CITY OF CEDARBURG
SPECIAL MEETING OF COMMON COUNCIL
TUESDAY APRIL 19, 2022 – 7:00 P.M.

An Organizational and Special Meeting of the Common Council of the City of Cedarburg, Wisconsin, will be held on **Tuesday, April 19, 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, Kristen Burkart, Patricia Thome, and Angus Forbes

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. OATHS OF OFFICE

   1st Aldermanic District – Sherry Bublitz
   3rd Aldermanic District – Kristin Burkart
   5th Aldermanic District – Robert Simpson
   7th Aldermanic District – Angus Forbes

8. ELECTION OF COMMON COUNCIL PRESIDENT

9. ELECTION OF COMMON COUNCIL REPRESENTATIVE TO PLAN COMMISSION

10. NEW BUSINESS

    A. Discussion and possible action on Resolution No. 2022-12 Creating Tax Incremental District No. 7, Approving its Project Plan and Establishing its Boundaries*

B. Discussion and possible action on 2022 request from the Rotary for Mobile Food Vendors for the 2022 Rotary Ride event*

C. Discussion and possible action on request to lease Zarling Property to William & Trevor Janeshek to aid in compliance with the City's Adaptive Management Plan*

D. Discussion and possible action on designation of City's official newspaper for ensuing year*

E. Discussion and possible action on Mayor O'Keefe appointments to various Boards, Committees, and Commissions

F. Discussion and possible action on License/Permit applications***

1. Consider approval of new Operator License applications for the period ending June 30, 2022 for Dawn M. DeGeorge, Sarah A. Enwald, Anthony M. Havel, Joshua C. Hazelwood, Emily James, and Aaron C. Zinda

11. REPORTS OF CITY OFFICERS AND DEPARTMENT HEADS

A. City Administrator's Report

12. COMMUNICATIONS

A. Comments and suggestions from citizens**

B. Comments and announcements by Council Members

C. Mayor's Report
1. Proclamation – Municipal Treasurer's Week – April 17-23*
2. Proclamation – Municipal Clerk's Week – May 1-7*

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.

04/15/22 tas

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: Download in App Store Download in Google Play

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.

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, (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 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, (262) 375-7917.

CITY OF CEDARBURG
RESOLUTION NO. 2022-12

RESOLUTION CREATING TAX INCREMENTAL DISTRICT NO. 7, APPROVING ITS PROJECT PLAN AND ESTABLISHING ITS BOUNDARIES CITY OF CEDARBURG, WISCONSIN

WHEREAS, the City of Cedarburg (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 7 (the "District") is proposed to be created by the City as a blighted area district in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, a Project Plan for the District has been prepared that includes:

a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;
b. An economic feasibility study;
c. A detailed list of estimated project costs;
d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
e. A map showing existing uses and conditions of real property in the District;
f. A map showing proposed improvements and uses in the District;
g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
h. A list of estimated non-project costs;
i. A statement of the proposed plan for relocation of any persons to be displaced;
j. A statement indicating how the District promotes the orderly development of the City;
k. An opinion of the City Attorney or of an attorney retained by the City advising that the plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).; and

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to owners of all property in the proposed district, to the chief executive officers of Ozaukee County, the Cedarburg School District, and the Milwaukee Area Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the CDA, on April 4, 2022 held a public hearing concerning the project plan and boundaries and proposed creation of the District, providing interested parties a reasonable opportunity to express their views thereon; and

WHEREAS, after said public hearing, the CDA designated the boundaries of the District, adopted the Project Plan, and recommended to the Common Council that it create such District and approve the Project Plan.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Cedarburg that:

1. The boundaries of the District that shall be named "Tax Incremental District No. 7, City of Cedarburg", are hereby established as specified in Exhibit A of this Resolution.

2. The District is created effective as of January 1, 2022.

3. The Common Council finds and declares that:

   (a) Not less than 50% by area of the real property within the District is a blighted area within the meaning of Wisconsin Statutes Section 66.1105(2)(ae)1.

   (b) Based upon the finding stated in 3.a. above, the District is declared to be a blighted area district based on the identification and classification of the property included within the District.

   (c) The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District.

   (d) The equalized value of the taxable property in the District plus the value increment of all other existing tax incremental districts within the City, does not exceed 12% of the total equalized value of taxable property within the City.

   (e) That there are no parcels to be included within the District that were annexed by the City within the preceding three-year period.

   (f) The City estimates that none of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wisconsin Statutes Section 66.1105(5)(b).

   (g) The project costs relate directly to promoting the elimination of blight of the area consistent with the purpose for which the District is created.

4. The Project Plan for "Tax Incremental District No. 7, City of Cedarburg" (see Exhibit B) is approved, and the City further finds the Plan is feasible and in conformity with the master plan of the City.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue, in such form as may be prescribed, for a "Determination of Tax Incremental Base", as of January 1, 2022, pursuant to the provisions of Wisconsin Statutes Section 66.1105(5)(b).

BE IT FURTHER RESOLVED THAT pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes that the City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Wisconsin Statutes Section 70.45, those parcels of property which are within the District, specifying thereon the name of the said District, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes.

PASSED and ADOPTED on this 19th day of April, 2022

_____
Michael J. O'Keefe, Mayor

Attest:

_____
Tracie Sette, City Clerk

April 4, 2022

PROJECT PLAN

City of Cedarburg, Wisconsin

Tax Incremental District No. 7

Prepared by:

Ehlers

N21W23350 Ridgeview Parkway West,

Suite 100

Waukesha, WI 53188

BUILDING COMMUNITIES. IT'S WHAT WE DO.

KEY DATES

Organizational Joint Review Board Meeting Held:	Mar. 29, 2022
Public Hearing Held:	April 4, 2022
Approval by CDA:	April 4, 2022
Adoption by Common Council:	April 19, 2022 (Scheduled)
Approval by the Joint Review Board:	April 21, 2022 (Scheduled)

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SECTION 1:
Executive Summary

DESCRIPTION OF DISTRICT

Tax Incremental District ("TID") No. 7 ("District") is a proposed Blighted Area District consisting of a single 12.76-acre parcel located at N49 W6337 Western Road. The parcel was the site of the Mercury Marine Plant 1 which produced outboard motors from 1951 through 1982. Portions of the former plant were demolished in 2020. Wilo Machine Co. is presently operating in the remaining building located on the site and will be relocating that operation to their new facility in the Cedarburg Business Park. The District will be created to facilitate redevelopment of the parcel for residential use. P2 Development ("Developer") has submitted plans to develop 160 rental apartment units, 44 two- and three-bedroom rental townhomes, and 26 for sale "pocket homes" averaging 2,500 sq. ft. ("Project"). In addition to the incremental property value that will be created, the City expects the Project will provide increased opportunities for employment, personal income and business income related to the construction and operation of the Project, and provision of housing opportunities for City residents.

AUTHORITY

The City is creating the District under the provisions of Wis. Stat. § 66.1105.

ESTIMATED TOTAL PROJECT COST EXPENDITURES

The City anticipates making total expenditures of approximately $17.08 million ("Project Costs") to undertake the projects listed in this Project Plan ("Plan"). Project Costs include an estimated $2.54 million for extension of Hanover Avenue, $930,000 for interest on associated long-term debt and related costs of financing, $13.48 million in "pay as you go" development incentives and $130,000 for administrative costs.

INCREMENTAL VALUATION

The City projects that new land and improvements value of approximately $49.3 million will result from the Project. Creation of this additional value will be made possible by the Project Costs made within the District. A table detailing assumptions as to the development timing and associated values is included in the Economic Feasibility Study located within this Plan.

EXPECTED TERMINATION OF DISTRICT

Based on the Economic Feasibility Study located within Section 9 of this Plan, the City anticipates that the District will generate sufficient tax increment to pay all Project Costs within 20 of its allowable 27 years.

SUMMARY OF FINDINGS

As required by Wis. Stat. § 66.1105, and as documented in this Plan and the exhibits contained and referenced herein, the following findings are made:

1. That "but for" the creation of this District, the development projected to occur as detailed in this Plan: 1) would not occur; or 2) would not occur in the manner, at the values, or within the timeframe desired by the City. In reaching this determination the City has considered Ehlers' analysis of the Project's sources and uses, and cash flow proforma. The Project's projected annual return on investment in Year 10 without TIF assistance is 3.83%. The Developer has requested that the City provide incentive payments on a pay as you go basis with an estimated present value of $8.5 million. (Projected future value payments of $13.48 million). Provision of the requested assistance would improve the Project's annual return on investment to 8.62% in year 10, averaging 6.16% over the investment period. Projects of this type typically need to provide a return in the range of 8% to 12% after stabilization to attract the necessary investment capital. Similarly, the internal rate of return with TIF assistance is projected to be 6.96% (4.55% without assistance); investors' expected range for this type of project would be between 11 – 18%. Based on Ehlers review, provision of pay as you go incentives in the amount requested is necessary to provide an acceptable return on investment and indicates that "but for" the incentives, the project would not likely proceed. Additionally, the Project will require that the City extend Hanover Avenue through the site. Absent the use of tax incremental financing, the City is unable to fund the needed infrastructure improvements.

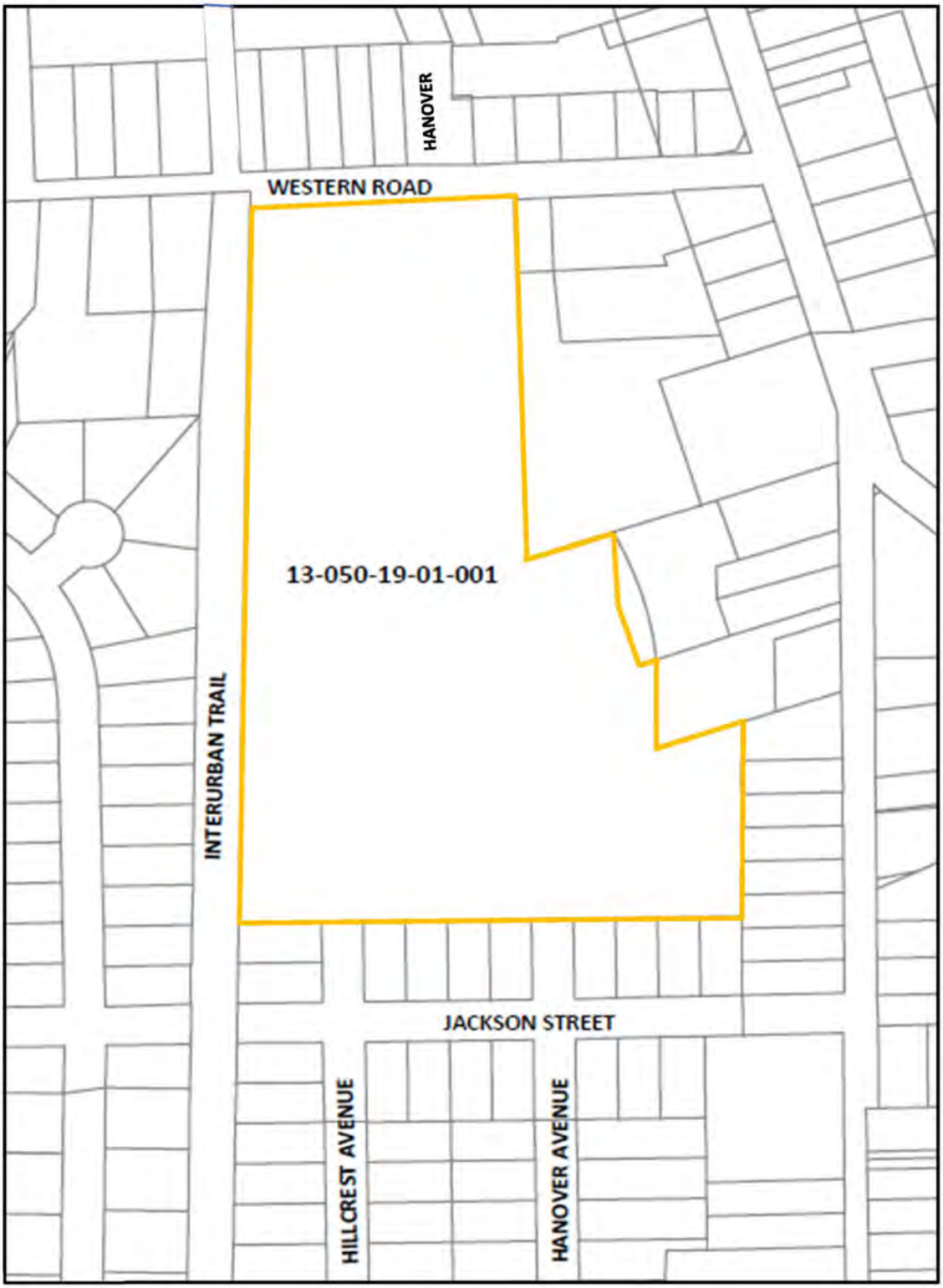
2. The economic benefits of the District, as measured by increased employment, business and personal income, and property value, are sufficient to compensate for the cost of the improvements. In making this determination, the City has considered that in addition to the incremental property value that will be created, the City expects the Project will provide increased opportunities for employment, personal income and business income related to the construction and operation of the Project, and provision of housing opportunities for City residents.

3. The benefits of the proposal outweigh the anticipated tax increments to be paid by the owners of property in the overlying taxing jurisdictions. As required by Wis. Stat. § 66.1105(4)(i)4., a calculation of the share of projected tax increments estimated to be paid by the owners of property in the overlying taxing jurisdictions has been prepared and can be found in this Plan. However, because the Project would not occur without the use of tax incremental financing, these tax increments would not be paid but for creation of the District. Accordingly, the City finds that the benefits expected to be realized as set forth in this Plan outweigh the value of the tax increments to be invested in the Project.
4. Not less than 50% by area of the real property within the District is a blighted area as defined by Wis. Stat. § 66.1105(2)(ae)1.
5. Based on the foregoing finding, the District is designated as a blighted area district.
6. The Project Costs relate directly to the elimination of blight in the District, consistent with the purpose for which the District is created.
7. Improvements to be made in the District are likely to significantly enhance the value of substantially all of the other real property in the District.
8. The equalized value of taxable property in the District, plus the incremental value of all existing tax incremental districts within the City does not exceed 12% of the total equalized value of taxable property within the City.
9. The City estimates that none of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wis. Stat. § 66.1105(5)(b).
10. That there are no parcels to be included within the District that were annexed by the City within the preceding three-year period.
11. The Plan for the District is feasible and is in conformity with the Master Plan of the City.

SECTION 2:
Preliminary Map of Proposed District Boundary

Map Found on Following Page.

MAP OF PROPOSED DISTRICT BOUNDARY



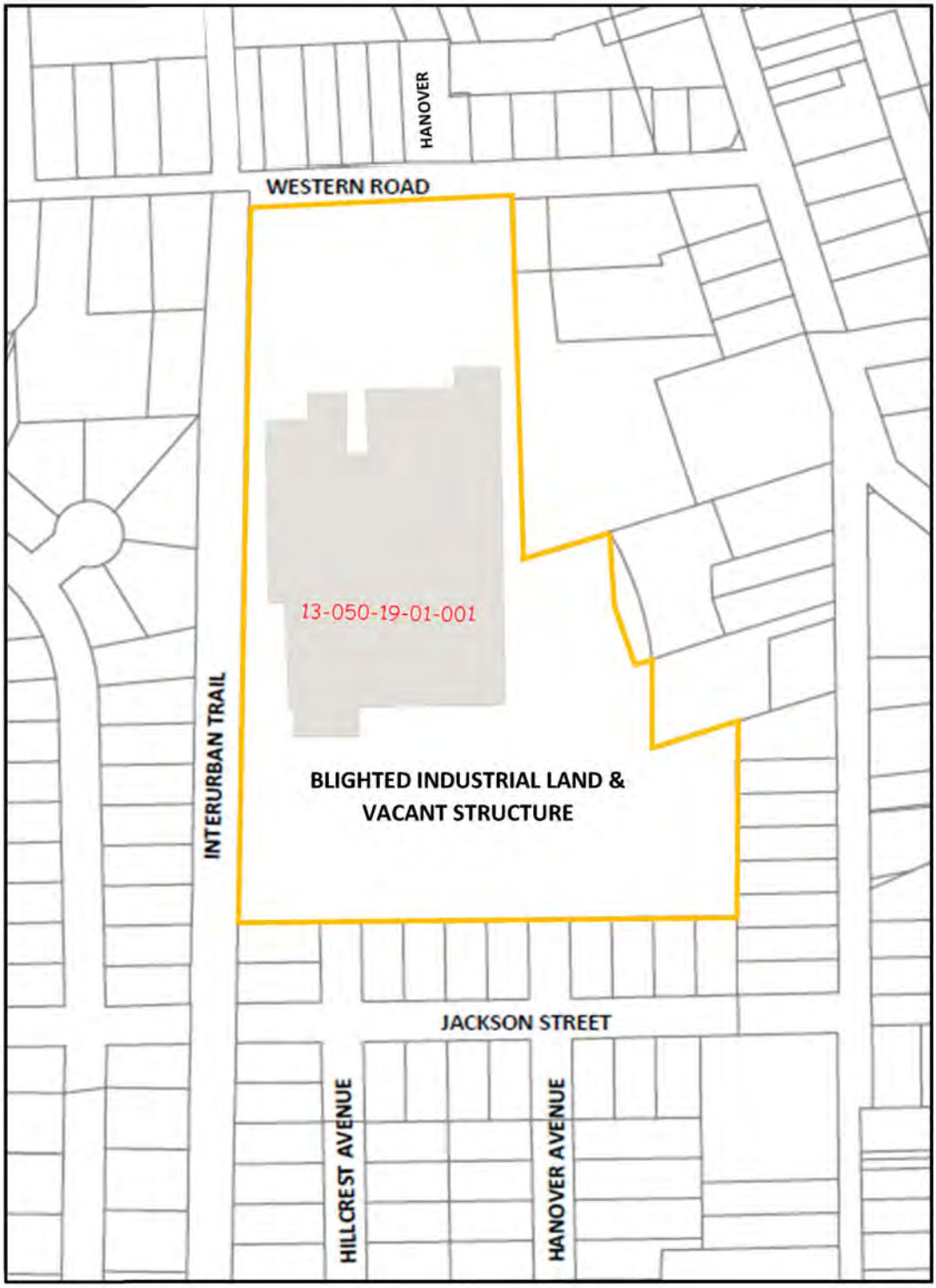
N

1 inch = 250 feet

SECTION 3:
Map Showing Existing Uses and Conditions

Map Found on Following Page.

MAP SHOWING EXISTING USE & CONDITIONS



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1 inch = 250 feet

SECTION 4:
Preliminary Parcel List and Analysis

The District will consist of a single tax parcel. The equalized value identified in the table below is the actual January 1, 2021 State assessed manufacturing value. The January 1, 2022 valuation, which is not yet available, will become the base value for the District. Any increases in valuation occurring after January 1, 2022 will generate incremental value.

Parcel Number: 13-050-19-01-001

Address: N43 W6300 Jackson Street

Owner: Jackson Western LLC

Acres: 12.76

Current Value:

	Assessed	Equalized
Land	$ 564,900	$ 685,300
Improvements	$ 867,400	$ 1,052,300
Total	$ 1,432,300	$ 1,737,600

The parcel is a blighted area as defined in Wis. Stat. § 66.1105(2)(ae). More, specifically:

1. The structures and improvements located on the parcel are dilapidated and obsolete.
2. The current manufacturing use is incompatible with adjacent residential uses.
3. A Phase II Environmental Site Assessment dated November 24, 2021 prepared by Kapur, Inc. identified both soil and groundwater contamination resulting from prior manufacturing operations that took place on the site which complicates and adds risk and cost to the Project.

As it relates to the statutory definition referenced above, these conditions collectively qualify the parcel as "(a)n area in which the structures, buildings or improvements, which by reason of dilapidation, deterioration, age or obsolescence, and the existence of conditions which endanger life or property (i.e. environmental contamination) is conducive to ill health, and is detrimental to the public health, safety, morals or welfare."

SECTION 5:
Equalized Value Test

The following calculations demonstrate that the City expects to be in compliance with Wis. Stat. § 66.1105(4)(gm)4.c., which requires that the equalized value of the taxable property in the proposed District, plus the value increment of all existing tax incremental districts, does not exceed 12% of the total equalized value of taxable property within the City.

Calculation of City Equalized Value Limit

City TID IN Equalized Value (Jan. 1, 2021)	$	1,683,699,600
TID Valuation Limit @ 12% of Above Value	**$**	**202,043,952**

Calculation of Value Subject to Limit

Estimated Base Value of New District	$	1,737,600
Incremental Value of Existing Districts (Jan. 1, 2021)	$	16,092,000
Total Value Subject to 12% Valuation Limit	**$**	**17,829,600**

The equalized value of the increment of existing tax incremental districts within the City, plus the estimated base value of the District, totals $17,829,600, which is 1.06% of the City's total equalized value. This value is less than the maximum of $202,043,952 (12%) in equalized value that is permitted for the City. Following creation of the District its base value is no longer counted towards the 12% limit, however, any incremental increase in value will be included in the calculation for creation of subsequent districts, or where territory is being added to an existing district.

SECTION 6:
Statement Listing the Kind, Number and Location of All Proposed Public Works or Improvements Within the District

Project Costs are any expenditure made, estimated to be made, or monetary obligations incurred or estimated to be incurred as outlined in this Plan. Project Costs will be diminished by any income, special assessments, or other revenues, including user fees or charges, other than tax increments, received or reasonably expected to be received in connection with the implementation of the Plan. If Project Costs incurred benefit territory outside the District, a proportionate share of the cost is not a Project Cost. Costs identified in this Plan are preliminary estimates made prior to design considerations and are subject to change after planning, design and construction is completed.

With all Project Costs, the costs of engineering, design, survey, inspection, materials, construction, restoring property to its original condition, apparatus necessary for public works, legal and other consultant fees, testing, environmental studies, permits, updating City ordinances and plans, judgments or claims for damages and other expenses are included as Project Costs.

The following is a list of public works and other tax incremental financing eligible Project Costs that the City expects to make, or may need to make, in conjunction with the implementation of the District's Plan. The map found in Section 7 of this Plan along with the Detailed List of Project Costs found in Section 8 provide additional information as to the kind, number, and location of potential Project Costs.

Property, Right-of-Way, and Easement Acquisition

Acquisition of Rights-of-Way

The City may need to acquire property to allow for installation of streets, driveways, sidewalks, utilities, stormwater management practices and other public infrastructure. Costs incurred by the City to identify, negotiate, and acquire rights-of-way are eligible Project Costs.

Acquisition of Easements

The City may need to acquire temporary or permanent easements to allow for installation and maintenance of streets, driveways, sidewalks, utilities, stormwater management practices and other public infrastructure. Costs incurred by the City to identify, negotiate, and acquire easement rights are eligible Project Costs.

Relocation Costs

If relocation expenses are incurred in conjunction with the acquisition of property, those expenses are eligible Project Costs. These costs may include but are not limited to preparation of a relocation plan; allocations of staff time; legal fees; publication of notices; obtaining appraisals; and payment of relocation benefits as required by Wis. Stat. Chapter 32 and Wis. Admin. Code ADM 92.

Site Preparation Activities

Environmental Audits and Remediation

If it becomes necessary to evaluate any land or improvement within the District, any cost incurred by the City related to environmental audits, testing, and remediation are eligible Project Costs.

Demolition

To make sites suitable for development, the City may incur costs related to demolition and removal of structures or other land improvements, to include abandonment of wells or other existing utility services.

Utilities

Sanitary Sewer System Improvements

To allow development to occur, the City may need to construct, alter, rebuild, or expand sanitary sewer infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding, or expansion of collection mains; manholes and cleanouts; service laterals; force mains; interceptor sewers; pumping stations; lift stations; wastewater treatment facilities; and all related appurtenances. To the extent sanitary sewer projects undertaken within the District provide direct benefit to land outside of the District, the City will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the City construct, alter, rebuild, or expand sanitary sewer infrastructure located outside of the District. That portion of the costs of sanitary sewer system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs.

Water System Improvements

To allow development to occur, the City may need to construct, alter, rebuild, or expand water system infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding, or expansion of distribution mains; manholes and valves; hydrants; service laterals; pumping stations; wells; water treatment facilities; storage tanks and reservoirs; and all related appurtenances. To the extent water system projects undertaken within the District provide direct benefit to land outside of the District, the City will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the City construct, alter, rebuild, or expand water system infrastructure located outside of the District. That portion of the costs of water system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs.

Stormwater Management System Improvements

Development within the District will cause stormwater runoff. To manage this stormwater runoff, the City may need to construct, alter, rebuild, or expand stormwater management infrastructure within the District. Eligible Project Costs include, but are not limited to, construction, alteration, rebuilding, or expansion of stormwater collection mains; inlets, manholes and valves; service laterals; ditches; culvert pipes; box culverts; bridges; stabilization of stream and riverbanks; and infiltration, filtration and detention Best Management Practices (BMP's). To the extent stormwater management system projects undertaken within the District provide direct benefit to land outside of the District, the City will make an allocation of costs based on such benefit. Those costs corresponding to the benefit allocated to land within the District, and necessitated by the implementation of the Project Plan, are eligible Project Costs. Implementation of the Project Plan may also require that the City construct, alter, rebuild, or expand stormwater management infrastructure located outside of the District. That portion of the costs of stormwater management system projects undertaken outside the District which are necessitated by the implementation of the Project Plan are eligible Project Costs.

