

**CITY OF CEDARBURG
COMMON COUNCIL
June 14, 2021**

**CC20210614-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, June 14, 2021 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers and online 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, Director of Engineering and Public Work Mike Wieser, City Planner Jon Censky, 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

PUBLIC HEARING

A PUBLIC HEARING TO CONSIDER ORDINANCE NO. 2021-13 TO REZONE THE PROPERTY LOCATED AT N104 W6620 SUSAN LANE FROM RS-1 TEMPORARY DISTRICT TO RS-3 SINGLE FAMILY RESIDENTIAL (TAX KEY 13-022-14-002.00 (CLOSE PUBLIC HEARING)

Mayor O’Keefe opened the public hearing at 7:03 p.m.

Planner Censky explained that the Common Council approved the applicant’s annexation petition and consented to his seven-lot, single-family proposed development plan. As required by Code, the site was placed in the Rs-1 Single-Family Residential District as temporary zoning until permanent zoning was established. The applicant is now requesting to rezone the site from Rs-1 to Rs-3 Single-Family District as the permanent zoning for the property. He further explained that the Rs-3 Zoning District matches the zoning on lands directly to the east.

In support of this rezoning request, the applicant has submitted a detailed concept plan showing the same layout as presented with his annexation petition which consists of seven (7) single-family lots ranging in size from 13,133 sq. ft. to 31,860 sq. ft. situated around a half-circle roadway that connects to Susan Lane. Staff notes that the applicant's submittal is of sufficient detail to comply with the preliminary plat requirements of State law and therefore, if this rezoning request and concept plan are approved, his next step will be to pursue final plat and development agreement approval.

Planner Censky reminded the Common Council that this development will result in the extension of Susan Lane as a through street. The intent would be that the south half of Susan Lane would be paid for by the City, as the fronting property is owned by the City, and the north half would be paid for by the developer. This will be clarified and documented in the development agreement at a future date. Staff has no objections regarding the preliminary development plans subject to these stipulations:

- Add storm sewer laterals for all lots.
- Verify that the turning radius is adequate to support the City's fire apparatus.
- Use a 100' taper for the south Susan Lane access curb line to match point on the east end.

The Plan Commission reviewed this request and recommended rezoning by unanimous vote at their May 3 meeting.

There was no public comment.

Motion made by Council Member Burkart, seconded by Council Member Bublitz, to close the public hearing at 7:08 p.m. Motion carried without a negative vote.

NEW BUSINESS

CONSIDER ORDINANCE NO 2021-13 TO REZONE THE PROPERTY LOCATED AT N104 W6620 SUSAN LANE FROM RS-1 TEMPORARY DISTRICT TO RS-3 SINGLE FAMILY RESIDENTIAL; AND ACTION THEREON

Motion made by Council Member Thome, seconded by Council Member Bublitz, to adopt Ordinance No. 2021-13 rezoning the property located N104 W6620 Susan Lane from RS-1 Temporary District to RS-3 Single Family Residential. Motion carried without a negative vote.

APPROVAL OF MINUTES

Motion made by Council Member Thome, seconded by Council Member Bublitz, to approve the May 24, 2021 Common Council minutes. Motion carried without a negative vote.

MAYOR'S REPORT – PROCLAMATION

Mayor O'Keefe presented a Proclamation to Bill Raymond for volunteering his time to drive the Senior Van for the past 25 years.

NEW BUSINESS - CONTINUED

CONSIDER BIDS RECEIVED FOR THE 2021 ASPHALT PAVEMENT REPAIR CONTRACT; AND ACTION THEREON

Director of Engineer and Public Works Wieser explained that staff advertised and received bids for the 2021 Asphalt Pavement Repair contract. A total of three bids were received, with the low bid submitted by Payne & Dolan, Inc. Payne & Dolan is a very reputable contractor and has successfully completed many projects in Cedarburg in the past.

Payne & Dolan's bid was for \$342,392.75, which is over the budgeted amount of \$290,000. The bids were competitive and finished just below the engineer's estimate of \$352,000.

In answer to Council Member Arnett's question, Director Wieser explained that the budgeted amount may not have included pavement drawings.

City Administrator Hilvo explained that the difference will come from the Public Works Capital Fund and will not come from the General Fund.

Motion made by Council Member Bublitz, seconded by Council Member Thome, to award the 2021 Asphalt Pavement Repair contract to Payne & Dolan, Inc., based on their low unit price bid of \$342,392.75. Motion carried without a negative vote.

CONSIDER REQUEST FROM BIG BROTHERS BIG SISTERS OF OZAUKEE COUNTY TO HOLD A FUNDRAISING WHISKEY WALK WITH LOCAL BUSINESSES ON AUGUST 21, 2021; AND ACTION THEREON

Executive Director Nicole Bulow explained that they have four, possibly five businesses, who have shown interest in this fundraiser to bring awareness to their program and raise lost funds due to the pandemic. This event will also highlight their mentoring programs along with local businesses that also struggled this past year. They place approximately 150 children with mentors each year in this area. With these goals in mind, they believe the Wine & Whiskey tasting will focus on finding a fun way to support and spotlight their programs and the Cedarburg businesses. Director Bulow further explained that:

- The current participants include North 48, Maxwell's, Union House, and Lime Cantina.
- They are working directly with Badger Liquor, Wine & Spirits, to set up and monitor distribution protocols, including consumption and portion control measures at each establishment.
- Number of attendees will be limited to 150 people, limiting the number of participating establishments to five, limiting time at each establishment, offering food and drink pairings, and offering select pre-batched cocktails to aid in portion control.
- Big Brothers Big Sisters of Ozaukee staff and Board of Directors, and/or volunteers will be present at each establishment to be additional support for maintaining the crowd and assuring participants are not leaving the premise with alcohol or carry-out drinks.
- All event participants must be 21 years of age to participate, however, the target demographic is individuals 35 and older.

- Check in will begin at 11:30 a.m. and the event will begin at noon. The groups will be allowed 45 minutes to get to and from and enjoy the offerings at each establishment.
- BBBSOZ will be present at each location to spotlight the organization through displays, recruitment material, and raffles.
- A short reception will take place at 4:30 p.m. and the event will conclude by 5:30 p.m.

Executive Director Bulow and Board Member Kristin Schlingman offered to answer any questions.

City Administrator Hilvo thanked Director Bulow for addressing many of the concerns for this event. He stated that there could be additional costs for the Police Department during these types of events and he asked the Council if the City wants to limit these types of events.

In answer to Council Member Verhaalen's question regarding the number of these types of events, City Administrator Hilvo explained that one event in particular caught the City by surprise and there were some concerns.

Council Member Arnett was not concerned about this event as he has seen BBBS events in Milwaukee and they are very respectful.

Council Member Bublitz asked if the groups will have leaders. Kristin Schlingman explained that participants will have maps to get to their next event; however, they could have someone follow the group.

Council Member Bublitz stated that it would be beneficial to have a leader for each group of 30 people to escort them to each business. This would make a better event for the City and the participants to have an escort.

Council Member Thome expressed appreciation for a well thought out event. She also was aware of another major fundraising event taking place the same evening at the Cedarburg Art Museum. This is their primary fundraiser for the year. The event will begin at 5:00 p.m. and Brandywine will be catering the event in the parking lot. Council Member Thome asked where the BBBSOZ event will end. Ms. Schlingman said the event will end at North 48. Council Member Thome suggested that Ms. Bulow or Ms. Schlingman reach out to the Cedarburg Art Museum to discuss the day's events.

Motion made by Council Member Arnett, seconded by Council Member Burkart, to approve request from Big Brothers Big Sisters of Ozaukee County to hold a fundraising Whiskey Walk with local businesses on August 21, 2021. Motion carried without a negative vote.

CONSIDER FESTIVALS OF CEDARBURG REQUEST TO HOLD A CANINE CARNIVAL IN THE PARKING LOT NEXT TO THE COMMUNITY GYM BETWEEN WASHINGTON AVENUE AND HANOVER AVENUE AND POOCH PARADE ON THE DOWNTOWN SIDEWALKS ON JULY 25, 2021

Festivals Executive Director Homayouni explained that Festivals is looking for opportunities to raise funds and since dogs are not allowed at Festivals this would be a nice event. The days activities will include a walk from the Community Center Gym to Western Road and back on the sidewalk followed by a Canine Carnival in the City Hall/Community Center/Senior Center parking lot from 3:00 p.m. – 7:00 p.m.

City Administrator Hilvo stated that the only City expense will be to reroute the interurban trail.

Motion made by Council Member Bublitz, seconded by Council Member Arnett, to approve request from Festivals of Cedarburg to hold a Canine Carnival in the parking lot next to the Community Gym between Washington Avenue and Hanover Avenue and Pooch Parade on the downtown sidewalks on July 25, 2021. Motion carried without a negative vote.

CONSIDER APPLICATION FROM CHAMBER OF COMMERCE FOR JULY 4TH PARADE PERMIT; AND ACTION THEREON

Chamber of Commerce Executive Director Dobson explained that for countless years, it has been the pride of the Cedarburg Chamber of Commerce to present the 4th of July Parade & Hometown Celebration for the community. After last year's unfortunate cancellations, they are looking for ways to host again in 2021, understanding that it is not a comfortable situation for everyone – including both parade participants and spectators. For that reason, they are working closely with the Cedarburg Police Department and Fire Department to come up with a plan that they feel offers the best way to hold the parade safely. With their assurance of support and enforcement, plus the support of the City, they hope to look forward to another patriotic day in Cedarburg on Sunday, July 4, starting at 11:00 a.m. The extended route will begin at Fireman's Park to Wurthman Street, turning left and ending at the corner of Hilbert Avenue and Wurthman Street (this is a 40% increase in the length of the parade, allowing for spectators to spread out).

Council Member Verhaalen opined that it is not necessary to change the parade route.

Council Member Burkart expressed concern for the American Legion Members having to walk 40% farther.

Director Dobson explained that these plans were made prior to the CDC changing their guidelines; however, they are still trying to give people more space.

Motion made by Council Member Thome, seconded by Council Member Bublitz, to approve the application from the Chamber of Commerce for a July 4 Parade permit as submitted. Motion carried without a negative vote.

CONSIDER ORDINANCE NO. 2021-14 RELATING TO BLOCKING OF SIDEWALKS; AND ACTION THEREON

Director Dobson explained that while they understand that the daylong "seat saving" on July 3 is a fun and longstanding tradition for many, eliminating a second gathering that needs to be patrolled and monitored is important to the safety logistics of this year's parade; therefore, they

asked for a temporary modification to Ordinance No. 2021-14 stating that chairs and other like obstacles for viewing of the 2021 4th of July parade shall not be placed on any sidewalk prior to 8:00 a.m. on Sunday, July 4, 2021.

Council Member Arnett stated that it appears that Ordinance No. 2021-14 is a permanent change, and it is intended for this year only.

City Attorney Herbrand explained that the ordinance will be permanent until it is changed for next year. It was the consensus of the Common Council to make the ordinance change back to the former language at the July 10 Common Council meeting.

Council Member Burkart expressed concern about enforcement.

Council Member Bublitz stated that it is important to support the Chamber of Commerce this year.

Motion made by Council Member Bublitz, seconded by Council Member Thome, to approve Ordinance No. 2021-14 relating to blocking of sidewalks. Motion carried without a negative vote.

CONSIDER ISSUANCE OF A TRANSIENT ENTERTAINMENT LICENSE TO RAINBOW VALLEY RIDES, INC. FOR THE OZAUKEE COUNTY FAIR ON JULY 28 (4:00 P.M. – 10:00 P.M.), JULY 29, 30, AND 31 (NOON – 10:00 P.M.), AND AUGUST 1, 2021 (NOON – 5:00 P.M.) AND THE REQUEST TO WAIVE THE REQUIREMENT FOR A CLEAN UP BOND AS REQUESTED BY AGRICULTURAL SOCIETY; AND ACTION THEREON

Motion made by Council Member Bublitz, seconded by Council Member Thome, to approve the issuance of a Transient Entertainment license to Rainbow Valley Rides, Inc. for the Ozaukee County Fair on July 28 (4:00 p.m. – 10:00 p.m.), July 29, 30, and 31 (Noon – 10:00 p.m.), and August 1, 2021 (Noon – 5:00 p.m.) and the request to waive the requirement for a clean up bond as requested by the Agricultural Society. Motion carried without a negative vote.

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

Mayor O'Keefe presented Maggie Dobson as a non-voting member on the Economic Development Board and Alex Uhan as a regular member on the Economic Development Board.

Motion made by Council Member Verhaalen, seconded by Council Member Simpson, to approve Mayor O'Keefe's appointments of Maggie Dobson as a non-voting member of the Economic Development Board and Alex Uhan as a regular member of the Economic Development Board. Motion carried without a negative vote.

CONSIDER ALLOWING DIRECT SELLER PERMITS; AND ACTION THEREON

City Administrator Hilvo explained that the City put a hold on issuing Direct Sellers permits during the pandemic and he asked if the Common Council wants to reinstate the issuing of these licenses.

Motion made by Council Member Verhaalen, seconded by Council Member Simpson, to resume the issuance of Direct Seller's permits. Motion carried without a negative vote.

CONSIDER PAYMENT OF BILLS DATED 05/15/2021 THROUGH 06/04/2021, TRANSFERS FOR THE PERIOD 05/27/2021 THROUGH 06/04/2021 AND PAYROLL FOR PERIOD 05/16/2021 THROUGH 05/29/2021; AND ACTION THEREON

Motion made by Council Member Burkart, seconded by Council Member Lythjohan, to approve payment of bills dated 05/15/2021 through 06/04/2021, transfers for the period 05/27/2021 through 06/04/2021 and payroll for the period 05/16/2021 through 05/29/2021. Motion carried without a negative vote.

CONSIDER LICENSE/PERMIT APPLICATIONS; AND ACTION THEREON

Motion made by Council Member Burkart, seconded by Council Member Thome, to approve new Operator's License applications for the period ending June 30, 2021 for Mary-Kay H. Bourboulas, George M. Myers, and Jenaiya L. Stolper. Motion carried without a negative vote.

Motion made by Council Member Bublitz, seconded by Council Member Simpson, to approve an original Class "B" fermented malt beverage (on or off-premise consumption) application for period ending June 30, 2021 of JKLM Distilling Partners, LLC, W62 N590 Washington Avenue, Suite B, Cedarburg, WI 53012, Mary-Kay H. Bourboulas, Agent, premises to be licensed: W62 N590 Washington Avenue, Suite B, known as Handen Distillery. Motion carried without a negative vote.

Motion made by Council Member Thome, seconded by Council Member Arnett, to approve a renewal Class "B" fermented malt beverage (on or off-premise consumption) application for period ending June 30, 2021 of JKLM Distilling Partners, LLC, W62 N590 Washington Avenue, Suite B, Cedarburg, WI 53012, Mary-Kay H. Bourboulas, Agent, premises to be licensed: W62 N590 Washington Avenue, Suite B, known as Handen Distillery. Motion carried without a negative vote.

Planner Censky explained that the Union House located at W62 N559 Washington Avenue is requesting approval of an Outdoor Alcoholic Beverage License to serve alcohol within a 20'x32' fenced in area in the rear parking lot directly west of their tavern. The plan was approved by the Landmarks Commission on May 27 and the Plan Commission on June 7. The Plan Commission convinced the applicant to eliminate the tent that was originally proposed for this area and instead asked that they simply fence in the area with approved 4' high black aluminum preassembled fence panels equipped with an emergency access gate.

Attorney Ben Levy expressed concern about noise on behalf of the neighbors. BJ and Payman Homayouni explained that the fence will be 6' high in the area of the residences and their business closes at 10 p.m. They only play soft background music inside and outside.

Motion made by Council Member Burkart, seconded by Council Member Bublitz, to approve an Outdoor Alcohol Beverage license for Union House located at W62 N559 Washington Avenue as amended with an end time of 10:00 p.m. Motion carried without a negative vote.

Motion made by Council Member Arnett, seconded by Council Member Lythjohan, to approve new Operator's License applications for the period ending June 30, 2022 for:

Amy L. Clark
Tyler S. Dau
Ryan T. Eckman
Kelly S. Einbeck

Sarah N. Fahrendorf
Wendy A. Kickbush
Chad M. King
George M. Myers

Susan F. Opitz
Erin E. Schmidt
Chad W. Schmidt

Motion carried without a negative vote.

Motion made by Council Member Thome, seconded by Council Member Simpson, to approve renewal Operator's License applications for the period ending June 30, 2022 for:

Mary-Kay H. Bourboulas
Lois M. Bray
Kristin S. Burkart
Scott R. Galaszewski
Peter J. Jackson
Tracey M. Jackson
Jaime L. Jacobson
Stacy J. Kowalkowski

Mark C. Kowalkowski
Brian A. Kurlinski
Edmund A. Kwaterski Jr.
James D. Lake
Linda Martens
Brenda L. Mueller
George M. Myers
Sharon L. Nelson

Debra M. Newell
Sandra L. Oesterreich
Madeline O. Pagel
Caryn M. Sager
Mark J. Schubert
Neil P. Soukup
Scott W. Steffen
Jenaiya L. Stolper

Motion carried without a negative vote with Council Members Bublitz, Arnett, Verhaalen, Simpson, Thome, and Lythjohan voting in favor and Council Member Burkart recused.

ADMINISTRATOR'S REPORT

City Administrator Hilvo explained that the City will be hiring two part-time employees for the Treasurer's office and the Clerk's office.

COMMENTS AND SUGGESTIONS FROM CITIZENS – None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Thome said that 28% of the Ozaukee County residents qualify for ALICE (Asset Limited, Income Constrained, Employed), which stands for households that earn above the Federal Poverty Level, but not enough to afford a bare-bones household budget. Julie from

Family Sharing asked her to publicly share that they have resources available and urge people to utilize them.

MAYOR REPORT - None

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Arnett, seconded by Council Member Burkart, to adjourn to closed session at 8:17 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 boundary agreement between the Town of Cedarburg and City of Cedarburg. Approval of May 24, 2021 closed session minutes. Motion carried on a roll call vote with Council Members Bublitiz, Arnett, Burkart, Verhaalen, Simpson, Thome, and Lythjohan in favor.

RECONVENE TO OPEN SESSION

Motion made by Council Member Bublitiz, seconded by Council Member Burkart, to reconvene to open session at 8:39 p.m. Motion carried on a roll call vote with Council Members Bublitiz, Arnett, Burkart, Verhaalen, Simpson, Thome, and Lythjohan voting aye.

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Burkart, to adjourn the meeting at 8:40 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk