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Office of the City Clerk
Taped and Televised

**COMMON COUNCIL
Regular Meeting
Tuesday, April 11, 2023 - 7:30 PM
or Immediately Following the
Sewer Utility District Commission Meeting
Christine Nuernberg Hall**

Minutes

1) Call to Order

Mayor Nerbun called the meeting to order at 8:12 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 Community Development Director Zader, Assistant City Administrator/Human Resources Director Schoenemann, City Engineer/Public Works Director Lundeen, Assistant City Engineer McCraw, Finance Director Engroff, press and interested public.

4) Public Hearings:

- 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; Tabled by Public Welfare Committee January 10, 2023; **Recommended by Public Welfare Committee February 14, 2023; First Reading at Common Council March 14, 2023.**

1) **Public Hearing**

Motion to open the public hearing for **ORDINANCE 2023-1639**.

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

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

Motion to close the public hearing for **ORDINANCE 2023-1639**.

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

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

2) **Consideration of Ordinance**

- 1) **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.

Discussion ensued on the rationale behind extending the hour to 8:00 pm and separating the commercial and residential hours. The Ordinance will be going back to the Public Welfare Committee for review.

RESULT: **Tabled [Unanimous]**
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Strzelczyk

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

- b) **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; Recommended by Committee of the Whole March 14, 2023; First Reading at Common Council March 14, 2023.**

1) **Public Hearing**

Motion to open the public hearing for **ORDINANCE 2023-1640**.

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

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

Motion to close the public hearing for **ORDINANCE 2023-1640**.

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

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

2) Consideration of Ordinance

- 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: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Schneider
SECONDED BY: Alderman Hansher

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

- c) **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; First Reading at Common Council March 14, 2023.**

1) Public Hearing

Motion to open the public hearing for **ORDINANCE 2023-1641**.

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

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

Motion to close the public hearing for **ORDINANCE 2023-1641**.

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

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

2) Consideration of Ordinance

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

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

- d) **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; First Reading at Common Council March 14, 2023.**

1) Public Hearing

Motion to open the public hearing for **ORDINANCE 2023-1642**.

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

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

Motion to close the public hearing for **ORDINANCE 2023-1641**.

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

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

2) Consideration of Ordinance

- 1) **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: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Schneider

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

- e) **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 at Common Council March 14, 2023.**

- 1) Public Hearing

Motion to open the public hearing for **ORDINANCE 2023-1644.**

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

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

Arthur Liebau does not oppose **ORDINANCE 2023-1644**, however, he requested that landscaping be included as a buffer between Newcastle and his property and also to be notified of future meetings on this subject. Doug Rieder, owner of the now-vacated Ascension property to the north, questioned the impact this new development could have on his ability to hook up to city sewer/water in the future if he redevelops his property.

Motion to close the public hearing for **ORDINANCE 2023-1644.**

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

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

2) Consideration of Ordinance

- 1) **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.

Assistant Community Development Director Zader provided a brief history of this property. He stated that for the current project the setback should be 30 feet and not 20 feet and landscape screening will be included. Staff has proposed 1) to eliminate the timeline requirement to allow construction, 2) no elimination of specimen trees as part of the project and 3) supports for the one-two unit carriage homes. Newcastle has lost about four acres of land to the Wisconsin Department of Transportation (WisDOT) due to the on-going I-43 project. The original approval had a PILOT agreement. They then switched to taxable and now have recently applied for tax-exempt status again, therefore another staff requirement is a PILOT program as a part of the PUD.

Mr. Bersch, representative of the owner, stated that the current owner is supportive of the PILOT program.

Motion to approve **ORDINANCE 2023-1644** including Condition 15, the PILOT program and to include landscaping on the west side of 715 River View Drive.

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

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

- f) **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 at Common Council March 14, 2023.**

1) Public Hearing

Motion to open the public hearing for **ORDINANCE 2023-1645**.

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

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

Ms. Doris Zampolas wanted to know what the subject property of **ORDINANCE 2023-1645** will be used for. Mr. Josh Bartz, the property owner just west of the subject property, spoke in favor of keeping it residential or a new insurance office and removing any retail inclusion.

Motion to close the public hearing for **ORDINANCE 2023-1645**.

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

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

2) Consideration of Ordinance

- 1) **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.

Council confirmed that the intent of the use has not changed. It still is intended to be a house that will be remodeled to become a State Farm Agency office. There is no retail component and there is a restriction against making it a restaurant or bank in the future.

Community Director Tollefson explained the subject property is proposed to be zoned B-1 which carries a list of permitted and conditional uses. Any conditional use proposed in the future would need Planning Commission review and approval. There would be a public hearing and public notice of such an event. If a permitted use is proposed in the future, the B-1 district allows for retail trade, personal and professional services, and finance, insurance and real estate services. She confirmed that restaurants and financial institutions would be prohibited under the proposed PUD per the previous Common Council and Planning Commission meetings. An additional restriction is that the rezoning does not take effect until the building permit for the conversion of the existing structure is applied for. Building and site approval will follow that rezoning.

Discussion ensued on restriction of banks, commercial creep heading west and prohibiting a drive-through business.

Motion to approve **ORDINANCE 2023-1645** which will not allow drive-through businesses.

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

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

- g) **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; First Reading at Common Council March 14, 2023; Further Recommendation Forthcoming by Sewer Utility District Commission April 11, 2023.**

1) Public Hearing

Motion to open the public hearing for **ORDINANCE 2023-1646**.

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

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

Motion to close the public hearing for **ORDINANCE 2023-1646**.

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

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

2) Consideration of Ordinance

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

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

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

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

6) Public Officials' Reports:

- a) Mayor: Mayor Nerbun read a proclamation for Education and Sharing Day.
- b) City Administrator: None.

7) Consent Agenda:

- a) Common Council meeting minutes of March 14, 2023.
- b) Architectural Board meeting minutes of February 13, 2023.
- c) Festivals Committee meeting minutes of February 15, 2023.
- d) Joint Mequon-Thiensville Bike and Pedestrian Way Commission meeting minutes of February 9, 2023.
- e) Mequon Municipal Water Utility Commission meeting minutes of February 14, 2023.
- f) Planning Commission meeting minutes of February 27, 2023.
- g) Public Safety Committee meeting minutes of February 14, 2023.
- h) Public Welfare Committee meeting minutes of February 14, 2023.
- i) Public Works Committee meeting minutes of February 14, 2023.
- j) Sewer Utility District Commission meeting minutes of January 10, 2023.
- k) Tree Board meeting minutes of February 17, 2023.
- l) Zoning Enforcement and Site Compliance Report Through April 4, 2023.
- m) **RESOLUTION 4035** - A Resolution Approving the Final Plat for The Green at Mequon, a 7-Lot Conservation Subdivision Located at the Southwest Corner of Villa Grove and Freistadt Road.
- n) **RESOLUTION 4036** - A Resolution Approving a Development Agreement for a 10-Unit (5 Two-Family Buildings) Condominium Project Located Directly West of 11649 North Port Washington Road.

Motion to approve the Consent Agenda Items A-N, including **RESOLUTION 4035** and **RESOLUTION 4036**.

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

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

o) 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 2023-1647** - An Ordinance Amending Chapter 58 of the Mequon Municipal Code, to Rezone Properties Located at 14097, 14137, 14207 North Birchwood Lane from R-1 (Rural 5-Acre) to R-1 (Rural 5-Acre) with an Agricultural Overlay (OA).

RESULT: **First Reading**

- 2) **ORDINANCE 2023-1648** - An Ordinance Amending Chapter 10 of the Mequon Municipal Code, Related to Residential Swimming Pools Standards.

RESULT: **First Reading**

- 3) **ORDINANCE 2023-1649** - An Ordinance Amending the City of Mequon Operating Budget for Fiscal Year 2023 to Provide Supplemental Building Inspection Services, in an Amount Not-to-Exceed \$91,520.

Motion to suspend the rules and take action on **ORDINANCE 2023-1649**.

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

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

Motion to approve **ORDINANCE 2023-1649**.

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

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

8) **Ordinances:** None.

9) **Resolutions:**

- a) **RESOLUTION 4037** - A Resolution Approving a Contract for Supplemental Building Inspection Services with Bella Consulting, LLC through December 31, 2023, at an Annual Estimated Cost of \$91,520.

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

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

- b) **RESOLUTION 4038** - A Resolution Adopting a Revised Fiscal Year 2023 Compensation Plan for Non-Represented Employees and Allocating \$49,215 to Align Various Salaries with the New Pay Grades Contained Therein.

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

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

- c) **RESOLUTION 4039** - A Resolution Supporting the Mequon-Thiensville Bike & Pedestrian Way Master Plan & Mequon Road Bicycle and Pedestrian Facilities and Authorizing Application for a Wisconsin Department of Transportation (WisDOT) Transportation Alternatives Program (TAP) Grant.

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

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

- d) **RESOLUTION 4040** - A Resolution Approving Award of the Public Safety Building Boiler Stack Replacement Contract to Dillett Mechanical of Waukesha, Wisconsin in an Amount Not-to-Exceed \$77,000.

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

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

- e) **RESOLUTION 4041** - A Resolution Approving Award of the 2023 Buntrock Avenue Sidewalk Extension Project Contract to BMCI Contractors, Inc. of West Bend, Wisconsin, in an Amount Not-to-Exceed \$45,000.

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

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

- f) **RESOLUTION 4042** - A Resolution Approving Award of the 2023 GSB-88 Bituminous Seal Contract to Fahrner Asphalt Sealers, of Waukegan, Wisconsin in an Amount Not-to-Exceed \$199,000 and Authorizing a Budget Transfer from the Right-of-Way Assets Capital Account to the Annual Road Maintenance Account in an Amount Not-to-Exceed \$174,425.

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 4043** - A Resolution Approving Award of the Courtland Drive Drainage Improvements Contract to All-Ways Contractors, Inc. of Elm Grove, Wisconsin, in the Amount of \$106,000.

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

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

- h) **RESOLUTION 4044** - A Resolution Approving the Award of a Contract for the Fiesta Lane Drainage Study to raSmith of Brookfield, Wisconsin in an Amount Not-to-Exceed \$30,000.

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 4045** - A Resolution Approving a Development Agreement for Swan Ridge Farms Phase I, Consisting of 41 Lots Within a Total 83-Lot Subdivision Located Immediately South and West of 10129 North Swan Road.

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

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

- j) **RESOLUTION 4046** - A Resolution Approving Award of a Contract to Replace Two Pumps and Six Valves at the Tamerlane Drive Lift Station "O" to Sabel Mechanical, LLC of Fond du Lac, Wisconsin in the Amount of \$117,614.

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

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

10) Specified Unfinished Business From Prior Meetings: None.

11) Specified New Business: None.

12) Adjourn

Motion to adjourn at 9:17 PM.

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

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

Respectfully Submitted,
Kathy Andrykowski
Deputy Clerk
Approved 5-9-23