

**CITY OF CEDARBURG
COMMON COUNCIL
JANUARY 30, 2023**

A meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, January 30, 2023, 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, Melissa Bitter, Rick Verhaalen, Mark Mueller

Excused - Mayor Michael O’Keefe

Also Present - City Administrator Mikko Hilvo, Attorney Michael Herbrand, City Clerk Tracie Sette, Director of Engineering and Public Works Michael Wieser, City Planner Jon Censky, Water Recycling Center Superintendent Dennis Grulkowski, interested citizens and news media.

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.

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 HEARINGS

A PUBLIC HEARING TO AMEND THE COMPREHENSIVE LAND USE PLAN FOR THE STONE LAKE DEVELOPMENT LOCATED JUST NORTH OF SUSAN LANE (TAX KEY 13-022-03-001.00) FROM INDUSTRIAL AND MANUFACTURING, MEDIUM-DENSITY RESIDENTIAL CLASSIFICATION, TO HIGH DENSITY RESIDENTIAL CLASSIFICATION

Acting Mayor Thome opened the Public Hearing at 7:02 p.m. Planner Censky explained that this property was annexed from the Town of Cedarburg into the City last April, the applicant has been working on the plan details and is now pursuing a Land Use Plan amendment and rezoning for this two-family Stone Lake Condominium project containing 36 side-by-sides. Specifically, he is requesting to amend the land use plan map to reclassify this property from the existing Industrial and Manufacturing classification north of the quarry and the Medium Density Residential classification south of the quarry to all High Density Residential (10.9 units/acre to 16.1 units/acre). Planner Censky

further explained the Developer reduced the original plan by two (2) units to save the wooded area now termed “Cedarburg Woods-West”.

Robert Vanden Noven – W68N1068 Kensington Avenue addressed the Council explaining that the original plans for the development included (35) buildings. He was concerned with the increase of one (1) unit as the plans now reflect (36) buildings. He was also concerned with the critical species woods and would like protections put in place to protect the woods.

Cathy Czech – N119W5835 James Circle addressed the Council with concerns about the private roads. She said signs alone will not keep nonresidents from driving on the private roads. She also expressed concerns with the added traffic on Sheboygan Road and mentioned that the City should add services if the population continues to grow.

Rich Patek – N116W5575 Lucas Ct addressed the Council and spoke very positively about the impending development and does not think it will be a burden on the City.

Council Member Arnett wanted to make it very clear to impending buyers of the side-by-sides that this development is private, so they are aware of the lack of City services included with the purchase.

A motion was made by Council Member Burkart, seconded by Council Member Verhaalen, to close the Public Hearing at 7:36 p.m. Motion carried on a roll call vote with Council Members Bitter, Arnett, Verhaalen, Simpson, Thome, Mueller, and Burkart voting aye.

A PUBLIC HEARING TO REZONE THE STONE LAKE DEVELOPMENT LOCATED JUST NORTH OF SUSAN LANE (TAX KEY 13-022-03-001.00) FROM RS-1 SINGLE-FAMILY RESIDENTIAL (TEMPORARY) TO THE RD-1 TWO-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY AND C-4 UPLAND CONSERVANCY DISTRICT APPLIED TO THE “CEDARBURG WOODS-WEST” IDENTIFIED IN THE SOUTHEASTERN WISCONSIN REGIONAL PLAN COMMISSION (SEWRPC) REPORT NO. 42 “A REGIONAL NATURAL AREAS AND CRITICAL SPECIES HABITAT PROTECTION AND MANAGEMENT PLAN FOR SOUTHEASTERN WISCONSIN

Acting Mayor Thome opened the second Public Hearing at 7:37 p.m.

Planner Censky reminded the Council that the applicant is requesting to rezone the property from the RS-1 Single-Family (temporary) Zoning District to Rd-1 Two-Family District with the (PUD) Planned Unit Development Overlay District. In addition, the C-4 Upland Conservancy District will be applied to the “Cedarburg Woods – West” stand of woods at the southwest corner of this project. He also explained the road around the Quarry takes a jog in order to avoid contact with any wetlands. Sidewalks will connect eventually.

Robert Vanden Noven – W68N1068 Kensington Avenue addressed the Council with the same concerns regarding the extra unit in the Developer’s most recent plan as well as preservation of the woods.

A motion was made by Council Member Burkart, seconded by Council Member Mueller, to close the Public Hearing at 7:46 p.m. Motion carried on a roll call vote with Council Members Bitter, Arnett, Verhaalen, Simpson, Thome, Mueller, and Burkart voting aye.

DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO 2023-03 AMENDING THE CITY OF CEDARBURG COMPREHENSIVE LAND USE PLAN-2025 FOR THE STONE LAKE DEVELOPMENT LOCATED NORTH OF SUSAN LANE (TAX KEY 13-022-03-001.00)

A motion was made by Council Member Burkart, seconded by Council Member Arnett, to approve Resolution No. 2023-03 amending the City of Cedarburg Comprehensive Land Use Plan-2025 for the Stone Lake Development located north of Susan Lane (tax key 13-022-03-001.00). Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO 2023-02 TO REZONE THE APPROXIMATE 41-ACRE PARCEL LOCATED NORTH OF SUSAN LANE (TAX KEY 13-022-03-001.00)

A motion was made by Council Member Burkart, seconded by Council Member Arnett, to approve Ordinance No. 2023-02 to rezone the approximate 41-acre parcel located north of Susan Lane (tax key 13-022-03-001.00) subject to City Planner Censky's comments located in the packet. Motion carried without a negative vote.

The comments referenced in the motion are listed below:

- **Code Requirement:** Setback and yards. There shall be a minimum setback of twenty-five (25) feet from the right-of-way of all streets.
Departure – The plan proposes a setback of 20’.
- **Code Requirement:** Lot area and width. Lots shall be a minimum of twelve thousand (12,000) square feet in area and shall be no less than one hundred (100) feet in width at the setback line.
Departure - There will be no formal lots within this project and therefore no lot area and width calculations as this is a condominium development.
- The private road section is designed as a rural cross-section with a 24’ wide paved surface and 2’ shoulders ditches and no sidewalks.
- The asphalt width of the public road section will be 32’ wide curb-to-curb with a 24” gutter and 5’ sidewalk on both sides.
- Where the sidewalk is directly behind the curb the sidewalk width shall be 6’.
- The developer shall provide streetlights along the public road section in accordance with Cedarburg Light & Water requirements.
- The developer shall stub the public road section to the east property line.
- Developer shall be responsible for the cost of running sewer and water facilities from Forward Way to this property.
- The developer shall reimburse the City \$49,397 for the cost of running sewer and water facilities from Forward Way to the property line.
- Fire hydrants to be determined by the Cedarburg light & Water and the Fire Department.
- Engineering Department review and approval of all grading, drainage, storm water management and erosion control plans.
- Engineering Department review and approval of all in infrastructure plans.
- The applicant must submit a street tree planting plan for the public portion of the roadway.

DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATION FROM POLICE CHIEF TO DENY NEW OPERATOR’S LICENSE APPLICATION OF TY ZACHARY RAFN

Police Captain Ryan Fitting explained the reasons for recommending denial of an Operator's License for Ty Zachary Rafn, citing multiple Operating While Intoxicated (OWI) arrests. Mr. Rafn addressed the Council and explained that the timeframes of the arrests came at a challenging time in his life. He further explained that he has moved past this tough time and was hopeful the Council would consider issuing his license.

The Council discussed the situation, applauded the courage it took for Mr. Rafn to address the Council, but ultimately denied the license.

A motion was made by Council Member Burkart, seconded by Council Member Mueller, to deny the issuance of an Operator's License to Ty Zachary Rafn. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON AWARD OF WATER RECYCLING CENTER FACILITY PLAN CONTRACT

Water Recycling Center Superintendent Dennis Grulkowski explained how the plant will be nearing capacity soon. A detailed Request for Proposal (RFP) was sent to four firms to define a plan for either building a new Water Recycling Center or upgrading the current one. Three firms submitted responsive proposals and were evaluated based on understanding, approach, schedule, project team, project experience and fee. Donahue and Associates scored the highest based on the evaluation criteria and submitted the lowest overall fee for service.

A motion was made by Council Member Verhaalen, seconded by Council Member Simpson, to award the Water Recycling Center Facility Plan Contract to Donohue & Associates not to exceed \$29,970. Motion carried without a negative vote.

DISCUSSION AND REVIEW OF THE OREGON SLUDGE DRYING SYSTEM PILOT PROGRAM

Sludge hauling is the second largest expense for the Water Recycling Center (WRC). In an effort to reduce costs, the WRC participated in a pilot study utilizing the Oregon Sludge Drying System. This program could potentially reduce the costs of sludge hauling, should it be implemented at a future date.

DISCUSSION AND POSSIBLE ACTION ON ISSUANCE OF 2023-QUADRICYCLE PERMIT FOR NORTH 48 CONTINGENT UPON APPROVAL OF VEHICLE SAFETY INSPECTION

The Council confirmed they received no complaints about the Pedal Tavern during the 2022 license year. Acting Mayor Patricia Thome requested the drivers hinder any undesirable activity on the Pedal Tavern, should that occur.

A motion was made by Council Member Arnett, seconded by Council Member Burkart, to approve the 2023 Quadricycle Permit for North 48, contingent upon approval of the vehicle safety inspection. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION FOR ISSUANCE OF A FESTIVAL CELEBRATION PERMIT TO FESTIVALS OF CEDARBURG, INC FOR WINTER FESTIVAL TO BE HELD ON SATURDAY, FEBRUARY 18, 2023 FROM 10:00 A.M. TO 9:30 P.M. AND ON SUNDAY, FEBRUARY 19, 2023 FROM 8:30 A.M. TO 6:00 P.M.

A motion was made by Council Member Burkart, seconded by Council Member Arnett, to approve the issuance of a Festival Celebration Permit to Festivals of Cedarburg, Inc. for Winter Festival to be held on Saturday, February 18, 2023 from 10:00 a.m. to 9:30 p.m. and on Sunday, February 19, 2023 from 8:30 a.m. to 6:00 p.m. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION FOR ISSUANCE OF A FESTIVAL CELEBRATION PERMIT TO FESTIVALS OF CEDARBURG, INC FOR STRAWBERRY FESTIVAL TO BE HELD ON SATURDAY, JUNE 24, 2023 FROM 10:00 A.M. TO 8:30 P.M. AND ON SUNDAY, JUNE 25, 2023 FROM 10:00 A.M. TO 5:00 P.M.

A motion was made by Council Member Burkart, seconded by Council Member Arnett, to approve the issuance of a Festival Celebration Permit to Festivals of Cedarburg, Inc. for Strawberry Festival to be held on Saturday June 24, 2023 from 10:00 a.m. to 8:30 p.m. and Sunday, June 25, 2023 from 10:00 a.m. to 5:00 p.m. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION FOR ISSUANCE OF A FESTIVAL CELEBRATION PERMIT TO FESTIVALS OF CEDARBURG, INC FOR WINE & HARVEST FESTIVAL TO BE HELD ON SATURDAY, SEPTEMBER 16, 2023 FROM 10:00 A.M. TO 8:30 P.M. AND SUNDAY, SEPTEMBER 17, 2023 FROM 10:00 A.M. TO 5:00 P.M.

A motion was made by Council Member Burkart, seconded by Council Member Mueller, to approve the issuance of a Festival Celebration Permit to Festivals of Cedarburg, Inc. for Wine & Harvest Festival to be held on Saturday, September 16, 2023 from 10:00 a.m. to 8:30 p.m. and Sunday, September 17, 2023 from 10:00 a.m. to 5:00 p.m. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION FOR ISSUANCE OF A FESTIVAL CELEBRATION PERMIT TO FESTIVALS OF CEDARBURG, INC FOR OKTOBERFEST TO BE HELD SATURDAY, OCTOBER 7, 2023 FROM 11:00 A.M. – 8:00 P.M. AND SUNDAY, OCTOBER 8, 2023 FROM 10:00 A.M. TO 5:00 P.M.

A motion was made by Council Member Verhaalen, seconded by Council Member Simpson, to approve the issuance of a Festival Celebration Permit to Festivals of Cedarburg, Inc. for Oktoberfest to be held on Saturday, October 7, 2023 from 11:00 a.m. – 8:00 p.m. and Sunday, October 8, 2023 from 10:00 a.m. to 5:00 p.m. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION TO CONSIDER THE APPOINTMENT OF HEATHER WENTHOLD AS AGENT FOR CEDARBURG ART MUSEUM AND SOCIETY INC. W63N675 WASHINGTON AVENUE

A motion was made by Council Member Verhaalen, seconded by Council Member Simpson, to approve the appointment of Heather Wenthold as agent for Cedarburg Art Museum and Society Inc., W63N675 Washington Avenue. Motion carried without a negative vote.

DISCUSSION AND REVIEW OF AMCAST PROPERTY

Administrator Hilvo explained the Plan Commission met and discussed the concept plan of the Amcast site. It may be brought to the Common Council at a future meeting. There will be a meeting with the

Environmental Protection Agency (EPA), Drake Consulting, and attorneys representing all parties on March 1, 2023. This meeting will not be open to the public.

DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2023-04 DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING

The City of Cedarburg will undertake an extension of Hanover Avenue through its Tax Incremental District No. 7. The City expects to finance the project on a long-term basis by issuing tax-exempt bonds or other tax-exempt obligations. The Bonds will not be issued prior to commencement of the project, the City must provide interim financing to cover costs of the project incurred prior to receipt of the proceeds of the Bond.

A motion was made by Council Member Arnett, seconded by Council Member Simpson, to approve Resolution No. 2023-04 declaring official intent to reimburse expenditures from proceeds of borrowing. Motion carried without a negative vote.

CONSENT AGENDA:

A motion was made by Council Member Verhaalen, seconded by Council Member Simpson, to approve the following consent agenda items. Motion carried without a negative vote.

- January 9, 2023 Common Council meeting minutes
- New Renewal 2022-2023 Operator Licenses for period ending June 30, 2023 for Nicholle A. McEwen, Jared M. Paul, Catherine J. Radmann, and Cooper J. Zimmerschied
- Payment of bills dated 01/06/2023 through 01/20/2023, transfers for the period 01/01/2023 through 01/27/2023, and payroll for period 12/25/2022 through 01/21/2023

ADMINISTRATOR'S REPORT

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

BUILDING INSPECTION REPORT

The Building Inspection Report was included in the Council packet.

COMMENTS AND SUGGESTIONS FROM CITIZENS – None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Burkart asked the City to monitor the impending mud that might collect on Western Avenue as the new development continues through the spring months. She also requested to discuss the future of the Immanuel Cemetery house at a future meeting.

Council Member Arnett invited the three (3) Council Member candidates for District 2, to begin attending Council meetings to better understand current City business.

MAYOR'S REPORT – None

ADJOURN TO CLOSED SESSION

A motion was made by Council Member Burkart, seconded by Council Member Arnett, to adjourn to closed session at 8:40 p.m. pursuant to State Statute 19.85 (1)(g) to confer with legal counsel for the governmental body with respect to litigation in which it is or is likely to become involved. More specifically discussed was a claim regarding damage to the front porch located at W53 N551 Highland Drive. Also discussed was approval of closed session minutes from the January 9, 2023 Council meeting. Motion carried on a roll call vote with Council Members Bitter, Arnett, Verhaalen, Simpson, Thome, Mueller, and Burkart voting aye.

RECONVENE TO OPEN SESSION

Open Session reconvened at 8:45 p.m.

DISCUSSION AND POSSIBLE ACTION ON CLAIM REGARDING DAMAGE TO THE FRONT PORCH AT W53 N551 HIGHLAND DRIVE

A motion was made by Council Member Arnett, seconded by Council Member Mueller, to deny the claim based on the discussion that took place in closed session.

ADJOURNMENT

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

Tracie Sette
City Clerk