

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

**CC20201109-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held online on Monday, November 9, 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 (8:02 p.m.), Jack Arnett, Kristin Burkart, Rick Verhaalen, Patricia Thome, Barbara Lythjohan

Excused - Council Member Robert Simpson

Also Present - City Administrator Mikko Hilvo, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, Payroll/Human Resources Kelly Livingston, Library Director Linda Pierschalla, 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, Water Recycling Center Superintendent Eric Hackert, Forrester Kevin Westphal, 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

The October 26, 2020 minutes will be presented at the November 30, 2020 meeting for approval.

PUBLIC HEARING – PROPOSED 2021 CITY BUDGET

Mayor O'Keefe opened the public hearing on the proposed 2021 City Budget at 7:02 p.m.

City Administrator Hilvo explained that the proposed budget requires a \$0.01 rate increase. The priorities for 2021 are Streets, Forestry Operations, and Public Safety. The increase will result in a \$2.80 increase on the average home price of \$280,000. An increase of \$13,103 increases the tax rate by \$0.01.

City Administrator Hilvo presented the proposed 2021 City Budget as follows:

- The total increase in the levy is \$384,475; 3.7% increase;
- The 2020 growth allowed for a levy increase of \$376,655, which would keep the same rate; the levy limit will allow an increase of \$517,941, or an additional \$133,466 over what is currently proposed;
- The assessed value increased from \$1,310,325,200 to \$1,356,239,540, which is a \$45,914,340 increase, or 3.5%;
- The largest levy increase is in the TIF District and Debt Service Levy. TIF District increase is \$54,178; 157.7%. The Debt Service increase is \$252,801; 15.2%.

Major General Fund changes from 2020:

- Expenditures:
 - General Government decreased (\$101,940); (7.76%);
 - Public Safety increased \$255,475; 5.86%;
 - Engineering/Public Works increased \$63,736; 2.31%;
 - Parks, Recreation & Forestry increased \$34,169; 3.69%;
 - Conservation & Development decreased (\$27,443); (26.26%);
 - Transfers to funds increased \$384,800.
- Individual Departmental increases and decreases were reviewed; summary of changes include:
 - Elimination of longevity pay resulting in a \$43,018 savings annually beginning 2021.
 - Health insurance premium increase of \$151,057 or 23.5%.
 - Decrease in employee relations based on reduction in professional services. Increase in Administration for annual salary increase; professional membership dues and travel/training requirements.
 - Decrease in Clerk's budget due to fewer elections.
 - Contracting for Assessor services resulted in a \$59,642 annual savings.
 - Non-renewal of health insurance consultant contract for a savings of \$18,400. Loss of interest income, office fees, license fees, and room tax funds has led to a decrease in revenue.
 - Public Works State transportation revenues increased by \$98,098; 12.23%.
 - Police Department budget increased for full staffing levels for 2021 and salary increases.
 - The Fire Department budget increased for a full year of a full-time firefighter/AEMT and adding one (1) full-time staff in July 2021. The Department will have a part-time Chief, full-time Fire Inspector/Firefighter/AEMT, and two (2) full-time Firefighter/AEMT by August 2021.
 - Building Inspection expects a slight decrease in revenues in 2021. This is a self-supporting department that is estimated to bring in revenue of \$4,885 after covering all building inspection costs.
 - Engineering/Public Works is increasing due to City Engineer retirement payouts and SEH telecom consulting fees.
 - Parks, Recreation & Forestry's increase of net revenue in the amount of \$36,777 (4.76%) will help in funding forestry operations in 2021. \$30,000 has been added for tree planting and \$50,000 has been added for stump grinding in contracted services.
 - Recreation programs fund balance is used for supporting the pool operation in 2021 in the amount of \$6,982.
 - A levy increase of \$20,000 was given to the Library to assist with paying for annual raises, retirement payouts, and books.

- Non-renewal of the Economic Development Coordinator contract results in savings of \$27,443 or a 28.06% decrease.
- Initial Department budget requests that were removed were reviewed.
- Revenues:
 - Property Taxes increased \$145,222; 2.09%;
 - Intergovernmental Revenues increased \$111,014; 8.36%;
 - Regulation and Compliance decreased (\$2,296); (0.61%);
 - Law and Order Violations remain the same;
 - Public Charges for Services decreased (\$4,100); (3.33%);
 - Intergovernmental Charges increased \$32,155; 12.47%;
 - Commercial Revenues decreased (\$64,978); (18.50%).
- Proposed use of Fund Balance (\$483,800) for 2021 includes:
 - \$70,000 transfer to Capital for accounting software;
 - \$200,000 transfer to Capital for storm sewers;
 - \$100,000 transfer to Capital for streets;
 - \$13,800 transfer to Capital for file server;
 - \$100,000 for Dam repairs;
 - The total estimated Fund Balance at the end of 2020 is \$3,822,682; minimum required unassigned fund balance per City policy is \$1,616,524; maximum unassigned fund balance per City policy is \$2,424,786.

Capital Improvement Fund – Seven Year Funding Plan:

- The levy is decreasing by 3.3% in 2021;
- The capital improvement fund levy is 15.21% of the total levy;
- Full amount needs to be levied to fund purchase/projects rather than keeping it consistent from year to year and avoiding any expenditure restraint issues;
- Public Works streets, equipment and storm sewers make up majority of expenditures each year (67% in 2020 and 74% in 2021);
- Dam Repair (Woolen Mill Dam) budgeted for 2021 in the amount of \$600,000. \$300,000 from the Environmental Reserve Fund and 50% matching DNR Grant Funding of \$300,000. No effect on tax rate.

Tax Incremental Districts:

- TID No. 3 – Mill and Washington Development – Developer paid \$25,000 to City for administration and TID creation charges incurred when the TID was created. Site is proposed to add value in January 2021 after completion of Townhomes; no payment on value added until 2022.
- TID No. 4 – Amcast Remediation – No increment in 2021. Expenditures for 2021 are estimated at \$689,710 with an ending fund balance of \$206,915 at the end of 2021.
- TID No. 5 – Arrabelle Development – Proposed tax increment is budgeted at \$228,646 with a developer's incentive payment of \$224,021 in 2021.
- TID No. 6 – Hwy 60 Business Park – Borrowing revenue is \$6,467,832 in 2020 with expenditures estimated at \$1,590,845. End of 2020 fund balance is estimated at \$4,876,987. 2021 budgeted revenues are \$1,985,045 with expenditures of \$6,498,017. Ending fund balance for 2021 is budgeted to be \$364,015.

Debt Service:

- The debt service levy is increasing \$252,801 for a total levy of \$1,917,470;
- Equalized Tax Rate is \$1.24/\$1,000 of value;
- The City has \$21,460,558 in outstanding debt.

Special Revenue Funds:

- Cemetery is estimated to end 2020 with an increase of \$38,151 to the fund balance;
- Room tax revenue decreased considerably in 2020 and is expected to remain lower than normal for 2021;
- Recreation Programs – ending fund balance for 2021 is proposed at \$88,349;
- Swimming Pool – no increase in the levy, due to use of Rec Program fund balance;
- Park sub-divider deposit fund – estimated fund balance for the end of 2021 is \$417,638.

Special Revenue Fund – Library:

- The 2021 proposed levy is \$758,194;
- The Library levy is 12.19% of the total levy;
- Revenues are increasing 3.06%; expenditures are increasing by 8.44%;
- The largest tax supported special revenue fund is the Library;
- The levy is increasing for the cost of operations for the year, to help sustain the fund balance;
- A fund balance decrease of \$50,310 is projected for 2021;
- Capital projects for the Library have been included in the 7-year Capital plan to maintain the building.

Internal Service – Risk Management:

- Accounts for all insurance costs of the City;
- Revenues are transfers from other funds, dividend income and insurance and wage recoveries increased by 0.83%;
- Expenditures are premiums and claims, legal fees associated with claims increased by 2.48%, due to property insurance, employment practices and boiler insurance. Workers' compensation insurance decreased by 2.35%.

Water Recycling Center:

- The Water Recycling Center is not supported by taxes but user fees;
- New rates were established for 2020 to help fund the collection and equipment replacement funds to reduce borrowing in the future;
- The flow rate is remaining the same at \$7.55/1,000 gallons;
- The holding tank and septage hauler fees are remaining the same, \$9.44/1,000 gallons and \$49.50/1,000 gallons respectively;
- The monthly connection fee is remaining the same at \$15/month;
- Revenues are decreasing by 2.80%; expenditures are increasing by 2.76%;
- Projected Fund Balance at the end of 2021 is \$16,460,278.

Mayor O'Keefe was impressed with only a \$0.01 increase even though the health insurance premium increase was more than projected.

