

**CITY OF CEDARBURG
JOINT MEETING OF COMMON COUNCIL
AND PLAN COMMISSION
AUGUST 29, 2022**

A joint meeting of the Common Council and Plan Commission of the City of Cedarburg, Wisconsin, was held on Monday, August 29, 2022, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers, and online utilizing the Zoom app.

Mayor Michael O’Keefe called the meeting to order at 6:30 p.m. A moment of silence was observed, and the Pledge of Allegiance was recited.

Roll Call: Present - Council Members Jack Arnett, Kristin Burkart, Patricia Thome, Angus Forbes, Sherry Bublitz and Robert Simpson

Excused - Council Member Rick Verhaalen

Plan Commission Members Adam Voltz, Tom Wiza, Sig Strautmanis, Patricia Thome, Kip Kinzel and Mayor O’Keefe

Excused - Plan Commission Member Heather Cain

Also Present - City Administrator Mikko Hilvo, Attorney Michael Herbrand, City Clerk Tracie Sette, Engineering & Public Works Director Michael Wieser, Water Recycling Center Superintendent Dennis Grulkowski, City Planner Jon Censky, news media and interested citizens.

STATEMENT OF PUBLIC NOTICE

At Mayor O’Keefe’s request, City Clerk Sette 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

NEW BUSINESS

DISCUSSION AND POSSIBLE ACTION ON DEVELOPERS’ AGREEMENT AND CONDO DOCUMENTS FOR P2 DEVELOPMENT

P2 Development Company continues to move forward with the Fox Run Development, consisting of 160 rental apartment units, 44 two- and three-bedroom rental townhomes and 26 “pocket homes” for a total of 230 units in the entire development. The Development Agreement addresses the following items:

- Identifies completion dates for the development.

- Identifies that the City will construct all public improvements on Hanover Avenue including sanitary sewer, water, storm sewer, curb & gutter, sidewalks, street improvements, street lamps, signs, street trees and landscaping.
- Identifies that the Developer will construct all improvements outside the Hanover Avenue Right-Of-Way (ROW) including sanitary sewer, water, storm sewer, curb & gutter, sidewalks, street improvements, streetlamps, signs, street trees and landscaping.
- Identifies that the Developer will be responsible for the installation of underground gas mains, electric and communication cables within the property. The City will reimburse the Developer for the cost of these private utilities within the Hanover ROW.
- Identifies the work that must be completed to obtain building and occupancy permits.

Attorney Herbrand suggested the following revisions to the following documents:

Stormwater Maintenance Agreement

Ryan Schultz's name is still included in the notary attestation text in the notary's signature block.

Development Agreement

In Section XII Miscellaneous, subsection E, revisions shown in red:

*This Agreement is intended solely for the benefit of Parties and no third party (other than successors and assigns) shall have any rights or interest in any provisions of this Agreement, or as a result of any action or inaction of the City. Without limiting the foregoing, no approvals, **licenses, or permits** given pursuant to this Agreement by the Parties or any person acting on behalf of any of them, shall be available for use by any contractor or other person in any dispute **or suit** relating to **the design**, construction, **and/or maintenance** of the Development.*

In Section III(B)(4), revision to clarify that City is responsible for private utilities in Hanover Avenue right-of-way:

*Private Utilities. Developer shall file preliminary plans and Developer shall be responsible for and install underground gas mains, electric and communication cables within the Property, **but not including the Hanover Avenue right-of-way**. All private utilities to be completed prior to binder course of pavement roadwork.*

A motion was made by Plan Commissioner Thome, seconded by Plan Commissioner Kinzel to approve the P2 Development Company Agreement and condo documents subject to the revisions outlined by Attorney Herbrand at this meeting. Motion carried without a negative vote with Plan Commissioner Cain excused.

A motion was made by Council Member Thome, seconded by Council Member Bublitz to approve the P2 Development Company Agreement and condo documents subject to the revisions outlined by Attorney Herbrand at this meeting. Motion carried without a negative vote with Council Member Verhaalen excused.

ADJOURNMENT

A motion was made by Council Member Arnett, seconded by Council Member Bublitz, to adjourn the meeting at 6:43 p.m. Motion carried without a negative vote with Council Member Verhaalen excused.

COMMON COUNCIL & PLAN COMMISSION
August 29, 2022

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UNAPPROVED

A motion was made by Plan Commissioner Kinzel, seconded by Plan Commissioner Wiza to adjourn the meeting at 6:43 p.m. Motion carried without a negative vote with Plan Commissioner Cain excused.

Tracie Sette
City Clerk