

**CITY OF CEDARBURG  
COMMON COUNCIL  
June 13, 2022**

**CC20220613-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, June 13, 2022 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, Angus Forbes (7:45 p.m.)

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, 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

**NEW BUSINESS**

**OATH OF OFFICE – PATROL OFFICER WYATT ECCLESTONE**

Deputy City Clerk Kletzien administered the Oath of Office to Patrol Officer Wyatt Ecclestone.

**PRESENTATION**

Library Director Pierschalla provided a background on the Library Board, budget figures, and goals in presenting the 2021 Annual Library Report for the Cedarburg Public Library, along with highlighting the following information:

- Visits to the Library – 89,129
- Registered Users – 12,310
- Materials Circulated – 167,978
  - Children’s Materials – 73,837
- E-Books Checked Out – 16,624
- E-Audiobooks Listened to – 14,396
- Public Computer Users – 4,465
- WiFi Users – 18,776

The biggest challenges for the Library are employee retention, career growth, and compensation.

Council Member Bublitz explained that she learned how important the Library is to our community when she worked at the Library. The statistics in relation to our population is staggering. People are taking advantage of this incredible value and she thanked the staff for their contributions.

**NEW BUSINESS – CONTINUED**

**DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2022-18 HONORING KATHY HUEBL**

Motion made by Council Member Thome, seconded by Council Member Bublitz, to approve Resolution No. 2022-18 honoring Kathy Huebl. Motion carried without a negative vote with Council Member Forbes excused.

**DISCUSSION AND POSSIBLE ACTION ON CLASS “B” FERMENTED MALT BEVERAGE AND “CLASS B” INTOXICATING LIQUOR (ON OR OFF-PREMISE CONSUMPTION) LICENSE RENEWAL FOR THE CHEESE WEDGE, LLC, P.O. BOX 698, SLINGER, WI 53086, JESSICA YOUSO, AGENT, PREMISES TO BE LICENSED: N56W6339 CENTER STREET, KNOWN AS THE WEDGE 53012 “UNCORKED”**

City Administrator Hilvo explained that the Cheese Wedge has been granted a temporary occupancy permit and are on schedule to open this month.

Jessica Youso explained her challenges to renovating this building and looked forward to opening this weekend.

In answer to Council Member Arnett’s question, Jessica Youso explained that she will use the full liquor license to serve full size drinks and offer a bloody mary bar soon. Council Member Arnett explained that the City needs to be protective of the “Class B” liquor licenses and he expressed support.

Motion made by Council Member Verhaalen, seconded by Council Member Thome, to approve a Class “B” fermented malt beverage and “Class B” intoxicating liquor (on or off-premise consumption) license renewal for the Cheese Wedge, LLC, P.O. Box 698, Slinger, Wi 53086, Jessica Youso, agent, premises to be licensed: N56W6339 Center Street, known as the Wedge 53012 “Uncorked.” Motion carried without a negative vote with Council Member Forbes excused.

**DISCUSSION AND POSSIBLE ACTION ON FINAL PLAT APPROVAL OF THE FAIRWAY VILLAGE PHASE 2 ADDITION NO. 1 SUBDIVISION**

Planner Censky explained that the applicant is requesting final plat approval of the Fairway Village Addition No. 1 (second/final phase) which consists of seven (7) townhome buildings (14 units) and thirty (30) single-family lots that range in size from 8,128 to 17,369 square feet. Council Members were reminded that the first phase of this subdivision was approved at this time last year, and construction of homes within that phase is well underway. In addition, the

applicant received approval of the development agreement for this phase at the last Common Council meeting and the street tree planting plans were approved for the entire subdivision as part of the first phase.

He noted that this phase is consistent with the Smart Growth Comprehensive Plan 2025 and the approved Preliminary Plat. Accordingly, staff recommends approval subject to:

- Show drainage and utility easements on the plat. Addition of a 12 foot-wide drainage easement.
- All impact fees and the fee-in-lieu of parkland dedication will apply at building permit acquisition.
- As with the first phase, the developer shall be required to install public sidewalks and street trees along the Washington Avenue frontage.
- This subdivision includes the full complement of improvements as required in the City's Subdivision Ordinance and all infrastructure plans (i.e., sewer, water, storm sewer, road, sidewalk, grading, drainage, and erosion control) and shall be reviewed and approved by the City Engineer.
- Individual homeowners are responsible for verifying suitable subsoil conditions in conjunction with the home construction.