In answer to Council Member Arnett's question, City Administrator Hilvo explained that the increased health insurance premium costs were covered by not replacing a Public Works vehicle (\$80,000) as planned.

Council Member Thome thanked Finance Director/Treasurer Mertes, City Administrator Hilvo, and staff for a great budget and thorough presentation.

Mayor O'Keefe opened the discussion for public comment.

DeWayna Cherrington, N32 W7512 Cedar Pointe Ct., serves as President on the Library Board. She stated that she was pleased in the investments and priorities made by the Common Council including major repairs to streets and investing in the parks and forestry. These are some of the reasons that people want to live in Cedarburg, to enjoy the vistas and well-maintained infrastructure. As we welcome visitors to our community it shows them what we care about. The Library is another major reason to be proud of Cedarburg. It is a factor in making Cedarburg a special place to live. The Library offers so many things that make our lives good. It is one of the few places you can enjoy free internet service without purchasing anything; which aids students, those seeking employment, businessmen and women, and senior citizens. The Friends of the Library Book Store is the only place to browse and purchase books in the City. They help to create a healthy community by offering relationship building in groups and classes and discussions in person or via zoom. They train individuals and have available some of the newest technology available. All of this is offered by professionally trained staff who have multiple advanced degrees among them. The Board has known for years that they were not able to pay staff a comparable wage compared to nearby communities. The Board thanked City Administrator Hilvo for his work on researching the areas compensation for professional staff. She thanked the Council's Personnel Committee for their recommendations. They are now inching their way forward and this year they will be able to boost the Librarians' compensation to a comparable range. They still have many financial concerns as the new building is not so new anymore. They are looking towards additional maintenance of the structure and replacement of equipment. The Library is also far below the recommended expenditure on materials, books, periodicals, and websites that the State recommends for a City our size. At her house, they know that quality counts and costs a bit more. Many of her friends and neighbors are happy that the Council is looking to boost the tax levy so Cedarburg can maintain its high level of services and quality of life.

Motion made by Council Member Thome, seconded by Council Member Burkart, to close the public hearing at 7:34 p.m. Motion carried without a negative vote with Council Members Bublitz and Simpson excused.

NEW BUSINESS

CONSIDER PROPOSED 2021 BUDGET; DISCUSSION AND DIRECTION THEREON

City Administrator Hilvo asked for any further direction of the Common Council on the proposed 2021 budget, as the final budget will be presented at the November 30 meeting for final approval.

Council Member Burkart thanked City Administrator Hilvo, Department Heads, and staff for listening to the Council Members concerns and presenting this final budget. She understood that it was a struggle, and it is appreciated.

Mayor O’Keefe explained that discussion on this proposed 2021 budget has been a long drawn out process that began in June. The Council has been working hard up to this point; which is why there has not been many comments tonight by the Council Members.

Motion made by Council Member Thome, seconded by Council Member Lythjohan, to approve the proposed 2021 Budget as presented. Motion carried on a roll call vote with Council Members Arnett, Burkart, Verhaalen, Thome, and Lythjohan voting aye and Council Members Bublitz and Simpson excused.

Council Member Arnett explained that \$483,000 was used from the fund balance for this budget. This would have resulted in another 35¢ increase, if levied.

CONSIDER RESOLUTION NO. 2020-23 FOR MARY SHEFFIELD; ECONOMIC DEVELOPMENT COORDINATOR; AND ACTION THEREON

Motion made by Council Member Thome, seconded by Council Member Arnett, to approve Resolution No. 2020-23 honoring Economic Development Coordinator Mary Sheffield. Motion carried without a negative vote with Council Members Bublitz and Simpson excused.

CONSIDER VACATION OF BACKYARD UTILITY EASEMENT FOR CEDARWOOD SUBDIVISION; AND ACTION THEROEN

Director of Engineering and Public Works Wiza explained that Ryan Olsen has purchased a vacant lot in Cedarwood Subdivision on Park Circle, and he intends to build a house on it in the future. When Cedarwood Subdivision was originally platted in 1962, the plat included a 20-foot utility easement which ran through the middle of the backyards on lots 7 through 12. At Mr. Olsen’s request, staff investigated the purpose for this easement and discovered that no City utilities run through this section. Staff also requested a utility location for these properties, and found that there is no buried electric, telephone, or cable tv within the easement. Everything is located in the front yard or street right-of-way. Given that the easement contains no utilities and has been encroached on by many other properties in the subdivision, staff is recommending vacating this easement.

Council Member Verhaalen recused himself from this item.

In answer to Council Member Arnett’s question, Director Wiza said that there is sanitary sewer between lots 5 and 6 and they are not part of the vacation.

City Attorney Herbrand added that this is a partial release of easement for lots 7 – 12.

Motion made by Council Member Burkart, seconded by Council Member Lythjohan, to vacate the backyard utility easement for lots 7-12 in the Cedarwood Subdivision. Motion carried without a negative vote with Council Member Verhaalen recused and Council Member Simpson excused.

MAYOR'S REPORT – PROCLAMATION FOR CHAMBER OF COMMERCE – 75TH ANNIVERSARY

Mayor O'Keefe congratulated and expressed appreciation to the Chamber of Commerce for their contributions to the City of Cedarburg.

Motion made by Council Member Thome, seconded by Council Member Burkart, to accept the Proclamation recognizing the Chamber of Commerce on their 75th Anniversary. Motion carried without a negative vote with Council Member Simpson excused.

NEW BUSINESS – CONTINUED

DISCUSSION ON WOOLEN MILLS DAM; AND ACTION THEREON

City Administrator Hilvo explained that the estimated cost of repairs is \$800,000 but could change based on DNR requirements. The 2021 budget includes \$300,000 from the environmental reserves fund, \$100,000 from Fund Balance, and \$400,000 from a matching DNR grant. A Cedarburg Dam Perpetuity Fund does exist to assist with dam repairs in the future but would not be able to help with repairs in 2021.

City Administrator Hilvo explained that another option is to hire a consulting firm to do a feasibility study on the effects of dam removal. The estimated cost is \$38,100 (base) up to \$66,600 with other optional tasks. There is potential for grant funding through the Fund for Lake Michigan for the feasibility study. This would require that the Council considers removal of the dam or dams and approve staff to apply for the grant. The pre-proposal application was due October 31; however, there is still time to get an application completed in time for their December Board meeting. Actual costs of dam removal have not been determined but based on several studies it is less expensive to remove a dam than repair it. With a deadline approaching for a grant application on a feasibility study and a DNR deadline of either dam repairs or removal of December 2021, it is important for the Council to evaluate the importance of the dam(s) in Cedarburg. If the City chooses to repair the dams, the DNR would need a plan provided to them by April 2021.

Mayor O'Keefe stated that while only a discussion of the Woolen Mills dam is on the agenda tonight, the Council's actions regarding it are greatly impactful on the entire dam issue; he felt a discussion of the Cedarburg dams in general is acceptable.

Mayor O'Keefe explained that there are three dams in the City of Cedarburg, the Woolen Mills Dam near the Cedar Creek Settlement and mill, the Columbia Mills Dam near the BMO Harris Bank at Columbia Road and Highland Drive, and the Ruck Dam near Portland Road and Columbia Road – visible from the patio of Rebellion Brewing, certainly one of the best spots in all of Cedarburg. The City conducted necessary repairs on the Columbia Mills dam in late 2019 to early 2020, in conjunction with the construction of a new water treatment lift station, and the City is set there. He further stated that the Council needs to determine their course of action for the Woolen Mills dam.

Mayor O'Keefe stated that Cedarburg was founded in its existing location due to the existence of Cedar Creek, allowing for the use of hydropower and our dams to power the woolen and grist (or grain) mills. Cedarburg is here because of the dams. They are greatly admired and appreciated for

their beauty as well as their historic significance by visitors and citizens alike. Photos and paintings of Cedarburg's aesthetic beauty often feature our gorgeous dams.

Mayor O'Keefe explained that he received emails and phone calls from many persons responsible for keeping Cedarburg the uniquely historic and vibrant community it is today. There has been unanimous support for the dams from those astute and wise enough to have launched our historic preservation movement and many of the other brilliant ideas that have made Cedarburg the incredible place it is today. Cedarburg did not happen by accident. And it did not become the place it is today by listening to outsiders who have an agenda beyond the best interests of our Community.

Mayor O'Keefe stated that this issue is so important to the future of Cedarburg that he wanted to make his position perfectly clear by saying that, *"I was elected on a vow to preserve and protect the historic integrity of this City, and I will fight to keep our precious dams.* As Mayor of the City of Cedarburg, I will do everything in my power to thwart any effort to remove these beautiful dams and will support their repair and preservation. I do not support a dam removal study. Why should we spend \$40-60 thousand dollars in taxpayer money or seek a monetary grant to conduct a study of something we should not do, something we should have no intention of doing? It would be like conducting a study to measure the ramifications of removing our historic mills, or churches, or the Interurban Bridge? We might as well conduct a study to explore the effects of banning coffee, pizza, and caramel apples! Ridiculous."

Mayor O'Keefe concluded that Citywide surveys have shown a vast majority of Cedarburg citizens love our dams and want to keep them. They are willing to spend tax dollars to ensure these incredible structures remain for our children and grandchildren to enjoy and cherish. He expressed hope for continuing this process tonight by learning of and approving a plan to provide needed repairs to the Woolen Mills dam.

Director Wiza explained that the main issue is that the floodplain mapping for Cedar Creek is in the process of being updated. The new maps and models are not yet approved, and thus revised stream flow and floodplain data is unavailable. DNR must review and approve the dam repair plans, but they cannot provide the necessary design parameters to the City's consultant. Since the construction needs to be done in late summer and fall when stream flow is typically lowest, the work will have to be postponed until 2021. DNR has granted a time extension for plan completion until April 30, 2021 with repairs completed by the end of 2021.

In answer to Council Member Verhaalen's question, Director Wiza confirmed that the City had seepage issues repaired on the Woolen Mill dam approximately six or seven years ago.

Council Members Arnett, Burkart, Lythjohan, Thome and Bublitz explained that they heard from many of their constituents and people in the community that are against removing the dams. The consensus was the dams are part of Cedarburg and our identity and most people want to see them stay.

In answer to Mayor O'Keefe's question regarding removal of the dams and disrupting the water flow after cleanup, Director Wiza explained that extensive cleanup was done between Ruck Dam and the Columbia Mills Dam along with an impressive cleanup north of Ruck Dam in 1995. Whatever PCBs that still exist would settle in crevasses and would be covered and not cause any harm as long as there is no further disruption. There were no detectible PCBs north of the Woolen Mills Dam.

Cheryl Nenn of the Milwaukee Riverkeeper stated that keeping the dams is a big decision and there is a benefit to consider removal. She opined that budget increases will be involved in maintaining the dams. She said there are funds available for the study; however, if the City is not serious about removal; they should not use the funds.

Mayor O'Keefe stated that it is good government to listen to the people of Cedarburg and there is a sincere desire to retain the dams.

Eric Stelter, N54 W5989 Portland Road, stated that the City is concerned about the cost to retain the dams; however, they fail to realize the costs that can equalize those costs such as maintenance of the roads. The dams are part of the infrastructure and the appeal of Cedarburg. The costs of maintaining the dams over the years is no more than the cost of maintaining the roads. The costs are just being realized up front. The long-term negative affects to removing the dams in Cedarburg would be way beyond the costs of maintaining them.

Paul Hayes, N63 W5795 Columbia Road, stated he is a happy taxpayer who lives on the pond of Columbia Mill. Seven days ago, there were two immature snow geese on the pond. They would not be there without the pond, and the pond would not be there without the dam.

Gus Wirth, N48 W6000 Spring Street, stated that the dams are important to Cedarburg and are part of its history.

Tom Kubala, N67 W5475 Columbia Road, said he has the minority opinion on the dams in that he is a lover of quality water, and as water is foundational to healthy eco-systems everywhere, he has to say that the dams should be removed for that sake. He imagines the creek looking very much like it does below the Columbia Mill dam where the water flows over the rocks. Of the many artists who paint dams; he thought more paint where the creek moves over rocks and is possibly much more beautiful. Beyond beauty the ecological health of water is of supreme importance and he hoped the City would consider this.

Sampson Daniel Parsons, N69 W5819 Bridge Road, asked if Council Members were aware that children in Cedarburg were prohibited by ordinance to go to the park and play in their river? He thought children deserve a healthy river to play in. He opined that spending their parent's money to keep that from happening is very hard to defend. This keeps happening repeatedly. The only defense that has ever been offered is that the dams are historic; but they are not. The dams are not historic because in 2003 the Wisconsin Historical Society declined Cedarburg's request for historical designation, but over many years Council Members keep claiming they are. This is incorrect information that has been passed down. He stated that the Woolen Mills dam was not built in 1864 by Hilgen; it was built in 1939. What ever might remain of the 1864 dam is buried upstream in water and sediment. Without the defense of preserving history, what is the defense? The river has paid its dues as well. It deserves to be a river again. The constant and very expensive repairs needed for these obsolete dams are repairs that none of the original dam builders would ever pay for a dam that did not work. He believed they would be strongly against residents paying to repair their dams that did not do any work. There is only one component left at the Woolen Mill dam, the original 1864 dam, and that is the limestone millrace wall. The current engineering plans developed by Graeff would destroy it and replace it with concrete. Destroying the only remaining piece of existing history at the site, in the name of preserving history, makes no sense. Mr. Parsons said that he has never heard a Council

