

**CITY OF CEDARBURG  
COMMON COUNCIL  
JUNE 27, 2022**

**CC20220627-1  
UNAPPROVED**

A meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, June 27, 2022, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers, and online utilizing the Zoom app.

Acting Mayor Patricia Thome called the meeting to order at 7:00 p.m. A moment of silence was observed and the Pledge of Allegiance was recited.

Roll Call:           Present -   Council Members Jack Arnett, Kristin Burkart, Patricia Thome, Robert Simpson, Angus Forbes

                          Excused -   Mayor Michael O’Keefe, Council Members Sherry Bublitz and Rick Verhaalen

                          Also Present -   City Administrator Mikko Hilvo, Attorney Michael Herbrand, City Clerk Tracie Sette, Engineering & Public Works Director Michael Wieser, Planner Jon Censky, Fire Chief Jeffrey Vahsholtz, news media and interested citizens.

**STATEMENT OF PUBLIC NOTICE**

At Acting Mayor Thome’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.

Council Member Thome stated that as Acting Mayor, she would retain her right to vote as Council Member of the 6th Aldermanic District.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** - None

**PUBLIC HEARING**

Acting Mayor Thome opened the Public Hearing at 7:04 p.m. on a proposed Conditional Use for a drive-through only Dunkin Donut Shop to be located at W62 N245 Washington Avenue. Planner Censky explained to the Council that drive-thru bakeries are not listed as a permitted use in the B-2 District, thus, this request is before the Council because the Plan Commission determined that it exhibits characteristics similar to other drive-thru establishments which are permitted by Conditional Use and therefore, based on Section 13-1-22(e) of the Zoning Code, Common Council approval is necessary. Specifically, Section 13-1-22(e) of the Code states: Uses not specified in this Chapter and which are found by the Plan Commissioners to be similar in character to conditional uses permitted in the district may be permitted by the Common Council after review, public hearing, and approval in

accordance with Section 13-1-226. Accordingly, the Plan Commission felt that this request should be processed as a drive-thru bakery, as a Conditional Use approved by the Common Council.

The overwhelming issue addressed during the Public Hearing was the aspect of increased traffic. Commissioner Wiza requested changes to the original plan submitted by Dunkin Go, to which, the changes were made and ultimately met with Plan Commission approval.

Laurel and Anthony Kashinn (N24 W6338 Fairfield Street) addressed the Council with concerns about the traffic. There are 49 families residing on Fairfield Street and it is a dead-end street. They would like to see a traffic study conducted.

Jeff Priem (N22 W6321 Fairfield Street) was also concerned with increased traffic in the area.

Council Members expressed concerns over other entities potentially building on this property without requiring a Conditional Use permit and what the ramifications could be. With the proposal from Dunkin Go, the Council may exercise some control over impending issues.

A motion was made by Council Member Arnett, seconded by Council Member Burkart, to close the public hearing at 7:54 p.m. Motion carried on a roll call vote with Council Members Arnett, Burkart, Simpson, Thome and Forbes voting in favor, and Council Members Verhaalen and Bublitz excused.

## **NEW BUSINESS**

### **DISCUSSION AND POSSIBLE APPROVAL OF THE CONDITIONAL USE FOR A DRIVE THROUGH ONLY DUNKIN GO SHOP TO BE LOCATED AT W62 N245 WASHINGTON AVENUE**

A motion was made by Council Member Arnett, seconded by Council Member Forbes, to approve the Conditional Use for a drive through only Dunkin Go Shop to be located at W62 N245 Washington Avenue subject to staff comments (as sited in the Conditional Use document), reviewed for Code compliance, and to include staff review of the City fence ordinance, if required by neighbors; and including a change in the hours to 5:00 a.m. – 8:00 p.m. Motion carried without a negative vote with Council Members Verhaalen and Bublitz excused.

### **DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO 2022-19 AUTHORIZING EXECUTION OF THE DEPARTMENT OF NATURAL RESOURCES PRINCIPAL FORGIVEN FINANCIAL ASSISTANCE AGREEMENT**

The State of Wisconsin Safe Drinking Water Loan Program determined that they are able to provide a loan with principal forgiveness in an amount up to \$600,000 to a municipality that it deems eligible for funding. This potential funding would go towards the replacement of lead service laterals in the City of Cedarburg. To receive principal forgiveness, the DNR Principal Forgiven Assistance Agreement must be executed.

A motion was made by Council Member Arnett, seconded by Council Member Burkart, to approve Resolution No. 2022-19 authorizing execution of the Department of Natural Resources Principal

Forgiven Financial Assistance Agreement. Motion carried without a negative vote with Council Members Verhaalen and Bublitz excused.

**DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO 2022-20 APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF CEDARBURG, CITY OF PORT WASHINGTON, VILLAGE OF GRAFTON, VILLAGE OF SAUKVILLE, AND TOWN OF CEDARBURG ESTABLISHING A JOINT FIRE & EMS WORKING GROUP**

Many municipalities within Ozaukee County have engaged in a series of informal meetings regarding potential opportunities to share in the provision of Fire and Emergency Medical Services (EMS). Collectively, these discussions were borne out of a desire to proactively address critical and ongoing staffing shortages that many departments are facing as paid-on-call (POC) or all volunteer (Cedarburg) entities, as well as the significant level of ongoing capital investment (e.g., stations, fire trucks, ambulances, rescue equipment) that is required to maintain separate fire departments.

