

**CITY OF CEDARBURG  
COMMON COUNCIL  
APRIL 10, 2023**

A meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, April 10, 2023, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers, and online utilizing the Zoom app.

Mayor Michael O’Keefe 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 Michael O’Keefe, Council Members Jack Arnett, Kristin Burkart, Patricia Thome, Robert Simpson, Rick Verhaalen, Mark Mueller (7:30 p.m. arrival), Melissa Bitter

Also Present - City Administrator Mikko Hilvo, Attorney Michael Herbrand, City Clerk Tracie Sette, Director of Engineering and Public Works Michael Wieser, Fire Chief Jeffrey Vahsholtz, Ehler’s Financial Advisor Todd Taves, interested citizens and news media.

**STATEMENT OF PUBLIC NOTICE**

At Mayor O’Keefe’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 APPROVING THE CONTRACT FOR STUMP GRINDING 4 LESS**

The City of Cedarburg's Parks, Recreation & Forestry Department solicited bids for stump grinding, removal and site restoration to take place at various locations throughout the City for the period March 1, 2023 to December 31, 2023 in accordance with City of Cedarburg standards and specifications for stump grinding, removal and site restoration. The City anticipates the removal of approximately 200 stumps during this contract.

A motion was made by Council Member Burkart, seconded by Council Member Thome, to approve the contract for Stump Grinding 4 Less, not to exceed \$48,850.45. Motion carried without a negative vote with Council Member Mueller excused.

**DISCUSSION AND POSSIBLE ACTION ON THE AMENDMENT TO THE PLANNED UNIT DEVELOPMENT AGREEMENT FOR THE COMPLETION OF THE HANOVER AVENUE EXTENSION AS PART OF THE FOX RUN DEVELOPMENT ON WESTERN ROAD**

P2 Development Company informed the City of Cedarburg of a delay in the delivery of electrical components for the apartment buildings in the Fox Run Development. The delay extends until October,

pushing back the expected completion date for those buildings. In the meantime, the Developer will focus on construction of the townhomes on the west side of the future Hanover Avenue. Per the Developer's Agreement, the entire Hanover Avenue extension shall be completed before occupancy permits are issued. P2 Development is proposing to complete the extension of Hanover Avenue in two phases. Phase one would be completed with binder asphalt in August as planned. Phase two would be completed approximately 6 weeks later. P2 Development is requesting that occupancy permits are allowed to be issued with the completion of Phase 1 of the Hanover Avenue extension.

A motion was made by Council Member Arnett, seconded by Council Member Verhaalen, to approve the Amendment to the Planned Unit Development Agreement for the completion of the Hanover Avenue extension as part of the Fox Run Development on Western Road. Motion carried without a negative vote with Council Member Mueller excused.

**DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2023-10 AWARDING THE SALE OF \$2,725,000 GENERAL OBLIGATION COMMUNITY DEVELOPMENT BONDS, SERIES 2023A**

At the January 30, 2023 Common Council meeting, the Council approved Resolution No. 2023-04 approving of interim financing for the project until tax-exempt bonds may be issued to finance the project on a long-term basis. At the March 13, 2023 Common Council meeting, the Council approved Resolution Nos. 2023-05, 2023-06, and 2023-07 providing for the sale of General Obligation Community Development Bonds. Resolution No. 2023-10 confirms ratification of the Notice of Sale, authorization and award, terms, redemptive provisions, forms and tax provisions of said Bonds.

Todd Taves of Ehlers Financial Group explained how the tax increment will ultimately fund the extension of Hanover Avenue. He further explained that the winning bidder was the Baker Group with an issue size decreased to \$2,610,000 and a true interest rate of 3.4725%. Mr. Taves explained the City currently utilizes 20% of the possible debt allowable under WI State Statute.

A motion was made by Council Member Thome, seconded by Council Member Arnett, to approve Resolution 2023-10 awarding the sale of \$2,610,000 General Obligation Community Development Bonds, Series 2023A. Motion carried on a roll call vote with Council Members Bitter, Arnett, Burkart, Verhaalen, Simpson, and Thome, voting aye, and Council Member Mueller excused.

**DISCUSSION AND POSSIBLE ACTION ON OUTDOOR ALCOHOL BEVERAGE LICENSE FOR BRUNCH CEDARBURG LOCATED AT W62 N535 WASHINGTON AVENUE**

A motion was made by Council Member Verhaalen, seconded by Council Member Arnett, to approve the Outdoor Alcohol Beverage License for Brunch Cedarburg located at W62 N535 Washington Avenue. Motion carried without a negative vote with Council Member Mueller excused.

**DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF AMPLIFIED MUSIC/SOUND IN AN OUTDOOR ALCOHOL BEVERAGE SEATING AREA PERMIT FOR PERIOD ENDING 12/31/2023 FOR STAGECOACH INN, W61 N520 WASHINGTON AVENUE**

A motion was made by Council Member Arnett, seconded by Council Member Thome, to approve the Amplified Music/Sound in an Outdoor Alcohol Beverage Seating area permit for period ending 12/31/2023 for Stagecoach Inn, W61 N520 Washington Avenue. Motion carried without a negative vote with Council Member Mueller excused.

**DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF AMPLIFIED MUSIC/SOUND IN AN OUTDOOR ALCOHOL BEVERAGE SEATING AREA PERMIT FOR PERIOD ENDING 12/31/2023 FOR ART OF JOY, W63 N644 WASHINGTON AVENUE**

A motion was made by Council Member Burkart, seconded by Council Member Arnett, to approve of Amplified Music/Sound in an Outdoor Alcohol Beverage Seating area permit for period ending 12/31/2023 for Art of Joy, W63 N644 Washington Avenue. Motion carried without a negative vote with Council Member Mueller excused.

**DISCUSSION AND POSSIBLE ACTION ON MAINTENANCE OF AMCAST SITE**

Council Member Verhaalen requested the site be cleaned up ahead of any development that will eventually take place. He also requested the black fencing be returned.

**CONSENT AGENDA:**

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

- March 27, 2023 Common Council meeting minutes
- New 2022-2023 Operator Licenses for period ending June 30, 2023 for Carol D. Baranyk, Caroline L. Fairchild, Jakiya M. Ferguson, Paige E. Forler, and Toni M. LaFave
- Payment of bills dated 03/18/2023 through 03/31/2023, transfers for the period 03/25/2023 through 04/07/2023, and payroll for period 03/19/2023 through 04/01/2023

**ADMINISTRATOR'S REPORT**

Administrator Hilvo thanked Council Members Arnett and Verhaalen for their time served on the Council and looks forward to working with them on various committees.

**COMMENTS AND SUGGESTIONS FROM CITIZENS**

DJ Burns, Developer of Amcast site, received complaints from neighbors near the Amcast site regarding the old black fencing that surrounded the property. He confirmed the removal of the old fencing and that new material has been ordered. He further explained that permission from the DNR and EPA is still required before any major work may begin.

Julie Weir N40 W5810 Hamilton Road

Ms. Weir lives across the street from the Amcast site and requested the construction equipment sitting on the property be stored out of site from the neighboring properties.

**COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS**

Council Members Thome, Simpson, and Burkart thanked Council Members Arnett and Verhaalen for their years of service. They also commented on how much has been learned by serving together over the past eight (8) years.

Council Members Verhaalen and Arnett both addressed the Council and thanked the staff for all the work they do for the City. They both agreed it was a great run and look forward to serving on various committees.

**MAYOR'S REPORT**

The Mayor thanked Council Members Arnett and Verhaalen for their time served on the Council and looks forward to working with them on various committees.

**ADJOURN TO CLOSED SESSION**

A motion was made by Council Member Burkart, seconded by Council Member Arnett, to adjourn to closed session at 7:48 p.m. pursuant to State Statute 19.85 (1)(e) to deliberate or negotiate the purchase 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 a possible sewer utility easement agreement with W61 N518-20 Washington Avenue, the concept of a shared services agreement for Fire/EMS services with the Town of Cedarburg, and approval of closed session minutes from the March 13, 2023 Council meeting. Motion carried on a roll call vote with Council Members Bitter, Arnett, Verhaalen, Simpson, Thome, Mueller, and Burkart voting in favor.

**RECONVENE TO OPEN SESSION**

Open Session reconvened at 9:16 p.m.

**DISCUSSION AND POSSIBLE ACTION ON SEWER UTILITY EASEMENT AGREEMENT WITH W61 N518-20 WASHINGTON AVENUE**

A motion was made by Council Member Verhaalen, seconded by Council Member Arnett, to approve the Sewer Utility Easement Agreement with W61 N518-20 Washington Avenue provided the City will pay for the manhole installation with the contract extended to 27 ½ years. Motion carried without a negative vote.

**ADJOURNMENT**

A motion was made by Council Member Arnett, seconded by Council Member Verhaalen, to adjourn the meeting at 9:18 p.m. Motion carried without a negative vote.

Tracie Sette  
City Clerk