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Office of the City Clerk
Taped and Televised

**COMMON COUNCIL
Regular Meeting
Tuesday, January 11, 2022 - 7:30 PM
or Immediately Following the
Sewer Utility District Commission Meeting
Christine Nuernberg Hall**

Minutes

1) Call to Order

Mayor Wirth called the meeting to order at 7:55 PM.

2) Pledge of Allegiance

3) Roll Call

Present:

Mayor John Wirth
Alderman Robert Strzelczyk
Alderman Glenn Bushee
Alderman Dale Mayr
Alderman Jeffrey Hansher
Alderman Mark Gierl
Alderman Brian Parrish
Alderman Kathleen Schneider
Alderman Andrew Nerbun

Also present: City Administrator Jones, Assistant City Administrator Schoenemann, City Attorney Sajdak, City Clerk Fochs, Community Development Director Tollefson, Assistant Community Development Director Zader, Engineering and Public Works Director Lundeen, Finance Director Engroff, Fire Chief Bialk, Deputy Fire Chief Zellman, Police Chief Pryor, Mike Perlewitz, Jim Hensel of Northshore Engineering, press and interested public.

4) Public Hearing:

- a) **ORDINANCE 2021-1614** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code to Rezone the Property at the Southwest Corner of Freistadt and Villa Grove Roads from R-3 (Residential 1-Acre), C1 (Wetlands) and FW (Floodway), to R-3, C1 and FW with a PUD (Planned Unit Development) Overlay, in Connection with the Development of a Seven-Lot Residential Subdivision (The Green at Mequon).

1) Public hearing

Motion to open the public hearing for **ORDINANCE 2021-1614**.

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

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

Mr. David Schlageter spoke about **ORDINANCE 2021-1614** citing the need to address Villa Grove Road which is a one lane, loosely paved road, the uneven topography which will require a large amount of fill and potential drainage/flooding issues due to the topography.

Motion to close the public hearing for **ORDINANCE 2021-1614**.

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

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

2) Consideration of ordinance

Assistant Community Development Director Zader stated that **ORDINANCE 2021-1614** is a request for a 7-lot conservation subdivision on Villa Grove Road and Freistadt Road. The lots range from approximately .58 - 1.48 acres in size. Conservation subdivision allows the developer to keep the private lots out of the wetland area and shift the road to the north to keep out of the flood plain. Villa Grove Road is approximately six feet above the flood plain. Ordinance requires the access to be built on the less traveled road (Villa Grove Road) for a subdivision. Storm water issues will be addressed at Planning Commission when discussing the preliminary plat.

Mike Perlewitz, the landowner, explained why he would like to eliminate the requirement that the flood plain be contained in the outlot. Only 6.45 acres of the 14.88 acres property will be developed.

Mr. Zader stated that staff is agreeable to eliminating the condition that flood plains be contained in the outlot. He further stated that the width or functionality of Villa Grove Road will be addressed at the time the preliminary plat comes before the Planning Commission.

Jim Hensel of Northshore Engineering, confirmed that they do not want to bring in any more fill than necessary and they do not intend to increase so as to reach the height of Freistadt Road.

Motion to amend the ordinance by removing "and floodplain" in Section 1, Condition 2 and approve **ORDINANCE 2021-1614, as amended**.

RESULT: **Approved by Roll Call Vote with Amendments [6 to 2]**
MOVED BY: Alderman Parrish
SECONDED BY: Alderman Gierl

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

5) **Personal Appearances and Public Comment:** None.

6) **Public Officials' Reports:**

a) Mayor: None.

b) City Administrator: None.

7) **Consent Agenda:**

- a) Common Council meeting minutes of December 14, 2021.
- b) Architectural Board meeting minutes of November 8, 2021.
- c) Festivals Committee meeting minutes of November 11, 2021.
- d) Finance-Personnel Committee meeting minutes of November 9, 2021.
- e) Mequon Municipal Water Utility Commission meeting minutes of October 28, 2021.
- f) Planning Commission meeting minutes of November 11, 2021.
- g) Public Works Committee meeting minutes of October 12, 2021.
- h) Sewer Utility District Commission meeting minutes of November 9, 2021.

Motion to approve the monthly list of reports and minutes.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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8) **Ordinances:**

The Common Council took up **ORDINANCE 2021-1616** first.

- b) **ORDINANCE 2021-1616** - An Ordinance Creating Section 62-21 of the Mequon Municipal Code Relating to Signs Along Streets and on Public Property.

Discussion ensued on the goal of tonight's discussion, possibility of referring the ordinance to a committee, business directional signs, allowing blue signs with restrictions on size, number, and color, Wisconsin case law on obscenities and hate-speech on signs, "prior restraint" case law, use blue signs vs. no blue signs, safety concerns of sign placement, the concept of having no discretion in signs postings, grand fathering clause, electronic message board rules, baseball field advertising, all-or-nothing approach,

RESULT: Tabled [Unanimous]
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Hansher

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

- a) **ORDINANCE 2021-1615** - An Ordinance Amending Chapter 2 of the Mequon Municipal Code, Relating to Paid Time Off (PTO) Benefits for Fire Department Battalion Chiefs.

RESULT: Approved by Roll Call Vote [Unanimous]
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Strzelczyk

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

9) Resolutions:

- a) **RESOLUTION 3909** - A Resolution Amending the 2021-2024 Collective Bargaining Agreement Between the City of Mequon and the Mequon Fire & EMS Association, in Connection with Establishment of a Full-Time Paramedic/Firefighter Position.

RESULT: Approved by Roll Call Vote [Unanimous]
MOVED BY: Alderman Schneider
SECONDED BY: Alderman Nerbun

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

- b) **RESOLUTION 3910** - A Resolution Approving Acceptance of a \$20,000 Donation from the Thiensville-Mequon Rotary Foundation and Authorizing the Purchase and Installation of an ADA Accessible Fishing Pier at Rotary Park by Summerset Marine Construction, Eagle, Wisconsin, for a Total Cost of \$70,000.

RESULT: Approved by Roll Call Vote [Unanimous]
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Parrish

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

- c) **RESOLUTION 3911** - A Resolution Approving Award of a Consulting Agreement for Revising the Sanitary Sewer Utility's Hydraulic Model and Preparing Cost Estimates for Improvements to the East Trunk System North of Mequon Road to Brown and Caldwell, Milwaukee, Wisconsin in the Amount of \$213,063.

RESULT: Approved by Roll Call Vote [Unanimous]
MOVED BY: Alderman Hansher
SECONDED BY: Alderman Mayr

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

10) Specified Unfinished Business From Prior Meetings: None.

11) Specified New Business: None.

12) Potential Closed Sessions:

Mayor Wirth asked the Council to not go into Closed Session this evening pending information from staff.

- a) Personnel Evaluation of City Attorney: The Common Council may convene into closed session pursuant to Wis. Stat. § 19.85(1)(c), considering employment, promotion, compensation or performance evaluation date 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.

RESULT: No Vote

- b) Personnel Evaluation of City Administrator: The Common Council may convene into closed session pursuant to Wis. Stat. § 19.85(1)(c), considering employment, promotion, compensation or performance evaluation date 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.

RESULT: No Vote

13) Adjourn

Motion to adjourn at 9:03 PM.

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

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

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk
Approved 02/08/22