

**CITY OF CEDARBURG
COMMON COUNCIL
March 9, 2020**

**CC20200309-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, March 9, 2020, 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 Sherry Bublitz, Jack Arnett, Kristin Burkart, Rick Verhaalen, Garan Chivinski, Patricia Thome, Rod Galbraith

Also Present - City Administrator Mikko Hilvo, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, City Planner Jon Censky, Director of Engineering and Public Works Tom Wiza, City Clerk Tracie Sette, 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. 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 Bublitz, to approve the minutes of the February 24, 2020 meeting as corrected by Council Member Thome on page 4, third paragraph, last sentence; Motion carried without a negative vote with Council Members Verhaalen and ~~Bublitz~~ Burkart excused. Motion carried without a negative vote.

COMMENTS AND SUGGESTIONS FROM CITIZENS

James Schmit, 1941 Ulao Pkwy, Grafton, asked the Common Council to consider installing fish cribs in Cedar Creek and adding a kayak gravel launch. Mayor O'Keefe stated that the kayak launch would be a nice Eagle Scout project. City Administrator Hilvo asked James Schmit to leave the information that he provided, and he would have the Parks, Recreation & Forestry Board discuss fish cribs at a future meeting.

Gordon Goggin of Jackson, introduced his son who was attending tonight's meeting for a Government class and thanked the Common Council for their work and commitment to the City.

PRESENTATION

CONSIDER APPOINTMENT OF TRACIE SETTE AS CITY CLERK; AND ACTION THEREON

The oath of office was administered to City Clerk Sette by Deputy Clerk Kletzien.

UNFINISHED BUSINESS

CONSIDER ORDINANCE NO. 2020-02 REGARDING COMPOSITION AND APPOINTMENT TO CITY PLAN COMMISSION SEC. 2-4-5(a)(b); AND ACTION THEREON

Planner Censky explained that Council Members are being asked to approve Ordinance No. 2020-02 which will change the composition of the Plan Commission to provide some flexibility in where Commissioners reside. Currently, all members of this Commission must be citizens of the City of Cedarburg; however, since one of the existing members recently relocated from the City into the Town of Cedarburg, the composition of this Commission is no longer Code compliant. Accordingly, the intent of this change is to allow for one member to reside outside the City if he/she is affiliated with a business in the City. Staff notes that the non-citizen member continues to be committed to Cedarburg through his profession as an architect with the local Kubala Washatko Architectural firm. At their February 3, 2020 meeting, the Plan Commission reviewed this request and recommended approval by unanimous vote.

City Attorney Herbrand verified that there is no legal issue with a non-resident serving on the Plan Commission and clarified that a citizen does not mean a resident, it means a non-official or lay person. He also stated that the Council does not have to limit the appointee to being affiliated with a business located in the City; that may be removed if the Council desires.

Council Member Verhaalen did not agree to changing the composition of the Plan Commission for a specific person; however, appointing an individual as an architect has value. He suggested changing the composition to an architect not living in the City.

Council Member Arnett was in favor of affording more discretion to the Mayor.

Mayor O'Keefe explained that having an architect on the Plan Commission is very beneficial and often lends to a better design. He was in favor of appointing one certified architect.

Council Member Bublitz was in favor of not limiting the member to be an architect and allowing the Mayor to choose what is best at the time.

Council Member Galbraith suggested omitting that the member must be affiliated with a business located within the City or must be an architect.

Council Member Thome was in favor of not making the non-resident member so specific.

Motion made by Council Member Arnett, seconded by Council Member Chivinski, to approve Ordinance No. 2020-02 regarding composition and appointment to City Plan Commission Sec. 2-4-5(a)(b) as changed to remove: but must be affiliated with a business located within the City. Motion carried without a negative vote.

CONSIDER APPROVAL OF AGREEMENT WITH JOHN E. ZARLING AMENDING LICENSE TERMS FOR PROPERTY DESIGNATED FOR FUTURE WASTEWATER TREATMENT FACILITY; AND ACTION THEREON

City Attorney Herbrand explained that this agreement is for the future Wastewater Treatment facility property. The amended license covers the following terms:

- Recitals Adopted – The Recitals set forth in the document are deemed true and accurate and incorporated herein by reference.
- Holding Tank Installation – The City shall, at its sole expense, install a new holding tank as soon as possible, but no later than June 30, 2020.
- Amended License Period – The License shall terminate automatically, without further notice to anyone, on August 31, 2021. Zarling's shall have limited access to the property after termination until November 30, 2021 to access the crops and the City shall have unrestricted access to property.
- Zarling Responsible for All Future Repairs, Maintenance, Replacements, or Improvements – Zarling repair and improvement responsibility to the property shall be all inclusive and the City shall have no responsibility between now and August 31, 2021.
- Zarling Indemnification – The City is held harmless.

Director Wiza stated that the City is pleased with the terms and recommended approval.

Motion made by Council Member Verhaalen, seconded by Council Member Chivinski, to approve the agreement with John E. Zarling amending license terms for property designated for future Wastewater Treatment Facility. Motion carried without a negative vote.

NEW BUSINESS

CONSIDER OUTDOOR ALCOHOL BEVERAGE LICENSE FOR CEDARBURG CULTURAL CENTER/KUHEFUSS HOUSE MUSEUM W63 N627 WASHINGTON AVENUE; AND ACTION THEREON

Planner Censky explained that the Cedarburg Cultural Center is requesting an Outdoor Alcohol Beverage License to use at the Kuhefuss House site for outdoor entertainment that may include the serving of alcohol drinks. Since the entire site is fenced in, except for a small area adjacent to the driveway, the Cultural Center proposes to use both the front and rear yard to entertain. To control ingress and egress to events, the non-fenced area adjacent to the driveway will be monitored by staff during events.

This request was reviewed and approved by the Landmarks Commission on February 27, 2020. The Plan Commission recommended approval at their March 2 meeting subject to the following stipulations:

- All outdoor activity end no later than 10:00 p.m.
- The serving area (bar) shall be restricted to the rear yard only or inside the building.
- The open area adjacent to the driveway to be staffed at all times during events.

Council Member Arnett expressed support for the Cultural Center and said this would add to the energy in downtown Cedarburg.

Cultural Center Director Stephanie Hayes explained that they will monitor the Kuhefuss House similarly to the Cultural Center outdoor area with staff and volunteers along with strategically placed barriers to discourage leaving the fenced-in area.

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to approve the Outdoor Alcohol Beverage License for Cedarburg Cultural Center/Kuhefuss House Museum, W63 N627 Washington Avenue with the three conditions added by the Plan Commission. Motion carried without a negative vote.

CONSIDER REQUEST FROM FESTIVALS OF CEDARBURG TO CLOSE PARKING LOT SOUTH OF COMMUNITY GYM FOR CEDARBREW EVENT ON MAY 9, 2020 BETWEEN 7:00 A.M. – 10:00 P.M.; AND ACTION THEREON

City Administrator Hilvo explained that CedarBrew has been located in the Community Gym for the past six years and they have outgrown the space. They hope to host more breweries this year which will also grow attendance. As a 501c3 non-profit organization, they rely on fundraisers to fulfill their mission. Hosting the CedarBrew event in the Community Center parking lot would be a cost effective and exciting change to this fundraiser.

Festivals Executive Director Homayouni explained that the hours for closing the parking lot would be 1:00 p.m. – 9:00 p.m. Signs will be placed in the area 72 hours in advance for no parking during that time period. Neighbors will also be notified well in advance.

City Administrator Hilvo added that the signs work well for Oktoberfest and the bike path can be rerouted for the event.

In answer to Council Member Bublitz's question, City Administrator Hilvo explained that the Parks & Recreation Department works well with Festivals and normal recreation activities will be allowed to continue.

Motion made by Council Member Thome, seconded by Council Member Galbraith, to approve the request from Festivals of Cedarburg to close the parking lot south of the Community Gym for the CedarBrew event on May 9, 2020 between 1:00 p.m. – 9:00 p.m. Motion carried without a negative vote.

CONSIDER LICENSE APPLICATIONS; AND ACTION THEREON

Motion made by Council Member Verhaalen, seconded by Council Member Thome, to approve new Operator License applications for the period ending June 30, 2020 for Heather K. Hovland and Craig A. Rebello. Motion carried without a negative vote.

CONSIDER PAYMENT OF BILLS DATED 2/17/20 THROUGH 02/28/20, TRANSFERS FOR THE PERIOD 02/21/20 THROUGH 03/04/20; AND PAYROLL FOR THE PERIOD 02/09/20 THROUGH 02/22/20; AND ACTION THEREON

Council Member Verhaalen asked for clarification on a few transactions. City Administrator Hilvo stated that he will be reviewing all association memberships and dues for value before the 2020-2021 budget process.

Motion made by Council Member Burkart, seconded by Council Member Bublitz, to approve payment of bills dated 2/17/20 through 2/28/20, transfers for the period 2/21/20 through 3/04/20; and payroll for the period 2/09/20 through 02/22/20. Motion carried without a negative vote.

ADMINISTRATOR'S REPORT

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Thome thanked the Emergency Management volunteers for a wonderful recognition dinner and expressed appreciation for their contribution to the City. She said that Council Member Verhaalen also attended the event and she encouraged Council Members to attend next year.

Council Member Arnett expressed appreciation for the Emergency Management volunteers and added that they save the City approximately \$25,000 per year by providing their volunteer service.

MAYOR'S REPORT

Mayor O'Keefe reported on the Rally of Love & Tolerance, showing support for a victimized family, that took place in front of City Hall on March 3.

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Thome, seconded by Council Member Arnett, to adjourn to closed session at 7:48 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, Item 12 B & C). Approval of February 24, 2020 closed session minutes. Motion carried on a roll call vote with Council Members Bublitz, Arnett, Burkart, Verhaalen, Chivinski, Thome and Galbraith voting aye.

RECONVENE TO OPEN SESSION

Motion made by Council Member Galbraith, seconded by Council Member Thome, to reconvene to open session at 8:55 p.m. Motion carried unanimously on a roll call vote with Council Members Bublitz, Arnett, Burkart, Verhaalen, Chivinski, Thome, and Galbraith voting aye.

NEW BUSINESS – CONTINUED

CONSIDER POSSIBLE SECOND AMENDMENT TO TID NO. 3 CASH GRANT DEVELOPER'S AGREEMENT BY AND BETWEEN THE CITY OF CEDARBURG AND CEDARBURG LAND & CATTLE, LLC; AND ACTION THEREON

Motion made by Council Member Thome, seconded by Council Member Bublitz, to approve the Second Amendment to TID No. 3 Cash Grant Developer's Agreement by and between the City of Cedarburg and Cedarburg Land & Cattle, LLC. Motion carried with Council Members Bublitz, Arnett, Burkart, Chivinski, Thome and Galbraith voting aye and Council Member Verhaalen opposed.

CONSIDER AWARD OF ENGINEERING PROPOSALS FOR HIGHWAY 60 BUSINESS PARK; AND ACTION THEREON

Director Wiza explained that the Concord Group worked with City staff to develop a request for proposals (RFP) for engineering design services to develop the Highway 60 Business Park. The engineering services are extensive and include the extension of sanitary sewer, watermain, and storm sewer to and through the business park, design of a water pressure booster pump station, modifications to the Sheboygan Road lift station, State Highway 60 improvements, site grading, storm water ponds, land survey, easement acquisition, design of internal roads, sidewalks, street lighting, gas service, fiber optic cabling, State agency permitting, and wetland mitigation. Proposals were received from Ruekert & Mielke, Graef, and R.A. Smith. Upon review, staff is recommending R.A. Smith for the engineering design work for the Hwy. 60 Business Park.

Jim Joehnk of the Concord Group was available for a further explanation and to answer questions.

Motion made by Council Member Verhaalen, seconded by Council Member Arnett, to award the engineering proposals for the Highway 60 Business Park to R.A. Smith in an amount not to exceed the base design fee of \$282,040 to include a termination clause for paying only for work completed up to written notification of termination and to be funded through the General Fund fund balance.

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to adjourn the meeting at 9:10 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk