

**CITY OF CEDARBURG
COMMON COUNCIL
OCTOBER 9, 2023**

A meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, October 9, 2023, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers, and online utilizing the Zoom app.

Acting Mayor Kristin Burkart 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 Jim Fitzpatrick, Kristin Burkart, Patricia Thome, Robert Simpson, Kevin Curley, Mark Mueller, Melissa Bitter (via Zoom)

Excused - Mayor Michael O'Keefe

Also Present - City Administrator Mikko Hilvo, Attorney Michael Herbrand, City Clerk Tracie Sette, City Planner Jon Censky, Police Chief Michael McNerney, interested citizens and news media.

STATEMENT OF PUBLIC NOTICE

At Acting Mayor Burkart'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.

Acting Mayor Burkart explained that as Acting Mayor, she will retain her right to vote in District 3.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Connie Kincaide-N75W7255 Linden Street: Spoke to bring awareness to the Council on the importance of Indigenous People's Day and how it relates to our community.

PUBLIC HEARING

Acting Mayor Burkart opened the Public Hearing at 7:04 p.m. on a proposed Zoning change adding a Planned Unit Development (PUD) Overlay District to two parcels located on Washington Avenue. One is located at W61 N449 Washington Avenue; tax #130501913001. The other parcel is adjacent to and directly west of that property and is identified by tax #130501911003. These parcels are located directly across from St. Francis Borgia Church.

Mr. Larson is requesting rezoning to apply the PUD Overlay Zoning District to the property located at W61N449 Washington Avenue and the vacant, land locked parcel directly behind. He also intends to combine these two parcels. For the past several months, Mr. Larson has been working with the City Fire Department, Engineering Department and Planning Commission to address their concerns and ultimately appeared before the Plan Commission to gain their support for his plans to develop this condominium project. Originally this project consisted of two 4-unit structures but was reduced to a 3-unit and a 4-unit structure as required by the Plan Commission to comply with the density requirement of the Rm-1 District limits.

At this meeting, Mr. Larson is requesting approval to apply the PUD Overlay Zoning District across both parcels to tie this project together as one unified development. The two existing lots will retain their current base district zoning with the back lot zoned Rm-1 Multiple Family District and the front lot zoned Rs-5 Single Family District. The density calculation is specific to the separate zoned areas and is based on the maximum density of 10.9 units/acre allowed in the Rm-1 District. The project will then be processed as a condominium, and through the approval of the condo documents, the nonconforming back lot becomes conforming as the project will now have frontage on a public street.

To address the safety concerns identified by the Engineering Department regarding access from Washington Avenue, the applicant has designed the entryway to be extra wide at the drive's intersection with Washington Avenue to provide a better turning radius for those entering the site from the south bound lane.

- **Code Requirement:** Section 13-1-51(g) Setback and yards. There shall be a minimum setback of twenty-five (25) feet from the right-of-way of all streets. There shall be a side yard requirement on each side of a principle building of not less than 20'. There shall be a rear yard of not less than 25'.
Departure – The plan proposes a rear yard and a side yard setback of 12'.
- **Code Requirement:** Section 13-1-82(b) Access. Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for one- and two-family dwellings and a minimum of twenty-four feet wide for all other areas.
Departure – the plan proposes a driveway width of 18' to 20'.

This matter has been approved by the Plan Commission and recommended to be brought to the Common Council.

There were no comments from the public.

The next step in the process is for the architectural plans, landscape plans and condo documents to be approved by the Plan Commission.

There are concerns from the neighboring apartment complex to the south regarding the proximity of impending balconies on the new development.

A motion was made by Council Member Thome, seconded by Council Member Mueller, to close the public hearing at 7:16 p.m. Motion carried without a negative vote.

