



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

www.ci.mequon.wi.us

Office of the City Clerk
Taped and Televised

**Common Council
Tuesday, January 10, 2023 - 7:30 PM
or Immediately Following the
Sewer Utility District Commission Meeting
Christine Nuernberg Hall**

Agenda

- 1) Call to Order**
- 2) Pledge of Allegiance**
- 3) Roll Call**
- 4) Public Hearing:**
 - a) **ORDINANCE 2022-1636** - An Ordinance Amending a Planned Unit Development (PUD) to Allow a Total of 10 Units for the Property Located Directly West of 11649 N. Port Washington Road; **Recommended by Planning Commission November 21, 2022; First Reading at Common Council December 13, 2022.**
 - 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) Common Council meeting minutes of December 13, 2022
 - b) Architectural Board meeting minutes of November 14, 2022
 - c) Board of Appeals meeting minutes of June 2, 2022

- d) Finance-Personnel Committee meeting minutes of November 9, 2022
- e) Joint Mequon-Thiensville Bike and Pedestrian Way Commission meeting minutes of November 10, 2022
- f) Mequon Municipal Water Utility Commission meeting minutes of October 27, 2022
- g) Public Safety Committee meeting minutes of October 11, 2022
- h) Public Welfare Committee meeting minutes of November 9, 2022
- i) Public Works Committee meeting minutes of October 26, 2022
- j) Sewer Utility District Commission meeting minutes of November 9, 2022
- k) Zoning Enforcement and Site Compliance Report through January 1, 2023
- l) **RESOLUTION 4007** - A Resolution Approving a Development Agreement for an 11-Lot Subdivision Upon the Property Located at 10766 North Torrey Drive; **Recommended by Planning Commission December 12, 2022.**
- m) 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 2023-1638** - An Ordinance Amending Chapter 2 of the Mequon Municipal Code Related to Electronic Attendance at City Meetings; **Recommended by Public Welfare December 13, 2022; First Reading.**
- 2) **ORDINANCE 2023-1639** - An Ordinance Amending Chapter 50 and Section 46-133 of the Mequon Municipal Code, Relating to Nuisances Within the City Including Noise; **Recommendation Forthcoming by Public Welfare Committee January 10, 2023; First Reading.**

8) Ordinances:

- a) **ORDINANCE 2022-1633** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Establishing Banquet Facilities as Conditional Uses in the B-2 (Community Commercial), TC (Town Center) and AC (Arrival Corridor) Zoning Districts, and Conference Centers as Conditional Uses in the B-2 (Community Commercial), B4 (Business Park) and Ulao Creek Mixed-Use Zoning Districts; **Recommended by Planning Commission October 17, 2022; First Reading at Common Council November 9, 2022; Public Hearing at Common Council December 13, 2022; Tabled at Common Council December 13, 2022; Recommendation Forthcoming by Committee of the Whole January 10, 2023.**
- b) **ORDINANCE 2022-1637** - An Ordinance Amending Chapter 2 of the Mequon Municipal Code, in Connection with Eliminating the Position of Emergency Dispatcher; **Recommended by Finance-Personnel Committee December 13, 2022; First Reading at Common Council December 13, 2022.**

9) Resolutions:

- a) **RESOLUTION 4008** - A Resolution Authorizing a Transfer of \$36,661 from the Information Technology Division's 2022 Budget to the Division's Capital Account, in Connection with the Completion of Planned City Network Upgrades in 2023; **Recommendation Forthcoming by Finance-Personnel Committee January 10, 2023.**
- b) **RESOLUTION 4009** - A Resolution Approving the Purchase of Two Portable Back-Up Pumps and Appurtenances from Wisconsin Pump Works of Green Bay, Wisconsin, in the Amount of \$149,319; **Recommendation Forthcoming by Sewer Utility District Commission January 10, 2023.**

10) Specified Unfinished Business From Prior Meetings: None.

11) Specified New Business: None.

12) Potential Closed Sessions:

- a) Potential Claim Against the Mequon Police Department: The Common Council may convene into closed session pursuant to Wis. Stat. §19.85(1)(g) for the purpose 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, and then may reconvene into open session to take such action as deemed appropriate.
- b) Battalion Chief Vacancy: The Common Council may convene into closed session pursuant to Wis. Stat. § 19.85(1)(c) for the purpose of considering the employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, and then may reconvene into open session to take such action as deemed appropriate.

13) Adjourn

Dated: January 5, 2023 _____/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



11333 N. Cedarburg Road
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www.ci.mequon.wi.us

Office of Community Development

TO: Common Council
FROM: Kim Tollefson, Director of Community Development
DATE: December 13, 2022
SUBJECT: ORDINANCE 2022-1636 An Ordinance Amending a Planned Unit Development (PUD) to Allow a Total of 10 Units for the Property Located Directly West of 11649 N. Port Washington Road

Background

The applicant is seeking a rezoning approval (PUD Amendment) for the property located immediately west of 11649 N. Port Washington Road. The overall development contains two multi-tenant buildings as part of Phase I and Phase II of the Lexington Square Office development, as well as Phase III, which was approved for eight residential units (see attached Ord. 95-257A and 2018-1518). The current request is to increase the total number of residential units from eight to ten. According to the R-6 Zoning District, eleven residential units are permitted based on the lot size. The current request also includes a proposed storage structure that will contain equipment used to maintain the site.

Analysis

The concept plan shows a total of five buildings with two units in each building on the proposed 2.82-acre lot. The proposed 10-unit concept plan meets the density requirement of the R-6 District, which allows up to four units per acre and the overall open space requirement of 34.7% for the development, as required by the existing PUD (2018-1518). The concept plan complies with all setback and offset requirements dictated in the R-6 Zoning District and within the existing PUD.

The concept plan shows only one access on the north end of the parcel off Eastbrook Drive for Buildings 1 and 2, due to the proximity of the Aster Woods Circle intersection. This is a change from the previously approved plan, which allowed for two access points. There is a line of existing trees along the north end of the property that will be impacted by the new driveway. Staff will work with the applicant to determine if an alternative configuration can be achieved at this location that will mitigate impact to the trees, prior to preliminary plat and site plan approval. If a viable alternative cannot be achieved, staff will require replacement trees to screen the driveway. The shared driveway for Buildings 3-5 is located on the south end of the parcel off of West Eastbrook Drive. As required in the previous approval, the applicant will be required to shift the entrance to the south to avoid conflict with the existing median.

The current request also seeks to reduce the separation between buildings from 30 feet to 15 feet. The 30-foot requirement was required primarily for fire protection and was established prior to

obtaining accessibility to City water. The City's Building Code requires a minimum 10-foot separation for two-unit buildings without the need of fire-rated construction. Staff is supportive of the requested modification.

Fiscal Impact

The estimated project value is \$5,000,000, resulting in estimated annual tax revenue of \$70,000.

Recommendation

The Planning Commission recommended approval of the proposed ordinance amendment on November 21, 2022, by a vote of 8-0.

Attachments:

Exhibit A: Ord #95-857A (PDF)
Exhibit B: Ord # 2018-1518 (DOC)
Exhibit C: Zoning Map (PDF)
Exhibit D: Concept Plans (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2022-1636

An Ordinance Amending a Planned Unit Development (PUD) to Allow a Total of 10 Units for the Property Located Directly West of 11649 N. Port Washington Road

RECITALS

A. Section 62.23 of the Wisconsin Statutes grants the City broad legislative authority to regulate the development of land through zoning.

B. The Common Council previously granted a conditional use permit for an adjacent property and the owner wishes to amend the conditional use to add the subject parcels.

C. The Planning Commission by majority vote, adopted a recommendation to approve the rezoning request on the 21st day of November 2022.

D. Following a public hearing on January 10, 2023, and based upon the information provided by the applicant, the Common Council desires to rezone the subject property by amending the conditional use permit.

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

SECTION I

Following recommendation of the Planning Commission on the 21st day of November 2022, and after due notice and hearing by the Common Council of the City of Mequon on the 10th day of January 2023, Ordinance #95-257A and Ordinance 2018-1518, which created a planned unit development zoning overlay, are hereby amended as follows:

Item #3 is amended to read: Phase III of this development shall allow for the development of ten (10) residential plex units.

Item #7 shall read: The residential development shall comply with the following conditions:

1. There shall be one driveway on the north side of the property to accommodate the four units in the north building.
2. The south access shall be moved further south to eliminate a safety concern with traffic coming from an existing median located on West Eastbrook Drive.
3. Common Council action on the rezoning and Land Use Plan amendment.
4. Lot 1 and Lot 2 shall meet an open space ratio of 34.7% and FAR of 30%.
5. The applicant shall make any technical corrections to the final CSM.

6. The entire property is subject to the City of Mequon Tree Preservation Ordinance.
7. Final staff review and approval of CSM.
8. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2000 dwg or dxf in Wisconsin State Plane Coordinate system. South Zone (NAD 27).
9. Final review and approval of site and architectural design by the Planning Commission.
10. Compliance with all requirements of the R-6 Zoning District, and setback waivers granted by the Planning Commission on March 12, 2018, which allows for a 30-foot front setback.
11. Final Condominium Plat approval by the Planning Commission and Common Council.
12. A total of five buildings (2 units for each building) are permitted.
13. There shall be no less than 15 feet separation between buildings.
14. Architectural design of residential buildings shall comply with the Architectural Review Board's "Guidelines for Residential Structures".
15. Any substantial change to the general concept plans illustrated in the attached exhibits shall require the review and approval of the Planning Commission.
16. Engineering Division review and approval of grading, drainage, sanitary sewer, water main, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
17. Approval of a stormwater management plan for the site in conformance to City ordinances, WDNR and MMSD Chapter 13, including execution of a Storm Water Facilities Maintenance and Easement Agreement.
18. The south access point shall be approximately 50 feet south of the existing Eastbrook median.
19. Connection to the City sanitary sewer is required. Water connection shall adhere to the Mequon Water Utility Water Connection Policy.
20. Application for and approval of a City Filling and Excavating Permit.
21. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
22. As a condition of approval and issuance of the permit, the City Engineer will require in accordance with City Ordinance 58-677(b) that the applicant deposit an escrow or letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions. The escrow/letter of credit shall be in an amount equal to 125% of the estimated cost of construction and maintenance of the stormwater management practices and the City will release the portion of the Financial Guarantee less any costs incurred by the City to complete installation of practices, upon submission of a certification in accordance with 58-678(h).

SECTION II

The terms and provision 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 ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION IV

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

Approved by: Andrew Nerbun, Mayor

Date Approved: January 10, 2023

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on January 10, 2023.

Caroline Fochs, City Clerk

Published: _____

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE NO. 95-857A

To amend the map portion of the "Development Ordinance of the City of Mequon" (i.e., Chapter 3) and the zoning with respect to a 16.7 acre site identified as Parcel 1 of Certified Survey Map #1989 (located adjacent to the Eastbrook Estate Condominiums).

WHEREAS since 1993, the development of the subject parcel has been exhaustively reviewed and modified by the property owner to accommodate the ideas and preferences expressed by City planning staff and officials, and refined to decrease the density of use and overall size of the project, and to serve the spirit of zoning standards imposed after the inception of this proposed development plan, and architecturally to more fully harmonize with the surrounding neighborhood and adjacent residential area than such previously proposed plan, and

The current proposal, embodies the attributes of coordinated area site planning which is central to Planned Unit Development districts, in that:

it provides for diversified location of structures thereon, providing an efficient use of development area, yet allowing the enhancement of green space from pre-1993 levels dating back to the inception of this project in 1987;

it provides for efficiency and economy of design and implementation of improvements such as transmission facilities, drainage, water and sewer systems, and private roadways and driveways;

it maintains the spirit of land use density, technical zoning standards, and uses as set forth in the underlying zoning district, and as may be flexibly tailored in accordance with the Planned Unit Development and Conditional Use provisions of the Mequon Code of Ordinances;

NOW THEREFORE, THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION I. Following review and consideration by the Planning Commission on December 4, 1995, and after due notice and hearing by the Common Council of the City of Mequon on the 12th day of December, 1995, the City of Mequon district zoning map is hereby amended to entirely rezone Parcel 1 of certified survey map #1989 [See Exhibit A] as B-3 (LTD)(PUD) (i.e., Office and Service District, limited use retail, planned unit development) in accordance with attached Exhibits A through J, and subject to the following:

1. The LTD District and its uses shall be allowed only on the first floors of buildings identified as Phases I and II.
2. No LTD District conditional use customer access and/or signage shall be allowed along the south building elevation of Phase I.
3. There shall be no retail uses, including B-3 District retail uses, allowed in Phase III of this development.
4. Hours of operation for Limited Use District (LTD) retail uses shall be in accordance with the Limited Use District regulations except that Sunday hours of operation shall be allowed from 9:00 a.m. to 5:00 p.m., with a maximum of five (5) hours for any one use.
5. Final architectural, landscaping, lighting, and signage plans per Exhibits: B, C, D, E, F, G, H, I, and J, appended hereto shall be deemed approved by this Common Council action. Grading, drainage, erosion control, and other engineering plans are subject to Engineering Department approval.
6. Construction of all phases of this development shall be completed within 70 months of the effective date of this ordinance, or the developer must reapply for development approval for any portion which is incomplete, and shall be subject to contemporary zoning standards for any such remaining incomplete portion. Completion shall be deemed to have occurred as to each building when a permit for its occupancy shall have been issued. Any contiguous time period of more than thirty days during which circumstances beyond the control and not the fault of the developer shall halt construction or preparation therefore, shall not be counted against the 70 month time period.

SECTION II. To the extent that any existing ordinance contravenes any of the terms of this ordinance, this ordinance shall be controlling.

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

Approved: _____ returned without
James J. Moriarty signature

Date Approved: _____

This is to certify that the foregoing ordinance was adopted by the Common Council of the City of Mequon, Wisconsin at a meeting held on the 12 day of Dec., 1995.

Published: 12/28/95

Republished 1/18/96

*idea to Advertising
at Mequon*

Louise M. Rzenkowski
Louise M. Rzenkowski, City Clerk

0958576/03FC12-20-95)

Attachment: Exhibit A: Ord #95-857A (ORDINANCE 2022-1636 : East Brook PUD Amendment)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2018-1518

An Ordinance Amending the City Zoning Code to Rezone the Property Located at 11649 N. Port Washington Road from B-3 (Office), LTD (Limited Use Overlay) & PUD (Planned Unit Development) to R-6 (Suburban Residential Attached), B-3 (Office), LTD (Limited Use Overlay) & PUD (Planned Unit Development), and Amending the City Land Use Plan from Office to Residential Plex & Office

SECTION I:

Following recommendation of the Planning Commission on the 12th day of March, 2018, and after due notice and hearing by the Common Council of the City of Mequon on the 8th day of May, 2018, Ordinance #95-257A, which created a planned unit development zoning overlay is hereby amended as follows:

Item #3 shall be amended and now read Phase III of this development shall allow for the development of eight (8) residential plex units.

Item #7 shall read the residential development shall comply with the following conditions:

1. There shall be two driveways on the north side of the property to accommodate the three units in the north building.
2. The south access shall be moved further south to eliminate a safety concern with traffic coming from an existing median located on West Eastbrook Drive.
3. Common Council action on the rezoning and Land Use Plan amendment.
4. Lot 1 and Lot 2 shall meet an open space ratio of 34.7% and FAR of 30%.
5. The applicant shall make any technical corrections to the final CSM.
6. The entire property is subject to the City of Mequon Tree Preservation Ordinance.
7. Final staff review and approval of CSM.
8. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2000 dwg or dxf in Wisconsin State Plane Coordinate system. South Zone (NAD 27).
9. Final review and approval of site and architectural design by Planning Commission.
10. Compliance with all requirements of the R-6 District, with the exception of setback waivers granted by the Planning Commission.
11. Final Condominium Plat approval by Planning Commission and Common Council.
12. A total of three buildings (3 units per building for two buildings and 2 units for one building) are permitted.
13. There shall be no less than 30 feet separation between buildings.
14. Architectural design of residential buildings shall comply with the Architectural Review Board's "Guidelines for Residential Structures".
15. Any substantial change to the general concept plans illustrated in the attached exhibits shall require the review and approval of the Planning Commission.

16. Engineering Division review and approval of grading, drainage, sanitary sewer, water main, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
17. Approval of a stormwater management plan for the site in conformance to City ordinances, WDNR and MMSD Chapter 13, including execution of a Storm Water Facilities Maintenance and Easement Agreement.
18. There shall be a median aligned with the existing median at the south access. This driveway shall be stop sign controlled.
19. Connection to the City water and sanitary sewer is required.
20. Application for and approval of a City Filling and Excavating Permit.
21. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
22. The bearings on the CSM shall match the section line bearing.
23. The easements are required to be shown on the CSM including the sanitary sewer, water main, electric, storm and any access easements.
24. Proposed easement should be shown on the CSM and declaration documents recorded at the time of the CSM.
25. Engineering Division technical review and approval of the CSM is required.
26. As a condition of approval and issuance of the permit, the City Engineer will require in accordance with City ordinance 58-677(b) that the applicant deposit an escrow or letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions. The escrow/letter of credit shall be in an amount equal to 125% of the estimated cost of construction and maintenance of the stormwater management practices and the City will release the portion of the Financial Guarantee less any costs incurred by the City to complete installation of practices, upon submission of a certification in accordance with 58-678(h).

SECTION II:

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

SECTION III:

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

Approved by: Dan Abendroth, Mayor

Date Approved: May 8, 2018

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on May 8, 2018.

Caroline Fochs, City Clerk

Published: May 15, 2018

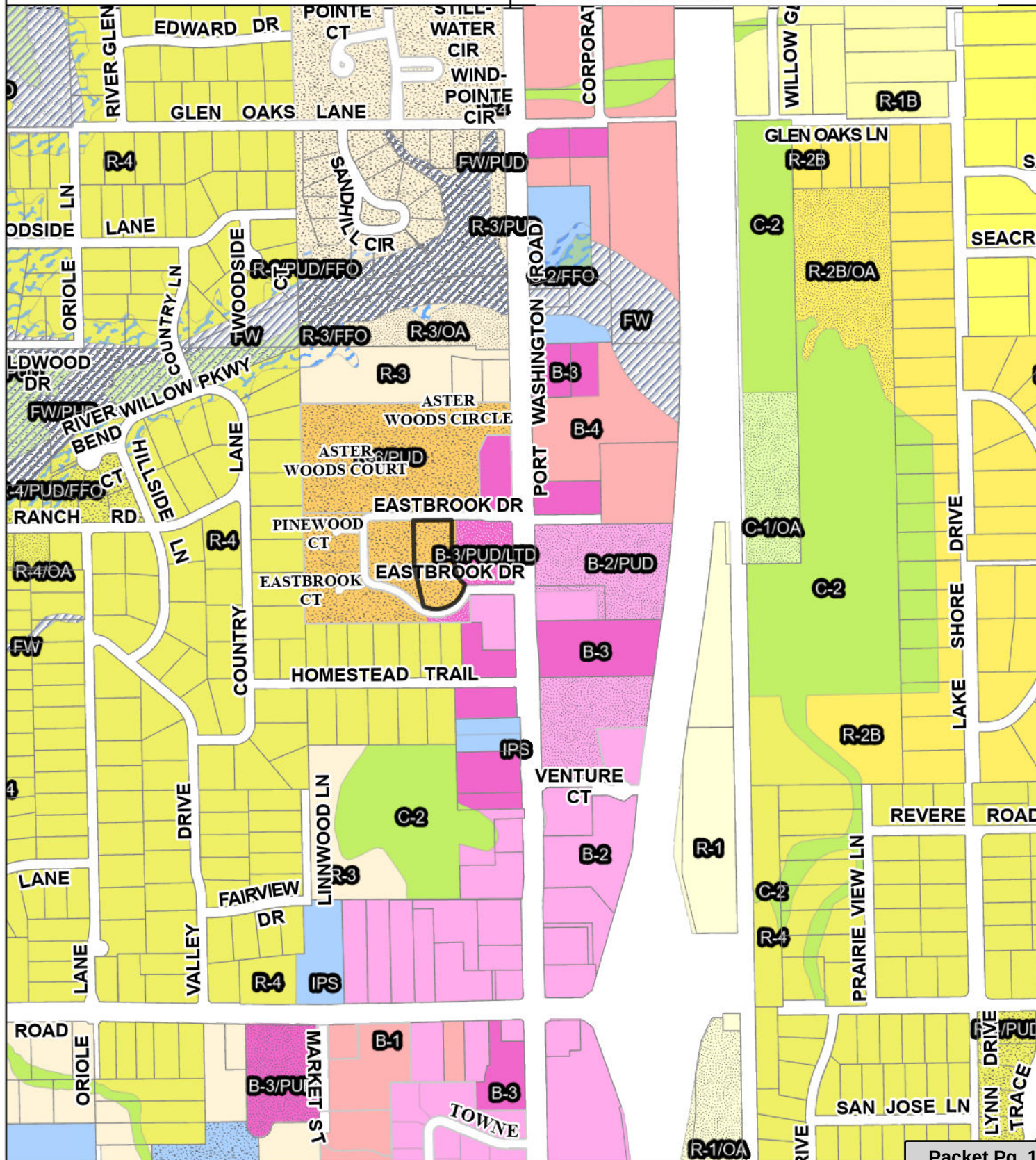
Attachment: Exhibit B: Ord # 2018-1518 (ORDINANCE 2022-1636 : East Brook PUD Amendment)

EAST BROOK DRIVE, LLC - REZONING RECOMMENDATION

AC Arrival Corridor
A-1 Agricultural Preserve
A-2 General Agricultural
B-1 Neighborhood Business
B-2 Community Business
B-3 Office & Service Business
B-4 Business Park
B-5 Light Industrial
B-6 Rural Industrial
B-7 Rural Business
C-1 Shoreland/Wetland Conservancy
C-2 General Conservancy
CGO Central Growth Overlay
FFO Flood Fringe Overlay
FW Floodway
IPS Institutional & Public Service

LTD Limited Use
NC Neighborhood Commercial
OA Agricultural Overlay
PUD Planned Unit Development Overlay
P-1 Park & Recreation
R-1 Single-Family Residential (5 Ac. Min.)
R-1B Single-Family Residential (2.5 Ac. Min.)
R-2 Single-Family Residential (2 Ac. Min.)
R-2B Single-Family Residential (1.5 Ac. Min.)
R-3 Single-Family Residential (1 Ac. Min.)
R-4 Single-Family Residential (3/4 Ac. Min.)
R-5 Single-Family Residential (1/2 Ac. Min.)
R-6 Single-Family Residential (4 DU/Ac.)
RM Multi-Family Residential
TC Town Center
TDR Transfer of Development Rights

4.a.c



Attachment: Exhibit C: Zoning Map (ORDINANCE 2022-1636 : East Brook PUD Amendment)

WEST EASTBROOK DRIVE

WEST EASTBROOK DRIVE

WEST EASTBROOK DRIVE

WEST EASTBROOK DRIVE

NORTH PORT WASHINGTON ROAD
COUNTY TRUNK HIGHWAY "W"



GRAPHICAL SCALE (FEET)

0 1" = 30' 60'

Bearings referenced to the Wisconsin State Plane Coordinate System, South Zone (NAD 1927). The east line of the Northeast 1/4 of Section 19, Township 9 North, Range 22 East has a bearing of N00°01'50"E as shown on Certified Survey Map No. 1969.

GENERAL NOTES

- Survey prepared for: 1520 LLC
- Field work completed on DECEMBER 7, 2017.
- Flood Zone Classification: The property lies with in Zone "X" of the Flood Insurance Rate Map Community Panel No. 55089C0256F with an effective date of DECEMBER 4, 2007. Zone "X" areas are determined to be outside the 0.2% annual chance floodplain.
- Vertical Datum: National Geodetic Vertical Datum of 1929 (NGVD29). Contours are shown at a 1' interval based on actual ground survey of the current ground terrain. **Reference Benchmark:** Concrete monument with brass cap at the east corner of Section 19, Town 9 North, Range 22 East, Elevation = 671.93.
- Underground utility locations shown are based on field location markings by Digger's Hotline ticket #20174806369 with a clear date of DECEMBER 4, 2017. The location and size of underground structures and utilities shown hereon have been located based on a reasonable visual observation and are shown for informational purposes only. PINNACLE ENGINEERING GROUP, LLC, does not guarantee the location of utilities shown. Contact Digger's Hotline prior to the start of any activity.
- Underground 8" Water Main on site was NOT marked in the field because it was installed without tracer wire. The 8" Water Main information as graphically shown is based, in part, upon information furnished by the municipality and utility companies. While this information is believed to be reliable, its accuracy and completeness cannot be guaranteed nor certified to.

LEGEND OF SYMBOLS & ABBREVIATIONS

	SANITARY MANHOLE		FIBER OPTIC MARKER
	STORM MANHOLE		FIBER OPTIC MANHOLE
	STORM INLET		TELEPHONE PEDESTAL
	CLEANOUT		TELEPHONE MANHOLE
	CATCH BASIN		TELEPHONE MARKER
	LATERAL		TRANSFORMER
	UNKNOWN MANHOLE		ELECTRIC METER
	WELL		ELECTRIC MANHOLE
	HYDRANT		CABLE TV RISER/BOX
	WATER VALVE		CABLE TV MANHOLE
	DOWN SPOUT		GAS VALVE
	SPRINKLER VALVE		GAS METER
	WATER SHUT OFF		GAS MARKER
	STANDPIPE		AIR CONDITIONING UNIT
	WATER MANHOLE		VENT
	FLOOD LIGHT		DIRECTIONAL ARROW
	LIGHT POLE		DUMPESTER
	TRAFFIC SIGNAL		HANDICAP STALL
	UTILITY POLE		SPOT ELEVATION
	GUY WIRE		
	SIGN	CL.	=CENTERLINE
	MAIL BOX	CONC.	=CONCRETE
	FLAG POLE	EL.	=ELEVATION
	BASKETBALL HOOP	INV.	=INVERT
	BOLLARD	MON.	=MONUMENT
	CROSS CUT	P.O.B.	=POINT OF BEGINNING
	IRON PIPE	P.O.C.	=POINT OF COMMENCEMENT
	IRON REBAR/ROD	R.O.W.	=RIGHT OF WAY
	MAG NAIL	SEC.	=SECTION
	SECTION MONUMENT	SO. FT.	=SQUARE FEET
	BENCH MARK	W.	=WITH
	CONIFER TREE	(R)	=RECORDED AS
	DECIDUOUS TREE		
	BUSH		
	WETLAND SYMBOL		
	SANITARY SEWER		
	STORM SEWER		
	WATER MAIN		
	FIBER OPTIC LINE		
	TELEPHONE LINE		
	ELECTRIC LINE		
	OVERHEAD WIRES		
	CABLE TELEVISION		
	GAS MAIN		
	WETLANDS		
	TREE LINE		
	NO ACCESS		

LOCATION: 11649 NORTH PORT WASHINGTON ROAD

LOT 2 CSM 4070, BEING A PART OF THE SE 1/4 OF THE NE 1/4
AND THE NE 1/4 OF THE SE 1/4 SEC. 19, T9N, R22E,
CITY OF MEQUON, OZAUCKEE COUNTY, WISCONSIN

REVISIONS

SHEET

5

8

12

PEG JOB No. 11649.00A

PEG PH. ASZ

DATE 09/30/22

SCALE 1"=30'

18 COPYRIGHT 2017

MASTER GRADING PLAN

PINNACLE ENGINEERING GROUP

ENGINEERING | NATURAL RESOURCES | SURVEYING

WISCONSIN OFFICE:
20725 WATERTOWN ROAD
BROOKFIELD, WI 53186
(262) 754-8888

CHICAGO | MILWAUKEE | NATIONWIDE

PLAN | DESIGN | DELIVER
www.pinnacle-engr.com



6404 West North Avenue
Milwaukee, Wisconsin 53213
(414) 291-0772 phone
www.galbraithcarnahan.com

CONSULTANTS:

MEQUON DUPLEXES
11649 NORTH PORT WASHINGTON ROAD MEQUON WI

Attachment: Exhibit D: Concept Plans (ORDINANCE 2022-1636 : East Brook PUD Amendment)

DRAWING ISSUE	DATE
ZONING CHANGE	10-10-22
SUBMITTAL	

PROJECT # 22.12

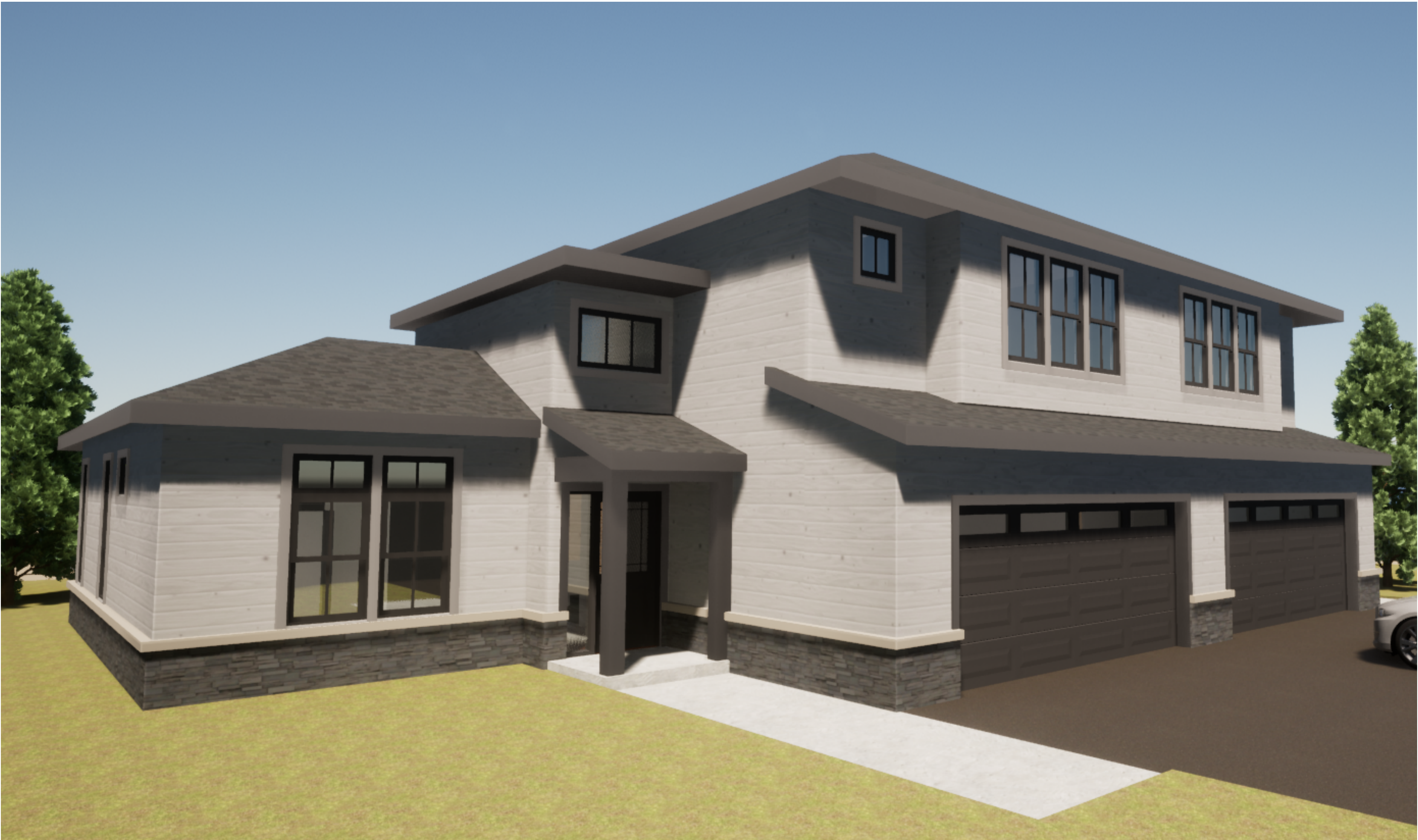
COVER SHEET,
RENDERINGS

G100

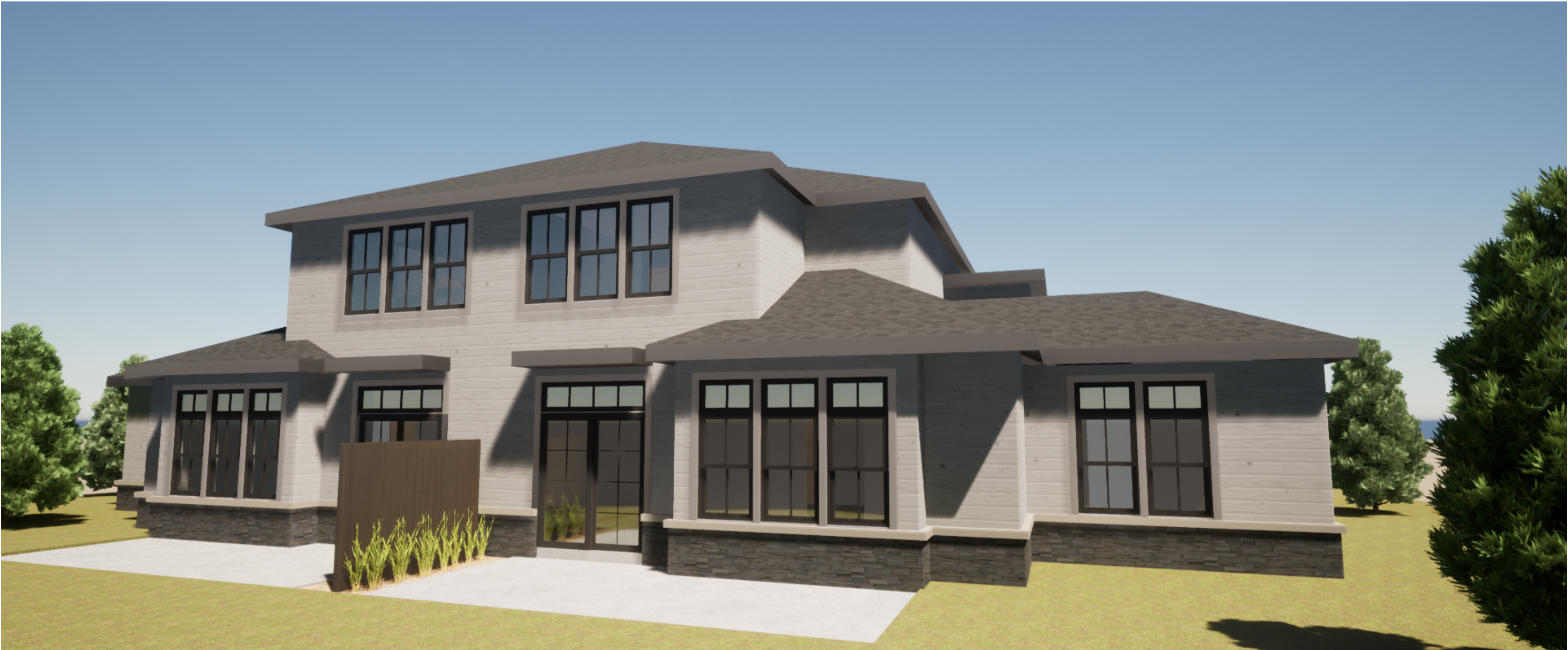
MEQUON DUPLEXES
11649 NORTH PORT WASHINGTON ROAD
MEQUON WI

SHEET INDEX

ID	NAME
G100	COVER SHEET, RENDERINGS
C100	SITE PLAN
C101	GRADING PLAN



2 FRONT VIEW
G100 SCALE: 1:1.13



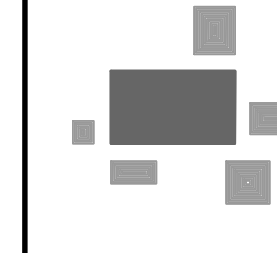
3 REAR VIEW
G100 SCALE: 1:1.56

THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF PINNACLE ENGINEERING GROUP, LLC

REVIEWED: ASZ

DESIGNED: ASZ

DRAFTED: BR



PLAN | DESIGN | DELIVER

www.pinnacle-engr.com

PINNACLE ENGINEERING GROUP

ENGINEERING | NATURAL RESOURCES | SURVEYING

WISCONSIN OFFICE:
20725 WATERTOWN ROAD
BROOKFIELD, WI 53186
(262) 754-8888

CHICAGO | MILWAUKEE | NATIONWIDE

LEGAL DESCRIPTION:

Lot Two (2) of Certified Survey Map No. 4070, recorded October 17, 2019 as Document No. 1084344, being a part of Parcel 1 of Certified Survey Map No. 1989, located in the Southeast 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 19, Township 9 North, Range 22 East, City of Mequon, Ozaukee County, Wisconsin.

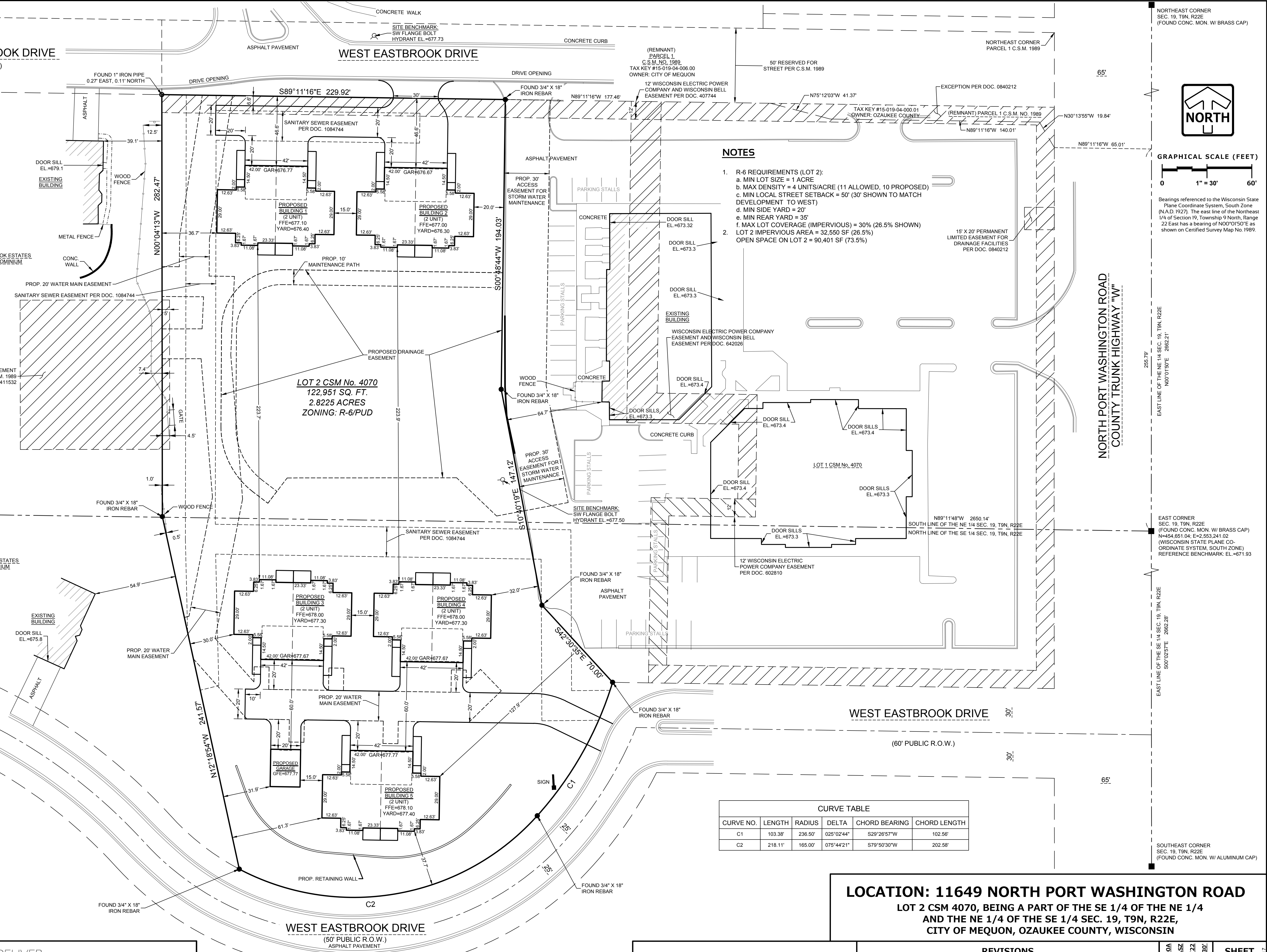
Tax Key Number: 15-019-04-012.00

GENERAL NOTES

- Survey prepared for: 1520 LLC
- Field work completed on DECEMBER 7, 2017.
- Flood Zone Classification: The property lies with in Zone "X" of the Flood Insurance Rate Map Community Panel No. 55089C0256F with an effective date of DECEMBER 4, 2007. Zone "X" areas are determined to be outside the 0.2% annual chance floodplain.
- Vertical Datum: National Geodetic Vertical Datum of 1929 (NGVD29). Contours are shown at a 1' interval based on actual ground survey of the current ground terrain. Reference Benchmark: Concrete monument with brass cap at the east corner of Section 19, Town 9 North, Range 22 East, Elevation = 671.93.
- Underground utility locations shown are based on field location markings by Digger's Hotline ticket #20174806369 with a clear date of DECEMBER 4, 2017. The location and size of underground structures and utilities shown hereon have been located based on a reasonable visual observation and are shown for informational purposes only. PINNACLE ENGINEERING GROUP, LLC, does not guarantee the location of utilities shown. Contact Digger's Hotline prior to the start of any activity.
- Underground 8" Water Main on site was NOT marked in the field because it was installed without tracer wire. The 8" Water Main information as graphically shown is based, in part, upon information furnished by the municipality and utility companies. While this information is believed to be reliable, its accuracy and completeness cannot be guaranteed nor certified to.

LEGEND OF SYMBOLS & ABBREVIATIONS

	SANITARY MANHOLE		FIBER OPTIC MARKER
	STORM MANHOLE		FIBER OPTIC MANHOLE
	STORM INLET		TELEPHONE PEDESTAL
	CLEANOUT		TELEPHONE MANHOLE
	CATCH BASIN		TELEPHONE MARKER
	LATERAL		TRANSFORMER
	UNKNOWN MANHOLE		ELECTRIC METER
	WELL		ELECTRIC MANHOLE
	HYDRANT		CABLE TV RISER/BOX
	WATER VALVE		CABLE TV MANHOLE
	DOWN SPOUT		GAS VALVE
	SPRINKLER VALVE		GAS METER
	WATER SHUT OFF		GAS MARKER
	STANDPIPE		AIR CONDITIONING UNIT
	WATER MANHOLE		VENT
	FLOOD LIGHT		DIRECTIONAL ARROW
	LIGHT POLE		DUMPSTER
	TRAFFIC SIGNAL		HANDICAP STALL
	UTILITY POLE		SPOT ELEVATION
	GUY WIRE		
	SIGN	CL.	=CENTERLINE
	MAIL BOX	CONC.	=CONCRETE
	FLAG POLE	EL.	=ELEVATION
	BASKETBALL HOOP	INV.	=INVERT
	BOLLARD	MON.	=MONUMENT
	CROSS CUT	P.O.B.	=POINT OF BEGINNING
	IRON PIPE	P.O.C.	=POINT OF COMMENCEMENT
	IRON REBAR/ROD	R.O.W.	=RIGHT OF WAY
	MAG NAIL	SEC.	=SECTION
	SECTION MONUMENT	SQ. FT.	=SQUARE FEET
	BENCHMARK	W/	=WITH
	CONIFER TREE	(R)	=RECORDED AS
	DECIDUOUS TREE		
	BUSH		
	WETLAND SYMBOL		
	SANITARY SEWER		
	STORM SEWER		
	WATER MAIN		
	FIBER OPTIC LINE		
	TELEPHONE LINE		
	ELECTRIC LINE		
	OVERHEAD WIRES		
	CABLE TELEVISION		
	GAS MAIN		
	WETLANDS		
	TREE LINE		
	NO ACCESS		



- NOTES**
- R-6 REQUIREMENTS (LOT 2):
 - MIN LOT SIZE = 1 ACRE
 - MAX DENSITY = 4 UNITS/ACRE (11 ALLOWED, 10 PROPOSED)
 - MIN LOCAL STREET SETBACK = 50' (30' SHOWN TO MATCH DEVELOPMENT TO WEST)
 - MIN SIDE YARD = 20'
 - MIN REAR YARD = 35'
 - MAX LOT COVERAGE (IMPERVIOUS) = 30% (26.5% SHOWN)
 - LOT 2 IMPERVIOUS AREA = 32,550 SF (26.5%)
OPEN SPACE ON LOT 2 = 90,401 SF (73.5%)

LOCATION: 11649 NORTH PORT WASHINGTON ROAD
LOT 2 CSM 4070, BEING A PART OF THE SE 1/4 OF THE NE 1/4
AND THE NE 1/4 OF THE SE 1/4 SEC. 19, T9N, R22E,
CITY OF MEQUON, OZAUCKE COUNTY, WISCONSIN

PROPOSED SITE PLAN

REVISIONS

PEG JOB No. **1163.00A**

PEG PH. **ASZ**

DATE **09/30/22**

SCALE **1"=30'**

SHEET **4** OF **12**

9. COPYRIGHT 2017

PROPOSED SITE PLAN

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Attachment: Exhibit D: Concept Plans (ORDINANCE 2022-1636 : East Brook PUD Amendment)

PROPOSED SITE PLAN



draft

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

www.ci.mequon.wi.us

Office of the City Clerk
Taped and Televised

**COMMON COUNCIL
Regular Meeting
Tuesday, December 13, 2022 - 7:30 PM
or Immediately Following the
Sewer Utility District Commission Meeting
Christine Nuernberg Hall**

Minutes

1) Call to Order

Mayor Nerbun called the meeting to order at 7:52 PM.

2) Pledge of Allegiance

3) Roll Call

Present:

Mayor Andrew Nerbun
Alderman Robert Strzelczyk
Alderman Glenn Bushee
Alderman Dale Mayr
Alderman Jeffrey Hansher
Alderman Mark Gierl
Alderman Brian Parrish
Alderman Kathleen Schneider
Alderman Vacant Seat - Absent

Also present: City Administrator Jones, City Attorney Sajdak, City Clerk Fochs, Community Development Director Tollefson, Engineering and Public Works Director Lundeen, Finance Director Engroff, Police Chief Pryor, Fire Chief Bialk, press and interested public.

4) Public Hearing:

- a) **ORDINANCE 2022-1633** – An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Establishing Banquet Facilities as Conditional Uses in the B-2 (Community Commercial), TC (Town Center), and AC (Arrival Corridor) Zoning Districts, and Conference Centers as Conditional Uses in the B-2 (Community Commercial), B4 (Business Park) and Ulao Creek Mixed-Use Zoning Districts.

Attachment: 12-13-22_CC draft minutes (8022 : Common Council meeting minutes of December 13, 2022)

1) Public hearing

Motion to open the public hearing for **ORDINANCE 2022-1633**.

RESULT: **Approved by Voice Acclamation [7-1]**
MOVED BY: Alderman Hansher
SECONDED BY: Alderman Schneider

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO: Vacant Seat

Motion to close the public hearing for **ORDINANCE 2022-1633**.

RESULT: **Approved by Voice Acclamation [7-1]**
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Hansher

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO: Vacant Seat

2) Consideration of ordinance

ORDINANCE 2022-1633 An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Establishing Banquet Facilities as Conditional Uses in the B-2 (Community Commercial), TC (Town Center) and AC (Arrival Corridor) Zoning Districts, and Conference Centers as Conditional Uses in the B-2 (Community Commercial), B4 (Business Park) and Ulao Creek Mixed-Use Zoning Districts.

Discussion ensued on distinctions between banquet facilities and convention centers and how the ordinance would apply and quality and design standards expected from future business owners. Mayor Nerbun announced that this ordinance will need to be tabled because our code dictates that text amendments like this require a subcommittee beyond Planning Commission to weigh in. Therefore, it will go before the Committee of the Whole in January 2023.

Motion to table **ORDINANCE 2022-1633**.

RESULT: **Approved by Voice Acclamation [7-1]**
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Schneider

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO: Vacant Seat

5) Personal Appearances and Public Comment: None.

6) Public Officials' Reports:

- a) Mayor: Mayor Nerbun thanked the Festivals Committee who organized a successful and well-attended Winter Wonderland that was held a couple days prior in front of City Hall.
- b) City Administrator: City Administrator Jones announced that the recent Public Safety merger of the Emergency Dispatch Services with Ozaukee County and the establishment of the Southern Ozaukee Fire and Emergency Medical Services Department (SOFD) will both become effective January 1, 2023. He thanked and publicly acknowledged all the men and women who have served Mequon as dispatchers who will either be moving on to new positions either for Ozaukee County or at the Police Department. Likewise, he also thanked the past and present members of the Mequon Fire Department for their service since 1933. The City looks forward to a continuation of their proud traditions established in both Mequon and Thiensville.

City Clerk Fochs announced that the Special Election to appoint an Alderperson for District 8 will occur on Tuesday, January 10, 2023. Only the residents living in Wards 19 and 20 will participate. In-person absentee voting will be held in the Clerk's Office from December 27th through Friday January 6th. On election day, residents of Wards 19 and 20 should report to their normal voting location, Range Line Community Center - Conference Room between the hours of 7:00 am and 8:00 pm.

7) Consent Agenda:

- a) Common Council meeting minutes of November 9, 2022.
- b) Architectural Board meeting minutes of October 10, 2022.
- c) Economic Development Board meeting minutes of October 25, 2022.
- d) Festivals Committee meeting minutes of October 19, 2022.
- e) Finance-Personnel Committee meeting minutes of October 11, 2022.
- f) Joint Mequon-Thiensville Bike and Pedestrian Way Commission meeting minutes of October 13, 2022.
- g) Planning Commission meeting minutes of October 17, 2022.
- h) Public Welfare Committee meeting minutes of October 11, 2022.
- i) Sewer Utility District Commission meeting minutes of October 27, 2022.
- j) Zoning Enforcement and Site Compliance Report through December 1, 2022.
- k) **RESOLUTION 3999** - A Resolution Approving an Amendment to the Agreement Between the City of Milwaukee and the City of Mequon for the Purchase of Water at Wholesale, Concerning the Relocation of a Second Water Connection Point from Granville and County Line Roads to Swan and County Line Roads.
- l) 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 2022-1636** - An Ordinance Amending a Planned Unit Development (PUD) to Allow a Total of 10 Units for the Property Located Directly West of 11649 N. Port Washington Road.

RESULT: First Reading

- 2) **ORDINANCE 2022-1637** - An Ordinance Amending Chapter 2 of the Mequon Municipal Code, in Connection with the Elimination of the Position of Emergency Dispatcher.

RESULT: First Reading

Motion to approve the Consent Agenda, Items A-K including **RESOLUTION 3999**.

RESULT: Approved by Voice Acclamation [7-1]

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Hansher

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

8) **Ordinances:** None.

9) **Resolutions:**

- a) **RESOLUTION 4000** - A Resolution Approving a Three-Year Agreement for City Maintenance and Assessing Services with Assessment Technologies of Wisconsin LLC, Menomonee Falls, Wisconsin, in the Amount of \$480,000, and the Commensurate Re-Appointment of Michael L. Grotta as Statutory City Assessor through December 31, 2025.

RESULT: Approved by Roll Call Vote [7-1]

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Parrish

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

- b) **RESOLUTION 4001** - A Resolution Approving a Proposal from R&R Insurance for Provision of the City of Mequon's Insurance Program for Fiscal Year 2023 in the Amount of \$369,541.

RESULT: Approved by Roll Call Vote [7-1]

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Bushee

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

- c) **RESOLUTION 4002** - A Resolution Approving a Contract for General Legal Services with Wesolowski, Reidenbach & Sajdak, S.C. of Franklin, Wisconsin for the Period January 1, 2023 - December 31, 2025.

RESULT: **Approved by Roll Call Vote [7-1]**
MOVED BY: Alderman Parrish
SECONDED BY: Alderman Schneider

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

- d) **RESOLUTION 4003** - A Resolution Releasing a Septic System Deed Restriction for the Property Located at Approximately 8435 W. Highland Road (Tax Parcel No. 14-016-02-003.00).

RESULT: **Approved by Voice Acclamation [7-1]**
MOVED BY: Alderman Hansher
SECONDED BY: Alderman Mayr

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

- e) **RESOLUTION 4004** - A Resolution Approving a Vehicle Usage Agreement Between the City of Mequon, the Village of Thiensville and the Southern Ozaukee Fire & Emergency Medical Services Department for Fiscal Year 2023.

RESULT: **Approved by Roll Call Vote [7-1]**
MOVED BY: Alderman Schneider
SECONDED BY: Alderman Gierl

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

- f) **RESOLUTION 4005** - A Resolution Awarding a Contract for the Installation of Thirty-Four (34) Sanitary Sewer Building Lateral Clean-outs to Globe Contractors of Pewaukee, Wisconsin in the Amount of \$282,921.

RESULT: **Approved by Roll Call Vote [7-1]**
MOVED BY: Alderman Schneider
SECONDED BY: Alderman Mayr

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

- g) **RESOLUTION 4006** - A Resolution Awarding a Contract to Inspect the Installation of Clean-outs and the Rehabilitation of Sewer Laterals to Bloom Companies, LLC of Milwaukee, Wisconsin in the Amount of \$151,140.

RESULT:	Approved by Roll Call Vote [7-1]
MOVED BY:	Alderman Schneider
SECONDED BY:	Alderman Parrish

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO:	Vacant Seat

10) Specified Unfinished Business From Prior Meetings: None.

11) Specified New Business: None.

12) Potential Closed Sessions:

- a) **Potential Claim Against the Mequon Police Department:** The Common Council may convene into closed session pursuant to Wis. Stat. §19.85(1)(g) for the purpose 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, and then may reconvene into open session to take such action as deemed appropriate.

Motion to go into Closed Session to discuss the Potential Claim Against the Mequon Police Department at 8:12 PM.

RESULT:	Approved by Roll Call Vote [8-1]
MOVED BY:	Alderman Strzelczyk
SECONDED BY:	Alderman Gierl

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider Nerbun
DEEMED NO:	Vacant Seat

- b) **Battalion Chief Vacancy:** The Common Council may convene into closed session pursuant to Wis. Stat. § 19.85(1)(c) for the purpose of considering the employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, and then may reconvene into open session to take such action as deemed appropriate.

Motion to go into Closed Session to discuss the Battalion Chief Vacancy.

RESULT: **Approved by Roll Call Vote [8-1]**
MOVED BY: Alderman Parrish
SECONDED BY: Alderman Strzelczyk

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
DEEMED NO: Vacant Seat

13) Adjourn

Motion to adjourn at 8:45 PM.

RESULT: **Approved by Voice Acclamation [7-1]**
MOVED BY: Alderman Parrish
SECONDED BY: Alderman Gierl

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider
DEEMED NO: Vacant Seat

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk



www.ci.mequon.wi.us

11333 N. Cedarburg Road
 Mequon, Wisconsin 53092
 Phone: (262) 236-2903
 Fax: (262) 242-9819

INSPECTION DIVISION

ARCHITECTURAL BOARD MINUTES
Monday, November 14, 2022
6:00 PM
Lower-Level Conference Room
Minutes

1. Call to Order, Roll Call

Present: Chairman Scott Reed

Members at Large: Paul Apfelbach, John Mikkelson, Michael Wade,
 Curtis Helm, Janet Ehn, Anthony LaGalbo

Building Inspector: Greg Golden

2. Meeting Minutes

Minutes from the October 10, 2022, meeting were approved by District Representative Janet Ehn and seconded by District Representative Michael Wade. Minutes were approved unanimously.

