

**CITY OF CEDARBURG
COMMON COUNCIL
November 11, 2024**

**CC20241111-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, November 11, 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. Girl Scout Troop 8545 helped lead the Pledge of Allegiance.

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

Also Present - City Administrator Mikko Hilvo, Deputy City Clerk Jessica Campolo, City Attorney Michael Herbrand, City Planner Mary Censky, City Engineer Mike Wieser, interested citizens

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

Terry King - W63 N762 Sheboygan Rd.

PUBLIC HEARINGS

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

A PUBLIC HEARING FOR POTENTIAL ADDITION OF "INDOOR DOG PARK (INCLUDING SWIMMING, DOCK DIVING, TRAINING, ENRICHMENT AND SOCIALIZATION)" TO BE ADDED AS A CONDITIONAL USE IN THE M-2 GENERAL MANUFACTURING DISTRICT. APPLICANT IS KATIE DUNFEE D/B/A THE K9 CLUB.

City Planner Censky explained the request to amend the M-2 General Manufacturing District code to include a new use that could be considered for approval by the Plan Commission through the Conditional Use Permit process. In this case, an indoor dog park. The Plan Commission was favorable of this amendment at their October 7, 2024 meeting. Discussion was held among the Council. There was no public comment.

A PUBLIC HEARING FOR AMENDMENT TO THE B-2 COMMUNITY BUSINESS DISTRICT TO INCLUDE "SALES AND SERVICE OF NEW OR USED VIDEO GAMES AND VIDEO GAME CONSOLES." AND "NEW OR USED COMPUTER SALES AND SERVICE." AS PERMITTED USES. APPLICANT IS ROSS CHRISTIFULLI.

City Planner Censky explained the request to add the permitted uses to the B-2 District code. The Plan Commission was favorable to his amendment at their October 16, 2024 meeting. Discussion was held among the Council.

Public Comment

Ross Christifulli - 243 Binsfeld St. Belgium, WI

Ross suggested that the Common Council could choose to restrict graphic or mature-rated video games.

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

NEW BUSINESS

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 2024-15 ADDING THE USE “INDOOR DOG PARK (INCLUDING SWIMMING, DOCK DIVING, TRAINING, ENRICHMENT AND SOCIALIZATION)” TO BE ADDED AS A CONDITIONAL USE IN THE M-2 GENERAL MANUFACTURING DISTRICT. APPLICANT IS KATIE DUNFEE D/B/A THE K9 CLUB.

Motion made by Council Member Burkart, seconded by Council Member Simpson, to approve Ordinance 2024-15, adding the use “Indoor dog park (including swimming, dock diving, training, enrichment and socialization)” to be added as a Conditional Use in the M-2 General Manufacturing District. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 2024-16, ADDING THE USES “SALES AND SERVICE OF NEW OR USED VIDEO GAMES AND VIDEO GAME CONSOLES.” AND “NEW OR USED COMPUTER SALES AND SERVICE.” AS PERMITTED USES IN THE B-2 COMMUNITY BUSINESS DISTRICT. APPLICANT IS ROSS CHRISTIFULLI.

Motion made by Council Member Burkart, seconded by Council Member Curley, to approve Ordinance 2024-16, adding the uses “Sales and service of new or used video games and video game consoles.” And “New or used computer sales and service.” as permitted uses in the B-2 Community Business District. Motion carried without a negative vote.

CONSIDER AWARD OF ENGINEERING DESIGN CONTRACT FOR THE 2025 STREET AND UTILITY PROJECT; AND ACTION THEREON

City Engineer Wieser explained that due to Cedarburg Light & Water replacing lead water services as part of the 2025 Street and Utility Project, it was decided to forgo the typical RFP process for the engineering design and obtain a price from RA Smith. RA Smith has done engineering for the past three CL&W lead service replacement projects. City Engineer Wieser explained that at 3.8% of the road budget number, their price of \$41,000 is comparable to previous projects.

Motion made by Council Member Lindo, seconded by Council Member Mueller, to award the engineering design for the 2025 Street and Utility Project to RA Smith, not to exceed \$41,000. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF A CERTIFIED SURVEY MAP DIVIDING A 2.4932-ACRE LOT OFF FROM THE EXISTING 10.5704-ACRE PARENT PARCEL OF LAND IN THE CITY'S HWY 60 BUSINESS PARK (REF OZAUKEE COUNTY TAX PARCEL #13-022-03-002.00). APPLICANT IS EMMY HILGENDORF, D/B/A CORNERSTONE CHRISTIAN LEARNING CENTER. PROPERTY OWNER IS CITY OF CEDARBURG.

