

**CITY OF CEDARBURG  
COMMON COUNCIL  
March 13, 2023**

**CC20230313-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, March 13, 2023 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. A moment of silence was observed and the Pledge of Allegiance was recited.

Roll Call:           Present - Mayor Michael O’Keefe, Council Members Melissa Bitter, Jack Arnett, Kristin Burkart, Rick Verhaalen, Robert Simpson, Patricia Thome, Mark Mueller

Also Present - City Administrator Mikko Hilvo, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, Director of Engineering and Public Works Mike Wieser, Water Recycling Superintendent Dennis Grulkowski, Police Chief Michael McNerney, Captain Ryan Fitting, Fire Chief Jeff Vahsholtz, 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**

Connie Kincaide of Cedarburg invited the Common Council members to attend the third Community Conversation at the Cedarburg Public Library on March 20. The topic will be Women’s Voices and will consist of three panelists. The first two Community Conversations were well attended with over 50 people attending each event. Ms. Kincaide also invited the Common Council to attend the Diversity Committee (Diversity, Equity, and Inclusion Committee) meetings on the first Thursday of each month at 7:00 p.m.

**NEW BUSINESS**

**DISCUSSION AND REVIEW OF ADAPTIVE MANAGEMENT PLAN**

Project Manager Jon Butt of Mead & Hunt explained that the City’s Water Recycling Center is participating in an Adaptive Management Plan in order to comply with current phosphorus regulations. The City is one year into the plan and Mr. Butt provided the following progress report:

- What is the plan?
  - Lower the phosphorus concentration in Cedar Creek
  - Target sources of phosphorus and reduce the amount getting to the creek
  - Targeted sources are farm fields and areas within the City
- What are they doing?
  - Working with six farms

- A total of 180 acres
- Promoting cover crop and no-till farming
- Goal is 1,600 lb./yr. of TP reduction
- This is approximately 30% of the target reduction
- What are the results?
  - River Monitoring
    - Initial TP concentration: 0.109 mg/L
    - First year result
      - Into action area: 0.115 mg/L
      - Out of action area: 0.12 mg/L
  - Consider Mass
    - Initial TP target: 5,300 lb./yr.
    - May need to target: 6,700 lb./yr.
- What do they plan to do?
  - Updating River Monitoring
    - Reduce sampling collection to one time per month
  - Expand Farm Program
    - Continue expanding farm program while continuing to promote cover crop, no-till farming, and other hard practices
  - TP Reduction
    - The 2023 crop year target is 1,600 lb./yr. of TP reduction from Ag sources
  - Urban Demo Projects
    - Developing conceptual designs for urban P source reductions
- Future WRC site plans
  - Crop year 2022 – planted soybean & winter wheat
  - Made improvements to install a primitive grassed waterway
  - Crop year 2023 – remove field from crop production
  - Considering converting to a prairie
  - A combination of annual grasses and flowers to support butterflies, pollinators, and other wildlife

Council Member Arnett asked what percentage of the phosphorous is generated from the plant. Mr. Butt replied that the amount is very little.

Mr. Butt explained to Council Member Bitter that the five year program coincides with the WRC permitting which is every five years and may be extended by three permits. The plant is required to hit an interim of 500# for another five year term.

Mr. Butt explained that 22 communities have elected to use the Adaptive Management Program to benefit delays in making an investment on the existing space.

Mr. Butt explained to Council Member Simpson that Country Aire Road was the best point to begin monitoring the flow of phosphorous running into the plant.

Mayor O’Keefe asked how the City was doing compared to surrounding facilities. Mr. Butt explained that the effluent is beyond great, and our approach is innovative and on the edge of great things.

Council Member Thome asked if more farms could join the plan. Mr. Butt stated that more farms may join, which is expected through word of mouth as other farms benefit.

**UNFINISHED BUSINESS**

**DISCUSSION AND POSSIBLE ACTION ON CLAIM OF EXCESSIVE ASSESSMENT FROM PROPERTY OWNERS LOCATED AT W60 N667 JEFFERSON AVENUE**

City Administrator Hilvo explained that the Board of Review met on June 29, 2022 to review and act upon seven (7) objections filed for assessed property values. The Board of Review's function is not one of valuation, but of deciding if the facts presented, under oath before the Board of Review, are valid. All seven hearings resulted in the Board of Review upholding the current assessment of each property. One such property owner, Kevin and Ashley Spexarth, W60 N667 Jefferson Avenue, Cedarburg, decided to pursue an appeal of the Board of Review's decision with the following assessment:

- 2021 purchase price of home: \$457,000
- 2021 bathroom renovation: \$24,000
- 2022 assessment: \$427,800
- Homeowner believes assessment should be: \$411,270

City Administrator Hilvo added that the property owner was allowed the same procedure as all others and proper procedure was followed; therefore, he recommended denial of the claim.

Council Member Burkart stated that the City has a great assessor, and she approves of this recommendation.

Council Member Arnett stated that he is assessed at 90% and as long as all property owners are treated equally, he agreed with Council Member Burkart.

Motion made by Council Member Burkart, seconded by Council Member Arnett, to deny the claim of excessive assessment from property owners located at W60 N667 Jefferson Avenue. Motion carried without a negative vote.

**NEW BUSINESS – CONTINUED**

**DISCUSSION AND POSSIBLE ACTION ON BIDS RECEIVED FOR THE 2023 STREET AND UTILITY CONSTRUCTION CONTRACT**

Engineering and Public Works Director Wieser explained that staff advertised and received bids for the 2023 Street & Utility construction contract. A total of three bids were received, with the low bid submitted by Dorner Inc. Dorner has successfully completed projects in Cedarburg in the past. Their most recent work in Cedarburg was on the 2022 Street & Utility project. Dorner's bid was for \$1,699,506.10, which is below the Engineer's estimate but just within the City's budget. The next bid was approximately \$108,000 higher.

Motion made by Council Member Verhaalen, seconded by Council Member Thome, to award the 2023 Street and Utility Construction contract to Dorner Inc. in an amount not to exceed \$1,699,506.10. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON AWARD OF CONTRACT FOR THE 2023 SIDEWALK REPLACEMENT PROGRAM**

Engineering and Public Works Director Wieser explained that staff advertised and received bids for the 2023 Sidewalk Replacement program. This contract entails the replacement of sidewalk slabs that have been deemed defective according to the City's Sidewalk Replacement policy. The program focuses on the area bordered by Bridge Road, Evergreen Boulevard, Washington Avenue, and spreads to other areas throughout the City due to resident requests. Four bids were received with the low bid being submitted by Chapman Concrete LLC. Chapman Concrete has not done work for the City in the past. Chapman's bid of \$58,950 was below the Engineer's estimate and is within budget.

Motion made by Council Member Burkart, seconded by Council Member Mueller, to award the 2023 Sidewalk Replacement program contract to Chapman Concrete LLC in an amount not to exceed \$58,950. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON LEASE AGREEMENT WITH VANTAGE FINANCIAL FOR POLICE DEPARTMENT SERVER**

City Administrator Hilvo explained that the Police Department budgeted \$15,000 for a new server in 2023 based on information received in 2022. The lowest cost of the server replacement, after further review of what is required for installation and receiving four different quotes, came to \$25,677. This was provided to us by Ontech (our current IT provider). The upgrade is necessary since the current server is out of date and has the potential of failing. The server stores all of the data from the Police Department which includes body camera footage. To stay within budget and spread out the costs over the life of the server, the Department is requesting to purchase the server through a lease agreement with Vantage Financial. Vantage Financial was chosen based on their previous work with the City on the lease of the grapple saw truck for the Forestry Department.

Motion made by Council Member Burkart, seconded by Council Member Verhaalen, to approve a lease agreement with Vantage Financial for the Police Department server in an amount not to exceed \$5,508 annually. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON INITIAL RESOLUTION NO. 2023-05 AUTHORIZING \$2,725,000 GENERAL OBLIGATION BONDS FOR COMMUNITY DEVELOPMENT PROJECTS IN TAX INCREMENTAL DISTRICT NO. 7**

City Administrator Hilvo explained that the City will be undertaking an extension of Hanover Avenue through its TID #7. At the January 30, 2023 Common Council meeting, the Council approved Resolution No. 2023-04 approving of interim financing for the project until tax-exempt bonds may be issued to finance the project on a long-term basis. Resolution Nos. 2023-05, 2023-06, and 2023-07 provide for the sale of General Obligation Community Development Bonds not to exceed \$2,725,000, to provide long term financing for the Hanover Avenue project.

Senior Municipal Advisor Todd Taves of Ehlers presented the Pre-Sale Report detailing the sale of General Obligation Community Development Bonds for the Hanover Avenue project.

Motion made by Council Member Arnett, seconded by Council Member Burkart, to approve the initial Resolution No. 2023-05 authorizing \$2,725,000 General Obligation bonds for Community Development project in the Tax Incremental District No. 7. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2023-06 PROVIDING FOR THE SALE OF, NOT TO EXCEED, \$2,725,000 GENERAL OBLIGATION COMMUNITY DEVELOPMENT BONDS, SERIES 2023A**

Motion made by Council Member Arnett, seconded by Council Member Thome, to approve Resolution No. 2023-06 providing for the sale of, not to exceed, \$2,725,000 General Obligation Community Development Bonds, Series 2023A. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2023-07 DIRECTING PUBLICATION OF NOTICE TO ELECTORS RELATING TO BOND ISSUE**

Motion made by Council Member Arnett, seconded by Council Member Thome, to approve Resolution No. 2023-07 directing publication of Notice to Electors relating to bond issue. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2023-08 AUTHORIZING THE CITY TO OPEN A CUSTODIAL ACCOUNT WITH PERSHING ADVISOR SOLUTIONS LLC AND ENGAGE EHLERS INVESTMENT PARTNERS AS INVESTMENT ADVISOR**

City Administrator Hilvo explained that the City would like to work with Ehlers Investment Partners LLC to serve as the City's Investment Advisor. The City will transition from US Bank Investments to Ehlers Investment Partners, who will work with the City to manage investments and investment policies that seek to optimize allowable earnings, maintain liquidity, and comply with regulations. Ehlers Investment Partners suggests Pershing Advisors LLC to serve as the City's custodian.

Council Member Arnett is a member of the Finance Committee and was in favor of engaging Ehlers Investment Partners as Investment Advisor.

Motion made by Council Member Arnett, seconded by Council Member Thome, to approve Resolution No. 2023-08 authorizing the City to open a custodial account with Pershing Advisor Solutions LLC and engage Ehlers Investment Partners as Investment Advisor. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON "NO MOW MAY"**

City Administrator Hilvo stated that cities and villages across Wisconsin are adopting "No Mow May" to protect the endangered honeybee and bumblebee population. May is when pollinators emerge from hibernation. By not mowing the grass, bees find clover, dandelions, and other flowering plant to feed from. The City's current ordinance Sec. 8-1-7 does not allow lawns, grasses, and noxious weeds to grow in excess of eight inches. By approving "No Mow May" the City would temporarily allow only residential areas to grow their lawns in excess of eight inches. The public facilities, including parks, will continue to be maintained to normal standards.

Council Member Burkart stated she was in full support of "No Mow May" to aid in pollination.

Motion made by Council Member Burkart, seconded by Council Member Mueller, to approve "No Mow May" in May 2023. Motion carried without a negative vote.

**UPDATE ON AMCAST PROPERTY**

City Administrator Hilvo reported that a productive meeting was held with the DNR and EPA regarding the Amcast property. The EPA is continuing to work on the project plan and a public hearing should be held sometime in May, when the draft is completed. A decision is expected in September. Their priority will be the residential area first, and the office building site second.

**CONSENT AGENDA**

Motion made by Council Member Thome, seconded by Council Member Burkart, to approve the following agenda items:

- February 27, 2023 Common Council minutes
- New 2022-2023 operator licenses for the period ending June 30, 2023 for Sara Valentiuk.
- Payment of bills dated 02/24/23 through 03/07/23, transfers dated 02/25/23 through 03/10/23, and payroll for period 02/19/23 through 03/04/23.

Motion carried without a negative vote.

**CITY ADMINISTRATOR'S REPORT**

City Administrator Hilvo reported that the contract with the current janitorial services provider has been terminated and the City will be looking for a new service.

At City Hall, Robin Van Dinter has accepted the Building Inspection & Public Works Administrative Assistant position and an ad will be placed for an Accounts Payable/Payroll Assistant position in the Treasurer's office.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** - None

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

**MAYOR REPORT-** None

**ADJOURNMENT – CLOSED SESSION**

Motion made by Council Member Burkart, seconded by Council Member Arnett, to adjourn to closed session at 8:10 p.m. pursuant to State Statutes 19.85(e) to deliberate or negotiate the purchase 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 discussion on Paramedic Oversight Agreement with Southern Ozaukee Fire Department and discussion/update on the concept of a new shared services agreement for Fire/EMS services with the Town of Cedarburg. Also pursuant to State Statute 19.85(1)(g) to confer with legal counsel 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, more specifically, Erik Kampa claim against the City of Cedarburg. Approval of closed session minutes from February 27, 2023. Motion carried on a roll call vote with Council Members Bitter, Arnett, Burkart, Verhaalen, Simpson, Thome, and Mueller voting aye.

**RECONVENE TO OPEN SESSION**

Motion made by Council Member Thome, seconded by Council Member Mueller, to reconvene to open session at 9:47 p.m. Motion carried on a roll call vote with Council Members Bitter, Arnett, Burkart, Verhaalen, Simpson, Thome, and Mueller voting aye.

**NEW BUSINESS – CONTINUED**

**DISCUSSION AND POSSIBLE ACTION ON ERIK KAMPA CLAIM AGAINST THE CITY OF CEDARBURG**

Motion made by Council Member Arnett, seconded by Council Member Simpson, to deny claim of Erik Kampa against the City of Cedarburg. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON PARAMEDIC OVERSIGHT AGREEMENT WITH SOUTHERN OZAUKEE FIRE DEPARTMENT**

Motion made by Council Member Arnett, seconded by Council Member Simpson, to approve the Paramedic Oversight Agreement with Southern Ozaukee Fire Department. Motion carried with Council Members Bitter, Arnett, Burkart, Simpson, Thome, and Mueller in favor and Council Member Verhaalen opposed.

Council Member Verhaalen stated that he prefers to see the Town of Cedarburg make a commitment to this agreement, prior to the City's approval.

**DISCUSSION AND POSSIBLE ACTION ON UTILIZING ARPA FUNDS TO FUND THE PARAMEDIC OVERSIGHT PROGRAM**

Motion made by Council Member Arnett, seconded by Council Member Simpson, to utilize ARPA funds to fund the Paramedic Oversight Program along with instructing City Administrator Hilvo to also seek contributions from outside entities for such costs. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON SHARED SERVICES AGREEMENT FOR FIRE/EMS SERVICES WITH THE TOWN OF CEDARBURG**

No discussion or action was taken.

**ADJOURNMENT**

Motion made by Council Member Arnett, seconded by Council Member Burkart, to adjourn the meeting at 9:49 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC  
Deputy City Clerk