

**CITY OF CEDARBURG
COMMON COUNCIL
DECEMBER 9, 2024**

A meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, December 9, 2024, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers, and online utilizing the Zoom app.

Mayor Patricia Thome called the meeting to order at 7:01 p.m. A moment of silence was observed. The Pledge of Allegiance was recited.

Roll Call: Present - Mayor Patricia Thome, Council Members Kevin Curley, Mark Mueller (Zoom), Kristian Lindo (Zoom), Kristin Burkart, and James Fitzpatrick

 Excused - Council Members Melissa Bitter, Robert Simpson

 Also Present - City Administrator Mikko Hilvo, Attorney Michael Herbrand, City Clerk Tracie Sette, City Planner Mary Censky, and interested citizens and news media.

STATEMENT OF PUBLIC NOTICE

At Mayor Thome'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

PUBLIC HEARINGS

A PUBLIC HEARING TO DISCUSS A POSSIBLE AMENDMENT TO SECTION 13-1-53(c) AND (e) OF THE CITY CODE BY ADDING TO THE LIST OF PERMITTED USES AND ADDING NEW CONDITIONAL USES IN THE B-1 NEIGHBORHOOD BUSINESS DISTRICT

Mayor Thome opened the Public Hearing and Planner Censky explained the details of the request as follows. An applicant appeared before the Plan Commission in October 2024 with a concept description of various uses they would like to be allowed to conduct in/on their B-1 zoned buildings and property. The Plan Commission was generally in favor of the mix of uses the applicant was proposing, not just in the context of this one applicant's site/buildings, but as considered across all three existing B-1 zoned site/structures throughout the City. Several of the uses proposed were not clearly identified in the B-1

District, so the Code amendment language was drafted at the Commission's request and approved at the November 4th, 2024 meeting with a favorable recommendation to the Common Council.

A PUBLIC HEARING TO DISCUSS THE ADDITION OF INDOOR FAMILY ENTERTAINMENT AND RECREATION CENTER (INCLUDING THE SUBORDINATE ACCESSORY USE OF BEER AND WINE SALES) AS A CONDITIONAL USE IN THE M-2 GENERAL MANUFACTURING DISTRICT

Mayor Thome opened the next Public Hearing and Planner Censky explained the details as follows. An applicant appeared before the Plan Commission on November 4, 2024, with a concept description of a "Family Entertainment and Recreation Center (including the subordinate and accessory use of beer and wine sales)" use he would like to be allowed to conduct in an M-2 zoned building/site where he has a tentative lease agreement for the space occupancy. The Plan Commission was generally in favor of the description of the applicant's intended compilation of uses/activities, not just in the context of this one applicant's site/buildings, but as considered across all existing M-2 zoned site/structures throughout the City. Since this use is not currently listed as either a permitted or conditional use in the M-2 District, the Commission was given a draft of language that could be used to make it a prospective conditional use in the M-2 District, to which they approved and favorably recommended to the Common Council.

Terry King, W63 N762 Sheboygan Road, Cedarburg – spoke in favor of the conditional use.

A motion was made by Council Member Burkart, seconded by Council Member Fitzpatrick, to close the Public Hearing at 7:17 p.m. Motion carried on a roll call vote with Council Members Fitzpatrick, Burkart, Curley, Lindo, and Mueller voting aye, with Council Members Bitter and Simpson excused.

NEW BUSINESS

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2024-24 ADDING A LIST OF PERMITTED USES AND NEW CONDITIONAL USES TO THE B-1 NEIGHBORHOOD BUSINESS DISTRICT

A motion was made by Council Member Burkart, seconded by Council Member Curley, to approve Ordinance No. 2024-24 adding a list of permitted uses and new conditional uses to the B-1 Neighborhood Business District. Motion carried without a negative vote with Council Members Bitter and Simpson excused.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2024-23 ADDING THE CONDITIONAL USE FAMILY ENTERTAINMENT AND RECREATION CENTER IN THE M-2 GENERAL MANUFACTURING DISTRICT

A motion was made by Council Member Burkart, seconded by Council Mueller, to approve Ordinance No. 2024-23 adding the Conditional Use Family Entertainment and Recreation Center in the M-2 General Manufacturing District. Motion carried without a negative vote with Council Members Bitter and Simpson excused.

DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF STONE LAKE CERTIFIED SURVEY MAP

The proposed certified survey map (CSM) reorganizes the lot lines among the three existing parcels of land that comprise the Stone Lake Condominium development (i.e., 41.36-acres). The resulting three lot configuration sets up Lots 1 and 2 as the development area for the first ‘phase’ of the Stone Lake Condominium development. Lot 3 is the area described in the condominium plat as Future Expansion Lands – i.e., ‘phase’ 2 of the Stone Lake Condominium development. The map also dedicates the public road right-of-way connecting this site, and Susan Lane to future development lands lying east of the Stone Lake site.

A motion was made by Council Member Burkart, seconded by Council Member Fitzpatrick, to approve the Stone Lake Certified Survey Map (CSM) with the condition that the final review and approval is completed by the City Engineer as to any sewer, water, drainage, stormwater management, access, or utility easements as may be required prior to recording the CSM. Motion carried without a negative vote with Council Members Bitter and Simpson excused.

DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF STONE LAKE DECLARATION AND FINAL PLAT

A motion was made by Council Member Burkart, seconded by Council Member Fitzpatrick, to approve the Stone Lake Declaration and Final Plat with final review and approval by the City Engineer as to any sewer, water, drainage, stormwater management, access, or utility easements as may be required, prior to recording the CSM. Motion carried without a negative vote with Council Members Bitter and Simpson excused.

DISCUSSION AND POSSIBLE ACTION ON AMENDMENTS TO OFFER TO PURCHASE 2.4932-ACRE PARCEL IN HWY 60 BUSINESS PARK FROM CORNERSTONE CHRISTIAN LEARNING CENTER

Attorney Herbrand explained the three (3) amendments to the Offer to Purchase as follows:

- Proposed use and appraisal contingency timeline extension
- Description of the parcel now reflects the exact acreage of 2.4932 acres
- Extension of closing date to January 31, 2025

A motion was made by Council Member Curley, seconded by Council Member Burkart, to approve the amendments to the Offer to Purchase a 2.4932-acre parcel in Highway 60 Business Park from Cornerstone Christian Learning Center. Motion carried without a negative vote with Council Members Bitter and Simpson excused.

DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF A CLASS “B” BEER LICENSE AND “CLASS C” LIQUOR (WINE ONLY) LICENSE FOR DARK BLUE OPERATING PARTNERS, INC., W62 N573 WASHINGTON AVENUE CEDARBURG, WI, CHRISTINE MCLEAN, AGENT, PREMISES TO BE LICENSED: W62 N573 WASHINGTON AVENUE, KNOWN AS THE WASHINGTON HOUSE INN

The Washington House Inn has been sold to new owners, Jeff and Christine McLean.

A motion was made by Council Member Fitzpatrick, seconded by Council Member Burkart, to approve the Class “B” Beer and “Class C” Wine only license for Dark Blue Operating Partners, Inc. W62 N573 Washington Avenue, Cedarburg, WI, Christine McLean, Agent, premise to be licensed: W62N573 Washington Avenue, known as the Washington House Inn. Motion carried without a negative vote with Council Members Bitter and Simpson excused.

DISCUSSION AND POSSIBLE ACTION ON THE MAYORAL APPOINTMENT OF MICHAEL BRADBURN TO THE LIGHT AND WATER COMMISSION EFFECTIVE JANUARY 1, 2025

A motion was made by Council Member Fitzpatrick, seconded by Council Member Lindo, to approve the Mayoral appointment of Michael Bradburn to the Light & Water Commission effective January 1, 2025. Motion carried without a negative vote with Council Members Bitter and Simpson excused.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2024-22 ESTABLISHING THE USER FEE SCHEDULE AND APPROPRIATING THE NECESSARY FUNDS FOR THE SEWERAGE FUND FOR THE OPERATION OF THE WATER RECYCLING CENTER OF THE CITY OF CEDARBURG

A motion was made by Council Member Curley, seconded by Council Member Fitzpatrick, to approve Ordinance No. 2024-22 establishing the User Fee Schedule and Appropriating the Necessary Funds for the Sewerage Fund for the Operation of the Water Recycling Center of the City of Cedarburg. Motion carried without a negative vote with Council Members Bitter and Simpson excused.

DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2024-12, AUTHORIZING THE SALE OF A 4.0669 ACRE PARCEL OF REAL PROPERTY, IN THE CITY OF CEDARBURG HIGHWAY 60 INDUSTRIAL PARK, TO PB&S HOLDINGS, LLC (“PB&S”)

The Resolution authorizes the sale of a parcel of land in the Hwy 60 Industrial Park and authorizes the City Administrator to execute all required documents consistent with the offer to purchase.

A motion was made by Council Member Burkart, seconded by Council Member Fitzpatrick, to approve Resolution No. 2024-12 contingent upon approving a mutually agreed upon Developers Agreement. Motion carried without a negative vote with Council Members Bitter and Simpson excused.

CONSENT AGENDA

A motion was made by Council Member Curley, seconded by Council Member Burkart, to approve the following consent agenda items. Motion carried without a negative vote with Council Members Bitter and Simpson excused.

- Payment of bills dated 11/16/2024 through 12/03/2024, transfer list dated 11/18/2024 through 12/03/2024 and payroll from 11/10/2024 through 11/23/2024

ADMINISTRATOR'S REPORT

Administrator Hilvo explained he is researching a possible switch from using Zoom to Microsoft Teams for online meetings. City staff will be testing the new platform in the coming weeks.

COMMENTS AND SUGGESTIONS BY COUNCIL MEMBERS- None

MAYOR'S REPORT

The Mayor announced the passing of Sandy Wirth. She reiterated how much he has done for the City of Cedarburg.

Council Member Burkart explained that Sandy Wirth attended a Council meeting early on in Council Member Burkart's tenure. At that meeting, Mr. Wirth told the Council that it is "a good problem to have when people want to come to your City".

December 17, 2024 will be a Plan Commission information session/public hearing at the Cultural Center for the Comprehensive Land Use Plan.

ADJOURN TO CLOSED SESSION

A motion was made by Council Member Burkart, seconded by Council Member Mueller, to adjourn to Closed Session at 7:42 p.m. pursuant to State Statute 19.85(1)(e) to deliberate or negotiate the purchase of public property, the investment of public funds, or to conduct other specified public business, whenever competitive or bargaining reasons require a closed session. Specifically discussed during the Closed Session was Developer's Agreements with Cornerstone Christian Learning Center and Philip Lithographing Company. Motion carried on a roll call vote with Council Members Fitzpatrick, Burkart, Curley, Lindo, and Mueller voting aye and Council Members Bitter and Simpson excused.

RECONVENE TO OPEN SESSION

Open Session reconvened at 7:59 p.m.

DISCUSSION AND POSSIBLE ACTION ON DEVELOPER'S AGREEMENT WITH CORNERSTONE CHRISTIAN LEARNING CENTER

A motion was made by Council Member Burkart, seconded by Council Member Fitzpatrick, to approve the Developer's Agreement with Cornerstone Christian Learning Center. Motion carried without a negative vote with Council Members Bitter and Simpson excused.

DISCUSSION AND POSSIBLE ACTION ON DEVELOPER'S AGREEMENT WITH PHILIP LITHOGRAPHING COMPANY

A motion was made by Council Member Burkart, seconded by Council Member Fitzpatrick, to approve the Developer's Agreement with Philip Lithographing Company. Motion carried without a negative vote with Council Members Bitter and Simpson excused.

ADJOURNMENT

A motion was made by Council Member Mueller, seconded by Council Member Burkart, to adjourn the meeting at 8:02 p.m. Motion carried without a negative vote with Council Members Bitter and Simpson excused.

Tracie Sette
City Clerk