

**CITY OF CEDARBURG  
MEETING OF COMMON COUNCIL  
MONDAY MARCH 14, 2022 – 7:00 P.M.**

A meeting of the Common Council of the City of Cedarburg, Wisconsin, will be held on **Monday, March 14, 2022 at 7:00 p.m.** The meeting will be held online utilizing the zoom app and in-person at City Hall, W63 N645 Washington Avenue, Cedarburg, WI., in the second floor Council Chambers. Information on how to access the meeting is attached to the meeting packet or can be accessed by clicking the following link: [Common Council Meeting | City of Cedarburg](#)

**AGENDA**

1. CALL TO ORDER - Mayor Mike O'Keefe
2. MOMENT OF SILENCE
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL: Present – Common Council – Mayor Mike O'Keefe, Council Members Sherry Bublitz, Jack Arnett, Rick Verhaalen, Robert Simpson, Barbara Lythjohan, Kristen Burkart and Patricia Thome
5. STATEMENT OF PUBLIC NOTICE
6. COMMENTS AND SUGGESTIONS FROM CITIZENS\*\* Comments from citizens on a listed agenda item will be taken when the item is addressed by the Council. At this time individuals can speak on any topic not on the agenda for up to 5 minutes, time extensions at the discretion of the Mayor. No action can be taken on items not listed except as a possible referral to committees, individuals, or a future Council agenda item.
7. APPROVAL OF MINUTES – February 28, 2022 Common Council Minutes\*
8. UNFINISHED BUSINESS
  - A. Discussion and possible action on Resolution No. 2022-07 honoring Eric Hackert, Retired Superintendent of the Water Recycling Center\*
9. PUBLIC HEARINGS
  - A. A public hearing on Proposed Ordinance 2022-07 Amending the Standards for Temporary Uses as it relates to Temporary Structures and Tents
10. NEW BUSINESS
  - A. Discussion and possible action on Ordinance No. 2022-07 amending Section 13-1-22(f) of the Zoning Code regarding temporary structures and tents \*

- B. Discussion and possible action on discontinuance of the Alarm Panel at the Police Department Dispatch Center\*
- C. Discussion and possible action on award of contract for the 2022 Sidewalk Replacement Program\*
- D. Discussion and possible action on Intergovernmental Agreement between the City of Cedarburg and the Town of Cedarburg regarding the Reconstruction, Maintenance, and Repairs of Hilltop Drive\*
- E. Discussion and possible action on bids received for the 2022 Street and Utility Construction Contract\*
- F. Discussion and possible action on Ordinance No 2022-06 amending Water Impact Fees\*
- G. Discussion only on Pedal Tavern Ordinance No 2021-01\*
- H. Discussion and possible action on a Reserve Liquor License for an establishment on the corner of Mill Street and Washington Avenue\*
- I. Discussion and possible action regarding Resolution No. 2022-09 approving a Memorandum of Understanding (MOU) between the City of Cedarburg, Village of Thiensville, City of Mequon, and Town of Cedarburg Establishing a Joint Fire & EMS Working Group\*
- J. Discussion and possible action on License/Permit applications\*\*\*
  - 1. Consider approval of Reserve Liquor License for Art of Joy LLC, W63N644 Washington Avenue, Cedarburg, WI, Stephanie Hayes, Agent, premises to be licensed: W63N644 Washington Avenue, known as Art of Joy.
  - 2. Consider approval of Amplified Music/Sound in an Outdoor Alcohol Beverage Seating Area Permit for period ending 12/31/22 for North 48 Inc., W62N599 Washington Avenue.
  - 3. Consider approval of Pedal Tavern License for North 48 Inc., W62N599 Washington Avenue\*
- K. Discussion and possible action on payment of bills dated 2/25/2022 through 3/04/2022 and payroll for period 2/20/2022 through 3/05/2022\*

11. REPORTS OF CITY OFFICERS AND DEPARTMENT HEADS

- A. City Administrator's Report\*
- B. Building Inspector's Report\*

## 12. COMMUNICATIONS

- A. Comments and suggestions from citizens\*\*
- B. Comments and announcements by Council Members
- C. Mayor's Report

## 13. ADJOURNMENT

Individual members of various boards, committees, or commissions may attend the above meeting. It is possible that such attendance may constitute a meeting of a City board, committee or commission pursuant to State ex. rel. Badke v. Greendale Village Board, 173 Wis. 2d 553, 494 NW 2d 408 (1993). This notice does not authorize attendance at either the above meeting or the Badke Meeting but is given solely to comply with the notice requirements of the open meeting law.

\* *Information attached for Council; available through City Clerk's Office.*

\*\* *Citizen comments should be primarily one-way, from citizen to the Council. Each citizen who wishes to speak shall be accorded one opportunity at the beginning of the meeting and one opportunity at the end of the meeting. Comments should be kept brief. If the comment expressed concerns a matter of public policy, response from the Council will be limited to seeking information or acknowledging that the citizen has been understood. It is out of order for anyone to debate with a citizen addressing the Council or for the Council to take action on a matter of public policy. The Council may direct that the concern be placed on a future agenda. Citizens will be asked to state their name and address for the record and to speak from the lectern for the purposes of recording their comments.*

\*\*\* *Information available through the Clerk's Office.*

City of Cedarburg is an affirmative action and equal opportunity employer.

All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, disability, age, sexual orientation, gender identity, national origin, veteran status, or genetic information.

City of Cedarburg is committed to providing access, equal opportunity and reasonable accommodation for individuals with disabilities in employment, its services, programs, and activities.

To request reasonable accommodation, contact the Clerk's Office,  
(262) 375-7606, email: [cityhall@ci.cedarburg.wi.us](mailto:cityhall@ci.cedarburg.wi.us).



## **CITY OF CEDARBURG PUBLIC MEETING POLICY DURING COVID-19**

The City of Cedarburg will begin utilizing [zoom](#), an online meeting tool, to conduct City meetings. This includes all public meetings. We are cancelling all non-essential meetings and limiting agenda items but there are items that do require decisions to be made so that projects throughout the City can continue or get completed in a timely manner. We will continue to adhere to open meeting laws as set forth by the State of Wisconsin.



Most recently the Wisconsin Department of Justice issued an advisory on March 16, 2020, addressing this issue and stating that: "Governmental bodies typically can meet their open meetings obligations, while practicing social distancing to help protect public health, by conducting meetings via telephone conference calls if the public is provided with an effective way to monitor such calls (such as public distribution, at least 24 hours in advance, of dial-in information for a conference call)." The advisory emphasizes that "When an open meeting is held by teleconference or video conference, the public must have a means of monitoring the meeting. DOJ concludes that, under the present circumstances, a governmental body will typically be able to meet this obligation by providing the public with information (in accordance with notice requirements) for joining the meeting remotely, even if there is no central location at which the public can convene for the meeting.

## **CITY OF CEDARBURG MEETING PROCEDURES DURING COVID-19 FOR PUBLIC**

To download [zoom](#) on your mobile device, click on one of the following:



Here are the procedures for public to be able to view a meeting live through [zoom](#).

1. Contact the City Administrator, Mikko Hilvo, 2 hours in advance of the meeting you wish to attend via [zoom](#) by emailing him at [mhilvo@ci.cedarburg.wi.us](mailto:mhilvo@ci.cedarburg.wi.us).
2. In your email Subject line please put down the meeting that you wish to attend (example: Common Council Meeting on 3-30-20 at 7:00pm).
3. Provide your Name, Address, Email, Phone Number to him via email with a request to join the meeting.
4. You will receive an invite to the meeting via email. Click on the invite prior to the meeting being held. The meeting will be open 10 minutes prior to the scheduled meeting start time so you can check your microphone and camera setup.
5. All public participants will have their microphone muted.
6. If, during public comment, anyone wishes to talk they should request to do so through the chat feature or by using the "hand" to wave at the meeting organizer. The administrator of the meeting will unmute you at the appropriate time and ask you to make your comments.

If you are unable to utilize a computer, iPad, or tablet to view the meeting you can call or email ahead of time and a phone number will be given to you to call in on. If you do call in, we ask that you put your phone on mute when you are not talking. If you need an agenda, we can email one to you.

Contact Info: Mikko Hilvo, City Administrator, [mhilvo@ci.cedarburg.wi.us](mailto:mhilvo@ci.cedarburg.wi.us), (262) 375-7917.



## **CITY OF CEDARBURG MEETING PROCEDURES DURING COVID-19 – FOR STAFF & BOARD MEMBERS**

The City of Cedarburg will be utilizing the [zoom](#) app to hold public meetings starting March 23, 2020 until April 30, 2020. All meetings will adhere to Wisconsin Open Meetings Law. The [zoom](#) app provides an option for the public to join the meeting via computer, iPad, tablet, or phone. Meetings will also be recorded and made available through our Clerks office for viewing at a later time.

Here are the procedures for staff and board members to utilize [zoom](#).

1. The City Administrator, Mikko Hilvo, will email a meeting invite to each staff and board member 24 hours prior to the meeting.
2. If another staff member, council member, or presenter needs access to the meeting and the ability to discuss an item they should request to get a meeting invite by emailing [mhilvo@ci.cedarburg.wi.us](mailto:mhilvo@ci.cedarburg.wi.us) at minimum 6 hours prior to the meeting.
3. In your email Subject line please put down the meeting that you wish to attend. (Example: Common Council Meeting on 3-30-20 at 7:00pm)
4. Provide your Name, Address, Email, Phone Number and reason for attending the meeting to the administrator.
5. All agendas and documents that need to be shared during the meeting will be sent to members ahead of time and also provided electronically to the meeting organizer (City Administrator).
6. All meetings will be open 10 minutes prior to the scheduled meeting start time so you can check your microphone and camera setup.
7. All staff and/or board members will have their microphones on unless they mute it themselves. All public participants will have their microphone muted except during public comments or if they use the chat feature asking the administrator for permission to speak.
8. All Votes will be done through roll call.

If you are unable to utilize a computer, iPad, or tablet to participate in the meeting you can call or email ahead of time and a phone number will be given to you to call in on. If you do call in, we ask that you put your phone on mute when you are not talking. If you need an agenda, it can be emailed to you.

Contact Info: Mikko Hilvo, City Administrator, [mhilvo@ci.cedarburg.wi.us](mailto:mhilvo@ci.cedarburg.wi.us), (262) 375-7917.

**CITY OF CEDARBURG  
COMMON COUNCIL  
FEBRUARY 28, 2022**

**CC20220228-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, February 28, 2022, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers, and online utilizing the Zoom app.

Acting Mayor Patricia Thome called the meeting to order at 7:00 p.m.

Roll Call:           Present -   Council Members Jack Arnett, Barbara Lythjohan, Sherry Bublitz, Kristin Burkart, Rick Verhaalen, Patricia Thome, Robert Simpson

Excused –   Mayor Michael O’Keefe

Also Present -   City Administrator Mikko Hilvo, Attorney Michael Herbrand, City Clerk Tracie Sette, City Planner Jon Censky, Police Chief Michael McNerney, news media and interested citizens.

**STATEMENT OF PUBLIC NOTICE**

At Acting Mayor Patricia Thome’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.

Council Member Thome stated that as Acting Mayor, she would retain her right to vote as Council Member of the 6<sup>th</sup> Aldermanic District.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** - None

**APPROVAL OF MINUTES**

A motion was made by Council Member Bublitz, seconded by Council Member Burkart, to approve the February 14, 2022 Common Council minutes. Motion carried without a negative vote.

**PRESENTATION**

**INNOVATIONS IN URBAN FORESTRY AWARD PRESENTATION TO CEDARBURG GREEN**

Cedarburg Green, a non profit organization, was recognized by the Department of Natural Resources-Innovations in Urban Forestry for their extensive efforts in increasing the City’s tree canopy. The non-profit instituted a multifaceted public awareness and tree planting campaign that included fund raising, tree sales, grant writing, educational activities for all ages, and media attention

**PUBLIC HEARINGS**

**A PUBLIC HEARING ON PROPOSED IMPACT FEES RESULTING FROM THE PUBLIC FACILITIES NEEDS ASSESSMENT REPORT**

Acting Mayor Thome opened the Public Hearing at 7:18 p.m. to discuss proposed Impact Fees resulting from the Public Facilities Needs Assessment Report. Todd Taves of Ehlers Financial Group explained how Impact Fees are imposed at the beginning of construction. He further explained the Public Facilities Needs Assessment Report resulted in the recommendation to increase Impact Fees, Designated Fees in Lieu of Park Land, and an adjustment to the Sanitary Sewer Connection Fee. The last time these fees were adjusted in the City of Cedarburg was 2012. There were no public comments.

A motion was made by Council Member Arnett to close the Public Hearing at 7:25 p.m., seconded by Council Member Burkart. Motion carried on a roll call vote with Council Members Bublitz, Arnett, Verhaalen, Simpson, Thome, Burkart and Lythjohan voting aye.

**A PUBLIC HEARING TO CONSIDER AMENDING THE COMPREHENSIVE LAND USE PLAN FOR PROPERTY LOCATED AT N49 W6337 WESTERN ROAD, TO RETAIN THE MEDIUM DENSITY RESIDENTIAL CLASSIFICATION (3.6 TO 5.2 UNITS/ACRE) ON THE SOUTH 4.5 ACRES OF PROPERTY AND TO REPLACE THE HIGH-MEDIUM DENSITY RESIDENTIAL CLASSIFICATION (5.2 TO 10.8 UNITS/ACRE) ON THE NORTH 8.15 ACRES WITH THE HIGH-DENSITY RESIDENTIAL CLASSIFICATION (25 UNITS/ACRE)**

Acting Mayor Thome opened the Public Hearing at 7:25 p.m. to discuss the possibility of amending the Comprehensive Land Use Plan for property located at N49 W6337 Western Road to retain the medium density residential classification on the south 4.5 acres of property and to replace the high-medium density residential classification on the north 8.15 acres with the high-density residential classification. City Planner Censky explained this change has been recommended by the Plan Commission in support of a proposed development. There were no comments from the public.

A motion was made by Council Member Burkart to close the Public Hearing at 7:28 p.m., seconded by Council Member Bublitz. Motion carried on a roll call vote with Council Members Bublitz, Arnett, Verhaalen, Simpson, Thome, Burkart and Lythjohan voting aye.

**A PUBLIC HEARING TO CONSIDER REZONING THE PROPERTY LOCATED AT N49 W6337 WESTERN ROAD FROM M-2 GENERAL MANUFACTURING DISTRICT TO RS-6/PUD SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICT/PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT FOR THE SOUTH 4.5 ACRES AND TO RM-2/PUD RESIDENTIAL MULTIPLE-FAMILY DISTRICT/PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT FOR THE NORTH 8.15 ACRES OF THE SITE**

Acting Mayor Thome opened the Public Hearing at 7:29 p.m. to discuss the rezoning of property located at N49 W6337 Western Road from M-2 General Manufacturing District to RS-6/PUD single family and two-family residential district/Planned Unit Development Overlay for the south 4.5 acres; and to RM-2/PUD residential multiple family district/Planned Unit Development Overlay for the north 8.15 acres of the site.

A map of the proposed project was displayed and summarized by the developer.

City Planner Censky explained a traffic study was conducted and the outcome showed the proposed development will not have a significant impact on local roadway systems.

Elizabeth Brennan, W62 N355 Hanover Avenue addressed the Council in favor of the Planned Unit Development (PUD) portion of the project and the variety of housing it offers. She spoke against the proposed Zoning change as it does not contribute to more affordable housing for the City.

A motion was made by Council Member Bublitz to close the Public Hearing at 7:49 p.m., seconded by Council Member Burkart. Motion carried on a roll call vote with Council Members Bublitz, Arnett, Verhaalen, Simpson, Thome, Burkart and Lythjohan voting aye.

### **NEW BUSINESS**

#### **DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2022-05 AMENDING THE CITY OF CEDARBURG COMPREHENSIVE LAND USE PLAN-2025 FOR THE PROPERTY LOCATED AT N49 W6337 WESTERN ROAD**

A motion was made by Council Member Burkart, seconded by Council Member Bublitz to approve Resolution No. 2022-05 amending the City of Cedarburg Comprehensive Land Use Plan-2025 for the property located at N49 W6337 Western Road. Motion carried without a negative vote.

#### **DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2022-05 TO REZONE A 12.65-ACRE PARCEL OF LAND LOCATED AT N49 W6337 WESTERN ROAD**

A discussion ensued about the lack of affordable housing in the City of Cedarburg. Council Member Bublitz expressed her approval of the proposed project citing it is the best possible solution for the entire City.

A motion was made by Council Member Bublitz, seconded by Council Member Verhaalen, to approve Ordinance No. 2022-05 to rezone a 12.65-acre parcel of land located at N49 W6337 Western Road. Motion carried without a negative vote.

#### **DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2022-01 UPDATING IMPACT FEES**

A motion was made by Council Member Burkart, seconded by Council Member Bublitz, to approve Ordinance No. 2022-01 updating Impact Fees. Motion carried without a negative vote.

#### **DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2022-02 UPDATING DESIGNATED FEES IN LIEU OF PARK LAND**

A motion was made by Council Member Burkart, seconded by Council Member Bublitz, to approve Ordinance No. 2022-02 updating Designated Fees in Lieu of Park Land. Motion carried without a negative vote.

#### **DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2022-03 UPDATING AND ADJUSTING THE AMOUNT OF THE SANITARY SEWER CONNECTION FEE IMPOSED ON NEW DEVELOPMENTS**



A motion was made by Council Member Burkart, seconded by Council Member Bublitz, to approve Ordinance No. 2022-03 updating and adjusting the amount of the Sanitary Sewer Connection Fee imposed on new developments. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2022-08 AUTHORIZING SUBMISSION OF AN IDLE SITE REDEVELOPMENT PROGRAM GRANT THROUGH THE WISCONSIN ECONOMIC DEVELOPMENT CORPORATION (WEDC)**

Grants up to \$250,000 are available for Wisconsin municipalities for redevelopment of idle industrial and commercial sites. Smart Growth Area #2 on Western Avenue has been identified as a future redevelopment area and could potentially qualify for this grant. The initial grant application submission deadline is March 15. Any grant funds received by the City would offset future costs of the redevelopment. The terms for any use of the funds would be negotiated with a developer. As part of the application process the WEDC requires a resolution from a municipality to apply for the grant.

A motion was made by Council Member Bublitz, seconded by Council Member Simpson, to approve Resolution No. 2022-08 authorizing submission of an Idle Site Redevelopment Program Grant through the Wisconsin Economic Development Corporation (WEDC). Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON PURCHASE OF MOBILE FIELD FORCE EQUIPMENT FOR THE CEDARBURG POLICE DEPARTMENT**

Ozaukee County is beginning a Mobile Field Force to respond to unrest and protests that have the potential to become violent. Each department in the county is participating and part of that participation is to provide officers with the proper equipment. Chief McNerney requests the use of ARPA funds for the purchase of equipment.

A motion was made by Council Member Simpson, seconded by Council Member Thome, to utilize ARPA funds to purchase Mobile Field Force Equipment in the amount of \$10,000. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON LICENSE/PERMIT APPLICATIONS**

A motion was made by Council Member Verhaalen, seconded by Council Member Simpson, to approve the New Operator License applications for the period ending June 30, 2022 for Alicia M. Bennett, Gregory J. Fechter, Terrance A. King, Jared A. Mikkelsen, James C. Rahming, Tyler E. Slowiak and Brittany M. Walters. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON PAYMENT OF BILLS DATED 2/05/2022 THROUGH 2/18/2022, TRANSFERS FOR THE PERIOD 1/29/2022 THROUGH 2/25/2022 AND PAYROLL FOR PERIOD 2/06/2022 THROUGH 2/19/2022**

A motion was made by Council Member Bublitz, seconded by Council Member Burkart, to approve the payment of bills dated 02/05/2022 through 02/18/2022, transfers for the period 01/29/2022 through 02/25/2022, and payroll for period 2/06/2022 through 2/19/2022. Motion carried without a negative vote.