City Planner Censky explained that with the division, both lots still comply with the minimum lot size required in the M-3 District. She recommends that the City Engineer review the CSM as to any easements, existing or new, that may be required. City Attorney Herbrand recommends that the CSM approval be conditional on the closing with this specific buyer.

Motion made by Council Member Curley, seconded by Council Member Burkart, to approve a Certified Survey Map dividing a 2.4932-acre lot off from the existing 10.5704-acre parent parcel of land in the City's Highway 60 Business Park, conditional on the City Engineer inspecting the lots for easements, existing or new, and contingent on the closing of the property with the proposed buyer. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF A CERTIFIED SURVEY MAP DIVIDING A ~4.07-ACRE LOT OFF FROM THE EXISTING 7.52 ACRE PARENT PARCEL OF LAND IN THE CITY'S HIGHWAY 60 BUSINESS PARK (REF OZAUKEE COUNTY TAX PARCEL NO. 13-022-02-005.00). APPLICANT IS STACY BUENING, D/B/A PHILIPP LITHOGRAPHING COMPANY. PROPERTY OWNER IS CITY OF CEDARBURG.

City Planner Censky explained that with the division, both lots still comply with the minimum lot size required in the M-3 District. She recommends that the City Engineer review the CSM as to any easements, existing or new, that may be required. City Attorney Herbrand recommends that the approval be conditional on the closing with this specific buyer.

Motion made by Council Member Curley, seconded by Council Member Mueller, to approve a Certified Survey Map dividing a ~4.07 acre lot off from the existing 7.52-acre parent parcel of land in the City's Hwy 60 Business Park, conditional on the City Engineer inspecting the lots for easements, existing or new, and contingent on the closing of the property with the proposed buyer. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON FGM ARCHITECTS (FGMA) PROPOSAL ON FACILITY CONDITION REVIEW FOR THE EXISTING POLICE AND FIRE DEPARTMENTS.

City Administrator Hilvo shared that in January 2024, FGMA was hired by the city to conduct a space needs assessment for a potential new public safety building. As this project has progressed, there is a need to better understand the existing condition of both the Police and Fire Department facilities. A discussion was held about the role and contribution the Town of Cedarburg will have in this process. The Council members agreed that a facility assessment will help with future decision making.

Motion made by Council Member Mueller, seconded by Council Member Simpson, to hire FGMA to conduct a facility condition review of the existing Police & Fire Departments, not to exceed \$19,000. Motion carried without a negative vote.

DISCUSSION AND POSSIBLE ACTION ON 2025 CITY BUDGET.

City Administrator Hilvo gave an update on the 2025 City Budget. Discussion was held. The final City Budget will be presented at the next Common Council meeting. Mayor Thome expressed appreciation to the Finance Committee and the Finance Department for the level of detail that goes in to creating the City Budget. No action was taken.

CONSENT AGENDA

Motion made by Council Member Burkart, seconded by Council Member Mueller, to approve the following consent agenda items:

- A. Discussion and possible action on payment of bills dated 10/19/2024 through 11/01/2024, transfer from (10/8/2024-11/5/2024), and payroll from (9/29/24-10/12/24 and 10/13/24-10/26/24).

Motion carried without a negative vote.

CITY ADMINISTRATOR'S REPORT

City Administrator Hilvo shared that Oliver Fiontar LLC filed a circuit court action appealing the city's Board of Appeals decision related to the occupancy order on the Amcast site. The city has since filed a motion to dismiss the petition on the grounds that it is insufficient. Judge Cain will hear the case on January 8, 2025. The city has also filed a petition related to the nuisance order. Oliver Fiontar will have twenty days from the date of service to file a formal response.

The EPA and the Army Corps of Engineers will be doing a site walk of the Amcast property in December. They will also meet with the public.

City Administrator Hilvo recognized the Clerk's office for the work that went into the November election.

COMMENTS AND SUGGESTIONS FROM COUNCIL MEMBERS

Council Member Burkart expressed sympathy for the loss of former Common Council member Art Filter. She also expressed gratitude to the community and city staff for the Veteran's Day parade.

Council Member Curley wished all the veterans, including Council Member Burkart, a happy Veteran's Day. He also extended thanks to the Clerk's office for their work with the November election.

MAYOR'S REPORT

Mayor Thome thanked Council Member Burkart for her role in the Veteran's Day parade. She also expressed sympathy for the loss of Art Filter. Mayor Thome acknowledged the hard work of the Clerk's office for the November election.

ADJOURNMENT

Motion made by Council Member Mueller, seconded by Council Member Fitzpatrick, to adjourn the meeting at 8:23 p.m. Motion carried without a negative vote.

Jessica Campolo
Deputy City Clerk