Electric Service

To create sites suitable for development, the City may incur costs to provide, relocate or upgrade electric services. Relocation may require abandonment and removal of existing poles or towers, installation of new poles or towers, or burying of overhead electric lines. Costs incurred by the City to undertake this work are eligible Project Costs.

Gas Service

To create sites suitable for development, the City may incur costs to provide, relocate or upgrade gas mains and services. Costs incurred by the City to undertake this work are eligible Project Costs.

Communications Infrastructure

To create sites suitable for development, the City may incur costs to provide, relocate or upgrade infrastructure required for voice and data communications, including, but not limited to telephone lines, cable lines and fiber optic cable. Costs incurred by the City to undertake this work are eligible Project Costs.

Streets and Streetscape

Street Improvements

To allow development to occur, the City may need to construct or reconstruct streets, highways, alleys, access drives and parking areas. Eligible Project Costs include, but are not limited to: excavation; removal or placement of fill; construction of road base; asphalt or concrete paving or repaving; installation of curb and gutter; installation of sidewalks and bicycle lanes; installation of culverts, box culverts and bridges; rail crossings and signals; utility relocation, to include burying overhead utility lines; street lighting; installation of traffic control signage and traffic signals; pavement marking; right-of-way restoration; installation of retaining walls; and installation of fences, berms, and landscaping.

Streetscaping and Landscaping

To attract development consistent with the objectives of this Plan, the City may install amenities to enhance development sites, rights-of-way, and other public spaces. These amenities include but are not limited to landscaping; lighting of streets, sidewalks, parking areas and public areas; installation of planters, benches, clocks, tree rings, trash receptacles and similar items; and installation of brick or other decorative walks, terraces, and street crossings. These and any other similar amenities installed by the City are eligible Project Costs.

Community Development

Cash Grants (Development Incentives)

The City may enter into agreements with property owners, lessees, or developers of land located within the District for sharing costs to encourage the desired kind of improvements and assure tax base is generated sufficient to recover Project Costs. No cash grants will be provided until the City executes a developer agreement with the recipient of the cash grant. Any payments of cash grants made by the City are eligible Project Costs.

Miscellaneous

Projects Outside the Tax Increment District

Pursuant to Wis. Stat. § 66.1105(2)(f)1.n, the City may undertake projects within territory located within one-half mile of the boundary of the District provided that: 1) the project area is located within the City's corporate boundaries; and 2) the projects are approved by the Joint Review Board. The cost of projects completed outside the District pursuant to this section are eligible project costs and may include any project cost that would otherwise be eligible if undertaken within the District. The City intends to make the following project cost expenditures outside the District: The City will extend Hanover Avenue from Western Avenue south to Jackson Street. A short segment of that extension, from the District's southern boundary to Jackson Street lies, outside the District.

Professional Service and Organizational Costs

The costs of professional services rendered, and other costs incurred, in relation to the creation, administration and termination of the District, and the undertaking of the projects contained within this Plan, are eligible Project Costs. Professional services include but are not limited to architectural; environmental; planning; engineering; legal; audit; financial; and the costs of informing the public with respect to the creation of the District and the implementation of the Plan.

Administrative Costs

The City may charge to the District as eligible Project Costs reasonable allocations of administrative costs, including, but not limited to, employee salaries. Costs allocated will bear a direct connection to the time spent by City employees relating to the implementation of the Plan.

Financing Costs

Interest expense, debt issuance expenses, redemption premiums, and any other fees and costs incurred in conjunction with obtaining financing for projects undertaken under this Plan are eligible Project Costs.

SECTION 7:
Map Showing Proposed Improvements and Uses

Map Found on Following Page.

\PD-09-21\PD09BASE.DWG

QUAM ENGINEERING, LLC 122 Wisconsin Street, West Bend, WI 53095 (262) 346-7800

UNIT MIX & COUNT

A:	TOWNHOMES 2 STORY / 2 BED	18 UNITS
B:	TOWNHOMES 3 STORY / 3 BED	26 UNITS
C1:	FRONT PORCH NEIGHBORHOOD 2 STORY / 3 BED	14 UNITS
C2:	FRONT PORCH NEIGHBORHOOD 2 STORY / 3 BED	12 UNITS
D:	APARTMENT BUILDING 3 STORY	110 UNITS
E:	APARTMENT BUILDING 2 STORY	50 UNITS
	TOTAL	230 UNITS

Project Costs

- **A** City will extend Hanover Avenue from Jackson Street to Western Road as shown on map.
- **B** City will provide Developer "pay as you go" development incentives for construction

P2 DEVELOPMENT & PROPERTY MANAGEMENT
524 Technology Way
Saukville, WI 53080-1677
www.p2development.com
(262) 377-7259

RECEIVED
FEB 17 2022
CITY OF CEDARBURG

FOX RUN DEVELOPMENT
CONCEPT PLAN
DATED: FEBRUARY 17, 2022

C-100

QUAM ENGINEERING, LLC
Residential and Commercial Site Design Consultants
122 Wisconsin Street; West Bend, Wisconsin 53095
Phone (262) 346-7800; www.quamengineering.com

SECTION 8:
Detailed List of Estimated Project Costs

The following list identifies the Project Costs that the City currently expects to incur in implementing the District's Plan. All projects identified and related costs reflect the best estimates available as of the date of preparation of this Plan. All costs are preliminary estimates and may increase or decrease. Certain Project Costs listed may become unnecessary, and other Project Costs not currently identified may need to be made. (Section 6 details the general categories of eligible Project Costs). Changes in Project Cost totals or the types of Project Costs to be incurred will not require that this Plan be amended. This Plan is not meant to be a budget nor an appropriation of funds for specific Project Costs, but a framework within which to manage Project Costs.

City of Cedarburg

Tax Increment District #7

Estimated Project List

Project Name/Type	Est. Cost	Timing
Extension of Hanover Avenue (City Financed)	2,538,285	2022
Interest on LT Debt & Related Costs of Financing	929,388	2022 - 2042
Development Incentive ("Pay as you Go")[1]	13,482,076	2025 - 2043
Administrative Expense	128,917	2023 - 20243
Total	**17,078,665**	

Notes:

1Estimated incentive payments shown are for purpose of identifying financial feasibility only. The City has not entered into an agreement with Developer and final terms may vary.

SECTION 9:
Economic Feasibility Study, Description of the Methods of Financing Estimated Project Costs and the Time When Related Costs or Monetary Obligations are to be Incurred

This Section includes a forecast of the valuation increases expected within the District, the associated tax increment collections, a summary of how Project Costs would be financed, and a projected cash flow demonstrating that the District is economically feasible.

Key Assumptions

The Project Costs the City plans to make are expected to create $49.3 million in incremental new construction value by January 1, 2027. Estimated valuations and timing for construction of the Project are included in Table 1. Assuming the City's current equalized TID Interim tax rate of $16.57 per thousand of equalized value, and annual 2% economic appreciation, the Project would generate $26.07 million_ in incremental tax revenue over the 27-year term of the District as shown in Table 2.

City of Cedarburg
Tax Increment District #7
Development Assumptions

Construction Year		160 Apartments	44 Townhomes	26 Pocket Homes	Annual Total	Construction Year	
1	2022	1,593,097	1,125,068		2,718,165	2022	1
2	2023	8,867,761	3,375,205	2,493,938	14,736,904	2023	2
3	2024	8,867,761	3,375,205	2,992,726	15,235,691	2024	3
4	2025	6,707,833	2,425,251	2,493,938	11,627,022	2025	4
5	2026			2,493,938	2,493,938	2026	5
6	2027			2,493,938	2,493,938	2027	6
7	2028				0	2028	7
8	2029				0	2029	8
9	2030				0	2030	9
10	2031				0	2031	10
11	2032				0	2032	11
12	2033				0	2033	12
13	2034				0	2034	13
14	2035				0	2035	14
15	2036				0	2036	15
16	2037				0	2037	16
17	2038				0	2038	17
18	2039				0	2039	18
19	2040				0	2040	19
20	2041				0	2041	20
21	2042				0	2042	21
22	2043				0	2043	22
23	2044				0	2044	23
24	2045				0	2045	24
25	2046				0	2046	25
26	2047				0	2047	26
27	2048				0	2048	27
	Totals	**26,036,451**	**10,300,728**	**12,968,478**	**49,305,658**		

