

**CITY OF CEDARBURG
COMMON COUNCIL
August 9, 2021**

**CC20210809-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, August 9, 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 Bublitz, 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 Works Mike Wieser, City Planner Jon Censky, Public Works Mechanic Bill Hintz, 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

Andrew Whaley, W62 N628 Washington Avenue, explained that he and his family live on Washington Avenue and they enjoy most of the events downtown Cedarburg; however, he sometimes has a front row seat to bad behavior. Although he applauds the City for finding creative ways to raise revenue, he witnessed a recent bachelorette party on the Peddle Tavern acting inappropriately while walking with his four-year-old son. One occupant was waving an extremely inappropriate item in public, and that behavior should not be allowed. He hopes by bringing this concern to the Common Council that it will prompt a discussion on the appropriate conduct for participants on the Peddle Tavern and produce some type of guidelines.

PRESENTATION BY ENTERPRISE FLEET MANAGEMENT ON LEASING AND FLEET MANAGEMENT PROGRAM

Matt Jaskowiak from Enterprise Fleet Management stated that they service over 1,200 Government Agency clients nationwide. They deliver solutions and drive results through:

- Acquisition
- Financing/credit lines
- License, title, and registration
- After market vehicle customization
- Maintenance programs
- Fuel programs

- Accident/risk management
- Telematics
- Driver safety
- Vehicle resale

He explained the effective vehicle life cycle and the optimal time to replace. He gave examples of Government buying power and how the program works. Matt Jaskowiak explained that the Open-End Lease provides a proactive replacement strategy, appropriate vehicle selection, appropriate funding structure, and annual budget planning.

Matt Jaskowiak continued by presenting a Support Fleet Synopsis for the City of Cedarburg by explaining the situation, the objectives, and the following results:

By partnering with Enterprise Fleet Management, the City of Cedarburg will be better able to leverage its buying power, implement a tighter controlled resale program to lower total cost of ownership and in turn minimize operational spend. Leveraging an open-ended lease maximizes cash flow and recognizes equity from vehicles sold creating an internal replacement fund. Furthermore, the City of Cedarburg will leverage Enterprise Fleet Management's ability to sell vehicles at an average of 114% above Black Book value. By shifting from reactively replacing inoperable vehicles to proactively planning vehicle purchases, the City of Cedarburg will have a much more sustainable and predictable budget moving forward.

Major Financial Finding:

- *Over 10 years, the City of Cedarburg will net save \$895,000.*
- *The City of Cedarburg will see a sustainable annual savings of \$55,000 (when looking from year 6 and after).*
- *The fleet program can have a fixed sustainable spend of \$60,000 over the next 10 years.*
 - *While still having an equity balance at the end of year 10 of \$149,668 to roll into year 11.*

In answer to Council Member Bublitz's question, Mr. Jaskowiak explained that Enterprise Fleet Management makes their money at the front end by charging a management fee per vehicle per month.

Council Member Bublitz suggested talking to the Finance Committee and contacting other municipalities who use this program.

Council Member Simpson asked if CVMIC will insure this type of program and the answer was yes. There is typically a 5% increase in insurance with new vehicles.

Public Works Mechanic Bill Hintz expressed concern about upfitting each piece of equipment to meet the needs of the City.

Mr. Jaskowiak explained that they have experience in this area and cited successfully working with Sheboygan.

City Administrator Hilvo asked the Common Council if they were interested in this program and whether more staff time should be put into possibly implementing this program.

It was the consensus of the Common Council to support this type of program. There should be further discussion with Staff and Mechanic Bill Hintz, to work on a plan for 2022 and bring it back to the Common Council for consideration.

APPROVAL OF MINUTES

Motion made by Council Member Thome, seconded by Council Member Bublitz, to approve the July 7 and July 26, 2021 Common Council minutes. Motion carried without a negative vote.

NEW BUSINESS

CONSIDER EXTRATERRITORIAL LAND DIVISION REQUEST FROM ERIC AND ERIN FROEMMING TO SPLIT THEIR 32.39-ACRE PARENT PARCEL OF LAND LOCATED AT 1375 HORNS CORNERS ROAD INTO FOUR SEPARATE PARCELS; AND ACTION THEREON

Planner Censky explained the applicant's Town of Cedarburg parcel is located on Horns Corners Road but within the City's extraterritorial plat approval jurisdiction; and therefore, approval from the City of Cedarburg is required. Because this land division will result in the dedication of public right-of-way, both Plan Commission and Common Council approval is required. Specifically, the applicant is requesting to split his 32.39-acre parent parcel of land located at 1375 Horns Corners road into four parcels consisting of one 4.6231-acres, one 4.6574-acres, one 4.5951-acres, and one 18.3106-acres in size. Each site will be supported by an onsite septic system and a private well.

This CSM was reviewed and approved by the Town of Cedarburg Plan Commission on June 16, 2021. The Plan Commission approved this CSM by unanimous vote at their August 2, 2021 meeting. Council's approval is recommended subject to the conditions of the Town Plan Commission meeting.

Motion made by Council Member Arnett, seconded by Council Member Burkart, to approve the extraterritorial land division request from Eric and Erin Froemming to split their 32.39-acre parent parcel of land located at 1375 Horns Corners Road into four separate parcels subject to the conditions of the Town Plan Commission. Motion carried without a negative vote.

CONSIDER FINAL PLAT AND DEVELOPMENT AGREEMENT APPROVAL OF THE HIDDEN GROVE SUBDIVISION LOCATED AT N104 W6620 SUSAN LANE; AND ACTION THEREON

Planner Censky explained that having completed the rezoning process for his 7-lot Hidden Grove Subdivision earlier this summer, the applicant is now requesting Final Plat and Development Agreement approval. This project consists of seven (7) single-family lots ranging in size from 13,122 square feet to 31,860 square feet situated around a half-circle roadway that connects to Susan Lane. It will also result in Susan Lane becoming a through street with the south half of pavement being paid for by the City, as owners of the fronting property, and the north half being

paid for by the developer. This is clarified in the Development Agreement. The Development Agreement is the contract between the City and the developer that establishes the developer's responsibilities regarding the provisions of public and private facilities, improvements, and any other agreed-upon terms.

Planner Censky stated that staff review of the Final Plat indicates full compliance with the Rs-3 Single-Family District and is consistent with the preliminary plan originally submitted with this annexation petition. Staff has no objection subject to the stipulations as listed:

- Compliance with all State platting requirements.
- Sanitary and sewer laterals are to be extended to the property lines.
- Engineering Department review and approval of the storm water management, grading, drainage, and erosion control plans.
- Add storm sewer laterals for all lots.
- Move the speed table to the common lot line between lots 6 & 7.
- Engineering Department approval of the Susan Lane right-of-way cross-section design for the affective area.
- Impact fees will be due for each lot at the time of building permit issuance.

The Plan Commission approved the Final Plat and the Development Agreement by unanimous vote.

Motion made by Council Member Thome, seconded by Council Member Bublitz, to approve the Final Plat and Development Agreement for the Hidden Grove Subdivision located at N104 W6620 Susan Lane subject to staff's stipulations. Motion carried without a negative vote.

CONSIDER REQUEST FROM MICHAEL JACKSON OF C. WIESLER'S FOR AN AMPLIFIED MUSIC/SOUND PERMIT IN AN OUTDOOR ALCOHOL BEVERAGE SEATING AREA AT W61 N493 WASHINGTON AVENUE; AND ACTION THEREON

Motion made by Council Member Bublitz, seconded by Council Member Simpson, to approve an Amplified Music/Sound permit in the outdoor alcohol beverage seating area for C. Wiesler's at W61 N493 Washington Avenue. Motion carried without a negative vote.

DISCUSSION ON HIRING A CONSULTANT FOR PLANNING FOR SMART GROWTH AREA #2; AND ACTION THEREON

City Administrator Hilvo explained that the Economic Development Board has been discussing the future of smart growth area #2 (Weil Pump site on Western Avenue) and is recommending that the City hire a firm to provide a redevelopment plan along with an economic analysis for the site. The purpose of hiring a firm is to figure out the best and highest use for the site based on a detailed analysis done by a company that has experience in redevelopment of blighted sites. The City received three proposals that were similar in scope but with varying fees and past redevelopment experience. The proposal provided by TKWA and Vandewalle Associates was chosen based on their previous experience with sites similar to Smart Growth Area #2. Vandewalle Associates has expertise in economic development projects throughout Wisconsin.

Matt Frydach and Scott Harrington of TKWA and Scott Vandewalle of Vandewalle Associates made a presentation to the Common Council. They began by explaining that they outlined in general terms the anticipated tasks and associated cost to execute a preliminary economic feasibility study for the site. They will refine the scope based on the City's specific requirements.

