



**CITY OF CEDARBURG
Common Council
June 8, 2026
Minutes**

1. CALL TO ORDER

Mayor Patricia Thome called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Mayor Patricia Thome, Council Members Melissa Bitter, Jim Fitzpatrick, Andrew Mammen, Amanda Didier, Robert Simpson, Kristian Lindo, Mark Mueller

Also Present, City Administrator Mikko Hilvo, City Attorney Michael Herbrand, Deputy Clerk Theresa Hanaman, Planner Mary Censky, Director of Engineering & Public Works Michael Wieser, Building Inspector Jeffrey Thoma, Superintendent of Water Recycling Craig Obry

3. MOMENT OF SILENCE

A moment of silence was held.

4. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

5. STATEMENT OF PUBLIC NOTICE

Deputy Clerk Hanaman verified that notice of this meeting was provided to the public by posting in accordance with the Wisconsin Open Meetings Law.

6. COMMENTS AND SUGGESTIONS FROM CITIZENS

There were no comments.

7. PUBLIC HEARING

- A. *Review, discussion, and possible action on the request of Coach House Homes LLC (in c/o Kate Schley) for approval of a 7-lot single-family residential Preliminary Subdivision Plat within a Planned Unit Development Rezoning. Eden Preserve Subdivision is proposed to be located on ~1.8 acres of land located at W59 N367 Hilbert Avenue and directly west/northwest thereof. This property, owned by Wendell Lee LLC in c/o Paula Motte, is currently zoned Rs-5 Single Family Residential.*

The public hearing was declared open at 7:03 p.m. by Mayor Thome

Planner Censky reported that the applicant is requesting approval of a Preliminary Subdivision Plat and Planned Unit Development (PUD) Overlay rezoning and outlined the conditions to which such approval would be subject as follows:

- 1) Prior to Final Plat consideration or approval, the applicant shall:
 - a. Satisfy any/all comments or objections as may be/been received from the Wisconsin Department of Administration Plat Review.
 - b. The reference to Lot Frontages on the Preliminary Plat should be modified to read "Lot Width".
 - c. Design grading, drainage, erosion control, stormwater management, and sewer utility plans for review and approval by the City Engineer.
 - d. Design the detailed private street specifications, from back-of-curb to back-of-curb, for review and approval by the City Engineer and Fire Department.
 - e. Design the detailed 5-foot-wide private concrete sidewalk specifications, for review and approval by the City Engineer.
 - f. Design electric and water utility plans for review and approval by the Cedarburg Light & Water Utility.
 - g. Grant back to the City and Cedarburg Light & Water Utility, all required easements for long-term access, care, and maintenance over all public facilities.
 - h. Grant a public access easement over the street, terrace, and sidewalk, and all of Outlot 1.
 - i. Submit the draft Bylaws and Declaration of Covenants and Restrictions for review and approval by the Plan Commission and Common Council concurrent with Final Plat approval.
 - j. Enter into a Development Agreement Management/Maintenance Agreement with the City.

Public Comment

Jake Hebda, W61 N378 Washington Avenue - He is excited about the growth but questions whether the fence behind his house will be an issue. He is also concerned about potential water drainage problems and the impact on drainage. Additionally, he wonders if any of the existing trees will have an effect.

Ellroy Hallbeck, W61 N392 Washington Avenue - Ellroy is worried that the shared easement will be affected, as was in the original plans.

Council Member Fitzpatrick made a motion, seconded by Council Member Simpson, to close the Public Hearing at 7:19 p.m. The motion carried on a roll call vote with Council Members Bitter, Fitzpatrick, Mammen, Didier, Simpson, Lindo, and Mueller voting aye

Council Member Fitzpatrick made a motion, seconded by Council Member Didier to approve the request of a 7-lot single-family residential Preliminary Subdivision Plat within a Planned Unit Development Rezoning located at W59 N367 Hilbert Avenue and directly west/northwest thereof, and to approve the ordinance to amend the official Zoning Map 2026-10 Preliminary Plat & Rezoning. The motion carried unanimously.

8. NEW BUSINESS

A. Discussion and possible action on Resolution 2026-03, Accepting the Compliance Maintenance Annual Report (CMAR) for the Cedarburg Water Recycling Center.

Superintendent Oby presented the Compliance Maintenance Annual Report (CMAR). Oby went on to say for 2025, the Cedarburg Water Recycling Center received a deduction of 10 points in the Biosolids Quality and Management category due to a mercury concentration of 31.5 mg/kg, which exceeded the High-Quality Limit of 17 mg/kg but remained below the Ceiling Limit of 57 mg/kg. An additional 9 points were deducted in the Influent Flow and Loading category due to influent BOD loadings exceeding 90% of design capacity during the months of February, March, and December. The facility experienced zero exceedances above 100% of design BOD loading during the reporting year. The final CMAR GPA score was 3.86, which is considered acceptable by DNR standards; therefore, no corrective action plan is required at this time.

Council Member Fitzpatrick questioned if we should be worried about the high mercury. Superintendent Oby replied that samplings will be taken to try to pinpoint where the mercury is coming from.

Council Member Bitter made a motion, seconded by Council Member Mueller, to

approve the Compliance Maintenance Annual Report (CMAR) for the Cedarburg Water Recycling Center. The motion carried unanimously.

B. Discussion and possible action on Ordinance No. 2026-09 amending section 10-1-27(a) of the code of ordinances to remove prohibited parking zones on the north and south side of Mill Street east of Washington Avenue.

Director of Engineering and Public Works Mike Wieser presented a request to remove prohibited parking zones on Mill Street to add additional parking in the downtown area. This was previously approved by the Public Works and Sewerage Commission.

Council Member Simpson made a motion, seconded by Council Member Mueller to approve the Ordinance No. 2026-09 amending section 10-1-27(a) of the code of ordinances to remove prohibited parking zones on the north and south side of Mill Street east of Washington Avenue. The motion carried unanimously.

C. Discussion and possible action on contract with E Plan Exam for plan review for commercial projects.

Building Inspector Jeff Thoma requested approval to contract with E Plan Exam for commercial plan reviews, noting that commercial reviews are time-consuming while residential reviews are typically straightforward. The City provides a 15-day turnaround for in-house reviews, whereas state review of commercial plans can take 6–8 weeks.

Thoma estimated that 90% of projects are residential and 10% are commercial. The City can only review commercial buildings up to 50 cubic square feet. Partnering with E Plan Exam would provide the City with a 10% revenue share, and fees would apply only to reviews not completed in-house.

Council Member Mueller made a motion, seconded by Council Member Bitter, to approve the contract with E Plan Exam for Plan Review for Commercial Projects. The motion carried unanimously.

D. Discussion and possible action on an access agreement between Joseh Schreiner, owner of record of the real property identified as Parcel No. 050-380800-200 in the Town of Grafton, and the City of Cedarburg through city-owned property at 1838 Pioneer Road.

Administrator Hilvo explained that the proposed Access Agreement provides Joseph and Kelsey Schreiner (“Owners”) with a revocable, non-exclusive license to use an existing access road located on City-owned property at 1838 Pioneer Road. The Owners’ parcel is currently landlocked and requires access across the City parcel in order to reach a public roadway. The nature of access, permitted uses, restrictions, maintenance and restoration, liability and insurance, term and termination, and general provisions that the Schriener family would need to agree to in order to gain road access to their property.

Council Member Bitter made a motion, seconded by Council Member Mueller to approve an access agreement between Joseph Schreiner, owner of record of the real property identified as Parcel No. 050-380800-200 in the Town of Grafton, and the City of Cedarburg through City-owned property at 1838 Pioneer Road. The motion passed unanimously.

E. Discussion and possible action on hiring a Construction Manager at Risk (CMaR) services for public safety building renovations.

Administrator Hilvo reported that the council received a study from FGM-Architects regarding costs for renovating or expanding public safety facilities. Staff evaluated renovation costs at the current locations and determined that utilizing Construction Manager at Risk (CMaR) services is the best approach. This will provide expert pre-construction services to help determine the most cost-effective options for the Police and Fire Department facilities.

Phase I focuses on creating a reliable cost estimate and conceptual plan for renovating the existing buildings. This information will be presented to the Common Council in August, allowing them to consider various options, including full renovations, partial renovations, new construction, or no action.

Kraus-Anderson was recommended for several reasons:

1. Prior Experience: They completed the deferred maintenance plan and understand the operational needs and challenges.
2. Cost-effective Phase I: They can perform Phase I at no cost, saving the City money and time.
3. Flexibility: They are prepared to support any direction the Council chooses.
4. Competitive Fees: They offer the lowest percentage fee and have a strong public sector track record.

Mayor Thome and Council Member Mammen both expressed their desire to see the Fire Department and Police Station located on Wauwatosa Road in the future for safety reasons. Mammen is not comfortable with the Fire Department's current building and believes it would be beneficial to relocate.

City staff recommends selecting Kraus-Anderson as the CMaR for Phase I, with any further phases contingent on the Council's evaluation in August.

Council Member Mueller made a motion, seconded by Council Member Simpson, to approve hiring a Construction Manager at Risk (CMaR) services for public safety building renovations. The motion carried unanimously.

F. Discussion and possible action on an agreement with the Wisconsin Department of Natural Resources (WDNR) to facilitate future EPA supported funding for the Amcast Superfund cleanup.

Administrator Hilvo announced that the City Attorney has been in discussions with the Department of Natural Resources (DNR) attorneys, and they have reached an agreement that is acceptable to all parties involved.

Council Member Fitzpatrick made a motion, seconded by Council Member Mammen, to approve the agreement with the Wisconsin Department of Natural Resources (WDNR) to facilitate future EPA-supported funding for the Amcast Superfund Cleanup. The motion carried unanimously.

G. Discussion and possible action on Baker Tilly's Forensic Accounting Review Proposal of the Amcast TID#4/developers incentives.

Council Members reviewed what a forensic audit would entail and whether additional findings could reasonably be expected. City Administrator Hilvo provided updates on community site issues, cost considerations, and several findings. Council Member Simpson noted that although a forensic audit had been requested and documented, the information needed to complete it might not be available. Council Member Bitter inquired whether Phase 2 of the audit would include staff interviews, while it was clarified that involvement was based on city consent and did not constitute legal review.

Consultant Ken Wein relayed to the Council Members his request of timesheets, hiring records, contractor names, and additional clarity regarding his role in the matter of Amcast. Council Member Didier noted possible cost discrepancies related to limited record availability and questioned whether further findings should be expected. Council Member Lindo also underscored the value of transparency, while Council Member Mueller expressed a desire to expose any potential fraud but questioned whether continued work would be worthwhile given the costs and data gaps.

During deliberation, the Council discussed whether to continue funding the audit or discontinue it. Council Member Fitzpatrick echoed previously stated concerns and is opposed to the audit, Council Member Bitter recommended beginning Phase 1, and Council Member Mueller indicated that the audit should cease if the necessary data did not exist. Legal considerations were discussed with Council Member Didier inquiring whether litigation is a possible means to obtain records; Attorney Herbrandt confirmed that litigation remained an option. Mayor Thome noted the previous Council had approved hiring the auditor and expressed confidence in both Ken Wein's qualifications and the selected outside counsel. She added that some answers may never be obtainable and expressed hesitation about committing additional funds.

Public Comment

Mike Loberg, N37 W5664 Hamilton Road - encouraged the Council to examine invoices exchanged between parties, investigate potential kickback schemes, and verify employee salaries against tax returns.

Terry King, W63 N762 Sheboygan Road - stressed the importance of public understanding and stated his support for the audit as a tool for accountability and transparency.

Terry Wagner of N40 W5792 Hamilton Road - commended the Council for its cleanup efforts, noting that everyone acted in good conscience and sharing his support for conducting the audit.

Council Member Fitzpatrick made a motion, seconded by Council Member Mueller to deny the use of Baker Tilly's Forensic Accounting Review Proposal for the Amcast TID#4/developers incentives. Council Members Bitter, Fitzpatrick, Mammen, Simpson, and Mueller voted in favor, while Council Members Didier and Lindo voted nay. The motion carried with a vote of 5-2.

- H. Discussion and possible action on approval of a change of Agent and renewal of Class "B" Beer and "Class B" Liquor License for P.J. Piper LLC, W64N514 Washington Avenue, Cedarburg, WI 53012, Despina Tsioutsopoulos, Agent, premise to be licensed: W64N514 Washington Avenue, known as P.J. Piper.*

Council Member Fitzpatrick made a motion, seconded by Council Member Simpson to approve the change of Agent to Despina Tsioutsopoulos and renewal of Class "B" Beer and "Class B" Liquor License for P.J. Piper LLC, located at W5N514 Washington Avenue. The motion carried unanimously.

- I. Discussion and possible action on the Mayoral appointment of Megan Olsen to the Light & Water Commission.*

Council Member Mueller made a motion, seconded by Council Member Simpson, to approve the Mayoral appointment of Megan Olsen to the Light and Water Commission. The motion carried unanimously.

9. CONSENT AGENDA

Council Member Bitter made a motion, seconded by Council Member Simpson, to approve the following Consent Agenda items:

- A. Discussion and possible action on approval of May 11, 2026 Common Council Meeting Minutes.*

- B. Discussion and possible action on approving Alcohol License renewal applications, effective July 1, 2026 - June 30, 2027.*

- C. Discussion and possible action on approval of Application for Amplified Music/Sound in an Outdoor Alcohol Beverage Seating Area for the following businesses, effective July 1, 2026, through June 30, 2027: Blind Horse, Camp Bar, Blanca's Commercial Kitchen, Cedarburg Art Museum, Lime Cantina, North 48, Stagecoach Inn, The Cheese Wedge, Brunch, and Union House Cedarburg.*

D. Discussion and possible action on payment of bills dated 05/02/2026-06/01/2026 and payroll from 04/26/2026-05/09/2026 and 05/10/2026-05/23/2026.

The motion carried unanimously.

10. REPORTS OF CITY OFFICERS AND DEPARTMENT HEADS

A. Administrator's Report

2026 Distinguished Budget Presentation Award

Administrator Hilvo thanked the City Treasurer, Maureen Hartjes, for her hard work on the Budget Presentation and was grateful to receive the award again.

11. COMMUNICATIONS

A. Comments and suggestions from Council Members

Council Member Bitter expressed concerns about the use of the City of Cedarburg logo and whether its approval is required for flyers or events. Council Member Mueller noted that there is an open-ended process for utilizing the Cedarburg Brand. Additionally, he pointed out that there are liability considerations to keep in mind if any issues arise during an event. Mayor Thome suggested adding this topic to a future agenda for further discussion.

B. Mayor's Report

None

12. ADJOURN TO CLOSED SESSION

- A. It is anticipated the Common Council will adjourn to 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. Specifically to be discussed are items 12.A.1 and 12.A.2.*

Council Member Mueller made a motion, seconded by Council Member Mammen to adjourn to closed session at 8:40 p.m., pursuant to State Statute 19.85(1)(g) 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 to be discussed are items, enforcement of the Amcast developers' agreement, a claim from Acuity Insurance regarding a DPW incident from 2025, and the approval of April 13, 2026, closed session minutes. The motion carried on a roll call vote with Council Members Bitter, Fitzpatrick, Mammen, Didier, Simpson, Lindo, and Mueller voting aye.

- 1. Discussion on the enforcement of the Amcast developers' agreement.*

This item was discussed in closed session.

2. Discussion on a claim from Acuity Insurance regarding a DPW incident from 2025.

This item was discussed in closed session.

3. Approval of April 13, 2026, Closed Session minutes.

This item was discussed in closed session.

13. RECONVENE TO OPEN SESSION

The meeting reconvened at 9:32 p.m.

A. Discussion and possible action regarding enforcement of the Amcast developers' agreement.

No action was taken on this agenda item.

B. Discussion and possible action regarding a claim from Acuity Insurance regarding a DPW incident in 2025.

Council Member Mammen made a motion, seconded by Council Member Lindo, to approve the claim from Acuity Insurance regarding a DPW incident in 2025. The motion carried unanimously.

14. ADJOURNMENT

Council Member Muller made a motion to adjourn at 9:34 p.m., seconded by Council Member Mammen. The motion carried unanimously.