

**CITY OF CEDARBURG  
COMMON COUNCIL  
April 21, 2020**

**CC20200421-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held online on Monday, April 21, 2020, utilizing the Zoom app.

Mayor O'Keefe called the meeting to order at 7:05 p.m.

Roll Call:           Present - Mayor Michael O'Keefe, Council Members Sherry Bublitz, Jack Arnett, Kristin Burkart, Rick Verhaalen, Garan Chivinski, Patricia Thome, Barbara Lythjoha

Also Present - City Administrator Mikko Hilvo, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, Director of Engineering and Public Works Tom Wiza, Light & Water General Manager Dale Lythjohan, 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.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** – None

**OATHS OF OFFICE**

Deputy City Clerk Kletzien administered the oaths of office to Council Members Sherry Bublitz (1<sup>st</sup> Aldermanic District), Kristin Burkart (3<sup>rd</sup> Aldermanic District), Garan Chivinski (5<sup>th</sup> Aldermanic District) and Barbara Lythjohan (7<sup>th</sup> Aldermanic District).

**ELECTION OF COMMON COUNCIL PRESIDENT**

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to nominate Council Member Thome as Council President.

Motion made by Council Member Verhaalen, seconded by Council Member Bublitz, to nominate Council Member Burkart as Council President.

Mayor O'Keefe asked for any additional nominations.

The Common Council voted by ballot which resulted in four votes for Council Member Thome and two votes for Council Member Burkart and one Council Member abstainng, Council Member Thome was elected Common Council President.

**ELECTION OF COMMON COUNCIL REPRESENTATIVE TO PLAN COMMISSION**

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to nominate Council Member Thome as Common Council Representative to Plan Commission.

Mayor O'Keefe asked for any additional nominations.

Motion carried without a negative vote.

**NEW BUSINESS**

**DESIGNATION OF CITY'S OFFICIAL NEWSPAPER FOR ENSUING YEAR; AND ACTION THEREON**

Motion made by Council Member Thome, seconded by Council Member Burkart, to designate the *News Graphic* as the City's official newspaper for the ensuing year. Motion carried without a negative vote.

**CONSIDER LICENSE APPLICATIONS; AND ACTION THEREON**

Motion made by Council Member Burkart, seconded by Council Member Thome, to approve a new Operator License application for the period ending June 30, 2020 for Summer L. Cielak. Motion carried without a negative vote.

**ADMINISTRATOR'S REPORT**

City Administrator Hilvo reported that City employees are responding appropriately to COVID-19 to stay safe and stop the spread and provided the following updates:

- He is working with Department Heads and looking for ways to save money to offset the loss in revenues. In general, conference and training budgets will not be used, due to the cancellation of conferences.
- City Hall will remain closed until May 26.
- Library is working on a plan for material distribution and providing resources from 8 a.m. – 4 p.m. daily.
- Public Works crew will be switching from split shifts to full crew shifts in a safely manner.
- Water Recycling Center is working split shifts.
- Building Inspection is not experiencing loss in revenue.
- Parks and Recreation took registrations for the Summer Playground program and it filled in a half day and resulted in \$100,000 in revenue. The virtual 50K run has over 180 participants from 11 states to-date. The Department is watching for direction on pool activities this summer and will decide with area communities if the pools should open for a partial season. Tennis and pickleball activities are allowed and will be opened soon. The playgrounds and restrooms continue to be closed.
- Police Department received a \$59,000 grant for their 911 system. Due to the COVID-19 pandemic, the hiring process is on hold for three officers; resulting in a \$19,000 savings per month. Crossing guards are not working which is a \$7,500 savings.

- Attended a zoom meeting with The League of Municipalities regarding the outlook for resuming municipal activities. The current date is May 26; however, there needs to be a decline in coronavirus cases over 14 days. Test, trace and isolate guidelines should be followed for new cases. There was a discussion on the possibility of an increase in shared revenues to municipalities to offset costs related to COVID-19.

Council Member Burkart said that the Parks and Recreation Department is doing a good job of thinking outside the box and appreciates the increase in revenue with virtual activities.

In answer to Council Member Lythjohan's question, City Administrator Hilvo explained that with three new hires on hold there is some overtime involved for police officers; however, crews have been smaller on each shift.

Mayor O'Keefe stated that overtime is cheaper than hiring someone new and paying benefits; however, it can burn out the crew.

**COMMENTS AND SUGGESTIONS FROM CITIZENS** - None

**COMMENTS & ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Verhaalen read the following statement:

"In five years as a Council member I have been on the losing side of the vote on several issues. I would be disappointed, but that is how democracy works, and I moved on.

At the April 13th Common Council meeting, we were to address the agenda item about Cedarburg Baseball installing a permanent fence at Grant Schoen Field in Adlai Horn Park. Instead it became a two hour ordeal, criticizing Cedarburg Baseball, the Director of Parks and Recreation, the former Director of Parks and Recreation, the Park and Recreation Board, and myself, basically anyone that was involved in the Parks and Rec decision to approve a permanent fence.

I was told I should have known better, knowing how contentious the process was leading to the June 12, 2017 plan for Adlai Horn Park. Since only three of the current Common Council were here back then, let me give a brief summary from my perspective:

In 2015 Cedarburg Baseball presented a plan that included expanding the park to include two baseball fields and more than triple the number of parking spaces. Initially the neighborhood group, or at least the ones I spoke with, wanted the park returned to how it was prior to it being used by Mercury Marine for remediation. Obviously, the two sides were worlds apart. As the discussions progressed, and the neighborhood group gained momentum, the idea of returning the park to the way it was wasn't enough. They started to attack Cedarburg Baseball and myself. They created a "bad guy" because it's easier to vote against the bad guy. Cedarburg Baseball didn't expect and weren't prepared to counter the lack of respect and venom that was lofted at them. Cedarburg Baseball leadership, to their own admission, was in over their heads and lost the will to fight. The neighborhood group now wanted to remove baseball amenities that had been in the park for years, and publicly approved - a permanent fence and the practice field. At one point a plan was presented to me that did not include a baseball field at all, instead a water fountain in the middle of the park.

Cedarburg Baseball returned to the new Horn Park minus a permanent outfield fence that they had paid for previously, and a practice field. In its place they were allowed to purchase a temporary fence and put up and down. The tennis courts and baseball field would be shifted to the west, not to keep the outfield from flooding, but to make sure there would never be enough space for the practice field to go back in that park.

In the June 12, 2017 meeting, I asked if the bullet items presented were set in stone. The answer I received was, I quote, “the proposed park is being approved in concept this evening and there may be some small changes or tweaking to the plan”. One of those changes was replacing the two tennis courts with one tennis court and four pickleball courts. This was unanimously approved by the Parks and Recreation Board at the October 4, 2017 meeting. The Horn neighborhood group wasn’t given special notice then. What they were given was an agenda item at the next Park and Recreation for a “motion to reconsider the four pickle ball courts”. Fortunately, enough pickle ball supporters showed up and we now have a thriving pickleball group that has since erected their own wind screens around the pickleball courts. Contrary to what was said at the April 13th Council meeting, that item never went to the Common Council. Are we to follow different rules because this change involved baseball?

Cedarburg baseball went through all steps required of them; went before the Park and Recreation Board in a meeting posted like every other meeting in the City, where the fence was discussed, and received approval with a unanimous vote. That wasn't enough, the neighborhood group had to be treated differently again, because they weren't being heard. Why, because they needed to be treated differently than all other City residents? What transpired at the last Council meeting is what I had experienced back in 2017- the discussion about the merits of a permanent fence never took place. Instead the attacks now included the makeup of the Park and Recreation Board and the process of how a bullet point in a previous meeting was not honored.

On April 9th a very vocal member of the neighborhood group who challenged my credibility, sent an email, mostly challenging my involvement, but also stating, I quote, “I personally don't have a serious issue with CSB installing a permanent fence for their field. I am not happy with the process they used to get it approved. I am also not pleased that it may be 6’ high. I believe a 4’ high fence would be sufficient.” End quote. Apparently when the April 13 meeting started to turn against Cedarburg Baseball and a permanent fence, the compromise was no longer needed. As was the case back in 2016-2017, once the momentum changed, there was no longer a need to compromise.

As for people being heard- I did not hear one mention from any Council Member that they heard from constituents supporting a permanent fence. I know that most, if not all, Council Members were contacted by people in support of the permanent fence. Where was their voice? Maybe it just wasn’t loud enough.

The City is run by employees, appointed board members and elected officials. All three have to listen to residents and make sure their voices are heard. In the past few weeks, all three of these groups have had to listen to residents. Unfortunately, listening to complaints has, at times, turned into verbal abuse. We have talked about retaining quality employees. Add taking verbal abuse to the job requirement, and that will become much more difficult. Appointed Committee members can quit, but as the Mayor knows, getting quality people to sit on committees is also challenging. I would hope that the City will look into setting guidelines for City employees and committee members that outline a course of action

they can take when faced with being yelled at, insulted and verbally abused. No employee, regardless of who they work for, should have to tolerate it.

This past week again has reminded me that there is minimal support for youth baseball and that one small, vocal, disrespectful group can influence policy for the entire City. I can live with not being on the winning side of a Council decision, but when a discussion about the actual agenda item barely takes place, and is instead replaced with demonizing the group making the proposal and the people on the board that voted for it, then I have a difficult time just moving on.”

Council Member Arnett spoke with Library Director Pierschalla last week about allowing citizens to use library resources to help citizens navigate unemployment and provide resources for businesses to get back on track. Another round of available federal funds is possible, and they will need help navigating the process.

Council Member Arnett asked the Council Members to email him with one or two ideas to help support local businesses, that could be discussed at the next Economic Development Board meeting.

Council Member Bublitz stated that the Festival Board will be meeting on Thursday to discuss Strawberry Festival.

### **MAYOR’S REPORT**

Mayor O’Keefe stated that the Fire Department has canceled the first two Maxwell Street dates of the season and are hoping that they can recover some of this loss in the remaining two dates. In regard to the Economic Development Board helping businesses he explained that the City does not have any money to help out. He will talk to Finance Director/Treasurer Mertes about looking into available loans for businesses.

### **ADJOURNMENT – CLOSED SESSION**

Motion made by Council Member Bublitz, seconded by Council Member Lythjohan, adjourn to closed session at 7:40 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, discussion of Highway 60 Business Park. Approval of closed session minutes of March 9, 2020 and March 30, 2020. Motion carried on a roll call vote with Council Members Bublitz, Arnett, Burkart, Verhaalen, Chivinski, Thome and Lythjohan voting aye.

### **RECONVENE TO OPEN SESSION**

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

**ADJOURNMENT**

Motion made by Council Member Arnett, seconded by Council Member Burkart, to adjourn the meeting at 8:56 p.m. Motion carried unanimously on a roll call vote.

Amy D. Kletzien, MMC/WCPC  
Deputy City Clerk