

**CITY OF CEDARBURG
COMMON COUNCIL
May 13, 2024**

**CC20240513-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, May 13, 2024 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers and online utilizing the Zoom app.

Mayor Thome called the meeting to order at 7:00 p.m. A moment of silence was observed, and the Pledge of Allegiance was recited.

Roll Call: Present - Mayor Patricia Thome, Council Members Melissa Bitter, Jim Fitzpatrick, Kristin Burkart, Robert Simpson, Kristian Lindo, Mark Mueller

Excused - Council Member Kevin Curley

Also Present - City Administrator Mikko Hilvo, Deputy City Clerk Jessica Campolo, City Attorney Michael Herbrand, City Planner Jon Censky, City Clerk Tracie Sette, Water Recycling Center Superintendent Dennis Grulkowski, City Engineer Michael Wieser, Jay Stoeger of Cold Country Vines & Wines, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor Thome's request, Deputy City Clerk Campolo 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.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Connie Kincaide, N75 W7255 Linden Street

Connie expressed appreciation for the City Forestry team for sharing their expertise with citizens while planting trees at Pioneer Park. She also congratulated the newest Common Council member on their appointment.

PUBLIC HEARING

A PUBLIC HEARING ON A NEW FLOODPLAIN ORDINANCE DRAFTED BY THE DEPARTMENT OF NATURAL RESOURCES

Mayor Thome opened the Public Hearing. Planner Censky explained that city staff have been working with the DNR on finalizing the updated version of the City's Floodplain Ordinance. Planner Censky reviewed the updated maps with Council members. The DNR advises that the city must adopt this updated ordinance to remain in the National Flood Insurance Program. Planner Censky shared that the Plan Commission recommended approval by unanimous vote at their May 6, 2024 meeting. There were no questions or comments from citizens.

Motion made by Council Member Fitzpatrick, seconded by Council Member Bitter, to close the Public Hearing. Motion carried on a roll call vote with Council Members Bitter, Fitzpatrick, Burkart, Simpson, Lindo, and Mueller voting aye, and Council Member Curley excused.

PRESENTATION

POPPY PRINCESS PRESENTATION AND PROCLAMATION

Mayor Thome read and signed the Proclamation proclaiming May 2024 as Poppy Month. Representatives from the American Legion Auxiliary distributed crepe paper poppies.

NEW BUSINESS

DISCUSSION AND POSSIBLE ACTION ON NEW FLOODPLAIN ORDINANCE NO. 2024-12

Motion made by Council Member Burkart, seconded by Council Member Simpson, to approve Floodplain Ordinance No. 2024-12. Motion carried without a negative vote with Council Member Curley excused.

Mayor Thome acknowledged that this is Planner Censky's last Common Council meeting as he is retiring. The Mayor and Council thanked him.

DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2024-06 APPROVING THE GRAFTON-PORT WASHINGTON-CEDARBURG URBAN AREA BOUNDARY

City Engineer Wieser explained the newly formed Urban Area Boundary, put together by the Wisconsin DOT and Federal Highway Administration. Cedarburg had previously been included in the Milwaukee Urban Area Boundary. This change should give Cedarburg a better chance at receiving federal funds for road projects.

Motion made by Council Member Fitzpatrick, seconded by Council Member Mueller, to approve Resolution 2024-06 Approving the Grafton-Port Washington-Cedarburg Urban Area Boundary. Motion carried without a negative vote with Council Member Curley excused.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2024-10 AMENDING PARKING DURING SCHOOL HOURS ON CLEVELAND STREET

City Engineer Wieser explained the details of the Ordinance and how it will help alleviate congestion in the area.

Motion made by Council Member Burkart, seconded by Council Member Fitzpatrick, to approve Ordinance 2024-10 amending parking during school hours on Cleveland Street. Motion carried without a negative vote with Council Member Curley excused.

DISCUSSION AND POSSIBLE ACTION ON THE CEDAR WAY DEVELOPMENT AGREEMENT ON WASHINGTON AVENUE

City Engineer Wieser presented the Cedar Way Development Agreement. Mayor Thome commented that the Plan Commission has been working with the developer on architectural suggestions.

Motion made by Council Member Fitzpatrick, seconded by Council Member Simpson, to approve the Cedar Way Development Agreement on Washington Avenue. Motion carried without a negative vote with Council Member Curley excused.

DISCUSSION AND POSSIBLE ACTION ON REPAIRS TO THE WATER RECYCLING CENTER OXIDATION DITCH

Water Recycling Center Superintendent Grulkowski explained the repairs needed to the oxidation ditch. Funds would be utilized from the Equipment Replacement Fund.

Motion made by Council Member Simpson, seconded by Council Member Mueller, to approve making repairs to the Water Recycling Center oxidation ditch not to exceed \$251,000. Motion carried without a negative vote with Council Member Curley excused.

DISCUSSION AND POSSIBLE ACTION ON 2023 COMPLIANCE MAINTENANCE ANNUAL REPORT (CMAR) FOR THE CEDARBURG WATER RECYCLING CENTER AND RESOLUTION NO. 2024-07 ACCEPTING THE REPORT

Water Recycling Center Superintendent Grulkowski explained that the CMAR is a DNR Summary report used to determine the effectiveness of the sewerage system and plant to meet DNR permit limits and to indicate areas of the system that may need improvement.

Motion made by Council Member Fitzpatrick, seconded by Council Member Simpson, to accept the 2023 Compliance Maintenance Annual Report (CMAR) for the Cedarburg Water Recycling Center and Resolution No. 2024-07 accepting the report. Motion carried without a negative vote with Council Member Curley excused.

CONSIDER AUTHORIZING THE GRANTING OF TEMPORARY CLASS “B” LICENSES TO CEDARBURG FIREMAN’S PARK, INC., FOR MAXWELL STREET DAYS, FIREMAN’S PARK, W65N796 WASHINGTON AVENUE, FOR MAY 26, JULY 14, SEPTEMBER 01, AND OCTOBER 06, 2024 FROM 6:00 A.M. TO 10:00 P.M.

Motion made by Council Member Burkart, seconded by Council Member Fitzpatrick, to authorize the granting of Temporary Class “B” licenses to Cedarburg Fireman’s Park, Inc. for Maxwell Street Days, Fireman’s Park, W65N796 Washington Avenue, for May 26, July 14, September 01, and October 06, 2024 from 6:00 a.m. to 10:00 p.m. Motion carried without a negative vote with Council Member Curley excused.

DISCUSSION AND POSSIBLE ACTION ON MAYORAL APPOINTMENT OF ELIZABETH SINCLAIR TO THE DIVERSITY COMMITTEE AND AARON OLEJNICZAK AS CHAIR OF THE BOARD OF APPEALS

Motion made by Council Member Fitzpatrick, seconded by Council Member Simpson, to approve Mayoral appointment of Elizabeth Sinclair to the Diversity Committee and Aaron Olejniczak as Chair of the Board of Appeals. Motion carried without a negative vote with Council Member Curley excused.

DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF COLD COUNTRY VINES AND WINES, E3207 NUCLEAR ROAD, KEWAUNEE, WI OPENING A FULL-SERVICE RETAIL OUTLET LOCATED AT W61 N517 WASHINGTON AVENUE, CEDARBURG, FOR THE SALE OF WINE, BEER, AND INTOXICATING LIQUOR

City Clerk Sette presented an application from Cold Country Vines and Wines to sell wine, beer, and intoxicating liquor. She explained that as of May 1, 2024, the State of Wisconsin passed Act 73, which transfers the licensing of manufacturers, rectifiers, wineries, and breweries from local municipalities to the State. The location that Cold Country Vines and Wines would like to open in Cedarburg is an Off-Site Full-service retail sales location. In this case, the City of Cedarburg will not issue the alcohol beverage license, but has the ability to limit what types of beverages are sold. Jay Stoeger, owner of Cold Country Vines and Wines, was in attendance and introduced himself to the Council. Discussion ensued among the Council members. It was agreed that the same standard should be applied to this applicant as any other liquor license applicant. There was concern over the request to serve intoxicating liquor, as the City is already at quota in regards to full liquor licenses. Bill Conley, owner of the Stagecoach Inn in Cedarburg, was in attendance and also expressed concern over the request to serve intoxicating liquor.

Motion made by Council Member Burkart, seconded by Council Member Simpson, to approve of Cold Country Vines and Wines, E3207 Nuclear Road, Kewaunee, WI, opening a full-service retail outlet located at W61 N517 Washington Avenue, for the sale of beer and wine. Item G1 on the application (ref AB-105) allows the City to limit the scope of alcohol beverages to beer and wine. Motion carried without a negative vote with Council Member Curley excused.

