

**CITY OF CEDARBURG  
COMMON COUNCIL  
MARCH 28, 2022**

**CC20220328-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, March 28, 2022, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers, and online utilizing the Zoom app.

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

Roll Call:            Present -    Council Members Jack Arnett, Sherry Bublitz, Kristin Burkart, Rick Verhaalen, Patricia Thome, Robert Simpson (arrived at 7:17 p.m.)

Excused –    Council Member Barbara Lythjohan

Also Present -    City Administrator Mikko Hilvo, Attorney Michael Herbrand, City Clerk Tracie Sette, City Engineer Michael Wieser, Police Chief Michael McNerney, 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** - None

**APPROVAL OF MINUTES**

A motion was made by Council Member Thome, seconded by Council Member Bublitz, to approve the March 14, 2022 Common Council minutes. Motion carried without a negative vote with Council Members Lythjohan and Simpson excused.

**NEW BUSINESS**

**DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2022-08 AMENDING SECTION 10-1-27 OF THE CODE OF ORDINANCES TO AUTHORIZE THE PROHIBITION OF PARKING ON BOTH SIDES OF THE TWO DRIVEWAYS AT N27 W5707 LINCOLN BLVD AND W56 N225 MCKINLEY BLVD**

Fire Chief Vasholtz requested no parking signs be placed on each side of both driveways to N27 W5707 Lincoln Boulevard (Cedarburg Health Services) and on each side of both driveways to W56 N225 McKinley Boulevard (McKinley Place Assisted Living). The ambulance frequents both these locations and when cars are parked tight to the driveway it is difficult for the ambulance to enter and exit.

A motion was made by Council Member Bublitz, seconded by Council Member Burkart to approve Ordinance No. 2022-08 amending section 10-1-27 of the Code of Ordinances to Authorize the Prohibition of Parking on both sides of the two (2) driveways at N27 W5707 Lincoln Blvd and W56 N225 McKinley Blvd. Motion carried without a negative vote with Council Members Lythjohan and Simpson excused.

**DISCUSSION AND POSSIBLE ACTION ON REVIEW OF THE 2021 ANNUAL STORM WATER COMPLIANCE REPORT**

As part of the Municipal Storm Water Permit, the DNR requires each municipality to prepare and submit an annual compliance report. The DNR also requires certification that the report has been presented to the governing body. A new permit is scheduled to be issued in 2022. Continued phosphorus reduction remains a goal imposed by the DNR.

A motion was made by Council Member Thome, seconded by Council Member Arnett to approve the 2021 annual Storm Water Compliance Report. Motion carried without a negative vote with Council Members Lythjohan and Simpson excused.

**DISCUSSION AND POSSIBLE ACTION ON AWARD OF CONTRACT TO R.A. SMITH FOR TID#6 CONSTRUCTION RELATED SERVICES ASSOCIATED WITH THE HILLTOP DRIVE ROADWAY CONNECTION**

R.A. Smith has completed engineering design for the Hilltop Drive Roadway connection. Construction on the Hilltop Drive Roadway connection is scheduled to take place next month. Construction related services associated with this contract include shop drawing review, construction staking, construction administration and construction inspection. Michael Wieser, Director of Engineering and Public Works, explained the cost may fluctuate.

A motion was made by Council Member Bublitz, seconded by Council Member Thome to award the contract to R.A. Smith for TID #6 construction related services associated with the Hilltop Drive Roadway connection not to exceed \$27,500. Motion carried without a negative vote with Council Members Lythjohan and Simpson excused.

**DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF PROFESSIONAL SERVICES CONTRACT AMENDMENT WITH GRAEF FOR DAM FAILURE ANALYSIS ON WOOLEN MILL DAM**

Graef Engineering has been working on the Dam Failure Analysis of the Woolen Mills Dam since late 2020. Many disagreements and moments of indecision have taken place within the DNR regarding the modeling methodology. A resolution has been put in place on the modeling which allows Graef Engineering to move forward with the failure analysis. During the duration, cost overruns have been incurred. Graef Engineering is requesting a contract amendment in the amount of \$3,800 to complete the Dam Failure Analysis until it is accepted and a dam capacity is established.

A motion was made by Council Member Arnett, seconded by Council Member Bublitz to approve the professional services contract amendment with Graef Engineering for Dam Failure Analysis on the Woolen Mill Dam, not to exceed \$3,800. Motion carried without a negative vote with Council

Members Lythjohan and Simpson excused.

**DISCUSSION AND POSSIBLE ACTION ON AWARD OF PROFESSIONAL SERVICES CONTRACT WITH CEDAR CORPORATION FOR PLEASANT VALLEY LANDFILL GROUNDWATER MONITORING**

Cedar Corporation has been performing DNR mandated groundwater monitoring for Pleasant Valley Landfill since 2018, however, the current contract has expired. Cedar Corporation is proposing to continue performing the groundwater monitoring for a lump sum annual fee of \$7,000 for 2022, 2023 and 2024. The City of Cedarburg would fund two-thirds of the cost while the Town of Cedarburg would fund one-third.

A motion was made by Council Member Thome, seconded by Council Member Arnett to approve the award of Professional Services Contract with Cedar Corporation for an annual lump sum of \$7,000 for 2022, 2023, & 2024, along with a request that Cedar Corporation work with Michael Wieser, Director of Engineering and Public Works, to communicate with the Department of Natural Resources (DNR) about decreasing the frequency of testing. Motion carried without a negative vote with Council Member Lythjohan excused.

**DISCUSSION AND POSSIBLE ACTION ON PEDAL TAVERN ORDINANCE NO. 2022-09**

A motion was made by Council Member Burkart, seconded by Council Member Bublitz to approve the Pedal Tavern Ordinance No. 2022-09. Motion carried without a negative vote with Council Member Lythjohan excused.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE PORTLAND ROAD CLOSURE FROM MOTORIZED TRAFFIC FOR CEDARBURG GRAFTON ROTARY CLUB RIDE ON MAY 21, 2022 BETWEEN HILBERT ROAD AND COLUMBIA ROAD, INCLUDING A BARRICADE AT PORTLAND ROAD AND MILL STREET FROM 8:30 A.M. – 11:00 A.M.**

A motion was made by Council Member Bublitz, seconded by Council Member Simpson to approve Portland Road closure from motorized traffic for Cedarburg Grafton Rotary Club Ride on May 21, 2022, between Hilbert Road and Columbia Road, including a barricade at Portland Road and Mill Street, from 8:30 a.m. – 11:00 a.m. Motion carried without a negative vote with Council Member Thome abstaining and Council Member Lythjohan excused.

**DISCUSSION AND POSSIBLE ACTION ON REQUEST FROM CEDARBURG POLICE DEPARTMENT TO BEGIN THE TRANSFER OF DISPATCH SERVICES TO THE OZAUKEE COUNTY SHERIFF'S OFFICE**

The Cedarburg Police Department currently has two (2) vacancies in the dispatch center. The department is authorized to have a total of six (6) dispatchers. Currently, there are two (2) retirements pending for 2023. The Cedarburg Police Department is requesting to slowly transition the Cedarburg Police Department Dispatch Center over to the Ozaukee Sheriff's Office. Chief McNerney explained there would be no additional funds owed to Ozaukee County with an estimated savings of approximately \$145,000.

A discussion ensued about how many clerical employees would continue to be employed by the Cedarburg Police Department. The Council expressed interest in obtaining more definite cost savings numbers.

Chief McNerney explained Cedarburg Light & Water will be employing an outside agency for emergency services, should the dispatch center transfer to Ozaukee County.

A motion was made by Council Member Verhaalen, seconded by Council Member Thome to move third shift dispatch to Ozaukee County Sheriff's Office beginning May 1, 2022. Motion carried without a negative vote with Council Member Lythjohan excused.

**DISCUSSION AND POSSIBLE ACTION ON REQUEST TO UPGRADE THE CEDARBURG POLICE DEPARTMENT INTERNAL CAMERA SYSTEM**

The Cedarburg Police Department current camera system is 23 years old and in need of replacement. It is currently a mix of analog cameras that have been replaced over the years, along with the hardware, due to system failures.

A motion was made by Council Member Bublitz, seconded by Council Member Arnett to approve the request to upgrade the Cedarburg Police Department internal camera system not to exceed \$20,742.64 for the system and \$695.00 for the software upgrade. Motion carried without a negative vote with Council Member Lythjohan excused.

**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 Scott J. O'Connor. Motion carried without a negative vote with Council Member Lythjohan excused.

**DISCUSSION AND POSSIBLE ACTION ON PAYMENT OF BILLS DATED 3/05/2022 THROUGH 3/18/2022, TRANSFERS FOR THE PERIOD 2/26/2022 THROUGH 3/25/2022 AND PAYROLL FOR PERIOD 2/20/2022 THROUGH 3/19/2022**

A motion was made by Council Member Burkart, seconded by Council Member Verhaalen, to approve the payment of bills dated 03/05/2022 through 03/18/2022, transfers for the period 02/26/2022 through 03/25/2022, and payroll for period 2/20/2022 through 3/19/2022. Motion carried without a negative vote with Council Member Lythjohan excused.

**ADMINISTRATOR'S REPORT**

Administrator Hilvo explained that letters will be mailed to city residents confirming the revaluation taking place this year. Any questions should be directed to Grota Appraisals.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** - None

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Burkart reminded everyone of the upcoming election and encouraged all to vote.

Council Member Bublitz expressed dissatisfaction at the amount of mud running into yards off Sheboygan Road because of the construction. Council Member Simpson encouraged calling the State Patrol to assist with the matter.

**MAYOR'S REPORT**

The Mayor is currently assembling a team for the Rotary Ride.

**ADJOURNMENT**

A motion was made by Council Member Arnett, seconded by Council Member Bublitz, to adjourn the meeting at 8:02 p.m. Motion carried without a negative vote with Council Member Lythjohan excused.

Tracie Sette  
City Clerk