

**CITY OF CEDARBURG  
COMMON COUNCIL  
SEPTEMBER 27, 2021**

**CC20210927-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, September 27, 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 Jack Arnett, Barbara Lythjohan, Robert Simpson, Kristin Burkart, Rick Verhaalen, Patricia Thome

Excused – Council Member Sherry Bublit

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

**STATEMENT OF PUBLIC NOTICE**

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

**COMMENTS AND SUGGESTIONS FROM CITIZENS**

A citizen residing on Sunnyside Lane, near Edgewater Drive expressed concerns about increased traffic in the area due to the closing of Washington Avenue. She requested the installation of a temporary stop sign at the intersection of Portland Road and Edgewater Drive for the remainder of construction.

**APPROVAL OF MINUTES**

A motion was made by Council Member Thome, seconded by Council Member Burkart to approve the September 13, 2021 Common Council minutes. Motion carried without a negative vote with Council Member Bublit excused.

**NEW BUSINESS**

**DISCUSSION ONLY TO PROVIDE FEEDBACK ON DEVELOPMENT PLAN FOR NEW SUBDIVISION LOCATED AT 6660 SUSAN LANE**

The owner of Kingsway Homes, Craig Caliendo, addressed the Council with a proposed development plan for a parcel of land located at 6660 Susan Lane, in the Town of Cedarburg. The proposal includes

a housing project with 36 side-by-side ranch style buildings (total 72 units), located along a **private** road. This private road would mean services provided by the City would be limited due to current zoning as a Planned Unit Development (PUD). The site plan includes a wooded area which contains a critical plant species of concern identified by Southeastern Wisconsin Regional Planning Commission (SEWRPC). Mr. Caliendo feels the wooded area is an asset to the parcel. Currently, the Town of Cedarburg does not have an ordinance protecting these woods.

The Cedarburg Plan Commission generally supports the project but would like to see a few changes such as less encroachment on the wooded area and a redesign of the roadway. A second access road is required for emergency vehicles.

The developer invited feedback from the Council to address a possible future annexation of this property from the Town of Cedarburg to the City of Cedarburg.

Council Member Burkart would like to see the two (2) buildings nearest the wooded area be removed from the project.

Council Member Arnett favors the project but would also like to reduce the number of buildings in the wooded area. He also wishes for clear transparency for potential buyers so they understand that a private road equates to a reduction in City services.

Council Member Verhaalen expressed interest in reducing or waiving park impact fees.

Council Member Lythjohan also expressed the need to maintain the wooded area and is glad the current developer is interested in saving all or most of the woods.

Mayor O'Keefe requested comments from the public.

Four (4) members from the public, all residing close to the proposed new development, were in favor of saving the wooded area.

#### **DISCUSSION AND POSSIBLE ACTION ON RESTRUCTURE OF CEDARBURG POLICE DEPARTMENT ADMINISTRATION**

Lieutenant McNerney explained to the Council the requested change in structure that would allow for an Administrative Captain to oversee the investigative and clerical divisions of the Cedarburg Police Department, and an Operations Captain to oversee the patrol division. This change would have no impact on the budget. It would be accomplished in two (2) phases; the first phase would take place November 2021 and the second phase would be implemented in January 2022. Police Chief Frank is in full support of the new structure.

A motion was made by Council Member Burkart to approve the restructure of Cedarburg Police Department Administration, seconded by Council Member Arnett. Motion carried without a negative vote with Council Member Bublitiz excused.

**DISCUSSION AND POSSIBLE ACTION ON REQUEST TO HIRE A REPLACEMENT ENTRY LEVEL POLICE OFFICER**

With the impending change in staffing at the Cedarburg Police Department, the Department will be one officer below authorized staffing level. The Police Chief requested permission to hire an entry level police officer beginning the first week of January.

A motion was made by Council Member Thome to approve of hiring an entry level police officer, seconded by Council Member Simpson. Motion carried without a negative vote with Council Member Bublitz excused.

**DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 2021-16 TO CHANGE POLLING LOCATION FOR NOVEMBER MEQUON THIENSVILLE RECALL ELECTION**

City Clerk Sette explained to the Council that the Mequon Thiensville School District is about to begin the process of recalling four (4) members of the School Board. The City of Cedarburg contains one parcel of land located in the Mequon Thiensville School District; thus, the City of Cedarburg will participate in this election to some extent. The City of Mequon and City of Cedarburg will be combining polling places; therefore, no action is required by the Council.

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

A motion was made by Council Member Verhaalen, seconded by Council Member Thome, to approve the New Operator License applications for the period ending June 30, 2022 for Adam J. Bougie, Colleen D. Felli, and Ellen Lingel. Motion carried without a negative vote with Council Member Bublitz excused.

**DISCUSSION AND POSSIBLE ACTION ON PAYMENT OF BILLS DATED 09/04/2021 THROUGH 09/17/2021, TRANSFERS FOR THE PERIOD 09/11/2021 THROUGH 09/24/2021 AND PAYROLL FOR PERIOD 09/05/2021 THROUGH 09/18/21.**

A motion was made by Council Member Burkart, seconded by Council Member Thome, to pay the bills dated 09/04/2021 through 09/17/2021, transfers for the period 09/11/2021 through 09/24/2021 and payroll for period 09/05/2021 through 09/18/2021. Motion carried without a negative vote with Council Member Bublitz excused.

**ADMINISTRATOR'S REPORT**

The Administrator's report was included in the Council packet.

**COMMENTS AND SUGGESTIONS FROM CITIZENS**

A comment was made by a citizen who resides on Susan Lane. She was concerned with the long-term plan of the parcel of land relating to the discussion early in the evening (item 8.A.). She does not want the green space disturbed and would like to gear the development towards young families.

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Arnett commented on the success of Wine and Harvest Festival.

**MAYOR'S REPORT** - None

**ADJOURNMENT - CLOSED SESSION**

A motion was made by Council Member Thome, seconded by Council Member Arnett, at 8:25 p.m., to adjourn to closed session pursuant to State Statute 19.85(1)(g) to confer with legal council for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Specifically discussed was possible litigation involving Cedars III and the Prochnow Landfill. Motion carried on a roll call vote with Council Members Arnett, Lythjohan, Simpson, Verhaalen, Thome, and Burkart voting aye and Council Member Bublitz excused. (6-0)

**RECONVENE TO OPEN SESSION**

Open session reconvened at 8:43 p.m. Administrator Hilvo logged back into Zoom, however, no members of the public were in the virtual waiting room.

**DISCUSSION AND POSSIBLE ACTION ON CEDARS III CLAIM**

A motion was made by Council Member Thome, seconded by Council Member Lythjohan, to deny the Cedars III claim. Motion carried with no negative votes, one abstention by Council Member Verhaalen, and Council Member Bublitz excused.

**ADJOURNMENT**

A motion made by Council Member Arnett and seconded by Council Member Burkart to adjourn the meeting at 8:45 p.m. Motion carried without a negative vote with Council Member Bublitz excused.

Tracie Sette  
City Clerk