Through early discussions between the City and Town of Cedarburg on shared Fire & EMS services, an Ad Hoc Joint Fire/EMS Committee was formed to evaluate all options for the Cedarburg Fire Department. This group will evaluate the various options for the City and Town of Cedarburg and eventually make a recommendation to the Common Council and Town Board. Cedarburg Fire Department leadership is working on a plan that would keep the Cedarburg Fire Department operating on its own with increased future funding for personnel and moving towards a paramedic program. This is one of three options. The other options are to look at joining the Southern Ozaukee Fire Department (Mequon-Thiensville) or to look at joining Grafton, Port Washington, and Saukville to create a Mid-Ozaukee Department. A Memorandum of Understanding (MOU) was created between Cedarburg, Mequon, and Thiensville in March of 2022. Since then, Mequon and Thiensville have moved towards a consolidated department, and the City of Cedarburg continues to have discussions with them. Most recently Cedarburg, Grafton, Port Washington, and Saukville have been in discussions about a consolidated department between the communities. Out of these discussions, an MOU was drafted. The MOU has been approved by the other communities including the Town of Cedarburg.

A motion was made by Council Member Burkart, seconded by Council Member Simpson, to approve Resolution No. 2022-20 approving a Memorandum of Understanding (MOU) between the City of Cedarburg, City of Port Washington, Village of Grafton, Village of Saukville, and Town of Cedarburg establishing a joint Fire & EMS working group. Motion carried without a negative vote with Council Members Verhaalen and Bublitz excused.

**DISCUSSION AND POSSIBLE ACTION ON AUTHORIZATION FOR THE FIRE CHIEF TO APPLY FOR AN ARPA GRANT THROUGH OZAUKEE COUNTY FOR EMS SERVICES**

Ozaukee County has allocated ARPA funds to assist Ozaukee County Fire Departments in hiring additional Firefighter/Paramedics throughout the County. To receive these funds each community must submit a request for funding by June 30, 2022. The initial request submitted by the City of Cedarburg is for \$200,000 for each year for 2023, 2024, and 2025. This will allow the City to increase full-time EMS staffing and move towards a paramedic program. Future additional funding will be available should the City decide to consolidate with other communities.

A motion was made by Council Member Burkart, seconded by Council Member Simpson, to authorize the Fire Chief to apply for an ARPA grant through Ozaukee County for EMS Services. Motion carried without a negative vote with Council Members Verhaalen and Bublitz excused.

**PRESENTATION**

Fire Chief Vahsholtz provided a summary of the Cedarburg Fire Department 2022 Annual Report. A copy of the report is available at the Cedarburg Fire Department. The report consisted of the types of fire incident calls during 2021 as well as a 5-year comparison of types of incident calls. He also provided information regarding three (3) promotions the Department experienced during 2021 as well as the awards and recognition received by members throughout 2021. He outlined the extensive training hours invested by the members. Included in the presentation was a detailed explanation of each and every vehicle utilized by the Fire and Rescue Service team. Chief Vahsholtz went on to explain the public education and community outreach the Department participated in during 2021. The presentation concluded with a summary of the Department finances.

**CONSENT AGENDA:**

- **CONSIDER APPROVAL OF 2022-2023 ALCOHOL AND OPERATOR LICENSES:**
  - Celeste D. Bean, Allison A. Garncarz, Emily A. Lutz
  - Mary K. Creten, Brian J. Hodgson, Calvin J. Szpiszar
  - Angela Wetor, Howard E. Hockstad, Pam Lidington
  - Stacy C. Stolzman, Terrance A. King, Amy Y. Nass
- **DISCUSSION AND POSSIBLE ACTION ON PAYMENT OF BILLS DATED 6/10/2022 THROUGH 6/17/2022, TRANSFERS FOR THE PERIOD 6/5/2022 THROUGH 6/21/2022 AND PAYROLL FOR PERIOD 5/29/2022 THROUGH 6/11/2022**
- **APPROVAL OF JUNE 13, 2022 COMMON COUNCIL MEETING MINUTES**

A motion was made by Council Member Burkart, seconded by Council Member Simpson, to approve the consent agenda. Motion carried without a negative vote with Council Members Bublitz and Verhaalen excused.

**ADMINISTRATOR'S REPORT**

Administrator Hilvo explained the Treasurer's office recently hired Robin Van Dinter to take the place of Kathy Huebl.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** – None

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS** - None

**MAYOR'S REPORT** - None

**ADJOURNMENT TO CLOSED SESSION**

A motion was made by Council Member Burkart, seconded by Council Member Simpson, to adjourn to Closed Session at 8:47 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. More specifically to discuss the Idle Sites Redevelopment Grant Agreement between the Wisconsin Economic Development Corporation and the City of Cedarburg as it relates to the Tax Incremental Financing Agreement with Fox Run Development Cedarburg, LLC and P2 Development Company LLC. Motion carried on a roll call vote with Council Members Arnett, Burkart, Simpson, Thome and Forbes voting in favor, and Council Members Verhaalen and Bublitz excused.

**RECONVENE TO OPEN SESSION**

Open session resumed at 8:59 p.m.

**DISCUSSION AND POSSIBLE ACTION TO APPROVE THE IDLE SITES REDEVELOPMENT GRANT AGREEMENT BETWEEN THE WISCONSIN ECONOMIC DEVELOPMENT CORPORATION AND CITY OF CEDARBURG**

A motion was made by Council Member Forbes, seconded by Council Member Simpson, to approve the Idle Sites Redevelopment Grant Agreement between the Wisconsin Economic Development Corporation and City of Cedarburg. Motion carried without a negative vote with Council Members Bublitz and Verhaalen excused.

**ADJOURNMENT**

A motion was made by Council Member Arnett, seconded by Council Member Burkart, to adjourn the meeting at 9:01 p.m. Motion carried without a negative vote with Council Members Bublitz and Verhaalen excused.

Tracie Sette  
City Clerk