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, March 14, 2023 - 7:30 PM
or Immediately Following the
Mequon Municipal Water Utility Commission Meeting
Christine Nuernberg Hall

Agenda

1) **Call to Order**

2) **Pledge of Allegiance**

3) **Roll Call**

4) **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.**

5) **Public Officials' Reports:**

a) Mayor

b) City Administrator

6) **Consent Agenda:**

a) Common Council meeting minutes of February 14, 2023
b) Architectural Board meeting minutes of January 9, 2023
c) Board of Appeals meeting minutes of December 1, 2022
d) Economic Development Board meeting minutes of January 24, 2023
e) Festivals Committee meeting minutes of January 18, 2023
f) Finance-Personnel Committee meeting minutes of January 10, 2023
g) Mequon Municipal Water Utility Commission meeting minutes of December 13, 2022
h) Park and Open Space Board meeting minutes of January 18, 2023
i) Planning Commission minutes of January 23, 2023
j) Public Safety Committee meeting minutes of December 13, 2022

k) Public Welfare Committee meeting minutes of January 10, 2023

l) Public Works Committee meeting minutes of December 13, 2022

m) Tree Board meeting minutes of August 19, 2022 and January 25, 2023

n) Zoning Enforcement and Site Compliance Report Through March 1, 2023

o) **RESOLUTION 4022** - A Resolution Approving a Certified Survey Map and Accepting the Dedication of 0.053 Acres of Public Right-of-Way Along 1600-1714 West Mequon Road; **Recommended by Planning Commission January 23, 2023.**

p) **RESOLUTION 4023** - A Resolution Approving an Amendment to a Development Agreement with P2 Development, in Connection with Completion of a Planned Unit Development Project Located at 11040 and 11110 North Buntrock Avenue; **Recommended by Economic Development Board February 21, 2023; Recommendation Forthcoming by Finance & Personnel Committee March 14, 2023**

q) 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 2023-1640** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Related to Building and Site Plan Requirements for Properties Located in the Town Center and Arrival Corridor Zoning Districts; **Recommended by Planning Commission February 27, 2023; Recommendation Forthcoming by Committee of the Whole March 14, 2023; First Reading.**

2) **ORDINANCE 2023-1641** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Related to Turf Grass Height Limits During the Month of May; **Recommended by Public Welfare Committee January 10, 2023; Recommended by Planning Commission February 27, 2023; Recommendation Forthcoming by Committee of the Whole March 14, 2023; First Reading.**

3) **ORDINANCE 2023-1642** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Regarding Required Setbacks and Offsets for Properties Located within the City's R-2 (2-Acre) Zoning Districts; **Recommended by Public Welfare Committee January 10, 2023, Recommended by Planning Commission February 27, 2023; Recommendation Forthcoming by Committee of the Whole March 14, 2023; First Reading.**

4) **ORDINANCE 2023-1643** - An Ordinance Amending Chapter 10 of the Mequon Municipal Code, Updating References to, and Requirements of, Applicable Administrative Code Provisions Related to Building Permits; **Recommendation Forthcoming by Public Welfare Committee March 14, 2023; Further Recommendation Forthcoming by Committee of the Whole March 14, 2023; First Reading.**

5) **ORDINANCE 2023-1644** - An Ordinance Amending the Planned Unit Development (PUD) for New Castle Place (Lifespace) Located at 12500-12700 North Port Washington Road Approving a New Concept Plan, Extending the Development Timeline, Modifying the Open Space Requirement and Updating Certain Approval Requirements; **Recommended by Planning Commission February 27, 2023; First Reading.**

6) **ORDINANCE 2023-1645** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, to Rezone St. John's Evangelical Lutheran Church Located at 1600-1717 West Mequon Road from R-4 (Single-Family 3/4-Acre) to B-1 (Neighborhood Business District) and IPS (Institutional & Public Service) with a Planned Unit Development (PUD) Overlay, and Amend the City's Land Use Map from Residential (1.5 Acre) to Neighborhood Business and Institutional, in Connection with the Establishment of Proposed Commercial Office Space; **Recommended by Planning Commission January 23, 2023; First Reading.**

7) **ORDINANCE 2023-1646** - An Ordinance Amending Chapter 58, Section 58-640 of the Mequon Municipal Code, Redefining the Reimbursement Options for Sanitary Sewer Costs; **Recommended by Planning Commission, February 27, 2023; Further Recommendation Forthcoming by Sewer Utility District Commission, March 14, 2023; First Reading.**

8) **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; **Tabled by Public Welfare Committee January 10, 2023; Recommended by Public Welfare Committee February 14, 2023; First Reading.**

7) Ordinances: None.

8) Resolutions:

a) **RESOLUTION 4024** - A Resolution Clearing the Personal Property Tax Roll of Delinquent Accounts Deemed Uncollectible for Tax Roll Year 2021; **Recommendation Forthcoming by Finance-Personnel Committee March 14, 2023.**

b) **RESOLUTION 4025** - A Resolution Approving a Three-Year Professional Services Agreement for Commercial Plan Review and Consultation Services, with E-Plan Exam of Brookfield, Wisconsin; **Recommendation Forthcoming by Finance-Personnel Committee March 14, 2023.**

c) **RESOLUTION 4034** - A Resolution Approving Amendments to the City of Mequon Fee Schedule for Fiscal Year 2023, Related to State of Wisconsin Commercial Plan Review Fees; **Recommendation Forthcoming by Finance-Personnel Committee March 14, 2023.**

d) **RESOLUTION 4026** - A Resolution Approving State/Municipal Agreement(s) for a State-Let Highway Project with the Wisconsin Department of Transportation for Sidewalk Installation on Mequon Road West of Wauwatosa Road to Swan Road and/or for Sidewalk Replacement from Wauwatosa Road East to Buntrock Avenue; **Recommendation Forthcoming by Public Works Committee March 14, 2023.**

e) **RESOLUTION 4027** - A Resolution Approving Amendments to the City of Mequon Fee Schedule for Fiscal Year 2023, Related to Athletic Field Fees, Pool Fees and Sewer Utility User Charges; **Recommendation Forthcoming by Public Works Committee March 14, 2023.**

f) **RESOLUTION 4028** - A Resolution Approving Award of the 2023 Road Improvements Contract to Payne & Dolan, of Jackson, Wisconsin, in the Amount of $1,933,000, and Authorizing Execution of a Memorandum of Understanding with the Village of Thiensville for Reimbursement; **Recommendation Forthcoming by Public Works Committee, March 14, 2023.**

g) **RESOLUTION 4029** - A Resolution Awarding the 2023 Crack Sealing Contract to Fahrner Asphalt Sealers, Waunakee, Wisconsin in an Amount Not-to-Exceed $292,000; **Recommendation Forthcoming by Public Works Committee, March 14, 2023.**

h) **RESOLUTION 4030** - A Resolution Approving a Contract for Baseball Field Management Services During the 2023-2026 Seasons with SMB Landscape Contractors, Thiensville, Wisconsin, at an Annual Estimated Cost of $42,135; **Recommendation Forthcoming by Public Works Committee March 14, 2023.**

i) **RESOLUTION 4031** - A Resolution Approving a Contract Award to Construct a Parallel Force Main for Tamerlane Drive Lift Station "O" to Mid-City Corporation of Butler, Wisconsin, in the Amount of $738,265; **Recommendation Forthcoming by Sewer Utility District Commission March 14, 2023.**

j) **RESOLUTION 4032** - A Resolution Approving Award of a Contract to Test and Seal 218 Sanitary Sewer Laterals in the Ranch Road Lift Station "E" Area to Visu-Sewer, Inc. of Pewaukee, Wisconsin in the Amount of $687,632; **Recommendation Forthcoming by Sewer Utility District Commission March 14, 2023.**

k) **RESOLUTION 4033** - A Resolution Approving Award of a Design Contract for the Replacement of Ranch Road Lift Station “E” to Applied Technologies, Inc., of Brookfield, Wisconsin in the Amount of $514,205; **Recommendation Forthcoming by Sewer Utility District Commission March 14, 2023.**

9) Specified Unfinished Business From Prior Meetings: None.

10) Specified New Business: None.

11) Potential Closed Session:

a) Noffke Roofing Claim: 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.

12) Adjourn

Dated: March 9, 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.

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COMMON COUNCIL
Regular Meeting
Tuesday, February 14, 2023 - 7:30 PM
or Immediately Following the
Mequon Municipal Water Utility Commission Meeting
Christine Nuernberg Hall

Minutes

1) **Call to Order**

2) **Pledge of Allegiance**

3) **Roll Call**

Present:
Mayor Andrew Nerbun
Alderman Glenn Bushee
Alderman William Gebhardt
Alderman Mark Gierl
Alderman Jeffrey Hansher
Alderman Dale Mayr
Alderman Brian Parrish
Alderman Kathleen Schneider
Alderman Robert Strzelczyk

Also present: City Administrator Jones, City Attorney Sajdak, City Clerk Fochs, Community Development Director Tollefson, Assistant City Administrator/Human Resources Director Schoenemann, Police Chief Pryor, City Engineer/Public Works Director Lundeen, Assistant City Engineer McGraw, Mequon Water Utility Director of Operations Voight, press and interested public.

4) **Report of January 10, 2023 Special Election Results**

City Clerk Fochs reported that a Special election was held on January 10, 2023 to elect the next Alderman for District 8. Mr. Bill Gebhardt received the most number of votes and will serve out the remainder of the term until April 2024.

5) **City Clerk to Administer Oath of Office to Alderman Bill Gebhardt, District 8**

City Clerk Fochs administered the oath of office to newly elected District 8 Alderman Bill Gebhardt.

Attachment: 02-14-23_draft CC minutes (8178 : Common Council meeting minutes of February 14, 2023)

6) Personal Appearances and Public Comment: None.

7) Public Officials' Reports:

a) Mayor: Mayor Nerbun wished everyone a Happy Valentine's Day.

b) City Administrator: City Administrator Jones announced that the Citizen Police Academy application deadline is February 17th. February 17th is also the deadline for anyone interested in becoming a full-time firefighter or paramedic with the Southern Ozaukee Fire & EMS Department. Application materials and more information for both these events can be found on the city website. He further announced that early absentee voting for the Spring Primary will end on Friday, February 17th at 5:00 pm. On Saturday, February 18th, the Sunrise Rotary Club and Mequon's Public Works Department, will hold the Candlelight Walk in the Woods at Pukaite Woods at Rotary Park. The free event will run from 5:30 pm to 8:30 pm and is open to the public.

Police Chief Pryor provided an update on the Emergency Notification System that is available to all residents of Ozaukee County. Residents should still dial 911 for police, fire or emergency medical assistance. Additionally, the County Sheriff's Department participates in a Mass Alert Notification System called Alert-Sense. County dispatch can send voice and text messages that alert the community to emergency and non-emergency circumstances, i.e. crimes, missing persons, hazardous materials alerts, local emergencies or severe weather. More information can be found on the City's website under Police News or on the County's website under Alert-Sense.

8) Consent Agenda:

a) Common Council meeting minutes of January 10, 2023.
b) Architectural Board meeting minutes of December 12, 2022.
c) Economic Development Board meeting minutes of November 29, 2022.
d) Festivals Committee meeting minutes of November 16, 2022.
e) Finance-Personnel Committee meeting minutes of December 13, 2022.
f) Joint Mequon-Thiensville Bike and Pedestrian Way Commission meeting minutes December 15, 2022 and January 5, 2023.
g) Park and Open Space Board meeting minutes of November 16, 2022.
h) Planning Commission meeting minutes of December 12, 2022.
i) Public Welfare Committee meeting minutes of December 13, 2022.
j) Sewer Utility District Commission meeting minutes of December 13, 2022.
k) Zoning Enforcement and Site Compliance Report Through February 1, 2023.
l) **RESOLUTION 4010** - A Resolution Approving a Development Agreement for the Highland Meadows Subdivision Consisting of 37 Single-Family Lots Located at 1310 West Highland Road.
m) **RESOLUTION 4011** - A Resolution Designating Mequon, Wisconsin as a Bee City USA.
n) **RESOLUTION 4012** - A Resolution Authorizing Renewal of an Application with Bird City Wisconsin and Observing World Migratory Bird Day in Conjunction with Arbor Day.

RESOLUTION 4010 was removed from the Consent Agenda.

Attachment: 02-14-23_draft CC minutes (8178 : Common Council meeting minutes of February 14, 2023)

Motion to approve Consent Agenda items A-K, which are the monthly list of reports and minutes and **RESOLUTION 4011** and **RESOLUTION 4012**.

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

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

Motion to approve **RESOLUTION 4010**.

Discussion ensued on the sanitary sewer capacity and storage facility. Director Lundeen explained that the goal is to serve this property but since the projects are not complete yet there is concern about exacerbating the downstream capacity issues. The proposed storage facility would gather the flow during high flow times to ensure it neither backed up the new properties that are connected nor caused any further issues to those downstream.

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

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

9) Ordinances:

a) **ORDINANCE 2023-1638** - An Ordinance Amending Chapter 2 of the Mequon Municipal Code Related to Electronic Attendance at City Meetings.

City Attorney Sajdak identified a couple friendly amendments to the ordinance that were made last minute. In Section IV the section is corrected to be 2-430(g) and in Section V paragraph h should read "Notwithstanding the above, city staff and consultants may be allowed to virtually attend any meeting of a committee with the approval of the city administrator or presiding officer".

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

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

10) Resolutions:

a) **RESOLUTION 4013** - A Resolution Authorizing Expenditures and Awarding Contracts for the Final Phase of Public Improvement Projects in the Town Center Tax Increment District (TID) No. 3 for the Reconfiguration of Mequon Road, OIT Crossing Improvements, Overhead Utility Burial, Street Lighting, Streetscaping, Signage, Land Acquisition and Ancillary Maintenance in the Amount of $5,365,627.

Attachment: 02-14-23_draft CC minutes (8178 : Common Council meeting minutes of February 14, 2023)

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

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

b) **RESOLUTION 4014** - A Resolution Authorizing the Purchase and Implementation of Electronic Poll Books, Supplies and Training in an Amount Not-to-Exceed $90,000.

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

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

c) **RESOLUTION 4015** - A Resolution Approving a Town Center Business Loan Between Bank Five Nine and Tamatito in the Amount of $25,000, for a Restaurant Located at 6300 West Mequon Road.

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

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

d) **RESOLUTION 4016** - A Resolution Amending the Template Memorandum of Understanding for Private Water Trusts Operating in the Public Right-of-Way, to Reference the City's Standard Specifications for Land Development.

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

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

e) **RESOLUTION 4017** - A Resolution Authorizing Installation of Widened Paved Shoulders Along Highland Road from Wauwatosa Road to the Railroad Crossing West of Cedarburg Road.

Discussion ensued on the need of this widened shoulder, future maintenance needs, feasibility of putting in wider shoulders, coordination with Mequon-Thiensville Bikeway Commission future master plan, bike/pedestrian safety, connection to Ozaukee Interurban Trail, another option of just a 2-foot shoulder at this location for a lesser cost, increased

Attachment: 02-14-23_draft CC minutes (8178 : Common Council meeting minutes of February 14, 2023)

traffic, coordination with planned road construction, and the need to see the Mequon-Thiensville Bikeway Commission's 2010-2030 plan. Public Works Director Lundeen stated that this recommendation is based on the existing 2010-2030 Master Plan that was adopted by the Common Council in 2011.

RESULT: **Approved by Roll Call Vote [7 to 1]**
MOVED BY: Alderman Hansher
SECONDED BY: Alderman Strzelczyk

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

f) **RESOLUTION 4018** - A Resolution Rejecting a Bid for the City Hall Roof Replacement Project from Noffke Roofing of Mequon, Wisconsin, Due to a Bidder's Error.

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

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

g) **RESOLUTION 4019** - A Resolution Awarding the 2023 City Hall Roof Replacement Contract to Alois Roofing and Sheet Metal, of West Allis, Wisconsin, in an Amount Not-to-Exceed $335,995.

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

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

h) **RESOLUTION 4020** - A Resolution Authorizing Supplemental Inspection Services in Excess of $25,000 During the 2023 Construction Season with the Following Engineering Firms: GRAEF, Kapur & Associates, R.A. Smith, Ruekert-Mielke and SEH.

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

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

i) **RESOLUTION 4021** - A Resolution Authorizing Execution of an Intergovernmental Agreement with the Village of River Hills for Municipal Water Service.

Attachment: 02-14-23_draft CC minutes (8178 : Common Council meeting minutes of February 14, 2023)

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

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

11) Specified Unfinished Business From Prior Meetings: None.

12) Specified New Business: None.

13) Potential Closed Session:

a) 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.

Motion to go into Closed Session to discuss the City Administrator's Evaluation.

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

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

14) Adjourn

Hearing no objection, Mayor Nerbun adjourned the meeting at 8:45 PM.

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk

Attachment: 02-14-23_draft CC minutes (8178 : Common Council meeting minutes of February 14, 2023)

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INSPECTION DIVISION

Attachment: Arch Board mins 01-09-23 (8177 : Architectural Board meeting minutes of January 9, 2023)

ARCHITECTURAL BOARD MINUTES
Monday, January 9, 2023
6:00 PM
Lower-Level Conference Room

Minutes

1. **Call to Order, Roll Call:**

Present:	Chairman Scott Reed
Members at Large:	Paul Apfelbach, Michael Wade, Tom Irvin, Curtis Helm, Janet Ehn, Bluma Lotman, Anthony LaGalbo
Building Inspector:	Greg Golden

2. **Meeting Minutes**:

Minutes from the December 9, 2022, meeting were approved by District Representative Tom Irvin and seconded by District Representative Michael Wade.
Minutes were approved unanimously.

3. **Application Submittals:**

No.	Alder. District /Time	Type of App	Owner(s) / Project Address	Contractor
1)	Dist. 3 6:00 pm	**New Single-Family Residence**	Veridian Homes LLC 10608 N. Coneflower Drive Subdivision: The Enclave	Cont: Veridian Homes LLC Arch: Veridian Homes LLC

Moved to Approve: Ehn
Seconded by: Irvin
Approved: Yes
Vote: Unanimously

Conditions: Plans approved as submitted.

2)	Dist. 5 6:05 pm	**Roof Changes**	Tim Hren 11243 N. Revere Road Subdivision: Paul Revere	Cont: A&N Contracting LLC Arch: Trenkle Architecture

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

Conditions: Plans approved as submitted.

3)	Dist. 5 6:15 pm	**New Single-Family Residence**	Peter Lanigan Jr. Lot #2 N. Lake Shore Drive (12500 Block) Subdivision: N/A	Cont: Mikkelson Builders Arch: Fred Dahms Jr.

Moved to Approve: Irvin
Seconded by: LaGalbo
Approved: Yes
Vote: Unanimously

Conditions: Plans approved as submitted.

Attachment: Arch Board mins 01-09-23 (8177 : Architectural Board meeting minutes of January 9, 2023)

4)	Dist. 8 6:20 pm	**Addition: Sunroom**	Jim & Martha Suttmiller 9835 N. Courtland Drive Subdivision: Maplefield Est.	Cont: Seymour Custom Bldrs. Arch: Meg Baniukiewicz

Moved to Approve: Wade
Seconded by: LaGalbo
Approved: Yes
Vote: Unanimously

Conditions: Plans approved as submitted.

4. **Action:**

Chairman Scott Reed made a motion to adjourn the meeting.
District Representative Janet Ehn seconded the motion.

A vote was taken; vote passed unanimously.

Meeting adjourned at 6:12 p.m.

Attachment: Arch Board mins 01-09-23 (8177 : Architectural Board meeting minutes of January 9, 2023)

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Office of the City Clerk

BOARD OF APPEALS
Thursday, December 1, 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 Ramona Larson
Board Member Robert Stern
Board Member Steve Helfer- Non-voting member this meeting
Board Member Kirsten Hildebrand – Non-voting member this meeting

Also Present: City Clerk Caroline Fochs, City Attorney Brian Sajdak, Community Development Assistant Director Jac Zader, Inspection Supervisor Gregg Golden, Matthew Johns of Refined Renovations, and interested public.

2) Approve meeting minutes of June 2, 2022

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

AYES:	Massey, Russell, Flanagan, Stern
ABSTAIN:	Larson

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

a) Applicant: Mike Ryan
Owner: Mike Ryan
Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by Mike Ryan requesting a variance from Section 58-249 of the City of Mequon Code of Ordinances in order to install ground mounted solar panels that exceed the required front setback at 11724 N. Shorecliff Avenue.

Attachment: BOA_Final minutes_12-01-22 (8228 : Board of Appeals meeting minutes of December 1, 2022)

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.

Assistant Director of Community Development Zader explained that the applicant is requesting a variance to Section 58-249 of the City of Mequon Municipal Code in order to install ground mounted solar panels. The designed plan is contrary to code due to not conforming to the 75' front setback. These panels are greater than 6" in height, therefore regulated by code. Mr. Zader explained that the applicant has other options for placement of the panels on the property, mainly to install the panels on the roof or at the south end of the driveway. This home has not been designated as a historic home so additional panels on the roof is a plausible solution. Due to these options staff is asserting there is no hardship therefore recommending denial of the variance.

Mr. Zader confirmed that the current home is powered by electricity, that solar power is not the only power to the home. Exhibit A was entered into the record, a drawing of the proposed panels.

Mr. Matthew Jahns spoke on behalf of the applicant. He stated that the home currently has solar panels on the roof, however, there are not enough to power the home with 100% solar power which is the goal of the owner. He claims that the design before the Board is the only location on the parcel in which the panels can be constructed. He asserts that the roof is not feasible due to the home being architecturally significant, and not wanting to detract from the aesthetics. He also explained that the roof is not large enough and is not slanted in the correct direction to allow enough panels to be installed for 100% solar power to the house. The south side of the home is not an option because in order for the panels to get adequate sunlight, 100 year old oak and maple trees would need to be cut down. The Board asked if fewer panels could be installed or if two rows of panels could be installed consistent with the municipal code? Mr. Johns stated that these are not feasible options.

Daniel Sabie of 11503 Shorecliff Lane stated he is a neighbor and suggested installing the panels on the bluff for morning sunlight. He also cautioned the Board about setting a precedent that could lead to more structures built in the front setbacks.

Mr. Zader stated that refraining from adding more panels on the roof and not constructing the panels on the south side of the driveway are choices, therefore there is no hardship in this case.

Motion to close the public hearing.

RESULT:	**Approved by Voice Acclamation [Unanimous]**
MOVED BY:	Board Member Stern
SECONDED BY:	Board Member Russell
AYES:	Massey, Russell, Flanagan, Larson, Stern

Attachment: BOA_Final minutes_12-01-22 (8228 : Board of Appeals meeting minutes of December 1, 2022)

Board discussion ensued:

- The home is powered by electricity, solar power is not their only option
- The home is not historically protected and the owner could install more panels on the roof
- There is enough room on the south side of the driveway to install the panels
- A combination of more panels on the roof and panels on the south side of the driveway could potentially accomplish the owner's goal of energy independence\
- The hardship is self-imposed

Motion to deny the petition by Mr. Ryan requesting a variance from Section 58-249 in order to install ground mounted solar panels that exceed the required front setback.

RESULT:	**Approved by Roll Call Vote [Unanimous]**
MOVED BY:	Board Member Massey
SECONDED BY:	Board Member Stern

AYES:	Massey, Russell, Flanagan, Larson, Stern

The following appeal was not heard as the appellant asked for a postponement prior to the meeting.

b) Applicant: Nancy Tolocko
Owner: Nancy Tolocko
Appeal: Opportunity will be afforded to all interested in being heard concerning the petition by Nancy Tolocko requesting a variance from Section 58-38 (c) of the City of Mequon Code of Ordinances in order to retain the deck that was constructed without obtaining a permit at 12656 N. Shoreland Parkway.

4) Adjourn

Motion to adjourn at 6:48 PM.

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

AYES:	Massey, Russell, Flanagan, Larson, Stern

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk
Approved March 2, 2023

Attachment: BOA_Final minutes_12-01-22 (8228 : Board of Appeals meeting minutes of December 1, 2022)

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

www.ci.mequon.wi.us

ECONOMIC DEVELOPMENT BOARD
Tuesday, January 24, 2023
8:00 AM
North Conference Room

Minutes

1) Call to Order, Roll Call

Present:
Chairman Timothy Carr
Alderman William Gebhardt
Board Member Dennis Engel
Board Member Daniel Gannon
Board Member Michael Kramer
Board Member Jeff McLean
Board Member Inge Plautz
Board Member Bruce Sipiora
Board Member Tracy Johnson **– Absent**

Chairman Carr called the meeting to order.

Ald. Bill Gebhardt introduced himself to the Board.

2) Approval of Meeting Minutes from November 29, 2022

Action
Board Member Gannon made a motion to approve the November 29, 2022, meeting minutes.
Board Member Engle seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**Approved [Unanimous}**
MOVED BY:	Board Member Gannon
SECONDED BY:	Board Member Engel
AYES:	Carr, Gebhardt, Engel, Gannon, Kramer, McLean, Plautz, Sipiora
ABSENT:	Johnson

Attachment: Econ Devel Brd mins_01.24.23_FINAL (8224 : Economic Development Board meeting minutes of Janaury 23, 2023)

3) Assistant Chair Nomination

Action
Board Member Gannon made a motion to nominate Board Member McClean as the assistant chairman.
Board Member Kramer seconded the motion.
A voice vote was taken; vote passed (8-0)

4) Town Center Business Loan Application: Tomatito Restaurant

1. Town Center Business Loan Application: Oliver Food LLC, Tomatito Restaurant located at Spur 16 Public Market, 6300 W. Mequon Road

Chairman Carr reminded the Board that their role is to determine whether the proposed business is a good fit for our community and not the quality of the loan.

Director Tollefson stated that the EDB has reviewed a handful of these proposals over the past few years as part of Community Reinvestment Act that financial institutions support. The Board is to determine whether the type of use meets the city objectives of Town Center. Staff believes it does.

She explained the proposal is for this restaurant to be located in the former Café Corzaon in the Public Market. The applicant provided statistics about the traffic that Café Corazon experienced, and the applicant believes there is an opportunity to continue to capture those customers. Dir. Tollefson stated that the proposed use meets the desired use from a development standpoint and zoning requirements.

There is agreement that it is a positive to fill the vacancy quickly.

Dir. Tollefson reinforced that none of the dollars are public dollars, not part of the city's general fund and the loan is all through private lending.

Action
Board Member Kramer made a motion to approve the proposed loan application.
Board Member McClean seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**Approved [Unanimous]**
MOVED BY:	Board Member Kramer
SECONDED BY:	Board Member McClean
AYES:	Carr, Gebhardt, Engel, Gannon, Kramer, McLean, Plautz, Sipiora
ABSENT:	Johnson

Attachment: Econ Devel Brd mins_01.24.23_FINAL (8224 : Economic Development Board meeting minutes of Janaury 23, 2023)

5) Industrial Land Uses

Director Tollefson stated that at the last Board meeting there was discussion about considering an opportunity for a new location for industrial land uses. From a policy standpoint, it is tied to some industrially owned land located in the south-central part of the city. She had indicated to the Board that as a beginning step, she would evaluate the types of industrial land uses that are currently allowed in various zoning districts located in the different geographic areas in the city.

She commented that the southwestern portion of the city is an appropriate location due to the proximity to Highways 41/45 and other industrial land uses in the surrounding area. Historically, the city has not allowed for medium to heavy types of industrial uses due to the ancillary impacts that are sometimes associated with those uses. The proposed location alleviates many of those impacts. Due to this location, economic benefits may not be captured related to consumer and local service usage. Staff believes the community would exchange not capturing as much economic ancillary benefits with the negative impacts from the industrial uses.

A chart of all the industrial land uses (permitted and conditional) allowed in the city was provided in the Board packet along with a land use map. The uses allowed in Menomonee Falls and Germantown, as well as a map of those communities, was also provided for comparison within this chart. The Board is now equipped to discuss diversity in the market and possible thresholds if an industrial park to be located in the southwest corner of the city. Dir. Tollefson reached out to Kathleen Cady-Shilling at OED, for additional information about inquiries they receive and the level and types of industrial activity in the county. Dir. Tollefson stated that once the use list has been vetted, she will reach out to WEDC and M-7 to better align the land uses and current market demands.

The Board discussed the surrounding area of the proposed industrial park. There was discussion about the water connection issue in that area. There is support for the industrial uses to be in this location.

The next steps include:

- Identify thresholds for industrial uses.
- Specific development standards established.
- Enlist help from outside entities to align with the market demands.
- Infrastructure and utility conversations (road conditions, water accessibility, sewer usage).
- Economic impacts – decide if a TIF should be created for this location.

Next action item:

- Identify the wetlands in the proposed location.
- Understand buildable acreage.

The Board is asked to review the land uses and at the next meeting to be prepared to discuss what uses should be prohibited.

Attachment: Econ Devel Brd mins_01.24.23_FINAL (8224 : Economic Development Board meeting minutes of Janaury 23, 2023)

6) Spring Economic Development Event

Board Member Plutz suggested that the event be postpone until the fall so that the city is ready to showcase new developments including:

- Public improvements on Port Washington Road.
- Rezoning for priority sites.
- Updated TIF incentives.

Staff explained that there has been interest for redevelopment for a few of the identified priority sites, so those sites may not be available (Sobelman's, Ferrante's, north portion of the Pavilions). There was discussion about the methods for contacting the property owners that will be affected by zoning changes.

There was consensus among the Board that the event should be proposed to the fall.

7) Staff Updates

Staff provided updates on various sites throughout the city:

8) Announcements

The next meeting will be February 28, 2023, at 8:00 a.m.
The meeting may be change to February 21st due to low attendance availability.

9) Adjourn

Action
Board Member Sipiora made a motion to adjourn the meeting.
Board Member Engle seconded the motion.
A voice vote was taken; vote passed (8-0)

Respectfully Submitted,

Kim Tollefson
Director of Community Development

Attachment: Econ Devel Brd mins_01.24.23_FINAL (8224 : Economic Development Board meeting minutes of Janaury 23, 2023)

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www.ci.mequon.wi.us

FESTIVALS COMMITTEE
Wednesday, January 18, 2023
6:30 PM
North Conference Room

Minutes

1) Call to Order, Roll Call

Present:
Chair Vanessa Nerbun
Committee Member Deanna Conaty
Committee Member Jenne Hohn
Committee Member Moshe Luchins
Committee Member Christine McLean
Vice Chair Miranda White
Committee Member Tracy Johnson -- **Absent**
Committee Member Lisa Liljegren -- **Absent**

Also Present: Executive Assistant Enea

2) Approval of Meeting Minutes

RESULT:	**Approved by Voice Acclamation [Unanimous]**
MOVED BY:	Committee Member Hohn
SECONDED BY:	Committee Member Luchins

AYES:	Nerbun, Conaty, Hohn, Luchins, McLean, White
ABSENT:	Johnson, Liljegren

3) Winter Wonderland Recap

Winter Wonderland was a huge success with great attendance! Thank you to Vice-Chair White for the beautiful decorations! Some suggestions were made for next year: more cookies, end at 6pm, more ornaments, time limit for bounce house, shorter time slots for choirs, hang the sponsor banner above the choirs in the tent, vests for volunteers, have a volunteer by the hot chocolate the entire time (it was super hot), put photo op closer in, alternate between the two Mequon wine vendors, nuts or popcorn truck, and more light by the bounce house. Chair Nerbun moved to buy 8 stretch linens for 6-foot banquet tables and Committee Member Hohn

Attachment: Festivals Mtg Mins 01-18-23 (8227 : Festivals Committee meeting minutes of Janaury 18, 2023)

seconded. The motion passed by voice acclamation. Chair Nerbun moved to purchase one fire pit and one heat lamp and Committee Member Hohn seconded. The motion passed by voice acclamation.

4) Winter Wonderland 2023 Date

Chair Nerbun moved to select December 10 as the 2023 date and Committee Member Hohn seconded. The motion passed by voice acclamation.

5) Taste of Mequon Applications Update

5 applications have been received thus far and several others have emailed with their intent to participate.

6) Sponsorship Levels

Chair Nerbun moved to raise sponsorship levels and Committee Member Luchins seconded. The motion passed by voice acclamation.

RESULT:	**Approved by Voice Acclamation [Unanimous]**
MOVED BY:	Nerbun
SECONDED BY:	Committee Member Luchins

AYES:	Nerbun, Conaty, Hohn, Luchins, McLean, White
ABSENT:	Johnson, Liljegren

7) Children's Area

Board & Brush said they will do the art in the Children's Area again this year at the same price. 150 boards ran out in 2 hours last year. Chair Nerbun moved to increase the number of boards to 300 and Committee Member Hohn seconded. The motion passed by voice acclamation. Since the children's area will remain open until 9pm, it was discussed what other things can be added. The Committee discussed the suggestion of having children dancers. Executive Assistant Enea will reach out to local dance studios. A silent disco was also suggested as an idea. Chair Nerbun moved to get a stage for the Children's Area and Vice-Chair White seconded. The motion passed by voice acclamation.

8) 10th Anniversary Ideas

Ideas on how to celebrate the festival's 10th anniversary were discussed. A bags tournament on the Library's lawn, fireworks from the baseball field @ $2,500 for a 5-10 minute show, and plastic cups were all mentioned as options.

9) Next Meeting Date and Time: Feb. 15 - 6:30 P.M.

10) Adjourn

Chair Nerbun moved to adjourn at 7:16 PM and Committee Member Hohn seconded.

Attachment: Festivals Mtg Mins 01-18-23 (8227 : Festivals Committee meeting minutes of Janaury 18, 2023)

Respectfully Submitted,

Carrie Enea
Executive Assistant

Attachment: Festivals Mtg Mins 01-18-23 (8227 : Festivals Committee meeting minutes of Janaury 18, 2023)

11333 N. Cedarburg Road
Mequon, WI 53092
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www.ci.mequon.wi.us Office of the City Administrator

FINANCE-PERSONNEL COMMITTEE
Tuesday, January 10, 2023
6:30 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, Justin Schoenemann, Assistant City Administrator, Jennifer Engroff, Finance Director and Marie Keyser, Assistant Finance Director.

2) Approve Meeting Minutes
   a. December 13, 2022 Finance-Personnel Meeting Minutes

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

AYES: Bushee, Parrish, Strzelczyk

3) Vouchers Paid
   a. December 2022 Vouchers Paid List

Alderman Parrish asked about the Buildings Maintenance charge of $6,095 for "replacement pool furniture." Without the City's ERP software in front of him to verify, Administrator Jones responded that he thought this was to replace the furniture that was vandalized in the bath house incident last fall. Also, Alderman Parrish asked what "beet juice" is. Other meeting members responded that is what is used to prepare the roads before a suspected snowstorm. Finally, he asked about the cell phone charges and to better understand who and what that all entails. Further into the meeting it was discussed that this topic would be presented in a future bulletin publication.

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

Attachment: F & P minutes_01-10-23 (8186 : Finance-Personnel Committee meeting minutes of January 10, 2023)

SECONDED BY: Alderman Strzelczyk

AYES:	Bushee, Parrish, Strzelczyk

4) 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

Assistant Administrator Schoenemann explained to Committee members this is authorizing the funds from Information Technology Division's 2022 operating budget to their capital account. The Council authorized the use of these funds back in February 2022, however supply chain issues have delayed the hardware. This will allow the division to spend the money once the product is available.

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

AYES:	Bushee, Parrish, Strzelczyk

5) Information Items

a. Finance & Personnel Work Plan

Committee members asked if there should be a discussion between committee members and staff to determine a prioritization schedule for some of the items on the work plan. Administrator Jones expressed he is planning a meeting in February with the Council to discuss his 2023 work plan, which will coincide with a lot of the items on this list.

RESULT: **Approved [Unanimous]**
MOVED BY: Alderman Parrish
SECONDED BY: Alderman Bushee

AYES:	Bushee, Parrish, Strzelczyk

6) Adjourn

A motion to adjourn was made at 6:45 p.m. by Alderman Bushee, seconded by Alderman Strzelczyk. All voted in favor "aye."

Respectfully Submitted,

Marie Keyser
Assistant Finance Director

Attachment: F & P minutes_01-10-23 (8186 : Finance-Personnel Committee meeting minutes of January 10, 2023)

MEQUON WATER UTILITY

11333 N. Cedarburg Road
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Water Utility

MEQUON MUNICIPAL WATER UTILITY COMMISSION
Regular Meeting
Tuesday, December 13, 2022
7:15 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 Strzelczyk

AYES: Nerbun, Bushee, Gierl, Hansher, Mayr, Parrish, Schneider, Strzelczyk
NOT PRESENT: Seat

3) Discussion Items

a. Motion to approve RESOLUTION 3999: Resolution for 2nd MWW Connection

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

Attachment: 12-13-22 Water Utility minutes (8230 : Mequon Municipal Water Utility Commission meeting minutes of December 13, 2022)

AYES:	Nerbun, Bushee, Gierl, Hansher, Mayr, Parrish, Schneider, Strzelczyk
NOT PRESENT:	Seat

b. Motion to approve Water Services Agreement for Thiensville Crossing Water Main Extension in Thiensville

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

AYES:	Nerbun, Bushee, Gierl, Hansher, Mayr, Parrish, Schneider, Strzelczyk
NOT PRESENT:	Seat

c. Motion to approve River Hills IGA

Discussion ensued clarifying that both the Village of River Hills and the University School of Milwaukee are interested in pursuing an extension.
Staff also clarified that due to the location of the connection they are not concerned about straining water capacity.

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

AYES:	Nerbun, Bushee, Gierl, Hansher, Mayr, Parrish, Schneider, Strzelczyk
NOT PRESENT:	Seat

d. Update Regarding Milwaukee Water Works 2022 Rate Case

4) Adjourn

a. Motion to Adjourn at 7:41 PM

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

AYES:	Nerbun, Bushee, Gierl, Hansher, Mayr, Parrish, Schneider, Strzelczyk
NOT PRESENT:	Seat

Respectfully Submitted,

Ren Schlereth
Administrative Secretary

Attachment: 12-13-22 Water Utility minutes (8230 : Mequon Municipal Water Utility Commission meeting minutes of December 13, 2022)

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www.ci.mequon.wi.us
Office of Parks and Operations

PARK AND OPEN SPACE BOARD
Wednesday, January 18, 2023
6:30 PM
South Conference Room

Minutes

1) Call to Order, Roll Call

Chair Cain called the meeting to order at 6:32 PM

Present:
Chair Jason Cain
Vice Chair Breanne Plier
Alderman Brian Parrish
Board Member Peter Bratt
Alternative Alderman Jeffrey Hansher
Board Member James Lysaught
Board Member Anton Usowski
Board Member Joseph Branch -- **Excused**
Board Member Gerald Vite -- **Excused**
Board Member David Wolfson -- **Excused**

2) Minutes

1. 11/16/2022 Minutes

RESULT:	**Approved by Voice Acclamation [Unanimous]**
MOVED BY:	Board Member Lysaught
SECONDED BY:	Board Member Bratt

AYES:	Cain, Plier, Parrish, Bratt, Hansher, Lysaught, Usowski
ABSENT:	Branch, Vite, Wolfson

3) Discussion Item

a. G.O. G 2023

Discussion ensued on presenting a recommendation to charge the full amount for Emergency Services to the March Common Council meeting.

Attachment: 1-18-23 mins Park and Open Space (8231 : Park and Open Space Board meeting minutes of January 18, 2023)

b. January 2023 CIP

Discussion ensued on prioritizing the CIP list in order of and adding a column for estimated private funding.

4) Parks and Forestry Superintendent Report

a. Fishing Pier

- Rotary Park pier completed

b. Kueny - Lemke Update

- Planning Commission meeting February 27 2023

c. Winter Projects

- River Barn restroom painting and refinishing
- Epoxy Floor installation at Rotary Pavilion bathrooms
- Trinity Creek observation pier

5) 2023 Work Plan

6) Adjourn

Respectfully Submitted,

Ren Schlereth
Administrative Secretary

Attachment: 1-18-23 mins Park and Open Space (8231 : Park and Open Space Board meeting minutes of January 18, 2023)

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www.ci.mequon.wi.us

Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, January 23, 2023
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:
Chair Andrew Nerbun
Alderman Robert Strzelczyk
Commissioner Martin Choren
Commissioner Dan Gentges
Commissioner Rick Lemke
Commissioner James Schaefer
Commissioner Rebecca Schaefer
Commissioner John Stoker
Alternate Gregg Bach
Alternate Bruce Barnes

Mayor Nerbun called the meeting to order at 6:00 p.m.

a) Approval of Minutes from December 12, 2022.

Action
Ald. Strzelczyk made a motion to approve the December 12, 2022, meeting minutes. Commissioner R. Schaefer seconded the motion.
A voice vote was taken, vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rebecca Schaefer, Commissioner
AYES:	Nerbun, Strzelczyk, Choren, Gentges, Lemke, J. Schaefer, R. Schaefer, Stoker

Attachment: Planning Comm Minutes_01.24.23_FINAL (8223 : Planning Commission meeting minutes of January 24, 2023)

Public Hearing/Consent

a) Jilly's Car Wash. The applicant is seeking conditional use grant amendment and building and site plan amendment approval to allow for modifications to previously approved plans on May 23, 2022, for a car wash facility for the property located at 10829 N. Port Washington Road.

Action
Ald. Strzelczyk made a motion to open a public hearing.
Commissioner R. Schaefer seconded the motion.
A voice vote was taken, vote passed (8-0)

No public comment

Action
Commissioner Gentges made a motion to close the public hearing.
Commissioner R. Schaefer seconded the motion.
A voice vote was taken, vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Nerbun, Strzelczyk, Choren, Gentges, Lemke, J. Schaefer, R. Schaefer, Stoker

b) John Mikkelson for Therapeutic Massage and Wellness Center. The applicant is seeking conditional use grant approval to allow for a therapeutic massage and wellness center for the property located at 11431 N. Port Washington Road, Suite 101.

Action
Commissioner Stoker made a motion to open a public hearing.
Commissioner Choren seconded the motion.
A voice vote was taken, vote passed (8-0)

No public comment

Action
Commissioner Stoker made a motion to close the public hearing.
Ald. Strzelczyk seconded the motion.
A voice vote was taken, vote passed (8-0)

Attachment: Planning Comm Minutes_01.24.23_FINAL (8223 : Planning Commission meeting minutes of January 24, 2023)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Nerbun, Strzelczyk, Choren, Gentges, Lemke, R. Schaefer, J. Schaefer, Stoker

c) John Mikkelson for Galleria for Better Health. The applicant is seeking conditional use grant approval to allow for a therapeutic massage center for the property located at 11431 N. Port Washington Road, Suite 101 E.

Action
Ald. Strzelczyk made a motion to open a public hearing.
Commissioner Gentges seconded the motion.
A voice vote was taken, vote passed (8-0)

No public comment

Action
Commissioner R. Schaefer made a motion to close the public hearing.
Commissioner Lemke seconded the motion.
A voice vote was taken, vote passed (8-0)

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Nerbun, Strzelczyk, Choren, J. Schaefer, R. Schaefer, Stoker, Gentges, Lemke

d) John Mikkelson for Cedar Creek Massage. The applicant is seeking conditional use grant approval to allow for a therapeutic massage center for the property located at 11431 N. Port Washington Road, Suite 101 E.

Action
Commissioner Choren made a motion to open a public hearing.
Commissioner Stoker seconded the motion.
A voice vote was taken, vote passed (8-0)

No public comment

Action
Commissioner Stoker made a motion to close the public hearing.
Commissioner Lemke seconded the motion.
A voice vote was taken, vote passed (8-0)

Attachment: Planning Comm Minutes_01.24.23_FINAL (8223 : Planning Commission meeting minutes of January 24, 2023)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Nerbun, Strzelczyk, Choren, Gentges, Lemke, J. Schaefer, R. Schaefer, Stoker

e) John Mikkelson for Embrace Your Face. The applicant is seeking conditional use grant approval to allow for an aesthetics studio for the property located at 11431 N. Port Washington Road, Suite 135.

Action
Commissioner Choren made a motion to open a public hearing.
Commissioner R. Schaefer seconded the motion.
A voice vote was taken, vote passed (8-0)

No public comment

Action
Commissioner Stoker made a motion to close the public hearing.
Commissioner R. Schaefer seconded the motion.
A voice vote was taken, vote passed (8-0)

RESULT:	**APPROVED [7 TO 0]**
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Nerbun, Strzelczyk, Choren, Gentges, Lemke, J. Schaefer, R. Schaefer, Stoker

Action
Commissioner R. Schaefer made a motion to approve all 5 consent agenda items.
Ald. Strzelczyk seconded the motion.
A voice vote was taken, vote passed (8-0)

There was mention that there are approximately 20 more businesses in the Mikkelson building that may come forward with CUG approval requests.

3) Public Hearing

a) Concord Development Company. The applicant is seeking conditional use grant amendment approval to allow for an extension to meet conditions of original CUG approval on July 25, 2022, for a fitness center for the property located at 1300-1380 W. Mequon Road (Anytime Fitness).

Attachment: Planning Comm Minutes_01.24.23_FINAL (8223 : Planning Commission meeting minutes of January 24, 2023)

Action
Commissioner Stoker made a motion to open a public hearing.
Commissioner R. Schaefer seconded the motion.
A voice vote was taken, vote passed (8-0)

Public Feedback:

A representative for Concord Development asked for a consideration on the condition for the fence to be replaced. He stated the owner of the property understands the condition that the fence is to be made to look new but he believes that it simply needs to be painted and his proposal is to power wash it, paint and repair the existing fence instead of replacing it.

Action
Ald. Strzelczyk made a motion to close the public hearing.
Commissioner R. Schaefer seconded the motion.
A voice vote was taken, vote passed (8-0)

Mayor Nerbun stated that if the applicant can paint and repair the fence so that it appears new that he is supportive of those efforts and believes a new fence may not be necessary.

Planner Laurie Miller stated that that the fence is located at the walkway between the north and south buildings and shields the back access area. She explained that on the north side of the fence, over half of it is either rotted or leaning to the side. It appears that it needs to be replaced (pictures on pg. 93 in the packet).

The applicant stated they believe that some of the boards need to be replaced and the fence needs to be cleaned but they do not believe the entire fence needs to be replaced. They will make it appear in “good condition” with final review by staff.

Planner Miller replied that staff report states that the fence be either removed or replaced.

The Commission discussion included a recommendation that staff make a property visit to determine the current condition of the fence and that staff has final decision whether repair or replacement of the fence is necessary.

The applicant clarified that the lighting near the Anytime Fitness entrance stay on 24-hours but that the entire parking lot should not stay on 24-hours.

Mayor Nerbun supports the lights near the entrance remaining on at all times but that the entire parking lot is not on around the clock so as to eliminate light pollution and to be more efficient.

Action
Ald. Strzelczyk made a motion to approve per staff conditions with the exception of the requirement of staff to schedule a site visit with the applicant to determine whether the fence can be repaired or whether it must be replaced; staff has final discretion. Additionally, that the parking lot lights shall remain on 24-hours near the Anytime Fitness entrance but that the

Attachment: Planning Comm Minutes_01.24.23_FINAL (8223 : Planning Commission meeting minutes of January 24, 2023)

remainder of the parking lot lights shall be off to mitigate light pollution and energy conservation, per staff review and approval. PD approval must also be considered.
Commissioner Stoker seconded the motion.
A voice vote was taken, vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Stoker, Commissioner
AYES:	Nerbun, Strzelczyk, Choren, Gentges, Lemke, J. Schaefer, R. Schaefer, Stoker

b) Concord Development Company. The applicant is seeking conditional use grant amendment approval to allow for an extension to meet conditions or original CUG approval on July 25, 2022, for a restaurant for the property located at 1400-1412 W. Mequon Road (GF-Smoothie).

Action
Commissioner Stoker made a motion to open a public hearing.
Commissioner R. Schaefer seconded the motion.
A voice vote was taken, vote passed (8-0)

No public comment

Action
Commissioner Gentges made a motion to close the public hearing.
Commissioner R. Schaefer seconded the motion.
A voice vote was taken, vote passed (8-0)

Planner Miller stated that this item is the same as the Anytime Fitness item and staff recommends mimicking what was just decided for that item. It was mentioned that the fence issue is the same but not the lighting issue as this business is not a 24-hour operation.

Action
Ald. Strzelczyk made a motion to approve based on the same conditions in the previous approval for Anytime Fitness excluding the lighting requirements.
Commissioner Stoker seconded the motion.
A voice vote was taken, vote passed (8-0)

Attachment: Planning Comm Minutes_01.24.23_FINAL (8223 : Planning Commission meeting minutes of January 24, 2023)

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Stoker, Commissioner
AYES:	Nerbun, Strzelczyk, Bach, Barnes, Lemke, Schaefer, J. Schaefer, R. Stoker, Choren

4) Regular Business

a) Tim O'Brien Homes for Gehrett. The applicant is seeking wetland setback waiver and specimen tree removal approval to allow for the removal of specimen trees for the property located at 12333 N. Lake Shore Drive.

Action

Commissioner Stoker made a motion to remove this item from Table.
Commissioner R. Schaefer seconded the motion.
A voice vote was taken, vote passed (8-0)

Asst. Eng. Cole McCraw stated that the staff report is very similar to the original report from November 21, 2022, and is a request for removal of two specimen trees for a residential home build. He explained the two changes from the original submittal:

1. There are two wetland strips on the site (1 west of the proposed house, and 1 east of the house) which both require setbacks:
    - West wetland is a 50-foot setback for a protected area.
    - East wetland is a 10-foot setback.

The original proposed house was 14-feet off the west wetland, which was not approved. The current proposal is 30-foot setback, and the applicant is requesting the waiver for reduction. The east setback is met with the new proposal.

Asst. Eng. McCraw explained that staff had recommended lowering the elevation of the house by 3 feet but the proposal being considered tonight has the house located at 1 foot higher than the previous application.

Staff recommends approval of the two specimen trees being removed, west wetland 50-foot setback be met to preserve stands of trees and that the house elevation be 4-feet lower than current proposal.

The Commission agrees that this is a very challenging site and that the appearance of this site will be vastly different looking with the removal of all the trees there.

Forester Mike Gies stated it was understood that about 1/3 of the trees on the lot were going to be removed (mostly dead ash and buckthorn).

The specimen trees to be removed are #23 and #27 (as noted in the packet) and cannot be saved if a house is to be built on this site. He recommends enforcing the 50-foot setback to preserve 11

Attachment: Planning Comm Minutes_01.24.23_FINAL (8223 : Planning Commission meeting minutes of January 24, 2023)

of the 31 american lindens on site. He explained that if the requested 30-foot setback is allowed that all 31 trees will be removed.

There was a long discussion about the quality of the two wetlands as well as the flow of water there and the intention not to disrupt it. Due to the grading plan and site constraints being so difficult to understand, the Commission believes they should rely on staff recommendations. There is feedback that the proposed house is not the right fit for this lot as too many concessions need to be made including:

- Water flow concerns.
- Tree preservation issues.
- Wetland setback issues and requested waivers.
- Neighbor feedback.
- Home height.

Action

Ald. Strzelczyk made a motion to deny the approval requests based on the bullet points above. Commissioner R. Schaefer seconded the motion.

A roll call vote was taken, vote passed (5-3) (No votes: Mayor Nerbun, Stoker, Gentges)

RESULT:	**DENIAL [5 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rebecca Schaefer, Commissioner
AYES:	Strzelczyk, Choren, Lemke, J. Schaefer, R. Schaefer
DEEMED NO:	Nerbun, Gentges, Stoker

b) Norway Fence for Congregation Chabad. The applicant is seeking site plan amendment approval to allow for a fence along Mequon Road for the property located at 2233 W. Mequon Road.

Asst. Dir. Zader stated that this request is from the Center for Jewish Life to install fencing along the front of the property which was generated from a security study that was conducted. The applicant is proposing to install a 6-foot metal fence; approximately 300-feet in length. Originally the fence was proposed to cover the entire frontage including the road but other residences use the road for access. As a result, there will be columns on each side of the road with security cameras and lighting. The fence will continue to the east and there will be a gate with a code for pedestrians to use. Staff recommends approval of the fence with some recommendations:

- Landscaping be added to the front.
- Fence shall be straight and not jog around the existing monument sign.
- There are a few easements that need to be addressed:
    - Need permission from WE Energies that the fence can be placed in the easement.
    - Sewer utility easement needs to be modified to allow for the fence with the condition that if sewer repair is needed that the fence is the responsibility of the

Attachment: Planning Comm Minutes_01.24.23_FINAL (8223 : Planning Commission meeting minutes of January 24, 2023)

property owner.

Planning Commission asked for clarification that there would not be any visual impairments due to the high volume of traffic on Mequon Road. Staff confirmed the fence placement will be vetted to ensure all safety measures are considered.

Action
Commissioner Stoker made a motion to approve per staff recommendations.
Commissioner Lemke seconded the motion.
A voice vote was taken, vote passed (8-0)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	John Stoker, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Nerbun, Strzelczyk, Choren, Gentges, Lemke, J. Schaefer, R. Schaefer, Stoker

c) Parish Survey & Engineering, LLC for Ozaukee Country Club. The applicant is seeking building and site plan amendment and specimen tree removal request approval to allow for a proposed 11,400 sq. ft. building with parking lot, driveway and rain garden for the property located at 10823-11185 N. River Road.

Planner Miller stated that when the applicant was before the Commission previously one of the conditions was to ensure that no specimen trees would be removed between the parking lot and River Road, as part of the site plan approval, but that is not able to be achieved. A tree survey was conducted which triggered the specimen tree removal request. The City Forester does recommend removal of the two requested specimen trees noted in the report due to limited options of adjustment of the proposed building without impacting additional trees. She explained that the new proposal includes minor changes to the building, including recommendations to add two windows on the east elevation and to change the roof color to match the other existing roofs on site. Several changes were made to the site plan to reduce the impact to trees on the property and the amount of grading to accommodate the parking lot and structure. The proposed location of the structure has not changed but the building does not comply with setback requirements from River Road; 50-foot ultimate right-of-way ("ROW") and a 60-foot setback from the ultimate ROW. The proposed building is situated at 83-feet instead of the required 110-feet. Staff does support this as the existing buildings are closer to the road.

Planner Miller explained that the existing parking lot and drive aisle do not meet the IPS zoning district standards. The standard requires 20-feet off of the property line for the drive aisle and the parking lot. The parking lot extends into the ultimate ROW by 18-feet. The applicant is requesting CUG waiver to forbode that 20-foot setback as well as a ROW waiver for the 18-foot encroachment into the ultimate ROW.

The applicant stated that the parking must be placed in the proposed location because the

Attachment: Planning Comm Minutes_01.24.23_FINAL (8223 : Planning Commission meeting minutes of January 24, 2023)

building will provide a buffer for golf balls from the nearby tee boxes and the cars located on the west side of the building.

The city has a 20-foot offset requirement for drive aisles to provide room for landscaping and buffering between the buildings, roads and adjacent properties. The 50-foot ultimate ROW was created to allow for future road expansion as well as bike and pedestrian accommodations.

Staff recommends denial of the CUG waiver and ROW waiver as staff believes there is sufficient open space to construct a parking lot to the south of the proposed building and buffering could be achieved from the golf balls with landscaping and fencing.

Should the Commission approve the parking lot to exceed the 20-foot setback and encroachment into the ultimate ROW; staff recommends that a ROW waiver for the parking stalls location be executed and recorded including the following conditions listed in the staff report, including the property owner removing that portion of the parking lot and installs landscaping in accordance with the code.

Mayor Nerbun stated there was confusion at the last meeting regarding the number of parking stalls that were approved but agrees that there was guidance not to cut down any trees.

Forester Gies stated that the two trees proposed for removal on the north end are not due to the parking lot. He explained there is a small grouping of trees and two white spruces, that are both in poor condition, that are approved to be removed. The two proposed specimen trees to be removed are located west of the building. Both trees are western red cedars, and they are not in desirable condition.

Action

Ald. Strzelczyk made a motion to approval with the parking lot as proposed in the packet including the alternate conditions made by staff (all 14 conditions on pages 144 & 145).
Commissioner Choren seconded the motion.
A voice vote was taken, vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Nerbun, Strzelczyk, Choren, Gentges, Lemke, J. Schaefer, R. Schaefer, Stoker

d) Neumann Development, Inc. The applicant is seeking concept plan, preliminary plat, fill permit and development agreement approval to allow for a 37-lot subdivision for the property located at 1310 W. Highland Road (Highland Meadows).

Asst. Dir. Zader stated that this request is for concept plan, preliminary plat and fill approval This was in front of the Commission in February of 2022, but the concept plan has changed to

Attachment: Planning Comm Minutes_01.24.23_FINAL (8223 : Planning Commission meeting minutes of January 24, 2023)

37-lots due to sewer service on the parcel. An updated plan was submitted after the packet was published which addresses some of staff's concerns. The plan complies with the new Ulao Creek Residential Cluster District which requires at least 30% open space, this plan shows roughly 34% open space as well as designated lots to have side-loading garages. Staff requested a no-mow path to extend around the entire property as a requirement. The applicant added a tot lot as required as well; a final plan will need to be approved. There has been some feedback about the glare from the lights at the medical clinic and staff has been trying to work with the electrician that installed the lights to resolve the issue. One issue that needs to be modified is that the no-mow path is required to continue through the development. He explained that per the Development Agreement they are allowed to build three spec homes before the final plat is approved. All the other conditions of the zoning district have been met and staff recommends approval.

Commission feedback includes support for the project although there is strong response that the lights are an issue that need to be addressed. Staff commented that the lights will be checked to ensure the correct colored bulbs were installed. The Commission requested that the grading plan be reviewed and that the neighbor (Weyenberg) be consulted regarding the proposed development plan. Overall, the Commission is supportive of this proposed development. There was a discussion regarding bypass lanes, and it was reported by staff that the traffic count does trigger a bypass lane on Highland Road, and it will be included as part of this development as well as acceleration/deceleration lanes.

Action
Ald. Strzelczyk made a motion to approve with the modification to condition #1 that the color and temperature of the lights be reduced at Ascension, the no-mow path be continued through the entire development and final plans of the pocket park be required.
Commissioner Choren seconded the motion.
A voice vote was taken, vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Nerbun, Strzelczyk, Choren, Gentges, Lemke, J. Schaefer, R. Schaefer, Stoker

e) St. Johns Evangelical Lutheran Church. The applicant is seeking certified survey map approval to allow for modified property lines and rezoning recommendation approval from R-4 zoning to B-1 and IPS zoning for the property located at 1600-17174 W. Mequon Road.

Planner Miller stated that the applicant is proposing to split the parcel so that one lot is 1.55 acres and to rezone this to B-1 to be used for an insurance company. They plan to retrofit the existing barn and house on site for that use. The remaining 4.36 acres will retain the existing childcare center, church and home. The childcare center is currently zoned R-4 and is requested to be rezoned to IPS to match the remaining zoning on that parcel and dissolve the split-zoning there.

Attachment: Planning Comm Minutes_01.24.23_FINAL (8223 : Planning Commission meeting minutes of January 24, 2023)

The proposed zoning changes are not completely consistent with the land use plan map designation which designates adjacent properties as residential and institutional. However, Children's Hospital is directly across the street and has traditionally been used as a transition mark between the commercial zoning and residential district.

She explained that both lots meet their proposed zoning districts dimensions and permitted use standards, however staff has some concerns about the future buyer's proposal to retrofit the barn and the house for commercial use and the ability for the building plans to meet state code standards.

Staff recommends that the B-1 zoning change would not take effect until the CSM is recorded, building and site plans have been approved by Planning Commission and future buyer Joe Woelfle State Farm Insurance plans have been approved by the state.

Mayor Nerbun stated that he agrees that the split zoning is undesirable, and he believes the insurance agency would be a good fit, but the concern is for possible uses moving into that space in the future.

The Commission discussed the options regarding rezoning to B-1 but with the ability to prohibit a restaurant from moving into that space in the future. Staff explained that an IPS/B-1/PUD Overlay could be applied to the entire site to restrict the B-1 use to office use only if both parties would agree (the smaller parcel is too small on its own to qualify for a PUD which requires 2 acres).

The applicant answered that the only item that would be stored in the barn is a vintage 1989 firetruck. He commented that he plans to run the insurance agency for many years.

Action
Ald. Strzelczyk made a motion to approve the rezoning to IPS/B-1/PUD Overlay for the entire site to prohibit a restaurant in that location.
Commissioner Choren seconded the motion.
A voice vote was taken, vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Nerbun, Strzelczyk, Choren, Gentges, Lemke, J. Schaefer, R. Schaefer, Stoker

5) Announcements

The next meeting is Monday, February 27, 2023, at 6:00 p.m.

Attachment: Planning Comm Minutes_01.24.23_FINAL (8223 : Planning Commission meeting minutes of January 24, 2023)

6) Adjourn

Action

Commissioner Stoker made a motion to adjourn the meeting.
Commissioner Gentges seconded the motion.
A voice vote was taken, vote passed (8-0)

The meeting adjourned at 8:10 p.m.

Respectfully Submitted,

Jac Zader

Attachment: Planning Comm Minutes_01.24.23_FINAL (8223 : Planning Commission meeting minutes of January 24, 2023)

11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-242-3500
Fax: 262-242-7655

www.ci.mequon.wi.us Police and Fire Departments

PUBLIC SAFETY COMMITTEE
Tuesday, December 13, 2022
5:00 PM
Lower Conference Room

Minutes

1) Call to Order and Roll Call
Present:
Chair Kathleen Schneider
Alderman Glenn Bushee
Alderman Mark Gierl

Also Present: Fire Chief Bialk, City Attorney Brian Sajdak, Administrative Coordinator Melina Bowen

2) Approve Meeting Minutes
   a. Public Safety Committee - Regular Meeting - Oct 11, 2022 5:00 PM

RESULT: **Accepted [Unanimous]**
MOVED BY: Alderman Bushee
SECONDED BY: Alderman Gierl

AYES: Schneider, Bushee, Gierl

3) Resolutions
Action requested: review and recommend approval
   a. **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

Chief Bialk and City Attorney Sajdak discussed the lease agreement allowing the Southern Ozaukee Fire Department to use Mequon and Thiensville emergency vehicles.

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

AYES: Schneider, Bushee, Gierl

4) Adjourn
   a. Motion

Motion to adjourn the meeting at 5:04 PM.

Attachment: Public Safety minutes_12-13-22 (8179 : Public Safety Committee meeting minutes of Decembe 13, 2022)

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

AYES:	Schneider, Bushee, Gierl

Respectfully Submitted,

Melina Bowen

Attachment: Public Safety minutes_12-13-22 (8179 : Public Safety Committee meeting minutes of Decembe 13, 2022)

11333 N. Cedarburg Road
Mequon, WI 53092
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www.ci.mequon.wi.us Office of the City Administrator

PUBLIC WELFARE COMMITTEE
Tuesday, January 10, 2023
6:00 PM
Lower Conference Room

Minutes

1) Call to Order, Roll Call

Present:
Chair Dale Mayr
Alderman Mark Gierl
Alderman Kathleen Schneider

Also Present: Assistant City Administrator Schoenemann, Assistant Community Development Director Zader, City Attorney Sajdak, Parks Superintendent Gies, Resident Barb Hunt, and Executive Assistant Enea

2) Approval of Meeting Minutes
   a. December Meeting Minutes

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

AYES: Mayr, Gierl, Schneider

3) Ordinances

Action requested: review and recommend approval

a. **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

Alderwoman Schneider found the amendments to be redundant and thought they still needed to be more clear. There was also a discussion about when an acceptable start time for mowing at a golf course. It was requested City Attorney Sajdak revise some of the amendments and also to eliminate Section 46.1.3 and create a special noise section. Alderman Gierl reported that a resident was complaining about game noise at Concordia. Assistant Community Director Zader explained how the City Enforcement Officer will go there and take a crowd noise reading each year. The Committee thought it should be done at

Attachment: Public Welfare Mins 01-10-23 (8226 : Public Welfare Committee meeting mintues of January 10, 2023)

least twice a year, Early in May and again in July. Also, since there are new Chinooks owners, it was suggested that the City re-send its current rules and regulations.

RESULT: **Tabled [Unanimous]**
MOVED BY: Alderman Schneider
SECONDED BY: Alderman Gierl

AYES: Mayr, Gierl, Schneider

4) Discussion Items

a. No Mow May

Parks Superintendent Gies stated that providing public information about planting pollinated gardens during April/May would be his recommendation. Grass does not grow over 8 inches in May, so there was no need for enforcement if anyone did participate in No Mow May. Resident Barb Hunt was at the meeting and said she participated in No Mow May last year. She contacted both her neighbors to make them aware of her participation and both were fine with it. The Committee recommended adding one sentence to the existing ordinance saying the height of turf grass would not be enforced until after June 1.

b. Discussion regarding changes to the required front setback in the R-2 Zoning District.

Assistant Community Development Director Zader spoke about how a resident in the R-2 Zoning District wanted additional solar panels and was denied because of the required 75 foot setback. Assistant Director Zader recommended that the R-2 district match other districts depending on type of road they are on. Alderwoman Schneider moved for the off-set of the R-2 Zoning District to match other districts and to move the setback from 30 to 25 as well.

RESULT: **Approved as Amended [Unanimous]**
MOVED BY: Alderman Schneider
SECONDED BY: Alderman Gierl

AYES: Mayr, Gierl, Schneider

5) Work Calendar

1. Nuisance
2. Irrigation

6) Adjourn

Alderman Gierl moved to adjourn at 6:45pm and Alderwoman Schneider seconded.

Respectfully Submitted,

Carrie Enea
Executive Assistant

Attachment: Public Welfare Mins 01-10-23 (8226 : Public Welfare Committee meeting mintues of January 10, 2023)

11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-8145
Fax: 262-242-9655

www.ci.mequon.wi.us
Public Works Department

PUBLIC WORKS COMMITTEE
Tuesday, December 13, 2022
6:00 PM
South Conference Room

Minutes

1) Call to Order, Roll Call

Present:
Chair Jeffrey Hansher
Alderman Mark Gierl
Alderman Dale Mayr

Also present: City Attorney Brian Sajdak (6:00 - 6:06PM), Director of Public Works/City Engineer Kristen Lundeen, Assistant City Engineer Cole McCraw and Administrative Assistant Schlereth.

2) Approval of Minutes

a. Public Works Committee - Special Meeting - Oct 26, 2022, 6:30 PM

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

AYES:	Hansher, Gierl, Mayr

3) Resolutions

Action requested: review and recommend approval.

a. **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)

The deed restriction was placed on the property when the land was divided, but no soil test was completed prior to recording. The current homeowner had a soil test done and the results support a mound system could be built on the property. Therefore, the homeowner is seeking the deed restriction be lifted to allow them to use the property to build a new single-family home.

Attachment: 12-13-22 Mins_Public Works (8229 : Public Works Committee meeting minutes of December 13, 2022)

Clarification was made that the City's role is to validate that the soil testing has been done and determine if the deed restriction will be lifted. The County would be the one that then would determine if locations acceptable for a mound or septic.

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

AYES:	Hansher, Gierl, Mayr

4) Discussion Items

Discussion and Possible Action

a. Review of Standard Specifications for Land Development - 12th Edition

The Engineering Division made no major changes to the 12th Edition manual. Updates that were made related to grammar, technology standards and clarification of existing policy.

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

AYES:	Hansher, Gierl, Mayr

b. 2022 Work Plan (12.13.22)

5) Adjourn

a. Motion to Adjourn at 6:20 PM

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

AYES:	Hansher, Gierl, Mayr

Respectfully Submitted,

Ren Schlereth
Administrative Secretary

Attachment: 12-13-22 Mins_Public Works (8229 : Public Works Committee meeting minutes of December 13, 2022)

See Agenda Packet for
Login and Complete Packet Details
Mequon, WI 53092
Phone:
Fax:

www.ci.mequon.wi.us

TREE BOARD
Wednesday, August 19, 2020
2:00 PM
Virtual Meeting

Minutes

1) Call to Order, Roll Call
Present:
Chair Carol Bangs
Vice Chair Cheryl Brickman
Board Member Ann Dredge
Board Member Emily Gehrke -- **Absent**
Board Member Clair Krause -- **Absent**
Board Member Robert Strzelczyk -- **Absent**
Also present were Parks and Forestry Superintendent Gies, and Administrative Assistant Deuster.

2) Approval of Meeting Minutes
   a. June 17, 2020 Minutes

RESULT:	**Approved [Unanimous]**
MOVED BY:	Board Member Bangs
SECONDED BY:	Board Member Dredge

AYES:	Bangs, Brickman, Dredge

3) Action Items
   a. Farmdale Estates Landscape and Tree Plan
   Parks and Forestry Superintendent Gies informed the committee of the Farmdale Estates Plans.

   The board discussed changing paperwork and nurseries from Illinois to the state Wisconsin.
   Decreasing the number of maples from 19 to 17 to meet 30% criteria.
   Removing River Birch and Colorado Green/Blue Spruce and replacing with a different type of street tree.
   The board also wanted all of the species listed.

   The board recommended approval with the changes provided.

Attachment: 8-19-2020 minutes_Tree Brd (8232 : Tree Board meeting minutes of August 19, 2022 and January 25, 2023)

RESULT: **Approved [Unanimous]**
MOVED BY: Board Member Brickman
SECONDED BY: Board Member Bangs

AYES:	Bangs, Brickman, Dredge

b. The Residence at Foxtown
Parks and Forestry Superintendent Gies stated he worked with the developer from Foxtown on the tree plan.

The board recommended approval with the following changes:
- Remove Black Hill Spruce
- Substitute White Spruce with a Black Virburnum or Hackberry
- Plant 10 Hackberry instead of Turkish Filbert

RESULT: **Approved [Unanimous]**
MOVED BY: Board Member Brickman
SECONDED BY: Board Member Dredge

AYES:	Bangs, Brickman, Dredge

4) Adjourn
   a. Motion to Adjourn at 2:37 PM.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Board Member Dredge
SECONDED BY: Board Member Brickman

AYES:	Bangs, Brickman, Dredge

Respectfully Submitted,

Casey Deuster
Administrative Assistant

Attachment: 8-19-2020 minutes_Tree Brd (8232 : Tree Board meeting minutes of August 19, 2022 and January 25, 2023)

11333 N. Cedarburg Road
Mequon, WI 53092
Phone:
Fax:

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Attachment: 1-25-23 minutes_Tree Brd (8232 : Tree Board meeting minutes of August 19, 2022 and January 25, 2023)

TREE BOARD
Wednesday, January 25, 2023
6:00 PM
North Conference Room

Minutes

1) Call to Order, Roll Call

Chair Bangs called the meeting to order at 6:00 PM.

Present:
Chair Carol Bangs
Vice Chair Cheryl Brickman
Board Member Ann Dredge
Alderman Robert Strzelczyk
Board Member Nancy Szatkowski

Also present were Park and Forestry Superintendent Gies and Forester Herlache.

2) The Enclave II at Mequon Preserve, Phase VI Review

Proposed Species	Number of Trees	Percentage of Total Plant	Approved Species
Autumn Gold Ginkgo	4	7.14%	Approved
Northern Red Oak	10	17.85%	Replace with (5) Bur Oak and (5) Common Hackberry
State Street Maple	4	7.14%	Approved
Brandywine Red Maple	7	12.5%	Replace with (4) Exclamation Plane Tree and (3) Autumn Gold Ginkgo
Skyline Honey Locust	7	12.5%	Approved
Greenspire Linden	5	8.9%	Approved

Triumph Elm	7	12.5%	Approved
Sugar Tyme Crab	7	12.5%	Replace with (7) Firebird Crab
Ivory Silk Tree Lilac	5	8.9%	Replace with (5) Cornelian Cherry Dogwood

RESULT: **Approved with Amendments [Unanimous]**
MOVED BY: Board Member Dredge
SECONDED BY: Board Member Brickman

AYES: Bangs, Brickman, Dredge, Strzelczyk, Szatkowski

3) Adjourn
   a. Motion to Adjourn at 6:56 PM

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Board Member Brickman
SECONDED BY: Alderman Strzelczyk

AYES: Bangs, Brickman, Dredge, Strzelczyk, Szatkowski

Respectfully Submitted,

Ren Schlereth
Administrative Assistant

Attachment: 1-25-23 minutes_Tree Brd (8232 : Tree Board meeting minutes of August 19, 2022 and January 25, 2023)

	A	B	C	D	E	F	G	I	J	K	L
1				CODE ENFORCEMENT SUMMARY MARCH 1, 2023							
2											
3	0										
4	DIST.	PARCEL #	ADDRESS	OWNER	VIOLATION TYPE/COMPLAINT	OTC ISSUED	REQUIREMENT DATE	COURT DATE	COMMENTS (See Key Column)	ACTIVE YES/NO	KEY
5	8	15105050400	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	14034150010	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	14090060500	12323 W MEQUON ROAD	JONATHON SCHOTTE	PARKING	10/21/2021	11/4/2021		1	NO	3 WAITING ON REPLY
8	3	14022100600	11512 N WAUWATOSA ROAD	RICK OR PATRICIA FREYMUTH	TEMPORARY STRUCTURE	10/22/2021	11/5/2021		1	NO	4 EXTENSION GRANTED
9	4	EXEMPT	11001O 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	14135500010000	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	14082064800	2916 W SHOLES DRIVE	DAVID OR ELIZABETH SANDE	HOME BUSINESS	11/22/2021	12/5/2021		1	NO	8 PRETRIAL DATE
13	1	14135500110000	13702 N BONNIWELL COURT	MICHAEL OR SHELLEY OLSON	PARKING	11/22/2021	11/5/2021		1	NO	9 TRIAL DATE
14	4	14027010120O	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	14034030010O	6809 W DONGES BAY ROAD	MEQUON LAWN AND GARDEN	BANNER	11/17/2021	11/20/2021		1	NO	
19	6	15019130160O	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	15020100380O	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		1	NO	
31	8	15029060020O	11150 N PORT WASHINGTON ROAD	CULVER'S	BANNER/SIGN	11/17/2021	11/20/2021		1	NO	
32	4	14027020100O	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	6390 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	14050063120O0	5616 W DONGES BAY ROAD	LIBBY MONTANA	BANNER	11/17/2021	11/20/2021		1	NO	
37	6	15030060050O	2635 W MEQUON ROAD	THE RANGE LINE INN	BANNER/SIGN	11/17/2021	11/20/2021		1	NO	
38	6	15153000100O	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	14050090300Z	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	14050090300Z	10360 N CEDARBURG ROAD	KWIK TRIP	BANNER/FLAGS	11/17/2021	11/20/2021	3/2/2022	#5, CITATION 1,2,	NO	
50	8	15029110050O	10500 N PORT WASHINGTON ROAD	HOLD HOLDINGS	PUBLIC NUISANCE	4/14/2021	4/23/2021	4/6/2022	#5, CITATIONS 1,2,3	NO	
51	4	14084010700O	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	14025060060O	11050 N RIVER ROAD	ROBERT STERN	OUTSIDE STORAGE	11/17/2021	11/24/2021		#5 CITATION	NO	
53	4	14050120400O	10056 N CEDARBURG ROAD	WILLIAM WISTH	OUTSIDE STORAGE	ONGOING	ONGOING	NOT SET	#5 CIRCUIT COURT	YES	
54	3	14087080500O	11715 N SILVER AVENUE	LUJESS	PARKING	ONGOING	ONGOING	NOT SET	#5 CIRCUIT COURT	YES	
55	6	15100020300O	12539 N ISLAND DRIVE	WILLIAM WISTH	OUTSIDE STORAGE	ONGOING	ONGOING	NOT SET	#5 CIRCUIT COURT	YES	
56	8	15107041200O	819 W SIERRA LANE	VANN FAMILY TRUST	OUTSIDE STORAGE	2/25/2022	3/11/2022		1	NO	
57	8	15107041200O	819 W SIERRA LANE	VANN FAMILY TRUST	PARKING	2/25/2022	3/11/2022		1	NO	
58	2	14024120100O	11249 N RIVERLAND ROAD	PAUL FREDERICK	OUTSIDE STORAGE	2/25/2022	3/11/2022		#5 CITATION 1	NO	
59	2	14024120100O	11249 N RIVERLAND ROAD	PAUL FREDERICK	PARKING	2/25/2022	3/11/2022		1	NO	
60	1	14012120030O	3500 W HIGHLAND ROAD	THOMAS LEMENS	OUTSIDE STORAGE	2/25/2022	3/11/2022		1	NO	
61	1	14012120030O	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	14019150200	11206-11210 W MEQUON ROAD	JORDON OR KRISTY LARSON	PARKING	2/25/2022	3/11/2022		1	NO	
63	1	14019150200	11206-11210 W MEQUON ROAD	JORDON OR KRISTY LARSON	OUTSIDE STORAGE	2/25/2022	3/11/2022		1	NO	
64	1	14019150200	11206-11210 W MEQUON ROAD	JORDON OR KRISTY LARSON	OUTSIDE MAINTANCE	2/25/2022	5/30/2022		1	NO	
65	2	14095060700	3033 W RENEE COURT	IGOR OR MARGARITA LETKIN	PARKING	3/8/2022	3/22/2022		1	NO	
66	6	15030308004	10841 N ORIOLE LANE	NICHOLAS OR LAURA MEYER	OUTSIDE STORAGE	3/14/2022	3/31/2022		1	NO	
67	6	15030308004	10841 N ORIOLE LANE	NICHOLAS OR LAURA MEYER	GENERAL MAINTENANCE	3/14/2022	5/30/2022		1	NO	
68	6	14095060700	2030 W SUNNYDALE LANE	DIANNE MCCLELLAN	PARKING	3/14/2022	3/31/2022		1	NO	
69	6	14095060700	2030 W SUNNYDALE LANE	DIANNE MCCLELLAN	OUTSIDE STORAGE	3/14/2022	3/31/2022		1	NO	
70	4	14027120040	6926 W DONGES BAY ROAD	GO RITEWAY	PARKING	3/17/2022	3/21/2022		1	NO	
71	4	14027120040	6926 W DONGES BAY ROAD	GO RITEWAY	ADVERTISING FLAG	3/17/2022	3/21/2022		1	NO	
72	4	14084020500	9612 W MEQUON PLACE	LEWIS OR JEAN BIRKEL	OUTSIDE MAINTENANCE	3/23/2022	6/1/2022		1	NO	
73	7	15085000202	3100 W COUNTRY CLUB DRIVE	NORTH SHORE COUNTRY CLUB	LANDSCAPING	3/23/2022	6/1/2022		1	NO	
74	4	14050709001	1863/461 N 1/2 LOT 9 BLK 7 CEDARBURG ROAD	WILLIAM CONLEY	MAINTENANCE	3/24/2022	7/1/2022		1	NO	
75	4	14027091200	10541-10601 N COMMERCE STREET	MEGAL DEVELOPMENT CORPORATION	BUSINESS OCCUPANCY PERMIT	3/31/2022	4/8/2022		1	NO	
76	2	14024070120	11610 N RIVER ROAD	MARILYN MANKE	OUTSIDE STORAGE	3/31/2022	4/7/2022		1	NO	
77	5		11700 N PORT WASHINGTON ROAD	MARCUS NORTH SHORE CINEMA	LITTER	4/6/2022	4/13/2022		1	NO	
78	5	15020070110	11616 N PORT WASHINGTON ROAD	ELITE HIGHLANDER MEQUON INC	LITTER	4/6/2022	4/13/2022		1	NO	
79	5	RENTAL	11538 N PORT WASHINGTON ROAD	METRO MARKET	LITTER	4/6/2022	4/13/2022		1	NO	
80	3	14086020700	11345 N SOLAR AVE	JEFFREY MCCLONE	PARKING	4/21/2022	4/28/2022		#5 CITATION 1,2	NO	
81	3	14089240300	11425 N VEGA AVE	DENNIS HERRERA	PARKING	4/21/2022	4/28/2022		1	NO	
82	3	14021010000	11932 N VEGA AVE	JOHN OR STACEY MURRAY	PARKING	4/21/2022	4/28/2022		1	NO	
83	3	14122000400	11912 N SOLAR AVE	JAMES MCNICHOL	PARKING	4/21/2022	4/28/2022		#5 CITATION 1,2	NO	
84	3	14087070800	11625 N VEGA AVE	ROBERT MACKIEWICZ	PARKING	4/21/2022	4/28/2022		1	NO	
85	3	14098140200	8509 W POPLAR DR	WILLIAM BLATZ	PARKING	4/21/2022	4/28/2022		1	NO	
86	4	14084050900	4808 W HIAWATHA DR	PAUL SCHUMACHER	HOOP HOUSE	4/21/2022	5/5/2022		1	NO	
87	2	14116001000	12395 N WOODFIELD CT	JEFFREY OR SUSAN POMERANTZ	OUTSIDE STORAGE	4/22/2022	4/29/2022		1	NO	
88	3	14030010200	6714 W MEQUON ROAD	MICHAEL OR TRACY LALONDE	OUTSIDE STORAGE	4/28/2022	5/13/2022	#5 CITATION 1,2		NO	
89	7	15056020500	1425 W ZEDLER LANE	BRADFORD FIGG	GARBAGE	5/10/2022	5/13/2022	#5 CITATION		NO	
90	2	14116001000	12395 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	1 COMPLIANCE ACHIEVED
93	3	RENTAL	6006 W MEQUON ROAD	SPUR 16	BANNER/FLAG	5/17/2022	5/21/2022	1		NO	2 COMPLIANCE DATE NOT MET
94	8	RENTAL	10900 N PORT WASHINGTON ROAD	THE FEED BAG	BANNER	5/17/2022	5/21/1955	1		NO	3 WAITING ON REPLY
95	2	EXEMPT	3906 W MEQUON ROAD	ST BONIFACE CHURCH	BANNER	5/17/2022	5/21/2022	1		NO	4 EXTENSION GRANTED
96	5	15100121400	1630 W DOROTHY PLACE	DAVID OR SHELLY HAUGH	OUTSIDE MAINTENANCE	5/25/2022	6/18/2022	1		NO	5 ISSUED TO CITY ATTORNEY OFFICE
97	5	15100121400	1630 W DOROTHY PLACE	DAVID OR SHELLY HAUGH	OUTSIDE STORAGE	5/25/2022	7/1/2022	1		NO	6 SCHEDULED COURT DATE
98	3	14087050400	11733 N WAUWATOSA ROAD	DELORES FILLAFER	OUTSIDE STORAGE	5/25/2022	6/15/2022	1		NO	7 COURT RULING
99	3	14087050400	11733 N WAUWATOSA ROAD	DELORES FILLAFER	OUTSIDE MAINTENANCE	7/5/2022	6/7/2022	1		NO	8 PRETRIAL DATE
100	4	14094160020	BAEHR AND COUNTY LINE/ NO ADDRESS	BILL FINE/COUNTY LINE HOLDINGS	PARKING	6/13/2022	6/29/2022	#5 CITATION 1,2		YES	9 TRIAL DATE
101	6	15057060200	1424 W ZEDLER LANE	ROSEMARY KOLLER	GRASS	6/15/2022	6/22/2022	1		NO	10 FINAL RULING
102	8	15107041200	819 SIERRA LANE	VANN FAMILY TRUST	GRASS	6/15/2022	6/22/2022	1		NO	11 ALTERNATE PROCEDURE
103	7	14151000500	9853 N RANGE LINE ROAD	CYNTHIS COAKLEY	OUTSIDE STORAGE	6/15/2022	6/29/2022	1		NO	
104	5	15103021400	12707 N EAST SHORELAND DRIVE	GARMAN LIVING TRUST	PARKING	6/15/2022	6/29/2022	1		NO	
105	5	15103021100	12731 N EAST SHORELAND DRIVE	TED RUEHL	OUTSIDE STORAGE	6/15/2022	6/29/2022	1		NO	
106	4	14064020200	10911 N SHERWOOD DRIVE	CHARLES CONRAD	YARD WASTE BRANCHES	6/21/2022	6/28/2022	1		NO	
107	8	15107041200	819 W SIERRA LANE	VANN FAMILY TRUST	TRASH/LITTER	6/21/2022	6/28/2022	1		NO	
108	6	15071041100	11604 N HILLSIDE LANE	MICHAEL GMIREK OR SUZANNE PERLINSKI	TURF GRASS	6/21/2022	6/28/2022	1		NO	
109	6	15071040500	11433 N COUNTRY LANE	WILLIAM GENSRICK	TEMPORARY STRUCTURE	6/21/2022	6/28/2022	1		NO	
110	6	15071040500	11433 N COUNTRY LANE	WILLIAM GENSRICK	PARKING	6/21/2022	6/28/2022	1		NO	
111	6	15063010800	11320 N VALLEY DRIVE	JONATHAN SCHULTZ	PARKING	6/21/2022	6/28/2022	1		NO	
112	7	14070008300	3327 BURGANDY COURT	LYNN VORBECK	PARKING	6/21/2022	6/28/2022	1		NO	
113	6	15099070100	12345 N EAST SHORELAND DRIVE	ANDREW OR WENDY PETZOLD	OUTSIDE MAINTENANCE	6/29/2022	7/29/2022	EXTENSION RAZE		YES	
114	6	15099070100	12345 N EAST SHORELAND DRIVE	ANDREW OR WENDY PETZOLD	TURF GRASS	6/23/2022	7/14/2022	1		NO	
115	5	15006990100	13804 N MARTIN WAY SUITE 2400	13804 N MARTIN WAY LLC	POOL FENCE	7/7/2022	7/29/2022	#5 CITATION 1		YES	
116	5	15006150900	1908 W BONNIWELL ROAD	RAVI NARAYAN OR SOWMYA SUBRAMANIAN	POOL FENCE	8/11/2021	8/26/2022	1		NO	
117	2	15091100100	2517 W CHESTNUT ROAD	TAOFIK OR KERRY ALABI	PARKING	7/15/2022	7/22/2022	1		NO	
118	4	14050119050	9807 N CEDARBURG ROAD	RYAN OR KATHERINE KAUTZER	TURF GRASS	7/15/2022	7/22/2022	1		NO	11633
119	6	XXXXXXXXX	NORTH SHORE ESTATES	DEBRA NEWELL PRESIDENT	OUTSIDE STORAGE	7/14/2022	8/5/2022	1		NO	
120	3	14030031000	10879 N WILDCAT WAY	AMBER SCHROEDER	FENCE	5/16/2022	5/27/2022	#5 CITATION 1,2		YES	
121	3	14086205000	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	1402702015500	6835 W MEQUON ROAD	RESERVE FRONT LOT	LANDSCAPING	7/22/2022	8/15/2022		1	NO	
125	4	1402702000200	6729 W MEQUON ROAD	STORYPOINT SENIOR LIVING	SIGNS	7/22/2022	8/19/2022		1	NO	
126	7	1508500000002	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	1408302210001	3015 W SHOLES DRIVE	THOMAS OR CAPITOLA BACHER	2 SHEDS	8/11/2022	9/11/2022		1	NO	
129	5	1511202030000	13837 N LAKE SHORE DRIVE	GREGORY OR NICOLE PATERSON	OUTDOOR STORAGE	8/11/2022	8/26/2022		EXTENSION	YES	
130	6	1503508023300	2212 W SUNNYDALE LANE	AARON OR PETER KINNEY	POOL FENCE	8/11/2022	8/26/2022		1	NO	
131	8	RENTAL	10806 N PORT WASHINGTON ROAD	NORTH SHORE BANK	BANNER	8/19/2022	8/25/2022		1	NO	
132	6	RENTAL	1505 W MEQUON ROAD	EAST TOWNE SQUARE MALL	FLAGS	8/19/2022	8/25/2022		1	NO	
133	6	RENTAL	1505 W MEQUON ROAD	FAYE'S MEQUON	FLAGS	8/19/2022	8/25/2022		1	NO	
134	6	RENTAL	1505 W MEQUON ROAD	THE LEMON TREE	FLAGS	8/19/2022	8/25/2022		1	NO	
135	6	RENTAL	1515 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	8/25/2022		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	1550 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	1402716012200	10438 N BAEHR ROAD	NORTH SHORE DANCE	SIGNS	7/7/2022	7/29/2022		#5 CITATION 1	NO	
141	1	1414400322001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	PLUMBING PERMIT	8/24/2022	9/1/2022		EXTENSION	YES	
142	1	1414400322001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	ELECTRIC PERMIT	8/24/2022	9/1/2022		EXTENSION	YES	
143	1	1414400322001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	BUILDING PERMIT	8/24/2022	9/1/2022		EXTENSION	YES	
144	1	1414400322001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	FILL PERMIT	8/24/2022	9/1/2022		EXTENSION	YES	
145	1	1414400322001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	SURVEY	8/24/2022	9/1/2022		EXTENSION	YES	
146	7	1505001146000	1828 W FIESTA LANE	CHARLES MAYER	GRASS	8/31/2022	9/8/2022		1	NO	
147	7	1407001145000	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		1	NO	
149	6	RENTAL	1339 W MEQUON ROAD	REMAX LAKESIDE	WALL SIGN	9/8/2022	10/28/2022		1	NO	
150	5	1510106106001	12666 N SHORELAND PARKWAY	NANCY TOLOCKO	DECK	9/13/2021	12/14/2022		BOARD OF APPEALS	YES	
151	5	1509760319000	12648 N RIVER FOREST CIRCLE	JOHN OR JULIE HENNINGS	PARKING	9/13/2022	9/23/2022		1	NO	
152	5	1509760319000	12648 N RIVER FOREST CIRCLE	JOHN OR JULIE HENNINGS	OUTSIDE MAINTENANCE	9/13/2022	9/27/2022		1	NO	
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	7180 W DONGES BAY ROAD	WARREN BARNETT INTERIORS	CONDITIONAL USE GRANT	9/20/2022	10/4/2022		#5 CITATION 1	YES	
155	6	1501904000400	11743 N PORT WASHINGTON ROAD LOT 1	SHELLY 2012 IRREVOCABLE TRUST	GRASS	9/22/2022	10/7/2022		1	NO	
156	6	1501904000500	11743 N PORT WASHINGTON ROAD LOT 2	SHELLY 2012 IRREVOCABLE TRUST	GRASS	9/22/2022	10/7/2022		1	NO	
157	6	1501904000600	11743 N PORT WASHINGTON ROAD LOT 3	SHELLY 2012 IRREVOCABLE TRUST	GRASS	9/22/2022	10/7/2022		1	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	1507401220000	317 E CIRCLE ROAD	JEFFREY OR JENNIFER PARLISKI	PARKING	9/29/2022	10/13/2022		#5 CITATION 1	NO	
160	4	1408408906000	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	DAVALUV 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		1	NO	
163	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 101E	CEDAR CREEK MASSAGE	CONDITIONAL USE GRANT	10/5/2022	11/14/2022		1	NO	
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		1	NO	
166	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 101	THERAPUTIC MASSAGE AND WELLNESS CENTER	CONDITIONAL USE GRANT	10/5/2022	11/14/2022		1	NO	
167	6	RENTAL	11431 N PORT WASHINGTON ROAD SUITE 212	WYNTER CO. BEAUTY	CONDITIONAL USE GRANT	10/5/2022	11/14/2022		1	NO	
168	5	1503006060900	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	1507104050000	11433 N COUNTRY LANE	WILLIAM OR CAROL GERSRICK	OUTSIDE STORAGE	10/6/2022	10/27/2022		1	NO	
171	6	1507104050000	11433 N COUNTRY LANE	WILLIAM OR CAROL GERSRICK	OUTSIDE MAINTENANCE	10/6/2022	11/10/2022		1	NO	
172	6	1503101001100	10355 N PORT WASHINGTON ROAD	CLARK GAS STATION	OUTSIDE MAINTENANCE	10/12/2022	11/12/2022		CITATION #1	YES	
173	1	1402006050700	10505 W FREISTADT ROAD	HERMAN OR SANDRA STERN	PARKING	10/19/2022	11/14/2022		1	NO	
174	1	1401711011100	10516 W FREISTADT ROAD	JENNIFER JOHNSON OR JOSHUA COMFORT	PARKING	10/19/2022	11/11/2022		1	NO	
175	4	1405000404000	11155 N CEDARBURG ROAD	MEQUON AUTO TECH	WATER TO FACILITY	10/19/2022	11/25/2022		#5 CITATION 1	YES	
176	5	1501708050500	12534 N LAKESHORE DRIVE	STEVEN OR KIMBERLY BROWN	SHED PERMIT	10/19/2022	11/4/2022		EXTENSION	YES	
177	4	1402716012200	10438 N BAEHR ROAD	NORTH SHORE DANCE STUDIO	MONUMENT SIGN	10/21/2022	11/30/2022		1	NO	
178	4	RENTAL	11120 N BUNTROCK AVENUE	PRESTIGE AUTO SERVICE	PARKING COMMERCIAL	10/26/2022	11/2/2022		EXTENSION	YES	
179	5	1509202001000	11404 N PINEHURST CIRCLE	US BANK	GRASS	10/27/2022	11/4/2022		EXTENSION	YES	
180	5	1509202201000	11404 N PINEHURST CIRCLE	US BANK	OUTSIDE MAINTENANCE	10/27/2022	11/27/2022		EXTENSION	YES	
181	8	1510701122002	1027 W DONGES BAY	MARY JOHNSON	OUTSIDE MAINTENANCE	10/27/2022	11/27/2022		EXTENSION	YES	
182	6	1512801005000	10951 N STRATFORD PLACE	STEFAN OR SARAH GENDELMAN	BUILDING PERMIT	10/28/2022	11/21/2022		EXTENSION	YES	
183	5	1512000117000	11633 N LAKE SHORE DRIVE	BARBARA PFAFF	OUTSIDE MAINTENANCE	1/19/2022	5/30/2022		# 5 CITATION 1	YES	

	A	B	C	D	E	F	G	I	J	K	L
184	5	15120001700	11638 N LAKE SHORE DRIVE	BARBARA PFAFF	OUTSIDE STORAGE	1/19/2022	2/9/2022		#5 CITATION 1	YES	
185	1	14003080200	14015 N CEDARBURG ROAD	WHITE RABBIT RESTAURANT	MONUMENT SIGNS	11/9/2022	11/23/2022		1	NO	
186	6	15019160200	14400 W MEQUON ROAD	CONCORD 37 LLC	OUTSIDE MAINTENANCE	11/10/2022	12/2/2022		EXTENSION	YES	
187	6	15019160300	1350 W MEQUON ROAD	CONCORD 37 LLC	OUTSIDE MAINTENANCE	11/10/2022	12/2/2022		EXTENSION	YES	
188	8	15092070200	10000 N PORT WASHINGTON ROAD	PARK AVENUE PLAZA OF MEQUON	OUTSIDE MAINTENANCE	11/10/2022	12/2/2022		EXTENSION	YES	
189	6	15185000100	1511 MARKET STREET	LAKESIDE DEVELOPMENT COMPANY	OUTSIDE MAINTENANCE	11/10/2022	12/2/2022		EXTENSION	YES	
190	5	15020110100	11300 N PORT WASHINGTON ROAD	(PMS) SCHMIDT MEQUON LLC	OUTSIDE MAINTENANCE	11/15/2022	12/16/2022		EXTENSION	YES	
191	7	14050140300	10015 N RIVER ROAD	JEFF OR BETH ASTEMBORSKI	OUTSIDE STORAGE	11/17/2022	12/2/2022		1	NO	
192	4	14034110400	9716 N WAUWATOSA ROAD	ANDREW BERGMAN	PARKING	11/17/2022	12/2/2022		EXTENSION	YES	
193	4	14034110400	9716 N WAUWATOSA ROAD	ANDREW BERGMAN	OUTSIDE STORAGE	11/17/2022	12/2/2022		EXTENSION	YES	
194	4	14034050800	10146 N WAUWATOSA ROAD	ROBERT PETZOLD JR	PARKING	11/17/2022	12/2/2022		EXTENSION	YES	
195	4	14034050800	10146 N WAUWATOSA ROAD	ROBERT PETZOLD JR	OUTSIDE STORAGE	11/17/2022	12/2/2022		EXTENSION	YES	
196	1	14018130800	12031 N GRANVILLE ROAD	LINDERWOOD FARMS	PARKING	11/17/2022	12/2/2022		1	NO	
197	1	14018130800	12031 N GRANVILLE ROAD	LINDERWOOD 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	15153000100	1505 W MEQUON ROAD	EAST TOWNE SQUARE MALL	BANNER/FLAGS	11/30/2022	12/8/2022		1	YES	
200	3	14086021900	11428 N VEGA AVENUE	MARK KRUEGER	OUTSIDE STORAGE	12/6/2022	12/20/2022		1	NO	
201	3	14086021900	11428 N VEGA AVENUE	MARK KRUEGER	PARKING	12/6/2022	12/20/2022		1	NO	
202	3	14086022000	7907 W WILLOWBROOK DRIVE	BENJAMIN AHANGER	OUTSIDE STORAGE	12/5/2022	12/20/2022	1		NO	
203	6	15019150300	1836 W MEQUON ROAD	REGINALD FLETCHER	OUTSIDE STORAGE	12/6/2022	12/20/2022	1		NO	
204	3	14088160400	11320 N MEADOWBROOK DRIVE	JEREMY GONZALES	PARKING	12/7/2022	12/14/2022	1		NO	
205	3	14088160200	11309 N MEADOWBROOK DRIVE	KIMBERLY SCIDMORE OR KERRY HANSEN	PARKING	12/7/2022	12/14/2022	1		NO	
206	3	14087080700	11730 N RIDGEWAY AVENUE	DAVID WOZNIAK	PARKING	12/7/2022	12/14/2022	1		NO	
207	3	14088170800	11310 N MEADOWBROOK DRIVE	GREEN HILL PROPERTIES	PARKING	12/7/2022	12/14/2022	1	#5 CITATION 1,2	YES	
208	3	14087100100	11992 N SILVER AVENUE	DANIEL MUELLER	PARKING	12/7/2022	12/14/2022	1		NO	
209	4	14027020012	11030 N BLUNTROCK AVENUE	SANG WOO NAM	PARKING	12/9/2022	12/16/2022	1		NO	
210	5	15093001300	13560 N LAKESHORE DRIVE	MICHAEL COLE	PARKING	12/13/2022	12/27/2022	1		NO	
211	2	15018060300	12750 N SHORELAND PARKWAY	GRANTITT REMODELS LLC	PARKING	12/14/2022	12/29/2022	1		NO	
212	8	RENTAL	10038 N PORT WASHINGTON ROAD	MOMS ALTERATIONS	BANNER	12/22/2022	12/30/2022		#5 CITATION 1,	YES	
213	2	14014040100	12495 N RIVER ROAD	JOSEPH OR MELANIE DEVORKIN	BUILDING PERMIT	12/22/2022	1/6/2023		EXTENSION	YES	
214	1	14144022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	ACCESSORY STRUCTURE (2)	12/29/2022	1/27/2023		#5 CITATION 1	YES	
215	1	14144022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	SURVEY	12/29/2022	1/12/2023		EXTENSION	YES	
216	6	15060021600	10212 SUNNYCREST DRIVE	HPA III ACQUISITIONS 1 LLC	PARKING	1/6/2023	1/19/2023	1		NO	
217	4	14034060300	7227 W DONGES BAY ROAD	ANTOINETTE JACKSON	PARKING	1/11/2023	1/27/2023		EXTENSION	YES	
218	4	14034060300	7227 W DONGES BAY ROAD	ANTOINETTE JACKSON	OUTSIDE STORAGE	1/11/2023	1/27/2023		EXTENSION	YES	
219	3	14051010400	11201 N SOLAR AVENUE	CHRISTOPHER BESLER	OUTSIDE MAINTENANCE	1/12/2023	1/19/2023		#5 CITATION #1	YES	
220	8	15179000100	10526 N PORT WASHINGTON ROAD	CONCORD 34 LLC	ELECTRIC	1/19/2023	2/17/2023		EXTENSION	YES	
221	8	15179000100	10526 N PORT WASHINGTON ROAD	CONCORD 34 LLC	DUMPSTER DOORS	1/19/2023	4/15/2023		EXTENSION	YES	
222	8	15179000300	10526 N PORT WASHINGTON ROAD	CONCORD 34 LLC	STORAGE CONTAINER	1/19/2023	2/17/2023		EXTENSION	YES	
223	4	14050050500	11100 N GREEN BAY ROAD	EW DEVELOPMENT CORP	REFUSE	1/20/2023	2/3/2023	1		YES	
224	4	14050050600	11100 N GREEN BAY ROAD	EW DEVELOPMENT CORP	OUTSIDE MAINTENANCE	1/20/2023	5/4/2023			YES	
225	6	15019040400	11743 N PORT WASHINGTON ROAD	SHELY 2012 IRREVOCABLE TRUST	OUTSIDE MAINTENANCE	1/26/2023	2/7/2023		#5 CITATION 1	YES	
226	3	14051010400	11201 N SOLAR AVENUE	CHRISTOPHER BESLER	PARKING	1/2/2023	2/9/2023	1		YES	
227	6	15129000100	11001 N PORT WASHINGTON ROAD	ACE HARDWARE	COMMUNITY SPIRIT LETTER	2/9/2023	OPEN			YES	
228	6	15030010700	1425 W MEQUON ROAD	BMO HARRIS BANK	COMMUNITY SPIRIT LETTER	2/9/2023	OPEN			YES	
229	6	15129017000	1317 W TOWNE SQUARE ROAD	MEQUON UNIT 17 LLC	COMMUNITY SPIRIT LETTER	2/9/2023	OPEN			YES	
230	8	15175010144	10144 N PORT WASHINGTON ROAD	SSRF LLC	COMMUNITY SPIRIT LETTER	2/9/2023	OPEN			YES	
231	6	15171000200	10602 N PORT WASHINGTON ROAD	PJL 10335 LLC	COMMUNITY SPIRIT LETTER	2/9/2023	OPEN			YES	
232	5	15020060100	1025 W GLEN OAKS LANE	GLEN OAKS OFFICE PARK LLC	COMMUNITY SPIRIT LETTER	2/9/2023	OPEN			YES	
233	3	14050020200	6200 W MEQUON ROAD	ST PAULS FISH COMPANY	OUTSIDE STORAGE	2/14/2023	2/28/2023			YES	
234	4	14027160600	6130 W DONGES BAY ROAD	JWI LLC	OUTSIDE STORAGE	2/16/2023	3/10/2023	1		YES	
235	4	14026110700	10412 N BAEHR ROAD	MEHTA PROPERTIES LLC	COMMUNITY SPIRIT LETTER	2/16/2023	OPEN			YES	
236	4	RENTAL	5900 W MEQUON ROAD	CAFE HOLLANDER	BANNER	2/21/2023	2/28/2023			YES	
237	6	15100131000	12510 N PILOT DRIVE	JEAN GORSKI	OUTSIDE MAINTENANCE	2/22/2023	5/31/2023			YES	
238	1	14144022001	7421 RIDGEVIEW DRIVE	YOUSSEF BERRADA	BUILDING PERMIT	2/27/2023	3/14/2023			YES	
239	3	14089230200	11433 N TOWER LANE	JULIS OR ALICE HOLDEN	SUMP PUMP	2/28/2023	3/8/2023			YES	
240	1	14017110100	10545 W HEATHER DRIVE	STEPHANIE WELDON	BUILDING PERMIT	3/1/2023	3/14/2023			YES	
241											
242											
243											

11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2934
Fax: 262-242-9655
www.ci.mequon.wi.us **Office of Engineering**

TO: **Common Council**
FROM: **Cole McCraw, Assistant City Engineer**
DATE: **March 14, 2023**
SUBJECT: **RESOLUTION 4022 A Resolution Approving a Certified Survey Map and Accepting the Dedication of 0.053 Acres of Public Right-of-Way Along 1600-1714 West Mequon Road**

Background

The certified survey map is being forwarded to the Common Council for final approval due to the dedication of right-of-way. The result of the certified survey serves to dedicate public road right-of-way of 0.053 acres on West Mequon Road. The right-of-way along this segment of Mequon Road is also known as State Trunk Highway 167 and is under jurisdiction of the Wisconsin Department of Transportation. Under state law, the Common Council must approve any dedication of road right-of-way. Accordingly, it is recommended that the Common Council approve the attached certified survey map and resulting road dedication.

Fiscal Note

This proposed resolution is fiscally neutral.

Recommendation

The Planning Commission recommended approval on January 23, 2023, by a vote of 8-0.

Attachments:
Exhibit A: Zoning Map (PDF)
Exhibit B: CSM (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4022

A Resolution Approving a Certified Survey Map and Accepting the Dedication of 0.053 Acres of Public Right-of-Way Along 1600-1714 West Mequon Road

RECTIALS

A. The owner of the property located at 1600-1714 W. Mequon Road has proposed a CSM to divide the property.

B. The Planning Commission granted Certified Survey Map approval for the property on January 23, 2023.

C. The Certified Survey Map dedicates 0.053 acres of public right-of-way along West Mequon Road.

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

1. The Certified Survey Map is hereby approved, and the appropriate City officials are hereby authorized to sign this agreement upon the completion of all required conditions approved by the Planning Commission on January 23, 2023.

2. The Certified Survey Map shall be recorded with the Ozaukee County Register of Deeds.

_____
Approved by: Andrew Nerbun, Mayor

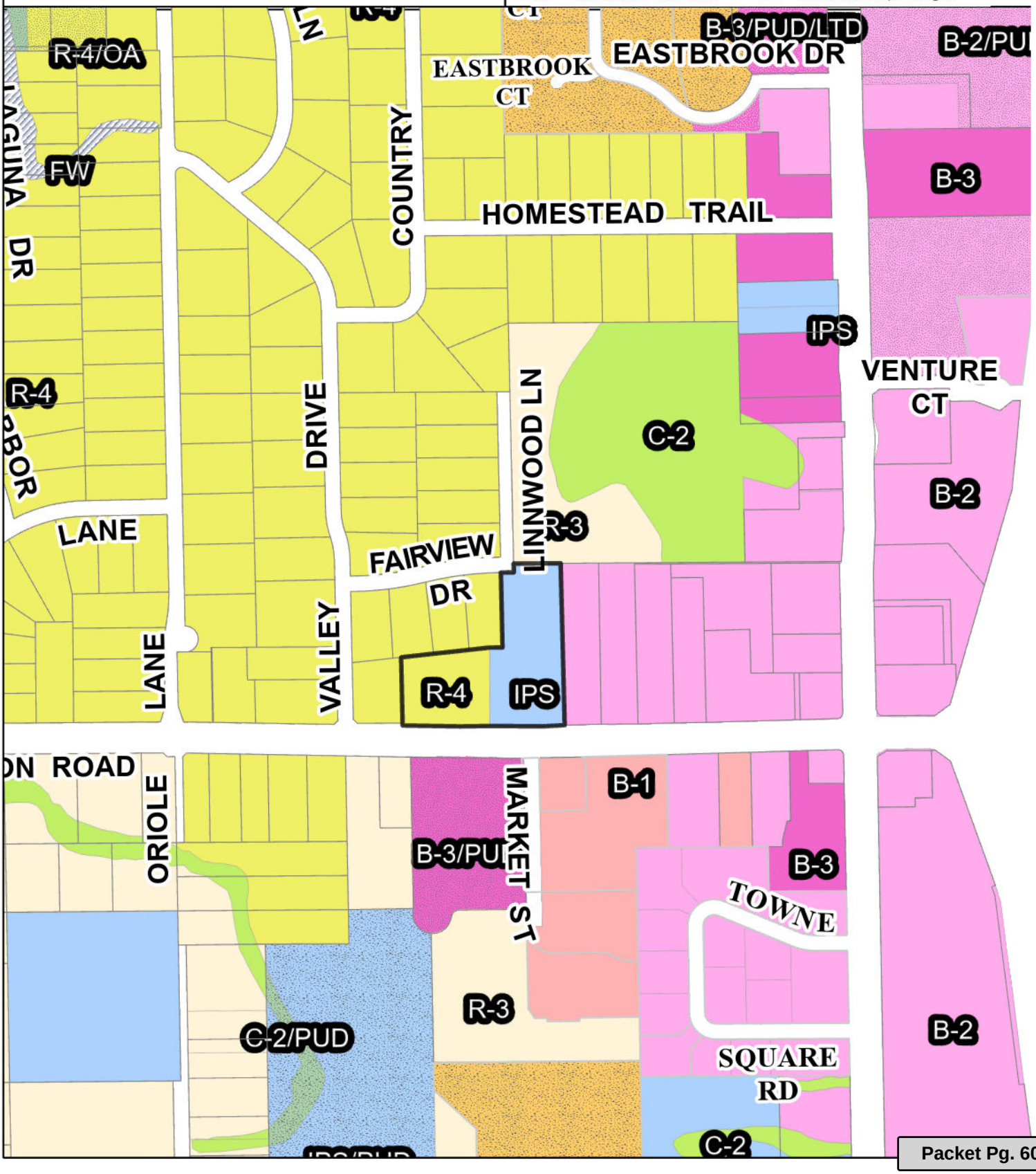
Date Approved: March 14, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

_____
Caroline Fochs, City Clerk

ST. JOHN'S EVANGELICAL LUTHERAN CHURCH - CSM AND REZONING RECOMMENDATION

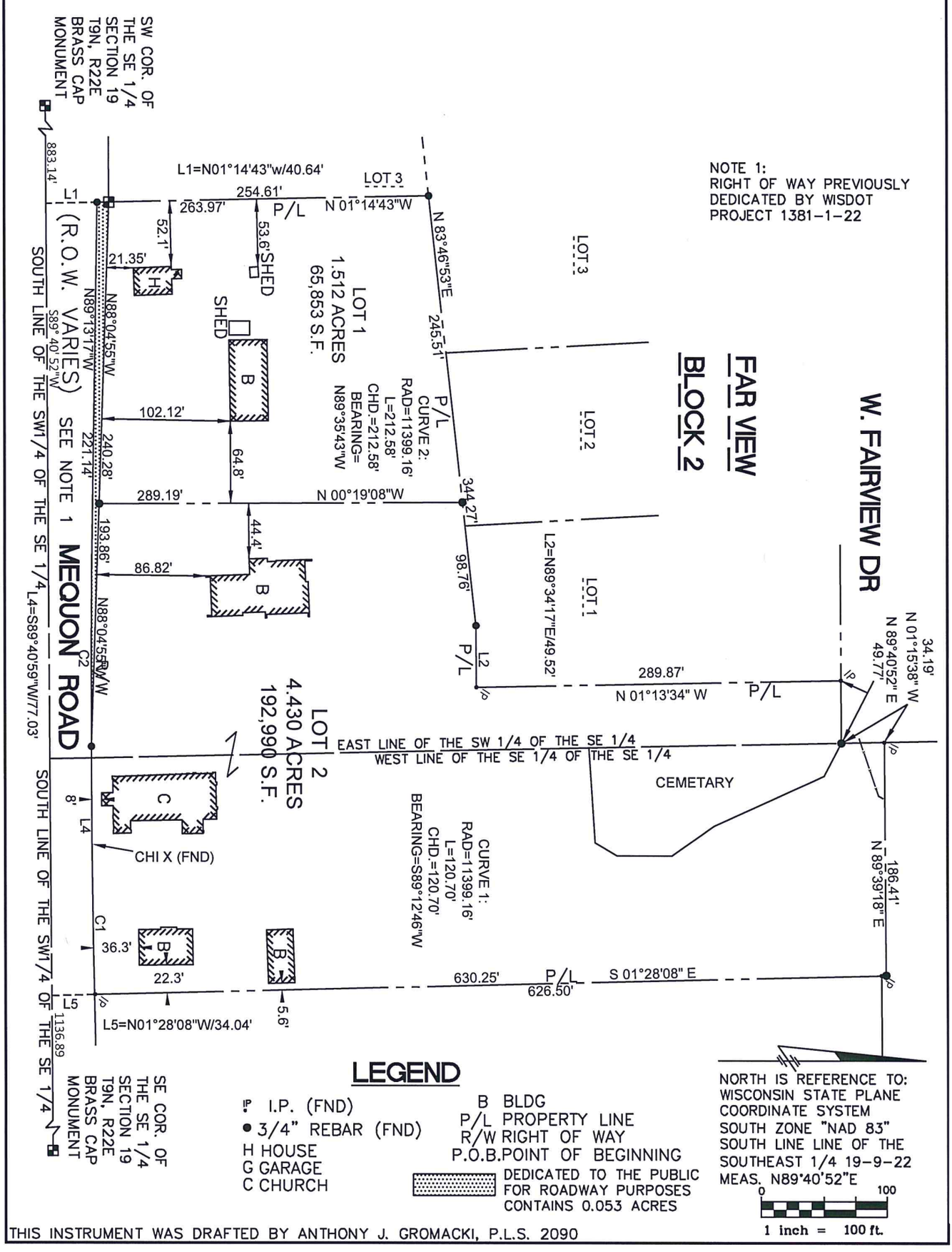
AC	Arrival Corridor	LTD	Limited Use
A-1	Agricultural Preserve	NC	Neighborhood Commercial
A-2	General Agricultural	OA	Agricultural Overlay
B-1	Neighborhood Business	PUD	Planned Unit Development Overlay
B-2	Community Business	P-1	Park & Recreation
B-3	Office & Service Business	R-1	Single-Family Residential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



Attachment: Exhibit A: Zoning Map (RESOLUTION 4022 : St. Johns Evangelical Lutheran Church CSM)

OZAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 IN SECTION 19, TOWNSHIP 9 NORTH, RANGE 22 EAST, CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.



THIS INSTRUMENT WAS DRAFTED BY ANTHONY J. GROMACKI, P.L.S. 2090

Attachment: Exhibit B: CSM (RESOLUTION 4022 : St. Johns Evangelical Lutheran Church CSM)

OZAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 IN SECTION 19, TOWNSHIP 9 NORTH, RANGE 22 EAST, CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I ANTHONY J. GROMACKI, PROFESSIONAL LAND SURVEYOR HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 19 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, MORE PARTICULARY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 19; THENCE N89°40'52"E ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 19, 883.14 FEET; THENCE N01°14'43"W 40.64 FEET TO THE POINT OF BEGINNING; THENCE N01°14'43"W ALONG THE EAST LINE OF LOT 5, BLOCK 2, FAR VIEW SUBDIVISION 263.97 FEET TO THE SOUTHERLY LINE OF SAID FAR VIEW SUBDIVISION; THENCE N83°46'53"E ALONG SAID SOUTHERLY LINE 344.27 FEET; THENCE N89°34'17"E 49.52 FEET TO THE EASTERLY LINE OF LOT 1, BLOCK 2 FAR VIEW SUBDIVISION; THENCE N01°13'34"W ALONG SAID EASTERLY LINE 289.87 FEET TO THE SOUTHERLY LINE OF FAIR VIEW DRIVE; THENCE N89°40'52"E ALONG SAID SOUTHERLY LINE 49.77 FEET TO THE EASTERLY LINE OF LINNWOOD LANE; THENCE N01°15'38"E ALONG SAID EASTERLY LINE 34.19 FEET TO THE AS PREVIOUSLY LAID OUT SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 9 NORTH, RANGE 22 EAST; THENCE N89°39'18"E 186.41 FEET; THENCE S01°28'08"E 630.25 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF W. MEQUON ROAD AND BEING A CURVE TO THE RIGHT HAVING A RADIUS OF 11399.16 FEET, CHORD 212.58 FEET BEARING N89°35'20"W; THENCE ALONG THE ARC OF SAID CURVE 120.70; THENCE S89°40'59"W 77.03 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 11399.16 FEET, CHORD 212.58 BEARING N89°35'20"W; THENCE ALONG THE ARC OF SAID CURVE 212.58 FEET; THENCE N89°03'17"W 221.14 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5.995 ACRES

THAT I HAVE MADE THIS SURVEY AND MAP BY THE DIRECTION OF DAVID LENZ SAINT JOHN'S REPRESENTATIVE OWNERS OF SAID LAND.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE LAND DIVISION THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH THE PROVISION OF CHAPTER 236 OF THE WISCONSIN STATUES AND THE REQUIREMENTS OF THE CITY OF MEQUON.

DATED THIS 15TH DAY OF FEBRUARY, 2023

_____
ANTHONY J GROMACKI
PROFESSIONAL LAND SURVEYOR S-2090

OWNERS'S CERTIFICATE:

I, DAVID LENZ REPRESENTATIVE OF SAINT JOHN'S OWNERS, DO HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED IN THE FORGOING CERTIFICATE OF ANTHONY J. GROMACKI, SURVEYOR, TO BE SURVEYED, DIVIDED AND MAPPED.

_____
WITNESS

_____
DAVID LENZ
SAINT JOHN'S REPRESENTATIVE

STATE OF WISCONSIN)
OZAUKEE COUNTY) s.s.

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____,2023. THE ABOVE NAMED OWNER ARE TO ME KNOW TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

(NOTARY SEAL)_____ NOTARY PUBLIC, _____, WISCONSIN.

MY COMMISSION EXPIRES_____

THIS INSTRUMENT WAS DRAFTED BY ANTHONY J. GROMACKI, P.L.S. 2090

Attachment: Exhibit B: CSM (RESOLUTION 4022 : St. Johns Evangelical Lutheran Church CSM)

OZAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 IN SECTION 19, TOWNSHIP 9 NORTH, RANGE 22 EAST, CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

CITY OF MEQUON PLAN COMMISSION APPROVAL

APPROVED BY THE CITY OF MEQUON PLAN COMMISION ON THIS _____ DAY OF _____,2023.

_____
CHAIRMAN

_____
SECRETARY

COMMON COUNCIL CERTIFICATE OF APPROVAL

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MEQUON, WISCONSIN, THAT THIS CERTIFIED SURVEY MAP OF A PARCEL OF LAND IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 IN SECTION 9, TOWNSHIP 9 NORTH, RANGE 22 EAST IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN AND THE SAME HEREBY ADOPTED AND APPROVED.

APPROVED: _____

ADOPTED: _____

_____
ANDREW NERBURN, MAYOR

_____
CITY CLERK

SURVEYOR:
ANTHONY J. GROMACKI P.L.S.
M SQUARED ENGINEERING
N19 W6719 COMMERCE COURT
CEDARBURG, WISCONSIN 53012
PHONE: (262) 376-4246

OWNER:
SAINT JOHN'S
1600 W. MEQUON ROAD
MEQUON, WISCONSIN 53092

THIS INSTRUMENT WAS DRAFTED BY ANTHONY J. GROMACKI, P.L.S. 2090

SHEET 3 OF 3

Attachment: Exhibit B: CSM (RESOLUTION 4022 : St. Johns Evangelical Lutheran Church CSM)

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: **Kim Tollefson, Director of Community Development**
DATE: **March 14, 2023**
SUBJECT: **RESOLUTION 4023 A Resolution Approving an Amendment to a Development Agreement with P2 Development, in Connection with Completion of a Planned Unit Development Project Located at 11040 and 11110 North Buntrock Avenue**

Background

Resolution No. 3916 approved in February 2022, authorized a Development Agreement for infrastructure improvements and a Town Center TID incentive for the P2 Planned Unit Development currently under construction on Buntrock Avenue. The agreement outlines construction timelines, occupancy timelines and values. An amendment to the Development Agreement is requested by P2 Development, adjusting the contingency of timing associated with project completion from June 1, 2023, to September 1, 2023.

Analysis

The residential project includes 42 townhomes located on Buntrock Avenue, immediately south of the Artesa residential site. The original agreement requires project completion on June 1, 2023. According to the developer, an additional 90 days is needed to complete the project for the following reasons:

- DNR approval for changes required for the public water main extension.
- MMSD approval for changes required for the sanitary sewer laterals.
- Delay in construction due to delivery of electrical meter bases.
- Supply chain delays related to certain building materials.
- COVID issues for selected sub-contractors.

The development has been under continuous construction. To date, over 20 homes are constructed with approved rough inspections completed. Additionally, the community center has completed a rough inspection.

Staff supports the extension of an additional 90 days to complete the project because the project is progressing and the proposed project completion date does not negatively impact the final project value or assessment for January 1, 2024, as contemplated and detailed in the originally approved development agreement.

Fiscal Impact

The amendment does not impact the expected redevelopment project value at full build-out and

assessment as of January 1, 2024.

Recommendation

The Economic Development Board recommended approval at their meeting on February 21, 2023, by a vote of 6-0. A recommendation from the Finance-Personnel Committee is forthcoming on March 14, 2023.

Attachments:
Zoning Map (PDF)
DA No 1 Extension Project Narrative (PDF)
Elevations (PDF)
Site Plan (PDF)
First Amendment to Development Agreement (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4023

A Resolution Approving an Amendment to a Development Agreement with P2 Development, in Connection with Completion of a Planned Unit Development Project Located at 11040 and 11110 North Buntrock Avenue

RECITALS

A. The Economic Development Board approved an incentive for the P2 Development Town Center residential development, including 42 townhomes located at 11040 and 11110-11112 North Buntrock Avenue on January 18, 2022.

B. The Developer has sought Development Agreement approval to address certain financial and timing aspects of the development.

C. The Finance-Personnel Committee and Common Council approved Resolution 3916 of the Development Agreement and corresponding incentive to P2 Development for the property on February 8, 2022.

D. The Development Agreement provides for the installation of improvements and the payment of fees as well as incentives for a specified development value and indicates an original project completion as of June 1, 2023.

E. The Developer seeks an amendment to the Development Agreement to extend the project completion date to September 1, 2023.

F. The Economic Development Board approved the project completion extension to September 1, 2023, at their meeting on February 21, 2023.

G. The Finance & Personnel Committee approved the project completion extension to September 1, 2023, at their meeting on March 14, 2023.

H. All contingencies placed on the Developer, Owner and City as part of the Development Agreement remain in effect.

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

1. An Amendment to the Development Agreement for the P2 townhome residential development 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

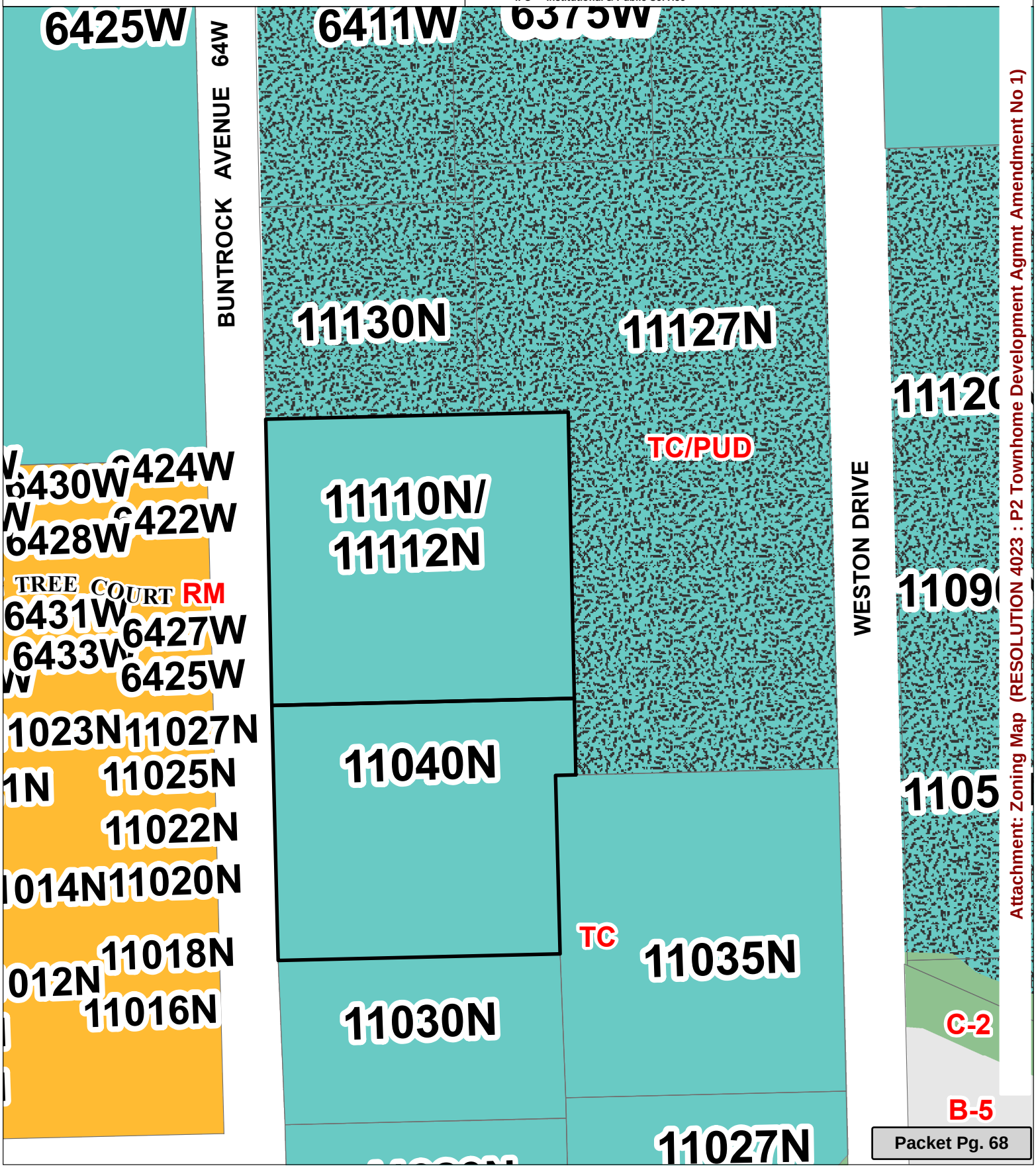
Date Approved: March 14, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

Caroline Fochs, City Clerk

P2 Development Co., LLC

AC	Arrival Corridor	LTD	Limited Use
A-1	Agricultural Preserve	OA	Agricultural Overlay
A-2	General Agricultural	PUD	Planned Unit Development Overlay
B-1	Neighborhood Business	P-1	Park & Recreation
B-2	Community Business	R-1	Single-Family Residential (5 Ac. Min.)
B-3	Office & Service Business	R-1B	Single-Family Residential (2.5 Ac. Min.)
B-4	Business Park	R-2	Single-Family Residential (2.0 Ac. Min.)
B-5	Light Industrial	R-2B	Single-Family Residential (1.5 Ac. Min.)
B-6	Rural Industrial	R-3	Single-Family Residential (1.0 Ac. Min.)
B-7	Rural Business	R-4	Single-Family Residential (3/4 Ac. Min.)
C-1	Shoreland/Wetland Conservancy	R-5	Single-Family Residential (1/2 Ac. Min.)
C-2	General Conservancy	R-6	Single-Family Residential (4 du/Ac)
CGO	Central Growth Overlay	RM	Multi-Family Residential
FFO	Flood Fringe Overlay	TC	Town Center
FW	Floodway	TDR	Transfer of Development Rights
IPS	Institutional & Public Service		



Attachment: Zoning Map (RESOLUTION 4023 : P2 Townhome Development Agmnt Amendment No 1)

Below are issues resulting in delay of the Project Completion Date of June 1, 2023. We are asking for a 90 day extension to the Project Completion Date.

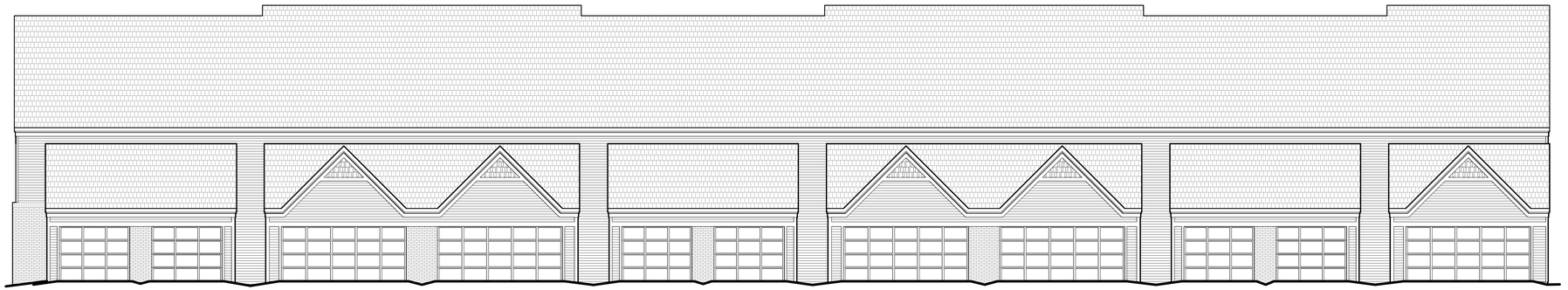
- Resubmittal to DNR for changes required on the public water main extension on Buntrock Ave.
- Resubmittal to MMSD because of sanitary sewer laterals having to have been changed
- Delay in construction due to delayed delivery on electrical meter bases. Causing WE Energies to have to change their installation schedule to install transformers and energize services.
- Delay in numerous building materials due to supply chain issues.
- Covid delays/issues with sub-contractors

Attachment: DA No 1 Extension Project Narrative (RESOLUTION 4023 : P2 Townhome Development Agmnt Amendment No 1)



WEST ELEVATION

1/8" = 1'-0"



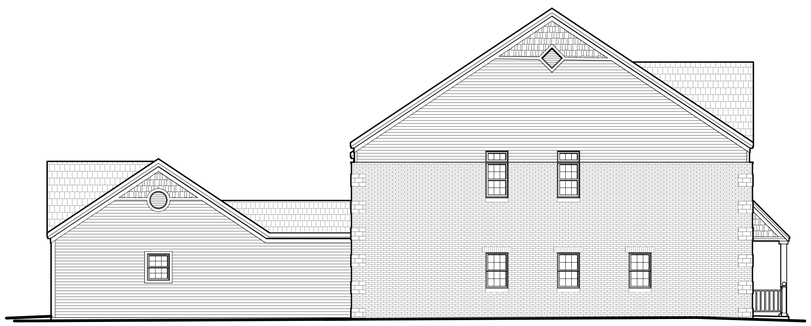
EAST ELEVATION

1/8" = 1'-0"



SOUTH ELEVATION

1/8" = 1'-0"



NORTH ELEVATION

1/8" = 1'-0"

P2 DEVELOPMENT &
PROPERTY MANAGEMENT
524 Technology Way
Saukville, WI 53080-1677
www.p2development.com
(262) 377-7259

PROPOSED RESIDENTIAL DEVELOPMENT

FOXTOWN TOWNHOMES

11040-11112 BUNTROCK AVENUE
CITY of MEQUON, OZAUKEE COUNTY

Attachment: Elevations (RESOLUTION 4023 : P2 Townhome Development Agmnt Amendment No 1)

Issue:

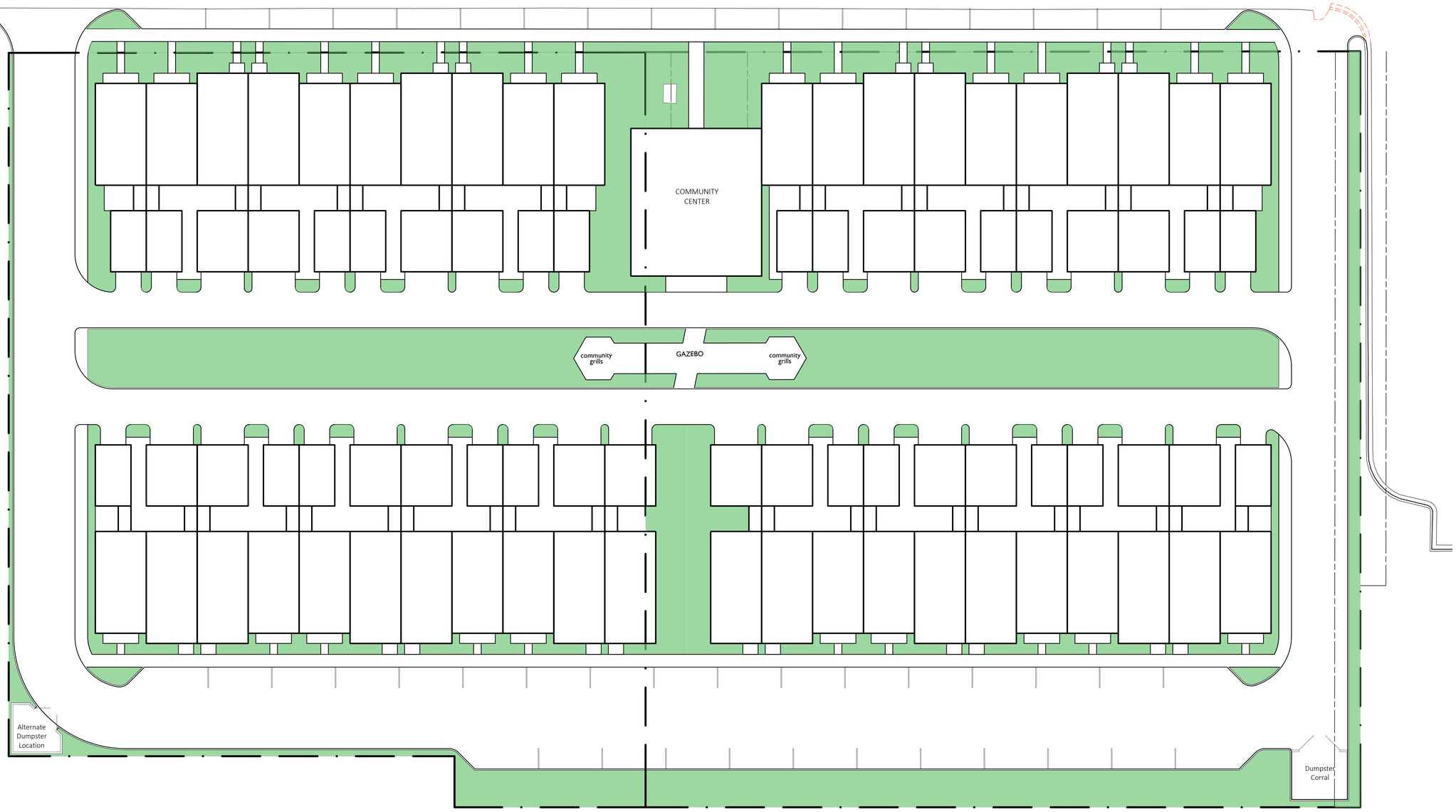
Document Date:
27 OCTOBER 2021

Project Number:
21P205

Sheet Title:
CONCEPT ELEVATIONS

Sheet Number:
A-202

BUNTROCK AVENUE



SITE PLAN

NORTH

1" = 20.00'

PARCEL AREA:	153,891.69 sq.ft. (3.53 Acres)
UNITS:	(20)3BR+(22)2BR=42
BUILDING FOOTPRINT:	57,269.33 sq.ft.
GREEN AREA:	29,783.75 sq.ft.

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PROPOSED RESIDENTIAL DEVELOPMENT

FOXTOWN TOWNHOMES

11040-11112 BUNTROCK AVENUE
CITY of MEQUON, OZAUKEE COUNTY

Issue:

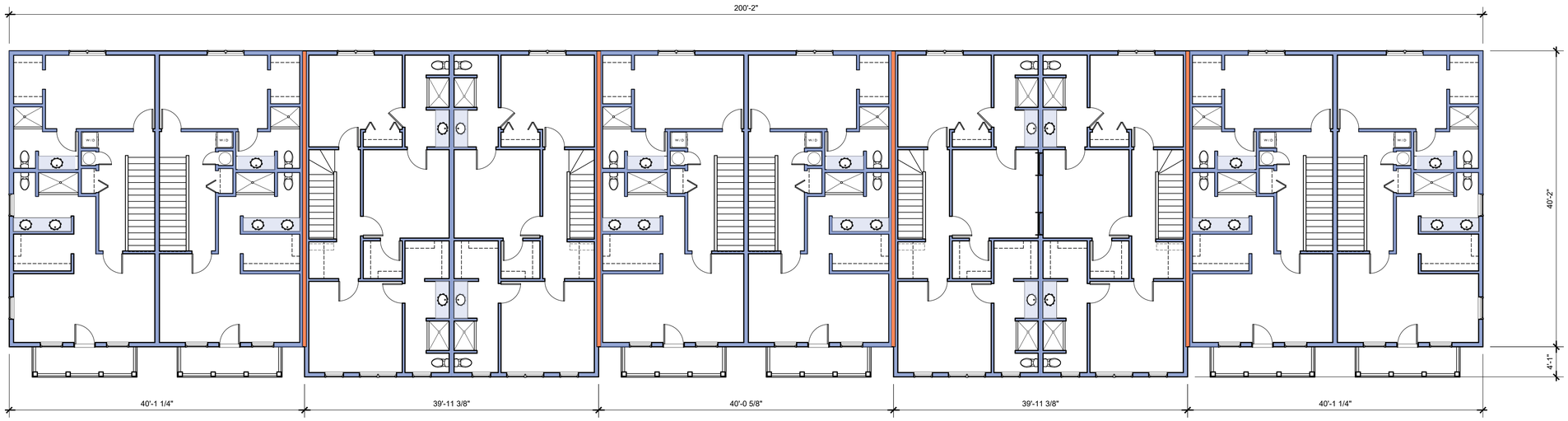
Document Date:
22 December 2021

Project Number:
21P205

Sheet Title:
CONCEPT 5

Sheet Number:
A-100

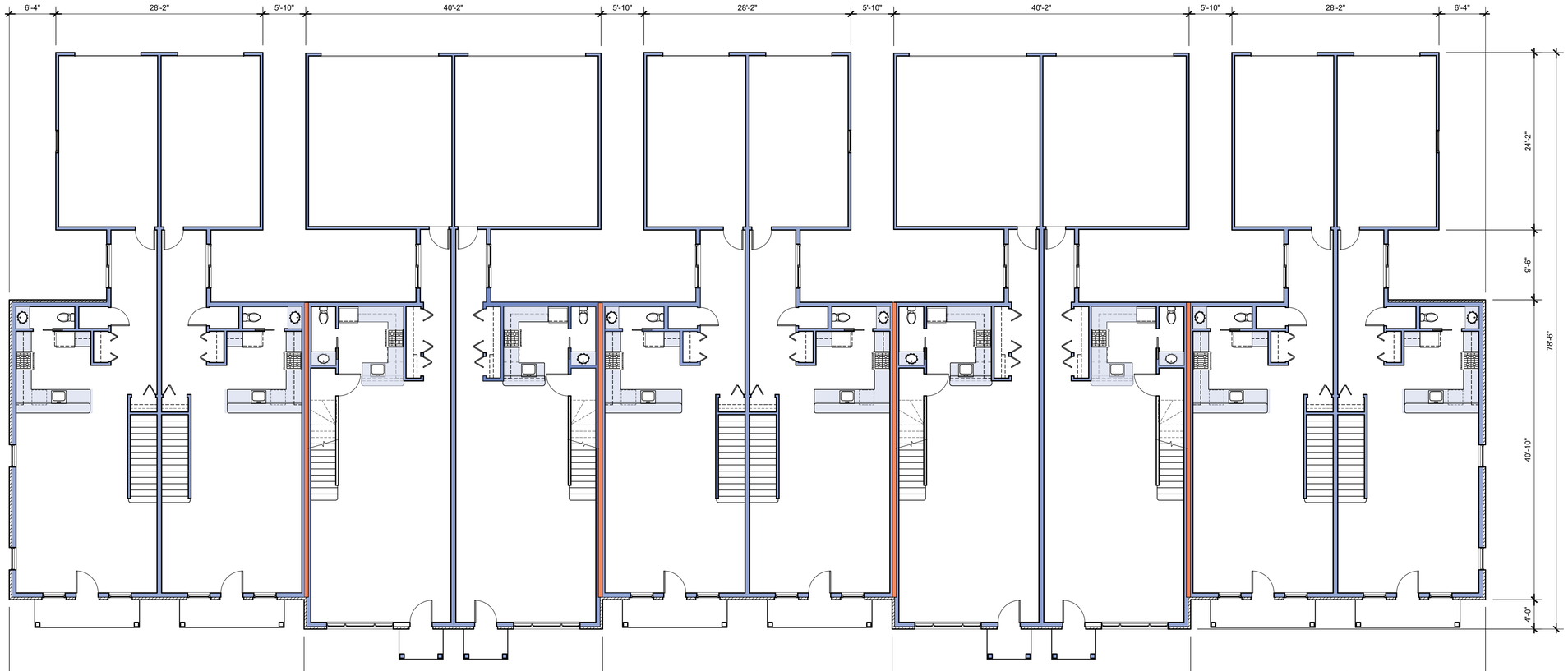
Attachment: Site Plan (RESOLUTION 4023 : P2 Townhome Development Agmnt Amendment No 1)



2nd FLOOR

NORTH

1/8" = 1'-0"



1st FLOOR

NORTH

1/8" = 1'-0"

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PROPOSED RESIDENTIAL DEVELOPMENT

FOXTOWN TOWNHOMES

11040-11112 BUNTROCK AVENUE
CITY of MEQUON, OZAUKEE COUNTY

Issue:

Document Date:
13 JANUARY 2022

Project Number:
21P205

Sheet Title:
CONCEPT PLANS

Sheet Number:
A-101

Attachment: Site Plan (RESOLUTION 4023 : P2 Townhome Development Agmnt Amendment No 1)



1st FLOOR

NORTH

2nd FLOOR

1/8" = 1'-0"

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PROPOSED RESIDENTIAL DEVELOPMENT

FOXTOWN TOWNHOMES

11040-11112 BUNTROCK AVENUE
CITY of MEQUON, OZAUKEE COUNTY

Issue:

Document Date:
13 JANUARY 2022

Project Number:
21P205

Sheet Title:
CONCEPT PLANS
COMMUNITY CENTER

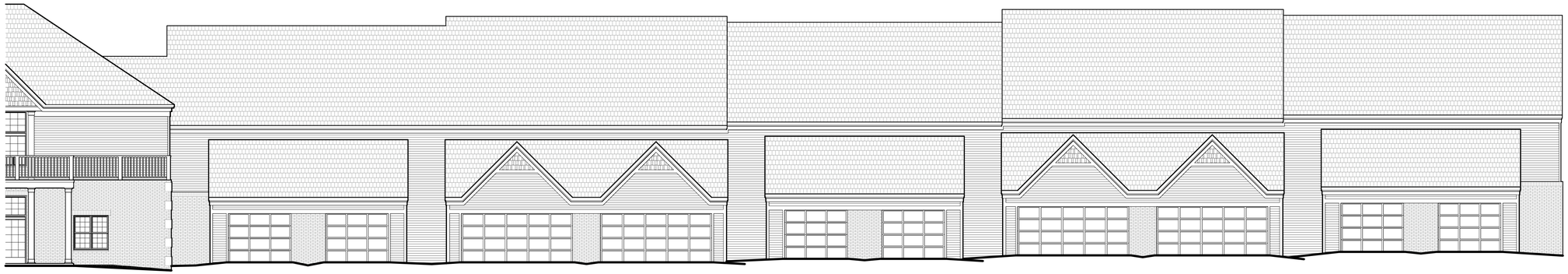
Sheet Number:
A-102

Attachment: Site Plan (RESOLUTION 4023 : P2 Townhome Development Agmnt Amendment No 1)



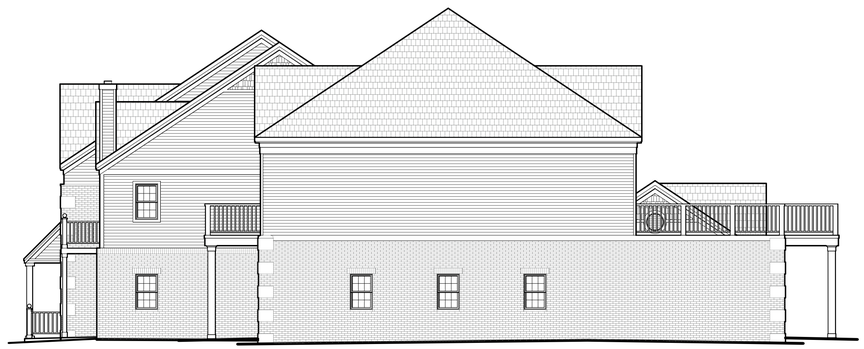
WEST ELEVATION

1/8" = 1'-0"



EAST ELEVATION

1/8" = 1'-0"



SOUTH ELEVATION

1/8" = 1'-0"



NORTH ELEVATION

1/8" = 1'-0"

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PROPOSED RESIDENTIAL DEVELOPMENT

FOXTOWN TOWNHOMES

11040-11112 BUNTROCK AVENUE
CITY of MEQUON, OZAUKEE COUNTY

Issue:

Document Date:
13 JANUARY 2022

Project Number:
21P205

Sheet Title:
CONCEPT ELEVATIONS

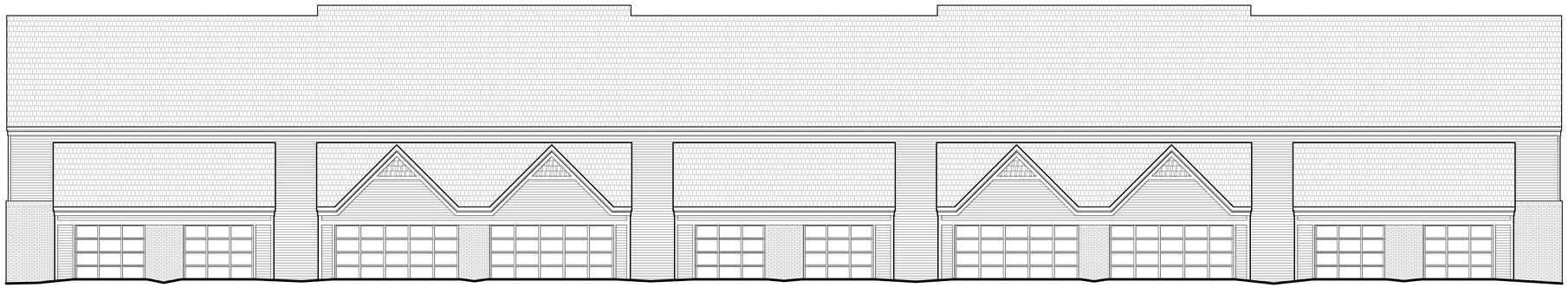
Sheet Number:
A-201

Attachment: Site Plan (RESOLUTION 4023 : P2 Townhome Development Agmnt Amendment No 1)



WEST ELEVATION

1/8" = 1'-0"



EAST ELEVATION

1/8" = 1'-0"



SOUTH ELEVATION

1/8" = 1'-0"



NORTH ELEVATION

1/8" = 1'-0"

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PROPOSED RESIDENTIAL DEVELOPMENT

FOXTOWN TOWNHOMES

11040-11112 BUNTROCK AVENUE
CITY of MEQUON, OZAUKEE COUNTY

Attachment: Site Plan (RESOLUTION 4023 : P2 Townhome Development Agmnt Amendment No 1)

Issue:

Document Date:
13 JANUARY 2022

Project Number:
21P205

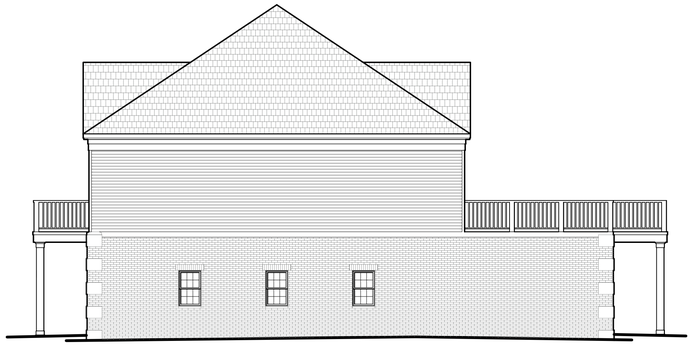
Sheet Title:
CONCEPT ELEVATIONS

Sheet Number:
A-202



WEST ELEVATION

1/8" = 1'-0"



SOUTH ELEVATION

1/8" = 1'-0"



EAST ELEVATION

1/8" = 1'-0"

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11040-11112 BUNTROCK AVENUE
CITY of MEQUON, OZAUKEE COUNTY

Issue:

Document Date:
13 JANUARY 2022

Project Number:
21P205

Sheet Title:
CONCEPT ELEVATIONS

Sheet Number:
A-203

Attachment: Site Plan (RESOLUTION 4023 : P2 Townhome Development Agmnt Amendment No 1)

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

WHEREAS, the parties to this First Amendment to Development Agreement executed a Development Agreement in February, 2022 ("the Development Agreement").

WHEREAS, the parties are desirous of amending said Development Agreement, in order to amend and restate certain terms and obligations, as follows.

NOW THEREFORE, the parties to this Amendment to Development Agreement, agree that the following shall modify and amend certain provisions of the Development Agreement, as follows:

1. All references to and meaning of Project shall remain as defined in the development agreement and all references related to Project Completion Date shall remain as defined.

2. The Project Completion Date shall be amended to no later than September 1, 2023.

3. Except as hereby amended, all other terms and provisions of the Development Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties to the Development Agreement and this Amendment to Development Agreement have caused this to be signed in duplicate originals this_____day of_____, 2023, which shall be the effective date of this First Amendment to Development Agreement.

CITY OF MEQUON

_____
Andrew Nerbun, Mayor

_____
Carline Fochs, City Clerk

Attachment: First Amendment to Development Agreement (RESOLUTION 4023 : P2 Townhome Development Agmnt Amendment No 1)

IN WITNESS WHEREOF, the parties to the Development Agreement and this Amendment to Development Agreement have caused this to be signed in duplicate originals this_____day of_____, 2023, which shall be the effective date of this First Amendment to Development Agreement.

P2 Development

By:_____
Dated:_____.
Robert Bach

_____
Notary

Attachment: First Amendment to Development Agreement (RESOLUTION 4023 : P2 Townhome Development Agmnt Amendment No 1)

11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us **Office of Community Development**

TO: **Common Council**
FROM: **Jac Zader, Assistant Director Community Development**
DATE: **March 14, 2023**
SUBJECT: **ORDINANCE 2023-1640 An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Related to Building and Site Plan Requirements for Properties Located in the Town Center and Arrival Corridor Zoning Districts**

Background

Planning Division staff is recommending a text amendment to the Town Center (TC) and Arrival Corridor (AC) Zoning Districts as it relates to the requirements for building and site plan approval. The proposed change requires future applicants to install certain public improvements as part of their building and site plan approval. In the past, the City has either offered incentives, and/or reimbursed developers for work completed in the City right-of-way, including sidewalks, street trees, street lighting and on-street parking.

On February 14, 2023, the Common Council approved the expenditure of approximately $5.3M to complete public improvements at specific areas in the Town Center along Mequon Road, including modifications to the OIT bike crossing. This work will conclude the public investment made by the City related to Tax Increment District (TID) #3, due to the requirement that all TID financial obligations need to encumbered five years prior to the date of the District's closure. In this case, April 15, 2023, is the last date that City funds can be allocated towards improvements made in TID #3.

Analysis

While the City has invested over $8 million dollars towards public improvements in the Town Center, there are other parcels that have not been developed. This includes parcels along Buntrock Avenue, Weston Drive, and Mequon Road. Since the City will no longer fund such improvements, the responsibility for these items will fall onto the developer as it does in other non-TID locations throughout the community. The type of improvements will vary based on the location within the neighborhood. Staff will analyze each project on a case-by-case basis once an application is submitted, and provide a list of required improvements for the Planning Commission's consideration and final action.

Fiscal Impact

The fiscal impact is neutral.

Recommendation

On February 27, 2023, the Planning Commission approved a recommendation to approve the proposed ordinance amendments by a vote of 8-0. A recommendation from the Committee of the Whole is forthcoming on March 14, 2023.

Attachments:
Exhibit A (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2023-1640

An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Related to Building and Site Plan Requirements for Properties Located in the Town Center and Arrival Corridor Zoning Districts

RECITALS

A. Pursuant to the authority granted to it under Section 62.23(7) of the Wisconsin Statues, the City of Mequon previously adopted a comprehensive Zoning Code for the City which includes the Town Center (TC) District and Arrival Corridor (AC) under Section 58-301 and 58-302 of the Municipal Code.

B. The Planning Commission, by a majority vote, adopted a recommendation to approve a text amendment to those regulations as it relates to the requirement for certain streetscape elements.

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

Section 58-301 (n) 9 and Section 58-302 (n) 9, which establish building and site plan requirements within the Town Center and Arrival Corridor Zoning Districts, are amended as attached in Exhibits A.

SECTION II

The terms and provision of this ordinance are severable. Should any term of 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: March 14, 2023

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

Caroline Fochs, City Clerk

Published: _____

Sec. 58-301. TC town center district.

(n) *Building and site plan review requirements.*

(1) *Pedestrian access.* Walkways shall connect building entrances to adjacent public sidewalks or trails and to any parking facility located on the same site. Walkways shall be a minimum of four feet in width.

(2) *Vehicular access.* Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses. Curb cuts shall be consolidated wherever possible.

(3) *Parking.* Onsite parking facilities shall be located to the rear or interior side of the site, within the principal building served or entirely below grade. No driveway width shall exceed 20 feet. Shared parking, driveways and loading is encouraged. Specific parking requirements are listed in section 58-441.

(4) *Shared parking calculations.* The planning commission may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of peak operation do not overlap. Table 58-301-4, Shared Parking Calculations, lists the land use classification and the peak and low operating hours to calculate shared parking.

Table 58-301-4 Standard Parking Calculation in the Town Center District

Land Use Classification	Weekday			Weekend		
	1:00 a.m.—7:00 a.m.	7:00 a.m.—6:00 p.m.	6:00 p.m.—1:00 a.m.	1:00 a.m.—7:00 a.m.	7:00 a.m.—6:00 p.m.	6:00 p.m.—1:00 a.m.
Office	5%	100%	5%	0%	15%	0%
Retail and services	0%	100%	80%	0%	100%	60%
Restaurant	20%	70%	100%	30%	75%	100%
Residential	100%	60%	100%	100%	75%	90%
Religious institution	0%	25%	50%	0%	100%	50%

The following procedure is required to calculate the minimum number of shared parking spaces:

a. Multiply the minimum parking required for each use by the appropriate percentage indicated in Table 58-301-2, Shared Parking Calculation in the Town Center District, for each of the six designated time periods.

b. Add the resulting sums for each of the six columns.

c. The minimum parking requirement shall be the highest sum among the six columns resulting from the above calculation.

d. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

(5) *General landscaping.* In general the composition and location of the landscaped areas shall complement the scale of the development and its surroundings. Large, contiguous planting areas shall be provided. Not less than 30 percent of the site not occupied by buildings shall be landscaped in accordance with section 58-564 or alternative hardscape amenities, including but not limited to plazas, seating, dining tables or bicycle racks, as approved by the planning commission. The planning commission may authorize a contribution, of equal or greater value, of off-site open space within the Town Center boundaries in lieu of the required 30 percent landscaping.

Attachment: Exhibit A (ORDINANCE 2023-1640 : TC / AC Text Amendment Re: Public Improvements)

(6) *Landscape yards for non-residential uses.* Required yards for side and rear setback areas for any non-residential use shall be landscaped with a mix of trees and shrubs and shall include a ground cover of grasses, flowering plants and vines or an alternative feature as approved by the planning commission.

(7) *Hours of operation.* Maximum hours of operation for commercial uses shall be as follows unless specifically waived by the planning commission:

Sunday through Thursday, from 6:30 a.m. to 10:00 p.m.

Friday and Saturday, from 6:30 a.m. to 11:00 p.m.

(8) *Enclosed building requirement.* All production, processing and storage shall be conducted within a completely enclosed building. All mechanical equipment, located at ground level or on the roof, shall be screened from public view.

(9) *Public Improvements*. Any change to a building or site plan shall require the installation of public improvements in accordance with the Town Center Design Criteria as determined by the department of community development. Improvements may include street lighting, on street parking, street trees and landscaping, bike racks, benches, and trash receptacles.

Sec. 58-302. AC arrival corridor district.

(n) *Building and site plan review requirements.*

(1) *Pedestrian access.* Walkways shall connect building entrances to adjacent public sidewalks or trails and to any parking facility located on the same site. Walkways shall be a minimum of four feet in width.

(2) *Vehicular access.* Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses. Curb cuts shall be consolidated wherever possible.

(3) *Parking.* Onsite parking facilities shall be located to the rear or interior side of the site, within the principal building served or entirely below grade. No driveway width shall exceed 20 feet. Shared parking, driveways and loading is encouraged. Specific parking requirements are listed in section 58-441.

(4) *Shared parking calculations.* The planning commission may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of peak operation do not overlap. Table 58-302-4, Shared Parking Calculations, lists the land use classification and the peak and low operating hours to calculate shared parking.

Table 58-302-4 Standard Parking Calculation in the Arrival Corridor District

Land Use Classification	Weekday			Weekend		
	1:00 a.m.—7:00 a.m.	7:00 a.m.—6:00 p.m.	6:00 p.m.—1:00 a.m.	1:00 a.m.—7:00 a.m.	7:00 a.m.—6:00 p.m.	6:00 p.m.—1:00 a.m.
Office	5%	100%	5%	0%	15%	0%
Retail and services	0%	100%	80%	0%	100%	60%
Restaurant	20%	70%	100%	30%	75%	100%
Residential	100%	60%	100%	100%	75%	90%
Religious institution	0%	25%	50%	0%	100%	50%

The following procedure is required to calculate the minimum number of shared parking spaces:

a. Multiply the minimum parking required for each use by the appropriate percentage indicated in Table 58-302-2, Shared Parking Calculation in the Town Center District, for each of the six designated time periods.

Attachment: Exhibit A (ORDINANCE 2023-1640 : TC / AC Text Amendment Re: Public Improvements)

b. Add the resulting sums for each of the six columns.

c. The minimum parking requirement shall be the highest sum among the six columns resulting from the above calculation.

d. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

(5) *General landscaping.* In general, the composition and location of the landscaped areas shall complement the scale of the development and its surroundings. Large, contiguous planting areas shall be provided. Not less than 40 percent of the site not occupied by buildings shall be landscaped in accordance with section 58-564 or alternative hardscape amenities, including but not limited to plazas, seating, dining tables or bicycle racks, as approved by the planning commission. The planning commission may authorize a contribution, of equal or greater value, of off-site open space within the Town Center boundaries in lieu of the required 30 percent landscaping.

(6) *Landscape yards for non-residential uses.* Required yards for side and rear offset areas for any non-residential uses shall be landscaped with a mix of trees and shrubs and shall include a ground cover of grasses, flowering plants and vines or an alternative feature approved by the planning commission.

(7) *Hours of operation.* Maximum hours of operation for commercial uses shall be as follows unless specifically waived by the planning commission:

Sunday through Thursday, from 6:30 a.m. to 10:00 p.m.

Friday and Saturday, from 6:30 a.m. to 11:00 p.m.

(8) *Enclosed building requirement.* All production, processing and storage shall be conducted within a completely enclosed building. All mechanical equipment, located at ground level or on the roof, shall be screened from public view.

(9) Public Improvements. Any change to a building or site plan shall require the installation of public improvements in accordance with the Town Center Design Criteria as determined by the department of community development. Improvements may include street lighting, on street parking, street trees and landscaping, bike racks, benches, and trash receptacles.

Attachment: Exhibit A (ORDINANCE 2023-1640 : TC / AC Text Amendment Re: Public Improvements)

11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us **Office of Community Development**

TO: **Common Council**
FROM: **Jac Zader, Assistant Director Community Development**
DATE: **March 14, 2023**
SUBJECT: **ORDINANCE 2023-1641 An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Related to Turf Grass Height Limits During the Month of May**

Background

On January 10, 2023, the Public Welfare Committee directed staff to modify Section 58-420 as it relates to turf grass and 'No Mow May'. The Committee believes that it is important to allow residents to partake in 'No Mow May' without being in violation of the City's turf grass height limit of eight inches. While unlikely, it is possible for turf grass to exceed eight inches in height during the month of May. The Planning Commission reviewed and recommended approval of the proposed text amendment at its February 27, 2023, meeting.

Analysis

The proposed Ordinance (see attached) states that the eight-inch turf grass requirement is in effect from June 1st to December 31st. The change would allow residents to participate in 'No Mow May' without being in violation of the code. Last year, staff decided to defer issuing orders to residents in violation of the height requirement until after June 1st. According to City Code Enforcement Inspector Scott Pinzer, there were no complaints during May of 2022 regarding tall grass. The City Forester has provided a memo regarding the benefits of 'No Mow May' (see attached).

Fiscal Impact

The fiscal impact is neutral.

Recommendation

On January 10, 2023, the Public Welfare Committee approved a recommendation in favor of adopting the proposed ordinance amendment by a vote of 3-0. Thereafter, on February 27, 2023, the Planning Commission approved a recommendation in favor of adopting the proposed ordinance amendment by a vote of 8-0. A recommendation from the Committee of the Whole is forthcoming on March 14, 2023.

Attachments:
Memo from Parks and Forestry Superintendent (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2023-1641

An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Related to Turf Grass Height Limits During the Month of May

RECITALS

A. The Common Council previously adopted § 58-420(4) of the Mequon Municipal Code which regulates the height of turf grass within the City.

B. The Common Council desires to clarify the enforcement of the City's turf grass regulations, so as to not penalize owners who wish to participate in "No Mow May" for the benefit of bees and other pollinators.

C. Following a public hearing, the Planning Commission recommended the adoption of regulations designed to reflect this policy decision.

D. The regulation of turf grasses within the City preserves the health, safety, and welfare of the community.

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

SECTION I

Section 58-420(4) of the Mequon Municipal Code is amended to read as follows (Note: Added text is **bolded and double-underlined**; Deleted text is ~~struck-through~~):

Turf grass. Turf grass shall be defined as grass commonly used in regularly-cut lawns or play areas including, but not limited to bluegrass, fescue and ryegrass blends. Turf grass, as defined in this section, does not include grass in drainage ditches, portions of property zoned as critical environmental districts or areas on residential properties that cannot be mowed with ordinary residential lawn cutting equipment. **Between June 1 and December 31 of each calendar year, turf** ~~Turf~~ grass, on properties of less than five acres, exceeding eight inches in height, shall subject the owner of the land to a corrective order requiring mowing. In the event any owner of the land fails to mow a lawn area as required by an order issued under this section, the city may proceed to mow the area and shall charge the owner the cost of such mowing at labor and equipment rates established by the city from time to time, as special charges pursuant to Wis. Stats. § 66.0627. Any special charge which is made under this section and remains unpaid after its due date shall be placed on the tax roll as a tax to be collected pursuant to Wis. Stats. ch. 74.

SECTION II

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

SECTION III

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

SECTION IV

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

_____

Approved by: Andrew Nerbun, Mayor

Date Approved: March 14, 2023

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

_____

Caroline Fochs, City Clerk

Published: _____

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Office of Parks and Forestry

TO: **Common Council**
FROM: **Mike Gies, Parks/Forestry Superintendent**
DATE: **March 14, 2023**
SUBJECT: **An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Related to Turf Grass Height Limits During the Month of May**

Background

It is my understanding that the City was asked to discuss the growing popularity of "no mow May", and if it should consider any steps to formally recognize or encourage participation in no mow May. To give the conversation a little context, the following is an excerpt from a Bee City Publication.

> "Americans have a love affair with lawns-maintaining roughly 40 million acres, or 2% of land in the US, making it the single largest irrigated crop we grow Lawns require frequent mowing, raking, fertilizing, weeding, chemical treatment, and watering-sucking up time, money, and other resources. Not only are lawns burdensome for the people maintaining them, but they also provide little positive benefit to wildlife, and in fact are often harmful.
>
> The traditional monoculture lawn lacks floral resources or nesting sites for bees and is often treated with large amounts of pesticides that harm bees and other invertebrates. When we think of habitat loss, we tend to imagine bulldozers and rutted dirt, but acres of manicured lawn are as much a loss of habitat as any development site.
>
> Mowing your lawn less can create habitat and can increase the abundance and diversity of wildlife including bees and other pollinators."

In 2020, residents of Appleton, Wisconsin, an affiliate of Bee City USA, became energized about No Mow May and the City Council agreed to suspend their weed ordinance for the month of May.

Analysis

Currently, the City's enforcement of delinquent lawn mowing according to section 54-420 of the Code of ordinances requires the following:

> Turf grass. Turf grass shall be defined as grass commonly used in regularly cut lawns or play areas including, but not limited to bluegrass, fescue and ryegrass blends. Turf grass, as defined in this section, does not include grass in drainage ditches, portions of property zoned as critical environmental districts or areas on residential properties that cannot be mowed with ordinary residential lawn cutting equipment. Turf grass, on properties of less than five acres, exceeding eight inches in height, shall subject the owner of the land to a corrective order requiring mowing. In the event any owner of the land fails to mow a lawn area as required by an order issued under this section, the city may proceed to mow the area and shall charge the

Attachment: Memo from Parks and Forestry Superintendent (ORDINANCE 2023-1641 : Chapter 58 No Mow May)

owner the cost of such mowing at labor and equipment rates established by the city from time to time, as special charges pursuant to Wis. Stats. § 66.0627. Any special charge which is made under this section and remains unpaid after its due date shall be placed on the tax roll as a tax to be collected pursuant to Wis. Stats. ch. 74.

The main purpose of "no mow May" is to create habitat and food source for bees and other pollinators. In order to adequately attain a viable food source and habitat, the lawns would have to remain both un-mowed, but more importantly untreated. Applying an Herbicide or Insecticide defeats the benefits of food or shelter for bees and other pollinators. Both rely on the clover, dandelion, violets, and other beneficial none grass type or broadleaf plants as a primary early food source. That primary food source comes in the form of the early blooms on many of those broadleaf plants, the common grass or monocot species having little positive effect.

In speaking with a representative from the Mequon Nature Preserve, the thought is that if residents just simply allow their lawns to grow through the month of May, most Mequon manicured lawns provide little benefit to the bees and pollinators if treatments of any type have been applied within recent years.

Attachment: Memo from Parks and Forestry Superintendent (ORDINANCE 2023-1641 : Chapter 58 No Mow May)

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www.ci.mequon.wi.us **Office of Community Development**

TO: **Common Council**
FROM: **Jac Zader, Assistant Director Community Development**
DATE: **March 14, 2023**
SUBJECT: **ORDINANCE 2023-1642 An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Regarding Required Setbacks and Offsets for Properties Located within the City's R-2 (2-Acre) Zoning Districts**

Background

On January 10, 2023, the Public Welfare Committee voted to approve modifications to the front setback and side yard offset within the City's R-2 (2-Acre) Zoning Districts. The issue came to light recently at a Board of Appeals meeting where a resident, whose parcel was zoned R-2, requested a variance to the front yard setback to install solar panels. Since this section is in Chapter 58 of the Code, Planning Commission reviewed the proposed changes on February 27, 2023, and recommended approval.

Analysis

The City of Mequon has seven single-family zoning districts with lot size requirements ranging from five acres to a half-acre in size (see attached chart). The R-1 Zoning District (5-Acre) is unique in that it includes most of the agricultural uses across the City. The R-1 Zoning District has a 100-foot front setback requirement for all properties regardless of the road classification. This makes sense since most large parcels in the City abut a primary or secondary arterial. Once these large parcels are subdivided, they typically become part of a Planned Unit Development (PUD), which allows for flexibility to the district's requirements. Five of the other six zoning districts have a varied front setback based on the classification of the road. The only district that does not have this requirement is the R-2 Zoning District. The R-2 has a 75-foot front setback regardless of the type of road frontage. This requirement is a holdover from a previous Zoning Code and the current staff does not have any recollection as to why it was not changed to match the other zoning districts or what the intent of the uniform 75-foot requirement is.

Staff recommends changing the front setback requirements for the R-2 Zoning District to be consistent with the other zoning districts for several reasons. When wholesale changes were made to the zoning map in the 1990's, new zoning designations were created based on the size of the existing parcel. For example, if a parcel was an acre in size it was designated as R-3. A two-acre parcel was designated R-2. One of the impacts of this policy was it resulted in having parcels with different zoning districts being adjacent to one another. Based on this, it makes sense to enact a uniform front setback for all the different zoning districts to ensure a consistent build-to line along the street. In addition, a large portion of properties zoned R-2 are located along the Lake Michigan bluff and the Milwaukee River. In many of these cases, the setback

would be 50 feet if it had a different zoning classification, but since it is R-2 it requires 75 feet. This requirement moves structures closer to the lake or the river, which is contrary to protecting these environmentally sensitive areas.

Side yard offsets vary in width based on the zoning district with the largest being 30 feet in the R-1 Zoning District to 20 feet in the R-5 Zoning District. The R-2 Zoning District has a 30-foot offset even though the R-1B (2.5-Acre) Zoning District, which requires a larger area, has a smaller offset at 25 feet. Staff does not know the history as to why this situation exists. Accordingly, staff recommends that the side yard offset be changed to 25 feet to be consistent with the R-1B and the R-2B (1.5-Acre) Zoning Districts.

Fiscal Impact

The fiscal impact is neutral.

Recommendation

On January 10, 2023, the Public Welfare Committee approved a recommendation to adopt the proposed ordinance amendments by a vote of 3-0. Thereafter, on February 27, 2023, the Planning Commission approved a recommendation to adopt the proposed ordinance amendments by a vote of 8-0. A recommendation from the Committee of the Whole is forthcoming on March 14, 2023.

Attachments:
Exhibit A: Technical Requirements of Residential Zoning Districts (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2023-1642

An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Regarding Required Setbacks and Offsets for Properties Located within the City's R-2 (2-Acre) Zoning Districts

RECITALS

A. Pursuant to the authority granted to it under Section 62.23(7) of the Wisconsin Statues, the City of Mequon previously adopted a comprehensive Zoning Code for the City which includes the R-2 Zoning District under Section 58-249 of the Municipal Code.

B. On February 27, 2023, the Planning Commission, by a majority vote, adopted a recommendation to approve a text amendment to amend the setback and offset requirements for structures within the R-2 Zoning District.

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

Table 58-249, which establishes technical standards of residential zoning districts, is amended as attached in Exhibit A.

SECTION II

The terms and provision of this ordinance are severable. Should any term of 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: March 14, 2023

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

Caroline Fochs, City Clerk

Published: _____

Attachment: Exhibit A: Technical Requirements of Residential Zoning Districts (ORDINANCE 2023-1642 : Chapter 58 Text R2 setback / offset)

Sec. 58-249. Technical requirements of residential districts.

(a) *Generally.* Table 58-249 sets forth the technical requirements for each residential zoning district.

Table 58-249	R-1									
	Estate Lot Design	Conservation	R-1B	R-2	R-2B	R-3	R-4	R-5	R-6	RM
Minimum Lot Size	5.0 acres (217,800 sq. ft.)	0.75 acres (32,670 sq. ft.)	2.5 acres (108,900 sq. ft.)	2.0 acres (87,120 sq. ft.)	1.5 acres (65,340 sq. ft.)	1.0 acre (43,560 sq. ft.)	0.75 acres (32,670 sq. ft.)	0.5 acres (21,780 sq. ft.)	1.0 acre (43,560 sq. ft.)	One-bedroom units, 6,000 square feet (i.e., 7.26 units per acre) Two-bedroom units, 7,000 square feet (i.e., 6.2 units per acre) Three-bedroom units, 10,000 square feet (i.e., 4.35 units per acre)
Density	N/A	One dwelling per five acres	N/A	N/A	N/A	N/A	N/A	N/A	Four units per acre	N/A
Minimum Living Area										
Single-family dwelling units	1,800 sq. ft.	1,800 sq. ft.	1,600 sq. ft.	1,800 sq. ft.	1,400 sq. ft.	1,800 sq. ft.	1,600 sq. ft.	1,400 sq. ft.	N/A	N/A
One-bedroom units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,000 sq. ft.	900 sq. ft.
Two-bedroom units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,200 sq. ft.	1,100 sq. ft.
Three-bedroom units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,400 sq. ft.	1,300 sq. ft.
Maximum Building Height*										
Dwelling Height	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.	42 ft.
Accessory Structures	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Minimum Average Lot Width and Minimum Average Lot Length	300 ft.	N/A	200 ft.	200 ft.	175 ft.	150 ft.	130 ft.	120 ft.	150 ft.	150 ft.
Minimum Building Setbacks										
Local Streets	100 ft.	See text	50 ft.	~~75~~ 50ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 feet (planning commission may vary to no less

										than 25 feet)
Expressways—Freeways	100 ft.	See text	200 ft.	200~~75~~ ft.	200 ft.	200 ft.	200 ft.	200 ft.	100 ft.	100 ft.
Primary Arterials	100 ft.	See text	100 ft.	100~~75~~ ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.
Secondary Arterials	100 ft.	See text	80 ft.	80~~75~~ ft.	80 ft.	80 ft.	80 ft.	80 ft.	80 ft.	80 ft.
Local Arterials	100 ft.	See text	70 ft.	70~~75~~ ft.	70 ft.	70 ft.	70 ft.	70 ft.	70 ft.	70 ft.
Minimum Building Offset										
Generally	30 ft.	30 ft.	25 ft.	~~30~~ 25 ft.	25 ft.	20 ft.	20 ft.	20 ft.	20 ft. (side); 35 ft. (rear)	15 ft.
Building or structures housing livestock	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	N/A	N/A	N/A
Maximum Lot Coverage Percentage	5%	10%	10%	10%	15%	15%	15%	20%	30%	30%

* See section 58-418(d)

(b) *Explanations.* As used in Table 28-248:

(1) Minimum living area shall be measured from the outside of exterior walls (excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes).

(2) Minimum building setback shall be measured from the ultimate right-of-way line of each public street, road, or highway which abuts the subject property.

(3) Minimum building offset shall be measured from each side and rear lot line other than a lot line subject to a minimum building setback.

(4) Maximum lot coverage percentage shall be the percentage of a property covered by buildings and structures.

(c) *Special maximum lot coverage standards.*

(1) Maximum lot coverage percentage shall not apply to a residential planned unit development unless the common council determines otherwise in the ordinance that creates the planned unit development.

(2) If a property is in the R-1 through R-3 zoning districts and the property is smaller than the minimum lot size for the zoning district in which it is located, the maximum lot coverage percentage shall be the percentage applicable to the zoning district with a minimum lot size smaller than, but closest in size to, the property.

(Ord. No. 2021-1591, § I(Exh. A), 6-8-2021)

Attachment: Exhibit A: Technical Requirements of Residential Zoning Districts (ORDINANCE 2023-1642 : Chapter 58 Text R2 setback / offset)

11333 N. Cedarburg Road
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www.ci.mequon.wi.us **Office of Community Development**

TO: **Common Council**
FROM: **Jac Zader, Assistant Director Community Development**
DATE: **March 14, 2023**
SUBJECT: **ORDINANCE 2023-1643 An Ordinance Amending Chapter 10 of the Mequon Municipal Code, Updating References to, and Requirements of, Applicable Administrative Code Provisions Related to Building Permits**

Background

A State review of **Chapter 10: Buildings and Building Regulations** contained within the Mequon Municipal Code revealed some minor clerical issues which need to be addressed to achieve compliance with state law, as outlined in the attached ordinance that is proposed for adoption.

Analysis

To comply with the requirements of the State, staff has prepared the following changes to Chapter 10 of the Mequon Code of Ordinances:

1. Modifications to Sections 10-21, 10-108, and 10-110 that provide minor language clarifications, and updates all references to the Wisconsin Administrative Code to reflect the current Administrative Code sections based on changes the State made to the name of the responsible administrative agency and numbering sequence used for current building codes.

2. Modification to Section 10-81(a), striking the requirement that all applications shall be signed by a licensed master electrician or a licensed electrical contractor.

Representatives from the State have reviewed and approved these required changes to Chapter 10.

Fiscal Impact

The fiscal impact is neutral.

Recommendation

Staff recommends approval of these changes to comply with State requirements. Because the changes are in accordance with State process and requirements, staff advises that a suspension of rules for a second reading of the ordinance be considered.

A recommendation from the Public Welfare Committee is forthcoming on March 14, 2023.

Attachments:
Chapt 10 Clean - BCS Version (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2023-1643

An Ordinance Amending Chapter 10 of the Mequon Municipal Code, Updating References to, and Requirements of, Applicable Administrative Code Provisions Related to Building Permits

RECITALS

A. The Common Council previously adopted Chapter 10 of the Mequon Municipal Code, which establishes certain rules and regulations related to building within the City.

B. Chapter 10 references various sections of the Wisconsin Administrative Code, and the Wisconsin legislature renamed the various administrative agencies responsible for building codes and renumbered the Administrative Code sections.

C. The Common Council desires to amend Chapter 10 to reflect the current Administrative Code provisions.

D. The regulation of buildings and the establishment of building codes 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 10-21 of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck-through~~; Added text is **bolded & double-underlined**):

Sec. 10-21. - Wisconsin Building Codes adopted by ordinance.

(a) The Wisconsin Uniform Building Code prepared by the Building Inspectors Association of Southeastern Wisconsin with all amendments and revisions thereto is adopted by reference and made a part of this ordinance as though fully set forth herein. This code shall apply to existing buildings and to additions, alterations and repairs to existing buildings and to all construction, demolition or moving or existing buildings not within the scope of paragraph (b) of this section.

(b) Wisconsin Uniform Dwelling Code**, Wis. Admin. Code §§ SPS 320-325,** ~~Chapters SPS 20-25 prepared by the Department of Professional Services of the State of Wisconsin~~ with all amendments and revisions thereto is adopted by reference and made a part of this ordinance as though fully set forth herein.

(c) Wisconsin Commercial Building Code**, Wis. Admin. Code §§ SPS 360-366,** ~~Chapters SPS 60-66 prepared by the Department of Professional Services of the State of Wisconsin~~ with all amendments and revisions thereto is adopted by reference and made a part of this ordinance as though fully set forth herein.

(d) Wisconsin Flammable and Combustible Liquids Code**, Wis. Admin. Code § ATCP 93,** ~~Chapter SPS 10 prepared by the Department of Professional Services of the State of Wisconsin~~ with all amendments and revisions thereto is adopted by reference and made a part of this ordinance as though fully set forth herein.

(e) The following sections of the Wisconsin Administrative Code with all amendments and revisions thereto are adopted by reference and made a part of this ordinance as though fully set forth herein:

(1) SPS 305 — Credentials
(2) SPS 327 — Campgrounds
(3) SPS 375-379 — Buildings Constructed Prior to 1914

SECTION II

Section 10-81(a) of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck-through~~; Added text is **bolded & double-underlined**):

(a) *Permits required*. The electrical inspector shall issue permits for electrical installations for light, heat, or power upon the filing of a proper application which shall be made on blanks furnished by the electrical inspector prescribing the nature of the work and such other information as may be required for inspection, and no work shall be done until a permit has been obtained. ~~All applications shall be signed by a licensed master electrician or a licensed electrical contractor.~~

SECTION III

Section 10-108 of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck-through~~; Added text is **bolded & double-underlined**):

Sec. 10-108. - Adoption of State Plumbing Code.

The provisions of **Wis .Stat. Ch. 145, Wis. Admin. Code §§ SPS 381-387, and Wis. Admin. Code § NR 113,** ~~Wis. Stats. ch. 145 and Wis. Admin. Code SPS chs. 81—87 and NR ch. 113e~~ and all amendments thereto**,** are adopted and by reference made a part of this chapter with the same force and effect as though set out in full. ~~Failure to comply with any of the provisions of such regulations shall constitute a violation of this chapter, punishable according to the penalties provided herein.~~

SECTION IV

Section 10-110 of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck-through~~; Added text is **bolded & double-underlined**):

Sec. 10-110. - Plumbing inspector.

(a) The common council plumbing inspector shall have control of the supervision and inspection of all plumbing work and shall faithfully enforce all laws, ordinances, and rules in relation thereto. It shall be the duty of said plumbing inspector to require that the construction, reconstruction and alteration of all plumbing, sanitary drainage, wells and plumbing ventilation hereafter installed in all of the buildings in the City of Mequon, shall conform to the laws **and rules** of the state, ~~the rules of the department of commerce,~~ **and the** ordinances, rules and regulations adopted by the common council of the City of Mequon.

(b) Upon approval by the division of health, the City of Mequon and the plumbing inspector shall be authorized to require, examine and approve all plumbing plans for facilities as described in Wis. Admin. Code **§ SPS 382.20** ~~Comm. 82.20~~ with the exception of the following:

(1) Health care and related facilities.
(2) State owned buildings.
(3) Reduced pressure zone principle type backflow preventers.
(4) Controlled roof drainage systems.
(5) Mobile and manufactured homes.
(6) Mobile home parks, water and sewerage systems.
(7) The granting of variances to the state uniform plumbing code.

(c) The plumbing inspector shall charge fees for the above plan review and approval in accordance with Wis. Admin. Code **§ SPS 382.20(7)** ~~Comm. 82.20~~.

(d) The review and approval of plans as described in subsection (b) of this section shall not interfere with the normal inspection and administrative duties of the plumbing inspector. Additional staff time shall be authorized as needed for the accomplishment of such review.

(e) All plans reviewed by the plumbing inspector under the authority of this section shall be retained in good order for a period of five years.

SECTION IV

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 V

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

SECTION VI

_____
Approved by: Andrew Nerbun, Mayor

Date Approved: March 14, 2023

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

_____
Caroline Fochs, City Clerk

Published: _____

Sec. 10-21. - Wisconsin Building Codes adopted by ordinance.

(a) The Wisconsin Uniform Building Code prepared by the Building Inspectors Association of Southeastern Wisconsin with all amendments and revisions thereto is adopted by reference and made a part of this ordinance as though fully set forth herein. This code shall apply to existing buildings and to additions, alterations and repairs to existing buildings and to all construction, demolition or moving or existing buildings not within the scope of paragraph (b) of this section.

(b) Wisconsin Uniform Dwelling Code, Wis. Admin. Code §§ SPS 320-325, with all amendments and revisions thereto is adopted by reference and made a part of this ordinance as though fully set forth herein.

(c) Wisconsin Commercial Building Code, Wis. Admin. Code §§ SPS 360-366, with all amendments and revisions thereto is adopted by reference and made a part of this ordinance as though fully set forth herein.

(d) Wisconsin Flammable and Combustible Liquids Code, Wis. Admin. Code § ATCP 93, with all amendments and revisions thereto is adopted by reference and made a part of this ordinance as though fully set forth herein.

(e) The following sections of the Wisconsin Administrative Code with all amendments and revisions thereto are adopted by reference and made a part of this ordinance as though fully set forth herein:

(1) SPS 305 — Credentials
(2) SPS 327 — Campgrounds
(3) SPS 375-379 — Buildings Constructed Prior to 1914

Sec. 10-81. – Electrical Permits.

(a) *Permits required*. The electrical inspector shall issue permits for electrical installations for light, heat, or power upon the filing of a proper application which shall be made on blanks furnished by the electrical inspector prescribing the nature of the work and such other information as may be required for inspection, and no work shall be done until a permit has been obtained.

Sec. 10-108. - Adoption of State Plumbing Code.

The provisions of Wis .Stat. Ch. 145, Wis. Admin. Code §§ SPS 381-387, and Wis. Admin. Code § NR 113 and all amendments thereto, are adopted and by reference made a part of this chapter with the same force and effect as though set out in full.

Attachment: Chapt 10 Clean - BCS Version (ORDINANCE 2023-1643 : Chapter 10: state requirements)

Sec. 10-110. - Plumbing inspector.

(a) The common council plumbing inspector shall have control of the supervision and inspection of all plumbing work and shall faithfully enforce all laws, ordinances, and rules in relation thereto. It shall be the duty of said plumbing inspector to require that the construction, reconstruction and alteration of all plumbing, sanitary drainage, wells and plumbing ventilation hereafter installed in all of the buildings in the City of Mequon, shall conform to the laws and rules of the state, and the ordinances, rules and regulations adopted by the common council of the City of Mequon.

(b) Upon approval by the division of health, the City of Mequon and the plumbing inspector shall be authorized to require, examine and approve all plumbing plans for facilities as described in Wis. Admin. Code § SPS 382.20 with the exception of the following:

(1) Health care and related facilities.
(2) State owned buildings.
(3) Reduced pressure zone principle type backflow preventers.
(4) Controlled roof drainage systems.
(5) Mobile and manufactured homes.
(6) Mobile home parks, water and sewerage systems.
(7) The granting of variances to the state uniform plumbing code.

(c) The plumbing inspector shall charge fees for the above plan review and approval in accordance with Wis. Admin. Code § SPS 382.20(7).

(d) The review and approval of plans as described in subsection (b) of this section shall not interfere with the normal inspection and administrative duties of the plumbing inspector. Additional staff time shall be authorized as needed for the accomplishment of such review.

(e) All plans reviewed by the plumbing inspector under the authority of this section shall be retained in good order for a period of five years.

Attachment: Chapt 10 Clean - BCS Version (ORDINANCE 2023-1643 : Chapter 10: state requirements)

11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us **Office of Community Development**

TO: **Common Council**
FROM: **Jac Zader, Assistant Director Community Development**
DATE: **March 14, 2023**
SUBJECT: **ORDINANCE 2023-1644 An Ordinance Amending the Planned Unit Development (PUD) for New Castle Place (Lifespace) Located at 12500-12700 North Port Washington Road, Approving a New Concept Plan, Extending the Development Timeline, Modifying the Open Space Requirement and Updating Certain Approval Requirements**

Background

The applicant, New Castle Place, is requesting a rezoning and concept plan approval for a Planned Unit Development (PUD) amendment at 12500-12700 N. Port Washington Road. Previously, the Common Council approved the rezoning for the site to IPS with a PUD overlay in August of 2000 (see attached Ord# 2000-999). The ordinance entitled the developer to a maximum density of 6.89 units per acre (347 living units with a minimum open space ratio of 77%). The ordinance also required that all construction activities be completed within 120 months (2010) of the effective date of the ordinance. Phase I of the project, which was completed in 2003, consisted of 189 total living units which are located on the north end of the property. Phase II of the development, which was approved in 2007, included 75 units (264 total) located on the south end of the property. The second phase of the development included a three-story independent living facility and 25 carriage units. Six of the approved carriage homes were never constructed.

The overall acreage of the site has changed from the original PUD which was approximately 50 acres. The certified survey map that combined the parcels after the development was approved resulted in the loss of almost two acres as part of the dedication of Port Washington Road. The parcel was also impacted by the I-43 expansion project which reduced the site by 2.65 acres. The owners of the property recently purchased a one-acre property located at 12540 N Port Washington Road which was surrounded by the development. This parcel will be rezoned as part of this amendment. Based on these changes, the current overall size of the development is 47.1 acres.

Analysis

The applicant is requesting the following changes to the originally approved PUD:

- Modifying the Open Space percentage from 77% to 60%
- Eliminating the condition that requires Common Council approval of the CUG.
- Allowing for an extension to the development timeline within the PUD.

- Approving a new concept plan based on a new proposal.

The open space reduction is being requested due to the loss of land area, and the type of units they are looking to construct. The loss of land via road dedication and eminent domain has negatively impacted the ability to develop the parcel in accordance with the City's original approval. The result is a reduction in the amount of buildable area by approximately three acres. In addition, by preferring to construct additional carriage houses instead of a multi-story building, this negatively impacts the open space ratio. The applicant is proposing to reduce the open space ratio from 77% to 60%. As a comparison, the City Code requirement for new development in this zoning district is 40%. Staff is supportive of this request. Staff believes the reduction in the overall open space is preferred if it results in more individual one/two story unit buildings versus a multi-story complex, provided that it does not impact existing specimen trees or wetlands. A condition to the PUD amendment indicates that removal of any specimen trees is prohibited, and any new buildings will be limited to two stories in height.

When the original PUD was approved, there was a condition that required Common Council approval of the conditional use grant. Currently, the City Code allows for a conditional use grant to be reviewed by the Common Council based on a written request form two alderpersons or one alderperson and the mayor. Staff believes the condition was added to the original PUD because of the controversial nature of the project at the time. In 2007, when the second phase of the development was approved, there was no controversy surrounding the development and there was no public comment at either the Planning Commission or Common Council. Staff supports the removal of the restriction to streamline the process. Confirmation of the CUG can still be achieved, if it is requested, following the procedures dictated by the Code.

The original PUD stated that the project had to be completed within 10 years of the date of the ordinance (August 2010). The applicant seeks modification of this condition and changing the completion date to 10 years from approval of the proposed ordinance amendment, which would be April of 2033. In discussions with the City Attorney, it is his opinion that the condition may not be enforceable in its current form. To have a development completion timeframe, there would need to be a mechanism built into the condition that would dictate the process to revert the zoning back to its previous form. This would require a public hearing that is triggered by a date in the PUD. Under the applicant's proposal, there would need to be a clause that states that if the project is not complete by April of 2033, a public hearing would need to be held to revert the zoning. Staff does not understand the rationale for the original requirement. The use is classified as conditional, which requires Planning Commission approval anytime there is a requested change. That approval is valid for one year. In addition, the other requirements of the PUD, (density, open space) will be determined when the parcel is fully built out. Staff recommends eliminating the sunset clause condition as part of the amendment.

The proposed concept plan shows 13 carriage homes in the southwest corner of the site located off an existing private road and six other buildings in various locations in the center of the site. The plan shall comply with all setbacks and offsets of the IPS Zoning District. As stated above, the PUD includes a condition that no specimen trees will be removed as part of the development. In addition, there is a 45" oak tree located in the area of the proposed carriage homes. Conditions for tree protection measures are included, as approved by the City Forester, and shall be installed

to protect trees prior to any land disturbing activity.

Fiscal Impact

The value of the thirteen (13) proposed carriage homes is estimated at $5,000,000, generating approximately $70,000 per year in additional tax revenue.

Recommendation

On February 27, 2023, the Planning Commission approved a recommendation in favor of adopting the proposed ordinance amendments by a vote of 8-0. A recommendation is forthcoming from the Committee of the Whole on March 14, 2023.

Staff Update:

On February 28, 2023, Newcastle Place LLC has filed a property tax exemption request for the current tax year. While the original ordinance and subsequent resolution addressed the requirement for a payment in lieu of taxes (PILOT), staff has requested the City Attorney add a condition to the proposed ordinance to clarify that a PILOT remains as a condition of approval for the new ownership group.

Attachments:
Ordinance 2000-999 (PDF)
Exhibit A: Concept Plan (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2023-1644

An Ordinance Amending the Planned Unit Development (PUD) for New Castle Place (Lifespace) Located at 12500-12700 North Port Washington Road, Approving a New Concept Plan, Extending the Development Timeline, Modifying the Open Space Requirement and Updating Certain Approval Requirements

RECITALS

A. Pursuant to Section 62.23(3) of the Wisconsin Statues, the City of Mequon is authorized to prepare and adopt a comprehensive plan, or amendment thereof, as defined in section 66.1001(1)(a) and 66.1001(2) and 66.1001(4)(c) and 66.1001(4)(d).

B. The Planning Commission by majority vote made a recommendation for approval on the 27th day of February, 2023.

C. The required due notice and public hearing by the Common Council of the City of Mequon occurred on the 11th day of April, 2023.

BASED UPON THE FOREGOING, THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION I

The 2000-999 PUD Ordinance is hereby amended subject to the conditions approved by the Planning Commission's action of February 27, 2023, as follows:

Condition 1 shall now read: The developer is entitled to a maximum density of 6.89 units per acre and a minimum open space ratio of 60% as shown on the concept plan, attached as Exhibit A.

Condition 2 shall now read: Final site plan, architectural plan, landscaping plan, open space plan, lighting plan, and signage plan details, and all subsequent amendments thereto, shall be subject to conditional use grant approval by the Planning Commission, on a phase-by-phase basis.

Condition 3 shall be eliminated.

Condition 10 shall now read: Specimen trees, as identified by the City Forester, shall not be damaged or destroyed as a result of this development.

Condition 13 shall be added that states: No building constructed after the date of this Ordinance shall exceed two stories in height.

Condition 14 shall be added that states: Tree protection measures shall be installed in accordance with the City Forester's recommendation prior to any land disturbing activity.

An additional condtion shall be added as follows: The applicant/developer shall take any actions deemed necessary by the City Attorney to confirm the applicability of the existing PILOT for the property to the current proposal.

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: March 14, 2023

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

_____
Caroline Fochs, City Clerk

Published: _____

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE NO. 2000-999

To amend the map portion of the "Development Ordinance of the City of Mequon" (i.e., Chapter 3) with respect to 50.37 acres of land located east of Port Washington Road, south of Highland Road, west of I-43, and north of Liebau Road (Milwaukee Protestant Home)

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

SECTION I. Following recommendation of the Planning Commission on the 1st day of May, 2000, and after due notice and hearing by the Common Council of the City of Mequon on the 13th day of June, 2000, the 11th day of July, 2000, and the 8th day of August, 2000, the existing and official City of Mequon district zoning maps are hereby amended so as to change the zoning classification of property as legally described in Exhibit A from R-4 (i.e., 1 acre, single-family residential) to IPS PUD (i.e., institutional & public service district with a planned unit development overlay) subject to the following special considerations:

1. The developer is entitled to a maximum density of 6.89 units per acre (i.e., 347 living units as described on the face of the site plan illustrated in Exhibit B and a minimum open space ratio of 77%).
2. Final site plan, architectural plan, landscaping plan, open space management/stewardship plan, lighting plan, and signage plan details, and all subsequent amendments thereto, shall be subject to conditional use grant approval by the Planning Commission, and shall be additionally subject to review and approval by the Common Council, on a phase by phase basis.
3. Construction of all independent living apartments, assisted living apartments, community based residential facility units, skilled nursing units, and the development infrastructure (i.e., roads, sewer, water, and drainage facilities) for the duplex phase south of the woods shall be completed within 120 months (10 years) of the effective date of this ordinance, or the developer must reapply for IPS PUD rezoning and conditional use grant approval for any portion of these senior housing elements that are incomplete and shall also be subject to contemporary zoning standards for any such remaining incomplete portion. Completion shall be deemed to have occurred as to each independent apartment, assisted living apartment, community based residential facility, and skilled nursing building when a permit for its occupancy shall have been issued. Completion shall be deemed to have occurred as to the duplex phase when the engineering department has certified that the infrastructure improvements are properly installed. 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 120 -month time period.
4. Grading, drainage, erosion control, and other engineering plans are subject to Engineering Department and City chosen outside engineering consultant review and approval.

Attachment: Ordinance 2000-999 (ORDINANCE 2023-1644 : Lifespace Communities New Castle PUD Amendment)

5. Driveway openings along Port Washington Road shall be subject to approval of the Ozaukee County Highway Commission.
6. Filling, excavating, and/or regrading of the wetland areas shall be subject to appropriate Wisconsin Department of Transportation and U.S. Army Corps of Engineers approval.
7. Improvements within the Trans 233 setback area of I-43 shall be subject to Wisconsin Department of Transportation approval, if applicable.
8. Any substantial change to the general concept plans illustrated in the attached exhibits shall require appropriate amendment to this ordinance and, if necessary, the approved conditional use grant.
9. Potable water for this development shall be provided by Wisconsin Gas Water Services.
10. Specimen trees, as identified by the City Forester, shall not be damaged or destroyed as a result of this development without appropriate approval by the City.
11. Common Council approval of a "fees in lieu of taxes" agreement with the developer prior to this ordinance taking effect.
12. Developer shall make available landscape screening of comparable design and quality to all property owners directly across from the development on North Port Washington Road who wish the installation of such landscaping, at developer's expense, according to the direction and approval of the Plan Commission.

SECTION II: All ordinances or parts of ordinances contravening the terms of this ordinance are hereby 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: Christine Nuernberg
Christine Nuernberg, Mayor

Date Approved: August 14, 2000

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 8th day of August, 2000.

Louise M. Rzentkowski
Louise M. Rzentkowski, City Clerk

Published: August 14, 2000

Attachment: Ordinance 2000-999 (ORDINANCE 2023-1644 : Lifespace Communities New Castle PUD Amendment)

NEWCASTLE PLACE
Carriage Homes
12600 North Port Washington Rd, Mequon, WI 53092

PHASES (alternate)

SAS Architects & Planners, LLC.
630 DUNDEE ROAD, NORTHBROOK, IL 60062
Phone: 847-564-8333, Fax: 847-987-3484

PHASE 1

REMOVED FROM PROPERTY (EMINENT DOMAIN)
97,809.11 SF
2.245 acres

PARCEL 1
2,051,792.34 SF
47.103 acres

UNPLATTED LANDS
216,045.82 SF
4.960 acres

REMOVED FROM PROPERTY
809.63 SF
0.019 acres

INTERSTATE "43" (STATE ROAD "32")
NORTH PORT WASHINGTON ROAD
HIGHLAND ROAD (VARIABLE WIDTH DEDICATED PUBLIC STREET)
LIEBAU WEST ROAD (60' DEDICATED PUBLIC STREET)
(130' DEDICATED PUBLIC STREET)
BRIDGE
BUS STOP
D.W.
RETENTION POND
COMMONS
ESTATE DRIVE
ROYAL LANE
CASTLE PL.
WEST NEW CASTLE PLACE
60' LOCAL STREET SETBACK
50' FREEWAY SETBACK
20' SIDE YARD SETBACK
LIMITS OF TREE SURVEY
TOPSOIL STOCKPILE
COUNTY ROAD "W"
SN (CBRF)
"A" "B" "C" "D" "E" "F" "G" "H" "J" "K" "L"
IL
AL
GULL
SWAN
DOGWOOD
MAPLE
MAGNOLIA
FIG
CEDAR
GREAT OAK
ELM
BIRCH
101' 102' 103' 104' 105'
106' 105' 104' 103'
97' 96' 98'
100' 99'
98' 98' 99' 99' 100' 101' 102' 103' 104' 105'

PHASE 2

REMOVED FROM PROPERTY (EMINENT DOMAIN)
97,809.11 SF
2.245 acres

PARCEL 1
2,051,792.34 SF
47.103 acres

UNPLATTED LANDS
216,045.82 SF
4.960 acres

REMOVED FROM PROPERTY
809.63 SF
0.019 acres

1 02-SITE PLAN-PHASE 1
1" = 80'-0"

2 04-SITE PLAN-PHASE 2
1" = 80'-0"

PRINTED:	DRAWN BY:	APPROVED BY:	SHEET NO.
9/2/2022 12:15:47 PM	JW	JM	A-03
FILE LOCATION: C:\REVIT FILES\22011_NEWCASTLE PL -Carriage Houses-Central_jarekwieglus.rvt	PROJECT NO: 22011	DATE: 05/31/22	

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Attachment: Exhibit A: Concept Plan (ORDINANCE 2023-1644 : Lifespace Communities New Castle PUD Amendment)

11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us **Office of Community Development**

TO: **Common Council**
FROM: **Kim Tollefson, Director of Community Development**
DATE: **March 14, 2023**
SUBJECT: **ORDINANCE 2023-1645 An Ordinance Amending Chapter 58 of the Mequon Municipal Code, to Rezone St. John's Evangelical Lutheran Church Located at 1600-1717 West Mequon Road from R-4 (Single-Family 3/4-Acre) to B-1 (Neighborhood Business District) and IPS (Institutional & Public Service) with a Planned Unit Development (PUD) Overlay, and Amend the City's Land Use Map from Residential (1.5 Acre) to Neighborhood Business and Institutional, in Connection with the Establishment of Proposed Commercial Office Space**

Background

The applicant is seeking rezoning and Planned Unit Development approval for the two parcels at 1600-1714 W. Mequon Road. The applicant is seeking to rezone the 1.55-acre lot currently zoned R-4 to B-1 to retrofit the existing home and barn into an insurance office. The 4.36-acre lot is currently split-zoned. The portion of the property that is currently zoned R-4 is used for St. John's Evangelical Lutheran daycare center. The remaining portion of the lot is zoned IPS and is home to a church, St. John's Evangelical Lutheran Church, cemetery, and home. The church is seeking to rezone the R-4 portion of the lot to IPS. The applicant and Planning Commission agreed that it would be in the best interest of the surrounding neighborhood to seek a Planned Unit Development Overlay, restricting the parcel zoned B-1 from becoming a restaurant once the rezoning takes effect.

Analysis

The proposed zoning changes are not completely consistent with the City's Land Use Plan Map, which designates adjacent properties as Residential 1-1.5 Acres and Institutional. The two parcels are located east and south of a residential area. However, Children's Hospital's Mequon Clinic, zoned B-3, is directly across the street from both parcels and has historically been viewed as the transition line between commercial and residential development along Mequon Road. While the City has a long-standing policy of maintaining Mequon Road as residential in character, except for the Town Center, there is merit to neighborhood scale commercial or institutional uses in these transitional areas. In addition, traffic movement from the proposed B-1 use into the neighborhood is unlikely unless the clients live in that neighborhood.

There was concern from Planning Commission members regarding the ability of the B-1 Zoning District to allow restaurants on the 1.55-acre site should the proposed insurance office not be constructed or cease operations in the future. The Planning Commission approved the rezoning

request on the condition that the PUD overlay prohibit restaurants as a future use. The applicant agreed with the restriction in the PUD, as long as no other uses listed in the B-1 district were prohibited.

Fiscal Impact

The applicant is unable to provide an estimated project value for the 1.55-acre, future office site at this time. The applicant indicates that an investment towards building upgrades is estimated to be $130,000. The site is currently tax-exempt; therefore the City will see an enhanced, positive addition to the tax base. There is no further fiscal impact anticipated for the 4.36-acre site, as no changes are proposed for the daycare center or church facilities.

Recommendation

On January 23, 2023, the Planning Commission approved a recommendation in favor of adopting the proposed ordinance amendments by a vote of 8-0. A recommendation is forthcoming from the Committee of the Whole on March 14, 2023.

Attachments:
Map (PDF)
Narrative_Clean (PDF)
SitePlan (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2023-1645

An Ordinance Amending Chapter 58 of the Mequon Municipal Code, to Rezone St. John's Evangelical Lutheran Church Located at 1600-1717 West Mequon Road from R-4 (Single-Family 3/4-Acre) to B-1 (Neighborhood Business District) and IPS (Institutional & Public Service) with a Planned Unit Development (PUD) Overlay, and Amend the City's Land Use Map from Residential (1.5 Acre) to Neighborhood Business and Institutional, in Connection with the Establishment of Proposed Commercial Office Space

RECITALS

A. The owner of the property located at 1600-1714 W. Mequon Road has applied for the approval of a CSM to divide the property into two lots and to rezone the lots to B-1 Neighborhood Business District and IPS Institutional and Public Safety with a PUD Planned Unit Overlay.

B. Pursuant to section 62.23 of the Wisconsin Statues, the City of Mequon is authorized to prepare and adopt a comprehensive plan, or amendment thereof, as defined in section 66.1001(1)(a) and 66.1001(2) and 66.1001(4)(c) and 66.1001(4)(d), and to establish zoning districts within the City that are consistent with that comprehensive plan.

C. The Planning Commission by majority vote made a recommendation for approval of the proposed rezoning on the 23rd day of January 2023.

D. The required due notice and public hearing by the Common Council of the City of Mequon occurred on the 11th day of April 2023.

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

SECTION I

The existing and official City of Mequon District Zoning Maps are hereby amended so as to change the zoning classification of certain properties, as described and illustrated in Exhibit A, to B-1 (Neighborhood Business District), IPS (Institutional and Public Service) with a Planned Unit Development (PUD) Overlay prohibiting restaurants as a use, and the Land Use Plan map to Neighborhood Business and Institutional subject to the following conditions:

The Planned Unit Development Ordinance is subject to the conditions approved by the Planning Commission’s action of January 23, 2023, as follows:

1. The property located at 1600 West Mequon Road (future office building) is prohibited for restaurant use.

2. Final staff technical review and approval of the Certified Survey Map (CSM). The applicant shall make any technical corrections to the final CSM.
3. If required by WisDOT, the applicant shall dedicate right-of-way to the ultimate right-of-way width along Mequon Road to WisDOT if required by WisDOT. The geometry of the dedication is subject to WisDOT review.
4. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2015 dwg or dxf in Wisconsin State Plane Coordinate system. South Zone (NAD 83).
5. The rezoning of the 1.55-acres property to B-1 will become effective upon the recording of the CSM, approval of the building and site plans by the Planning Commission, and after the future buyer's (Joe Woelfle - State Farm Insurance) building plans have been approved for commercial use by the State.

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: March 14, 2023

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

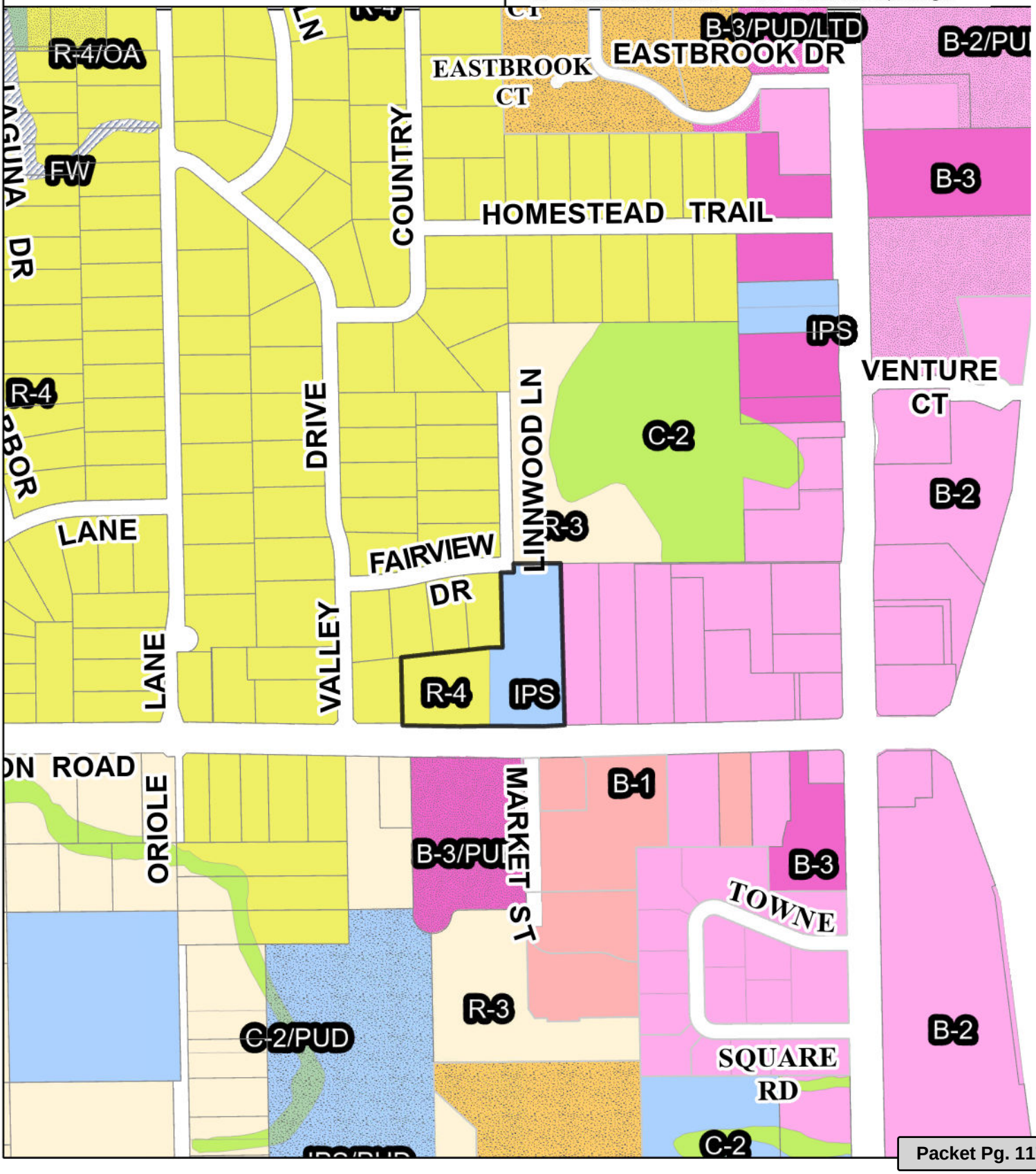
_____

Caroline Fochs, City Clerk

Published: _____

ST. JOHN'S EVANGELICAL LUTHERAN CHURCH - CSM AND REZONING RECOMMENDATION

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



Attachment: Map (ORDINANCE 2023-1645 : St John PUD)

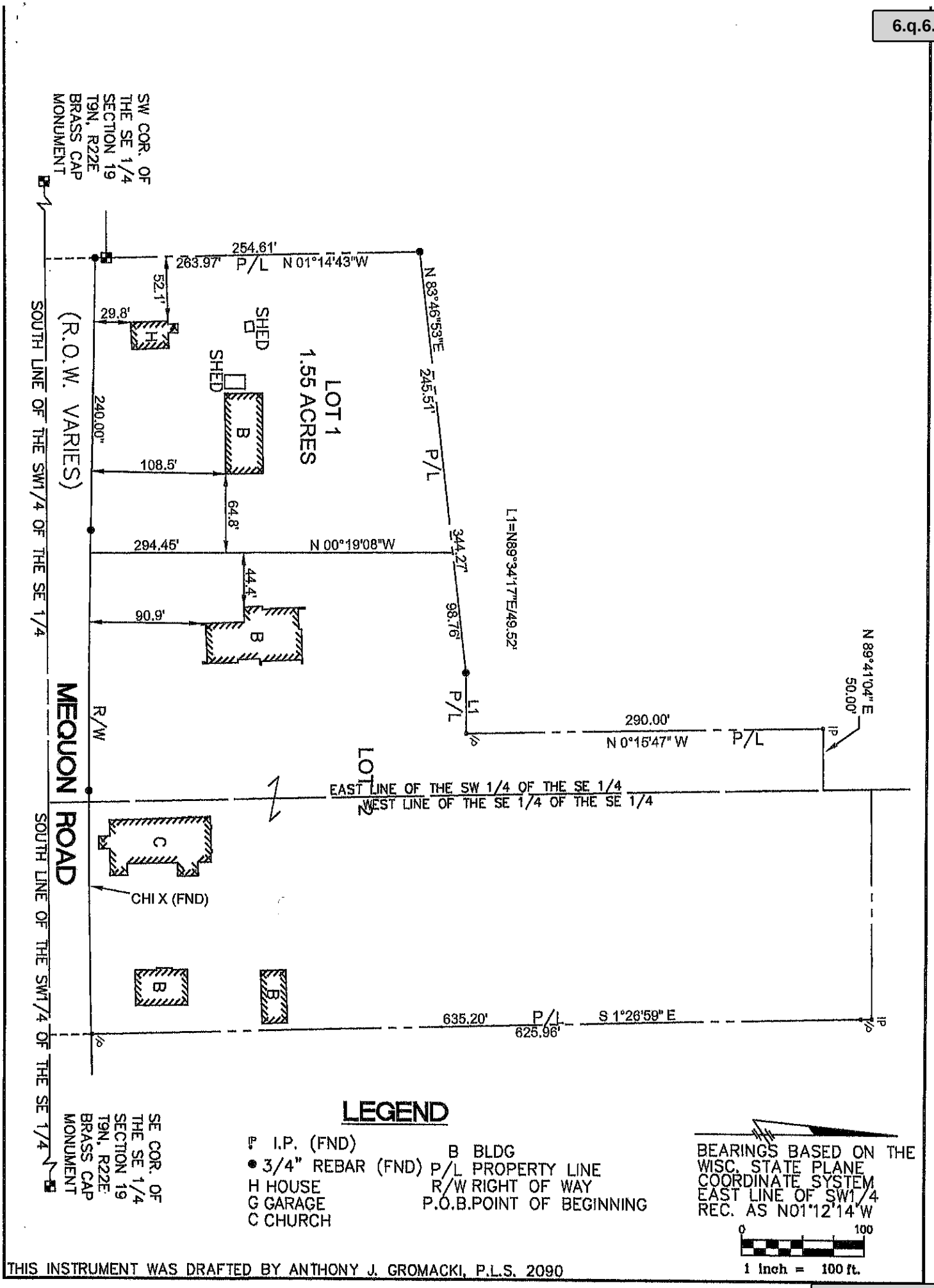
Rezoning Narrative;

The proposed new CSM would separate approximately 1.55 acres from the land that is currently zoned residential. The new property line would fall east of the barn allowing for approximately 43ft of setback for the existing ministries study building from the newly divided 1.55 acres. The portion of the land that will have the ministries study building is staying with the church and will change to match the neighboring zoning (institutional) as such. The proposed 1.55 acres is requested to be zoned as B-1, the existing farm house would then be used as an insurance office after bringing it up to required code along with aesthetic updates.

The Newly created B-1 zoning is consistent and complimentary with the use directly across the street and with the neighboring properties to the east of the church. This will create a natural transition to the surrounding residential areas as the zone requested is the lowest available density for business use. Additionally the existing home and landscaping would be updated and maintained keeping and accentuating the charm of the farm house property. No additional city resources or services would be needed for the new use of this property. The rezone is required so the church can sell the parcel and the proposed business can operate within the designated zoning ordinances.

Joe Woelfle
State Farm Insurance Companies
11649 N Port Washington Rd #214 / 3960 Hillside Dr #204
Mequon, WI 53092 / Delafield, WI 53018
Bus: 262-241-8292 / 262-303-4441
Fax: 866-203-5456
Per: 414-678-9807
NMLS# 1207066
www.insuremke.com

Attachment: Narrative_Clean (ORDINANCE 2023-1645 : St John PUD)



LEGEND

- I.P. (FND)
- ● 3/4" REBAR (FND)
- H HOUSE
- G GARAGE
- C CHURCH
- B BLDG
- P/L PROPERTY LINE
- R/W RIGHT OF WAY
- P.O.B. POINT OF BEGINNING

BEARINGS BASED ON THE WISC. STATE PLANE COORDINATE SYSTEM, EAST LINE OF SW1/4 REC. AS N01°12'14"W

0 100

1 inch = 100 ft.

THIS INSTRUMENT WAS DRAFTED BY ANTHONY J. GROMACKI, P.L.S. 2090

Attachment: SitePlan (ORDINANCE 2023-1645 : St John PUD)

11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-236-2913
Fax: 262-242-9655

www.ci.mequon.wi.us **Office of Sewer**

TO: **Common Council**
FROM: **Kristen Lundeen, Director of Public Works/City Engineer**
DATE: **February 27, 2023**
SUBJECT: **ORDINANCE 2023-1646 An Ordinance Amending Chapter 58, Section 58-640 of the Mequon Municipal Code, Redefining the Reimbursement Options for Sanitary Sewer Costs**

Background

New public utility infrastructure required to serve new or expanded development is constructed through a build-and-contribute process. That process consists of the developer designing, obtaining approval, constructing and financing the installation of public utility infrastructure. Upon final review, inspection and acceptance by the City or its Utilities, the developer dedicates the public utility infrastructure to the City/Utilities. That public utility infrastructure is subsequently owned and maintained by the City/Utilities. This standard practice applies to sanitary sewers, storm sewers, water main and roads, in addition to amenities such as street trees.

Some utility infrastructure design may require modifications to meet the long term needs of the public utility. For example, the size of the pipe required to serve only the development may be smaller than required to ultimately serve the public utility. Likewise, there may be additional depth, pipe extensions or connections that could be added to the project with minimal impact to the overall development, but of great benefit to the public utility.

As this language is contained within Section 58 of the City of Mequon Code of Ordinances, amendments require a public hearing and Planning Commission recommendation for approval.

Analysis

By ordinance, the upsizing of the pipes or other public sewer utility costs are to be paid for by the Sewer Utility. The proposed ordinance modifies requirements from being specific to pipe diameters to being more broadly defined, based upon the demand for the development and the ultimate design requirements for the utility. This allows the Sewer Utility to require that the developer install the pipe diameter required based upon the demand of the development, and only contemplates reimbursement for upsizing due to the ultimate demand of the Sewer Utility.

Also by ordinance, reimbursement can only be accomplished by having the City publicly bid and construct the project, with the developer's portion of the costs to be paid by the developer. Further, it requires that the developer deposit funds of 125% of the estimated project cost prior to proceeding.

Requiring that the public bid be administered by the City is not always the most cost-effective method. Additionally, requiring that the City/Sewer Utility administer the public bid could slow down the process for the developer. Therefore, staff is proposing modifications to the ordinance to allow for the City/Sewer Utility to reimburse the developer. The City has leveraged developer designed and contributed infrastructure in TIF projects, most recently with the Town Center developments.

The proposed ordinance modifications maintain the requirement for the project to be publicly bid, which requires statutorily defined advertisement, and for the City/Sewer Utility to approve the expenditure. Unlike the existing ordinance language, the developer holds the contract with the company installing the public utility infrastructure and reimburses if approved and accepted.

The ultimate method of installation and reimbursement would be outlined in the Development Agreement. The terms and conditions specific to that project would be outlined, following the guiding language of the ordinance.

As written, the proposed language does not eliminate the current process, but rather adds an additional option for the developer or City/Sewer Utility to consider. Staff is in favor of adding the option for flexibility at the time of development.

Specifically, two active subdivision applications would benefit from the ordinance change. Both Highland Meadows (storage to address sewer capacity) and Swan Ridge (meter pit for new connection to Milwaukee Water Works infrastructure) would benefit from the ordinance change.

The attached Exhibit includes the final version of the ordinance, with all changes accepted. If approved, this would be the format of the resulting ordinance.

Mequon Water Utility infrastructure is not regulated by ordinance. Mequon Water Utility staff will mirror the language as a proposed amendment to the Water Connection Policy, which will also be brought before the Water Utility Commission for consideration.

Fiscal Impact

Providing reimbursement as an option should provide a fiscal advantage to the Sewer Utility. While maintaining requirements for validation of cost efficiency, the Sewer Utility can leverage the private development process while achieving the goals of the Utility. If, in any case, Sewer Utility staff determines that the developer pricing is not beneficial to the Sewer Utility, the process can revert back to the original ordinance language.

Recommendation

The Planning Commission unanimously approved the text amendment. Staff recommends that the Sewer Utility Commission favorably endorse, and the Common Council approve the ordinance amendment for reimbursement of public sewer utility infrastructure.

Attachments:
Exhibit: Section 58-640 Text Amendment (Final) (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2023-1646

An Ordinance Amending Chapter 58, Section 58-640 of the Mequon Municipal Code, Redefining the Reimbursement Options for Sanitary Sewer Costs

RECITALS

A. The Common Council has previously adopted Chapter 58 of the Mequon Municipal Code.

B. Planning Commission recommended approval of the changes to Section 58-640 on February 27, 2023.

C. The Sewer Utility District Commission further recommended approval of the changes to Section 58-640 on March 14, 2023.

D. A public hearing was held at the Common Council meeting on April 11, 2023.

E. The Common Council, having reviewed the regulations related to reimbursement of Sewer Utility infrastructure, has determined that the City should adopt the amended ordinance as shown in Exhibit B.

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

SECTION I

Section 58-640 of the Mequon Municipal Code is amended to read as follows (NOTE: Added text is underlined, deleted text is ~~struck-through~~):

Sec. 58-640. - Sanitary sewer costs.

(a) The ~~subdivider~~ developer shall be responsible for all costs of required sanitary sewer construction ~~involving pipe size of 12 inches in diameter or less~~sized for the demand of the development. Where the city's sanitary sewer system plan requires the installation of sanitary sewers larger than 12 inches in diameter, the city shall pay the difference in cost between an ~~eight-inch-diameter sanitary sewer installation~~ the installation of the pipe sized for the development demand and the ~~12-inch-diameter~~ system demand sewer. Determination of the cost difference shall be made by the city engineer.

(b) All sanitary sewer construction projects in which the city is paying any

portion of the costs shall be publicly advertised ~~by the city~~, bids received and the contract ~~awarded~~ amount approved by the city. Preparation of plans and specifications for such sanitary sewer construction may be done by the subdivider's engineer or by the engineering division of the department of public works. In either case, such engineering costs shall be paid for by the developer, except for that portion attributable to the city's share of the construction costs.

(c) As documented by a development agreement, projects in which the city is paying any portion of the costs may be administered through one of the following:

(1) Build and contribute. Developer constructs the infrastructure and upon approval from the city engineer, dedicates the infrastructure to the Sewer Utility.

a. Developer will construct and pay for, or will cause any affected parcel owners to construct and pay for, all required public utility improvements, which upon completion, final inspection and acceptance by the city, shall be dedicated to the city, or the Sewer Utility, as applicable.

b. If the required public utility improvements work is subject to any public bidding requirements, the developer will comply with those requirements and cause any affected parcel owner to do so.

c. The city shall cooperate with and assist the developer with compliance with public bidding requirements and if requested by the developer.

d. Construction documents shall define the bid items and quantities associated with the public utility improvements.

e. Prior to construction, the city/Sewer Utility shall approve the expenditure associated with the public utility improvements.

f. Developer will cause the required public utility improvements, to be constructed in a good and workmanlike manner and substantially in accordance with the approved plans and will promptly correct any defects, structural or otherwise, in construction, and all deviations from the approved plans.

g. Developer will deliver, or cause a parcel owner to deliver to the city, a 2-year warranty of all such required public utility improvements.

h. Construction of the required public utility improvements shall be completed free of all liens and encumbrances, with lien waivers submitted to the city as a condition precedent to its

acceptance of dedication of such public utility improvements.

i. There shall be no independent reimbursement to developer for the costs of the required public utility improvements.

j. When the developer has completed the construction of the public utility improvements, and said improvements have been accepted and dedicated, the city shall approve the invoice and request for payment.

k. This payment for public utility improvements will be made from sewer capital funds.

(2) City administered public bid.

a. Developer will pay for, or will cause any affected parcel owners to pay for, all city/Sewer Utility owned public utility improvements, subject to final inspection and acceptance by the City.

b. No such contract shall be awarded until the subdivider has deposited with the city an amount of money not to exceed 125 percent of the estimated cost to the subdivider. ~~Preparation of plans and specifications for such sanitary sewer construction may be done by the subdivider's engineer or by the engineering division of the department of public works. In either case, such engineering costs shall be paid for by the developer, except for that portion attributable to the city's share of the construction costs.~~

c. Upon completion of the construction, final determination of the developer's cost shall be made by the city engineer and any monies remaining in the developer's deposit after charging such costs against the deposit shall be refunded to the subdivider. If such costs exceed the deposit, the subdivider shall, upon demand of the city engineer, immediately pay the difference to the city.

~~(b)~~(d) In recognition of the city's payment of oversized costs and the fact that the city has previously invested in oversized sanitary sewer facilities, all new subdivisions and condominiums connecting to the city's sanitary sewer system shall pay a basic per lot charge, in accordance with the city's established fee schedule prior to recording the final subdivision plat, condominium declaration, certified survey map or prior to issuance of a multi-family residential building permit. Payments shall be made to the city treasurer prior to recording the final plat, condominium declaration or certified survey map.

SECTION II

The terms and provision of this ordinance are severable. Should any term of 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: March 14, 2023

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

_____
Caroline Fochs, City Clerk

Published: _____

Exhibit B

Sec. 58-640. - Sanitary sewer costs.

(a) The developer shall be responsible for all costs of required sanitary sewer construction sized for the demand of the development. Where the city's sanitary sewer system plan requires the installation of sanitary sewers larger than 12 inches in diameter, the city shall pay the difference in cost between the installation of the pipe sized for the development demand and the system demand sewer. Determination of the cost difference shall be made by the city engineer.

(b) All sanitary sewer construction projects in which the city is paying any portion of the costs shall be publicly advertised, bids received and the contract amount approved by the city. Preparation of plans and specifications for such sanitary sewer construction may be done by the subdivider's engineer or by the engineering division of the department of public works. In either case, such engineering costs shall be paid for by the developer, except for that portion attributable to the city's share of the construction costs.

(c) As documented by a development agreement, projects in which the city is paying any portion of the costs may be administered through one of the following:

(1) Build and contribute. Developer constructs the infrastructure and upon approval from the city engineer, dedicates the infrastructure to the Sewer Utility.
   a. Developer will construct and pay for, or will cause any affected parcel owners to construct and pay for, all required public utility improvements, which upon completion, final inspection and acceptance by the city, shall be dedicated to the city, or the Sewer Utility, as applicable.
   b. If the required public utility improvements work is subject to any public bidding requirements, the developer will comply with those requirements and cause any affected parcel owner to do so.
   c. The city shall cooperate with and assist the developer with compliance with public bidding requirements and if requested by the developer.
   d. Construction documents shall define the bid items and quantities associated with the public utility improvements.
   e. Prior to construction, the city/Sewer Utility shall approve the expenditure associated with the public utility improvements.
   f. Developer will cause the required public utility improvements, to be constructed in a good and workmanlike manner and substantially in accordance with the approved plans and will promptly correct any defects, structural or otherwise, in construction, and all deviations from the approved plans.
   g. Developer will deliver, or cause a parcel owner to deliver to the city, a 2-year warranty of all such required public utility improvements.
   h. Construction of the required public utility improvements shall be completed free of all liens and encumbrances, with lien waivers submitted to the city as a condition precedent to its acceptance of dedication of such public utility improvements.
   i. There shall be no independent reimbursement to developer for the costs of the required public utility improvements.
   j. When the developer has completed the construction of the public utility improvements, and said improvements have been accepted and dedicated, the city shall approve the invoice and request for payment.
   k. This payment for public utility improvements will be made from sewer capital funds.

(2) City administered public bid.

Attachment: Exhibit: Section 58-640 Text Amendment (Final) (ORDINANCE 2023-1646 : Text Amendment: Sanitary Sewer Costs)

Exhibit B

a. Developer will pay for, or will cause any affected parcel owners to pay for, all city/Sewer Utility owned public utility improvements, subject to final inspection and acceptance by the City.
b. No such contract shall be awarded until the subdivider has deposited with the city an amount of money not to exceed 125 percent of the estimated cost to the subdivider.
c. Upon completion of the construction, final determination of the developer's cost shall be made by the city engineer and any monies remaining in the developer's deposit after charging such costs against the deposit shall be refunded to the subdivider. If such costs exceed the deposit, the subdivider shall, upon demand of the city engineer, immediately pay the difference to the city.

(d) In recognition of the city's payment of oversized costs and the fact that the city has previously invested in oversized sanitary sewer facilities, all new subdivisions and condominiums connecting to the city's sanitary sewer system shall pay a basic per lot charge, in accordance with the city's established fee schedule prior to recording the final subdivision plat, condominium declaration, certified survey map or prior to issuance of a multi-family residential building permit. Payments shall be made to the city treasurer prior to recording the final plat, condominium declaration or certified survey map.

Attachment: Exhibit: Section 58-640 Text Amendment (Final) (ORDINANCE 2023-1646 : Text Amendment: Sanitary Sewer Costs)

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www.ci.mequon.wi.us **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. Of particular interest to the Committee were nuisance animals (e.g., barking dogs) and other noise concerns. 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. Noise violations, however, are addressed in both Chapter 50 and also in Section 46-133. The recommended ordinance before you address all of the concerns raised while also clarifying or streamlining the Code as well.

Discussion

As it relates to the process of abating a specific nuisance, the proposed ordinance streamlines the procedures to be followed. 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 its 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. If the nuisance is not abated, the City would then proceed to commence a nuisance abatement action in circuit court which could result in a court order allowing the City to abate the nuisance itself.

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 typically 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-cooperative property owner cooperative.

Thus, the proposed ordinance expands the list of City officials who can address nuisances directly. The proposed ordinance also eliminates the need to appear before the Council for a hearing before commencing circuit court action. The decision to proceed to circuit court can be made by the Mayor and City Administrator, or it could be brought to the Council to authorize the filing. The specific approach would be determined by considering the need for prompt action, the sensitivity involved in the situation, and even the anticipated cost.

With respect to how the Code addresses specific situations, there are two main changes. First, a new nuisance provision, Section 50-4(b)(11), was added to address any domestic pet which howls, barks, screeches, whines, cries or makes similar sounds. Second, noise violations and noise nuisances were combined to provide more clarity. Specifically, the proposed ordinance places all of the noise regulations within a newly revised Section 46-133. In addition to placing them all within the same code section, the draft also clarifies the various exceptions or modifications to the general noise rules that have been discussed by the Committee. On this point, there are two matters that should be highlighted.

The first matter to highlight is that the proposed ordinance combines all construction and outdoor power equipment noises into the same section with specified hours where these noises would be prohibited (unless another exemption applies) between 8:00 p.m. and 7:00 a.m. Monday through Friday, and between 8:00 p.m. and 8:00 a.m. on weekends and holidays. These restrictions apply equally to contractors and homeowners. The second item to highlight is that the proposed amendments are not intended to make significant changes to the City's current regulations, especially as it relates to noise that is part of commercial operations. Under both the existing regulations and the proposed amendments, noises that are expressly permitted by the City (e.g., permitted fireworks, conditional use approval with noise conditions, etc.) or that are otherwise ordinary and customary noises associated with an approved use, are permitted. Thus, for example, the extra noise associated with a drive-through teller window at a bank would be associated with a banking use and be allowed, but a building with an HVAC unit that is making lots of noise because it needs repair would not be allowed.

Finally, note that with the combination of all noise regulations into Section 46-133, the specific noise regulations currently found in Chapter 50 have been removed (and placed in 46-133). In its place, Chapter 50 now states that repeated or continual violations of Section 46-133 constitute a nuisance. Under this approach, singular, one-off type violations would be a violation of Section 46-133 and could be addressed by a citation. Repeated or continual violations could be escalated to a nuisance and addressed in circuit court.

Recommendation

The Public Welfare Committee recommended approval at its February 14, 2023 meeting by a vote of 3-0.

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 repealed and recreated to read as follows:

Sec. 46-133. Loud noise prohibited.

(a) *In general*. Except as may be provided for otherwise in this section, no person shall make, continue, or cause 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.

(b) *Construction noise*. Reasonable and ordinary noises related to construction, excavation, demolition, alteration, or repair of any building or

development shall be exempt from the provisions of this section except that no person shall at any time between the hours of 8:00 p.m. and 7:00 a.m. on Monday through Friday, and 8:00 p.m. and 8:00 a.m. on Saturday, Sunday and public holidays create, as associated with any such construction activities, any loud or sharp noises, concussions or disturbing sounds that may tend to annoy or disturb a person of ordinary sensibilities. 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., form 8:00 p.m. Friday night to 8:00 a.m. Saturday morning shall be deemed a Saturday).

(c) *Outdoor power equipment*. No person shall operate any gas-powered outdoor power equipment such as lawn mowers, saws, hedge clippers, leaf blowers, snow removal equipment, and the like between the hours of 8:00 p.m. and 7:00 a.m. except that snow removal equipment may be operated at any time during the pendency of an official snow emergency and at any time within 24 hours following a snowfall of two inches or greater.

(d) *Determining violations*. In determining whether a noise constitutes a violation under this section, the following characteristics and conditions should be considered when assessing whether the noise would tend to annoy or disturb a person of ordinary sensibilities:

(1) The time of day when the noise occurs.
(2) The duration of the noise.
(3) The frequency or pitch of the noise.
(4) The proximity of the noise to a structure in which sleeping may occur.
(5) The use, nature, and zoning of the property from which a noise emanates and the property where it is perceived.
(6) The number of people and their activities that are affected or are likely to be affected by the noise.
(7) The level of the noise in comparison to the level of ambient noise.

(e) *Approved or permitted noises*. Noises ordinarily associated with an approved use of property, or those noises which are expressly authorized by a permit, authorization or approval from a duly authorized governmental entity shall be exempt from these provisions.

(f) *Other exempted noises*. Noises associated with public works, agricultural and emergency operations shall be exempt from these provisions.

SECTION II

Chapter 50 of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck-through~~; Amended text is **bolded & double-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 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) ~~All loud, discordant or unnecessary noises and annoying vibrations~~ **Repeated or continuing violations of sec. 46-133;**

(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.

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 **a**~~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 continuing violations of sec. 46-133.

(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: March 14, 2023

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 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;

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(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;

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(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., form 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,

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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.

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(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;

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(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., form 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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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.

Attachment: Chapter 50 - Clean (ORDINANCE 2023-1639 : Ordinance Updating Nuisance Code)

(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.

Attachment: Chapter 50 - Clean (ORDINANCE 2023-1639 : Ordinance Updating Nuisance Code)

11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2956
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www.ci.mequon.wi.us
Office of Finance

TO: **Common Council**
FROM: **Jennifer Engroff, Finance Director**
DATE: **February 27, 2023**
SUBJECT: **RESOLUTION 4024 A Resolution Clearing the Personal Property Tax Roll of Delinquent Accounts Deemed Uncollectible for Tax Roll Year 2021**

Background

Delinquent personal property taxes are cleared from the City's tax roll after the end of a two-year collection cycle, as they are unlikely to be paid if collection efforts to date have not resulted in payment. Collection efforts include issuing monthly statements as well as third party efforts through the City's ongoing contract with Waukesha County as approved by Council in April of 2021. In addition, coordination continues with the City Clerk's Office to prevent the issuance of liquor licenses if any outstanding obligations exist. Unfortunately, there is currently no other administrative recourse for businesses that do not require these licenses, except for referral to the City Attorney's Office for possible small claims action.

Analysis

Presented below is a table showing summary information by tax year.

	2020	2021
Original Delinquent PP Balance Assumed	$62,220.14	$76,591.21
Collections to Date	$50,577.28	$70,501.23
Amount to Clear	$11,642.86	$6,089.98
City Share of Total	$2,584.64	$1,379.02

The attached listing of outstanding 2021 accounts shows the name and address of the business, the status of the account, as well as the total outstanding principal broken down by taxing jurisdiction. Status is defined as follows:

- Open - Business is still a going concern in Mequon.
- Closed - Business reported to the Assessor that it is no longer operating in Mequon.
- Doomage - The owner did not file a Statement of Personal Property Status report timely. Therefore, the City Assessor estimated, or doomaged, the account's value.

As some businesses still remain active, City staff will continue working to recover these written-off amounts.

Fiscal Impact

The other taxing jurisdictions have been charged back for their proportionate share of the

uncollectible account balances leaving the City's share of 2021 write-offs at $1,379.02. On an annual basis, the City typically budgets $3,000-$5,000 to account for personal property tax revenue that is deemed to be uncollectible.

Recommendation

Staff recommends the Committee favorably recommend the attached resolution to the Common Council in order to clear the remaining delinquent personal property taxes from the 2021 tax roll.

Attachments:
2021 Delinquent Personal Property (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4024

A Resolution Clearing the Personal Property Tax Roll of Delinquent Accounts Deemed Uncollectible for Tax Roll Year 2021

RECITALS

A. The City of Mequon Finance Department has after considerable collection efforts determined that certain delinquent personal property taxes are deemed uncollectible.

B. Delinquent personal property taxes for tax roll year 2021 have been charged back to the other taxing entities, thereby limiting the City's exposure to just the City portion of delinquent balances for the years being charged back.

C. The attached list to clear delinquent taxes for tax roll year 2021 totals $6,089.98.

D. Continuing efforts will be made to collect such taxes as appropriate.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin, that the attached list of delinquent personal property taxes for tax roll year 2021 be cleared from the personal property tax rolls by the City Treasurer.

_____
Approved by: Andrew Nerbun, Mayor

Date Approved: March 14, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

_____
Caroline Fochs, City Clerk

2021 Outstanding Personal Property Tax

Parcel Number	Owner	Address	City	State	Zip Code	Status	County	City	School	MATC	Sewer	Total Tax
140000000660	9Round Fitness	827N Cheyenne Ave	Grafton	WI	53024	Open	46.33	94.98	202.08	31.20	50.13	424.72
140000018750	Acuity Revenue Consulting	1009 W Glen Oaks Ln, Unit 110	Mequon	WI	53092	Doomage	5.25	10.77	22.92	3.54	5.69	48.17
140000054600	Analog Classics	1200 W Sierra Ln Unit F	Mequon	WI	53092	Closed	5.25	10.77	22.92	3.54	5.69	48.17
140000120500	Better Bidders	10650 N Baehr Rd Ste E	Mequon	WI	53092	Doomage	1.77	3.63	7.73	1.19	1.92	16.24
140000180450	Carjo Attn Deb Binder	10750 N O'Connell Ln	Mequon	WI	53097	Doomage	8.26	16.93	36.01	5.56	-	66.76
140000283451	Devine Lash And Beauty Bar	10144 N Port Washington Rd, Unit LL-G	Mequon	WI	53092	Doomage	15.73	32.26	68.63	10.60	17.02	144.24
140000285030	Diamond'S Gems	1424 W Mequon Rd, Unit 121	Mequon	WI	53092	Closed	1.80	3.69	7.86	1.21	1.95	16.51
140000337100	European Auto House	11020 N Buntrock Ave	Mequon	WI	53092	Closed	15.01	30.78	65.48	10.11	16.24	137.62
140000345500	F Green Lawnsprinklers & Landscape	4901 W Pioneer Rd	Mequon	WI	53097	Doomage	2.30	4.71	10.02	1.55	-	18.58
140000370950	Five Star Painting of Mequon	11512 N Port Washington Rd	Mequon	WI	53092	Closed	3.75	7.70	16.38	2.53	4.06	34.42
140000440000	Great Frame Up	1400 W Mequon Rd	Mequon	WI	53092	Closed	22.52	46.17	98.23	15.16	24.37	206.45
140000463100	Happy Dough Lucky	6300 W Mequon Rd, Unit 107	Mequon	WI	53092	Doomage	4.50	9.23	19.65	3.03	4.87	41.28
140000499060	Home Health Managers Llc	10750 N O'Connell Ln	Mequon	WI	53097	Doomage	60.06	123.12	261.94	40.44	-	485.56
140000522500	Integrity Roofing & Restoration	1001 W Glen Oaks Ln, Unit 207	Mequon	WI	53092	Closed	5.25	10.77	22.92	3.54	5.69	48.17
140000544680	Jane E Miller Attorney	1001 W Glen Oaks Ln, Unit 242	Mequon	WI	53092	Doomage	18.02	36.94	78.59	12.13	19.49	165.17
140000560700	Kark'S Tree Service	8000 W Donges Bay Rd	Mequon	WI	53097	Open	7.51	15.39	32.74	5.05	8.12	68.81
140000572000	Ker-Mor K-9 Barber Shop	10000 N Port Washington Rd	Mequon	WI	53092	Closed	4.53	9.30	19.78	3.05	4.91	41.57
140000639610	Little Sprout'S Play Cafe	1406 W Mequon Rd	Mequon	WI	53092	Open	25.37	52.02	110.68	17.09	27.45	232.61
140000639900	Livlosh Style Co	1516 W Mequon Rd	Mequon	WI	53092	Closed	7.81	16.01	34.06	5.26	8.45	71.59
140000644250	Lush Well Collective	11019 N Towne Square Rd	Mequon	WI	53092	Doomage	7.51	15.39	32.74	5.05	8.12	68.81
140000740800	Moro Performance	10410 N Baehr Rd	Mequon	WI	53092	Open	110.11	225.74	480.27	74.14	119.14	1,009.40
140000817610	Ovation Hand Institute	737 N Michigan Ave, Ste 2270	Chicago	IL	60611	Closed	200.36	410.76	873.92	134.91	216.78	1,836.73
140000864800	Precise Cbrf Training Llc	11512 N Port Washington Rd	Mequon	WI	53092	Closed	5.25	10.77	22.92	3.54	5.69	48.17
140000990500	Silver Springs Of Mequon Inc	11840 N Silver Ave	Mequon	WI	53092	Doomage	5.24	10.74	22.85	3.53	5.67	48.03
140001193000	Sullivan Mfg Corp	10201 N Enterprise Dr	Mequon	WI	53092	Open	3.90	8.00	17.03	2.63	4.22	35.78
140001119161	Westpoint Cleaners & Tailoring Llc	6617 W Mequon Rd	Mequon	WI	53092	Closed	2.58	5.29	11.26	1.74	2.79	23.66
140001144600	Xzia	11055 N Port Washington Rd	Mequon	WI	53092	Closed	1.59	3.26	6.95	1.07	1.72	14.59
140001146110	Yama Yoga Studio	6400 W Mequon Rd	Mequon	WI	53092	Closed	75.07	153.90	327.43	50.55	81.22	688.17
			Total Delinquent Personal Property				$ 672.63	$ 1,379.02	$ 2,933.99	$ 452.94	$ 651.40	$ 6,089.98
			Closed Chargedback to Jurisdictions				$ 350.77	$ 719.17	$ 1,530.11	$ 236.21	$ 379.56	$ 3,215.82
			Open/Doomage Send to Waukesha County				$ 321.86	$ 659.85	$ 1,403.88	$ 216.73	$ 271.84	$ 2,874.16

Attachment: 2021 Delinquent Personal Property (RESOLUTION 4024 : Clear Delq Personal Property Tax

11333 N. Cedarburg Road
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Phone: 262-236-2902
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Office of Community Development

TO: **Common Council**
FROM: **Jac Zader, Assistant Director Community Development**
DATE: **March 14, 2023**
SUBJECT: **RESOLUTION 4025 A Resolution Approving a Three-Year Professional Services Agreement for Commercial Plan Review and Consultation Services, with E-Plan Exam of Brookfield, Wisconsin**

Background

For the past 10 years, the City of Mequon has partnered with Architect John Eagon as an alternative to the State for required plan reviews for commercial building, plumbing, HVAC, sprinklers, and fire alarms. Currently, the State is over 30 business days out on their plan reviews. Mr. Eagon has been turning reviews around in 10 days. Mr. Eagon is retiring and will no longer be able to perform this service. He has recommended an option for the City to partner with E-Plan Exam, a private contractor approved by the State, as an alternative to State plan reviews.

Analysis

Community Development staff has met with E-Plan Exam owner D.A. Mattox and Director of Operations, John Cunningham. Staff believes that a partnership with E-Plan Exam will benefit the City of Mequon, the contractors who do work in the City as well as the Community Development Inspections Division. Contractors will have plans reviewed within 15 business days after full submission to E-Plan Exam; this will allow projects to proceed in a timely manner. Through the partnership, the Inspections Division will also have unlimited access to the E-Plan Exam staff for questions related to construction and code enforcement, at no cost to the City of Mequon. E-Plan Exam currently provides this service for the communities of Cudahy, Greenfield, Pewaukee, Waukesha and West Bend, among others.

Fiscal Impact

The fiscal impact is positive. For every plan review performed by E-Plan Exam, 10% of the plan review fee is returned to the City on a monthly basis. The revenue will vary based on the number of contractors who choose to use E-Plan Exam, versus sending their plans to the State for review. In no circumstance will there be a cost to the City of Mequon for the plan reviews or consultation with staff. Of note, a corresponding resolution incorporating the State's commercial plan review fees into the City's annual fee schedule, which is required per terms within the proposed agreement, is also on the Common Council's agenda for consideration on March 14, 2023.

Staff Summary

The City Attorney has reviewed the proposed contract and has no objections. Community Development staff supports and recommends a partnership with E-Plan Exam as an alternative to the State for the completion of State-required plan reviews.

Recommendation
The Finance & Personnel Committee recommendation is forthcoming on March 14, 2023.

Attachments:
EPLEX Plan Review Professional Services Agreement (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4025

A Resolution Approving a Three-Year Professional Services Agreement for Commercial Plan Review and Consultation Services, with E-Plan Exam of Brookfield, Wisconsin

RECITALS

A. John Eagon has been performing State required plan reviews for the City of Mequon as an alternative to the State Department of Safety and Professional Services (DSPS).

B. Community Development staff met with representatives from E-Plan Exam as a successor to services previously provided by Mr. Eagon, post-retirement, and are satisfied with the proposal.

C. Staff recommends the City contract with E-Plan Exam as an alternative option to the State for State-required commercial plan reviews.

D. The fiscal impact to the City of Mequon results in 10% of all plan review fees collected by E-Plan Exam returned to the City on a monthly basis.

E. The Finance & Personnel Committee took action to approve the contract at their meeting on March 14, 2023.

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

1. The contract to perform State required commercial plan reviews be awarded to E-Plan Exam of Brookfield, Wisconsin, subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

2. The Mayor and the City Clerk are authorized and directed to execute and deliver the same.

_____
Approved by: Andrew Nerbun, Mayor

Date Approved: March 14, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

Caroline Fochs, City Clerk

This Professional Services Agreement ("Agreement") is entered into by and between the City of Mequon ("Client") and EPLEX, LLC (DBA as E-Plan Exam) ("Consultant"). The Client and the Consultant shall be collectively referred to as the "Parties."

RECITALS

WHEREAS the Client is seeking the Consultant to perform services listed in Exhibit A – Plan Review Services and Fee Schedule, ("Services");

NOW THEREFORE, in consideration of the mutual agreements, benefits and responsibilities outlined herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Client and Consultant agree as follows:

1. SCOPE OF SERVICES

Consultant will provide the Services to the Client using qualified professionals licensed in the State of Wisconsin to perform work outlined both in this Agreement and Exhibit A.

Consultant will perform Plan Examination services in accordance with the Adopted Building Codes that are enforced by the State of Wisconsin as well as the Authority Having Jurisdiction's municipal building codes in accordance with Services.

Consultant will perform work at a level of competency in accordance with industry standards, applicable in the State and Municipality for which the Services are proposed.

It shall be up to the sole discretion of the Client as the Authority Having Jurisdiction as to what will be required for the ability to have any building project commence. This includes any potential additional documentation, approvals, permits, bonds, compliance with local zoning, historical review, architectural review board requirements, and/or other requirements not herein specified but otherwise required by the Client as the Authority Having Jurisdiction.

Due to the nature of the delegated agent/appointed agent program as set forth by the State of Wisconsin Department of Safety and Professional Services, any plan review exceeding the size thresholds for a "Certified Municipality" for Building and HVAC reviews, as well as any and all other types of reviews that rely upon the licensure of Consultant (i.e. Fire Alarm, Fire Sprinkler, Plumbing, etc.), shall be reviewed by Consultant. Client retains the right, should they desire, to perform plan review services of essential drawings, calculations, and specifications for buildings that the Client would have been able to examine without the existence of this agreement.

Due to the nature of the delegated agent/appointed agent program as set forth by the State of Wisconsin Department of Safety and Professional Services, Client may at any point in time request that the State of Wisconsin perform any plan review in lieu of Consultant. Client is not bound to accept Consultants approval or disapproval of plans and at its sole discretion may seek another entity, such as the State of Wisconsin Department of Safety and Professional Services, to perform such services. In any event, Consultant shall be entitled to full payment for plan review services for all plans Consultant reviewed, regardless of whether the Client accepts the review preformed or not.

Consultant is not obligated to perform services beyond what is required by this agreement.

Attachment: EPLEX Plan Review Professional Services Agreement (RESOLUTION 4025 : E Plan Exam)

2. TIMELINE FOR EXECUTION OF SERVICES
   Proposed services as part of this Agreement and outlined in Exhibit A, shall be go into full effect at the time and date of this fully executed Agreement.

3. CHANGES TO SCOPE OF SERVICES
   Any Changes to Services that are mutually agreed upon between the Client and Consultant shall be made in writing, which shall specifically designate any changes in compensation for the Services and be made as a signed and fully executed amendment to this Agreement.

4. FEE STRUCTURE
   In consideration of the Consultant providing services, the Client shall pay the Consultant for the services performed in accordance with Exhibit A – List of Plan Review Services and Fee Schedule.

5. ADMINISTRATIVE AND LOGISTICS INCIDENTAL CHARGES
   While review of paper plans as well as shipping and handling of paper plans shall be acceptable, it is the underlying goal of this agreement to ensure, to the maximum extent possible, the best possible service delivery for code reviews to constituents of the City of Mequon. To accommodate this, the following methods shall be utilized:

   1. Electronic Submission of Documents
      a. The Client shall allow for, and encourage the submission of, electronic documents (at a minimum in pdf format). At the time of fully executed contract, Client shall work with Consultant to determine the best method that allows for electronic submission of documents.
      b. Electronic submission of documents shall be the preferred method to be utilized wherever and whenever possible.
   2. Paper Submission of documents
      a. Consultant shall be responsible for any and all direct charges and expenses associated with shipping and handling of documents to Client via a designated courier and/or approved logistics vendor. Consultant shall not be responsible for charges from Client to Consultant.
      b. Any indirect charges associated with labor, material, or other costs incurred by Client for delivery of documents to an approved third-party courier to ship materials to Consultant shall be the responsibility of the Client.
   3. Alternate Means and Methods
      a. Nothing shall prevent the Client and Consultant from making alternate arrangements aside from the methods outlined above for delivery of submissions to the appropriate parties.

6. INVOICE & PAYMENT STRUCTURE
   When fees outlined in Exhibit A are to be collected by the Consultant, the Consultant will invoice the Client on a monthly basis and provide all supporting documentation and render payment as appropriate. All payments are due to Client as appropriate within thirty (30) days of invoice date. The Client may request additional information before approving the invoice. When additional information is requested, the Client will identify specific disputed item(s) and give specific reasons for any request. If additional information is requested, the appropriate party will submit payment to the other party within thirty (30) days of resolution of the inquire/dispute.

Attachment: EPLEX Plan Review Professional Services Agreement (RESOLUTION 4025 : E Plan Exam)

7. TERM
This Agreement shall be effective on the latest date on which the Agreement is fully executed by both Parties ("Effective Date"). The Initial term of this Agreement shall commence on the Effective Date and be thirty-six (36) months. This Agreement will be automatically renewed for successive annual periods unless either party provides notice of nonrenewal at least 30 days prior to the end of the then-current term.

8. TERMINATION
Either party may terminate this Agreement, or any part of this Agreement upon thirty (30) days written notice, with or without cause at any time, including during the initial Term of the Agreement. In case of such termination, Consultant shall be entitled to receive payment for work completed up to and including the termination and within thirty (30) days after the termination.

All projects that have had plans submitted, or re-submitted, for review but that are not completed at the time of termination may be returned without comments, with an appropriate refund in initial fees rendered based on services provided. In the event that either condition as set forth in paragraph 5 are met, fees shall be invoiced for as specified in this Agreement.

9. CLIENT OBLIGATIONS
The Client shall take necessary measures to follow procedures as set forth from the State of Wisconsin to seek approval to obtain Delegated Municipality or Appointed Agent Status as required. Consultant will assist in this process to the maximum extent possible however it shall be the primary responsibility of the Client to obtain final authorization to proceed.

The Client shall provide all data, information, plans, specifications, municipal forms, structural calculations, and all other documentation required by Consultant to perform services in an electronic pdf file format or paper submission in a timely manner.

The Client shall allow through ordinance, if required, the ability for electronic plan submission documents as required by the State of Wisconsin to be submitted and reviewed.

The Client shall maintain licensed credentialed staff of Inspectors at no cost to Consultant to the extent as required by the State of Wisconsin for the Delegated Agent / Appointed Agent plan review program.

10. PERFORMANCE STANDARDS
Consultant shall use that degree of care, skill, and professionalism ordinarily exercised under similar circumstances by members of the same profession practicing or performing the substantially same or similar services with respect to the category of services being performed. Consultant represents to the Client that it retains and will only utilize employees that possess the skills, knowledge, and ability to perform the Services in accordance with this Agreement in a competent, timely, and professional manner.

11. INDEMNIFICATION
To the fullest extent permitted by law, Consultant shall be indemnified and held harmless from any and all claims, demands, suits, costs (including reasonable legal costs), expenses, and liabilities by reason of personal injury, including bodily injury or death and/or property damage except to the extent that any such injury, loss or damage is caused by the negligence, intentional acts, or

Attachment: EPLEX Plan Review Professional Services Agreement (RESOLUTION 4025 : E Plan Exam)

breach of duty of Consultant or any officer, employee, representative, or agent of Consultant. If either party becomes aware of any incident likely to give rise to a claim under the above indemnities, it shall notify the other and both parties shall cooperate fully in investigating the incident. Nothing contained within this Agreement is intended to be a waiver or estoppel of the contracting municipality Client or its insurer to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including those contained within Wisconsin Statutes §§ 893.80, 895.52, and 345.05. To the extent that indemnification is available and enforceable, the municipality Client or its insurer shall not be liable in indemnity or contribution for an amount greater than the limits of liability for municipal claims established by Wisconsin Law.

It is up to the sole discretion of the municipality to choose whether to accept, utilize or deny use of any or all documentation provided by Consultant.

12. ASSIGNMENT

Consultant is permitted to subcontract portions of services to be provided with or without notice. Consultant shall remain responsible for the performance of the Services, and the performance of any subcontractor performing the Services. Subcontractors shall be subject to the same performance, certification and professionalism criteria as expected of the Consultant. Performance clauses shall be included in agreements with all subcontractors to assure quality levels and agreed upon schedules are met.

A listing of all personnel utilized in the completion of the Services, regardless of whether they are subcontractors or not, shall be provided upon completion of reviews by Consultant including applicable license information for personnel and scope of work reviewed by any subcontractor(s).

13. INSURANCE

A. Consultant agrees to procure and maintain, at its own cost, a policy or policies of insurance sufficient to insure against all liability, claims, demands, and other obligations assumed by the Consultant pursuant to this Agreement. Such insurance shall be in addition to any other insurance requirements imposed by law.
B. At a minimum, the Consultant shall procure and maintain the minimum insurance coverages listed below. Such coverages shall be procured and maintained with forms and insurers acceptable to the Client. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage.
C. At a minimum, the Consultant shall procure and maintain the minimum insurance coverages listed below for the scope of services Consultant Subcontracts to other parties. These insureds shall be covered by Consultant's insurance as named insureds for the sole purpose and scope of services rendered for this Agreement.
D. Commercial general liability insurance with minimum combined single limits of one million dollars ($1,000,000.00) each occurrence and two million dollars ($2,000,000.00) general aggregate. The policy shall be applicable to all premises and operations of Consultant. The policy shall include coverage for bodily injury, broad form property damage, personal injury (including coverage for contractual and employee acts) blanket contractual independent Consultant's products and completed operations.
E. Professional liability insurance with minimum limits of one million dollars ($1,000,000) each claim and two million dollars ($2,000,000) general aggregate.
F. Umbrella insurance coverage of five million dollars ($5,000,000).

Attachment: EPLEX Plan Review Professional Services Agreement (RESOLUTION 4025 : E Plan Exam)

G. Prior to commencement of the Services, Consultant shall submit endorsements of insurance acceptable to the Client.

14. INDEPENDENT CONTRACTOR

The Consultant is an independent contractor, and neither the Consultant, nor any employee or agent thereof, shall be deemed for any reason to be an employee or agent of the Municipality or Client. As the Consultant is an independent contractor, the Client shall have no liability or responsibility for any direct payment of any salaries, wages, payroll taxes, or any and all other forms or types of compensation or benefits to any personnel performing services for the Client under this Agreement. The Consultant shall be solely responsible for all compensation, benefits, insurance, and employment-related rights of any person providing Services hereunder during the course of or arising or accruing as a result of any employment, whether past or present, with the Consultant, as well as all legal costs including attorney's fees incurred in the defense of any conflict or legal action resulting from such employment or related to the corporate amenities of such employment.

15. OWNERSHIP OF DOCUMENTS

The Client shall retain ownership of all work product and deliverables created by Consultant pursuant to this Agreement. All records, documents, notes, data and other materials required for or resulting from the performance of the Services hereunder shall not be used by the Consultant for any purpose other than the performance of the Services hereunder without the express prior written consent of the Client. All such records, documents, notes, data and other materials shall become the exclusive property of the Client when the Consultant has been compensated for the same as set forth herein, and the Client shall thereafter retain sole and exclusive rights to receive and use such materials in such manner and for such purposes as determined by it. If this Agreement expires or is terminated for any reason, all records, documents, notes, data, and other materials maintained or stored in Consultant's secure proprietary software pertaining to the Client will be exported into a XLS, CSV, DOC, or PDF file and become property of the Client.

The Municipality or the Authority Having Jurisdiction, where the project is located shall have the right to request access to any documents, papers and records that the Consultant has related to this project for the purposes of Audit or examination, except for Consultant's financial records and contractual records, and may make excerpts and transcriptions of the same.

16. SEVERABILITY

If any part of this Agreement shall be held to be invalid for any reason, the remainder of this Agreement shall be valid to the fullest extent permitted by law.

17. DISCRIMINATION & ADA COMPLIANCE

Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, disability, national origin, or any other protected class. Such action shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by an agency of the federal government, setting forth the provisions of the Equal Opportunity Law.

Attachment: EPLEX Plan Review Professional Services Agreement (RESOLUTION 4025 : E Plan Exam)

Consultant shall comply with the appropriate provision of the Americans with Disabilities Act (the "ADA"), as enacted and as from time to time amended, and any other applicable federal and State of Wisconsin Law or regulations.

18. PROHIBITION AGAINST EMPLOYING ILLEGAL ALIENS

Consultant shall not knowingly employ or contract with an illegal alien to perform work under Agreement and will verify immigration status to confirm employment eligibility. Consultant shall not enter into an agreement with a subcontractor that fails to certify to the Consultant that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement. Consultant is prohibited from using the program or the Department program procedures to undertake pre-employment screening of job applicants while this Agreement is being performed.

19. NOTICES

Any Notice under this Agreement shall be in writing and shall be deemed sufficient when directly present or sent pre-paid, first-class United States Mail, addressed as follows:

If to the Client:	If to the Consultant:
City of Mequon Attn: Kim Tollefson 11333 N Cedarburg Rd. Mequon, WI 53092	EPLEX, LLC Attn: David Adam (DA) Mattox 12605 W North Ave., #189 Brookfield, WI 53005

20. DISPUTE RESOLUTION

In the event a dispute arises out of or related to this Agreement, or the breach thereof, and if said dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute through mediation, before resorting to litigation.

21. GOVERNING LAW

This Agreement shall be construed under and governed by the Laws of the State of Wisconsin and all services to be provided will be provided in accordance with applicable federal, local state, and local municipal law.

22. COUNTERPARTS

This Agreement and any amendments may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. For the purposes of executing this Agreement, scanned signatures shall be as valid as the original.

23. MISCELLANEOUS

This Agreement, along with attached exhibits, constitutes the complete, entire and final agreement of the parties hereto with respect to the subject matter hereof, and shall supersede any and all previous communications, representations, whether oral or written, with respect to the subject matter hereof. This Agreement may only be amended by written instrument signed by both parties. Invalidation of any of the provisions of this Agreement or any paragraph, sentence, clause, phrase, or word herein or in the application thereof in any given circumstance shall not affect the validity of any other provision of this Agreement.

Attachment: EPLEX Plan Review Professional Services Agreement (RESOLUTION 4025 : E Plan Exam)

IN WITNESS HEREOF, the undersigned have caused this Agreement to be executed in their respective names on the dates hereinafter enumerated.

Client:_____	Consultant:_____
Authorized Signature:_____	Authorized Signature:_____
Printed Name:_____	Printed Name:_____
Title:_____	Title:_____
Date:_____	Date:_____

Attachment: EPLEX Plan Review Professional Services Agreement (RESOLUTION 4025 : E Plan Exam)

Exhibit A – Plan Review Services

1. PLAN REVIEW SERVICES

Plan review is limited to Structural, Building, Mechanical, Plumbing, Fire Alarm, and Fire Sprinkler trades/disciplines.

Each discipline will be reviewed by a plan examiner holding certifications as required by the local jurisdiction and/or licensed Architect and/or Professional Engineer holding licensure in the State of Wisconsin.

- ✓ Disciplines are defined as follows:
  - Building (architectural / structural)
  - Mechanical (HVAC)
  - Plumbing
  - Fire (Sprinkler, Fire Alarm, etc.)
- ✓ Post final comprehensive conditional plan approval – required if requested by Jurisdiction of Authority.
  - Delegated Component Submittal(s)
  - Shop Drawings

2. PLAN REVIEW FEE:

- Building, HVAC, Plumbing, Fire Alarm and Fire Sprinkler Plan Review Fees shall be based upon the fee schedule adopted by the Municipality.
- Plan Review Fees will be split with the Client.
  - 90% of plan review fees are retained by Consultant and 10% are retained by Client.
    - Out of Consultant's retained fees, Consultant shall be responsible for fees due to the State of Wisconsin as applicable for plan reviews Consultant perform as specified in Wisconsin Administrative Code.

COMMERCIAL PLAN REVIEW FEE SCHEDULE – BUILDING/HVAC/FIRE ALARM/FIRE SUPPRESSION				
1. New construction, additions, alterations and parking lots fees are computed per this table.				
2. New construction and additions are calculated based on total gross floor area of the structure.				
3. A separate plan review fee is charged for each type of plan review.				
Area (Square Feet)	**Building Plans**	**HVAC Plans**	**Fire Alarm System Plans**	**Fire Suppression System Plans**
Less than 2,500	$250	$150	$30	$30
2,500 - 5,000	$300	$200	$60	$60
5,001 - 10,000	$500	$300	$100	$100
10,001 - 20,000	$700	$400	$150	$150

Attachment: EPLEX Plan Review Professional Services Agreement (RESOLUTION 4025 : E Plan Exam)

20,001 - 30,000	$1,100	$500	$200	$200
30,001 - 40,000	$1,400	$800	$350	$350
40,001 - 50,000	$1,900	$1,100	$500	$500
50,001 - 75,000	$2,600	$1,400	$700	$700
75,001 - 100,000	$3,300	$2,000	$1,000	$1,000
100,001 - 200,000	$5,400	$2,600	$1,200	$1,200
200,001 - 300,000	$9,500	$6,100	$3,000	$3,000
300,001 - 400,000	$14,000	$8,800	$4,400	$4,400
400,001 - 500,000	$16,700	$10,800	$5,600	$5,600
Over 500,000	$18,000	$12,100	$6,400	$6,400
Note:	1. A Plan Entry Fee of $100.00 shall be submitted with each submittal of plans in addition to the plan review and inspection fees.			
	2. At the sole discretion of the Supervisor of Building Inspection and Plans Examiner; Fees may be modified, reduced or waived based on scope of services, project type, or other relevant factors.			
Determination of Area	The area of a floor is the area bounded by the exterior surface of the building walls or the outside face of columns where there is no wall. Area includes all floor levels such as subbasements, basements, ground floors, mezzanines, balconies, lofts, all stories, and all roofed areas including porches and garages, except for cantilevered canopies on the building wall. Use the roof area for free standing canopies.			
Structural Plans and other Component Submittals	When submitted separately from the general building plans, the review fee for structural plans, precast concrete, laminate wood, beams, cladding elements, other facade features or other structural elements, the review fee is $250.00 per plan with an additional $100.00 plan entry fee per each plan set.			
Accessory Buildings	The plan review fee for accessory buildings less than 500 square feet shall be $125.00 with the plan entry fee waived.			
Early Start	The plan review fee for permission to start construction shall be $75.00 for all structures less than 2,500 sf. All other structures shall be $150.00. The square footage shall be computed as the first floor of the building or structure.			
Plan Examination Extensions	The fee for the extension of an approved plan review shall be 50% of the original plan review fee, not to exceed $3,000.00.			
Resubmittals & revisions to approved plans	When deemed by the reviewer to be a minor revision from previously reviewed and/or approved plans, the review fee shall be $75.00. Any significant changes or alterations beyond minor amendments as determined by the Plans Examiner and Building Inspection Department may result in additional charges as appropriate.			

Attachment: EPLEX Plan Review Professional Services Agreement (RESOLUTION 4025 : E Plan Exam)

Submittal of plans after construction	Where plans are submitted after construction, the standard late submittal fee of $250.00 will be assessed per each review type that occurred after construction. This is in addition to any other plan entry fees, structural components and base fees applied to a project.
Expedited Priority Plan Review	The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time when the plan is considered ready for review, shall be 200% of the fees specified in these provisions.

COMMERCIAL PLAN REVIEW FEE SCHEDULE – PLUMBING

1. New construction, alterations and remodeling fees are computed per the following table
2. New construction fee is calculated based on square footage of the area constructed.
3. Alterations and remodeling fee is based on the number of plumbing fixtures.

Area (Square Feet) (New Construction & Additions)	**Plumbing Plan Review Fee**	**Number of Fixtures (Alteration, Remodeling, and Site Work)**	**Plumbing Plan Review Fee**
Less than 3,000	$300	<15	$200
3,001 - 4,000	$400	16-25	$300
4,001 - 5,000	$550	26-35	$450
5,001 – 6,000	$650	36-50	$550
6,001 – 7,500	$700	51-75	$800
7,501 – 10,000	$850	76-100	$900
10,001 – 15,000	$900	101-125	$1,050
15,001 – 20,000	$950	126-150	$1,150
20,001 – 30,000	$1,100	>151	$1,150
30,001 – 40,000	$1,250	Plus $160 for each additional 25 fixtures (rounded up) beyond 150 Fixtures	
40,001 – 50,000	$1,550		
50,001 – 75,000	$2,100		
Over 75,000	$2,500		
Plus $0.0072 per each additional sq. ft. over 75,000 sq. ft.			

Note:	1. A Plan Entry Fee of $100.00 shall be submitted with each submittal of plans in addition to the plan review and inspection fees.
	2. At the Sole discretion of the Supervisor of Building Inspection and Plans Examiner; Fees may be modified, reduced or waived based on scope of services, project type, or other relevant factors.

Attachment: EPLEX Plan Review Professional Services Agreement (RESOLUTION 4025 : E Plan Exam)

Determination of Area	The area of a floor is the area bounded by the exterior surface of the building walls or the outside face of columns where there is no wall. Area includes all floor levels such as subbasements, basements, ground floors, mezzanines, balconies, lofts, all stories, and all roofed areas including porches and garages, except for cantilevered canopies on the building wall. Use the roof area for free standing canopies.
Resubmittals & revisions to approved plans	When deemed by the reviewer to be a minor revision from previously reviewed and/or approved plans, the review fee shall be $75.00. Any significant changes or alterations beyond minor amendments as determined by the Plans Examiner and Building Inspection Department may result in additional charges as appropriate.
Submittal of plans after construction	Where plans are submitted after construction, the standard late submittal fee of $250.00 will be assessed per each review type that occurred after construction. This is in addition to any other plan entry fees and base fees applied to a project.
Expedited Priority Plan Review	The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time when the plan is considered ready for review, shall be 200% of the fees specified in these provisions.

3. Supplemental Services as required by municipality:
   - Hourly rate for services beyond what is specified in this Agreement shall be rendered at $200.00 per hour. This shall only be assessed when prior written consent is provided by the Client to the Consultant and agreed to by the Consultant in writing.
     - This hourly rate is not intended for plan review services, but rather for incidental supplemental "on call" professional engineering services as required beyond the scope as outlined in services defined throughout the balance of Exhibit A.
     - If transit or other expenses are required as part of this service, time for travel and expenses shall be itemized and limits agreed upon prior to being incurred.

4. PLAN REVIEW FEE – includes the following services:
   - ✓ One optional remote code consultation meeting after conclusion of the first review
   - ✓ Consultation via phone during duration of project regarding reviews performed.
   - ✓ Three (3) reviews of all disciplines to verify that all comments have been addressed.
     - Subsequent reviews may result in resubmittal plan examination fees to be assessed.
   - ✓ Changes to plans after conditional approval is granted may result in resubmittal plan examination fees to be assessed.
   - ✓ Free code consultation with all inspectors/City staff, both employed directly and under contract, serving the City of Mequon for entirety of duration of any project reviewed by E-Plan Exam, regardless of any contract in place with that entity and the City of Mequon. This free consultation period shall extend prior to any formal submission of any plan documents to the conclusion of any project reviewed or termination of this agreement (whichever occurs first).

Attachment: EPLEX Plan Review Professional Services Agreement (RESOLUTION 4025 : E Plan Exam)

5. TIME OF PERFORMANCE
   - ✓ Plan review turnaround time shall be fifteen (15) business days after full receipt by Consultant of all required documents as required by the Department of Safety and professional services as well as the City of Mequon Municipal Code.
     - Plan Review turnaround time is defined as time frame from date of full receipt of plans to conclusion of plan review. Conclusion of plan review date will be determined by date that plans are listed as one of the following as dictated by best practices with the State of Wisconsin Department of Safety and Professional Services such as:
       - Conditionally Approved
       - Hold – Request for Additional Information
       - Denied / Void / Abandoned

6. CONSULTANT CONTACT

Consultant will provide qualified professionals to oversee this project. They are available by phone and email using the contact information listed below.

Plan Review Management Contact
David Adam Mattox, P.E.
414-736-4721
damattox@eplanexam.com

Plan Review Management Contact
John Cunningham
414-336-4470
Johncunningham@eplanexam.com

Attachment: EPLEX Plan Review Professional Services Agreement (RESOLUTION 4025 : E Plan Exam)

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: **Kim Tollefson, Director of Community Development**
DATE: **March 14, 2023**
SUBJECT: **RESOLUTION 4034 A Resolution Approving Amendments to the City of Mequon Fee Schedule for Fiscal Year 2023, Related to State of Wisconsin Commercial Plan Review Fees**

Background

The proposed amendment to the City's current fee schedule includes the fee schedule associated with the requirement for certain commercial plan reviews to be conducted by E-Plan Exam in lieu of plan reviews conducted by the State of Wisconsin Department of Safety and Professional Services.

Analysis

E-Plan Exam offers City of Mequon customers the alternative option for a State of Wisconsin Commercial Plan Review. E-Plan Exam can provide the same service and plan review approval in a quicker timeframe than the State. E-Plan Exam charges the same State Plan Review fees and that schedule is adopted within the proposed contract between the City of Mequon and E-Plan Exam. Therefore, the State of Wisconsin Plan Review Fee Schedule requires adoption by the City of Mequon. Please see the attached document including only those fees that are proposed for modification.

The use of E-Plan Exam in lieu of the state review is completely voluntary.

Fiscal Impact

The State of Wisconsin Commercial Plan Review Fees are adopted in accordance with the state. The City, through the contract with E-Plan Exam, will receive 10% of the commercial plan review charges in accordance with the State of Wisconsin Plan Review Fee schedule.

Recommendation

A recommendation is forthcoming from the Finance-Personnel Committee on March 14, 2023.

Attachments:
State of Wisconsin Commercial Plan Review Fee Schedule (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4034

A Resolution Approving Amendments to the City of Mequon Fee Schedule for Fiscal Year 2023, Related to State of Wisconsin Commercial Plan Review Fees

RECITALS

A. The City established a fee schedule to memorialize the fees across various City services.

B. City staff identified an alternative option for State of Wisconsin Commercial Plan Review through a contract with E-Plan Exam.

C. The proposed amendment includes the adoption of the State of Wisconsin's Commercial Plan Review Fee Schedule to memorialize the fee schedule utilized by E-Plan Exam as referenced in the contract agreement between the City of Mequon and E-Plan Exam.

D. City staff has reviewed the schedule and recommends the attached amendment to the fee schedule for implementation on March 15, 2023.

E. The Finance & Personnel Committee has reviewed the attached fee schedule and has recommended its adoption to the Common Council.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED, by the Common Council of the City of Mequon, Wisconsin, that the attached amendment to fees within the City's Annual Fee Schedule are approved and authorized for implementation, subject to final review and approval by the City Attorney.

_____
Approved by: Andrew Nerbun, Mayor

Date Approved: March 14, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

_____
Caroline Fochs, City Clerk

STATE OF WISCONSIN COMMERCIAL PLAN REVIEW FEE SCHEDULE – BUILDING/HVAC/FIRE ALARM/FIRE SUPPRESSIO				
1. New construction, additions, alterations and parking lots fees are computed per this table.				
2. New construction and additions are calculated based on total gross floor area of the structure.				
3. A separate plan review fee is charged for each type of plan review.				
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30,001 - 40,000	$1,400	$800	$350	$350
40,001 - 50,000	$1,900	$1,100	$500	$500
50,001 - 75,000	$2,600	$1,400	$700	$700
75,001 - 100,000	$3,300	$2,000	$1,000	$1,000
100,001 - 200,000	$5,400	$2,600	$1,200	$1,200
200,001 - 300,000	$9,500	$6,100	$3,000	$3,000
300,001 - 400,000	$14,000	$8,800	$4,400	$4,400
400,001 - 500,000	$16,700	$10,800	$5,600	$5,600
Over 500,000	$18,000	$12,100	$6,400	$6,400

Note:	1. A Plan Entry Fee of $100.00 shall be submitted with each submittal of plans in addition to the plan review and inspection fees.
	2. At the sole discretion of the Supervisor of Building Inspection and Plans Examiner; Fees may be modified, reduced or waived based on scope of services, project type, or other relevant factors.
Determination of Area	The area of a floor is the area bounded by the exterior surface of the building walls or the outside face of columns where there is no wall. Area includes all floor levels such as subbasements, basements, ground floors, mezzanines, balconies, lofts, all stories, and all roofed areas including porches and garages, except for cantilevered canopies on the building wall. Use the roof area for free standing canopies.
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Submittal of plans after construction	Where plans are submitted after construction, the standard late submittal fee of $250.00 will be assessed per each review type that occurred after construction. This is in addition to any other plan entry fees, structural components and base fees applied to a project.
Expedited Priority Plan Review	The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time when the plan is considered ready for review, shall be 200% of the fees specified in these provisions.

Attachment: State of Wisconsin Commercial Plan Review Fee Schedule (RESOLUTION 4034 : City Fee Schedule State Commercial Plan Review)

STATE OF WISCONSIN **COMMERCIAL PLAN REVIEW FEE SCHEDULE – PLUMBING**				
1. New construction, alterations and remodeling fees are computed per the following table				
2. New construction fee is calculated based on square footage of the area constructed.				
3. Alterations and remodeling fee is based on the number of plumbing fixtures.				
Area (Square Feet) (New Construction & Additions)	**Plumbing Plan Review Fee**		**Number of Fixtures (Alteration, Remodeling, and Site Work)**	**Plumbing Plan Review Fee**
Less than 3,000	$300		<15	$200
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4,001 - 5,000	$550		26-35	$450
5,001 – 6,000	$650		36-50	$550
6,001 – 7,500	$700		51-75	$800
7,501 – 10,000	$850		76-100	$900
10,001 – 15,000	$900		101-125	$1,050
15,001 – 20,000	$950		126-150	$1,150
20,001 – 30,000	$1,100		>151	$1,150
30,001 – 40,000	$1,250		Plus $160 for each additional 25 fixtures (rounded up) beyond 150 Fixtures	
40,001 – 50,000	$1,550			
50,001 – 75,000	$2,100			
Over 75,000	$2,500			
Plus $0.0072 per each additional sq. ft. over 75,000 sq. ft.				
Note:	1. A Plan Entry Fee of $100.00 shall be submitted with each submittal of plans in addition to the plan review and inspection fees.			
	2. At the Sole discretion of the Supervisor of Building Inspection and Plans Examiner; Fees may be modified, reduced or waived based on scope of services, project type, or other relevant factors.			
Determination of Area	The area of a floor is the area bounded by the exterior surface of the building walls or the outside face of columns where there is no wall. Area includes all floor levels such as subbasements, basements, ground floors, mezzanines, balconies, lofts, all stories, and all roofed areas including porches and garages, except for cantilevered canopies on the building wall. Use the roof area for free standing canopies.			
Resubmittals & revisions to approved plans	When deemed by the reviewer to be a minor revision from previously reviewed and/or approved plans, the review fee shall be $75.00. Any significant changes or alterations beyond minor amendments as determined by the Plans Examiner and Building Inspection Department may result in additional charges as appropriate.			
Submittal of plans after construction	Where plans are submitted after construction, the standard late submittal fee of $250.00 will be assessed per each review type that occurred after construction. This is in addition to any other plan entry fees and base fees applied to a project.			
Expedited Priority Plan Review	The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time when the plan is considered ready for review, shall be 200% of the fees specified in these provisions.			

Attachment: State of Wisconsin Commercial Plan Review Fee Schedule (RESOLUTION 4034 : City Fee Schedule State Commercial Plan Review)

11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2934
Fax: 262-242-9655
www.ci.mequon.wi.us **Office of Engineering**

TO: **Common Council**
FROM: **Kristen Lundeen, Director of Public Works/City Engineer**
DATE: **March 14, 2023**
SUBJECT: **RESOLUTION 4026 A Resolution Approving State/Municipal Agreement(s) for a State-Let Highway Project with the Wisconsin Department of Transportation for Sidewalk Installation on Mequon Road West of Wauwatosa Road to Swan Road and/or for Sidewalk Replacement from Wauwatosa Road East to Buntrock Avenue**

Background

At the September 2022 Committee of the Whole (COTW) meeting, the COTW voted in favor of the Wisconsin Department of Transportation (WisDOT) installing sidewalk on the north side of Mequon Road between Swan Road and Wauwatosa Road, based upon a 90% (City) / 10% (WisDOT) cost share. Staff indicated that WisDOT would memorialize the cost and terms in State/Municipal Agreements (SMAs). This agenda item contemplates execution of the State/Municipal Maintenance Agreement (SMMA) and State/Municipal Financial Agreement (SMFA) for the sidewalk.

Attached to this memo and resolution are two SMFAs and one SMMA. Per City staff's request, WisDOT provided two SMFAs which reflect sidewalk installation options. The documents and their intent are as follows:

- Exhibit A: SMFA for the new sidewalk installation on the north side of Mequon Road (shaded green in Exhibit D).
  This sidewalk would be installed at 90% (City) / 10% (WisDOT) cost; the City's obligation is estimated to be $179,600, billed at actual cost.
- Exhibit B: SMFA for sidewalk replacement between Wauwatosa Road and Buntrock Avenue.
  This existing sidewalk requires maintenance and/or reconstruction in the coming years. As the WisDOT project is tentatively scheduled for 2025, City staff evaluated the sidewalk and requested pricing on both primary sidewalk replacement (shaded orange in Exhibit D) and which is estimated at $297,995 billed at actual cost and on secondary sidewalk replacement (shaded blue in Exhibit D) which is estimated to be $102,505 billed at actual cost, for a total potential replacement cost of $405,000. These sidewalk replacement projects would be completed at 100% of the City's cost.
- Exhibit C: SMMA for any portion of the approved sidewalks.

In addition to the agreements, WisDOT also provided the following documents:

- Exhibit D: WisDOT memo summarizing the data and costs for each of the sidewalk options.
  Per WisDOT staff: The memo outlines bid items only and did not include delivery. The SMFA includes the delivery amounts that would be the City's responsibility, so the SMFA dollars are higher than the memo.
- Exhibit E: WisDOT display map showing the sidewalk sections associated with each cost breakdown
  The green line represents a new sidewalk proposed for installation, the orange line represents the primary locations for sidewalk replacement and the blue line represents secondary locations for sidewalk replacement.

Analysis

State/Municipal Financial Agreement (SMFA)

As referenced, the COTW previously approved the conceptual installation of sidewalk on the north side of Mequon Road between Swan Road and Wauwatosa Road. As WisDOT transitions from 60% plans to 90% plans, they are requesting a commitment from the City for the financial responsibility of the 90% City cost share ($179,600).

Initially installed through a WisDOT project in 1990, the sidewalk on both sides of Mequon Road between Wauwatosa Road and Buntrock Avenue will require replacement. The primary designation refers to the sidewalk in the worst condition, as assessed by Department of Public Works staff. The secondary designation is sidewalk that is in slightly better condition, but that could benefit from replacement if cost efficient. Even if the City opts not to financially commit to the replacement as a part of this WisDOT project, it is still obligated to replace the sidewalk. There is the potential that sidewalk shaving, and limited patching could extend the timeframe for replacement beyond the 2025 schedule. At the time of replacement, the City would be responsible for bidding and replacing the sidewalk absent WisDOT participation. Please note that staff reviewed the unit pricing, which is consistent with recently bid projects.

State/Municipal Maintenance Agreement (SMMA) Sidewalk

The SMMA for the sidewalk installed as a part of the project obligates the City of Mequon to maintain the sidewalk installed as a part of the project. WisDOT does not maintain sidewalks and assigns maintenance responsibility to the local jurisdiction.

Under the SMMA, the City of Mequon would accept responsibility for snow removal and maintenance, up to and including replacement when required. While the sidewalk provides pedestrian and bicycle connectivity, it will impact snow removal operations for the City. Snow removal will impact the City's response time to meet current equipment, personnel and operational capabilities, or require increasing equipment and/or personnel to meet the needs of the additional infrastructure.

In addition, the City will accept responsibility for maintenance and repair of the sidewalk. The City's operation and maintenance budgets include limited funding for sidewalk shaving (the process of grinding down the trip hazards typically created by the freeze/thaw cycle), mud jacking (the process of lifting sections of sidewalk that have settled) and replacement. The addition of the sidewalk will require adequate funding to maintain it in the long term.

Alternatively, if the City decides not to enter into the SMFA with WisDOT, the sidewalk would be removed from the project and not installed as a result and no SMMA would be required.

Fiscal Impact

The SMFAs have the following fiscal impacts:

- Exhibit A: New sidewalk (as previously approved): $179,600
- Exhibit B: Primary sidewalk replacement: $297,995; and/or secondary sidewalk replacement: $102,505

If the City decides to complete both the sidewalk installation and replacement, the total fiscal impact is $579,600.

The new sidewalk is proposed with a 90% (City) / 10% (WisDOT) cost share due to the warrants for pedestrian and bicycle facilities within the corridor. Sidewalk replacement is the fiscal responsibility of the local jurisdiction; therefore, it requires that the City pay 100% of the costs.

Any financial commitment would be funded through the City's right-of-way asset management capital account.

As indicated, the SMMA for sidewalks will increase operation and maintenance costs for the Department of Public Works. The level of service will be adjusted to meet current financial constraints, or additional funding will be required to cover the additional demand for equipment and personnel as a result of the sidewalk installation.

Recommendation

As written, the resolution authorizes execution of the expenditures included within the SMFA in Exhibit B, which includes both sidewalk installation on the north side of Mequon Road between Swan Road and Wauwatosa Road and replacement of both the primary and secondary sidewalk sections. If the Common Council determines that it will commit to both sidewalk installation and replacement, it should vote to approve the resolution.

If the Common Council determines that it will not financially contribute to the sidewalk on the project, it should vote to deny the resolution.

Alternatively, the Common Council may also consider amending the resolution for any of the following:

- To eliminate the new sidewalk installation, it should amend the resolution to strike Recital B.
- To eliminate the primary sidewalk replacement, it should amend the resolution to strike Recital C.
- To eliminate the secondary sidewalk replacement, it should amend the resolution to strike Recital D.

If the Common Council votes to amend the resolution to strike both Recitals C and D to eliminate sidewalk replacement for the project, the authorized SMFA will be that as included in Exhibit A.

A recommendation is forthcoming from the Public Works Committee on March 14, 2023.

Attachments:
Exhibit A: SMFA - New Sidewalk (PDF)
Exhibit B: SMFA New and Replacement Sidewalk (PDF)
Exhibit C: SMMA (PDF)
Exhibit D: WisDOT Memo (PDF)
Exhibit E: WisDOT Display Map (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4026

A Resolution Approving State/Municipal Agreement(s) for a State-Let Highway Project with the Wisconsin Department of Transportation for Sidewalk Installation on Mequon Road West of Wauwatosa Road to Swan Road and/or for Sidewalk Replacement from Wauwatosa Road East to Buntrock Avenue

RECITALS

A. The Wisconsin Department of Transportation (WisDOT) is planning to rehabilitate Mequon Road from the county line at Wasaukee Road to Buntrock Avenue.

B. WisDOT will include the installation of new sidewalk on the north side of Mequon Road from Swan Road to Wauwatosa Road at an estimated financial obligation of $179,600.

C. WisDOT will include the replacement of primary sidewalk on both sides of Mequon Road from Wauwatosa Road to Buntrock Avenue at an estimated financial obligation of $297,995.

D. WisDOT will include the replacement of secondary sidewalk on both sides of Mequon Road from Wauwatosa Road to Buntrock Avenue at an estimated financial obligation of $102,505.

E. All approved expenditures will be funded by the City's Right-of-Way Asset Management Capital Account.

F. WisDOT is requesting approval of an agreement obligating the City to the long-term maintenance of the sidewalk, including snow removal and maintenance and repair of the concrete.

G. The Public Works Committee approved entering into State/Municipal Agreements for sidewalks installed as a part of the project at its meeting on March 14, 2023.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Mequon Municipal Water Utility Commission and Common Council of the City of Mequon, Wisconsin that:

1. Staff is authorized to enter into the attached State/Municipal Maintenance Agreement for sidewalk maintenance subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

2. Staff is authorized to enter into the attached State/Municipal Funding Agreement(s) for sidewalk, subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

3. The Director of Public Works/City Engineer, Mayor and the City Clerk are authorized and directed to execute and deliver the same.

_____

Approved by: Andrew Nerbun, Mayor

Date Approved: March 14, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

_____

Caroline Fochs, City Clerk

STATE/MUNICIPAL FINANCIAL AGREEMENT FOR A STATE- LET HIGHWAY PROJECT	Date: February 13, 2023 I.D.:1380-02-00/21/70 Road Name: STH 167 Title: MEQUON ROAD, CITY OF MEQUON Limits: WASHINGTON CO LINE TO BUNTROCK AVE County: Ozaukee Roadway Length: 3.74 miles

The signatory **City of Mequon**, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and affect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

Existing Facility - Describe and give reason for request: Improvement

Proposed Improvement - Nature of work: As determined by project scoping.

Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality: A nominal amount is included to cover items in paragraph 4 (to be adjusted in the final plan). Items to be 100% locally funded could include, but may not be limited to, adjustment of water service boxes, gate valves, and manholes; adjustment of sanitary sewer manholes, placing of new sanitary manhole seals and covers, decorative elements.

TABLE 1: SUMMARY OF COSTS

Phase		Total Est. Cost	Federal/State Funds	%	Municipal Funds	% *
Preliminary Engineering:						
Plan Development		$ 760,000	$ 760,000	100%	$ -	0%
Real Estate Acquisition:						
Acquisition		$ 45,000	$ 45,000	100%	$ -	0%
Compensable Utilities		$ -	$ -	0%	$ -	100%
[1]Construction:						
Participating		$ 3,556,000	$ 3,556,000	100%	$ -	0%
new sidewalk		$ 194,000	$ 19,400	10%	$ 174,600	90%
Non-Participating		$ 5,000	$ -	0%	$ 5,000	100%
Total Cost Distribution		**$ 4,560,000**	**$ 4,380,400**		**$ 179,600**	

1 Estimates include construction engineering

Attachment: Exhibit A: SMFA - New Sidewalk (RESOLUTION 4026 : Mequon Road Sidewalk SMA)

This request shall constitute agreement between the Municipality and the State; is subject to the terms and conditions that follow (pages [2] – [4]); is made by the undersigned under proper authority to make such request for the designated Municipality, upon signature by the State, upon fully executed signature of applicable State Municipal Maintenance Agreement. and delivery to the Municipality. The initiation and accomplishment of the improvement will be subject to the applicable federal and state regulations. No term or provision of neither the State/Municipal Financial Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Financial Agreement.

Signed for and in behalf of the **City of Mequon** (please sign in blue ink)	
Name (print)	Title
Signature	Date
Signed for and in behalf of the **State** (please sign in blue ink)	
Name **Tony Barth**	Title **WisDOT SERegion Planning Chief**
Signature	Date

TERMS AND CONDITIONS:

1. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement which exceeds federal/state financing commitments or are ineligible for federal/state financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table, which shows Municipal funding participation. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from General Transportation Aids or any moneys otherwise due and payable by the State to the Municipality.

2. Funding of each project phase is subject to inclusion in an approved program and per the State's Facility Development Manual (FDM) standards. Federal aid and/or state transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:

   (a) Design engineering and state review services.

   (b) Real Estate necessitated for the improvement.

   (c) Compensable utility adjustment and railroad force work necessitated for the project.

   (d) The grading, base, pavement, curb and gutter, and structure costs to State standards, excluding the cost of parking areas.

   (e) Storm sewer mains, culverts, laterals, manholes, inlets, catch basins, and connections for surface water drainage of the improvement; including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed.

   (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking, and testing of sanitary sewer and water main.

   (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.

   (h) Replacement of existing sidewalks necessitated by construction and construction of new sidewalk at the

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time of construction. Sidewalk is considered to be new if it's constructed in a location where it has not existed before.

(i) Replacement of existing driveways, in kind, necessitated by the project.

(j) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.

3. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or facility owner includes the following items:

(a) New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.

(b) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.

(c) Roadway and bridge width in excess of standards.

(d) Construction inspection, staking, and material testing and acceptance for construction of sanitary sewer and water main.

(e) Provide complete plans, specifications, and estimates for sanitary sewer and water main work. The Municipality assumes full responsibility for the design, installation, inspection, testing, and operation of the sanitary sewer and water system. This relieves the State and all of its employees from the liability for all suits, actions, or claims resulting from the sanitary sewer and water system construction.

(f) Parking lane costs.

(g) Coordinate, clean up, and fund any hazardous materials encountered for city utility construction. All hazardous material cleanup work shall be performed in accordance to state and federal regulations.

4. As the work progresses, the Municipality will be billed for work completed which is not chargeable to federal/state funds. Upon completion of the project, a final audit will be made to determine the final division of costs.

5. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.

6. The work will be administered by the State and may include items not eligible for federal/state participation.

7. The Municipality shall, in cooperation with the State, assist with public relations for the project and announcements to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.

8. Basis for local participation:

(a) Funding for preliminary engineering 100% State

(b) Funding for real estate required for standard roadway construction, 100% State

(c) Funding for compensable utilities required for standard roadway construction, 100% Municipal.

(d) Funding for construction of standard roadway items – 100% State.

(e) Funding for new sidewalk, 10% State 90% Municipality. The Municipality agrees to maintain the multi-use path.

(f) Funding for non-participating items 100% Municipality.

Attachment: Exhibit A: SMFA - New Sidewalk (RESOLUTION 4026 : Mequon Road Sidewalk SMA)

Comments and Clarification: This agreement is an active agreement that may need to be amended as the project is designed. It is understood that these amendments may be needed as some issues have not been fully evaluated or resolved. The purpose of this agreement is to specify the local and state involvement in funding the project. A signed agreement is required before the State will prepare or participate in the preparation of detailed designs, acquire right-of-way, or participate in construction of a project that merits local involvement.

Attachment: Exhibit A: SMFA - New Sidewalk (RESOLUTION 4026 : Mequon Road Sidewalk SMA)

STATE/MUNICIPAL FINANCIAL AGREEMENT FOR A STATE- LET HIGHWAY PROJECT	Date: February 13, 2023 I.D.:1380-02-00/21/70 Road Name: STH 167 Title: MEQUON ROAD, CITY OF MEQUON Limits: WASHINGTON CO LINE TO BUNTROCK AVE County: Ozaukee Roadway Length: 3.74 miles

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Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality: A nominal amount is included to cover items in paragraph 4 (to be adjusted in the final plan). Items to be 100% locally funded could include, but may not be limited to, replacement sidewalk, adjustment of water service boxes, gate valves, and manholes; adjustment of sanitary sewer manholes, placing of new sanitary manhole seals and covers, decorative elements.

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[1]Construction:						
Participating		$ 3,556,000	$ 3,556,000	100%	$ -	0%
new sidewalk		$ 194,000	$ 19,400	10%	$ 174,600	90%
Non-Participating		$ 405,000	$ -	0%	$ 405,000	100%
Total Cost Distribution		**$ 4,960,000**	**$ 4,380,400**		**$ 579,600**	

1 Estimates include construction engineering

Attachment: Exhibit B: SMFA New and Replacement Sidewalk (RESOLUTION 4026 : Mequon Road Sidewalk SMA)

This request shall constitute agreement between the Municipality and the State; is subject to the terms and conditions that follow (pages [2] – [4]); is made by the undersigned under proper authority to make such request for the designated Municipality, upon signature by the State, upon fully executed signature of applicable State Municipal Maintenance Agreement. and delivery to the Municipality. The initiation and accomplishment of the improvement will be subject to the applicable federal and state regulations. No term or provision of neither the State/Municipal Financial Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Financial Agreement.

Signed for and in behalf of the **City of Mequon** (please sign in blue ink)	
Name (print)	Title
Signature	Date
Signed for and in behalf of the **State** (please sign in blue ink)	
Name **Tony Barth**	Title **WisDOT SERegion Planning Chief**
Signature	Date

TERMS AND CONDITIONS:

1. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement which exceeds federal/state financing commitments or are ineligible for federal/state financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table, which shows Municipal funding participation. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from General Transportation Aids or any moneys otherwise due and payable by the State to the Municipality.

2. Funding of each project phase is subject to inclusion in an approved program and per the State's Facility Development Manual (FDM) standards. Federal aid and/or state transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:

   (a) Design engineering and state review services.

   (b) Real Estate necessitated for the improvement.

   (c) Compensable utility adjustment and railroad force work necessitated for the project.

   (d) The grading, base, pavement, curb and gutter, and structure costs to State standards, excluding the cost of parking areas.

   (e) Storm sewer mains, culverts, laterals, manholes, inlets, catch basins, and connections for surface water drainage of the improvement; including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed.

   (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking, and testing of sanitary sewer and water main.

   (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.

   (h) Replacement of existing sidewalks necessitated by construction and construction of new sidewalk at the

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(j) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.

3. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or facility owner includes the following items:

(a) New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.

(b) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.

(c) Roadway and bridge width in excess of standards.

(d) Construction inspection, staking, and material testing and acceptance for construction of sanitary sewer and water main.

(e) Provide complete plans, specifications, and estimates for sanitary sewer and water main work. The Municipality assumes full responsibility for the design, installation, inspection, testing, and operation of the sanitary sewer and water system. This relieves the State and all of its employees from the liability for all suits, actions, or claims resulting from the sanitary sewer and water system construction.

(f) Parking lane costs.

(g) Coordinate, clean up, and fund any hazardous materials encountered for city utility construction. All hazardous material cleanup work shall be performed in accordance to state and federal regulations.

4. As the work progresses, the Municipality will be billed for work completed which is not chargeable to federal/state funds. Upon completion of the project, a final audit will be made to determine the final division of costs.

5. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.

6. The work will be administered by the State and may include items not eligible for federal/state participation.

7. The Municipality shall, in cooperation with the State, assist with public relations for the project and announcements to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.

8. Basis for local participation:

(a) Funding for preliminary engineering 100% State

(b) Funding for real estate required for standard roadway construction, 100% State

(c) Funding for compensable utilities required for standard roadway construction, 100% Municipal.

(d) Funding for construction of standard roadway items – 100% State.

(e) Funding for new sidewalk, 10% State 90% Municipality. The Municipality agrees to maintain the multi-use path.

(f) Funding for non-participating items including replacement sidewalk 100% Municipality.

Attachment: Exhibit B: SMFA New and Replacement Sidewalk (RESOLUTION 4026 : Mequon Road Sidewalk SMA)

Comments and Clarification: This agreement is an active agreement that may need to be amended as the project is designed. It is understood that these amendments may be needed as some issues have not been fully evaluated or resolved. The purpose of this agreement is to specify the local and state involvement in funding the project. A signed agreement is required before the State will prepare or participate in the preparation of detailed designs, acquire right-of-way, or participate in construction of a project that merits local involvement.

Attachment: Exhibit B: SMFA New and Replacement Sidewalk (RESOLUTION 4026 : Mequon Road Sidewalk SMA)

	STATE/MUNICIPAL **MAINTENANCE** **AGREEMENT**	Date: February 13, 2023 ID: 1380-02-70 Road Name: STH 167 (Mequon Rd) Limits: Washington County Line to Buntrock Avenue County: Ozaukee

The signatory **City of Mequon**, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and affect this agreement to include the associated maintenance responsibilities hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 84.07(1) of the Statutes. Wisconsin statutes, Wisconsin Administrative Code, and State policy serve as the defining documents for State Highway maintenance responsibilities.

DESCRIPTION OF FACILITY:

Facility description upon completion of State project – As determined by project ID 1380-20-70

This request shall constitute agreement between the Municipality and the State; is subject to the terms and conditions that follow (pages 2 – 3); is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State, delivery to the Municipality and upon fully executed signature of associated, applicable State Municipal Financial Agreement for project 1380-02-70. The initiation and signature of the agreement will be subject to all the applicable federal and state regulations. No term or provision of neither the State/Municipal Maintenance Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Maintenance Agreement.

Signed for and in behalf of the **City of Mequon** (Please sign in blue ink)	
Name (print)	Title
Signature	Date
Signed for and in behalf of the **State** (Please sign in blue ink)	
Name Brian Roper	Title **WisDOT SE Region Maintenance Chief**
Signature	Date

TERMS AND CONDITIONS:

Attachment: Exhibit C: SMMA (RESOLUTION 4026 : Mequon Road Sidewalk SMA)

1. In order to guarantee the Municipality's foregoing agreements to maintain the facility to State standards, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold General Transportation Aids or monies otherwise due and payable by the State to the municipality, as determined by the State, for any maintenance the State must perform to the facility should the Municipality fail to comply with the agreement.

2. The State will not install any additional items, not necessitated for the safe and efficient flow of traffic, to a state highway facility without the Municipality agreeing to maintain those items. The State is responsible for maintaining the through travel way of any given highway facility under the State's jurisdiction including:

   (a) The energy, operation, repair and replacement of traffic signals and associated street lighting required for the signalized intersections within the limits of this agreement for:

      1. Signalized intersections: STH 167/181, STH 167/Wasaukee Rd and STH 167/Granville

   (b) Signing and pavement marking necessitated for the safe and efficient flow of traffic except those items listed in #3.

   (c) Retaining walls along the State Trunk Highway, R45-042 near station 314+000 LT, wall at 320+00 RT, wall at 328+00 RT, and wall at 363+00 RT.

   (d) Permitting authority of utilities and access control on all State Trunk, US and Interstate Highways.

3. The Municipality shall at its own cost and expense maintain all portions within the specified limits of this agreement that lie within its jurisdiction for such maintenance through statutory requirements in a manner satisfactory to the State and shall make ample provision for such maintenance each year to include:

   (a) Maintain all items outside, and under, the travel way to include, but not limited to, parking lanes, curb and gutter, drainage facilities, sidewalks, multi-use paths, pedestrian refuge islands and landscaping features.

   (b) Remove snow and ice from sidewalks, multi-use paths, and pedestrian refuge islands, refer to attachment A.

   (c) Implement a street sweeping program to help prevent the accumulation of dirt, sand, leaves, paper, or other clogging debris.

   (d) Maintain the storm sewer system to provide a free flow condition throughout the life of the facility including, but not limited to, annual inspection of inlets, catch basins, manholes, pipe; annual cleaning and removal of blockages, replace broken or malfunctioning castings, grates, grit covers, risers, covers and frames; repair top slabs along with bottom and walls of basins. Routine mortar repairs such as tuck pointing and plastering to the inlets, catch basins, and manholes

   (e) Maintain and accept responsibility for the energy, operation, maintenance, repair, and replacement of the street lighting system.

      i. The Municipality shall obtain a permit from the State.

      ii. The Municipality shall accept responsibility for locating utilities for Digger's Hotline.

      iii. If at any time the Municipality should choose to turn off or remove street lighting, in part or in whole, funded with federal/state dollars, the State will determine potential conflicts and approve/disapprove such request. If removal is approved by the State, the Municipality will reimburse to the State an amount determined by Federal and State coordination.

   (f) Maintain clear right-of-way of all encroachments.

   (g) Maintain crosswalk pavement markings at unsignalized intersections and mid-block crossings in accordance with the signing and marking agreement if completed as part of this project.

   (h) Maintain signs and pavement markings not necessary for the safe and efficient movement of traffic (no parking signs, wayfinding signs, etc.) in accordance with the signing and marking agreement if

Attachment: Exhibit C: SMMA (RESOLUTION 4026 : Mequon Road Sidewalk SMA)

completed as part of this project.

(i) Maintain and accept responsibility for the following as applicable to this agreement:

1. Curb & gutter: surface repair
2. Grass: mowing, repair tire ruts in turf, weed control, litter removal.
3. Landscaping: removal and replacement of dead plant material, pruning, watering.
4. Other, Utilities: Water and Sanitary.

4. The Municipality, within the specified limits, agrees to:

(a) Prohibit angle parking.

(b) Regulate parking along the highway. The Municipality will file a parking declaration with the State.

1. Regulate or prohibit all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.

5. The Municipality will coordinate with the State to obtain any necessary Work on Right-of-Way Permits for maintenance performed on or within the state highway facility or state right-of-way.

6. This agreement does not remove the current municipal maintenance responsibility.

7. The State or Municipality may request an amendment to this agreement to include specific features later requested by the Municipality throughout the design process.

8. Upon completion of construction project, 1380-02-70, the Municipality will assume all afore mentioned maintenance responsibilities.

Attachment: Exhibit C: SMMA (RESOLUTION 4026 : Mequon Road Sidewalk SMA)

kapur

7711 N. Port Washington Road
Milwaukee, WI 53217
T: 414.751.7200 • F: 414.351.4117

memo

Date: 1/27/2023

To: Gary Metzer, P.E., WisDOT

CC: Files

From: Paul Stankevich, P.E., Kapur & Associates, Inc

Re: 1380-02-00, STH 167, Ozaukee County – Summary of City of Mequon Sidewalk Costs

Hi Gary,

Below please find a summary of the City of Mequon sidewalk segments and associated costs. The colors correspond to the attached display. Cost estimates for each segment are also attached. We have included a summary of 3 options, including the potential that the council does not approve any additional funding for sidewalk replacement.

Green: New sidewalk to be added (previously approved)
Limits:
North side of Mequon Rd., Swan Rd. to Solar Ave.
Estimated cost: $181,300 (90% City/10% WisDOT cost share)
City Portion: $163,170

Orange: Primary sidewalk replacement areas (per staff recommendation)
Limits:
North side of Mequon Rd., Solar Ave. to 6608 W. Mequon Rd.
South side of Mequon Rd., 7625 W. Mequon Rd. to 6613-6619 W. Mequon Rd.
Estimated replacement cost: $278,500 (100% City funded)

Blue: Secondary sidewalk replacement areas (per staff recommendation)
Limits:
South side of Mequon Rd., Lincolnshire Dr. to 7625 W. Mequon Rd.
South side of Mequon Rd., 6613-6619 W. Mequon Rd. to Project Limits (west of Buntrock Ave.)
North side of Mequon Rd., 6608 W. Mequon Rd. to Project Limits (west of Buntrock Ave.)
East side of Wauwatosa Rd., Mequon Rd. to Project Limits (end of concrete pavement)
Estimated replacement cost: $95,800 (100% City funded)

Option 1 – Green **Total City cost: $163,170**
Option 2 – Green + Orange **Total City cost: $441,670**
Option 3 – Green + Orange + Blue **Total City cost: $537,470**

Attachment: Exhibit D: WisDOT Memo (RESOLUTION 4026 : Mequon Road Sidewalk SMA)

STH 167/Mequon Road
City of Mequon Sidewalk Limits

2

GRANVILLE RD

ASPHALT MILL & OVERLAY

C-45-0031 TO REMAIN
REPAIR NW WINGWALL

REPLACE RETAINING WALL

MATCH LINE 328+00

255 260 265 270 275 280 285 290 295 300 305 310

STH 167/MEQUON RD

EXISTING TRAFFIC SIGNALS TO BE REPLACED

C-45-0032 TO REMAIN

REPAIR RETAINING WALL

REPAIR RETAINING WALL

SUTTON RIDGE DR

OZAUKEE COUNTY

N SWAN RD

N BRIGHTON PL

MATCH LINE 252+00

CITY OF MEQUON

N MEADOWBROOK DR

SOLAR AVE

VEGA AVE

ASPHALT MILL & OVERLAY

CONCRETE PAVEMENT
CONTINUOUS DIAMOND
GRINDING

CONCORD CREEK

END PROJECT
STA 401+75.00

RIVER BIRCH RD

MATCH LINE 404+00

365

STH 167/MEQUON RD

REPAIR RETAINING WALL

EXISTING TRAFFIC SIGNALS
TO BE REHABILITATED

N WHILTON RD

LINCOLNSHIRE DR

OZAUKEE COUNTY

STH 181/N WAUWATOSA RD

MEQUON TRAIL

BUNTROCK AVE

MATCH LINE 328+00

Legend

- New/Added Sidewalk (previously approved)
- Primary Sidewalk Replacement Areas (per staff recommendation)
- Secondary Sidewalk Replacement Areas (per staff recommendation)

E

PROJECT NO: 1380-02-70	HWY: STH 167	COUNTY: OZAUKEE

FILE NAME : S:\DOT\DOT_SE\220570 STH 167 NEW SOLICITATION\13800200\SHEETS\020201-PO.DWG
LAYOUT NAME - PO2

PLOT DATE : 12/16/2022 2:06 PM PLOT BY : WALTER A. WOLAK II PLOT NAME : PLOT SCALE : 1 IN:500 FT

Attachment: Exhibit D: WisDOT Memo (RESOLUTION 4026 : Mequon Road Sidewalk SMA)

Washington County Line to Buntrock Avenue
Ozaukee County

Sidewalk Construction Cost Estimate
North Side, Swan Road to Solar Avenue
September 16, 2022

COST OPINION - SIDEWALK STH 167 SWAN RD TO SOLAR AVE					
BID ITEM #	**DESCRIPTION**	**QUANTITY**	**UNIT**	**UNIT PRICE**	**TOTAL**
205.0100	Excavation Common	600	CY	$10.00	$6,004.44
305.0120	Base Aggregate Dense 1 1/4 inch	614	TON	$15.00	$9,206.81
416.0170	Concrete Driveway 7-Inch	190	SY	$65.00	$12,350.00
465.0120	Asphaltic Surface Driveways and Field Entrances	14	TON	$175.00	$2,415.00
602.0410	Concrete Sidewalk 5-Inch	21616	SF	$7.00	$151,312.00
		TOTAL ESTIMATE			**$181,288.26**
		City of Mequon		**90%**	**$163,159.43**
		WisDOT		**10%**	**$18,128.83**

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STH 167 (Mequon Rd.)
Project I.D. 1380-02-70
Washington County Line to Buntrock Avenue
Ozaukee County

Sidewalk Replacement Construction Cost Estimate, Lincolnshire Drive to Buntrock Avenue
December 12, 2022

Primary Areas (Existing sidewalk in poor condition per Tim Weyker)					
BID ITEM #	**DESCRIPTION**	**QUANTITY**	**UNIT**	**UNIT PRICE**	**TOTAL**
204.0155	Removing Concrete Sidewalk	3476	SY	$10.00	$34,761.11
205.0100	Excavation Common	900	CY	$10.00	$9,000.00
305.0120	Base Aggregate Dense 1 1/4 inch	920	TON	$15.00	$13,800.00
416.0170	Concrete Driveway 7-Inch	119	SY	$65.00	$7,763.89
465.0120	Asphaltic Surface Driveways and Field Entrances	10	TON	$175.00	$1,663.67
602.0410	Concrete Sidewalk 5-Inch	30210	SF	$7.00	$211,470.00
		SUBTOTAL - Primary Areas ONLY			**$278,458.67**

Secondary Areas (Existing sidewalk in acceptable condition per Tim Weyker)					
BID ITEM #	**DESCRIPTION**	**QUANTITY**	**UNIT**	**UNIT PRICE**	**TOTAL**
204.0155	Removing Concrete Sidewalk	1171	SY	$ 10.00	$11,711.11
205.0100	Excavation Common	400	CY	$ 10.00	$4,000.00
305.0120	Base Aggregate Dense 1 1/4 inch	330	TON	$ 15.00	$4,950.00
416.0170	Concrete Driveway 7-Inch	113	SY	$ 65.00	$7,330.56
465.0120	Asphaltic Surface Driveways and Field Entrances	6	TON	$ 175.00	$1,091.22
602.0410	Concrete Sidewalk 5-Inch	9525	SF	$ 7.00	$66,675.00
		SUBTOTAL - Secondary Areas ONLY			**$95,757.89**

TOTAL - Primary and Secondary AREAS	**$374,216.56**

Notes:

1. Primary areas include all existing sidewalk along STH 167 from Lincolnshire Dr to Buntrock Ave, excluding areas already identified in WisDOT plans, and excluding areas identified below as "secondary areas."
2. Secondary areas include:
   - South side STH 167 from Lincolnshire Dr to 7625 W Mequon Rd
   - East side STH 181 north of STH 167, within project limits
   - South side STH 167 from 6613-6619 W Mequon Rd to Buntrock Ave
   - North side STH 167 from 6608 W Mequon Rd to Buntrock Ave
3. Sidewalk is assumed to be replaced through driveways.

Attachment: Exhibit D: WisDOT Memo (RESOLUTION 4026 : Mequon Road Sidewalk SMA)

STH 167/Mequon Road
City of Mequon Sidewalk Limits

GRANVILLE RD

ASPHALT MILL & OVERLAY

C-45-0031 TO REMAIN
REPAIR NW WINGWALL

REPLACE RETAINING WALL

MATCH LINE 328+00

255 260 265 270 275 280 285 290 295 300 305 310

STH 167/MEQUON RD

EXISTING TRAFFIC SIGNALS TO BE REPLACED

C-45-0032 TO REMAIN

REPAIR RETAINING WALL

REPAIR RETAINING WALL

MATCH LINE 252+00

SUTTON RIDGE DR

OZAUKEE COUNTY

N SWAN RD

N BRIGHTON PL

CITY OF MEQUON

N MEADOWBROOK DR

SOLAR AVE

VEGA AVE

ASPHALT MILL & OVERLAY

CONCRETE PAVEMENT
CONTINUOUS DIAMOND
GRINDING

CONCORD CREEK

END PROJECT
STA 401+75.00

RIVER BIRCH RD

MATCH LINE 404+00

365

STH 167/MEQUON RD

REPAIR RETAINING WALL

EXISTING TRAFFIC SIGNALS
TO BE REHABILITATED

N WHILTON RD

LINCOLNSHIRE DR

OZAUKEE COUNTY

STH 181/N WAUWATOSA RD

MEQUON TRAIL

BUNTROCK AVE

MATCH LINE 328+00

Legend

- New/Added Sidewalk (previously approved)
- Primary Sidewalk Replacement Areas (per staff recommendation)
- Secondary Sidewalk Replacement Areas (per staff recommendation)

PROJECT NO: 1380-02-70	HWY: STH 167	COUNTY: OZAUKEE

FILE NAME : S:\DOT\DOT_SE\220570 STH 167 NEW SOLICITATION\13800200\SHEETS\020201-PO.DWG
LAYOUT NAME - PO2

PLOT DATE : 12/16/2022 2:06 PM PLOT BY : WALTER A. WOLAK II PLOT NAME : PLOT SCALE : 1 IN:500 FT

Attachment: Exhibit E: WisDOT Display Map (RESOLUTION 4026 : Mequon Road Sidewalk SMA)

11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2913
Fax: 262-242-9655
www.ci.mequon.wi.us **Office of Public Works**

TO: **Common Council**
FROM: **Kristen Lundeen, Director of Public Works/City Engineer**
DATE: **March 14, 2023**
SUBJECT: **RESOLUTION 4027 A Resolution Approving Amendments to the City of Mequon Fee Schedule for Fiscal Year 2023, Related to Athletic Field Fees, Pool Fees and Sewer Utility User Charges**

Background

The proposed amendments to the City's current fee schedule include the addition of options for discount entry at the Mequon Community Pool and an update to the athletic field use fees based upon the 2023 field management contract and the total number of uses during 2022. Those fees, in addition to updating the sanitary user rates per the FY2023 budget, are summarized below and recommended for approval. Please see the attached document including only those fees that are proposed for modification.

Analysis

The proposed fee schedule amendments include fees across a number of Department of Public Works and Utility disciplines, as follows:

Pool

Members of the Public Welfare Committee requested consideration of senior (age 65+) fees at the pool. The attached amendment proposes the introduction of both daily and seasonal pass fees for seniors, in all categories of purchase.

Members also requested inclusion of a daily fee for a nanny pass. In the past, nanny fees were only purchased as an add-on to a seasonal pass. The attachment amendment includes a daily nanny fee.

Super Pass fees, the additional optional add-on for seasonal passes, have not increased since the initial establishment. In the off season of 2022-23, representatives of the Super Pass pools gathered and agreed that the current cost structure is not sustainable. Therefore, the fee amendment as agreed to by the participating pools is included in the fee amendment.

New for 2023, the City of Mequon is offering lifeguard certification. This class and certification were previously provided by the Mequon-Thiensville Recreation Department, but administered by the lead pool manager of the Mequon Community Pool. The Recreation Department has opted not to offer the class in 2023. The City will provide the same course and certification and offer partial reimbursement to lifeguards that work at the Mequon Community Pool. The intent is to incentivize both lifeguard participation, employment at the Mequon Community Pool and provide reassurance that the lead pool manager has assessed the lifeguard prior to employment.

Both the certification fee and reimbursement amount are included in the fee schedule amendment.

In 2022, Staff identified a potential revenue source by allowing for pool rentals outside of public pool hours. The proposed fee covers the cost of the required pool staff and pool operations for a 2-hour rental, and varies by the number of people in attendance, which triggers additional staffing requirements. Due to an increase in lifeguard wages for the 2023 season, the fee amendment is adjusted to cover the staff wages associated with the pool rental.

Parks
In 2022, the Parks Division administered a field management contract on behalf of and at the request of user groups. At the time, City staff indicated that the fee would be updated annually and replace the previous memorandum of understanding utilized for the same. If the user groups determine in the future that they no longer desire City-administered field management services, any such fee(s) will be reduced accordingly.

Fees were included in the 2022 fee schedule that acted as a pass-through for the City, whereby the user groups pay the cost of the field management contract. As established in 2022, the number of uses is based upon the previous year's rentals. The 2023 proposed fee amendment follows that same calculation. Please note that in 2022, the user groups opted out of the field maintenance contract at Lemke Park but requested that it be reintroduced in 2023.

User groups pay these fees at the start of the season with their rental agreements. The final amount(s) due will be adjusted at the end of the season and prorated accordingly. The per use field fee includes both the City of Mequon Park System user fee, and the field management contract fee.

Sewer Utility
Annual adoption of the Sewer Budget includes the following standard language in the resolution, "The Sewer Utility District Commission…reviewed a schedule of sewer user fee rates for YEAR necessary to support the sewer budget and has recommended approval of such." The fee schedule amendment updates the user rates based upon the approved budget for 2023.

Fiscal Impact
Additional, discounted rates at the pool could reduce forecasted revenue, but attendance may increase with this option. Staff continues to evaluate revenue options at the pool, and if the discounted rates result in a significant impact, the fee schedule for 2024 will be updated accordingly.

The Mequon Community Pool is not the largest benefactor of the Super Pass option, but City staff supports offering the option as a service to its residents.

The Parks Fees are net neutral.

Recommendation
A recommendation is forthcoming from the Finance-Personnel Committee on March 14, 2023.

Attachments:
City of Mequon Fee Schedule Amendment - March 2023 (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4027

A Resolution Approving Amendments to the City of Mequon Fee Schedule for Fiscal Year 2023, Related to Athletic Field Fees, Pool Fees and Sewer Utility User Charges

RECITALS

A. The City established a fee schedule to memorialize the fees across various City services.

B. City staff identified a number of fees that require adjustment and the option to include additional opportunities through the establishment of new fees.

C. The proposed amendments include the establishment of fees for senior discounts at the Mequon Community Pool as well as other services at the aquatic facility and adjustment of fees for the field management services at various athletic fields throughout the City of Mequon Park System.

D. City staff has reviewed the schedule and recommends the attached amendments to the fee schedule for implementation on March 15, 2023.

E. The Public Works Committee has reviewed the attached fee schedule and has recommended its adoption to the Common Council.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED, by the Common Council of the City of Mequon, Wisconsin, that the attached amendments to fees within the City's Annual Fee Schedule are approved and authorized for implementation beginning March 15, 2023, until further amended.

_____
Approved by: Andrew Nerbun, Mayor

Date Approved: March 14, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

_____
Caroline Fochs, City Clerk

APPROVED FEE SCHEDULE

(Proposed 3/14/23)

FEE DESCRIPTION		FEE AMOUNT
PARKS		
Athletic Field Use (2 Hours)*		
	River Barn Field 1 Per Use	~~$47.00~~$58.00
	River Barn Field 2 Per Use	~~$43.00~~$64.50
	River Barn Field 3 Per Use	~~$43.00~~$56.00
	Rotary Schmit Per Use	~~$72.00~~$76.00
	Rotary South Per Use	~~$42.00~~$53.50
	Rotary Central Per Use – With Field Maintenance (In Season)	~~$55.00~~$89.00
	Rotary North West	~~$40.00~~$59.00
	Rennicke Per Use	~~$143.00~~$147.50
	Lemke Orange Per Use	~~$10.00~~$55.00
	Lemke Blue Per Use	~~$10.00~~$62.00
***Plus applicable taxes for non-exempt groups**		

Attachment: City of Mequon Fee Schedule Amendment - March 2023 (RESOLUTION 4027 : Fee Schedule Amendment)

FEE DESCRIPTION		FEE AMOUNT
POOL		
Daily Swimming Pool		
	Resident - Senior (65 & Older)	$3.00
	Thiensville - Senior (65 & Older)	$4.00
	Non Resident - Senior (65 & Older)	$6.00
	Nanny	$3.00
Seasonal Swimming Pool		
	Resident - Senior (65 & Older)	$50.00
	Thiensville - Senior (65 & Older)	$55.00
	Non Resident - Senior (65 & Older)	$100.00
Super Pass		
	Resident - Family	~~$30.00~~$40.00
	Resident – Individual	$25.00
	Thiensville - Family	~~$40.00~~$50.00
	Thiensville - Individual	$30.00
	Non Resident - Family	~~$45.00~~$55.00
	Non Resident - Individual	$35.00
Lifeguard Certification		$250.00
Mequon Lifeguard Certification Reimbursement		$125.00

Pool Rental Fee

Number of Attendees	Mequon Resident	Thiensville Resident	Non-Mequon/Thiensville Resident
1-50 attendees (2 hours)	~~$210.00~~$250.00	~~$230.00~~$275.00	~~$310.00~~$300.00
51-99 attendees (2 hours)	~~$260.00~~$300.00	~~$280.00~~$325.00	~~$385.00~~$400.00
100+ attendees (2 hours)	~~$310.00~~$350.00	~~$330.00~~$375.00	~~$460.00~~$500.00

FEE DESCRIPTION	FEE AMOUNT
Sewer Utility	
Residential User Charge (Quarterly)	~~$74.00~~$78.00
Non-Residential User Charge Rate	~~$6.844~~$7.85/1,000gal

Attachment: City of Mequon Fee Schedule Amendment - March 2023 (RESOLUTION 4027 : Fee Schedule Amendment)

11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2934
Fax: 262-242-9655
www.ci.mequon.wi.us **Office of Engineering**

TO: **Common Council**
FROM: **Jeremy Dandy, Engineering Technician**
DATE: **March 14, 2023**
SUBJECT: **RESOLUTION 4028 A Resolution Approving Award of the 2023 Road Improvements Contract to Payne & Dolan, of Jackson, Wisconsin, in the Amount of $1,933,000, and Authorizing Execution of a Memorandum of Understanding with the Village of Thiensville for Reimbursement**

Background

Each year, the Engineering Division rates the surface condition rating of roads, generally in the late fall. These ratings are used over the winter to evaluate which roads will be recommended for inclusion in the annual road program. Typically, contracts are let with a number of projects defined as the total base bid, indicating that they will be completed with the contract award. Staff also includes a number of additive items, that can be awarded in any combination if pricing is favorable and if spring conditions warrant.

At its February meeting, the Public Works Committee authorized staff to advertise the 2023 Road Improvements contract, a part of the Annual Road and Parking Lot Program. Recommended projects for 2023 included the following:

TOTAL BASE BID (estimated $1,310,161)

- River Road (Highland to Freistadt)
- Maryhill Court
- Shoreland Parkway
- Helen Drive, Phillip Drive, Rael Drive
- St James Court
- Grace Court
- Trillium Drive, Trillium Court
- Hunt Club Court

ADDITIVE ITEMS

- Ravine Farm
- Whitetail Woods Pedestrian Path
- Patch Repair
- Concrete Driveway Replacement
- River Road Widening for paved shoulder - Village of Thiensville

Please see the attached location map for roads included in the 2023 Road Improvements contract bid.

Analysis

The City received three bids for the 2023 Road Improvements contract with the low base bid of $1,294,749.58 from Payne & Dolan of Jackson. The low bid is approximately 1% less than staff's estimate. Based on the available funds for the 2023 Road Improvements contract, staff is recommending award of the total base bid and that the following additive items be awarded:

- A1-A8 (Ravine Farm) - Private Water Trust MOU executed on March 6, 2023
- A9-A10 (Whitetail Woods Pedestrian Path)
- A11-A12 (Patch Repairs - Various Locations)
- A13-A19 (Concrete Driveway Replacement) - Resident Election
- A20-A24 (Widening for Paved Shoulders) - Village of Thiensville

The Department of Public works assists in the annual road program by constructing most of the drainage work which is to be completed prior to the contractor beginning work. This is done to allow both City crews and the selected contractor sufficient workspace without impacting each other's work site.

Based on the totals of the base bid and the chosen additive items, Payne & Dolan's bid total is $1,757,645.72. Payne & Dolan has performed acceptable work of this type for the City in the past.

2023 Road Improvements Contract	**Total**
Base Bid	$1,294,749.58
Additive Bid - Ravine Farm	$280,703.34
Additive Bid - Whitetail Woods Pedestrian Path	$9,950.70
Additive Bid - Patch Repairs	$65,180.15
Additive Bid - Concrete Driveway Replacement	$81,360.00
Additive Bid - Widening for Paved Shoulder	$25,701.95
Total	**$1,757,645.72**

Work on this contract can start as soon as the contract is fully executed and has a completion date of September 15, 2023. The bid summary is attached.

Fiscal Impact

On February 8, 2022, the Common Council approved a $5.0 million bond issuance for a 3-year borrowing for the Annual Road and Parking Lot Program between 2022 and 2024. This is the second year of the aforementioned three-year program funded by long term bonding. The current balance of the Right-of-Way Assets account is $3,804,000.

The City of Mequon included the widening for paved shoulder items on behalf of the Village of Thiensville . If the Village decides to approve the addition of the widening for paved shoulder, it will re-imburse the City for the cost listed below. Currently, the City-owned portion of River Road has 5-foot paved shoulders on both sides from Highland Road to Freistadt Road.

The concrete driveway items are the resident's choice. If residents elect to have the City's contractor replace the end of their driveways, the cost will be paid to the City by the resident. If residents elect not to have the contractor replace their concrete, the items will be removed from the contract and the total cost of the project.

As a result of several recent contract awards, the Public Works Committee and Common Council have requested adding a contingency to the award amounts. Therefore, staff is recommending that the resolution approve an amount not-to-exceed $1,933,000 which includes a contingency of 10% for additionally authorized efforts. The contingency provides for additional services that may result from unknown field conditions.

The projected cost of the 2023 Road Program is $2,323,645.00. This contract as well as the other contracts expected to be in the overall program are shown below.

Road Program Recommended Award	**Award Amount (with additives)**	**Award Amount (with contingency)**
GSB-88 Sealer (Estimated)	$220,000	$242,000
Crack Sealing	$265,608	$292,000
Road Improvements	$1,757,645	$1,933,000
Sub-Total:	**$2,243,253**	**$2,467,000**
Less Reimbursement Items		
Concrete Driveway Replacement	$81,360	$81,360
Widening for Paved Shoulder	$25,701	$25,701
Village Portion of River Road	$36,294	$36,294
Total:	**$2,099,898**	**$2,323,645**

The Village of Thiensville is responsible for a portion of River Road in the base bid as well as the additive bid for River Road paved shoulder widening. The Village of Thiensville base bid portion for River Road totals $36,294 and the additive bid for shoulder widening totals $25,701.95. A memorandum of understanding (MOU) is included with this item as an agreement for Thiensville to reimburse the City of Mequon for the actual construction costs.

Recommendation

A recommendation is forthcoming from the Public Works Committee on March 14, 2023.

Attachments:
3098-23 2023 Road Improvements Area Map (PDF)
3098-23 2023 Bid Opening Sheet (PDF)
3098-23 Village of Thiensville MOU (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4028

A Resolution Approving Award of the 2023 Road Improvements Contract to Payne & Dolan, of Jackson, Wisconsin, in the Amount of $1,933,000, and Authorizing Execution of a Memorandum of Understanding with the Village of Thiensville for Reimbursement

RECITALS

A. The City of Mequon Engineering Division has advertised and received bids for the 2023 Road Improvements contract.

B. Staff has reviewed the various bids and contractor qualifications for the contracts.

C. Staff has determined that the bids received are reasonable and that adequate funds are available to accomplish the work, and on that basis has made a recommendation to the Public Works Committee.

D. Adequate funds for this contract are available from the Capital Project Account - 410780-469001-10001 (Right-of-Way Assets).

E. To provide for additional services that may result from the spring thaw or other unforeseen conditions, the contract award amount shall be affirmed with a contingency for a total not-to-exceed cost of $1,933,000.

F. Through a Memorandum of Understanding, the Village of Thiensville agrees to reimburse the City of Mequon for the portions of River Road within the Village of Thiensville including the additive items for paved shoulder widening.

G. The Committee on Public Works at its meeting on March 14, 2023, approved staff's recommendation.

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

1. Staff is authorized to enter into the Memorandum of Understanding with the Village of Thiensville.

2. The 2023 Road Improvements Contract with Payne & Dolan of Jackson, Wisconsin, with a contingency for a total not-to-exceed cost of $1,933,000 in the form attached hereto is approved subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

3. The Mayor and the City Clerk are authorized and directed to execute and deliver the same.

_____
Approved by: Andrew Nerbun, Mayor

Date Approved: March 14, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

_____
Caroline Fochs, City Clerk

2023 Road Improvements

CITY OF MEQUON

2023 ADDITIVE ITEMS

2023 ROAD IMPROVEMENTS

LAKE MICHIGAN

Village of Bayside

Village of Thiensville

City of Cedarburg

VILLAGE OF RIVER HILLS

VILLAGE OF BROWN DEER

CITY OF MILWAUKEE

VILLAGE OF GERMANTOWN

T 9 N R 21 E R 22 E T 10 N

GRAFTON

CEDARBURG

MEQUON

THIENSVILLE

GERMANTOWN

MILWAUKEE

WAUKESHA

OZAUKEE

Attachment: 3098-23 2023 Road Improvements Area Map (RESOLUTION 4028 : 2023 Road Improvements Contract Award and Village of Theinsville MOU)

City of Mequon
11333 N. Cedarburg Road, 60W
Mequon, Wisconsin 53092

CITY OF MEQUON

WISCONSIN

BIDS RECEIVED FOR: 2023 ROAD IMPROVEMENTS FILE #3098-23

BID OPENING: BID OPENING: 3/7/2023 (DATE) 1:00 PM (TIME)

BIDDER	TOTAL BASE BID 1-57	Additive A1 - A8	Additive A9-A10	Additive A11 - A12	Additive A13 - A19	Additive A20 - 24
Payne & Dolan	$1,294,749.58	$280,703.34	$9,950.70	$65,180.15	$81,360.00	$25,701.95
Stark Pavement	$1,409,022.50	$304,217.75	$11,550.00	$60,403.00	$24,116.00	$23,554.75
Wolf Paving	$1,600,571.25	$336,305.00	$16,035.00	$73,140.00	$57,980.00	$36,255.00

Attachment: 3098-23 2023 Bid Opening Sheet (RESOLUTION 4028 : 2023 Road Improvements Contract

Attachment: 3098-23 Village of Thiensville MOU (RESOLUTION 4028 : 2023 Road Improvements Contract Award and Village of Theinsville MOU)

MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF MEQUON AND
THE VILLAGE OF THIENSVILLE

Articles of agreement made and entered into this _____ day of_____, 20_, by and between the Village of Thiensville, hereinafter called the Village, and the City of Mequon, a municipal corporation of Ozaukee County, Wisconsin, hereinafter called the City and collectively called the Parties.

RECITALS

1. The City has plans to re-construct River Road from Highland Road to Freistadt Road.

2. The Village has plans to include a 5-foot paved shoulder between Heidel Road and Freistadt Road based on Bikeway Commission recommendations.

3. Both Parties have a vested interest in the infrastructure investment and proper protection thereof.

NOW, THEREFORE, in consideration of these Recitals, the mutual agreements, benefits, and responsibilities outlined herein, and other good and valuable consideration, receipt, or sufficiency of which is hereby acknowledged, the Parties agree:

1. The City will complete the bidding, contract administration and inspection of the project as a part of its annual road program.

2. Bids for the addition of 5-foot paved shoulders total $27,701.95.

3. The Village shall be responsible for its portion of River Road from Heidel Road to Freistadt Road in addition to the 5-foot paved shoulders.

4. There are sufficient funds in the Village's budget to pay for Village's share of the road contract.

5. Upon approval of this agreement, as indicated by the signatures below, City staff will begin the procurement of bids for the road project. It is the intent of the City to have the annual road program completed before the deadline for the contract.

CITY OF MEQUON

By_____
Andrew Nerbun, Mayor

By_____
Caroline Fochs, City Clerk

VILLAGE OF THIENSVILLE

By_____
Van Mobley, President

By_____
Collen Landish-Hansen, Village Clerk

STATE OF WISCONSIN)
)SS
OZAUKEE COUNTY)

Personally came before me, this _____ day of_____, 20_, the above named John Wirth, Mayor and Caroline Fochs, City Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

_____

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

STATE OF WISCONSIN)
)SS
OZAUKEE COUNTY)

Personally came before me, this_____day of_____, 20_, the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____

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

Approved by: _____
Brian Sajdak, City Attorney

Attachment: 3098-23 Village of Thiensville MOU (RESOLUTION 4028 : 2023 Road Improvements Contract Award and Village of Theinsville MOU)

11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2934
Fax: 262-242-9655
www.ci.mequon.wi.us **Office of Engineering**

TO: **Common Council**
FROM: **Jeremy Dandy, Engineering Technician**
DATE: **March 14, 2023**
SUBJECT: **RESOLUTION 4029 A Resolution Awarding the 2023 Crack Sealing Contract to Fahrner Asphalt Sealers, Waunakee, Wisconsin in an Amount Not-to-Exceed $292,000**

Background

At its February meeting, the Public Works Committee authorized staff to advertise the 2023 Annual Road Program. For the Crack Seal contract base bid, staff advertised 31.8 miles of Crack Sealing at an estimated cost of $301,000.

Please see the attached location map and street list for roads included in the bid.

Analysis

A bid opening was conducted on March 7, 2023, and staff received two bids. The low base bid was $200,028. The low bid is approximately 50% less than the original estimate. Staff also included a list of Additive Items which included approximately 6.7 miles of road that could be considered based on bid prices.

Staff recommends awarding the 31.8 miles of base bid streets along with the 6.7 miles of additive bid streets to Fahrner Asphalt Sealers of Waunakee.

The average, increased cost per mile for the additive items being recommended for award is due to the size of the roads, the amount of crack sealing required, and the increased amount of traffic control needed to complete the work safely.

	Fahrner Asphalt Sealers	**Thunder Road, LLC**
Base Bid	$ 200,028.00	$ 216,630.00
Additive Bid	$ 65,580.00	$ 97,530.00
Total	**$ 265,608.00**	**$ 314,160.00**

As a result of several recent contract awards, the Public Works Committee and Common Council have requested consideration of adding a contingency to the award amounts. Therefore, staff is recommending that the resolution approve an amount not-to-exceed $292,000, which includes a contingency of approximately 10% for additionally authorized efforts. The contingency is intended for additional work that may be needed following this year's spring thaw.

Work on this contract can start as soon as the contract is fully executed. The completion date for

this work is July 28, 2023. The bid opening sheet is attached.

Fiscal Impact

There is adequate funding available in the Annual Road Maintenance account to award this project.

At the February 14 Public Works Committee meeting, staff was authorized to exceed the maintenance amount of $350,000. Based on the list of roads recommended for Crack Seal and GSB-88 maintenance the estimated amount to be utilized from the Right-of-Way Asset Management account is $225,000. Staff's request will occur with the award for GSB-88.

Recommendation

A recommendation is forthcoming from the Public Works Committee on March 14, 2023.

Attachments:
3686-23 Crack Seal Area Map (PDF)
3686-23 2023 Bid Opening Sheet CS (PDF)
3686-23 Crack Seal Street List (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4029

A Resolution Awarding the 2023 Crack Sealing Contract to Fahrner Asphalt Sealers, Waunakee, Wisconsin in an Amount Not-to-Exceed $292,000

RECITALS

A. The City of Mequon Engineering Division has advertised and received bids for the 2023 Crack Sealing contract.

B. Staff has reviewed the various bids and contractor qualifications for the contracts.

C. Staff has determined that the bids received are reasonable and that adequate funds are available to accomplish the work, and on that basis has made a recommendation to the Public Works Committee.

D. Adequate funds for this contract are available from the Capital Project - 0410, Annual Road Maintenance (10003) account.

E. To provide for additional services that may result from the spring thaw, the contract award amount shall be affirmed with a contingency, for a total not-to-exceed cost of $292,000.

F. The Committee on Public Works at its meeting on March 14, 2023, approved staff's recommendation.

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

1. The 2023 Crack Sealing Contract with Fahrner Asphalt Sealers of Waunakee, Wisconsin, is approved subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

2. The Mayor and the City Clerk are authorized and directed to execute and deliver the same.

_____
Approved by: Andrew Nerbun, Mayor

Date Approved: March 14, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

_____

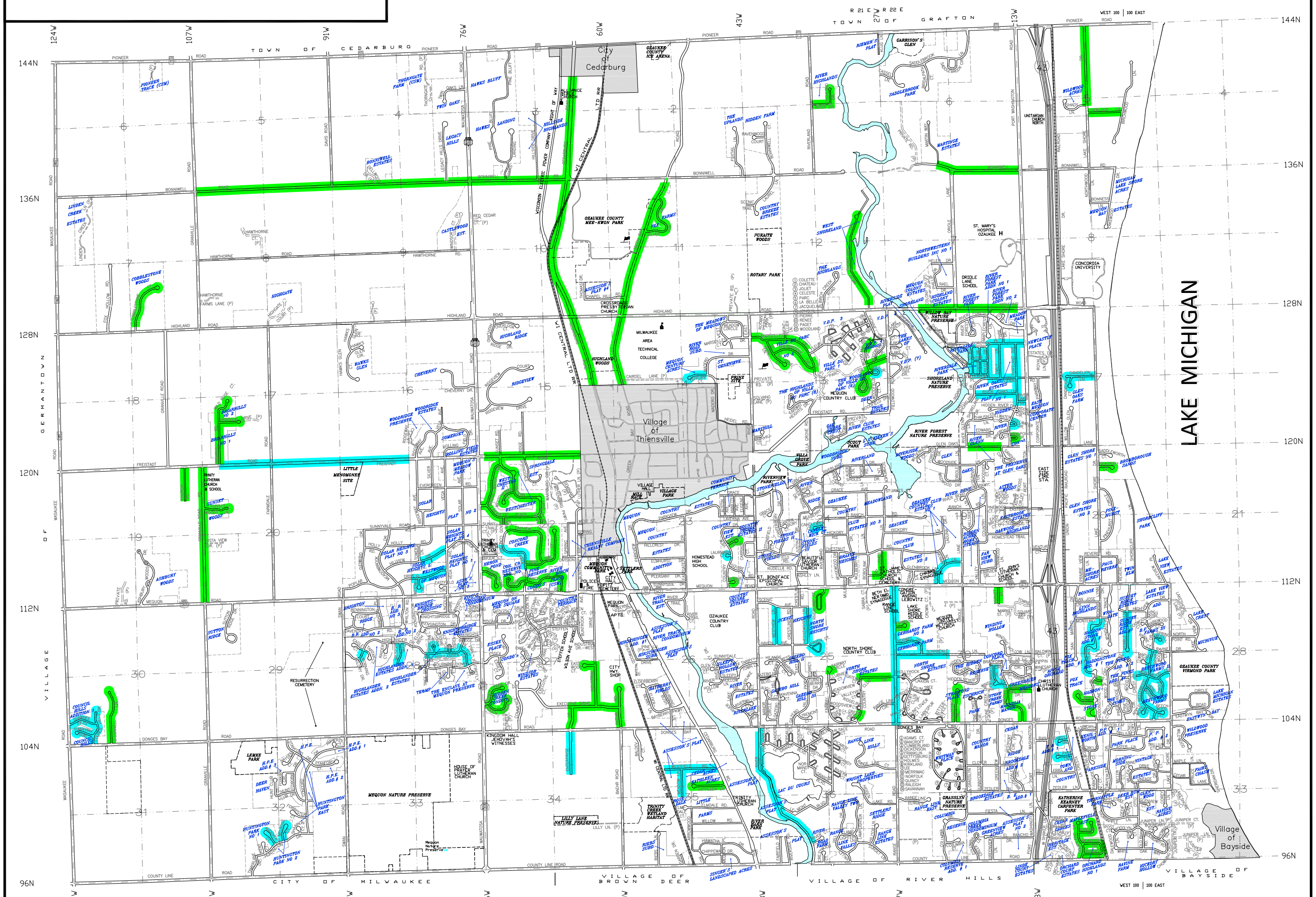
Caroline Fochs, City Clerk

Attachment: 3686-23 Crack Seal Area Map (RESOLUTION 4029 : 2023 Crack Sealing Contract Award)

CITY OF MEQUON

2023 CRACK SEAL

CRACK SEAL ADDITIVE ITEMS


N
S
0 660 1320 2640 5280 Feet
0 1/8 1/4 1/2 1 Mile
R 21 E
R 22 E
TOWN OF GRAFTON
TOWN OF CEDARBURG
WEST 100 | 100 EAST
144N
136N
128N
120N
112N
104N
96N
124W
107W
91W
76W
60W
43W
27W
13W
City of Cedarburg
Village of Thiensville
Village of Bayside
LAKE MICHIGAN
CITY OF MILWAUKEE
VILLAGE OF BROWN DEER
VILLAGE OF RIVER HILLS
VILLAGE OF BAYSIDE
TOWN OF GERMANTOWN
PIONEER ROAD
BONNIWELL ROAD
HAWTHORNE ROAD
HIGHLAND ROAD
DONGES BAY ROAD
COUNTY LINE ROAD
MEQUON NATURE PRESERVE
RIVER FOREST NATURE PRESERVE
SHORELAND NATURE PRESERVE
LILLY LANE NATURE PRESERVE
GRASSLYN NATURE PRESERVE
WILDE BAY NATURE PRESERVE
RESURRECTION CEMETERY
LITTLE MENOMONEE SITE
MEQUON COUNTRY CLUB
NORTH SHORE COUNTRY CLUB
OZAUKEE COUNTRY CLUB
MILWAUKEE AREA TECHNICAL COLLEGE
CONCORDIA UNIVERSITY
ST. MARY'S HOSPITAL OZAUKEE
OZAUKEE COUNTY MEE-KWON PARK
OZAUKEE COUNTY VIRMOND PARK
OZAUKEE COUNTY ICE ARENA
KATHERINE KEARNEY CARPENTER PARK
WISCONSIN ELECTRIC POWER COMPANY RIGHT OF WAY
U.S. CENTRAL LTD RR
PIONEER TRACE (CSM)
THORNGATE FARM (CSM)
HAWKS BLUFF
HAWKS LANDING
LEGACY HILLS
HILLSIDE HIGHLANDS
BONNIWELL ESTATES
LINDEN CREEK ESTATES
COBBLESTONE WOODS
HIGHGATE
HIGHLAND RIDGE
HAWKS GLEN
CHEVERNY
RIDGEVIEW
WOODRIDGE ESTATES
WOODRIDGE PRESERVE
BRUNHILLS NO 1
BRUNHILLS NO 2
SOMERSET
ROLLING FIELDS ESTATES
MEADOW'S PLAT NO 1
SPRINGDALE ESTATES
WESTCHESTER
SOLAR HEIGHTS PLAT NO 2
SOLAR HEIGHTS PLAT NO 3
SOLAR HEIGHTS PLAT NO 4
SOLAR HEIGHTS PLAT NO 1
SUNSET WOODS
ASHBURY WOODS
CONCORD CREEK
HERON POND CR. RESERVE NO. 1
HERON POND CR. RESERVE NO. 2
PRESERVE RIVER ESTATES
THIENSVILLE-KELLY COMPLEX
MEQUON COMMUNITY PARK
SETTLERS PARK
POLICE & FIRE DEPT
CITY HALL
MEQUON PARK
MEQUON SQUARE
MEQUON SQUARE ADD
COUNTRY TRAILS ESTATES
RIVER TRAILS ESTATES
KNIGHTSBRIDGE ESTATES
KNIGHTSBRIDGE ESTATES ADDN. 2
KNIGHTSBRIDGE ESTATES ADDN. 3
KNIGHTSBRIDGE ESTATES ADDN. 4
HIGHLANDER ESTATES
HIGHLANDER ESTATES ADDN. 2
HIGHLANDER ESTATES ADDN. 3
TERRACE ESTATES
THE ESCALATE AT MEQUON PRESERVE
ESSEX PLACE
CONDO'S
VINEYARD ESTATES
SUTTON RIDGE
COUNCIL RIDGE ADDITION
COUNCIL RIDGE
KINGSTON
KENSINGTON
CHARLES RIDGE
CHARLES RIDGE NO 2
CHARLES RIDGE NO 3
CHARLES RIDGE NO 4
CHARLES RIDGE NO 5
CHARLES RIDGE NO 6
CHARLES RIDGE NO 7
CHARLES RIDGE NO 8
CHARLES RIDGE NO 9
CHARLES RIDGE NO 10
CHARLES RIDGE NO 11
CHARLES RIDGE NO

City of Mequon
11333 N. Cedarburg Road, 60W
Mequon, Wisconsin 53092

CITY OF MEQUON

WISCONSIN

BIDS RECEIVED FOR: 2023 CRACK SEALING FILE #3686-23

BID OPENING: 3/7/2023 (DATE) 11:00 AM (TIME)

BIDDER	TOTAL BASE BID	ADDITIVE ITEMS	BASE BID WITH ADDITIVES
Fahrner Asphalt Sealers	$200,028.00	$65,580.00	$265,608.00
Thunder Road	$216,630.00	$97,530.00	$314,160.00

Attachment: 3686-23 2023 Bid Opening Sheet CS (RESOLUTION 4029 : 2023 Crack Sealing Contract

PRICE SCHEDULE – 2023 CRACK SEALING

*** - Curb & gutter joint to be routed & sealed**

ITEM NO.	STREET	LOCATION FROM	LOCATION TO	L(mi.)	W (ft.)	Crack Volume VVL-As Noted VL-Very Light L – Light M-Medium H-Heavy	PRICE/STREE
MAIN ROADS (West of the Milwaukee River)							
1	Bonniwell Road	Granville Road	Cedarburg Road	2.70	22	L	
2	Cedarburg Road	Village of Thiensville	City of Cedarburg	2.30	30	L	
3	Green Bay Road	Village of Thiensville	Bonniwell Road	1.58	22	L	
4	Riverland Road	Bonniwell Road	River Drive	0.50	22	L	
5	Freistadt Road	Wauwatosa Road	Village of Thiensville	0.73	24	L	
6	Granville Road	Freistadt Road	Mequon Road	1.00	22	L	
7	Granville Road	Donges Bay Road	County Line Road	1.00	30	L	
8	Swan Road	Mequon Road	Daventry Road	0.22	26	L	
9	County Line Road	Granville Road	0.5 miles west	0.50	30	L	
MAIN ROADS (East of Milwaukee River)							
10	Lake Shore Drive	Pioneer Road	Shady Lane	0.57	23	L	
11	Bonniwell Road	N Port Washington Road	Martin Way	0.60	22	L	
12	Highland Road	East Shoreland Drive	0.04 mi W of N Port Washington Road	0.76	30	L	
SUBDIVISION ROADS (West of Milwaukee River)							
13	Cobblestone Court	Highland Road	Cul de Sac	0.40	20	M	
14	Silver Fox Drive	Green Bay Road	Green Bay Road	0.45	20	L	
15	West Shoreland Drive	Highland Road	Cul de Sac	0.80	18	L	
16	River Drive	Riverland Road	Highland Drive	0.15	20	L	
17	Highland Drive	River Drive	Cul de Sac	0.12	20	L	
18	Briarhill Road	Freistadt Road	Wild Rose Court	0.41	22	L	
19	Heather Drive	Briarhill Road	Cul de Sac	0.18	22	L	
20	Wildrose Court	Briarhill Road	Cul de Sac	0.11	22	L	
21	Madero Drive	Village of Thiensville	Century Court	0.11	22	L	
22	Marseilles Drive	River Road	Private Road	0.58	22	L	
23	Sherbrooke Drive	St Anne Ct	Marseilles Drive	0.37	22	L	
24	St Anne Lane	Marseilles Drive	Sherbrooke Drive	0.12	22	L	
25	St Anne Court	Sherbrooke Drive	Cul de Sac	0.13	22	L	
26	Woodland Drive	Yvonne Drive	.12 miles south	0.12	24	L	
27	Ville du Parc Drive	Fieldwood Road	Woodland Drive	0.16	21	M	
28	Golf Drive	Ville Du Parc Drive	Around Loop	0.36	22	L	
29	Church Place	Freistadt Road	End	0.25	20	L	

Attachment: 3686-23 Crack Seal Street List (RESOLUTION 4029 : 2023 Crack Sealing Contract Award)

PRICE SCHEDULE – 2023 CRACK SEALING

*** - Curb & gutter joint to be routed & sealed**

ITEM NO.	STREET	LOCATION FROM	LOCATION TO	L(mi.)	W (ft.)	Crack Volume VVL-As Noted VL-Very Light L – Light M-Medium H-Heavy	PRICE/STREE
30	Sunset Woods Lane	Granville Road	Cul de Sac	0.20	21	L	
31	Bridgewater Drive	Wauwatosa Road	Lantern Lane	0.34	24	L	
32	Westchester Court	Lantern Lane	Cul de Sac	0.13	24	L	
33	Lantern Lane	Freistadt Road	Settlement Drive	0.64	24	L	
34	Settlement Drive	Lantern Lane	End	0.06	24	L	
35	Lafayette Place	Lantern Lane	Bridgewater Drive	0.48	24	L	
36	Governors Drive	Lafayette Place	End	0.06	24	L	
37	Oakview Court	Creekside Court	Concord Creek Drive	0.49	22	L	
38	Creekside Court	Concord Creek Drive	Cul de Sac	0.45	22	L	
39	Heron Pond Drive	Wauwatosa Road	Cul de Sac	0.24	22	L	
40	River Birch Drive	Mequon Road	Cul de Sac	0.60	22	L	
41	River Birch Loop A	River Birch Drive	River Birch Drive	0.04	22	L	
42	O'Connell Lane	Donges Bay Road	Cul de Sac	0.43	21	L	
43	Hidden Creek Court	Hidden Creek Drive	Cul de Sac	0.21	22	L	
44	Hidden Creek Drive	Wauwatosa Road	Cul de Sac	0.23	22	L	
45	Industrial Drive	W Industrial Drive	Executive Drive	0.47	36	L	
46	Eastwood Court	Industrial Drive	Cul de Sac	0.09	36	L	
47	Executive Drive	Baehr Road	Enterprise Drive	0.35	36	L	
48	Enterprise Drive	Executive Drive	Donges Bay Road	0.16	48	L	
49	Baehr Road	Donges Bay Road	Cul de Sac	0.15	36	L	
50	Kathleen Lane	Cedarburg Road	Cul de Sac	0.24	22	L	
SUBDIVISION ROADS (East of Milwaukee River)							
51	Hemlock Lane	Lake Shore Drive	Birchwood Lane	0.26	22	L	
52	Windpoint Circle	Portland Road	Portland Road	0.10	22	L	
53	Glen Oaks Lane	Sandhill Circle	River Glen Lane	0.23	22	L	
54	Woodside Lane	Country Lane	Oriole Lane	0.13	21	L	
55	Seacroft Court	Lake Shore Drive	Cul de Sac	0.12	21	VL	
56	St James Lane	Grace Avenue	Ranch Road	0.19	22	L	
57	St James Lane	Chestnut Road	Bobolink Lane	0.29	22	L	
58	Bobolink Lane	Mequon Road	Chestnut Road	0.08	21	L	
59	Prairie View Lane	Mequon Road	Revere Road	0.02	22	VL	
60	Dunhill Drive	Country View Drive	Cul de Sac	0.08	24	L	
61	Bonnie Court	Country View Drive	Cul de Sac	0.05	18	L	

Attachment: 3686-23 Crack Seal Street List (RESOLUTION 4029 : 2023 Crack Sealing Contract Award)

PRICE SCHEDULE – 2023 CRACK SEALING

*** - Curb & gutter joint to be routed & sealed**

ITEM NO.	STREET	LOCATION FROM	LOCATION TO	L(mi.)	W (ft.)	Crack Volume VVL-As Noted VL-Very Light L – Light M-Medium H-Heavy	PRICE/STREE
62	Riverland Court	Mequon Road	Around Loop	0.32	21	L	
63	Fairway Circle	Fairway Lane	Cul de Sac	0.09	20	L	
64	Country Club Drive	Range Line Road	Gateway Court	0.29	24	M	
65	Country Club Drive	Ridgeline Court	Greenside Court	0.05	24	M	
66	Crimson Court	Range Line Road	Cul de Sac	0.09	22	L	
67	Market Street	Mequon Road	0.1 Miles South	0.10	26	L	
68	Stratford Place	Donges Bay Road	Cul de Sac	0.25	22	L	
69	Magnolia Drive	Donges Bay Road	Bel Mar Drive	0.32	22	L	
70	Bel Mar Drive	Magnolia Drive	N Port Washington Road	0.19	22	L	
71	Castlebury Lane	Haddonstone Place	Cul de Sac	0.06	24	L	
72	Fox Hunt Trace	Haddonstone Place	Cul de Sac	0.15	24	L	
73	Haddenstone Loop A	Haddonstone Place	Haddonstone Place	0.09	20	L	
74	Auburn Court	Courtland Drive	Cul de Sac	0.18	22	L	
75	McIntosh Lane	Courtland Drive	Russet Lane	0.17	22	L	
76	Courtland Drive	County Line Road	Cul de Sac	0.29	22	VL	
77	Russet Lane	Courtland Drive	McIntosh Lane	0.18	22	L	
						TOTAL BID:	

Contract Price - Base Item: Total Bid for Items 1 through 77:

_____

Written

Figures $_____

Attachment: 3686-23 Crack Seal Street List (RESOLUTION 4029 : 2023 Crack Sealing Contract Award)

PRICE SCHEDULE – ADDITIVE BID ITEMS

*** - Curb & gutter joint to be routed & sealed**

ITEM NO.	STREET	LOCATION FROM	LOCATION TO	L(mi.)	W (ft.)	Crack Volume VVL-As Noted VL-Very Light L – Light M-Medium H-Heavy	PRICE/STREE
MAIN ROADS (West of Milwaukee River)							
A1	Freistadt Road	Briarhill Road	1 Mile east of Farmdale	1.39	23	VVL	
A2	Granville Road	Bonniwell Road	Hawthorne Road	0.50	22	VVL	
MAIN ROADS (East of Milwaukee River)							
A3	River Road	Donges Bay Road	River Court	1.09	23	VVL	
A4	Range Line Road	Mequon Road	Donges Bay Road	0.98	27	VL	
SUBDIVISIONS (West of the Milwaukee River)							
A5	Century Court	Modero Drive	Cul de Sac	0.14	22	L	
A6	Concord Creek Drive	Creekside Court	0.27 miles West	0.27	22	VL	
A7	Concord Drive	Stanford Court	Foxkirk Drive	0.28	22	VL	
A8	Andover Court	Huntington Drive	Around Loop	0.13	24	VVL	
A9	Shawnee Pass	Council Hills Drive	Wasaukee Road	0.21	22	VVL	
A10	Tomahawk Trail	Council Hills Drive	Cul de Sac	0.12	22	VL	
A11	Council Hills Drive	Donges Bay Road	Cul de Sac	0.26	22	VL	
A12	Golf Circle	Golf Drive	Golf Drive	0.16	24	M	
A13	Hillview Drive	Vega Avenue	Tower Lane	0.22	21	VVL	
A14	Poplar Drive	Meadowbrook Drive	Vega Avenue	0.38	22	VVL	
A15	Westwood Circle	Poplar Drive	Cul de Sac	0.08	22	VVL	
A16	Highlander Drive	Morning Glory Drive	Tartan Court	0.07	26	VVL	
A17	Highlander Drive	Tree Sparrow Drive	Fire Fly Drive	0.25	24	VVL	
A18	Spartan Circle	Highlander Drive	Cul de Sac	0.10	22	VVL	
A19	Firefly Drive	Highlander Drive	Mourning Dove Lane	0.15	24	VVL	
A20	Wildcat Way	Highlander Drive	End	0.17	22	VL	
A21	Enterprise Drive	Donges Bay Road	Cul de Sac	0.19	26	VVL	
A22	Westfield Road	Cedarburg Road	End	0.39	22	VL	
A23	Meadow Lane	Westfield Road	End	0.2	22	VL	
A24	Huntington Drive	Kent Court	Tamerlane Drive	0.06	22	VVL	
A25	Melrose Court	Huntington Drive	Around Loop	0.13	24	VL	
SUBDIVISIONS (East of the Milwaukee River)							
A26	Center Drive	Dorothy Place	Eleanor Place	0.20	20	M	
A27	Circle Drive	Dorothy Place	Eleanor Place	0.19	20	L	

Attachment: 3686-23 Crack Seal Street List (RESOLUTION 4029 : 2023 Crack Sealing Contract Award)

PRICE SCHEDULE – ADDITIVE BID ITEMS

*** - Curb & gutter joint to be routed & sealed**

ITEM NO.	STREET	LOCATION		L(mi.)	W (ft.)	Crack Volume VVL-As Noted VL-Very Light L – Light M-Medium H-Heavy	PRICE/STREE
		FROM	TO				
A28	Center Court	Circle Drive	Pilot Drive	0.10	20	L	
A29	Candlewick Court	Riverland Road	Cul de Sac	0.08	24	VVL	
A30	Norway Drive	Range Line Road	Sunndydale Lane	0.27	22	VVL	
A31	Winslow Drive	Bradford Drive	Magnolia Drive	0.21	24	VL	
A32	Winslow Court	Winslow Drive	Around Loop	0.03	25	VL	
A33	Haddonstone Place	Monterey Lane	0.55 miles South	0.55	24	VVL	
A34	Haddenstone Loop D	Haddenstone Place	Haddenstone Place	0.07	20	VVL	
A35	Haddenstone Loop E	Haddenstone Place	Haddenstone Place	0.06	20	VVL	
A36	Beechwood Drive	Donges Bay Road	Ravine Drive	0.47	24	M	
A37	Applewood Court	Beechwood Drive	Beechwood Drive	0.07	24	M	
A38	Beechwood Court	Beechwood Drive	Beechwood Drive	0.06	24	M	
A39	Shawnee Pass	Council Hills Drive	Wasaukee Road	0.21	22	VVL	
A40	Tomahawk Trail	Council Hills Drive	Cul de Sac	0.12	22	VL	
A41	Council Hills Drive	Donges Bay Road	Cul de Sac	0.26	22	VL	
A42	Dandelion Lane	Lake Shore Drive	Cul de Sac	0.26	22	VVL	
A43	Dandelion Court	Dandelion Lane	Cul de Sac	0.10	21	VVL	
A44	Dorothy Place	N Port Washington Road	Pilot Drive	0.28	22	L	
A45	Emily Lane	Dorothy Place	Liebau Road	0.25	22	M	
A46	Portland Avenue	Dorothy Place	River Oaks Place	0.60	22	L	
A47	Leibau Road	Portland Avenue	Pilot Drive	0.22	22	L	
A48	River Oaks Lane	East Shoreland Drive	Portland Avenue	0.30	22	L	
A49	River Oaks Place	N Port Washington Road	Portland Avenue	0.05	22	L	
A50	Stillwater Circle	Portland Avenue	Around Loop	0.10	22	L	
A51	Westview Lane	Haven Avenue	Scenic Avenue	0.28	21	VVL	
A52	Hedgewood Lane	Scenic Avenue	Haven Avenue	0.27	21	VVL	
A53	Haven Court	Haven Avenue	Around Loop	0.17	21	VVL	
A54	Sunnydale Lane	Range Line Road	Oriole Lane	0.49	22	VL	
A55	Pebble Lane	Highview Drive	Cul de Sac	0.31	21	VVL	
A56	Springwood Court	Beechwood Drive	Cul de Sac	0.06	24	L	
A57	Ironwood Circle	Ironwood Lane	Beechwood Drive	0.30	24	L	

Attachment: 3686-23 Crack Seal Street List (RESOLUTION 4029 : 2023 Crack Sealing Contract Award)

PRICE SCHEDULE – ADDITIVE BID ITEMS

*** - Curb & gutter joint to be routed & sealed**

ITEM NO.	STREET	LOCATION		L(mi.)	W (ft.)	Crack Volume VVL-As Noted VL-Very Light L – Light M-Medium H-Heavy	PRICE/STREE
		FROM	TO				
A58	Ironwood Lane	Lake Shore Drive	Cul de Sac	0.16	24	L	
A59	Ranchito Lane	La Cresta Drive	Cul de Sac	0.12	22	L	
A60	El Patio Lane	La Cresta Drive	Cul de Sac	0.12	22	M	
A61	Lilac Lane	Mequon Road	Oriole Lane	0.28	22	M	
A62	Laurmark Court	Country View Drive	Cul de Sac	0.04	22	VL	
A63	Eleanor Place	Pilot Drive	Circle Drive	0.06	20	L	
A64	Pilot Drive	Dorothy Place	Eleanor Place	0.22	22	L	

Attachment: 3686-23 Crack Seal Street List (RESOLUTION 4029 : 2023 Crack Sealing Contract Award)

11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2913
Fax: 262-242-9655
www.ci.mequon.wi.us
Office of Public Works

TO: **Common Council**
FROM: **Kristen Lundeen, Director of Public Works/City Engineer**
DATE: **March 14, 2023**
SUBJECT: **RESOLUTION 4030 A Resolution Approving a Contract for Baseball Field Management Services During the 2023-2026 Seasons with SMB Landscape Contractors, Thiensville, Wisconsin, at an Annual Estimated Cost of $42,135**

Background

In 2021, at the request of several groups utilizing the City of Mequon's athletic fields, the City hired a field management contractor. In the beginning, user groups simply utilized the fields through a rental agreement. Fields were maintained by City Parks Division staff. Over time, some levels of play required additional field maintenance that the City did not provide for public fields. This type of maintenance includes pitching mound construction and maintenance, baselining, infield raking, and turf repair, among others. More specifically, this additional maintenance had been more exclusive at Rennicke Field behind City Hall and at Schmit Field in Rotary Park.

As these services are not required for basic, public park use, the user groups provided these services themselves, with permission from the City. At first, user groups utilized volunteers, but eventually some maintenance evolved into contracted services. Rennicke Field previously had an entire board that oversaw field maintenance.

With more user groups and higher demand for fields, City staff worked with the user groups to determine if there was a better mechanism to provide field management and maintenance for each of the City's ballfields. Park staffing levels are insufficient to provide the dedicated field maintenance services required by the various user groups. Some of the user groups are subject to field regulations established by a parent organization or association, as is the case with Homestead Baseball and the Wisconsin Interscholastic Athletic Association (WIAA).

During the 2021 inaugural season, field management and maintenance was provided only at Rennicke and Schmit Fields and costs were passed through to the user groups via a Memorandum of Understanding (MOU). In 2022, the contract was expanded to include all (10) ballfields within the City's parks. Effective in 2022, the fee schedule included the field management and maintenance contract fees within the athletic field use fees, to ensure an equitable distribution of the contract's costs.

Staff is recommending this year's contract award to SMB Landscape Contractors, LLC. SMB Landscape Contractors, LLC was initially the only responding party to the request for quotes, and held the contract for both the 2021 and 2022 seasons. If approved, City staff is authorized by resolution to extend the contract in future years, provided that annual increases are less than

5%.

If at any time the user groups opt-out of the field management and maintenance contract, the contract would be terminated.

Analysis

In 2022, City staff issued a request for proposals (RFP) to solicit quotes from contractors to perform field management and maintenance services. One local contractor responded to the RFQ, and the contractor had previously completed field maintenance at City fields in 2021. Staff is recommending approval of the contract with reimbursement from the applicable user groups.

Previously, fees for user groups were administered through a Sports/Park Field Use Application Form. City staff created a supplemental form to administer an equitable distribution of the contracted services fee. As transitioning to contracted field management services appears to be the new normal, a subsequent resolution recommends an amendment to the fee schedule for the correlating fees. The fee distribution will be based upon the distribution of field use and the direct maintenance cost per field.

The user groups impacted by this proposal have requested this process and agree with the proposal. With the consolidation of costs spread to all the user groups to ensure equity, a cost savings of maintenance fees may be realized as a result to users that were previously being burdened with all the field expenses. In 2022, the user group at Lemke Park opted out of the field maintenance services, so those fields were not included in the recommended award. In 2023, the user group is requesting to be included in the contract, therefore both the contract award and corresponding fee schedule amendment represent inclusion of that request.

In 2022, the contractor provided an option for a second-year contract renewal. At the time, staff opted out of the option to avoid obligating the user groups beyond the 2022 season. As indicated, the user groups are in favor of continuing field maintenance services in 2023. As such, staff is requesting the option to continue to renew the contract with SMB Landscape Contractors, LLC, for a total of 4 more years, before issuing a renewed request for quotes. The approval would be subject to a limit of a 5% contract increase between seasons. As noted, if the user groups opt out of the field management and maintenance contract, the contract would not be renewed, and the fees would be reduced accordingly.

Fiscal Impact

The 2023 budget included an allocation for contracted field management and maintenance, as well as corresponding revenue equal to the cost of the contract.

SMB Landscape Contractors, LLC submitted a quote for $42,135 for the season, which is approximately a 1.5% increase over the 2022 season. City staff will utilize the user group schedules to allocate the cost of the contract across all user groups through a supplemental rental agreement. If the user groups do not agree with the supplemental fees, City staff will not execute the contract for those fields.

The fees are included in a corresponding fee schedule amendment at an equitable share of the cost of the contract, based on each user groups' percentage of field use. The ultimate fiscal impact will be net neutral to the City, as it is administered as a pass-through cost. If future user groups do not require this service, the City will not pursue a contract. In that case, neither the expense nor the revenue will impact the City's overall budget.

Recommendation

A recommendation is forthcoming from the Public Works Committee on March 14, 2023.

Attachments:
Quote from SMB Landscape Contractors LLC (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4030

A Resolution Approving a Contract for Baseball Field Management Services During the 2023-2026 Seasons with SMB Landscape Contractors, Thiensville, Wisconsin, at an Annual Estimated Cost of $42,135

RECITALS

A. The City has rental agreements with user groups to allow for baseball/softball to be played at all four of Mequon's Community Parks, (Community Park, River Barn Park, Lemke Park and Rotary Park) during their spring, summer, and fall seasons.

B. The City currently mows, prepares the fields once weekly, applies herbicide, fertilizes, aerates, services lights, irrigation, and scoreboards, organizes field calendars, and provides all field materials for all ten fields located at the Community Parks.

C. The user groups are subject to field maintenance requirements administered through outside regulatory bodies.

D. City field maintenance does not meet the regulatory field maintenance requirements and current staffing levels do not allow the City to provide additional field maintenance.

E. At the request of the user groups, the City issued a request for quotes to include the services of a Maintenance and Field Manager for Rennicke Field, three fields at River Barn Park, two fields at Lemke Park, and four fields at Rotary Park.

F. The City will administer the contract terms for Maintenance and Field Manager for any of the ten fields, and impacted users will be responsible for the full contract fee. Fee administration will be addressed through a supplemental form on the existing rental agreement with an amendment made to the fee schedule to represent actual costs.

G. The contract will be paid from the Parks Contracted Services - Maintenance account (110474 683202) with fees collected from the user groups deposited into the Fees - Park Reservations account (110000 448201), with no net impact on the City budget.

H. The Public Works Committee recommended approval of the contract award to SMB Landscape Contractors, LLC in the amount of $42,135 and subsequent agreements with the user groups and amendment to the fee schedule to cover the contract cost.

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

1. The Field Maintenance contract with SMB Landscape Contractors, LLC of

Thiensville, Wisconsin, in the form attached hereto is approved subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

2. The contract is renewable through the 2026 season, limited to a maximum 5% annual increase.

3. The Parks and Forestry Superintendent is authorized and directed to execute and deliver the same.

_____

Approved by: Andrew Nerbun, Mayor

Date Approved: March 14, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

_____

Caroline Fochs, City Clerk

Estimate

Name/Address
City of Mequon Attn: Mike Gies 11333 N Cedarburg Rd Mequon, WI 53092

SMB Landscape Contractors, LLC
PO Box 553
Thiensville, WI 53092

Date	Estimate No.	Project
03/14/22	1422	

Item	Description	Quantity	Cost	Total
	Baseball/Softball Daily Field Maintenance- ****2023**** Pre-Season preparations to include edging fields, packing bases, mound and batters boxes and nail dragging and grooming. General clean up of all locations listed below. Any additional work billed separately to user from Mequon. Cost will be determined by project/additional maintenance. Will work with local municipalities for material. Maintenance on Saturday and Sundays will have an additional charge. Dragging Fields Monday-Friday Rennicke (1)(M-F) Schmit (1)(M-F) Riverbarn Park (3) (M-F) Rotary Park (3) (M-F) Lemke (2) (M-F) The terms of this contract shall be binding on the parties hereto, their heirs, executors, administrators, representatives, successors, and assigns.			

Thank you for allowing us to quote this project. We look forward to working with you.	Total

Attachment: Quote from SMB Landscape Contractors LLC (RESOLUTION 4030 : Park Field Manager Position/Rental Agreement)

Estimate

Name/Address
City of Mequon Attn: Mike Gies 11333 N Cedarburg Rd Mequon, WI 53092

SMB Landscape Contractors, LLC
PO Box 553
Thiensville, WI 53092

Date	Estimate No.	Project
03/14/22	1422	

Item	Description	Quantity	Cost	Total
	This contract can be changed on by and agreement in writing signed by each party. The Owner/General Contractor and Contractor have signed this contract as of the day below. Steven (Mark) Behnke - SMB 3/14/2022			
Project	Rennicke (M-F)	1	9,340.00	9,340.0
Project	Schmit (M-F)	1	6,395.00	6,395.0
Project	Rotary South	1	3,300.00	3,300.0
Project	Rotary North (MATC)	1	3,300.00	3,300.0
Project	Rotary North West	1	3,300.00	3,300.0
Project	River Barn 1	1	3,300.00	3,300.0
Project	River Barn 2	1	3,300.00	3,300.0
Project	River Barn 3	1	3,300.00	3,300.0
Project	Lemke 1	1	3,300.00	3,300.0
Project	Lemke 2	1	3,300.00	3,300.0
	Out-of-state sale, exempt from sales tax		0.00%	0.0

Thank you for allowing us to quote this project. We look forward to working with you.

Total $42,135.0

Attachment: Quote from SMB Landscape Contractors LLC (RESOLUTION 4030 : Park Field Manager Position/Rental Agreement)

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: **February 24, 2023**
SUBJECT: **RESOLUTION 4031 A Resolution Approving a Contract Award to Construct a Parallel Force Main for Tamerlane Drive Lift Station "O" to Mid-City Corporation of Butler, Wisconsin, in the Amount of $738,265**

Background

The 2023 Sanitary Sewer budget adopted by the Sewer Utility District Commission on October 27, 2022, included funding for a number of capital improvement projects. Most of the proposed projects are a continuation of prior years' improvements and include upgrades to the City's sanitary sewer lift stations. The Huntington Park subdivision is currently served by a 6-inch diameter force main, where in May 2020, a wet weather event led to a sanitary sewer overflow at the station. A condition assessment on Tamerlane Drive Lift Station "O" was completed in 2021, and in 2022 a contract began to design improvements and add capacity to the lift station.

To address capacity for wet weather compliance in addition to capacity for future growth, this Tamerlane Drive Lift Station "O" Parallel Force Main project is to construct 2,435 feet of a parallel 8-inch diameter force main. A future contract to replace the pumps is also anticipated this spring.

Analysis

The Tamerlane Drive Lift Station "O" Force Main project is essential to the Huntington Park subdivision and the proposed Swan Ridge development, north of County Line Road. The construction of this parallel force main is by directional drilling, which reduces the amount of open cutting and pavement replacement. This method has been successful on previous force main replacements including the County Line Road Lift Station "Q" project and the Eastgate Drive Lift Station "B" project. However, normal traffic patterns will need to be modified and a temporary detour is anticipated for up to two or three weeks, depending on weather and subsurface conditions or other factors that impact prosecution and progress of the contract work.

The project was publicly advertised and staff received three bids for the Lift Station "O" Parallel Force Main Replacement project to be completed this year prior to asphalt plants closing in November. The base bids are shown below:

Contractor	Bid Price
Mid-City	$738,265
Globe	$857,370
MJ	$1,813,200

The bid summary and item details are shown in Exhibit A. The difference between the bid prices

is due to variations in the unit prices bid. These variations include the prices bid for bore pits, the amount bid for work to connect to the existing wet well near the lift station and to connect to the sanitary sewer manhole structure at the discharge end, in addition to the unit prices for valves and piping for this directional drilling project.

Fiscal Impact

Funding for the Tamerlane Drive Lift Station "O" Parallel Force Main project is available as a part of the 2023 Sewer Utility Capital Improvement Program. The lowest bid price of $738,265 is 27% higher than the engineer's estimate of $580,000.

Recommendation

Staff recommends that the Sewer Utility District Commission favorably endorse and the Common Council approve the award to construct the Tamerlane Drive Lift Station "O" Parallel Force Main to Mid-City Corporation of Butler, Wisconsin in the amount of $738,265.

Attachments:
Exhibit A - Bid Item Details (#3491-22-O) (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4031

A Resolution Approving a Contract Award to Construct a Parallel Force Main for Tamerlane Drive Lift Station "O" to Mid-City Corporation of Butler, Wisconsin, in the Amount of $738,265

RECITALS

A. A number of capital improvement projects were identified as part of the FY2023 Sanitary Sewer Budget adopted by the Common Council on November 9, 2022.

B. These projects are essential to the operation of the City's sanitary sewer system.

C. The City of Mequon Department of Public Works Engineering Division has advertised and received bids for the Tamerlane Drive Lift Station "O" Parallel Force Main Project.

D. Staff has received and reviewed the various bids and contractor qualifications for the contracts.

E. Staff recommends that the Tamerlane Drive Lift Station "O" Parallel Force Main Project work be awarded to the lowest qualified bidder, Mid-City Corporation, of Butler, Wisconsin, at a total cost of $738,265.

F. The Capital Account 610669 740003 has sufficient balance to fund this project.

G. The Sanitary Utility District Commission at its meeting on March 14, 2023, endorsed staff's recommendation.

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

1. The Agreement for the for the Tamerlane Drive Lift Station "O" Parallel Force Main Project, as let for bid, is approved and awarded to Mid-City Corporation of Butler, Wisconsin, in the amount of $738,265, subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

2. The Mayor and the City Clerk are authorized and directed to execute and deliver the same.

_____
Approved by: Andrew Nerbun, Mayor

Date Approved: March 14, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

_____

Caroline Fochs, City Clerk

Mequon, WI - Tamerland Drive Lift Station "O" Parallel Force Main-Rebid (3491-22-O) (#8394424)
Owner: City of Mequon
Solicitor: SEH-Delafield, WI
03/02/2023 11:00 AM CST

							Mid City Corporation		Globe Contractors, Inc.		MJ Construction, Inc.	
Section Title	Line Item	Item Code	Item Description	UofM	Quantity	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
Base Bid							$738,265.00		$857,370.00		$1,813,200.00
	1	1	Traffic Control-Project	LS	1	$30,000.00	$30,000.00	$17,000.00	$17,000.00	$75,000.00	$75,000.00
	2	2	Traffic Control-Message Boards	Per Day	5	$450.00	$2,250.00	$400.00	$2,000.00	$600.00	$3,000.00
	3	3	Traffic Control-Temporary Signals	LS	1	$5,000.00	$5,000.00	$10,000.00	$10,000.00	$6,500.00	$6,500.00
	4	4	Mobilization	LS	1	$50,000.00	$50,000.00	$20,000.00	$20,000.00	$15,000.00	$15,000.00
	5	5	Removing Asphaltic Surface	SY	260	$4.00	$1,040.00	$10.00	$2,600.00	$30.00	$7,800.00
	6	6	Silt Fence	LF	150	$4.00	$600.00	$5.00	$750.00	$5.00	$750.00
	7	7	Prepare Foundation for Asphaltic Paving	SY	275	$10.00	$2,750.00	$10.00	$2,750.00	$40.00	$11,000.00
	8	8	Base Aggregate Dense 1-1/4-Inch	TON	175	$30.00	$5,250.00	$30.00	$5,250.00	$45.00	$7,875.00
	9	9	Slurry Trench Backfill	CY	700	$62.00	$43,400.00	$70.00	$49,000.00	$95.00	$66,500.00
	10	10	Asphaltic Patching (Tamerlane Dr.)	SY	135	$110.00	$14,850.00	$90.00	$12,150.00	$125.00	$16,875.00
	11	11	Asphaltic Patching (County Line Rd)	SY	125	$110.00	$13,750.00	$92.00	$11,500.00	$125.00	$15,625.00
	12	12	Curb Removal & Replacement	LF	15	$125.00	$1,875.00	$200.00	$3,000.00	$85.00	$1,275.00
	13	13	Gravel Shoulder Restoration	LF	15	$35.00	$525.00	$70.00	$1,050.00	$50.00	$750.00
	14	14	Restoration (Topsoil & Staked Sod)	SY	375	$35.00	$13,125.00	$16.00	$6,000.00	$35.00	$13,125.00
	15	15	Tracer Wire Locator Boxes	EA	4	$500.00	$2,000.00	$300.00	$1,200.00	$1,500.00	$6,000.00
	16	16	6" Tapping Sleeve, Gate Valve & Box	EA	1	$7,500.00	$7,500.00	$13,000.00	$13,000.00	$17,500.00	$17,500.00
	17	17	Connect to Existing Wet Well	EA	1	$5,000.00	$5,000.00	$27,000.00	$27,000.00	$200,000.00	$200,000.00
	18	18	Connect to Existing Sanitary Sewer Manhole (Inside Drop)	EA	1	$10,000.00	$10,000.00	$23,000.00	$23,000.00	$85,000.00	$85,000.00
	19	19	Air Release Manhole	EA	2	$7,500.00	$15,000.00	$25,000.00	$50,000.00	$45,000.00	$90,000.00
	20	20	6" Insertion Valve	EA	1	$5,000.00	$5,000.00	$35,000.00	$35,000.00	$25,000.00	$25,000.00
	21	21	4" Gate Valve	EA	2	$3,500.00	$7,000.00	$2,000.00	$4,000.00	$14,000.00	$28,000.00
	22	22	4" HDPE - Open Cut (DIOD/SDR 17)	LF	35	$500.00	$17,500.00	$198.00	$6,930.00	$650.00	$22,750.00
	23	23	6" HDPE - Open Cut (DIOD/SDR17)	LF	10	$600.00	$6,000.00	$199.00	$1,990.00	$750.00	$7,500.00
	24	24	10" Ductile Iron Class 52 Sanitary Sewer Force Main	LF	35	$650.00	$22,750.00	$320.00	$11,200.00	$850.00	$29,750.00
	25	25	10" HDPE Sanitary Sewer Force Main (DIOD/SDR 11), Open Cut	LF	75	$650.00	$48,750.00	$200.00	$15,000.00	$800.00	$60,000.00
	26	26	10" HDPE Sanitary Sewer Force Main (DIOD/SDR 11), Directionally Drilled	LF	2325	$158.00	$367,350.00	$200.00	$465,000.00	$325.00	$755,625.00
	27	27	Bore Pit #3 - County Line Rd (Includes associated pavement restoration & traffic control)	LS	1	$20,000.00	$20,000.00	$35,000.00	$35,000.00	$125,000.00	$125,000.00
	28	28	Bore Pit #4 - Tamerlane Lane (Includes associated pavement restoration & traffic control)	LS	1	$20,000.00	$20,000.00	$26,000.00	$26,000.00	$120,000.00	$120,000.00
Alternate Bid No. 1							$0.00		$0.00		$1,773,610.00
	29	1A	Traffic Control	LS	1					$75,000.00	$75,000.00
	30	2A	Traffic Control-Message Boards	Per Day	5					$600.00	$3,000.00
	31	3A	Traffic Control-Temporary Signals	LS	1					$6,500.00	$6,500.00
	32	4A	Mobilization	LS	1					$15,000.00	$15,000.00
	33	5A	Removing Asphaltic Surface	SY	210					$30.00	$6,300.00
	34	6A	Silt Fence	LF	150					$5.00	$750.00
	35	7A	Prepare Foundation for Asphaltic Paving	SY	210					$40.00	$8,400.00
	36	8A	Base Aggregate Dense 1-1/4-Inch	TON	135					$45.00	$6,075.00
	37	9A	Slurry Trench Backfill	CY	523					$95.00	$49,685.00
	38	10A	Asphaltic Patching (Tamerlane Dr.)	SY	85					$125.00	$10,625.00
	39	11A	Asphaltic Patching (County Line Rd)	SY	125					$125.00	$15,625.00
	40	12A	Curb Removal & Replacement	LF	15					$85.00	$1,275.00
	41	13A	Gravel Shoulder Restoration	LF	35					$50.00	$1,750.00
	42	14A	Restoration (Topsoil & Staked Sod)	SY	375					$35.00	$13,125.00
	43	15A	Tracer Wire Locator Boxes	EA	4					$1,500.00	$6,000.00
	44	16A	6" Tapping sleeve, Gate Valve & Box	EA	1					$17,500.00	$17,500.00
	45	17A	Connect to Existing Wet Well	EA	1					$200,000.00	$200,000.00
	46	18A	Connect to Existing Sanitary Sewer Manhole (Inside Drop)	EA	1					$85,000.00	$85,000.00
	47	19A	Air Release Manhole	EA	2					$45,000.00	$90,000.00
	48	20A	6" Insertion Valve	EA	1					$25,000.00	$25,000.00
	49	21A	4" Gate Valve	EA	2					$14,000.00	$28,000.00
	50	22A	4" HDPE - Open Cut (DIOD/SDR 17)	LF	35					$650.00	$22,750.00
	51	23A	6" HDPE - Open Cut (DIOD/SDR17)	LF	10					$750.00	$7,500.00
	52	24A	10" Ductile Iron Class 52 Sanitary Sewer Force Main	LF	35					$850.00	$29,750.00
	53	25A	10" HDPE Sanitary Sewer Force Main (DIOD/SDR 11), Directionally Drilled	LF	2400					$335.00	$804,000.00
	54	26A	Bore Pit #3 - County Line Rd (Includes associated pavement restoration & traffic control)	LS	1					$125,000.00	$125,000.00
	55	27A	Bore Pit #4 - Tamerlane Lane (Includes associated pavement restoration & traffic control)	LS	1					$120,000.00	$120,000.00
Base Bid Total:							$738,265.00		$857,370.00		$1,813,200.00

Attachment: Exhibit A - Bid Item Details (#3491-22-O) (RESOLUTION 4031 : Award Contract to Construct

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: **February 24, 2023**
SUBJECT: **RESOLUTION 4032 A Resolution Approving Award of a Contract to Test and Seal 218 Sanitary Sewer Laterals in the Ranch Road Lift Station "E" Area to Visu-Sewer, Inc. of Pewaukee, Wisconsin in the Amount of $687,632**

Background

The 2023 Sanitary Sewer budget adopted on October 27, 2022 by the Sewer Utility District Commission, includes a continuation of previous years' improvements to the City's sanitary sewers as pipes age and deteriorated. The budget includes work in the Ranch Road Lift Station "E" area to rehabilitate laterals and reduce leaks, commonly referred to as infiltration. This contract is to test laterals and seal them with grout from mains and manholes, and is part of the Private Property Inflow and Infiltration reduction program.

Analysis

This work is based on a previous 2019 planning study and prioritization report. The goal of that report was to identify and prepare work plans to reduce infiltration and address overflows, that may result due to wet weather events like rain storms and snow melt. That report identified the history of clear water compliance inspections, lift station flow data and provided a summary of sanitary sewer overflows (SSOs). These SSO volumes and lift station '*peak factors*' were ultimately used to prioritize the work areas. The *peak factor* is the ratio of the lift station wet weather flow in comparison to dry weather flow. Previous work plan authorizations included the Riverdale Park Lift Station "F" and Riverland Drive Lift Station "H" Areas. This project adds the Lift Station "E" Area into the program efforts to reduce infiltration and inflow.

For contractors to participate in this program and for the municipality to be eligible for reimbursement, the contractors must pre-register with the Milwaukee Metropolitan Sewerage District (MMSD) and the City must use the pre-registered contractors. Five (5) contractors are pre-registered for this type of work, and two attended the City's pre-bid meeting. The contract documents were advertised, and two bids were received. However, one bid was rejected and not opened because that Contractor did not submit a City pre-qualification statement for 2023, as required per Wisconsin State Statute 66.0901. This pre-qualification statement requirement was identified in the contract documents and that form was also included in the advertised contract documents. As a result, only one bid was opened.

Of the five pre-qualified contractors only one qualified bid was received from Visu Sewer, in the amount of $687,632. Staff received feedback from two contractors that were pre-registered bidders, and their respective companies each referred to workloads and honoring existing contracts, as the basis for not submitting bids. The fifth Contractor is located out of state and did

not respond to staff's follow-up inquiry.

Fiscal Impact

Funding is available to rehabilitate up to 218 laterals in the Ranch Road Lift Station right-of-way areas in the Sewer PPI/I Account 610669-740006, which is reimbursable by MMSD. Notably, the bid amount is within MMSD's funding agreement budget of $755,852. Staff anticipates the remainder of that funding agreement balance will be allocated for Inspection Services this spring. The completion deadline for this work coincides with the expiration of the funding agreement, and that is October 31, 2024.

In summary, the average budget for each lateral is $3,150. That includes testing and sealing the lateral, in addition to televising and cleaning. A contingency is also built into that cost in the event a lateral would need to be repaired and the pavement be replaced following excavation. Without fully exercising those contingencies the average cost of this work per lateral is $2,250. The itemized unit prices are shown in Exhibit A.

Recommendation

Staff recommends that the Sewer Utility District Commission favorably endorse and the Common Council approve the contract award to Visu-Sewer in the amount of $687,632.

Attachments:
Exhibit A - Bid Results (#3566-23-E) (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4032

A Resolution Approving Award of a Contract to Test and Seal 218 Sanitary Sewer Laterals in the Ranch Road Lift Station "E" Area to Visu-Sewer, Inc. of Pewaukee, Wisconsin in the Amount of $687,632

RECITALS

A. On August 26, 2021, the City of Mequon established a Funding Agreement in the amount of $755,852 with the Milwaukee Metropolitan Sewerage District (MMSD) to implement sewer lateral work that reduces infiltration and inflow into building sewer laterals.

B. A number of sewer projects were identified as part of the FY2023 Sanitary Sewer Budget adopted by the Common Council on November 9, 2022.

C. On March 2, 2023, the City of Mequon Department of Public Works Engineering Division Staff received and reviewed various bids from qualified contractors to test and seal 218 existing sanitary building sewer laterals in the Ranch Road Lift Station “E” Area.

D. The City of Mequon has the ability for the Milwaukee Metropolitan Sewerage District (MMSD) to reimburse eligible expenses that reduce infiltration and inflow from entering sanitary sewer building laterals.

E. Staff evaluated bids and recommends that the Sewer Lateral Rehabilitation work to test and seal 218 existing sanitary building sewer laterals in the Ranch Road Lift Station “E” Area be awarded to Visu-Sewer, Inc. of Pewaukee, Wisconsin in the amount of $687,632.

F. The Sewer PPI/I Account 611669-740006 is a reimbursable account with a sufficient balance to fund this project.

G. The Sanitary Utility District Commission at its meeting on March 14, 2023, endorsed staff’s recommendation.

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

1. The contract for Testing and Sealing 218 Laterals in the Ranch Road Lift Station “E” Area, as let for bid, is approved and awarded to Visu-Sewer, Inc. of Pewaukee, Wisconsin in the amount of $687,632, subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

2. The Mayor and the City Clerk are authorized and directed to execute and deliver the same.

_____
Approved by: Andrew Nerbun, Mayor

Date Approved: March 14, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

_____
Caroline Fochs, City Clerk

Testing and Sealing Sanitary Laterals from Mains and Manholes in Ranch Road Lift Station "E" Area (#8395493); City Project #3566-23-E
Owner: City of Mequon
Solicitor: raSmith
03/02/2023 09:00 AM CST

						Engineer Estimate		Visu-Sewer		National Power Rodding Corp	
Section Title	Line Item	Item Code	Item Description	UofM	Quantity	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
Base Bid Items							$0.00		$484,544.00		$0.00
	1	1	Traffic Control	LS	1			$26,500.00	$26,500.00		
	2	2	Setup for Testing and Sealing Laterals from Mainlines - First 15 feet	EA	182			$1,775.00	$323,050.00		
	3	3	Setup for Testing and Sealing Laterals from Manholes - First 30 feet	EA	29			$1,775.00	$51,475.00		
	4	4	Setup for Testing and Sealing Laterals from Mainlines - Riser (Average Length 5 LF)	EA	7			$1,775.00	$12,425.00		
	5	5	Grout	GAL	4852			$12.00	$58,224.00		
	6	6	Setup for Lateral Televising if Testing and Sealing Does Not Occur	EA	22			$585.00	$12,870.00		
Additive Bid Items							$0.00		$203,088.00		$0.00
	7	7	If Authorized, Lateral Obstruction Removal	EA	22			$950.00	$20,900.00		
	8	8	If Authorized, Additional Lateral Televising in ROW from Mains and Manholes	LF	1266			$8.00	$10,128.00		
	9	9	If Authorized, Sanitary Lateral Televising with Dye Flooded Drainage Swales	LF	633			$20.00	$12,660.00		
	10	10	If Authorized, 4-inch or 6-inch Dia. Lateral Spot Repair	LF	25			$2,160.00	$54,000.00		
	11	11	If Authorized, Pavement Restoration with Slurry Backfill	SY	50			$1,164.00	$58,200.00		
	12	12	If Authorized, Shoulder Restoration	SY	50			$60.00	$3,000.00		
	13	13	If Authorized, Lawn Restoration (Sod)	SY	50			$24.00	$1,200.00		
	14	14	If Authorized, Mainline Obstruction Removal	EA	22			$500.00	$11,000.00		
	15	15	If Authorized, 4-inch or 6-inch Pressure Cured CIPP Short Liner	LF	8			$4,000.00	$32,000.00		
Base Bid Total:							$0.00		$484,544.00		$0.00
Overall Total:									$687,632.00		

Attachment: Exhibit A - Bid Results (#3566-23-E) (RESOLUTION 4032 : Award Contract to Test and Seal

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: **February 24, 2023**
SUBJECT: **RESOLUTION 4033 A Resolution Approving Award of a Design Contract for the Replacement of Ranch Road Lift Station "E" to Applied Technologies, Inc., of Brookfield, Wisconsin in the Amount of $514,205**

Background

The 2023 Sanitary Sewer budget was adopted by the Sewer Utility District Commission on October 27, 2022, and included funding for a number of capital improvement projects. The 2023 Sewer Utility Budget included the design for the replacement of the Ranch Road Lift Station E. Staff established a Selection Committee and collaborated to prepare and distribute requests for qualifications and proposals. Staff received three proposals from qualified firms. Six other firms with lift station expertise responded that due to workload and backlogs they were not in a position to submit proposals or commented that they would not be the lowest fee and declined to submit on a fee-based selection process.

This selection process followed two significant efforts by staff and consultants in 2022. One effort was to implement a back-up pumping system for the Ranch Road Lift Station E. The facility's power supply is currently redundant electric feeds. Both sources of power have had service interruptions. Fortunately, these temporary outages have not been simultaneous. In the past, temporary power outages have occurred due to trees blown down during storm events or accidents that result in power poles being knocked over. In addition to the back-up pumping system, the sanitary system hydraulic model was updated for future design conditions. That model included the anticipated design of a new lift station and associated capacity improvements. This hydraulic modeling effort was also included in the 2022 budget and specifically authorized by Resolution 3911.

Analysis

Consultants provided statements of qualifications with previous experience on similar projects to design a twelve million gallons per day (9,000 gallons per minute) lift station facility and the construction of connecting gravity sewers and force mains. In addition, proposals with design fees and hours were received, and are summarized as follows:

Contractor	Total	Hours
Applied Technologies, Inc. (ATI)	$514,205	3,641
S.E.H.	$517,343	3,113
Arcardis	$1,061,918	9,055

The proposal with fees, scope, and terms and conditions for the recommended proposer, ATI, are included as Exhibit A. The scope of design services is structured in phases. The first phase is the core contract essential to designing the new lift station and to make the necessary connections with the existing force main and gravity sewers. Additional phases are for gravity relief sewer extensions based on the 2022 hydraulic modeling efforts completed by Brown and Caldwell in coordination with City staff. These gravity relief sewer extensions from the new lift station will operate similar to the East Trunk Sewer, where they add capacity and eliminate choke points in the system.

Fiscal Impact

The Sewer Lift Station Capital Account 610669-740003 has sufficient funds available for the design of a new lift station. The consultant services for this project include generating cost estimates at various phases of the project (30%, 60% and 90%). Based on these cost estimates, staff will bring back information and any necessary items to the Sewer Utility District Commission (SUDC). For example, if self-funding appears to be insufficient to successfully complete the project, then staff will identify if additional financing may need to be pursued as early as possible in the design process, and schedule a discussion with the Sewer Utility Commission to discuss such, as appropriate.

Recommendation

Staff recommends that the Sewer Utility District Commission favorably endorse and the Common Council approve the award to design a replacement Lift Station by Applied Technology, Inc. of Brookfield, Wisconsin in the amount of $514,205.

Attachments:
Exhibit A - Agreement for Professional Services (#3616-23-E) (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4033

A Resolution Approving Award of a Design Contract for the Replacement of Ranch Road Lift Station "E" to Applied Technologies, Inc., of Brookfield, Wisconsin in the Amount of $514,205

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 November 9, 2022.

B. Sewer Utility staff requested and received proposals to design the lift station improvement project to replace the Ranch Road Lift Station "E".

C. Staff has received and reviewed the various proposals to design the Lift Station "E" replacement and design capacity improvements of gravity sewers to Applied Technologies, Inc. of Brookfield, Wisconsin, in amount of $514,205.

D. The Sanitary Lift Station Account 611669-740003 has a sufficient balance to fund these design efforts and prepare contract documents.

E. The Sewer Utility District Commission at its meeting on March 14, 2023, approved staff's recommendation.

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

1. The Contract to Design the Replacement of Ranch Road Lift Station "E" and Design Capacity Improvements to Gravity Sewers with Applied Technologies, Inc. of Brookfield, Wisconsin in the amount of $514,205, in the form attached hereto is approved, subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

2. The Mayor and the City Clerk are authorized and directed to execute and deliver the same.

_____
Approved by: Andrew Nerbun, Mayor

Date Approved: March 14, 2023

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 14, 2023.

_____

Caroline Fochs, City Clerk

Applied Technologies
Engineers - Architects

AGREEMENT FOR PROFESSIONAL SERVICES

Clear Thinking

Date: March 6, 2023
Project Number: BD4081

Project Name: Lift Station E Replacement (#3616-23-E)

Client: City of Mequon

Address: 11333 N. Cedarburg Road
Mequon, WI 53092

The Client hereby requests and authorizes Applied Technologies, Inc. (ATI) to perform the following services:

Project: Lift Station E Replacement (Project No. 3616-23-E)

Scope of Services: See Attachment A for scope of services. Exhibits A, B and C, located in Attachment C, depict the project areas and phases.

Compensation: Work will be performed on a time and material basis for a fee not to exceed $514,205 as described on Attachment B (compensation estimate).

Other Items:

Services covered by this Agreement shall be performed in accordance with the General Provisions stated on Page 2 of 2 and any referenced attachments or schedules.

Accepted for Client		Accepted for Applied Technologies, Inc.	
By:		By:	
Title:		Title:	President
Date:		Date:	March 8, 2023

13400 Bishop's Lane • Suite 270 • Brookfield, Wisconsin 53005 • Phone (262) 784-7690 • Fax (262) 784-6847

Attachment: Exhibit A - Agreement for Professional Services (#3616-23-E) (RESOLUTION 4033 : Award Consultant Contract to Design New

GENERAL PROVISIONS

1. Scope of Services and Time Limit

The Proposal or Agreement for Professional Services, hereinafter both called the Agreement, is valid for a period of 60 days. Signing of the Agreement by the Client shall be considered as authorization for Applied Technologies, Inc. (ATI) to proceed with the Scope of Services. If acceptance is not received within 60 days, ATI reserves the right to revise the Scope of Services, Compensation, schedule, and personnel commitments.

2. Compensation

Compensation for the Scope of Services shall be as indicated in the Agreement, including any rate schedule or other attachments. All time spent on the Project by professional, technical, and clerical personnel will be invoiced. Unless otherwise stated, any compensation or fee estimate is considered a budget estimate only, and is not a lump-sum fee. If it becomes apparent to ATI that the total amount of compensation will exceed the budget estimate, ATI will notify the Client. Promptly thereafter, the Client and ATI shall review the matter of compensation and either the budget estimate or the remaining Scope of Services shall be revised. Rate schedules are adjusted on January 1st of each calendar year.

3. Additional Services

Additional compensation shall be negotiated between the Client and ATI for Additional Services beyond the Scope of Services.

4. Payments to ATI

Progress invoices will be issued monthly by ATI for all services performed under the Agreement. Invoices are due and payable on receipt. Interest at the rate of 1% per month will be charged on all past due amounts.

5. Professional Standards

ATI shall be responsible, to the level of competency presently maintained by other practicing professionals in the same type of work and time in the Client's community, for the professional and technical soundness, accuracy, and adequacy of all design, drawings, specifications, and other work and materials furnished under this Agreement. Professional services are not subject to, and ATI cannot provide, any warranty or guarantee, express or implied, including warranties or guarantees contained in any uniform commercial code. Any such warranties or guarantees contained in any purchase orders, requisitions or notices to proceed issued by the Client are specifically objected to.

6. Opinions of Cost

Since ATI has no control over the cost of labor, materials, equipment or services furnished by others, or over the Contractor(s)' methods of determining prices, or over competitive bidding or market conditions, the opinions of probable Total Project Costs and Construction Cost are made on the basis of ATI's experience and qualifications and represent ATI's professional judgment. ATI does not guarantee that proposals, bids or actual Total Project Costs or Construction Costs will not vary from the opinions of probable cost prepared by ATI. If prior to bidding, the Client wishes greater assurance as to Total Project or Construction Costs, the Client shall employ an independent cost estimator. ATI's services to modify the Contract Documents to bring the Construction Cost within any limitation established by Client will be considered Additional Services.

7. Construction Observation

During construction observation ATI shall not supervise, direct, or have control over the Contractor's work or responsibility for the means, methods, techniques, sequences, or procedures of construction, nor for construction safety precautions and programs. ATI shall not be responsible for any failure of the Contractor to comply with applicable laws, rules, regulations, ordinances, or codes. ATI can neither guarantee the performance of the construction contract by the Contractor nor assume responsibility for the Contractor's failure to furnish and perform work in accordance with the Contract Documents.

8. Insurance

ATI shall procure and maintain insurance for protection from claims under workers' compensation acts, claims for damages because of bodily injury including personal injury, sickness or disease or death of any and all employees or of any person other than such employees, and from claims or damages because of injury to or destruction of property including loss of use.

9. Indemnification

ATI agrees to indemnify Client from any claims, damages, losses, and costs, including, but not limited to, attorney's fees and litigation costs, arising out of claims by third parties for property damage and bodily injury, including death, caused solely by the negligence or willful misconduct of ATI in connection with the project. Client agrees to indemnify ATI from any claims, damages, losses, and costs, including, but not limited to, attorney's fees and litigation costs, arising out of claims by third parties for property damage and bodily injury, including death, caused solely by the negligence or willful misconduct of Client, Client's employees, or agents in connection with the project.

If the negligence or willful misconduct of both ATI and Client (or a person identified above for whom each is liable) is a cause of such damage or injury, the loss, cost, or expense shall be shared between ATI and Client in proportion to their relative degrees of negligence or willful misconduct and the right of indemnity shall apply for such proportion.

10. Limitation of Liability

Nothing contained within this Agreement is intended to be a waiver or estoppel of the Client or its insurer to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including those contained within Wisconsin Statutes §§ 893.80, 895.52, and 345.05.

11. Reuse of Documents

Any reuse of documents including reports, drawings, specifications, Contract Documents and other deliverables furnished by ATI, whether in hard copy or electronic form, under this Agreement without specific written verification or adoption by ATI will be at the Client's sole risk and without liability or legal exposure to ATI. Any such reuse, verification or adoption will entitle ATI to further compensation at rates agreed upon by the Client and ATI.

12. Termination

Either the Client or ATI may terminate the Agreement by giving 30 days written notice to the other party. In such an event, the Client shall pay ATI in full for all work previously authorized and performed prior to the effective date of termination. All relationships and obligations created by this Agreement shall be terminated upon completion of all applicable requirements of this Agreement.

13. Dispute Resolution

In the event of a dispute arising under this Agreement, the Client and ATI shall attempt to settle the dispute by discussion between the Client's and ATI's management. If any dispute cannot be resolved in this manner, in a reasonable length of time, the Client and ATI agree to attempt non-binding mediation or other alternative dispute resolution prior to filing any legal proceedings. In the event actions are brought to enforce this Agreement, the prevailing party shall be entitled to collect its litigation costs from the other party.

14. Controlling Law and Severability

This Agreement is to be governed by the law of the principal place of business of ATI. If any provisions, paragraph, word, section, or subsection of this Agreement is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and subsections shall not be affected and shall continue in full force and effect.

15. Entire Agreement

This Agreement represents the entire agreement between the Client and ATI. No other terms, conditions, promises, understandings, statements, or representations, express or implied, covered in the subject matter of this Agreement exist or have been made. This Agreement cancels and supersedes all previous agreements, proposals and understandings, if any, written or oral, between the parties relating to the subject matter of this Agreement.

Attachment: Exhibit A - Agreement for Professional Services (#3616-23-E) (RESOLUTION 4033 : Award Consultant Contract to Design New

City of Mequon

Lift Station E Replacement (#3616-23-E)

The Consultant scope of work is generally described as follows:

- Deliver Conceptual Design Memos based on Consultant Site Investigation, Surveying, Soil Borings, Wetland Delineations, Lift Station location, Pump Selection and Station Configuration with Cost Estimates for Lift Station; and Memos on Alignment for Force Mains with Cost Estimates, and Gravity Sewer Alignments with Cost Estimates. These memos are intended to be compiled into a comprehensive Design Report based on City feedback to finalize alignments and major design considerations. This design report is intended for presentation to the SUDC.

- Consultant to prepare Preliminary and Final Plans and Specifications in Contract Document Bid Package for a new Lift Station, Force Main extensions, and Gravity Relief Sewer extensions with revised Cost Estimates, and complete all necessary permits for successful bid documents. Plan format to adhere with City Standard Specifications.

- Consultant to schedule and attend meetings, phone calls and communications, and provide general consultation services to successfully complete project.

Exhibits A, B, and C are located in Attachment C.

SECTION 1 – INITIAL SITE VISIT, MEETINGS AND CONSULTATIONS

I. The Consultant shall meet (#1) with City of Mequon representatives to review project scope and complexity, design criteria, related requirements, view existing conditions, gather data from the City engineering files and previously prepared reports. City to provide latest city mapping of sanitary sewer system and parcels in Geographical Information Systems (GIS) shapefile format including Sanitary Sewer pipes and structures, in addition to parcels and right-of-way. No water main exists in this project area.

   A. City to provide as-built plans for the sanitary sewer, force main through GIS access. City to provide system mapping in Computer Aided Drafting (CAD) format. However, consultant field survey to be basis for design and plans.

   B. Upon request property lines and right-of-way, sewer utility system mapping can be provided.

   C. Topography and contours, easements, aerials and buildings may be provided by Ozaukee County upon request.

   D. For easement files on record, City to make easement and plat records available, and coordinate with Ozaukee County for recorded easements and plat maps within the project corridor.

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E. Inspect with initial site visit and become closely familiar with Mequon's East Trunk collection system including anticipated flows, the proposed LS E site, and project corridor.

F. Consultant to meet with City Staff (#2) and discuss preliminary findings with DCD to address new lift station location, building footprint and other considerations and pedestrian accommodations.

II. Provide needed measurements and Surveying to complete the site work for various phases. Phase I is essential to completing a successful lift station project. Phases II, III and IV will be considered "if authorized." All survey work shall be based on following Survey Requirements:

A. A Wisconsin registered professional land surveyor shall oversee all surveys.

B. Project horizontal and vertical control shall be based on the North American Datum of 1983, (2011 Adjustment) for horizontal and the North American Vertical Datum of 1988 for vertical. This specification is to be used for all plans, consistent with City of Mequon Standard Specifications for Land Development.

C. Surveyor to request diggers hotline prior to site survey for marking of all underground facilities and shall label facilities with offsets on alignment evaluations, preliminary and final plans.

D. The surveyor will be responsible for obtaining permission from all private property owners in the project corridor for any survey work on private property. This may be accomplished via a right-of-entry agreement or another document approved by the City.

E. Obtain sufficient horizontal and vertical information for all surface features that may be impacted during construction activities. This includes existing LS E structure, manholes, electrical facilities (poles, boxes) driveway, culvert, roadways, paths, ditches and other features that may be impacted such as trees and landscaping.

1. In addition to survey all sanitary structures in project area, survey all culverts elevations on culverts, pipes and structures used for storm drainage in the right-of-way within 100 feet of the project areas. Label inverts of recorded storm drainage inventory.

F. Survey shall make every effort to identify property irons along the project corridor.

G. Trees with diameters in the proposed project alignment/corridor shall be surveyed and inventoried with tree species identified.

H. The center of rim locations shall be recorded for all manholes and measure down to the actual invert elevations in the project corridor. Provide a measure down sheet for each structure surveyed and measured down, that identifies if any structural repair or infiltration needs rehabilitation. Measure down sheets to include structure number, surface elevation, elevation of the subsurface inverts and diameters

I. Provide any needed measurements and surveying to complete the site work.

III. Consultant to prepare base maps and analyze conceptual routes for new gravity sewers and force main for a new lift station location. Consultant to prepare conceptual memo to present findings that show feasible alignments/routes for the gravity sewers and force mains.

A. Consultant to show utilities on base maps and complete conceptual design memo on Utility Impact Planning.

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B. The exact location of the force main will depend on existing utilities in the corridor, but will also depend on many other factors, including pavement condition, maintaining access to residents and pedestrian trails, etc.

IV. Consultant to complete conceptual design memo on Traffic Impacts. A multi-use pedestrian path exists in the 60-ft right-of-way north of Laguna Drive dead end. The lift station design must accommodate a multi-use pedestrian path and address access during construction activities.

A. The Consultant shall evaluate all traffic impacts associated with LS E and Force Main installation, recommend the best route/location for the Force Main, obtain all necessary approvals to locate the Force Main in the right-of-way, and include the necessary traffic control plans in the design documents.

B. The consultant shall also consider access to the new lift station for routine operations, maintenance and future improvement projects such as pump replacements and upgrades.

V. Consultant to identify if easements required for successful project construction of Lift Station, Force Main and Gravity Sewers. Easements exists and work within the existing easement is preferred, where feasible and legally practical. If additional easements are necessary, the City will lead the easement acquisition process, but the Consultant to assist the City as required during easement negotiations. The exact number of easements required will depend on the final LS E location, gravity sewer, and force main route/alignment selected.

A. If authorized, the Consultant shall prepare legal descriptions and maps for all easements required to complete successful construction of lift station, force mains and gravity sewers. This includes permanent easements and/or temporary easements.

B. The City will lead any negotiation efforts with landowners, work with the Consultant to prepare any necessary easement documents, and have the documents recorded. The Consultant may attend negotiation meetings with private landowners as required and assist the City during the easement acquisition process. Eminent domain is not expected. If appraisals and/or title reports are required, the City will pay for these directly.

VI. Consultant to complete archaeological survey.

A. Consultant to hire an archaeologist to perform a detailed archaeological review and field survey of the entire project corridor. The archaeologist shall be licensed with the State of Wisconsin and approved to perform archaeological surveys.

B. Literature review and field work to be completed in accordance with state statutes, such as any report submittals required to Wisconsin Historical society and/or any other state organizations for approval. The archaeologist to work with the State Historical Society, as necessary, to meet all laws in the project corridor. Consultant and archaeologist to include any necessary language in the contract documents for archaeological regulations and/or discoveries during construction.

VII. Consultant to complete Wetland Delineation Reports.

A. Depending on the final route chosen, portions of the proposed Force Main extension and potentially gravity sewers are anticipated to be in wetland areas.

B. The Consultant to identify, locate, classify, and evaluate all wetlands in the selected corridor.

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C. The Consultant to document the results of the wetlands investigation in a report and include all mapped wetlands on the project plans. The wetland delineation shall be sufficient to obtain US Army Corp and WDNR approval, and any other permits required.

VIII. Consultant to complete Arborist Evaluation, as necessary. At the present time, it is not known if the assistance of an arborist will be required during design of the Force Main and Gravity Sewers. This will depend on the final route selected and the presence of trees in the proposed corridor. However, it is likely that an arborist will be required, especially to document tree species and condition along the creek bank near Wildwood drive and River Bend Court, in addition to Stone Creek Drive and Hidden Reserve.

A. At a minimum, the surveyor shall obtain the location and size of all trees larger than 4" diameter in the project corridor during the surveying process.

B. Consultant to assume services of an arborist are required, and during the design process that will be an "if authorized" item in the work scope.

C. Consultant to be familiar with specimen tree list. No trees shall be removed without City Forester authorization. https://www.ci.mequon.wi.us/publicworks/page/specimen-tree-list-0

IX. Consultant to complete Geotechnical Investigation and Technical Report.

A. The Consultant shall retain the services of and coordinate all design work with a geotechnical engineer. The new LS E, gravity sewers and Force Main are anticipated to be located in areas with high groundwater and poorly draining soils.

B. Consultant to present Soil Borings and findings in technical memo(s) that evaluate(s) trenchless techniques of Directional Drilling / Boring Tunneling Evaluation. This is to accompany the memo on alignment feasibility. That memo with feasibility analysis to also evaluate and address any Creek/Pond Crossings. In addition to identification of any necessary permanent or temporary easement requirements identified during survey research.

C. Phase I is essential to completing a successful lift station project. Consultant to consider additional phases as "if authorized" for Phases II, III and IV.

X. Consultant to compile conceptual design memos and investigative reports (Section 1, Tasks IV–IX) into comprehensive design report for presentation to Sewer Utility District Commission (#3) and to make available at Public Information meetings (#4, #5).

A. Prepare a detailed design report with cost estimates, design features and parameters recommended for design.

B. Consultant to prepare Renderings of Lift Station for two (2) Public Information Meetings. First set of renderings to include multiple views: side view displaying materials of either brick or composite siding to meet any requirements established by Community Development, identified in kick-off meeting, in addition to adhering with the City of Mequon Code of Ordinances including Chapter 58 – Planning and Development Regulations.

1. Three dimensional renderings will be provided to assist the public and City staff in understanding the facility, its exterior and interior layout at the first PIM. As presented during the interview with the selection committee, this rendering will

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include an overall view, a ground level view without the building walls and a full depth view indicating the structure from the top to the bottom.

C. Consultant to facilitate up to three (3) public information meetings. Based on feedback, consultant to incorporate aspects into design process. Optional third public information meeting (#6) to present final contract document as advertised.

SECTION 2 – DESIGN LIFT STATION E (LS E)

I. Establish Lift Station Location based on Section 1.

A. Consultant to draft Technical Memorandum to document the proposed Lift Station Location recommendation. Memo to identify space requirements in addition to feasible final route alignment and preliminary profile evaluation of gravity sewer and force mains to address MMSD, WDNR, FEMA regulations.

B. Meet with the City staff (#8) to discuss City staff comments on the Technical Memorandum.

C. Coordinate with the CITY to present the final location at Public Outreach Meeting (#4) including the recommended final horizontal alignment and preliminary profile with example construction details. (Sewer offset distances to be considered in alignment selection and completed in final design Task 3).

II. Consultant to design the new LS E to handle flows similar to that of the LS E.

A. Consultant to prepare conceptual design memo as basis for design. Memo to be reviewed by City staff and comments to be incorporated into Design Report (Section 2, Task III)

B. Improvements essential to the proper operation of LS E to be included in the design and ultimately, must be coordinated with construction and start-up.

1. Consultant to prepare design of the gravity sewer to connect existing sewers to new lift station location, as necessary for functionality and normal operation.

C. Consultant to design a new sanitary lift station with capacity for expansion based on MMSD 2050 Facilities Plan (Table 48 including Basins ME4001, ME4002, ME4003, ME4012 and northern part of ME4004).

D. Consultant to review and become familiar with 2022 East Trunk Hydraulic Analysis Report and PCSWMM Model of collection system. In general, model includes gravity flows from three sewersheds.

E. Consultant to prepare conceptual design memo, based on review of collection system hydraulics and Consultant's update to City's hydraulic model in PCSWMM for various scenarios:

1. Consultant to prepare model with new force main extension through Hidden Reserve, and prepare associated cost estimate of construction. (Section 3, Task II, Exhibit B)

2. Update Model to reflect with new lift station, force mains and re-route gravity sewer from existing station to new station.

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3. Consultant to prepare model with analysis of new relief sewer extending along Ranch Road west to SMH 219.003 and prepare associated cost estimate of construction. (Refer to Section 4 and Exhibit C)
4. Consultant to prepare model with analysis of new relief sewer extending north to SMH 119.038 near Oriole Lane and Wildwood and prepare associated cost estimate. (Refer to Section 4 and Exhibit C)
5. Consultant to prepare model with analysis of new relief sewer extending north to SMH 118.127 near Oriole Lane and Glen Oaks Lane and prepare cost estimate. (Refer to Section 4 and Exhibit C)
6. This memo will also be the basis for design of the connecting gravity sanitary sewer collection layout and force main connections.

F. Consultant to design the lift station capacity and pumps while taking into account future phases of infrastructure improvements, as outlined above and in tasks 3 & 4.

1. Consultant to evaluate and design Lift Station that allows for future capacity expansion at lift station, including additional pumps and/or larger pumps.
2. Consultant to identify the effect the new pumping station will have on the ETS capacity.
3. Consultant to make recommendations for lift station design regarding the essential collection system connections and future phases of gravity relief sewer extensions.
4. If SUDC determines that relief sewers are cost prohibitive, then underground storage facilities at nearby contributing lift stations (Riverdale Park LS F & Fieldwood Drive LS G) may be pursued.
5. It is anticipated that additional construction improvements to the gravity collection system, including inline relief sewer/storage, will occur after the LS E is constructed and operational.

G. Consultant to design lift station with corrosion resistant materials. Identify and evaluate concrete protection measures, such as epoxy coating, for the LS E wet well, new manholes and pipelines.

H. Consultant to design lift station for adequate head room and easy access without obstructions, typical 3ft of space for human access with tools for repairs, operation and maintenance.

III. Produce a preliminary design report early in the design process to provide an overview of the project and present major alternatives that may be selected or modified to better define and focus the project. Consultant to prepare a conceptual design memo for LS E to address capacity, mechanicals, electrical, controls, architectural, civil/structural, staging and sequencing.

A. Capacity. Ability to meet maximum demand with firm pumping capacity, in addition to average day flows including diurnal variation.

1. Design to avoid problems caused by hydraulic transients such as surge pressure and valve closures.
2. Provide mechanical and hydraulic analysis needed for proposed systems, including hydraulic transients (water hammer) and potential equipment vibration.

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3. If Authorized, Complete and provide CFD modeling of the wetwell configuration and inlets to pumps, summarized in the design report.
4. Evaluate installation and automation of wet well flow control methods.
5. Evaluate vibration damping and surge protection measures as required.

B. Mechanicals. Consultant to design necessary aspects that ensure mechanical and electrical operations of LS E including:

1. Pumping System. Evaluate and compare in a tables: the types, configurations, constant speed pumps versus variable speed pumping modes; pump operating curves. Include the pros and cons for each type/arrangement with maintenance considerations and make recommendation based on site and system operations.
2. Identify mechanical pumping system requirements, including piping, isolation valves, check valves, surge relief and appurtenances.
3. Identify and design pump types, equipment, valves, and appurtenances. Consider size and number of individual pumps, constant speed vs. variable speed operation, size and types of valves, piping requirements, space constraints and other considerations.
4. Evaluate Valve actuation with SCADA to operate alternating Force Mains and Alternating pumps consistent with current SOPs.
5. Debris removal system. Consultant to evaluate and design Wastewater debris removal such as screening and/or grinder systems to protect the pumps and reduce pump plugging. Consultant to evaluate at least three options for automatic debris removal and include in design report, and with concurrence of Wastewater Superintendent include in preliminary plans with specifications and final design plans with specifications.
6. Consultant to design station with the ability to split/isolate portions of the wetwell for redundancy and maintenance, such as with wet sluice gates.
7. Consultant to identify and evaluate alternatives for the HVAC systems and odor control. Then Design HVAC and odor control systems to replace existing system, including granular activated filtration system. Avoid accumulation of toxic gases and explosive gases with preferred design of 25-30 air changes per hour, and limits humidity.
8. Evaluate sound proofing, take ambient noise level readings, and design sound attenuating devices to adhere with required decibel levels.

C. Electrical. Electrical and control systems.

1. Design Control system to integrate with Supervisory Control and Data Acquisition (SCADA) and other site requirements.
2. Electrical demand scenarios
3. load sharing and Modes of operation.
4. Pump efficiencies
5. Design to adhere with applicable codes (NEMA, IEEE NEC, NFPA, OSHA)
6. Design flow metering systems.

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7. Identify and evaluate required electrical equipment and power feeds. Evaluate emergency power system, including redundant services and on-site generation from natural gas.

8. Design Lighting system to adhere with applicable codes, explosion proof (IES)

D. Architectural. Consultant to design architectural features of the lift station exterior architectural style and building aesthetics, to address any Mequon requirements by Community Development, including but not limited to lighting, building aesthetics, blending the lift station exterior with nearby buildings.

1. Present renderings at public information meetings. Review the feedback from Public Information meetings. Revise in coordination with City staff and incorporate features into final design as directed by City staff including DCD.

2. Provide Renderings. Allow for revision based on feedback from City staff (DCD) and feedback from public information meetings.

3. Address concerns from a zoning and land use standpoint identified during meetings. Address guidance provided by Community Development staff regarding planning, zoning and/or inspections.

E. Civil / Structural. Design civil and structural aspects based on soil borings analysis for footing or piling evaluation that avoids settlement.

1. Complete soil borings and survey as part of plan preparation, in Section 1. The Consultant shall review all recommendations by the geotechnical engineer, suggest alternatives, perform any structural analysis required, and incorporate all necessary details into the contract documents. The Consultant shall provide an Engineer's cost estimate for any proposed foundation support systems required for the project in the Design Report.

2. Other systems and equipment as needed including electrical service, gas service, air release valves, hoists/cranes, driveway/pavement, landscaping) for successful construction and operation of a new lift station.

3. Locate outside of Floodplain.

4. Provide means for rescue, and design is preferred with platforms rather than ladders.

5. Consider access to the new lift station for routine operations, maintenance and future improvement projects such as pump replacements and upgrades.

6. Address Pedestrian access during construction, post construction, and during future operation and maintenance. Consider bollards, with adjustable hinge lock type.

7. Determine structure size and configuration to adequately house the ultimate equipment layout.

8. Evaluate design of building space with emergency shower, toilet, and sink. Estimate structural needs required to accommodate installation and maintenance of new and future equipment. No public water available in immediate vicinity.

F. Staging and Construction Sequencing.

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1. Consultant to evaluate and document specific sequencing required for construction, plans and specific prosecution and progress to address considerations for the need to keep the existing station and collection system in service during construction activities and wet weather events.
2. Consultant to prepare staging plans, in addition to preparing specifications with detailed descriptions for prosecution and progress to construct a lift station, reconnect gravity sewers and force mains while maintaining operations and traffic control and minimizing impacts to other utilities.
3. Phased construction may be required for various disciplines. Evaluate and prepare contracts for core lift station work in addition to extending gravity relief sewer for collection system capacity improvements. See Exhibit C
   a. Consultant to recommend number of Construction Contracts to build new lift station, force main and gravity sewer project.
   b. For successful operation of the new station, gravity sewer re-routing is required. In addition, anticipates future phases to improve system function by adding capacity with gravity relief sewer extensions, as identified in the 2022 System Planning Study.

IV. Consultant to prepare plans, drawings and details necessary for successful lift station construction. Plans to be transmitted for City staff and/or Owner's representative (potential consultant review) meet with staff to discuss conceptual design memo (#7), preliminary (#8) and final design (#9) meetings.

V. Consultant to prepare specifications necessary for successful lift station construction. Specifications to be transmitted for City staff and/or Owner's representative (potential consultant review) meet with staff to discuss conceptual design memo (#7), preliminary (#8) and final design (#9) meetings.

VI. Cost Estimates. Consultant to generate cost estimates and revise cost estimates for station construction at various stages of project progress to reflect decisions based on conceptual memo (30%), design report (60%) preliminary plans (90%) pre-final plans

A. For the design report, Consultant to include a preliminary cost estimate of the major items that can be generally described as Site/Civil/Mechanical/Electrical/Architectural.

B. Lift cycle cost. Provide detailed cost estimates and include life cycle costs analysis as part of preliminary concept memo and design report, and revise as needed.

C. The design report with preliminary cost is intended to identify selection of materials and equipment, that can be presented to the City Engineer / Director of Public Works and the Mequon Sewer Utility District Commission.

D. Provide final cost estimate prior to bidding.

VII. If authorized, Prepare Operation and Maintenance Manual for new lift station with Standard Operating Procedures for Sewer Maintenance staff.

A. Schedule meeting with Wastewater Superintendent to review draft SOPs.

B. Provide training to Sewer Maintenance staff and start-up guidance.

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C. Revise and finalize SOPs based on input from Sewer Utility staff during start-up and training.

VIII. If authorized, Prepare Decommissioning Study for existing station and

A. Include preliminary sketches in draft Decommissioning Study.

B. Allow for input from Sewer Utility District and the River Bend Homes Association Inc. The existing lift station at 2020 Ranch Road is in easement located on outlot of the River Bend HOA.

C. In revised final version, address necessary removals, temporary easement access, disposal and abandonment of various aspects including but not limited to civil / structural features, underground infrastructure, lighting, utilities (electric pedestals and services, communications, and any other activity necessary to complete restoration as required by Community Development).

D. Prepare rendering of area post-decommissioning to present at 2nd public information meeting.

SECTION 3 – LIFT STATION E FORCE MAIN

Consultant to design force mains for work in two areas generally described as: First, station relocation area at Ranch Road and Laguna Drive, and second is a force main extension at the discharge end of the short force main from Sunnydale to Stone Creek Drive.

General Force Main Design Requirements to be provided by the Consultant:

I. Surveying. Consultant to survey areas for force main work as outlined in Section 1. Consultant to include this survey work that is displayed in Exhibit B as necessary to design the extension of the force main from approximately Sunnydale Lane to Stone Creek Drive as part of the Phase I scope. This work may not be considered essential to the start-up of the station and may become additive rather than part of the base bid.

A. Surveyor to obtain any necessary permissions and survey proposed corridor described in Section 1.

B. Survey to include but not be limited to topography, existing utilities, streets, drainage swales, wetlands, paths, building structures, plantings, trees, and any other surface features relevant for construction through the proposed corridor.

II. Consultant to provide conceptual memo that evaluates potential alignments and provides recommendation of the most feasible routes for: 1) Force Mains for Station Relocation (near LS E, Ranch Road and Laguna Drive) and 2) At the discharge end of the short Force Main from Sunnydale to north end of Stone Creek Dr. at existing 24-inch dia. sewer. Consultant to prepare alignment memo that evaluates three force main alignments for each area

A. Alignment to be based consultant survey, geotechnical investigation, where Geotechnical investigation along the selected Force Main route shall include soil borings spaced at approximately 300 feet apart along the project route and at all access pits/work shafts requiring earth retention systems.

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1. The LS E pump to be designed for two force mains. Currently two force mains discharge: one at Sunnydale Lane and one at Zedler Lane.
2. Consultant to understand the discharge point for the long force main at Zedler Lane to remain. No change to force main discharge at Zedler.
3. For short force main, Consultant to design extension from Sunnydale Lane through Hidden Reserve subdivision for discharge connection directly into the 24-inch dia. relief sewer at north end of Stone Creek Drive. However, that extension is contingent upon working within existing easements or securing any necessary easements, and successful design and permitting through wetlands.
4. Work shaft dewatering plans and specifications anticipated.

B. Consultant to identify advantages and disadvantages of each route.

1. Permits. Identify any permits and approvals necessary from the Wisconsin Department of Natural Resources and US Army Corp of Engineers or other regulatory agencies.
    a. Permits that constrain constructability or increase costs, beyond typical erosion control, and any other permits which may be required such as dewatering, to be taken into consideration during alignment evaluations.
2. Easements. Consultant to identify easement requirements, traffic impacts, construction requirements (pipe support, bypass pumping, etc.), and a recommendation of the best alternative available.

C. Provide all design elements for the Force Main not limited to but including:

1. Hydraulic analyses needed for proposed systems, including assessment of potential transients.
2. Consultant to Review City's collection system hydraulics and update City's hydraulic model in PCSWMM to reflect core and essential improvements including:
    a. New lift station, force mains and re-route gravity sewer from existing station to new station.
    b. Consultant to prepare model with new force main extension through Hidden Reserve, and prepare associated cost estimate of construction.
3. Evaluate, sizing and head requirements, minimum scour velocities in design memos prior to final design of the Force Main. The upsizing of the existing Force Mains is not planned at this time but Consultant to identify as consideration for future expansion of facilities as part of design report.
4. Material. Evaluate different types of pipeline materials, including fused HDPE, PVC Certa- lok, wrapped ductile iron, fiberglass, and others.

D. Analyze Force Main installation methods, including conventional open-cut, horizontal directional drilling, tunneling, and any other methods deemed appropriate.

1. Directional Drilling. Directional drilling or another trenchless technology is anticipated to be required at Force Main crossings of any intermittent creek and waterways. Consultant to evaluate directional drilling and/or trenchless options, costs, advantages/disadvantages to minimize wetland impacts.

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2. Creek/River Crossings. Waterway crossings are expected near Stone Creek Drive and Hidden Reserve subdivision. Consultant to identify any special requirements associated with this.

   a. The proposed gravity sewer will cross beneath the unnamed tributary creek to the Milwaukee River near LS E and at the force main downstream end also cross Stone Creek in the Hidden Reserve Subdivision.

   b. Consultant to evaluate Force Main and gravity sewer work installation methods at any river/creek crossings, including concrete encasement, pipe buoyancy (floating) analysis, foundations/tight sheeting to prevent undermining, clay dams on either side of the creek, rip-rap, and any other considerations required to protect the pipe.

III. Plans. Consultant to prepare plans for successful project bid that adhere with City Standards found at https://www.ci.mequon.wi.us/publicworks/page/standard-specifications-land-development. This includes Consultant to provide individual plan and profile sheets, a cover sheet, various standard details, special connection details, traffic control plans, erosion control drawings, and any additional miscellaneous drawings necessary to complete the plan set for two force main locations.

A. Relocation and Design Force Main for New Station. Design new sanitary force main extensions for connection to two existing 16-inch dia. force mains in Ranch Road, approximately 800 feet, near an intermittent stream.

   1. The Consultant shall prepare a conceptual design memo that outlines the alternatives investigated for the force main alignment to connect the new LS E.

   2. Consultant to design force mains to the existing infrastructure near the existing lift station. This includes approximately 800 feet of twin 16-inch dia. Force Mains between the new station and existing Force Mains in Ranch Road.

B. Design Force Main Discharge Extension. Consultant to design the short Force Main extension (approximately 2,000 feet) with discharge from Sunnydale Lane to Stone Creek Drive. The proposed LS E short Force Main would pump directly to the East Trunk Relief sewer through a force main that would extend for a distance of approximately 8400 feet, to the north end of Stone Creek Drive. The long Force Main is approximately 14,000 feet and that discharge point will remain the same, at Zedler Lane and Port Washington Road.

   1. An additional 2,000 feet of 16-inch dia. sanitary Force Main design is anticipated at the downstream or discharge end of the short Force Main in the vicinity of Sunnydale and Oriole Lane to the north end of Stone Creek Drive, contingent on legal constructability in easements.

   2. Design LS E Force Main to handle existing flows identified in condition assessment and based on update flow monitoring, pump runtime and metering records. Consultant to review and possibly revise the peaking factors used to calculate the maximum flows. Any updated peak flow information will be provided to the Consultant. The consultant shall review the flow and capacity information and suggest modifications where deemed necessary. The consultant shall also determine the final alignment of the Force Main and best location of the Force Main.

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3. Design air release valves and structures at high points, and as necessary for successful operation.
4. Design to adhere with NR 110, Standard Specifications for Sewer and Water Construction in Wisconsin, and to accurately locate the new Force Mains in the future.

IV. Specifications. Consultant to prepare specifications for the project, using the Consultant's specification format for lift stations, force mains, and gravity sewers, in addition to the General Conditions provided by the City.

A. Design air release valves and structures at high points, and as necessary for successful operation.

B. Design to adhere with NR 110, Standard Specifications for Sewer and Water Construction in Wisconsin, and to accurately locate the new Force Mains in the future.

C. Identify flow meter for installation with Force Main Specifications to monitor flows at Lift Station E that tie into SCADA.

D. Consultant to provide list of specifications, prepare basis for payment sections that identify quantity, type and basis for measurement that will be reviewed by City staff/Owner's representative at various stages with cost estimates.

V. Cost Estimates. Consultant to generate cost estimates and revise cost estimates for station construction at various stages of project progress to reflect decisions based on conceptual memo (30%), design report (60%) preliminary plans (90%) pre-final plans.

A. The design report is to include a preliminary cost estimate of the major items that can be generally described as Site/Civil/Mechanical/Electrical/Architectural.

B. Lift cycle cost. Provide detailed cost estimates prior to bidding and include life cycle costs analysis as part of design report.

C. The design report with preliminary cost is intended to identify selection of alignment, materials, size and any additional special considerations that may be required for presentation to the City Engineer / Director of Public Works and the Mequon Sewer Utility District Commission.

SECTION 4 – GRAVITY SEWER DESIGN

General. The consultant shall serve as the lead design engineer and prepare all necessary documents (design report, permit applications, plans, specifications, addenda, etc.) required for the gravity sewer portion of the LS E project.

- City to provide the Consultant with all planning information that has been complete to date. The consultant shall perform all work necessary to plan, design and bid the project. This includes field survey, hydraulic analysis and updates to existing PCSWMM model, environmental evaluations, archeological surveys, geotechnical investigations, and obtaining all permits from local, county, state and any federal agencies as needed.

- Consultant to survey additional phases "if authorized" for Phase II, III and IV.

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- Consultant to evaluate and address critical path design to move the LS E replacement project forward.

- Consultant to prioritize design of lift station, force main, and gravity sewer to bring new LS E operational and functional. Assume second design team to work in parallel, to avoid gravity sewer extensions from delaying progress on core lift station work. Future gravity sewer profiles are important for design and it is expected that Consultant to set profiles, but focus on final design after lift station plans established.

I. Survey. Survey the proposed project alignment as outlined in Section L.2. The essential gravity sewer that is priority is the proposed project corridor between the existing station from SMH 119.034 to 219.008, approximately 1000ft apart. That sewer connection from existing to new station is core element of design and LS E construction. Survey information shall include topography, existing utilities, streets, drainage swales, paths, building structures, plantings, trees, and any other surface features relevant for construction through the proposed corridor.

II. Conceptual Design Memos to Establish Alignments. Consultant to evaluate potential project corridors and recommend the most feasible routes for the gravity sewer(s) in a conceptual design memo. Consultant to design gravity sewers for successful project construction and system operation. Scope to include four phases generally described as (1) First, station relocation area to connect to the new station, and (2) second is a gravity relief sewer extension west from Laguna Drive along Ranch Road to a point 1300 feet west, (3) third and fourth are phased extensions north. These are intended as intercepting relief sewers with diversion structures along Oriole Lane at (3) Wildwood Drive and (4) Glen Oaks Lane.

A. Request diggers hotline system maps for planning and communicate and coordinate any necessary meetings with utility companies (WE Energies gas and electric, Spectrum Cable, AT&T and others). Consultant to discuss utility impacts and determine restrictions and guidelines to construction near their facilities. Consultant to forward exhibits and preliminary routes to respective agencies and request mark-ups and edits to assist in route analysis. Consultant to summarize analysis in alignment memo(s) for gravity sewer work.

B. Consultant to conduct a survey over routes for the proposed gravity sewer extension. The west branch is approximately 1250 feet. The north branch is approximately 900 feet for future phase to Wildwood, prior to an additional 1350 feet for another phase of construction to Glen Oaks. The survey will be based upon the as-built and system map reviews and our meeting (#1) with the City staff, and any necessary spot checks to successfully complete the survey and design.

C. Consultant to determine the final alignment of the gravity sewers, the most feasible and cost effect methods for construction, and the best location for the construction activities in coordination with City staff. This work shall be completed after all field information has been gathered, including topographic survey, mapping of existing structures, identification of delineated floodplain, geotechnical information, identify if any easements are required, and map the location of all utilities in the survey area.

D. Re-route Gravity Sewer. Consultant to Design system improvements for three existing gravity sewer systems (ME4001, ME4002, and ME4004) to re-route into the existing lift station E location to connect with the new station.

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III. Design Reports. At the completion of conceptual memos, the Consultant shall prepare a design report that outline the alternative alignments and construction methods investigated. Consultant to include in the report a summary of the geotechnical investigation, advantages, and disadvantages of each route, tunneling evaluations, easement requirements, traffic impacts, construction requirements (pipe support, flow control plan/bypass pumping, etc.), and a recommendation of the best alternative available. Consultant to complete additional system evaluation, document in conceptual memos and prepare design for:

A. Existing Station to New Station (Phase I). This gravity sewer is core contract and essential to functional new lift station location. Evaluate at least two alignments and prepare modeling and design of gravity sewer from the existing station at 119.034 approximately 750ft west/southwest towards Laguna Drive.

B. Laguna Drive to a point 1300 ft west (Phase II). Inspect and become closely familiar with possible routes for the gravity sewer between the existing station and the new station in the right-of-way extended north of Laguna Drive. Evaluate at least two alignments, and prepare modeling and design of gravity sewer extension Preliminary design system between existing station, 1200ft from 219.008 to 219.003, with diversion structure at 219.003, a point east of St. James where the 18-inch dia. converges with a 10- inch dia.

C. River Bend (Phase III). Evaluate at least two alignments, and prepare modeling and design of gravity sewer from the existing station at 119.034 approximately 950ft to 119.039 at Wildwood, for a new diversion structure at 119.038 (option to gain authorization and perform bathymetric survey of pond)

D. Oriole Lane (Phase IV). Evaluate at least two alignments and prepare modeling and design of gravity sewer for approximately 1350ft from 119.039 at Wildwood to a new diversion structure near Glen Oaks Lane 118.127. This is the anticipated connection for a future Force Main extension from Fieldwood Drive LS G.

E. Port Washington Road (Future Phase IV). If authorized, evaluate flow restriction in 48-inch dia. ETS n/o Zedler in vicinity of 431.198 and 431.199 to optimize storage.

F. Design Report to include:

1. Consultant to review PCSWMM model and 2022 planning study that identifies capacity improvements are being required. Consultant to updated PCSWMM Model to design final size/diameter and length of relief sewer. Consultant to summarize hydraulic evaluation in technical memo as basis for design of inline relief gravity relief sewer improvements.

2. Geotechnical investigation along the gravity sewer route identified in #2 & #3. Investigation shall include soil borings spaced at approximately 300 feet apart along the project route and at all tunnel access pits.

IV. City staff plans to review/manage the overall design of the gravity sewers/forcemain and lift station project, however may pursue additional consultant services to review plans.

V. Consultant to investigate tunneling and/or trenchless options, costs, advantages/disadvantages for the project design phase crossings of all creeks and waterways. Consultant to provide memo on construction methods to address environmental considerations including wetlands, stream crossing, trees and any archaeological aspects.

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VI. Special design conditions will need to be evaluated to protect the Force Main and Gravity Sewer work at any creek/pond crossings and adhere with WDNR technical standards (1072). Consultant to analyze concrete encasement, pipe buoyancy (floating), foundations and earth retention systems to prevent undermining, in addition to clay dams on either side of the creek and any other considerations required to protect the pipe. This analysis is to also consider soil quality (poorly draining) for directional drilling.

A. Creek Crossings. In addition to evaluating the force main downstream end also cross Stone Creek in the Hidden Reserve Subdivision, the consultant will complete future phase analysis for gravity relief sewer extension north of LS E under the unnamed tributary creek to the Milwaukee River near the unnamed adjacent to River Bend Court. Also, the proposed gravity sewer near LS E may cross beneath an intermittent drainage swale along the pedestrian path.

B. Wetland Delineations. Portions of the proposed gravity sewer and force main may be in designated wetlands. Consultant to identify, locate, classify, and evaluate all wetlands in the selected corridors. Consultant to document the results of the wetlands investigation in a report and include all mapped wetlands on the project plans. The wetland delineation and report sufficient to obtain US Army Corp and WDNR approval, and any other permits required. Consultant to identify any wetland mitigation strategies, as necessary.

C. Arborist. At the present time, it is not known if the assistance of an arborist will be required during design of the gravity sewer. This will depend on the final route selected and the presence of trees in the proposed corridor.

1. Consultant to assume services of an arborist are required, and during the design process and for finalizing evaluation of corridor alignment “if authorized” item in the work scope.

2. Consultant to document tree species and condition in potential project corridor(s). Design land disturbing activities outside of tree canopy (dripline), where possible. This includes area along the unnamed tributary/creek bank near River Bend Court and Wildwood Drive, also along Glen Oaks Lane, in addition to Hidden Reserve and for the Force Main connection to the existing gravity relief sewer in Stone Creek Drive (private road with easement).

3. At a minimum, the surveyor shall obtain the location and size of all trees larger than 4-inch diameter in the project corridor during the surveying process.

VII. Traffic and Utility Impacts. Consultant to propose alignment of the gravity sewer based on showing centerline offsets with existing utilities in the corridor, and other factors listed in standard specifications. Consultant to also consider pavement condition and maintaining access to residents including the impacts to pedestrian trails. Consultant to evaluate all traffic impacts associated activities to Construct the New LS E and Force Mains and Gravity Sewer connection. Consultant to recommend the best route/location for the Force Main that minimizes utility and pedestrian impacts. Consultant to include traffic control plans in the design documents to minimize disturbance to subdivision residents, such as a proposed pedestrian detour if the path is temporarily closed. Consultant to anticipate presentation of this pedestrian detour exhibit at public information meetings.

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VIII. Easements. Consultant to identify if any new easements are necessary. The exact number of easements that may be required will depend on the final LS E location and force main route/alignment selected. IF AUTHORIZED, the Consultant to prepare legal descriptions and maps for required easements required. The City will lead any negotiation efforts with landowners, work with the Consultant to prepare any necessary easement documents, and have the documents recorded. Consultant to attend negotiation meetings with private landowners as required and assist the City during the easement acquisition process, if authorized. Eminent domain is not expected. If appraisals and/or title reports are required, the City will pay for these directly.

A. Prepare easement maps and legal descriptions for all areas where the gravity sewer is to be located on private lands, outside of existing easements.

B. Consultant to retain an allowance in the budget for this service for use on an "IFAuthorized" basis.

IX. Gravity Sewer Design. Consultant to complete design for gravity sewer connection to new facilities, existing facilities, and new relief structures. Design per NR110 and City of Mequon Standard Specifications. The gravity sewer design services to be provided by the consultant design firm are anticipated to the following:

A. Consultant to provide all design elements in a technical memo for the gravity sewer, including sizing, location/route, soil conditions, surveying, easement descriptions, permits. Memo to include the following:

1. Consultant to analyze gravity sewer installation methods including conventional open-cut, horizontal directional drilling, tunneling, and any other methods deemed appropriate.
2. Consultant to evaluation of different types of pipeline materials, including epoxy coated structures, and plastic lined concrete pipe, and fiber reinforced polymer mortar pipe.
3. Final sizing of the gravity sewer, including evaluation of potential storage and staging.
4. Technical memo to be submitted to MMSD and WDNR with the necessary forms.

B. 2. Identify new metering manhole to monitor inflows for Lift Station E.

X. IF AUTHORIZED, Consultant to design flow optimization with a sluice gate in Port Washington Road north of Zedler Lane on the existing 48-inch dia. relief sewer system. This relief sewer is successful and is intended for replication in the collection system leading up to the new Lift Station E location.

SECTION 5 – GENERAL DESIGN SERVICES

General consultant services to be provided by the design firm include the following:

I. Prepare documents for MMSD and WDNR submittals.

A. Manage and carry out the design project and coordinate lift station aspects with force main and gravity sewer details as required.

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B. Frequently meet and interact with the City throughout the project, and submit key design recommendations, as needed for various milestones and approvals.

C. Provide frequent schedule updates.

D. Obtain all required design approvals and permits and attend public information meetings.

E. Consultant to prepare drawings to include all necessary site maps, plans, elevations, sections, details, and notes as needed or necessary to adequately show, explain or describe all features of the project.

F. Drafting services to provide individual plan and profile sheets, a cover sheet, various standard details, special connection details, traffic control plans, erosion control drawings, and any additional miscellaneous drawings necessary to complete the plan set.

G. Prepare specifications for the project, using the Consultant's standard specification format and General Conditions provided by the City.

H. Attend public meeting(s) as required.

II. Prepare detailed plans and specifications to be used for construction bidding and provide any needed addenda.

III. Provide services through advertising and bidding of the project including any requests for information.

IV. Flow Control in Port Washington Road. Model, prepare Cost Estimate, Design, Specifications. (Refer to Section 4, Part X.)

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ATTACHMENT B
Mequon Lift Station E Replacement
Compensation Estimate

Item	Description	Units (hrs)	Fee
Section I: Site Visit/Investigation, Meetings, Data Collection, Surveying, Consultant and Admin Services			
1.A	Meetings to discuss Alignment, DCD, Concept Design Memos, PIM#1 w/Rendering, Preliminary Design, Final Design, PIM#2, Pre-Bid, Pre-Con (1 Meeting per each month, 12 total)	92	$ 16,538
1.B.i	Survey for Lift Station (LS), Force Mains (FM) and Gravity Sewers (GS) – Phase I	64	$ 6,710
1.B.ii	*If Authorized, Survey for Phase II GS (incl Arch, Wetlands and Tree Survey)*	94	$ 11,738
1.B.iii	*If Authorized, Survey for Phase III GS (incl Arch, Wetlands and Tree Survey)*	96	$ 12,064
1.B.iv	*If Authorized, Survey for Phase IV GS (incl Arch, Wetlands and Tree Survey)*	95	$ 11,754
1.C	Data Collection & Base Mapping	8	$ 1,120
1.D	Traffic and Utility Impact Planning Memo	16	$ 2,208
1.E	Identify Any Necessary Easements for Acquisition (Temp / Permanent)	4	$ 720
1.E.i	*If Authorized, Prepare up to 10 legal descriptions & Map Exhibits*	40	$ 6,000
1.F	Archaeological Survey (base only)	36	$ 2,127
1.G	Wetland Delineation Reports (base only)	32	$ 1,300
1.H	Arborist Evaluation (base only)	40	$ 1,600
1.I.i	Geotechnical Investigation – Phase I Technical Report with Soil Borings and Evaluation of Directional Drilling / Boring Tunneling	120	$ 8,500
1.I.ii	*If Authorized Geotech Investigation – Phase II Technical Report with Soil Borings, Evaluate Directional Drilling/Boring/Tunneling*	25	$ 4,250
1.I.iii	*If Authorized Geotech Investigation – Phase III Technical Report with Soil Borings, Evaluate Directional Drilling/Boring/Tunneling*	15	$ 3,000
1.I.iv	*If Authorized Geotech Investigation – Phase IV Technical Report with Soil Borings, Evaluate Directional Drilling/Boring/Tunneling*	25	$ 4,250
1.J	Compile Conceptual Design Memos into Preliminary Report	20	$ 2,908
	Subtotal Section I (Items 1.A – 1.J)	**822**	**$ 96,787**
Section II: Lift Station Design			
2.A	Technical Memo on Location and Major Design Aspects (25%)	112	$ 15,928
2.B	Design and Update Model (PCSWMM)	92	$ 12,000
2.C	Preliminary Design Report on Capacity, Mechanicals, Electrical, Site/Civil, Architectural and stages for construction sequencing	44	$ 6,086
2.C.i	*If Authorized, CFD Model*	250	$ 25,000
2.D	Lift Station Plans (30%, 60%, 90%, 100%)	1,031	$ 149,046
2.E	Lift Station Specifications (60%, 90%, 100%)	160	$ 25,352
2.F	Update Cost Estimates for LS Construction (30%, 60%, 90%)	82	$ 12,208
2.G	*If Authorized, Prepare Operation and Maintenance Manual with Standard Operating Procedures*	24	$ 3,472
2.H	*If Authorized, Prepare Decommissioning Study (2020 Ranch Rd)*	16	$ 2,848
	Subtotal Section II (Items 2.A-2.H)	**1,811**	**$ 256,940**
Section III: Design Force Main for New Lift Station			
3.A	Survey and Establish Alignments in Conceptual Design Memo (included in 1.B.i)	-	$ -
3.B	Draft Conceptual Memo for Design Report	24	$ 3,392
3.B.i	Update PCSWMM Model with Force Main from New station to tie into existing force mains	10	$ 1,350
3.B.ii	Update PCSWMM Model with 2,000ft of Force Main Extension from Sunnydale SMH 430.011 to 430.196 Stone Creek Drive	10	$ 1,350
3.C	Force Main Plans (30%, 60%, 90%, 100%) (included in 3.C.i)	-	$ -
3.C.i	Design Force Main from New station to tie into existing twin parallel force mains (800'+/- per each)	106	$ 16,248
3.C.ii	*If Authorized, Design 2000 ft of FM Extension from Sunnydale SMH 430.011 through Hidden Reserve to 430.196 Stone Creek Drive*	100	$ 36,284
3.D	Specifications for 3.C (60%, 90%, 100%)	40	$ 6,408
3.E	Revised Estimates for Force main Construction	12	$ 1,696
	Subtotal Section III	**302**	**$ 66,728**
Section IV: Design Gravity Sewers for New Lift Station			
4.A	Survey Corridors to Establish Gravity Sewer Alignments for Projects (included in 1.B.i)	-	$ -
4.B	Draft Alignment Memos w/ Costs Estimates (4.B.i-iv) for Design Report	22	$ 3,080
4.B.i	Update PCSWMM Model with Gravity Sewer Extension from Existing Station SMH 119-034 to New Station (Laguna Dr. extended)	8	$ 1,050
4.B.ii	Update PCSWMM Model with Gravity Sewer Extension from New Station to a point near SMH 0219.003 in Ranch Road	8	$ 1,050
4.B.iii	Update PCSWMM Model with Gravity Relief Sewer Extension from 119.034 to a point near SMH 0119.038 at Wildwood Dr.	8	$ 1,050

Attachment: Exhibit A - Agreement for Professional Services (#3616-23-E) (RESOLUTION 4033 : Award Consultant Contract to Design New Sanitary Lift Station)

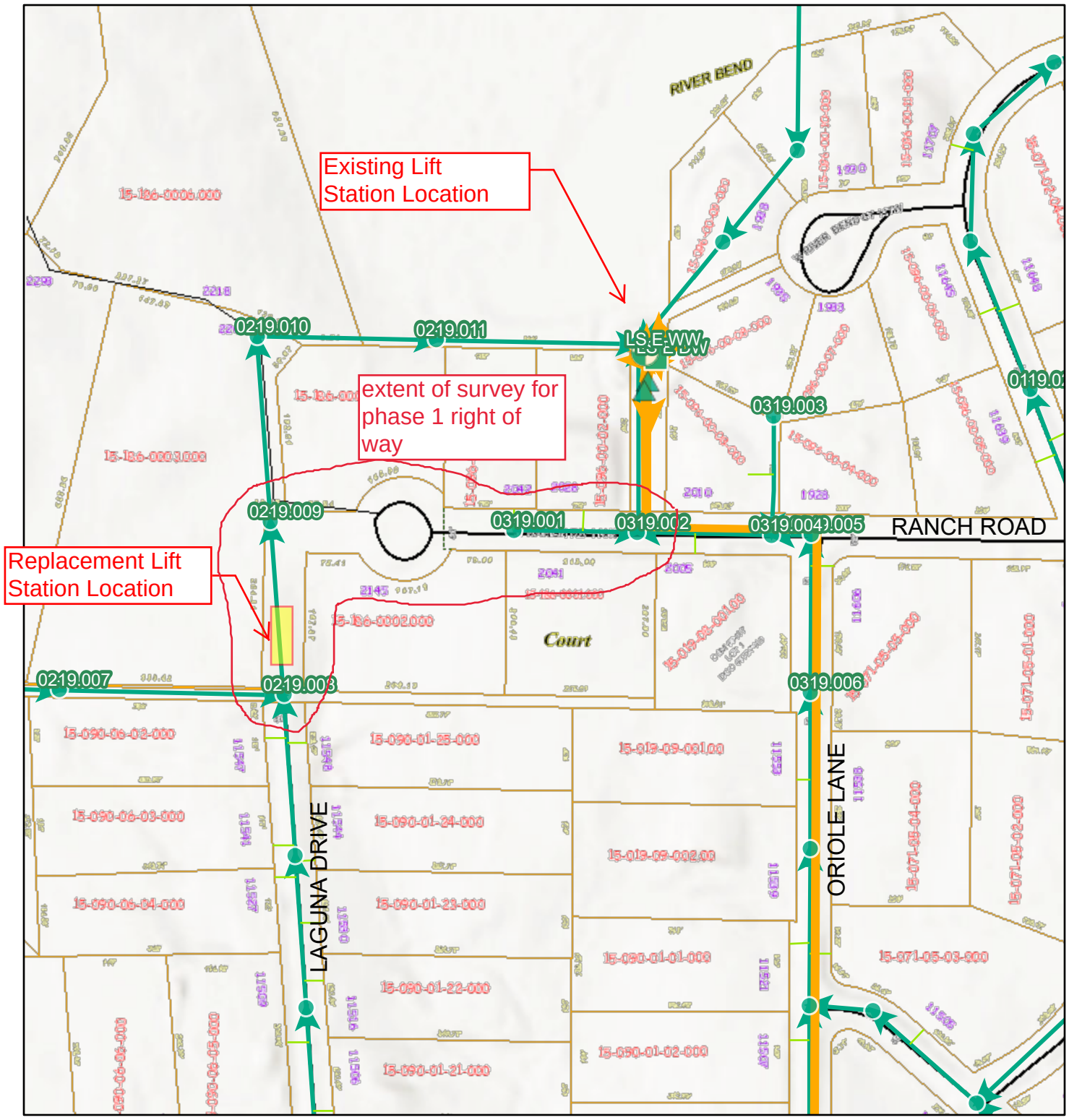
ATTACHMENT B
Mequon Lift Station E Replacement
Compensation Estimate

Item	Description	Units (hrs)	Fee
4.B.iv	*If Authorized, Update PCSWMM Model with Relief GS from SMH 0119.038 in Oriole Ln to a point near SMH 0118.127 Glen Oaks Ln*	8	$ 1,050
4.C	Gravity Sewer Plans (30%, 60%, 90%, 100%)	30	$ 4,260
4.C.i	Design Gravity Sewer Extension from Existing Station SMH 119-034 to New Station in Laguna Drive extended	46	$ 6,472
4.C.ii	*If Authorized, Design GS Extension from New Station to a point near SMH 0219.003 in Ranch Road, 1300ft west of Laguna Drive*	118	$ 16,680
4.C.iii	*If Authorized, Design Relief GS Extension from 119.034 through River Bend sub. to a point near SMH 0119.038 at Wildwood Dr.*	92	$ 12,780
4.C.iv	*If Authorized, Design Gravity Relief Sewer Extension from SMH 0119.038 in Oriole Ln to a point near SMH 0118.127 at Glen Oaks Ln*	118	$ 16,680
4.D.i	Specifications (60%, 90%, 100%) - Phase I	24	$ 3,392
4.D.ii	*If Authorized, Specifications (60%, 90%, 100%) - Phase II*	12	$ 1,696
4.D.iii	*If Authorized, Specifications (60%, 90%, 100%) - Phase III*	12	$ 1,696
4.D.iv	*If Authorized, Specifications (60%, 90%, 100%) – Phase IV*	12	$ 1,696
4.E.i	Revise Estimates for Gravity Sewer Construction including any necessary easements - Phase I	12	$ 1,696
4.E.ii	*If Authorized, Revise Estimates for Gravity Sewer Construction including any necessary easements - Phase II*	12	$ 1,696
4.E.iii	*If Authorized, Revise Estimates for Gravity Sewer Construction including any necessary easements - Phase III*	12	$ 1,696
4.E.iv	*If Authorized, Revise Estimates for Gravity Sewer Construction including any necessary easements - Phase IV*	12	$ 1,696
	Subtotal Section IV	**566**	**$ 79,416**
Section V General Design Services and Bid Assistance			
5.A	Prepare Submittal Packets for Regulatory Authorities (WDNR & MMSD)	40	$ 5,120
5.B	Addenda to Plans and Specifications	44	$ 6,644
5.C	Respond to Requests for Information (5 RFIs)	24	$ 3,370
5.D.i	*If Authorized, Model Flow restriction in 48-inch dia. ETS north of Zedler Ln. in the vicinity of SMH 431.198 and SMH 431.199*	8	$ 1,050
5.D.ii	*If Authorized, Estimate Cost for Flow restriction in 48-inch dia. ETS north of Zedler Ln. in the vicinity of SMHs 431.198 and 431.199*	8	$ 1,050
5.D.iii	*If Authorized, Design Flow restriction in 48-inch dia. ETS north of Zedler Ln. in the vicinity of SMH 431.198 and SMH 431.199*	8	$ 1,050
5.D.iv	*If Authorized, Prepare Specs of Flow restriction in 48-inch ETS north of Zedler Ln. in the vicinity of SMH 431.198 and SMH 431.199*	8	$ 1,050
	Subtotal Section V	**140**	**$ 19,334**
	GRAND TOTAL (Items 1-5)	**3,641**	**$ 514,205**
	Sub-Total: "If Authorized" Items	1,220	$ 182,226
	Adjusted Amount: Subtract "IF AUTHORIZED" Items from Grand Total	**2,421**	**$ 331,979**

The fees for individual task items are estimates. The actual distribution of item fees under the Agreement may vary from the amounts shown, but the Grand Total Item fee and "If Authorized" Total fee will be within their respective totals, unless the Agreement is amended.

Attachment: Exhibit A - Agreement for Professional Services (#3616-23-E) (RESOLUTION 4033 : Award Consultant Contract to Design New Sanitary Lift Station)

Exhibit A



10/14/2022, 11:19:33 AM

1:3,280

0 112.5 225 450 ft

0 30 60 120 m

Sanitary Structures
- Air Release
- Lift Station
- Manhole
- Wet Well

Sanitary Pipes
- Force Main
- Lateral
- Main

Parcels
- Road Reservation
- Road Right-of-Way
- Condominium
- Gap
- Overlap
- Tax Parcel
- Historical Parcel Lines

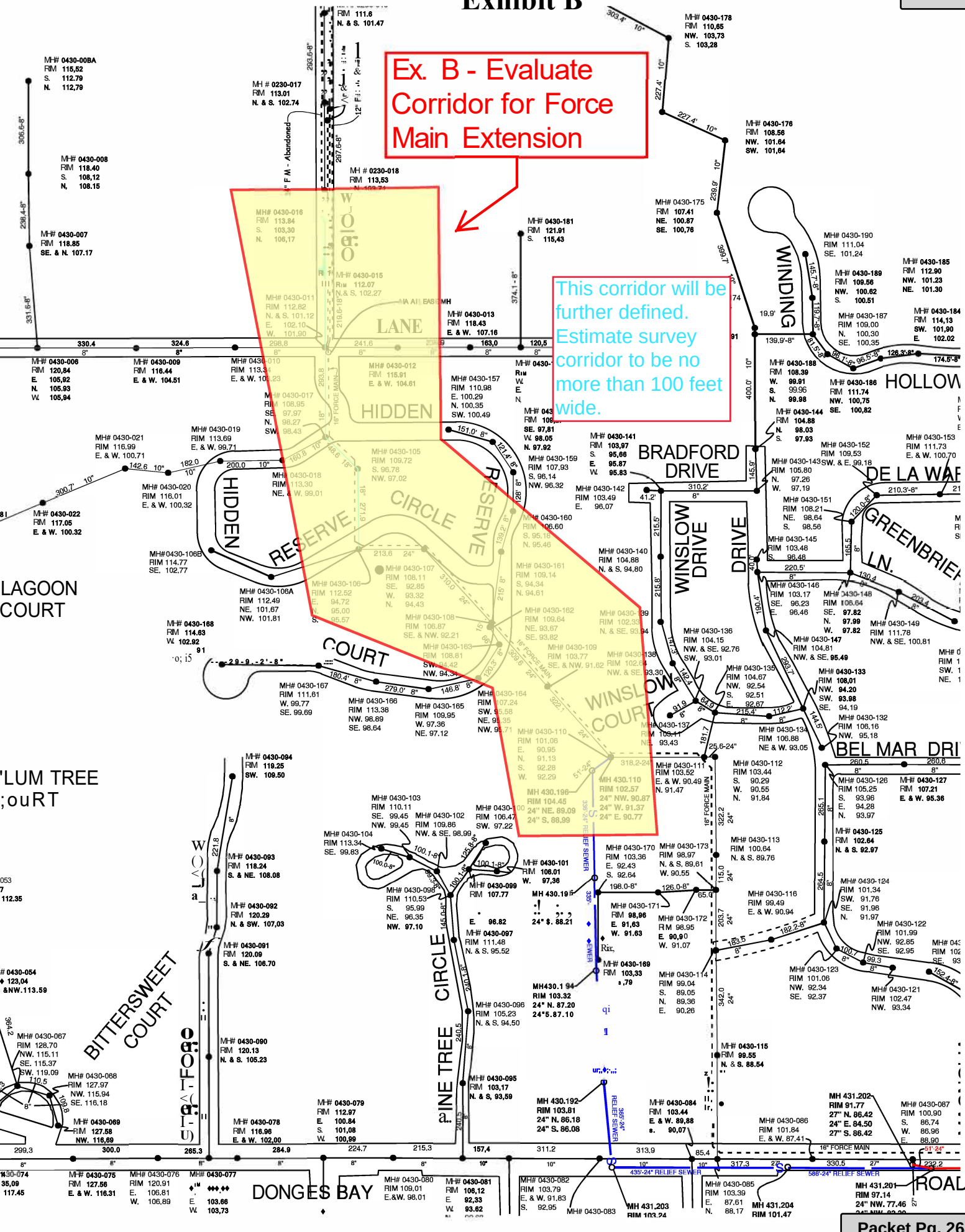
Local Roads
- Private Road
- Town/Public Road

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Attachment: Exhibit A - Agreement for Professional Services (#3616-23-E) (RESOLUTION 4033 : Award Consultant Contract to Design New

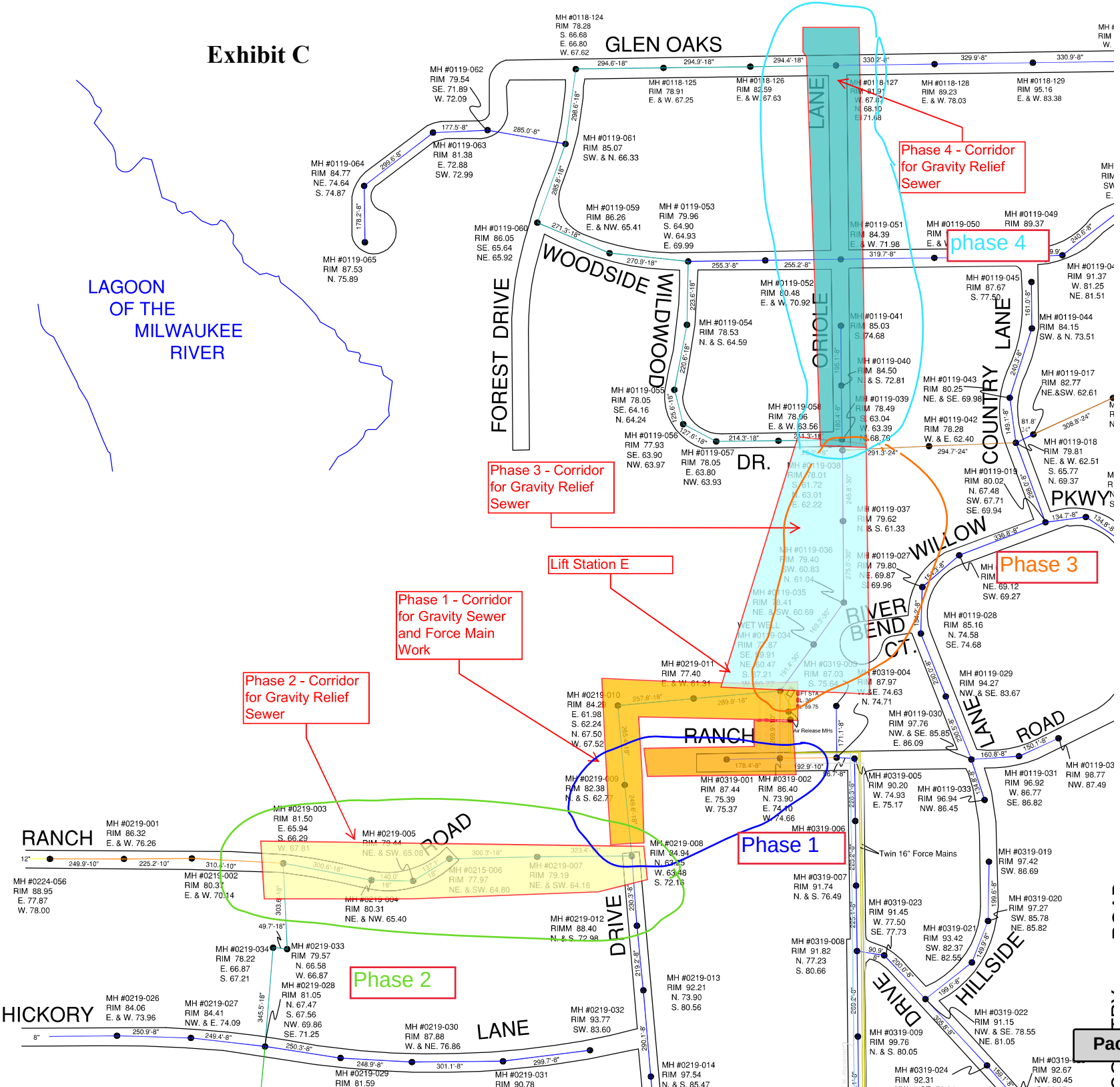
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Exhibit B



Attachment: Exhibit A - Agreement for Professional Services (#3616-23-E) (RESOLUTION 4033 : Award Consultant Contract to Design New

Exhibit C



Attachment: Exhibit A - Agreement for Professional Services (#3616-23-E) (RESOLUTION 4033 : Award

11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-242-3100
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www.ci.mequon.wi.us **Office of City Attorney**

TO: **Common Council**
FROM: **Brian Sajdak, City Attorney**
DATE: **March 9, 2023**
SUBJECT: **Closed Session re Noffke Roofing Claim**

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 claim made by Noffke Roofing.

Recommendation

Should the Council decide that it wishes to enter closed session, a motion should be made 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.