- Task 1: Existing Conditions Analysis which will create a Neighborhood Base map for use in Tasks 2 and 3.
- Task 2: Prepare Concept Plan(s) PDF
- Task 3: Prepare Deferred Redevelopment Plan and Redevelopment Guidance which will create a Digital Preferred Concept Plan (PDF), Digital Vision Sketch (3D Model Views) and Digital Redevelopment Guidance (PDF).
- Optional Environmental Assessment – further review of existing documentation of the site may suggest that further environmental assessment may be advisable. Under this scenario TKWA can recommend and seek bids from qualified environmental engineering firms to conduct the work as an additional service.
- Alternate Task A: Participate in public meeting to review alternative – If requested, TKWA and Vandewalle can participate with City staff in public meetings to present alternatives and determine a preferred concept plan.
- Alternate Task B: Participate in public meeting to present preferred concept and redevelopment guidance – They would participate with City staff in public meetings to present preferred concept plan.
- Anticipated Range of Cost for Preliminary Study:
 - TKWA (Architectural Site Planning & Review) \$22,000 - \$27,000
 - Vandewalle Associates (Economic Analysis) \$ 5,000 - \$ 7,000
 - Total \$27,000 – \$34,000

Discussion ensued and the following comments and concerns were mentioned:

- This study is not budgeted and would come from the General Fund Balance. The City should be cautious.
- This site could be eligible for a TID.
- Possibly the Community Development Authority could get involved.
- There is a known environmental problem where hotspots were identified in the 1990s.
- The owner should be responsible for the environmental cleanup.
- This is an important piece of property for the City and needs to be redeveloped accordingly.
- The owner should be asked to help fund the study.
- Does the City have the right to initiate a study on private property?
- It is appropriate to be proactive vs. reactive and promote activity, per City Attorney Herbrand.
- This project should be City driven.
- The City needs the owners support to be effective and it would be beneficial to make it a Public/Private partnership.

The final consensus was to seek Community Development Authority input, talk to the owner for a possible partnership, and possibly budget for this study in 2022.

CONSIDER LICENSE/PERMIT APPLICATIONS; AND ACTION THEREON

Motion made by Council Member Verhaalen, seconded by Council Member Burkart, to approve new Operator License applications for the period ending June 30, 2022 for Robert H. Bornstein, Elliot J. Cunningham, Stacy R. Dahl, Megan L. Miller, Kevin J. Parins, and Brian A. Vorpagel. Motion carried without a negative vote.

Motion made by Council Member Verhaalen, seconded by Council Member Thome, to approve renewal Operator License applications for the period ending June 30, 2022 for Stephen C. Bicek, Stephen S. Ladd, and Brady S. Curtis. Motion carried without a negative vote.

Motion made by Council Member Verhaalen, seconded by Council Member Arnett, to authorize the granting of a Temporary Class “B”/”Class B” Retailer’s license to Cedarburg Friends of Parks & Recreation for Country in the Burg, Cedar Creek Park, N52 W5925 Portland Road for August 27 and 28, 2021 from 3:00 p.m. to sales until 10:00 p.m. and consumption until 10:30 p.m. Motion carried without a negative vote.

CONSIDER PAYMENT OF BILLS DATED 07/03/2021 THROUGH 07/30/2021, TRANSFERS FOR THE PERIOD 07/21/2021 THROUGH 07/30/2021 AND PAYROLL FOR PERIOD 07/11/2021 THROUGH 07/25/2021; AND ACTION THEREON

Motion made by Council Member Burkart, seconded by Council Member Bublitz, to approve payment of bills dated 07/03/2021 through 07/30/2021, transfers for the period 07/21/2021 through 07/30/2021 and payroll for period 07/11/2021 through 07/24/2021. Motion carried without a negative vote.

ADMINISTRATOR’S REPORT

City Administrator Hilvo thanked Finance Director/Treasurer Mertes for a great budget for 2021, as the City received the GFOA Distinguished Budget Presentation Award.

COMMENTS AND SUGGESTIONS FROM CITIZENS – None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Burkart asked City Administrator Hilvo to look at the Cedarburg app for not accepting her request.

MAYOR REPORT – None

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Burkart, seconded by Council Member Bublitz, to adjourn to closed session at 9:06 p.m. pursuant to State Statute 19.85 (1)(c) to consider employment, promotion, compensation, or performance evaluation data of a public employee subject to the jurisdiction or authority of the governing body, more specifically, to discuss the City Administrator’s evaluation and compensation. Approval of July 26, 2021 closed session

minutes. Motion carried on a roll call vote with Council Members Bublitz, Arnett, Burkart, Verhaalen, Simpson, Thome, and Lythjohan voting aye.

RECONVENE TO OPEN SESSION

Motion made by Council Member Bublitz, seconded by Council Member Lythjohan, to reconvene to open session at 9:36 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 9:37 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk