

**CITY OF CEDARBURG  
COMMON COUNCIL  
October 12, 2020**

**CC20201012-1  
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held online on Monday, October 12, 2020, utilizing the Zoom app.

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, Robert Simpson, Patricia Thome, Barbara Lythjohan

Also Present - City Administrator Mikko Hilvo, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, City Clerk Tracie Sette, Finance Director/Treasurer Christy Mertes Parks, Recreation, and Forestry Director Danny Friess, Director of Engineering and Public Works Tom Wiza, Assistant Engineer Mike Wieser, Police Chief Thomas Frank, Fire Chief Jeff Vahsholtz, Public Works Superintendent Joel Bublitz, Water Recycling Center Superintendent Eric Hackert, Forrester Kevin Westphal, Senior Center Director Aubrey Suppinger 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

**APPROVAL OF MINUTES**

Motion made by Council Member Thome, seconded by Council Member Bublitz, to approve the September 28, 2020 Common Council minutes. Motion carried without a negative vote.

**NEW BUSINESS**

**CONSIDER MAYORAL APPOINTMENTS FOR LANDMARK COMMISSION; AND ACTION THEREON**

Mayor O’Keefe did not have an appointment for the Landmarks Commission at this meeting. He encouraged community members to apply.

**CONSIDER OVERVIEW OF 2021 BUDGET**

City Administrator Hilvo presented the second draft of the proposed 2021 budget. The revised tax rate is \$7.87 which is a \$0.01 increase from 2020. Streets, Forestry Operations, and Public Safety remain as priorities for 2021.

City Administrator Hilvo asked the Council Members for questions and feedback on the proposed 2021 Budget.

Council Member Bublitz was impressed with only a \$0.01 increase in the tax rate. Council Member Bublitz asked about the extension of Susan Lane and whether the Council would be voting on this in the future. City Administrator Hilvo said that this item is in this budget and will not be presented again. Director Wiza explained that this is an unusual line in the Capital budget, due to an annexation, the developer will require access to the land where there is none. The City's Official Map includes the 60-foot right-of-way dedication to extend Susan Lane from Washington Avenue to Sheboygan Road. The Developer is required to pay for all utilities and improvements. The City has budgeted \$130,000 to complete this project. The Developer Agreement will be presented to the Council at a later date. If the street is extended it will taper back to 32 feet rather than the current 40-foot width. The addition of stop signs was discussed for safety concerns. Further discussion will take place at the next Common Council meeting.

Council Member Arnett thanked everyone involved on a great budget. He appreciates that trees are a priority and asked to see a detailed plan on contracted services and City personnel services to replace trees and remove stumps.

In answer to Council Member Arnett's question, City Administrator Hilvo stated that only one part-time employee at the Library is receiving additional benefits.

Council Member Arnett asked that any leftover money at the end of the year be applied to replacing the City signs with the new logo.

In answer to Council Member Arnett's question, Finance Director/Treasurer Mertes explained that the \$1 million addition to the Fund Balance between 2018-2020 is partly due to spending that did not occur, COVID expenses that will be reimbursed, and the Police Department not being fully staffed. She will take a closer look and report to Council Member Arnett on the differences.

Council Member Burkart agreed that the money spent on signs is a small price to pay for uniformity, which was part of the branding effort to present a new face.

In answer to Council Member Burkart's question regarding the cost for leaf pick up each year that could possibly be used for Forestry efforts, Superintendent Bublitz stated that leaf pick up is part of the Recycling Grant that the City receives each year to help reimburse equipment and man hours for this service to the residents.

Council Member Burkart expressed appreciation to the staff for a good budget. She would like to explore additional help for the Public Works Department in the future. Trees are the City's biggest complaints.

Council Member Verhaalen stated that a 12% increase for health insurance was concerning and he asked if it may be lower. City Administrator Hilvo said the City is hoping for only an 8% increase but that is unknown at this time.

Council Member Verhaalen did not agree with replacing the City signs until they were worn. He understood that there was no obligation to replace signs right away and the branding efforts would not add any additional costs for the City.

Council Member Simpson was in favor of replacing City signs when needed. He also asked if the yard waste fee could be increased every five years or so, to offset costs rather than the one-time \$30 fee.

Superintendent Publitz stated that a recurring fee for the yard waste site was frowned upon in the beginning because of the cost of the new building. The charge to residents is only for the cost of the card.

Council Member Verhaalen was not in favor of a recurring fee to use the yard waste facility because it was understood at the time the new building was finished that the taxpayers paid enough for the facility.

Council Member Thome expressed appreciation to the City Departments for a tremendous effort on the budget. She was encouraged that the health insurance rates may be lower than what is budgeted. Council Member Thome also confirmed with Finance Director/Treasurer Mertes that she was comfortable with the fund balance. Regarding street signs, Council Member Thome said that it was a minimal investment for a visible difference, and she would like to see them replaced. Council Member Thome stated that Council Member Arnett and Council Member Verhaalen represented the yard waste card correctly.

Council Member Lythjohan said the budget was well done and she appreciated the questions and answers. She asked if the health insurance rates come in lower, is it possible that the tax rate increase would be below \$0.01. City Administrator Hilvo said that a \$0.01 increase is equal to \$13,000. In answer to Council Member Lythjohan and Mayor O'Keefe's question, Finance Director/Treasurer Mertes said that a 2% savings in the health insurance premium would be \$20,000 and the City could have a zero increase when the budget is finalized.

Mayor O'Keefe expressed appreciation to Finance Director/Treasurer Mertes for doing a great job on the budget. He stated that he advocates for Department Heads to be creative with their budgets and should not be penalized if money is available for additional signage. Mayor O'Keefe explained that Susan Lane is an obvious ancillary route and with a through street it would reduce traffic on surrounding streets.

City Administrator Hilvo stated that the Susan Lane can be discussed at the next Common Council meeting.

**CONSIDER APPROVAL OF RESOLUTION NO. 2020-20 TO ADOPT THE OZAUKEE COUNTY HAZARD MITIGATION PLAN; AND ACTION THEREON**

City Administrator Hilvo explained that the Disaster Mitigation Act of 2000 requirements call for local hazard mitigation plans to be reviewed; updated to reflect changes in development, progress in local mitigation efforts, and changes in priorities; and reapproved every five years for local jurisdictions to be able to receive hazard mitigation funding. Without a FEMA approved hazard mitigation plan hazard mitigation-based grants may be denied, and FEMA disaster reimbursement can be more difficult to justify and delayed in processing. This is the fourth update, and it does not require expenditure of any funds for any projects or work. Each project or strategy listed in the plan would be addressed and funded on its own merits whether that is tax levy or grant funded.

Motion made by Council Member Bubnitz, seconded by Council Member Simpson, to approve Resolution No. 2020-20 adopting the Ozaukee County Hazard Mitigation Plan. Motion carried without a negative vote.

**CONSIDER APPROVAL OF RESOLUTION NO. 2020-21 AUTHORIZING THE SALE OF A TWENTY-ACRE VACANT PARCEL OF REAL PROPERTY, IN THE CITY OF CEDARBURG HIGHWAY 60 INDUSTRIAL PARK, TO WILO USA, LLC (“WILO”); AND ACTION THEREON**

City Administrator Hilvo explained that adoption of Resolution No. 2020-21 allows the City of Cedarburg to sell the proposed 20-acre parcel to WILO USA, LLC. The resolution also assigns City Administrator Hilvo as the designator and allows him to attend the closing on October 23, 2020 and sign on the City’s behalf.

Motion made by Council Member Thome, seconded by Council Member Arnett, to adopt Resolution No. 2020-21 authorizing the sale of a twenty-acre vacant parcel of real property, in the City of Cedarburg Highway 60 Industrial Park, to WILO USA, LLC (“WILO”). Motion carried without a negative vote.

**CONSIDER APPROVAL OF PROPOSED COVENANTS FOR HIGHWAY 60 BUSINESS PARK LOCATED AT N130 W6603 STATE HWY 60; AND ACTION THEREON**

City Attorney Herbrand explained that these covenants will serve to update the covenants from the City’s first Business Park located along south Evergreen Boulevard to contain language and restrictions that are more relevant to the Highway 60 Business Park. The updated covenants address, among others, such things as the parking setback being reduced from 40’ to 25’ which better reflects typical planning standards, it includes aesthetic and architectural controls where the Plan Commission will have direct oversight into design, and establishes a term limit where these covenants are binding for 25 years with an automatic 5 year extension unless an instrument is signed by a majority of the lot owners, based on acreage owned, is signed and recorded changing or terminating the covenants. The Plan Commission reviewed and recommended approval of the covenants at their October 5 meeting by unanimous vote.

Mayor O’Keefe commended and thanked Attorney Herbrand for playing an important role in this venture with WILO.

Motion made by Council Member Arnett, seconded by Council Member Thome, to approve the proposed covenants for the Highway 60 Business Park located at N130 W6603 State Hwy. 60. Motion carried without a negative vote.

**DISCUSS 2020 TRICK OR TREAT; AND ACTION THEREON**

City Administrator Hilvo explained that Trick or Treat is currently scheduled for October 31, 2020 from 5 p.m. – 8 p.m. with the proposed recommendations:

- If you do not wish to participate leave your porch light off.
- Leaving a candy dish out instead of handing out the candy or wrapping small bags with candy to prevent reaching into a bowl.
- Wash hands or use hand sanitizer prior to eating candy.

- Trick or Treat with siblings or a couple close friends instead of large groups.
- All participants should wear masks.
- Anyone with COVID or COVID symptoms should NOT participate.
- The City strongly encourages all residents to follow the Washington Ozaukee Public Health Department guidelines. The Washington Ozaukee Public Health Department is following guidance from the CDC regarding Halloween and other holiday celebrations.

City Administrator Hilvo asked the Common Council for their recommendation.

Council Member Arnett opined that Halloween would happen regardless of the current circumstances and participants should be informed and proceed safely by following the CDC guidelines.

Council Member Verhaalen explained that the Annual Pumpkin Walk will be taking place downtown. It will be a personal choice to participate in Halloween activities. People not wanting to participate should leave their outside lights off. Most activities will take place outside and may provide a brief return to normalcy.

Council Member Burkart agreed with the scientist and was hesitant to promote Trick or Treating.

Council Member Bublitz stated that she would think differently if school was virtual; however, friends are seeing each other at school, and she cautioned participants to follow CDC guidelines. This is a difficult decision, but it is important to balance the physical and mental health of the children.

Council Member Simpson agreed to allow Trick or Treating with safety guidelines.

Council Member Thome said that the School District has done a great job of protecting the students and was concerned about the City becoming a destination. However, she agreed with following the CDC guidelines by limiting groups to five friends, staying within their neighborhoods, and having fun creatively.

Council Member Lythjohan agreed to allowing Trick or Treating with guidelines.

Council Member Burkart said that some communities outside Ozaukee County have canceled Trick or Treating; however, no communities within Ozaukee County have canceled to-date.

Melissa Bitter, N92 W6217 Arbor Drive, appreciated the Common Council's discussion and encouraged the City to promote Trick or Treating with guidelines.

Mayor O'Keefe was in favor of the community safely proceeding with Trick or Treating and following the CDC guidelines. He stressed that people respect those individuals who choose not to participate under the current conditions. He has had conversations with people who want to participate and has received emails from people who caution against the activity. He urged the schools and newspaper to stress that individuals show respect and honor the privacy and concerns of all those in the community, regardless of their choice to participate or not.

Council Member Thome agreed that guidelines and recommendations should be published to enforce the City's intent in allowing Trick or Treating.

Motion made by Council Member Arnett, seconded by Council Member Simpson, to allow Trick-or-Treating in the City subject to publicizing and encouraging citizens to follow the CDC guidelines for a safe Halloween. Motion carried without a negative vote.

**CONSIDER REQUEST FROM UNION HOUSE CEDARBURG, LLC TO AMEND THE PREMISE DESCRIPTION OF THE CLASS “B” BEER AND “CLASS B” LIQUOR LICENSE AT W62 N559 WASHINGTON AVENUE TO SELL AND SERVE ALCOHOL OUTSIDE ON THE STREET IN FRONT OF THEIR BUSINESS DURING STRAWBERRY FESTIVAL AND WINE & HARVEST FESTIVAL; AND ACTION THEREON**

Motion made by Council Member Burkart, seconded by Council Member Lythjohan, to approve the request from Union House Cedarburg, LLC to amend the premise description of the Class “B” Beer and “Class B” Liquor license at W62 N559 Washington Avenue to sell and serve alcohol outside on the street in front of their business during Strawberry Festival and Wine & Harvest Festival.

BJ Homayouni stated that only beer and wine are allowed during the festivals and the motion should reflect that.

The motion was amended to change the word alcohol to beer and wine in the motion. Council Member Lythjohan agreed. Motion carried without a negative vote.

**CONSIDER LICENSE/PERMIT APPLICATIONS; AND ACTION THEREON**

Motion made by Council Member Bublitz, seconded by Council Member Burkart, to approve new Operator License applications for the period ending June 30, 2021 for B.J. Homayouni, Madissen Homayouni, Payman Homayouni, Joshua Thompson and Joni Yench. Motion carried without a negative vote.

**CONSIDER PAYMENT OF BILLS DATED 09/25/2020 THROUGH 10/02/2020, TRANSFERS FOR THE PERIOD 09/26/2020 THROUGH 10/09/2020 AND PAYROLL FOR THIRD QUARTER EMS AND PAYROLL PERIOD 09/20/2020 THROUGH 10/03/2020; AND ACTION THEREON**

Motion made by Council Member Burkart, seconded by Council Member Bublitz, to approve payment of bills dated 09/25/2020 through 10/02/2020, transfers for the period 09/26/2020 through 10/09/2020 and third quarter EMS and payroll for the period 09/20/2020 through 10/03/2020. Motion carried without a negative vote.

**ADMINISTRATOR’S REPORT**

City Administrator Hilvo said the City lost a great artist, Paul Yank and he was honored to know him.

Council Member Bublitz thanked City Administrator Hilvo for the camera installation at Cedar Creek Park.

**COMMENTS AND SUGGESTIONS FROM CITIZENS**- None

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Member Burkart encouraged citizens to absentee vote by mail by the deadline or in-person between October 20 – 30, 2020.

Council Member Bublitz commended the absentee ballot process and said that receipt of the ballot can be tracked. She also stated that the first Diversity Committee meeting was held, and it is a great group of individuals. She encouraged citizens to follow the grass roots organization.

Council Member Arnett suggested recording the Diversity Committee meetings and posting them to the City's website or to make the meetings available to view live, much like the school district meetings. The Finance Committee will hold their first meeting on October 20 at 1:00 p.m. Council Member Arnett was in favor of the City looking at the staffing level for Public Works to help with trees, as suggested by Council Member Burkart.

**MAYOR REPORT**

Mayor O'Keefe also acknowledged the passing of an incredible artist, Paul Yank.

**ADJOURNMENT**

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to adjourn the meeting at 8:46 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC  
Deputy City Clerk