

**CITY OF CEDARBURG
COMMON COUNCIL
January 11, 2021**

**CC20210111-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held online on Monday, January 11, 2021, 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, Patricia Thome, Robert Simpson, Barbara Lythjohan

Also Present - City Administrator Mikko Hilvo, City Attorney Michael Herbrand, Deputy City Clerk Amy Kletzien, Director of Engineering and Public Works Mike Wieser, Police Chief Thomas Frank, City Planner Jon Censky, 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 Lythjohan, to approve the December 14 and December 21, 2020 Common Council minutes. Motion carried without a negative vote.

NEW BUSINESS

CONSIDER RESOLUTION NO. 2021-03 FOR ENGINEERING & PUBLIC WORKS DIRECTOR TOM WIZA'S RETIREMENT; AND ACTION THEREON

Motion made by Council Member Thome, seconded by Council Member Arnett, to adopt Resolution No. 2021-03 honoring Director of Engineering and Public Works Tom Wiza. Motion carried without a negative vote.

The Common Council presented Resolution No. 2021-03 to Tom Wiza and thanked him for his many years of service to the City. His talent will be greatly missed.

Tom Wiza thanked the Common Council and the community for their support in helping him meet his accomplishments.

CONSIDER ORDINANCE NO. 2021-04 ADDING A VIOLATION AND PENALTY SECTION TO THE CURRENT TREE AND SHRUB ORDINANCE; AND ACTION THEREON

City Forrester Westphal explained the history behind the addition of this Violation and Penalty Section 6-4-16 to the Code. The Parks, Recreation and Forestry Board discussed and approved this addition to the current Tree and Shrub Ordinance at their December 2, 2020 meeting.

Motion made by Council Member Bublitz, seconded by Council Member Lythjohan, to adopt Ordinance No. 2021-05 adding a Violation and Penalty section to the current Tree and Shrub Ordinance. Motion carried without a negative vote.

CONSIDER AWARD OF CONTRACT FOR THE HWY 60 BUSINESS PARK UTILITY CONTRACT; AND ACTION THEREON

Director Wieser explained that staff advertised and received bids for the Hwy 60 Business Park Utility work. A total of 14 bids were received, with the low bid submitted by Wondra Construction. Wondra Construction is a company who has previously completed utility work in Cedarburg, most recently for the Cedarburg Trails Subdivision. Wondra Construction's low bid of \$2,886,351.41 is well below the engineer's estimate. The TIF budgeted \$2,168,070 for these items, but with contingencies figured into this bid it is still in line with the overall TIF budget. He further explained that Light and Water has not received PSC approval for the booster station and watermain included in this contract but to meet WILO's construction schedule the City is forced to move ahead; with the expectation that the approval will be received before watermain construction proceeds.

In answer to Council Member Arnett's question, Director Wieser explained that a 20% contingency amount was added to the figures for the TIF for this reason.

Council Member Arnett stated that 14 bids for this project is impressive and indicates a tight range of competitiveness.

In answer to Mayor O'Keefe's question, Director Wieser stated that approximately one-half of the contingency amount will be used now and the remainder will be available for the Hwy 60 and internal road work.

Motion made by Council Member Burkart, seconded by Council Member Bublitz, to award the Hwy. 60 Business Park utility contract to Wondra Construction based on their low bid of \$2,886,351.41. Motion carried without a negative vote.

CONSIDER REQUEST TO HIRE A REPLACEMENT POLICE OFFICER; AND ACTION THEREON

Police Chief Frank explained that a patrol officer recently resigned his employment with the Cedarburg Police Department. As a result, he requested to hire one officer to replace this position on their roster. No one is immediately available for the position and it will take several months to fill this position.

Motion made by Council Member Bublitz, seconded by Council Member Simpson, to approve the request to hire a replacement police officer. Motion carried without a negative vote.

**CONSIDER ORDINANCE NO. 2021-01 PROVIDING FOR THE ALLOWANCE OF
COMMERCIAL QUADRICYCLES IN THE CITY OF CEDARBURG; AND ACTION
THEREON**

City Administrator Hilvo explained that City Clerk Sette and Attorney Herbrand have been working on this request from Jordan Cole. After tonight's discussion and a final review by City Attorney Herbrand, it will be presented at the January 25, 2021 meeting for a vote.

Jordan Cole from North 48 explained that he is requesting permission to operate a pedal tavern in Cedarburg starting in 2021. The operation consists of a quadrivehicle rented from Pedal Tavern MKE and North 48 would rent the quadrivehicle to their customers. The customers may bring alcohol on the vehicle and would only be able to consume sitting in it. No beverages will be sold on the vehicle. The route only has one left-hand turn, and the remainder are all right-hand turns.

In answer to Council Member Arnett's questions, Jordan Cole stated that the last ride will leave at 8:00 p.m. to be completed by 10:00 p.m. During the ride, there will be one designated space available on Washington Avenue to park the vehicle once it reaches downtown, where it will be parked most of the time. If traffic does accumulate ahead of stopping, the vehicle will pullover to allow traffic to pass.

Mayor O'Keefe stated that the City can try the quadrivehicle for one summer and if there are problems, it can be revisited by the Common Council.

Council Member Thome stated that she preferred there be no music on the quadrivehicle. Council Member Arnett asked if it was a portable speaker.

Jordan Cole indicated that there will be one speaker on the quadrivehicle, and it will not be loud and will be monitored.

Council Member Burkart indicated that she did not like the proposed times or route for the quadrivehicle. She stated that it was irresponsible to allow this vehicle to travel on St. John Avenue which is a residential area.

In answer to Mayor O'Keefe's questions, Jordan Cole stated that the ride will last 1.5 – 2 hours for each group. The idea is to get off the vehicle to see the City and the route may be adjusted.

Council Member Bublitz indicated that she was in favor of the quadrivehicle and liked the idea very much. She cautioned Mr. Cole to hire responsible individuals to make sure that the rides stay in control and to make the event successful.

Council Member Burkart asked if other bars in the City will have the right to operate a quadrivehicle.

Jordan Cole said that there is only one vendor in Milwaukee and one vendor in Oconomowoc. There are no other companies, that he is aware of, that offer this type of service.

In answer to Council Member Thome's question, City Attorney Herbrand explained that the route is adopted by the Common Council, so it can be altered by the Common Council.

Jordan Cole explained that the route was chosen to make as many right turns as possible, as to not cross traffic.

Council Member Burkart suggested using Cleveland Street to bypass the residential area on St. John Avenue.

Council Member Arnett indicated that it would make it difficult to visit businesses on the north end of downtown Cedarburg.

Jordan Cole stated that he wants to attract more people to Cedarburg and support local businesses as much as possible with this event.

Council Members Thome and Bublitz indicated that they want to set a limit on the number of quadrivehicles allowed in the City because this could be a potential issue.

Jordan Cole stated that he is only aware of one company in Milwaukee, since its inception a few years ago.

Council Member Burkart urged the Council Members to walk down St. John Avenue and to change the starting time from 10:00 a.m. to noon because it would be disrespectful to start that early on a residential street.

City Administrator Hilvo and City Attorney Herbrand will take all of tonight's comments and suggestions into consideration and will present a final Ordinance for approval at the January 25 Common Council meeting.

CONSIDER ORDINANCE NO. 2021-03 PROVIDING FOR FAIR AND OPEN HOUSING IN THE CITY OF CEDARBURG; AND ACTION THEREON

City Administrator Hilvo explained that the City of Cedarburg is preparing to apply for a Community Development Block Grant from the Department of Administration (DOA). The grant is typically used for housing projects. Should the City successfully be awarded the funds, they would be utilized for ADA upgrades to City buildings. The DOA requires the City to adopt a Fair Housing Ordinance to be eligible to apply.

City Administrator Hilvo read a letter received from Douglas Gall, W70 N1014 Hampton Ct., stating that the impact to the Community is the potential for unintended consequences to the Municipal and Land Use Codes that are in existence and he asked the Common Council to vote against this proposed ordinance.

City Administrator Hilvo explained that he spoke with City Planner Censky who indicated that this ordinance would not have any impact on the Land Use Plan.

In answer to Council Member Arnett's question, City Administrator Hilvo stated that the City does not have the income qualifications to be eligible for more of the grant money. Only the proposed ADA projects have been approved if the remaining criteria is met.

In answer to Council Member Verhaalen's question, City Administrator Hilvo stated that the ADA upgrades will be made to the Senior Center, City Hall, Police Department and City Park buildings.

City Attorney Herbrand explained that this ordinance is already State Law with the same enforcement authority.

City Administrator Hilvo said this ordinance is specific to the CDBG funding and it will not affect any other areas or increase rents.

Council Member Verhaalen opined that Ordinance 2021-03 and Resolution No. 2021-01 are too broad to approve for these City projects.

City Administrator Hilvo and City Attorney Herbrand indicated that the City needs to adopt this ordinance and the following proposed resolution to get the funds for these projects.

In answer to Council Member Verhaalen's question regarding the City's obligations, City Attorney Herbrand stated that it is his understanding that if the funds are used to displace or increase rents, only then would the City be obligated to relocation.

Mayor O'Keefe asked if adopting this ordinance would lock the City in for someone who may upgrade an apartment, for example. City Administrator Hilvo indicated it would not.

City Administrator Hilvo further explained that this process is part of the State's requirements to get the funding for ADA doors and improvements for City buildings. It has not been an easy process and it needs to be finalized by the end of January to eligible for the grant.

Motion made by Council Member Bublitz, seconded by Council Member Lythjohan, to adopt Ordinance No. 2021-03 providing for fair and open housing in the City of Cedarburg. Motion carried with Council Members Bublitz, Arnett, Burkart, Simpson, Thome, and Lythjohan voting aye and Council Member Verhaalen opposed.

CONSIDER RESOLUTION NO. 2021-01 WISCONSIN RESIDENTIAL
ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN; AND ACTION
THEREON

City Administrator Hilvo explained that this resolution is the other component to being eligible for the CDBG grant to be utilized for ADA upgrades to City buildings.

In answer to Council Member Arnett's questions, City Attorney Herbrand explained the difference between an ordinance and a resolution. A resolution is temporary in nature and is specific to a use or matter such as this grant. City Attorney Herbrand also indicated that there would be no unintended consequences to adopting Resolution No. 2021-01.

Motion made by Council Member Burkart, seconded by Council Member Thome, to adopt Resolution No. 2021-01 Wisconsin Residential Antidisplacement and Relocation Assistance Plan. Motion carried with Council Members Bublitz, Arnett, Burkart, Simpson, Thome, and Lythjohan voting aye and Council Member Verhaalen opposed.

CONSIDER APPOINTMENTS TO LANDMARK COMMISSION AND LIGHT & WATER COMMISSION; AND ACTION THEREON

Motion made by Council Member Arnett, seconded by Council Member Thome, to approve Mayor O’Keefe’s appointment of Chris Smith to the Landmarks Commission (04/2022) and Paul Radtke to the Light & Water Commission (09/2021). Motion carried without a negative vote.

CONSIDER LICENSE/PERMIT APPLICATIONS; AND ACTION THEREON

Motion made by Council Member Bublitz, seconded by Council Member Lythjohan, to approve new Operator License applications for the period ending June 30, 2021 for Heather L. Rappa, Travis J. LaCombe, and Christopher N. Lang. Motion carried without a negative vote.

CONSIDER PAYMENT OF BILLS DATED 12/09/2020 THROUGH 12/30/2020, TRANSFERS FOR THE PERIOD 12/09/2020 THROUGH 01/06/2021 AND PAYROLL PERIODS 11/29/2020 THROUGH 12/12/2020 and 12/13/20 THROUGH 12/26/20; AND ACTION THEREON

Motion made by Council Member Burkart, seconded by Council Member Bublitz, to approve payment of bills dated 12/09/2020 through 12/30/2020, transfers for the period 12/09/2020 through 01/06/2021 and payroll for the period 11/29/2020 through 12/12/2020 and 12/13/20 through 12/26/20. Motion carried without a negative vote.

ADMINISTRATOR’S REPORT

In answer to Council Member Arnett’s question, City Administrator Hilvo explained that youths chipped at the ice and caused damage to the side of the rink and the ice in Cedar Creek Park.

COMMENTS AND SUGGESTIONS FROM CITIZENS - None

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Bublitz received a request from a constituent asking for the speed limit to be reduced on Sheboygan Road between Hwy. 60 and the 25-mph speed limit in the City. Many people walk on this stretch of road. It has been helpful to have a line drawn on Hwy I where there is no sidewalk; however, speed is still a problem. Mayor O’Keefe asked that this be a future agenda item.

Council Member Thome thanked Fire Chief Vahsholtz and Building Inspector Baier for the organized manner in which they inspected temporary structures and offered interim safety solutions for businesses and their patrons during this difficult time period.

MAYOR REPORT

ADJOURNMENT – CLOSED SESSION

Motion made by Council Member Thome, seconded by Council Member Lythjohan, to adjourn to closed session at 8:22 p.m. pursuant to State Statute 19.85(1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, more specifically, claim

review for Shelley Buck. Approval of September 28, 2020 closed session minutes. Motion carried on a roll call vote with Council Members Bublitz, Arnett, Burkart, Verhaalen, Simpson, 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 8:30 p.m. Motion carried on a roll call vote with Council Members Bublitz, Arnett, Burkart, Verhaalen, Simpson, Thome, and Lythjohan voting aye.

CONSIDER APPROVAL OF CLAIM REVIEW; AND ACTION THEREON

Motion made by Council Member Burkart, seconded by Council Member Bublitz, to deny the Shelley Buck claim. Motion carried without a negative vote.

ADJOURNMENT

Motion made by Council Member Arnett, seconded by Council Member Lythjohan, to adjourn the meeting at 8:33 p.m. Motion carried without a negative vote.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk