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Office of the City Clerk
Taped and Televised

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

Minutes

1) Call to Order

Mayor Nerbun called the meeting to order at 8:23 PM.

2) Pledge of Allegiance

3) Roll Call

Present:

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

Also present: City Administrator Jones, City Attorney Sajdak, City Clerk Fochs, Community Development Director Tollefson, Assistant City Administrator/Human Resources Director Schoenemann, City Engineer/Public Works Director Lundeen, Inspections Supervisor Golden, press and interested public.

4) Personal Appearances and Public Comment: None.

5) Public Officials' Reports:

- a) Mayor: Mayor Nerbun wished all a Happy Pi Day, it being 3/14.
- b) City Administrator: City Administrator Jones announced that in-person absentee voting will run from March 21st through March 31st in the Clerk's Office at City Hall from 8:00 am to 4:30 pm every day except March 31st. Voting will be open until 5:00 pm on that day. On April 4th, Spring Election Day, the polls will be open from 7:00 am to 8:00 pm.

The Wisconsin Department of Transportation (WisDOT) will be hosting a public information meeting between 6:00 pm - 7:30 pm to gather input and share information on a 2.2-mile project on Wauwatosa Road. This project is scheduled for construction in 2026. The work will span from just south of County Line Road all the way to Mequon Road and will include traffic signals and sidewalks.

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 24, 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.

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

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

- 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.

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

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

- 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.

RESULT: 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.

RESULT: 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.

RESULT: First Reading

Motion to suspend the rules and take action on **ORDINANCE 2023-1643**.

RESULT: Approved by Roll Call Vote [Unanimous]

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Strzelczyk

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

- 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.

RESULT: Approved by Voice Acclamation [Unanimous]

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Gierl

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

- 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.

RESULT: 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.

Mr. Joe Woelfle, a State Farm Agent in Mequon explained that he hopes to move his Mequon business to this subject property. The plans are to accommodate a commercial office on the first floor. The second floor will not be used.

RESULT: First Reading

- 7) **ORDINANCE 2023-1646** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, Redefining the Reimbursement Options for Sanitary Sewer Costs.

RESULT: First Reading

- 8) **ORDINANCE 2023-1639** - An Ordinance Amending Section 46-133 and Chapter 50 of the Mequon Municipal Code Relating to Nuisances Within the City, Including Noise.

RESULT: First Reading

Motion to approve the Consent Agenda, Items A - P, which includes **RESOLUTION 4022** and **RESOLUTION 4023**.

RESULT: Approved by Voice Acclamation [Unanimous]

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Gebhardt

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

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.

RESULT: Approved by Roll Call Vote [Unanimous]

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Mayr

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

- 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.

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

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

- 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.

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

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

- 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.

Public Works Director Lundeen stated that at the Public Works Committee meeting tonight she requested to table the State Municipal Maintenance Agreement (SMMA). She is working on an amended agreement that would exclude certain maintenance requirements. The State Municipal Financial Agreement (SMFA) for the sidewalk replacement was approved by Committee as written.

Council discussion ensued on the replacement of the sidewalks to the east of Wauwatosa Road on the north and south sides. Topics included the current state of the sidewalk, Mequon's financial obligations in each scenario, material costs, supply chain issues, and the lifespan of this sidewalk.

Motion by Alderman Mayr to approve **RESOLUTION 4026** as written and to table the State/Municipal Maintenance Agreement.

Alderman Strzelczyk seconded the motion.

This motion and second were withdrawn.

Alderman Mayr made a motion to eliminate the SMFA for sidewalk replacement between Wauwatosa Road and Buntrock Road Avenue (Exhibit B) and for staff to get future maintenance costs for the next 5-10 years.

Alderman Strzelczyk seconded the motion.

The motion and second were withdrawn.

Motion to divide the resolution into two matters for voting purposes.

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

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

Motion to approve the State/Municipal Financial Agreement (SMFA) for the sidewalk replacement between Wauwatosa Road and Buntrock Avenue and table the State/Municipal Maintenance Agreement (SMMA).

RESULT: **Failed by Roll Call Vote [3 to 5]**
MOVED BY: Alderman Hansher
SECONDED BY: Alderman Parrish

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

Motion to reconsider the previous motion regarding the SMFA and SMMA.

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Gebhardt
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Motion to approve the State/Municipal Financial Agreement (SMFA) for the sidewalk replacement between Wauwatosa Road and Buntrock Avenue and table the State/Municipal Maintenance Agreement (SMMA)

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

AYES:	Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Gebhardt
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Motion to approve the State/Municipal Maintenance Agreement (SMMA) (Exhibit C) and the WisDOT memo summarizing the data costs for each of the sidewalk options (Exhibit D).

RESULT: **Failed by Roll Call Vote [2 to 6]**
MOVED BY: Alderman Hansher
SECONDED BY: Alderman Parrish

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

- 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.

Director Lundeen explained the methodology for the fee schedule is taking the field maintenance landscape contract costs divided by the number of user groups. The user groups were informed of the methodology and have requested this type of contract. Field maintenance includes such things as raking, lining, and mounds creation. The City does the mowing. Prior to 2021 each user group would hire their own field maintenance crews. Since then a pilot program was executed using a Memorandum of Understanding. That proved to be an unequitable solution for the user groups. In the end, the user groups approved the current field maintenance contract. Each group can opt in or out annually.

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

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

Discussion ensued on end of driveway concrete replacement. Director Lundeen explained that changes have been made in the process so that all residents, regardless of the material of their driveway, are now notified and offered the opportunity to leverage our contracts to have their driveways replaced. It was noted that a sidewalk on Range Line Road is in bad repair and needs replacement. Director Lundeen stated that it has been incorporated into the Master Plan and will be under evaluation.

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

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

- 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.

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

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

- 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.

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 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.

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

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

- 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.

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

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

- 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.

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

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

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.

Motion to go into Closed Session at 9:23 PM to discuss the Noffke Roofing Claim.

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

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

12) **Adjourn**

Motion to adjourn at 9:45 PM.

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

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

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk
Approved 04-11-23