

**CITY OF CEDARBURG
COMMON COUNCIL
JANUARY 29, 2024**

A meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, January 29, 2024, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers, and online utilizing the Zoom app.

Mayor Michael O’Keefe called the meeting to order at 7:03 p.m. A moment of silence was observed, and the Pledge of Allegiance was recited.

Roll Call: Present - Mayor Michael O’Keefe, Council Members Jim Fitzpatrick, Kristin Burkart, Patricia Thome, Robert Simpson (arrived 7:21 p.m.), Kevin Curley, Mark Mueller, Melissa Bitter

Also Present - City Administrator Mikko Hilvo, Attorney Michael Herbrand, City Clerk Tracie Sette, Engineering and Public Works Director Michael Wieser, Water Recycling Center Superintendent Dennis Grulkowski, City Forester Kevin Westphal, Light & Water General Manager Ben Collins, 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.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Andrew Whaley, W62N628 Washington Avenue – expressed concerns with open intoxicants in the downtown area during Festive Fridays.

Gordon Goggin, Stilt House – expressed concerns with the open firepit at the Topsy Elf and open intoxicants allowed to leave various premises during Festive Fridays.

NEW BUSINESS

DISCUSSION AND POSSIBLE ACTION ON A BIKE RACE WITHIN THE DOWNTOWN BUSINESS DISTRICT TO BE HELD ON JUNE 18, 2024

A presentation was made to the Council by Todd Bugnacki and William Koch regarding a potential bike race to be held in the City of Cedarburg on June 18, 2024. A discussion ensued about number of volunteers needed, City fees, minimizing the effect on local businesses that day, access to local resident

homes/apartment buildings, potential strain on City resources, and the timing of the event as it relates to Strawberry Festival.

Mr. Bugnacki explained there were two (2) listening sessions that took place at the Library. Overall, there were approximately 20 participants who expressed positive vibes about the race.

A motion was made by Council Member Burkart, seconded by Council Member Curley, to deny the bike race in the downtown Business District for June 18, 2024. Motion failed with Council Members Burkart, Curley, and Thome voting in favor of the denial, and Council Members Bitter, Fitzpatrick, Simpson, and Mueller voting against.

A motion was made by Council Member Fitzpatrick, seconded by Council Member Mueller, to approve the bike race in the downtown Business District to be held on June 18, 2024, subject to City costs paid for by organizers/sponsors. Motion carried on a roll call vote with Council Members Bitter, Fitzpatrick, Simpson, and Mueller voting in favor, and Council Members Burkart, Curley, and Thome voting against.

DISCUSSION AND POSSIBLE ACTION ON PARKS & FORESTRY POLICIES PR-2 STREET TREE PLANTING AND PR-6 TREE PROTECTION DURING CONSTRUCTION

The Street Tree Planting Policy (PR-2) was originally adopted in 1997. It provides detailed guidelines for the City of Cedarburg Street tree planting program. These guidelines are designed for the initial planting, replacement planting, and future development of residential and industrial areas within the City. Updates to this Policy include changes to planting in new subdivisions, introduction of species diversity goals, and specifications for tree spacing from utilities and hardscape.

The Protection of Public Trees During Construction Policy (PR-6) was originally adopted in 2006. It was initially created to create guidelines for pruning of public trees before, during and after construction projects within the public right-of-way and other public areas. Over the last 17 years several problems have presented themselves regarding construction and repair of underground utilities near public trees, resulting in the loss or destruction of trees and loss of tree canopy. Quite often, Forestry staff are called to inspect a tree after it has already been damaged or destroyed by construction activities. This policy update is intended to require public and private utility engineers/designers to account for public trees on all submitted Site Plans prior to permit approval which would allow Forestry staff to help prevent tree damage and loss.

A motion was made by Council Member Burkart, seconded by Council Member Simpson, to approve Policy PR-2 Street Tree Planting and Policy PR-6 Tree Protection During Construction. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON REPLACEMENT OF CITY CODE SECTION 9-1-32 WITH ORDINANCE NO. 2024-01 LEAD SERVICE LINE REPLACEMENT

Federal and State [funding opportunities and processes for Lead Water Service Lateral replacements](#) have changed for 2024, and if utilized will require the re-development and implementation of a replacement program. Due to these changes and the requirements of the regulating authorities, the City and Water

Utility will each need to have their own programs for the replacement of private (City) and public-side (Utility) lead laterals. To date, the Utility has filed the appropriate documentation to qualify the City and Utility for Low interest loans (0.25%) from the [Safe Drinking Water Loan Program \(SDWLP\)](#). Unfortunately, the City and Utility do not qualify for principal forgiveness as this portion of the funding is allocated based on financial need.

The Utility has consulted with Boardman Clark and Baker Tilly to understand these new requirements and designed a sustainable program that could persist without changes for the duration necessary to replace all lead in the public water system over the next 10-14 years.

**DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF ORDINANCE NO. 2024-02
PRIVATE LEAD SERVICE LINE REPLACEMENT FINANCING**

A motion was made by Council Member Thome, seconded by Council Member Burkart, to approve the replacement of City Code Section 9-1-32 with Ordinance No. 2024-01 Lead Service Line Replacement and to approve Ordinance No. 2024-02 Private Lead Service Line Replacement Financing. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2024-03 “RESOLUTION
AUTHORIZING A REFERENDUM FOR THE CITY OF CEDARBURG TO ALLOW THE
CITY TO EXCEED THE STATE IMPOSED LEVY LIMIT FOR HIRING AND RETAINING
ADDITIONAL FIRE DEPARTMENT PERSONNEL BEGINNING WITH THE 2024 LEVY,
COLLECTED IN 2025, AND ON AN ONGOING BASIS**

Resolution 2024-1 was approved at the January 8, 2024 Council Meeting. Prior to that meeting, the DOR approved the referendum language as was presented to the Common Council. Since then, the DOR changed their response and requested the City remove the language in the question that pertains to the City and Town agreement. Per their request, the City made the change, which was approved by the DOR, and sent it to the County to be placed on the ballot. The Council should officially approve the revised referendum question and resolution.

A motion was made by Council Member Thome, seconded by Council Member Curley, to approve Resolution No. 2024-03 authorizing a referendum for the City of Cedarburg to allow the City to exceed the state imposed levy limit for hiring and retaining additional Fire Department personnel beginning with the 2024 levy collected in 2025, and on an ongoing basis. Motion carried without a negative vote.

**DISCUSSION AND POSSIBLE ACTION ON CHANGE TO CITY PLANNER POSITION
TITLE/JOB RESPONSIBILITIES**

The current City Planner is retiring in June of 2024. During the budget process, the Common Council approved hiring a full-time City Planner to replace him. After reviewing the job responsibilities and determining the future needs of the City, staff recommends that economic development be added to the job responsibilities of the new Planner. The recommendation is to change the job title from City Planner to City Planner/Economic Development Director. This position would be 60% planning/zoning, 40% economic development, and 10% grant writing. This could change as the future needs and growth in the City changes. In addition to the current job responsibilities, the new Planner would attend Economic

Development Board meetings and Tourism, Promotion, and Development Committee meetings along with the City Administrator. In addition, they would work closely together along with the Chamber of Commerce regarding the City's economic development. This position would also be involved in finding, writing, and administering potential grants for the City.

A discussion ensued regarding Planner responsibilities and the ability of the future Planner to be objective with Economic Development issues. Council Member Burkart expressed concerns about the new job title and would like to bring the topic to the Personnel Committee for further discussion.

A motion was made by Council Member Fitzpatrick, seconded by Council Member Mueller, to approve the revised job description for the City Planner position. Motion carried 6-1 with Council Member Burkart voting against.

DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF RESERVE LIQUOR LICENSE FOR PJ PIPERS LLC, W61N514 WASHINGTON AVENUE, CEDARBURG, WI, JUDITH FERGADAKIS, AGENT, PREMISES TO BE LICENSED: W61N514 WASHINGTON AVENUE, KNOWN AS PJ PIPER PANCAKE HOUSE

A motion was made by Council Member Burkart, seconded by Council Member Thome, to approve the Reserve Liquor License for PJ Pipers Pancake House, W61N514 Washington Avenue, Cedarburg, with Agent Judith Fergadakis. 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 17, 2024 FROM 10:00 A.M. TO 9:30 P.M. AND ON SUNDAY, FEBRUARY 18, 2024 FROM 8:30 A.M. TO 6:00 P.M.

A motion was made by Council Member Burkart, seconded by Council Member Curley, to approve the issuance of a Festival Celebration Permit to Festivals of Cedarburg for Winter Festival to be held Saturday, February 17, 2024 from 10:00 a.m. to 9:30 p.m. and on Sunday, February 18, 2024 from 8:30 a.m. to 6:00 p.m. Motion carried without a negative vote.

DISCUSSION ON POSSIBLE CHANGE TO CITY CODE SEC. 7-2-24 ISSUANCE OR DENIAL OF OPERATOR'S LICENSE

Wisconsin State Statutes allow Operator's Licenses to be issued by a designated municipal official (i.e. City Clerk). City staff is proposing to change City Code Section 7-2-24 to allow the City Clerk to issue Operator's Licenses upon approval of the Police Chief. Operator License denials, revocations, and non-renewals would continue to fall under Common Council approval. A discussion ensued and the Council was favorable on a change to the current ordinance at a future meeting.

CONSENT AGENDA:

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

- January 8, 2024 Common Council meeting minutes
- New 2023-2024 Operator Licenses for period ending June 30, 2024 for Martin Fenton II, Richard T. Konkol, and Richard A. Kastenmeier
- Payment of bills dated 12/30/2023 through 01/19/2024

ADMINISTRATOR'S REPORT - None

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Curley commented that the MLK Celebration was a successful event and well attended.

MAYOR'S REPORT - None

ADJOURN TO CLOSED SESSION

A motion was made by Council Member Mueller, seconded by Council Member Simpson, to adjourn to closed session at 9:51 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 discussed was a possible Amendment to the Developers Agreement for the Amcast site. Motion carried on a roll call vote with Council Members Bitter, Fitzpatrick, Burkart, Curley, Simpson, Thome, and Mueller voting aye.

RECONVENE TO OPEN SESSION

The meeting was reconvened to open session at 11:08 p.m.

DISCUSSION AND POSSIBLE ACTION ON AMENDMENT TO THE DEVELOPER'S AGREEMENT FOR THE AMCAST SITE

No action was taken by the Council.

ADJOURNMENT

A motion was made by Council Member Burkart, seconded by Council Member Thome, to adjourn the meeting at 11:09 p.m. Motion carried without a negative vote.

Tracie Sette
City Clerk