**ADMINISTRATOR’S REPORT**

The Administrator’s report was included in the Council packet. In addition, Administrator Hilvo mentioned the new Deputy Treasurer began her position today. He also informed the Council that Phase Two (2) of Fairway Village will be starting sooner than originally planned.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** - None

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Simpson announced the I-43 highway project begins tomorrow (3/1/2022).

**MAYOR’S REPORT** - None

**ADJOURNMENT**

A motion was made by Council Member Arnett, seconded by Council Member Bublitz, to adjourn the meeting at 8:15 p.m. Motion carried without a negative vote.

Tracie Sette  
City Clerk

RESOLUTION NO. 2022-07

A Resolution Honoring Water Recycling Center Superintendent Eric Hackert

WHEREAS, Eric Hackert has completed thirty six years of employment at the Water Recycling Center; Operator from 1985 – 2006, Certified Operator/Lead Maintenance from 2007 - 2013, and Superintendent from 2014 – 2022; and

WHEREAS, during these thirty six years, Eric Hackert has conscientiously and capably served the City of Cedarburg and its citizens and has been dedicated to the highest principles of community service; and

WHEREAS, Eric Hackert was instrumental in upgrading the GIS system to be the valuable tool it is today, the planning and construction of the of Kenzie Lift Station, the planning and reconstruction of the Highland Drive Lift Station, maintaining the Sanitary Sewer Main Lining program, and the implementation of new phosphorous removal equipment; and

WHEREAS, Eric Hackert has conscientiously and capably served the City of Cedarburg and its citizens by maintaining and overseeing the Water Recycling Center, laboratory, lift stations and sanitary sewers to assure the effluent discharge into Cedar Creek consistently meets limits established by the WPDES Permit issued by the Department of Natural Resources; and

WHEREAS, Eric Hackert was recognized in 2003 for his extraordinary work effort and dedication he put forth to receive the Wisconsin Registered Lab of the Year Award; and

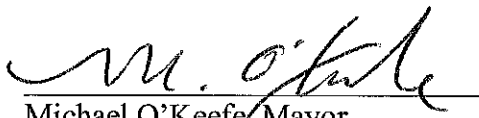
WHEREAS, Eric Hackert has also been instrumental in furthering the professionalism of the Water Recycling Center through active membership in the Municipal Engineers Group (MEG), the Wisconsin Wastewater Operators Association (WWOA), and outreach to the Cedar Creek Farmers to address future permits and phosphorous levels; and

WHEREAS, Eric Hackert demonstrated outstanding leadership, a cost-savings approach to budget management, and has been a strong advocate for continuing education and career advancement of the current Water Recycling Center; and

WHEREAS, the City of Cedarburg, as well as Eric's co-workers and peers have greatly benefited from his professional skills, and courteous and positive attitude during his years of service to the community.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Cedarburg and the citizens of the City join in expressing their sincere appreciation to Eric Hackert for his contributions to the City of Cedarburg operations and infrastructure and extend their best wishes to him for a well-deserved and enjoyable retirement.

Passed and adopted this 14<sup>th</sup> day of March, 2022.

  
Michael O'Keefe, Mayor

Attest:

  
Tracie Sette, City Clerk

## CITY OF CEDARBURG

**MEETING DATE:** March 14, 2022

**ITEM NO:** 9.A.

**TITLE:** Discussion and possible action on Ordinance No. 2022-07 amending Section 13-1-22(f) of the Zoning Code regarding temporary structures and tents; (Common Council 10/11/2021)

**ISSUE SUMMARY:** Council members are reminded that at your October 11, 2021, meeting, you directed the Plan Commission to draft rules to accommodate temporary tents in the city subject to the Building Inspector and Plan Commission approval and Landmarks Commission approval if located in the Historic District with the understanding that they should be allowed annually between October 1 and May 30. In response, the Plan Commission undertook to draft a comprehensive set of rules which were discussed at their December 6, 2021, meeting and then further discussed on January 4<sup>th</sup> where they solicited input from downtown business owners and also took into consideration recommendations from the Landmarks Commission, Fire Department and City Attorney Mike Herbrand. At their February meeting, the Commission refined those rules and ultimately agreed on the Ordinance before you here. In summary this ordinance stipulates, among other things:

- The use of a tent exceeding fourteen consecutive days in duration shall be allowed one (1) time per calendar year from October 1 through April 30 subject to Plan Commission approval and Landmarks Commission approval if the site is in the Historic District.
- Tents are to be located in the side or rear yards only, and generally out of view of the public
- The code specifically references State building and fire safety code requirements.

**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:** This Ordinance was reviewed by the Landmarks Commission on November 11, 2021, and the Plan Commission on December 6, 2021, January 4, 2022, and February 4, 2022, where they recommended approval by a vote of 6 to 1

**BUDGETARY IMPACT:** n/a

**ATTACHMENTS:**

- Ordinance No. 2022-07
- November 11, 2021, Landmarks Commission Minutes.
- October 11, 2021 Common Council Minutes
- November 1, 2021, December 6, 2021, January 4, 2022, and February 4, 2022, Plan Commission Minutes.

**INITIATED/REQUESTED BY:** Common Council

**FOR MORE INFORMATION CONTACT:** Jonathan P. Censky, City Planner, 262-375-7610

In answer to Council Member Arnett's question, General Manager Lythjohan answered that the City will not be able to eliminate the addition of ortho-phosphate until all the laterals have been replaced. Once the test fails, the City will have to replace all lead pipes.

The Common Council discussed the pros and cons of mandating customer owned service replacement when determined by the City. If the City fails the testing in 2023, the City will be required to replace all lead pipes at that time. It would be helpful to have a policy in place beforehand to address responsibility.

General Manager Lythjohan's presentation was for information purposes only to start discussions on a possible mandate.

**DISCUSSION AND POSSIBLE ACTION ON CONTINUING TO ALLOW BUSINESSES TO SET UP TEMPORARY TENTS ON THEIR PREMISES**

City Administrator Hilvo explained that businesses are still recovering from the effects of COVID-19 and the local restaurants/businesses are looking to provide additional space for their patrons during the colder months. Lime Cantina and Stagecoach Inn have setup tents for the season. Union House has submitted a request for a tent. Stilt House has submitted and received an approval from November 1, 2021 to January 2, 2022 for their tent. Last winter the City allowed Brandywine and Anvil to set up smaller temporary tents as well.

At the February 22, 2021 Council meeting a decision was made to allow temporary tents until the end of 2021. At the June 2, 2021 Plan Commission meeting, the Union House was granted an outdoor alcohol beverage license with the condition that they use a black aluminum fence instead of a tent. At the August 2 Plan Commission meeting, the Stilt House was granted approval for a tent to be set up from November 1, 2021 to January 2, 2022.

The City's Administrative Policy on Temporary Use permits allows staff to approve temporary uses for up to two (2) weeks. The City's Zoning Ordinance allows temporary uses, but it requires Landmarks Commission ( in the Historic District) and Plan Commission approval. The current ordinance does not specify temporary use of tents since it has not been an issue until COVID-19. Prior to COVID-19, The Stilt House was the only restaurant requesting a tent and they have come to the Plan Commission annually for approval. City Administrator Hilvo explained that the Common Council can decide to allow tents for temporary use to assist businesses through COVID-19 recovery or they can deny the use and have the businesses go through the application process as outlined in the City's Ordinances and Policies.

Staff recommends allowing temporary use of tents until the end of the year. A business would still be required to fill out a Temporary Use permit, pay the fee (\$27.50), and be subject to a building and fire inspection. He recommends that the Plan Commission work on revising the City's Temporary Use Ordinance/Policy to be implemented on January 1, 2022.

Council Member Arnett was in favor of the use of tents during the shoulder season.

Council Member Thome expressed concern for increased dining in tents creating a greater need for parking and restrooms. It is the City's responsibility to look at all the parameters.

BJ and Payton Homayouni of The Union House stated that they are looking for consistency across the board. They spent \$2,000 for a fence because they were told that tents were not allowed in the Historic District and were “going away.” If tents will be allowed, they will need to spend an additional \$2,000 for a tent, to be competitive. Their space is small, and it would help their business year-round to have a tent.

Council Member Thome opined that the fence would have been needed anyway because every outdoor serving area is required to be completely enclosed with a fence or other measures, and some businesses are not complying.

Council Member Bublitz was in favor of allowing tents through 2021 with the Plan Commission designing a revised Temporary Use Ordinance/Policy that is pro-business.

Michelle Tietz, owner of Lime Cantina, explained that their tent was a major investment, and they want to use it through the winter. She asked if their current permit would allow that.

City Administrator Hilvo explained that their permit is valid through December 31, 2021. The City will need an Ordinance to regulate tents in the future.

Motion made by Council Member Arnett to direct the Plan Commission to draft rules to accommodate temporary tents subject to inspection by the City and approved by the Plan Commission and Landmarks Commission, if in the Historic District, between October 1 and May 30. Motion was seconded by Council Member Simpson. Motion carried with Council Members Arnett, Verhaalen, Simpson and Lythjohan voting aye and Council Members Bublitz, Burkart and Thome voting nay.

## **DISCUSSION AND POSSIBLE ACTION ON REVIEW OF MUNICIPAL CODE CHAPTER 2 FOR CODIFICATION**

City Clerk Sette explained that Municode prepared a preliminary copy of the City Code for review. As each Department Head reviews their respective sections, any changes made are brought to the Council for review. The Water Recycling Center changes are minimal; however, a couple fees have changed. All changes are updated in red. Once approved by the Common Council, they will be returned to Municode for finalization. A complete final Code will be brought to the Council for one final approval at a future date.

Motion made by Council Member Verhaalen, seconded by Council Member Thome, to approve the changes to Chapter 2 of the Municipal Code for codification. Motion carried without a negative vote.

## **DISCUSSION AND POSSIBLE ACTION ON LICENSE/PERMIT APPLICATIONS**

Motion made by Council Member Verhaalen, seconded by Council Member Bublitz, to approve new Operator License applications for the period ending June 30, 2022 for Daniel M. Christ, Parker J. Dolphin, John Feiertag, Patrick J. Wise. Motion carried without a negative vote.

proposed fence, which is primarily for aesthetics, and still under consideration. Commissioner Pape requested that the fence be wrought iron and period appropriate to which Petitioner Conley agreed.

Both Commissioner Krimmel and Commissioner Pape asked about the proposed aluminum windows. Because this is new construction, wood windows are not required. Further, the glass-framed garage door must be made of aluminum, so if the windows are wood, they would not match the overhead door. The proposed windows have the appearance of divided-light windows.

**Action:**

Council Member Lythjohan made a motion to approve the architectural plans subject to Commissioner Kubala's inspection of the plans. The soffits are to be of a natural material. If a fence is to be installed, Petitioner Conley should return to the Landmarks Commission for approval. Commissioner Forbes seconded the motion. Motion carried without a negative vote with Commissioner Kubala excused.

**Discuss Exterior Changes to the Rosewood Roth LLC Building Located at W63N671 Washington Avenue; and Action Thereon**

At the Landmarks Commission meeting on October 14, 2021, Petitioners representing Rosewood Roth LLC received approval to paint and tuckpoint the building. Repairs to the porch were described as minimal, and since it would not make obvious changes to the exterior of the building, would not need approval. However, it was discovered that late last week the contractor tore off the porch entirely.

Commissioner Smith advised that this change makes the porch subject to ADA requirements because it was removed, and offered to discuss this issue with Building Inspector Mike Baier, who will investigate ADA requirements. The Landmarks Commission would like to see the porch replaced, and believe that a ramp would not look historically appropriate on the front of the building.

**Discuss Updates to Zoning Code Section 13-1-22(f), General Provisions, Use Restrictions, Temporary Uses, in Regard to the Temporary Use of Tents in the Downtown Historic District**

Due to COVID, the temporary tent approval process will continue through the end of 2021. Short term uses such as plant sales are approved by City Staff, which includes the Building Inspector, Planner and Fire Inspector. Tents erected for an extended period of time on the property of a business that serves food in the Historic Preservation District, needs the approval of Landmarks and Plan Commission.

Council Member Arnett was in attendance, and asked the Landmarks Commission to comment on the policy regarding tents. Council Member Arnett stated that he sees restaurants benefitting from the tents, pointing out that the City's constituents and the public want the tents. He believes they contribute to the downtown vitality.

Council Member Thome was also in attendance and stated that while the tents are a great asset to some businesses, other businesses do not have a location where a tent can be erected. She questioned whether those businesses who cannot set up tents are precluded and stated that she

would like to come to a solution that is fair across the board. The Landmarks Commission has been charged with reviewing tent use in the historic district; any parking or accessibility matters are discussed by the Plan Commission.

Discussion points considered included:

- Tents should be at the side or back of properties, not the front. The more the tent is tucked behind the building, out of obvious sight, the better.
- It is anticipated that the proprietors of Cedarburg's businesses will keep their tents clean.
- More dining options are desirable for the downtown for both residents and visitors.
- The present tents are bright white. They would be less obtrusive if they were gray, tan, green, or some other muted color.
- Millennials are looking for different experiences than their parents. We should have regard for that audience also.
- Tents are appropriate for spring and fall, not needed during the summer months.
- If the tents contribute to the vitality of the City, they should be welcomed as long as the appearance is not obtrusive.
- Landmarks and Plan Commission should approve the tents in the Historic Preservation District.

**Action:**

Commissioner Smith made a motion that the Landmarks Commission is supportive of tents subject to their location, duration of use, appearance/color, usability and size, approving Common Council's motion between October 1 and May 30. Motion seconded by Council Member Lythjohan. Motion carried without a negative vote with Commissioner Kubala excused.

**Discuss Current Version of National Register of Historic Places**

Planner Censky handed out a corrected version of the national register survey. This edition was corrected soon after the original, commissioned by the Chamber of Commerce, was created. Cedarburg has been using the original, not the corrected version. Planner Censky will investigate who at the State level has the authority to make updates to the document.

**ADJOURNMENT**

A motion was made by Council Member Lythjohan, seconded by Commissioner Forbes, to adjourn the meeting at 8:24 p.m. Motion carried without a negative vote with Commissioner Kubala excused.

Tomi Fay Forbes  
Secretary

vrg



Rob Vanden Noven, W68N1068 Kensington Avenue, was in attendance to provide handouts showing his modification of the development plan, which eliminates the traffic circle near the entrance, thereby moving the road farther away from the woods. He suggested that the developer also consider dedication of property to a land trust for preservation. Planner Censky agreed to forward these handouts to the developer of the project.

**DISCUSSION AND RECOMMENDATION FOR UPDATES TO THE ZONING CODE**  
**SECTION 13-1-22(f), GENERAL PROVISIONS, USE RESTRICTIONS, TEMPORARY USES**

Due to confusion over the City's temporary use approval, local businesses have begun using tents to accommodate outdoor dining in their establishments. Prior to the pandemic, outdoor tent requests were sent thru the Landmarks Commission (if located in the Historic Preservation District) and the Plan Commission for approval. Restrictions were placed on the length of time allowed for use, and where the tents were installed on their parcels.

In 2020, businesses were temporarily shut down due to the pandemic, placing financial hardship on these establishments. As restrictions regarding social distancing and indoor capacities gradually began to lift, several downtown businesses made the decision to install tents in order to maximize profits, especially since many of these locations have limited indoor space. During this time, the Common Council decided to streamline the request process by temporarily suspending Commission authorization, requiring only City Staff approval from the Building Inspector, Planner and Fire Inspector. Recently, the Common Council made the decision to continue this process until the end of this year. However, they have requested that the Plan Commission establish rules to accommodate these temporary tent uses going forward, effective January 1, 2022, asking that the Plan Commission allow tent uses between October 1 and May 30 every year.

Planner Censky told Commissioners that the current Zoning Code governs temporary uses under **Section 13-1-22(f)**, which states, ***Temporary uses, such as food sales, nursery stock sales, fireworks sales, and real estate sales, and field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted with the conditions and/or restrictions established by the City Plan Commission after review and approval.*** He added that in 1997, the Plan Commission approved the following administrative procedures for temporary use permits for private property, which have since been the basis for approvals:

- The Building Inspector issues temporary use permits for private properties.
- The maximum duration for use shall not exceed a one-time two-week period or fourteen cumulative days, except for the following uses:
  - (1) Plant material and nursery stock sales may be allowed according to the seasonal duration of the plant materials being sold.
  - (2) Christmas tree sales may be allowed according to the seasonal nature of the product being sold.
  - (3) Temporary uses associated with a community festival may be allowed for the period concurrent with the festival.

- (4) Temporary uses associated with Maxwell Street Days may be allowed for a period concurrent with Maxwell Street Days.
- (5) Any request for a temporary use permit for a period longer than fourteen days (other than the items listed above) shall be referred to the Plan Commission for review and action.
- (6) Temporary use permits shall state that no unattended merchandise stands, displays or material shall be allowed.

A draft ordinance was included in the meeting packet and would serve to legitimize the administrative procedures adopted in 1997 and to establish rules for temporary tent use based on the directive of the Common Council.

Council Member Jack Arnett was in attendance, and explained to Commissioners that the Common Council voted 4 to 3 in majority to support tent use for downtown businesses, as their customers demand this type of space. He explained that since the primary objection to tent use is safety and aesthetics, the Council is looking to the Landmarks and Plan Commissions for guidelines on approving these uses. He stated his belief that City support of tent use during colder months is a pro-business approach, adding that it is important to be fair and consistent when approving these uses. He stated that the Council's suggestion of the October 1 through May 30 timeframe is not to imply that the tents remain up that entire time, but to eliminate use during the summer months.

The last tent use request was presented during the August 2, 2021 Plan Commission meeting, with the discussion centering around the need to establish criteria to regulate tent use in the downtown area. During this meeting, Commissioner Cain volunteered to research other municipalities to see how they handle these requests. She stated that most of what she is finding is the result of COVID-19 restrictions, which she feels is the initial reason the Plan Commission was asked to accommodate these requests despite the size of the tents and the longevity of the use. She does not believe that the City's continuance to allow this use is something to be considered as pro-business, pointing out that when these establishments created their initial business plans, it was based on a principal structure. Commissioner Cain questioned the fairness of building owners in the downtown area spending money to maintain the integrity of their structures, while others are allowed to just set up tents. In allowing these installations to increase capacity, she questioned the need to take into consideration the requirement for additional restrooms and wash stations for food preparation and service, as well as emergency ingress and egress. She voiced her belief that in order to be considered pro-business, a weighted and measured approach to approval must be used before setting a precedent.

Vice Chairperson Burgoyne observed that the use of tents is only advantageous for a few, adding that he expects to see tents on the golf course or in a back yard, but not the downtown Historic District, which Cedarburg has worked hard for the last 50 to 60 years to maintain. He stated that Cedarburg has great festivals that include tents; however, he does not believe that the canvas tents add one iota of value to them. He reasoned that an increase in tent use requires increased city resources in order to adequately perform inspections. He believes that the Plan Commission will need to do more homework, as it appears to be more of a complex issue.

Planner Censky advised that these types of requests used to be limited to special events, but have since increased in popularity, pointing out that not all of them are filtered through the temporary use process, but through the outdoor alcoholic beverage procedure, which originates in the Clerk's office.

Commissioner Strautmanis observed that business owners may consider a tent as a de facto extension of their premises, but it expands beyond their footprint.

Commissioner Voltz wondered at what point the City considers a temporary structure as a permanent one, reasoning that permanent structures require a review. He also agreed that using a measured approach to approve these uses is important, and stressed the need to be fair. He pointed out that events and festivals happen in Cedarburg all year, every year, where tent use is allowed, and sometimes adding a tent allows someone to test out an idea for a few seasons prior to committing to a product or business.

Council Member Thome pointed out that not every bar or restaurant has room to set up a tent, and in allowing others to do so, it limits their ability to be competitive. She would like to see the timeframe of use limited to the season such as sixty days at the beginning or sixty days at the end.

Commissioner Cain asked Planner Censky for the Landmarks Commission's general opinion on tent use in the Historic District, which he described as not favorable, but it is more of an issue for them if the tent is visible from Washington Avenue. He agreed to add it to the next Landmarks agenda for their input.

Greg Zimmerschied, who owns and leases properties in the downtown Historic District, stated that he is not sure that tents make good neighbors, adding his belief that tents change this dynamic, as there is a difference when you are divided by a stone wall versus a canvas wall. He gave the example of walking through Cedar Creek park to enjoy its peaceful beauty, only to have that positive experience interrupted by the intrusion of loud music coming from a downtown outdoor establishment. In cases where tent use is allowed, that particular business forces others to partake of their product, such as music, whether they want to or not. When businesses decide to lease square footage in the City, they normally do their homework prior to signing the lease. By allowing them to set up tents, this allows them to double or triple their space, which is additional space that they do not have to pay for. In terms of vibrancy, he stated that he does not believe that bars should be driving the ambiance of downtown Cedarburg and mentioned the negative reactions to the pedal tavern. He places his faith in the Landmarks and Plan Commissions and their experience with maintaining the historic downtown. Mr. Zimmerschied believes that Cedarburg has one of the most unique downtowns in America, and that people are visiting and frequenting these local businesses because of that, not because they see a tent.

Commissioners agreed that this topic needs further discussion.

**COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS**

Council Member Thome advised that the Common Council discussed the Outdoor Amplified Sound and Music Ordinance during their October 25, 2021 meeting, and decided to boost the limit of weekly events from two to three per establishment. She believes in allowing amplified music in the City, but hopes to have Plan Commission support in getting a reduction in the maximum decibel levels of these events, in consideration of residents who may find the noise disruptive.

Commissioner Strautmanis questioned the tile work being done on the façade of PJ Piper's Restaurant downtown. Planner Censky advised that the Landmarks Commission approved this work along with the tile color and design. He will contact Landmarks Commissioner Tom Kubala and request that he visits the site.

**MAYOR'S ANNOUNCEMENTS**

Mayor O'Keefe was not in attendance; therefore, no announcements were made.

**ADJOURNMENT**

A motion was made by Commissioner Voltz, seconded by Commissioner Cain, to adjourn the meeting at 8:30 p.m. The motion carried without a negative vote with Mayor O'Keefe and Commissioner Kinzel excused.

Victoria Guthrie  
Administrative Assistant

**DISCUSSION AND RECOMMENDATION FOR UPDATES TO THE ZONING CODE  
SECTION 13-1-22(f), GENERAL PROVISIONS, USE RESTRICTIONS, TEMPORARY  
USES**

In response to the Common Council's directive, the Plan Commission reviewed the first draft of an ordinance intended to establish rules for the use of temporary tents in Cedarburg during their November 1, 2021 meeting. With the exception of special events, this discussion revealed some resistance to encouraging the general use of tents. Moreover, Commissioners indicated that before considering recommendation of the draft ordinance to the Council for action, input was needed from the Landmarks Commission, Fire Department and City Attorney Mike Herbrand.

During their November 11, 2021 meeting, the Landmarks Commission discussed the temporary use of tents and had the following comments:

- Tents should be in the side or rear yards out of obvious site from the front.
- Tents should be kept clean of litter.
- More dining options are desirable for the downtown area.
- Non-white tents would be less intrusive to the area. Grey, tan, green or other muted colors should be considered.
- Tents should not be allowed during the summer months.
- Landmarks Commission recommendation and Plan Commission approval should be required.

The draft ordinance was revised to include the comments from the Plan Commission and Landmarks Commission meetings, the Fire Department and comments from Attorney Herbrand. Discussion ensued regarding the language of the draft ordinance, with concerns that it may be too ambiguous when it comes to criteria for approval. The idea of limiting the number of days that tents could be in place was raised, but no consensus on this was reached.

**Action:**

A motion was made by Mayor O'Keefe to keep the current Code in place until March 1, 2022, so further discussion can take place for a draft ordinance created for Common Council approval. This motion was seconded by Commissioner Kinzel and passed without a negative vote with Commissioner Strautmanis excused.

**SET MEETING DATE FOR JANUARY 2022**

Commissioners agreed that Tuesday, January 4, 2022 would be the next meeting date.

**COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS**

Commissioner Cain questioned the tile repairs taking place on the PJ Piper restaurant building located at W61N514 Washington Avenue, and whether this work was taking place

as it should. Planner Censky stated that he will ask Landmarks Commissioner Tom Kubala to follow up with the building owner.

### **MAYOR'S ANNOUNCEMENTS**

Mayor O'Keefe announced that this meeting will be the last meeting for Vice Chairperson Burgoyne, who is stepping down after several years of service on the Plan Commission. Commissioners thanked him for his many years of input and dedication.

### **ADJOURNMENT**

A motion was made by Commissioner Kinzel, seconded by Mayor O'Keefe, to adjourn the meeting at 9:32 p.m. The motion carried without a negative vote with Commissioner Strautmanis excused.

Victoria Guthrie  
Administrative Assistant

Mayor O'Keefe excused.

## Rezone

A motion was made by Commissioner Strautmanis to recommend approval to Rezone the parcel from M-2 General Manufacturing District to Rs-6 Single-Family/Two-Family Residential, and Rm-2 Multiple-Family Residential along with a PUD overlay, subject to the conditions that Hanover Avenue is constructed to City standards including parking (this includes no perpendicular parking), and architectural design changes are made to Buildings D and E to closely reflect the character shown on Buildings A, B and C, and subject to modifications listed above in the base Zoning Districts. This motion was seconded by Commissioner Kinzel, and carried without a negative vote with Mayor O'Keefe excused.

## **DISCUSSION AND RECOMMENDATION FOR UPDATES TO THE ZONING CODE SECTION 13-1-22(f), GENERAL PROVISIONS, USE RESTRICTIONS, TEMPORARY USES**

This ordinance was discussed during the November 1, 2021 and December 6, 2021 Plan Commission meetings, with no consensus for a draft ordinance to present to the Common Council. During the December meeting, it was decided to extend the approvals of existing tents as per status quo until March 1, 2022, to allow the Commission more time to come up with a recommendation.

Commissioner Cain worked on the ordinance to address the concerns brought forth last month and provided copies of a step-by-step assessment plan and draft ordinance for review.

A motion was made by Commissioner Cain to deny the installation of tents in the historic downtown District. Motion died for lack of second.

Discussion ensued regarding whether there was a need to define the purpose of setting up a tent. It was decided that this aspect should not be a determining factor to allow set up. Regarding the length of time that tents should be in use during a shoulder season, the majority of Commissioners agreed that they would support restricting the use of tents for a period of ninety (90) days or less. It was discussed whether to allow a longer period by establishing a more thorough review; however, no consensus on this was reached. There was a suggestion to add the caveat that *"in certain circumstances, additional time may be requested."*

The location of tents was discussed as well, with the majority stating that the tent should not be visible from Washington Avenue, or at the very least, be unobtrusive to the downtown structures. Since the suggestion was made that reviews should be performed on a case-by-case basis, this would address that concern.

It was largely agreed that tent type and material be taken into consideration prior to approval.

Michelle Tietz, owner of the Lime Cantina, W62N550 Washington Avenue, attended the meeting in order to voice her concerns as a business owner. She noted that many of her customers are indeed residents of Cedarburg. She emphasized that their business has donated to local charities as well as parks and recreation projects, and wanted to make sure Commissioners were aware that there would be more involved than just taking down their tent. They have invested in a sturdy, high quality tent, and keeping it up for a very limited period of time does not make business sense for them. She opined that many of their employees have been with them since they opened, and there is a possibility that some may end up losing their jobs without the added revenue that this outdoor entertainment option brings in. The tent has allowed them to host local school sport team dinners, family dinners, and baby showers. It allows them to provide live music and trivia nights during a time of year when there is not a lot of entertainment options available. Ms. Tietz stressed that they love their location on Washington Avenue, and believes that their business draws more people to the south side of downtown. The placement of their tent is in the rear of their building, and is not visible from the main avenue, concluding that their tent does not ruin the look of the historic downtown.

Gordon Goggins, owner of the Stilt House, W62N630 Washington Avenue, also attended the meeting, stating that he echoes the sentiments of Ms. Tietz. He believes that business breeds business, and that local residents like the variety of being able to dine outside in the colder months. He believes in leveling the playing field, and making one set of rules, expressing his hope that this puts an end to the discussion for years to come.

Dale Georgeff, owner of Rebellion Brewing, N57W6172 Portland Road, submitted a letter to Commissioners and Council Members, stating his business has a patio that is located along Cedar Creek, and appreciates the expanded space to accommodate much needed business in the winter months.

Council Member Arnett was in attendance, and observed that not only are tents business-friendly, but they are also constituent-friendly, providing different entertainment options during the winter.

Council Member Burkart was in attendance, and added that it took a long time and a lot of hard work by the City Landmarks Commission and a lot of other people to ensure that the downtown area looks the way that it does. She stated that she is not against the use of tents; however, she does not believe it should be a staple for the downtown area for six months out of the year.

Commissioner Cain will revise the draft ordinance and send it to Planner Censky for review during the February 7, 2022 meeting.

### **COMMENTS AND ANNOUNCEMENTS BY PLAN COMMISSIONERS**

Commissioner Cain observed that the awning is no longer on the front of the PJ Piper restaurant building located at W61N514 Washington Avenue. It was determined this was damaged during a wind storm in December of 2021. Planner Censky will follow up with the business owner regarding plans for repair.



**MAYOR'S ANNOUNCEMENTS**

Mayor O'Keefe was not present at this meeting; therefore, no announcements were made.

**ADJOURNMENT**

A motion was made by Commissioner Kinzel, seconded by Commissioner Strautmanis, to adjourn the meeting at 10:16 p.m. The motion carried without a negative vote with Mayor O'Keefe excused.

Victoria Guthrie  
Administrative Assistant

Jordan Larson, N81W6995 Pine Street, owner of both W61N449 Washington Avenue and the adjacent vacant parcel to the west, was in attendance to address the possible development of his vacant lot. Several years ago, the previous owner split off 0.12-acres on the west side of this vacant lot and dedicated it to the City for the future extension of Hanover Avenue. Mr. Larson explained that when he purchased the lot, he reached out to the City and was told that, due to traffic concerns, he would be unable to develop that parcel with access via Washington Avenue. At that time, City Staff recommended that when the adjacent 12.76-acre lot to the west was eventually developed, he work with the developer to gain access from this Hanover Avenue extension. Recently, a developer has submitted and received approval for plans on that 12.76-acre parcel that extends Hanover Avenue farther west than this dedicated parcel. Mr. Larson would like to know what the City intends to do with this small parcel, and whether it would be possible for that parcel to revert back to him as the owner, since it was initially split from his larger parcel. Mr. Larson will follow up with Planner Censky on this issue.

**DISCUSSION AND POSSIBLE RECOMMENDATION TO AMEND ZONING CODE  
SECTION 13-1-22(f), GENERAL PROVISIONS, USE RESTRICTIONS, TEMPORARY  
USES**

Planner Censky reminded Commissioners that an in-depth review of the Temporary Use Ordinance was conducted during their January 4, 2022 meeting, specifically focusing on the use of tents in the downtown Historic Preservation District. At that meeting, downtown business owners were in attendance to voice their concerns on this issue. Plan Commissioners agreed on specific requirements for the use of tents, and decided that this information be codified and added to this agenda for final review and recommendation to the Common Council.

To summarize the agreed upon conditions for approving tent requests, Planner Censky listed the following:

- References to the State Building and Fire Code safety requirements will be included.
- Requests for the use of a tent exceeding fourteen (14) days shall be one (1) time per calendar year for a period not to exceed ninety (90) days, restricted to the months of November through April.
- Tents are required to be in the side or rear yards only, generally out of view of the public.

Commissioner Cain, who prepared the proposed draft, began by briefly reviewing the above bullet points from the last meeting, and confirmed that State Building and Fire Code safety requirements were added into the proposed draft; however, she questioned the 90 day timeframe being agreed upon, and considers this still under discussion. Commissioner Cain also pointed out the last bullet point, opining the subjectivity of the term *generally out of view*, which could mean that the approval of the Commissioners could be viewed as inconsistent. She compared temporary tent use requests to conditional use permits requests, in that, fundamentally, the conditions listed in the Ordinance should be applied to every request for tent use before considering approval.

During the January meeting, Commissioners deliberated over the idea of creating a process for tent requests for extended use, that would be considered as extraordinary tents, and require a more thorough review. Commissioner Cain submitted a draft of this process, but indicated that if this idea is still on the table, it needs to be more clearly defined.

Planner Censky cautioned against comparing the process to a conditional use permit, since those requests require a public hearing, notification of neighbors within 300-feet of the lot line, and substantial evidence must be presented in order to deny any request.

Mayor O'Keefe acknowledged the impressive amount of work Commissioner Cain put into preparing the draft Ordinance; however, he concluded that it was written to essentially ban tents, since the process as presented would be onerous and the costs required to meet the conditions would make any request a non-starter. He maintained that he cannot vote in favor of the proposed revisions. He questioned the need for additional bathrooms, despite the fact that more patrons use the same outdoor space in the summer, formal surveys, and permanent electrical installation for a temporary use. He declared that a 60 or 90 day limit is not reasonable, and that the season should be from October 1 to April 30. He emphasized that the City does not want to create an unsafe environment, which is why the Building and Fire Inspectors review and approve these requests based on governing Codes, field experience and their own expertise.

Council Member Thome acknowledged that, during the pandemic when the Common Council made the decision to streamline the process for approving tent use by requiring only City Staff approval, she felt comfortable with their review. She views tents as a more permanent structure in instances where they are in place six months out of the year, every year. She emphasized that it is not a case of her not wanting businesses to thrive, but she struggles with the balance of maintaining the historic beauty of downtown and keeping up the vitality of tourism. She expressed that, although she believes that tents detract from historic Cedarburg, she would be in support of more simplified guidance. Mayor O'Keefe agreed that it is always a balancing act between vibrancy, vitality, and preserving the jewel of downtown.

Commissioner Kinzel declared that the proposed Code would make the use so difficult that businesses would not actually do it, and feels that it should be honed down a bit. He does not agree with limiting the allowable timeframe to 60 or 90 days, reasoning that renting or purchasing a high quality tent would be too expensive to install. He agreed that a formal survey of the parcel should not be required, and considers a handwritten scaled drawing as sufficient. He disagrees that a paved surface is needed. He determined that a GFCI extension cord would work instead of a hardwired installation. He does not see a need for business owners to prove to the Commission that they have a legitimate need by opening up their books and proving profitability, stating that tents allow businesses to extend their outdoor entertainment season. He believes that food and beverage preparation is governed by a business owner's food dealer's license, which the business has a vested interest in keeping. Commissioner Kinzel voiced his enjoyment in patronizing these businesses and believes they add value to the downtown District.

Commissioner Strautmanis established that he is less concerned about specificity of this Code in terms of the already regulated items that the Building and Fire Inspectors cover, than he is about ensuring that the Landmarks and Plan Commissions have a subjective perspective like they would in a design review, and does not understand why that would be a more difficult approach than having these detailed requirements in the Ordinance. He believes that this process could be handled with a more guideline approach rather than Code.

Commissioner Wiza explained that the land was laid out in the 1800's for the downtown area, making formal legal surveys in this area extremely expensive. He advised that scaled drawings are acceptable for these types of reviews. He expressed his appreciation for the points raised on the proposed Ordinance, but also finds it onerous for businesses to comply and believes it can be consolidated and simplified enough to accomplish the same thing.

Commissioner Voltz felt that the issue of locating tents on a parcel could be addressed by establishing that placement in front yards is not allowed, and requiring those placed in side yards to have a setback of greater than or equal to ten (10) feet from the front plane of the primary structure. Planner Censky suggested adding a statement about hardships being considered on a case-by-case basis for those who may not have adequate space. Commissioner Voltz also requested to add wording to the ingress and egress requirement to reflect that alternate routes must be provided for ADA access.

Council Member Arnett appeared before the Plan Commission to voice his support for temporary tent use in the downtown area. He stressed that everyone agrees proper safety measures must be followed where tents are concerned; however, he feels that if the main objection is that the tents are ugly, they are usually placed behind buildings and are only set up temporarily. He told Commissioners that he has discussed this issue with many of his constituents, and the most popular reaction he gets is that people are unaware the tents exist. He acknowledged that approvals could be considered as subjective, but countered that the Landmarks Commission has the ability to approve paint colors which has already set a precedent for that. He pointed out that the proposed Ordinance ignores the allowable dates established by the Common Council during their October 11, 2021 meeting.

Gordon Goggins, owner of the Stilt House, W62N630 Washington Avenue, attended the meeting, and advised Commissioners that after a lot line dispute with a neighbor in 2016, he paid for a formal survey of his location. At that time, the cost for one surveyor to come out and locate one property line was \$1,500. He imagines the cost for him to plat out 600 square feet of space would be a major expense. He pointed out that the Common Council mandated that he relocate the tent on his paved driveway to an unpaved surface that was less visible from Washington Avenue. He wondered if the new proposed requirements would force him to return it to its former location in the front, or result in the removal of his tent altogether. Mr. Goggins addressed the proposed electrical requirements, which would require him to run two sets of conduits from his building: one at 17 feet, and the other at 50 feet. He estimates that this would cost him \$2,000 to set up, and \$2,000 to take down 90 days later. The only way for him to comply with the heating portion is to run a natural

gas line, which would require running a trench across two properties that he does not own. Mr. Goggins informed Commissioners that when selecting his tent, it was important for him to consider wind rating and snow load as well as fire resistance, because he does not want his patrons to have a bad experience. He observed that the Code defines temporary structures the same as tents, and, as former president of the Festivals Committee, he would consider both the Kooky Cooky House and Santa's Workshop as temporary structures. These are installed on public property in front of City Hall. He questioned if they must meet the same requirements being proposed for temporary tents. He pointed out that they have been in place for 90 days, and noted that the front door of the Cooky House blocks the sidewalk, which should not be allowed. From a business owner's standpoint, he finds the proposed Ordinance to be cost crazy, not worth the hassle, and basically states "we don't want tents". He does not believe that is the intent of what Cedarburg wants.

Michelle Tietz, owner of Lime Cantina, W62N550 Washington Avenue, attended the meeting to point out that between October 1, 2021 through to the end of December 2021, 3,928 patrons chose to sit in their tent. Since they have opened, they have used the tent during the winter months, and she has determined that 27,172 patrons chose to sit in their tent, while 18,360 chose to sit inside. She concluded that people are clearly wanting something to do in the winter and the tent is providing that for them. She is concerned that the proposed requirements would make it near impossible to continue to provide this option to the City and to their customers. She questioned the need for stricter safety requirements based on how long the tent is in use, reasoning that safety should be just as important for a 90 day use as it is for a use lasting six months. She stated that she has already agreed to the changes the Fire Inspector told them they would need to make for their heat next year. She does not understand why Commissioners would want to stop them from providing people with an entertainment option that encourages them to stay in the City.

A motion was made by Mayor O'Keefe to move the existing draft of the Ordinance, along with meeting minutes where this issue was discussed for the purview of the Common Council for their consideration. Motion died for lack of second.

Commissioners went through the proposed Ordinance and made changes based on the majority agreement. Commissioner Cain agreed to update the draft and send it to Secretary Guthrie for comparison and submission to the Common Council.

**Action:**

A motion was made by Commissioner Kinzel, seconded by Mayor O'Keefe, to recommend approval for changes to Code Section 13-1-22(f), amending the standards for temporary uses as discussed, and carried with Mayor O'Keefe, Council Member Thome, Commissioners Strautmanis, Kinzel, Wiza, and Voltz voting in favor and Commissioner Cain voting against.

## ORDINANCE NO. 2022-07

### An Ordinance Amending the Standards for Temporary Uses

The Common Council of the City of Cedarburg, Wisconsin, hereby ordains as follows:

SECTION 1. Section 13-1-22(f) of the Zoning Code of the City of Cedarburg is hereby repealed and recreated to be as follows:

#### SEC. 13-1-22(f) USE RESTRICTIONS

(1) Temporary uses, ~~such as food sales, nursery stock sales, fireworks sales, and real estate sales, and field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted with conditions and/or restrictions established by the City Plan Commission after review and approval.~~ Structures or uses that are in place for a one-time two (2) week period or fourteen (14) cumulative days. Any such use or structure may be permitted subject to the approval of the City Planner and Building Inspector, and upon their review of potential impacts of the use and/or structure, except for the following uses:

- (a) Plant material and nursery stock sales may be allowed according to the seasonal duration of the plant materials being sold.
- (b) Christmas tree sales may be allowed according to the seasonal nature of the product being sold.
- (c) Temporary uses associated with a community festival may be allowed for the period concurrent with the festival.
- (d) Temporary uses associated with Maxwell Street Days may be allowed for a period concurrent with Maxwell Street Days.
- (e) Temporary use permits shall state that no unattended merchandise stands, displays or material shall be allowed.

(2) Tents and temporary structures:

#### Definitions:

Tents: Any collapsible shelter with side walls, of which the roof and/or one-half or more of the walls, are constructed of silk, cotton, canvas, fabric, or other material attached to or draped over a frame of poles.

Temporary Structure: Any constructed or erected structure, including a tent other enclosure used for commercial or business purposes and which any person or business intends to place on the same lot with or on any lot adjacent to, any permanent structure used for business or commercial purposes.

Conformance. Tents and other temporary structures and their uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements of the Code, or County, State or Federal codes and regulations, as necessary to ensure the public health, safety, and welfare. These categories of the Code must be complied with, despite the fact that the structure will be removed, or the use discontinued at some time in the future. These criteria are essential for measuring the safety of any structure or use, temporary or permanent. Therefore, the application of these criteria to tents and other temporary structures cannot be waived.

Conflict with Other Laws. Whenever the regulations in this Chapter are either more or less restrictive than regulations or restrictions imposed by statute, codes, other ordinances of the City of Cedarburg or other regulations, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

The City Planner, City Building Inspector, or the Fire Department, in its sole discretion, is authorized to terminate such permit for a tent or other temporary structure or use and order the tent or other temporary structure or use to be discontinued.

Requests, other than those described in Section 13-1-22 (f)(a), for a tent or other temporary structure that is in place for a period exceeding fourteen (14) days are permitted annually only from October 1 through April 30, and only after the request is reviewed and approved by the Plan Commission and, if the property is located in the Historic Preservation District, the Landmarks Commission.

Information and conditions required by the City of Cedarburg or as otherwise required under applicable regulations, ordinances, or statutes, shall be submitted for review by the City Planner, City Building Inspector and the Fire Department, including, without limitation, the following:

- (a) The applicant shall submit a scaled site plan showing the location of existing structures, property lines, dedicated rights-of-way, public easements, the proposed tent or other temporary structure, parking areas, and driveway.
- (b) Tents and other temporary structures shall be located in the rear or side yard as defined in the Zoning Code and shall be completely on private property and shall be at least ten (10) feet setback from the plane of the principal structure that faces the front yard and otherwise in compliance with all applicable setbacks.
- (c) Ingress and egress to the tent or other temporary structure shall be only through the principal structure and otherwise in accordance with the Americans With Disabilities Act of 1990, any comparable state or local law, and all regulations issued pursuant thereto.
- (d) Exits shall be clearly marked and in such quantity and in such locations as directed by the Fire Department.
- (e) All tent or other temporary structure fabric shall be flame resistant and located in accordance with the adopted International Building Code Table 602 based on the fire-resistance rating of exterior walls for the proposed type of construction. Markings or certificates of flame resistance shall be provided upon request by the Building Inspector and/or Fire Inspector.

- (f) The use of fuel-fired equipment for the purpose of heating shall be reviewed and approved by the City Building Inspector and Fire Inspector.
- (g) Smoking shall not be permitted in tents or other temporary structures. Approved “No Smoking” signs shall be conspicuously posted.
- (h) Portable fire extinguishers shall be furnished and maintained in tents and other temporary structures in such quantity and in such locations as directed by the Fire Department.
- (i) Electrical installations in all tents and other temporary structures shall be installed and maintained in accordance with the requirements of the Wisconsin Administrative Code SPS 316 Electrical. Without limiting the foregoing, all electrical installations shall be installed and maintained in a workmanlike manner, shall be properly grounded, with GFCI protection to all outlets with UL approved enclosures, and cables on the ground in areas traversed by the public shall be protected by approved covers.
- (j) Tents and other temporary structures shall not be located on or restrict access to dedicated right-of-way, public easements of any kind, fire lanes, fire department connections, or any other life safety elements that are required to be accessible.

SECTION 2. Severability. If any provision of this ordinance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision of this ordinance. Upon such determination that any provision is invalid or unconstitutional, the City of Cedarburg reserves the right to modify this ordinance so as to effect the original intent of the City of Cedarburg as closely as possible in order that the restricted use permitted hereby be enforced as originally contemplated to the greatest extent possible.

SECTION 3. This ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this 14<sup>th</sup> day of March, 2022.

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Michael O’Keefe, Mayor

Attest:

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Tracie Sette, City Clerk

Approved as to form:

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Michael P. Herbrand, City Attorney



## CITY OF CEDARBURG

**MEETING DATE:** March 14, 2022

**ITEM NO:** 10.B.

**TITLE:** Discussion and possible action on discontinuance of the Alarm Panel at the Police Department Dispatch Center

**ISSUE SUMMARY:** We currently have an alarm panel in dispatch that is monitored by our dispatchers. We pay a \$750 quarterly to the Bold Group for this service and we currently have 24 users on there and they pay \$240 a year for the service. The alarm panel is behind by 6 updates and in order to get it where it needs to be, it will cost us \$1,200 to just do the updates. We will also need a new server which will be at a minimum, around \$3,000. When we originally started this service, businesses had very few options for their alarm system monitoring but today there are many companies who offer 24-hour monitoring that they could go to for this service. Recently, two of our dispatchers have put in their notices to leave the department which creates a staffing shortage especially for third shift. Based on our dispatching needs we have switched our third shift dispatch over to the Ozaukee County Sheriff's Department for April. This change would not allow us to monitor the alarm system on third shift.

**STAFF RECOMMENDATION:** We are recommending that we get rid of the alarm panel and ask the businesses go to a private company for that service. The service would end beginning of April.

**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:**

**BUDGETARY IMPACT:** We will lose \$2,760 in revenue but we will be in the positive because of the needed repairs. The number of participants in the program continues to decrease annually which would show a continued decrease in the revenue for future years.

**ATTACHMENTS:**

**INITIATED/REQUESTED BY:** Chief Michael McNerney

**FOR MORE INFORMATION CONTACT:** Chief Michael McNerney

## CITY OF CEDARBURG

**MEETING DATE:** March 14, 2022

**ITEM NO:** 10.C.

**TITLE:** Discussion and possible action on award of contract for the 2022 Sidewalk Replacement Program\*

**ISSUE SUMMARY:** Staff advertised and received bids for the 2022 Sidewalk Replacement Program. This contract entails the replacement of sidewalk slabs that have been deemed defective according to City's Sidewalk Replacement Policy. The program focuses on the north end of the Willowbrooke Suidivision, part of the Maple Manor Subdivision and spreads to other areas throughout the City due to resident requests.

Two bids were received with low bid being submitted by BMCI Construction, Inc. BMCI has successfully completed many projects for the City in the past. Their most recent work in Cedarburg was on the 2021 Street & Utility Project.

BMCI's bid of \$51,470 was below the engineer's estimate and is within budget.

**STAFF RECOMMENDATION:** Staff recommends award of the 2022 Sidewalk Replacement Program Contract to BMCI Construction based on their low unit price bid of \$51,470.

**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:** N/A

**BUDGETARY IMPACT:** \$45,000 was budgeted for sidewalk replacement

**ATTACHMENTS:** Bid tabulation

**INITIATED/REQUESTED BY:** Mike Wieser

**FOR MORE INFORMATION CONTACT:** Mike Wieser – Director of Engineering and Public Works  
262-375-7610

## City of Cedarburg 2022 Annual Sidewalk Replacement & Concrete Repair Program Bid Tab

				BMCI Construction Inc.		Forward Equipment	
Item #	Description	Units	Qty	Unit Price	Total	Unit Price	Total
1	Remove & Replace 5" Thick Concrete Sidewalk	SF	5,500	\$ 8.75	\$ 48,125.00	\$ 11.00	\$ 60,500.00
2	Remove & Replace 7" Thick Concrete Sidewalk/Driveway Approach	SF	100	\$ 8.95	\$ 895.00	\$ 11.00	\$ 1,100.00
3	Remove & Replace Concrete Curb & Gutter	LF	50	\$ 45.00	\$ 2,250.00	\$ 100.00	\$ 5,000.00
4	Full Depth Concrete Sidewalk & Asphalt Pavement Saw Cut	LF	50	\$ 3.00	\$ 150.00	\$ 3.00	\$ 150.00
5	Installation 24"x48" Pre-Stamp Cast Iron Detectable Warning Plate Assemblies Manufactured by Neenah Foundry (Plates are furnished by the City)	EA	2	\$ 25.00	\$ 50.00	\$ 200.00	\$ 400.00
<b>Totals</b>				<b>\$ 51,470.00</b>		<b>\$ 67,150.00</b>	

\* Forward Equipment Total Bid different than original bid due to math error

## CITY OF CEDARBURG

**MEETING DATE:** March 14, 2022

**ITEM NO:** 10.D.

**TITLE:** Discussion and possible action on Intergovernmental Agreement between the City of Cedarburg and the Town of Cedarburg regarding the Reconstruction, Maintenance, and Repairs of Hilltop Drive

**ISSUE SUMMARY:** At the February 14<sup>th</sup> meeting the contract for the Hilltop Drive Roadway Connection contract was awarded to All-Ways Contractors, Inc. in the amount of \$463,381.85 contingent upon an accepted MOU with the Town of Cedarburg. City and Town staff completed an Intergovernmental Agreement to efficiently complete the reconstruction of Hilltop Drive within the Town and lays out construction cost sharing and maintenance responsibilities of each party. The City will be responsible for the construction costs on Hilltop Drive from the City Limits to and including the intersection with Sycamore Drive. The Town will be responsible for the construction costs on Hilltop Drive from the north end of the intersection with Sycamore Drive to STH 60. The agreement will terminate when the work is completed and the City has been reimbursed by the Town for their portion. The Town Board approved this Intergovernmental Agreement at their March 2<sup>nd</sup> meeting.

**STAFF RECOMMENDATION:** Staff recommends approval of the Intergovernmental Agreement.

**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:** N/A

**BUDGETARY IMPACT:** Approximately \$406,000 from TIF #6 borrowing (Town pays remaining portion)

**ATTACHMENTS:** Intergovernmental Agreement.

**INITIATED/REQUESTED BY:** Mike Wieser

**FOR MORE INFORMATION CONTACT:** Mike Wieser – Director of Engineering and Public Works  
262-375-7610

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF CEDARBURG AND THE CITY OF  
CEDARBURG REGARDING RECONSTRUCTION, MAINTENANCE, AND REPAIRS OF HILLTOP DRIVE**

This Intergovernmental Agreement ("Agreement") is made by and between the City of Cedarburg, a Wisconsin Municipal Corporation ("City") and the Town of Cedarburg ("Town"), both in the County of Ozaukee, pursuant to Wis. Stats. § 66.0301. The purpose of this Agreement is for the City and Town to efficiently complete the reconstruction of Hilltop Drive within the Town ("Purpose").

**RECITALS**

**WHEREAS**, Hilltop Drive is a highway on a line between the Town of Cedarburg ("Town") and the City of Cedarburg ("City"); and

**WHEREAS**, by the terms of the Intergovernmental Agreement between the City and the Town, approved by the Town by Resolution on July 7, 2021 ("Intergovernmental Agreement"), the City has agreed to undertake, bid, construct and be financially responsible for the construction of Hilltop Drive from the Corporate Boundary of the City north to and including the intersection with Sycamore Drive ("City Work"); and

**WHEREAS**, the City has bid and plans to undertake the City Work commencing on or about April 1, 2022; and

**WHEREAS**, the Town has requested, and the City has agreed, to also bid the reconstruction of Hilltop Drive from the northernmost point of the intersection with Sycamore Drive north to Highway 60 ("Town Work"), which reconstruction is described on **Exhibit A**, attached hereto and incorporated herein by reference; and

**WHEREAS**, the Town wishes to have the City complete the Town Work, at Town expense, at the same time that the City Work is constructed; and

**WHEREAS**, it is mutually beneficial for the City and Town to formalize and agree to the cost sharing relationship between the municipalities, as described in detail herein;

**NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED**, the City and the Town agree as follows:

1. The Recitals, above, are deemed true and accurate and adopted as if set forth in full herein.
2. Financial responsibility for the reconstruction of Hilltop Drive shall be as follows:
  - a. City Work, the actual costs of which are to be paid entirely by the City, including but not necessarily limited to: Hilltop Drive from City boundary north, to and including intersection with Sycamore Drive (STA 100+95.09 to STA 94+47.68);
  - b. Town Work, the actual costs of which (not bid amounts) are to be paid entirely by the Town, including: Hilltop Drive from Sycamore Drive to State Highway 60 (STA 94+47.68 to STA 88+89.77) and as described in more detail on **Exhibit A**. Town costs are not to exceed \$20,000 over bid (\$58,316.00). If that occurs, Town Board approval of additional costs will be required.

3. The reconstruction of Hilltop Drive shall be completed as a City project pursuant to the plans and specifications as drafted by Troy Hartjes, P.E., raSmith Civil Engineering, dated February 11, 2022. The City shall have full authority over the project, including but not limited to, start and end dates, contractor selection, inspector selection, and oversight. The Town shall be given reasonable notice of and access to inspections. The City, its officers, employees, contractors, agents and assigns shall be granted access at all reasonable times to Hilltop Drive right-of-way for the Purpose set forth herein. The Town shall reasonably cooperate with the reconstruction, which cooperation shall include, but is not necessarily limited to, assisting in traffic control and/or notices to adjacent or impacted landowners.
4. The City agrees to complete the reconstruction of Hilltop Drive, as described herein, by November 1, 2022.
5. All costs for Town Work shall be paid entirely by the Town within 60 days of the City sending the Town a summary of the actual Town Work construction costs.
6. The City and Town agree that upon completion of the City Work, as described herein, the City shall have complied with and fulfilled the terms of Section 5.1.a of the Intergovernmental Agreement between the parties.
7. Miscellaneous:
  - a. Term of Agreement: This Agreement shall terminate upon the later of: i) the final completion of the Town Work and the City Work and ii) payment in full by the Town to the City for all Town Work described herein, except that the hold harmless, indemnification and release herein shall survive termination.
  - b. Insurance: City shall require from the awarded bid contractor(s) public liability insurance coverage, automobile, and worker's compensation coverage for all work under this Agreement.
  - c. Hold Harmless, Indemnification and Release. Town shall indemnify, release and hold harmless City, it's agents, contractors, officers and employees, from all suits, actions or claims or costs of any kind, including actual reasonable attorney's fees, brought because of any injuries or damages received or sustained by any person, or persons or property, on account of or related to the Town Work under this Agreement or because of any act, omission, neglect, intentional act or negligence of Town or it's inspectors, agents, officers or employees; or because of any claims or amounts arising or recovered under the Worker's Compensation Act relating to employees of the Town; or any other law, ordinance, order or decree relating to the work done pursuant to the Agreement. City shall indemnify, release and hold harmless Town, it's agents, contractors, officers and

employees, from all suits, actions or claims or costs of any kind, including actual reasonable attorney's fees, brought because of any injuries or damages received or sustained by any person, or persons or property, on account of or related to the City Work under this Agreement or because of any act, omission, neglect, intentional act or negligence of City or it's inspectors, agents, officers or employees; or because of any claims or amounts arising or recovered under the Worker's Compensation Act relating to employees of the City; or any other law, ordinance, order or decree relating to the work done pursuant to the Agreement.

- d. Governing Law: This Agreement and all questions arising in connection herewith shall be governed by the laws of the State of Wisconsin.
- e. Entire Agreement: This Agreement contains the entire agreement between the parties regarding this matter. This Agreement may be modified only by an amendment to this Agreement which is authorized by both the City and the Town.
- f. Notices:

**CITY:**

City Clerk

City of Cedarburg

P.O. Box 49

Cedarburg, WI 53012

**TOWN:**

Town Clerk

Town of Cedarburg

1293 Washington Avenue

Cedarburg, Wisconsin 53012

**IN WITNESS WHEREOF**, the City and Town have caused the execution of this Agreement by their duly authorized officers as of the date written below.

**TOWN OF CEDARBURG:**

By: \_\_\_\_\_

Dave Salvaggio, Town Chairperson

ATTEST:

\_\_\_\_\_

Jack Johnston, Town Clerk

Date: \_\_\_\_\_

**CITY OF CEDARBURG:**

By: \_\_\_\_\_

Michael O'Keefe, Mayor

ATTEST:

\_\_\_\_\_

Tracie Sette, City Clerk

Date: \_\_\_\_\_

**EXHIBIT A**  
**TOWN WORK**  
**DESCRIPTION AND BID PRICE**

Pavement Sawcut	154	LF	\$1.50	\$231.00
Pulverize Pavement	2095	SY	\$2.80	\$5,866.00
Excavation Below Subgrade (EBS)	209	CY	\$18.40	\$3,845.60
Base Aggregate Dense 3-Inch (EBS)	160	TON	\$13.20	\$2,112.00
Base Aggregate Dense 1 1/4-Inch (EBS)	321	TON	\$13.20	\$4,237.20
HMA Pavement (3 MT 58-28 H) Binder	301	TON	\$71.00	\$21,371.00
HMA Pavement (4 MT 58-28 H) Surface	224	TON	\$73.20	\$16,396.80
Base Aggregate Dense 3/4-Inch Shoulder	165	TON	\$25.80	\$4,257.00
CONSTRUCTION COST BASE BID SECTION 2 ITEM 36-43 SUBTOTAL				\$58,316.60



## CITY OF CEDARBURG

**MEETING DATE:** March 14, 2022

**ITEM NO:** 10.E.

**TITLE:** Discussion and possible action on bids received for the 2022 Street and Utility construction contract. (Public Works and Sewerage Comm. 3/10/22)

**ISSUE SUMMARY:** Staff advertised and received bids for the 2022 Street and Utility construction contract. A total of five bids were received, with the low bid submitted by Dorner Inc. Dorner has successfully completed projects in Cedarburg in the past. Their most recent work in Cedarburg was on the 2019 Street & Utility Project.

Dorner's bid was for \$ 2,475,075, was above the engineer's estimate but just within our budget. The bids were very competitive with the next bid coming within \$10,000 and the top 3 bids within \$80,000.

**STAFF RECOMMENDATION:** Staff recommends award for the 2022 Street and Utility Construction contract to Dorner Inc., based on their low unit price bid of \$ 2,475,075.00.

**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:** The Public Works and Sewerage will review the bids at their March 10<sup>th</sup> meeting.

**BUDGETARY IMPACT:** \$ 2,475,075 is within budget, and will be split up between streets, storm sewer, sanitary sewer, and water main budgets.

**ATTACHMENTS:** Bid Tabulation

**INITIATED/REQUESTED BY:** Mike Wieser

**FOR MORE INFORMATION CONTACT:** Mike Wieser – Director of Engineering and Public Works  
262-375-7610

City of Cedarburg 2022 Street & Utility Project - Bid Tab

Base Bid

Item #	Description	Units	Quantity	Dorner Inc.		PTS Contractors Inc.		Vinton Construction Co.		UPI, LLC.		Mid City Corporation	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Paving Mobilization	EA	2	\$ 528.00	\$ 1,056.00	\$ 515.00	\$ 1,030.00	\$ 500.00	\$ 1,000.00	\$ 1,515.00	\$ 3,030.00	\$ 3,000.00	\$ 6,000.00
2	Traffic Control	LS	1	\$ 8,729.00	\$ 8,729.00	\$ 8,010.00	\$ 8,010.00	\$ 48,000.00	\$ 48,000.00	\$ 17,170.00	\$ 17,170.00	\$ 15,000.00	\$ 15,000.00
3	Common Excavation	CY	7,450	\$ 14.10	\$ 105,045.00	\$ 13.70	\$ 102,065.00	\$ 18.26	\$ 136,037.00	\$ 19.60	\$ 146,020.00	\$ 25.00	\$ 186,250.00
4	Geogrid	SY	1,500	\$ 2.60	\$ 3,900.00	\$ 2.60	\$ 3,900.00	\$ 2.65	\$ 3,975.00	\$ 3.10	\$ 4,650.00	\$ 5.00	\$ 7,500.00
5	1-1/4" Dense Graded Base Course	TON	4,250	\$ 17.80	\$ 75,650.00	\$ 17.30	\$ 73,525.00	\$ 11.75	\$ 49,937.50	\$ 21.40	\$ 90,950.00	\$ 30.00	\$ 127,500.00
6	3" Dense Graded Base Course	TON	5,400	\$ 21.60	\$ 116,640.00	\$ 21.10	\$ 113,940.00	\$ 14.50	\$ 78,300.00	\$ 24.10	\$ 130,140.00	\$ 35.00	\$ 189,000.00
7	Finish Grading	SY	18,125	\$ 0.60	\$ 10,875.00	\$ 0.62	\$ 11,237.50	\$ 0.60	\$ 10,875.00	\$ 0.70	\$ 12,687.50	\$ 1.50	\$ 27,187.50
8	Hot Mix Asphalt Pavement	TON	5,750	\$ 66.00	\$ 379,500.00	\$ 64.28	\$ 369,610.00	\$ 62.50	\$ 359,375.00	\$ 64.40	\$ 370,300.00	\$ 70.00	\$ 402,500.00
9	Tack Coat	GAL	1,200	\$ 2.40	\$ 2,880.00	\$ 2.37	\$ 2,844.00	\$ 2.30	\$ 2,760.00	\$ 2.40	\$ 2,880.00	\$ 2.00	\$ 2,400.00
10	18"-24" Concrete Curb & Gutter	LF	3,000	\$ 37.00	\$ 111,000.00	\$ 36.00	\$ 108,000.00	\$ 37.00	\$ 111,000.00	\$ 33.00	\$ 99,000.00	\$ 35.00	\$ 105,000.00
11	5" Concrete Sidewalk Remove & Replace	SF	5,000	\$ 9.20	\$ 46,000.00	\$ 8.95	\$ 44,750.00	\$ 9.00	\$ 45,000.00	\$ 7.80	\$ 39,000.00	\$ 8.00	\$ 40,000.00
12	7" Concrete Sidewalk Remove & Replace	SF	300	\$ 95.90	\$ 28,770.00	\$ 93.40	\$ 28,020.00	\$ 89.50	\$ 26,850.00	\$ 78.30	\$ 23,490.00	\$ 80.00	\$ 24,000.00
13	Curb Ramp Detectable Warning Field (24"x48")	EA	3	\$ 528.00	\$ 1,584.00	\$ 515.00	\$ 1,545.00	\$ 500.00	\$ 1,500.00	\$ 520.00	\$ 1,560.00	\$ 550.00	\$ 1,650.00
14	Sawing Pavement	LF	590	\$ 3.70	\$ 2,183.00	\$ 3.00	\$ 1,770.00	\$ 3.00	\$ 1,770.00	\$ 2.00	\$ 1,180.00	\$ 2.00	\$ 1,180.00
15	Remove and Replace Loop Detector	EA	2	\$ 2,428.00	\$ 4,856.00	\$ 2,365.00	\$ 4,730.00	\$ 2,300.00	\$ 4,600.00	\$ 2,369.50	\$ 4,739.00	\$ 3,000.00	\$ 6,000.00
16	Restoration	SY	2,500	\$ 6.20	\$ 15,500.00	\$ 6.10	\$ 15,250.00	\$ 8.05	\$ 20,125.00	\$ 7.40	\$ 18,500.00	\$ 7.00	\$ 17,500.00
17	4" Underdrain	LF	200	\$ 22.00	\$ 4,400.00	\$ 33.00	\$ 6,600.00	\$ 18.85	\$ 3,770.00	\$ 39.00	\$ 7,800.00	\$ 60.00	\$ 12,000.00
18	6" PVC SDR 35 Storm Lateral w/ Granular Backfill	LF	175	\$ 54.00	\$ 9,450.00	\$ 62.00	\$ 10,850.00	\$ 69.00	\$ 12,075.00	\$ 85.00	\$ 14,875.00	\$ 150.00	\$ 26,250.00
19	12" RCP Storm Sewer Pipe CL V w/ Granular Backfill	LF	810	\$ 73.00	\$ 59,130.00	\$ 74.00	\$ 59,940.00	\$ 74.00	\$ 59,940.00	\$ 75.00	\$ 60,750.00	\$ 90.00	\$ 72,900.00
20	18" RCP Storm Sewer Pipe CL III w/ Granular Backfill	LF	100	\$ 74.00	\$ 7,400.00	\$ 92.00	\$ 9,200.00	\$ 79.00	\$ 7,900.00	\$ 81.00	\$ 8,100.00	\$ 100.00	\$ 10,000.00
21	24" RCP Storm Sewer Pipe CL III w/ Granular Backfill	LF	45	\$ 89.00	\$ 4,005.00	\$ 153.00	\$ 6,885.00	\$ 133.00	\$ 5,985.00	\$ 114.00	\$ 5,130.00	\$ 250.00	\$ 11,250.00
22	42" RCP Storm Sewer Pipe CL III w/ Granular Backfill	LF	205	\$ 182.00	\$ 37,310.00	\$ 170.00	\$ 34,850.00	\$ 199.90	\$ 40,979.50	\$ 237.00	\$ 48,585.00	\$ 350.00	\$ 71,750.00
23	24"x36" Catch Basin with Casting	EA	13	\$ 2,438.00	\$ 31,694.00	\$ 2,295.00	\$ 29,835.00	\$ 2,798.00	\$ 36,374.00	\$ 3,510.00	\$ 45,630.00	\$ 2,500.00	\$ 32,500.00
24	48" Storm Manhole with Casting	EA	9	\$ 3,253.00	\$ 29,277.00	\$ 2,526.00	\$ 22,734.00	\$ 3,275.00	\$ 29,475.00	\$ 3,616.00	\$ 32,544.00	\$ 3,500.00	\$ 31,500.00
25	60" Storm Manhole with Casting	EA	2	\$ 4,181.00	\$ 8,362.00	\$ 3,175.00	\$ 6,350.00	\$ 3,835.00	\$ 7,670.00	\$ 4,309.00	\$ 8,618.00	\$ 4,500.00	\$ 9,000.00
26	72" Storm Manhole with Casting	EA	2	\$ 5,405.00	\$ 10,810.00	\$ 4,135.00	\$ 8,270.00	\$ 5,230.00	\$ 10,460.00	\$ 5,627.00	\$ 11,254.00	\$ 7,500.00	\$ 15,000.00
27	96" Storm Manhole with Casting	EA	1	\$ 8,190.00	\$ 8,190.00	\$ 8,515.00	\$ 8,515.00	\$ 8,120.00	\$ 8,120.00	\$ 11,015.00	\$ 11,015.00	\$ 10,500.00	\$ 10,500.00
28	Type C Inlet Protection	EA	29	\$ 79.00	\$ 2,291.00	\$ 57.00	\$ 1,653.00	\$ 55.00	\$ 1,595.00	\$ 164.00	\$ 4,756.00	\$ 55.00	\$ 1,595.00
29	8" PVC C900 Class 150 Watermain Relay w/ Granular Backfill	LF	2,625	\$ 125.00	\$ 328,125.00	\$ 117.00	\$ 307,125.00	\$ 126.67	\$ 332,508.75	\$ 109.00	\$ 286,125.00	\$ 160.00	\$ 420,000.00
30	4" PVC C900 Watermain Relay w/ Granular Backfill	LF	35	\$ 105.00	\$ 3,675.00	\$ 124.00	\$ 4,340.00	\$ 123.00	\$ 4,305.00	\$ 184.00	\$ 6,440.00	\$ 125.00	\$ 4,375.00
31	8" Grate Valve & Valve Box	EA	12	\$ 2,345.00	\$ 28,140.00	\$ 2,180.00	\$ 26,160.00	\$ 2,495.00	\$ 29,940.00	\$ 2,586.00	\$ 31,032.00	\$ 2,500.00	\$ 30,000.00
32	4" Grate Valve & Valve Box	EA	1	\$ 1,422.00	\$ 1,422.00	\$ 1,345.00	\$ 1,345.00	\$ 1,565.00	\$ 1,565.00	\$ 1,679.00	\$ 1,679.00	\$ 1,500.00	\$ 1,500.00
33	Hydrant Assembly	EA	7	\$ 7,281.00	\$ 50,967.00	\$ 7,370.00	\$ 51,590.00	\$ 8,877.00	\$ 62,139.00	\$ 8,921.00	\$ 62,447.00	\$ 7,750.00	\$ 54,250.00
34	1" HDPE Water Service Relay w/ Granular Backfill	LF	440	\$ 76.00	\$ 33,440.00	\$ 100.00	\$ 44,000.00	\$ 109.00	\$ 47,960.00	\$ 113.00	\$ 49,720.00	\$ 135.00	\$ 59,400.00
35	1" HDPE Water Service Relay (Bored)	LF	65	\$ 47.00	\$ 3,055.00	\$ 106.00	\$ 6,890.00	\$ 109.00	\$ 7,085.00	\$ 105.00	\$ 6,825.00	\$ 135.00	\$ 8,775.00
36	Water Service Relay (Include 1" Pigtail)	EA	19	\$ 685.00	\$ 13,015.00	\$ 765.00	\$ 14,535.00	\$ 1,168.00	\$ 22,192.00	\$ 1,556.00	\$ 29,564.00	\$ 1,750.00	\$ 33,250.00
37	Water Service Reconnection	EA	6	\$ 502.00	\$ 3,012.00	\$ 400.00	\$ 2,400.00	\$ 2,643.00	\$ 15,858.00	\$ 719.00	\$ 4,314.00	\$ 1,250.00	\$ 7,500.00
38	Abandon Water Manhole and Install Valve Box	EA	3	\$ 910.00	\$ 2,730.00	\$ 510.00	\$ 1,530.00	\$ 1,147.00	\$ 3,441.00	\$ 1,348.00	\$ 4,044.00	\$ 6,500.00	\$ 19,500.00
39	2" Thick, 24" Wide Foam Insulation	LF	50	\$ 5.40	\$ 270.00	\$ 7.00	\$ 350.00	\$ 10.00	\$ 500.00	\$ 22.00	\$ 1,100.00	\$ 10.00	\$ 500.00
40	6" Water Main Offset	EA	1	\$ 3,420.00	\$ 3,420.00	\$ 5,770.00	\$ 5,770.00	\$ 6,582.00	\$ 6,582.00	\$ 6,313.00	\$ 6,313.00	\$ 15,000.00	\$ 15,000.00
41	8" PVC SDR 35 Sanitary Sewer Relay w/ Granular Backfill	LF	1,025	\$ 137.00	\$ 140,425.00	\$ 133.00	\$ 136,325.00	\$ 119.47	\$ 122,456.75	\$ 159.00	\$ 162,975.00	\$ 235.00	\$ 240,875.00
42	15" PVC SDR 35 Sanitary Sewer Relay w/ Granular Backfill	LF	2,775	\$ 165.00	\$ 457,875.00	\$ 176.00	\$ 488,400.00	\$ 151.47	\$ 420,329.25	\$ 184.00	\$ 510,600.00	\$ 265.00	\$ 735,375.00
43	12" PVC C900 Class 150 Force Main w/ Granular Backfill	LF	430	\$ 146.00	\$ 62,780.00	\$ 156.00	\$ 67,080.00	\$ 154.00	\$ 66,220.00	\$ 176.00	\$ 75,880.00	\$ 275.00	\$ 118,250.00
44	6" PVC C900 Class 150 Force Main w/Granular Backfill	LF	25	\$ 104.00	\$ 2,600.00	\$ 128.00	\$ 3,200.00	\$ 117.00	\$ 2,925.00	\$ 166.00	\$ 4,150.00	\$ 500.00	\$ 12,500.00
45	2" HDPE Sanitary Lateral w/ Granular Backfill	LF	650	\$ 15.00	\$ 9,750.00	\$ 33.00	\$ 21,450.00	\$ 25.00	\$ 16,250.00	\$ 60.00	\$ 39,000.00	\$ 205.00	\$ 133,250.00
46	6" PVC SDR 35 Sanitary Lateral Relay w/ Granular Backfill	LF	480	\$ 105.00	\$ 50,400.00	\$ 120.00	\$ 57,600.00	\$ 156.00	\$ 74,880.00	\$ 164.00	\$ 78,720.00	\$ 215.00	\$ 103,200.00
47	6" PVC SDR 35 Sanitary Lateral Relay (Bored)	LF	55	\$ 63.00	\$ 3,465.00	\$ 122.00	\$ 6,710.00	\$ 156.00	\$ 8,580.00	\$ 182.00	\$ 10,010.00	\$ 215.00	\$ 11,825.00
48	6" Sanitary Lateral Reconnect	EA	28	\$ 846.00	\$ 23,688.00	\$ 415.00	\$ 11,620.00	\$ 843.00	\$ 23,604.00	\$ 4,461.00	\$ 124,908.00	\$ 1,500.00	\$ 42,000.00
49	48" Sanitary Manhole w/ Casting & Internal/External Seal	VF	147	\$ 465.00	\$ 68,355.00	\$ 455.00	\$ 66,885.00	\$ 542.00	\$ 79,674.00	\$ 493.00	\$ 72,471.00	\$ 500.00	\$ 73,500.00
50	48" Sanitary Force Main Quick Connect Structure	EA	1	\$ 9,936.00	\$ 9,936.00	\$ 12,465.00	\$ 12,465.00	\$ 10,398.00	\$ 10,398.00	\$ 9,922.00	\$ 9,922.00	\$ 15,000.00	\$ 15,000.00
51	Rock Excavation	CY	200	\$ 0.01	\$ 2.00	\$ 1.00	\$ 200.00	\$ 100.00	\$ 20,000.00	\$ 273.00	\$ 54,600.00	\$ 250.00	\$ 50,000.00
52	Existing Sanitary Manhole Chimney Repair	EA	1	\$ 1,424.00	\$ 1,424.00	\$ 2,265.00	\$ 2,265.00	\$ 1,890.00	\$ 1,890.00	\$ 2,436.00	\$ 2,436.00	\$ 3,500.00	\$ 3,500.00
53	Existing Storm Manhole Chimney Repair	EA	1	\$ 453.00	\$ 453.00	\$ 1,590.00	\$ 1,590.00	\$ 1,290.00	\$ 1,290.00	\$ 2,116.00	\$ 2,116.00	\$ 3,500.00	\$ 3,500.00
54	Existing Storm Manhole Adjustment	EA	1	\$ 397.00	\$ 397.00	\$ 510.00	\$ 510.00	\$ 550.00	\$ 550.00	\$ 1,090.50	\$ 1,090.50	\$ 1,500.00	\$ 1,500.00
55	Slurry Backfill (1 Bag Mix)	CY	10	\$ 92.00	\$ 920.00	\$ 125.00	\$ 1,250.00	\$ 200.00	\$ 2,000.00	\$ 82.00	\$ 820.00	\$ 100.00	\$ 1,000.00

Dorner Inc.	PTS Contractors Inc.	Vinton Construction Co.	UPI, LLC.	Mid City Corporation
Total = \$ 2,430,228.00	Total = \$ 2,439,493.50	Total = \$ 2,510,570.75	Total = \$ 2,863,455.00	Total = \$ 3,662,237.50

Sheboygan Road Path

Item #	Description	Units	Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
56	Traffic Control	LS	1	\$ 1,584.00	\$ 1,584.00	\$ 1,910.00	\$ 1,910.00	\$ 2,000.00	\$ 2,000.00	\$ 1,546.00	\$ 1,546.00	\$ 1,500.00	\$ 1,500.00
57	Common Excavation (Est. 120 CY)	LS	1	\$ 4,899.00	\$ 4,899.00	\$ 3,600.00	\$ 3,600.00	\$ 2,000.00	\$ 2,000.00	\$ 5,151.00	\$ 5,151.00	\$ 6,500.00	\$ 6,500.00
58	Borrow (Est. 280 CY)	LS	1	\$ 5,912.00	\$ 5,912.00	\$ 5,760.00	\$ 5,760.00	\$ 5,000.00	\$ 5,000.00	\$ 12,018.00	\$ 12,018.00	\$ 15,000.00	\$ 15,000.00
59	1-1/4" Dense Graded Base Course	TON	180	\$ 21.10	\$ 3,798.00	\$ 20.55	\$ 3,699.00	\$ 25.44	\$ 4,579.20	\$ 35.10	\$ 6,318.00	\$ 45.00	\$ 8,100.00
60	3/4" Dense Graded Base Course (Shoulder)	TON	100	\$ 37.00	\$ 3,700.00	\$ 36.00	\$ 3,600.00	\$ 35.44	\$ 3,544.00	\$ 40.20	\$ 4,020.00	\$ 55.00	\$ 5,500.00
61	Hot Mix Asphalt	TON	70	\$ 168.90	\$ 11,823.00	\$ 165.00	\$ 11,550.00	\$ 160.00	\$ 11,200.00	\$ 164.90	\$ 11,543.00	\$ 150.00	\$ 10,500.00
62	Restoration	SY	900	\$ 6.30	\$ 5,670.00	\$ 6.15	\$ 5,535.00	\$ 6.00	\$ 5,400.00	\$ 7.40	\$ 6,660.00	\$ 7.00	\$ 6,300.00
63	Erosion Mat	SY	900	\$ 2.10	\$ 1,890.00	\$ 2.05	\$ 1,845.00	\$ 2.00	\$ 1,800.00	\$ 1.30	\$ 1,170.00	\$ 2.00	\$ 1,800.00
64	Silt Fence	LF	660	\$ 2.30	\$ 1,518.00	\$ 2.25	\$ 1,485.00	\$ 2.15	\$ 1,419.00	\$ 1.90	\$ 1,254.00	\$ 2.50	\$ 1,650.00
65	Extend Hydrant Lead and Relocate Hydrant	LS	1	\$ 2,493.00	\$ 2,493.00	\$ 4,560.00	\$ 4,560.00	\$ 3,000.00	\$ 3,000.00	\$ 5,540.00	\$ 5,540.00	\$ 5,500.00	\$ 5,500.00
66	15" CMP Culvert Pipe	LF	30	\$ 52.00	\$ 1,560.00	\$ 60.00	\$ 1,800.00	\$ 77.00	\$ 2,310.00	\$ 145.00	\$ 4,350.00	\$ 125.00	\$ 3,750.00

Dorner Inc.	PTS Contractors Inc.	Vinton Construction Co.	UPI, LLC.	Mid City Corporation
Total = \$ 44,847.00	Total = \$ 45,344.00	Total = \$ 42,252.20	Total = \$ 59,570.00	Total = \$ 66,100.00

Total Base Bid

Dorner Inc.	PTS Contractors Inc.	Vinton Construction Co.	UPI, LLC.
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## CITY OF CEDARBURG

**MEETING DATE:** March 14, 2022

**ITEM NO:** 10.F.

**TITLE:** Discussion and possible action on Ordinance No. 2022-06 amending Water Impact Fees

**ISSUE SUMMARY:** On September 13, 2021, the Council approved Ordinance No 2021-18 which amended the Water Impact Fees based on a Water Needs Assessment and Impact Fee Study. This ordinance was published and took effect after that meeting.

At the February 28, 2022 Council meeting, another round of Impact Fees was approved, however, the water portion of that approval inadvertently reverted to a previous Ordinance (established before 9/13/2021). Ordinance No. 2022-06 in the current Council packet corrects the error and brings the Water Impact Fees back to what was approved on September 13, 2021.

**STAFF RECOMMENDATION:** Approval of Ordinance No. 2022-06

**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:** n/a

**BUDGETARY IMPACT:**

**ATTACHMENTS:**

**INITIATED/REQUESTED BY:** Tracie Sette, City Clerk

**FOR MORE INFORMATION CONTACT:** Tracie Sette, City Clerk 262-375-7606

## **ORDINANCE NO. 2022-06**

### **An Ordinance Repealing and Replacing Section 3-6-5 Water Supply Facilities**

The Common Council of the City of Cedarburg, Wisconsin, does hereby ordain as follows:

SECTION 1. Section 3-6-5 of the Municipal Code of the City of Cedarburg is hereby repealed and recreated as follows:

#### **SEC. 3-6-5 WATER SUPPLY FACILITIES**

Any developer creating or constructing additional residential dwelling units or commercial, industrial, or institutional land development within the City or any owner of property in the City that has a change in use that results in the use of additional water capacity shall pay a fee to the City to provide for the capital costs necessary to accommodate water supply expansion needs of land development except as provided in subsection (8) below.

##### **2021 Water Impact Fee Based on Installed Meter Size**

<b>Meter Size</b>	<b>Meter Factor</b>	<b>Fee per Meter</b>
5/8"	1.0	\$1,945
3/4"	1.0	\$1,945
1"	2.5	\$4,863
1.5"	5.0	\$9,725
2"	8.0	\$15,560
2.5"	12.5	\$24,313
3"	15.0	\$29,175
4"	25.0	\$48,625
6"	50.0	\$97,250
8"	80.0	\$155,600
10"	120.0	\$233,400
12"	160.0	\$311,200

- (a) The Water Supply Facilities impact fee shall be \$1,945 per equivalent meter.
- (b) The fee shall be imposed as a condition of the issuance of the building permit except if the total amount of impact fees due for a development will be more than \$75,000, a developer may defer payment of the impact fees for a period of 4 years from the date of the issuance of the building permit or until 6 months before the municipality incurs the costs to construct, expand, or improve the public facilities related to the development for which the fee was imposed, whichever is earlier. If the developer elects to defer payment under this paragraph, the developer shall maintain in force a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the municipality. A developer may not defer payment of impact fees for projects that have been previously approved.

- (c) Such fees collected by the Water Utility shall be placed in a special fund which shall be separate from the general fund of the Water Utility, and the special fund and all interest earned thereon shall be used exclusively for the capital costs of water supply facilities.
- (d) Such fees shall be expended by the Water Utility for the aforesaid purpose within eight (8) years of the date of payment, or such fee amount paid shall be refunded to the payer of fees for the property with respect to which the impact fees were imposed, along with any interest that has accumulated.
- (e) The impact fees imposed under this section shall be increased annually at the percent change of the U.S. Census Bureau Construction Price Index (CPI) for single-family houses under construction, for the twelve-month period preceding October of the prior year, with the adjustment effective January 1 of each year. The City Administrator or designee shall calculate the adjusted fees and maintain a copy of the calculation and the adjusted impact fees in the office of the City Clerk.

**SECTION 2. SEVERABILITY.** The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Passed and adopted this 14<sup>th</sup> day of March 2022.

Attest:

\_\_\_\_\_  
Mike O'Keefe, Mayor

\_\_\_\_\_  
Tracie Sette, City Clerk

Approved as to form:

\_\_\_\_\_  
Michael Herbrand, City Attorney

## CITY OF CEDARBURG

**MEETING DATE:** March 14, 2022

**ITEM NO:** 10.G.

**TITLE:** Discussion only on Pedal Tavern Ordinance No. 2021-01.

**ISSUE SUMMARY:** The renewal application for the Pedal Tavern license has been submitted to the City. This would be a great opportunity to review the first year of operation. The ordinance does not contain the language specific to the Council approving the annual license, so this may be an opportunity to insert such language should the Council decide. In the event there are other changes forthcoming, the agenda item is open for discussion only so that the ordinance may be updated and brought to the Council for approval at a future meeting.

**STAFF RECOMMENDATION:** None

**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:** None

**BUDGETARY IMPACT:** None

**ATTACHMENTS:** Ordinance No. 2021-01

**INITIATED/REQUESTED BY:** Tracie Sette, City Clerk

**FOR MORE INFORMATION CONTACT:** Tracie Sette, City Clerk, (262) 375-7606

**ORDINANCE NO. 2021-01**

**AN ORDINANCE CREATING CHAPTER 7 OF TITLE 10 OF THE  
CITY OF CEDARBURG CODE OF ORDINANCES  
RELATING TO COMMERCIAL QUADRICYCLES**

The Common Council of the City of Cedarburg do ordain as follows:

- 1. Creation of Chapter 7 of Title 10.** Title 10 of the City of Cedarburg Code of Ordinances, entitled “Motor Vehicles and Traffic,” is hereby amended to create a new Chapter 7 entitled “Commercial Quadricycles.”
- 2. Text of Chapter 7.** The text of Chapter 7, Commercial Quadricycles, shall be as follows:

**CHAPTER 7**  
Commercial Quadricycles

**SEC. 10-7-1 DEFINITIONS.**

In this chapter:

- (a) The term “alcohol beverages” shall have the meaning set forth in Wis. Stat. § 125.02(1).
- (b) The term “commercial quadricycle” shall have the meaning set forth in Wis. Stat. § 340.01(8m).
- (c) The term “commercial quadricycle business” or “owner” shall mean the owner of a commercial quadricycle, regardless of whether the owner is an individual person, partnership, corporation, or other type of business entity, however formed.
- (d) The term “driver” shall mean the person who is at the steering controls of a commercial quadricycle.
- (e) The term “person or business” shall mean any natural person, sole proprietorship, partnership, limited liability company, corporation or association or the owner of a single-owner entity that is disregarded as a separate entity.
- (f) The term “withdrawal” shall mean a cancelation, suspension, or revocation.

**SEC. 10-7-2 STATE LAWS ADOPTED.**

- (a) Wis. Stat. § 346.94(23), setting forth regulations for commercial quadricycles, is hereby incorporated by reference.
- (b) A commercial quadricycle is a vehicle, as defined by Wis. Stat. § 340.01(74).  
Therefore, the driver of a commercial quadricycle shall comply with Chapter 1 of this Title to the extent any particular state traffic law applies to a commercial quadricycle.

**SEC. 10-7-3 VEHICLE LICENSING.** No person or business shall operate a commercial quadricycle in the City unless the commercial quadricycle is licensed by the City pursuant to this section.

- (a) A maximum of one (1) vehicle license is available for issuance under this section.
- (b) Application shall be made to the City Clerk on the form authorized by the City for this purpose.
- (c) Each applicant shall provide the full legal name and home address of the person or business that owns the commercial quadricycle and, if a business entity, the full legal name of the business entity and the full legal names and home addresses of the business entity's officers, directors, members and/or partners.
- (d) If the person or entity that will be operating the commercial quadricycle is different than the owner of the commercial quadricycle, the applicant shall also provide the full legal name and home address of the person or business that will operate the commercial quadricycle and, if a business entity, the full legal name of the business entity and the full legal names and home addresses of the business entity's officers, directors, members and/or partners.
- (e) Each applicant shall furnish a certificate of insurance showing that the applicant has in effect a policy of comprehensive general liability insurance issued by an insurance company duly authorized to do business in the State of Wisconsin, indemnifying the applicant in an amount not less than \$500,000.00 for damage to property, \$500,000.00 for injury to one person, and \$1,000,000.00 for injury to more than one person caused by the operation of a commercial quadricycle in the City, due to the liability of the owner or operator of a commercial quadricycle arising out of the ownership, operation, use, or maintenance of a quadricycle. The policy shall provide that the insurer shall give the city 30 days' notice of any cancellation or nonrenewal of the policy. All certificates of insurance must list the City of Cedarburg as an additional insured.
- (f) The applicant shall furnish identifying information regarding the commercial quadricycle, including at a minimum the serial or vehicle identification number and name of the manufacturer.
- (g) The applicant shall certify the commercial quadricycle meets the equipment requirements of this chapter.
- (h) The applicant shall furnish evidence that the commercial quadricycle was inspected within 60 days prior to application by a reputable bicycle repair shop or other facility qualified to repair commercial quadricycles which states that the commercial quadricycle is in good working order.
- (i) Renewal application shall be made on an annual basis.

#### **SEC. 10-7-4 DRIVER LICENSING.**

No person shall drive a commercial quadricycle within the City unless the person holds a valid automobile driver's license issued by Wisconsin or another jurisdiction and the person also holds a valid commercial quadricycle driver's license issued by the City Clerk pursuant to this section.

- (a) No person may be issued a commercial quadricycle driver's license unless the person has reached 21 years of age.
- (b) No person may hold a commercial quadricycle driver's license unless the person holds a valid automobile driver's license issued by Wisconsin or another jurisdiction.
- (c) No person may hold a commercial quadricycle driver's license if the person is subject to a court order under Wis. Stat. § 346.94(23)(g).



- (d) Each applicant must provide their full legal name and current home address.
- (e) Renewal application shall be made on an annual basis.
- (f) The Chief of Police may recommend that the City Clerk not issue or renew a license under this section if the applicant's driving record reveals a history of one or more convictions relating to impaired driving, alcohol concentration, restricted controlled substance, implied consent, reckless driving, fleeing or eluding an officer, hit & run, suspensions due to accumulation of demerit points, suspensions due to safety responsibility, or revocation due to being a habitual traffic offender. The City Clerk shall notify the applicant or licensee in writing of the reasons for the non-issuance or non-renewal. The applicant or licensee has 30 days from the date of the notice of non-issuance or non-renewal to file an appeal of the non-issuance or non-renewal to the Common Council.

**SEC. 10-7-5 EQUIPMENT REQUIREMENTS.** A commercial quadricycle operated within the City shall have the following equipment in proper working order:

- (a) At least one light on the front which shall emit a white light visible from a distance of 300 feet to the front. When the quadricycle is operating, if the front light does not remain on at all times, it must be manually lit 30 minutes before dusk.
- (b) At least one taillight mounted on the rear, which shall emit a red light plainly visible from a distance of 500 feet to the rear. When the quadricycle is operating, if the taillight does not remain on at all times, it must be manually lit 30 minutes before dusk.
- (c) At least one brake light on the rear which shall emit a red light, and which shall be actuated upon application of the service (foot) brake and which may, but need not, be incorporated with a taillight. Every brake light shall be plainly visible and understandable from a distance of 300 feet to the rear regardless of the time of day.
- (d) A sign bearing the slow moving vehicle emblem, as defined by Wis. Admin Code § Trans 304 shall be mounted on the rear, in the approximate horizontal geometric center of the commercial quadricycle, at a height of three to five feet above the roadway, and shall always be maintained in a clean and reflective condition.
- (e) A mirror capable of showing the driver a view of the roadway for a distance of 200 feet to the rear of the vehicle.
- (f) A braking system, operable by the driver, that can override all methods of propulsion and bring the vehicle to a complete and abrupt stop.
- (g) Reflectors placed on each side of the quadricycle.

**SEC. 10-7-6 REGULATIONS.**

- (a) **Hours of operation.** No person or business may drive or operate a commercial quadricycle in the City with passengers aboard outside the hours of 5:00 p.m. - 9:00 p.m. Thursday and Friday, 11:00 a.m. - 9:00 p.m. Saturday, and 11:00 a.m. - 5:00 p.m. on Sunday.
- (b) **Operation during special events prohibited.** No person or business may drive or operate a commercial quadricycle in the City with passengers aboard during special events as may be designated by the Chief of Police.

- (c) **Routes.** No person or business may drive or operate a commercial quadricycle in the City except upon streets or routes authorized by the Common Council.
- (d) **Underage presence prohibited.** No person under the age of 21 may be aboard a commercial quadricycle if any other passenger is in the possession of an alcohol beverage.
- (e) **Posting of business name and licenses.** No person or business may drive or operate a commercial quadricycle unless the quadricycle:
  - 1. Displays the name of the commercial quadricycle business and telephone number on the left and right hand sides of the quadricycle; and
  - 2. Displays in a conspicuous location the vehicle license of the commercial quadricycle business and the driver's quadricycle driver's license issued under this chapter.
- (f) **Glass containers prohibited.** No person or business may carry, possess, or permit the carrying or possession of any glass container upon a commercial quadricycle.
- (g) **Collection of refuse and recyclables.** The commercial quadricycle business shall furnish receptacles upon or within the quadricycle for passengers to dispose of refuse and recyclables. The driver shall ensure all passengers properly dispose of such items.
- (h) **Parking.** The parking regulations located in Chapter 1 of this Title apply to commercial quadricycles.

#### **SEC. 10-7-7 FEES, ENFORCEMENT AND PENALTIES.**

- (a) **Fees.** Fees for initial and renewal vehicle licenses and driver's licenses under this chapter shall be set forth by separate resolution of the Common Council.
- (b) **Business and Driver Jointly Liable.** The commercial quadricycle business and driver may both be cited and convicted for any violation of this chapter. The violation of any provision of this section by the driver is prima facie evidence that the violation was permitted by the commercial quadricycle business.
- (c) **Penalties.** The penalties set forth in Section 1-1-7 of the Municipal Code apply to any violation of this section.
- (d) **Withdrawal of Vehicle License.**
  - (1) The City Clerk shall immediately cancel a vehicle license upon notice that the owner's general liability insurance is canceled if no successive certificate of insurance is on file.
  - (2) The City Clerk shall immediately temporarily suspend a vehicle license upon notice from the police department that a commercial quadricycle does not meet any equipment or safety regulation of this chapter or state law. The City Clerk shall reinstate the license upon notice from the police department that the commercial quadricycle has corrected the defect and is again in compliance.
  - (3) The City Clerk may temporarily suspend or permanently revoke a vehicle license upon a complaint from the police department setting forth one or more violations of the municipal code or of state law, or of any misrepresentations discovered in the application process, or of nonuse of the license.

(4) The City Clerk shall provide written notice to the licensee upon the withdrawal. The licensee may appeal the withdrawal to the Common Council by filing with the City Clerk a notice of appeal within 30 days of the date of the written notice.

(e) **Withdrawal of Driver License.**

(1) The City Clerk shall immediately cancel a commercial quadricycle driver license upon notice that the licensee's automobile driving privilege is expired, canceled, suspended, or revoked.

(2) The City Clerk may temporarily suspend or permanently revoke a vehicle license upon a complaint from the police department setting forth one or more violations of the municipal code or of state law, or of any misrepresentations discovered in the application process.

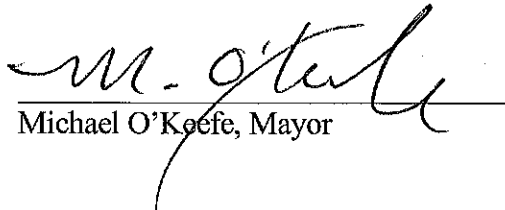
(3) The City Clerk shall permanently revoke a vehicle license upon receiving notice that a court has entered an order permanently prohibiting the person from driving a commercial quadricycle, pursuant to Wis. Stat. § 346.94(23)(g).

(4) The City Clerk shall provide written notice to the licensee upon the withdrawal. Except for revocations under subsection (3), the licensee may appeal the withdrawal to the Common Council by filing with the City Clerk a notice of appeal within 30 days of the date of the written notice.

**SECTION 2. SEVERABILITY.** The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Passed and adopted this 25<sup>th</sup> day of January 2021.

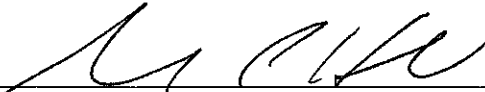
  
Michael O'Keefe, Mayor

Attest:

A handwritten signature in cursive script, appearing to read "Tracie Sette", written over a horizontal line.

Tracie Sette, City Clerk

Approved as to form:

A handwritten signature in cursive script, appearing to read "Michael P. Herbrand", written over a horizontal line.

Michael P. Herbrand, City Attorney

## CITY OF CEDARBURG

**MEETING DATE:** March 14, 2022

**ITEM NO:** 10.I.

**TITLE:** Discussion and possible action on Resolution 2022-09 approving a Memorandum of Understanding (MOU) between the City of Cedarburg, City of Mequon, Village of Thiensville, and Town of Cedarburg establishing a joint Fire & EMS working group

**ISSUE SUMMARY:**

Over the last few years, a number of municipalities within Ozaukee County have engaged in a series of informal meetings regarding potential opportunities to share in the provision of Fire and Emergency Medical Services (EMS). Collectively, these discussions were borne out of a desire to proactively address critical and ongoing staffing shortages that many departments are facing as paid-on-call (POC) or all volunteer (Cedarburg) entities, as well as the significant level of ongoing capital investment (e.g., stations, fire trucks, ambulances, rescue equipment) that is required to maintain separate fire departments.

Through early discussions between the City and Town of Cedarburg on shared Fire & EMS services an Adhoc Joint Fire/EMS committee was formed to evaluate all options for the Cedarburg Fire Department. The group has put together an option that would keep the Cedarburg Fire Department operating on it's own with increased future funding for personnel and moving towards a paramedic program. This is one of three options. The other options are to continue exploring a full-county consolidation or some type of partial consolidation. One option for partial consolidation is a Southern Ozaukee joint department with the City of Mequon and the Village of Thiensville. Through several meetings with the current joint Mequon/Thiensville working group it was brought up that having Cedarburg join future discussions would be beneficial to all communities. An MOU has been drafted that includes all four communities. Both Mequon and Thiensville elected officials have approved the MOU. The Town of Cedarburg will be discussing the MOU at their March 16<sup>th</sup> meeting as well.

The MOU does not commit the City to consolidating its Fire & EMS Departments at this time. It also provides flexibility for all communities to continue participating in other consolidation talks that continue to occur on a larger county-wide scale, or on a more regionalized basis (i.e., Northern and Southern Ozaukee Departments, etc.). Pending adoption of the resolution approving the Memorandum of Understanding between the Cities, Village and Town, it is anticipated that the larger Joint Working Group will commence its work in March and provide an update to each governing board in the coming months.

**STAFF RECOMMENDATION:** None

**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:**

**BUDGETARY IMPACT:** None

**ATTACHMENTS:** Fire and EMS MOU, Fire and EMS Resolution

**INITIATED/REQUESTED BY:** Mikko Hilvo, City Administrator

**FOR MORE INFORMATION CONTACT:** Mikko Hilvo, City Administrator

CITY OF CEDARBURG  
RESOLUTION NO. 2022-09  
A RESOLUTION APPROVING  
MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF CEDARBURG, CITY OF MEQUON,  
VILLAGE OF THIENSVILLE, AND THE TOWN OF CEDARBURG  
ESTABLISHING A JOINT FIRE & EMS WORKING GROUP

WHEREAS, the City of Cedarburg, City of Mequon, Village of Thiensville, and the Town of Cedarburg each provide emergency medical, fire and rescue services (collectively herein “Fire & EMS Services”) to their respective residents; and

WHEREAS, these communities wish to provide effective and efficient Fire & EMS Services to their respective communities; and

WHEREAS, these communities have determined that current and future budget considerations and staffing constraints pose a challenge to providing effective and efficient Fire & EMS Services; and

WHEREAS, Wisconsin Statute 66.0301 authorizes municipal governments to enter into intergovernmental agreements to share services and/or otherwise provide for the joint exercise of municipal powers.

NOW, THEREFORE, BE IT RESOLVED by the City of Cedarburg, that the Memorandum of Understanding between the City of Cedarburg, City of Mequon, Village of Thiensville, and the Town of Cedarburg in the form attached is approved.

PASSED AND ADOPTED by the Common Council of the City of Cedarburg, County of Ozaukee, State of Wisconsin on this 14<sup>th</sup> day of March, 2022.

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Michael O’Keefe, Mayor

Countersigned:

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Tracie Sette, City Clerk

# **MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding (“MOU”) is made as of this 14<sup>th</sup> day of March 2022, by and between the City of Mequon, the Village of Thiensville, the City of Cedarburg and the Town of Cedarburg (collectively, the “communities”).

## **RECITALS**

A. The communities provide emergency medical, fire, and rescue services (collectively “Fire & EMS Services”) to their respective residents, businesses and institutions, utilizing a combination of their own Fire & EMS Services staff, mutual aid, and shared services agreements.

B. The communities all seek to continue to provide effective and efficient Fire & EMS Services to their respective residents, businesses and institutions.

C. The communities have each identified current and future budget challenges to the continued provision of effective and efficient Fire & EMS Services including budget consideration and staffing constraints.

D. The communities participated in a county-wide study with other municipalities that provide Fire & EMS services, including Fredonia, Grafton, Saukville, and Port Washington, among others, to examine ways that Fire & EMS Services may be provided with synergy, reduced duplication, and increased flexibility.

E. The county-wide study, completed by the Wisconsin Policy Forum (“WPF”) in early 2021, recommended a range of six (6) options that participating communities could consider to sustain or improve upon the existing levels of service, while controlling costs.

F. Following a thorough review of the recommendations contained within the WPF study, and ongoing consultation with officials from the other participating communities, the Village of Thiensville and the City of Mequon entered into a Memorandum of Understanding in December 2022 (the “MT MOU”) to explore a two-way consolidation as described in the WPF study. The working group described in the MT MOU (the “Joint Working Group”) has spent many hours over many weeks exploring options and potential agreements.

G. Representatives of the City of Cedarburg and the Town of Cedarburg have recently attended some of the meetings of the Joint Working Group.

H. A group comprised of the Chief Executive Officers, Administrators and Fire Department Command Staff from all four communities recommend that the communities further explore a four-way consolidation of Fire & EMS Services.

I. Efforts directed towards establishment of one, unified Fire & EMS department do not preclude any of the communities from continuing to participate in potentially larger consolidation discussions with the other communities that participated in the WPF study or the

City of Mequon and the Village of Thiensville from creating the unified department anticipated by the MT MOU. The MT MOU survives the execution of this MOU.

J. Section 66.0301 of the Wisconsin Statutes authorizes municipal to enter into intergovernmental agreements to share services and/or otherwise provide for the joint exercise of municipal powers.

BASED ON THE FOREGOING RECITALS, and in consideration of the promises and obligations set forth in this MOU, the communities mutually agree as follows:

1. In addition to those individuals described in the MT MOU, the Chief Executive Officer, Administrator, Fire Chief and Deputy Chief of the City of Cedarburg and the Town of Cedarburg shall be part of the Joint Working Group. The Joint Working Group shall establish the necessary framework by which the departments serving the communities can consolidate into one, unified entity under the jurisdiction of a combined governing board.

2. The Joint Working Group may from time to time include other representatives of a community (e.g., an additional elected official, City/Village/Town attorney, finance director, consultant, etc.), that the Joint Working Group's core members deem necessary or advisable to support the establishment of such a unified operating entity.

3. In establishing the framework by which the communities' Fire & EMS departments may consolidate into one, unified entity, the Joint Working Group will include an examination of the following topic areas, among others, within its work:

- Governance
- Administration/Management
- Finance (Budgeting, Revenues, etc.)
- Staffing
- Equipment
- Facilities
- Emergency Dispatch
- Response Times
- Future Growth/Needs

4. The Joint Working Group will provide periodic updates (not less than quarterly) to the governing boards in each of the communities to apprise elected officials on the Joint Working Group's progress towards establishing one, unified department, as well as challenges or considerations that may warrant larger or further discussion and/or deliberation.

5. The results and recommendations of the Joint Working Group's efforts are not binding but serve as key decision-making data should all or some of the communities decide to pursue consolidation(s). Further, this MOU shall impose no legal obligation on any of the communities; rather, it expresses the intent of the communities. Any of the communities may withdraw from this MOU at any time by providing written notice to the rest.



CITY OF MEQUON

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John M. Wirth, Mayor

ATTEST:

---

Caroline Fochs, Clerk

CITY OF CEDARBURG

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Michael O'Keefe, Mayor

ATTEST:

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Tracie Sette, Clerk

VILLAGE OF THIENSVILLE

---

Van A. Mobley, President

ATTEST:

---

Amy Langlois, Clerk

TOWN OF CEDARBURG

---

David Salvaggio, Chairman

ATTEST:

---

Jack Johnston, Clerk

**City of Cedarburg**  
**Passenger Transportation Vehicle (Quadricycle)**  
**Owner Application**  
W63 N645 Washington Avenue, P.O. Box 49  
Cedarburg, WI 53012  
(262) 375-7606

The licensing period for a Passenger Transportation Vehicle (Quadricycle) owner/operator's license begins January 1 and ends December 31 of that calendar year. Each application/renewal must be accompanied by:

- (1) A fee of \$30 per year;
- (2) A driver application for each quadricycle operator;
- (3) Certificate of Insurance; and
- (4) Vehicle safety inspections by the Police Department

Name of Business NORTH 48 INC.  
Business Location (address, city, state, zip code) W62 N599 WASHINGTON AVE.  
CEDARBURG, WI 53012  
Owner's Name(s) JORDAN COLE  
Maiden Name \_\_\_\_\_ Is applicant a citizen of the United States ☒ Yes ☐ No  
Home Address (address, city, state, zip code) \_\_\_\_\_  
Business Telephone \_\_\_\_\_ / Home Telephone \_\_\_\_\_

**Vehicle Information**

Vehicle Identification Number	Name of Vehicle Manufacturer
MEATSTICK	HET FIET CAFE

**READ CAREFULLY BEFORE SIGNING:** I declare under penalty of perjury that all of the above information is true and correct to the best of my knowledge and belief. I further acknowledge that I will follow the regulations set forth under Section 10-7-1 through 10-7-7 of the Code of Ordinances of the City of Cedarburg, WI (copy attached) and upon approval of the Common Council will submit the license fee of \$30 per vehicle payable to the City of Cedarburg.

[Signature] 3.3.22  
Signature of Applicant Date

**For City Use Only**

Date application and certificate of insurance received (copies attached): 3/3/2022

Inspection approval of each vehicle by Chief of Police (copy attached of inspection for each vehicle by garage of applicant's choice):

Chief of Police \_\_\_\_\_ Date \_\_\_\_\_

Date of approval by Council: \_\_\_\_\_ Date Issued: \_\_\_\_\_ Date license fee received: 3/3/2022  
Amount: \$30.00 License Number: \_\_\_\_\_ CR 3260

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DB: Cedarburg

CHECK DISBURSEMENT REPORT FOR CITY OF CEDARBURG  
CHECK DATE FROM 02/25/2022 - 03/04/2022  
Banks: PWBDD

Page 1/11

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 100 GENERAL FUND							
02/25/2022	PWBDD	40095	AIRGAS USA LLC	OPERATING SUPPLIES	500350	533210	40.30
02/25/2022	PWBDD	40096	AT&T MOBILITY	TELEPHONE/COMMUNICATIONS	500225	522410	123.43
02/25/2022	PWBDD	40097	AXON ENTERPRISE INC	EQUIPMENT/CAPITAL OUTLAY	500380	522110	24,076.00
02/25/2022	PWBDD	40098	BADGER TRUCK CENTER, INC.	MAINTENANCE PARTS	500353	533210	59.79
02/25/2022	PWBDD	40100	BEST HEATING & AIR CONDITION	REPAIR AND MAINTENANCE	500240	522230	1,314.14
				REPAIR AND MAINTENANCE	500240	522230	1,715.00
				CHECK PWBDD 40100 TOTAL FOR FUND 100:			3,029.14
02/25/2022	PWBDD	40101#	BEYER'S HARDWARE	OPERATING SUPPLIES	500350	533210	109.74
				MAINTENANCE PARTS	500353	533210	16.63
				REPAIR AND MAINTENANCE	500240	533311	14.83
				REPAIR AND MAINTENANCE	500240	555510	12.22
				CHECK PWBDD 40101 TOTAL FOR FUND 100:			153.42
02/25/2022	PWBDD	40102	CEDARBURG LIGHT & WATER	DUE TO L&W IMPACT-N1151 PINEHURST LOT	256201	000000	2,049.98
				DUE TO L&W IMPACT-N1159 PINEHURST LOT	256201	000000	2,049.98
				DUE TO L&W IMPACT-N1127 AUGUSTA LN LOT	256201	000000	2,049.98
				DUE TO L&W IMPACT-W6823 CABOT CT LOT 23	256201	000000	2,049.98
				CHECK PWBDD 40102 TOTAL FOR FUND 100:			8,199.92
02/25/2022	PWBDD	40103*#	CHARTER COMMUNICATIONS	ACCTS REC - FIRE DEPARTMENT	136100	000000	212.27
				TELEPHONE/COMMUNICATIONS	500225	513100	7.59
				TELEPHONE/COMMUNICATIONS	500225	513200	7.59
				TELEPHONE/COMMUNICATIONS	500225	514100	37.95
				INTERNET	500220	514700	1,077.99
				TELEPHONE/COMMUNICATIONS	500225	515400	15.18
				TELEPHONE/COMMUNICATIONS	500225	515600	22.77
				TELEPHONE/COMMUNICATIONS	500225	518100	64.75
				TELEPHONE/COMMUNICATIONS	500225	522230	15.18
				TELEPHONE/COMMUNICATIONS	500225	522310	15.18
				INTERNET	500220	522410	134.98
				TELEPHONE/COMMUNICATIONS	500225	522410	22.77
				TELEPHONE/COMMUNICATIONS	500225	522410	22.77

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Page 2/11

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 100 GENERAL FUND							
				TELEPHONE/COMMUNICATIONS	500225	533110	22.77
				TELEPHONE/COMMUNICATIONS	500225	533210	30.36
				OPERATING SUPPLIES	500350	533210	117.48
				TELEPHONE/COMMUNICATIONS	500225	555140	16.24
				INTERNET	500220	555510	117.48
				INTERNET	500220	555510	107.98
				INTERNET	500220	555510	122.97
				TELEPHONE/COMMUNICATIONS	500225	566310	15.18
				CHECK PWBDD 40103 TOTAL FOR FUND 100:			<u>2,184.66</u>
02/25/2022	PWBDD	40105	COMPLETE OFFICE OF WISCONSIN	OFFICE SUPPLIES	500310	522110	75.51
02/25/2022	PWBDD	40107	CORNERSTONE ONE, LLC	REPAIR AND MAINTENANCE	500240	522120	2,414.07
02/25/2022	PWBDD	40108*#	DIGITAL EDGE OF GRAFTON	OFFICE SUPPLIES	500310	515600	42.75
				OPERATING SUPPLIES	500350	533210	42.75
				CHECK PWBDD 40108 TOTAL FOR FUND 100:			<u>85.50</u>
02/25/2022	PWBDD	40109	FASTENAL COMPANY	MAINTENANCE PARTS	500353	533210	70.63
02/25/2022	PWBDD	40110	FORESTRY SUPPLIERS	REPAIR AND MAINTENANCE	500240	555510	21.26
02/25/2022	PWBDD	40112	GRAINGER	REPAIR AND MAINTENANCE	500240	518100	36.78
02/25/2022	PWBDD	40113*#	HOUSEMAN & FEIND, LLP	EXTRAORDINARY SERVICES	500211	516100	2,952.00
				ATTORNEY/CONSULTANT	500212	522110	1,885.00
				CHECK PWBDD 40113 TOTAL FOR FUND 100:			<u>4,837.00</u>
02/25/2022	PWBDD	40114	INTERSTATE POWER SYSTEMS INC	MAINTENANCE PARTS	500353	533210	117.52
02/25/2022	PWBDD	40117	MACQUEEN EQUIPMENT	MAINTENANCE PARTS	500353	533210	1,664.93
				MAINTENANCE PARTS	500353	533210	1,009.79
				CHECK PWBDD 40117 TOTAL FOR FUND 100:			<u>2,674.72</u>
02/25/2022	PWBDD	40119	MOTION & CONTROL ENTERPRISES LLC	MAINTENANCE PARTS	500353	533210	106.79
02/25/2022	PWBDD	40120	NAPA AUTO PARTS	MAINTENANCE PARTS	500353	533210	62.94

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Page 3/11

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 100 GENERAL FUND							
				MAINTENANCE PARTS	500353	533210	6.42
				MAINTENANCE PARTS	500353	533210	15.68
				MAINTENANCE PARTS	500353	533210	86.16
				CHECK PWBDD 40120 TOTAL FOR FUND 100:			171.20
02/25/2022	PWBDD	40122	OLSEN'S PIGGLY WIGGLY	AWARDS, SUPPLIES	500343	519200	25.49
02/25/2022	PWBDD	40123	ONTECH SYSTEMS, INC	PROFESSIONAL SERVICES	500210	514700	690.00
				PROFESSIONAL SERVICES	500210	514700	277.02
				EQUIPMENT OUTLAY	500385	514700	987.00
				CHECK PWBDD 40123 TOTAL FOR FUND 100:			1,954.02
02/25/2022	PWBDD	40124	RECOGNITION SPECIALISTS, INC.	OFFICE SUPPLIES	500310	514100	64.60
02/25/2022	PWBDD	40125	RICOH USA, INC.	REPAIR AND MAINTENANCE	500240	522110	113.40
02/25/2022	PWBDD	40126	SHARP ELECTRONICS CORPORATION	EQUIPMENT OUTLAY	500385	514700	688.42
02/25/2022	PWBDD	40127*#	SLESAR GLASS SHOP	OPERATING SUPPLIES	500350	518100	292.41
02/25/2022	PWBDD	40128	SNAP-ON INDUSTRIAL	MAINTENANCE PARTS	500353	533210	149.64
02/25/2022	PWBDD	40129	STREICHER'S POLICE EQUIPMENT	UNIFORMS	500346	522110	100.00
02/25/2022	PWBDD	40131	TKK ELECTRONICS, LLC	EQUIPMENT/CAPITAL OUTLAY	500380	522120	533.29
02/25/2022	PWBDD	40133	TRUCK COUNTRY OF WISC	MAINTENANCE PARTS	500353	533210	686.84
02/25/2022	PWBDD	40137*#	WE ENERGIES	NATURAL GAS-0713912926-00011	500224	518100	1,396.94
				NATURAL GAS-0713912926-00006	500224	518100	1,651.95
				NATURAL GAS-0713912926-00001	500224	518100	1,374.02
				NATURAL GAS-0711276804-00002	500224	522100	1,720.00
				NATURAL GAS-0711276804-00001	500224	522100	9.24
				NATURAL GAS-0713912926-00003	500224	522230	1,741.18
				NATURAL GAS-0713912926-00008	500224	522230	1,189.39
				NATURAL GAS-0713912926-00004	500224	522410	195.36
				NATURAL GAS-0713912926-00009	500224	533210	2,122.52
				NATURAL GAS-0719886467-00001	500224	555510	299.42
				NATURAL GAS-0707973696-00001	500224	555510	216.57

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Page 4/11

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 100 GENERAL FUND							
				CHECK PWBDD 40137 TOTAL FOR FUND 100:			11,916.59
02/25/2022	PWBDD	40138	ZARNOTH BRUSH WORKS INC	STREET SWEEPING	500295	533440	229.30
02/25/2022	PWBDD	40139	CEDARBURG FIRE DEPARTMENT	OPERATING EXPENSES	500235	522230	54,375.00
03/04/2022	PWBDD	40141*#	AT&T	TELEPHONE/COMMUNICATIONS	500225	518100	115.00
				TELEPHONE/COMMUNICATIONS	500225	522110	100.47
				TELEPHONE/COMMUNICATIONS	500225	522230	94.39
				TELEPHONE/COMMUNICATIONS	500225	533210	82.85
				CHECK PWBDD 40141 TOTAL FOR FUND 100:			392.71
03/04/2022	PWBDD	40142	AT&T MOBILITY	TELEPHONE/COMMUNICATIONS	500225	522110	1,045.54
03/04/2022	PWBDD	40144	AURORA HEALTH CARE	PROFESSIONAL SERVICES	500210	515600	48.00
03/04/2022	PWBDD	40145	BADGER TRUCK CENTER, INC.	MAINTENANCE PARTS	500353	533210	35.03
03/04/2022	PWBDD	40146*#	BEYER'S HARDWARE	REPAIR AND MAINTENANCE	500240	518100	25.02
				REPAIR AND MAINTENANCE	500240	518100	4.58
				OPERATING SUPPLIES	500350	518100	26.78
				OPERATING SUPPLIES	500350	533210	40.47
				MAINTENANCE PARTS	500353	533210	14.38
				MAINTENANCE PARTS	500353	533210	8.99
				MAINTENANCE PARTS	500353	533210	8.99
				CHECK PWBDD 40146 TOTAL FOR FUND 100:			129.21
03/04/2022	PWBDD	40147	BOND TRUST SERVICES CORP	PROFESSIONAL SERVICES	500210	515600	400.00
				PROFESSIONAL SERVICES	500210	515600	400.00
				CHECK PWBDD 40147 TOTAL FOR FUND 100:			800.00
03/04/2022	PWBDD	40148	BRAUN TK ELEVATOR	REPAIR AND MAINTENANCE	500240	518100	239.68
03/04/2022	PWBDD	40149	BRAUN TK ELEVATOR	REPAIR AND MAINTENANCE	500240	518100	247.59
03/04/2022	PWBDD	40150	CALLAHAN BLUM, ERIN	PROFSNL SRVC - ERIN BLUM	500210	555140	257.60
03/04/2022	PWBDD	40151	CEDARBURG LIGHT & WATER	DUE TO L&W IMPACT FEES	256201	000000	10,930.20

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Page 5/11

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 100 GENERAL FUND							
03/04/2022	PWBDD	40153	CITY CEDARBURG-PETTY CASH	PROF SVCS-PETTY CASH-PRIORITY MAIL 1/25	500210	515600	9.85
03/04/2022	PWBDD	40154	COMPLETE OFFICE OF WISCONSIN	OFFICE SUPPLIES	500310	533110	63.12
03/04/2022	PWBDD	40155	ELIZABETH ROLLAND	PROFESSIONAL SERVICES - TAIJI FEB 2	500210	555140	14.00
03/04/2022	PWBDD	40156	EXCEL DISPOSAL OF WISCONSIN LLC	PUBLIC WORKS FEES	463101	000000	292.34
03/04/2022	PWBDD	40157	GRAFTON ACE HARDWARE	REPAIR AND MAINTENANCE	500240	518100	24.29
03/04/2022	PWBDD	40158*#	GRAINGER	REPAIR AND MAINTENANCE	500240	518100	83.67
				REPAIR AND MAINTENANCE	500240	518100	22.72
				REPAIR AND MAINTENANCE	500240	518100	14.16
				OPERATING SUPPLIES	500350	518100	114.32
				OPERATING SUPPLIES	500350	518100	38.10
				OPERATING SUPPLIES	500350	518100	10.55
				OPERATING SUPPLIES	500350	518100	31.72
				CHECK PWBDD 40158 TOTAL FOR FUND 100:			315.24
03/04/2022	PWBDD	40159	HEAVY DUTY RADIATOR REPAIR	MAINTENANCE PARTS	500353	533210	969.71
03/04/2022	PWBDD	40162*#	INTERSTATE POWER SYSTEMS INC	REPAIR AND MAINTENANCE	500240	533210	947.50
03/04/2022	PWBDD	40164	JK CONTRACTORS	REPAIR AND MAINTENANCE	500240	555510	1,860.00
03/04/2022	PWBDD	40165	JONATHAN CENSKY	PROFESSIONAL SERVICES	500210	566310	5,961.02
03/04/2022	PWBDD	40166	M SQUARED ENGINEERING	DEVELOPERS AGREE-FAIRWAY VIL	239254	000000	654.50
03/04/2022	PWBDD	40167	MOTION & CONTROL ENTERPRISES LLC	MAINTENANCE PARTS	500353	533210	12.67
				MAINTENANCE PARTS	500353	533210	678.36
				CHECK PWBDD 40167 TOTAL FOR FUND 100:			691.03
03/04/2022	PWBDD	40168	MUNICODE	PROFESSIONAL SERVICES	500210	514100	1,908.18
03/04/2022	PWBDD	40169	NAPA AUTO PARTS	MAINTENANCE PARTS	500353	533210	117.63
				MAINTENANCE PARTS	500353	533210	5.08
				MAINTENANCE PARTS	500353	533210	292.70

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Page 6/11

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 100 GENERAL FUND							
				MAINTENANCE PARTS	500353	533210	7.74
				MAINTENANCE PARTS	500353	533210	7.74
				CHECK PWBDD 40169 TOTAL FOR FUND 100:			430.89
03/04/2022	PWBDD	40172#	OFFICE DEPOT	OFFICE SUPPLIES	500310	514100	51.21
				OFFICE SUPPLIES	500310	522110	19.36
				OFFICE SUPPLIES	500310	522110	39.08
				OFFICE SUPPLIES	500310	522130	17.43
				CHECK PWBDD 40172 TOTAL FOR FUND 100:			127.08
03/04/2022	PWBDD	40175	POMP'S SERVICES INC.	MAINTENANCE PARTS	500353	533210	4,194.88
03/04/2022	PWBDD	40176	POSITIVE PROMOTIONS INC	OFFICE SUPPLIES	500310	522130	782.39
03/04/2022	PWBDD	40177	PUBLIC SAFETY EQUIPMENT LLC	REPAIR AND MAINTENANCE	500240	522120	410.00
03/04/2022	PWBDD	40180	SCHWAAB, INC	OFFICE SUPPLIES	500310	514100	32.50
03/04/2022	PWBDD	40181	SHORT ELLIOTT HENDRICKSON INC	PROFESSIONAL SERVICES	500210	533110	1,500.52
03/04/2022	PWBDD	40182	SNAP-ON INDUSTRIAL	MAINTENANCE PARTS	500353	533210	134.24
03/04/2022	PWBDD	40183	SOUTHSIDE TIRECO., FRANKLIN	MAINTENANCE PARTS	500353	533210	401.04
				MAINTENANCE PARTS	500353	533210	620.05
				CHECK PWBDD 40183 TOTAL FOR FUND 100:			1,021.09
03/04/2022	PWBDD	40185	STREICHER'S POLICE EQUIPMENT	UNIFORMS	500346	522110	14.99
				UNIFORMS	500346	522110	99.98
				CHECK PWBDD 40185 TOTAL FOR FUND 100:			114.97
03/04/2022	PWBDD	40186	TAKAKO WILLDEN	PRFSNL SRVC - YOGA	500210	555140	138.00
03/04/2022	PWBDD	40187	TAMARA BLASIER	INVOICE CLEARING ACCT-CVR OVERPAYMENT	131060	000000	75.50
03/04/2022	PWBDD	40188	THE UNIFORM SHOPPE	UNIFORMS	500346	522120	143.90
03/04/2022	PWBDD	40189	TRESTER HOIST & EQUIPMENT	MAINTENANCE PARTS	500353	533210	440.00
03/04/2022	PWBDD	40190	TRUCK COUNTRY-MILWAUKEE NORTH	MAINTENANCE PARTS	500353	533210	1,241.20



03/08/2022 11:24 AM

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## CHECK DISBURSEMENT REPORT FOR CITY OF CEDARBURG

CHECK DATE FROM 02/25/2022 - 03/04/2022

Banks: PWBDD

Page 7/11

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 100 GENERAL FUND							
03/04/2022	PWBDD	40191*#	U.S. CELLULAR	TELEPHONE/COMMUNICATIONS	500225	518100	38.86
				TELEPHONE/COMMUNICATIONS	500225	522310	42.86
				TELEPHONE/COMMUNICATIONS	500225	533110	42.36
				TELEPHONE/COMMUNICATIONS	500225	533110	42.86
				TELEPHONE/COMMUNICATIONS	500225	533210	39.86
				TELEPHONE/COMMUNICATIONS	500225	533210	25.36
				TELEPHONE/COMMUNICATIONS	500225	533210	25.36
				TELEPHONE/COMMUNICATIONS	500225	533210	42.86
				TELEPHONE/COMMUNICATIONS	500225	555145	2.06
				TELEPHONE/COMMUNICATIONS	500225	555510	80.83
				TELEPHONE/COMMUNICATIONS	500225	555510	10.86
				TELEPHONE/COMMUNICATIONS	500225	555510	10.86
				TELEPHONE/COMMUNICATIONS	500225	555510	10.86
				TELEPHONE/COMMUNICATIONS	500225	555510	10.86
				CHECK PWBDD 40191 TOTAL FOR FUND 100:			426.71
03/04/2022	PWBDD	40192	UNIFIRST CORPORATION	OPERATING SUPPLIES	500350	533210	52.47
03/04/2022	PWBDD	40193	ZUERN BUILDING PRODUCTS	REPAIR AND MAINTENANCE	500240	533311	167.88
				Total for fund 100 GENERAL FUND			158,877.20
Fund: 200 CEMETERY FUND							
03/04/2022	PWBDD	40146*#	BEYER'S HARDWARE	OPERATING SUPPLIES	500350	544210	21.59
03/04/2022	PWBDD	40158*#	GRAINGER	REPAIR AND MAINTENANCE	500240	544210	13.58
				Total for fund 200 CEMETERY FUND			35.17
Fund: 220 RECREATION PROGRAMS FUND							
02/25/2022	PWBDD	40103*#	CHARTER COMMUNICATIONS	TELEPHONE/COMMUNICATIONS	500225	555390	32.00
03/04/2022	PWBDD	40140	ANDREW KAZLAUSKAS	SUMMER SOCCER	467329	000000	55.00
03/04/2022	PWBDD	40146*#	BEYER'S HARDWARE	SUPPLIES AND EXPENSES	500347	555390	5.64
03/04/2022	PWBDD	40178	RUDIG TROPHIES	SUPPLIES AND EXPENSES	500347	555390	1,290.00

03/08/2022 11:24 AM

User: mrusso

DB: Cedarburg

## CHECK DISBURSEMENT REPORT FOR CITY OF CEDARBURG

CHECK DATE FROM 02/25/2022 - 03/04/2022

Banks: PWBDD

Page 8/11

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 220 RECREATION PROGRAMS FUND							
03/04/2022	PWBDD	40179	SAM'S CLUB DIRECT	SUPPLIES AND EXPENSES	500347	555390	604.06
Total for fund 220 RECREATION PROGRAMS FUND							1,986.70
Fund: 240 SWIMMING POOL FUND							
02/25/2022	PWBDD	40103*#	CHARTER COMMUNICATIONS	INTERNET	500220	555320	134.98
				TELEPHONE/COMMUNICATIONS	500225	555320	37.95
CHECK PWBDD 40103 TOTAL FOR FUND 240:							172.93
02/25/2022	PWBDD	40137*#	WE ENERGIES	NATURAL GAS-0716746085-00001	500224	555320	9.57
				NATURAL GAS-0719900042-00001	500224	555320	24.65
CHECK PWBDD 40137 TOTAL FOR FUND 240:							34.22
Total for fund 240 SWIMMING POOL FUND							207.15
Fund: 260 LIBRARY FUND							
02/25/2022	PWBDD	40099	BAKER & TAYLOR BOOKS	PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	265.03
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	371.41
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	25.19
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	227.44
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	117.55
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	187.93
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	436.03
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	454.61
				DONATION EXPENDITURES	500322	555110	17.00
				DONATION EXPENDITURES	500322	555110	16.00
CHECK PWBDD 40099 TOTAL FOR FUND 260:							2,118.19
02/25/2022	PWBDD	40103*#	CHARTER COMMUNICATIONS	TELEPHONE/COMMUNICATIONS	500225	555110	137.96
02/25/2022	PWBDD	40115	JANI-KING OF MILWAUKEE	MAINT/CONTRACTED SERVICES	500290	555110	479.00
02/25/2022	PWBDD	40116	LAWNSCAPERS, INC	MAINT/CONTRACTED SERVICES	500290	555110	1,287.50
02/25/2022	PWBDD	40118	MONARCH LIBRARY SYSTEM	SHARED SYSTEM SERVICES	500381	555110	21,784.74
02/25/2022	PWBDD	40121	NASSCO, INC.	OPERATING SUPPLIES	500350	555110	100.98
02/25/2022	PWBDD	40136	VISUAL IMAGE PHOTOGRAPHY, INC.	MARKETING	500223	555110	73.00

03/08/2022 11:24 AM

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## CHECK DISBURSEMENT REPORT FOR CITY OF CEDARBURG

CHECK DATE FROM 02/25/2022 - 03/04/2022

Banks: PWBDD

Page 9/11

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 260 LIBRARY FUND							
02/25/2022	PWBDD	40137*#	WE ENERGIES	NATURAL GAS-0714144119-00001	500224	555110	1,560.90
03/04/2022	PWBDD	40141*#	AT&T	TELEPHONE/COMMUNICATIONS	500225	555110	118.16
03/04/2022	PWBDD	40143	ATOZDATABASES	PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	1,663.00
03/04/2022	PWBDD	40146*#	BEYER'S HARDWARE	OFFICE SUPPLIES	500310	555110	23.83
03/04/2022	PWBDD	40152*#	CINTAS CORPORATION	MAINT/CONTRACTED SERVICES	500290	555110	66.87
03/04/2022	PWBDD	40163	JAMES IMAGING SYSTEMS, INC.	MAINT/CONTRACTED SERVICES	500290	555110	348.74
03/04/2022	PWBDD	40173	OLSEN'S PIGGLY WIGGLY	DONATION EXPENDITURES	500322	555110	12.10
Total for fund 260 LIBRARY FUND							29,774.97
Fund: 353 TIF DISTRICT #6							
02/25/2022	PWBDD	40106	CONCORD GROUP	PROFESSIONAL SERVICES	500210	566710	595.00
Total for fund 353 TIF DISTRICT #6							595.00
Fund: 400 CAPITAL IMPROVEMENTS FUND							
02/25/2022	PWBDD	40111	GRAEF	DAM STUDIES	500874	533750	1,360.00
02/25/2022	PWBDD	40113*#	HOUSEMAN & FEIND, LLP	PROCHNOW	500841	533750	3,720.75
02/25/2022	PWBDD	40135	VANTAGE FINANCIAL	DEBT SERVICE - PRINCIPAL	500610	555510	3,277.15
				DEBT SERVICE - INTEREST	500620	555510	330.85
CHECK PWBDD 40135 TOTAL FOR FUND 400:							3,608.00
Total for fund 400 CAPITAL IMPROVEMENTS FUND							8,688.75
Fund: 601 WATER RECYCLING CENTER							
02/25/2022	PWBDD	40103*#	CHARTER COMMUNICATIONS	TELEPHONE/COMMUNICATIONS	500225	573825	134.98
				TELEPHONE/COMMUNICATIONS	500225	573825	61.58
CHECK PWBDD 40103 TOTAL FOR FUND 601:							196.56
02/25/2022	PWBDD	40104	CINTAS CORPORATION	SAFETY EQUIPMENT	500372	573825	92.86

03/08/2022 11:24 AM  
User: mrusso  
DB: Cedarburg

CHECK DISBURSEMENT REPORT FOR CITY OF CEDARBURG  
CHECK DATE FROM 02/25/2022 - 03/04/2022  
Banks: PWBDD

Page 10/11

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 601 WATER RECYCLING CENTER							
02/25/2022	PWBDD	40108*#	DIGITAL EDGE OF GRAFTON	OFFICE SUPPLIES	500310	573850	85.50
02/25/2022	PWBDD	40130#	SYMBIONT	ADVANCED TREATMENT EQUIPMENT	185335	000000	540.00
				ENGINEERING	500215	573850	2,570.00
				CHECK PWBDD 40130 TOTAL FOR FUND 601:			3,110.00
02/25/2022	PWBDD	40132	TRESTER HOIST & EQUIPMENT	MAINTENANCE SUPPLIES	500340	573830	660.00
02/25/2022	PWBDD	40134	USA BLUEBOOK	MAINTENANCE SUPPLIES	500340	573830	397.53
02/25/2022	PWBDD	40137*#	WE ENERGIES	ELECTRIC 1838 PIONEER 0711836389-00004	500222	573825	17.36
				NATURAL GAS-0712590709-00001	500224	573825	805.86
				NATURAL GAS-0713182701-00001	500224	573825	267.90
				MAINTENANCE SUPPLIES-0711836389-00001	500340	573840	15.32
				MAINTENANCE SUPPLIES-0713912926-00002	500340	573840	10.67
				MAINTENANCE SUPPLIES-0713912926-00012	500340	573840	21.45
				MAINTENANCE SUPPLIES-0713912926-00005	500340	573840	77.72
				MAINTENANCE SUPPLIES-0713912926-00007	500340	573840	11.66
				MAINTENANCE SUPPLIES-0713912926-00010	500340	573840	11.48
				CHECK PWBDD 40137 TOTAL FOR FUND 601:			1,239.42
03/04/2022	PWBDD	40141*#	AT&T	TELEPHONE/COMMUNICATIONS	500225	573825	117.50
03/04/2022	PWBDD	40146*#	BEYER'S HARDWARE	MAINTENANCE SUPPLIES	500340	573830	4.49
				MAINTENANCE SUPPLIES	500340	573830	5.21
				CHECK PWBDD 40146 TOTAL FOR FUND 601:			9.70
03/04/2022	PWBDD	40152*#	CINTAS CORPORATION	SAFETY EQUIPMENT	500372	573825	92.86
03/04/2022	PWBDD	40160	HOME DEPOT CREDIT SERVICES	MAINTENANCE SUPPLIES	500340	573830	7.22
				MAINTENANCE SUPPLIES	500340	573830	130.78
				CHECK PWBDD 40160 TOTAL FOR FUND 601:			138.00
03/04/2022	PWBDD	40161	INFOSEND, INC.	OFFICE SUPPLIES	500310	573850	54.00

03/08/2022 11:24 AM

User: mrusso

DB: Cedarburg

## CHECK DISBURSEMENT REPORT FOR CITY OF CEDARBURG

CHECK DATE FROM 02/25/2022 - 03/04/2022

Banks: PWBDD

Page 11/11

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 601 WATER RECYCLING CENTER							
03/04/2022	PWBDD	40162*#	INTERSTATE POWER SYSTEMS INC	MAINTENANCE SUPPLIES	500340	573840	992.50
03/04/2022	PWBDD	40170	NORTH CENTRAL LABORATORIES	LAB SUPPLIES	500370	573825	502.90
03/04/2022	PWBDD	40171	NORTH WOODS	JANITORIAL SUPPLIES	500342	573830	148.44
03/04/2022	PWBDD	40174	OZAUKEE DISPOSAL CORPORATION	REFUSE COLLECTION	500297	573830	1,525.00
03/04/2022	PWBDD	40191*#	U.S. CELLULAR	TELEPHONE/COMMUNICATIONS	500225	573825	25.86
				TELEPHONE/COMMUNICATIONS	500225	573825	38.86
				TELEPHONE/COMMUNICATIONS	500225	573825	10.86
				TELEPHONE/COMMUNICATIONS	500225	573825	10.86
				TELEPHONE/COMMUNICATIONS	500225	573825	38.50
				CHECK PWBDD 40191 TOTAL FOR FUND 601:			124.94
				Total for fund 601 WATER RECYCLING CENTER			9,487.71
Fund: 700 RISK MANAGEMENT FUND							
02/25/2022	PWBDD	40127*#	SLESAR GLASS SHOP	INSURANCE CLAIMS-2022	500547	519400	32.49
03/04/2022	PWBDD	40184	STAFFORD ROSENBAUM LLP	INSURANCE CLAIMS - 2019-SHELLY BUCK	500546	519400	1,743.19
				Total for fund 700 RISK MANAGEMENT FUND			1,775.68
			TOTAL - ALL FUNDS				211,428.33

'\*'-INDICATES CHECK DISTRIBUTED TO MORE THAN ONE FUND

'#'-INDICATES CHECK DISTRIBUTED TO MORE THAN ONE DEPARTMENT



City of Cedarburg

## City Administrator's Report

March 10, 2022

### Department News

*The following information is provided to keep the Common Council and staff informed on some of the activities and events of the City. Points of clarification may be addressed during the City Administrator's Report portion of the agenda; however, if discussion of any of these items is necessary, placement on a future Council agenda should be directed.*

**Engineering & Public Works**— Bids for the 2022 Street & Utility project were opened on March 8. The project will include Highland Drive, Jefferson Avenue north of Bridge Road and the walkway on Sheboygan Road. Two bids were received for the Sidewalk Program with the low bid received from BMCI. Both bids will be awarded by the Common Council on March 14.

The Public Works crew has been working on tree trimming and removals during the mild weather and snow removal this week. There was no flooding during the recent thunderstorms. The crew attended a chainsaw II safety class and a Diggers Hotline class. Two second interviews are scheduled this week for the open crewperson position.

**Clerk**—The Department is preparing for the April 5 Spring Election and is preparing to send out approximately 650 ballots to requests on file, as soon as the ballots are received. Special Voting Deputies have made initial visits to the care facilities this week.

**Parks, Recreation & Forestry**— The Summer Activity Guide will be available online next week. The Department is taking Summer Camp registrations next week Tuesday, Wednesday, and Thursday.

**Treasurer**— Deputy Treasurer Maureen Hartjes began employment on Monday, February 28. Finance Director/Treasurer Livingston will continue the payroll duties. The 2021 final preliminary budget will be available in the next week or two. The final audit date is still unknown.

**Library**— The WI Dept of Workforce Development has approached the Library to be a satellite location for DWD staff to help the public with job searching, unemployment, and resume building. They will be available on the second floor of the Library on Tuesday afternoons.

**Light & Water**—Staff is preparing for the Utility's Annual Audit next week Monday and Tuesday.

**Senior Center**— Senior Center Supervisor Julia Wolff began employment last week.

**Fire Department**—Fire Chief Vahsholtz explained that 14 municipalities and nine Fire Departments have been involved in consolidation discussions. There are three potential options available to the Cedarburg Fire Department (remain independent, join a County-Wide program, or most recently a consolidation with Mequon/Thiensville). The Mequon/Thiensville consolidation is under-way; however, the City and Town of Cedarburg has been invited to join in their discussions. As it stands, the Mequon and Thiensville Departments will dissolve after which they will combine under a new name and identity beginning January 2023, similar to the North Shore Department. The Cedarburg Fire Department is evaluating all of the options and will choose the direction that is best for their constituents.

**Administrator**— City meetings involving discussions on a possible TID for the Western Avenue development will take place at the end of this month.

Respectfully submitted,

Mikko Hilvo



## 2022 PERMIT SUMMARY BY MONTH

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Single Family	2	6											8
Duplex	2	2											4
Addition/Alteration	12	13											25
Commercial Additions/Alterations	2	2											4
Pools		1											1
Heat/Vent	25	22											47
Signs	1	1											2
Plumbing	27	38											65
Electrical	43	35											78
Occupancy	2	5											7
TOTAL VALUE TO CITY	1,718,400	2,834,155											4,552,555
INSPECTIONS													
MICHAEL BAIER	106	198											304