

**CITY OF CEDARBURG
COMMON COUNCIL
APRIL 29, 2024**

A meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, April 29, 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 7:00 p.m. A moment of silence was observed. The Pledge of Allegiance was led by Boy Scout Troop 830.

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

Also Present - City Administrator Mikko Hilvo, Attorney Michael Herbrand, City Clerk Tracie Sette, Director of Engineering and Public Works Mike Wieser, Harry Allen of Ehlers, 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

DISCUSSION AND POSSIBLE ACTION ON APPLICATIONS, CONDUCTING INTERVIEWS, AND CONSIDERING APPOINTMENT TO FILL THE 6TH DISTRICT ALDERPERSON VACANCY

Interviews were conducted for two (2) candidates interested in the District 6 Council seat. Each candidate answered a series of eight (8) questions. Afterward, each Council Member wrote down their choice for the new District 6 Council Member and forwarded their vote to Clerk Sette. The votes were tallied as such:

District 1 Melissa Bitter – Kristian Lindo
District 2 Jim Fitzpatrick – Kristian Lindo
District 3 Kristin Burkart – Kristian Lindo
District 4 Kevin Curley – Mary Kay Bourbulas
District 5 Robert Simpson – Kristian Lindo
District 6 – vacant
District 7 Mark Mueller – Mary Kay Bourbulas

A motion was made by Council Member Burkart, seconded by Council Member Simpson, to appoint Kristian Lindo to the District 6 Council Seat. Motion carried without a negative vote.

OATH OF OFFICE: DISTRICT 6 ALDERPERSON IF APPOINTMENT OCCURS

Clerk Sette administered the Oath of Office to Kristian Lindo who was appointed to the District 6 Alderperson seat.

DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF AN UPDATED CERTIFIED SURVEY MAP (CSM) FOR THE HWY 60 BUSINESS PARK

The certified survey map (CSM) will divide the existing 26.3-acre business park parcel into two lots and two out-lots of the following sizes respectively: 10.57 acres, 7.52 acres, 5.28 acres, and 2.90 acres. The 26.3-acre parcel was created in 2020 in support of the Wilo project. The CSM is needed for the cell tower that is being proposed within the business park, located on one of the out lots. The two out lots within this CSM are needed for stormwater management and it also releases a temporary turn around easement that was included in the original CSM, which is no longer needed.

A motion was made by Council Member Burkart, seconded by Council Member Mueller, to approve the updated Certified Survey Map for the Hwy 60 Business Park. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CEDARBURG AND THE TOWN OF CEDARBURG REGARDING THE RECONSTRUCTION, MAINTENANCE, AND REPAIRS OF SYCAMORE DRIVE

As part of the Intergovernmental Agreement signed in 2021 between the City and Town of Cedarburg which allowed for the connection of Forward Way to Hilltop Drive, the City is responsible for reimbursing the Town 45% of the actual costs to reconstruct Sycamore Drive in the Town. The Town received bids and is planning to reconstruct Sycamore Drive this summer.

A motion was made by Council Member Simpson, seconded by Council Member Mueller, to approve the Intergovernmental Agreement between the City of Cedarburg and the Town of Cedarburg, not to exceed \$59,000, regarding the reconstruction, maintenance, and repairs of Sycamore Drive. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON CONTRACTING WITH EHLERS FOR DEVELOPMENT OF A FINANCIAL MANAGEMENT PLAN

With several large-scale projects coming up in the next five (5) years, and ongoing development, it will be important for the City to have a financial management plan that can help guide future Council decisions. Through the evaluation of current funds and future capital improvement projects, Ehlers will develop a financial model that is specific to the Council's objectives.

A motion was made by Council Member Burkart, seconded by Council Member Curley, to approve the contract with Ehlers to develop a financial plan for the City by using the reallocation of ARPA funds of \$20,500 from the EMS oversight funds. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE ISSUANCE OF A 6-MONTH CLASS “B” BEER LICENSE TO CEDARS III LLC, MICHAEL KOWALKOWSKI, AGENT, FOR CEDARS III – CONCESSION STAND N52 W5925 PORTLAND ROAD FROM MAY 1, 2024 TO OCTOBER 31, 2024

A motion was made by Council Member Burkart, seconded by Council Member Simpson, to approve the 6-month Class B Beer License for Cedars III LLC concession stand from May 1, 2024 – October 31, 2024. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION TO APPROVE A ONE-TIME FEE FOR AMPLIFIED MUSIC/SOUND FOR A SINGLE EVENT FOR THE PETER WOLLNER POST NO. 288 OF THE AMERICAN LEGION ON JUNE 8, 2024 FROM 10:00 A.M. – 4:00 P.M.

A motion was made by Council Member Curley, seconded by Council Member Fitzpatrick, to approve the one-time fee of \$50.00 for amplified music/sound for a single event for the Peter Wollner Post No. 288 of the American Legion on June 8, 2024 from 10:00 a.m. – 4:00 p.m.

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 THE CULTURAL CENTER, W62 N546 WASHINGTON AVE

A motion was made by Council Member Burkart, seconded by Council Member Mueller, to approve the amplified music/sound permit in an outdoor alcohol beverage seating area permit for period ending 12/31/2024 for the Cedarburg Cultural Center. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF AMPLIFIED MUSIC/SOUND IN AN OUTDOOR ALCOHOL BEVERAGE SEATING AREA PERMIT FOR PERIOD ENDING 12/31/2024; THE STAGECOACH INN, W61 N520 WASHINGTON AVE

A motion was made by Council Member Fitzpatrick, seconded by Council Member Simpson, to approve the amplified music/sound permit in an outdoor alcohol beverage seating area permit for period ending 12/31/2024 for the Stagecoach Inn. Motion carried without a negative vote.

Mayor Thome asked the businesses with outdoor music permits to please be respectful of their neighbors.

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

A discussion ensued about the new liquor laws that have recently been enacted by the State. There were many questions as to what type of controls the Council could put in place with full service retail outlets opening in the City.

A motion was made by Council Member Burkart, seconded by Council Member Simpson to postpone this item to the May 13th meeting. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON MAYORAL APPOINTMENT OF JEFF SLATER TO THE FINANCE COMMITTEE

A motion was made by Council Member Curley, seconded by Council Member Mueller, to approve the appointment of Jeff Slater to the Finance Committee. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO 2024-05 DESIGNATING DEPOSITORIES AND AUTHORIZING SIGNATURES FOR THE CITY OF CEDARBURG CHECKING AND SAVINGS ACCOUNTS

A motion was made by Council Member Burkart, seconded by Council Member Simpson, to approve Resolution No. 2024-05 designating depositories and authorizing signatures for the City's checking and savings accounts. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON NO MOW MAY

A motion was made by Council Member Burkart, seconded by Council Member Bitter, to bypass the City ordinance and allow 'No Mow May' for the month of May. Motion carried without a negative vote.

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

- March 11, 2024 Joint Council/Plan Commission Meeting minutes; April 8 and 16, 2024 Council meeting minutes
- Payment of bills dated 03-30-2024 through 04/19/2024, transfer list dated 04/04/2024 through 04/26/2024 and payroll from 03/31/2024 through 04/13/2024

ADMINISTRATOR'S REPORT

Administrator Hilvo thanked the Finance Department for a job well done regarding the City Budget which earned the GFOA award.

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member would like a future agenda item to allow for a discussion regarding TID 4.

MAYOR'S 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 8:36 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, to discuss a potential purchase of property on Hanover Avenue, a potential future sale of City owned property on Pioneer Road and Cardinal Avenue, and a Cell Tower land lease agreement at HWY 60 Business Park. The Common Council remained in closed session pursuant to State Statute 19.85(1)(g) to confer 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 to discuss the Tracy Douglas litigation. Motion carried unanimously on a roll call vote with Council Members Bitter, Fitzpatrick, Burkart, Curley, Simpson, Lindo, and Mueller voting aye.

RECONVENE TO OPEN SESSION

The Common Council reconvened to Open Session at 9:11 p.m.

DISCUSSION AND POSSIBLE ACTION ON PURCHASE OF PROPERTY ON HANOVER AVENUE

A motion was made by Council Member Burkart, seconded by Council Member Simpson, to approve the purchase of property on Hanover Avenue for \$250,000, using park impact fees to preserve parkland in our downtown. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON CELL TOWER LAND LEASE AGREEMENT AT HWY 60 BUSINESS PARK

A motion was made by Council Member Burkart, seconded by Council Member Mueller, to approve the cell tower land lease agreement for the Hwy 60 Business Park contingent upon the corrected pad exhibit using the new CSM approved tonight. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON TRACY DOUGLAS LITIGATION

A motion was made by Council Member Curley, seconded by Council Member Fitzpatrick, to deny the Tracy Douglas claim. Motion carried without a negative vote.

ADJOURNMENT

A motion was made by Council Member Mueller, seconded by Council Member Burkart, to adjourn the meeting at 9:12 p.m. Motion carried without a negative vote.

Tracie Sette
City Clerk