

**CITY OF CEDARBURG  
COMMON COUNCIL  
May 10, 2021**

**CC20210510-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held online on Monday, May 10, 2021, utilizing the Zoom app.

Mayor O’Keefe called the meeting to order at 7:00 p.m.

Roll Call:           Present - Mayor Michael O’Keefe, Council Members Sherry Bubnitz, Jack Arnett, Kristin Burkart, Rick Verhaalen, Robert Simpson, Patricia Thome, Barbara Lythjohan

Also Present - City Administrator Mikko Hilvo, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, Finance Director/Treasurer Christy Mertes, Director of Engineering and Public Work Mike Wieser, City Planner Jon Censky, Paul Frantz of Baker Tilly, interested citizens and news media.

**STATEMENT OF PUBLIC NOTICE**

At Mayor O’Keefe’s request, Deputy City Clerk Kletzien verified that notice of this meeting was provided to the public by forwarding the agenda to the City’s official newspaper, the *News Graphic*, to all news media and citizens who requested copies, and by posting in accordance with the Wisconsin Open Meetings Law. Citizen’s present were welcomed and encouraged to provide their input during the citizen comment portion of the meeting.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** – None

**PRESENTATION OF THE 2020 AUDIT REPORT; AND DIRECTION THEREON**

Paul Frantz of Baker Tilly Virchow Krause, LLP presented the results of the 2020 City audit.

**Audit Objective**

The objective of the audit is to express their opinion on the financial statements of the City of Cedarburg as of December 31, 2020.

**Financial Statements**

o **Audit Opinion**

After tonight's review they will issue an opinion based on the Council's recommendation and approval. An unmodified opinion is the highest level of assurance that the City can receive from the external auditors. It means that the financial statement document has all accounting principles applied consistently between years, in allowance of generally accepted accounting principles. This is the ultimate outcome that you are looking for when receiving an audit.

o **Management's Discussion and Analysis**

This is a good comparative. It is a narrative written by management that talks about the activity that took place in 2020 and does a good job of summarizing this in plain English.

o **Financial Highlights - Governmental Funds**

- General Fund - Revenues were \$9,055,845 compared to expenditures of \$9,229,320.
- Other Sources (uses) - \$592,907.
- End of Year Fund Balance - \$3,775,640.
  - o Fund Balance consist of Non-spendable (prepaid item) \$220,782, Assigned (for future years use) \$214,859, and Unassigned (deficit) \$3,339,999.
- Health of General Fund Reserves – They recommend a range of unassigned fund balance of 10 – 25% of the budgeted expenditures of the subsequent year. The City has a healthy 35%.
- Budgetary Compliance – The City budgeted a fund balance of (\$31,964) but ended up with an actual increase of \$451,396 for a positive difference of \$419,432.
- Capital Improvement Fund Balance - \$1,284,209.
- TID No. 4 District - \$640,707.
- TID No. 6 District - \$4,472,077.
- Debt Service Fund - \$429,689.
- Non-major Government Funds \$3,059,138.
- Proprietary Funds – Unrestricted and Restricted Cash Balance – Light & Water Utility Operating Income - \$1,708,727 with a Net position at the end of the year of \$48,056,584. Fund Balance and Net Position are not the same. The available cash in the utilities is \$10,147,658. The Sewer Utility has available cash of \$6,546,077.
- Long-Term Debt is \$23,979,760. The City has the ability to borrow up to 5% of the equalized value, which is \$77,421,945 with the capacity to borrow an additional \$54,233,991.

o **Communication Letter**

One material weakness was identified: Internal controls over financial reporting. This is a very common material weakness that is given to 90 – 95% of their clients. This means that the City does not have a CPA that specializes in governmental accounting on staff to prepare the financial statement document. There is a cost benefit to this, and the City has chosen to outsource this function. They receive cooperation and have limited journal entries. The City has good solid individuals in place making good decisions and keeping the Council up to-date.

- o Two-way communication regarding the audit – looking for feedback from the Common Council.
- o Other comments and recommendations – recommendations were made to management resulting from the audit.
- o Required communication to those charged with governance – lists any new accounting principles that were adopted during the course of the year along with accounting estimates that were evaluated and used by management. This communication also indicates that they did not have any disagreements with management during the audit. Mr. Frantz stated that the City is very fortunate to have Finance Director/Treasurer Mertes. He cannot communicate this to every client. He thanked her for making the audit process go smooth.

Lastly, they list the non-services that they provided for the City and declare their independence.

**APPROVAL OF MINUTES**

Motion made by Council Member Thome, seconded by Council Member Bublitz, to approve the May 10, 2021 Common Council minutes. Motion carried without a negative vote.

**NEW BUSINESS**

**CONSIDER MAYOR O'KEEFE'S APPOINTMENTS TO VARIOUS BOARDS, COMMITTEES, AND COMMISSIONS; AND ACTION THEREON**

Council Member Arnett stated that Garth Cole asked to be replaced on the Finance Committee, due to time conflicts.

Motion made by Council Member Verhaalen, seconded by Council Member Thome, to approve Mayor O'Keefe's appointments to various boards, commissions, and committees with the exception of the appointment of Garth Cole to the Finance Committee. Motion carried without a negative vote.

**ANNUAL REVIEW AND CERTIFICATION OF CODE OF ETHICS**

The Common Council reviewed and certified the Code of Ethics.

**CONSIDER OUTDOOR ALCOHOL BEVERAGE LICENSE FOR STAGECOACH INN/FIVE 20 SOCIAL STOP, W61 N520 WASHINGTON AVENUE (LANDMARKS COMMISSION 4/22/21; PLAN COMMISSION 5/3/21); AND ACTION THEREON**

Planner Censky explained that this request has gone before the Landmarks Commission and the Plan Commission. Mr. Conley explained to the Plan Commission that the area is not completely fenced in due to the fact that it is being used as a parking lot. The area also has various entry points that were approved by Police Chief Frank. Although they are currently using this space short-term, they may end up taking more permanent control measures if they decide to continue the use long term. As a result, the Plan Commission approved the request with the contingency that the Petitioners will resubmit their plans to the Plan Commission next year, if they wish to continue operation in this area next year.

Motion made by Council Member Bublitz, seconded by Council Member Simpson, to approve the outdoor alcohol beverage license for Stagecoach Inn/Five 20 Social Stop, W61, N520 Washington Avenue as amended for this year only as recommended by the Plan Commission. Motion carried without a negative vote.

**CONSIDER OUTDOOR ALCOHOL BEVERAGE LICENSE FOR NEW FORTUNE ASIAN CUISINE, W62 N547 WASHINGTON AVENUE (LANDMARKS COMMISSION 4/22/21; PLAN COMMISSION 5/3/21); AND ACTION THEREON**

Planner Censky explained that this request has gone before the Landmarks Commission and the Plan Commission. As presented, the ingress and egress for this area will only be allowed through their restaurant and the petitioner will be required to install a Code compliant emergency access gate as a condition of Plan Commission approval.

Motion made by Council Member Thome, seconded by Council Member Bublitz, to approve the outdoor alcohol beverage license for New Fortune Asian Cuisine, W62, N547 Washington Avenue contingent upon review and approval of the emergency exit gate by the Fire Department or Building Inspection. Motion carried without a negative vote.

**CONSIDER PAYMENT OF BILLS DATED 04/17/2021 THROUGH 04/30/2021, TRANSFERS FOR THE PERIOD 04/24/2021 THROUGH 05/04/2021 AND PAYROLL FOR PERIOD 04/18/2021 THROUGH 05/01/2021; AND ACTION THEREON**

Motion made by Council Member Bublitz, seconded by Council Member Lythjohan, to approve payment of bills dated 04/17/2021 through 04/30/2021, transfers for the period 04/24/2021 through 05/04/2021 and payroll for the period 04/18/2021 through 05/01/2021. Motion carried without a negative vote.

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

Motion made by Council Member Bublitz, seconded by Council Member Lythjohan, to approve new Operator License application for the period ending June 30, 2021 for Denisa E. Demczak. Motion carried without a negative vote.

Motion made by Council Member Thome, seconded by Council Member Simpson, to approve 2021-2022 alcohol, operator, and cigarette licenses for period ending June 30, 2022 as follows:

**Class “A” Fermented Malt Beverage and “Class A” Cider Only (Off-Premise Consumption Only):**

Speedway LLC, 500 Speedway Drive, Enon, OH 45323, Michael R. Weber, Agent, premises to be licensed: W63 N121 Washington Avenue, known as Speedway 4203.

**“Class A” Intoxicating Liquor (Off-Premise Consumption Only):**

Sunshine Winery LLC, W63 N631 Washington Avenue, Cedarburg, WI 53012, Megan Schelwat, Agent, premises to be licensed: W63 N631 Washington Avenue, known as Sunshine Winery.

**Class “A” Fermented Malt Beverage and “Class A” Intoxicating Liquor (Off-Premise Consumption Only):**

Bonus Inc., dba Olsen’s Piggly Wiggly, W61 N286 Washington Avenue, Cedarburg, WI 53012, Ryan L. Olson, Agent, premises to be licensed: W61 N286 Washington Avenue, known as **Olsen’s Piggly Wiggly #201.**

Toto’s Inc., 4600 W. Brown Deer Road, Brown Deer, WI 53223, Jonathan P. Dunne, Agent, premises to be licensed: W63 N157 Washington Avenue, known as **Otto’s Wine and Spirits - Cedarburg.**

Super Sales USA Inc., PO Box 493, Cedarburg, WI 53012, Douglas Gall, Agent, premises to be licensed: W62 N174 Washington Avenue, known as **Citgo Super Sales.**

Wisconsin CVS Pharmacy, LLC, One CVS Drive, M/C 1160, Woonsocket, RI 02895, Dione Jeffrey, Agent, premises to be licensed: W63 N152 Washington Avenue, known as **CVS Pharmacy #8775.**

Frannie’s Market LLC, W61 N486 Washington Avenue, Cedarburg, WI 53012, Sarah Prasser, Agent, premises to be licensed: W61 N486 Washington Avenue, known as **Frannie’s Market.**

Walgreen Co., P.O. Box 901, Deerfield, IL 60015, Deanna Liebelt, Agent, premises to be licensed: W62 N190 Washington Avenue, known as **Walgreens #13620.**

**Class “B” Fermented Malt Beverage and “Class B” Intoxicating Liquor (On or Off-Premise Consumption):**

Ernie’s Wine Bar LLC, N49 W5471 Portland Road, Cedarburg, WI 53012, Benjamin M. Grade, Agent, premises to be licensed: N49 W5471 Portland Road, known as **Ernie’s Wine Bar.**

RCB Group Inc., W63 N699 Washington Avenue, Cedarburg, WI 53012, Richard C. Buser, Agent, premises to be licensed: W63 N699 Washington Avenue, known as **Maxwell’s.**

C. Wieslers Inc., W61 N493 Washington Avenue, Cedarburg, WI 53012, Mike G. Jackson, Agent, premises to be licensed: W61 N493 Washington Avenue, known as **C. Wieslers.**

North 48 Inc., W62 N599 Washington Avenue, Cedarburg, WI 53012, Jordan Z. Cole, Agent, premises to be licensed: W62 N599 Washington Avenue, known as **North 48.**

Thomas Restaurant, LLC, W63 N688 Washington Avenue, Cedarburg, WI 53012, Nicole Thomas, Agent, premises to be licensed: W63 N688 Washington Avenue, known as **Tomaso’s.**

Cedars III LLC, W53 N404 Park Lane, Cedarburg, WI 53012, Michael F. Kowalkowski, Agent, premises to be licensed: W53 N404 Park Lane, known as **Cedars III.**

MacBeebs LLC, Owned by Catherine Heebner, 2512 W. Sunnyside Lane, Mequon, WI 53092, Catherine Heebner, Agent, premises to be licensed: W62 N238 Washington Avenue, known as **Farmstead.**

Anvil Pub & Grille LLC, N70 W6340 Bridge Road, Cedarburg, WI 53012, Donna M. Taylor, Agent, premises to be licensed: N70 W6340 Bridge Road, known as **Anvil Pub & Grille.**

Settlers Inn LLC, W63 N657 Washington Avenue, Cedarburg, WI 53012, Joan D. Dorsey, Agent, premises to be licensed: W63 N657 Washington Avenue, known as **Settlers Inn.**

Cedarburg Art Museum & Society, Inc., W63 N675 Washington Avenue, Cedarburg, WI 53012, Samantha Landre, Agent, premises to be licensed: W63 N675 Washington Avenue, known as **Cedarburg Art Museum.**

Phoa Brothers, Inc., W62 N547 Washington Avenue, Cedarburg, WI 53012, Jimmy Phoa, Agent, premises to be licensed: W62 N547 Washington Avenue, known as **New Fortune Asian Cuisine.**

GG & KR LLC, W62 N630 Washington Avenue, Cedarburg, WI 53012, Gordon M. Goggin, Agent, premises to be licensed: W62 N630 Washington Avenue, known as **The Stilt House.**

Le's Pho LLC, W63 N146 Washington Avenue, Cedarburg, WI 53012, Ly Q. Le, Agent, premises to be licensed: W63 N146 Washington Avenue, known as **Le's Pho.**