Motion made by Council Member Thome, seconded by Council Member Bublitz, to approve the Final Plat of the Fairway Village Phase 2 Addition No. 1 Subdivision including staff comments. Motion carried without a negative vote with Council Member Forbes excused.

**DISCUSSION AND POSSIBLE ACTION ON CHANGE IN USAGE OF LIGHT & WATER SITE ON LAYTON STREET FROM OUTSIDE STORAGE TO A PARKING LOT**

Planner Censky explained that North Shore Soccer Club has approached the City with a request to lease the vacant site located at the northeast corner of Layton Street and the Interurban Trail. This property is owned by Cedarburg Light & Water and is currently being used for outside storage. The Club is hoping to lease the site for a period of five (5) years and construct a gravel parking lot to serve the Club's overflow parking demands. While the soccer club's existing parking lot is sufficient to handle the day-to-day demands of regular soccer use, it falls short when they host tournaments or have high profile games. Since no structures are being proposed and the request is for a short-term lease, the Council is simply being asked to recommend the change in use from existing outside storage to a gravel parking lot. It was unanimously approved by the Plan Commission on June 6.

Council Member Arnett expressed concern for agreeing to a five year lease without some type of flexibility for future development. He suggested adding that the City will need to payback North Shore Soccer Club for their expenses for gravel and fencing if a development is proposed for the property before the end of the lease.

Motion made by Council Member Verhaalen, seconded by Council Member Simpson, to approve change in usage of Light & Water site on Layton Street from outside storage to a parking lot with an added termination clause in the case of a proposed development before the

end of the five year lease. Motion carried without a negative vote with Council Member Forbes excused.

**DISCUSSION AND POSSIBLE ACTION ON DECLARATION OF CONDOMINIUM FOR MILL TOWN HOMES LOCATED AT THE NORTHEAST CORNER OF MILL STREET AND HANOVER AVENUE**

Planner Censky reminded the Common Council that in 2020 the applicant received approval of his amended TIF plan and rezoning for the back portion of his Mill Street property to construct two, two-story townhomes. Instead of maintaining ownership of the town homes as rental units, he will be selling them as owner occupied condominium units and therefore, he has prepared documents for their review and approval. The documents were drafted in accordance with Chapter 703 Condominiums of the Wisconsin State Statutes and serve as the master deed or bylaws that affect and define the rights and obligations of co-owners of these condominium townhomes and will be recorded in the Ozaukee County Register of Deeds office. The Plan Commission reviewed the documents at their April 4 meeting and recommended approval by unanimous vote.

Council Member Thome confirmed that it will be the responsibility of the individual owner for snow removal.

Motion made by Council Member Bublitz, seconded by Council Member Burkart, to approve the Declaration of Condominium for Mill Town Homes located at the northeast corner of Mill Street and Hanover Avenue. Motion carried without a negative vote with Council Member Forbes excused.

**DISCUSSION AND POSSIBLE ACTION FOR APPROVAL OF ROCK CRUSHING PERMIT FOR BMCI CONSTRUCTION INC. AT N49W6337 WESTERN RD**

Director Wieser explained that P2 Development along with BMCI Construction Inc. is requesting approval for a rock crushing permit for the Fox Run Development at N49 W6337 Western Road. Their plan is to crush the concrete and masonry block on site to be used for gravel. The crushing would take place between 7:00 a.m. – 4:00 p.m., Monday through Friday, beginning July 1.

Council Member Burkart inquired on the decibel level of the rock crushing. Bob Bach stated that the noise is moderate, and they did not receive any complaints during a Mequon project. It is the best option and is an environmentally sound plan to recycle the material on site.

In answer to Council Member Burkart's concern for the noise this summer when children are home from school, Bob Bach agreed to start the rock crushing after school begins.

Motion made by Council Member Verhaalen, seconded by Council Member Simpson, to approve a Rock Crushing Permit for BMCI Construction Inc. at N49W6337 Western Avenue as amended to begin rock crushing late August/early September. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON REQUEST FROM CEDARBURG FESTIVALS INC. TO WAIVE POLICE AND DPW FEES FOR STRAWBERRY FESTIVAL**

City Administrator Hilvo explained that Festivals of Cedarburg is requesting to have Police and Dept. of Public Works fees waived for Strawberry Festival. The estimated cost for police protection is \$18,000 and \$12,000 for DPW assistance in setup, which includes setting up/moving safety barriers as needed. The cost for both services has increased to ensure the safety of the public attending the festival. Staff is seeking approval to utilize ARPA funds to help offset the police and DPW costs for providing security for Strawberry Festival. The utilization of ARPA funds for public safety is an acceptable use.

Discussion ensued about the need to approve the full \$30,000 for services provided to Festivals, as they should have planned for most of the cost before the added security and help, to ensure the safety of attendees. It was added that TP&D recently gave \$10,000 to Festivals for up front costs that will be used first. Concern was expressed for the future of Festivals if the weather is bad for Strawberry Festival because that money is used for the less profitable festivals and could jeopardize future festivals. City Administrator Hilvo said that \$30,000 would help their fund balance for future festivals.

Motion made by Council Member Arnett, seconded by Council Member Simpson, to approve a \$10,000 ARPA payment for Cedarburg Festivals, Inc. to pay for part of the Police and DPW fees for Strawberry Festival with financial justification required to consider any additional funding. Motion carried with Council Members Bublitiz, Arnett, Burkart, Simpson, Thome, and Forbes voting aye and Council Member Verhaalen voting nay.

**DISCUSSION AND POSSIBLE ACTION ON OUTDOOR ALCOHOL BEVERAGE LICENSE APPLICATION FOR STAGECOACH INN, W61N520 WASHINGTON AVENUE**

Planner Censky explained that the applicants are requesting approval of an Outdoor Alcoholic Beverage License to be able to serve drinks in the rear yard gathering area behind the Stagecoach Inn. The rear yard of this area is boarded by adjacent buildings and/or parking lots and is somewhat secluded and customer seating is to be within the fenced in area as indicated in their site plan. Ingress/egress to this area will be controlled by the applicant. These plans were unanimously approved by the Landmarks Commission. The Plan Commission recommended approval subject to the applicant submitting a scaled drawing of their site.

Motion made by Council Member Bublitiz, seconded by Council Member Simpson, to approve an Outdoor Alcohol Beverage License for Stagecoach Inn, W61N520 Washington Avenue with the agreement that the owners will monitor the perimeter where alcohol is consumed and submit a scaled drawing of their site. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON 2023 HEALTH INSURANCE PLAN FOR CITY EMPLOYEES**

City Administrator Hilvo explained that with the increasing health care costs to the City, the Personnel Committee has reviewed and recommended changes to the 2023 health insurance plan.

The best long-term option for the City is to move to the State local deductible plan beginning in 2023. The plan will require employees to pay 12% of the premium but it will provide them with a lower deductible and include dental coverage. A gym membership reimbursement program has also been added, that will be managed by the City, to offset the loss of that benefit which is currently provided by our insurance carrier. The process of becoming part of the State program will require us to go through an underwriting process at a cost of \$3000. The underwriting will determine the level of risk that the City employees bring to the program. The risk level will then determine what our surcharge will be for the first and second year of being on the plan. Based on past experience we are estimated to be in the high-risk category. With the surcharges we will not see a savings in 2023 but will see it in 2024 and following years. The benefits to the City to move to the State plan is that the annual increases will be considerably lower than any other health insurance company and the employee is sharing in paying towards the premium. The benefit to the employee is the lower deductible (\$500/\$1,000), more stable premium increases, gym membership reimbursement, and 100% coverage of dental insurance. The only concern is the narrow network of healthcare providers that the State plan offers. He stated that Staff and the Personnel Committee recommends moving to the State local deductible plan beginning in 2023. Staff also recommends spending \$3,000 for the underwriting process.