NEW BUSINESS

**DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF ORDINANCE NO. 2023-20
ADDING A PUD OVERLAY TO TAX #130501913001 AND #130501911003**

A motion was made by Council Member Thome, seconded by Council Member Simpson, to approve Ordinance No. 2023-20 subject to the Staff comments. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON REVIEW OF 2024 PROPOSED CITY BUDGET

Administrator Hilvo provided a brief overview of the 2024 Budget:

- Average home values increased from \$392,000 to \$406,000.
- The City's Levy limit allows for an increase of \$366,000.
- In 2024, the City will be developing fund balances in the General Fund, Debt Service Fund, Capital Improvement fund for various projects.
- The budget includes a separate levy for Fire and EMS Services, the Library, and the Community Pool.
- Due to the increases projected including the debt levy, The overall 2024 budget will be increasing by \$342,679 over the 2023 budget.
- The budget requires further review and finalization. The City is awaiting final numbers from the State.
- The main focus continues to be the City streets and storm water management.
- The Special Revenue Fund for the Library will be increasing by \$23,300.
- The Pool levy will remain the same as 2023.
- The new Special Revenue Fund for Fire/EMS will be increased by approximately \$73,772 to assist with the paid-on-call staff.
- Overall debt service will increase by \$69,000.
- Expenditure Restraint for 2024 is expected to drop to approximately \$100,000.

The surcharge for the City's second year of State health insurance is \$216,170. The City will be utilizing funds from the General Fund balance to pay for the surcharge. Employees will continue to be responsible for 12% of the insurance premiums. Health insurance will be increasing by 14%.

No formal action was taken by the Common Council.

**DISCUSSION AND POSSIBLE ACTION ON THE TRANSFER OF CITY OF CEDARBURG
DISPATCH CENTER TO THE OZAUKEE COUNTY SHERIFF'S OFFICE EFFECTIVE
JANUARY 1, 2024**

Police Chief McNerney presented a plan for the future of the City of Cedarburg Dispatch Center. The City's Dispatch Center is the last remaining municipal dispatch center in Ozaukee County. The Cedarburg Dispatch Center currently has two employees pending retirement in 2024. The 911 system requires an upgrade that will cost the City between \$60,000 - \$75,000 along with yearly maintenance costs of \$35,200. With the impending costs to keep the Dispatch Center operational, and the difficulty of

hiring additional qualified Dispatchers, the Police Chief is recommending transferring the entire Dispatch Center to Ozaukee County effective January 1, 2024.

A motion was made by Council Member Fitzpatrick, seconded by Council Member Mueller, to transfer dispatch services to the Ozaukee County Sheriff's Office effective January 1, 2024. Motion carried with Council Members Fitzpatrick, Thome, Curley, Mueller, Bitter and Burkart voting in favor, and Council Member Simpson voting nay.

DISCUSSION AND POSSIBLE ACTION ON APPROVING ORDINANCE NO. 2023-22 TO REMOVE CLERK DEPARTMENT FEES FROM CURRENT CITY CODE AND ADD THEM TO THE NEW FEE SCHEDULE

A motion was made by Council Member Fitzpatrick, seconded by Council Member Thome, to approve Ordinance No. 2023-22. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON APPROVING ORDINANCE NOS. 2023-13, 2023-19, AND 2023-21 TO REMOVE BUILDING CODE FEES FROM THE CURRENT CITY CODE AND ADD THEM TO THE NEW FEE SCHEDULE

A motion was made by Council Member Curley, seconded by Council Member Thome, to approve the amended version of Ordinance No. 2023-13, Ordinance No. 2023-19, and Ordinance No. 2023-21. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2023-17 APPROVING THE NEW FEE SCHEDULE

A motion was made by Council Member Thome, seconded by Council Member Mueller, to approve Resolution No. 2023-17. Motion carried without a negative vote.

CONSENT AGENDA:

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

- September 25, 2023 Common Council meeting minutes
- New 2023-2024 Operator Licenses for period ending June 30, 2024 for Sarah O. Bloomquist, Susan Brill, Mary K. Creten, Sydney K. Gaskell, MaryLee Katzka, Kevin M. Pelkey, Katharine A. Shortreed
- Payment of bills dated 09/16/2023 through 09/29/2023, transfers for the period 09/21/2023 through 10/06/2023, and payroll for period 09/17/2023 through 09/30/2023

ADMINISTRATOR'S REPORT

Administrator Hilvo explained the City continues to stay on top of the Amcast site and will be scheduling meetings in the near future including a meeting with the DNR.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Curley invited the Council to attend the Community Conversations event sponsored by the Diversity Committee. It will be held at the Library on October 16, 2023, at 6:30 p.m.

MAYOR'S REPORT - None

ADJOURNMENT

A motion was made by Council Member Mueller, seconded by Council Member Curley, to adjourn the meeting at 8:32 p.m. Motion carried without a negative vote.

Tracie Sette
City Clerk