

**CITY OF CEDARBURG
COMMON COUNCIL
AUGUST 26, 2024**

A meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, August 26, 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 7:06 p.m. A moment of silence was observed. The Pledge of Allegiance was recited.

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

 Also Present - City Administrator Mikko Hilvo, Attorney Michael Herbrand, City Clerk Tracie Sette, City Planner Mary Censky, Water Recycling Superintendent Dennis Grulkowski, 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

Terry King – W63N762 Sheboygan Rd.
Connie Kincaide – N75W7255 Linden St.

PRESENTATION

2023 Cedarburg Police Department Annual Report will be presented at a future Council meeting.

NEW BUSINESS

DISCUSSION AND POSSIBLE ACTION ON CHANGE IN AMPLIFIED MUSIC ORDINANCE

Administrator Hilvo began the discussion with a summary of the history of music in the City. The proposed ordinance change would have no effect on Summer Sounds, Country in the Burg, or Festivals. The proposal is seeking feedback for one of four possible options:

- No change
- Approve revisions as presented
- Revise to a new ordinance
- Create a conditional use permit to address outdoor music

The overwhelming majority of residents in attendance at tonight's meeting were in favor of keeping the ordinance as is. The Council Members discussed the options and agreed to not change the ordinance but would like to make sure the current ordinance is enforced.

Members of the community who spoke and provided feedback:

Michele Tietz – owner of Lime Cantina
Dan Wolfe – N55 W6079 Portland Rd
Stephanie Hayes – W65N772 Washington Ave
Jen Gerber – Cedarburg Art Museum
Jacqueline Janz – N47W5450 Spring Ct
Mary Creten – owner of Art of Joy
Steve Parse – N97W6656 Aspen Ct
Daniel Einhorn – N108W5455 West Highland Dr
Steve Brill – W69N419 Foxpointe Ave
Bill Conley – owner of Stagecoach Inn

A motion was made by Council Member Fitzpatrick, seconded by Council Member Simpson, to deny a change to the City Ordinance and keep as is. Motion carried without a negative vote with Council Member Bitter excused.

DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2024-09 AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$250,032 TAXABLE WATER SYSTEM AND ELECTRIC SYSTEM REVENUE BONDS, SERIES 2024, AND PROVIDING FOR OTHER DETAILS AND COVENANTS WITH RESPECT THERETO

A motion was made by Council Member Burkart, seconded by Council Member Fitzpatrick, to approve Resolution No. 2024-09 authorizing the issuance and sale of up to \$250,032 Taxable Water System and Electric System Revenue Bonds, Series 2024, and providing for other details and covenants with respect thereto. Motion carried without a negative vote with Council Member Bitter excused and Council Member Curley abstaining.

DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2024-10 AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$586,318 TAXABLE GENERAL OBLIGATION WATER SYSTEM PROMISSORY NOTES, SERIES 2024, AND PROVIDING FOR OTHER DETAILS AND COVENANTS WITH RESPECT THERETO

A motion was made by Council Member Burkart, seconded by Council Member Fitzpatrick, to approve Resolution No. 2024-10 authorizing the issuance and sale of up to \$586,318 Taxable General Obligation Water System Promissory Notes, Series 2024, and providing for other details and covenants with respect

thereto. Motion carried without a negative vote with Council Member Bitter excused and Council Member Curley abstaining.

DISCUSSION AND POSSIBLE ACTION ON A REQUEST TO INCREASE THE SEWER RATES FOR 2025

The Water Recycling Center needs renovations to sustain quality service to the citizens of Cedarburg. Although no decision has been made whether to renovate the existing plant or to build a new water recycling facility, staff was tasked to plan for engineering work to begin in 2026. A budgeting price for engineering has been established for a new plant of approximately \$8,000,000 and for a renovated plant, \$5,300,000. To pay for up to \$8,000,000 of engineering work in 2026, the rate for sewer usage in 2025 would need to increase to \$15 per 1,000 gallons and the monthly fixed rate would need to increase to \$16.40 per connection. The current rate is \$10.00 per 1,000 gallons, and the current monthly fixed rate is \$15 per connection.

A discussion ensued regarding whether engineering costs for a new or renovated Water Recycling Plant should be covered up front or funded with the entire cost at a later date.

A motion was made by Council Member Burkart, seconded by Council Member Fitzpatrick, to approve the increase in sewer rates for 2025 as presented. Motion carried with Council Member Curley opposed and Council Member Bitter excused.

DISCUSSION AND POSSIBLE ACTION ON FESTIVALS REQUEST FOR OVERNIGHT STREET CLOSURE DURING FESTIVALS

Due to the high influx of traffic during the mornings of Festivals as they unload and set up for the weekend, Festivals Committee is looking at new ways to safely set up all the vendors for the festivals. They are requesting to have both Turner and Mill Street vendors load in and set up on Friday nights of the festivals instead of Saturday mornings. This would lessen the traffic by about 1/3 the following morning and would require a shutdown of Mill Street and Turner Street for the overnight hours, similar to Saturday evenings of Festivals, with room for emergency vehicles to still utilize the middle of the road to get through if needed. This request would close the roads to regular traffic at 6pm on Friday evenings of the Festival weekends.

A motion was made by Council Member Fitzpatrick, seconded by Council Member Mueller, to approve the overnight street closure for Turner and Mill Street during Festivals as proposed. Motion carried without a negative vote with Council Member Bitter excused.

DISCUSSION AND POSSIBLE ACTION ON LINCOLN BUILDING ROOM LEASES FOR 2025

Administrator Hilvo summarized the entities that currently rent space on a yearly basis in the Lincoln Building: A-Plus Driving School, North Shore United, MERCs Baseball, Festivals, and the Cultural Center. He explained the need to increase rent, however, wanted to open the discussion regarding renting to for-profit businesses. After a discussion the Council agreed the Lincoln Building should only be rented to non-profit entities.

A motion was made by Council Member Curley, seconded by Council Member Simpson, to limit the use of Lincoln Building leases to non-profit entities only beginning in 2025. Motion carried without a negative vote with Council Member Bitter excused.

DISCUSSION AND POSSIBLE ACTION ON APPROVING RAMBOLL'S PROPOSAL FOR ADDITIONAL N716 SITE INVESTIGATION ACTIVITIES FOR THE FORMER PROCHNOW LANDFILL SITE

The City continues to work with the Town of Cedarburg and Mercury Marine on the future cleanup of the Prochnow Landfill site. Ramboll has been the City's environmental consultant on the site and continues to submit information to the DNR. Since the last approved proposal for remedial action options was reported to the DNR on June 1, 2023, the DNR has requested additional work to be done. Ramboll has provided a proposal to complete the work and has also requested an extension of the submittal of the Site Investigation Work Plan (SIWP) until September 10, 2024 so that both the City and the Town may approve the funding for the work to be done.

A motion was made by Council Member Curley, seconded by Council Member Fitzpatrick, to approve Ramboll's proposal for additional N716 Site Investigation Activities for the former Prochnow Landfill site, using the environmental reserve funds. Motion carried without a negative vote with Council Member Bitter excused.

DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF CLASS "B" BEER AND "CLASS B" LIQUOR LICENSE FOR SIERZANT LLC, 1977 SHASTA AVE. GRAFTON, WI., SETH DEHNE, AGENT, PREMISE TO BE LICENSED: N49 W5471 PORTLAND AVENUE, KNOWN AS SIERZANT (FORMERLY ERNIE'S WINE BAR)

Sierzant LLC applied for a "Class B" combo liquor license to be utilized at N49 W5471 Portland Avenue (formally Ernie's Wine Bar). Eventually, the new owners would like to serve alcohol in a newly created outdoor space.

A motion was made by Council Member Mueller, seconded by Council Member Fitzpatrick, to approve the Class "B" Beer and "Class B" Liquor License for Sierzant LLC, 1977 Shasta Ave, Grafton, WI., Seth Dehne, Agent, premise to be licensed: N49W5471 Portland Avenue, known as Sierzant LLC (formerly Ernie's Wine Bar). Motion carried without a negative vote with Council Member Bitter excused.

DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF A CLASS "A" BEER AND "CLASS A" LIQUOR LICENSE FOR STATION CEDARBURG LLC, PO BOX 590, FOND DU LAC, WI., HIMMAT DHILLON, AGENT, PREMISE TO BE LICENSED: W62 N174 WASHINGTON AVENUE, KNOWN AS STATION CEDARBURG

A motion was made by Council Member Burkart, seconded by Council Member Curley, to approve the Class "A" Beer and "Class A" Liquor license for Station Cedarburg LLC, PO Box 590, Fond du Lac, WI., Himmat Dhillon, Agent, premise to be licensed: W62 N174 Washington Avenue, known as Station Cedarburg. Motion carried without a negative vote with Council Member Bitter excused.

CERTIFICATION OF THE CODE OF ETHICS WITH THE EXCEPTION THE COMMUNITY DEVELOPMENT AUTHORITY WHICH WILL BE CERTIFIED AT THEIR NEXT REGULAR MEETING

The Council acknowledged that the Code of Ethics was distributed and read to all Boards, Commissions and Committees with the exception of the Community Development Authority which will be completed at their next regular meeting.

CONSENT AGENDA

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

- August 12, 2024, Common Council Meeting minutes
- Payment of bills dated 08/03/2024 through 08/16/2024, transfer list dated 08/10/2024 through 08/23/2024 and payroll from 08/04/2024 through 08/16/2024

ADMINISTRATOR'S REPORT

Administrator Hilvo received a signed purchase agreement for City owned park land with an anticipated closing date of September 8-10.

CITY CLERKS REPORT

Clerk Sette reported that the August Partisan Primary election had a 46% turnout.

COMMENTS AND ANNOUNCEMENTS BY CITIZENS - None

MAYOR'S REPORT – None

ADJOURN TO CLOSED SESSION

A motion was made by Council Member Burkart, seconded by Council Member Curley to adjourn to Closed Session at 9:00 p.m. to consider employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. The Council discussed 2025 wage increases for a specific list of employees and discussed the Administrator's evaluation. Motion carried on a roll call vote with Council Members Fitzpatrick, Burkart, Curley, Simpson, Lindo, and Mueller voting aye and Council Member Bitter excused.

RECONVENE TO OPEN SESSION

DISCUSSION AND POSSIBLE ACTION ON 2025 WAGE INCREASES FOR A SPECIFIC LIST OF EMPLOYEES

A motion was made by Council Member Fitzpatrick, seconded by Council Member Simpson, to approve the 2025 wage increases for the specific list of employees as discussed and recommended in Closed Session. Motion carried without a negative vote with Council Member Bitter excused.

DISCUSSION AND POSSIBLE ACTION ON ADMINISTRATOR'S EVALUATION

A motion was made by Council Member Mueller, seconded by Council Member Simpson, to approve the Administrator's evaluation and wage increase as discussed in Closed Session. Motion carried without a negative vote with Council Member Bitter excused.

ADJOURNMENT

A motion was made by Council Member Mueller, seconded by Council Member Curley, to adjourn the meeting at 10:03 p.m. Motion carried without a negative vote with Council Member Bitter excused.

Tracie Sette
City Clerk