

**CITY OF CEDARBURG
COMMON COUNCIL
PUBLIC WORKS AND SEWERAGE COMMISSION
April 29, 2019**

**CC20190429-1
UNAPPROVED**

A regular and organizational meeting of the Common Council of the City of Cedarburg, Wisconsin, and a special meeting of the Public Works and Sewerage Commission was held on Monday, April 29, 2019, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor O’Keefe called the meeting to order at 7:00 p.m.

Roll Call: Present - Mayor Michael O’Keefe, Council Members Jack Arnett, Kristin Burkart, Rick Verhaalen, Patricia Thome, Garan Chivinski and Rod Galbraith

Public Works and Sewerage Commission Members Sandy Beck, Bill Oakes, Gary Graham, Bob Dries, Ryan Hammetter, and Mayor O’Keefe

Excused - Public Works and Sewerage Commission Members Judy Guse and Charles Schumacher

Also Present - City Administrator/Treasurer Christy Mertes, City Clerk Constance McHugh, Parks, Recreation and Forestry Director Mikko Hilvo, Water Recycling Center Superintendent Eric Hackert, Library Director Linda Pierschalla, Water Recycling Center Operators Dennis Grulkowski and Mike Kelley, Library Board President Sue Karlman, City Attorney Michael Herbrand, 1st Aldermanic District applicants Richard Bauzenberger, Sherry Bublitz, Sara Dunstone, and Brett Krzykowski; interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor O’Keefe’s request, City Clerk McHugh 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.

APPROVAL OF MINUTES

Motion made by Council Member Thome, seconded by Council Member Burkart, to approve the minutes of the April 8, 2019 meeting as presented. Motion carried with Aldermanic District 1 vacant.

OATHS OF OFFICE

City Clerk McHugh administered the oath of office to recently re-elected Council Members Arnett (2nd District), Verhaalen (4th District), and Thome (6th District).

ELECTION OF COMMON COUNCIL PRESIDENT

Council Member Arnett nominated Council Member Thome as Council President. The nomination was seconded by Council Member Burkart.

With Council Members Arnett, Burkart, Verhaalen, Chivinski, Thome and Galbraith voting for Council Member Thome and Aldermanic District 1 vacant, Council Member Thome was elected as Council President.

ELECTION OF COMMON COUNCIL REPRESENTATIVE TO PLAN COMMISSION

Council Member Burkart nominated Council Member Thome as Council Representative to the Plan Commission. The nomination was seconded by Council Member Arnett.

With Council Members Arnett, Burkart, Verhaalen, Chivinski, Thome, and Galbraith voting for Council Member Thome and Aldermanic District 1 vacant, Council Member Thome was elected as the Common Council Representative to the Plan Commission.

CONSIDER RESOLUTION NO. 2019-05 TO AMEND THE COMPREHENSIVE LAND USE PLAN-2025 FOR A 5.52 ACRE PARCEL OF LAND LOCATED SOUTH OF W68 N158 EVERGREEN BLVD. FROM THE INDUSTRIAL AND MANUFACTURING CLASSIFICATION TO THE HIGH-MEDIUM DENSITY RESIDENTIAL CLASSIFICATION AND CONSIDER ORDINANCE NO. 2019-08 TO REZONE THE ABOVE PROPERTY FROM M-3 BUSINESS PARK DISTRICT TO RD-1 (PUD) TWO-FAMILY RESIDENTIAL DISTRICT/PLANNED UNIT DEVELOPMENT

Mayor O’Keefe opened the public hearing regarding the proposed Land Use Plan amendment and rezoning pertaining to the 5.52 acre parcel of land located south of W68 N158 Evergreen Blvd. at 7:07 p.m.

Planner Censky said that after months of meetings with the Plan Commission and a meeting with the Community Development Authority, Greg James has received a recommendation from the Plan Commission to amend the Comprehensive Land Use Plan from the Industrial and Manufacturing classification to the High-Medium classification for the vacant 5.52 acre parcel located south of W68 N158 Evergreen Blvd. The Plan Commission also recommended rezoning the site from M-3 Business Park District to Rd-1 (PUD) Two-Family Residential District and Planned Unit Development District for a two-family condominium project consisting of 13 structures, 26 units, located along a single private cul-de-sac that stretches from Evergreen Blvd. to a dead end at the Interurban Trail. The project will be restricted to seniors 55 years and older and building will be designed with this in mind.

According to the PUD Ordinance, the Plan Commission and the Common Council must acknowledge and recognize that through this zoning change they are approving the departures, listed below, from the standards of development as set forth in the City’s Zoning Code, land division ordinance and other City regulations. Staff’s review of these plans indicates the following departures from the standards:

1. GENERAL STREET DESIGN STANDARDS
Code Requirement – SEC 14-1-70(p) Cul-de-sacs
Cul-de-sacs shall not exceed seven hundred fifty (750) feet in length.
Departure – **Proposed cul-de-sac length = 1,020 feet.**
2. RD-1 TWO-FAMILY RESIDENTIAL DISTRICT
Code Requirement – SEC 13-1-50(g) Setback and Yards
There shall be a minimum building front yard setback of twenty-five (25) feet from the right-of-way of all streets and a rear yard setback of 25.
Departure – **The proposed front yard, which is to be measured from the edge of street pavement, ranges from 14' to 20' back to the buildings.**
Departure – **The proposed rear yard for Building 14 is 11'.**
3. TECHNICAL REQUIREMENTS FOR CERTIFIED SURVEY MAP, CONDOMINIUM AND LAND DIVISION; REVIEW AND APPROVAL
Code Requirement – SEC 14-1-42(e) Street Dedication
Dedication of streets and other public areas shall require, in addition, the owner's certification and the mortgagee's certificate in substantially the same form as required by Section 236.21 (2)(a) of the Wisconsin Statutes.
Departure – **The proposed cul-de-sac will be private and therefore there will be no dedication.**

The Community Development Authority reviewed this proposal on 2/21/2018 and recommended approval. After many months of review and deliberation, the Plan Commission recommended approval by unanimous vote at their March 4, 2019 meeting subject to the following:

1. While the applicant proposes a 1,020-foot-long private cul-de-sac which exceeds the maximum length of 750 feet allowed by Code, the Police Chief prefers the cul-de-sac as proposed for crime prevention.
2. The applicant will be required to pay all impact fees at the time of building permit acquisition.
3. For informational purposes, there is an existing siren located at the east end of this property.
4. As part of his future plan submittal, the applicant will be required to submit sanitary sewer, water main, storm sewer, site grading, storm water management and lighting plans.
5. The sanitary sewer and water main will be dedicated to the public and all other utilities and the streets will be private.
6. Each unit shall have its own sanitary sewer and water laterals. A common storm lateral for sump pump discharge will be allowed.
7. The applicant shall provide private street lighting consisting of LED coach lights (40 watt) on 12-foot poles spaced every other lot. Use 1½" cable in duct or 2" conduit (No direct buried cable).
8. All water distribution construction shall comply with Cedarburg Light and Water specifications.
9. Single water service from the main shall be split at property line with individual lines going into each unit.
10. Water service curb stops shall be installed in the grass area only as they will not be allowed in the driveways.

11. Recommend a crowned road cross section with 24-foot asphalt pavement and 30-inch concrete curb and gutter.
12. City standard for private road is 5-inch asphalt on 9-inch crushed stone base.
13. The 5-foot wide path at the east end of cul-de-sac shall be constructed to connect with the Interurban Trail path.
14. A 24-foot gravel emergency drive, blocked by bollards, shall extend from the end of the cul-de-sac to Pioneer Road.

Council Member Thome reminded the Council this project will be constructed on a private street.

Council Member Arnett said he supports these requests because the project will add to the tax base and it is good for the City.

There being no public comment, Council Member Thome made a motion to close the public hearing at 7:14 p.m. Motion carried with Aldermanic District 1 vacant.

Motion made by Council Member Thome, seconded by Council Member Arnett, to adopt Resolution No. 2019-05 to amend the Comprehensive Land Use Plan – 2025 for a 5.52 acre parcel of land located south of W68 N158 Evergreen Blvd. from the Industrial and Manufacturing classification to the High-Medium Density Residential classification and to adopt Ordinance No. 2019-08 to rezone the above property from M-3 Business Park District to RD-1 (PUD) Two-Family Residential District/Planned Unit Development, subject to the above conditions. Motion carried with Aldermanic District 1 vacant.

**CONSIDER APPLICATIONS/CONDUCT INTERVIEWS/CONSIDER APPOINTMENT TO
FILL THE 1ST DISTRICT ALDERPERSON VACANCY**

Individuals applying for the 1st District Aldermanic vacancy are Brett Krzykowski, N99W5820 Oxford Drive, Richard Bauzenberger, W56 N1176 James Circle, Sara Dunstone, N103 W6121 Susan Lane, and Sherry Bublitz, N104 W5850 Henry Court. After introductions, the candidates were interviewed by the Council and provided answers to questions submitted to them in advance of the meeting.

