

**CITY OF CEDARBURG
COMMON COUNCIL
February 8, 2021**

**CC20210208-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held online on Monday, February 8, 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 Sherry Bublitz, Jack Arnett, Kristin Burkart, Rick Verhaalen, Patricia Thome, Robert Simpson, Barbara Lythjohan

Also Present - City Administrator Mikko Hilvo, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, Finance Director/Treasurer Christy Mertes, 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.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

APPROVAL OF MINUTES

Motion made by Council Member Thome, seconded by Council Member Bublitz, to approve the January 25, 2021 Common Council minutes. Motion carried without a negative vote.

NEW BUSINESS

CONSIDER ORDINANCE NO. 2021-02 GOVERNING SWIMMING IN CEDAR CREEK AND QUARRIES; AND ACTION THEREON

City Administrator Hilvo explained that at the December 14, 2020 Common Council meeting, it was determined the City's ordinance Sec. 12-1-7 Swimming Prohibited in Cedar Creek or Quarries be revised to remove language prohibiting swimming in the Creek but to add language prohibiting swimming near the dams.

Council Member Verhaalen asked if quarries should be changed to quarry in Zeunert Park only because of the contamination and it is the only quarry located in the City at this time. The Common Council agreed.

In answer to Council Member Thome's question, City Attorney Herbrand confirmed that the City is not creating any public swimming areas. The City has recreational immunity because it is not offering any beach areas or swimming; however, the City is not prohibiting swimming.

Mayor O'Keefe explained that the remediation efforts on the former Amcast site have identified the source of contamination to the quarry. The City is working with the EPA to get the quarry cleaned up to use for future recreation.

Motion made by Council Member Verhaalen, seconded by Council Member Thome, to approve Ordinance No. 2021-02 as changed from quarries to quarry in Zeunert Park. Motion carried without a negative vote.

CONSIDER RESOLUTION NO. 2021-04 DESIGNATING LIGHT & WATER CHECKING AND SAVINGS ACCOUNTS FOR ENSUING YEAR; AND ACTION THEREON

City Administrator Hilvo explained that a new secretary has been appointed on the Light & Water Commission, which requires a new signature block for 2021.

Motion made by Council Member Bublitz, seconded by Council Member Thome, to adopt Resolution No. 2021-04 designating Light & Water checking and savings accounts for ensuing year. Motion carried without a negative vote.

CONSIDER SPONSORSHIP PROGRAM FOR PARK SIGNS; AND ACTION THEREON

City Administrator Hilvo explained that there are 19 park signs that need to be updated to include the new brand (City logo). The approval of this sponsorship program will allow the City to update the signs without using funds from the General or Capital Fund accounts. The Parks, Recreation & Forestry Board recommended approval on January 6 and the Plan Commission recommended approval on February 1, 2021.

In answer to Council Member Lythjohan's questions, City Administrator Hilvo explained that the program will be advertised on the City's website and Facebook page and on the Chamber of Commerce website. Two businesses have expressed interest and want to purchase park signs. Additionally, the program will be open to individuals as well.

Council Member Arnett explained that new signage was removed from the 2021 budget and this is a very creative idea to get all of the park signs updated. He will encourage his neighborhood to support the Cedar Pointe Conservancy signs, if possible. Council Member Burkart agreed that this is a very innovative idea.

In answer to Council Member Verhaalen's question, City Administrator Hilvo explained that the sponsorship program lasts for two years but the actual park signs will last 20 years.

Council Member Bublitz thanked the Parks, Recreation & Forestry Board for the innovative idea.

Motion made by Council Member Burkart, seconded by Council Member Arnett, to adopt sponsorship program for park signs as presented. Motion carried without a negative vote.

CONSIDER AUTHORIZING STAFF TO NOTIFY BOARD OF COMMISSIONERS THE CITY WILL PAY OFF THE STATE TRUST FUND LOAN BALANCE OF \$247,953.77 ON MARCH 15, 2021; AND ACTION THEREON

Finance Director/Treasurer Mertes explained that after review of the outstanding debt and current interest rates, the Finance Committee recommended the City pay off the 2018 borrowing from the State Trust Fund Loan program. The budgeted payment for 2021 was \$36,073 (principal and interest). The remaining balance is \$220,558.31 and would be paid from the General Fund balance. She further explained that the City is required to give the Board of Commissioners of Public Lands a 30-day notice of prepayment. There are no penalties, and the fund balance is still estimated over the balance required by City policy. If approved, a budget amendment will be necessary at the next Common Council meeting. This borrowing was for the monopole and the City will save \$32,000 in interest payments, if paid by March 15, 2021.

Council Member Arnett explained that he is Chairman of the Finance Committee and they have been working on this for a couple of months. The Fund Balance is at \$3 million and increased by a half million dollars last year. He confirmed with City Attorney Herbrand that two cellular companies are near closing, which includes a \$35,000 relocation fee that will go back into the General Fund.

Council Member Thome asked Finance Director/Treasurer Mertes if she was comfortable with this transaction. She replied that she is in favor because the General Fund balance will still be at the higher end of the City's policy. Council Member Thome thanked Finance Director/Treasurer Mertes and the Finance Committee for their work on this recommendation.

Council Member Arnett explained that the Finance Committee will be making a presentation on current debt at a future Common Council meeting.

Mayor O'Keefe said that he was hoping for this type of activity from the Finance Committee.

Motion made by Council Member Lythjohan, seconded by Council Member Thome, to authorize City staff to notify Board of Commissioners the City will pay off the State Trust Fund loan balance of \$247,953.77 on March 15, 2021. Motion carried without a negative vote.

CONSIDER PAYMENT OF BILLS DATED 01/16/2021 THROUGH 01/29/2021, TRANSFERS FOR THE PERIOD 01/15/2021 THROUGH 01/31/2021 AND PAYROLL FOR PERIOD 01/10/2021 THROUGH 01/23/2021; AND ACTION THEREON

Motion made by Council Member Bublitz, seconded by Council Member Burkart, to approve payment of bills dated 01/16/2021 through 01/29/2021, transfers for the period 01/15/2021

through 01/31/2021 and payroll for the period 01/10/2021 through 01/23/2021. Motion carried without a negative vote.

ADMINISTRATOR'S REPORT

City Administrator Hilvo reported that an offer was extended to a candidate for the Assistant Engineer position who is currently located in Minneapolis.

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Burkart explained that Evergreen Blvd is in rough shape and she is happy that it is included in the 2021 Street & Utility Project.

Council Member Verhaalen noticed in the payment of bills that a 35-year award was issued to Don Hahn and he extended his congratulations for his hard work and longevity with the City.

MAYOR REPORT

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to adjourn to closed session at 7:25 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, to discuss offer to purchase 1.01-acre City owned out-lot. Approval of January 25, 2021 closed session minutes. Motion carried on a roll call vote with Council Members Bublitz, Arnett, Burkart, Verhaalen, Simpson, Thome and Lythjohan voting aye.

RECONVENE TO OPEN SESSION

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to reconvene to open session at 7:52 p.m. Motion carried on a roll call vote with Council Members Bublitz, Arnett, Burkart, Verhaalen, Simpson, Thome, and Lythjohan voting aye.

CONSIDER OFFER TO PURCHASE 1.01-ACRE CITY OWNED OUTLOT-TAX KEY NO. 13-034-14-024.00 C715; AND ACTION THEREON

Motion made by Council Member Arnett, seconded by Council Member Thome, to approve offer of \$13,500 for purchase of 1.01-acre City owned outlot – tax key no. 13-034-14-024.000 C715, subject to receipt of an acceptable purchase contract for the parcel.

Council Member Burkart suggested a deadline of March 1, 2021.

Motion was amended by Council Member Arnett, seconded by Council Member Thome, to add a deadline date of March 1, 2021.

Motion carried without a negative vote.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to adjourn the meeting at 7:55 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk