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Office of the City Clerk
Taped and Televised

**COMMON COUNCIL
Regular Meeting
Tuesday, March 8, 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 7:52 PM.

2) Pledge of Allegiance

3) Roll Call

Present:

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

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, Inspections Supervisor Hadley, Parks and Forestry Superintendent Gies, Brian Reimer of Ehlers & Associates, press and interested public.

4) Public Hearings: None.

5) Personal Appearances and Public Comment: None.

6) Public Officials' Reports:

- a) Mayor: Mayor Wirth announced that it may be of interest to the public to go back and listen to the Future of the Fire Department discussion at the Committee of the Whole meeting that preceded this Council meeting. In addition, at the same Committee of the Whole meeting staff reports are presented which may also be of public interest.
- b) City Administrator: City Administrator Jones announced that the Spring 2022 Election will be April 5, 2022. The polls are open from 7:00 AM to 8:00 PM. Early in-person absentee voting will be from March 28-April 1, in the Clerk's Office at City Hall, between the hours of 8:00 AM and 4:30 PM.

7) Consent Agenda:

- a) Common Council meeting minutes of February 8, 2022.
- b) Economic Development Board meeting minutes of January 18, 2022.
- c) Festivals Committee meeting minutes of January 19, 2022.
- d) Finance-Personnel Committee meeting minutes of January 11, 2022.
- e) Planning Commission meeting minutes of January 24, 2022.
- f) Public Welfare Committee meeting minutes of January 11, 2022.
- g) Zoning Enforcement and Site Compliance Report through February 28, 2022.
- h) **RESOLUTION 3918** - A Resolution Designating Mequon, Wisconsin as a Bee City USA.

Motion to approve the consent agenda, Items A-H.

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

8) Ordinances:

- 1) **ORDINANCE 2022-1617** - An Ordinance Amending Chapter 2, Article IX, Division 2 of the Mequon Municipal Code Related to the Membership of the Architectural Board.

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

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

- 2) **ORDINANCE 2022-1618** - An Ordinance Creating Section 10-26 of the Mequon Municipal Code, Related to Residential Swimming Pools.

The following residents spoke in favor of **ORDINANCE 2022-1618**: Scarlett Johnson (on behalf of Amber Schroeder) and Randy Finco.

The following resident spoke against **ORDINANCE 2022-1618**: Greg Golden.

Council discussion ensued on definitions of terms and specifications, ASTM testing ratings for power covers, the ability of staff to permit existing covers, weight restrictions for covers, affect, if any, on the HOA documents throughout the city and insurance costs, and costs of fences vs. power covers, safety of gate latches and enforcement.

There was a motion to table **ORDINANCE 2022-1618** by Alderman Mayr.

The motion to table **ORDINANCE 2022-1618** was withdrawn by Alderman Mayr.

Motion to table **ORDINANCE 2022-1618** and refer it to the Public Welfare Committee.

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

AYES:	Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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- 3) **ORDINANCE 2022-1619** - An Ordinance Amending Chapter 30, Article V of the Mequon Municipal Code Related to Outdoor Burning.

It was confirmed that any propane apparatus must be at least 10 feet away from a structure, including fences. Specifically, the rules governing table-top heaters were discussed. Clarifications are needed as so it was recommended to go back to Committee.

Motion to table **ORDINANCE 2022-1619** and refer it to the Public Welfare Committee.

RESULT: **Approved by Voice Acclamation [6 to 1]**
MOVED BY: Alderman Nerbun
SECONDED BY: Alderman Mayr

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

9) Resolutions:

- a) **RESOLUTION 3920** - A Resolution Awarding the Sale of \$9,490,000 General Obligation Promissory Notes, Series 2022A; Providing the Form of the Notes; and Levying a Tax in Connection Therewith.

Brian Reimer, of Ehlers & Associates, explained that Mequon received seven bids for our general obligation promissory notes. Various factors caused the sales figure to decrease to \$9,490,000.

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

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

- b) **RESOLUTION 3921** - A Resolution Approving the First Amendment to a Lease Agreement with United States Cellular Operating Company LLC, in Connection with Installation of Additional Telecommunications Equipment on the City's Water Tower Located Along North Weston Drive.

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Alderman Nerbun
SECONDED BY: Alderman Schneider

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

- c) **RESOLUTION 3922** - A Resolution Approving a First Amendment to the Cell Tower License Agreement with United States Cellular LLC Extending the License Term at 11830 North Port Washington Road Through 2047.

Mayor Wirth announced that this is a first amendment not a second amendment to the cell tower license agreement.

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Alderman Bushee
SECONDED BY: Alderman Nerbun

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

- d) **RESOLUTION 3923** - A Resolution Authorizing a Fifth Amendment to the Employment Agreement Between the City of Mequon and William H. Jones, Jr.

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

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

- e) **RESOLUTION 3917** - A Resolution Approving a Third Amendment to the Development Agreement for the Town Center Master Planned Mixed-Use Development for Foxtown Center, LLC.

Motion to remove **RESOLUTION 3917** from the table.

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Alderman Parrish
SECONDED BY: Alderman Nerbun

AYES:	Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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Motion to approve **RESOLUTION 3917**.

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

AYES:	Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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- f) **RESOLUTION 3924** - A Resolution Approving a Revolving Fund Loan in the Amount of \$100,000 for Mind+ Neurology, a Medical Clinic, Located at 12200 Corporate Parkway.

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

AYES:	Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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- g) **RESOLUTION 3912** - A Resolution Approving a First Amendment to the Special Event Agreement for Annual Gathering on the Green Festivities in Rotary Park.

Public Work Committee recommended this resolution with the \$6,615 fee plus the \$1000 security deposit with the direction that the Finance-Personnel Committee review the fee schedule for rental fees and emergency services over the event period.

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

AYES:	Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun
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- h) **RESOLUTION 3919** - A Resolution Authorizing Receipt of Infrastructure Improvements and Execution of a Dedication Agreement with Thiensville-Mequon Youth Baseball Association for Fencing Improvements at River Barn Park.

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

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

- i) **RESOLUTION 3925** - A Resolution Approving the Purchase of a Replacement Plow Truck from Lakeside International Trucks, West Bend, Wisconsin for \$213,329, Engine and Aftertreatment 5-year Warranty for \$2,200, and Additional Components for \$3,500 for a Total Cost of \$219,029. The Resolution also Approves the Purchase of a Replacement Mower from Mid-State Equipment, Jackson, Wisconsin for a Total Cost of \$40,340.69.

RESULT: **Approved by Roll Call Vote [Unanimous]**

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Hansher

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

- j) **RESOLUTION 3926** - A Resolution Supporting the M-T Trails Foundation, Inc. Application for a Wisconsin Department of Transportation (WisDOT) Transportation Alternatives Program (TAP) Grant and Pending Memorandum of Understanding/Donation Agreement for an Off Road Path on Highland Road from the Ozaukee Interurban Trail to Rotary Park.

Mayor Wirth cautioned the Council about the on-going maintenance costs of this off road path. Sam Azinger, of the M-T Foundation, pledged their involvement in the future regarding upkeep, plowing, and maintenance.

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

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Nerbun

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

- k) **RESOLUTION 3927** - A Resolution Awarding the 2022 Road Improvements Contract to Payne & Dolan, of Jackson, WI, in the Amount of \$2,675,000.

RESULT: **Approved by Roll Call Vote [Unanimous]**

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Nerbun

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

Motion to suspend the rules and approve **RESOLUTION 3927, RESOLUTION 3928 and RESOLUTION 3929.**

RESULT: **Approved by Roll Call Vote [Unanimous]**

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Nerbun

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

- l) **RESOLUTION 3928** - A Resolution Awarding the 2022 Crack Sealing Contract to National Industrial Maintenance of East Chicago, Indiana in an Amount Not-to-Exceed \$73,000.

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

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

- m) **RESOLUTION 3929** - A Resolution Awarding the 2022 GSB-88 Bituminous Seal Contract to Fahrner Asphalt Sealers, of Waunakee, WI in an Amount Not-to-Exceed \$305,000..

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

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

- n) **RESOLUTION 3930** - A Resolution Awarding a Contract for the Repair of Five Sewer Laterals in Cedarburg Road / STH 57 to Genesis Excavators, Inc., Kenosha, Wisconsin in the Amount of \$87,349.

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

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

Motion to suspend the rules and approve **RESOLUTION 3930, RESOLUTION 3931 and RESOLUTION 3932.**

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

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

- o) **RESOLUTION 3931** - A Resolution Approving Award of a Contract to Clean and Televise 176 Sanitary Building Sewer Laterals in the Lac du Cours Subdivision to Great Lakes TV Seal, Inc., Green Bay, Wisconsin in the Amount of \$108,158.

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

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

- p) **RESOLUTION 3932** - A Resolution Awarding a Contract for the Cleaning and Examination of Sanitary Sewer Mains on Mequon Road Between Parkview Drive and Port Washington Road to Northern Pipe, Inc., Green Bay, Wisconsin in the Amount of \$37,485.

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

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

- q) **RESOLUTION 3933** - A Resolution Approving a Memorandum of Understanding Between the City of Mequon, the Village of Thiensville, the City of Cedarburg and the Town of Cedarburg in Connection with Fire & EMS Department Consolidation.

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

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

10) Specified Unfinished Business From Prior Meetings: None.

11) Specified New Business: None.

12) Adjourn

Motion to adjourn at 8:51 PM.

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

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

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk
Approved 4-12-22