DISCUSSION AND POSSIBLE ACTION ON MAYORAL APPOINTMENTS OF COUNCIL MEMBERS TO VARIOUS COMMITTEES/BOARDS/COMMISSIONS

Mayor Thome shared that the Public Art Commission is suspended for now. She also encouraged Council members to participate in events put on by the Mid-Moraine Legislative Committee.

Motion made by Council Member Fitzpatrick, seconded by Council Member Bitter, to approve the Mayoral appointments of Council Members to various Committees/Boards/Commissions. Motion carried with Council Members Bitter, Fitzpatrick, Simpson, Lindo and Mueller voting aye, Council Member Burkart voting nay, and Council Member Curley excused.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2024-11 APPROVING THE PROHIBITION OF PETS AND/OR ANIMALS AT CITY FESTIVALS

City Administrator Hilvo explained that this ordinance will allow the Police Department to enforce the prohibition of pets and/or animals at City Festivals.

Motion made by Council Member Mueller, seconded by Council Member Lindo, to approve Ordinance No. 2024-11 approving the prohibition of pets and/or animals at City Festivals. Motion carried without a negative vote with Council Member Curley excused.

DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF AMPLIFIED MUSIC/SOUND IN AN OUTDOOR ALCOHOL BEVERAGE SEATING AREA PERMIT FOR PERIOD ENDING 12/31/2024 FOR ART OF JOY, W63 N664 WASHINGTON AVENUE; LIME

CANTINA, W62 N550 WASHINGTON AVENUE; AND CEDARBURG ART MUSEUM, W63 N675 WASHINGTON AVENUE

Mayor Thome reminded business owners to please be aware of how sound travels and to be respectful of neighbors when utilizing amplified sound.

Motion made by Council Member Fitzpatrick, seconded by Council Member Bitter, to approve Amplified Music/Sound in an Outdoor Alcohol Beverage Seating Area permit for period ending 12/31/2024 for Art of Joy, W63 N664 Washington Avenue; Lime Cantina, W62 N550 Washington Avenue; and Cedarburg Art Museum, W63 N675 Washington Ave. Motion carried without a negative vote with Council Member Curley excused.

CONSENT AGENDA

Motion made by Council Member Bitter, seconded by Council Member Fitzpatrick, to approve the following consent agenda items:

- A. Discussion and possible action on approval of April 29, 2024 Council Meeting Minutes
- B. Discussion and possible action on approval of 2024-2025 alcohol and cigarette licenses
- C. Discussion and possible action on appointment of Kevin Pelkey as Successor Agent for Art of Joy located at W63 N664 Washington Avenue
- D. Discussion and possible action on payment of bills dated 04/20/2024 through 05/03/2024, transfer list dated 04/25/24 through 05/07/2024, and payroll from 04/14/2024 through 04/27/2024

Motion carried without a negative vote with Council Member Lindo abstaining from voting on item C, and Council Member Curley excused.

CITY ADMINISTRATOR'S REPORT

City Administrator Hilvo expressed appreciation for Cedarburg Green and the City Forestry department for their recent work planting trees at Pioneer Park.

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Burkart encouraged people to attend the Sweat 4 Vets event, hosted by the American Legion Auxiliary, on Saturday, May 18, 2024.

MAYOR REPORT – None

ADJOURN TO CLOSED SESSION

A motion was made by Council Member Burkart, seconded by Council Member Mueller, to adjourn to closed session at 8:22 p.m. pursuant to State Statute 19.85(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session. More specifically discussed was the potential purchase of property on Hanover Avenue. Motion carried on a roll call vote with Council Members Bitter, Fitzpatrick, Burkart, Simpson, Lindo, and Mueller voting aye, and Council Member Curley excused.

RECONVENE TO OPEN SESSION

The meeting reconvened to open session at 8:42 p.m.

DISCUSSION AND POSSIBLE ACTION ON PURCHASE OF PROPERTY ON HANOVER AVENUE

Motion made by Council Member Burkart, seconded by Council Member Mueller, to submit an offer to purchase property located at W63 N530 Hanover Avenue for \$250,000. Motioned carried without a negative vote with Council Member Curley excused.

ADJOURNMENT

Motion made by Council Member Mueller, seconded by Council Member Lindo, to adjourn the meeting at 8:43 p.m. Motion carried without a negative vote with Council Member Curley excused.

Jessica Campolo
Deputy City Clerk