Attachment: Arch Brd minutes_11-14-22 (8019 : Architectural Board meeting minutes of November 14, 2022)

3. Application Submittals:

No.	Alder. District /Time	Type of App	Owner(s) / Project Address	Contractor
1)	Dist. 1 6:00 pm	New Single-Family Residence	Jessica Roberts 10538 N. Gazebo Hill Parkway Subd: Gazebo Hill	Cont: Victory Homes of WI Arch: David Pluim
Moved to Approve: _____ Seconded by: _____ Approved: _____ Vote: _____ Conditions: CANCELED				
2)	Dist. 8 6:05 pm	Addition: Attached Garage and 4-Season Room	Joseph Miller 230 W. Highview Drive Subd: Sunset Ridge Estates	Cont: George Homes LLC Arch: Christopher Max
Moved to Tabled: <u>Mikkelson</u> Seconded by: <u>Wade</u> Approved: <u>No - Tabled</u> Vote: <u>Unanimous</u> Conditions: Tabled – Revise roof lines and resubmit. Foundation approved with a rear one-foot offset.				
3)	Dist. 8 6:15 pm	Gazebo	Tom & Wendy Gebhardt 10200 N. Aster Lane Subd: Park Place	Cont: TBD Arch: Matthew Tollefson
Moved to Table: <u>Reed</u> Seconded by: <u>Helm</u> Approved: <u>No - Tabled</u> Vote: <u>Unanimous</u> Conditions: Tabled for complete redraw to show consistency with the house. Also, it is the recommendation of the Board that the plans are approved by the Park Place Homeowner's Association before presenting before the Board again. Note: President of the Park Place Homeowner's Association was at the meeting and stated that the Association has not approved this structure and most likely would not approve it, as they have never allowed additional structures.				

Attachment: Arch Brd minutes_11-14-22 (8019 : Architectural Board meeting minutes of November 14, 2022)

4)	Dist. 1 6:25 pm	Addition: Sunroom	Jeff & Sue Knudsen 12246 N. Farmdale Road Subd: N/A	Cont: Jude Tindall Constr. Arch: Jude Tindall Constr.
----	--------------------	------------------------------	---	--

Moved to Approve: Reed
 Seconded by: Apfelbach
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted with the condition that foundation and all new material match existing.

5)	Dist. 2 6:35 pm	Addition: 3-Season Room	Robert & Sandra Woycke 12214 N. River Road Subd: N/A	Cont: Entech Builders, Inc. Arch: Highland Custom Homes
----	--------------------	------------------------------------	--	--

Moved to Approve: Apfelbach
 Seconded by: LaGalbo
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted with the condition that new windows in sunroom are changed to casement windows to be consistent with house.

6)	Dist. 3 6:45 pm	Addition: Second Floor	Adam & Katie Ott 11623 N. Solar Avenue Subd: Solar Heights	Cont: Gabor Design Build Arch: Bryan Wick
----	--------------------	-----------------------------------	--	--

Moved to Approve: Helm
 Seconded by: Wade
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted.

7)	Dist. 4 6:55 pm	Addition: Second Floor	Gail Sommerfeld 5115 W. Willow Road Subd: Little Farms	Cont: WMC-Roy Wetzel Arch: Zurn Building Products
----	--------------------	-----------------------------------	--	--

Moved to Approve: LaGalbo
 Seconded by: Apfelbach
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted with the condition that all new material match existing on the house.

8)	Dist. 5 7:05 pm	Shed	Mark Gierl 1051 W. Pioneer Road	Cont: MW Sheds
			Subd: Lake Shore Estates	Arch: MW Sheds

Moved to Approve: Mikkelson
 Seconded by: Wade
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted with the addition of a 2x2 rear gable vent. Also, before issuing building permit, Inspections Department to confirm whether this is subject to an Association (possible land division for new subdivision, per Paul Apfelbach).

Note: Letter from Christopher Brunette read at meeting (letter filed with application).

9)	Dist. 6 7:15 pm	Resubmittal: New Single-Family Residence	George Freidman 10998 N. Oriole Lane	Cont: Kingfogl Construction
			Subd: N/A	Arch: Kingfogl Construction

Moved to Approve: Reed
 Seconded by: Ehn
 Approved: Yes
 Vote: Unanimous

Conditions: Plans approved as submitted.

4. Action:

Chairman Scott Reed made a motion to adjourn the meeting.
 Vice-Chairman Paul Apfelbach seconded the motion.

A vote was taken; vote passed unanimously.

Meeting adjourned at 6:56 p.m.



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

www.ci.mequon.wi.us

Office of the City Clerk

BOARD OF APPEALS
Thursday, June 2, 2022
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Chairman Massey called the meeting to order at 6:00 PM.

Present:

Chair Kathleen Massey
Vice Chair Joseph Russell
Board Member Thomas Flanagan
Board Member Steve Helfer
Board Member Kirsten Hildebrand -- **Absent**
Board Member Ramona Larson -- **Absent**
Board Member Robert Stern -- **Absent**

Also Present: City Clerk Caroline Fochs, City Attorney Brian Sajdak, Community Development Director Kim Tollefson, press and interested public.

2) Approve meeting minutes of April 7, 2022

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Board Member Russell
SECONDED BY: Board Member Flanagan

AYES:	Massey, Russell, Flanagan
ABSTAIN:	Helfer

3) Hear evidence concerning; debate, deliberate and decide the request of:

Applicant: Lemel Homes
Owner: Greg Devorkin
Address: 13130 N. West Shoreland Drive
Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by Lemel Homes on behalf of Greg Devorkin requesting a variance from Table 58-249 R-2 Column of the City of Mequon Code of Ordinances in order to

Attachment: BOA_minutes_06-02-22 (8024 : Board of Appeals meeting minutes of June 2, 2022)

construct a new home that exceeds the required setback from local streets at 13120 N. West Shoreland Drive.

Hearing no objection, Chairman Massey opened the public hearing, stated the appeal and the process.

All parties appearing before the Board of Appeals were sworn.

Community Development Director Tollefson stated that the appellant is requesting a variance to the front yard setback in the R-2 zoning district in order to build a new dwelling. The code states the setback should be 75 feet from the ultimate right-of-way. Planning Commission recommended the variance. There are thirty-one specimen trees on the property and the appellant wants to remove five. The appellant modified their garage plans and saved one tree, so only four trees are to be removed. Planning Commission recommended removal of the four trees, however, that violates the setback code. She further stated that no homes on the subject block currently comply with the setback code except one. The City is a proponent of natural resources, and thus attempts to save clusters of trees. Hardship must be proven in order to remove trees. Staff recommends approval of the variance.

Chairman Massey read into the record Exhibit 1 which was an email from Mr. Ed Bangs, Jr. against approving the variance.

Mr. Todd DeLonge, representing Lemel Homes, stated that a lot of thought went into designing the new home to avoid the trees. The garage was pushed forward and away from the river to save more trees. The proposed plans would also allow the structure to be placed further away from other trees as well. In his opinion, approval of the variance will not affect the neighborhood negatively. Their river setback is similar to others on the river. They will be putting money into city trees. He stated the four-car garage will be needed to house boats and cars and the shed will be removed.

Motion to close the public hearing.

RESULT:	Approved by Voice Acclamation [Unanimous]
MOVED BY:	Board Member Flanagan
SECONDED BY:	Board Member Russell

AYES:	Massey, Russell, Flanagan, Helfer
--------------	-----------------------------------

Motion to open Board discussion.

RESULT:	Approved by Voice Acclamation [Unanimous]
MOVED BY:	Board Member Russell
SECONDED BY:	Board Member Flanagan

AYES:	Massey, Russell, Flanagan, Helfer
--------------	-----------------------------------

Board discussion ensued:

- Lot is the hardship.
- Only 22.5 feet of the garage will be in the setback, not the whole house.
- Granting the variance is the best solution.
- The proposed 65-foot setback for the 22.5 feet of the house exceeds the surrounding homes.
- The benefits of saving a tree is worth the “cost” of the setback.

Motion to approve the front setback of 65 feet from the ultimate right of way in order to save one tree.

RESULT:	Approved by Roll Call Vote [Unanimous]
MOVED BY:	Board Member Russell
SECONDED BY:	Board Member Flanagan

AYES:	Massey, Russell, Flanagan, Helfer
--------------	-----------------------------------

4) Adjourn

Motion to adjourn at 6:33 PM.

RESULT:	Approved by Voice Acclamation [Unanimous]
MOVED BY:	Board Member Flanagan
SECONDED BY:	Board Member Russell

AYES:	Massey, Russell, Flanagan, Helfer
--------------	-----------------------------------

Respectfully Submitted,
Kathy Andrykowski
 Deputy Clerk
Approved 12-01-22



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2941
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of the City Administrator

FINANCE-PERSONNEL COMMITTEE

Wednesday, November 9, 2022

6:45 PM

North Conference Room

Minutes

1) Call to Order, Roll Call

Present:

Mayor Andrew Nerbun
Alderman Glenn Bushee
Alderman Brian Parrish
Alderman Robert Strzelczyk

Also present: William Jones, City Administrator, Jennifer Engroff, Finance Director, Marie Keyser, Assistant to the Finance Director, Caroline Fochs, City Clerk, Matt Slowinski, Dana Investment Advisors and Johnathan Woodward, Attorney from Houseman & Feind Law Firm.

2) Approve Meeting Minutes

a. October 11, 2022 Finance-Personnel Meeting Minutes

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Parrish

AYES:	Bushee, Parrish, Strzelczyk
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3) License Applications

a. November Licenses

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Strzelczyk

AYES:	Bushee, Parrish, Strzelczyk
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4) Vouchers Paid

a. October 2022 Vouchers Paid List

Attachment: Finance-Personnel minutes_11-09-22 (8021 : Finance-Personnel Committee meeting minutes of November 9, 2022)

Alderman Parrish asked if the Fire/EMS vouchers will go away in FY 2023 and transfer to Southern Ozaukee Fire & EMS Department. Director Engroff stated there is a lag period, however they will not show on the City's voucher list sometime in Q1 2023. Alderman Bushee asked about payment to IS Corp and whether that will be ending. Administrator Jones explained there are still some payments owed, however the contract is approaching conclusion.

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Bushee

AYES: Bushee, Parrish, Strzelczyk

5) Presentation

a. 2022 YTD Investment Report as of 9/30/2022

Matt Slowinski from Dana Investment Advisors was in attendance and shared some high level information as it relates to the City's investment portfolio. Dana Investment Advisors is pleased with the portfolio and its holdings considering the low level of risk that is required for municipalities to uphold to as well as the current state of the market. The materials that Mr. Slowinski shared are included in the meeting packet.

6) Ordinances

a. **ORDINANCE 2022-1634** An Ordinance Approving Revenue and Expenditure Amendments to the City's General Fund Operating Budget for Fiscal Year 2022

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Strzelczyk

AYES: Bushee, Parrish, Strzelczyk

7) Resolutions

a. **RESOLUTION 3993** A Resolution Designating the Allocation of \$2,550,000 in Proceeds Received by the City of Mequon from the American Rescue Plan Act

Administrator Jones explained this is a road map for staff to begin planning future projects that will be spent using the American Rescue Plan Act (ARPA) money received. Official contract approvals over \$25,000 will be on future agendas for Council consideration.

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Parrish

AYES: Bushee, Parrish, Strzelczyk

b. **RESOLUTION 3994** A Resolution Adopting the 2023 Compensation Plan for Non-Represented Employees

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Strzelczyk

AYES: Bushee, Parrish, Strzelczyk

- c. **RESOLUTION 3995** A Resolution Approving an Engagement Letter for the Provision of Labor & Employment Legal Services with von Briesen & Roper, s.c., Madison, Wisconsin, During the Period January 1, 2023 - December 31, 2024

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Parrish

AYES: Bushee, Parrish, Strzelczyk

- d. **RESOLUTION 3996** A Resolution Authorizing Execution of the Fifteenth-Amended Agreement for Operation of the Mid-Moraine Municipal Court Through April 30, 2051

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Bushee

AYES: Bushee, Parrish, Strzelczyk

- e. **RESOLUTION 3997** A Resolution Approving an Agreement for Municipal Prosecution Services with Houseman & Feind LLP, Grafton, Wisconsin, for the Period December 1, 2022 - December 31, 2024

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Bushee

AYES: Bushee, Parrish, Strzelczyk

8) Information Items

a. Credit Card Processing Discussion

Assistant Finance Director Keyser shared with the Committee members what the future could be like if the City accepted in person payment cards. Also, staff received one quote from Tyler Technologies and Assistant Director Keyser went over the quote and all of the annual or one time fees that the City would incur to begin the process.

It was established that staff should receive additional quotes from vendors to compare the fees associated with accepting payment cards. Alderman Bushee thought that the convenience fee should be passed to the consumer.

b. Finance & Personnel Work Plan

9) Adjourn

Alderman Bushee made a motion to adjourn at 7:30 PM, seconded by Alderman Strzelczyk. All voted in favor "aye."

Respectfully Submitted,

Marie Keyser
Assistant to the Finance Director



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Public Works Department

Joint Mequon-Thiensville Bike and Pedestrian Way Commission
Thursday, November 10, 2022
9:00 AM
North Conference Room

Minutes

1. Call to Order, Roll Call

Acting Chair Holyoke called the meeting to order at 9:05 AM.

Present:

Commissioner Kenneth Maciolek
Commissioner Jim Doornek
Commissioner Rob Holyoke
Commissioner John Liegeois
Commissioner Kristin Wade

Absent:

Chair T. Azinger
Commissioner Ron Heinritz

Also present were Assistant City Engineer McCraw and Administrative Assistant Leach.

2. Approval of Meeting Minutes
October 13, 2022 Minutes

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Commissioner Maciolek
SECONDED BY: Commissioner Wade

AYES:	Maciolek, Doornek, Holyoke, Liegeois, Wade
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3. Resident Communications

Acting Chair Holyoke acknowledged that no residents were in attendance.

4. Discussion/Action Items

a. Master Plan RFP Update

Assistant City Engineer McCraw provided the Board with an update on response to the RFP. McCraw advised that he direct-sent the RFP to four or five consultants, as well as contacted some other municipalities with similar projects. Four consultants advised they will not be submitting proposals. Only one of the consultants had questions regarding the RFP, but they did not indicate one way or another regarding submitting a proposal. Commissioner Maciolek asked if the RFP was asking for too much. McCraw said he didn't feel that was the case and that this is a relatively specific scope and there aren't a ton of consultants who do these. McCraw reminded the Board that once the RFP deadline has passed, if there is a lack of proposal submission we can reach out separately and work directly with a consultant and ask for a different or reduced scope.

b. Bonniwell Road OIT Crossing

Assistant City Engineer McCraw informed the Board that an email was sent to the City Administrator regarding concerns about the Bonniwell Road crossing. Commissioner Doornek said that there is a sign to alert travelers on Bonniwell Road to the crossing ahead, as well as a stop sign. Doornek felt the signage is consistent with that of other crossings. Commissioner Wade stated that she and her husband walked the area. Wade mentioned that there is some brush on private property that could potentially reduce visibility. The Board came to the conclusion that the crossing is properly marked with signs and hatched crossing, and is consistent with other crossings. Commissioner Maciolek offered to draft a response to the citizen on behalf of the Board. Prior to sending the response, it will be reviewed by the Board at the December meeting.

c. Bikeway Future Agenda Topics

Assistant City Engineer McCraw asked the Board for future meeting topic suggestions. Commissioner Holyoke would like to discuss the Bonniwell OIT. Commissioner Liegeois suggested an update on the Highland Road Spur. Commissioner Doornek advised he is involved in that project and offered to contact someone from the Trails Group to present an update at a future meeting. Commissioner Wade said she would like to revisit discussions of a pedestrian/bike bridges over the Milwaukee River. Some of the desired locations are on Green Bay Road west of the dam, River Road, or on Donges Bay Road by Wolf's Island. Wade advised that an addition of bridges would provide greater accessibility to the schools. Commissioner Doornek would like to discuss the long-term plan for Mequon Road, specifically safety of bike and pedestrian travel. Commissioner Liegeois would like to discuss better coordination of this Board's long-term plans with other groups' master plans.

5. Other Business

Acting Chair Holyoke asked if there was any other business. No other business was brought forth.

6. Adjourn
Motion to Adjourn at 9:48 AM.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Commissioner Wade
SECONDED BY: Commissioner Maciolek

AYES: Maciolek, Doornek, Holyoke, Liegeois, Wade

Respectfully Submitted,

Kris Leach



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Water Utility

MEQUON MUNICIPAL WATER UTILITY COMMISSION

Regular Meeting

Thursday, October 27, 2022

6:30 PM

Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Commissioner Andrew Nerbun
 Commissioner Mark Gierl
 Commissioner Jeffrey Hansher
 Commissioner Dale Mayr
 Commissioner Brian Parrish
 Commissioner Kathleen Schneider
 Commissioner Glenn Bushee -- **Absent**
 Commissioner Robert Strzelczyk -- **Absent**
 Vacant Seat -- **Absent**

City Administrator Jones, City Attorney Sajdak, City Clerk Fochs, Public Works Director Lundeen, Police Chief Pryor, Finance Director Engroff, Deputy Director of Utilities Driscoll, Water Utility/City Water LLC Director of Operations Voigt press and interested public.

2) Approval of Meeting Minutes

- a. Mequon Municipal Water Utility Commission - Regular Meeting - Aug 10, 2022 7:00 PM

RESULT:

MOVED BY:

SECONDED BY:

Approved by Voice Acclamation [Unanimous]

Commissioner Hansher

Commissioner Schneider

AYES: Nerbun, Gierl, Hansher, Mayr, Parrish, Schneider

3) Discussion and Possible Action

a. Motion to exemption Water Connection Policy for 7625 W. Mequon Road

The Primus Companies are requesting an exemption to extend a water main across the entire frontage at 7625 West Mequon Road. Staff supports the request makes as no one to the east or beyond would ever need water main extensions to be served. All properties at the North Wauwatosa Road and West Mequon Road intersection, except for 7625 West Mequon Road already have frontage on an existing water main and can be served via existing infrastructure. Staff recommended the approval of the exemption request.

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Commissioner Schneider
SECONDED BY: Commissioner Mayr

AYES: Nerbun, Gierl, Hansher, Mayr, Parrish, Schneider

b. Motion to Amend Water Connection Policy: Connection Fee

The proposed amendment does not represent a change in how the connection fee is calculated, but rather memorializes the methodology to be clear to future costumers.

For non-resident applicants, who have a comparable location, the connection fee would be calculated based upon actual volumetric data.

If the applicant does not have another location, staff would determine the volumetric estimate by finding a similar costumer and use that volumetric data.

If the applicant does not have another location and there is not a similar customer, staff would utilize industry standards to project the volumetric rate.

If approved by the Commission, staff will update the Water Connection Policy document and republish to the website and other locations.

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Commissioner Parrish
SECONDED BY: Commissioner Mayr

AYES: Nerbun, Gierl, Hansher, Mayr, Parrish, Schneider

c. Motion to approve Mequon Municipal Water Utility Financial Policy: Reserve Requirements

Staff is requesting consideration of a policy to address minimum reserve requirements for what's designated in the budget as unassigned funds.

Commissioner Schneider asked how the number of 8% for the reserve was reached. Staff stated that industry standards and rules of thumb in terms of financing and how many months' worth of expenses should be kept in reserve if there was a catastrophic issue. Ultimately the Water Utility wanted to be conservative enough while also not over charging

user fees when reaching an amount to have in reserve.

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Commissioner Hansher
SECONDED BY: Commissioner Schneider

AYES: Nerbun, Gierl, Hansher, Mayr, Parrish, Schneider

- d. Motion to award of a Contract for the Mequon Municipal Water Utility Master Plan Update to City Water, LLC, Milwaukee, Wisconsin, in an amount Not-to-Exceed \$68,000.

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Commissioner Parrish
SECONDED BY: Commissioner Hansher

AYES: Nerbun, Gierl, Hansher, Mayr, Parrish, Schneider

- e. Motion Adoption of the Fiscal Year 2023 Mequon Water Utility Budget

Commissioner Parrish asked about the prioritized project Migration to AMI Metering System cost of \$400,000 and how it would benefit Mequon.

Staff explained that the radios Water Utility switched to 3-4 years ago can migrate to a fixed space network. The fixed based network would mean the city installs antennas that can read the meters daily instead of driving around once every 90 days as is currently done.

Commissioner Parrish asked for clarification on the \$587,000 payment to Thiensville. Staff explained this was part of the inter-governmental agreement that was signed.

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Commissioner Mayr
SECONDED BY: Commissioner Hansher

AYES: Nerbun, Gierl, Hansher, Mayr, Parrish, Schneider

- f. Motion Authorization of 2023 Water Meter Purchase for 250 Meters and Associated Appurtenances in an Amount Not-to-Exceed \$68,000

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Commissioner Mayr
SECONDED BY: Commissioner Hansher

AYES: Nerbun, Gierl, Hansher, Mayr, Parrish, Schneider

g. Adoption of the Fiscal Year 2023 Mequon Water Utility Budget

Greg Back (12641 River Forest Circle.) spoke on behalf of the University School of Milwaukee (USM). The school is interested in exploring a connection to city water. USM would like insight on what the cost and terms are with the school and the Village of River Hills.

Conversation ensued that Mequon Water Utility is actively working through the terms and agreement with the Village of River Hills. The city is not at the stage of saying if they will agree to the connection or not. Commissioner Nerbun recommended that City Water facilitate a discussion with the University School of Milwaukee, Village of River Hills, and Mequon Utility.

h. Status Update: Residences at Foxtown Water Service Valve Failures

Water Utility is trying to discover what the source of the failure is by having conversations with the contractor and the manufacture.

4) Adjourn

a. Motion to adjourn

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Commissioner Schneider

SECONDED BY: Commissioner Gierl

AYES: Nerbun, Gierl, Hansher, Mayr, Parrish, Schneider

Respectfully Submitted,

Ren Schlereth
Administrative Secretary



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Police and Fire Departments

PUBLIC SAFETY COMMITTEE
Tuesday, October 11, 2022
5:00 PM
Lower Conference Room

Minutes

1) Call to Order and Roll Call

Present:

Chair Kathleen Schneider

Alderman Mark Gierl

Alderman Glenn Bushee -- **Absent**

Also Present: Police Chief Pryor, Assistant City Engineer Cole McCraw, Ed Soleski, Terry Zadra, Administrative Coordinator Melina Bowen

2) Approve Meeting Minutes

- a. Public Safety Committee - Regular Meeting - Aug 10, 2022 5:15 PM

RESULT: **Accepted [Unanimous]**

MOVED BY: Alderman Gierl

SECONDED BY: Alderman Schneider

AYES: Schneider, Gierl

ABSENT: Bushee

3) Discussion

- a. False Alarm Waiver Request - 1220 W. Estates Dr.

Mary Stanley requested a review by the Public Safety Committee of a false alarm charge incurred. Chief Pryor provided information regarding the circumstances of the alarm. Alderman Schneider moved to reduce the false alarm fee to \$100.00.

RESULT: **Approved as Amended [Unanimous]**

- b. False Alarm Waiver Request - 4531 W. Country View Dr.

Terry Zadra requested a review by the Public Safety Committee of a false alarm charge that was incurred. Terry Zadra requested that the committee waive the fees as he felt the alarm did not occur. The documentation that Zadra produced was not for the date on which the alarm occurred. Terry Zadra advised that he would pay the \$200 fee.

- c. Stop Sign Request on W. Bonniwell Road at N. Granville Road

Ed Soleski requested that the Public Safety Committee consider the installation of a four way stop sign at the intersection of Bonniwell Road and Granville Road. Chief Pryor and Cole McCraw presented the information gathered on the intersection, concluding that the

intersection did not meet the criteria for a four way stop sign.

It was decided that additional signage would be deployed stating that cross traffic does not stop and the issue will be revisited in 2023.

RESULT: **Approved as Amended [Unanimous]**

4) Adjourn

a. Motion

Motion to adjourn the meeting at 5:36PM.

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Gierl

AYES: Schneider, Gierl

ABSENT: Bushee

Respectfully Submitted,

Melina Bowen



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Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Wednesday, November 9, 2022

6:45 PM

Lower Conference Room

Minutes

I) Call to Order, Roll Call

Present:

Chair Dale Mayr
Alderman Mark Gierl
Alderman Kathleen Schneider

Also Present: Assistant City Administrator Schoenemann, City Attorney Sajdak, Assistant Director of Community Development Zader, City Planner Miller, and Executive Assistant Enea

II) Approval of Meeting Minutes

1. October Meeting Minutes

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Gierl

AYES: Mayr, Gierl, Schneider

III) Ordinances

Action requested: review and recommend approval

- ORDINANCE 2022-1635** An Ordinance Amending Chapter 10 of the Mequon Municipal Code, Specifically Section 10-55(a) of the Building Code, Related to Survey Requirements for a Building Permit

Alderwoman Schneider thought the language about a new plat of survey was unclear. She moved to remove the word "new" from Section A and Alderman Gierl seconded.

RESULT: **Approved with Amendments [Unanimous]**

MOVED BY: Alderman Gierl

- ORDINANCE 2022-1629** An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Establishing Veterinary Clinics as a Conditional Use in the B-1 (Neighborhood Commercial) Zoning District

Assistant Community Director Zader explained the reason for changing the zoning. Typically, a veterinary clinic is not allowed in a multi-tenant building. The building in question will be coming down and rebuilt. Also, typically a magnetic resonance imaging (MRI) is only done during the day and boarding will not be needed.

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Gierl

AYES: Mayr, Gierl, Schneider

IV) Discussion Items

1. Nuisances Ordinance Amendments

The City Attorney explained the proposed changes to the nuisance ordinance. More modern and consistent language was used. Also, the purpose was to streamline and take the Common Council out of the process. There was also an attempt to standardize "noise". The Committee discussed time of day as well and maybe starting later on weekends. City Attorney Sajdak will make revisions and bring to the December meeting.

V) Work Calendar

The Nuisance Ordinance, Electronic Meetings, and the City-wide survey will be discussed at the next meeting.

VI) Adjourn

Alderman Gierl moved to adjourn at 7:27 PM and Alderwoman Schneider seconded.

Respectfully Submitted,

Carrie Enea
Executive Assistant



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Public Works Department

PUBLIC WORKS COMMITTEE
Wednesday, October 26, 2022
6:30 PM
South Conference Room

Minutes

1) Call to Order, Roll Call

Meeting called to order at 6:30 PM.

Present:

Chair Jeffrey Hansher

Alderman Dale Mayr

Alderman Mark Gierl -- **Absent**

2) Approval of Minutes

a. Public Works Committee - Regular Meeting - Sep 13, 2022 6:45 PM

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Hansher

AYES:	Hansher, Mayr
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3) Discussion Items

a. Prairie View Lane and Revere Road Drainage CIP Item Closure

Committee agreed that this item should be removed from the drainage CIP.

Committee recommended that if any further issues with standing water occur, a new drainage inquiry should be submitted/opened at that time to address.

b. Shorecliff Lane Drainage CIP Item Closure

Committee agreed the item should be removed from the Drainage CIP list.

If any further issues with any of the addresses along the tile alignment, a new drainage inquiry can be opened at that time and the issue can be re-evaluated.

Attachment: 10-26-22 Mins_Public Works (8038 : Public Works Committee meeting minutes of October 26, 2022)

4) Discussion and Possible Action

- a. 2022 Drainage Capital Improvement Program (CIP): Request for Approval of Prioritization

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Hansher

AYES: Hansher, Mayr

- b. Ranch/Hickory/Chestnut Drainage Survey

Committee recommended a check in with residents and receive feedback before this item is recommended to be closed.

5) Adjourn

- a. Motion to Adjourn

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Hansher

AYES: Hansher, Mayr

Respectfully Submitted,

Karen Schlereth
Administrative Secretary



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Public Works/Engineering
Taped and Televised

SEWER UTILITY DISTRICT COMMISSION

Wednesday, November 9, 2022

7:30 PM

Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Commissioner Andrew Nerbun
Commissioner Glenn Bushee
Commissioner Mark Gierl
Commissioner Jeffrey Hansher
Commissioner Dale Mayr
Commissioner Brian Parrish
Commissioner Kathleen Schneider
Commissioner Robert Strzelczyk
Vacant Seat -- **Excused**

2) Approval of Meeting Minutes

a. October 27, 2022 Minutes

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Commissioner Mayr
SECONDED BY: Commissioner Schneider

AYES: Nerbun, Bushee, Gierl, Hansher, Mayr, Parrish, Schneider, Strzelczyk

3) Ordinances

Action requested: review and recommend approval

- a. **ORDINANCE 2022-1632** An Ordinance Appropriating the Necessary Funds from the City of Mequon's Sewer Utility District for the Year 2023 for Capital Charge Payments to the Milwaukee Metropolitan Sewerage District (MMSD) and City of Mequon Capital Debt Service Requirements

RESULT: Approved by Roll Call Vote [Unanimous]
MOVED BY: Commissioner Schneider
SECONDED BY: Commissioner Hansher

AYES: Nerbun, Bushee, Gierl, Hansher, Mayr, Parrish, Schneider, Strzelczyk

4) Resolutions

Action requested: review and recommend approval

- a. **RESOLUTION 3998** A Resolution Rejecting the Bids for a Back-up Pumping System at Lift Station E (Ranch Road)

Staff's recommendation to the Commission did not change with respect to the recent outage the city experienced. Staff is pursuing another option for a backup pumping system.

RESULT: Approved by Roll Call Vote [Unanimous]
MOVED BY: Commissioner Strzelczyk
SECONDED BY: Commissioner Hansher

AYES: Nerbun, Bushee, Gierl, Hansher, Mayr, Parrish, Schneider, Strzelczyk

5) Adjourn

Respectfully Submitted,

Karen Schlereth
Administrative Secretary

	A	B	C	D	E	F	G	I	J	K	L
1											
2											
3	0										
4	DIST.	PARCEL #	ADDRESS	OWNER	VIOLATION TYPE/COMPLAINT	ISSUED	REQUIREMENT	COURT DATE	COMMENTS (See Key Column)	ACTIVE YES/NO	KEY
5	8	151050504000	10843 N PEBBLE LANE	ABBAS OR FATIMA ALI	YARD WASTE LEAVES AND BRANCHES	1/21/2022	6/1/2022		1	NO	1 COMPLIANCE ACHIEVED
6	4	140841500100	6110-6112 W COUNTY LINE ROAD	JEFFERY KRETZ	PARKING	12/1/2021	12/15/2021		#5 CITATION 1,2	NO	2 COMPLIANCE DATE NOT MET
7	1	140300600500	12323 W MEQUON ROAD	JONATHAN SCHOTTE	PARKING	10/21/2021	11/4/2021		1	NO	3 WAITING ON REPLY
8	3	140221000600	11512 N WAUWATOSA ROAD	RICK OR PATRICIA FREYMUTH	TEMPORARY STRUCTURE	10/22/2021	11/5/2021		1	NO	4 EXTENSION GRANTED
9	4	EXEMPT	110010 N BUNTROCK AVENUE	WILSON SCHOOL	ELECTRONIC MESSAGE SIGN ILLUMINATION	12/8/2021	12/17/2021		1	NO	5 ISSUED TO CITY ATTORNEY OFFICE
10	1	141550010000	13760 N BONNIWELL COURT	GALINA OR MISHA SHEPSHELEVICH	PARKING	ONGOING	ONGOING	NOT SET	#5, CIRCUIT COURT	YES	6 SCHEDULED COURT DATE
11	3	RENTAL	6200 W MEQUON ROAD	ST PAULS FISH	BANNER/SIGNS	11/17/2021	11/20/2021		1	NO	7 COURT RULING
12	2	140820648000	2916 W SHOLES DRIVE	DAVID OR ELIZABETH SANDE	HOME BUSINESS	11/22/2021	12/5/2021		1	NO	8 PRETRIAL DATE
13	1	141550011000	13702 N BONNIWELL COURT	MICHAEL OR SHELLEY OLSON	PARKING	11/22/2021	11/5/2021		1	NO	9 TRIAL DATE
14	4	140270101200	10910 INDUSTRIAL DRIVE	SUPER STEEL LLC	BANNER/SIGNS	11/17/2021	11/20/2021		1	NO	10 FINAL RULING
15	8	RENTAL	10042 N PORT WASHINGTON ROAD	NEARLY NEW CONSIGNMENT SHOP	BANNER	11/17/2021	11/20/2021		1	NO	11 ALTERNATE PROCEDURE
16	4	RENTAL	11035 INDUSTRIAL DRIVE	CENTRAL BARK	BANNER/SIGNS	11/17/2021	11/20/2021		1	NO	
17	5	EXEMPT	13460 N PORT WASHINGTON ROAD	CHRIST CHURCH	BANNER	11/17/2021	11/20/2021		1	NO	
18	4	140340500100	6809 W DONGES BAY ROAD	MEQUON LAWN AND GARDEN	BANNER	11/17/2021	11/20/2021		1	NO	
19	6	150191301600	11357 N PORT WASHINGTON ROAD	KOHLER CREDIT UNION	FLAG	11/17/2021	11/20/2021		1	NO	
20	8	RENTAL	11018 N PORT WASHINGTON ROAD	MATHNASIUM	BANNER	11/17/2021	11/20/2021		1	NO	
21	5	150201001800	11522 N PORT WASHINGTON ROAD	SHELL GAS STATION	BANNER	11/17/2021	11/20/2021		1	NO	
22	6	RENTAL	10945 N PORT WASHINGTON ROAD	SPINE PAIN DIAGNOSTICS ASSOCIATES SUITE 101	BANNER	11/17/2021	11/20/2021		1	NO	
23	8	RENTAL	10930 N PORT WASHINGTON ROAD	SENDIK'S	BANNER	11/17/2021	11/20/2021		1	NO	
24	6	RENTAL	10945 N PORT WASHINGTON ROAD	WISCONSIN RADIOLOGY SPECIALISTS	BANNER	11/17/2021	11/20/2021		1	NO	
25	8	RENTAL	10984 N PORT WASHINGTON ROAD	MARSHALLS	BANNER/SIGNS	11/17/2021	11/20/2021		1	NO	
26	8	RENTAL	10526 N PORT WASHINGTON ROAD	DERIAH BOUTIQUE	BANNER	11/17/2021	11/20/2021		1	NO	
27	6	RENTAL	10501 N PORT WASHINGTON ROAD	ALLSTATE INSURANCE	FLAG	11/17/2021	11/20/2021		1	NO	
28	8	RENTAL	10916 N PORT WASHINGTON ROAD	ELITE NUTRITION	BANNER	11/17/2021	11/20/2021		1	NO	
29	6	RENTAL	11649 N PORT WASHINGTON ROAD	MEQUON SMILE DESIGN	BANNER	11/17/2021	11/20/2021		1	NO	
30	6	RENTAL	11042 N PORT WASHINGTON ROAD	X GOLF MEQUON	FLAG	11/17/2021	11/20/2021		4	NO	
31	8	150290600200	11150 N PORT WASHINGTON ROAD	CULVER'S	BANNER/SIGN	11/17/2021	11/20/2021		1	NO	
32	4	140270201000	11130 N BUNTROCK AVENUE	ARTESA APARTMENTS	BANNER/SIGN	11/17/2021	11/20/2021		1	NO	
33	8	RENTAL	10992 N PORT WASHINGTON ROAD	GREAT CLIPS	BANNER	11/17/2021	11/20/2021		1	NO	
34	3	RENTAL	6330 W SPUR ROAD	SPUR 16	FLAG	11/17/2021	11/20/2021		1	NO	
35	4	RENTAL	10503 N CEDARBURG ROAD	THE COLOUR BOWL SALON AND WELLNESS	FLAG	11/17/2021	11/20/2021		1	NO	
36	4	140500612000	5616 W DONGES BAY ROAD	LIBBY MONTANA	BANNER	11/17/2021	11/20/2021		1	NO	
37	6	150300600500	2635 W MEQUON ROAD	THE RANGE LINE INN	BANNER/SIGN	11/17/2021	11/20/2021		1	NO	
38	6	151530001000	1505 W MEQUON ROAD	EAST TOWNE SQUARE MALL	FLAG	11/17/2021	11/20/2021		1	NO	
39	6	RENTAL	1339 W MEQUON ROAD	SOVEREIGN SELECT LLC	BANNER	11/17/2021	11/20/2021		1	NO	
40	3	RENTAL	7602 W MEQUON ROAD	IN BALANCE YOGA	BANNER	11/17/2021	11/20/2021		1	NO	
41	6	RENTAL	1340 W MEQUON ROAD	AC ZUKERMAN JEWELERS	BANNER	11/17/2021	11/20/2021		1	NO	
42	6	RENTAL	1300 W MEQUON ROAD	PANERA BREAD	BANNER/SIGNS	11/17/2021	11/20/2021		1	NO	
43	6	RENTAL	1424 W MEQUON ROAD	NORTH SHORE COMPUTER	BANNER	11/17/2021	11/20/2021		1	NO	
44	6	RENTAL	1402 W MEQUON ROAD	KUMON MATH AND READING	BANNER	11/17/2021	11/20/2021		1	NO	
45	8	RENTAL	10530 N PORT WASHINGTON ROAD	FIDDLEHEADS COFFEE	BANNER/SIGNS	11/17/2021	11/20/2021	4/6/2022	#5, CITATION	NO	
46	6	RENTAL	11525 N PORT WASHINGTON ROAD	JIMMY JOHNS	BANNER/FLAGS	11/17/2021	11/20/2021	3/2/2022	#5, CITATION	NO	
47	6	RENTAL	11511 N PORT WASHINGTON ROAD	TACO BELL	BANNER	11/17/2021	11/20/2021	4/6/2022	#5, CITATION 1,2	NO	
48	4	140500903002	10360 N CEDARBURG ROAD	KWIK TRIP	TRASH/LITTER	12/23/2021	12/27/2021	4/6/2022	#5, CITATIONS 1,2,3	NO	
49	4	140500903002	10360 N CEDARBURG ROAD	KWIK TRIP	BANNER/FLAGS	11/17/2021	11/20/2021	3/2/2022	#5, CITATION 1,2	NO	
50	8	150291100500	10500 N PORT WASHINGTON ROAD	HOLD HOLDINGS	PUBLIC NUISANCE	4/14/2021	4/6/2022	4/6/2022	#5, CITATIONS 1,2,3	NO	
51	4	140840107000	9712 N MEQUON PLACE	TOUA YANG	PARKING	10/25/2021	11/5/2021	4/6/2022	#5 CITATIONS 1, 2,3,4, 5	YES	
52	7	140250600600	11050 N RIVER ROAD	ROBERT STERN	OUTSIDE STORAGE	11/17/2021	11/24/2021		#5 CITATION	NO	
53	4	140501204000	10056 N CEDARBURG ROAD	WILLIAM WISTH	OUTSIDE STORAGE	ONGOING	ONGOING	NOT SET	#5 CIRCUIT COURT	YES	
54	3	140870805000	11715 N SILVER AVENUE	LUJESS	PARKING	ONGOING	ONGOING	NOT SET	#5 CIRCUIT COURT	YES	
55	6	151000203000	12539 N ISLAND DRIVE	WILLIAM WISTH	OUTSIDE STORAGE	ONGOING	ONGOING	NOT SET	#5 CIRCUIT COURT	YES	
56	8	151070412000	819 W SIERRA LANE	VANN FAMILY TRUST	OUTSIDE STORAGE	2/25/2022	3/11/2022		1	NO	
57	8	151070412000	819 W SIERRA LANE	VANN FAMILY TRUST	PARKING	2/25/2022	3/11/2022		1	NO	
58	2	140241201000	11249 N RIVERLAND ROAD	PAUL FREDERICK	OUTSIDE STORAGE	2/25/2022	3/11/2022		1	NO	
59	2	140241201000	11249 N RIVERLAND ROAD	PAUL FREDERICK	PARKING	2/25/2022	3/11/2022		#5 CITATION 1	NO	
60	1	140121200300	3500 W HIGHLAND ROAD	THOMAS LEMENS	OUTSIDE STORAGE	2/25/2022	3/11/2022		1	NO	
61	1	140121200300	3500 W HIGHLAND ROAD	THOMAS LEMENS	PARKING	2/25/2022	3/11/2022		1	NO	

	A	B	C	D	E	F	G	I	J	K	L
62	1	140191500200	11206-11210 W MEQUON ROAD	JORDON OR KRISTY LARSON	PARKING	2/25/2022	3/11/2022		1	NO	
63	1	140191500200	11206-11210 W MEQUON ROAD	JORDON OR KRISTY LARSON	OUTSIDE STORAGE	2/25/2022	3/11/2022		1	NO	
64	1	140191500200	11206-11210 W MEQUON ROAD	JORDON OR KRISTY LARSON	OUTSIDE MAINTANCE	2/25/2022	5/30/2022		1	NO	
65	2	140950607000	3033 W RENEE COURT	IGOR OR MARGARITA LETKIN	PARKING	3/8/2022	3/22/2022		1	NO	
66	6	150300800400	10841 N ORIOLE LANE	NICHOLAS OR LAURA MEYER	OUTSIDE STORAGE	3/14/2022	3/31/2022		1	NO	
67	6	150300800400	10841 N ORIOLE LANE	NICHOLAS OR LAURA MEYER	GENERAL MAINTENANCE	3/14/2022	5/30/2022		1	NO	
68	6	140950607000	2030 W SUNNYDALE LANE	DIANNE MCCLELLAN	PARKING	3/14/2022	3/31/2022		1	NO	
69	6	140950607000	2030 W SUNNYDALE LANE	DIANNE MCCLELLAN	OUTSIDE STORAGE	3/14/2022	3/31/2022		1	NO	
70	4	140271200400	6926 W DONGES BAY ROAD	GO RITEWAY	PARKING	3/17/2022	3/21/2022		1	NO	
71	4	140271200400	6926 W DONGES BAY ROAD	GO RITEWAY	ADVERTISING FLAG	3/17/2022	3/21/2022		1	NO	
72	4	140840205000	9612 W MEQUON PLACE	LEWIS OR JEAN BIRKEL	OUTSIDE MAINTENANCE	3/23/2022	6/1/2022		1	NO	
73	7	150850000002	3100 W COUNTRY CLUB DRIVE	NORTH SHORE COUNTRY CLUB	LANDSCAPING	3/23/2022	6/1/2022		EXTENSION	YES	
74	4	140600709001	1863/481 N 1/2 LOT 9 BLK 7 CEDARBURG ROAD	WILLIAM CONLEY	MAINTENANCE	3/24/2022	7/1/2022		1	NO	
75	4	140270901200	10541-10601 N COMMERCE STREET	MEGAL DEVELOPMENT CORPORATION	BUSINESS OCCUPANCY PERMIT	3/31/2022	4/8/2022		EXTENSION	NO	
76	2	140240701200	11610 N RIVER ROAD	MARILYN MANKE	OUTSIDE STORAGE	3/31/2022	4/7/2022		1	NO	
77	5	RENTAL	11700 N PORT WASHINGTON ROAD	MARCUS NORTH SHORE CINEMA	LITTER	4/6/2022	4/13/2022		1	NO	
78	5	150200701100	11616 N PORT WASHINGTON ROAD	ELITE HIGHLANDER MEQUON INC	LITTER	4/6/2022	4/13/2022		1	NO	
79	5	RENTAL	11558 N PORT WASHINGTON ROAD	METRO MARKET	LITTER	4/8/2022	4/13/2022		1	NO	
80	3	140860207000	11345 N SOLAR AVE	JEFFREY MCCLONE	PARKING	4/21/2022	4/28/2022		#5 CITATION 1,2	NO	
81	3	140892402000	11425 N VEGA AVE	DENNIS HERRERA	PARKING	4/21/2022	4/28/2022		1	NO	
82	3	140210101000	11932 N VEGA AVE	JOHN OR STACEY MURRAY	PARKING	4/21/2022	4/28/2022		1	NO	
83	3	141220004000	11912 N SOLAR AVE	JAMES MCNICHOL	PARKING	4/21/2022	4/28/2022		#5 CITATION 1,2	YES	
84	3	140870708000	11625 N VEGA AVE	ROBERT MACKIEWICZ	PARKING	4/21/2022	4/28/2022		1	NO	
85	3	140881402000	8509 W POPLAR DR	WILLIAM BLATZ	PARKING	4/21/2022	4/28/2022		1	NO	
86	4	140840509000	4808 W HIAWATHA DR	PAUL SCHUMACHER	HOOP HOUSE	4/21/2022	5/5/2022		1	NO	
87	2	141160010000	12335 N WOODFIELD CT	JEFFREY OR SUSAN POMERANTZ	OUTSIDE STORAGE	4/22/2022	4/29/2022		1	NO	
88	3	140500102002	6714 W MEQUON ROAD	MICHAEL OR TRACY LALONDE	OUTSIDE STORAGE	4/28/2022	5/13/2022		#5 CITATION 1,2	NO	
89	7	150560205000	1425 W ZEDLER LANE	BRADFORD FIGG	GARBAGE	5/10/2022	5/13/2022		#5 CITATION	NO	
90	2	141160010000	12335 N WOODFIELD COURT	JEFFERY OR SUSAN POMERANTZ	PARKING	5/17/2022	5/24/2022		1	NO	
91	5	RENTAL	11740 N PORT WASHINGTON ROAD	BANK FIRST	BANNER	5/17/2022	5/21/2022		1	NO	
92	5	EXEMPT	13800 N PORT WASHINGTON ROAD	UNITARIAN CHURCH	BANNER/FLAG	5/17/2022	5/21/2022		1	NO	
93	3	RENTAL	6006 W MEQUON ROAD	SPUR 16	BANNER/FLAG	5/17/2022	5/21/2022		1	NO	1 COMPLIANCE ACHIEVED
94	8	RENTAL	10900 N PORT WASHINGTON ROAD	THE FEED BAG	BANNER	5/17/2022	5/21/1955		1	NO	2 COMPLIANCE DATE NOT MET
95	2	EXEMPT	3906 W MEQUON ROAD	ST BONIFACE CHURCH	BANNER	5/17/2022	5/21/2022		1	NO	3 WAITING ON REPLY
96	5	151001214000	1630 W DOROTHY PLACE	DAVID OR SHELLY HAUGH	OUTSIDE MAINTENANCE	5/25/2022	6/18/2022		1	NO	4 EXTENSION GRANTED
97	5	151001214000	1630 W DOROTHY PLACE	DAVID OR SHELLY HAUGH	OUTSIDE STORAGE	5/25/2022	7/1/2022		1	NO	5 ISSUED TO CITY ATTORNEY OFFICE
98	3	140870504001	11733 N WAUWATOSA ROAD	DELORES FILLAFER	OUTSIDE STORAGE	5/25/2022	6/15/2022		1	NO	6 SCHEDULED COURT DATE
99	3	140870504001	11733 N WAUWATOSA ROAD	DELORES FILLAFER	OUTSIDE MAINTENANCE	6/1/2022	7/5/2022		EXTENSION	YES	7 COURT RULING
100	4	140341600200	BAEHR AND COUNTY LINE/ NO ADDRESS	BILL FINE/COUNTY LINE HOLDINGS	PARKING	6/13/2022	6/29/2022		#5 CITATION 1,2	YES	8 PRETRIAL DATE
101	6	150570602000	1424 W ZEDLER LANE	ROSEMARY KOLLER	GRASS	6/15/2022	6/22/2022		1	NO	9 TRIAL DATE
102	8	151070412000	819 SIERRA LANE	VANN FAMILY TRUST	GRASS	6/15/2022	6/22/2022		1	NO	10 FINAL RULING
103	7	141510000500	9853 N RANGE LINE ROAD	CYNTHIS COAKLEY	OUTSIDE STORAGE	6/15/2022	6/29/2022		1	NO	11 ALTERNATE PROCEDURE
104	5	151030214001	12707 N EAST SHORELAND DRIVE	GARMAN LIVING TRUST	PARKING	6/15/2022	6/29/2022		1	NO	
105	5	151030211000	12731 N EAST SHORELAND DRIVE	TED RUEHL	OUTSIDE STORAGE	6/15/2022	6/29/2022		1	NO	
106	4	140640202000	10811 N SHERWOOD DRIVE	CHARLES CONRAD	YARD WASTE BRANCHES	6/21/2022	6/28/2022		1	NO	
107	8	151070412000	819 W SIERRA LANE	VANN FAMILY TRUST	TRASH/LITTER	6/21/2022	6/28/2022		1	NO	
108	6	150710411000	11604 N HILLSIDE LANE	MICHAEL GMIREK OR SUZANNE PEPLINSKI	TURF GRASS	6/21/2022	6/28/2022		1	NO	
109	6	150710405000	11433 N COUNTRY LANE	WILLIAM GENSRIK	TEMPORARY STRUCTURE	6/21/2022	6/28/2022		1	NO	
110	6	150710405000	11433 N COUNTRY LANE	WILLIAM GENSRIK	PARKING	6/21/2022	6/28/2022		1	NO	
111	6	150630108000	11320 N VALLEY DRIVE	JONATHAN SCHULTZ	PARKING	6/21/2022	6/28/2022		1	NO	
112	7	140700083000	3327 BURGANDY COURT	LYNN VORBECK	PARKING	6/21/2022	6/28/2022		1	NO	
113	6	150990701000	12345 N EAST SHORELAND DRIVE	ANDREW OR WENDY PETZOLD	OUTSIDE MAINTENANCE	6/23/2022	7/29/2022		EXTENSION RAZE	YES	
114	6	150990701000	12345 N EAST SHORELAND DRIVE	ANDREW OR WENDY PETZOLD	TURF GRASS	6/23/2022	7/14/2022		1	NO	
115	5	150060901900	13804 N MARTIN WAY SUITE 2400	13804 N MARTIN WAY LLC	POOL FENCE	7/1/2022	7/29/2022		#5 CITATION 1	YES	
116	5	150061500900	1908 W BONNIEWELL ROAD	RAVI NARAYAN OR SOWMYA SUBRAMANIAN	POOL FENCE	8/11/2021	8/26/2022		EXTENSION	YES	
117	2	150911001000	2517 W CHESTNUT ROAD	TAOFIKI OR KERRY ALABI	PARKING	7/15/2022	7/22/2022		1	NO	
118	4	140501305007	9807 N CEDARBURG ROAD	RYAN OR KATHERINE KAUTZER	TURF GRASS	7/15/2022	7/22/2022		1	NO	11633
119	6	XXXXXX	NORTH SHORE ESTATES	DEBRA NEWELL PRESIDENT	OUTSIDE STORAGE	7/14/2022	8/5/2022		1	NO	
120	3	142010051000	10879 N WILDCAT WAY	AMBER SCHROEDER	FENCE	5/16/2022	5/27/2022		#5 CITATION 1,2	YES	
121	3	140860205000	11413 N SOLAR AVENUE	DUANE OR JULIE WAGNER	PARKING	7/21/2022	8/4/2022		1	NO	
122	8	RENTAL	10930 N PORT WASHINGTON ROAD	SENDIKS	BANNERS	7/21/2022	7/28/2022		1	NO	

	A	B	C	D	E	F	G	I	J	K	L
123	1	XXXXXXXXXX	HIGHLANDS LOT 8	KINGS WAY HOMES	OUTSIDE MAINTENANCE	7/22/2022	7/29/2022		1	NO	
124	4	140270201500	6835 W MEQUON ROAD	RESERVE FRONT LOT	LANDSCAPING	7/22/2022	8/16/2022		1	NO	
125	4	140270200200	6729 W MEQUON ROAD	STORYPOINT SENIOR LIVING	SIGNS	7/22/2022	8/19/2022		1	NO	
126	7	150850000002	3100 W COUNTRY CLUB DRIVE	NORTH SHORE COUNTRY CLUB	LANDSCAPING	7/22/2022	10/5/2022		1	NO	
127	8	XXXXXXXXXX	10930 N PORT WASHINGTON ROAD	MEQUON PAVILIONS	FLAGS	7/22/2022	7/29/2022		1	NO	
128	2	140820210001	3016 W SHOLES DRIVE	THOMAS OR CAPTOLA BACHER	2 SHEDS	8/11/2022	9/11/2022		EXTENSION	YES	
129	5	151120208000	13837 N LAKE SHORE DRIVE	GREGORY OR NICOLE PATERSON	OUTDOOR STORAGE	8/11/2022	8/26/2022		EXTENSION	YES	
130	6	150300802300	2212 W SUNNYDALE LANE	AARON OR PETER KINNEY	POOL FENCE	8/11/2022	8/26/2022		1	NO	
131	8	RENTAL	10808 N PORT WASHINGTON ROAD	NORTH SHORE BANK	BANNER	8/19/2022	8/23/2022		1	NO	
132	6	RENTAL	1606 W MEQUON ROAD	EAST TOWNE SQUARE MALL	FLAGS	8/19/2022	8/25/2022		1	NO	
133	6	RENTAL	1605 W MEQUON ROAD	FAYE'S MEQUON	FLAGS	8/19/2022	8/25/2022		1	NO	
134	6	RENTAL	1605 W MEQUON ROAD	THE LEMON TREE	FLAGS	8/19/2022	8/25/2022		1	NO	
135	6	RENTAL	1615 W MEQUON ROAD	ZARLETTI MEQUON	FLAGS	8/19/2022	8/25/2022		1	NO	
136	6	RENTAL	1330 W MEQUON ROAD	COCOA TREE CONFECTIONARY	BANNER	8/19/2022	8/26/2022		1	NO	
137	6	RENTAL	1402 W MEQUON ROAD	KUMON MATH AND READING	BANNER	8/19/2022	8/25/2022		1	NO	
138	6	RENTAL	1650 W MEQUON ROAD	FIFTH MAIN	A FRAME	8/19/2022	8/25/2022		1	NO	
139	6	RENTAL	11035 N PORT WASHINGTON ROAD	PICARDY SHOE PARLOUR	BANNER	8/19/2022	8/25/2022		1	NO	
140	4	140271601200	10433 N BAEHR ROAD	NORTH SHORE DANCE	SIGNS	7/7/2022	7/29/2022		#5 CITATION 1	YES	
141	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	PLUMBING PERMIT	8/24/2022	9/7/2022		EXTENSION	YES	
142	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	ELECTRIC PERMIT	8/24/2022	9/7/2022		EXTENSION	YES	
143	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	BUILDING PERMIT	8/24/2022	9/7/2022		EXTENSION	YES	
144	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	FILL PERMIT	8/24/2022	9/7/2022		EXTENSION	YES	
145	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	SURVEY	8/24/2022	9/7/2022		EXTENSION	YES	
146	7	150500116000	1828 W FIESTA LANE	CHARLES MAYER	GRASS	8/31/2022	9/8/2022		1	NO	
147	7	140700145000	3631 W LEGRANDE BLVD	WILLIAM GRUBER	HOME BUSINESS	9/6/2022	9/16/2022		1	NO	
148	4	RENTAL	10601 N COMMERCE STREET	GOOD LAND PREMIUM FOODS PROVISIONS INC	BUILDING AND SITE PLAN AMENDMENT	9/6/2022	9/19/2022		EXTENSION	YES	
149	6	RENTAL	1338 W MEQUON ROAD	REMAX LAKESIDE	WALL SIGN	9/8/2022	10/28/2022		1	NO	
150	5	151010106001	12656 N SHORELAND PARKWAY	NANCY TOLOCKO	DECK	9/13/2022	12/14/2022		BOARD OF APPEALS	YES	
151	5	150970019000	12848 N RIVER FOREST CIRCLE	JOHN OR JULIE HENNINGS	PARKING	9/13/2022	9/23/2022		EXTENSION	YES	
152	5	150970019000	12848 N RIVER FOREST CIRCLE	JOHN OR JULIE HENNINGS	OUTSIDE MAINTENANCE	9/13/2022	9/27/2022		EXTENSION	YES	
153	8	EXEMPT	10370 N WILDWOOD COURT	OZAUKEE WASHINGTON COUNTY LAND TRUST	OUTSIDE MAINTENANCE	9/14/2022	10/14/2022		1	NO	
154	3	RENTAL	7160 W DONGES BAY ROAD	WARREN BARNETT INTERIORS	CONDITIONAL USE GRANT	9/20/2022	10/4/2022		#5 CITATION 1	YES	
155	6	150190400400	11743 N PORT WASHINGTON ROAD LOT 1	SHELY 2012 IRREVOCABLE TRUST	GRASS	9/22/2022	10/7/2022		EXTENSION	NO	
156	6	150190400500	11743 N PORT WASHINGTON ROAD LOT 2	SHELY 2012 IRREVOCABLE TRUST	GRASS	9/22/2022	10/7/2022		EXTENSION	NO	
157	6	150190400600	11743 N PORT WASHINGTON ROAD LOT 3	SHELY 2012 IRREVOCABLE TRUST	GRASS	9/22/2022	10/7/2022		EXTENSION	NO	
158	6	RENTAL	1550 W MEQUON ROAD	FIFTH-MAIN	MONUMENT SIGN	9/29/2022	10/13/2022		#5 CITATION 1,2,3	YES	
159	8	150740120000	317 E CIRCLE ROAD	JEFFREY OR JENNIFER PARULSKI	PARKING	9/29/2022	10/13/2022		#5 CITATION 1	YES	
160	4	140840306000	4904 W COUNTY LINE ROAD	SHAWN OR RUTH RUBINSTEIN	SUMP PUMP	9/29/2022	10/7/2022		1	NO	
161	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 207	DAYALUV COSMETICS	CONDITIONAL USE GRANT	10/5/2022	11/14/2022		1	NO	
162	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 135	EMBRACE YOUR FACE	CONDITIONAL USE GRANT	10/5/2022	11/14/2022			YES	
163	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 101E	CEDAR CREEK MASSAGE	CONDITIONAL USE GRANT	10/5/2022	11/14/2022			YES	
164	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 106A	JANET HALONEN-ACUESTICS	CONDITIONAL USE GRANT	10/5/2022	11/14/2022		1	NO	
165	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 108	DRAGON FLY MEDITATION AND WELLNESS	CONDITIONAL USE GRANT	10/5/2022	11/14/2022			YES	
166	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 101	THERPUTIC MASSAGE AND WELLNESS CENTER	CONDITIONAL USE GRANT	10/5/2022	11/14/2022			YES	
167	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 212	WYNTER CO. BEAUTY	CONDITIONAL USE GRANT	10/5/2022	11/14/2022			NO	
168	6	150300600900	2505 W MEQUON ROAD	NORTH SHORE DENTAL	BANNER	10/6/2022	10/13/2022		1	NO	
169	3	RENTAL	7606 W MEQUON ROAD	HOMESTEAD FAMILY DENTISTRY	BANNER	10/6/2022	10/13/2022		1	NO	
170	6	150710405000	11433 N COUNTRY LANE	WILLIAM OR CAROL GENSRIK	OUTSIDE STORAGE	10/6/2022	10/27/2022		EXTENSION	YES	
171	6	150710405000	11433 N COUNTRY LANE	WILLIAM OR CAROL GENSRIK	OUTSIDE MAINTENANCE	10/6/2022	11/10/2022		EXTENSION	YES	
172	6	150310101100	10355 N PORT WASHINGTON ROAD	CLARK GAS STATION	OUTSIDE MAINTENANCE	10/12/2022	11/12/2022		CITATION #1	YES	
173	1	140200600700	10505 W FREISTADT ROAD	HERMAN OR SANDRA STERN	PARKING	10/19/2022	11/11/2022		1	NO	
174	1	140171101100	10516 W FREISTADT ROAD	JENNIFER JOHNSON OR JOSHUA COMFORT	PARKING	10/19/2022	11/11/2022		1	NO	
175	4	140500404000	11155 N CEDARBURG ROAD	MEQUON AUTO TECH	WATER TO FACILITY	10/19/2022	11/25/2022		EXTENSION	YES	
176	5	150170800500	12531 N LAKESHORE DRIVE	STEVEN OR KIMBERLY BROWN	SHED PERMIT	10/19/2022	11/4/2022		EXTENSION	YES	
177	4	140271601200	10433 N BAEHR ROAD	NORTH SHORE DANCE STUDIO	MONUMENT SIGN	10/21/2022	11/30/2022		EXTENSION	YES	
178	4	RENTAL	11120 N BUNYROCK AVENUE	PRESTIGE AUTO SERVICE	PARKING COMMERCIAL	10/26/2022	11/2/2022		EXTENSION	YES	
179	5	150920201000	11404 N PINEHURST CIRCLE	US BANK	GRASS	10/27/2022	11/4/2022		EXTENSION	YES	
180	5	150920201000	11404N PINEHURST CIRCLE	US BANK	OUTSIDE MAINTENANCE	10/27/2022	11/27/2022		EXTENSION	YES	
181	8	151070112002	1027 W DONGES BAY	MARY JOHNSON	OUTSIDE MAINTENANCE	10/27/2022	11/27/2022		EXTENSION	YES	
182	6	151260105000	10451 N STRATFORD PLACE	STEFAN OR SARAH GENDELMAN	BUILDING PERMIT	10/28/2022	11/21/2022		EXTENSION	YES	
183	5	151200017000	11633 N LAKE SHORE DRIVE	BARBARA PFAFF	OUTSIDE MAINTENANCE	1/19/2022	5/30/2022		# 5 CITATION 1	YES	

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184	5	151200017000	11633 N LAKE SHORE DRIVE	BARBARA PFAFF	OUTSIDE STORAGE	1/19/2022	2/9/2022		#5 CITATION 1	YES	
185	1	1400300300200	14015 N CEDARBURG ROAD	WHITE RABBIT RESTAURANT	MONUMENT SIGNS	11/9/2022	11/23/2022		EXTENSION	YES	
186	6	150191602200	1400 W MEQUON ROAD	CONCORD 37 LLC	OUTSIDE MAINTENANCE	11/10/2022	12/2/2022		EXTENSION	YES	
187	6	150191602300	1350 W MEQUON ROAD	CONCORD 37 LLC	OUTSIDE MAINTENANCE	11/10/2022	12/2/2022		EXTENSION	YES	
188	8	150320700200	10000 N PORT WASHINGTON ROAD	PARK AVENUE PLAZA OF MEQUON	OUTSIDE MAINTENANCE	11/10/2022	12/2/2022		EXTENSION	YES	
189	6	151850001000	1511 MARKET STREET	LAKESIDE DEVELOPMENT COMPANY	OUTSIDE MAINTENANCE	11/10/2022	12/2/2022		EXTENSION	YES	
190	5	150201101000	11300 N PORT WASHINGTON ROAD	(PNS) SCHMIDT MEQUON LLC	OUTSIDE MAINTENANCE	11/15/2022	12/16/2022		EXTENSION	YES	
191	7	140501403003	10015 N RIVER ROAD	JEFF OR BETH ASTEMBORSKI	OUTSIDE STORAGE	11/17/2022	12/2/2022		1	NO	
192	4	140341100400	9716 N WAUWATOSA ROAD	ANDREW BERGMAN	PARKING	11/17/2022	12/2/2022		EXTENSION	YES	
193	4	140341100400	9716 N WAUWATOSA ROAD	ANDREW BERGMAN	OUTSIDE STORAGE	11/17/2022	12/2/2022		EXTENSION	YES	
194	4	140340500800	10146 N WAUWATOSA ROAD	ROBERT PETZOLD JR	PARKING	11/17/2022	12/2/2022		EXTENSION	YES	
195	4	140340500800	10146 N WAUWATOSA ROAD	ROBERT PETZOLD JR	OUTSIDE STORAGE	11/17/2022	12/2/2022		EXTENSION	YES	
196	1	140181300800	12031 N GRANVILLE ROAD	LINDENWOOD FARMS	PARKING	11/17/2022	12/2/2022		1	NO	
197	1	140181300800	12031 N GRANVILLE ROAD	LINDENWOOD FARMS	OUTSIDE STORAGE	11/17/2022	12/2/2022		1	NO	
198	8	RENTAL	10840 N PORT WASHINGTON ROAD	TOBIN JEWELERS	BANNER	11/30/2022	12/8/2022		1	YES	
199	6	151530001000	1505 W MEQUON ROAD	EAST TOWNE SQUARE MALL	BANNER/FLAGS	11/30/2022	12/8/2022		1	YES	
200	3	140860219000	11428 N VEGA AVENUE	MARK KRUEGER	OUTSIDE STORAGE	12/6/2022	12/20/2022		1	NO	
201	3	140860219000	11428 N VEGA AVENUE	MARK KRUEGER	PARKING	12/6/2022	12/20/2022		1	NO	
202	3	140860220000	7907 W WILLOWBROOK DRIVE	BENJAMIN AHANGER	OUTSIDE STORAGE	12/6/2022	12/20/2022		1	NO	
203	6	150191500300	1836 W MEQUON ROAD	REGINALD FLETCHER	OUTSIDE STORAGE	12/6/2022	12/20/2022		1	NO	
204	3	140881604000	11329 N MEADOWBROOK DRIVE	JEREMY GONZALES	PARKING	12/7/2022	12/14/2022		1	NO	
205	3	140881602000	11309 N MEADOWBROOK DRIVE	KIMBERLY SCIDMORE OR KERRY HANSEN	PARKING	12/7/2022	12/14/2022		1	NO	
206	3	140870807000	11730 N RIDGEWAY AVENUE	DAVID WOZNIAK	PARKING	12/7/2022	12/14/2022		1	NO	
207	3	140881708000	11310 N MEADOWBROOK DRIVE	GREEN HILL PROPERTIES	PARKING	12/7/2022	12/14/2022		1	NO	
208	3	140871001000	11932 N SILVER AVENUE	DANIEL MUELLER	PARKING	12/7/2022	12/14/2022		1	NO	
209	4	140270201200	11030 N BUNTROCK AVENUE	SANG WOO NAM	PARKING	12/9/2022	12/16/2022		1	NO	
210	5	150830013001	13560 N LAKESHORE DRIVE	MICHAEL COLE	PARKING	12/13/2022	12/27/2022		EXTENSION	YES	
211	2	150180600500	12750 N SHORELAND PARKWAY	GRANTIT REMODELS LLC	PARKING	12/14/2022	12/29/2022			YES	
212	8	RENTAL	10038 N PORT WASHINGTON ROAD	MOMS ALTERATIONS	BANNER	12/22/2022	12/30/2022			YES	
213	2	140140400100	12435 N RIVER ROAD	JOSEPH OR MELANIE DEVORKIN	BUILDING PERMIT	12/22/2022	1/6/2023			YES	
214	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	ACCESSORY STRUCTURE (2)	12/29/2022	1/27/2023			YES	
215	1	141440022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	SURVEY	12/29/2022	1/12/2023			YES	
216											
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11333 N. Cedarburg Road
 Mequon, WI 53092
 Phone: 262-236-2902
 Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Community Development

TO: Common Council
FROM: Cole McCraw, Assistant City Engineer
DATE: January 10, 2023
SUBJECT: RESOLUTION 4007 A Resolution Approving a Development Agreement for an 11-Lot Subdivision Upon the Property Located at 10766 North Torrey Drive

Background

The applicant, Torrey Drive, LLC, is requesting development agreement approval for Torrey Drive Subdivision, an 11-lot residential development upon the property located at 10776 North Torrey Drive. The rezoning and concept plan were approved by the Common Council on August 10, and the preliminary plat and development agreement were recommended for approval by the Planning Commission on December 12.

Analysis

The developer utilized the City's template development agreement, which was modified and submitted to City staff. The final version of the document is included in the packet.

The development agreement provides for the opportunity to construct two (2) principal structure model buildings prior to final plat approval, with the understanding that the units cannot be sold, or title transferred until the associated plat is recorded. This is consistent with the table approved as a part of the template document.

Fiscal Impact

The development agreement itself is fiscally neutral. The subdivision is proposed to be served by public water and sewer and a public street which will be built by the Developer and contributed to Mequon's public utilities and the City. Long-term, contributed capital infrastructure will increase utility and City maintenance costs. Conversely, tax and utility revenue will increase from that received by the existing parcel.

Recommendation

On December 12, 2022, the Planning Commission adopted a recommendation in favor of approving the proposed development agreement by a vote of 8-0.

Attachments:

Torrey Drive Development Agreement (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4007

A Resolution Approving a Development Agreement for an 11-Lot Subdivision Upon the
Property Located at 10766 North Torrey Drive

RECITALS

A. The Torrey Drive Subdivision residential development consists of 11 lots to be located generally at the north end of North Torrey Drive at 10776 North Torrey Drive.

B. The Planning Commission recommended approval of the Development Agreement for the subdivision on December 12, 2022.

C. The Development Agreement provides for the installation of improvements and the payment of fees in accordance with the City Engineer's report.

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

1. The Development Agreement for the Torrey Drive Subdivision project is approved, 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: January 10, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on January 10, 2023.

Caroline Fochs, City Clerk

Document Number	DEVELOPMENT AGREEMENT Document Name	
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THIS DEVELOPMENT AGREEMENT (“Agreement”) is made as of _____, 2022, by Torrey Drive, LLC (the “Developer”) and the City of Mequon, a municipal corporation (the “City”).

RECITALS

A. The Developer desires to improve and develop the property described on the attached Exhibit A (the “Property”).

B. Wisconsin Statutes Section 236.13(2) and Sections 58-634(c) and 58-637 of the Mequon Code of Ordinances (the “Code”) 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 “Development”), 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. Improvements. As defined in this Agreement, the following terms and phrases have the following meanings:

“Improvements” means the Private Improvements and the Public Improvements.

“Private Improvements” 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

Attachment: Torrey Drive Development Agreement (RESOLUTION 4007 : Torrey Drive DA)

“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 Preliminary Plat approval by the Planning Commission on _____. The Preliminary Plat is an expression of approval or conditional approval of the layout submitted and is a guide to the preparation of the Final Plat which will be subject to further consideration by the Planning Commission at the time of its submission.

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 Final Plat 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) Indicate which lots are designed for full exposure and partial exposure and the lots that are limited to front load entry garage only.

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

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. Any public access path shall be subject to a ten foot (10') wide pedestrian and bike path easement. An eight-foot (8') wide path shall be designed and constructed in accordance with the Department of Transportation (DOT) Bike Path Facilities Handbook.

(d) No entry landscaping or signage. Planning Commission approval required if changed.~~The Developer shall submit signage and entryway plans to the City. Such plans shall be subject to review and approval by the Planning Commission. No signage or entryway landscaping or feature will be constructed.~~

10. Street Plans.

(a) The Developer shall submit plans for all public roads and driveways. 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 at the same time as ~~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. Street name is Torrey Drive.

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 ~~lot~~[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.

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. ~~No~~[future phase.](#)
- (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. 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.

16. 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, approval of the Improvements, acceptance of dedication by the City and Final Plat approval.

17. 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.

18. 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.

19. 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.

20. Wetlands. Wetland boundaries shall be identified and marked in the field and verified by the DNR. The wetlands and protective areas per NR 151 shall be identified on the plat. Wetland boundary markers shall be maintained, and setbacks observed, during all phases of land disturbance and construction. No wetland shall be filled without prior approval of the DNR.

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 shall install the drainage system, including roads (unpaved, but with gravel surface), first. The swale and ditches shall be sodded or planted with fast growing grasses immediately after grade certification by the City or its designated agent. The City may request temporary mulching if ground

is exposed for more than seven days. Straw, hay bales, check dams or silt fences shall be placed in the drainage system as sediment traps in accordance with established best management practices. The City will decide whether sod is appropriate and whether the sediment trap method to be used.

(c) 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.

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

(e) 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.

(f) 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 and prior to the recording of the Final Plat, 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) At the time of any extension of any street in the Development for which a temporary turnaround was constructed, the Developer shall remove the temporary turnaround and restore the area.

~~The roadside sidewalk shall be installed at the time of street construction. Until Final Plat approval, the Developer shall maintain (including snow and ice removal) such roadside sidewalks and repair and replace them as necessary. No sidewalk.~~

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

25. Additional Utility Requirements.

(a) The Final Plat shall include easements for sanitary, drainage, gas, electric, sewer, water, phone, cable television, internet and other utilities for provision of services to and from the Development.

(b) 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 at the time of Final Plat approval.

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

(d) 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.

(e) 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.

26. Lot Pipe Certification. The Developer shall, prior to Final Plat approval, provide to the City a lot pipe certification stamped and signed by a professional land surveyor, registered in the State of Wisconsin. The form and content of the lot pipe certification shall be acceptable to the City Engineer.

MODEL HOMES

27. Model Homes.

(a) Subject to satisfaction of all other requirements for a building permit, the City will issue a building permit for two (2) principal structures to be used as sales models prior to approval and recording of the Final Plat.

(b) If the Developer is unable, despite reasonable efforts, as determined by the City in its sole discretion, to satisfy the paving requirements of Section 3.6 of the Standard Specifications for Land Development, the City will, upon application of the Developer and satisfaction of all other requirements for a building permit, issue a building permit for one model home prior to the installation of the binder course of asphalt in the adjacent dedicated public road or private access easement. The City shall not issue the building permit for such model home until stone base is installed and such stone base has successfully passed a proof roll. The stone base shall allow, as determined by the City in its sole discretion, access for inspections and emergency personnel. The City may cancel inspections if adequate access is not provided to inspections staff.

(c) The Developer shall not transfer title to any lot containing a model home until the Final Plat is approved and recorded as described below.

ASSOCIATION; COVENANTS, CONDITIONS AND RESTRICTIONS; ONGOING AGREEMENTS

28. The Association. The Developer shall, prior to the sale of any property within the Development, create or cause to be created an entity (the "Association") with a perpetual existence under the laws of the State

of Wisconsin to control and maintain the common areas and facilities of the Development and to assume the obligations of the Association set forth in this Agreement. The Developer shall provide the City a description of the organization of the proposed Association, together with copies of its governing documents, including all documents governing ownership, maintenance and use restrictions for common facilities or common elements, including commonly owned outlots. Such documents shall be subject to review and approval of the City for consistency with the requirements of this Agreement. The Association shall be operating (with financial subsidization by the Developer, if necessary) before the sale of any part of the Development. All owners of any property in the Development, including the Developer, shall be members of the Association solely by virtue of such ownership and shall be jointly responsible for its obligations, which obligations shall be assessable as against such members. The Association shall have the power and authority to assess property owners for their proportionate share of costs associated with the responsibilities of the Association set forth in this Agreement. The governing documents for the Association shall confer legal authority on the Association to place a lien on the property of any member who falls delinquent in dues or assessments. Such dues and assessments shall be paid with accrued interest before the lien may be lifted. If at any time the Association does not exist or fails to satisfy its obligations, the owners of the Property shall be jointly and severally liable, with rights of contribution, for the Association's responsibilities under this Agreement and all agreements that run with the land that impose responsibilities on the Association.

29. Obligations of the Association. The Association 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 (except those on private lots), 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.

30. Temporary Turnarounds. If any street constructed as part of the Development has a temporary turnaround for any future extension of the street beyond the Development, the Association shall remove such turnaround and restore the area in a manner acceptable to the City at the time the street is extended beyond the Development.

31. 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 to the Association, at which time such responsibility shall pass to the Association. 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 Final Plat approval. To assure compliance with the approved plans, the Developer shall recertify the detention basins and ponds (whether one or more) as a condition of transferring ownership to the Association, but in no event shall such recertification occur later than five years after the approval of the Final Plat.

(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 Association, and any other assigns and successors in interest of the Developer, and shall be promptly submitted 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) Not less than 90 days prior to the final expiration of the Developer’s Stormwater Guarantee obligations, or at such time as the Developer shall convey the outlots or common areas in or on which are located the stormwater drainage and storage facilities, including detention basins and ponds, to the Association or other assigns or successors in interest, whichever is later, the Developer shall have the detention basins and ponds recertified as described above.

(ix) 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.

(x) 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.

(xi) The Association 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.

(xii) The agreement and all of its covenants are and shall be covenants running with the land, and shall encumber the Development, and shall bind the Developer and its heirs, personal representatives, successors and assigns, including without limitation the Association. The agreement shall specifically include this language and shall not be incorporated by reference. The agreement shall be recorded with the Ozaukee County Register of Deeds.

32. Additional Covenants, Conditions and Restrictions. Prior to Final Plat approval, the Developer shall record the following additional covenants, conditions and restrictions against the Property (the “Covenants”). The Covenants shall be subject to review and approval by the City. The Covenants shall:

(a) Prohibit, without the express written consent from the City Engineer and approval by the Planning Commission, future property owners from (a) removing any berms, landscaping or amenities installed on the Development as a condition of landscaping, open space, grading or drainage plans, and (b) placing

landscape features, berms or plantings which disrupt flow of run-off in drainage ways or courses approved as a condition of the grading and drainage plans.

- (b) Notify future lot owners of the obligations set forth below.

OBLIGATIONS OF BUILDER/LOT OWNER

33. Compliance with Grading Plan. Any person who constructs a building in the Development shall be responsible for siting the principal building and rough and fine grading the building pad to comply with the master grading plan.

34. Sump Pump Discharge and Roof Drainage Plan. Any person who constructs a building in the Development shall submit, at the time of architectural review and approval, a sump pump discharge and roof drainage plan in accordance with Storm Water Management Plan approved by the City Engineer.

35. 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.

36. 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

37. 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.

38. 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.

39. 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.

40. 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

41. 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.

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

43. Landscaping Completion Letter of Credit. If the City agrees to Final Plat approval despite landscaping and/or hardscape amenities, including the installation of required street trees, not being completed (the City shall not be obligated to grant Final Plat 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 Final Plat 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 Final Plat 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.

44. Landscaping Survival Letter of Credit. The Developer shall, prior to Final Plat approval, 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.

45. Street Tree Survival Guarantee. The Developer shall, prior to Final Plat approval, 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 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.

46. 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.

47. 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 \$1,000 per lot or unit in the Development (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.

48. 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.

49. 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 \$2,200 (11 lots or units @ \$200 per lot or unit) prior to Final Plat approval.

50. 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.

51. 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.

FINAL PLAT APPROVAL; DEDICATION; RELEASE

52. Final Plat Approval

(a) The Common Council shall grant Final Plat approval 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.

(b) The Common Council may, but shall not be required to, grant Final Plat approval despite certain of the Improvements not being completed provided escrows have been established or guarantees provided that are adequate, as determined by the Common Council in its discretion, to ensure completion.

53. 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 upon recording the Final Plat, as provided by Wisconsin law, and without recourse, and free and clear of all liens, claims and encumbrances. The lien waivers required above shall be a condition precedent of recording of the Final Plat. The Public Improvements shall have access from a dedicated street, where necessary.

54. 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

55. 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.

56. 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 creditor 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.

57. 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.

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

GENERAL PROVISIONS

59. 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).

60. 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.

61. 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.

62. 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.

63. 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.

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

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

66. 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]

Attachment: Torrey Drive Development Agreement (RESOLUTION 4007 : Torrey Drive DA)

[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 _____,
 2022, 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

Attachment: Torrey Drive Development Agreement (RESOLUTION 4007 : Torrey Drive DA)

[DEVELOPER SIGNATURE PAGE TO DEVELOPMENT AGREEMENT]

Torrey Drive, LLC

By: _____

Name: _____

Title: _____

STATE OF WISCONSIN)
) SS
 COUNTY)

The foregoing instrument was acknowledged before me on _____,
 2022____, by John Stoker_____, as Member _____ of Torrey Drive, LLC
 _____.

Name: _____

Notary Public, Ozaukee County, Wisconsin

My Commission (expires) (is) _____

Attachment: Torrey Drive Development Agreement (RESOLUTION 4007 : Torrey Drive DA)

**EXHIBIT A
to the
DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF MEQUON AND
Torrey Drive, LLC**

Torrey Drive

Legal Description

Attachment: Torrey Drive Development Agreement (RESOLUTION 4007 : Torrey Drive DA)



11333 N. Cedarburg Road
 Mequon, WI 53092-1930
 Phone: 262-236-2941
 Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Administration

TO: Common Council
FROM: Justin Schoenemann, Assistant City Administrator
DATE: December 30, 2022
SUBJECT: ORDINANCE 2023-1638 An Ordinance Amending Chapter 2 of the Mequon Municipal Code Related to Electronic Attendance at City Meetings

Background

At its July 2022 meeting, members of the Common Council's Committee of the Whole referred the City's electronic meeting ordinances to the City's Public Welfare Committee for review, and the consideration of potential amendments. The City's current electronic meetings ordinances were established in 2019 and are contained within two separate sections of Chapter 2 within the Mequon Municipal Code. Section 2-35(d) outlines electronic meeting participation requirements for Common Council members, while Section 2-430 contains provisions by which members of the City's various boards, commissions and committees may attend meetings via electronic means. Links to both sections contained within Chapter 2 are included below.

Ordinance 2-35(d): <https://bit.ly/3QYLDuA>

Ordinance 2-430: <https://bit.ly/3a1tBHK>

Analysis

The Public Welfare Committee took a surgical approach to the review process over the course of three meetings. The Committee coalesced around several proposed amendments, which are summarized below:

1. The annual electronic meeting participation limitation for members of the Common Council and Planning Commission has been increased from two to three times per year.
2. A Council member's virtual attendance is based on an individual Committee instead of all meetings occurring on a given night. For example, under the Code's existing language, a member who virtually attends a Public Welfare Committee, Finance-Personnel Committee and Committee of the Whole meeting on the same evening would not be able to attend the Common Council meeting that same night. The proposed language tallies electronic attendance at each of those committees separately.
3. Allows members of Citizen Committees (i.e., boards, commissions, committees) to attend meetings electronically up to four times per year, instead of the current limit of three times per year.

4. Allows City staff & consultants to attend meetings electronically, with permission.
5. Specifies that the City's electronic meeting participation limitations can be suspended in the event a declaration of emergency comes from the City, County, State or Federal Government.
6. Provides Police Commission Members with the ability to attend meetings electronically, when not functioning in a quasi-judicial capacity.

The City Attorney has drafted the amendments for the ordinances governing the Common Council, Planning Commission, and all citizen committees based on the Public Welfare Committee's direction. Accordingly, a proposed ordinance which contains amendments to Section 2-430 of the Code for members of the City's boards, commissions and committees is attached. Additionally, amendments to Section 2-35(d), which govern electronic meeting participation by members of the Common Council are also included as Exhibit A, which is referenced as an attachment within the proposed ordinance.

Recommendation

On December 13, 2022, the Public Welfare Committee approved a recommendation in favor of adopting the proposed ordinance amendments by a vote of 3-0.

Attachments:

Exhibit A: Section 2-35 (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2023-1638

An Ordinance Amending Chapter 2 of the Mequon Municipal Code Related to Electronic Attendance at City Meetings

RECITALS

A. The Common Council previously adopted section 2-35 of the Mequon Municipal Code which establishes certain rules related to the conduct of Common Council meetings.

B. The Common Council previously adopted section 2-430 of the Mequon Municipal Code, which establishes certain rules related to electronic meeting attendance at other City meetings.

C. The Common Council desires to amend those rules to clarify the same and add additional flexibility.

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

SECTION I

Section 2-35 of the Mequon Municipal Code is repealed and recreated to read as shown on the attached Exhibit A.

SECTION II

Section 2-430(b)(2) of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck through~~; Added text is **bolded & double-underlined**):

(2) A member of a committee can attend meetings electronically up to ~~three~~ **four** times a year.

SECTION III

Section 2-486(d) of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck through~~; Added text is **bolded & double-underlined**):

(d) **When the board is acting in a quasi-judicial capacity,** sSection 2-430 shall not apply. A quorum shall be required to be physically present to transact business or to take any action on any agenda item on the meeting's agenda **when acting in a quasi-judicial capacity.**

SECTION IV

Section 2-40(g) of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck through~~; Added text is **bolded & double-underlined**):

(g) Emergency and disaster situations. The restrictions of this policy can be waived by the City of Mequon in the event of a bona fide disaster, as determined by the city ~~or other governing body, such as the county, state, or~~ **or** federal government.

SECTION V

Section 2-40(h) of the Mequon Municipal Code is added to read as follows: (NOTE: Deleted text is ~~struck through~~; Added text is **bolded & double-underlined**):

(h) **Notwithstanding the above, city staff and consultants may be allowed to virtually attend any meeting of the council with the approval of the city administrator, mayor or presiding officer.**

SECTION VI

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 VII

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION VIII

This Ordinance shall become effective the day after its publication as provided by law.

Approved by: Andrew Nerbun, Mayor

Date Approved: January 10, 2023

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on January 10, 2023.

Caroline Fochs, City Clerk

Published: _____

EXHIBIT A

Sec. 2-35. Place; quorum; adjournment.

- (a) *Place of meetings.* All common council meetings shall be held in city hall. As used in this section, a common council meeting shall include regular, special or organizational meetings of the council, and all committee of the whole, appropriations committee, standing committee and utility board committee meetings. Notwithstanding the foregoing:
- (1) A meeting held jointly with one or more bodies that govern other political entities may be held outside of city hall.
 - (2) All or part of a meeting may be held at another location if, in the mayor's opinion, such location might assist the common council in its deliberations or is otherwise deemed to be necessary and appropriate.
 - (3) The common council may by majority vote at a prior meeting agree to hold a meeting at another location.
 - (4) The interest in an agenda item is of significant interest to the community such that city hall will be unable to accommodate the anticipated attendance from members of the public.
 - (5) The topic(s) of the meeting are anticipated to be of a perfunctory nature such that a fully virtual or electronic meeting would be more convenient for the attendees of the meeting.
 - (6) A temporary location of government is authorized under Wis. Stat. § 323.52(1) during a state of emergency as declared by the city, county, state or federal government.
- (b) *Quorum.* No action shall be taken unless a quorum is present. A quorum shall consist of the six aldermen or, if there is one or more vacancies, two-thirds of all aldermen then holding office. The mayor or the majority of aldermen present may compel the attendance of absent members in order to obtain a quorum. Otherwise, the common council shall adjourn for failure to obtain a quorum. The mayor shall not be counted in determining whether a quorum is present. To the extent a regular meeting cannot be held due to the lack of a quorum, any meeting called to replace the missed meeting shall constitute a regular meeting.
- (c) *Adjournments.* The common council may, by a majority vote of the aldermen present, adjourn from time to time to a specific date and time.
- (d) *Electronic attendance.* The mayor and aldermen shall attend meetings of the common council in person except for a fully virtual or electronic meeting under subsection (a)(5) or as follows:
- (1) *Individual requests.* Provided that a quorum of members is physically present at a meeting of the common council, the mayor or any alderman is qualified to attend such meeting electronically.
 - a. Any member of the common council may electronically attend up to three meetings of each individual category of common council meetings in any calendar year. For example, a member could electronically attend two common council meetings and three committee of the whole meetings in a year, but could not attend four committee of the whole meetings. Any meeting that is fully virtual for all members as allowed under subsection (a) shall not count against any otherwise annual limits described under this paragraph.
 - b. Procedure for electronic attendance.
 1. Notice to the city clerk. The member must notify the city clerk in writing at least 24 hours prior to the meeting in which the member desires to attend electronically unless advance notice is impractical due to family or other emergency. If the member is unable to give the required written notice prior to the meeting, the member shall notify the clerk by other means prior to the meeting and shall submit the required written notice as soon as practicable.

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2. Determination of authorization of electronic attendance. Upon receipt of the notice, the clerk shall promptly forward the notice to the mayor or, in the case of a notice by the mayor, the common council president. After establishing that a quorum of the common council is physically present at the meeting at which a member has requested to attend electronically, the presiding officer shall state that (i) a notice was received by a member of the common council in accordance with this policy, and (ii) the member will be deemed authorized to attend the meeting electronically unless a motion objecting to the member's electronic attendance is adopted by two-thirds of the members of the council physically present at the meeting. If no such motion is adopted, then the request by the member to attend the meeting electronically shall be deemed approved and the presiding officer shall declare the requesting member present. After such a declaration by the presiding officer, the question of a member's electronic attendance may not be reconsidered.
- (2) Effect of electronic attendance. A member attending a meeting of the common council electronically shall be considered present at the meeting and shall be entitled to vote on any matter before the council as if the member were physically present at the meeting.
 - (3) The following provisions shall supplement all other applicable rules and procedures identified in this article II, and are applicable for any meeting of the common council at which a member has been authorized to attend electronically. In the event of a conflict between rules, the provisions below shall control.
 - a. Identification and recognition of electronic attendees. Members attending electronically must identify themselves each time the member wishes to speak and must be recognized by the presiding officer prior to addressing the council.
 - b. Public access to meeting. The speech of a member attending electronically shall be amplified in such a manner that it is generally audible to members of the council and the public who are physically present at the meeting. Any video image of a member attending electronically shall be projected in such a manner that the member's video image is generally visible and audible to members of the council and the public who are physically present at the meeting. Votes of any member attending electronically shall be audible and expressly acknowledged by the presiding officer.
 - c. Minutes. The minutes for the meeting shall identify which members of the common council attended electronically and the means by which the member attended the meeting.
 - d. Announcements of attendance; quorum calls. Any member attending a meeting of the common council electronically shall announce their arrival at the first opportunity to do so without interrupting a speaker. If any such member needs to depart the meeting prior to adjournment they shall announce their departure without interrupting a speaker. Any member of the common council attending the meeting in person may request a quorum call at any time to ensure a quorum is in attendance.
 - e. Technical malfunctions. Each member is responsible for their electronic connection to any meeting of the common council that they attend electronically, and they attend electronically at their own risk. No action shall be invalidated on the grounds that any member attending electronically loses or otherwise has a poor connection to the meeting. The presiding officer may order the disconnection or muting of a member's electronic connection to the meeting if it is causing undue interference with the orderly proceedings of the meeting. The decision to so disconnect or mute a member's connection shall be announced during the meeting and may be overturned by a vote of two-thirds of the members physically present. The minutes shall reflect the action taken.
 - f. Closed session exclusion. A member attending a meeting of the common council electronically shall not be able to continue to participate in the meeting when it moves into closed session unless the member is attending via a video connection and can establish the lack of presence of third
-

parties with the member which would be detrimental to the purposes of utilizing a closed session. In the event that such member is unable to satisfy this requirement, the council shall convene as a committee of the whole to comply with the requirements of Wis. Stat. § 19.89.

- (4) Emergency and disaster situations. The provisions of this ordinance can be waived by the City of Mequon in the event of a bona fide disaster, as determined by the city or other governing body, such as the county, state, or federal government.
- (5) Notwithstanding the above, city staff and consultants may be allowed to virtually attend any meeting of the council with the approval of the city administrator, mayor or presiding officer.



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Office of City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: January 10, 2023
SUBJECT: ORDINANCE 2023-1639 An Ordinance Amending Chapter 50 and Section 46-133 of the Mequon Municipal Code, Relating to Nuisances Within the City Including Noise

Background

Recently, the Public Welfare Committee asked to review the City's nuisance ordinance for potential amendments on particular issues, such as nuisance animals. From staff's perspective, the review was also warranted based on experience and comments from prior mayors concerning the somewhat byzantine process for achieving nuisance abatement that is currently contained in the City Code. Under the current Code, nuisances are addressed in two separate sections. The first, consisting of sections 50-1 through 50-4, defines what constitutes a nuisance. The second, consisting of the remainder of the Code, covers the process for abating a nuisance.

Discussion

Of the two topics, the first is the area with little need for suggested changes. The various activities and conditions defined to be nuisances is fairly comprehensive and similar to most other communities. Nevertheless, the Public Welfare Committee identified three potential amendments. First, the proposed revisions include the addition of barking dogs (and similar animal noises), and repeated violations of the Municipal Code, as specifically enumerated nuisances. The second of these additions results in consistent treatment by all departments where they are continually addressing the same violation/offender. Finally, the hours related to noise violations for construction and recreational vehicles has been amended to ensure consistency throughout the Code. This includes proposed changes to Section 46-133.

The second topic - that of abating any identified nuisance - is more complicated. Under the current Code, a nuisance complaint that has been received must first be inspected by the Health Officer or the Police Chief, who then prepares a written report of findings. If a nuisance exists, the report gets filed with the Mayor, who then submits it to the City Clerk for a subsequent hearing before the Common Council. Thereafter, the Common Council may order the abatement of the identified nuisance.

Obviously, there are a few problems with this approach. First, the inspecting officer often does not make sense - the City no longer employs a health officer, and the Police Department lacks the experience and training to address many potential nuisances (like building code violations). Second, in many cases, nuisance properties often have history with the various departments. In

these cases, orders to correct and municipal citations have been utilized but have failed to bring about compliance. Based on that, it is foolish to believe that a new investigation and an appearance before the Common Council will suddenly make a non-cooperating property owner cooperative. For these reasons, this section of the Code has been amended to streamline the abatement process, and to ensure that the appropriate City officials are involved.

Accordingly, proposed amendments to address all of these identified concerns have been drafted, are endorsed by the Public Welfare Committee and are contained in the proposed ordinance that is recommended for adoption. Given the extent of the amendments that are contained within Chapter 50 within the attached ordinance, a clean copy of Chapter 50 that reflects all of the recommended amendments is also attached for reference.

Recommendation

A recommendation is forthcoming from the Public Welfare Committee on January 10, 2023.

Attachments:

Chapter 50 - Clean (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2023-1639

An Ordinance Amending Chapter 50 and Section 46-133 of the Mequon Municipal Code,
Relating to Nuisances Within the City Including Noise

RECITALS

- A. The Common Council previously adopted Chapter 50 of the Mequon Municipal Code which regulates nuisances within the City.
- B. Loud and excessive noise is among the nuisances regulated in Chapter 50.
- C. The Common Council desires to amend Chapter 50 to provide additional clarity and to streamline the enforcement process.
- D. In order to provide consistency in noise regulations, the Common Council also desires to amend Section 46-133, which regulates certain construction noises.
- E. The regulation of nuisances within the City furthers the health, safety and welfare of the community.

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

SECTION I

Section 46-133 of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck through~~; Amended text is underlined):

Sec. 46-133. Loud noise prohibited.

(a) *Declaration of intent.* It is the intent of this section to control the creation of noise generated by construction related activities only. Noise created by approved industrial or commercial operations, recreation vehicles and emergency, agricultural, public works, lawn maintenance or snow removal equipment are not to be regulated by the following requirements. Some of the aforementioned uses are regulated by other existing ordinances and shall continue to be so regulated.

(b) *Construction noise.* No person, firm or corporation shall at any time between the hours of 9:00 p.m. and 7:00 a.m. on Monday through Friday, and 9:00~~5:00~~ p.m. and 8:00~~9:00~~ a.m. on Saturday, Sunday and public holidays create

any loud or sharp noises, concussions or disturbing sounds associated with the construction, excavation, demolition, alteration or repair of any building or development such as may tend to annoy or disturb any person. For purposes of enforcement of this article, public holidays shall include New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day~~;~~, and the day of the week shall be based upon the day on which the time period ends (e.g., from 9:00 p.m. Friday night to 8:00 a.m. Saturday morning shall be deemed a Saturday).

SECTION II

Chapter 50 of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck through~~; Amended text is underlined):

Sec. 50-1. Public nuisance defined and prohibited.

(a) A public nuisance is a thing, act, occupation or use of property, which shall repeatedly occur or continue for a sufficient length of time so as to:

- (1) Injure or endanger the safety, health, comfort or repose of the public;
- (2) Offends public morals or decency;
- (3) Unlawfully interfere with, obstruct, or tend to obstruct or render dangerous for passage a lake, navigable river, bay, stream, canal or basin or a public park, square, street, alley or highway;
- (4) In any way render the public insecure in life or in the use of property;
- (5) Generate three or more calls for police service for nuisance activities which occur at a premises, within a calendar year, in accordance with section 50-6 below.

(b) In all cases where no provision is herein made defining what are nuisances and how the same may be removed, abated, or pre-vented, in addition to what may be declared herein, those offenses which are known to the common law of the land and the Wisconsin Statutes as nuisances, may, in case the same exist within the city limits, be treated as such offenses and proceeded against as provided in this section or in accordance with other provisions of law.

(c) No person shall within the city, cause or create a public nuisance or permit a public nuisance to remain on premises owned or occupied by him.

Sec. 50-2. Public nuisances affecting health.

(a) No person shall within the City of Mequon, cause or create any public health nuisance or permit any public health nuisance to remain on premises owned or occupied by him.

(b) The following are hereby specifically declared to be nuisances affecting

the public health:

- (1) All decayed, spoiled, tainted, unwholesome or harmfully adulterated food, drink or drugs offered for sale to the public;
- (2) All ponds or pools of stagnant water in which mosquitoes, flies or other insects can multiply;
- (3) Carcasses of animals or fowl not buried, destroyed or otherwise disposed of in a sanitary manner within 24 hours after death;
- (4) Accumulations of decayed animal or vegetable matter, trash, manure, rubbish, rotting lumber or other debris to which are attracted flies, mosquitoes, insects, rats or other vermin;
- (5) Privy vaults and garbage cans which are not fly tight;
- (6) Pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial waste or other substances;
- (7) All noxious weeds as follows: Canada thistle, leafy spurge, field bindweed (creeping Jenny), and burdock, poison ivy, common ragweed and giant ragweed;
- (8) Dense smoke, noxious fumes, gas, soot, cinders, fly ash or industrial dust in such quantities as to render the occupancy of property dangerous or uncomfortable to a person of ordinary sensibilities;
- (9) Any dilapidated structure or building which harbors or is infested with vermin or rodents.
- (10) The presence of wastewater or sewage effluent from buildings on the ground surface, backing up into the building and/or running into a surface water body, caused by a damaged, malfunctioning, improperly constructed or inadequately maintained private sewage system or private sewage lateral; also, any wastewater or sewage effluent that is not handled and disposed of in compliance with all applicable county and state codes.

Sec. 50-3. Public nuisances affecting morals and decency.

- (a) No person shall within the City of Mequon, cause or create a public morals or decency nuisance or permit such nuisance to remain on premises owned or occupied by him.
- (b) The following are hereby specifically declared to be public nuisances offending public morals and decency:
 - (1) All gambling devices, slot machines and punch boards, except as approved by the state;
 - (2) All houses kept for the purpose of prostitution or gambling.

Sec. 50-4. Public nuisances affecting peace and safety.

- (a) No person shall within the City of Mequon, cause or create a public peace

or safety nuisance or permit such nuisance to remain on premises owned or occupied by him.

(b) The following are specifically declared to be nuisances disturbing the public peace or endangering the public safety:

(1) All trees, hedges, billboards or other obstructions which prevent persons driving automobiles or other vehicles on the city streets from having a clear view of traffic approaching an intersection from cross streets;

(2) ~~All loud, discordant or unnecessary noises and annoying vibrations~~ Making, continuing or causing to be made any loud, discordant, disturbing or unnecessary sounds or noises and/or annoying vibrations emanating from or in the proximity to a premises by persons associated with that premises, such as horns, whistles, music amplification equipment, public address systems, which would tend to annoy or disturb a person of ordinary sensibilities in the proximity of the premises;

(3) All open or unguarded wells, cisterns, pools or excavations so located as to endanger public safety or the safety of children;

(4) All buildings, walls and other structures, which have been damaged by fire, decay or otherwise to an extent exceeding one-half their assessed value;

(5) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use;

(6) All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as an official traffic control device placed or maintained upon or in view of any public highway, street, alley or railway crossing;

(7) All hanging signs, awnings and other similar structures over the streets, alleys or public ways of the city or projecting more than six feet over the sidewalks or so situated or constructed as to endanger the public safety;

(8) All tree limbs which are less than ten feet above the surface of any public sidewalk or 14 feet above the surface of any street;

(9) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

(10) The allowing of rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.

(11) Keeping, harboring or maintaining any domestic pet which howls, barks, screeches, whines, cries or similar sounds which may be heard beyond the boundary of the property of the owner, keeper or harborer so as to materially interfere with or affect the health, comfort, peace and quiet of the public, or the reasonable use and enjoyment of the neighboring

residential properties where the animal sounds are shown to have occurred either as an episode of continuous noise lasting for a minimum period of fifteen (15) minutes, or repeated episodes of intermittent noise lasting for a minimum period of thirty (30) minutes. It shall be an affirmative defense under this division that the animal was intentionally provoked by a party other than the owner to make such noise.

(12) The operation of construction or repair machinery, recreational vehicles, garden and lawn equipment, or the like between the hours of 9:00 p.m. and 7:00 a.m. on Monday through Friday, or 9:00 p.m. and 8:00 a.m. on Saturday, Sunday and public holidays. For the purposes of this section, public holidays shall include New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, and the day of the week shall be based upon the day on which the time period ends (e.g., from 9:00 p.m. Friday night to 8:00 a.m. Saturday morning shall be deemed a Saturday). This section shall not apply to emergency operations related to utility repairs, municipal operations (including snow removal) or agricultural operations.

Sec. 50-5. Abatement of nuisances.

(a) ~~*Inspection of premises.* Whenever complaint is made to the mayor by a private citizen or any official or employee of the city that a public nuisance exists within the City of Mequon, the mayor, official or employee shall promptly notify the health officer and the chief of police who shall inspect or cause to be inspected the premises upon which such nuisance is alleged to exist and shall make a written report of their findings to the mayor.~~ *Enforcement.* The chief of police, the chief of the Southern Ozaukee Fire and Emergency Medical Services Department, director of the community development department, city engineer, and the building inspector shall have the power and authority to enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the appropriate official shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has been satisfied that a nuisance does in fact exist.

(b) *Summary abatement procedure.*

(1) ~~*Notice to owner or occupant.* If the inspecting official shall determine that a public nuisance exists on private property within the city and that there is great and immediate danger to the public health, safety, morals, decency or peace, the mayor shall direct the chief of police to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or upon the occupant of the premises where such nuisance is caused, permitted or maintained, and, if the owner is a non-resident or cannot be found, and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant, as the case may be,~~

to abate or remove such nuisance within a reasonable time of not less than 24 hours and shall state that unless such nuisance is so abated, the city will cause the same to be abated and will charge the cost thereof to the person causing, permitting or maintaining the nuisance, owner or occupant as the case may be.

(2) ~~*Failure of owner or occupant to abate nuisance*~~*Abatement by city.*
~~If the owner or occupant fails to comply with the aforesaid notice within the time limited or if he cannot be found, the health officer, in the case of health nuisances, and the chief of police in all other cases shall cause the abatement or removal of such public nuisance. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the inspecting official shall cause the abatement or removal of such public nuisance.~~

(c) *Abatement in other cases.* If the inspecting official shall determine that a public nuisance exists within the city, but that the nature of such nuisance does not threaten great and immediate danger to the public health, safety, peace, morals, decency or peace, the mayor shall direct the inspecting official to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained, and, if the owner is a non-resident or cannot be found, to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant, as the case may be, to abate or remove such nuisance within a reasonable time of not less than 10 days. If such nuisance is not abated or removed within 10 days, the inspecting official shall report such fact to the mayor, who may direct the city attorney to commence an action in circuit court for the abatement of the nuisance.

(1) — ~~*Notice to owner or occupant.*~~ ~~If the inspecting official shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, morals, decency or peace, they shall file written reports of their findings with the mayor, who shall forthwith direct the city clerk to issue a notice to the owner or occupant of the premises requiring him to appear before the common council at a regular or special meeting thereof on the day and time appointed by the mayor and then and there show cause, if any there be, why said nuisance should not be abated and removed at the cost and expense of the owner or occupant, as the case may be. A copy of said notice shall be served upon the owner or occupant of said premises by the chief of police at least ten days prior to the date set for hearing, or if the owner of the premises is a non-resident or cannot be found, a copy of such notice shall be published in the official newspaper and a like copy mailed to the owner directed to his last known address as shown by the records of the city treasurer at least 15 days before the date set for hearing.~~

(2) — ~~*Hearing.*~~ ~~At the time set for hearing the common council shall hear testimony relative to the facts and shall enter written findings thereon. If the council shall find that the public nuisance exists on said premises or is kept or maintained or allowed by the owner or occupant, it shall order the owner or~~

occupant, as the case may be, to abate the same.

~~(3) — *Failure of owner or occupant to abate.* In the event that the owner or occupant shall fail to comply with the order of abatement of the common council, the council shall, without further notice, order the chief of police to comply therewith and to make return of the cost and expense of abating or removing such nuisance to the city treasurer.~~

(d) *Cost of abating nuisance.* In addition to any other penalty imposed under this chapter for the maintenance of a nuisance, the cost of abating or removing a nuisance by the city shall be collected from the owner or occupant or person causing, permitting or maintaining said nuisance or, if notice to abate such nuisance has been given to the owner, such costs may be charged against the premises and assessed against the real estate as another special taxes charge.

(e) *Remedies not exclusive.* ~~In addition to the methods of abatement of public nuisances specified in this section, the mayor or common council may also institute an action in the Ozaukee County circuit court for abatement of any public nuisance existing within the limits of the City of Mequon in accordance with the provisions of Wis. Stats. ch. 823. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the city or its officials in accordance with the laws of the State, nor as prohibiting an action to be commenced in the circuit court seeking a forfeiture as provided in section 1-7 of this Code.~~

Sec. 50-6. Chronic nuisances premises.

(a) *Findings.* The city council finds that any premises that generates three or more responses in a one year period by the police department for nuisance activities as defined in subsection (b) below, has received more than the appropriate level of general and adequate city service and has placed an undue and inappropriate burden on the taxpayers of the city. The common council therefore authorizes the chief of police, as provided in this chapter, to require the premises owner or occupant to comply with nuisance abatement plans and to charge the owner or occupant of such premises the costs associated with abating the violations at the premises where nuisance activities chronically occur as set forth in section 50-9.

(b) *Definitions.* The following terms shall be defined as follows in this article, and the singular includes the plural and the plural includes the singular:

Chief means the chief of police or his or her designee.

Owner means a person who has legal title or possession, charge, care or control of premises, including as executor, administrator, trustee, or guardian of the estate of a person or property.

Person includes a corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, limited liability company or any other legal entity.

Person associated with premises means the premises owner, operator, manager,

resident, occupant, guest, visitor, or person present on the premises (other than trespasser) or employee or agent of any of the above persons associated with the premises.

Police department response means a sworn, on-duty city police officer is dispatched to a premises in response to a good faith report of nuisance activity, as defined below, occurring or having occurred at the premises, which complaint said officer finds to be credibly supported during his/her investigation, and which results in an arrest, or the issuance of a citation, or a criminal or juvenile complaint.

Premises means an individual building, dwelling, or dwelling unit and associated common areas or vacant land.

Nuisance activity means any of the following activities, behaviors, or conduct whenever engaged in by persons associated with a premises that causes or results in:

- (1) An act of harassment, as defined in Wis. Stats. § 947.013;
- (2) Disorderly conduct, as defined in Wis. Stats. § 947.01;
- (3) Battery, substantial battery, or aggravated battery, as defined in Wis. Stats. § 940.19;
- (4) Lewd and lascivious behavior, as defined in Wis. Stats. § 944.20;
- (5) Prostitution, as defined in Wis. Stats. § 944.30;
- (6) Theft, as defined in Wis. Stats. § 943.20;
- (7) Receiving stolen property, as defined in Wis. Stats. § 943.34;
- (8) Arson, as defined in Wis. Stats. § 943.02;
- (9) Possession, manufacture, or delivery of a controlled substance or related offenses, as defined in Wis. Stats. Ch. 961;
- (10) Gambling, as defined in Wis. Stats. § 945.02;
- (11) Trespassing, as defined in Wis. Stats. §§ 943.13 and 943.14;
- (12) The execution of arrest or search warrants at a particular premises;
- (13) Alcohol violations, as defined in section 14-24 of the Code, and Wis. Stats. § 125.07;
- (14) Obstructing or resisting an officer, as defined in Wis. Stats. § 946.41;
- (15) Violation of occupancy restrictions, as defined in the Code;
- (16) Any conspiracy to commit, as defined in Wis. Stats. § 939.31, or attempt to commit, as defined in Wis. Stats. § 939.32, any of the activities, behaviors, or conduct enumerated in this subsection (b);
- (17) Making, continuing or causing to be made any loud, disturbing or unnecessary sounds or noises emanating from or in the proximity to a

premises by persons associated with that premises, such as horns, whistles, music amplification equipment, public address systems; ~~and construction or repair machinery or garden and lawn equipment between the hours of 10:00 p.m. and 6:00 a.m.,~~ which would tend to annoy or disturb a person of ordinary sensibilities in the proximity of the premises.

(18) Repeated or continual violations of § 46-133 related to construction noise.

(19) Continual or repeated operation of garden or lawn equipment between the hours 9:00 p.m. and 7:00 a.m. on Monday through Friday, or 9:00 p.m. and 8:00 a.m. on Saturday or Sunday. For the purposes of this section, public holidays shall include New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, and the day of the week shall be based upon the day on which the time period ends (e.g., from 9:00 p.m. Friday night to 8:00 a.m. Saturday morning shall be deemed a Saturday).

(c) *Chronic nuisance notice to property owner.* Whenever the police department has responded to three or more nuisance activities that have occurred at a premises during any consecutive 12-month period, the chief may notify the premises owner or occupant in writing that the premises constitutes a chronic nuisance. In calculating the requisite nuisance activities, the chief may count separate qualifying nuisance activities occurring on the same day (as long as they are distinct in time) or different days and further may consider whether or not to count a qualifying nuisance activity when it is reported by a person associated with the premises under circumstances that would encourage and not penalize self-reporting and facilitate police response for the benefit of the community.

Pursuant to Wis. Stats. § 66.0627(7), police department responses related to (a) domestic abuse, as defined in § 813.12 (1) (am), (b) sexual assault, as described under §§ 940.225, 948.02, and 948.025, or (c) stalking, as described in § 940.32 shall not be used in calculating the nuisance activities to constitute a chronic nuisance.

The notice shall contain the street address or legal description sufficient to identify the premises, a description of the nuisance activities that have occurred at the premises, a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, and a notice as to the appeal rights of the owner.

(d) The notice required in subsection (c) above shall be deemed to be properly delivered if sent either by first class mail to the premises owner's or occupant's last known address (deemed delivered on third day after depositing in mail) or if delivered in person to the premises owner. If the premises owner or occupant cannot be located, the notice shall be deemed to be properly delivered if a copy of it is left at the premises owner's or occupant's usual place of abode in the presence of some competent member of the family at least 14 years of age or a competent adult currently residing there and who shall be informed of the contents of the notice. If a current address cannot be located, it shall be deemed sufficient if a

copy of the notice is sent by first class mail to the last known address of the owner or occupant as listed in city records.

Sec. 50-7. Abatement plan.

Any owner receiving notice pursuant to section 50-6 shall meet with the chief within five days of receipt of such notice. The parties shall review the nuisance activities occurring at the premises for the purpose of determining the appropriate abatement plan for the premises. Within ten days of this meeting unless the chief agrees in writing to a longer period, the owner shall comply with the abatement plan agreed upon with the chief to end the nuisance activity on the premises. The plan shall also specify a name, address, telephone number and if applicable a fax number and e-mail address of a person living within 60 miles of the premises who can be contacted in the event of further police, fire, or inspection contact.

Sec. 50-8. Penalties for failure to comply with abatement plan.

Any person failing to comply with the abatement plan under section 50-7 shall be subject to a penalty as provided under section 1-7 of the Code.

Sec. 50-9. Additional nuisance activity.

If additional nuisance activity shall occur within 12 months after the notice authorized under subsection 50-6(c) has been issued to the owner or occupant, and this additional nuisance activity has occurred not less than 15 days after such notice had been served, and the chief determines that reasonable efforts have not yet been made to abate the nuisance activity, then the chief shall calculate the cost of police department personnel response for this additional and any subsequent nuisance activities occurring within 12 months of the last nuisance activity, and shall prepare a statement of such costs to be assessed to the owner or occupant of the premises as a special charge against the property. The chief shall send the assessment of the cost of police response to the premises owner or occupant and notify the owner or occupant in writing that the assessment must be paid within 30 days or it will be levied and collected as a special charge pursuant to Wis. Stats. § 66.0627. This assessment of police costs and the notice shall be prepared and delivered in the manner provided for in section 50-6, and the chief shall provide a copy to the office of the city treasurer.

Sec. 50-10. Eviction or retaliation prohibited.

(a) It shall be unlawful for a landlord to terminate the lease agreement or periodic tenancy of any tenant or otherwise retaliate against any tenant because that tenant complained to the chief about nuisance activity on the landlord's premises. It shall be presumed that any attempt to increase charges, reduce services, or to otherwise harass or retaliate against the tenant during the twelve-month period following receipt of the complaint by the chief constitutes unlawful retaliation under this subsection. Such presumption shall be rebutted by the preponderance of evidence that the actions taken by the landlord were based upon good cause. "Good cause" as used in this subsection means that a landlord must show good cause for his or her actions, other than one related to or caused by the

operation of this section. Notwithstanding the foregoing, a tenant's lease agreement or periodic tenancy may be terminated for a failure to pay rent; committing nuisance activity as defined in section 50-67; violating the terms and conditions of the lease agreement or periodic tenancy or as otherwise provided in Wis. Stats. ch. 709, and ch. Ag. 134, Wis. Adm. Code. A landlord's failure to renew a lease agreement or periodic tenancy upon expiration of such lease agreement or periodic tenancy shall not be deemed a violation of this subsection.

(b) Any person violating the above section shall be subject to a penalty as provided under section 1-7 of the Code.

Sec. 50-11. Appeal.

The chief's decision under sections 50-6 through 50-9 may be appealed to the board of appeals in accordance with the provisions of section 58-41 of the Code, except that any appeal of the chief's decision(s) under sections 50-6 through 50-9 of the Code must be filed within 15 days of receipt of the written decision or order being appealed. The board of appeals, after deciding such appeal(s) under this article, shall transmit a signed copy of the board's decision to the appellant and to the chief.

SECTION III

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 IV

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION V

This Ordinance shall become effective the day after its publication as provided by law.

Approved by: Andrew Nerbun, Mayor

Date Approved: January 10, 2023

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on January 10, 2023.

Caroline Fochs, City Clerk

Published: _____

EXHIBIT A
Clean Version of Chapter 50 as Revised

Sec. 50-1. Public nuisance defined and prohibited.

- (a) A public nuisance is a thing, act, occupation or use of property, which shall repeatedly occur or continue for a sufficient length of time so as to:
- (1) Injure or endanger the safety, health, comfort or repose of the public;
 - (2) Offends public morals or decency;
 - (3) Unlawfully interfere with, obstruct, or tend to obstruct or render dangerous for passage a lake, navigable river, bay, stream, canal or basin or a public park, square, street, alley or highway;
 - (4) In any way render the public insecure in life or in the use of property;
 - (5) Generate three or more calls for police service for nuisance activities which occur at a premises, within a calendar year, in accordance with section 50-6 below.
- (b) In all cases where no provision is herein made defining what are nuisances and how the same may be removed, abated, or pre-vented, in addition to what may be declared herein, those offenses which are known to the common law of the land and the Wisconsin Statutes as nuisances, may, in case the same exist within the city limits, be treated as such offenses and proceeded against as provided in this section or in accordance with other provisions of law.
- (c) No person shall within the city, cause or create a public nuisance or permit a public nuisance to remain on premises owned or occupied by him.

Sec. 50-2. Public nuisances affecting health.

- (a) No person shall within the City of Mequon, cause or create any public health nuisance or permit any public health nuisance to remain on premises owned or occupied by him.
- (b) The following are hereby specifically declared to be nuisances affecting the public health:
- (1) All decayed, spoiled, tainted, unwholesome or harmfully adulterated food, drink or drugs offered for sale to the public;
 - (2) All ponds or pools of stagnant water in which mosquitoes, flies or other insects can multiply;
 - (3) Carcasses of animals or fowl not buried, destroyed or otherwise disposed of in a sanitary manner within 24 hours after death;
 - (4) Accumulations of decayed animal or vegetable matter, trash, manure, rubbish, rotting lumber or other debris to which are attracted flies, mosquitoes, insects, rats or other vermin;
 - (5) Privy vaults and garbage cans which are not fly tight;
 - (6) Pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial waste or other substances;

- (7) All noxious weeds as follows: Canada thistle, leafy spurge, field bindweed (creeping Jenny), and burdock, poison ivy, common ragweed and giant ragweed;
- (8) Dense smoke, noxious fumes, gas, soot, cinders, fly ash or industrial dust in such quantities as to render the occupancy of property dangerous or uncomfortable to a person of ordinary sensibilities;
- (9) Any dilapidated structure or building which harbors or is infested with vermin or rodents.
- (10) The presence of wastewater or sewage effluent from buildings on the ground surface, backing up into the building and/or running into a surface water body, caused by a damaged, malfunctioning, improperly constructed or inadequately maintained private sewage system or private sewage lateral; also, any wastewater or sewage effluent that is not handled and disposed of in compliance with all applicable county and state codes.

Sec. 50-3. Public nuisances affecting morals and decency.

- (a) No person shall within the City of Mequon, cause or create a public morals or decency nuisance or permit such nuisance to remain on premises owned or occupied by him.
- (b) The following are hereby specifically declared to be public nuisances offending public morals and decency:
 - (1) All gambling devices, slot machines and punch boards, except as approved by the state;
 - (2) All houses kept for the purpose of prostitution or gambling.

Sec. 50-4. Public nuisances affecting peace and safety.

- (a) No person shall within the City of Mequon, cause or create a public peace or safety nuisance or permit such nuisance to remain on premises owned or occupied by him.
- (b) The following are specifically declared to be nuisances disturbing the public peace or endangering the public safety:
 - (1) All trees, hedges, billboards of other obstructions which prevent persons driving automobiles or other vehicles on the city streets from having a clear view of traffic approaching an intersection from cross streets;
 - (2) Making, continuing or causing to be made any loud, discordant, disturbing or unnecessary sounds or noises and/or annoying vibrations emanating from or in the proximity to a premises by persons associated with that premises, such as horns, whistles, music amplification equipment, public address systems, which would tend to annoy or disturb a person of ordinary sensibilities in the proximity of the premises;
 - (3) All open or unguarded wells, cisterns, pools or excavations so located as to endanger public safety or the safety of children;
 - (4) All buildings, walls and other structures, which have been damaged by fire, decay or otherwise to an extent exceeding one-half their assessed value;
 - (5) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use;

- (6) All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as an official traffic control device placed or maintained upon or in view of any public highway, street, alley or railway crossing;
- (7) All hanging signs, awnings and other similar structures over the streets, alleys or public ways of the city or projecting more than six feet over the sidewalks or so situated or constructed as to endanger the public safety;
- (8) All tree limbs which are less than ten feet above the surface of any public sidewalk or 14 feet above the surface of any street;
- (9) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- (10) The allowing of rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.
- (11) Keeping, harboring or maintaining any domestic pet which howls, barks, screeches, whines, cries or similar sounds which may be heard beyond the boundary of the property of the owner, keeper or harborer so as to materially interfere with or affect the health, comfort, peace and quiet of the public, or the reasonable use and enjoyment of the neighboring residential properties where the animal sounds are shown to have occurred either as an episode of continuous noise lasting for a minimum period of fifteen (15) minutes, or repeated episodes of intermittent noise lasting for a minimum period of thirty (30) minutes. It shall be an affirmative defense under this division that the animal was intentionally provoked by a party other than the owner to make such noise.
- (12) The operation of construction or repair machinery, recreational vehicles, garden and lawn equipment, or the like between the hours of 9:00 p.m. and 7:00 a.m. on Monday through Friday, or 9:00 p.m. and 8:00 a.m. on Saturday, Sunday and public holidays. For the purposes of this section, public holidays shall include New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, and the day of the week shall be based upon the day on which the time period ends (e.g., from 9:00 p.m. Friday night to 8:00 a.m. Saturday morning shall be deemed a Saturday). This section shall not apply to emergency operations related to utility repairs, municipal operations (including snow removal) or agricultural operations.

Sec. 50-5. Abatement of nuisances.

(a) *Enforcement.* The chief of police, the chief of the Southern Ozaukee Fire and Emergency Medical Services Department, director of the community development department, city engineer, and the building inspector shall have the power and authority to enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the appropriate official shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has been satisfied that a nuisance does in fact exist.

(b) *Summary abatement procedure.*

(1) *Notice.* If the inspecting official shall determine that a public nuisance exists on within the city and that there is great and immediate danger to the public health, safety,

morals, decency or peace, the mayor shall direct the chief of police to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained, and, if the owner is a non-resident or cannot be found, post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant, as the case may be, to abate or remove such nuisance within a reasonable time of not less than 24 hours and shall state that unless such nuisance is so abated, the city will cause the same to be abated and will charge the cost thereof to the person causing, permitting or maintaining the nuisance, owner or occupant as the case may be.

(2) If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the inspecting official shall cause the abatement or removal of such public nuisance.

(c) *Abatement in other cases.* If the inspecting official shall determine that a public nuisance exists within the city, but that the nature of such nuisance does not threaten great and immediate danger to the public health, safety, peace, morals, decency or peace, the mayor shall direct the inspecting official to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained, and, if the owner is a non-resident or cannot be found, to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant, as the case may be, to abate or remove such nuisance within a reasonable time of not less than 10 days. . If such nuisance is not abated or removed within 10 days, the inspecting official shall report such fact to the mayor, who may direct the city attorney to commence an action in circuit court for the abatement of the nuisance.

(d) *Cost of abating nuisance.* In addition to any other penalty imposed under this chapter for the maintenance of a nuisance, the cost of abating or removing a nuisance by the city shall be collected from the owner or occupant or person causing, permitting or maintaining said nuisance or, if notice to abate such nuisance has been given to the owner, such costs may be charged against the premises and assessed against the real estate as a special charge.

(e) *Remedies not exclusive.* Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the city or its officials in accordance with the laws of the State, nor as prohibiting an action to be commenced in the circuit court seeking a forfeiture as provided in section 1-7 of this Code.

Sec. 50-6. Chronic nuisances premises.

(a) *Findings.* The city council finds that any premises that generates three or more responses in a one year period by the police department for nuisance activities as defined in subsection (b) below, has received more than the appropriate level of general and adequate city service and has placed an undue and inappropriate burden on the taxpayers of the city. The common council therefore authorizes the chief of police, as provided in this chapter, to require the premises owner or occupant to comply with nuisance abatement plans and to charge the owner or occupant of such premises the costs associated with abating the violations at the premises where nuisance activities chronically occur as set forth in section 50-9.

(b) *Definitions.* The following terms shall be defined as follows in this article, and the singular includes the plural and the plural includes the singular:

Chief means the chief of police or his or her designee.

Owner means a person who has legal title or possession, charge, care or control of premises, including as executor, administrator, trustee, or guardian of the estate of a person or property.

Person includes a corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, limited liability company or any other legal entity.

Person associated with premises means the premises owner, operator, manager, resident, occupant, guest, visitor, or person present on the premises (other than trespasser) or employee or agent of any of the above persons associated with the premises.

Police department response means a sworn, on-duty city police officer is dispatched to a premises in response to a good faith report of nuisance activity, as defined below, occurring or having occurred at the premises, which complaint said officer finds to be credibly supported during his/her investigation, and which results in an arrest, or the issuance of a citation, or a criminal or juvenile complaint.

Premises means an individual building, dwelling, or dwelling unit and associated common areas or vacant land.

Nuisance activity means any of the following activities, behaviors, or conduct whenever engaged in by persons associated with a premises that causes or results in:

- (1) An act of harassment, as defined in Wis. Stats. § 947.013;
- (2) Disorderly conduct, as defined in Wis. Stats. § 947.01;
- (3) Battery, substantial battery, or aggravated battery, as defined in Wis. Stats. § 940.19;
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- (8) Arson, as defined in Wis. Stats. § 943.02;
- (9) Possession, manufacture, or delivery of a controlled substance or related offenses, as defined in Wis. Stats. Ch. 961;
- (10) Gambling, as defined in Wis. Stats. § 945.02;
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- (12) The execution of arrest or search warrants at a particular premises;
- (13) Alcohol violations, as defined in section 14-24 of the Code, and Wis. Stats. § 125.07;
- (14) Obstructing or resisting an officer, as defined in Wis. Stats. § 946.41;

- (15) Violation of occupancy restrictions, as defined in the Code;
- (16) Any conspiracy to commit, as defined in Wis. Stats. § 939.31, or attempt to commit, as defined in Wis. Stats. § 939.32, any of the activities, behaviors, or conduct enumerated in this subsection (b);
- (17) Making, continuing or causing to be made any loud, disturbing or unnecessary sounds or noises emanating from or in the proximity to a premises by persons associated with that premises, such as horns, whistles, music amplification equipment, public address systems which would tend to annoy or disturb a person of ordinary sensibilities in the proximity of the premises.
- (18) Repeated or continual violations of § 46-133 related to construction noise.
- (19) Continual or repeated operation of garden or lawn equipment between the hours 9:00 p.m. and 7:00 a.m. on Monday through Friday, or 9:00 p.m. and 8:00 a.m. on Saturday or Sunday. For the purposes of this section, public holidays shall include New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, and the day of the week shall be based upon the day on which the time period ends (e.g., from 9:00 p.m. Friday night to 8:00 a.m. Saturday morning shall be deemed a Saturday).

(c) *Chronic nuisance notice to property owner.* Whenever the police department has responded to three or more nuisance activities that have occurred at a premises during any consecutive 12-month period, the chief may notify the premises owner or occupant in writing that the premises constitutes a chronic nuisance. In calculating the requisite nuisance activities, the chief may count separate qualifying nuisance activities occurring on the same day (as long as they are distinct in time) or different days and further may consider whether or not to count a qualifying nuisance activity when it is reported by a person associated with the premises under circumstances that would encourage and not penalize self-reporting and facilitate police response for the benefit of the community.

Pursuant to Wis. Stats. § 66.0627(7), police department responses related to (a) domestic abuse, as defined in § 813.12 (1) (am), (b) sexual assault, as described under §§ 940.225, 948.02, and 948.025, or (c) stalking, as described in § 940.32 shall not be used in calculating the nuisance activities to constitute a chronic nuisance.

The notice shall contain the street address or legal description sufficient to identify the premises, a description of the nuisance activities that have occurred at the premises, a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, and a notice as to the appeal rights of the owner.

(d) The notice required in subsection (c) above shall be deemed to be properly delivered if sent either by first class mail to the premises owner's or occupant's last known address (deemed delivered on third day after depositing in mail) or if delivered in person to the premises owner. If the premises owner or occupant cannot be located, the notice shall be deemed to be properly delivered if a copy of it is left at the premises owner's or occupant's usual place of abode in the presence of some competent member of the family at least 14 years of age or a competent adult currently residing there and who shall be informed of the contents of the notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the notice is sent by first class mail to the last known address of the owner or occupant as listed in city records.

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Any person failing to comply with the abatement plan under section 50-7 shall be subject to a penalty as provided under section 1-7 of the Code.

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Sec. 50-10. Eviction or retaliation prohibited.

(a) It shall be unlawful for a landlord to terminate the lease agreement or periodic tenancy of any tenant or otherwise retaliate against any tenant because that tenant complained to the chief about nuisance activity on the landlord's premises. It shall be presumed that any attempt to increase charges, reduce services, or to otherwise harass or retaliate against the tenant during the twelve-month period following receipt of the complaint by the chief constitutes unlawful retaliation under this subsection. Such presumption shall be rebutted by the preponderance of evidence that the actions taken by the landlord were based upon good cause. "Good cause" as used in this subsection means that a landlord must show good cause for his or her actions, other than one related to or caused by the operation of this section. Notwithstanding the foregoing, a tenant's lease agreement or periodic tenancy may be terminated for a failure to pay rent; committing nuisance activity as defined in section 50-67; violating the terms and conditions of the lease agreement or periodic tenancy or as otherwise provided in Wis. Stats. ch. 709, and ch. Ag. 134, Wis. Adm. Code. A landlord's failure to renew a lease agreement or periodic tenancy upon expiration of such lease agreement or periodic tenancy shall not be deemed a violation of this subsection.

(b) Any person violating the above section shall be subject to a penalty as provided under section 1-7 of the Code.

Sec. 50-11. Appeal.

The chief's decision under sections 50-6 through 50-9 may be appealed to the board of appeals in accordance with the provisions of section 58-41 of the Code, except that any appeal of the chief's decision(s) under sections 50-6 through 50-9 of the Code must be filed within 15 days of receipt of the written decision or order being appealed. The board of appeals, after deciding such appeal(s) under this article, shall transmit a signed copy of the board's decision to the appellant and to the chief.



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www.ci.mequon.wi.us

Office of Community Development

TO: Common Council
FROM: Jac Zader, Assistant Director Community Development
DATE: November 9, 2022
SUBJECT: ORDINANCE 2022-1633 An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Establishing Banquet Facilities as Conditional Uses in the B-2 (Community Commercial), TC (Town Center) and AC (Arrival Corridor) Zoning Districts, and Conference Centers as Conditional Uses in the B-2 (Community Commercial), B4 (Business Park) and Ulao Creek Mixed-Use Zoning Districts

Background

An applicant is requesting a text amendment to allow for Banquet Facilities and Conference Centers in the City's B-2 Zoning District. The B-2 Zoning District was established to accommodate the retail and service needs of the greater community. The request is based on the potential redevelopment of the parcels located at 10500 and 10520 N. Port Washington Road.

Analysis

Staff believes there is a need for these types of uses in Mequon and along the Port Washington Road commercial corridor. Currently, the only existing banquet facilities are accessory to the principal use and are typically located within restaurants and country clubs. The case is similar when looking at conference centers. Educational institutions such as Concordia and MATC have conference space available within the campus, which is accessory to their principal use as a college or university.

When looking at the two proposed uses, staff believes there is a distinction between Banquet Halls and Conference Centers in terms of use and zoning classification. Banquet Hall facilities are primarily for entertainment purposes and include catering or onsite meals. Conference Centers are typically meant for trade shows or business-related activities. In order to distinguish each use, staff has prepared definitions to be included in the Zoning Code (see below). The distinction is important when looking at whether the two proposed uses are appropriate in the B-2 Zoning District as well as other zoning districts across the City.

When evaluating the two distinct uses, staff believes there are certain zoning categories that would be appropriate for both and others that would be appropriate for one of the uses. Accordingly, staff's recommendations are as follows:

District	Use	Permitted or Conditional
B-2	Banquet or Reception Hall	Conditional

B-2	Convention or Conference Center	Conditional
B-4	Convention or Conference Center	Conditional
Ula Creek Mixed Use	Convention or Conference Center	Conditional
Town Center	Banquet or Reception Hall	Conditional/8,000 sq. ft. max.
Arrival Corridor	Banquet or Reception Hall	Conditional/12,000 sq. ft. max.

The size of the facilities would be limited by the requirements in each individual district, if not specifically listed above.

Summary Definitions

Convention or Conference Center - A building or buildings containing exposition halls, exhibit halls, and facilities to house cultural or civic events, conferences, or conventions of political, industrial, fraternal, commercial, trade, or other similar associations.

Banquet or Reception Hall - Any establishment operated for profit where the facilities are leased on an event-specific basis for private wedding receptions, meetings, banquets, and other similar events. This use may include facilities for preparing food and areas for dancing, dining, and other entertainment activities typically found in association with banquets or receptions.

Off-Street Parking

Convention or Conference Center - 1 space per 3 persons based on the occupancy load, plus 1 space per employee on the largest shift.

Banquet or Reception Hall - 1 space per 3 persons based on the occupancy load, plus 1 space per employee on the largest shift.

Fiscal Impact

The fiscal impact is neutral.

Recommendation

The Planning Commission recommended approval of the proposed ordinance amendments on October 17, 2022, by a vote of 8-0. A recommendation is forthcoming from the Committee of the Whole on January 10, 2023.

Attachments:

Exhibit A (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2022-1633

An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Establishing Banquet Facilities as Conditional Uses in the B-2 (Community Commercial), TC (Town Center) and AC (Arrival Corridor) Zoning Districts, and Conference Centers as Conditional Uses in the B-2 (Community Commercial), B4 (Business Park) and Ulao Creek Mixed-Use Zoning Districts

RECITALS

A. Pursuant to the authority granted to it under Section 62.23(7) of the Wisconsin Statutes, the City of Mequon previously adopted a comprehensive Zoning Code for the City.

B. On October 17, 2022, the Planning Commission, by a majority vote, adopted a recommendation to approve a text amendment to authorize banquet facilities and conference centers as conditional uses in certain zoning districts.

C. Following due notice and a public hearing by the Common Council, the Council finds that the proposed amendment is consistent with the City's comprehensive master plan and that the amendment would further the health, safety and welfare of the community.

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

SECTION I

Chapter 58 of the Mequon Zoning Code, which establishes definitions, parking requirements and conditional uses in the City's B-2, B-4, TC, AC and Ulao Creek Mixed-Use Zoning Districts, is amended as attached in Exhibit A.

SECTION II

The terms and provision 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 ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION IV

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

Approved by: Andrew Nerbun, Mayor

Date Approved: January 10, 2023

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on January 10, 2023.

Caroline Fochs, City Clerk

Published: _____

EXHIBIT A

Sec. 58-8. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Automobile repair facility means a service establishment where engine repairs, replacement of parts, or bodywork and general maintenance are performed.

Banquet or Reception Hall means an establishment operated for profit where the facilities are leased on an event-specific basis for private wedding receptions, meetings, banquets, and other similar events. This use may include facilities for preparing food and areas for dancing, dining, and other entertainment activities typically found in association with banquets or receptions.

Base setback line means the edge of the established ultimate street right-of-way.

Basement, habitable means a habitable story having part, but not more than one-half of its height below grade.

Basement, uninhabitable, (Also see *Cellar*) means an uninhabitable area of a building having more than one-half its height below grade.

Bed and breakfast establishment means any place of lodging that provides four or fewer rooms for rent, is the owner's personal residence and is occupied by the owner at the time of rental.

Berm means a manmade mound of earth in excess of two feet in vertical height used to shield or buffer properties from adjoining uses, highways or noise or to control the direction of surface water flow.

Buildable area means the space remaining on a lot after the minimum open space, offset and setback requirements of this chapter have been complied with; excepting therefrom any floodplain, wetland, or similarly designated unbuildable lands.

Building means a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattel.

Building, accessory. See *Accessory use or structure*.

Building height means the height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.

Bulk storage means the storage of chemicals, petroleum products and other materials for subsequent resale to distributors or retail dealers or outlets. Bulk storage is essentially a warehousing operation. The key portion of the definition is that the products are stored for eventual resale and not directly to the consuming public.

Business means any commercial or industrial activity or establishment.

Business park means a project owned, developed, and managed by a single owner or a group of owners acting jointly. Types of uses include, but are not limited to: offices; research and development laboratories; wholesale distribution facilities; establishments providing services to other businesses such as printing, publishing, and advertising; public and quasi-public uses such as public administration offices, and public utility installations; certain small to moderate scale light industrial establishments and motels. The land encompassed by this type of park is usually sub-divided and developed in accordance with a development agreement. The term "park" signifies an area developed as a coordinated entity with similar building facades, extensive landscaping, common parking and access drives, and unified site design.

Business services means establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance, employment service; management and consulting services; protective services; equipment rental; leasing and financial services.

Campground means a plat of ground designated for two or more sites for temporary occupancy within tents and/or recreational vehicles.

Canopy means a roof like structure of a permanent nature which may project from the wall of a building.

Carport means a roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

Convention or Conference Center is a building or buildings containing exposition halls, exhibit halls, and facilities to house cultural or civic events, conferences, or conventions of political, industrial, fraternal, commercial, trade, or other similar associations.

Cellar means a space having more than one-half of its height below grade and which may not be occupied for dwelling purposes.

Sec. 58-441. Parking requirements.

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended or increased off-street parking stalls for all vehicles in accordance with the following:

- (10) *Required number of stalls.* The following parking standards shall be applied unless deviations have been specifically approved by the planning commission in accordance with section 58-441.
 - g. *Retail, entertainment and customer service establishments.* One space per 200 square feet of gross leasable area plus one space per employee, except as specifically set forth below:
 1. *Financial institutions.* One space per 300 square feet of gross leasable area plus one space per employee.
 2. *Funeral homes.* One space per three patron seats of maximum capacity or 35 spaces per chapel unit, whichever is greater.
 3. *Grocery stores or supermarkets.* One space per 100 square feet of gross leasable area.
 4. *Repair services.* One space per 300 square feet of gross floor area plus one space per employee for the work shift with the largest number of employees.
 5. *Restaurant, standard.* One space per 100 square feet of gross floor area plus one space per employee for the work shift with the largest number of employees.
 6. *Restaurant, fast food/carryout.* One space per 75 square feet of gross floor area plus one space per two employees for the work shift with the largest number of employees. Sufficient space shall be provided for a minimum of five waiting vehicles at each drive-thru.
 7. *Personal services.* One space per 200 square feet of gross floor area plus one space per employee for the work shift with the largest number of employees.
 8. *Convenience grocery store.* One space per 150 square feet of gross floor area. If associated with a gasoline station, gasoline pump parking shall be considered as parking stalls.
 9. *Taverns, dance halls, night clubs and lounges.* One space per 100 square feet of gross floor area plus one space per employee for the work shift with the largest number of employees.
 10. *Motor vehicle sales establishments.* Two customer parking spaces per salesperson for the work shift with the largest number of employees plus one employee parking space per employee (including salespersons) for the work shift with the largest number of employees.
 11. *Motor vehicle repair, maintenance and service stations.* Three spaces per indoor service bay plus one space per employee for the work shift with the largest number of employees.

12. *Animal hospitals.* Three patron parking spaces per doctor, plus one space per employee for the work shift with the largest number of employees.
13. *Shopping centers (gross leasable area of at least 30,000 square feet).* Five spaces per 1,000 square feet of gross leasable area.
14. *General merchandise stores.* Five spaces per 1,000 square feet of gross leasable area.
- 15. Convention or Conference Center - 1 space per 3 persons based on the occupancy load, plus 1 space per employee on the largest shift.**
- 16. Banquet or Reception Hall - 1 space per 3 persons based on the occupancy load, plus 1 space per employee on the largest shift.**

Sec. 58-295. B-2 community business district.

(e) *Conditional uses.*

- (1) Public uses including, but not limited to, post offices, schools and local governmental offices and facilities.
- (2) Restaurants and nightclubs.
- (3) Cultural activities including, but not limited to, museums, libraries and art galleries.
- (4) Public and/or private utilities, telecommunication installations, transmission and distribution lines, poles, and other accessories. Specific regulations related to wireless telecommunication installations shall be subject to this chapter. When a utility proposes a main inter-city transmission facility, the utility shall give notice to the city of such intention and of the date of hearing before the public service commission. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff imposed conditions regarding, among other things, effective screening from public view with all season vegetation.
- (5) Churches, temples and synagogues.
- (6) Animal hospitals, veterinary clinics and kennels pursuant to the specific requirements set forth in division 11.
- (7) Wholesaling establishments.
- (8) Outdoor recreational facilities.
- (9) Automobile service facilities including, but not limited to, gasoline sale and automotive repair.
- (10) Motels and hotels.
- (11) Satellite dishes.
- (12) Warehouse and distribution facilities.
- (13) Car dealerships.
- (14) Research and development facilities.
- (15) Child day care facilities.
- (16) Light assembly or fabrication incidental to the principal use.
- (17) Structures in which shall be located only principal or conditional uses, as enumerated in subsections (c) and (e) above, but which are greater than 20,000 square feet, but not to exceed 40,000 square feet, in size and/or greater than two stories in height.

- (18) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on a vacant parcel which is non-conforming to the required base zoning district standards for minimum lot size or minimum lot width.
- (19) Fitness centers.
- (20) Indoor recreation and amusement facilities.
- (21) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on an improved parcel with an existing structure in which parcel, or improvement, or both, are non-conforming to any of the required base zoning district standards.
- (22) General merchandise stores subject to the following regulations:
 - The GLA of the use must be between 20,000 and 30,000 square feet.
 - The square footage of all uses classified as general merchandise stores shall not exceed 40 percent of the total GLA of a retail development.
 - Floor area dedicated to food related merchandise shall not exceed five percent of the total GLA of the general merchandise store.
 - The development in which the use is located shall be located along a secondary arterial and shall abut an interstate highway.
 - General merchandise stores located in an existing multi-tenant building shall be subject to building and site plan review.
- (23) Resale clothing and clothing accessories shall be subject to the following conditions:
 - The resale floor area shall not exceed 1,500 square feet.
 - All merchandise shall be displayed on permanent racks or shelving which may or may not be affixed to the floor or walls.
 - No outdoor display of merchandise.
 - All windows into the tenant space shall remain clear of merchandise or shelving unless approved by planning commission.
 - All interior walls and ceilings shall be finished with drywall or other city approved materials.
 - No sale of furniture or other household items.

(24) Banquet or Reception Hall.

(25) Convention or Conference Center.

Sec. 58-297. B-4 business park district.

- (e) *Conditional uses.* Conditional uses shall include, but not necessary be limited to, the following:
 - (1) Light manufacturing.
 - (2) Processing.
 - (3) Wholesaling.
 - (4) Distribution.
 - (5) Research and development.
 - (6) Printing and publication.

- (7) Warehousing.
- (8) Barbershops and beauty salons.
- (9) Bookstores.
- (10) Commercial child day care facilities.
- (11) Restaurants (not including fast food facilities).
- (12) Florists (not including greenhouses).
- (13) Gift shops.
- (14) Pharmacies.
- (15) Studios for photography, painting, music, sculpture, dance or other recognized fine art.
- (16) Automobile service facilities.
- (17) Satellite dishes.
- (18) Public and/or private utilities, telecommunication installations, transmission and distribution lines, poles, and other accessories. Specific regulations related to wireless telecommunication installations shall be subject to this chapter. When a utility proposes a main inter-city transmission facility, the utility shall give notice to the city of such intention and of the date of hearing before the public service commission. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff-imposed conditions regarding, among other things, effective screening from public view with all season vegetation.
- (19) Theatres.
- (20) Structures greater than 40,000 square feet in size and/or greater than two stories in height.
- (21) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on a vacant parcel which is non-conforming to the required base zoning district standards for minimum lot size or minimum lot width.
- (22) Pet day-cares and kennels pursuant to the specific requirements set forth in division 11.
- (23) Fitness centers.
- (24) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on an improved parcel with an existing structure in which parcel, or improvement, or both, are non-conforming to any of the required base zoning district standards.

(25) Convention or Conference Center

Sec. 58-305. Ulao Creek Mixed Use Commercial (UCMU) district.

- (c) *Permitted, accessory and conditional uses.* Table 58-305-1, uses in the Ulao Creek Mixed Use Commercial district, lists all the permitted and conditional uses.

Table 58-305-1 Uses in the Ulao Creek Mixed-Use Commercial District

Land Use	Ulao Creek Mixed Use Commercial	Specific Development Standards Notes

Commercial		
Catering facilities	C	Use shall include a minimum 20 percent of building area to office and/or retail showroom and a minimum 20 percent of defined catering use. Use shall be a minimum of 3,000 square feet. An operational plan including hours, staffing, capacity, noise, safety and security regulations is subject to planning commission approval. The use may be subject to commissioning a traffic impact analysis and implementation of conditions of such.
Commercial greenhouse or plant nursery	P	May be a principal use or accessory to farmstead and dwelling and shall comply with section 58-236(c)(1). May include an indoor market and accessory structures. Operations, including annual, special or seasonal events, are subject to planning commission approval and may be subject to commissioning a traffic impact analysis and implementation of conditions of such.
<u>Convention or Conference Center</u>	<u>C</u>	<u>An operational plan including hours, staffing, capacity, noise, safety and security regulations is subject to planning commission approval. The use may be subject to commissioning a traffic impact analysis and implementation of conditions of such.</u>

Sec. 58-301. TC town center district.

- (f) *Permitted and conditional uses.* Table 58-301-1, Uses in the Town Center District, lists all the permitted and conditional uses.

Table 58-301-1 Uses in the Town Center District		
Use	Town Center	Specific Development Standards
Office and Clinic:		
Office	P	
Medical clinics	P	

Financial institutions	P	✓
Institutional and Public Uses:		
Public libraries	P	
Public parks	P	
Public administrative offices and service buildings	P	
Performing arts school and studios of 2,000 square feet or less	P	
Public and private schools of 2,000 square feet or less	P	
Private lodges and clubs	C	
Community center	C	
Public parking facilities, non-accessory	C	✓
Residential Uses:		
Home occupations	P	
Artist's live/work units	P	✓
Multiple-family dwellings, eight units or less, if part of a mixed-use development	P	✓
Multiple-family dwellings, nine units to 16, if part of a mixed-use development* ¹	C	✓
Bed and breakfast	C	✓
Planned residential development	PUD	✓
Retail and Services:		
Stationary stores	P	
Antiques, collectibles, gift or florist stores	P	✓
Toy, hobby or game store	P	
Graphic design	P	
Interior design services	P	
Paint/wallpaper store	P	
Luggage and leather goods store	P	
Art supply, artistic studios or galleries	P	
Camera and photography supply store	P	
Music and musical instrument store	P	
Optical/vision center	P	
Dry cleaning and tailors	P	
Apparel and accessories/repair	P	
Photocopying, film development, printing and publishing, packaging store of 4,000 square feet gross floor area or less	P	
Video stores of 4,000 square feet gross floor area or less	P	
Bookstores and newsstands of 2,000 square feet gross floor area or less	P	
Home furnishings/accessories 4,000 square feet or less	P	
Bicycle repair and sales	P	
Computer and software store	P	
Electronic goods store	P	
Child daycare facilities and preschools	C	✓
Planned commercial development	PUD	✓
Salon and spas	P	
Sports and fitness centers of 3,000 square feet or less	P	
Farmers market	P	✓
Confectionary (chocolate, ice cream, candy) 2,000 square feet or less	P	
Specialty food stores	P	

Tobacco, cigar or nicotine product/e-cigarette shop 2,000 square feet or less	P	
Beer, wine or liquor store	P	
Convenience store w/o gas	C	
Grocery store	C	
Car wash facility	C	✓
Animal hospitals and veterinary clinics	P	✓
Banquet or Reception Hall - 8,000 square feet or less	C	
Food and Beverage:		
Catering services	P	
Bakeries, retail	P	
Coffeeshop of 2,000 square feet gross floor area or less	P	✓
Delicatessen of 2,000 square feet gross floor area or less	P	✓
Fast-food restaurant	P	✓
Sit-down restaurants, if part of a mixed-use development	P	✓
Nightclubs	C	
Town center breweries, micro-distilleries, micro-wineries	C	✓

P = Permitted uses.

C = Conditional uses.

PUD = Planned Unit Development.

*1 = excluding density bonuses per section 58-301(i)(2).

Sec. 58-302. AC arrival corridor district.

- (f) *Permitted and conditional uses.* Table 58-302-1, Uses in the Arrival Corridor District, lists all the permitted and conditional uses.

Table 58-302-1 Uses in the Arrival Corridor District		
Use	Arrival Corridor	Specific Development Standards
Office & Clinic:		
Office	P	
Medical clinics	P	
Financial institutions	P	✓
Institutional & Public Uses:		
Public parks	P	
Public administrative offices and service buildings	P	
Religious institutions	P	
Public or private schools	C	
Private lodges and clubs	C	
Performing arts school and studios		
Public parking facilities, non-accessory	C	✓
Residential Uses:		
Home occupations	P	
Artist's live/work units	P	✓
Bed and breakfast	C	✓
Multiple-family dwellings, eight units per one acre	P	✓

Multiple-family dwellings, nine units to 16* ¹	PUD	✓
Planned residential development	PUD	✓
Retail & Services:		
Stationary stores	P	
Antiques, collectibles, gift or florists	P	✓
Toy, hobby or game store	P	
Luggage and leather goods store	P	
Art supply, artistic studios or galleries	P	
Camera and photography supply store	P	
Music and musical instrument store	P	
Apparel and accessories/repair	P	
Video stores	P	
Bookstores and newsstands	P	
Home furnishings and accessories 4,000 sq. ft. or less	P	
Bicycle repair and sales	P	
Computer and software store	P	
Electronic goods store	P	
Furniture store	C	
Hardware store	C	
Garden store	C	
Drug store/pharmacy	C	✓
Planned commercial development	PUD	✓
Interior design services	P	
Graphic design	P	
Paint/wallpaper stores	P	
Optical/vision center	P	
Dry cleaning and tailors	P	
Child daycare facilities and preschools	P	✓
Animal hospitals and veterinary clinics	P	✓
Pet supply stores, pet grooming facilities and pet daycares	C	✓
Photocopying, film development, printing and publishing, packaging store	P	
Salon and spa	P	
Fitness center	C	
Indoor recreation and amusement facilities	C	
Theatres, live performances only	C	
Farmers market	P	✓
Confectionary (chocolate, ice cream, candy) 2,000 sq. ft.	P	
Specialty food stores	P	
Tobacco, cigar or nicotine product/e-cigarette shop 2,000 square feet or less	P	
Beer, wine or liquor store	P	
Grocery store	C	
Convenience store w/o gas	C	
Gas stations	C	✓
Gas stations with car wash	C	✓
Banquet or Reception Hall - 12,000 square feet or less	C	
Food & Beverage:		

Catering services	P	
Bakeries, retail	P	
Coffee shop	P	✓
Delicatessen	P	✓
Fast food restaurant, if part of a mixed-use building	P	✓
Sit-down restaurants	P	✓
Nightclubs	C	✓

P = Permitted uses.

C = Conditional uses.

*¹ = excluding density bonuses per section 58-302(i)(2).



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Office of Administration

TO: Common Council
FROM: Justin Schoenemann, Assistant City Administrator
DATE: December 5, 2022
SUBJECT: ORDINANCE 2022-1637 An Ordinance Amending Chapter 2 of the Mequon Municipal Code, in Connection with Eliminating the Position of Emergency Dispatcher

Background

The Police Department's Communication Center merged with Ozaukee County's Dispatch Center effective January 1, 2023. As part of the transition, the Mequon Code of Ordinances needs to be updated to remove language governing Emergency Dispatchers, who staffed the Communications Center, and to add language pertaining to the newly created position of Administrative Clerk within the Police Department. The Administrative Clerks will support the Police Department's non-emergency phone line, provide customer service at the front window, and support several administrative processes for the Department.

Analysis

The following changes are proposed to address the removal of Emergency Dispatchers and the addition of Administrative Clerks:

1. Section 2-207 (4) is amended to strike the reference to 24/7 schedule of Dispatchers. Furthermore, the section is amended to list the standard hours of the new Administrative Clerks. Three Administrative Clerks will work a four-day rotation with hours of 8:00 a.m. - 4:30 p.m. One Administrative Clerk will work Monday through Friday from 11:00 a.m. - 7:00 p.m.
2. Section 2-207 (5) is updated to remove language that provided two additional personal days annually to Dispatchers for supporting the needs of a 24/7 Communications Center.
3. Section 2-211 (2) - Language referencing overtime accruals for Dispatchers is also being removed. The new Administrative Clerks will follow the same overtime accrual policies as all other administrative positions in the City.
4. In Section 2-213, language referring to field training for Dispatchers is struck, and not needed for the new Administrative Clerk positions.

Recommendation

On December 13, 2022, the Finance-Personnel Committee approved a recommendation in favor of adopting the proposed ordinance amendments by a vote of 3-0.

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2022-1637

An Ordinance Amending Chapter 2 of the Mequon Municipal Code, in Connection with
Eliminating the Position of Emergency Dispatcher

SECTION I

Section 2-207 (4) of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck through~~; Added text is **bolded & double-underlined**):

The normal work week for ~~dispatchers~~ **dayshift assigned administrative clerks** is four days on duty followed by two days off duty, then repeating the cycle. The normal workday shall be **from 8:00 a.m. - 4:30 p.m.** ~~eight and one-quarter hours.~~ **The second shift administrative clerk shall work Monday - Friday from 11:00 a.m. - 7:30 p.m.** Such normal **workdays** will include a 30-minute paid lunch period, ~~during which the employees are on call,~~ and two 15-minute breaks each day. ~~Although paid, the lunch period will not count towards total hours worked in the work week.~~ Adjustments to this normal work week for ~~dispatchers~~ **administrative clerks** are at the discretion of the chief of police and the city administrator.

SECTION II

Section 2-207 (5) of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck through~~; Added text is **bolded & double-underlined**):

The city provides five personal days (40 hours) per year to exempt employees, ~~and two personal days (16 hours) to represented general employees in dispatch required to cover 24/7 operations.~~ Personal days will be paid out when the employee terminates employment or retires from the City of Mequon. All personal days must be taken within the calendar year for active employees or they shall be considered lost, unless they are deferred at the request of the employee's department head and approved by the city administrator. Employees are allowed to use these personal days in a minimum of four-hour increments. All use of personal days is subject to prior approval by the employee's supervisor.

SECTION III

Section 2-211 (2) of the Mequon Municipal Code Mequon Municipal Code is repealed.

SECTION IV

Section 2-213 of the Mequon Municipal Code is hereby repealed.

SECTION V

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 VI

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION VII

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

Approved by: Andrew Nerbun, Mayor

Date Approved: January 10, 2023

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on January 10, 2023.

Caroline Fochs, City Clerk

Published: _____



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Office of Administration

TO: Common Council
FROM: Justin Schoenemann, Assistant City Administrator
DATE: December 30, 2022
SUBJECT: RESOLUTION 4008 A Resolution Authorizing a Transfer of \$36,661 from the Information Technology Division's 2022 Budget to the Division's Capital Account, in Connection with the Completion of Planned City Network Upgrades in 2023

Background

As part of the 2021 information technology assessment process with Averro Advisors, the City's network was identified as having key components in need of replacement due to being past their useful life and reconfiguring of the network for security purposes. At its February 2022 meeting, the Common Council approved Resolution 3915 authorizing the execution of a contract for the project with the Office Technology Group, Milwaukee, Wisconsin (OTG). OTG is a contract service provider for the City's IT Division and has been a partner for the past five years.

Analysis

In general, the scope of the project includes replacing aged Cisco brand switches with Juniper brand components, programming of new equipment, reconfiguring the City's network for better security compliance and operations, eliminating unneeded equipment within the City's network, conducting a wireless assessment, reconfiguring virtual local area networks, and developing proper documentation of the City's network. The completion of this project will directly impact the reliability of daily City-wide operations, improve security, and solidify the City's information technology foundation.

Unfortunately, the vast majority of the project has not been completed due to supply chain delays. The City continues to wait on the delivery of new equipment. The current anticipated delivery of the remaining equipment is mid-January of 2023. Once the equipment is acquired, the IT Division anticipates having the network project completed by the end of the first quarter with the assistance of OTG.

Fiscal Impact

The total cost of the network project is \$43,860, which was fully funded as part of the 2022 budget. The IT Division spent approximately \$7,019 in 2022 to complete part of the network project at the Public Safety Building. The remaining \$36,661 is needed to fund the completion of the project in 2023. The IT Division is requesting the necessary funds be transferred into the IT Division's Capital account to allow for the completion of the project.

Recommendation

A recommendation is forthcoming by the Finance-Personnel Committee on January 10, 2023.

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4008

A Resolution Authorizing a Transfer of \$36,661 from the Information Technology Division's 2022 Budget to the Division's Capital Account, in Connection with the Completion of Planned City Network Upgrades in 2023

RECITALS

A. The City of Mequon's Information Technology Strategic Plan established in 2021 identifies the need for modernizing the City's underlying network for both reliability and security purposes.

B. At its February 2022 meeting, the Common Council authorized the expenditure of funds to complete the network project, but as a result of supply chain delays, the project will be completed in 2023.

C. The Finance-Personnel Committee, after reviewing the information presented by staff, recommends the transfer of \$36,661 from the 2022 Information Technology Division operational budget to the Division's capital budget account for the completion of the network project in 2023.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin, approves the said transfer of funds into the capital budget.

Approved by: Andrew Nerbun, Mayor

Date Approved: January 10, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on January 10, 2023.

Caroline Fochs, City Clerk



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

www.ci.mequon.wi.us

Office of Sewer Utility District Commission

TO: Common Council
FROM: Kevin Driscoll, Deputy Director of Utilities
DATE: January 10, 2023
SUBJECT: RESOLUTION 4009 A Resolution Approving the Purchase of Two Portable Back-Up Pumps and Appurtenances from Wisconsin Pump Works of Green Bay, Wisconsin, in the Amount of \$149,319

Background

On November 9, 2022, the Sewer Utility District Commission rejected bids for an automatic back-up pumping system for Ranch Road Lift Station E and directed staff to pursue other options. In response, staff requested quotes for portable pumps.

Analysis

Vendors provided pricing for a 3,000 gallons per minute, self-priming pump (8-inch diameter) and appurtenances including a trailer mount, enclosure, fuel tank, suction hose (open suction, no screen, passing 3-inch diameter solids), and discharge hose with quick disconnects. Two pumps are required to handle the firm capacity, and these portable pumps can also be used at other stations. In addition, two pumps were selected because one larger pump would be oversized for stations other than LS E. Pricing for two pumps with associated appurtenances is summarized in the table.

Contractor	Total
Wisconsin Pump Works	\$149,319
Wastecorp	\$179,000
Lincoln Supply	\$234,000
Gordon Rupp-Crane	\$315,500

Fiscal Impact

The Sewer Equipment Replacement Capital Account 610669-740005 has sufficient funds available.

Recommendation

Staff recommends that the Sewer Utility District Commission favorably endorse, and the Common Council approve the resolution to procure two portable back-up pumps and appurtenances from Wisconsin Pump Works of Green Bay, Wisconsin in the amount of \$149,319.

Attachments:

Exhibit A - Wisconsin Pump Works (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4009

A Resolution Approving the Purchase of Two Portable Back-Up Pumps and Appurtenances from
Wisconsin Pump Works of Green Bay, Wisconsin, in the Amount of \$149,319

RECITALS

A. A number of capital improvement projects and equipment purchases were identified as part of the FY2023 Sanitary Sewer budget adopted by the Common Council on October 27, 2022.

B. The Sewer Utility District Commission at its meeting on October 27, 2022, rejected bids for procurement of an automatic pumping system and directed staff to pursue other options.

C. The Sewer Utility staff requested and received pricing for portable back-up pumps each with a capacity of 3,000 gallons per minute, for management of the sanitary sewer collection system and to maintain operations during wet weather events.

D. Staff has reviewed the various pricing and submittals for the pump procurement and recommends awarding the purchase contract to Wisconsin Pump Works of Green Bay, Wisconsin in Amount of \$149,319.

E. The Sewer Equipment Account 611669-740005 has a sufficient balance to fund this pump procurement.

F. The Sewer Utility District Commission at its meeting on January 10, 2023, approved staff's recommendation.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin that the procurement of two portable back-up pumps and appurtenances from Wisconsin Pump Works of Green Bay, Wisconsin is authorized in the amount of \$149,319 in the form attached hereto, subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

Approved by: Andrew Nerbun, Mayor

Date Approved: January 10, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on January 10, 2023.

Caroline Fochs, City Clerk



Wisconsin Pump Works
PO Box 945
Ankeny, IA 50021

Quote
#QTE002963
01/04/2023

Bill To

Mequon WI, City of
11333 N Cedarburg Rd
Mequon WI 53092
United States
Phone:

Ship To

Mequon WI, City of
10800 Industrial Dr
Mequon WI 53092
United States

Details

Quote for Sale of BBA 8" Solids Handling DOT Trailer Package. 25 FT Suction & Discharge Hoses Included. Longer Lengths Available Upon Request. Incoming Pump Freight Included. Free Delivery by WPW Upon Request.

Prepared By

Bailey Mueller

Phone

877-645-8004

Email

info@wisconsinpumpworks.com

Sales Rep

House Account

Expires

01/13/2023

Terms

Item	Comment	QTY	Rate	Amount
12782 BBA BA180E D315 8x8 DOT TRAILER PACKAGE WITH SOUND ATTENUATED ENCLOSURE	Pintle Hitch, Electronic Brakes, 80 Gallon Tank. Tier 4 Diesel Engine. Discount Applied. Available in Green Bay Stock.	2	\$64,500.00	\$129,000.00
23427 QUOTE ITEM	Bauer Hose Connections (Fishbone) - Ball/Lever & Cup. O-Rings Included. Available in Factory Stock	2	\$1,582.00	\$3,164.00
23427 QUOTE ITEM	Discharge Hose 8 Inch - 25ft Length - Series 250	4	\$1,970.00	\$7,880.00
23427 QUOTE ITEM	Discharge - Dix Aluminum Camlock Fittings 8" (Type C & Type E)	3	\$1,025.00	\$3,075.00
23427 QUOTE ITEM	Suction Hose 8 Inch- 25 FT Length - Series 1580	2	\$2,700.00	\$5,400.00
23288 SHIPPING & HANDLING	Hose & Fittings Only - Estimated "Not to Exceed"	1	\$800.00	\$800.00

Thank you for your business.

Toll Free: 877-645-8004 | Email: info@wisconsinpumpworks.com | Website: <http://www.wisconsinpumpworks.com>



QTE002963



Wisconsin Pump Works
PO Box 945
Ankeny, IA 50021

Quote
#QTE002963
01/04/2023

Subtotal \$149,319.00

Total \$149,319.00

Pricing is valid for 10 days and does not include freight charges or applicable taxes.

Items quoted for repair and leftover 30 days, without a decision to repair, will be discarded.

Signature: _____ Date: _____

Attachment: Exhibit A - Wisconsin Pump Works (RESOLUTION 4009 : A Resolution Approving Purchase of Portable Back-up Pumps)

Thank you for your business.
Toll Free: 877-645-8004 | Email: info@wisconsinpumpworks.com | Website: <http://www.wisconsinpumpworks.com>



QTE002963



Wisconsin Pump Works, Inc.

1720 Fire Lane Drive

Green Bay, WI 54311

Phone (877) 645-8004

Fax (507) 645-7533

www.wisconsinpumpworks.com

info@wisconsinpumpworks.com

TERMS & CONDITIONS OF SALES AND/OR REPAIR

The following terms and conditions shall apply to an order covered by this quotation unless specifically excepted therein:

Prices

Any price quoted shall only be valid for orders placed within 30 days from the date of issue of the quotation. Prices are F.O.B. our office in U.S. We reserve the right to correct typographical or clerical errors.

Terms

All orders are subject to approval by our Credit Department. Unless otherwise stated, if payment for the invoice due is not made within thirty (30) days after shipment, administration fees of eighteen percent (18%) per year (equivalent to a nominal monthly interest rate of 1 ½%) will be applied on overdue accounts. The terms and conditions herein set forth are based upon tariffs, taxes, foreign exchange rates, delivery, and other conditions in effect on the date of this contract. In the event changed conditions, legislations, regulations, or other matters shall become applicable to any quotation, contract, or delivery hereunder, any increased exchange, duties, taxes, ocean freight, or other charges resulting from such action shall be for the customer's account and Wisconsin Pump Works, Inc. may charge such increased duties, taxes, or charges to the customer.

Unless the order includes the appropriate exemption certificates and/or licenses, duties, and taxes levied by Federal, State, or other governments are required to be charged automatically at the rate imposed at time of importation/shipment. Any change in law, regulations, or Government Department practice which causes a variation of any kind in the applicable charges from the amounts allowed for the quotation, shall result in an equivalent change in the price quoted.

Until payment is made in full, Wisconsin Pump Works, Inc. shall retain the right, without notice, to repossess and/or retain the items, and/or dispose of them, for its benefit and hold the customer responsible for any loss. Customer agrees to enter into any agreements, contracts, or notices required to confirm such rights.

Security

In order to secure any obligations due to Wisconsin Pump Works, Inc. from the customer (whether or not under this contract) the customer grants and confirms in Wisconsin Pump Works, Inc. a security interest in:

- a) The merchandise covered by this contract, and
- b) in all property and funds of the customer now or hereafter in Wisconsin Pump Works, Inc. possession, whether or not arising out of this contract, and in all additions, accessions, and proceeds of such merchandise and/or property. The customer hereby authorizes Wisconsin Pump Works, Inc. to sign alone any financing statement or statements and to do all and any other things which may be necessary to perfect such security interest.

Cancellation

After acceptance, orders may be canceled only with our approval and payment in accordance with contract by the customer for work performed and/or material expenses incurred by us to date of cancellation. We reserve the right to cancel the order if the customer's financial condition, in our sole judgment, places the payment in jeopardy.

Return

No credit will be allowed for returns unless our authorization in writing for such returns has been obtained beforehand. A copy of this authorization is to be returned with the item as the packing slip.

Shipment

- a) Handling Charge: Customer shall be responsible for making all arrangements for shipment of the order with a suitable carrier. In the event that customer requests that Wisconsin Pump Works, Inc. make arrangements for shipment, then customer agrees to pay to Wisconsin Pump Works, Inc. for the applicable shipping charges, with special services requiring additional charges.
- b) New Articles: Where shipping instructions indicate no exact routing, our best judgment will be used in determining routing but we shall not be liable for any charges beyond F.O.B. point. If changes are made at customer's request in a) F.O.B. point, b) in our normal routing from either the manufacturers' or our own plants and in these changes involve extra costs, such costs shall be for the customer's account, unless otherwise noted on the Wisconsin Pump Works, Inc. price quotation.
- c) Repair Work: Defined as work and services performed by Wisconsin Pump Works, Inc. All orders shall be delivered to and picked up from our facility unless otherwise specified. All costs of delivery shall be for the customer's account unless otherwise agreed to in writing prior to shipment.
- d) All Orders: On collect freight shipments, cartage charges from facility to carrier are for customer's account. Title to articles passes to customer upon delivery to carrier acting as customer's agent subject to any right of retention by us. All claims for shortage in, and damages in, shipment or otherwise must be reported to carrier immediately upon receipt with copy or report to ourselves within five (5) days.

Guarantee

- a) New Articles: We guarantee new articles against defects in material and/or workmanship for a period of one (1) year from date of acceptance, providing that the articles have been installed, maintained, and operated in accordance with our recommendations and instructions, or according to manufacturers' written warranty.
- b) Repair Work: Defined herein as work and services performed by Wisconsin Pump Works, Inc.

We guarantee all work and services performed by us against defect arising from workmanship and/or materials provided by us for a period of ninety (90) calendar days from the date of shipment to customer.

- c) All Orders: Claims shall be submitted promptly in writing to Wisconsin Pump Works, Inc. Replacement and/or repair under guarantee shall be made F.O.B. our facility. Our liability under these guarantees is limited to the replacement and/or repair only of defective material or workmanship and in no event shall Wisconsin Pump Works, Inc. be liable for any loss or damage of whatever kind of nature out of defects in material and/or workmanship, or resulting from delay, or loss of use of articles, or any installation into which the article may be installed, or arising out, of the contract of the work or service or from negligence.

Wisconsin Pump Works Inc. shall not be liable for any loss or damage resulting from delay and/or late delivery due to causes beyond our reasonable control. In no event shall

Wisconsin Pump Works, Inc. be liable for any claim exceeding the amount of this order. Our guarantee on products of other than our own manufacture is limited to the guarantee extended to us by the original manufacturer. On any claims for repairs and/or replacement under such guarantee all costs incurred by us which are not underwritten by the original manufacturers shall be for the claimant's account. Except as stated above no representations conditions or warranties are made with respect to products work, or services, express or implied verbal or otherwise, including warranties of merchantability and fitness. Our guarantee and warranty shall not apply to materials or workmanship which have been subject to misuse neglect, or accident.

Wisconsin Pump Works, Inc. shall be held free and harmless from any dispute or claim anywhere arising relating to infringement of patent, design trademark or copyright of items, sold or repaired under this contract.

Property rights and risks

The customer's property at all times shall remain at the risk of the customer while being worked on by our personnel or on our premises and Wisconsin Pump Works, Inc. shall not be responsible for any loss or damage to the customer's property resulting from any cause whatsoever.

Title to and rights in relation to item sold under this contract/quotation shall remain with ex, Inc. until such items are paid for, subject to risk on products sold passing to the customer upon acceptance by a carrier or other, which shall constitute good delivery.



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-242-3100
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: January 5, 2023
SUBJECT: Closed Session for Potential Claim Against the Police Department

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 may be involved, and then may re-enter open session to take such action it deems appropriate. This section would allow the Council to enter into closed session for the purpose of obtaining advice from my office with respect to the strategy the Council desires to adopt in handling a potential claim that has been filed with respect to the Police Department.

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 may be involved.

Attachment: Public memo Police Claim (8046 : Public memo closed session PD)



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Mequon, WI 53092-1930
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Fax: 262-242-9655

www.ci.mequon.wi.us

Office of City Attorney

TO: Common Council
FROM: Brian Sajdak, City Attorney
DATE: January 10, 2023
SUBJECT: Closed Session for Battalion Chief Vacancy

Background

The Common Council may enter into closed session pursuant to Wis. Stat. § 19.85(1)(c) for the purpose of considering the employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, and then may re-enter open session to take such action as deemed appropriate. While the Police and Fire Commission exercises responsibility for members of the police and fire departments in that they have sole authority over the hiring, promotion and discipline of such employees, the Common Council nonetheless retains general jurisdiction over all employees of the City, including members of the police and fire departments. One example of this jurisdiction would be that, for a member of the police department, exercise of the Council's budgetary authority may be necessary in the event of a potential promotion. Accordingly, this section authorizes the Council to go into closed session for the purpose of being briefed on various considerations related to the open Battalion Chief position as it relates to the Council's jurisdiction over an employee.

With the change in authority resulting from the fire department merger into the Southern Ozaukee Fire and Emergency Medical Services Department becoming effective on January 1, the Council's role is less direct in that the budgetary authority falls more directly with the SOFD Board, although the City continues to retain authority because the IGA creating SOFD requires the Council to approve the SOFD budget.

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)(c) for the purposes of considering the employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

Attachment: Public memo Battalion Chief (8045 : Public memo closed session BC)