Member reference the Public Trust Doctrine or the Water Quality Act. Cedarburg still has an ordinance prohibiting anyone from entering their own public river. Kids deserve a healthy river to play in and not think about video games. If you give a child a butterfly net and a bucket and a healthy river, they will explore and learn all day. These are childhood memories that will last a lifetime. To prevent this from happening is impossible to defend. Choosing to continually be uninformed of options is hard to believe.

Chris Smith, N105 W7325 Chatham Street, explained that this his sixth address in Cedarburg as a lifelong resident and as a sixth generation descendent of Mr. Frederick Hilgen. He has listened to the arguments and engaged in many online debates with people on this subject. He believes the dams create the historical legacy of Cedarburg and they preserve the current and future legacy of Cedarburg. He does not believe there are studies that can assuredly say this is what would happen if you remove the dams to the waterways, or between where they are not and where they will not be. His opinion is that so many businesses thrive because of the tourist that come to Cedarburg on top of the generations that continue to live here and choose Cedarburg as their home, the expenses that may be incurred to preserve the dams are worth it unless they are proven to be an ecological damage to the area.

Council Member Burkart would like clarification on the ordinance prohibiting people from entering the creek is a liability issue. As far as being ill-informed, the citizens of Cedarburg did speak, and they want to spend the money to repair the dam. The people who voted for her spoke and she did not appreciate being called ill-informed.

Mayor O'Keefe opined that the historical significance of the dams is debatable. He feels that the dams and Cedarburg are of historical significance.

Gus Wirth, N48 W6000 Spring Street, stated that Hilgen Spring park was a big draw in the past because of the rivers and of course the woolen mills made all the blankets for the Civil War.

Council Member Arnett explained that near the Woolen Mills dam; people are in the river during the pumpkin races in knee high silt that would need to be trucked out of there. Even though there may be dam grants available to remove it, he questioned if the grants would cover the City's legal costs if one person on Sheboygan Road filed a lawsuit against the City? There are too many questions to talk about removing the dams.

Motion made by Council Member Arnett, that the Common Council recognizes that Cedarburg's dams are historically significant and shall be preserved for future generations. The Council hereby instructs City staff to take all actions necessary to preserve city owned Cedarburg Dams. This shall remain the position of the City of Cedarburg until modified by the Common Council. Motion was seconded by Council Member Thome.

In answer to Council Member Verhaalen's question regarding the motion, Atty Herbrand said the motion does not arguably bind future Councils.

Motion carried on a roll call vote with Council Members Verhaalen, Burkart, Arnett, Bublitz, Lythjohan and Thome voting in favor and Council Member Simpson excused.

CONSIDER CLASS “B” FERMENTED MALT BEVERAGE AND “CLASS B” INTOXICATING LIQUOR LICENSE APPLICATION OF OLD FASHIONED FOODS INC., 650 FURNACE STREET, MAYVILLE, WI 53050, JESSICA YOUSO, AGENT, PREMISES TO BE LICENSED: N56 W6339 CENTER STREET, KNOWN AS OLD FASHIONED CHEESE; AND ACTION THEREON

City Administrator Hilvo clarified that the purchase of the Morton’s Wiscons Inn building will depend upon the granting of this license.

In answer to Council Member Arnett’s question on how the proposed owner would intend to use the license, Jessica Youso said that their current store has been in the family for 42 years and they are currently looking at expanding. With the concept that people can have samples to pair their wine and cheese, along with offering imported liquors. They will not have a full-fledged restaurant; however, they want to offer food highlighting their product.

In answer to Mayor O’Keefe’s question, Jessica Youso stated that a Class “B” Fermented Malt Beverage and “Class C” Wine license will not allow extra sampling and extended options when ordering food. Attorney Regan explained that their current business model offers the opportunity for people to buy beer and wine to take home.

Council Member Burkart struggles with the concerns of a few of the Council Member’s regarding full usage of this type of license.

Council Member Thome was satisfied that Old Fashioned Cheese will be serving liquor along with beer and wine.

Attorney Regan explained that Old Fashioned Cheese is very well financed because it is a large company. The Mayville business is very successful and profitable and lack of financing or working capital will not be a problem for starting this business.

Council Member Arnett thanked the applicants for choosing Cedarburg. Historically, the City has lacked a sufficient number of “Class B” Intoxicating Liquor licenses and the Council has had debates whether sampling is full use of this license.

Attorney Regan stated that Old Fashioned Cheese will not be a typical bar and open late; however, the license will be fully utilized.

Council Member Burkart was satisfied that people will be able to purchase a drink when ordering their cheese plates and other offerings.

Mayor O’Keefe made a plea to the Wisconsin legislature to redefine the rules and perhaps even consider a waiver for additional liquor licenses for a tourist City such as Cedarburg. The City is unique and is not only enjoyed by the residents but tourists also.

Council Member Thome stated that the Old Fashioned Foods website indicates that liquor and food is served at their current location.

Jessica Youso said that the current Mayville location is too small and is primarily used for private parties. The Cedarburg location will be an expansion and have more to offer.

Council Member Bublitz recalled previous discussions and she agrees with Council Member Verhaalen's past comment that the City does not have the right to stand in the way of anyone who wants to try and start a business in Cedarburg. She is in favor if patrons can enjoy a cocktail with their product

Motion made by Council Member Verhaalen, seconded by Council Member Thome, to approve the issuance of a Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor license to Old Fashioned Foods Inc., 650 Furnace Street, Mayville, WI 53050, Jessica Youso, agent, premises to be licensed: N56 W6339 Center Street, known as Old Fashioned Cheese contingent upon them taking ownership and occupancy and the agent of Morton's surrendering the existing license to the City. Motion carried without a negative vote with Council Member Simpson excused.

CONSIDER LICENSE/PERMIT APPLICATIONS; AND ACTION THEREON

Motion made by Council Member Verhaalen, seconded by Council Member Bublitz, to approve new Operator License applications for the period ending June 30, 2021 for Nicole Niesing and Richard Sauthoff and renewal Operator License applications for the period ending June 30, 2021 for Sara Borchardt, Dawn Brooks, and Chris Morton. Motion carried without a negative vote with Council Member Simpson excused.

CONSIDER PAYMENT OF BILLS DATED 10/17/2020 THROUGH 10/24/2020, TRANSFERS FOR THE PERIOD 10/24/2020 THROUGH 11/06/2020 AND PAYROLL PERIOD 10/18/2020 THROUGH 10/31/2020; AND ACTION THEREON

Motion made by Council Member Bublitz, seconded by Council Member Lythjohan, to approve payment of bills dated 10/17/2020 through 10/24/2020, transfers for the period 10/24/2020 through 11/06/2020 and payroll for the period 10/18/2020 through 10/31/2020. Motion carried without a negative vote with Council Member Simpson excused.

ADMINISTRATOR'S REPORT

City Administrator Hilvo explained that the Community Tree Lighting will be modified this year to prevent a large gathering and details will follow. The Santa House is going up; however, there will be no in-person visits with Santa.

He thanked the Brand Implementation Team that was disbanded last month. The Economic Development Board will continue some of this work. There is \$2,000 in remaining funds available, that is not taxpayer money.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Sampson Daniel Parsons, N69 W5819 Bridge Road, reiterated his concern for children having healthy water available to them and his opinion that the dams should be removed.

Gus Wirth, N48 W6000 Spring Street, asked that the Common Council review the pedestrian crossing at the corner of Columbia Road and Washington Avenue. He also asked review of internally lit signs

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Bublitz thanked City Clerk Sette and staff for a well-run election with a record number turnout of voters.

Council Member Arnett echoed the appreciation for the Brand Implementation Team. Council Member Arnett recognized Barber Vic, who recently passed away, for his long-time presence and contribution in Cedarburg; he will be missed.

MAYOR REPORT

Mayor O'Keefe thanked City Clerk Sette, Deputy Clerk Kletzien, and Administrative Assistant Welch for the handling of absentee voting at City Hall and keeping the process open. He also thanked the many volunteers and poll workers for risking their personal safety for democracy.

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Bublitz, to adjourn the meeting at 9:09 p.m. Motion carried without a negative vote with Council Member Simpson excused.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk