



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2914
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www.cityofmequonwi.gov

Office of the City Clerk
Taped and Televised

**COMMON COUNCIL
Regular Meeting
Wednesday, August 12, 2026 - 7:30 PM
Or Immediately Following the
Mequon Municipal Water Utility Commission Meeting
Christine Nuernberg Hall**

Agenda

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Roll Call
- 4) Public Hearing:
 - a) **ORDINANCE 2026-1694** - An Ordinance Amending the City's Zoning Map from B-5, R-1, R-2B, C-2 and OA to R-4, PUD and C-2, and Land Use Plan from Industrial, Residential 5-Acre, Residential 1-1.5 Acre and Critical Environmental to Residential 1-Acre and Critical Environmental, for a Residential Neighborhood Consisting of 87 Single-Family Lots on 107 Acres for the Property Located South of 10303 Baehr Road and North and West of 10007 Baehr Road; **Recommended by Planning Commission June 22, 2026; First Reading at Common Council July 14, 2026.**
 - 1) Public Hearing
 - 2) Consideration of Ordinance
- 5) **Personal Appearances and Public Comment:**

Citizens wishing to address the Council on any matter **not** on the agenda may do so at this time. If you desire to be heard on agenda items, you may be heard when that item is considered on the agenda. Please speak into the microphone at the podium. The time limitation is **FIVE** minutes. **To speak or to have your opinion recorded, please complete a registration slip found on the table in the lobby and return it to the bin in the Council Chambers.**
- 6) **Public Officials' Reports:**
 - a) Mayor
 - b) City Administrator

7) Consent Agenda:

- a) Architectural Board meeting minutes of June 8, 2026
- b) Common Council meeting minutes of July 14, 2026
- c) Festivals Committee meeting minutes of May 19, 2026 and June 22, 2026
- d) Finance-Personnel Committee meeting minutes of June 9, 2026
- e) Parks and Open Space Board meeting minutes of April 22, 2026 May 20, 2026
- f) Planning Commission meeting minutes of June 22, 2026
- g) Public Works Committee meeting minutes of April 14, 2026
- h) Sewer Utility District Commission meeting minutes of April 14, 2026 and May 12, 2026
- i) Tree Board meeting minutes of April 16, 2026
- j) **RESOLUTION 4301** - A Resolution Approving a Certified Survey Map for the Property Located at 8925 W. Mequon Road and Accepting the Dedication of 5,069 Square Feet of Public Right-of-Way Along North Swan Road; **Recommended by Planning Commission, July 27, 2026.**
- k) **RESOLUTION 4302** - A Resolution Approving a Development Agreement with P2 Development Company, LLC, for Foxtown Townhomes II, a 58-Unit Row House Apartment Development Upon the Properties Located at 11000-11040 North Buntrock Avenue and 10971-11019 North Weston Drive; **Recommended by Planning Commission, July 27, 2026.**

8) Ordinances: None

9) Resolutions:

- a) **RESOLUTION 4303** - A Resolution Approving the Reallocation of \$182,500 in Funding Received through the American Rescue Plan Act; **Recommendation Forthcoming by Finance-Personnel Committee August 12, 2026.**
- b) **RESOLUTION 4304** - A Resolution Approving Award of a Contract for the Installation of Municipal Wi-Fi, Security Cameras, and Keyless Entry Systems at the Rotary Park and River Barn Park Pavilions to Advanced Technical, LLC of New Berlin, Wisconsin in the Amount of \$147,544; **Recommendation Forthcoming by Public Works Committee August 12, 2026.**
- c) **RESOLUTION 4305** - A Resolution Amending City of Mequon Financial Policy Statement 3: Reserve Requirements and Establishing Policy Statement 20: Sewer Utility Reserve Requirements; **Recommendation Forthcoming by Sewer Utility District Commission August 12, 2026.**

10) Specified Unfinished Business From Prior Meetings: None

11) Specified New Business: None

12) Potential Closed Session:

- a) **Guerrero v. Mequon:** The Common Council may convene into closed session pursuant to Wis. Stat. § 19.85(1)(g), Wisconsin State Statutes, conferring 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 and then may reconvene into open session to take such action as deemed appropriate.

13) Adjourn

Dated: August 6, 2026

/s/ Andrew Nerbun, Mayor

.....
Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting. Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the City Clerk's Office at 262-236-2914, Monday through Friday, 8:00 AM – 4:30 PM



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Mequon, WI 53092-1930
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Community Development

TO: Common Council
FROM: Jac Zader, Assistant Director Community Development
DATE: August 12, 2026
SUBJECT: ORDINANCE 2026-1694 - An Ordinance Amending the City's Zoning Map from B-5, R-1, R-2B, C-2 and OA to R-4, PUD and C-2, and Land Use Plan from Industrial, Residential 5-Acre, Residential 1-1.5 Acre and Critical Environmental to Residential 1-Acre and Critical Environmental, for a Residential Neighborhood Consisting of 87 Single-Family Lots on 107 Acres upon the Property Located South of 10303 Baehr Road and North and West of 10007 Baehr Road

Background

The applicants - Neumann Development and Miller Marriott - are requesting rezoning and concept plan approval for an 87-lot single-family development on 107 acres located immediately north of 10007 N. Baehr Road. The site is currently vacant and is zoned primarily B-5 Industrial with a small area zoned Single-Family 2.5-Acre and 5-Acre Residential. The north portion of the site is in the Sewer Service Area while the central and south sections are outside the Sewer Service Area. The proposed development shows lots served by both sewer and non-sewered means, but the location is not consistent with the current Sewer Service Area boundary, and will require an amendment. In March 2026, the Common Council Committee of the Whole considered a draft concept plan (see attached minutes and March 2026 plan).

Analysis

The concept plan shows 73 single-family homes served by public sewer and water on the north portion of the site and 14 single-family homes served by private systems in the central section. The south portion of the site is primarily open space with walking trails. In totality, the site contains a total of 56 percent open space with a majority of it located in the south portion of the development. In response to a recommendation from the Planning Commission, the applicant has updated the plan to show two new public roads with access to Baehr Road, and a connection between the two roads. The plan also shows an emergency access drive connecting the proposed road to Enterprise Drive.

While it is considered one development, the intent is to create two distinct neighborhoods with the north section being developed by Neumann Development and the central and south sections being developed by Miller Marriot.

Based on a recommendation from the Planning Commission, the updated concept plan maintains a minimum lot size within the north section of the development of 13,000 square feet, while still providing a 30-foot open space buffer in an outlot to adjoining parcels. This minimum size is similar to other developments in Mequon, including the Central Growth Area, which allows lots as small as 14,475 square feet, provided that at least half of the lots are ½-Acre (21,780 square feet), and the recently approved UCRC (Ulao Creek Residential Cluster), which allows lots as small as 15,000 square feet. The City's older Huntington Park subdivision, which is also zoned R-4/PUD, has lots as small as 13,068 square feet, while the Lac du Cours subdivision, zoned R-3/PUD, has lots ranging from 9,583 to 75,358 square feet.

Since the lot sizes, and minimum lot width, in the north section of the development preclude the ability to have a side-entry garage, it is likely that most, if not all, of the garage doors will face the street. Within all recently approved conservation subdivisions, the City has required mitigation of the aesthetic for all front-loading garages. As a condition of the Planned Unit Development (PUD), the Planning Commission concurred with staff's recommendation and required the following design requirements for the north section:

- No more than two garage stalls shall be present on the same linear plane.
- All front-loading garage doors shall contain architectural details consistent with the front elevation.
- None of the front-loading garages shall have a consistent setback to that of the habitable portion of the building.
- No more than 30% of the front-loading garages shall project further into the front yard than the habitable portion of the building.

For the central section, at least 50% of the lots shall have side-entry garages, and the remaining lots shall meet the conditions related to front-loading garages of the north section.

Proposed Yield Plan: As part of the Planned Unit Development (PUD) process, a yield plan is required to establish the number of zoning compliant lots that are otherwise achievable. The yield plan shows 90 lots, conforming to the R-4 Zoning District. The proposed number of lots (87) shown in the concept plan complies with the yield plan.

Site Conditions: The site is appropriate for a conservation subdivision development in that it contains floodplain and several wetlands. The City Forester has walked the site and has identified numerous specimen trees, including several mature oak trees exceeding 25-inch DBH, and large sugar maples. The site also contains native woodland stands and wooded groves including ironwood trees.

Per the Planning Commission's approval conditions, the applicant is required to inventory and map the specimen trees and native woodlands and modify the concept plan if needed for preservation of these significant environmental features within common space (dedicated outlots). The applicants stated that they want to obtain a rezoning determination by the Common Council prior to completing the specimen tree inventory, and incurring additional expense. Staff did explain that the strategy is not without risk, since a major concept plan change may result in the process starting over. The applicant has confirmed that they understand the risk and are okay with moving forward relative to the proposed rezoning requests.

Fiscal Impact

The developer estimates \$57,000,000 in value when the project is completed, which results in annual tax revenue of approximately \$650,000.

Recommendation

The Planning Commission recommended approval of the rezoning by a vote of 4-1-1 on June 22, 2026.

Attachments:

Exhibit A_CC, Exhibit B_CC, Exhibit C_CC, Exhibit D_CC, Tolocko Memo re Baehr Road Ordinance Evaluation, Public Feedback

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2026-1694

ORDINANCE 2026-1694 - An Ordinance Amending the City's Zoning Map from B-5, R-1, R-2B, C-2 and OA to R-4, PUD and C-2, and Land Use Plan from Industrial, Residential 5-Acre, Residential 1-1.5 Acre and Critical Environmental to Residential 1-Acre and Critical Environmental, for a Residential Neighborhood Consisting of 87 Single-Family Lots on 107 Acres upon the Property Located South of 10303 Baehr Road and North and West of 10007 Baehr Road

RECITALS

A. The applicant is seeking rezoning approval for an 87-lot single-family subdivision for the property located immediately south of 10303 Baehr Road and north and west of 10007 Baehr Road.

B. The Planning Commission, by majority vote on June 22, 2026, has recommended approval of a Zoning Map Amendment to designate the property illustrated in Exhibit A as "R-4/PUD" and a Land Use Plan Amendment to Residential 1-Acre and Critical Environmental.

C. Based upon the Planning Commission's recommendation and following a public hearing before the Common Council on the 12th day of August 2026, the Common Council desires to rezone the property consistent with the conditions of the Commission's recommendation.

D. The proposed rezoning is consistent with the City's comprehensive master plan.

BASED UPON THE FOREGOING RECITALS, the Common Council of the City of Mequon, Wisconsin, do ordain as follows:

SECTION I

The existing and official City of Mequon District Zoning Maps are hereby amended so as to change the zoning classification of the property located immediately south of 10303 Baehr Road and north and west of 10007 Baehr Road as further described and illustrated in Exhibit A, to R-4/PUD and the Land-Use Plan to Residential 1-Acre and Critical Environmental subject to the following conditions:

1. The North Section lots shall meet the following criteria:

- a. Lot size minimum = 13,000 square feet
- b. Lot width minimum = 75 feet
- c. Front Setback = 25 feet, Side Offset = 10 feet, Rear Offset = 20 feet

- d. Lot Coverage maximum = 30%
- e. No more than two garage stalls shall be present on the same linear plane.
- f. All front-loading garage doors shall contain architectural details consistent with the front elevation.
- g. None of the front-loading garages shall have a consistent setback to that of the habitable portion of the building.
- h. No more than 30% of the front-loading garages shall project further into the front yard than the habitable portion of the building.

2. The Central Section lots shall meet the following criteria:

- a. Lot size minimum = 32,670 square feet
- b. Lot width minimum = 130 feet
- c. Front Setback = 25 feet, Side Offset = 20 feet, Rear Offset = 20 feet
- d. Lot Coverage = 20%
- e. At least 50% of the lots have side entry garages.
- f. No more than two garage stalls shall be present on the same linear plane.
- g. All front-loading garage doors shall contain architectural details consistent with the front elevation.
- h. None of the front-loading garages shall have a consistent setback to that of the habitable portion of the building.
- i. No more than 30% of the front-loading garages shall project further into the front yard than the habitable portion of the building.

- 3. All existing wetlands shall be contained in a common area.
- 4. All specimen trees and native woodlands shall be inventoried and mapped. All specimen trees on the site shall be saved and protected during the development process. Modifications to the concept plan are subject to staff review and approval, or Planning Commission approval, if considered significant as determined by staff.
- 5. Rezoning is effective upon approval of a Sewer Service Boundary Amendment and Preliminary Plat approval. No Preliminary Plat or Development Agreement shall be applied for until the Amendment is approved.
- 6. An open space plan with neighborhood features, including pedestrian/bicycle paths, natural trails, and common-use amenities shall be submitted for Planning Commission approval and protected through easements and management plans.
- 7. The development shall comply with preliminary condominium plat, development agreement, and final plat requirements.
- 8. Architectural design of residential buildings shall comply with the Architectural Board's publication entitled "Guidelines for Residential Structures" and are subject to the Architectural Review Board.
- 9. Street trees are subject to the approval of the Tree Board and Planning Commission.
- 10. Street lighting, if proposed, is subject to the approval of the Planning Commission.
- 11. Entryway signage and landscaping is subject to the approval of Planning Commission.
- 12. Any substantial change to the general concept plans illustrated in the attached exhibits shall require appropriate amendment to this ordinance.
- 13. The entire property is subject to the City of Mequon Tree Preservation Ordinance and necessary preservation easements, if any.

14. Right-of-way dedication along Baehr Road at the width of the ultimate right-of-way, subject to Common Council acceptance, as part of the preliminary plat.
15. The wetland delineation report with WDNR concurrence should be submitted with the preliminary plat application. The wetland boundaries and protective areas shall be shown on the preliminary plat. If wetland fill is proposed, WDNR permitting shall be submitted at the time of preliminary plat.
16. A development agreement will be required at the time of preliminary plat.

SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

All other ordinances or parts of ordinances contravening the terms of this ordinance are hereby and to that extent repealed.

SECTION IV

This ordinance shall take effect in full force upon its passage and the day after its publication.

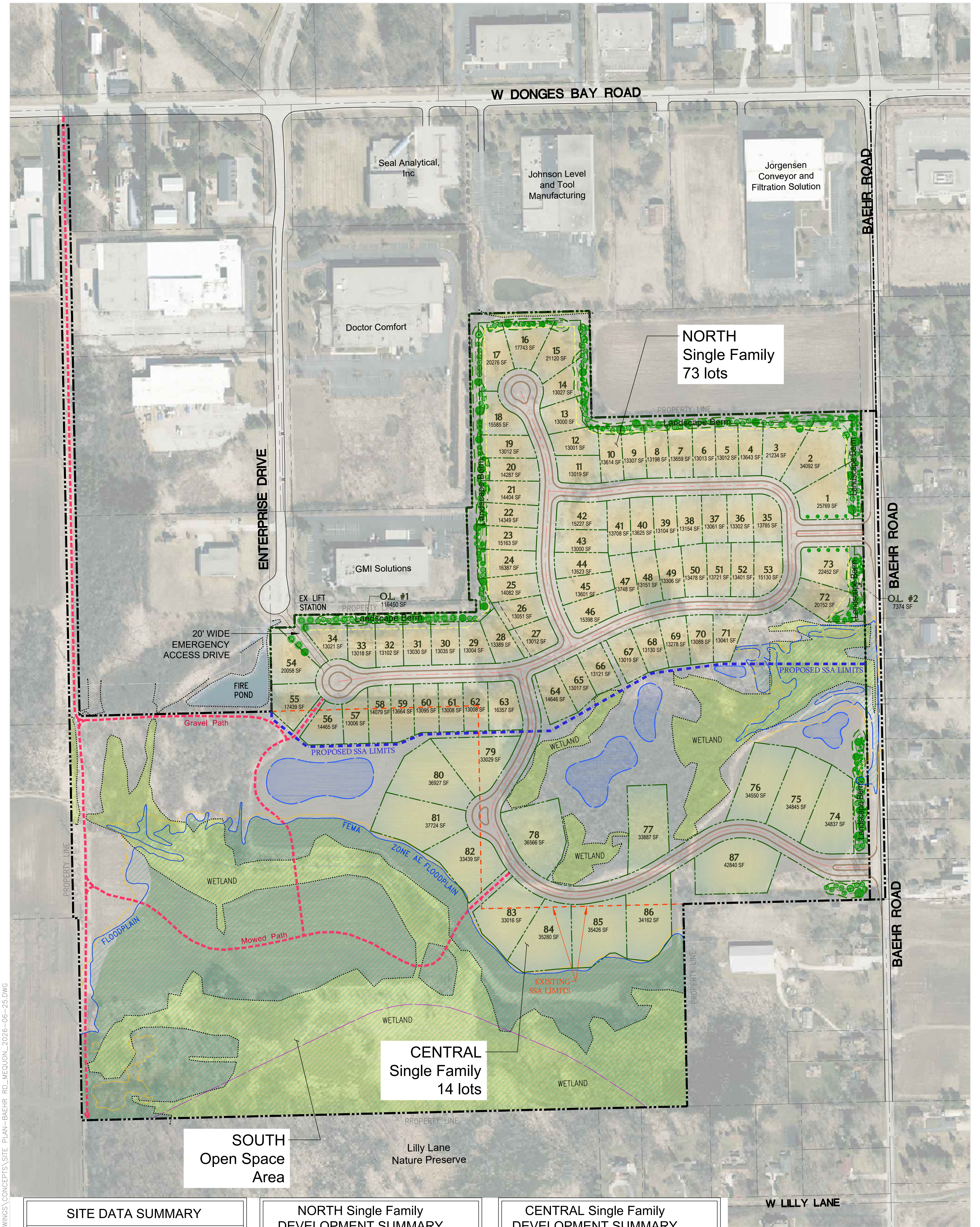
Approved by: Andrew Nerbun, Mayor

Date Approved: August 12, 2026

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on August 12, 2026.

Caroline Fochs, City Clerk

Published: _____



SITE DATA SUMMARY	
TOTAL AREA:	107.1 acres
-Wetland (Assured Delineation):	- 23.7 acres
NET AREA:	83.4 acres
- Floodplain (Zone AE) (upland/non-wetland)	- 15.5 acres
Proposed Development:	
Description	Proposed
NORTH Single Family	73 lots
CENTRAL Single Family	14 lots
Sub-Total Area	107.1 ac 87 lots
Overall Density	107.1 / 87 = 1.23 ac/un

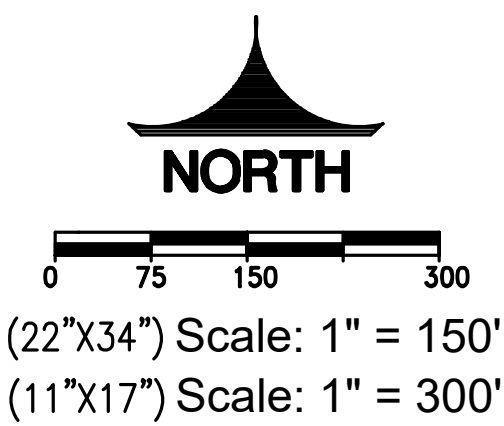
NORTH Single Family DEVELOPMENT SUMMARY	
- PROPOSED SINGLE FAMILY:	73 lots
- PROPOSED ZONING:	Residential PUD
- LOT CHARACTERISTICS:	
- Min. Lot Area =	13,000 sf
- Min. Lot Width =	75'
- Front Yard =	25' Home (30' Garage Door)
- Side Yard =	10'
- Rear Yard =	20'
- Lot Coverage =	30% building/structure
- NORTH STREET LENGTH =	3,950 LF (54.1 LF/LOT)
- Subdivision served by	sanitary sewer to lift station and public water main.

CENTRAL Single Family DEVELOPMENT SUMMARY	
- PROPOSED SINGLE FAMILY:	14 lots
- PROPOSED ZONING:	R-4 PUD
- LOT CHARACTERISTICS:	
- Min. Lot Area =	32,670 sf
- Average Lot Width =	130'
- Front Yard =	30'
- Side Yard =	20'
- Rear Yard =	20'
- Lot Coverage =	20% building/structure
- CENTRAL STREET LENGTH =	1,765 LF (126.1 LF/LOT)
- Subdivision served by	individual septic mounds and well.

SITE COVERAGE CALCULATIONS	
Proposed Single Family Lots:	38.51 acres
Proposed Public Right-of-Way:	8.29 acres
Outlots/Open Space:	60.30 acres
TOTAL AREA:	107.1 acres
Common Open Space: 60.3 / 107.1 = 56.3%	

OVERALL SITE PLAN
Baehr Rd Development
Baehr Road City of Mequon, Wisconsin

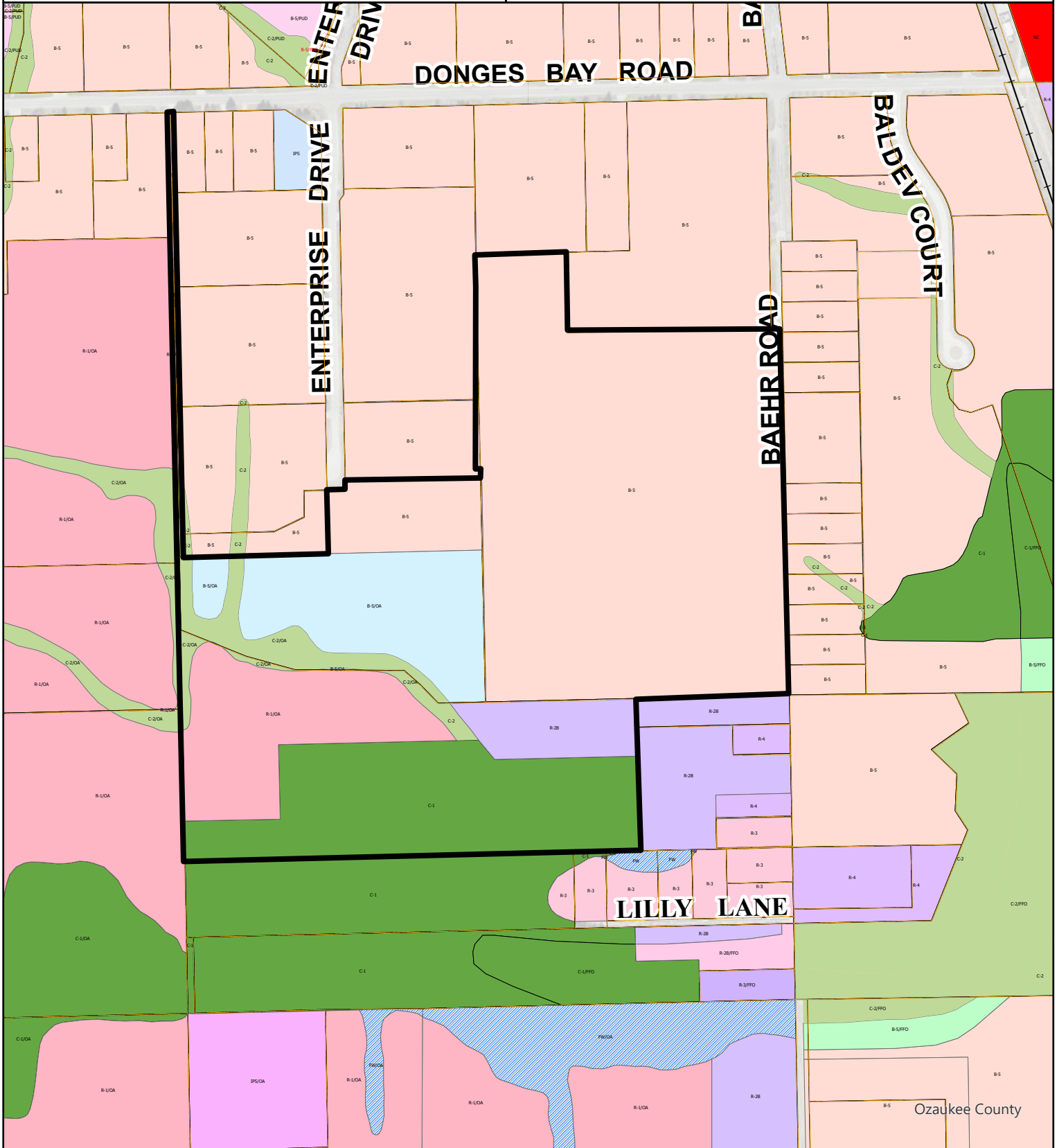
Proposed development by:
miller marriott
ARCHITECTURE • DESIGN • BUILD



DATE: 6/25/2026

MILLER MARRIOTT CONSTRUCTION CO., INC.

AC	Arrival Corridor	IPS	Institutional & Public Service
A-1	Agricultural Preserve	NC	Neighborhood Commercial
A-2	General Agricultural	OA	Agricultural Overlay
B-1	Neighborhood Business	PUD	Planned Unit Development Overlay
B-2	Community Business	P-1	Park & Recreation
B-3	Office & Service Business	R-1	Single-Family Residential (5 Ac. Min.)
B-4	Business Park	R-1B	Single-Family Residential (2.5 Ac. Min.)
B-5	Light Industrial	R-2	Single-Family Residential (2 Ac. Min.)
B-6	Rural Industrial	R-2B	Single-Family Residential (1.5 Ac. Min.)
B-7	Rural Business	R-3	Single-Family Residential (1 Ac. Min.)
C-1	Shoreland/Wetland Conservancy	R-4	Single-Family Residential (3/4 Ac. Min.)
C-2	General Conservancy	R-5	Single-Family Residential (1/2 Ac. Min.)
CGO	Central Growth Overlay	R-6	Single-Family Residential (4 DU/Ac.)
FFO	Flood Fringe Overlay	RM	Multi-Family Residential
FW	Floodway	TC	Town Center
IPS	Institutional & Public Service	TDR	Transfer of Development Rights



3) Discussion Items

a) Common Council Decision to Exercise Extraterritorial Zoning Authority

Assistant Director of Community Development Zader, introduced the item and provided a background. Extraterritorial zoning allows cities to have control outside their corporate boundary and adopt an area to expand an ordinance. A Joint Extraterritorial Zoning Committee (JETZCO) was created made up of three citizen members of the Mequon Planning Commission and three Grafton citizens. This Committee is allowed the ability to form a new zoning district or make amendments to existing districts. Mr. Zader briefly explained the benefits of such a team and how the City has previously adopted ordinances for three areas within the Town of Grafton, most recently in 2008.

The City has received two separate amendment requests within two of the existing areas and City staff is requesting Committee input on their action. Mr. Zader offered the following options:

1. The City can affirm its authority to exercise decisions by reestablishing JETZCO for one or both areas and consider amending the existing zoning.
2. The Committee can adopt an ordinance to terminate the existing ordinance and allow the Town of Grafton all authority.
3. Create an ordinance to update the zoning without reestablishing JETZCO. This does not fully follow statute and allows for possible challenges from a developer. The development decisions would be made by the Planning Commission.

Mr. Zader also offered a hybrid option to #1 that would modify the ordinance from 2008. This would allow future rezoning to single-family residential homes with one unit per acre without JETZCO approval.

Committee discussion ensued with concerns focused primarily on the density of the subdivision and their lack of utilities and how this could affect Mequon residents. Several members voiced their interest in a wide buffer at the shared boundary to preserve and prioritize Mequon residents along Pioneer Road. A straw poll was taken directing City staff to reestablish JETZO with a unanimous result.

b) A Consultation for a Proposed Residential Development and Associated Utility Service for a Property Located on 107 Acres West of Baehr Road, South of Donges Bay Road and North of Lily Lane Nature Preserve

Mr. Zader provided an introduction and the request for Committee guidance on the subject of zoning and utilities. The site is zoned as R4 Industrial and has been presented to the Committee several times in the past with alternative developments. The plan brought forward today includes 10,000 square foot lots in the Northern subdivision which is not currently allowed and there is a lack of existing utilities to offer the new builds.

Public Works Director/City Engineer Lundeen explained the utility challenges this project would encounter under the current sewer service for the area. The City has 23 lift stations it maintains, including one that services Enterprise Drive, but it would not reach the Southern subdivision. The project developer is requesting that the City convert that lift station to allow

service to their new builds. This would require a condition and capacity assessment of the station prior to its title transfer to the City.

Committee members shared concerns about the lift station's capabilities. Members also provided input regarding the site plan itself, including the density and small size of the lots in the Northern subdivision, entrances to each subdivision, its proximity to industrial buildings, garage placements, and the water rate of return and its effects on existing Mequon residents.

Mr. Miller, the developer of the proposed site, spoke about the ability to remain economically viable in this location. The lift station would require upgrading regardless, and asks the City to take control over that portion of the project to allow the development to proceed as planned. Tom Jansen, owner of the property, expressed his support of this plan.

The Mayor called for several straw polls from Committee members to provide City staff direction. All members agreed that some form of residential planning is appropriate for this site. Six out of nine members would allow for the 10,000–13,000 square foot lots in the Northern subdivision. After further discussion, six out of nine members voted in favor of the City maintaining long-term lift station operations. Seven out of nine members were in favor of requiring two entry points for each subdivision.

4) Informational Items

- a) Committee of the Whole Planning Calendar

5) Adjourn

MOTION:	Motion to adjourn at 8:02 p.m.
MOVER:	Alderman Peter Bratt
SECONDER:	Alderman Kelly Tolocko
AYES:	Mayor Andrew Nerbun, Alderman Robert Strzelczyk, Alderman Kelly Tolocko, Alderman Dale Mayr, Alderman Jeffrey Hansher, Alderman Gregg Bach, Alderman Brian Parrish, Alderman Peter Bratt, Alderman William Gebhardt
RESULT:	Approved by Voice Acclamation

Respectfully Submitted,
Janet Meyer, Deputy Clerk

Exhibit D Concept Plan Presented to Common Council March 2026



SITE DATA SUMMARY	
TOTAL AREA:	107.1 acres
-Wetland (Assured Delineation):	- 23.7 acres
NET AREA:	83.4 acres
- Floodplain (Zone A) (upland/non-wetland)	- 15.5 acres
Proposed Development:	
Description	Proposed
NORTH Single Family	73 lots
CENTRAL Single Family	14 lots
Sub-Total Area	107.1 ac 87 lots
Overall Density	107.1 / 87 = 1.23 ac/un

NORTH Single Family DEVELOPMENT SUMMARY	
- PROPOSED SINGLE FAMILY:	73 lots
- PROPOSED ZONING:	Residential PUD
- LOT CHARACTERISTICS:	
- Min. Lot Area =	10,000 sf
- Min. Lot Width =	75'
- Front Yard =	25' Home
	(30' Garage Door)
- Side Yard =	10'
- Rear Yard =	20'
- Lot Coverage =	30% building/structure
- NORTH STREET LENGTH =	4,100 LF (56.2 LF/LOT)
- Subdivision served by sanitary sewer to lift station and public water main.	

CENTRAL Single Family DEVELOPMENT SUMMARY	
- PROPOSED SINGLE FAMILY:	14 lots
- PROPOSED ZONING:	R-4 PUD
- LOT CHARACTERISTICS:	
- Min. Lot Area =	32,670 sf
- Average Lot Width =	130'
- Front Yard =	30'
- Side Yard =	20'
- Rear Yard =	20'
- Lot Coverage =	20% building/structure
- CENTRAL STREET LENGTH =	1,480 LF (104.3 LF/LOT)
- Subdivision served by individual septic mounds and well.	

SITE COVERAGE CALCULATIONS	
Proposed Single Family Lots:	30.11 acres
Proposed Public Right-of-Way:	8.49 acres
Outlots/Open Space:	68.50 acres
TOTAL AREA:	107.1 acres
Common Open Space: 68.5 / 107.1 = 64.0%	

OVERALL SITE PLAN
Baehr Rd Development
 Baehr Road City of Mequon, Wisconsin

Proposed development by:
miller marriott
 ARCHITECTURE • DESIGN • BUILD



NORTH
 0 75 150 300
 (22"x34") Scale: 1" = 150'
 (11"x17") Scale: 1" = 300'

MEMORANDUM

TO: Honorable Mayor Andrew Nerbun & Members of the Mequon Common Council
FROM: Kelly Tolocko, Alderwoman District 2
DATE: July 5, 2026
SUBJECT: **Technical Evaluation of the Baehr Road Concept Layout: Upholding Municipal Standards through an Environmentally Balanced Framework (Ordinance 2026-1694)**

Dear Colleagues,

In evaluating the proposed zoning amendment requested by Miller Marriott Construction Co., LLC for the properties west of Baehr Road, it is crucial that we assess the concept layout and ordinance changes using objective, data-driven planning principles. To ensure long-term regulatory stability, structural fairness across all city developments, and the preservation of critical environmental areas while upholding the explicit desires of our residents, our analysis must look past generalized marketing summaries. Instead, we must focus rigorously on how the requested density aligns with the land's physical characteristics, our established subdivision rules, and documented community preferences.

As elected officials, we share a responsibility to act as the objective guardians of Mequon's Master Plan. When our community participates in city-wide surveys, they provide us with a clear benchmark for growth, highlighting a unified stance against high-density subdivisions that compress lot footprints beyond historical local precedents and compromise neighboring property values. Our role is to ensure that development requests fit cleanly within those established local benchmarks, rather than adapting municipal frameworks to accommodate variances that overextend our infrastructure.

A technical assessment of the parcel shows that the proposed 87-lot layout relies on a total acreage calculation that fails to reflect the site's severe physical constraints. However, rather than viewing this development through a binary lens of simple approval or denial, we should exercise our regulatory authority to propose a low-density conservation compromise. This path preserves a realistic avenue for residential construction while firmly maintaining the civic standards our city expects.

1. ENVIRONMENTAL CONSTRAINTS AND REAL BUILDABLE ACREAGE LIMITS

The application presents the property as a standard 107-acre parcel. However, formal planning reviews and environmental overlays demonstrate that nearly 37% of the total acreage is legally and physically unbuildable due to mandatory natural resource protections:

- **Total Proposed Project Area:** 107.10 Acres
- **Less Environmental Overlays:** 23.70 Acres of Delineated Wetlands & 15.54 Acres of FEMA Zone A Floodplain
- **True Viable Upland Footprint:** 67.86 Acres

When measuring true planning impact, we must contrast gross density with actual net density. On a gross basis, 87 lots across 107.10 acres equates to 0.81 units per acre. However, attempting to site all 87 units exclusively within the 67.86 acres of buildable upland space forces a net density of 1.28 units per buildable acre. To achieve this urban-scale compression within a suburban-rural transition zone, the proposal relies on an R-4 PUD overlay with minimum lot sizes of just 10,000 square feet.

Using an R-4 PUD overlay to artificially inflate unit counts on a highly constrained site contradicts the core intent of conservation design guidelines, which are meant to offer flexibility for unique environmental preservation, not density maximization. This layout deviates significantly from recent local precedents, such as Central Growth (14,475 sq. ft. minimum) and Ulao Creek (15,000 sq. ft. minimum), and directly conflicts with our community survey data, where residents explicitly emphasized that traditional 0.5-acre to 1-acre lot sizes are essential to Mequon's value and neighborhood appeal.

2. ARCHITECTURAL ALIGNMENT AND STREETScape INTEGRITY

The high-density footprint creates secondary architectural challenges that conflict with Mequon's established design guidelines. Because the proposed lots are restricted to 10,000 square feet, the narrower lot widths cannot physically accommodate traditional side-loading garages. Our residential standards explicitly recommend that premium subdivisions feature a minimum of 50% side-loading designs to maintain open, high-quality streetscapes.

By contrast, a compressed footprint forces nearly 100% front-loading configurations. This introduces a continuous, garage-dominated streetscape that disrupts established pedestrian-oriented design patterns and diverges from Mequon’s custom residential character.

3. THE ECONOMIC FALLACY OF DENSITY-DRIVEN AFFORDABILITY

We must reject the regulatory narrative that granting an R-4 PUD high-density variance is necessary to achieve "housing attainability." Historically, across regional municipal developments, when standards are compromised under the promise of lower-cost housing, market and banking realities intervene.

Once a zoning variance is locked into the land, escalating infrastructure costs and commercial lending underwriting force developers to abandon lower-margin price points in favor of maximum-margin luxury builds. Because the developer cannot legally or financially guarantee permanent price attainability within an R-4 PUD framework, the City is highly likely to be left with a permanently compressed streetscape that strains infrastructure, while the promised affordability vanishes at the underwriter's desk.

4. A FACT-BASED ALTERNATIVE: THE LOW-DENSITY CONSERVATION COMPROMISE

To honor the clear mandate from the vast majority of Mequon residents who reject high-density builds, the City should guide the applicant toward templates that have historically proven successful in keeping Mequon land highly desirable. This approach allows for residential development while fully respecting the natural constraints of the terrain:

PLANNING METRIC	ORIGINAL HIGH-DENSITY PLAN	RECOMMENDED CONSERVATION STANDARD
Total Lot Yield	87 Units (1.28 Net Units/Acre)	40–45 Custom Estate Lots
Minimum Lot Size	10,000 sq. ft. (Urban Scale)	20,000–30,000 sq. ft. (Half-Acre+)
Garage Orientation	~100% Front-Loading	Minimum 50% Side-Loading
Natural Buffering	Encroaching Footprints	39-Acre Dedicated Open Space Easement

By adjusting the framework to 40–45 custom estate lots, the developer can pivot their model from high-volume density to high-tier premium value, safeguarding project margins while matching Mequon's zoning expectations. This lower-density layout naturally provides a substantial, permanent environmental buffer for

the adjacent Lily Lane Nature Preserve and aligns with the infrastructure capabilities necessary to uphold our community's standard of quality growth over rapid expansion.

CONCLUSION AND LEGISLATIVE RECOMMENDATION

The data demonstrates that the property's natural geography cannot sustain an 87-lot layout without violating established development standards and ecological buffers. Rather than granting a major zoning variance that creates an irreversible regulatory precedent based on speculative pro formas, we must stick with the low-density development templates that have successfully preserved Mequon's character, value, and desirability for decades.

To protect Mequon's architectural integrity, respect the explicit will of our residents, and honor our commitment to balanced growth, I ask that you join me in rejecting the upcoming Ordinance 2026-1694. By voting down this ordinance, we decline the high-density layout as currently proposed, while formally signaling to the applicant that the City remains open to reviewing an environmentally integrated, low-density conservation framework that meets Mequon's true expectations.

Respectfully submitted,

Kelly Tolocko

Alderwoman, District 2

City of Mequon

Public Feedback
Agenda item: Miller Marriott #4 (e)

#1

Dan Armbrust
CEO/Owner
GMI Solutions
10202 N. Enterprise Drive
Mequon, WI 53092

June 18, 2026

Via Email and Public Record
City of Mequon Planning Commission
c/o Natalie Redding, Planner
11333 N. Cedarburg Road
Mequon, WI 53092

Dear Planning Commission,

I'm writing on behalf of GMI Solutions regarding the Miller Marriott Construction Co., LLC request for concept plan and rezoning recommendation approval — the proposed 87-lot single-family neighborhood on approximately 107 acres south of 10303 Baehr Road and north and west of 10007 Baehr Road, including the north section to be developed by Neumann Development.

GMI is proud to be part of Mequon's business community, and we appreciate the care the City takes in balancing growth with a strong employment base and tax base. It's in that spirit — as a long-term Mequon employer and taxpayer with a direct stake in this corridor — that we ask the Planning Commission to recommend denial of this rezoning, or at a minimum to defer it. Our objection rests on the long-term land-use and economic-development merits set out below, which stand on their own. Separately, and importantly, the record before the Commission understates the actual industrial demand for this site — and on that point GMI can speak from direct experience.

The “no reasonable industrial use” conclusion does not match the actual history of this site.

The staff report's central justification is that the property was marketed as industrial for roughly 40 years, supported by TID No. 2, and that no project came to fruition. We understand why that reads as an absence of demand. The actual history is different. Within that same period, a qualified buyer working with GMI made a cash offer for this property at a price at or above the then-prevailing market, and the owner declined to sell. The sale did not fail for lack of a willing, over-market buyer — it failed because the owner chose not to

sell. That is a critical distinction. A property does not lack industrial demand simply because a past owner declined a premium offer.

And that demand is not only historical. GMI remains an established manufacturer operating in this corridor, we are actively pursuing expansion in Mequon, and we would acquire this property for employment-supporting use. We are prepared to engage promptly and on a defined timeline. We are not raising a hypothetical to block a project we dislike — we are a named, qualified, local buyer ready to put this land back to work.

The decision is also irreversible. If the rezoning is denied or deferred and an industrial deal still does not close, the property remains available and a residential proposal can return. If the rezoning is granted, the employment land is gone permanently. That asymmetry strongly favors giving the industrial alternative a fair, time-bound opportunity before the City forecloses it forever.

This conversion runs counter to Mequon’s own economic-development posture.

The City has invested real public resources in this corridor — including the TID No. 2 business park — and promotes itself as a business-friendly community with over 1,000 businesses and two industrial parks. Employment-supporting land is the foundation of that strategy and of the diversified tax base that commercial and industrial users provide. Buildable industrial and business-park land in Mequon is already in limited supply. Converting another 100-plus acres of industrially zoned and industrially adjacent land to residential use narrows the City’s long-term ability to retain, expand, and attract employers, and shifts the corridor’s character in a way that is difficult to reverse.

The proposed layout places homes directly against active industrial operations — and the conflict becomes the City’s to manage.

The staff report itself recognizes the transition issue, notes that the north-section lots abut existing industrial uses, and records that earlier proposals for two- and multi-family housing nearest the industrial uses were not supported. We share that concern, and it is sharpened by the fact that the developer reduced open space from roughly 64% to 56% — below the 60% conservation-subdivision standard — leaving the north section with limited buffer precisely where it is needed most.

GMI’s operations, like those of many neighbors here, involve regular semi-truck traffic, supplier deliveries, shipping and loading activity, exterior lighting, mechanical equipment, backup alarms, and second- and third-shift schedules that run early, late, and overnight. Even where buyers are told what they are moving next to, experience shows that homeowners near employment corridors eventually file complaints about exactly these lawful operations — operations that predated their homes. Those complaints become enforcement requests and political pressure that the City and its existing employers absorb for years.

The Enterprise Drive connection should remain emergency-only, permanently.

The concept plan shows an emergency access drive connecting the proposed road to Enterprise Drive. Enterprise Drive functions as part of an active business area, not as an extension of a residential neighborhood, and it should stay that way. We ask the City to ensure this connection cannot be converted to full-time residential access without separate public review.

For these reasons, GMI respectfully requests that the Planning Commission recommend denial of the requested rezoning and concept plan.

If the Commission is not prepared to recommend denial, we ask that the matter be deferred to give GMI and any similarly situated employer a defined window to pursue acquisition of the property for employment-supporting use before the City permanently commits it to residential development. GMI is prepared to engage promptly and in good faith.

And if the City nevertheless intends to advance this project, we respectfully urge that no approval be granted unless, at minimum, the following protections are required:

1. **Emergency access stays emergency-only.** Any connection to Enterprise Drive shall remain strictly emergency-only and shall not be converted to full-time vehicular ingress/egress, now or in the future, without separate public review, direct notice to affected business owners, and additional Council approval.
2. **A corridor-wide traffic study.** The required traffic analysis shall evaluate not only residential trip generation but existing and projected industrial traffic — semi-truck movements, deliveries, employee traffic, and second- and third-shift activity — across Baehr Road, Donges Bay Road, and Enterprise Drive, including turning movements and access management.
3. **Meaningful buffering in the north section.** Given the reduction of open space below the conservation standard, a robust industrial-residential buffer shall be required along the north and east edges abutting industrial uses — physical separation, berming, landscaping, and screening sufficient to address the realities of living adjacent to an active business corridor — without reducing it to accommodate lot yield.
4. **Permanent recorded disclosure.** All plats, declarations, deeds, purchase documents, and HOA materials shall include recorded language advising future owners that they are purchasing near established industrial and manufacturing users and may experience semi-truck traffic, second- and third-shift activity, loading operations, backup alarms, lighting, equipment noise, employee traffic, deliveries, and future lawful business expansion outside standard daytime hours.

5. **Protection of existing operating rights.** The City shall expressly preserve the operating rights of existing businesses and confirm that approval of this development shall not be used as a basis to restrict, impair, or challenge any existing lawful operation in the surrounding area.
6. **Direct notice going forward.** GMI and similarly situated nearby business owners shall receive direct notice of all future actions involving this project — Planning Commission and Common Council actions, the required Sewer Service Area boundary amendment, preliminary plat review, development agreement review, roadway/access decisions, and utility approvals.
7. **A future-growth impact review.** Before final approval, the City shall evaluate whether the proposed layout, access system, utility routing, and resident expectations would place practical or political constraints on the future growth of nearby industrial users.

GMI has invested in Mequon, employs people in Mequon, and intends to keep growing here. We're grateful for the City's stewardship of this corridor, and we respectfully ask the Planning Commission to protect existing employers, preserve scarce employment-supporting land, and — at the very least — give a willing industrial buyer a fair opportunity before this land is permanently converted to residential use.

Please include this email in the public record for this matter and provide notice of all future meetings and hearings related to this proposal.

Sincerely,

Dan

Daniel P. Armbrust
GMI Solutions
CEO/Founder
10202 N. Enterprise Drive
Mequon, WI 53092

#2

My wife and I have lived at 10060 N. Baehr rd for 49 years. We are opposed to the rezoning of the Jansen property.

Water comes off the property and runs through my yard. The flow is so great it washed ou Baehr rd. 4 times in the last few years. Years ago Jansen Corp. made an asphalt road and dug a couple of ponds for water retention. This was never maintained and the water leaving the property got worse.

All traffic should go to Enterprise Dr., Baehr Rd. has to much traffic already. Buses from the RiteWay bus co. Going to and from Milwaukee schools. Semi trucks going to businesses on County Rd. , Donges Bay Rd. , and the Mequon Business Park. Normal every day traffic is heavy enough. 30mph, are you kidding!! Baehr Rd. has a 1' shoulder, when you take a walk or ride a bike you either step in the ditch or onto a driveway when cars are coming. Safety is an issue.

When our business park gets full, which it is close now, businesses can develop on the Jansen property.

Thank you for considering our concerns.

Fred Schneeberg
Sent from my iPad



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262/242-3100

www.cityofmequonwi.gov

Community Development Department
Inspections Division

**ARCHITECTURAL BOARD
Regular Meeting
Monday, June 8, 2026 - 6:00 PM
Christine Nuernberg Hall**

Minutes

A) Call to Order and Roll Call

The meeting was called to order by Vice-Chairman Paul Apfelbach at 6:00 p.m.

Present:

Vice-Chairman Paul Apfelbach, Architect John Mikkelson, Board Member Michael Wade,
Board Member Ann Scherzinger, Board Member Tom Irvin, Board Member Curtis Helm,
Board Member Janet Ehn

[**Absent:** Chairman Scott Reed, Board Member Anothony LaGalbo]

B) Approval of Meeting Minutes

1) Meeting Minutes — May 11, 2026

MOTION:	Motion to approve May 11, 2026, Minutes
MOVER:	Board Member Michael Wade
SECONDER:	Board Member Janet Ehn
AYES:	Vice-Chairman Paul Apfelbach, Architect John Mikkelson, Board Member Michael Wade, Board Member Ann Scherzinger, Board Member Tom Irvin, Board Member Curtis Helm, Board Member Janet Ehn
NAYS:	None
RESULT:	Passed

C) Action Items

1) Veridian Homes LLC

New Single-Family Residence at 8149 W. Bluebird Court

Subdivision: The Enclave

Contractor: Veridian Homes LLC / Architect: Veridian Homes LLC

District 3 - 6:00 pm

MOTION:	To Approve
MOVER:	Board Member Michael Wade
SECONDER:	Architect John Mikkelson
AYES:	Vice-Chairman Paul Apfelbach, Architect John Mikkelson, Board Member Michael Wade, Board Member Ann Scherzinger, Board Member Tom Irvin, Board Member Curtis Helm, Board Member Janet Ehn
NAYS:	None
RESULT:	Passed

2) William & Sharon Trost

Detached Garage at 8306 W. Holly Road

Subdivision: Solar Heights

Contractor: Owner / Architect: Minser Design Group

District 3 - 6:05 pm

MOTION:	To Approve
MOVER:	Board Member Michael Wade
SECONDER:	Board Member Curtis Helm
AYES:	Vice-Chairman Paul Apfelbach, Architect John Mikkelson, Board Member Michael Wade, Board Member Ann Scherzinger, Board Member Tom Irvin, Board Member Curtis Helm, Board Member Janet Ehn
NAYS:	None
RESULT:	Approved as submitted with the following conditions: 1. Garage will be built on slab 2. Siding to match house in style and color with corner boards to match 3. Windows to be the same size on each elevation without grids and to appear as double hung (even though their casements) 4. Windows to be centered on all elevations 5. Trim to match (5/4x4) 6. Shingles to match the house

- 3) **Alan Neva**
Sunroom Addition at 6871 W. River Birch Drive
Subdivision: Pine Reserve Condominium
Contractor: Jude Tindall Construction / Architect: Jason Conn
District 3 - 6:15 pm

MOTION:	To Approve
MOVER:	Board Member Tom Irvin
SECONDER:	Vice-Chairman Paul Apfelbach
AYES:	Vice-Chairman Paul Apfelbach, Architect John Mikkelson, Board Member Michael Wade, Board Member Ann Scherzinger, Board Member Tom Irvin, Board Member Curtis Helm, Board Member Janet Ehn
NAYS:	None
RESULT:	Passed

- 4) **Adam Moeser**
Sunroom Addition at 7880 W. Mourning Dove Lane
Subdivision: Enclave
Contractor: Kowalske Carpet Tile / Architect: Matt Kowalske
District 3 - 6:25 pm

MOTION:	To Approve
MOVER:	Board Member Tom Irvin
SECONDER:	Board Member Janet Ehn
AYES:	Vice-Chairman Paul Apfelbach, Architect John Mikkelson, Board Member Michael Wade, Board Member Ann Scherzinger, Board Member Tom Irvin, Board Member Curtis Helm, Board Member Janet Ehn
NAYS:	None
RESULT:	Passed

- 5) **Austin & Katie Frey**
New Single-Family Residence at 9923 N. Cygnet Court
 Subdivision: Swan Ridge Farms
 Contractor: Espire Homes, Inc. / Architect: Espire Homes, Inc.
 District 4 - 6:35 pm

MOTION:	To Approve
MOVER:	Board Member Tom Irvin
SECONDER:	Board Member Ann Scherzinger
AYES:	Vice-Chairman Paul Apfelbach, Architect John Mikkelson, Board Member Michael Wade, Board Member Ann Scherzinger, Board Member Tom Irvin, Board Member Curtis Helm, Board Member Janet Ehn
NAYS:	None
RESULT:	Plans approved as submitted with window grids as indicated in the revised 5/12/26 drawings presented at the meeting.

- 6) **Gary & Amy Stein**
New Single-Family Residence at 10114 N. Sheridan Drive
 Subdivision: Fairy Chasm
 Contractor: Westridge Builders / Architect: Westridge Builders
 District 8 - 6:40 pm

MOTION:	To Approve
MOVER:	Board Member Ann Scherzinger
SECONDER:	Board Member Tom Irvin
AYES:	Architect John Mikkelson, Board Member Michael Wade, Board Member Ann Scherzinger, Board Member Tom Irvin, Board Member Curtis Helm, Board Member Janet Ehn
NAYS:	Vice-Chairman Paul Apfelbach (issue with roof pitch)
RESULT:	Passed

- 7) **John & Ann Trumble**
New Outbuilding at 12340 N. Granville Road
Subdivision: N/A
Contractor: Willard Geidel & Son / Architect: John Geidel
District 1–6:45 pm

MOTION:	To Approve
MOVER:	Board Member Michael Wade
SECONDER:	Board Member Janet Ehn
AYES:	Vice-Chairman Paul Apfelbach, Architect John Mikkelson, Board Member Michael Wade, Board Member Ann Scherzinger, Board Member Tom Irvin, Board Member Curtis Helm, Board Member Janet Ehn
NAYS:	None
RESULT:	Passed

- 8) **Adam & Melissa Koenings**
New Single-Family Residence at 9801 W. Hawthorne Road
Subdivision: N/A
Contractor: TBD / Architect: K Architectural Design
District 1 - 6:55 pm

MOTION:	To Approve
MOVER:	Board Member Janet Ehn
SECONDER:	Board Member Ann Scherzinger
AYES:	Vice-Chairman Paul Apfelbach, Architect John Mikkelson, Board Member Michael Wade, Board Member Ann Scherzinger, Board Member Tom Irvin, Board Member Curtis Helm, Board Member Janet Ehn
NAYS:	None
RESULT:	Passed

- 9) **Christa Dedert**
New Single-Family Residence at 13752 N. Pine View Court
Subdivision: Riverland Estates
Contractor: Anderson Homes LLC / Architect: Anderson Homes LLC
District 1 - 7:00 pm

MOTION:	To Approve
MOVER:	Board Member Tom Irvin
SECONDER:	Board Member Janet Ehn
AYES:	Vice-Chairman Paul Apfelbach, Architect John Mikkelson, Board Member Michael Wade, Board Member Ann Scherzinger, Board Member Tom Irvin, Board Member Curtis Helm, Board Member Janet Ehn
NAYS:	None
RESULT:	Passed

- 10) **Peter & Ariel Budnik**
New Single-Family Residence at 11731 W. Freistadt Road
Subdivision: N/A
Contractor: TBD / Architect: Peter Budnik
District 1 - 7:05 pm

MOTION:	To Approve
MOVER:	Board Member Tom Irvin
SECONDER:	Board Member Ann Scherzinger
AYES:	Vice-Chairman Paul Apfelbach, Architect John Mikkelson, Board Member Michael Wade, Board Member Ann Scherzinger, Board Member Tom Irvin, Board Member Curtis Helm, Board Member Janet Ehn
NAYS:	None
RESULT:	Passed

D) Adjourn

MOTION:	To Adjourn
MOVER:	Vice-Chairman Paul Apfelbach
SECONDER:	Board Member Michael Wade
AYES:	Vice-Chairman Paul Apfelbach, Architect John Mikkelson, Board Member Michael Wade, Board Member Ann Scherzinger, Board Member Tom Irvin, Board Member Curtis Helm, Board Member Janet Ehn
NAYS:	None
RESULT:	Approved

Meeting concluded at 6:48 p.m.

Respectfully submitted,
Karen Heil
Permit Coordinator

*For additional clarification, marked-up Architectural Board plans can be viewed in the Inspections Department during normal business hours; Monday through Friday, 8:00-4:30.



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262/242-3100

www.cityofmequonwi.gov

Office of the City Clerk
Taped and Televised

COMMON COUNCIL
Regular Meeting
Tuesday, July 14, 2026 - 7:30 PM
Christine Nuernberg Hall

Minutes

1) Call to Order

The meeting was called to order by Mayor Nerbun at 7:40 p.m.

2) Pledge of Allegiance

3) Roll Call

Present: Alderman Strzelczyk, Alderman Tolocko, Alderman Mayr, Alderman Hansher, Alderman Parrish, Alderman Bratt, Alderman Gebhardt

Not Present: Alderman Bach (Excused)

Also present: City Administrator William Jones, Assistant City Administrator Jessica Wolff, Finance Director Brenda Arnett, City Clerk Caroline Fochs, City Attorney Brian Sajdak, City Engineer Kristen Lundeen, and Police Chief Mark Riley.

4) Public Hearing(s)

5) Personal Appearances and Public Comment:

Citizens wishing to address the Council on any matter not on the agenda may do so at this time. If you desire to be heard on agenda items, you may be heard when the item is considered on the agenda. Please speak into the microphone at the podium. The time limit is FIVE minutes. To speak or to have your opinion recorded, please complete a registration slip found on the table in the lobby and return it to the bin in the Council Chambers.

6) Public Officials' Reports

- a) Mayor
- b) City Administrator

Administrator Jones noted that Police Captain John Hoell retired and has been replaced by former Sergeant Lindsay Graycarek. He further noted that early voting will run July 25th – August 7th from 8 a.m. to 4:30 p.m. The next Common Council meeting will be held on Wednesday, August 12th.

7) Consent Agenda

- a) Architectural Board meeting minutes of May 11, 2026
- b) Common Council meeting minutes of June 9, 2026
- c) Finance-Personnel Committee meeting minutes of May 12, 2026
- d) Joint Mequon-Thiensville Bike and Pedestrian Way Committee meeting minutes of May 14, 2026
- e) Joint Mequon-Thiensville Bike and Pedestrian Way Commission 2025 Annual Report
- f) **RESOLUTION 4298** - A Resolution Approving a Final Plat for The Enclave at Mequon Preserve - Phase IX, a Thirteen (13)-Lot Single-Family Home Development Located Immediately East of 10662 North Tree Sparrow Drive
- g) **Ordinance First Readings:**
Note: First reading of Ordinances will not be acted upon unless a suspension of the rules is approved by a recorded vote of two-thirds majority of all aldermen.
- 1) **ORDINANCE 2026-1694** - An Ordinance Amending the City's Zoning Map from B-5, R-1, R-2B, C-2 and OA to R-4, PUD and C-2, and Land Use Plan from Industrial, Residential 5-Acre, Residential 1-1.5 Acre and Critical Environmental to Residential 1-Acre and Critical Environmental, for a Residential Neighborhood Consisting of 87 Single-Family Lots on 107 Acres for the Property Located South of 10303 Baehr Road and North and West of 10007 Baehr Road

MOTION:	Motion To Approve Consent Agenda
MOVER:	Alderman Robert Strzelczyk
SECONDER:	Alderman Dale Mayr
AYES:	Alderman Robert Strzelczyk, Alderman Dale Mayr, Alderman Jeffrey Hansher, Alderman Brian Parrish, Alderman Peter Bratt, Alderman William Gebhardt
NAYS:	Alderman Bach (Deemed No)
RESULT:	Approved by Voice Acclamation

8) Ordinances

- a) **ORDINANCE 2026-1693** - An Ordinance Creating Section 46-4 of the Mequon Municipal Code, Related to the Regulation of Camping Within the City

MOTION:	Motion to Approve Ordinance 2026-1693
MOVER:	Alderman Jeffrey Hansher
SECONDER:	Alderman Kelly Tolocko
AYES:	Alderman Robert Strzelczyk, Alderman Kelly Tolocko, Alderman Dale Mayr, Alderman Jeffrey Hansher, Alderman Brian Parrish, Alderman Peter Bratt, Alderman William Gebhardt
NAYS:	Alderman Bach (Deemed No)
RESULT:	Approved by Roll Call Vote

9) **Resolutions**

- a) **RESOLUTION 4299** - A Resolution Authorizing the Payment of Interest on Prior Inter-Fund Advances in the Estimated Amount of \$351,014, and the Transfer of \$700,000 from the City's General Fund to the Capital Fund

MOTION:	Motion to Approve Resolution 4299
MOVER:	Alderman Brian Parrish
SECONDER:	Alderman William Gebhardt
AYES:	Alderman Robert Strzelczyk, Alderman Kelly Tolocko, Alderman Dale Mayr, Alderman Jeffrey Hansher, Alderman Brian Parrish, Alderman Peter Bratt, Alderman William Gebhardt
NAYS:	Alderman Bach (Deemed No)
RESULT:	Approved by Roll Call Vote

- b) **RESOLUTION 4300** - A Resolution Adopting Proposed Amendments to City Financial Policy Statement 9: Debt Management, and City Financial Policy Statement 10: Accounting, Auditing, & Financial Reporting

MOTION:	Motion to Approve Resolution 4300
MOVER:	Alderman Robert Strzelczyk
SECONDER:	Alderman William Gebhardt
AYES:	Alderman Robert Strzelczyk, Alderman Kelly Tolocko, Alderman Dale Mayr, Alderman Jeffrey Hansher, Alderman Brian Parrish, Alderman Peter Bratt, Alderman William Gebhardt
NAYS:	Alderman Bach (Deemed No)

RESULT:	Approved by Voice Acclamation
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10) Specified Unfinished Business from Prior Meetings: None

11) Specified New Business

- a) **Mayoral Appointment(s)** - Denise Long (Festivals Committee); Elizabeth Stern (Park & Open Space Board)

MOTION:	Motion to Approve Mayoral Appointments
MOVER:	Alderman Dale Mayr
SECONDER:	Alderman Peter Bratt
AYES:	Alderman Robert Strzelczyk, Alderman Kelly Tolocko, Alderman Dale Mayr, Alderman Jeffrey Hansher, Alderman Brian Parrish, Alderman Peter Bratt, Alderman William Gebhardt
NAYS:	Alderman Bach (Deemed No)
RESULT:	Approved by Voice Acclamation

12) Adjourn

MOTION:	Motion to Adjourn at 7:46 p.m.
MOVER:	Alderman Jeffrey Hansher
SECONDER:	Alderman Kelly Tolocko
AYES:	Alderman Robert Strzelczyk, Alderman Kelly Tolocko, Alderman Dale Mayr, Alderman Jeffrey Hansher, Alderman Brian Parrish, Alderman Peter Bratt, Alderman William Gebhardt
NAYS:	Alderman Bach (Deemed No)
RESULT:	Approved by Voice Acclamation



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262/242-3100

www.cityofmequonwi.gov

Office of the City Administrator

FESTIVALS COMMITTEE
Regular Meeting
Tuesday, May 19, 2026 - 7:00 PM
South Conference Room

Minutes

1) Call to Order and Roll Call

The meeting was called to order by Chair White at 7:04 p.m.

Present: Chair White, Vice Chair Conaty, Member Benson, Member Liljegren, Member Wirth

Not Present: Member Hohn, Member Johnson, Member McHenry, Member Nerbun

Also present: Executive Assistant Beth Kong

2) Personal Appearance(s) or Public Comment

None.

3) Approval of Meeting Minutes from April 20, 2026

a) Meeting minutes from April 20, 2026

MOTION:	Motion to approve the minutes from April 20, 2026
MOVER:	Chair White
SECONDER:	Vice Chair Conaty
AYES:	Chair White, Vice Chair Conaty, Member Benson, Member Liljegren, Member Wirth
NAYS:	None
RESULT:	Approved by Voice Acclamation

4) Committee Chair Update

Chair White shared an update regarding her conversations with the 5K run planning coordinator. She would propose a route that would start at Homestead High School and run through the neighborhoods surrounding the school to avoid major roads. Some crossing guards/volunteers would need to help at intersections. The run coordinator would have information about setting up a registration website and a committee member should reach out to the local Cross Country teams to see if they would like to volunteer.

5) Action Items

- a) Review estimates for Taste of Mequon: temporary ATMs, shuttle services from Go Riteway and Port-a-John

The ATM supplier used in the past was going to charge the Committee \$200 for the use of the ATMs due to increasing fuel costs. A second option was pursued using an organization vetted by Port Washington State Bank called Edge One. Their service affiliate would place two ATMs at either end of Cedarburg Road for use during Taste of Mequon. There would not be a fee to the City; however, a service fee would be charged to those using the ATM to withdraw cash.

The invoices for the shuttle services and Port-a-Johns were reviewed.

MOTION:	Motion to approve the estimate for shuttle services
MOVER:	Chair White
SECONDER:	Member Liljegren
AYES:	Chair White, Vice Chair Conaty, Member Benson, Member Liljegren, Member Wirth
NAYS:	None
RESULT:	Approved by Voice Acclamation

The Committee felt the number and location of the bathrooms was sufficient, but additional signage should be posted on the City Hall doors at the front of the building to direct people where they can find bathrooms as the building will be locked.

MOTION:	Motion to approve the estimate for Port-a-Johns
MOVER:	Chair White
SECONDER:	Member Benson
AYES:	Chair White, Vice Chair Conaty, Member Benson, Member Liljegren, Member Wirth
NAYS:	None

RESULT:	Approved by Voice Acclamation
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b) Review invoices for movie night: SWANK and Fun Flicks

Movie expenses had been approved and came in within the budgeted amount. Rangeline Preschool will supply ice cream cups and spoons as well as a cotton candy machine. Fenwicks Bar has applied for a temporary license to sell beer and wine at the event. Member Wirth can print up flyers for the movie night to be shared around the community and posted to bulletin boards and other social media to promote the event. The flyer was shared with the Ozaukee County Tourism Magazine, Mequon Beacon (and other north shore publications), the Mequon-Thiensville School District Community Director, Weyenberg Library and Piggly Wiggly to be posted and shared.

c) Review recent applicants and accept/deny: Mequon-Thiensville Community Foundation, Lake Country Growers, Mequon-Thiensville Rotary Playgroun, Cafe Hollander, Outpost, Schnee Cones, Benford Guitars, AppeThai, Danielle's Designs

The list of applicants was reviewed. The Committee has received past complaints regarding the vendor Danielle's Designs regarding the products sold. The committee will work to revise the applications for next year to better set parameters for the allowable types of vendors at Taste of Mequon.

MOTION:	Motion to deny the application from Danielle's Designs
MOVER:	Chair White
SECONDER:	Member Liljegren
AYES:	Chair White, Vice Chair Conaty, Member Liljegren, Member Wirth
NAYS:	Member Benson
RESULT:	Approved by Roll Call Vote (4:1)

6) Discussion Items

The Committee discussed the need for additional signage for the movie night. Member Benson would quote out 20-25 yard signs for the event. It was also recommended that the wording of the signs be more general so they could be used year after year.

MOTION:	Motion to allot up to \$300 for yard signs to promote the movie night
MOVER:	Chair White
SECONDER:	Member Benson
AYES:	Chair White, Vice Chair Conaty, Member Benson, Member Liljegren
NAYS:	Member Wirth

RESULT:	Approved by Roll Call Vote (4:1)
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The Committee discussed the location and number of volunteers needed for movie night to hand out popcorn, ice cream and cotton candy as well as to help with cleanup following the event.

7) Next Meeting Date and Time

The next meeting date was set for June 22, 2026, at 6:30 p.m.

8) Adjourn

MOTION:	Motion to adjourn at 7:44 p.m.
MOVER:	Chair White
SECONDER:	Member Liljegren
AYES:	Chair White, Vice Chair Conaty, Member Benson, Member Liljegren, Member Wirth
NAYS:	None
RESULT:	Approved by Voice Acclamation

Respectfully Submitted,
Beth Kong, Executive Assistant - Communications



11333 N. Cedarburg Road
Mequon, WI 53092-1930
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Office of the City Administrator

**FESTIVALS COMMITTEE
Regular Meeting
Monday, June 22, 2026 - 6:30 PM
North Conference Room**

Minutes

The meeting was cancelled due to a lack of quorum.



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Office of the City Administrator

FINANCE-PERSONNEL COMMITTEE
Regular Meeting
Tuesday, June 9, 2026 - 5:30 PM
North Conference Room

Minutes

1) Call to Order and Roll Call

The meeting was called to order by Mayor Nerbun at 5:34 p.m.

Present: Alderman Gebhardt, Alderman Parrish, Alderman Strzelczyk and Mayor Nerbun.

Also present: City Administrator William Jones, Assistant City Administrator Jessica Wolff, Finance Director Brenda Arnett, Assistant Finance Director Marie Keyser, City Clerk Caroline Fochs, City Attorney Brian Sajdak and Wendi Unger, Partner Baker Tilly.

2) Approval of Meeting Minutes

a) Meeting minutes of May 12, 2026

Committee members asked to clarify why an Alderman arrived late at the last Committee meeting. Staff will make the edit, and it will be in the next Common Council meeting agenda packet for final approval.

MOTION:	A Motion to Approve the Meeting Minutes with Amendments
MOVER:	Alderman Robert Strzelczyk
SECONDER:	Alderman Brian Parrish
AYES:	Alderman Robert Strzelczyk, Alderman Brian Parrish, Alderman William Gebhardt
NAYS:	
RESULT:	Approved by Voice Acclamation

3) License Applications

a) Waste Hauler Permits

MOTION:	A Motion to Approve Waste Hauler Permits
MOVER:	Alderman Robert Strzelczyk
SECONDER:	Alderman Brian Parrish
AYES:	Alderman Robert Strzelczyk, Alderman Brian Parrish, Alderman William Gebhardt
NAYS:	
RESULT:	Approved by Voice Acclamation

b) June 2026 Licenses

MOTION:	A Motion to Approve the June 2026 Licenses
MOVER:	Alderman William Gebhardt
SECONDER:	Alderman Robert Strzelczyk
AYES:	Alderman Robert Strzelczyk, Alderman Brian Parrish, Alderman William Gebhardt
NAYS:	
RESULT:	Approved by Voice Acclamation

4) Vouchers Paid

a) May 2026 Vouchers Paid List

MOTION:	A Motion to Approve the May 2026 Vouchers Paid List
MOVER:	Alderman Brian Parrish
SECONDER:	Alderman William Gebhardt
AYES:	Alderman Robert Strzelczyk, Alderman Brian Parrish, Alderman William Gebhardt
NAYS:	
RESULT:	Approved by Voice Acclamation

5) Presentation

a) Acceptance of the FY2025 Annual Comprehensive Financial Report & Report on Internal Control

Wendi Unger from Baker Tilly was at the meeting to present the results of the FY2025 Financial Audit. She reviewed the Internal Control Report, notified the members of upcoming GASB's that will impact the City, and highlighted the major activity of the General Fund, Debt Service Fund, Capital Projects Fund, NonMajor Governmental Funds and the Enterprise Funds.

MOTION:	A Motion to Accept the FY2025 Annual Comprehensive Financial Report and Report on Internal Control
MOVER:	Alderman William Gebhardt
SECONDER:	Alderman Brian Parrish
AYES:	Alderman Robert Strzelczyk, Alderman Brian Parrish, Alderman William Gebhardt
NAYS:	
RESULT:	Approved by Voice Acclamation

6) Resolutions

- a) **RESOLUTION 4295** - A Resolution Approving an Amendment to a License Agreement with T-Mobile Central LLC, Extending the Term for Cellular Equipment Located on the City's Water Tower at 10817 N. Industrial Drive Through 2055

Assistant City Administrator Jessica Wolff briefed the Committee on the terms of the license agreement amendment. However, since the agenda packet was released, new information was brought forward. Ms. Wolff recommended tabling this resolution for the time being, while staff works through the new information.

MOTION:	A Motion to Table Resolution 4295
MOVER:	Alderman William Gebhardt
SECONDER:	Alderman Robert Strzelczyk
AYES:	Alderman Robert Strzelczyk, Alderman Brian Parrish, Alderman William Gebhardt
NAYS:	
RESULT:	Tabled

- b) **RESOLUTION 4296** - A Resolution Approving a Professional Services Agreement for the Acquisition and Installation of a Replacement Server for the Mequon Police Department with Heartland Business Systems of Pewaukee, Wisconsin in the Amount of \$38,420

Assistant City Administrator Wolff informed the Committee of the need for a replacement

server at the Police Department.

MOTION:	A Motion to Approve Resolution 4296
MOVER:	Alderman William Gebhardt
SECONDER:	Alderman Brian Parrish
AYES:	Alderman Robert Strzelczyk, Alderman Brian Parrish, Alderman William Gebhardt
NAYS:	
RESULT:	Approved by Voice Acclamation

7) Informational Items

- a) 2025 Popular Annual Financial Report (PAFR)

Administrator Jones mentioned this is the 12th edition of the Popular Annual Financial Report, and it is an easy-to-read report of the City's FY2025 Financials.

8) Discussion Items

- a) Civic Campus Fundraising

The topic of fundraising for the Civic Campus was briefly discussed at the end of the meeting. The Mequon-Thiensville Community Foundation is requesting photos or renderings of the concept plan.

- b) Finance-Personnel Work Plan

9) Adjourn

A motion to adjourn was made at 6:34 p.m. by Alderman Gebhardt, seconded by Alderman Parrish. All voted in favor "aye."

Respectfully Submitted,

Marie Keyser
Assistant Finance Director



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Parks and Forestry Department

**PARK AND OPEN SPACE BOARD
Regular Meeting
Wednesday, April 22, 2026 - 6:30 PM
South Conference Room**

Minutes

1) Call to Order and Roll Call

This meeting was called to order by Chair Cain at 6:30 p.m.

Present:

Chair Jason Cain
Alderman Peter Bratt
Board Member Harlan Balkansky
Board Member Steven Kulick
Board Member James Lysaught
Board Member David Wolfson
Board Member Gerald Vite
Alderman Dale Mayr, **Excused**

Also Present: Buildings and Grounds Superintendent Bodoh, DPW Administrative Assistant Honeck

2) Approval of Meeting Minutes

a) Meeting minutes of March 25, 2026

MOTION:	Approval of March 25, 2026 Minutes
MOVER:	Board Member James Lysaught
SECONDER:	Board Member Harlan Balkansky
AYES:	Chair Jason Cain, Alderman Peter Bratt, Board Member Harlan Balkansky, Board Member Steven Kulick, Board Member James Lysaught, Board Member Gerald Vite, Board Member David Wolfson
NAYS:	None

RESULT:	Approved by Voice Acclamation [Unanimous]
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3) **Personal Appearances and Public Comment**

Citizens wishing to address the POSB on any matter not on the agenda may do so at this time. If you desire to be heard on agenda items, you may be heard when the item is considered on the agenda. The time limit is FIVE minutes. To speak or to have your opinion recorded, please complete a registration slip found on the table in the lobby and return it to the bin in the South Conference Room.

4) **Discussion Items**

a) **Review of Park CORP Playground Assessment**

Buildings and Grounds Superintendent Bodoh summarized MSA's findings, noting aging equipment, safety concerns, and poor condition ratings at several playgrounds. The board discussed priority improvements, clarified factors affecting replacement decisions, and affirmed that Riverview Park's playground will be a key focus for upcoming capital planning.

b) **Review and Approval of Top 5 Capital Improvement Priorities**

Buildings and Grounds Superintendent Bodoh outlined projected costs, potential funding sources, and bundling certain projects. Board members discussed timing, maintenance considerations, and impacts on remaining capital funds before approving the recommended list.

MOTION:	Approval of Top 5 Capital Improvement Priorities
MOVER:	Board Member Harlan Balkansky
SECONDER:	Board Member Steven Kulick
AYES:	Chair Jason Cain, Alderman Peter Bratt, Board Member Harlan Balkansky, Board Member Steven Kulick, Board Member James Lysaught, Board Member Gerald Vite, Board Member David Wolfson
NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

c) **Authorization of 2026 Capital Projects**

MOTION:	Approval of 2026 Capital Projects
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MOVER:	Board Member Harlan Balkansky
SECONDER:	Board Member Steven Kulick
AYES:	Chair Jason Cain, Alderman Peter Bratt, Board Member Harlan Balkansky, Board Member Steven Kulick, Board Member James Lysaught, Board Member Gerald Vite, Board Member David Wolfson
NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

5) Informational Items

- a) Next Tentative Meeting Date: May 20 (pending Rotary Playground submittal) or June 17 (if no application by Rotary)

Board members discussed upcoming scheduling and confirmed that the next meeting would be held on May 20, 2026.

6) Work Plan

- a) 2026 Work Plan (April 22, 2026)

7) Adjourn

Motion to adjourn at 7:12 p.m.

MOTION:	Adjourn
MOVER:	Board Member Harlan Balkansky
SECONDER:	Board Member James Lysaught
AYES:	Chair Jason Cain, Alderman Peter Bratt, Board Member Harlan Balkansky, Board Member Steven Kulick, Board Member James Lysaught, Board Member Gerald Vite, Board Member David Wolfson
NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

Respectfully Submitted,
Kaitlynn Honeck
DPW Administrative Assistant



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Parks and Forestry Department

**PARK AND OPEN SPACE BOARD
Regular Meeting
Wednesday, May 20, 2026 - 6:30 PM
South Conference Room**

Minutes

1) Call to Order and Roll Call

This meeting was called to order by Board Member James Lysaught at 6:33 p.m.

Present:

Chair Jason Cain, **Excused**
Alderman Peter Bratt, **Excused**
Board Member Harlan Balkansky
Board Member Steven Kulick
Board Member James Lysaught
Board Member David Schlageter
Board Member Gerald Vite
Vice Chair David Wolfson, **Excused**
Alderman Dale Mayr, **Excused**

Also Present: Director of Public Works/City Engineer Lundeen, DPW Administrative Assistant Honeck

2) Approval of Meeting Minutes

a) Meeting minutes of April 22, 2026

MOTION:	Approval of April 22, 2026 Minutes
MOVER:	Board Member Harlan Balkansky
SECONDER:	Board Member Steven Kulick
AYES:	Board Member Harlan Balkansky, Board Member Steven Kulick, Board Member James Lysaught, Board Member David Schlageter, Board Member Gerald Vite

NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

3) Action Items

- a) A Resolution Authorizing the following items: A) A Land Lease for One Dollar Annually to the Thiensville-Mequon Rotary Foundation for the Construction of the Rotary Park Playground Until June 1, 2028; and B) A Development and Donation Agreement with the Thiensville-Mequon Rotary Foundation for the Rotary Park Playground

Director of Public Works/City Engineer Lundeen provided an overview of the proposed land lease and accompanying development and donation agreement with the Thiensville-Mequon Rotary Foundation for construction of a new all-inclusive playground at Rotary Park. The land lease would allow Rotary to use a defined portion of Rotary Park through June 1, 2028, for the purposes of construction. The development and donation agreement outlines responsibilities for construction, future approvals, and the transfer of the completed playground to the City following a three-year maintenance period. Board members discussed project scope, anticipated construction timeline, impacts on existing park operations, approvals still required, and insurance and maintenance expectations.

MOTION:	Approval of Resolution
MOVER:	Board Member Harlan Balkansky
SECONDER:	Board Member James Lysaught
AYES:	Board Member Harlan Balkansky, Board Member Steven Kulick, Board Member James Lysaught, Board Member David Schlageter, Board Member Gerald Vite
NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

4) Discussion Items

- a) Mequon Commons

Director of Public Works/City Engineer Lundeen provided an update on the recently adopted Mequon Commons Master Plan, which outlines the long-term vision for the civic campus area surrounding City Hall, the library, and adjacent park facilities. Lundeen explained that following adoption of the master plan, the Common Council directed issuance of a Request for Proposals (RFP) for design and development plans for Phase One. This phase encompasses the area south of the library parking lot and includes the future pool house, aquatic facility, Redbud Plaza, and ADA and site upgrades in front of City Hall. Lundeen detailed the scope of the RFP, including

requirements for architectural concepts, landscaping plans, cost estimates, utility needs, and long-term operational and maintenance projections.

5) Work Plan

a) 2026 Work Plan (May 20, 2026)

6) Adjourn

Motion to adjourn at 7:18 p.m.

MOTION:	Adjourn
MOVER:	Board Member Gerald Vite
SECONDER:	Board Member Steven Kulick
AYES:	Board Member Harlan Balkansky, Board Member Steven Kulick, Board Member James Lysaught, Board Member David Schlageter, Board Member Gerald Vite
NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

Respectfully Submitted,
Kaitlynn Honeck
DPW Administrative Assistant



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Department of Community Development
Taped and Televised

**PLANNING COMMISSION
Regular Meeting
Monday, June 22, 2026 - 6:00 PM
Christine Nuernberg Hall**

Minutes

1) Call to Order and Roll Call

The meeting was called to order by Chairman Nerbun at 6:00 p.m.

Also present: Director of Community Development Kim Tollefson, Assistant Director of Community Development Jac Zader, Assistant City Engineer Cole McCraw, City Planner Natalie Redding, City Forester Nate Herlache and Administrative Assistant Robin Buzzell.

Present:

Mayor Nerbun, Alderman Parrish, Commissioner Barnes, Commissioner Schaefer, Commissioner Choren, Commissioner Abadi

ABSENT: Commissioner Stoker, Commissioner Urbani, Commissioner Ellsworth, Commissioner Hawley

2) Meeting Minutes from May 18, 2026

MOTION:	Approve
MOVER:	Commissioner Bruce Barnes
SECONDER:	Commissioner Fred Abadi
AYES:	Mayor Andrew Nerbun, Alderman Brian Parrish, Commissioner Bruce Barnes, Commissioner Martin Choren, Commissioner Rebecca (Becky) Schaefer, Commissioner Fred Abadi
NAYS:	None
RESULT:	Approved by Voice Acclamation

3) Public Hearing/Regular Business

- a) Thiensville-Mequon Rotary Foundation, Inc. The applicant is seeking conditional use grant and building and site plan amendment approval for an All-User playground and accessible bathroom for the property located at 4100 W. Highland Road (Rotary Park).

MOTION:	Open a public hearing
MOVER:	Commissioner Becky Schaefer
SECONDER:	Commissioner Martin Choren
AYES:	Mayor Andrew Nerbun, Alderman Brian Parrish, Commissioner Bruce Barnes, Commissioner Martin Choren, Commissioner Rebecca (Becky) Schaefer, Commissioner Fred Abadi
NAYS:	None
RESULT:	Approved by Voice Acclamation

No Public Comment

MOTION:	Close the public hearing
MOVER:	Commissioner Rebecca (Becky) Schaefer
SECONDER:	Commissioner Martin Choren
AYES:	Mayor Andrew Nerbun, Alderman Brian Parrish, Commissioner Bruce Barnes, Commissioner Martin Choren, Commissioner Rebecca (Becky) Schaefer, Commissioner Fred Abadi
NAYS:	None
	Approved by Voice Acclamation

City Planner Natalie Redding stated that this request is for a conditional use grant and building and site plan amendment approval to allow for an all-inclusive playground. The staff review focuses on site design, overall compatibility with the surrounding park features. The facility is designed around a central play structure with surrounding accessible play elements throughout the site. Additional proposed site improvement includes perimeter fencing, which will be 6-feet in height and composed of black aluminum material. The tallest play structure is 12-feet in height, which is consistent with other elements in the park. Other proposed improvements to the pavilion include renovations of the restroom facilities and a concessions area. Staff are supportive of the proposed landscaping plan, which will soften the transition to the play equipment and additional hardscaping that is planned. The applicant was asked to revise the landscape plan due to specific tree heights requested (Evergreen trees to be installed at a minimum of 7 feet and deciduous trees at a minimum caliber of 2.5 "). There will be a future master sign plan that will be proposed for approval by the Commission for donor recognition elements and other naming features. Staff recommend the approval of the requested conditional

use grant and building and site plan amendment.

MOTION:	Approve CUG & BSPA
MOVER:	Commissioner Martin Choren
SECONDER:	Commissioner Bruce Barnes
AYES:	Mayor Andrew Nerbun, Alderman Brian Parrish, Commissioner Bruce Barnes, Commissioner Martin Choren, Commissioner Rebecca (Becky) Schaefer, Commissioner Fred Abadi
NAYS:	None
RESULT:	Approved by Voice Acclamation

4) Regular Business

- a) Groth Design Group for Christian Life Church. The applicant is seeking site plan amendment approval for a parking lot expansion for an additional 120 parking stalls for the property located at 2803 W. Mequon Road.

Public Comment

Kathleen Platt - 28260 W. Mequon Road – Opposed - she commented that the existing parking lot does not appear to ever be full, except for Sunday mornings and Wednesday evenings. She is a neighbor, and she is not supportive of the additional asphalt being added to the site. She does not feel this is appropriate for a residential neighborhood.

Assistant Director Jac Zader showed the proposed layout design with the addition of 110 parking spaces to the east of the existing lot. There are no additional connections to Mequon Road and there will be two connections to the existing parking lot. Staff support the layout design which includes the required 10% interior lot landscaping. Staff have requested landscaping buffers to the east and to the north along Mequon Road. There is also one tree on the plan that is undersized that has been requested to be replaced. Staff recommend approval of this request.

The applicant representative from Groth Design Group explained that the approved addition to the church last year included the parking lot expansion. The congregant seating is significantly increasing as the Church continues to grow its membership and anticipates the need for additional parking. There are currently two separate services but the intent is to combine the services so that the congregation can all worship together. Because of the concern of the neighbors, they have not included lighting in their proposed plan.

MOTION:	Approve per staff recommendations
MOVER:	Alderman Brian Parrish
SECONDER:	Commissioner Bruce Barnes
AYES:	Mayor Andrew Nerbun, Alderman Brian Parrish, Commissioner Bruce Barnes, Commissioner Martin Choren, Commissioner Rebecca (Becky) Schaefer, Commissioner Fred Abadi
NAYS:	None
RESULT:	Approved by Voice Acclamation

- b) Keller Inc. for Ci-Dell Plastics, Inc. The applicant is seeking building and site plan amendment approval for a 27,550 SF addition to the existing building for the property located at 6301 W. Executive Drive.

Planner Redding stated that the building and site plan amendment is requested to accommodate the growing operations for Ci-Dell Plastics. In 2023, the Commission approved a site plan amendment solely for the parking lot expansion; it did not include the building expansion. Those improvements were never implemented, and the current proposal reflects the requested expansion. The proposal includes a roughly 9,000 s.f. expansion of the parking area and a 27,500 s.f. building addition. The expansion is to accommodate the increased employment of 25 new employees; 5 office employees and 20 manufacturing employees. The proposed plan includes the addition of 26 parking stalls, which is 10 less than the 2023 approval. The 26 stalls provided sufficient parking at maximum employee attendance and also complies with zoning requirements.

She explained that the overall architectural design and building materials are designed to compliment the existing building and existing facility. There are also some improvements planned for the existing building including re-roofing, re-caulking and paint finishes. The applicant is planning to relocate a process chiller condensing unit from a ground-mounted location to the roof. A new dust-collector will be added to the west side of the building on a 15x15 slab and south of the existing building. A site line study has been requested by the applicant to determine if the new equipment will be visible from the public street. The site line studies have been received by staff and once reviewed, it will be determined whether additional screening is required.

Staff is supportive of the corrected proposed landscaping plan as it meets code requirements. The lighting plan shows 13 wall-mounted light fixtures, and 7 new parking lot fixtures. Staff report condition #5 requested that the photometric plan be corrected to show property line illumination, and it has since been corrected and is in compliance. There is one parking lot fixture that appears to be angled incorrectly, and it is requested that this fixture be adjusted to ensure there is no spill over glare to neighboring properties. Other than that issue, staff recommend approval.

The Commission commented that they support the growing business and feel the proposal compliments the existing building.

MOTION:	Approve
MOVER:	Commissioner Martin Choren
SECONDER:	Commissioner Fred Abadi
AYES:	Mayor Andrew Nerbun, Alderman Brian Parrish, Commissioner Bruce Barnes, Commissioner Martin Choren, Commissioner Rebecca (Becky) Schaefer, Commissioner Fred Abadi
NAYS:	None
RESULT:	Approved by Voice Acclamation

- c) Thompson Project Management for FT Plaza LLC. The applicant is seeking building and site plan approval for a 3-story mixed-use office building for the property located at 11050 N. Weston Drive (Foxtown Building E3).

Asst. Dir. Zader reminded the Commission that this item received approval in May 2025, and the applicant is back with a few minor modifications to both the site plan and the building plan. The site plan reflects a shift of the building about 4 feet to the south, which makes the sidewalk alignment better than previously shown. The parking lot is shifting the other direction, which allows for a small dumpster enclosure area on the south portion of the site. This is necessary as the new plan no longer shows a basement, so an outdoor refuge area is required.

He explained there are a few minor changes to the building, including the floor plan no longer includes a pickleball court; It will now house a dance studio and a fitness center. The greenhouse from the 4th floor has been eliminated, which reduces the overall height of the building by about 6 feet. The elevator access to the top floor has been removed, but there is a gabled stairway access to the roof of the building.

Staff support the modifications but have made a note that dance studios are limited to 2,000 s.f. and fitness centers are limited to 3,000 s.f. The application would need an approved text amendment if they intend for the proposed spaces to be larger than allowed by the zoning code.

The Commission gave feedback that the changes are well done and support the project.

MOTION:	Approve per staff conditions
MOVER:	Commissioner Martin Choren
SECONDER:	Commissioner Bruce Barnes
AYES:	Mayor Andrew Nerbun, Alderman Brian Parrish, Commissioner Bruce Barnes, Commissioner Martin Choren, Commissioner Rebecca (Becky) Schaefer, Commissioner Fred Abadi
NAYS:	None
RESULT:	Approved by Roll Call Vote

- d) Mequon I LLC for The Enclave at Mequon Preserve Phs. IX. The applicant is seeking final plat and tree plan approval to allow for 13-lots in Phase IX of The Enclave at Mequon Preserve subdivision located west and east of 10662 N. Tree Sparrow Road.

Planner Redding stated this is for final plat of phase IX for 13-lots. The Tree Board approved the street tree plan earlier in the month and it is in compliance with the development agreement. Staff recommend approval.

MOTION:	Approve per staff conditions
MOVER:	Commissioner Rebecca (Becky) Schaefer
SECONDER:	Commissioner Bruce Barnes
AYES:	Mayor Andrew Nerbun, Alderman Brian Parrish, Commissioner Bruce Barnes, Commissioner Martin Choren, Commissioner Rebecca (Becky) Schaefer, Commissioner Fred Abadi
NAYS:	None
RESULT:	Approved by Voice Acclamation

- e) Miller Marriott Construction Co., LLC. The applicant is seeking concept plan and rezoning recommendation approval from B-5, R-1, R-2B,C-2,OA zoning to R-4, PUD, C- 2 zoning for a residential neighborhood consisting of 87 single-family lots on 107 acres for the property located just south of 10303 Baehr Road and north and west of 10007 Baehr Road.

Public Comment

Mark Hilgendorf-11521 W. Mequon Road - Opposes - he owes the parcel south of the proposed development. He has concerns regarding the water in this area as he says it is often flooded.

Daine Kachelweier - 10255 N. Baehr Road - Opposes - she owns the property to the east and wants the area to retain its rural nature, as she believes there are too many subdivisions in the community. She also is concerned that so many trees will need to be removed.

Linda Stange - 6108 W. Lilly Lane - Opposes - she also has concerns about water as she says that area is usually a few feet underwater and there is no room for the water to go. She explained that the retention ponds are flooded and adding more impervious surface will add to the existing water issues.

Matt Hoag - 9921 N. Baehr Road - Opposes - he confirmed there are water issues in the area. He is concerned about the protected species on this property. He does not believe the new subdivision aesthetically matches the area.

David Busack - 10304 N. Baehr Road - Opposes because he also has concerns about the water in this area. he believes the proposed subdivision is much too dense and it will be located too close to Baehr Road.

Jacqueline Jansen - 3333 W. Riviera Court - Supports this development - does not wish to speak.

Lyle Steinberg - 3333 W. Riviera Court - Supports this development - does not wish to speak.

Tom Jansen - 11631 N. Grace Court - Supports this development -he owns the property. He explained the history of various interested buyers/developers over the years. He stated that the retention ponds the previous residents discussed are temporary structures as well as some existing inadequate culverts that back up the water.

Asst. Dir. Zader stated that the main question is not whether this should be developed but whether this land should be zoned as Industrial (B-5) or residential. He explained that over the years there have been numerous proposals for this area, but it is a very tough site due to the private lift station and the parcel is bifurcated by the sewer system (the southern portion has sewer service and the northern portion does not). There are also environmental elements such as specimen trees, floodplain and storm water management issues. Whether it is residential or commercial, it still must meet the same storm water management requirements.

A consultation of this development was presented to the Common Council in March 2026 and their conclusions included the following recommendations:

- The area is to be zoned residential.
- Lot sizes shall be 10,000–13,000 s.q. on the north piece.
- The City shall maintain the lift station.
- Requirement of two (2) entry points to the development.

Planning staff agree with the recommendation for two entry points to the development due to the number of lots on the northern portion (73-lots with sewer connection and 14- lots on the southern portion without sewer connection). Staff also recommend more open space, which may result in a few less lots. The yield does allow for 90 lots. There are many trees on the site that would be impacted and may need to be revisited with the City Forester. There would be two separate developers, but all the homes would be considered one subdivision. The new plan drops the open space ratio to 56% and staff typically require 60% open space for conservation subdivisions and typically a 30-foot open space perimeter around the site. The perimeter shown on the plan is all part of the existing lots which is not typically approved. There are some requirements regarding the number of front-loading and side-loading garages on the northern portion.

He reminded the Commission that the first decision needs to be regarding the zoning and then any modifications if the proposed plan moves forward.

Assistant City Engineer Cole McCraw stated that the DNR will screen endangered species on site as part of their review. Staff are not aware of any floodplain fill requested. There are standard requirements for the storm water management ponds that must be met for approval. The DNR and MMSD, along with the city, are part of the review process.

There was dialogue and questions asked by the Commission regarding the sewer service area, connections to the site, lot sizes, the DNR review process, traffic and drainage.

Commissioner Schaefer stated she will cast a no vote because she believes it should remain zoned industrial as it is the current zoning, and there are other residential locations available.

Mayor Nerbun stated that it is not ideal for industrial zoning due to the location, which is not near a major highway, and he added that the city is exploring another location in the city for an additional industrial zone. Alderman Parrish commented that the proposed south-west area of the city for additional industrial zoning has been in the works for a few years and would be a more ideal location. He believes that the proposed concept plan is a very dense development. He is supportive of the 30-foot open space buffer, a maximum lot size of 13,000 s.q. feet, protection of the specimen trees and connection of the roads on site.

The applicant, Chris Marriott, stated it is a tricky site, and they chose to partner with Neumann Development to split the land, and each develop a portion of it. He stated that they are very familiar with buying and filling sites, and they are looking for concept plan approval so they can begin to finalize the details of the development. He believes the development will help with the water issue. He communicated that they strive to save as many trees as possible and that emergency access is very important. He summarized that there are still many details to work out.

Bryan Lingren from Neumann Development stated that the challenges on site are the reason it has been vacant for 40 years. There are many details to work through, and they understand that there is a transition area on site between the proposed development and the existing neighboring uses. He is not favorable to the open space perimeter, but he mentioned the buffer issue can be addressed through other options.

Conditions of approval:

- Staff report condition #2 - the 30-foot open space buffer shall be located in an outlot.
- 13,000 s.q. foot minimum lot size.
- Staff report condition #7 - all specimen trees shall be protected from removal.

Friendly Amendment:

- Condition #8 - The rezoning is contingent on preliminary play approval.
- All other conditions listed in the staff report

Amendment accepted.

MOTION:	Approve with conditions listed and all conditions in the staff report.
MOVER:	Commissioner Bruce Barnes
SECONDER:	Alderman Brian Parrish
AYES:	Alderman Brian Parrish, Commissioner Bruce Barnes, Commissioner Martin Choren, Commissioner Fred Abadi
NAYS:	Commissioner Rebecca (Becky) Schaefer
ABSTAIN:	Mayor Nerbun
RESULT:	Approved by Roll Call Vote (4-1) (No: Schaefer, Abstain: Nerbun)

5) Announcements

The next meeting is Monday, July 17, 2026, at 6:00 p.m.

6) Adjourn

MOTION:	Adjourn
MOVER:	Commissioner Rebecca (Becky) Schaefer
SECONDER:	Commissioner Martin Choren
AYES:	Mayor Andrew Nerbun, Alderman Brian Parrish, Commissioner Bruce
NAYS:	None
RESULT:	Approved by Voice Acclimation

The meeting adjourned at 7:42 p.m.

Respectfully Submitted by:
Robin Buzzell, Administrative Assistant



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262/242-3100

www.cityofmequonwi.gov

Public Works Department

PUBLIC WORKS COMMITTEE
Regular Meeting
Tuesday, April 14, 2026 - 5:45 PM
South Conference Room

Minutes

1) Call to Order and Roll Call

The meeting was called to order by Chair Hansher at 5:45 p.m.

Present:

Chair Jeffrey Hansher
Alderman Peter Bratt
Alderman Kelly Tolocko, Absent

Also Present: Director of Public Works/City Engineer Lundeen, Deputy Director of Public Works Weyker, Assistant City Engineer McCraw, Engineering Technician John Westbrooke, DPW Administrative Assistant Honeck

2) Approval of Meeting Minutes

a) Meeting minutes of March 10, 2026

MOTION:	Approval of March 10, 2026 Minutes
MOVER:	Alderman Peter Bratt
SECONDER:	Chair Jeffrey Hansher
AYES:	Chair Jeffrey Hansher, Alderman Peter Bratt
NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

3) Resolutions

a) **RESOLUTION 4281** - A Resolution Awarding the 2026 GSB-88 Bituminous Road

Sealing Contract to Fahrner Asphalt Sealers, LLC, of Waunakee, Wisconsin in the Amount of \$155,000

MOTION:	Approval of Resolution 4281
MOVER:	Alderman Peter Bratt
SECONDER:	Chair Jeffrey Hansher
AYES:	Chair Jeffrey Hansher, Alderman Peter Bratt
NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

- b) **RESOLUTION 4282** - A Resolution Awarding the 2026 Crack Sealing Contract to Thunder Road, LLC of Genesee, Wisconsin, in the Amount of \$183,500

MOTION:	Approval of Resolution 4282
MOVER:	Alderman Peter Bratt
SECONDER:	Chair Jeffrey Hansher
AYES:	Chair Jeffrey Hansher, Alderman Peter Bratt
NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

- c) **RESOLUTION 4283** - A Resolution Approving the Following in Connection with Replacement of a 2004 Dump Truck: A) A 2026 Ford Super Duty F-600 Chassis from Ewald Automotive Group, Hartford, Wisconsin, in the Amount of \$55,025; and B) A Henderson Mark III Dump Body and Hoist with Related Equipment from Universal Truck Equipment, Galesville, Wisconsin, in the Amount of \$20,206

Deputy Director of Public Works Weyker reviewed the proposal to replace one of the city's heavily used dump trucks, noting the existing vehicle is beyond repair. The committee discussed the condition of the current equipment and approved acquisition of the 2026 Ford F-600 chassis and the Henderson Mark III dump body and hoist.

MOTION:	Approval of Resolution 4283
MOVER:	Alderman Peter Bratt
SECONDER:	Chair Jeffrey Hansher
AYES:	Chair Jeffrey Hansher, Alderman Peter Bratt

NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

- d) **RESOLUTION 4284** - A Resolution Ratifying an Agreement for Implementation of Asset Management Software with Tyler Technologies Inc., of Yarmouth, Maine, in an Amount Not-to-Exceed \$47,000

Deputy Director of Public Works Weyker reviewed the Tyler Technologies asset management software and noted the software is already in the setup phase and will integrate with the city's financial system. The committee had no further questions and approved ratifying the agreement in an amount not to exceed \$47,000.

MOTION:	Approval of Resolution 4284
MOVER:	Alderman Peter Bratt
SECONDER:	Chair Jeffrey Hansher
AYES:	Chair Jeffrey Hansher, Alderman Peter Bratt
NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

4) Discussion and Possible Action

- a) Fiesta Lane Drainage CIP Item Closure

Assistant City Engineer McCraw reviewed the history of the Fiesta Lane drainage study, noting that the recommended improvements of ditch regrading and culvert replacements were completed as part of the 2024 road program. After a year of monitoring, staff reported that conditions have improved and recommended closing the item on the CIP list. The committee acknowledged the update and accepted staff's recommendation to close the CIP item, with future issues to be reviewed as needed.

- b) 2026 Drainage Capital Improvement Program

Assistant City Engineer McCraw reviewed the updated drainage CIP list, noting that projects are reprioritized as new information and resident inquiries arise. Fiesta Lane was removed following completion and monitoring of improvements.

- c) 2026 Work Plan

5) Adjourn

Motion to adjourn at 6:20 p.m.

MOTION:	Adjourn
MOVER:	Alderman Peter Bratt
SECONDER:	Chair Jeffrey Hansher
AYES:	Chair Jeffrey Hansher, Alderman Peter Bratt
NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

Respectfully Submitted,
Kaitlynn Honeck
DPW Administrative Assistant



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262/242-3100

www.cityofmequonwi.gov

Sewer Utility District Commission
Taped and Televised

SEWER UTILITY DISTRICT COMMISSION
Regular Meeting
Tuesday, April 14, 2026 - 7:15 PM
Or Immediately Following the Committee of the Whole Meeting
Christine Nuernberg Hall

Minutes

1) Call to Order and Roll Call

The meeting was called to order by Mayor Nerbun at 8:17 p.m.

Present:

Commissioner Andrew Nerbun
Commissioner Robert Strzelczyk
Commissioner Kelly Tolocko (attended virtually)
Commissioner Dale Mayr
Commissioner Jeffrey Hansher
Commissioner Gregg Bach
Commissioner Brian Parrish
Commissioner Peter Bratt
Commissioner William Gebhardt

Also present: City Administrator William Jones, Assistant City Administrator Jessica Wolff, City Attorney Brian Sajdak, City Clerk Caroline Fochs, City Engineer Kristen Lundeen

2) Approval of Meeting Minutes

a) Meeting minutes of March 10, 2026

MOTION:	Approval of March 10, 2026 Minutes
MOVER:	Commissioner Robert Strzelczyk
SECONDER:	Commissioner Jeffrey Hansher
AYES:	Commissioner Andrew Nerbun, Commissioner Robert Strzelczyk,

	Commissioner Kelly Tolocko, Commissioner Dale Mayr, Commissioner Jeffrey Hansher, Commissioner Gregg Bach, Commissioner Brian Parrish, Commissioner Peter Bratt, Commissioner William Gebhardt
NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

3) Resolutions

- a) **RESOLUTION 4285** - A Resolution Approving Award of a Contract for the Construction of Lift Station R and Lift Station U Improvements to Sabel Mechanical LLC of Fond du Lac, Wisconsin in the Amount of \$175,600, with Authorization to Award the Contract to Mid City Corporation of Butler, Wisconsin in the Amount of \$232,500 if the Initial Contract Award is not Executed

MOTION:	Approval of Resolution 4285
MOVER:	Commissioner William Gebhardt
SECONDER:	Commissioner Peter Bratt
AYES:	Commissioner Andrew Nerbun, Commissioner Robert Strzelczyk, Commissioner Kelly Tolocko, Commissioner Dale Mayr, Commissioner Jeffrey Hansher, Commissioner Gregg Bach, Commissioner Brian Parrish, Commissioner Peter Bratt, Commissioner William Gebhardt
NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

4) Adjourn

Motion to adjourn at 8:19 p.m.

MOTION:	Adjourn
MOVER:	Commissioner Dale Mayr
SECONDER:	Commissioner Brian Parrish
AYES:	Commissioner Andrew Nerbun, Commissioner Robert Strzelczyk, Commissioner Kelly Tolocko, Commissioner Dale Mayr, Commissioner Jeffrey Hansher, Commissioner Gregg Bach, Commissioner Brian Parrish, Commissioner Peter Bratt, Commissioner William Gebhardt
NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

Respectfully Submitted,
Kaitlynn Honeck
DPW Administrative Assistant



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262/242-3100

www.cityofmequonwi.gov

Sewer Utility District Commission
Taped and Televised

SEWER UTILITY DISTRICT COMMISSION
Regular Meeting
Tuesday, May 12, 2026 - 7:15 PM
Or Immediately Following the Committee of the Whole Meeting
Christine Nuernberg Hall

Minutes

1) Call to Order and Roll Call

The meeting was called to order by Mayor Nerbun at 7:32 p.m.

Present:

Commissioner Andrew Nerbun
Commissioner Robert Strzelczyk
Commissioner Kelly Tolocko
Commissioner Dale Mayr
Commissioner Jeffrey Hansher
Commissioner Gregg Bach
Commissioner Brian Parrish
Commissioner Peter Bratt
Commissioner William Gebhardt

Also present: City Administrator William Jones, Assistant City Administrator Jessica Wolff, City Attorney Brian Sajdak, City Clerk Caroline Fochs, Director of Public Works/City Engineer Kristen Lundeen, Director of Community Development Tollefson, Assistant Director of Community Development Zader, Director of Finance Arnett, Assistant Finance Director Keyser

2) Approval of Meeting Minutes

a) Meeting minutes of April 14, 2026

MOTION:	Approval of April 14, 2026 Minutes
MOVER:	Commissioner Dale Mayr
SECONDER:	Commissioner Jeffrey Hansher

AYES:	Commissioner Andrew Nerbun, Commissioner Robert Strzelczyk, Commissioner Kelly Tolocko, Commissioner Dale Mayr, Commissioner Jeffrey Hansher, Commissioner Gregg Bach, Commissioner Brian Parrish, Commissioner Peter Bratt, Commissioner William Gebhardt
NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

3) Resolutions

- a) **RESOLUTION 4291** - A Resolution Approving Award of the Following Items: A) A Contract for the Replacement of Lift Station E to Staab Construction Co., Inc. of Marshfield, Wisconsin in the Amount of \$10,695,300; B) A Contract for Construction Related Services to Applied Technologies, Inc. of Brookfield, Wisconsin in the Amount of \$812,570; and C) the Reallocation of \$750,000 in Capital Funding Amongst the City of Mequon's Sewer Utility Capital Accounts

Commissioner Dale Mayr moved to amend the contingency amount from 10% to 5%.
Commissioner Brian Parrish seconded the motion.

Commissioner Andrew Nerbun polled the Commission. The motion received four (4) votes in favor and five (5) votes opposed. Following the vote, Commissioner Parrish withdrew his second. As a result, the motion did not carry.

MOTION:	Approval of Resolution 4291
MOVER:	Commissioner William Gebhardt
SECONDER:	Commissioner Robert Strzelczyk
AYES:	Commissioner Andrew Nerbun, Commissioner Robert Strzelczyk, Commissioner Kelly Tolocko, Commissioner Jeffrey Hansher, Commissioner Gregg Bach, Commissioner Brian Parrish, Commissioner Peter Bratt, Commissioner William Gebhardt
NAYS:	Commissioner Dale Mayr
RESULT:	Approved by Roll Call Vote

4) Adjourn

Motion to adjourn at 7:47 p.m.

MOTION:	Adjourn
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MOVER:	Commissioner Dale Mayr
SECONDER:	Commissioner William Gebhardt
AYES:	Commissioner Andrew Nerbun, Commissioner Robert Strzelczyk, Commissioner Kelly Tolocko, Commissioner Dale Mayr, Commissioner Jeffrey Hansher, Commissioner Gregg Bach, Commissioner Brian Parrish, Commissioner Peter Bratt, Commissioner William Gebhardt
NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

Respectfully Submitted,
Kaitlynn Honeck
DPW Administrative Assistant



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262/242-3100

www.cityofmequonwi.gov

Parks and Forestry

**TREE BOARD
Regular Meeting
Thursday, April 16, 2026 - 6:00 PM
North Conference Room**

Minutes

1) Call to Order and Roll Call

The meeting was called to order by Board Member Karen Dredge at 6:00 p.m.

Present:

Chair Carol Bangs
Alderman Robert Strzelczyk
Board Member Karen Dredge
Board Member Emily Gehrke
Alternate Nancy Szatkowski, Absent

Also Present: City Forester Nathan Herlache, DPW Administrative Assistant Honeck, Fred Bersch of Bonnilake Real Estate LLC, President of Northern Exposure Landscaping Fadi Haddad, Milana Mrkalj of Northern Exposure Landscaping

2) Approval of Meeting Minutes

a) Meeting Minutes of April 22, 2025

MOTION:	Approval of April 22, 2025 Minutes
MOVER:	Alderman Robert Strzelczyk
SECONDER:	Board Member Karen Dredge
AYES:	Chair Carol Bangs, Alderman Robert Strzelczyk, Board Member Karen Dredge, Board Member Emily Gehrke
NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

3) Action Items

a) Granville Ridge Street Tree Approval

City Forester Nathan Herlache presented background information and identified areas where the submitted street tree plan for the Granville Ridge development met City requirements and areas requiring amendment. Discussion items included tree spacing, plan scale, species distribution, and the availability of certain tree sizes.

The Board approved the plan with staff recommendations, plus the following additional amendments (Items 7–11):

7. The applicant must resubmit the street tree plan with proper scaling and sizing clearly shown, in accordance with City requirements. Multiple sheets may be used if necessary. City staff will review and approve the updated plan.
8. On Granville Ridge Circle, tree placement must be revised to use groupings of no more than three (3) of the same species together, with the exception of the curve, where groupings of up to five (5) are acceptable.
9. Along Mequon Road, trees must be grouped in clusters of three (3) of the same species rather than alternating one-for-one.
10. If the required trunk diameter for Kentucky Coffee Tree cannot be obtained, London Planetree is an acceptable substitute.
11. The quantity of Swamp White Oak (originally 62) must be reduced and supplemented with London Planetree, targeting an approximate 50/50 balance. A variance of ± 10 trees for each species is permitted to accommodate final design adjustments and nursery availability.

The motion to approve the Granville Ridge Street Tree Plan with staff recommendations and the additional amendments listed above passed unanimously.

MOTION:	Approval with Amendments
MOVER:	Alderman Robert Strzelczyk
SECONDER:	Board Member Karen Dredge
AYES:	Chair Carol Bangs, Alderman Robert Strzelczyk, Board Member Karen Dredge, Board Member Emily Gehrke
NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

b) Riverland Meadows Street Tree Approval

City Forester Nathan Herlache presented background information for the submitted street tree plan for the Riverland Meadows development, noting that the plan met required installation rates, spacing, and species diversity. Items requiring amendment included the plan scale, tree groupings, and orientation details.

The Board approved the plan with staff recommendations, plus the following additional amendments (Items 4-5):

4. The applicant must resubmit the street tree plan with proper scaling and sizing clearly shown, in accordance with City requirements. Multiple sheets may be used if necessary. City staff will review and approve the updated plan.
5. Tree groupings at the entrance and within the cul-de-sac must be revised to be more varied, avoiding long consecutive runs of a single species. The applicant will adjust grouping patterns, and City staff will review the revisions. If staff requires additional input, the item may be returned to the Tree Board for final confirmation.

The motion to approve the Riverland Meadows Street Tree Plan with staff recommendations and the additional amendments listed above passed unanimously.

MOTION:	Approval with Amendments
MOVER:	Alderman Robert Strzelczyk
SECONDER:	Chair Carol Bangs
AYES:	Chair Carol Bangs, Alderman Robert Strzelczyk, Board Member Karen Dredge, Board Member Emily Gehrke
NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

4) Discussion Items

5) Adjourn

Motion to adjourn at 6:58 p.m.

MOTION:	Adjourn
MOVER:	Alderman Robert Strzelczyk
SECONDER:	Board Member Karen Dredge
AYES:	Chair Carol Bangs, Alderman Robert Strzelczyk, Board Member Karen Dredge, Board Member Emily Gehrke
NAYS:	None
RESULT:	Approved by Voice Acclamation [Unanimous]

Respectfully Submitted,
Kaitlynn Honeck

DPW Administrative Assistant



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262/236-2914
Fax: 262/242-9655

www.cityofmequonwi.gov

Community Development/Engineering

TO: Common Council
FROM: Cole McCraw, Assistant City Engineer
DATE: August 12, 2026
SUBJECT: RESOLUTION 4301 - A Resolution Approving a Certified Survey Map for the Property Located at 8925 W. Mequon Road and Accepting the Dedication of 5,069 Square Feet of Public Right-of-Way Along North Swan Road

Background

The attached Certified Survey Map (CSM) pertains to a proposed 2-lot land division for the parcel located at 8925 West Mequon Road. The certified survey map is being forwarded to the Common Council for final approval due to the dedication of right-of-way. The result of the certified survey map serves to dedicate 5,069 square feet of public right-of-way along North Swan Road.

Analysis

Under state law, the Common Council must approve any dedication of public right-of-way. Accordingly, it is recommended that the Common Council approve the attached certified survey map and resulting road dedication.

Fiscal Impact

The proposed resolution is fiscally neutral.

Recommendation

The Planning Commission recommended approval on July 27, 2026, by a vote of 8-0.

Attachments:
CSM

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION - 4301

RESOLUTION 4301 - A Resolution Approving a Certified Survey Map for the Property Located at 8925 W. Mequon Road and Accepting the Dedication of 5,069 Square Feet of Public Right-of-Way Along North Swan Road

RECITALS

- A. The owner of the property located at 8925 West Mequon Road has proposed a Certified Survey Map (CSM) to divide the property.
- B. The Planning Commission granted conditional Certified Survey Map approval for the property on July 27, 2026.
- C. The Certified Survey Map dedicates 5,069 square feet of public right-of-way along North Swan Road.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin that:

1. The Certified Survey Map is hereby approved, and the appropriate City officials are hereby authorized and directed to sign the same upon the completion of all required conditions approved by the Planning Commission on July 27, 2026.
2. The Certified Survey Map shall be recorded with the Ozaukee County Register of Deeds.

Approved by: Andrew Nerbun, Mayor

Date Approved: August 12, 2026

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on August 12, 2026.

Caroline Fochs, City Clerk

Certified Survey Map

All that part of the The Northwest 1/4 of the Northwest 1/4 of Section 28, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin.

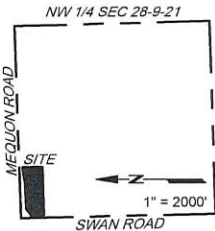
LAND SURVEYS INC.

21005 Watertown Rd. Suite A2
Waukesha, WI 53186 (262) 312-1034
landsurveysinc.com

Owner:
Pang & Kaim Herr
8925 West Mequon Road
Mequon, WI 53097
Parcel #: 140280600600
R-3 Zoning District

Surveyor:
Phillip J. Landry
21005 Watertown Road
Suite A2
Waukesha, WI 53186

VICINITY MAP



BEARINGS ARE REFERENCED TO WISCONSIN STATE PLATE COORDINATE SYSTEM SOUTH ZONE NAD 83/2011 IN WHICH THE NORTH LINE OF THE NW 1/4 OF SECTION 28, T 9 N, R 21 E, BEARS N 88°09'01" E.

LINE	BEARING	DISTANCE
L1	S 01°16'42" E	50.00'
L2	N 88°09'01" E	33.00'
L3	N 88°09'01" E	7.34'

Northwest Corner of Northwest 1/4 of Section 28-9-21

LEGEND

- Monument Found as Noted
- 3/4"x18" Iron Rod Set
- Brass Disc in Conc.
- Well
- Dedicated to City of Mequon for Public Road Purposes

NOTES:

- A title commitment has not been provided and this parcel may be subject to, or benefit from, easements or agreements, written or otherwise, not shown hereon.
- Outside diameter measured on all monuments. Set monuments are 1.50lbs./lineal foot.
- () Indicates recorded as bearings and dimensions.
- Field work completed on 12-08-25.



This Instrument was drafted by Phillip J. Landry, a Professional Land Surveyor, S-3176

January XX, 2026
Job# 25669 - BS Sheet 1 of 3

Certified Survey Map_____

All that part of the The Northwest 1/4 of the Northwest 1/4 of Section 28, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE:

I, Phillip J. Landry, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided, and mapped a parcel of land located in a part of the Northwest 1/4 of the Northwest 1/4 of Section 28, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northwest Corner of said Section; thence North 88°09'01" East along said Section 688.00 feet to a point; thence South 01°16'42" East 50.00 feet to a point also being the Point of Beginning of the lands described hereinafter; thence continuing South 01°16'42" East 254.00 feet to a point on the North line of Brighton Ridge; thence South 88°09'01" West along said line 688.68 feet to a point on the Centerline of Swan Road; thence North 01°09'07" West 153.60 feet along said Centerline; thence North 88°09'01" East 33.00 feet to a point on the Easterly Right of Way of Swan Road; thence North 52°44'12" East 121.48 feet to a point; thence North 88°09'01" East 350.00 feet to a point; thence North 79°37'10" East 202.24 feet to a point; thence North 88°09'01" East 7.34 feet to the Point of Beginning of this description.

The gross area of said parcel contains 146,571 square feet or 3.3648 acres of land more or less.

That I have made such survey, land division, and map by the direction of Pang and Kaim Herr, owner's of said land. That such map is a correct representation of all exterior boundaries of land surveyed and land division made thereof. That I have fully complied with the provision of Chapter 236 of the Wisconsin Statutes and the Platting ordinance of the City of Mequon in surveying, dividing, and mapping same.

Dated this_____ day of January, 2026.

Phillip J. Landry PLS
Professional Land Surveyor S-3176

LAND
SURVEYS
INC.

21005 Watertown Rd. Suite A2
Waukesha, WI 53186 (262) 312-1034
landsurveysinc.com

Certified Survey Map_____

All that part of the The Northwest 1/4 of the Northwest 1/4 of Section 28, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin.

OWNER'S CERTIFICATE:

As owners, we hereby certify that we have caused the land described on this map to be surveyed, divided, dedicated and mapped as represented on this map in accordance with the provisions of Chapter 236 of the Wisconsin State Statutes and ordinances of City of Mequon, this _____ day of _____, 20_____.

Pang Herr, Owner

Kaim Herr, Owner

STATE OF WISCONSIN)
) SS
COUNTY OF _____)

Personally came before me this _____ day of _____, 20_____, the above named Pang & Kaim Herr, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Notary Signature: _____

Print Notary Name: _____

Notary Public, _____ County, WI.

My Commission Expires: _____
(Notary Seal)

CITY OF MEQUON PLAN COMMISSION APPROVAL:

Approved by the Plan Commission of the City of Mequon on this _____ day of _____, 2026.

Mayor Andrew Nerbun, Plan Commission Chairperson

Kim Tollefson, Staff Liaison

LAND SURVEYS INC.

21005 Watertown Rd. Suite A2
Waukesha, WI 53186 (262) 312-1034
landsurveysinc.com



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262/236-2914
Fax: 262/242-9655

www.cityofmequonwi.gov

Community Development/Engineering

TO: Common Council
FROM: Cole McCraw, Assistant City Engineer
DATE: August 12, 2026
SUBJECT: RESOLUTION 4302 - A Resolution Approving a Development Agreement with P2 Development Company, LLC, for Foxtown Townhomes II, a 58-Unit Row House Apartment Development Upon the Properties Located at 11000-11040 North Buntrock Avenue and 10971-11019 North Weston Drive

Background

The applicant, P2 Development, is seeking development agreement approval for a development that includes 58 row house-style apartments and a three-story mixed-use building located at 11000-11040 N. Buntrock Avenue and 10971-11009 N Weston Drive. The concept plan was approved at the October 2025 Planning Commission meeting and the Building Site Plan was approved at the March 2026 Planning Commission meeting. This development agreement will cover the apartment portion of the development only, which is Phase One. A future phase two of this development is proposed as a three-story mixed-use building.

Analysis

Please see attached development agreement for the development. The developer utilized the City's template development agreement, which was modified and submitted to staff. Engineering and planning staff subsequently reviewed the document and submitted it to the City Attorney for review.

The development agreement is based on the City's standard development agreement language, and the City and applicant added additional language to reflect requirements for this specific development.

The site and civil plans for the development are under review by the Engineering Division. The developer must conform with all previous approval conditions and requirements.

Some key changes from the City's standard development agreement include the following:

- Establishes a phasing plan to define which improvements are installed with each phase of the development. See exhibit within the DA for details.
- Developer is required to extend water main down Buntrock Avenue to the south property

line and repair roadway pavement, per the Water Connection Policy.

- Per Code, the developer is required to design and install all Town Center streetscape features including the extension of curb and gutter and sidewalk along Buntrock Avenue to the south property line. The City will reimburse the developer for 215 feet of sidewalk replacement (including curb and gutter) for the portion of existing sidewalk at the north end of the development site that needs correction on Buntrock Avenue, up to a maximum of \$25,000.
- Establishes a work hour restriction for work in Buntrock Avenue during school days.
- Establishes a \$15,000 haul bond and requires approval of a haul route.
- Developer is required to loop public water main through the site, per the Water Connection Policy.
- Developer is required to extend public sanitary sewer to serve the new buildings.
- Developer is required to construct or reconstruct public storm sewer in Weston Drive to convey upstream and development stormwater.
- Developer is required to extend sidewalk along Weston Drive to connect to the future Foxtown E3 sidewalk.
- Developer is required to install Town Center streetlights with banner arms.
- Developer is required to install all Public Improvements and other indicated items on the Phasing Plan within 5 years from the development agreement's approval date.

Subsequent to Planning Commission approval, the Developer requested that the requirement to install backflow prevention on the sanitary sewer laterals be eliminated, which was included in Section 11 of the DA in the Planning Commission item. He cited maintenance concerns and lack of issues with surcharging sanitary sewer on his adjacent properties. While staff advocates for installation as a best management practice to limit impacts on private property from surcharging within the system, it is not a Building Code requirement. Thus, the Development Agreement presented for Common Council approval removes the backflow prevention requirement.

Fiscal Impact

The development agreement requires construction and dedication of assets that will be the future maintenance responsibility of the City. Additionally, the development agreement authorizes reimbursement for 215 feet of sidewalk and curb and gutter extension along Buntrock Avenue up to \$25,000. The reimbursement will be funded through the TID No. 3 escrow and the City's right-of-way asset management capital fund.

Recommendation

The Planning Commission recommended approval on July 27, 2026, by a vote of 7-1.

Attachments:

Map, P2 DA clean, Exhibit Phasing Plan 1, Exhibit Phasing Plan 2

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION - 4302

RESOLUTION 4302 - A Resolution Approving a Development Agreement with P2 Development Company, LLC, for Foxtown Townhomes II, a 58-Unit Row House Apartment Development Upon the Properties Located at 11000-11040 North Buntrock Avenue and 10971-11019 North Weston Drive

RECITALS

- A. Foxtown Townhomes II, a row-house apartment development, consists of 58 units upon the properties located at 11000-11040 North Buntrock Avenue and 10971-11019 North Weston Drive.
- B. The Planning Commission recommended approval of the Development Agreement for the property on July 27, 2026.
- C. The Development Agreement provides for the installation of improvements and the payment of fees in accordance with the City Engineer's report.
- D. The Development Agreement provides for the timing of construction, completion, costs and values for the Development.
- E. The Common Council authorizes the elimination of the requirement to install sanitary sewer backflow preventers on the sanitary laterals in Section 11(f).

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin, that:

1. The City agrees to the terms of the Development Agreement, in substantial conformity with the form appended to this Resolution, subject to any technical, clerical and/or legal changes deemed necessary and appropriate by the City Attorney.
2. The Mayor and City Clerk are authorized and directed to execute and deliver the same.

Approved by: Andrew Nerbun, Mayor

Date Approved: August 12, 2026

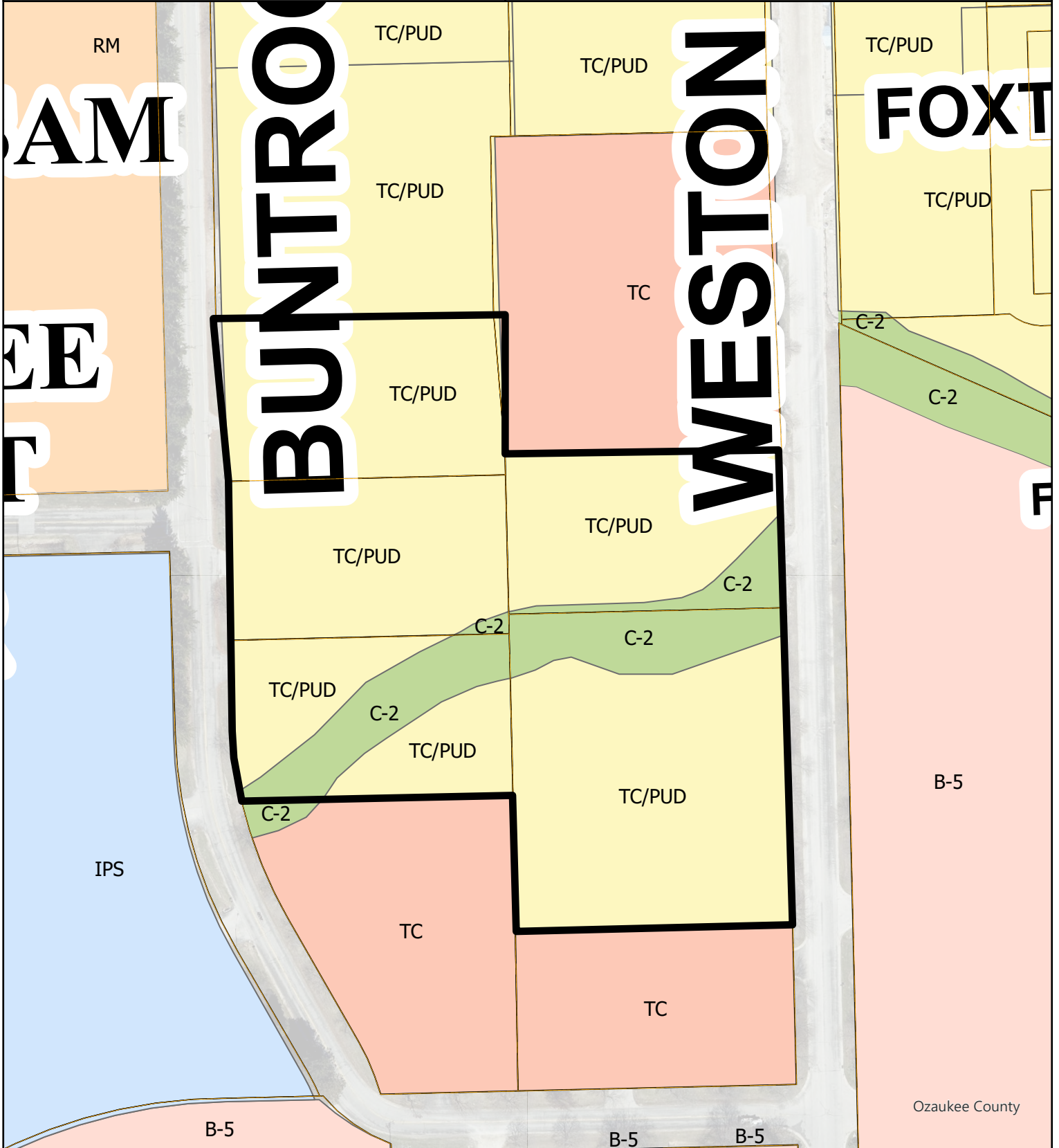
I certify that the foregoing Resolution was adopted by the Common Council of the City of

Mequon, Wisconsin, at a meeting held on August 12, 2026.

Caroline Fochs, City Clerk

P₂ DEVELOPMENT

AC	Arrival Corridor	IPS	Institutional & Public Service
A-1	Agricultural Preserve	NC	Neighborhood Commercial
A-2	General Agricultural	OA	Agricultural Overlay
B-1	Neighborhood Business	PUD	Planned Unit Development Overlay
B-2	Community Business	P-1	Park & Recreation
B-3	Office & Service Business	R-1	Single-Family Residential (5 Ac. Min.)
B-4	Business Park	R-1B	Single-Family Residential (2.5 Ac. Min.)
B-5	Light Industrial	R-2	Single-Family Residential (2 Ac. Min.)
B-6	Rural Industrial	R-2B	Single-Family Residential (1.5 Ac. Min.)
B-7	Rural Business	R-3	Single-Family Residential (1 Ac. Min.)
C-1	Shoreland/Wetland Conservancy	R-4	Single-Family Residential (3/4 Ac. Min.)
C-2	General Conservancy	R-5	Single-Family Residential (1/2 Ac. Min.)
CGO	Central Growth Overlay	R-6	Single-Family Residential (4 DU/Ac.)
FFO	Flood Fringe Overlay	RM	Multi-Family Residential
FW	Floodway	TC	Town Center
IPS	Institutional & Public Service	TDR	Transfer of Development Rights



Document Number	DEVELOPMENT AGREEMENT Document Name	
THIS DEVELOPMENT AGREEMENT (“<u>Agreement</u>”) is made as of _____, 20__, by _____ (the “<u>Developer</u>”) and the City of Mequon, a municipal corporation (the “<u>City</u>”). RECITALS A. The Developer desires to improve and develop the property described on the attached Exhibit A (the “<u>Property</u>”). B. Wisconsin Statutes Section 236.13(2) and Sections 58-634(c) and 58-637 of the Mequon Code of Ordinances (the “<u>Code</u>”) provide that, as a condition of approval, the City shall require that the Developer make and install or have made and installed any reasonably necessary improvements. C. This Agreement describes the Public Improvements, as defined below, that are necessary to complete the Developer’s proposed development on the Property (the “<u>Development</u>”), the Private Improvements, as defined below, and other terms and conditions of the Development. D. The schedule for the City’s Public Works Department, and the City’s budget, do not provide for installation of the Public Improvements, and absent this Agreement, there would be a considerable delay in the installation of the Public Improvements. E. The orderly, planned development of the Development will best promote the health, safety and general welfare of the community. AGREEMENTS NOW, THEREFORE, in consideration of the foregoing recitals and the following agreements, and for other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties agree: 1. <u>Improvements</u>. As defined in this Agreement, the following terms and phrases have the following meanings: “<u>Improvements</u>” means the Private Improvements and the Public Improvements. “<u>Private Improvements</u>” means all improvements in the Development required by this Agreement other than the Public Improvements.		Recording Data Name and Return Address City Engineer 11333 N Cedarburg Road Mequon, WI 53092 Parcel Identification Number 14-027-04-012.00

“Public Improvements” means all public streets, sidewalks, paths and required appurtenances to the foregoing, including without limitation street name signs, regulatory/public safety signs (speed limit signs, stop signs and so forth) and bollards; sanitary sewer facilities and water supply facilities that connect to the public sewer or public water systems, but in each instance only those portions up to and including stubs of laterals; street trees and any required landscaping in rights of way; street trees and other landscaping in easement areas dedicated to the City for that purpose, but only to the extent specified in such easements; items specified in the Plans, as defined below and approved by the City, as Public Improvements; and items specified in the Code or state statutes as Public Improvements.

2. Proposed Development Plan. The Development as proposed is depicted on the Developer’s proposed development plan.

The proposed development plan was granted approval or conditional approval by the Planning Commission on __July 27, 2026__.

The proposed development plan includes the following Public Improvements.

- a. Installation of public water main extension in Buntrock Avenue to the south property line of Lot 1 of CSM No. 4329, including full lane width pavement reconstruction associated with water main extension.
- b. Extension of curb and gutter and sidewalk along Buntrock Avenue to the south property line line of Lot 1 of CSM No. 4329.
- c. Connection of the public water main extension in Buntrock Avenue to the existing public water main in North Weston Drive.
- d. Connection of the existing public water main in Foxtown Townhomes I with public main connecting Buntrock Avenue and North Weston Drive.
- e. Public sanitary sewer extension from North Weston Drive.
- f. Construction and reconstruction of public storm sewer within Weston Drive for the conveyance of stormwater runoff to the Super Steel pond.
- g. Construction of public street and sidewalks to provide parallel parking to the west side of North Weston Drive.
- h. Construction of storm sewer to convey stormwater runoff from Buntrock Avenue through the site from west to east and connecting to the proposed storm sewer system in North Weston Drive.
- i. Extension of sidewalk on the east side of North Weston Drive from the Development to the south property line of 11050-11120 North Weston Drive (Foxtown E1-E3 property).

PLANS AND SPECIFICATIONS

3. Plans and Specifications. The Developer shall, at its expense, have plans and specifications (collectively, the “Plans”) prepared for the Improvements. The Plans shall include those plans that are customary in the industry for similar developments, including a site plan, grading, drainage and erosion control plans, stormwater drainage plans, landscaping and open space plans, street plans, utility plans and construction details, including those construction details described in this Agreement. The Plans shall be subject to review and approval of the City Engineer and any regulatory body or other staff person specified below. The Developer shall not commence the Improvements until the Plans are reviewed and approved.

4. Corrections to Plans. The City Engineer may, at any time prior to approval, require changes to approved Plans for any of the Improvements to the extent such changes are necessary to correct oversights, omissions or errors, to compensate for changing site conditions or to complete fully the work in accordance with sound engineering practice. The Developer shall perform the work necessitated by any such change entirely at its expense without any claim for reimbursement.

5. Standards. The Plans and design of the Improvements shall comply with the requirements of the current edition of the City's Standard Specifications for Land Development and all applicable provisions of the Code and state and federal laws (each a "Regulation") in place at the time of preliminary approval of the Plans and design. Additionally, the Plans shall satisfy the requirements set forth below. In the event of a conflict between the Standard Specifications and this Agreement, the terms of this Agreement shall control. In the event of a conflict between any Regulations, the more stringent requirement shall apply unless otherwise addressed within the Regulation.

6. Changes in Regulations. Should any Regulation change within two years of the preliminary approval, the Developer may choose which version of the Regulation to follow if material work on the applicable Improvement has commenced. Where work on an Improvement affected by the changed Regulation has not commenced, the Developer shall comply with the revised Regulation.

7. Grading, Drainage and Erosion Control Plans. The Developer shall submit grading, drainage and erosion control plans that:

- (a) Show 2' contours for both existing and proposed grades for building pads and any culverts and storm sewers.
- (b) Indicate and detail the cross-section and profiles of all drainage ways and erosion protection.
- (c) Show minimum setback and offset dimensions and building grades approved by the City.
- (d) For all land disturbing activities, show existing contours at least 200' into adjacent parcels.
- (e) Show the location and dimension of all construction site management measures to control erosion and sedimentation.
- (f) Include minimum elevations for the proposed top of principal building foundation walls based on proposed building envelopes shown on the approved specimen tree plan and approved finished yard grades.

8. Stormwater Drainage Plans. The Developer shall submit stormwater drainage plans that:

- (a) Provide for a complete storm drainage system, including one or more detention basins and retention ponds, culverts, storm sewer and open ditches that are adequate to accommodate expected surface water flow within and through the Development and drain the surface water from and through the Development in accordance with the Code, Chapter 13 of the Milwaukee Metropolitan Sewerage District ("MMSD") rules, and the regulations of the Wisconsin Department of Natural Resources (the "DNR"), as may be applicable.
- (b) Show all tributary areas to the proposed drainage system and downstream analysis, including all proposed and existing drainage structures in the drainage system area.
- (c) Show drainage easements by dimension and detailed cross-section.
- (d) Provide for erosion protection and minimum velocity design and restoration of all areas adjacent to existing and proposed roadways to conform to the approved roadway cross-section.
- (e) Address all ditch slopes exceeding five percent (5%). Any such slope that is greater than 5 percent (5%) may only be approved after review and acceptance by the City Engineer. To the extent any such

slope shall be greater than five percent (5%), additional analysis of the velocity of the flow and slope protection shall be provided, and such slope might not be approved.

(f) Show all roadside ditches and drainage easements with a minimum one percent (1%) slope. Any such slope that is less than one percent (1%) may only be approved after review and acceptance by the City Engineer. To the extent any such slope shall be less than one percent (1%), additional analysis of the velocity shall be provided, and such slope might not be approved.

(g) Provide on-site stormwater detention that complies, to the satisfaction of the City Engineer, with the City's stormwater ordinances and MMSD Chapter 13 rules and regulations.

(h) Provide hydrologic calculations for the 2-, 10- and 100-year development conditions.

(i) Provide hydraulic calculations showing pond discharge rates under proposed conditions. Under proposed conditions, a retention pond must demonstrate that the 2-, 10- and 100-year discharge rate will be less than pre-settlement conditions.

(j) Show all sump pump discharge pipes discharging to a roadside ditch, storm sewer or other location approved by the City. For roadways with an urban section, a sump pump collection system shall be required.

(k) Include, if the storm sewer design includes underground piping, a set of utility plans showing all plan and profile views of sanitary water and storm sewer. Such plan shall be used and kept current during all phases of construction.

(l) As a condition of the issuance of a building permit, backflow prevention shall be provided at any location where the internal plumbing connects to the storm sewer, including, but not limited to, sump pump systems, foundation drains, etc.

(m) The Developer is responsible for impact to private property infrastructure at Development resulting from wet weather events that exceed the design capacity of the system.

9. Landscaping, Open Space and Signage Plans.

(a) The Developer shall submit a street tree plan which shall conform to the City's street tree ordinance. The street tree plan shall be subject to review and approval of the Tree Board and Planning Commission.

(b) The Developer shall submit landscape plans for all entryways, open spaces, public street cul-de-sacs and detention basin and retention pond buffers. Such plans shall be designed by a licensed landscape architect and shall be subject to review and approval of the Planning Commission. The City may have a licensed landscape architect review the submitted landscaping and open space plans.

(c) Pedestrian and bike paths may be required by the City. If so, pedestrian and bike path plans shall address the public use of the paths and maintenance. Details of such paths shall be subject to review and approval of the City Engineer. The location and use of such paths shall be subject to review and approval of the Planning Commission.

(d) The Developer shall submit signage and entryway plans to the City. Such plans shall be subject to review and approval by the Planning Commission. All regulatory signage must be installed with the

Town Center standard sign post, sign frame, sign backing, finial and associated black hardware, including infrastructure to protect the sign from wind impact.

10. Street Plans.

(a) The Developer shall submit plans for all public and private roads, driveways and roadside sidewalks (if any). All sidewalks shall be finished with “picture frame” style. Such plans shall be subject to review and approval by the City Engineer and Fire Chief.

(b) Unless otherwise approved by the City, all public and private streets shall satisfy the following requirements:

(i) All new streets shall be constructed with a twelve-inch (12”) road base consisting of twelve inches (12”) of one and one-quarter inch (1¼”) crushed stone base course. The initial surface shall consist of two and one-half inches (2½”) of bituminous binder course. Streets and driveways shall be constructed to the City’s typical cross-section. The final one and one-half inch (1½”) asphalt surface course shall be applied following the construction of the binder course.

(ii) To the extent the Development will be constructed in phases, the plans shall show all cross connections being constructed in each phase. A temporary turnaround shall be shown on the plans for any street connecting into a future phase and for any street leading to any adjoining property.

(c) The plans shall show street name signs and regulatory/public safety signs (speed limit signs, stop signs and so forth) as required by the City Engineer. Street names shall be approved by the Planning Commission.

11. Sanitary Sewer System Plans.

The Development will have a public sanitary sewer system. The plans for the system shall:

(a) In addition to the City’s Standard Specifications for Land Development, conform to the Standard Specifications for Sewer and Water Construction in Wisconsin and additional requirements of MMSD.

(b) Be designed to meet the ultimate needs of the Development in accordance with the City’s sanitary sewer system plan.

(c) Show the installation of one sewer lateral from the sanitary sewer main to the limits of the sanitary sewer utility easement or road right-of-way for each property abutting the sanitary sewer main.

(d) Show all sanitary sewer lateral locations.

(e) Be designed so the public mainline shall meet the City’s master plan for the area, in terms of depth and size, and be extended to the adjacent properties.

(f) Sewer segments designated as a private interceptor sewer shall conform with applicable plumbing codes and are subject to review and approval by the City and MMSD.

12. Water System Plans.

(a) Supply System. The plans shall satisfy the following requirements:

(i) The plans shall show a water supply and distribution system for the Development with mains, hydrants, valves and laterals for each lot.

(ii) All water mains to be installed in a City road right-of-way or easement shall be subject to review and approval of the City Engineer.

(iii) The City will determine the lateral locations to avoid removal of any specimen trees. The City shall approve all lateral locations.

(iv) The public mainline shall meet the City's master plan for the area, in terms of depth and size, and be extended to the adjacent properties.

(v) Easements shall be provided to adjacent residentially zoned properties for access for potential future connection.

(vi) The mainline water main shall meet Water Utility standards for ISO recommended fire flows of 2500 gpm, which may require twelve-inch (12") pipe for the dead end main.

(vii) Dead end mains must be terminated with a public hydrant and phasing plans.

(b) Fire Protection.

(i) Water for fire protection will be supplied to the Development water system through the City of Mequon Water System.

(ii) All fire hydrant locations shall be subject to review and approval of the Fire Chief.

CONSTRUCTION REQUIREMENTS

13. Construction of Improvements. The Developer shall construct or have constructed, at its expense, all of the Improvements.

14. General Standards; Strict Compliance with Plans. All construction shall conform to the City's Standard Specifications for Land Development, latest edition. Construction will strictly conform to the Plans. The City may require the Developer to replace all the Improvements that deviate from the Plans unless the Developer seeks and obtains prior written approval from the City for such deviations.

15. Strict Compliance with Phasing Plan. All construction shall conform with the Phasing Plan included as Exhibit B. Any modification to the Phasing Plan requires an amendment to this agreement.

(a) All Public Improvements and other indicated items on the Phasing Plan shall be completed within 5 years from the date of this Agreement.

16. Direction by City Engineer. The Improvements shall be constructed in strict accordance with the requirements and direction of the City and the City Engineer or the City Engineer's authorized representative and shall be under and subject to constant inspection by the City Engineer or the City Engineer's representative.

17. Responsibility for the Improvements. The Developer shall be fully responsible for the Improvements, all appurtenances to the Improvements and the acts and omissions of its contractors, subcontractors, material suppliers, delivery services and agents. The Developer shall repair or replace, at the Developer's cost, any damage that occurs to the Improvements and appurtenances to the Improvements during

the period of the construction of the Improvements and until certification by the City Engineer, and approval of the Improvements.

18. Lien Waivers. As a condition of final certification by the City Engineer, and approval, acceptance and dedication of the Improvements by the City, the Developer shall provide to the City paid receipts and lien waivers from all contractors and material suppliers performing work or supplying materials for the installation of the Improvements.

19. No Lot Assessments for Improvements. The costs and value of the Improvements will become an integral value of the abutting property; therefore, the Developer shall not make any future lot assessment for the Improvements.

20. Additional Grading and Drainage Requirements. The Developer shall (a) rough grade as necessary to establish lot grades in accordance with future building grades, top-soiling, seeding and mulching as required, to all exposed ground surfaces to prevent erosion; (b) keep grading and filling to a minimum, including in individual building envelopes; and (c) spread and maintain topsoil, seed and mulch over all exposed ground surfaces to prevent erosion, including surfaces disturbed by utility contractors.

21. Additional Erosion and Runoff Control Requirements.

(a) With respect to erosion and sedimentation control, the Developer shall install and construct the Improvements in compliance with the requirements of the Ozaukee County Land Conservation Guidelines (SCS) and the DNR's "Wisconsin Construction Site Best Management Practice Handbook," latest edition, requirements. Temporary stormwater quality measures during construction activities shall include, at a minimum, the installation of silt fence and temporary sediment basins.

(b) The Developer may not commence land disturbing activities until all erosion control measures are installed and approved by the City. An erosion control permit must be approved which requires the Developer to construct in conformance with the City's erosion control ordinance.

(c) The Developer shall protect all exposed soils with mulches, temporary annual grasses or erosion matting.

(d) The Developer shall not pile or permit excavated soil to be piled near the drainage system. A topsoil stockpile area shall be identified and used, complete with appropriate erosion control measures.

(e) The Developer will periodically inspect the above-described systems and control measures, including after each rain event, and shall promptly maintain, repair and replace them to their originally approved condition.

22. Topsoil. Excess topsoil shall only be removed from the Development by means of end-loading (no screening allowed on site) and trucking from the site. The Developer shall not disrupt topsoil where it is unnecessary, and the final arbiter of necessity shall be the City.

23. Additional Stormwater Drainage Requirements. Stormwater facilities shall be installed before impervious surfaces.

24. Additional Street and Street Signage Requirements.

(a) Prior to the commencement of any construction activity, the Developer shall meet with City Engineering and Public Works staff to identify and agree to a specific "haul" route for all construction

equipment and material supplies associated with the Development. The Developer shall agree to confine the movement of its construction equipment to the approved route unless approved otherwise by the City Engineer. The Developer shall provide the Street Wear Financial Guarantee, as defined below. The City shall videotape and perform a road evaluation of the agreed to haul route. This evaluation, known as a service condition rating or “SCR”, shall be used as the base line for establishing the level of damage that occurs as a result of the Development. At the conclusion of the construction activity the City will again videotape and perform a post development SCR of the Developer’s “haul” route. The road evaluation is only applicable to that portion of the approved haul route that lies within the corporate limits of the City. Prior to the City acceptance of the Public Improvements, the Developer will repair the road or pay to the City the cost, as determined by the City, for the estimated repairs, including without limitation labor, material and costs regularly charged by the City for its staff’s time for inspections, shouldering, streets, curbs, gutters, failures, base repairs, defects and utility adjustments.

(b) If the surface course of a street cannot be constructed prior to October 15, the Developer shall provide the Surface Completion Letter of Credit, as defined below.

(c) The roadside sidewalk shall be installed in accordance with the Phasing Plan. Until certificate of occupancy issuance for the last phase or building in the Development, the Developer shall maintain such roadside sidewalks and repair and replace them as necessary. The Developer is responsible for snow and ice removal on all sidewalks.

(d) The Developer may request compensation for 215 feet of sidewalk and curb and gutter extension along Buntrock Avenue.

- a. The Developer shall submit an itemized cost or quote to the City prior to work beginning on the sidewalk and curb and gutter extension on which the compensation amount will be based. Eligible items are subject to approval by City staff and include new concrete curb and gutter, concrete sidewalk, curb ramps and detectible warning fields, and excavation and base required for these items. The compensation amount shall be accepted by the City prior to this work beginning to be eligible for reimbursement.
- b. The City’s compensation amount will not exceed \$25,000.
- c. The Developer shall only be eligible for sidewalk reimbursement if sidewalk replacement is required.

(e) The Developer shall provide and install regulatory/public safety signs required by the Plans in the form required by the City.

(f) Buntrock Avenue shall be open to all lanes of traffic at all times between 7AM and 10AM, and between 2PM and 4:45PM on days where Steffen Middle School or Wilson Elementary school are in session. Work that requires one lane of traffic to be closed must obtain traffic control plan approval from the City conforming to the MUTCD.

25. Additional Utility Requirements.

(a) All sanitary, water and drainage easements must be prepared separately for each lot or parcel and recorded at the Developer’s expense. These documents shall be subject to review and approval of the City and shall be required prior to occupancy issuance in accordance with the Phasing Plan..

(b) The Developer shall provide proof of payment in full for installation of all required utilities prior to approval.

(c) Underground utility installations shall be subject to review and approval by the City Engineer and shall be made without any street pavement removal, unless otherwise specifically approved by the City Engineer.

(d) The Developer and the City shall enter into a Water Services Agreement in form and content customarily required by the City prior to connection to the City's water system.

COVENANTS, CONDITIONS AND RESTRICTIONS; ONGOING AGREEMENTS

26. Obligations of the Developer. The Developer shall be obligated to maintain in good condition and repair, and replace as necessary, all of the following, if any, that are required and approved as part of the Development: (a) roadside sidewalks (including snow and ice removal); (b) pedestrian and bike paths and appurtenances to such paths, including without limitation any signage and bollards; (c) monument and entrance signs; (d) roadside bollards; and (e) all landscaping and related elements, including street trees, open areas and stormwater facilities. Such obligations shall be memorialized in one or more documents that shall be recorded against the Property. The documents memorializing such obligations shall specify that, if at any time the Association does not exist or fails to satisfy its obligations, all owners of the Property shall be jointly and severally liable, with rights of contribution, for such responsibilities. The documents memorializing such obligations shall be subject to review and approval of the City, and the provisions requiring the foregoing may not be amended without the prior written approval of the City.

27. Stormwater Best Management Practices Maintenance Agreement. The Developer and the City shall enter into an agreement as described below to ensure that the Development's stormwater facilities are maintained to meet or exceed the standards to which they were constructed so that, in the future, the stormwater facilities continue to accommodate the appropriate volume and manage flow through and within the Development and meet applicable performance standards for storage and release. Accordingly, the following requirements are applicable to the Development:

(a) All stormwater drainage and storage facilities, including detention basins and ponds (whether one or more), shall be maintained and cared for by the Developer until such time as the Developer passes control of the stormwater elements of the Development and responsibility for maintenance of such stormwater elements, at which time such responsibility shall pass to the new Owner. In the event that the Developer transfers any portion of the Development prior to the construction, installation and approval of any required stormwater facilities, the Developer shall be released from responsibility for the installation and maintenance of the stormwater facilities only upon the City's approval, in its sole discretion, of the form of the successor in interest's assumption of the Developer's responsibilities under this Agreement; however, the transferee shall be jointly and severally responsible with the Developer until the completion of the construction, installation and approval of such facilities.

(b) The following minimum standards for future care and maintenance of the stormwater drainage and storage facilities, including detention basins and ponds (whether one or more), shall be adhered to by Developer and Developer's assigns and successors in interest:

(i) Provide normal and customary cleaning and maintenance to the detention basins and ponds (whether one or more) located in the Development including, but not be limited to, weed and algae control, dam stabilization, emergency overflow, outlet structure (including trash rack), dredging and biological control.

(ii) Dredging of the storm water facilities shall require permits and approvals under Wisconsin Statutes Section 30.20 to remove materials from the bed of a pond ultimately connected to Lake Michigan from the DNR.

(iii) All weed, algae and other biological control utilizing chemical treatments shall be made consistent with the regulatory requirements that apply to the use of EPA/State Registered Chemicals in detention basins and ponds or lakes and regulations of the DNR. With few exceptions, a permit must be filed with, and approved by, the DNR prior to chemical treatment. In certain circumstances, a representative of the DNR will monitor or supervise the chemical treatment. Developer should contact the DNR for additional information.

(iv) All detention basins and ponds shall be certified by a licensed professional engineer or land surveyor as a condition of site plan approval. To assure compliance with the approved plans, the Developer shall recertify the detention basins and ponds (whether one or more) within five years after the site plan approval.

(v) Initial certification of the detention basins and pond (whether one or more) shall be submitted with an as-built record drawing.

(vi) All detention basins and ponds shall be inspected in compliance with the inspection report form supplied by the City. Any deficiencies shall be corrected immediately. A copy of the report form, including but not limited to photographs or diagrams of the deficiency and corrections with the certification shall be provided to the City Engineer for review and approval. Specific areas shall include, but not be limited to:

- Bio-retention facility
- Pond containment berms are stable and free of animal burrowing
- Detention storage volume
- Erosion
- Vegetative cover
- Sediment accumulation
- Trash rack/culvert functions
- Outlet flow
- High water level
- Water surface elevation at time of survey
- Normal pond water level
- Emergency overflow

(vii) To guarantee performance of all of the foregoing obligations concerning the private stormwater drainage and storage facilities, including detention basins and ponds, the Developer shall, in accordance with Section 58-677(b) of the Code, deposit a performance bond, letter of credit or cash deposit (the “Stormwater Guarantee”) to guarantee the good faith execution of the approved control plan and any permit conditions. The Stormwater Guarantee shall be in an amount equal to 125% of the estimated cost of construction and maintenance of the storm water management practices. The City will release the portion of the Stormwater Guarantee less any costs incurred by the City to complete installation of the facilities upon submission of a certification in accordance with Section 58-678(h) of the Code.

(viii) At any time in the future, if, in the opinion of the City, either the Developer (in keeping with the limitations upon its responsibility as expressed in this Section), the Association or any other assigns or successors in interest, shall fail to install or maintain the stormwater drainage and storage facilities, including detention basins and ponds, the City, at its option, may give the Developer, the Association or other

assigns or successors in interest, as may be interested, written notice requiring any or all of them within 30 days of the date of notice, to cure the failure and to maintain and to provide the required care. If the notified party fails to comply with the demands of the notice, the City shall have the right, but not the obligation, to perform the work necessary to correct the deficiency, and to charge the cost of such work, including administrative charges, to the Developer, the Association or other assigns and successors in interest, or any combination of them, by drawing upon the Stormwater Guarantee and/or by imposing such charge as a special charge for services pursuant to Wisconsin Statutes Section 66.0627. If such charge is not promptly paid by the party to whom the charges were invoiced, the charges shall constitute a lien and special charge on the applicable property (whether one or more). The City may also draw on the Stormwater Guarantee upon the occurrence of an Event of Default, as defined below.

(ix) The City Engineer has the authority to stop work, amend or alter remediation measures to the detention basins and ponds. Failure to comply will result in the issuance of a municipal citation with a forfeiture as prescribed by law, an action for injunction or mandatory injunction, or any combination of remedies. Each day a violation exists shall constitute a separate offense.

(x) The Developer shall be responsible for recertifying the detention basins and ponds as and when required under the Code, to correct all deficiencies in such facilities and to comply with all other provisions of the Code related to such facilities.

OBLIGATIONS OF BUILDER/LOT OWNER

28. Sump Pump Discharge and Roof Drainage Plan. Sump pump discharge and roof drainage shall be installed and routed in accordance with Storm Water Management Plan approved by the City Engineer. Backflow preventers must be installed where surcharging within the public storm sewer system could enter the units.

29. Impact Fees. The City will assess impact fees pursuant to Sections 58-138 et seq. of the Code. Such impact fees shall be paid by the Developer or the purchaser of the lot prior to obtaining a building permit. The City retains the right to amend and modify its impact fee ordinance, the methodology by which impact fees are calculated or the numerical component values of the impact fee calculation in the future. The impact fees payable shall be based upon the impact fee calculation in effect at the time of the issuance of any building permit.

30. Sanitary Sewer Laterals. If the Development is served by public sewer, lateral locations shall not deviate from the approved plan unless first approved by the City.

WARRANTIES AND INDEMNIFICATIONS

31. Warranty of the Public Improvements. All of the Public Improvements shall be warranted against defects due to faulty materials or workmanship which appear within one year from the date of the City's acceptance of the dedication, and Developer shall assign to the City applicable contractor warranties for the Public Improvements. If any defect should appear during the warranty period, the City shall first seek to enforce any applicable contractor warranty; however, the Developer guarantees the Public Improvements and shall indemnify the City to the extent of any default or failure of any contractor to honor the warranty. The Developer guarantees each repair or replacement performed pursuant to this paragraph for one year from completion. This warranty survives any provision of this Agreement that purports to discharge or release the Developer.

32. Environmental Indemnification. The Developer shall indemnify, defend and hold the City and its officers harmless from any and all claims, demands, causes of action, losses, damages, and liabilities asserted against the City or its officers, together with related costs and expenses (including reasonable attorneys', consultants' and experts' fees, costs and expenses) that arise as a result of the presence or suspected presence in or on the real property dedicated or conveyed to the City by, under, pursuant to, or in connection with the Final

Plat or this Agreement including, but not limited to street rights of way, of any toxic or hazardous substances arising from any activity occurring prior to the acceptance of dedication of the Public Improvements. Without limiting the generality of the foregoing, the indemnification by Developer shall include costs incurred in connection with any site investigation or any remedial, removal or restoration work required by any local, state, or federal agencies because of the presence or suspected presence of toxic or hazardous substances in, on or under the real property, whether in the soil, groundwater, air or any other receptor. The City will notify the Developer of the discovery of any contamination or of any facts or circumstances that reasonably indicate that such contamination may exist in, on or under the real property. Following notification to Developer that contamination may exist, the City shall make reasonable accommodations to allow the Developer to examine the real property and conduct such clean-up operations as may be required by appropriate local, state or federal agencies to comply with applicable laws. This indemnification survives any provision of this Agreement that purports to discharge or release the Developer.

33. Claims by Third Parties. The Developer shall indemnify, defend and hold the City and its officers harmless from any and all claims, demands, causes of action, losses, damages, and liabilities asserted against the City or its officers, together with related costs and expenses (including reasonable attorneys', consultants' and experts' fees, costs and expenses) brought in connection with any damage suffered by third parties, including personal injury or property loss, resulting from construction of the Improvements or development of the Development regardless of any asserted negligence of the City asserted in connection with inspection of work performed or materials supplied by or on behalf of the Developer or its contractors, subcontractors or agents. This indemnification survives any provision of this Agreement that purports to discharge or release the Developer.

34. Street Damage. The Developer shall be responsible for all damage done to streets within the City, street landscaping, street trees, curbs, utilities, light poles and other property of the City as a result of construction activities associated with the Development, including without limitation street damage as a result of excessive hauling operations or installation of the Improvements. This covenant survives any provision of this Agreement that purports to discharge or release the Developer.

FINANCIAL OBLIGATIONS

35. Costs Incurred by the City. The Developer will pay all reasonable costs incurred by the City in connection with the Development, including without limitation costs of attorneys, landscape architects, outside engineers and other consultants and costs regularly charged by the City for its staff's time and materials used in (a) reviewing and approving the Plans (including without limitation engineering and landscaping plans), (b) inspecting the construction and/or installation of the Improvements, (c) installing street signs, and (d) reviewing and approving record drawings for City files. The Developer will also pay any other costs that may be incurred by the City in connection with the installation of the Improvements. Costs will include the costs of labor, equipment, materials, engineering, inspection and overhead costs incidental to the Improvements. The City will send invoices for the costs to the Developer periodically, as costs are incurred or as the Improvements are completed. The Developer will pay the City's invoices within 30 days after the date sent by the City. The City may, in its discretion, add a late payment charge of 1.5% per month, computed from the date of the original invoice until paid, for any amount not paid when due.

36. Special Assessments. No special assessments are contemplated in connection with the Development.

37. Streetlights. The Developer shall be responsible for the cost of installation of fixtures, as shall be approved by the City, in accordance with the approved Lighting Plan. After acceptance of dedication of the Public Improvements by the City, the City shall assume responsibility for the monthly energy costs for the streetlight(s)

located within the right-of-way. Streetlights within the right-of-way shall be metered separately from all other lights installed and include banner brackets in accordance with city specifications.

38. Landscaping Completion Letter of Credit. If the City agrees to occupancy approval for any building despite landscaping and/or hardscape amenities, including the installation of required street trees, not being completed (the City shall not be obligated to grant approval under such circumstances), the Developer shall provide to the City bids, contracts or other evidence sufficient, in the sole opinion of the City, to demonstrate the cost of completing such work, including the costs of labor and materials. The evidence of cost shall be subject to review and approval by the City. The Developer shall, prior to Occupancy Permit approval, provide to the City a letter of credit in an amount equal to 125% of such costs. The letter of credit shall be issued by a local financial institution on the International Chamber of Commerce form or its equivalent. The form and content shall be acceptable to the City Attorney. The Developer shall pay all costs of completing the work, including with limitation labor, material and costs regularly charged by the City for its staff's time. If the work is not completed to the satisfaction of the City on or before June 30 of the year following approval, or upon the occurrence of an Event of Default, as defined below, the City may draw on demand the full amount of the letter of credit to defray the costs of finishing the work. The City shall hold such funds and apply them as costs are incurred. The City shall refund the balance, if any, after the work is completed. If the funds are inadequate to defray the costs, the Developer shall owe the balance to the City.

39. Landscaping Survival Letter of Credit. The Developer shall, prior to occupancy permit, provide to the City a letter of credit in an amount equal to 25% of the costs of labor and materials in installing landscaping and hardscape amenities (excluding street trees and any other landscaping that is a Public Improvement). Such costs shall be determined by the City based on its review of the Developer's contracts and paid receipts. The letter of credit shall insure the cost of labor and materials to replace landscaping that dies within three years of installation. The letter of credit shall be issued by a local financial institution on the International Chamber of Commerce form or its equivalent. The form and content shall be acceptable to the City Attorney. The Developer or its assign shall pay all costs of replacing any dead or dying landscaping. If the responsible person fails to replace such landscaping within 30 days of demand, or upon the occurrence of an Event of Default, as defined below, the City may replace the landscaping and draw on the letter of credit on demand for the cost of the work, including without limitation labor, material and costs regularly charged by the City for its staff's time. If the letter of credit is inadequate to defray the costs, the Developer shall owe the balance to the City.

40. Street Tree Survival Guarantee. The Developer shall provide to the City a performance bond, letter of credit or cash deposit in an amount equal to 25% of the costs of labor and materials in installing street trees and any other landscaping that is a Public Improvement. Such costs shall be determined by the City based on its review of the Developer's contracts and paid receipts or as otherwise required by Wisconsin Statutes Section 236.13. The letter of credit shall insure the cost of labor and materials to replace such landscaping that dies within 14 months of installation. The letter of credit shall be issued by a local financial institution on the International Chamber of Commerce form or its equivalent. The form and content shall be acceptable to the City Attorney. The Developer or its assign shall pay all costs of replacing any dead or dying landscaping. If the responsible person fails to replace such landscaping within 30 days of demand, or upon the occurrence of an Event of Default, as defined below, the City may replace the landscaping and draw on the letter of credit on demand for the cost of the work, including without limitation labor, material and costs regularly charged by the City for its staff's time. If the letter of credit is inadequate to defray the costs, the Developer shall owe the balance to the City.

41. Surface Completion Letter of Credit. If the surface course of a street cannot be constructed prior to October 15, the Developer shall provide to the City an estimate of the final surface cost, including the costs of inspections, shouldering, streets, curbs, gutters, failures, base repairs, defects and utility adjustments. The estimate shall be subject to review and approval by the City Engineer. The Developer shall, prior to October 15, provide to the City a letter of credit in the amount of the approved estimate. The letter of credit shall be issued by a local financial institution on the International Chamber of Commerce form or its equivalent. The form and content shall

be acceptable to the City Attorney. The Developer shall pay all costs of completing the work. If the work is not completed to the satisfaction of the City on or before June 30 of the immediately following year, or upon the occurrence of an Event of Default, as defined below, the City may draw on demand the full amount of the Surface Completion Letter of Credit to defray the costs of finishing the work, including without limitation labor, material and costs regularly charged by the City for its staff's time. The City shall hold such funds and apply them as costs are incurred. The City shall refund the balance, if any, after the work is completed. If the funds are inadequate to defray the costs, the Developer shall owe the balance to the City.

42. Street Wear Financial Guarantee. Prior to commencement of any construction activity, the Developer shall provide to the City a performance bond, letter of credit or cash deposit in an amount equal to \$15,000 (the "Street Wear Financial Guarantee"). The Street Wear Financial Guarantee is to provide security for compensation to the City for wear and tear and accelerated deterioration of the City's streets as a result of infrastructure improvement associated with the hauling of stone and asphalt attributable to the Development. Wear and tear shall be determined as described above. The form and content of the Street Wear Financial Guarantee shall be acceptable to the City Attorney. If the Street Wear Financial Guarantee is in the form of a letter of credit, the requirements shall be substantially similar to the requirements of other letters of credit provided in this Agreement. If the Developer does not make the repairs as and when required, but in any event on or before the 60th day after written demand from the City, or upon the occurrence of an Event of Default, as defined below, the City may draw on demand the full amount of the Street Wear Financial Guarantee to defray the costs of the street repairs, including without limitation labor, material and costs regularly charged by the City for its staff's time for inspections, shouldering, streets, curbs, gutters, failures, base repairs, defects and utility adjustments. The City shall hold such funds and apply them as costs are incurred. The City shall refund the balance, if any, after the work is completed. If the funds are inadequate to defray the costs, the Developer shall owe the balance to the City.

43. Stormwater Guarantee. The Developer shall provide the Stormwater Guarantee, as defined above, prior to the commencement of any construction activities. The form and content of the Stormwater Guarantee shall be acceptable to the City Attorney. If the Stormwater Guarantee is in the form of a letter of credit, the requirements shall be substantially similar to the requirements of other letters of credit provided in this Agreement.

44. Public Sanitary Sewer System Connection Charge. If the Developer is required to connect the Development to the public sanitary sewer system, the Developer shall pay to the City, in accordance with the requirements of Section 58-640 of the Code, a sewer connection charge of \$11,600 (58 units @ \$200 per lot or unit) prior to building permit approval.

45. Developer's Election. To the extent that any letter of credit required by this Agreement shall be determined to be for a public improvement, as that term is used in Wisconsin Statutes Section 236.13(2)(am), this Agreement constitutes the Developer's election to use a letter of credit under Wisconsin Statutes Section 236.13(2)(am)1m.a.

46. Maintenance of Guarantees. Unless otherwise specified in this Agreement or state statutes, letters of credit and other financial guarantees shall be maintained for the periods required by the Code. The Developer shall provide any renewal of any letter of credit to the City prior to its expiration. Failure to do so shall be an Event of Default without notice.

APPROVALS; DEDICATION; RELEASE

47. Building Permit and Occupancy Approval

(a) The City shall grant building permits and certificates of occupancy based on the requirements in the Phasing Plan and upon certification by the City Engineer that (i) all of the Improvements have been satisfactorily inspected by the City Engineer and the Department of Community Development which have found that the Improvements have been satisfactorily constructed, installed and completed in accordance with this Agreement; (ii) the Developer has satisfied its financial obligations, including providing required letters of credit and other guarantees; and (iii) the Developer has satisfied all other requirements of this Agreement and the Development and Final Plat meet the requirements of this Agreement, the Code and applicable state laws.

48. Dedication. Title to the Public Improvements, together with the land on which they are located, unless located within a dedicated easement, shall be dedicated and given in fee simple by the Developer to the City, as provided by Wisconsin law, and without recourse, and free and clear of all liens, claims and encumbrances. The Public Improvements shall have access from a dedicated street, where necessary.

49. Continuing Obligations through Dedication. The Developer shall not be released or discharged from its obligations under this Agreement until final inspection and certification of all the Improvements has been made by the City Engineer in writing, and the Improvements have been approved and their dedication accepted by the City.

DEFAULTS

50. Events of Default. The occurrence of any of the following shall constitute an “Event of Default”:

(a) Payments. The Developer fails to pay any amounts payable under this Agreement to the City when due.

(b) Non-Monetary. The Developer fails to observe or perform as and when required or breaches any of the covenants or agreements contained in this Agreement and, except as described below, such failure continues for 15 days after notice from the City of the failure (except as described for letters of credit). The City shall not be required to provide notice, or may shorten or eliminate the 15-day cure period, if the City determines in its discretion that the failure constitutes an imminent danger to health or safety or would constitute such an imminent danger in less than 15 days. The City may, in its sole discretion, provide in the notice for a cure period of longer than 15 days if the City determines that such longer cure period is warranted.

(c) Bankruptcy and Similar Actions. The Developer (i) is liquidated or ceases to exist; (ii) makes a general assignment for the benefit of creditors; (iii) admits in writing its, his or her inability to pay debts as they become due; (iv) files a petition by which it, he or she becomes the subject of bankruptcy or insolvency proceedings; (v) is adjudicated bankrupt or insolvent; (vi) files a petition seeking any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any present or future statute, law or regulation; (vii) files an answer admitting or fails to contest the material allegations of a petition against it, him or her in any such proceeding; or (viii) seeks, consents to or acquiesces in the appointment of any trustee, receiver or liquidator for the Developer or the Development.

(d) Creditors' Actions. Any involuntary proceeding is filed against the Developer that seeks any reorganization, bankruptcy, arrangement, composition, readjustments, liquidation, dissolution, receivership or similar relief under any present or future statute, law or regulation that is not dismissed within 30 days of the date filed.

51. Remedies. Upon the occurrence of an Event of Default, without notice other than that required above, the City may exercise any one or more of the following remedies without waiving any rights or remedies available to it:

- (a) Immediately suspend performance under this Agreement.
- (b) Issue a stop work order.
- (c) Issue citations to the extent the Event of Default constitutes a violation under any provision of the Code for which citations may be issued.
- (d) Withdraw or withhold occupancy permits for any structures in the Development.
- (e) Commence any legal or administrative action, in law or in equity, which may appear necessary or desirable to enforce performance and observance of any obligation, agreement or covenant of the Developer under this Agreement.
- (f) Perform or have performed any work, and have supplied any necessary equipment, goods, materials and services, to complete all or any part of the Developer's work, all at the Developer's cost.
- (g) Draw any letter of credit and exercise the City's remedies under any other financial guarantee.
- (h) Exercise all other rights and remedies available to it at law or in equity,

52. Remedies Cumulative. The rights and remedies granted to the City under this Agreement are in addition to and cumulative of any other rights or remedies the City may have under the Code or state law. A delay or failure by the City in exercising any right or remedy shall not operate as a waiver of any such right or remedy or as an acquiescence of any default. No single or partial exercise of any right or remedy shall preclude any other or further exercise of a right or remedy or the exercise of any other right or remedy.

53. Attorneys' Fees. The Developer shall pay the City's costs of enforcement of this Agreement, including reasonable attorneys' fees and costs.

GENERAL PROVISIONS

54. Adequate Provision. Execution of this Agreement shall be accepted by the City as adequate provision for improvements within the meaning of Wisconsin Statutes Sections 236.01 236.13 and 236.45(1).

55. Assignment. No assignment of this Agreement by the Developer shall be effective without the prior written consent of the City, and no assignment without such consent shall relieve the Developer of its obligations under this Agreement.

56. Effect of Acceptance. This Agreement binds and inures to the benefit of the Developer and the City and their respective heirs, legal representatives, successors and assigns. Regardless of who prepared the original draft of this Agreement, both parties have had significant input into its terms and content and, accordingly, no presumption shall be made against the drafter.

57. Modifications. Neither this Agreement nor any provision of this Agreement may be waived, modified, amended, discharged or terminated except by an instrument in writing signed by the party against whom the enforcement of such waiver, modification, amendment, discharge or termination is sought, and then only to

the extent set forth in such instrument. No waiver by either party of any failure or refusal to comply with its obligations shall be deemed a waiver of any other or subsequent failure or refusal to so comply.

58. Partial Invalidity. If any term or provision of this Agreement shall, to any extent, be invalid or unenforceable, the remainder of this Agreement shall not be affected, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

59. Headings. The headings in this Agreement are for convenience only and do not limit or expand the terms and conditions of this Agreement.

60. Governing Law. This Agreement shall be governed by and construed in accordance with the internal laws of the State of Wisconsin.

61. Requirement to Commence Construction. In accordance with Section 58-635(3)(e) of the Code, if the Developer fails to commence construction within two years of approval of this Agreement, this Agreement shall be null and void.

[SIGNATURE PAGES TO FOLLOW]

[CITY SIGNATURE PAGE TO DEVELOPMENT AGREEMENT]

CITY OF MEQUON

By: _____
Andrew Nerbun
Mayor

By: _____
Caroline Fochs
Clerk

STATE OF WISCONSIN)
) SS
OZAUKEE COUNTY)

The foregoing instrument was acknowledged before me on _____, 20____,
by Andrew Nerbun, Mayor of the City of Mequon.

Name: _____
Notary Public, Ozaukee County, Wisconsin
My Commission (expires) (is) _____

STATE OF WISCONSIN)
) SS
OZAUKEE COUNTY)

The foregoing instrument was acknowledged before me on _____, 20____,
by Caroline Fochs, Clerk of the City of Mequon.

Name: _____
Notary Public, Ozaukee County, Wisconsin
My Commission (expires) (is) _____

Approved by: _____
Brian C. Sajdak, City Attorney

[DEVELOPER SIGNATURE PAGE TO DEVELOPMENT AGREEMENT]

By: _____
Name: _____
Title: _____

STATE OF WISCONSIN)
) SS
COUNTY)

The foregoing instrument was acknowledged before me on _____, 20____,
by _____, as _____ of _____.

Name: _____
Notary Public, Ozaukee County, Wisconsin
My Commission (expires) (is) _____

Drafted by: City of Mequon

EXHIBIT A
to the
DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF MEQUON AND

Foxtown Townhomes II

Legal Description

LOT 1 AND 2 OF CERTIFIED SURVEY MAP _____, RECORDED AS DOCUMENT NO. _____, ALL BEING PART OF THE NORTHWEST 1/4, THE NORTHEAST 1/4, THE SOUTHEAST 1/4, AND THE SOUTHWEST 1/4, OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 21 EAST, CITY OF MEQUON, COUNTY OF OZAUKEE, STATE OF WISCONSIN

EXHIBIT B
to the
DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF MEQUON AND

Foxtown Townhomes II

Phasing Plan

Foxtown Townhomes II
Phasing Plan

The City shall grant building permits and certificates of occupancy based on the following:

	Building Permit	Certificate of Occupancy
Buildings in Phase 1 (Buildings #3 and #4)	- Stormwater regulations shall be met before impervious surfaces are added - All DA requirements that are required prior to construction - At minimum, Phase 1 erosion control	-Internal site driveway within Phase 1 -All work on Weston Drive except for the sidewalk on the east side of Weston Drive* -All utilities shown in the Overall Utility Plan Phase 1*
Buildings in Phase 2 (Buildings #6 and #7)	-All Certificate of Occupancy requirements for Phase 1 or the ability to complete them within 120 days	-Internal site driveway between buildings #6 and #7 and connection to Foxtown Townhomes I driveway -East section of promenade walkway as indicated in Phasing Plan* -All utilities shown in the Overall Utility Plan Phase 2*
Buildings in Phase 3 (Buildings #1 and #5)	-All Certificate of Occupancy requirements for Phase 1	-All work along Buntrock Avenue shown in Phase 3 -West section of promenade walkway as indicated in Phasing Plan* -All utilities shown in the Overall Utility Plan Phase 3*
Buildings in Phase 4 (Building #2)	-All Certificate of Occupancy requirements for Phase 2	-All work along Buntrock Avenue* -Completion of full sidewalk on the east side of Weston Drive* -All Public Improvements* -All remaining Development Agreement requirements

*All Public Improvements and other indicated items above shall be completed within 5 years from the date of the fully executed DA.

Any deviation or request for consideration outside of this phasing plan shall require an amendment to the Development Agreement/this exhibit.



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262/236-2914
Fax: 262/242-9655

www.cityofmequonwi.gov

Administration

TO: Common Council
FROM: William Jones, City Administrator
DATE: August 12, 2026
SUBJECT: RESOLUTION 4303 - A Resolution Approving the Reallocation of \$182,500 in Funding Received through the American Rescue Plan Act

Background

On March 11, 2021, former President Biden signed into law the American Rescue Plan Act (ARPA), a \$1.9 trillion economic stimulus bill that provided \$350 billion for states, municipalities, counties, tribes and territories, including \$130 billion for local governments split evenly between municipalities and counties. With the passage of this bill, the City received a total of \$2.55 million in two equal payments that were delivered in mid-2021 and again in mid-2022.

Originally, these one-time proceeds were to be used to offset unforeseen expenses attributable to COVID-19, or spending directly related to water, sewer or broadband infrastructure projects. In follow-up guidance provided by the U.S. Treasury Department in early 2022, a "Standard Deduction" was established in the amount of \$10 million. This allowed governments of any size to forego the process of calculating COVID-related revenue losses below \$10 million, and to more freely utilize ARPA proceeds to fund general government services and/or projects.

Accordingly, the City worked to develop a spending plan for the use of Mequon's ARPA proceeds through 2026. The plan, which was approved by the Common Council in 2022, and subsequently amended in 2023, contains funding for several one-time projects intended to further the City's pursuit of five (5) Key Focus Areas identified during development of its inaugural strategic plan.

Analysis

As the City moves closer to the mandatory deadline of December 31, 2026, for expending all ARPA funds, the Common Council and City staff engaged in a discussion earlier this spring regarding the reallocation of approximately \$180,000 in residual funds that remain available for use. Summarily, these additional monies have resulted from project cost savings (i.e., actual expense vs. projected cost), a reimbursement of approximately \$108,000 from the Wisconsin Department of Transportation, and additional interest income earned upon the ARPA proceeds.

Following discussion at the Common Council's Committee of the Whole meeting in May, staff was directed to reallocate the \$182,500 in available funding as follows:

Key Focus Area	Project Category	Expenditure Description	Amount
Quality of Life	Civic Campus Plan	Phase One Design	\$90,000
IT/Customer Service	New ERP Modules	City Server Replacement	\$45,000
Quality of Life	Speed Deterrence	Radar Speed Detectors	\$35,000
IT/Customer Service	Land Management System	Ancillary Software/Hardware	\$12,500

Per guidance from the U.S. Treasury Department, any reassignment of unspent or reimbursed funds not otherwise allocated by December 31, 2024, must adhere to the identified spending categories contained within the City's previously approved ARPA spending plans.

Fiscal Impact

As of July 31, 2026, the City has expended \$2,415,259 of the \$2,552,029 (94.6%) of the funds originally allocated to the City. Additionally, the City has expended a portion of the \$260,115 in accumulated interest income to pay for a City-wide revaluation last year. While a few deviations from the original plan have occurred since that time (e.g., community survey, FEMA floodplain mapping, etc.), contracts for such work have nevertheless been approved by the Common Council via separate award, prior to December 31, 2024.

Since May, contract awards for Phase One Design of the Civic Campus Master Plan and replacement of a City server have been approved by the Common Council. Notably, the server replacement cost was \$6,580 less than estimated; accordingly, these funds have been reallocated to further support implementation of the City's new Land Management System, which is scheduled to go live in October. As such, the attached Exhibit A, which fully outlines the proposed reallocation of \$182,500 in available funding, now depicts the amounts of \$38,420 and \$19,080 for these two expenditures, respectively.

Additionally, the Police Department is currently in the process of purchasing additional speed detection equipment, in accordance with recommendations stemming from a discussion regarding speed deterrence at the Committee of the Whole meeting in February. Lastly, the attached resolution further authorizes the City Administrator and the Finance Director to allocate any residual funds that may otherwise accrue prior to December 31, in accordance with expense categories previously authorized by the Common Council.

Recommendation

A recommendation is forthcoming from the Finance-Personnel Committee on August 12, 2026.

Attachments:

EXCESS ARPA PROCEEDS - 8.12.26

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION - 4303

RESOLUTION 4303 - A Resolution Approving the Reallocation of \$182,500 in Funding
Received through the American Rescue Plan Act

RECITALS

A. In connection with passage of the American Rescue Plan Act (ARPA) in 2021, the City of Mequon received a total of \$2,552,000 in available funds.

B. The available funds, which were originally designated to assist in offsetting the economic impacts associated with the COVID-19 pandemic (e.g., COVID-related expenses, lost revenue, etc.) are now available for other uses by units of government receiving less than \$10 million.

C. In accordance with guidance from the U.S. Treasury Department, the City's total funding was to be allocated by December 31, 2024, and must be spent by December 31, 2026.

D. In connection with the planned spend-down of these proceeds by December 31, 2026, City staff has recommended the reallocation of \$182,500 in available funds as depicted in the attached Exhibit A, which was endorsed by the Common Council during its Committee of the Whole meeting on May 12, 2026.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin that:

1. The attached Exhibit A, which reallocates \$182,500 in available ARPA funding is hereby adopted, and the Finance Director is authorized to distribute the available funds as necessary, in accordance with the corresponding allocations contained therein.

2. The City Administrator and the Finance Director are further authorized to distribute and/or expend any residual funds which may accrue from lower realized pricing, additional interest income, or that are not otherwise reflected within Exhibit A, by the federally mandated expenditure deadline of December 31, 2026.

Approved by: Andrew Nerbun, Mayor

Date Approved: August 12, 2026

I certify that the foregoing Resolution was adopted by the Common Council of the City of

Mequon, Wisconsin, at a meeting held on August 12, 2026.

Caroline Fochs, City Clerk

Exhibit A: ARPA Funding Reallocations

(August 12, 2026)

EXPENDITURE	AMOUNT
Civic Campus (Phase I Design)	\$90,000
City Server Project - 2.0	\$38,420
Speed Deterrence	\$35,000
Permitting & Licensing System	\$19,080
SUB-TOTAL:	\$182,500



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Fax: 262/242-9655

www.cityofmequonwi.gov

Buildings and Grounds

TO: Common Council
FROM: Justin Bodoh, Building and Grounds Superintendent
DATE: August 12, 2026
SUBJECT: RESOLUTION 4304 - A Resolution Approving Award of a Contract for the Installation of Municipal Wi-Fi, Security Cameras, and Keyless Entry Systems at the Rotary Park and River Barn Park Pavilions to Advanced Technical, LLC of New Berlin, Wisconsin in the Amount of \$147,544

Background

In April 2026, the Park and Open Space Board (POSB) reviewed and prioritized top capital improvement projects for implementation the City's park system. The Board identified the installation of municipal Wi-Fi, security cameras, and keyless entry systems at Rotary Park (South Rotary Pavilion and Reuter Pavilion) as its highest priority project, followed by the installation of the same improvements at River Barn Park (Sommers Pavilion).

The cost of this project was estimated at \$135,000 to provide the infrastructure necessary to modernize facility operations while improving security, access management, and customer service. The improvements are consistent with the City's ongoing efforts to invest in technology that enhances public facilities and improves operational efficiency.

This project also aligns with the City of Mequon Strategic Plan. The City of Mequon Strategic Plan for 2022-2025 identified 5 Key Focus Areas: Capital Improvements, Customer Service, Financial Stewardship, Public Safety, and Quality of Life. This project improves outcomes in 3 of the 5 Key Focus Areas. This Capital Improvement meets the strategic goal of enhancing public connections and access to City services. With respect to Customer Service, the project streamlines routine procedures and reduces barriers to convenience and transparency. Lastly, and relative to Quality of Life, it preserves and enhances opportunities within the City's open spaces and parks by improving the reservation system with the adaptive strategy of technology upgrades and infrastructure investment.

Analysis

The proposed project will replace the current manual key management process with an electronic access system, allowing renters to securely access facilities without requiring City staff to travel to each location for lock and unlock operations. This will improve efficiency, reduce staff time and vehicle use, and provide greater flexibility when responding to rental needs.

Moreover, the addition of municipal Wi-Fi will support the operation of keyless entry systems and security cameras while providing the foundation for future smart-facility technology. Security cameras will improve public safety by deterring vandalism, unauthorized use, and theft while providing valuable documentation should incidents occur.

In June, the City publicly solicited bids for the project and received one sealed bid from Advance Technical, LLC (AdvaTech Security). AdvaTech Security currently provides the City's security camera and keyless entry services at other City facilities and is familiar with the City's existing systems and infrastructure. Utilizing the City's current security vendor will ensure compatibility with existing equipment, provide consistency in system management and maintenance, and allow for seamless integration with the City's existing security network.

These improvements will enhance the overall experience for pavilion renters and park visitors by providing more convenient and reliable facility access, increasing security through enhanced monitoring, and improving accountability with electronic access records. The project will also allow City staff to respond more efficiently to access issues, better protect public assets from vandalism and unauthorized use, and establish a consistent standard for facility operations across the City's major rental locations. In addition, the infrastructure will support future technology enhancements and smart-facility initiatives, ensuring that the City's park facilities continue to meet the evolving needs and expectations of residents while providing safe, secure, and accessible public spaces.

Fiscal Impact

The Parks Capital Account has sufficient funds available to complete this project. As part of the project, wireless cradle points will be installed at the South Rotary Pavilion, Reuter Pavilion, and Sommers Pavilion. After evaluating available options, wireless cradle points were determined to be the most cost-effective solution for providing reliable internet connectivity to these park facilities and supporting the operation of the Wi-Fi, security camera, and keyless entry systems.

The ongoing annual cost for internet service is estimated at approximately \$1,480 per wireless cradle point. With three locations included in this project, the City should anticipate an additional annual operating expense of approximately \$4,440. Staff will include this expense in the proposed 2027 Parks operating budget to ensure continued internet connectivity and operation of the installed systems.

Recommendation

A recommendation is forthcoming from the Public Works Committee on August 12, 2026.

Attachments:

AXIS Access and Cameras Park Pics

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION - 4304

RESOLUTION 4304 - A Resolution Approving Award of a Contract for the Installation of Municipal Wi-Fi, Security Cameras, and Keyless Entry Systems at the Rotary Park and River Barn Park Pavilions to Advanced Technical, LLC of New Berlin, Wisconsin in the Amount of \$147,544

RECITALS

A. In April 2026, the Park and Open Space Board reviewed and prioritized the City's capital improvement projects and identified the installation of municipal Wi-Fi, security cameras, and keyless entry systems at Rotary Park (South Rotary Pavilion and Reuter Pavilion) and River Barn Park (Sommers Pavilion) as its highest priority capital projects.

B. The proposed project will improve public safety, security, and customer service by modernizing access control, enhancing security monitoring, protecting public assets, and providing reliable internet connectivity to support current and future smart-facility technologies.

C. In June 2026, the City publicly solicited sealed bids for the project and received one responsive bid from Advance Technical, LLC (AdvaTech Security), the City's current provider of security camera and keyless entry systems.

D. Staff has reviewed the bid submitted by Advance Technical, LLC and determined it to be responsive to the City's specifications and in the best interest of the City. The total bid amount is \$134,130.33, and staff recommends including a 10% construction contingency to address unforeseen conditions or minor project modifications during installation. The total authorized award value is \$147,550.

E. Funding for the project is available within the Parks Capital Account. In addition, the installation of wireless cradle points at the three pavilion locations will result in an estimated annual operating cost of approximately \$4,440 for internet service, which staff will include in the proposed 2027 Parks operating budget.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin, that:

1. The Common Council hereby awards the contract for the installation of municipal Wi-Fi, security cameras, and keyless entry systems at the South Rotary Pavilion, Reuter Pavilion, and Sommers Pavilion to Advance Technical, LLC (AdvaTech Security) in the amount of \$147,550, which includes a 10% construction contingency.

2. Funding for the project shall be provided from the Parks Capital Account, with future

annual internet service costs for the wireless cradle points to be incorporated into the Parks operating budget beginning in 2027.

3. The Mayor, City Administrator, and City Clerk are authorized and directed to execute the contract and any other documents necessary to effectuate the purposes of this resolution, subject to review and approval by the City Attorney.

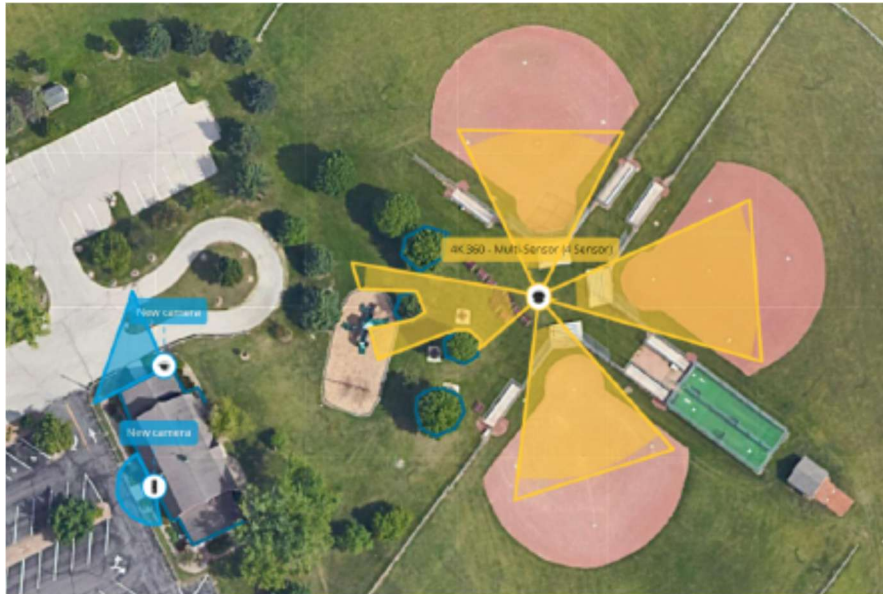
Approved by: Andrew Nerbun, Mayor

Date Approved: August 12, 2026

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on August 12, 2026.

Caroline Fochs, City Clerk

River Barn Sommers Pavilion - Cameras



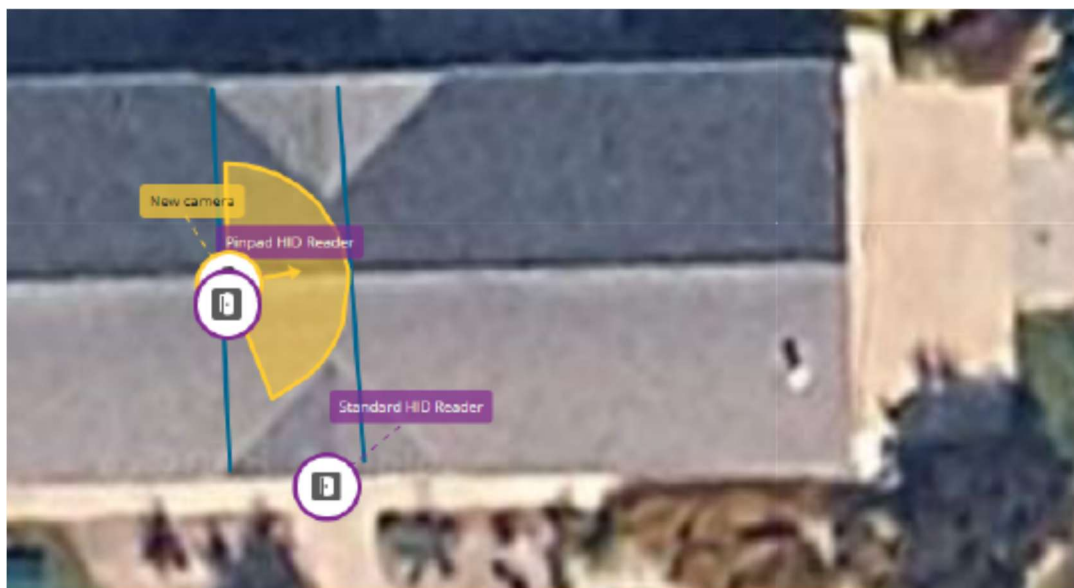
River Barn Sommers Pavilion – Access Control



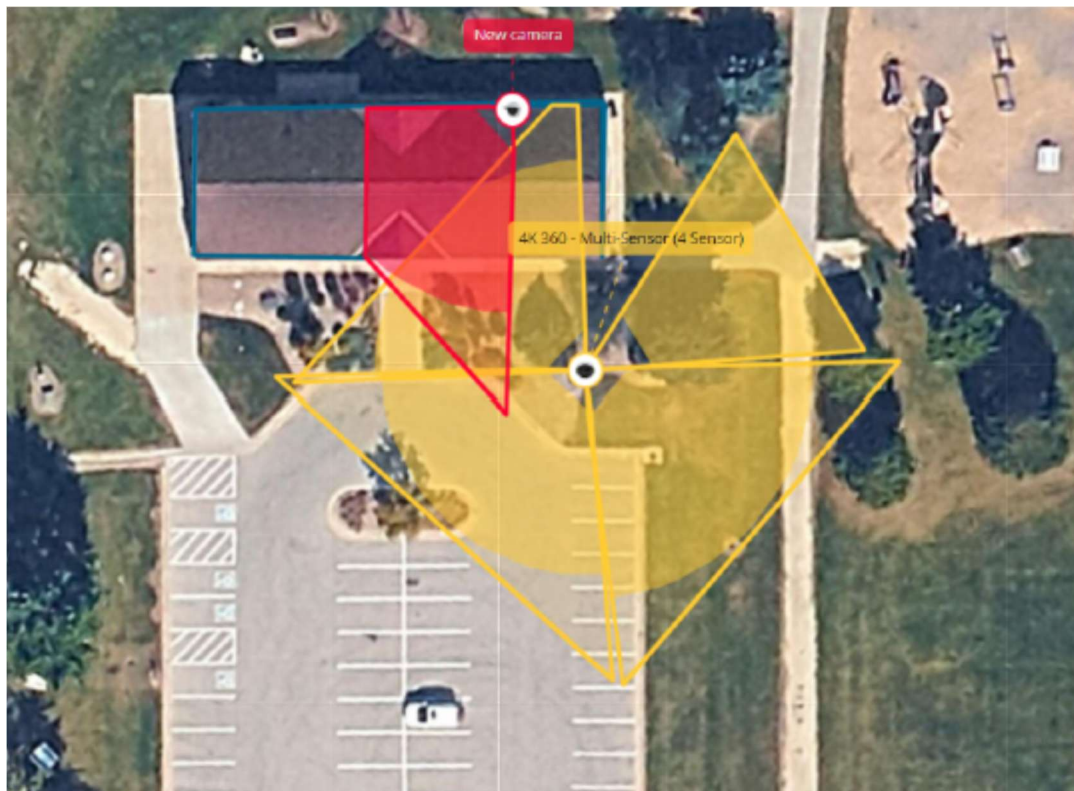
Reuter Pavilion - Cameras



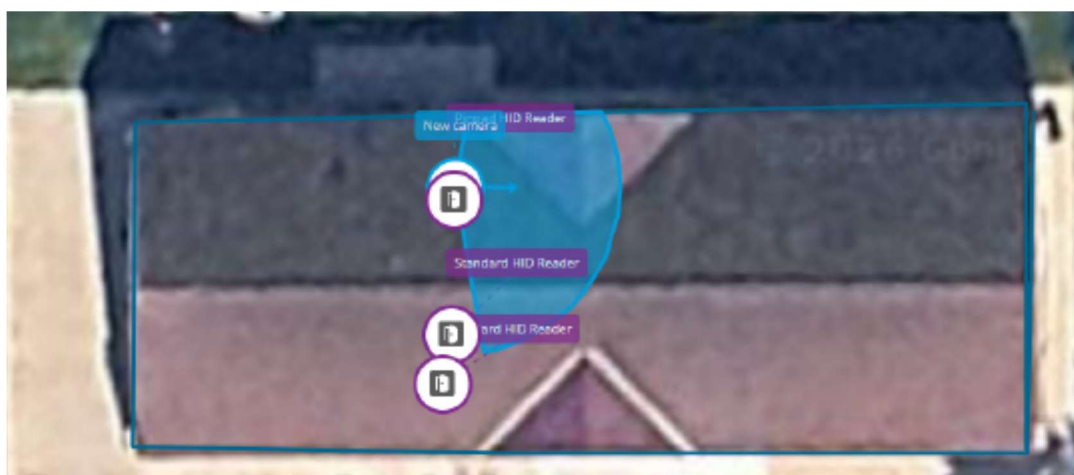
Reuter Pavilion – Access Control



Rotary South Pavilion – Cameras



Rotary South Pavilion – Access Control





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www.cityofmequonwi.gov

Sewer

TO: Common Council
FROM: Kristen Lundeen, Director Public Works/City Engineer
DATE: August 12, 2026
**SUBJECT: RESOLUTION 4305 - A Resolution Amending City of Mequon
Financial Policy Statement 3: Reserve Requirements and Establishing
Policy Statement 20: Sewer Utility Reserve Requirements**

Background

At the July Committee of the Whole meeting, the City's financial advisory firm (Ehlers) presented an overview related to long-term financial planning for the Sewer Utility. At the conclusion, Ehlers recommended that the Sewer Utility update its reserve policy to follow rate-based financial practices rather than levy-based financial practices. As part of this discussion, staff also shared draft policy language following those recommendations.

Analysis

Currently, the City and Sewer Utility have a combined Financial Policy document, whereas the Water Utility has a stand-alone Financial Policy document. Upon completion of the City's long-range financial plan in late 2026, staff intends to streamline all financial policies into one document, with separate sections for the City, the Sewer Utility and the Water Utility. Therefore, one update of the draft policy language presented at the July meeting is to separate the Sewer Utility Reserve Policy from that of the City's General Fund. Prior to 2023, the Sewer Utility did not have a Reserve Policy and the proposed amendments to Policy Statement 3 simply revert that document back to the previous form. Thus, staff proposes the adoption of **Policy Statement 20: Sewer Utility Reserve Requirements**, which will serve as the reserve requirements for the Sewer Utility.

The language within Policy Statement 20 is largely the same as presented at the July meeting, with additional modifications (highlighted in yellow) as follows:

- Listing of accounts that are utilized to determine the value of the operating budget
- Clarification that the reserve will be calculated and reallocation considered upon conclusion of the fiscal year's audit
- Typographical and administrative adjustments.

Fiscal Impact

The proposed policy modifies the minimum undesignated cash reserve calculation from 10-12% of the current year's operating budget to six (6) months' worth of operating expenditures (calculated as fifty percent (50%) of total annual expenditures within the operating budget), plus the next fiscal year's debt payment (principal and interest).

For reference, the calculation based on Fiscal Year 2025 (the most recent fiscal year with a completed audit) would result in the following minimum reserve amounts*:

CURRENT POLICY

\$1,010,619

PROPOSED POLICY*

\$4,021,564

*Note that under the current policy value, the Sewer Utility typically "reassigned" excess cash to the capital account. With the new policy, it is anticipated that a majority of the Utility's reserves will be allocated within the Capital Account Balances (\$11,519,314 as of December 31, 2025).

Therefore, the Sewer Utility will need to manage capital expenditures in future years to ensure the minimum reserve amount is always met.

Recommendation

A recommendation is forthcoming from the Sewer Utility District Commission on August 12, 2026.

Attachments:

Financial Policy Statement 3: Reserve Requirements, Financial Policy Statement 20: Sewer Utility Reserve Requirements

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION - 4305

RESOLUTION 4305 - A Resolution Amending City of Mequon Financial Policy Statement 3:
Reserve Requirements and Establishing Policy Statement 20: Sewer Utility Reserve
Requirements

RECITALS

A. In 2018, the Common Council adopted a comprehensive set of financial policies as an essential component to communicating the financial objectives that guide the City's financial operations.

B. Subsequently, City staff has amended Policy Statement 3: Reserve Requirements to eliminate references to the Sewer Utility and revert to the previous version of the policy.

C. City staff proposes the creation of Policy Statement 20: Sewer Utility Reserve Requirements, amending the calculation of the minimum reserve amount.

D. The Sewer Utility District Commission, having reviewed the attached financial policy documents, recommends to the Common Council that the policy contained herein be amended.

E. The adoption of the policy follows a recommendation that the reserve amount be calculated based upon 6 months of the operating budget, plus the next fiscal year's debt payment.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin, that:

1. City of Mequon Financial Policy Statement 3: Reserve Requirements, as amended in the form attached, is adopted.
2. Policy Statement 20: Sewer Utility Reserve Requirements is created and adopted.
3. Both policies are implemented for use until further amended.

Approved by: Andrew Nerbun, Mayor

Date Approved: August 12, 2026

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on August 12, 2026.

Caroline Fochs, City Clerk

POLICY STATEMENT 3 RESERVE REQUIREMENTS

In order for the organization to be able to respond to unforeseen situations, as well as to positively impact the investment credit rating of the City, the City ~~and the Sewer Utility~~ will strive to maintain an undesignated General Fund Balance ~~or Undesignated Cash Reserve~~ of between ten (10) and twelve (12) percent of the current year's General Fund ~~or Sewer Utility~~ Operating Budget. Funds in excess of ten percent may, at the Common Council's discretion, be appropriated as follows:

- One-time capital improvements/projects;
- Debt abatement or defeasance;
- Other investments/programs that enhance efficiencies or reduce operating costs;
- Property tax reduction.

Process Overview:

Changes in fund balances occur primarily in one of two ways, either through net surpluses or deficits in the annual operating budgets, or through planned use of the fund balance as part of the annual budgeting process.

To provide the Common Council with the information necessary to be able to determine if the General Fund Balance ~~or Undesignated Cash Reserve~~ will be at the targeted level, the City Administrator will present information to the Common Council on current fund balances as a part of the annual budgeting process. Included in this presentation will also be staff's projections on any current year budget surpluses or deficits, and a five-year history of General Fund ~~and other Undesignated Cash Reserve~~ Balances.

POLICY STATEMENT 20

SEWER UTILITY RESERVE REQUIREMENTS

In order for the organization to be able to respond to unforeseen situations the Sewer Utility will strive to maintain an Undesignated Cash Reserve balance equivalent to six (6) months' worth of operating expenditures (calculated as fifty percent (50%) of the total annual expenditures within the operating budget), plus the next fiscal year's debt payment (Principal plus Interest).

For purposes of calculating the reserve amount, the Sewer operating budget is defined to include:

- Salaries (70)
- Fringe Benefits (73)
- Other Staff Costs (75)
- Administrative & General Expenses (76)
- Materials & Supplies (80)
- Purchased Services (83)
- Equipment/Leases (88)
- Power/Fuel (695102)
- System Rehabilitation (695103)
- TV Equipment (695104)
- System Repairs (695105)
- Sewage Operation & Maintenance (695108)
- Transportation (695111)
- Equipment Replacement (695114)
- Depreciation (696101)

Excess Sewer reserves may be reallocated upon completion of the fiscal year audit. Funds eligible for reallocation shall be restricted to the excess Sewer reserves calculated at the conclusion of the fiscal year audit. Projected reserves from the current/future fiscal years shall be held until the conclusion of that fiscal year's audit.

Funds in excess of the minimum reserve requirement may, at the Common Council's discretion, be appropriated as follows:

- One-time capital improvements/projects;
- Debt abatement or defeasance;
- Other investments/programs that enhance efficiencies or reduce operating costs;
- Property tax reduction.

Process Overview:

Changes in fund balances occur primarily in one of two ways, either through net surpluses or deficits in the annual operating budgets, or through planned use of the fund balance as part of the annual budgeting process.

To provide the Common Council with the information necessary to be able to determine if the Undesignated Cash Reserve will be at the targeted level, the Finance Department will present

information to the Common Council on current fund balances as a part of the annual budgeting process. Included in this presentation will also be staff's projections on any current year budget surpluses or deficits, and a five-year history of Undesignated Cash Reserve Balances.



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City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: August 12, 2026
SUBJECT: Closed Session Regarding Guerrero v. Mequon

Background

The Common Council may enter into closed session pursuant to Wis. Stat. § 19.85(1)(g) for the purposes of conferring 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. This section would allow the Council to enter into closed session for the purpose of conferring with legal counsel with respect to the litigation that has been commenced against the City.

Recommendation

Should the Council decide that it wishes to enter closed session, a motion to enter closed session pursuant to Wis. Stat. § 19.85(1)(g) for the purposes of conferring 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.

Attachments:
Complaint