Mayor O’Keefe thanked the candidates for applying for the position. He said the constituents of District 1 would be proud to have any of the candidates represent them. He reminded the candidates that there are plenty of opportunities to serve on boards, committees, and commissions and that the election for this position is next April.

City Clerk McHugh said according to Policy CC-20A on filling aldermanic vacancies, each Council Member votes for one candidate. The individual receiving the least number of votes on the first ballot will no longer be considered a candidate and additional balloting continues using the same process until only one candidate receives a majority of the votes cast. A candidate must receive a majority of votes from the Council, but not less than three, to be elected. In the case of a tie vote for the final two candidates for an aldermanic position, the Mayor will break the tie. Council voting is done by paper ballot and voting results are announced. Ballots must contain the name of the person voting, as well as the name of the person voted for, so that the vote of each member can be ascertainable.

The first round of voting resulted in Council Members Arnett voting for Mr. Krzykowski, Council Member Verhaalen voting for Mr. Bauzenberger, and Council Members Burkart, Chivinski, Thome and Galbraith voting for Ms. Bublitz. Ms. Dunstone was eliminated.

The second round of voting resulted in Council Member Verhaalen voting for Mr. Bauzenberger, and Council Members Arnett, Burkart, Chivinski, Thome and Galbraith voting for Ms. Bublitz.

Motion made by Council Member Arnett, seconded by Council Member Thome, to appoint Sherry Bublitz as 1st District Alderperson. Motion carried.

OATH OF OFFICE: COUNCIL MEMBER 1st ALDERMANIC DISTRICT

City Clerk McHugh administered the oath of office to Council Member Bublitz and the new Council Member was seated.

CONSIDER BIDS RECEIVED FOR THE HIGHLAND DRIVE LIFT STATION

Superintendent Hackert said staff advertised and received bids for the replacement of the Highland Drive lift station. A total of three bids were received, and the low bid was submitted by Staab Construction in the amount of \$1,687,000.

Motion made by Mr. Oakes, seconded by Mr. Graham, to recommend the Council award the Highland Drive lift station construction contract to Staab Construction in the amount of \$1,687,000. Motion carried with Commissioners Oakes, Graham, Beck, Dries, Hammetter, and O'Keefe voting aye, Commissioners Guse and Schumacher excused, and the Council representative position vacant.

Motion made by Council Member Arnett, seconded by Council Member Burkart, to award the Highland Drive lift station construction contract to Staab Construction in the amount of \$1,687,000, subject to DNR final plan approval. Motion carried unanimously.

Motion made by Commissioner Oakes, seconded by Commissioner Graham, to adjourn the Public Works and Sewerage Commission meeting at 8:31 p.m. Motion carried with Commissioners Guse and Schumacher excused and the Council representative position vacant. The Commission was excused at this time.

UPDATE ON TID NO. 3 AND CONSIDER PROPOSED AMENDMENT TO AGREEMENT

Attorney Herbrand reminded the Council that TID No. 3 is a small TID consisting of two parcels located at the south end of downtown on Mill Street between Washington Avenue and Mill Street. The TID was approved in late 2014 with the intention of a full build out within five years with a minimum increment of \$950,000. The developer is seeking a one year extension to complete construction. He suggested if the Council is in agreement with the extension, this matter be postponed until the May 13 Council meeting to provide time for staff to draft an amendment to the Developer's Agreement.

Greg Zimmerschied, developer of TID No. 3, provided an update on the TID.

- The Developer's Agreement calls for a minimum increment of \$950,000 to be created by December 31, 2019. This involves the development of two buildings on the Mill Street parcel.
- The Developer is to receive a cash grant equal to 25% of the increment provided.
- No City expenditures are expected, with exception of administrative costs associated with the creation of the TID and audit costs.
- The City will be reimbursed if the TID is not successful.

In terms of progress:

- The Developer received the support of the Common Council in terms of the creation of the TID.
- Approval from the Landmarks Commission and Plan Commission has been received for the site plans for the buildings.
- State-approved plans have been received for buildings B and C.
- A bid has been received for construction of building B and request for bids went out last week for building C.

Mr. Zimmerschied said he is requesting an extension for TID No. 3 from December 2019 to December 2020. The reasons are: no executed leases, construction costs (Foxconn impact and increased building code complexity), and the Cedarburg market.

Council Member Arnett said Mr. Zimmerschied is making progress. He would be in favor of an amendment to the agreement.

Council Member Thome said Mr. Zimmerschied has shown a high quality commitment to the downtown. She said there is no risk to the City here. The risk is to continue to have the lot remain undeveloped.

Mayor O'Keefe said he voted in favor of the TID in 2014 and said he thinks the extension is a good idea now. He said Mr. Zimmerschied has made improvements in other areas of the downtown and gets things done. He said a one year extension is reasonable.

Council Member Verhaalen said he would like to postpone this matter and perhaps discuss it in closed session as it involves negotiations.

Attorney Herbrand suggested the Council postpone this matter until the May 13 Council meeting to give staff the opportunity to come back with a proposed amendment to the Developer's Agreement that could be acted on.

It was the consensus of the Council that it generally supports a one year extension to the TID.

Motion made by Council Member Thome, seconded by Council Member Galbraith, to postpone this matter until the May 13 Council meeting at which time staff will prepare an amendment to the Developer's Agreement for consideration. Motion carried unanimously.

CONSIDER ORDINANCE NO. 2019-09 AMENDING SEC. 10-4 OF THE MUNICIPAL CODE PERTAINING TO ALL-TERRAIN VEHICLES, UTILITY TERRAIN VEHICLES AND OFF-ROAD MOTOR VEHICLE OPERATION

Motion made by Council Member Arnett, seconded by Council Member Burkart, to adopt Ordinance. No. 2019-09 amending Sec. 10-4 of the Municipal Code pertaining to all-terrain vehicles, utility terrain vehicles and off-road motor vehicle operation. Motion carried unanimously.

CONSIDER RESOLUTION NO. 2019-06 DESIGNATING AND AUTHORIZING SIGNATURES FOR THE CITY OF CEDARBURG CHECKING AND SAVINGS ACCOUNTS FOR THE ENSUING YEAR

Motion made by Council Member Verhaalen, seconded by Council Member Thome, to adopt Resolution No. 2019-06 designating and authorizing signatures for the City of Cedarburg check and savings accounts for the ensuing year. Motion carried unanimously.

DESIGNATION OF CITY'S OFFICIAL NEWSPAPER FOR ENSUING YEAR

Motion made by Council Member Burkart, seconded by Council Member Galbraith, to designate the *News Graphic* as the official newspaper for the ensuing year. Motion carried unanimously.

CONSIDER MAYOR O'KEEFE'S APPOINTMENTS TO VARIOUS BOARDS, COMMITTEES, AND COMMISSIONS

Motion made by Council Member Thome, seconded by Council Member Verhaalen, to approve Mayor O'Keefe's appointments to various Boards, Committees and Commissions as follows:

Board of Appeals- 3 year term

Tom Mesalk	(04/30/22)	
Megan Torres	(04/30/20)	First alternate
*TBD	(04/30/22)	Second alternate
Jay Stutz, Chair		

Board of Review – 5 year term

Bob Carroll	(04/30/24)
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Community Development Authority – 4 year term

Joe Kassander	(09/02/23)
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Landmarks Commission – 3 year term, Alt. 1 year term

Tomi Fay Forbes	(04/30/22)
Jim Pape	(04/30/22)
Robert Ross	(04/30/22)
Doug Yip, Alternate	(04/30/20)

Library Board - 3 year term

Sue Karlman	(04/30/22)
Meghan Wielebski	(04/30/22)
*TBD	(04/30/22)

Light and Water Commission – 3 year term

Tim Larson	(09/30/22)
David Pagel	(09/30/22)

Parks, Recreation and Forestry Board – 2 year term

Brian Clement	(04/30/21)
Dave Polacek	(04/30/21)
Paul Rushing	(04/30/21)
James Schara	(04/30/21)

Plan Commission – 3 year term

Kip Kinzel	(04/30/22)
Mark Burgoyne	(04/30/22)

Public Art Commission – 2 year term

Blaine Gibson	(04/30/21)
Judith Kervin	(04/30/21)
Melissa Wraalstad	(04/30/21)
Deb Mortl	(04/30/21)
Kerry Tharp	(04/20/21)

Public Works and Sewerage Commission – 2 year term

Sandy Beck	(04/30/21)
Robert Dries	(04/30/21)
Gary Graham	(04/30/21)

Motion carried unanimously.

*To be determined. Openings on the Library Board and the Board of Appeals (alt) remain.

REVIEW OF THE 2018 ANNUAL REPORT

City Administrator/Treasurer Mertes provided the following highlights from the 2018 annual report:

- There is a \$391,164 increase in the General Fund fund balance;
- The Swimming Pool Fund ended with a \$7,281 fund balance;
- The Library Fund had an increase of \$27,637 in fund balance. \$11,000 is from a grant from the Greater Milwaukee Foundation.
- The Capital Improvement Fund had an \$111,867 increase in the fund balance due to Library impact fees.
- The Water Recycling Center had an increase of \$642,952 in the fund balance due to capital contributions from new construction.
- Salaries and benefits were \$195,000 under budget.
- Investment earnings increased due to higher yields.
- Revenues in the Internal Services Fund are over budget mainly due to an increase in the worker's compensation dividend. Claims paid out increased due to vehicle accidents. There is a \$20,000 increase in the fund balance for this Fund.
- Fund balance in the Debt Service Fund remained the same at \$43,212.
- The report includes activity for TID Nos. 3, 4 and 5.

CONSIDER THE APPOINTMENT OF SAMANTHA LANDRE AS AGENT FOR THE CEDARBURG ART MUSEUM AND SOCIETY, INC.

Motion made by Council Member Burkart, seconded by Council Member Arnett, to approve the appointment of Samantha Landre as agent for The Cedarburg Art Museum and Society, Inc. Motion carried unanimously.

CONSIDER BIDS RECEIVED FOR THE FIRE DEPARTMENT ROOF REPLACEMENT

City Administrator/Treasurer Mertes said staff received four bids for the Fire Department roof replacement. The low bid was from JT Rams in the amount of \$61,045.

Council Member Arnett said that according to the Fire Protection/Emergency Medical Services Agreement with the Town of Cedarburg, the Town and City shall share in publicly funded capital expenses in accordance with the terms set forth. He said the Town does not pay for any capital expenses and are not even asked to pay. This is true for the retaining wall and parking lot that were built at the City fire station.

Attorney Herbrand said he has not looked at this agreement closely. The Council could postpone action on this item until a review and presentation to the Town can be made, or make a request to the Town for payment.

Council Member Burkart suggested sending the Town a bill. Council Member Thome suggested the bid be accepted and a bill be sent to the Town.

City Administrator/Treasurer Mertes said staff will be meeting with representatives from the Town on Thursday to discuss items of mutual concern.

Motion made by Council Member Burkart, seconded by Council Member Galbraith, to award the contract for the Fire Department roof replacement to JT Rams of Saukville in the amount of \$61,045, with the understanding that staff should have a conversation with Town representatives about this matter. Motion carried unanimously.

CONSIDER LICENSE/PERMIT APPLICATIONS

Motion made by Council Member Galbraith, seconded by Council Member Verhaalen, to

- Approve new Operator License applications for the period ending June 30, 2019 for Brett C. Ashton, Jack P. Goggin, Michael J. Reimer, and Stephen R. Wilson;
- Authorize the issuance of a Festival Celebration Permit to Festivals of Cedarburg, Inc., for Strawberry Festival to be held on Saturday, June 22, 2019 from 10:00 a.m. to 8:30 p.m. and on Sunday, June 23, 2019 from 10:00 a.m. to 5:00 p.m.; and
- Authorize the issuance of a Festival Celebration Permit to Festivals of Cedarburg, Inc. for Wine and Harvest Fest to be held on Saturday, September 21, 2019 from 10:00 a.m. to 8:30 p.m. and on Sunday, September 22, 2019 from 10:00 a.m. to 5:00 p.m.

Motion carried unanimously.

CONSIDER PAYMENT OF BILLS DATED 04/05/19 THROUGH 04/19/19, TRANSFERS FOR THE PERIOD 04/14/19 THROUGH 04/22/19; AND PAYROLL FOR THE PERIOD 03/30/19 THROUGH 04/12/19; AND ACTION THEREON

Motion made by Council Member Burkart, seconded by Council Member Thome, to approve payment of the bills dated 04/05/19 through 04/19/19, transfers for the period 04/14/19 through 04/22/19; and payroll for the period 03/30/19 through 04/12/19. Motion carried unanimously.

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Verhaalen said BC's 8 Pin Tap charity event sponsored by Mel's Charities will be held on May 10 and 11 at Cedars III.

MAYOR'S REPORT

Mayor O'Keefe issued a Poppy Day Proclamation.

Mayor O'Keefe said the ad hoc Dispatch Review Committee met on April 23. The Committee is in the process of gathering figures. The next meeting will be May 14 at 7:00 p.m.

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Burkart, to adjourn the meeting at 9:42 p.m. Motion carried unanimously.

Constance K. McHugh, MMC/WCPC
City Clerk