Light & Water Administrative Manager Lauer stated that the State Plan will definitely have a second network plan to choose from. The major benefit is the steadiness of the State Plan.

City Administrator Hilvo explained the budgetary impact as Negative for 2023 to cover surcharges but positive beginning in 2024. The long-term positive budgetary impact outweighs the negative short-term impact. Estimated increase in health insurance cost for 2023 is \$332,151. (Estimated State Plan = \$1,527,958 – 2022 Budgeted = \$1,195,807)

Council Member Bublitz stated that the City needs to think about employee retention and take control of the City's destiny.

Motion made by Council Member Bublitz, seconded by Council Member Simpson, to approve the underwriting fee of \$3,000 for the 2023 Health Insurance Plan for City Employees. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2022-18 APPROVING THE 2023 HEALTH INSURANCE PLAN FOR CITY EMPLOYEES**

City Administrator Hilvo stated that a resolution needs to be passed by the Common Council to approve the City's participation in the State Health Insurance Program.

Motion made by Council Member Bublitz, seconded by Council Member Simpson, to adopt Resolution No. 2022-18 approving the 2023 Health Insurance Plan for City Employees. Motion carried without a negative vote.

**CONSENT AGENDA**

Motion made by Council Member Arnett, seconded by Council Member Thome, to approve the following consent agenda items. Motion carried without a negative vote.

- Approval of May 23, 2022 Special Council meeting minutes.
- Approval of new and renewal 2022-2023 Operator Licenses for:

Morgan L. Geronime  
Benjamin R. Hadler  
Anne M. Helmbrecht

Gregory F. Kickbush  
Todd M. Pfundtner  
Lori Steinbach

Amy L. Swanson  
Michele G. Temple  
Joni M. Yench

Sherry D.M. Bentz  
Evan N. Bray  
Mark S. Brock  
Tyler C. Crass  
Michael J. Driscoll  
John C. Feiertag  
Samantha R. Gerber  
Julie B. Gottfried  
LeRoy C. Haeuser  
Lori A. Haeuser

Mark J. Hilgendorf  
Corinne R. Kaminsky  
Robert J. Kaminsky  
Wendy A. Kickbush  
Chad M. King  
Tessa L.B. Lang  
Neal C. Maciejewski  
Kari S. Midtbo-Schwartz  
Antonija Mitt  
Judith A. Murphy

Susan F. Opitz  
Heather L. Rappa  
Richard Roden  
Robert Roden  
Mark J. Schubert  
Jeannette M. Schupp  
Tyler E. Slowiak  
Neil P. Soukup  
Jason R. Van Auken  
Stacey L. Wedereit  
Larry D. Weidmann

- Approval of payment of bills dated 5/20/22 through 6/3/22, transfers for the period 5/21/22 through 6/4/22 and payroll for period 5/15/22 through 5/28/22.

### **CITY ADMINISTRATOR'S REPORT**

City Administrator Hilvo reported that Jeff Thoma has been hired as the new Building Inspector and will begin employment on June 20, 2022. A person has been hired for the Accountant I/Accounts Receivable position in the Treasurer's Office.

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

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

Council Member Burkart stated that she witnessed the Police Department and Fire Department training for Strawberry Festival and concluded that the City is very lucky to have volunteer Fire Department personnel participating in these exercises and thanked them for their efforts.

Council Member Bublitz reported that the Friends of the Cedarburg Police and Trinity Lutheran Church will be donating an electric bicycle to the Police Department's bicycle patrol unit this week.

### **MAYOR REPORT**

Mayor O'Keefe stated that he was participating in a Cedarburg Snapshot event tomorrow along with School Superintendent Todd Bugnacki and Town Board Member Larry Lechner. They will be presenting a State of the Community for the Chamber of Commerce breakfast meeting.

**ADJOURNMENT**

Motion made by Council Member Arnett, seconded by Council Member Burkart, to adjourn the meeting at 9:25 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC  
Deputy City Clerk