Stagecoach 520 LLC, 177 Green Bay Road, Thiensville, WI 53092, Anne M. Conley, Agent, premises to be licensed: W61 N520 Washington Avenue, known as **Stagecoach Inn/Five 20 Social Stop.**

Union House Cedarburg LLC, W62 N559 Washington Avenue, Christopher M. Homayouni, Agent, premises to be licensed: W62 N559 Washington Avenue, known as **Union House Cedarburg.**

The Cheese Wedge, LLC, P.O. Box 698, Slinger, WI 53068, Jessica Youso, Agent, premises to be licensed: N56 W6339 Center Street, known as **The Wedge 53012 "Uncorked."**

Bozeman's Bar LLC, N50 W5586 Portland Road, Cedarburg, WI 53012, Erik Knuth, Agent, premises to be licensed: N50 W5586 Portland Road, known as **Bozeman's Bar.**

Cedarburg Cultural Center Inc., W62 N546 Washington Avenue, Cedarburg, WI 53012, Stephanie Hayes, Agent, premises to be licensed: W62 N546 Washington Avenue and W63 N627 Washington Avenue, known as **Cedarburg Cultural Center and Kuhefuss House Museum.**

Brandywine LLC, W61 N480 Washington Avenue, Cedarburg, WI 53012, Andrew Wilson, Agent, premises to be licensed: W61 N480 Washington Avenue, known as **Brandywine.**

Lime Cantina Inc., W62 N550 Washington Avenue, Cedarburg, WI 53012, Bradley J. Devorkin, Agent, premises to be licensed: W62 N550 Washington Avenue, known as **Lime Cantina.**

Peter Wollner Post #288 of the American Legion, W57 N481 Hilbert Avenue, Cedarburg, WI 53012, James A. Lee, Agent, premises to be licensed: W57 N481 Hilbert Avenue, known as **Peter Wollner Post #288 of the American Legion.**

The Shinery Neenah LLC, P.O. Box 128, Larsen, WI 54947, Troy Reissmann, Agent, premises to be licensed: W63 N678 Washington Avenue, known as **The Shinery Moonshine Co.**

**Class “B” Fermented Malt Beverage (On or Off-Premise Consumption) and “Class C” Wine (On-Premise Consumption):**

Donna M. Taylor, 1441 Keup Road, Grafton, WI 53024, premises to be licensed: N70 W6340 Bridge Road, known as **Cream & Crepe Café.**

J.L. Joyce Enterprises Inc., W63 N144 Washington Avenue, Cedarburg, WI 53012, James P. Joyce, Agent, premises to be licensed: W63 N144 Washington Avenue, known as **Jim’s Grille.**

P.J. Piper LLC, W61 N514 Washington Avenue, Cedarburg, WI 53012, Judith Fergadakis, Agent, premises to be licensed: W61 N514 Washington Avenue, known as **P.J. Piper Pancake House.**

**Class “B” Fermented Malt Beverage (On or Off-Premise Consumption):**

Famous Sals of Cedarburg Wisconsin Inc., W63 N635 Washington Avenue, Cedarburg, WI 53012, Bekim Elmazi, Agent, premises to be licensed: W63 N635 Washington Avenue, known as **Sals Pizza.**

DK Enterprises Inc., 768 5<sup>th</sup> Avenue, Grafton, WI 53024, Daryl Kranich, Agent, premises to be licensed: W62 N601 Washington Avenue, known as **Creamy Pig.**

**“Class B” Winery License (On or Off-Premise Consumption):**

Wollersheim Winery Inc., 7876 Hwy 188, PO Box 87, Prairie Du Sac, WI 53578, Steven F. Danner, Agent, premises to be licensed: N70 W6340 Bridge Road, known as **Cedar Creek Winery.**

The Chiselled Grape Winery Inc., W64 N713 Washington Avenue, Cedarburg, WI 53012, Allen Naparalla, Agent, premises to be licensed: W64 N713 Washington Avenue, known as **The Chiselled Grape Winery.**

**Cigarette Licenses for Period Ending June 30, 2022:**

Bonus Inc. (Olsen’s Piggly Wiggly)  
W61 N286 Washington Avenue

Super Sales USA, Inc. (Citgo)  
W62 N174 Washington Avenue

Speedway LLC  
W63 N121 Washington Avenue

Walgreen Co. (#13620)  
W62 N190 Washington Avenue

Toto's Inc.  
Otto's Wine and Spirits – Cedarburg  
W63 N157 Washington Avenue

**New Operator's Licenses for Period Ending June 30, 2022**

Carol D. Baranyk	Terry D. Quillen
Justin A. Bauer	Kristine M. Schneider
Richard A. Dieffenbach	Jason R. Van Auken
Benjamin C. Nummerdor	Katie L. Weber

**Renewal Operator's Licenses for Period Ending June 30, 2022**

Nicole A. Anderson	James A. Lee
Hannah C. Aronson	Mark J. Leonardelli
Deborah Bath	Pam Lidington
Nicholas L. Behling	Todd R. Luft
Roger E. Behling	Karissa J. Mathias
Lindsey J. Berndt	Brandon J. McCarthy
Tim J. Biloff	Chris J. Morton
Rebecca R. Blau	Carrie G. Mueller
Brian E. Boettcher	Annette Mytko-Kennedy
Mark A. Borden	Shelby L. Neelis
Dave Bretsch	Richard H. Nielsen
Joel M. Christophersen	Hannah T. Noegel
William W. Conley	Polly H. Partain
Emily J. Domaille	Christine L. Pope
Tricia A. Dooley	Bryan J. Price
Thomas M. Dorsey	Heather L. Rappa
Cassandra R.A. Duesing	Ronald H. Reimer
Cynthia M. Dzikowski	Elizabeth A. Reissmann
Eric W. Engstrom	Keaton D. Reissmann
Suzanne V. Ernst	Jennifer L. Richter
Kim M. Esselmann	David P. Richter
Judi K. Even	Zach R. Ringel
Arthur E. Filter	Mark D. Roberts
Sydney K. Gaskell	Richard H. Sauthoff
Paul G. Goetz	Timothy W. Schelwat
Jack P. Goggin	Tyler T. Schemenauer
Andrew W. Heidtke	Tori L. Schone
Madeline J. Hosni	Ryan A. Schoonover
Heather K. Hovland	Richard S. Siefert
Ethan T. Huber	Laura M. Struebing
Dennis F. Jaeger	David E. Taylor
Kristin V. Kamke	Jeff M. Theisen
Lane M. Kassner	Scott R. Thomas
Mark Kennedy	Michele I. Tietz
Charles A. Kison	David L. Vahsholtz



Rebecca U. Knuth  
Melissa A. Korinek  
Bruce A. Krenzke  
Shirley K. Krenzke  
Geoffrey S. Krueger

Benjamin Voith  
Joseph P. Willbrandt  
Captola R. Wolfe-Bacher  
Jeffrey A. Wrobbel  
John E. Zarling

Motion carried without a negative vote.

### **ADMINISTRATOR'S REPORT**

City Administrator Hilvo added that the Police Department received a State grant for speed enforcement.

### **COMMENTS AND SUGGESTIONS FROM CITIZENS** - None

### **COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Bublitz recognized Debra Goeks for her time and exceptional contributions to the Library Board for twenty-one years.

Council Member Verhaalen encouraged Forester Westphal to watch for grant money that may become available for Gov. Tony Evers pledge to plant 75M trees by the end of the decade.

Council Member Arnett stated that 52% of Ozaukee County residents are vaccinated and he encouraged people to get vaccinated to reach herd immunity.

### **MAYOR REPORT**

Mayor O'Keefe presented a Proclamation for Poppy Month as a reminder to the price of war and the debt owed to those who have died in war.

### **ADJOURNMENT – CLOSED SESSION**

Motion made by Council Member Thome, seconded by Council Member Arnett, to adjourn to closed session at 7:38 p.m. pursuant to State Statute 19.85(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session, specifically, discussion on application to alter a highway on a line between the Town of Cedarburg and the City of Cedarburg, relating to the connection of Forward Way to Hilltop Drive, and related intergovernmental agreement. Approval of April 26, 2021 closed session minutes. Motion carried on a roll call vote with Council Members Bublitz, Arnett, Burkart, Verhaalen, Simpson, Thome, and Lythjohan in favor.

**RECONVENE TO OPEN SESSION**

Motion made by Council Member Thome, seconded by Council Member Arnett, to reconvene to open session at 8:32 p.m. Motion carried on a roll call vote with Council Members Bublitz, Arnett, Burkart, Verhaalen, Simpson, Thome, and Lythjohan voting aye.

**ADJOURNMENT**

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to adjourn the meeting at 8:34 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC  
Deputy City Clerk