Table 1 – Development Assumptions

City of Cedarburg

Tax Increment District #7

Tax Increment Projection Worksheet

	Construction Year	Value Added Apartments	Value Added Townhomes	Value Added Pocket Homes	Valuation Year	Total Increment	Revenue Year	Tax Rate[1]	Tax Increment Apartments	Tax Increment Townhouses	Tax Increment Pocket	Tax Increment
1	2022	1,593,097	1,125,068	0	2023	2,718,165	2024	$16.57	$26,390	$18,637	$0	**45,027**
2	2023	8,867,761	3,375,205	2,493,938	2024	17,509,432	2025	$16.57	$173,814	$74,920	$41,312	**290,047**
3	2024	8,867,761	3,375,205	2,992,726	2025	33,095,312	2026	$16.57	$324,186	$132,330	$91,714	**548,229**
4	2025	6,707,833	2,425,251	2,493,938	2026	45,384,240	2027	$16.57	$441,786	$175,151	$134,860	**751,797**
5	2026	0	0	2,493,938	2027	48,785,862	2028	$16.57	$450,621	$178,654	$178,870	**808,146**
6	2027	0	0	2,493,938	2028	52,255,518	2029	$16.57	$459,634	$182,227	$223,760	**865,621**
7	2028	0	0	0	2029	53,300,628	2030	$16.57	$468,827	$185,872	$228,235	**882,933**
8	2029	0	0	0	2030	54,366,641	2031	$16.57	$478,203	$189,589	$232,800	**900,592**
9	2030	0	0	0	2031	55,453,974	2032	$16.57	$487,767	$193,381	$237,456	**918,604**
10	2031	0	0	0	2032	56,563,053	2033	$16.57	$497,523	$197,248	$242,205	**936,976**
11	2032	0	0	0	2033	57,694,314	2034	$16.57	$507,473	$201,193	$247,049	**955,716**
12	2033	0	0	0	2034	58,848,200	2035	$16.57	$517,622	$205,217	$251,990	**974,830**
13	2034	0	0	0	2035	60,025,164	2036	$16.57	$527,975	$209,322	$257,030	**994,326**
14	2035	0	0	0	2036	61,225,668	2037	$16.57	$538,534	$213,508	$262,171	**1,014,213**
15	2036	0	0	0	2037	62,450,181	2038	$16.57	$549,305	$217,778	$267,414	**1,034,497**
16	2037	0	0	0	2038	63,699,185	2039	$16.57	$560,291	$222,134	$272,762	**1,055,187**
17	2038	0	0	0	2039	64,973,168	2040	$16.57	$571,497	$226,576	$278,218	**1,076,291**
18	2039	0	0	0	2040	66,272,632	2041	$16.57	$582,927	$231,108	$283,782	**1,097,817**
19	2040	0	0	0	2041	67,598,084	2042	$16.57	$594,585	$235,730	$289,457	**1,119,773**
20	2041	0	0	0	2042	68,950,046	2043	$16.57	$606,477	$240,445	$295,247	**1,142,169**
21	2042	0	0	0	2043	70,329,047	2044	$16.57	$618,607	$245,254	$301,152	**1,165,012**
22	2043	0	0	0	2044	71,735,628	2045	$16.57	$630,979	$250,159	$307,175	**1,188,312**
23	2044	0	0	0	2045	73,170,340	2046	$16.57	$643,598	$255,162	$313,318	**1,212,078**
24	2045	0	0	0	2046	74,633,747	2047	$16.57	$656,470	$260,265	$319,584	**1,236,320**
25	2046	0	0	0	2047	76,126,422	2048	$16.57	$669,600	$265,470	$325,976	**1,261,046**
26	2047	0	0	0	2048	77,648,951	2049	$16.57	$682,992	$270,780	$332,496	**1,286,267**
27	2048	0	0	0	2049	79,201,930	2050	$16.57	$696,652	$276,195	$339,146	**1,311,993**
	Totals		**10,300,728**					**Future Value of Increment**				**26,073,819**

Notes:
[1]Tax rate shown is actual 2021/22 TID interim rate from DOR Form PC-202 (Tax Increment Collection Worksheet)

Table 2 – Tax Increment Projection Worksheet

Financing and Implementation

Implementation of the Plan will require that Hanover Avenue be extended. The City will finance the cost of that extension through issuance of tax-exempt General Obligation Bonds with debt service to be paid from the tax increment generated by the Project. Cost of issuance will be paid from bond proceeds, and interest due prior to availability of tax increment will be capitalized.

Development incentives will be made on a "pay as you go" basis from tax increment generated by the Project. The City's obligation to make payments is solely limited to the available tax increment, and the City's debt service for extension of Hanover Avenue will enjoy priority of payment on an annual basis. To the extent incremental revenues are less than projected, the full amount of the development incentive may not ultimately be paid.

Based on the Project Cost expenditures as included within the cash flow exhibit (Table 3), the District is projected to accumulate sufficient funds by the year 2043 to pay off all Project cost liabilities and obligations. The projected closure is based on the various assumptions noted in this Plan and will vary dependent on actual Project Costs incurred and the actual amount of tax increments collected.

City of Cedarburg

Tax Increment District #7

Cash Flow Projection

Year	Projected Revenues			Expenditures								Balances			Year
				20 Year Tax-Exempt Bond 2,745,000			Development Incentive ("Pay as you Go")								
	Tax Increments	Proceeds of LT Debt	**Total Revenues**	Dated Date: Principal	07/01/22 Est. Rate	Interest		Hanover St. Extension	Finance Related Expense	Admin.	Total Expenditures	Annual	Cumulative	G.O. Debt Principal Outstanding	
2022		2,745,000	**2,745,000**					2,538,285	95,463		2,633,748	111,253	111,253	2,745,000	2022
2023			**0**			77,175	0			5,000	82,175	(82,175)	29,078	2,745,000	2023
2024	45,027		**45,027**			66,150	0			5,100	71,250	(26,223)	2,854	2,745,000	2024
2025	290,047		**290,047**	125,000	1.600%	65,150	94,695			5,202	290,047	0	2,854	2,620,000	2025
2026	548,229		**548,229**	130,000	1.750%	63,013	349,911			5,306	548,229	0	2,854	2,490,000	2026
2027	751,797		**751,797**	130,000	1.900%	60,640	555,745			5,412	751,797	0	2,854	2,360,000	2027
2028	808,146		**808,146**	130,000	2.000%	58,105	614,520			5,520	808,146	0	2,854	2,230,000	2028
2029	865,621		**865,621**	135,000	2.100%	55,388	669,603			5,631	865,621	0	2,854	2,095,000	2029
2030	882,933		**882,933**	140,000	2.150%	52,465	684,725			5,743	882,933	0	2,854	1,955,000	2030
2031	900,592		**900,592**	140,000	2.250%	49,385	705,349			5,858	900,592	0	2,854	1,815,000	2031
2032	918,604		**918,604**	145,000	2.300%	46,143	721,486			5,975	918,604	0	2,854	1,670,000	2032
2033	936,976		**936,976**	150,000	2.350%	42,713	738,169			6,095	936,976	0	2,854	1,520,000	2033
2034	955,716		**955,716**	150,000	2.400%	39,150	760,349			6,217	955,716	0	2,854	1,370,000	2034
2035	974,830		**974,830**	155,000	2.500%	35,413	778,076			6,341	974,830	0	2,854	1,215,000	2035
2036	994,326		**994,326**	160,000	2.600%	31,395	796,463			6,468	994,326	0	2,854	1,055,000	2036
2037	1,014,213		**1,014,213**	165,000	2.650%	27,129	815,487			6,597	1,014,213	0	2,854	890,000	2037
2038	1,034,497		**1,034,497**	170,000	2.700%	22,648	835,120			6,729	1,034,497	0	2,854	720,000	2038
2039	1,055,187		**1,055,187**	175,000	2.750%	17,946	855,377			6,864	1,055,187	0	2,854	545,000	2039
2040	1,076,291		**1,076,291**	175,000	2.800%	13,090	881,200			7,001	1,076,291	0	2,854	370,000	2040
2041	1,097,817		**1,097,817**	180,000	2.850%	8,075	902,601			7,141	1,097,817	0	2,854	190,000	2041
2042	1,119,773		**1,119,773**	190,000	2.900%	2,755	919,734			7,284	1,119,773	0	2,854	0	2042
2043	1,142,169		**1,142,169**				803,468			7,430	810,898	**331,271**	**334,125**	**0**	**2043**
2044	1,165,012		**1,165,012**								0	1,165,012	1,499,137	0	2044
2045	1,188,312		**1,188,312**								0	1,188,312	2,687,449	0	2045
2046	1,212,078		**1,212,078**								0	1,212,078	3,899,527	0	2046
2047	1,236,320		**1,236,320**								0	1,236,320	5,135,847	0	2047
2048	1,261,046		**1,261,046**								0	1,261,046	6,396,894	0	2048
2049	1,286,267		**1,286,267**								0	1,286,267	7,683,161	0	2049
2050	1,311,993		**1,311,993**								0	1,311,993	8,995,154	0	2050
Total	**26,073,819**	**2,745,000**	**28,818,819**	**2,745,000**		**833,925**	**13,482,076**	**2,538,285**	**95,463**	**128,917**	**19,823,665**				**Total**

8,500,000 Present Value of Incentive Payments @ 4% Discount

Projected District Closure

Table 3 – Cash Flow

SECTION 10:
Annexed Property

A tax incremental district cannot include annexed territory unless at least three years have elapsed since the annexation, or certain other requirements are met. None of the property within the proposed District boundary was annexed during the past three years.

SECTION 11:
Estimate of Property to Be Devoted to Retail Business

Pursuant to Wis. Stat. § 66.1105(5)(b), the City estimates that none of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period.

SECTION 12:
Proposed Changes of Zoning Ordinances, Master Plan, Map, Building Codes and City Ordinances

Zoning Ordinances

The proposed Plan is in general conformance with the City's current zoning ordinances. Individual properties may require rezoning at the time of development.

Master (Comprehensive) Plan and Map

The proposed Plan is in general conformance with the City's Comprehensive Plan identifying the area as appropriate for single-family medium -density and medium-high density urban residential development.

Building Codes and Ordinances

Development within the District will be required to conform to State Building Codes and will be subject to the City's permitting and inspection procedures. The proposed Plan conforms to all relevant State and local ordinances, plans, and codes. No changes to the existing regulations are proposed or needed.

SECTION 13:
Statement of the Proposed Method for the Relocation of any Persons to be Displaced

Should implementation of this Plan require relocation of individuals or business operations, relocations will be handled in compliance with Wis. Stat. Chapter 32 and Wis. Admin. Code ADM 92.

SECTION 14:
How Creation of the Tax Incremental District Promotes the Orderly Development of the City

Creation of the District and the implementation of the projects in its Plan will promote the orderly development of the City by eliminating a blighted area, providing necessary public infrastructure improvements, and providing appropriate financial incentives for private development projects. Through use of tax increment financing, the City can attract new investment that results in increased tax base. Development will occur in an orderly fashion in accordance with approved plans so that the Projects will be compatible with adjacent land uses. Development of new uses in the District will add to the tax base and will generate positive secondary impacts in the community such as increased opportunities for employment, personal income and business income related to the construction and operation of the Project, and provision of housing opportunities for City residents.

SECTION 15:
List of Estimated Non-Project Costs

Non-project costs are public works projects which only partly benefit the District. Costs incurred that do not benefit the District may not be paid with tax increments. Examples of non-project costs are:

- A public improvement made within the District that also benefits property outside the District. That portion of the total Project Costs allocable to properties outside of the District would be a non-project cost.
- A public improvement made outside the District that only partially benefits property within the District. That portion of the total Project Costs allocable to properties outside of the District would be a non-project cost.
- Projects undertaken within the District as part of the implementation of this Project Plan, the costs of which are paid fully or in part by impact fees, grants, special assessments, or revenues other than tax increments.

No improvements to be made within the District will benefit property outside the District. Furthermore, there will be no improvements made outside the District that will only partially benefit the District.

SECTION 16:
Legal Opinion Advising Whether the Plan is Complete and Complies with Wis. Stat. § 66.1105(4)(f)

Legal Opinion Found on Following Pages.

Robert L. Feind, Jr.
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Michael P. Herbrand
Margaret G. Zickuhr
Fellow, American Academy of Matrimonial Lawyers
Timothy S. Schoonenberg
Licensed in Wisconsin and Arizona
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April 7, 2022

Mr. Todd Taves
Executive Vice President/Financial Advisor
Ehlers & Associates, Inc.
375 Bishops way, Suite 225
Brookfield, Wisconsin 53005-6202

Re: Tax Incremental District No. 7 Project Plan — City of Cedarburg

Dear Mr. Taves:

At your direction, I have reviewed the Tax Incremental District No. 7 Project Plan. As you know, my review of the Plan is required by Section 66.1105(4)(f), Wis. Stats. This Section requires that a project plan for a tax incremental district include the following information:

1. A statement listing the kind, number and location of all proposed public works or improvements within the district;

2. An economic feasibility study;

3. A detailed list of estimated project costs;

4. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;

5. A map showing the existing uses and conditions of real property in the district;

6. A map showing proposed improvements and uses in the district;

7. Any proposed changes of zoning ordinances, master plan, if any, map, building codes and city ordinances;

8. A list of estimated non-project costs;

9. A statement of the proposed method for relocation of any persons to be displaced; and

10. The plan should further indicate how creation of the tax incremental district promotes the orderly development of the City.

My review of the Tax Incremental District No. 7 Project Plan indicates that it is complete and complies the requirements of Section 66.1105(f), as identified above. Each of the itemized elements set forth above can be found in the Plan.

Should you have any further questions or concerns with regard to this matter, or this opinion, please do not hesitate to contact me.

Very truly yours,

HOUSEMAN & FEIND, LLP

Michael P. Herbrand
City Attorney

MPH:csp
cc: Mr. Mikko Hilvo, City Administrator

SECTION 17:
Calculation of the Share of Projected Tax Increments Estimated to be Paid by the Owners of Property in the Overlying Taxing Jurisdictions

The following projection is provided to meet the requirements of Wis. Stat. § 66.1105(4)(i)4.

Revenue Year	Ozaukee County	City of Cedarburg	School District of Cedarburg	Milwaukee Area Technical College	Total	Revenue Year
2024	4,079	18,039	20,163	2,746	45,027	2024
2025	26,273	116,202	129,880	17,691	290,047	2025
2026	49,660	219,638	245,492	33,439	548,229	2026
2027	68,100	301,194	336,647	45,856	751,797	2027
2028	73,205	323,769	361,880	49,293	808,146	2028
2029	78,411	346,795	387,616	52,799	865,621	2029
2030	79,979	353,731	395,369	53,854	882,933	2030
2031	81,579	360,806	403,276	54,932	900,592	2031
2032	83,210	368,022	411,342	56,030	918,604	2032
2033	84,874	375,382	419,569	57,151	936,976	2033
2034	86,572	382,890	427,960	58,294	955,716	2034
2035	88,303	390,548	436,519	59,460	974,830	2035
2036	90,069	398,359	445,249	60,649	994,326	2036
2037	91,871	406,326	454,154	61,862	1,014,213	2037
2038	93,708	414,452	463,238	63,099	1,034,497	2038
2039	95,582	422,741	472,502	64,361	1,055,187	2039
2040	97,494	431,196	481,952	65,648	1,076,291	2040
2041	99,444	439,820	491,591	66,961	1,097,817	2041
2042	101,433	448,617	501,423	68,301	1,119,773	2042
2043	103,461	457,589	511,452	69,667	1,142,169	2043
2044	105,531	466,741	521,681	71,060	1,165,012	2044
2045	107,641	476,075	532,114	72,481	1,188,312	2045
2046	109,794	485,597	542,757	73,931	1,212,078	2046
2047	111,990	495,309	553,612	75,409	1,236,320	2047
2048	114,230	505,215	564,684	76,917	1,261,046	2048
2049	116,514	515,319	575,978	78,456	1,286,267	2049
2050	118,845	525,626	587,497	80,025	1,311,993	2050
Total	**2,361,854**	**10,445,998**	**11,675,596**	**1,590,371**	**26,073,819**	

CITY OF CEDARBURG

MEETING DATE: April 19, 2022 **ITEM NO:** 10.B.

TITLE: Discussion and possible action on 2022 request from the Rotary for Mobile Food Vendors for the 2022 Rotary Ride event

ISSUE SUMMARY: The Cedarburg/Grafton Rotary is requesting to have additional food vendors at their Rotary Ride event on May 21, 2022. They are potentially needing to have food for over 700 riders. The two vendors currently licensed by the City have been confirmed but the Rotary is still in need of additional vendors to be able to accommodate the volume of riders they expect. They are requesting that we consider their event the same as we have done for Summer Sounds and Festivals at the park. This accommodation would not require the full approval process that our current ordinance on food trucks does. The food vendors are still required to be licensed through the State and Health Department. The Rotary International will provide insurance for the event and the local Rotary will be responsible for all food and beverage operations.

STAFF RECOMMENDATION: Staff recommends allowing the additional food trucks at the event with the understanding that the Cedarburg/Grafton Rotary ensures that proper health and safety guidelines are followed by each vendor operating at the park. Staff also recommends that we work on revising the current food truck ordinance to allow food trucks outside of our business district for events done by local non-profits.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION: None

BUDGETARY IMPACT: None

ATTACHMENTS: Food Truck Ordinance

INITIATED/REQUESTED BY: Administrator Mikko Hilvo

FOR MORE INFORMATION CONTACT: Administrator Mikko Hilvo

CHAPTER 18 REGULATION OF MOBILE VENDORS AND MOBILE FOOD ESTABLISHMENTS

Sec. 7-18-1 Definitions.

In this Chapter:

Food means all articles used for food, non-alcoholic drink or condiment including ice or water used by humans whether simple, mixed or compound articles used or intended for use as ingredients in the composition or preparation thereof.

Mobile food establishment means a restaurant or retail food establishment where ready-to-eat food is cooked, wrapped, packaged, processed, served or sold from a vehicle, car, truck, trailer, cart, or similar portable device which may or should be capable of periodically changing locations. This ordinance does not intend to regulate home delivery of food and beverage items.

Mobile food vendor or *mobile vendor* means the owner, owner's agent or employees of a mobile establishment within the City of Cedarburg. A mobile food vendor or vendor shall expressly not include direct seller's, as defined in section 7-4-2 of the Code of Ordinances.

Mobile vendor means a retail establishment where products or services of any kind are served, offered or sold from a vehicle, car, truck, trailer, cart, or similar portable device which may or should be capable of periodically changing locations.

(Ord. No. 2019-07 , 4-8-19)

Sec. 7-18-2 License required.

It shall be unlawful for a person to operate as a mobile vendor or mobile food establishment, serve, sell or distribute food from a mobile food establishment or cook, wrap, package, process, serve or portion food in a mobile food establishment in the City of Cedarburg without first having obtained a valid mobile vendor or mobile food establishment license from the city clerk as provided for by this chapter.

(Ord. No. 2019-07 , 4-8-19)

Sec. 7-18-3 Exemptions from license requirement.

Mobile food establishments and mobile vendors participating in any of the festivals, organizations, activities, or events listed below are exempt from obtaining a mobile food establishment license and the location and general operation restrictions required by this chapter:

(a) Any mobile vendor or mobile food establishment on premises and controlled, regulated or permitted through section 7-14-1 (festival celebration permit) of the Code of Ordinances.

(b) Any mobile food vendor or mobile food establishment acting by, through or under Summer Sounds at Cedar Creek Park organized by Cedarburg Music Festivals.

    (1) Limited to no more than 12 Friday night events per year.

(c) Any person selling goods at a farmer's market or flea market, on premises and under the control of the farmer's market or flea market organizers.

(d) Any person selling goods on premises at the Ozaukee County Fairgrounds.

(e) Any fundraising activities sponsored by the City of Cedarburg.

(f) Any other festival/organization/activity/event that the City of Cedarburg Plan Commission deems appropriate for exemption.

(g) Any mobile food establishment or mobile vendor commissioned or paid directly by a private land owner and who does not receive direct payment from persons receiving food items, goods, or services from the mobile food establishment or mobile vendor.

(Ord. No. 2019-07 , 4-8-19)

Sec. 7-18-4 Application.

Any person desiring to operate as a mobile vendor or mobile food establishment shall make written application for a mobile vendor or mobile food establishment license to the city clerk. The application shall be on the form provided by the city clerk's office and shall include the following:

(a) The name, signature, and address of each applicant and each member or officer of a corporate applicant.

(b) The name of each employee of the mobile food establishment.

(1) The applicant must provide to the city clerk's office the name and address of any new employee within 30 days of hiring.

(c) A description of the mobile vending vehicle or cart, including the make, model, VIN number and license plate for mobile vending vehicles.

(d) A valid copy of all necessary licenses for the operation of the mobile vendor or mobile food establishment, including, but not limited to, licenses or certificates required by Ozaukee County, the state of Wisconsin, or any subsidiary enforcement agencies or departments thereof.

(e) A signed statement that the vendor shall hold harmless the city and its officers and employees, and shall indemnify the city, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license. Vendor shall furnish and maintain such public liability insurance coverage of not less than $1,000,000.00

(f) The proposed location of the vending vehicle or cart and any additional information as deemed necessary by city staff.

(g) The city reserves the right to conduct a background check of the applicant and the applicant's employees.

(Ord. No. 2019-07 , 4-8-19)

Sec. 7-18-5 Investigation.

(a) Upon receipt of each application from the city clerk's office, the City of Cedarburg Police Department shall conduct an investigation of the statements made on such application, including a background check of the applicant and the employees of the applicant.

(b) After investigation by the City of Cedarburg Police Department, the application shall be reviewed for approval or denial by the city clerk's office. The city clerk's office shall refuse to license the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by the authorities in the preceding cities, villages and towns, not exceeding three, in which the applicant conducted similar business; the applicant or an employee of the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's or an employee's fitness to engage in the conduct for which the license is requested; the applicant failed to comply with any applicable provision of section 7-18-4 or the applicant failed to pay the fees required for the license. The city clerk shall notify the applicant, in writing, of any denial of issuance of a license, and the reasons therefore.

(Ord. No. 2019-07 , 4-8-19)

Sec. 7-18-6 Location restrictions.

Except as provided herein, licensed mobile vendor and mobile food establishments shall not operate upon or in the public road right-of-way, public grounds, or public alleys. Licensed mobile vendors and mobile food establishments may operate on private non-residential property, with the written permission of the private property owner.

(a) The plan commission may grant a temporary use permit to a mobile food establishment for operation in the Historic District Preservation Overlay District for any activity or event that it deems appropriate. The plan commission shall specify the location, hours of operation, and any other restrictions it deems appropriate for the specific activity or event.

(Ord. No. 2019-07 , 4-8-19)

Sec. 7-18-7 General operation restrictions.

(a) Hours of operation for a mobile vendor or mobile food establishment shall be no earlier than 10:00 a.m. to no later than 10:00 pm.

(b) Any power required for the mobile vendor or mobile food establishment shall not use utilities drawn from the public right-of-way. No power cable or equipment shall be extended over any city street, alley or sidewalk.

(c) No mobile vendor or mobile food establishment shall use or maintain any outside sound amplifying equipment, lights, or noisemakers of any kind, while stationary.

(d) Mobile vendors or mobile food establishments are responsible for providing trash/refuse receptacles on site and for removing such receptacles at the conclusion of sales. Trash or refuse from the mobile vendor or mobile food vendor's receptacles shall not be placed in any public or private trash receptacles, including dumpsters, without the private trash receptacles' owner's consent.

(e) Mobile vendors and mobile food establishments shall take every precaution to ensure that their operation does not materially affect the peace and welfare of the general public nor cause any unreasonably loud, disturbing, and/or unnecessary noise or any other noise of any character, intensity or duration as to be detrimental or disturbing to the public peace or welfare.

(f) Mobile vendors and mobile food establishments shall not operate on dates during which a permitted festival is occurring within the city pursuant to section 7-14-1 of the Code of Ordinances.

(Ord. No. 2019-07 , 4-8-19)

Sec. 7-18-8 Fees and conditions.

(a) All licensed mobile vendors and mobile food establishments shall pay an annual license fee in the amount of $100.00.

(b) Licenses shall commence on January 1 and end on December 31 of each calendar year. Licenses applied for after January 1 of a year will expire on December 31 of that year; license fees shall not be pro-rated.

(c) The license is not transferrable from person to person or mobile vending vehicle or cart to mobile vending vehicle or cart.

(d) Each mobile vendor or mobile food establishment shall be separately licensed.

(e) Mobile vendors and mobile food establishments shall comply with NFPA-1 Fire Code and Wisconsin Administrative Code SPS 314.50.

(Ord. No. 2019-07 , 4-8-19)

Sec. 7-18-9 Enforcement.

The enforcement of this article shall be under the jurisdiction of the building inspector, fire department, and police department, who shall have the power to inspect to determine compliance with this article.

(Ord. No. 2019-07 , 4-8-19)

Sec. 7-18-10 Renewal.

The license holder shall, on an annual basis, file a renewal form provided by the city clerk's office and renewal fee as established by the common council prior to the expiration of the license, and such renewal shall be processed in the same manner as the initial application.

(Ord. No. 2019-07 , 4-8-19)

Sec. 7-18-11 Records.

The chief of police shall report to the city clerk all violations of this chapter issued to the licensee or any employee, contractor, or agent of the licensee. The city clerk shall note any such violation on the record of the vendor convicted.

(Ord. No. 2019-07 , 4-8-19)

Sec. 7-18-12 Suspension, revocation, or non-renewal of license.

(a) a mobile vendor or mobile food establishment license may be suspended, revoked, or not renewed by the city clerk if the applicant or licensee:

  (1) Made any material omission or materially inaccurate statement in the license application; or

  (2) Made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in mobile food vending; or

  (3) Violated any provision of this chapter; or

(4) Was convicted of any offense which is directly related to the licensee's fitness to engage in mobile vending.

(b) If the chief of police, building inspector, or an authorized representative of the fire department recommends that the city clerk suspend, revoke, or not renew a mobile food establishment license, or, if the city clerk indicates an intention to suspend, revoke, or not renew the mobile vendor or mobile food establishment license, the city clerk shall, in writing, inform the applicant of the intended non-renewal, suspension or revocation, the reasons, and of the opportunity to request a hearing before the plan commission. Such notice shall be sent by certified and regular mail to, or personally served upon, the licensee at least ten days prior to hearing.

(c) A license is a privilege, the issuance of which is a right granted solely to the city clerk. The city clerk shall consider the circumstances, severity and facts of an offense, offenses or pattern of behavior when making the determination to grant, deny, suspend, revoke, or not renew a license.

(Ord. No. 2019-07 , 4-8-19)

CITY OF CEDARBURG

MEETING DATE: April 19, 2022 **ITEM NO:** 10.C.

TITLE: Discussion and possible action on request to lease Zarling Property to William & Trevor Janeshek to aid in compliance with the City's Adaptive Management Plan

ISSUE SUMMARY: The City chose to pursue Adaptive Management for our WPDES permit compliance for phosphorus removal. The Janeshek's would like to lease the property from the City for $1.00/year. As part of the lease agreement, the Janeshek's would do some land improvements in the washed-out areas and then plant soybeans this year and then winter wheat this fall after harvesting

STAFF RECOMMENDATION: Approve the leasing of the land to the Janeshek's for $1.00/year, with the understanding they follow their land management plan.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION: This was not discussed at the March 10th Public Works Meeting.

BUDGETARY IMPACT: None

ATTACHMENTS: Janeshek's Land Management Plan

INITIATED/REQUESTED BY: Dennis Grulkowski, Wastewater Superintendent

FOR MORE INFORMATION CONTACT: Dennis Grulkowski, Wastewater Superintendent; 262-375-7900

AGREEMENT

for

Leasing of City of Cedarburg Farmland

This lease is entered into this 19th day of the month of April in the year 2022 between:

LANDOWNER: City of Cedarburg, W63N645 Washington Avenue, PO Box 49, Cedarburg, Wisconsin, 53012, (262)-375-7609, hereinafter known as "Landowner", and

TENANT: Janeshek Farms LLC, 2281 County Rd D, Belgium, WI, 53004, (414)-550-3624, hereinafter known as "Tenant"

PROPERTY DESCRIPTION

The Landowner hereby leases to the Tenant, to occupy and use for agricultural and related purposes, the following described property: cropland located at 1838 Pioneer Rd, Cedarburg, WI Ozaukee County, consisting of approximately 75 acres.

LAND USE

The tenant agrees to execute the following land use plan:

1. Start with getting a bulldozer to move ground and fix eroded areas. Possibly getting rip rap or field stone of some type to fill in the very north section.
2. Then seeding wherever dirt was moved in erodible areas with a grass seed mix. With that, using small straw bales in the waterways to help slow down water while grass is getting established.
3. When weather permits, spray to kill the old hay fields, minus the waterways in those sections.
4. Use vertical tillage implement to lightly level and mix the top 2 inches of ground up for easier travel and planting operations.
5. Apply 125lbs of 0-0-60 potash per acre and 100lbs of gypsum per acre as fertilizers.
6. Seed soybeans on 7-inch row spacing thorough all acres at a North and South or East and West direction via discussion and observations held on March 12, 2022 and on future dates.
7. Future planning would be no tilling winter wheat into the fields after the harvest of the soybean crop September/ October time.

This plan is subject to change based on weather and other facts.

TIME PERIOD COVERED BY THIS LEASE

This lease shall commence on March 24, 2022. It shall expire on November 1, 2022 unless the tenant is able to plant cover crop. If cover crop is planted, it shall expire on July 1, 2023 or after the cover crop has been harvested, whichever date is sooner.

AMOUNT AND PAYMENT OF RENT

A rent of $1 shall be paid to the landowner. Rent payment will be received at the City of Cedarburg Treasurer's Office, W63N645 Washington Avenue, PO Box 49 Cedarburg, Wisconsin 53012-0049 on or before May 1, 2022. If rent is not paid when due, the tenant agrees to pay interest in the amount of $1 per day late fee from the due date until paid.

AMENDMENTS AND ALTERATIONS:

Amendments and alterations to this lease shall be in writing and shall be signed by both the Landowner and Tenant.

RIGHT OF ENTRY

The Tenant shall permit the Landowner or agents of the Landowner to enter the property at any reasonable time. Should entry by Landowner or agent of Landowner cause damage to tenant's crops, the Landowner shall reimburse the Tenant for the damaged crops based on a determination of the value of the crops damaged made by Ozaukee County.

NO RIGHT TO SUBLEASE

The Landowner does not convey to the Tenant the right to lease or sublease any part of the property to any person or persons.

TRACKING

Tracking will not be allowed onto HWY C (Pioneer Road). Tenant shall be responsible for any dirt, ground, or debris that it tracked on the highway.

WEED CONTROL

Tenant will be responsible to reasonably control any weed growth on the property during the length of this lease. The Landowner shall be responsible for weed control on the property around the existing buildings and land where the house once stood.

INSURANCE

Tenant will agree to hold the City of Cedarburg harmless for any and all liability associated with the Tenant's farming activities. Additionally, Tenant shall name the City of Cedarburg as an additional insured in its general liability policy and provide the City of Cedarburg a Certificate of Insurance of same.

FINANCIAL INTEREST

The Landowner will have no financial interest in the crops grown on this property and the Landowner is not a member of the operator's farming operation. Furthermore, the Landowner is not entitled to any government subsidized payments made to Tenant.

Whereas this lease agreement has been read and agreed upon by both the Landowner and Tenant, as so signified by the following signatures:

TENANT: Janeshek Farms LLC

_____

Signature Date

LANDOWNER: City of Cedarburg:

_____

Signature Date

CITY OF CEDARBURG

MEETING DATE: April 19, 2022 **ITEM NO:** 10.D.

TITLE: Discussion and possible action on designation of City's Official Newspaper for ensuing year

ISSUE SUMMARY: According to Wis. Stat. 985.06(2), cities are required to designate newspapers for the publication of Council proceedings and other city legal notices. Such newspapers must be published in the City, although a fourth-class city in which there is no eligible paper published may designate a newspaper published in the county and having a general circulation in the city. Currently, Cedarburg is a fourth-class city.

No other newspapers have expressed an interest in becoming the City's Official Newspaper.

STAFF RECOMMENDATION: Designate the *News Graphic* as the City's Official Newspaper. This is the same newspaper as designated last year.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION: N/A

BUDGETARY IMPACT: The cost of publications in 2021 was approximately $4,100.

ATTACHMENTS: N/A

INITIATED/REQUESTED BY: Tracie Sette, City Clerk

FOR MORE INFORMATION CONTACT: Tracie Sette, City Clerk

STATE *of* WISCONSIN

OFFICE *of the* GOVERNOR

Proclamation

WHEREAS; the office of the municipal treasurer is a time-honored and vital part of local government that impacts the day-to-day life of folks throughout our state; and

WHEREAS; municipal treasurers provide the necessary financial information to governing bodies and agencies at the local, county, and state levels; and

WHEREAS; municipal treasurers administer the procedures and keep the financial records that allow governing bodies to carry out public functions efficiently and with confidence; and

WHEREAS; municipal treasurers are the official custodians responsible for the proper management and investment of public funds; and

WHEREAS; Wisconsin's 1,853 municipal treasurers and 72 county treasurers work together to collect all property taxes for their own municipalities and counties as well as their local schools, technical colleges, and the state; and

WHEREAS; municipal treasurers continually strive to improve the administration of their responsibilities through participation in education programs, seminars, workshops, and conferences across Wisconsin; and

WHEREAS; this week, the state of Wisconsin joins all Wisconsinites in appreciating and thanking our municipal treasurers for the important work they do for communities throughout our state;

NOW, THEREFORE, I, Tony Evers, Governor of the State of Wisconsin, do hereby proclaim April 17 – 23, 2022, as

MUNICIPAL TREASURERS APPRECIATION WEEK

throughout the State of Wisconsin and I commend this observance to all our state's residents.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this 4th day of March 2022.

Tony Evers

TONY EVERS
GOVERNOR

By the Governor:

Douglas La Follette

DOUGLAS LA FOLLETTE
Secretary of State

Proclamation

53rd ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK
May 1 - May 7, 2022

Whereas, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Professional Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, The Professional Municipal Clerk serves as the information center on functions of local government and community.

Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

Now, Therefore, I, Michael O' Keefe, Mayor of the City of Cedarburg, do recognize the week of May 1 through May 7, 2022, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 19th day of April, 2022

Mayor _____ Attest: _____