUADRICYCLES IN THE CITY OF CEDARBURG AND CORRESPONDING ROUTE; AND ACTION THEREON.

Jordan Cole from North 48 requested permission to operate a pedal tavern in Cedarburg beginning spring 2021. The operation consists of a quadrivehicle rented from Pedal Tavern MKE, which in turn, North 48 would rent out to their customers. The customers may bring alcohol on the vehicle and would only be able to consume while sitting in the vehicle. No beverages will be sold and no smoking will be allowed on the vehicle. Administrator Hilvo explained the vehicle would be allowed to make two (2) stops. The vehicle typically travels approximately five (5) miles per hour. The Council discussed the logistics of allowing music to be played on the vehicle. Music may be discussed at a future meeting as it relates to the amplified music ordinance. The Council also discussed the number of licenses to be allowed.

The topic of hours of operation was discussed with Council Member Burkart stating she would be in favor of limiting the hours to match the City of Oconomowoc ordinance:

Thursday	5:00 p.m. – 9:00 p.m.
Friday	5:00 p.m. – 9:00 p.m.
Saturday	11:00 a.m. – 9:00 p.m.
Sunday	11:00 a.m. – 5:00 p.m.

She also cautioned the Council to maintain the vision of Cedarburg with what the Council deems appropriate when contemplating the passage of this new ordinance.

The issue of traffic safety was also discussed. Lieutenant Kell of the Cedarburg Police Department stated their main concerns lie with patrons entering and leaving the pedal tavern.

Jordan Cole stated the cancelation policy allows for canceling due to inclement weather.

Mayor O’Keefe is happy to see business owners coming up with creative ideas to maintain Cedarburg’s vibrancy and glad to see people interested and concerned. The Mayor invited public comments:

Nadia Hufstetler-W65 N665 St. John Avenue:

Ms. Hufstetler is very much in favor of supporting local businesses and is grateful the route has been changed. Music on the vehicle is a concern and she is also concerned with the route potentially changing in the future.

Jan Chart-W64 N645 Hanover Avenue:

Ms. Chart asked why Hanover Avenue is not considered a residential street. She also inquired about what will happen when emergency vehicles need to get through downtown. She was relieved to learn the pedal tavern will not operate during festivals.

Gabrielle Nicole-owns apartments on Hanover Street:

Ms. Nicole asked what will happen when the vehicle goes past the funeral home during funeral services.

Megan Schultz-N66 W6432 Cleveland Street:

Ms. Schultz informed the Council she moved here from Milwaukee where everyone hated pedal taverns.

John Hill/Kristin Nelson-W65 N673 St. John Avenue:

Ms. Nelson is thankful the route has been changed and asked the Council what will happen if traffic becomes a nightmare.

Ruth Cook-W64 N649 Hanover Avenue:

Ms. Cook expressed concerns with traffic and music on the vehicle.

Jeremy Braun-N66 W6454 Cleveland Street:

Ms. Braun hopes the vehicle will help support local business but is concerned with loud music allowed on the vehicle.

Concerns were raised by residents over the ability to be notified of future city endeavors. The Council suggested to residents to utilize the 'notify me' button on the City website. This gives residents the ability to stay informed.

Council Member Arnett motioned to approve Ordinance 2021-01 creating chapter 7 of Title 10 of the Cedarburg Code of Ordinances relating to commercial quadricycles with the condition that the language be changed to limit the vehicle licenses to one (1) license, adopt the times that are in the Oconomowoc ordinance: Thursday 5 pm - 9 pm, Friday 5 pm - 9 pm, Saturday 11 am - 9 pm, Sunday 11 am - 5 pm, and with the provision the quadricycle (as of now) does not have amplified sound or music. Motion was seconded by Council Member Thome and carried on a roll call vote with Council Members Bublitiz, Arnett, Burkart, Verhaalen, Simpson, Thome and Lythjohan voting aye.

CONSIDER RESOLUTION 2021-02 AUTHORIZING SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION; AND ACTION THEREON.

The City of Cedarburg is preparing to apply for a Community Development Block Grant from the Department of Administration (DOA). The grant would provide funding for ADA upgrades to city buildings including City Hall, the Community Gym, Girl Scout House, Cedar Creek Park Bathroom, Willowbrooke Park Bathroom, Centennial Park Bathroom, Pool facility, Zeunert Park Bathroom, Police Department main entry, lobby and bathroom doors, and the Senior Center.

A motion was made by Council Member Thome to approve Resolution 2021-02 authorizing submission of a community development block grant application and was seconded by Council Member Lythjohan. Motion carried without a negative vote.

CONSIDER ORDINANCE 2021-05 AMENDING SECTION 8-3 OF THE MUNICIPAL CODE TO REFLECT NEW CONTRACT WITH WASTE MANAGEMENT; AND ACTION THEREON

The new base level of service for refuse collection through Waste Management now allows for one (1) ninety-six (96) gallon refuse cart provided by Waste Management. This new base level of service allows one (1) cart per tax key parcel instead of one (1) per building. The updated ordinance reflects these changes.

A motion was made by Council Member Bublitiz to adopt Ordinance No. 2021-05 to update Section 8-3 of Municipal Code as reflected in notes (to allow option of 64-gallon cart) and was seconded by Council Member Thome. Motion carried without a negative vote.

CONSIDER CONTRACT PROPOSAL FROM SYMBIONT ENGINEERS FOR FINAL COMPLIANCE ALTERNATIVES PLAN AND PERMIT RENEWAL APPLICATION SUPPORT FOR THE CEDARBURG WATER RECYCLING CENTER; AND ACTION THEREON.

The Water Recycling Center is continuing the process for its Wisconsin Pollution Discharge Elimination System (WPDES) Permit Compliance Schedule and will be continuing the collaboration with Symbiont Engineers to evaluate four alternatives for compliance strategies and working with the

Center to submit a 5-year permit renewal to the Wisconsin DNR. Symbiont provided a phosphorus update to the Public Works and Sewerage Commission at their January 14, 2021 meeting stating that phosphorus levels at the plant are remarkably low. The Public Works and Sewerage Commission voted unanimously to recommend approval of this proposal to the Council. Four alternatives would help bring the plant into compliance. One alternative is making improvements to the water recycling plant. Two (2) alternatives involve investments in the water shed to reduce phosphorus levels. The fourth (4th) option is applying for a variance.

An error was discovered on the contract referencing the Village of Grafton. This must be changed to the City of Cedarburg before any signatures are gathered.

A motion was made by Council Member Bublitz to accept the proposal from Symbiont Engineering and to continue working with the Water Recycling Center staff on setting the (4) compliance alternatives for the WPDES compliance schedule as well as guidance for the renewal process not to exceed \$34,900 and was seconded by Council Member Lythjohan. Motion carried without a negative vote.

CONSIDER CLASS “B” FERMENTED MALT BEVERAGE AND “CLASS B” INTOXICATING LIQUOR LICENSE APPLICATION OF THE CHEESE WEDGE LLC., 4179 LILY RD, WEST BEND, WI 53095, JESSICA YOUSO, AGENT, PREMISES TO BE LICENSED; N56 W6339 CENTER ST, KNOWN AS THE WEDGE 53012 “UNCORKED”; AND ACTION THEREON.

A motion was made by Council Member Bublitz to approve the Class “B” Fermented Malt Beverage and “Class B” Intoxicating Liquor License application of the Cheese Wedge LLC, seconded by Council Member Burkart. Motion carried without a negative vote.

CONSIDER LICENSE/PERMIT APPLICATIONS; AND ACTION THEREON.

A motion was made by Council Member Lythjohan to approve the new Operator License applications for the period ending June 30, 2021 for Jake Hebda and Macy Mayer and was seconded by Council Member Verhaalen. Motion carried without a negative vote.

CONSIDER PAYMENT OF BILLS DATED 01/01/2021 THROUGH 01/15/2021, TRANSFERS FOR THE PERIOD 01/07/2021 THROUGH 01/15/2021 AND PAYROLL DATED 01/15/2021 FOR PERIOD 12/27/2020 THROUGH 01/09/2021; AND ACTION THEREON

A motion was made by Council Member Burkart to pay the bills dated 01/01/2021 through 01/15/2021, transfers for the period 01/07/2021 through 01/15/2021 and payroll dated 1/15/21 for period 12/27/2020 through 01/09/2021 and seconded by Council Member Thome. Motion carried without a negative vote.

ADMINISTRATOR’S REPORT

Administrator Hilvo explained the City received thirty-two (32) requests for smaller size garbage bins and three (3) requests for reimbursements from residents who paid for the smaller size bin.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Bublitz explained a constituent in her district (District one) dislikes the 45 mile per hour speed limit on Highway I and is working with the County to lower it.

MAYOR'S REPORT - None

ADJOURNMENT - CLOSED SESSION

A motion was made by Council Member Arnett, seconded by Council Member Thome, at 8:42 p.m. to adjourn to closed session 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. Specifically discussed was the proposed amendment to the TID No. 3 developer's agreement. 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. Specifically discussed was the Prochnow Landfill and approval of the January 11, 2021 closed session minutes. Motion carried unanimously on a roll call vote with Council Members Bublitz, Arnett, Burkart, Verhaalen, Simpson, Thome and Lythjohan voting aye.

RECONVENE TO OPEN SESSION

Open Session reconvened at 9:12 p.m.

**CONSIDER PROPOSED AMENDMENT TO THE TID NO. 3 DEVELOPER'S AGREEMENT;
AND ACTION THEREON**

A motion was made by Council Member Thome to approve the amendment to TID No #3 Developer's agreement which brings the full completion of the project to January 1, 2023, seconded by Council Member Lythjohan. Motion carried with Council Members Bublitz, Arnett, Burkart, Simpson, Thome and Lythjohan voting aye and Council Member Verhaalen opposed.

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to adjourn the meeting at 9:15 p.m. Motion carried without a negative vote.

Tracie Sette
City Clerk